

Town of Wallkill
PLANNING BOARD MINUTES

September 6 , 2017

Members in Attendance: Gary Lake

, A. Guattery, J. Keegan, , Bill Capozella

T. Hamilton & Clark Najac

Absent – D. Dulgarian

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

Tad Barone PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

ZBA Liasion Update

1. CONTINUATION OF PUBLIC HEARING- 7:30 pm -Rossi 2 lot & 2 family SP/SUP- 9-11 Muller Rd. (5-1-24.2) #29-17

D. Yanosh this is a 9.9 acre lot that has 2 houses on it. They were built in 1950 and 1954 and have owned it since 1984. They plan to sd into 2 lots – 3.3 acres with the 2 family on it an dot 2 -5.33 with the SF house on it. No new construction, just making them legal. The windows in the 2 family will be resolved with the building dept.

G. Lake Motion to reopen this PH on 7:38 pm. Motion to close this PH at 7:40 pm – Bill/Tom 7 ayes. The building dept will handle the violation. I'll go back to the board. (no further comments.

Motion for a neg dec Part 3 EAF subject to all comments. Andy/Bill

J. Keegan aye

B. Capozella aye

C. Najac aye

A. Guattery aye

T. Hamilton aye

G. Lake aye

Motion for SD, SP&SUP subject to same: Andy/Bill

J. Keegan aye

B. Capozella aye

C. Najac aye

A. Guattery aye
T. Hamilton aye
G. Lake aye Thank you.

2. Gingras Site Plan Revision (252/256 Bloomingburg Rd. (14-1-31.222) #45-17

T. Depuy Tom Depuy and I have Joe Gingras here. Mr. Gingras is proposing a new bldg. n he corner of M&M Rd. and Bloomingburg Rd. he has an existing office/shop here an wants a new bldg. here with access off M&M. This would be directly across the gas station entrance. There is an existing easement that comes across and into the adjoining property. There is a gravel drive now and we propose to improve that apron entering into the road here. There are existing bldgs. This is one he occupies now with his shop. We do want to put a bathroom in these so we propose a septic tank here. This will have its own septic tank too but they will have a joint septic on the property so we will have an inner lot agreement. This bldg has an existing well and we are proposing a new well in this area.

G. lake Any problem with Dick's comments? (no) we need to set a PH tonight.
R McGoey There is a storm drain and catch basin on M&M Rd. that does not show on your plans. There probably a need for a culvert under this driveway. That is all I have.

J. Keegan it's a nice lot for a building. How tall is this?
J. Gingras 29' – single story.

J. Keegan The gravel driveway into the back lot will it continue out to 17M?

J. Gingras No it comes to a stop.

B. Capozella Future 1500 is to show us what you could do on that? Change it to proposed. The two negative things are the driveway t the back lot – you will have mutual agreements? The first lot has nothing to do with that driveway but it is going to be part responsible for lot 1. It has nothing to do with the front lot but it needs to go to the back. Right now they are both owned by one person but if it ever gets divided up and sold it could become an issue. Same thing with the septic- sharing a portion of it? Those are negative things I don't like. Not a showstopper, just a concern.

J. Gingras My ultimate goal is to have the 3 properties and keep them and hand them down to my kids bc they're not mortgaged.

C. Najac The driveway to get onto the neighboring property. If we word it right it's ok but this is the first time we see a common leech field. I am going to ask my professionals

how often this happens. I've never seen it before. What happens if the properties get split up 10 years from now.

G. Barone Maybe an annual maintenance – is this the absorption field?

T. Depuy Yes, this is common – they both have their own septic tank.

G. Barone you can't split up the absorption field although it's on property owned by one owner the other adjoining lot could have a ..

T. Depuy We could put 2 separate absorption fields and let one belongs to each.

G. Lake The question is why can't you have each have a leach field.

T. Depuy We don't have the proper offset from the property line. You have to be 10' and there is not enough room to fit it here. We can put 2 separate absorption fields if that is a concern. There is no room on the other lot to fit one.

T. Hamilton Tad, is there a way to do a permanent easement across the other lot?

G Barone there are easements all over the place. You would want one that is properly recorded. You can put some type of monument out that that calls attention to it when it is surveyed down the road where the absorption field is. It's not an insurmountable or difficult problem to tackle and I'm sure we can come up with something. I would recommend and arbitration clause in the easement so disputes can be adjudicated in a swift and cost effective manner.

