

Town of Wallkill

PLANNING BOARD MINUTES

June 21, 2017

Members in Attendance: Gary Lake

C. Najac, A. Guattery, T. Hamilton J. Keegan, Doug Dulgarian

No Bill Capozella

Also in Attendance: Dick McGoey, MH&E PC, Consulting Engineer

Jay Myrow, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

Training Updates and ZBA Liasion Update

West Hills SP/SUP-Golf Links Rd. (73-1-26.2) #76-16

M. Hunt TOWN OF WALKILL PLANNING BOARD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, New York will be held at the Town hall at 99 Tower Drive, Building A, Middletown, NY in said Town on the 21st day of June 2017 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the Application of West Hills Ent. LLC 2975 Rt. 9W New Windsor NY 12553 for approval of 2 new maint/storage bldgs. To be used for storage of equipment in one building and sleeping areas for employees on the 2nd floor. One of the 2 existing maint. Bldgs.. will be demolished. Located at West Hills Country Club 21 Golf links Rd. Middletown NY 10490 (73-1-26.2) under section 249-47 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place.

I have rec'd the mailings.

M. Bonura Michael Bonura from West Hills Country Club. Since we were here last we made some changes to the plan. Problematically we decided to move the storage of our pesticide fertilizer and seed away from the 2 story bldg into the 1 story bldg in the rear so there will be no risk of hazard with the sleeping facilities. We have listened to and made changes based on Mr. McGoey's comments, updated the engineering as such and spoke with the Town legal counsel regarding the zoning questions and believe they have been cleared up. the footprint is the same and we more clearing defined the limits of

new gravel and had discussions on how we will meet the FEMA regs for building within floodplain knowing everything is outside of the floodway. That is where we are.

G. Lake Ok, thank you. Motion to open the PH at 7:48 pm. Before I call the public please give us a better understanding of the dorms and who they are for.

M. Bonura Absolutely. Customarily in the golf course industry there are college internship for people looking to become Greens superintendents. In addition, we have the food and beverage side of things in the hospitality industry. Given our high demand for summer seasonal staff and the opportunity with people in the industry we have desire to create a good living environment to allow us to attract good talented people who are looking to expand their creative careers in our industry. It is a dormitory style apt. living set on the 2nd story of the bldg. and built in a good caliber so we are able to attract the college interns to further their careers.

G. Lake I mentioned at the w/s that I spoke to the TOW Supts. And I did share with the rest of the board that this is a common practice. I didn't realize the first time you were here. I just wanted to get that out there. Anybody have any questions from the public?

Bernard ? I'm a homeowner in the Fairways and would like to ask Mr. Bonura how many people do you think you are going to have sleeping in the facility? The maximum that you can carry.

M. Bonura We are building 12 bedrooms with the goal being anywhere between 12 and up to 16 at any given time. We will advertise for the positions but have no guarantee who will come. Our goal is that we are able to bolster our seasonal staff by 12 persons.

G. Lake This is down by the Maintenance shop – quite a distance from the Fairways. We would not put it next to Fairways.

Bernard You are a seasonal facility (yes and these are for seasonal positions) How are you going to advertise internships?

M Bonura Thru the Golf Course Supt. of America website.

Bernard I don't understand how many internships you can handle in one given week, month etc. How many weeks and how many interns can you handle?

M. Bonura Like I previously mentioned we hope to bring in roughly 12 per year. We can handle up to much more, there is plenty of work all the time and they need to get immersed in all aspects of Golf Course Mgmt. it's a 4 month season from mid May thru mid Sept. It will also include food and beverage people. Everything from event coordinators into Management level.

G. Lake I have some experience in the food business. My son went to the Culinary Inst. Of America and they get certified by them and part of the curriculum was going to a restaurant or facility like Disney and put in a certain amt. of hours internship. It would be in kitchen area, hotel end, etc and

is quite common. They have to go out and work on a golf course or something, our Supt. Of Greens here had to do that.

Bernard I understand that. Why at this point in time did you decide to do this and put up sleeping quarters for the interns? You have been an owner there for 3-4 years.

M. Bonura This is our 6th season. We did our major renovation 4.5 years ago and have wanted to do this form day one. It will allow us to attract good talent and the business to mature. Finances allow us to now do the next step and improve our assets.

Bernard I have no objections to the way they run their business but I did talk to a number of residents in the Fairways and they were interested in knowing your purpose. I'm not against what you are doing, I'm concerned about the sleeping quarters which would be used by other people, not interns. What kind of assurance can you give us that this will only be used for interns. \

M. Bonura That is what it is being built for. No one that does not work for us will be there.

T. Hamilton In part of our approval we can stipulate the tenants for these dorms are from colleges, schools etc. we can do some type of wording on the approval.

G. Lake That is what we are going to do. It will be for their workers/people coming in (interns).

C. Slutsky I live at the Fairways and everyone I speak to is in favor of this project. it removes an older bldg, moves everything back and am very familiar with housing in the golfing industry.