G.Lake I agree with my board members about the septic on one property. Between now and PH take a look at it and see if you can squeeze it in somehow. I can see that becoming a headache. The driveway I have no problem with . I don't know what is legal for a septic or not. That is an office back there so no one lives there – you would not need a gigantic system. Take a look at it and see what else you can come up with. You might have to talk to Tad about easements, etc. I think Mr. Depuy can put his thinking cap on . I would like to see each one on each property. Motion to set the PH on 10/4/17. Bill/Jim 6 ayes.

3 Mt. Carmel SP/SUP - 90 Euclid Avenue (69-1-47.11) # 46-17

G. Lake We spoke before the meeting and we discussed sending you to the ZBA for an accessory in front of the main building.

T. Depuy is it that we are putting an accessory in front of the primary? (the church)

G. Lake Any problem with the comments? (no)

T. Depuy We met with the City of Middletown. They are an outside user to the City – have been since the 1950's and have an agreement in place.

R. McGoey Just confirm that with Will Frank.

All members agree to send to ZBA . Motion to send to the ZBA with a recommendation to allow front yard use. Andy/Clark 6 ayes.

4 Distelburger Farm Apartments SP/SUP – 430/432 East Main St. (73-1-1.23) #39-17

R. Winglowitz This is here for sketch. It is a conservation sd and is called under code for 116 unit multifamily development for 1 and 2 family apts. Consistent with the requirements for Conservation SD the series of plans and aerial photo of the property on East Main St. This is the Distelburger farm and the existing residence on the farm. The Town Park at the rear – part of the conservation SD also requires we prepare a conservation resource analysis map – there is a larger wetland going thru and some buildable area but on the existing part. Dick noted a conventional plan. We prepared one to submit for the record. We show development of the property behind the park with the balance of the units behind the dunkin donuts. The conventional layout supports the bonus density. 116 on both. There is a proposed plan where we clustered everything leaving the back undeveloped and clustered toward the front by East Main Street. We show a conservation easement of almost 24 acres. That can include recreation. There was a question on if the Town would want it. Joe would not object to the Town having it dedicated to them. The layout you see proposed access road which will be a common driveway for the Dunkin Donuts and the 116 apts. They are 2 story bldgs. One of them will have a walk out condition so it will be 2.5 stories and have add'l 4 units. The rest of them would be 16 unit bldgs. The status of the barn and the house – Joe wants to maintain them as long as possible until he sells lot # 1. The house is a use in that zone – the barn, I don't know if it's accessory to the house? He would like to keep it as long as possible.

R. McGoey Does the lot size support the AG use?

R. Winglowitz Ag use not permitted in the HC Zone. It is a pre-existing non-conforming use.

G. Barone Do you have enough acreage for the livestock that are there?

R Winglowitz I didn't look under if it was conforming what the acreage would be. He has occasional livestock there. He moves them in and out when he sells them.

G. Lake Do you mind going back to your conventional plan?

R. Winglowitz The conventional plan with access off the existing Town Road to be a small wetland crossing. It would building on the upland area. We are showing 32 units back there.

The remainder would be up front. We are proposing to add them to the front and leave that undeveloped. Similar to what we did in Baker (maple fields) 2.

G. Lake I'll check on the Town with Parkland. We did just get a nice piece from Baker and I'm not sure but I'll talk to the Park Supt.

R. Winglowitz Either way it's up to the Town. Basically they have a conservation easement or a dedication. We are flexible.

G. Lake Well, I like the other plan. I'll go thru the board. Jim – he is looking to move forward with the conservation, I forget how many steps he has to meet.

R. McGoey It's about a 4 step process so this is one. Criteria he has to meet as well.

G. Lake if you want to do the conservation, we have not done many of these so we will have to look into it. I think it's 7 out of 10 that you have to meet. You will also have to provide us with how many acres per animal if you are going to do livestock. Tom informed me he did move a lot of his operation upstate.

J. Keegan Conservation seems like it fits better. I like the fact that the Town can use it if they want. I'm not sure how it fits in with traffic there now. I would like to see that when it comes down with sketch. I would like to see far more detail

G. Lake Orange County DPW did send a letter to us that before we go too crazy they want to look at this. His next step while he is working with us is to work with OCDPW along with Dick to discuss the traffic. They took the time to send the letter to us. I think they want to be involved with an updated traffic study. I thought when it went to the OCP it got looked at by whoever needed to look at it. This letter indicates that they want to be informed immediately.

B. Capozella Traffic will be the big thing, especially going out toward the hospital. We are bottleneaking more and more. This is in Town of Wallkill W& S so we would need a letter from them supporting the project. About the traffic- we are sharing the driveway with Dunkin Donuts for the apts. I am on the edge on whether or not that is good or bad at this point.

C. Najac Part of the criteria for conservation is that so much of the land that goes to conservation has to be buildable? Do they reach that?

R. McGoey The analysis is on your bulk table. They are in the ballpark.

C. Najac I don't know what we did to trigger our traffic study for Tower and 211 but I think we need to do the same for this. We have reached a point where the cumulative impact will be phenomenal. It will take 15 minutes to get from here to past the hospital.

R. Winglowitz If you communicate that to Dick – any specific intersections etc, I'm sure the county has some ideas as well and we can get a comprehensive traffic analysis.

A. Guattery I agree on the traffic issues, I like the conventional plan as well. But, if we are going to something with the Town and park property I would not want to have that increase traffic on that road. It will come down to the traffic and what it tells us. I know when I talked to Joe he told me the barn is being used when he is selling cows. He brings them down from upstate and they are here short term. He still has to meet the criteria. I have no problem with the concept. I would like to see a piece added to the Town Park if the Town wants it.

T. Hamilton Between the Town and the County they will get every one of these intersections along East Main ST. Dick – the AG notifications, we ought to have something on there for those apts so they know what is happening on that lot.

G. Lake I personally don't think the Town will want to add to that park down there. I do like the conventional one better. It gets traffic out of the intersection. You heard the comments. I'm not sure we are ready for sketch. We want to hear what the county has to say and traffic studies. I will table for further action.

R. Winglowitz Would this board coordinate with other agencies on an unlisted action?

G. Barone On an unlisted action we don't have to. If you reach a tipping point where you are going to do an Impact statement that we would have to declare lead agency and do a coordinated review. As long as you are unlisted and maybe doing Full Environment Assessment it does not need to be coordinated. If you want a coordinated review because of the traffic impacts then there is a route for doing that.

R. Winglowitz So we don't hit the threshold where we have to but if you guys want to?

G Lake We will cross that when we get more information. Right now I think we need to set up an appt with Dick and the County and me as well. Let us see what their thoughts are East Main ST.

R. Winglowitz The county will be difficult because they lost their Commissioner of Public Works so they are down one more person.

G. Lake I am going to table this for further action. Bill/Andy 6 ayes.

5. Dunkin Donuts SP – 364 Rt. 211e (50-2-46) #27-17

R. Winglowitz Hello, I'm here with Sergio Sardiniah. We were here in July regarding the redevelopment of the Friendly's site at Caldor Plaza. We have engineered a grading plan, landscaping and been to worksession. We are here for consideration and setting up a PH if appropriate. I have no problems with Dick's comments. Dick asked about the stone wall parallel to 211 and we have added that to the plan. It follows the 211 ROW line and is a 2' retaining wall and a stone wall around it and a stone wall around the base of the sign. We have no problem adding some landscaping along Schliemann Rd. There is a concern about the LED lighting?

R. McGoey There is some concern about the LED lights, the sign which is lit by them. I'm finding out now they measure that in heat units. We would like to have the lowest heat units.

R. Winglowitz They have a standard that we can provide.

G. Lake I'll go thru the board and set you a PH.

J. Keegan I like it. The drive thru is now separated from the parking area so there will be no crossing. I like the added sidewalk and stone wall.

B. Capozella You did the stripe crosswalk and the directional signs, I like it.

C. Najac Yes, it's an improvement. They have done everything we asked for.

A Guattery I agree, the only concern I have is the exit from the drive thru is right at the stop sign for Schliemann Road. I come thru that back road quite often and it's becoming another road, there is a lot of traffic. I would like to see this shifted further to the east so there is a bit of separation there. I know there is not a lot of room but it's tight at that sign. Add a pile of snow and it's even more of an issue.