G. Lake Thank you. Motion to close this PH at 7:59. Tom/Andy 7 ayes. Any problem with Dick's comments? Grease trap?

M. Bonura We are putting them in.

D. Dulgarian I think the applicant is a great asset and runs a great business. Where I have a problem is putting housing in for a business. I understand it's a common practice but we don't have it in the Town. My fear is the precedence that will be set for another catering hall to put up a structure or a factory or store to supply housing as an accessory to a real business. I'm torn and would like to see it go thru. I understand it's an improvement to what is there. I'm going to lean on the rest of the board. Hopefully they are in a better place. The housing facilities will be individual they will each have a shower/bath with a common living space.

J. Keegan No FD or Emergency access comments? They are able to get in and out.

M. Bonura The FD had us move the Fire hydrant.

J. Keegan I would like the approval to state it's a dorm for seasonal use for interns – not for year round.

C. Najac I actually have no issue with the dormitory for interns. Since you have been speaking you have been using intern and employee interchanging. If you are doing an intern I'm fine, but if you are hiring someone walking down the street to work in your kitchen or grounds and providing housing it's a different story. I would like this not to become a policing manner with our building dept. I would ask to make it part of the sign off that you provide a list of interns every season. We have no way to police this so it is my issue.

M. Bonura In reference to the zoning code, in itself, solves that slippery slope. The reason this is a common practice in golf courses is they are traditionally located in residential zones. It's the Town Zoning in the R1 District which is the only reason we are able to do this. Most businesses, catering facility, Chinese restaurant, the drive in cleaner are all located in commercial zones and the town zoning is very stringent on not allowing any residential use whatsoever in those zones. The zoning that allows us to do this prohibits the other businesses from doing this. It's in the Town zoning code that allows us to do this. Whatever restrictions you need and approval you grant us we will accept.

C. Najac No issue with doing it, just want to police it if we need to. I appreciate the fact that you moved the chemicals away from the living quarters.

A. Guattery When you are doing the internships it could be for catering as well. There will be someone in these dorms all year round?

M. Bonura No, each of the internship programs are seasonal and are roughly 4-6 months at the longest. It's an 8-11 week program. We are not going to hire people to work for us in the off months; there is no reason for it.

A. Guattery I know my niece and brother just went thru internships, but the banquet hall is still in operation and can be used all year round. What happens if we are not having anyone in this bldg and it is empty for a length of time? Where are we long term with this?

M. Bonura The goal is really for the summer season.

T. Hamilton I would like to add into the approval that they are bona fide interns from programs.

M. Bonura We are not looking to hire Joe Shmoe off the street to work here. The reason I hesitate is quite commonly in this industry is for the Asst. Golf Course Supt. To live on site. Someone in a mgmt.. level role who will be the resident advisor watching over the facility. He or she would not be an intern.

G. Lake I would think we would want some type of mgmt. there to keep an eye on things.

M. Bonura Their university might not use the work internship. If it's a college study on a work study program for a summer season. My concern is it does not use the word intern. College student here for the summer, sure absolutely.

G. Lake I was at the worksession. The HC access, you have that.

D. Dulgarian We are looking at living space for students and interns but not employee housing.

G. Lake Interns and a super or manager of the facility. Internship dorm.

D. Dulgarian If it's employee housing than any business can do it. This is dormitories for interns.

G. Lake Housing is part of the deal when you do internships – college kids.

J. Myrow There are 2 paths that will get you where you want to go. Mr. Barone gave you his memo stating the underlying R1 zone would allow multiple primary uses on the property and one of them could be multiple dwellings. Second thing is that this is a preexisting non-conforming use that has been there before zoning as a golf course. Typically what the law allows is you are given some latitude to put in accessory uses that are pertinent to your primary use and clearly recognized in the industry as being accessory. You can't look at a bulk table and find an accessory use; there is no bulk table for that. You can't restrict a preexisting non-conforming use to not use accessory uses that are absolutely common in the industry. In this case if you find having this sort of set up is absolutely common. There is a 4 month window here, guy that mows the lawns, manager, by recognizing that you are not going to create a precedent for the pizzeria down the street that sets up in a commercial district with a house over it. This is clearly and distinctly pertinent to a golf course. You could be comfortable saying you are not extending beyond that.

G. Lake Thank you – Motion for Part 3 EAF and neg dec subject to all comments. Andy/Clark.

D. DULGARIAN AYE

J. KEEGAN AYE

C. NAJAC AYE

A. GUATTERY AYE

T. HAMILTON AYE

G. LAKE AYE

Motion for site plan/special use permit subject to all comments – Andy/Tom

D. DULGARIAN AYE

J. KEEGAN AYE

C. NAJAC AYE

A. GUATTERY AYE

T. HAMILTON AYE

G. LAKE AYE

Thank you and good luck.