T. Hamilton I don't see a problem with this. I'm good.

G. lake It will be good to see this turned over and be in use again. I'll set a PH for 10/4/17. Tom/Jim 6 ayes.

6 McDonalds Site Plan Revision 481 Rt. 211e (53-3-32.2) #37-17

A. Roscoe Alan Roscoe, Core State Engineering. McDonalds Corp is doing a remodel. Basically it's a freshening of the brand. They are going with a neutral color palette, the signage is understated. They provide ADA compliance interior and exterior. Parking spaces, crosswalks and pathways etc. all the restaurants get improvements to the drive thru. There are 2 kinds, one is called a tandem which is a single lane drive thru with 2 order points. The other option is what is happening here, which is a side by side. You have a traditional entry lane and divert to 2 ordering lanes and converge and pick up the food and pay. We have a real opportunity with the remodel project to address an issue. Mr. McGoey bought it up at WS. We have seen it and heard about it and have come up with a solution for the queuing capacity we need there. The site is down the bottom of the hill on Rt. 211. This is our existing conditions survey which we submitted without package. It shows the existing conditions – right now there is space for 16 cars. If we count on what we know can back out onto the highway there is about 4-5 happening there. we need to keep it on the site. We think the solution is somewhat non- traditional but a dual drive thru entryway is how we can get our stacking capacity. Rather than 1 entry lane we will have 2. We will reconfigure the entrance and take the existing parking spaces that are on the northern side of the building and relocating them thru the site so we can get 2 lanes, a bypass lane and still provide some parking along the right hand side. We will expand the parking area with permission. We know there is a 10' setback and we have worked out an arrangement where we can stay 5' away and provide landscaping and get all the critical dimensions we need to provide the 2 drive thru lanes, bypass and have some parking. We achieve the goal in the drive thru lanes with 21 spaces for queuing. Combined with the added 2 ordering points it should work. The other site component we are proposing are new ordering boards, signage and we are pushing back slightly in the rear to accommodate parking. This will solve the queuing and maintain existing parking as much as we can. This will move from 77 spaces to 75 but with your permission we will be seeking a waiver on that. I think it's common knowledge that 70% of our business is drive thru. Some of the work involved need DOT approval and we are aware of that. We have had Dick's recent comments and most of them were addressed or will be.

G. Lake The big changes are the double stack lane, moving the parking back in the rear and the other discussion we had was the HC parking being angled that way. The people

would have to come in and go all the way around and then park. Some of the board members questioned why the angle could not be reversed. When they come in from rt. 211 why can't they drive in an angle that way and then exit instead of all the way around the bldg?

A. Roscoe We chose this configuration bc if you reserve the angle the last spot would have to back out into the travel way. We want the site to be accessible to everyone but we know those spaces will be the least seldom used. To hit the magic number we thought this would be the best. If we only needed 3 then it would be no big deal. We need 4 for compliance.

G. Lake ok, no problem with Dick's comments, put them on the plan.

J. Keegan This will be a huge improvement and will address the problem that is there now. 21 cars stacking should help. During construction will you be closed?

A. Roscoe Try and stay open as best as we can. The contractor has it down to a science. We try to limit closures.

J. Keegan It's so backed up now, if you are doing construction and closing up certain parts it will make it worse.

B. Capozella I still think that the HC parking spots would be better the other way even though it's one short. Can you locate one spot elsewhere. At least the ones in front are accessible.

L. Bannon I am the owner of the restaurant. I have owned it since 2008. The concern is as cars come in if this is the HC parking and you had to go this way and don't see it right away they miss it and they are gone – they cannot get back there. there is no add'l space to park. If you did it the other way it affects the traffic this way –people would be trying to park in the wrong direction. We have gone thru this a couple ways and this is the best solution. By widening all this it opens it up. to address the h/c we thought it was a good idea until we thought what if they didn't see it and they pass it. To have them in another location they would have to cross a travel lane to get to the bldg.

C. Najac I still want to discuss this. Tad, what does the law say about HC parking? Does it have to be up against the bldg?