Crystal Run Village SP – (final) Schutt Rd. (50-2-16.22) #62-16 (Doug Dulgarian recused)

D. Higgins Dave Higgins here for the applicant. We were granted preliminary approval on 3/1/17 for the site to avoid any potential impacts for bat habitat. The last few months we have coordinated with Dick his comments. And submitted plans to the OCDPW. We tweaked the main entrance drive and they asked for more detail on the water line detail. It is a directional drill under Schutt Rd. Ext. we provided design for the 800' sidewalk along Schutt Rd. Ext. that is proposed as part of the project. we got the OCDPW approval letter. Some of the other changes made are it's a little bit larger – previously 40' x 20' and we made it bigger to accommodate some equipment they use to maintain the grounds. It's now 40 x 50' . we provided W&S service to the building for a bathroom for the maint. Crew to use. We have addressed comments for the SWWP and are waiting for Scott Quinn to sign off. I think we are ready for final approval subject to comments and questions you have. There are 7 spaces and loading area in the front. One of the signs is off to the side bc of the location of a concrete walkway. Every hc space will have a sign. We extended the main. Bldg. further in the back. We kept the width at 40 and extended it back another 30'

J. Keegan No comments.

C. Najac We have seen this quite a bit- I like the layout and a big improvement for CRVI. I'm good.

A. Guattery The maint. Bldg. with W&S – it has garage doors with equipment in there – do you need floor drains? Also the dumpster enclosure you might want to put on the corner side of the bldg. where the parking spaces are so when they plow they are not burying it.

J. Anderson Architect, the bldg. is only for maintenance and parking.

T. Hamilton Looks good, no problem.

G. Lake Motion for site plan/special use permit subject to all comments. Tom/Clark 5 ayes

D. Higgins One quick question. When we met at w/s the building dept said they would look at architectural plans before signature of the maps. We are working on bonding, agreements, MS4 etc. the contractor is looking to get in there in July to get the building in. we had a tree clearing permit in March. We are wondering if we need to wait until plans are signed before we start construction?

R. McGoey You need to post a restoration bond and post escrow for engineering inspections.

D. Higgins We will get to those. All the trees were cut and mulched. They want to start working on the entrance, grading etc. we need to get the SPEDES permit to start that. Thank you.

Preferred Mart SP – 31/53 Smith Rd. –(41-1-113.1) #33-17

J. Dates Justin Dates, Mazur Consulting. WE have reps from Preferred Mart here as well.

G. Lake We were talking before the meeting and trying to figure out what to do with this. This is quick Roll leaf property on Smith Rd. when they redid the zoning they took this parcel out of manufacturing and put it in retail. Now they want to use the building for manufacturing. I was prepared for the possibility if we had a letter from Quick Realty that showed proof of occupancy that we could move forward. The problem is whether or not that would be enough proof. At this point after discussing it with the board we are going to have to have a PH. I think that is the recommendation from our attorney. There is not enough time to get on the next mtg so we will have to schedule 8/16/17. I'll go thru the board.

J. Myrow If the applicant can get a letter from the building inspector saying it is not abandoned you can move forward. Set the PH for August and if they get a letter you can put it on the next agenda.

G. Lake Ok if they can do that we can get them back on 7/5/17 and move forward. We will also set the PH for 8/16/17.

Preferred Mart I respect the rules of the Town, hopefully we can move on.

J. Myrow To clarify- the PB does not interpret the Zoning. Only the building inspector or the ZBA can do that. The Building Inspector is the quickest route as he can write a letter to interpret the code to allow you to use it based on the facts you give him. this board cannot interpret. If you go to him and lay out all the facts and he can write a letter based on what was explained to him that your pre-existing use was not discontinued, then this board has jurisdiction to proceed. The building inspector may say no and you would have to go to the ZBA. If it was not an abandoned use this board can proceed.

Preferred Mart What would I do to change back the zoning to what it was. I had a conversation with my bank today and the underwriting dept asked if the Town will be ok to eventually have a zone change for their security.

G. Lake That is a Town Board function. That is a longer process. It also needs a PH and a referral back to us and then back to the Town Board. I think our counsel is telling you the first step would be to approach the building dept to say it's been an operating use.

D. MCGoey We think the Town Board will act to change the zone on Smith Rd - it will be a process.

G. Lake We had a lengthy discussion on this tonight . What he is recommending is the quickest process. Sending you to the ZBA would be at least a 2 month process. It would be a use variance.

J. Myrow They could give the interpretation that it has not been discontinued and is a legal non-conforming use but you are still 2 months at least. Building Inspector is just as valid. Tell your bank if the

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building recognizes it as a legal non-conforming use then that is not challenged. It is as rock solid as a zone change.

G. Lake Motion to set a PH for 8/16/17. Tom/Andy 6 ayes

MOTION TO ADJOURN