T. Barone There is flexibility but it portrays a design vision as close to the building as they can make it.

C. Najac If we were to provide 3 in front and 2 in the parking lot it's still usable? My concern is someone in the HC vehicle is going to pull out and cross 2 lanes of traffic

coming in. if they are there at lunch time we are hoping the 2 lanes will prevent it from going onto 211 but they would now have to wait for someone to move before they can pull thru... if we could use the other angle we could put 2 there and 2 some place else. Someone with a wheelchair does not mind going the extra 20'.

A. Roscoe then the HC people have to cross the lot.

A. Guattery I know you have this together. How many vehicles an hour at lunchtime?

Owner Existing now with a single drive thru can do 80 and 120 cars per hour. We typically do 100. The new configuration with 2 drive thru order points increases by 50%. It would be 180.

A. Guattery The double order lines go to single window for cash and food. We can regulate the flow of traffic. My first question is how many people are bypassing the queue and going to Wendy's bc they can't get in? we can all agree we will end up with cars out to 211 as quick I'm looking and listening to my peers and I understand the restriping the other way of the HC but if we were to move the spots where you have the stand by queue at the end of the parking lot, that would be the place to put it. If there is any place in the lot where traffic is slow, it's there. if there is room to make a change we need to think about it.

Owner I don't know if this is considered a HC entrance right now, in the new building it will be.

A. Guattery The bulk coming in are not HC – most HC go thru the drive thru but we should take a close look at making it as best as can be.

T. Hamilton one question is in front of those HC people backing out and going to the right, they will try and get out of the first drive on the right. Maybe a little curb that won't let them do that?

A. Roscoe Yes, even a sign won't stop them. Paint markings make it even more of a visual queue to go left.

G. Lake Everyone agrees it will be a good plan. To shove the HC parking out in the lot someplace does not make it more convenient for those that need it. I agreed on angling it the other way. When you explained traffic flow and I think of other projects on 211 the traffic always seems to cut back along the traffic flow you have. This is not

reinventing the wheel. I question at the busy hours of backing out that way and if we reverse the angle and I question someone that might have a HC of looking behind them, mobility and backing into traffic. I understand you saying go around if they miss it they are back out on 211. If you want to move one but now that I look at it this is the approach a lot of projects have done – around the building and coming in the front like that. To reangle it, I think they ought to be left this way. Hopefully the stacking problem leaves 211 and that is my opinion. Do you want to move one and leave 2 there? you have a bit of a slope too. Are you moving one of them?

A. Roscoe This is the most convenient for most of them. I think moving one puts the customer more at risk. This is the safest. If the board feels we need to move it we can put one over there.

G. lake I don't know how they get out now the way they are blocked in. I think this is 100% better. Motion for neg dec/part 3 eaf subject to all comments – Bill/Andy –

D. DULGARIAN ABSENT

J. KEEGAN	AYE
B. CAPOZELLA	AYE
C. NAJAC	AYE
A. GUATTERY	AYE
T. HAMILTON	AYE
G. LAKE	AYE

Motion for site plan approval subject to all comments. Tom/Jim 6 ayes. Thank you.

A. Roscoe We are thinking time lines, as a condition of approval we have some geotech work to do with the retaining wall. I was hoping we could get permits for that work.

G. Lake They need to get the final plans into us and then go to bldg.

D. Mcgoey Can you address the retaining wall comment? Let's deal with this- give us a more generic retaining wall on the plan. You need to change the curbing to prevent the turning right by the HC parking.

7 Silver Lake Ridge SP/SUP – (99-1-1) Silverlake Scotchtown Rd. #06-03

D. Higgins we are here representing the owner, I am standing in for John Queenan who prepared the plans. This is what was previously known as Scotch Valley and was SD into and currently exists as 53 lots with some road parcels thru it. We are proposing a mix of one and two bedroom apts. John had submitted a conceptual conservation SD showing the one and two bedroom apts along with calcs. You may have a corrected density calc. in preparing

for the meeting, taking a look at the previous calcs submitted for the conventional SD it was incorrect as using the type 2 SD instead of the type1. It affected the number of units in the conventional plan. We had resubmitted updated calcs showing the revised numbers. It resulted in the conventional sd having a total of 71 units allowed by zone. We had done a calc which was on the plan for a conservation sd in accordance with the Section of the code and based the number of units at 4800 sf per dwelling unit for 1 bedroom and 7200 sf for 2 bedroom units. When we used the net buildable acreage for parcel it came out with a total of 142 units allowable and we are proposing 124 units. I also submitted a conservation analysis map and photos of the site taken from 30 vantage points along various roads. We wanted to try to introduce the appl to the board and get feedback and see if it made sense before continuing.

R. McGoey we have to confirm – it looks like more units- the ordinance says you have to develop the density based on the conventional layout. Once you do your conventional layout and establish the number of units allowed, that is what you are allowed to develop on the site.

D. Higgins I spoke with John and asked the question. He seemed confident he had it correct. I am a little unsure reading the code. R1 talks about Type 1 and Type 2 and has s.f. per dwelling unit. It says to refer to 249-80. In there it talks about different SD and such.

G. Lake You want 116 units and they want a conservation so they need to prepare a map showing they can get that many.

D. Higgins What John had shown – I would say he needs to speak to Tad and Dick that everyone is on the same page on how this is calculated. He had calculated the 142 units based on the section of the R 1 which says type 2 conservation SD – dwelling units are 4800 for 1 bedroom and 7200 for 2 bedroom units. When you do that calc you come up with 142 units. We are showing 124 on the plan. Again, he needs to confirm that with Dick and Tad.

R. McGoey Right – 9600 s.f. is not correct. 4800 s.f should be 9600 s.f. per dwelling unit. 7200 for 2 bedroom should be 14400 s.f.

D. Higgins I asked him if they had a calc for conventional and one for conservation. Basically you will get double the units for conservation. He said the benefit is the Town is getting the open space protected as a result. That is why he thought he had it correct.

R. McGoey When you have multi family, the conservation sd should not have been developed for multi- family.

G. Lake Can he get 116 units under normal conditions?

R. McGoey I think he probably can.

G. Lake I'm not trying to discourage conservation SD but I believe there is 11 criteria and you need to meet 7 of them. I don't see that you have done this yet. On top of that there is a committee that is put together that involves conservation commission, the Town Board, possibly a planner, etc. we have not done many of these. I think I would take a 2nd look at it. If you insist on going with conservation you will have to double check your numbers. I would think with property this big you should be able to fit 116 apts. and leave the front open without calling it a conservation.

D. Higgins I think we were just looking for general feedback.

G. Lake When they were condos they were not asking for conservation. It is very similar to w/s when we had the parking changed around so it was not in front of the buildings, etc. I think when it was condos it was the same. I'll go thru the board.

D. Higgins Can I show you the layout? This is the conservation sd – it is basically to provide buffers to the development from the roadways. You have Silverlake Scotchtown Rd. NYS 17 and Mud Mills here. Across the street is Bahrenburg Rd. in the package you have the photos we took and there is some wetland thru here that we want to keep the vegetation and wetlands and preserve them along with the buffer along Silverlake Scotchtown road, have the entrance come in and have all the development in the rear. We would preserve the stone walls. The idea was to try to move everything back and keep the vegetation along the road undisturbed. That was the intention.

G. lake Which has been all along. Over the years that is what we have worked on with the applicant. Developing the rear has been that way for as long as I can remember. As far as saving the stone walls you have done a great job in doing that for us, even when it was condos. Check your numbers, unless you really need to be a conservation. I think Dick is right about the section of the code being misunderstood.

J. Keegan I would like to see what the benefit would be to the Town considering the wetlands, how much more would we benefit? I think a conventional would work out more in this case. When you look at a conservation it should have less of an impact on the area. I would like to see it both ways. It may be easier to go with conventional.

B. Capozella I don't know if you will meet the requirements of conservation anyway. I would like to see the conventional and move on from there.

C. I would like to see the conventional. If you do a conservation are you giving the property to the Town or are you keeping it? There are several ways to go so what are we looking at.

G. Lake Clark bought up a very good point. Make a note on this about what happens to the conservation part of it?

R. McGoey The town has the option but I don't know if they would want this piece.

G. Lake Ok. Motion to table for further action. Andy/Clark 6 ayes.

Motion to adjourn.