

Town of Wallkill
PLANNING BOARD MINUTES

October 18th, 2017

Members in Attendance: Gary Lake

A. Guattery, Bill Capozella

T. Hamilton & Clark Najac,

Jim Keegan, Doug Dulgarian

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

Tad Barone PB Attorney-ABSENT

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

ZBA Liasion Update

1. Dunning Hotel SP – 41 Dunning Rd. (50-2-4.32 and 6.1) # 30-17

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 18thDay of October
2017 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the
Application for the Assetz, LLC Site Plan for a proposed hotel to be located at 41
Dunning Road, Middletown, NY on a portion of tax lot 50-2-4.32 & 6.1 under section
249-26.1 C (9) of the Zoning Law of the Town of Wallkill. All parties of interest will be
heard at said time and place.

I rec'd his mailings.

R. Winglowitz I'm here on behalf of Assetz LLC. WE were here last month for a 104 room hotel on
Dunning Rd. it is opposite the Rusty Nail. It is an 8 acre parcel proposed entrance opposite the future
Devitt East Main ST. entrance and will be lined up. There is a lane in each direction and an opposing turn
lane – a center lane that was widened a few years ago by the DPW. It will get W&S from 2 connection
points within Dunning Rd. There is capacity. We met with Bldg. regarding fire protection and provided a
fire access road all the way around the bldg and we have added a hydrant. At the last mtg we got
OCDPW comments and they are looking for a traffic study. We will be commissioning a traffic study of
the intersections we discussed at the last meeting. Schutt and Dunning, Dunning and East Main and
Dunning at Quick Chek. There is an extensive landscape plan proposed. We added landscaping at the
request of the board. Three has been extensive street landscaping with street trees and shrubs along

Dunning and also a proposed sidewalk along Dunning. It will continue the sidewalk at the Honda place. It will continue thru the site and come out into the ROW along Dunning Rd.

G. Lake Motion to open this PH at 7:43 pm – Motion to close this PH at 7:44 pm. Bill/Andy 7 ayes.
I am going to ask you to waive the 62 days.

R. Winglowitz We agree.

G. Lake Obviously bc the OC wants the traffic study. The other comments from Dick- any problems? The sidewalk one?

R. Winglowitz We will be granting public access across that. There is also no food processing being performed on site. We are not proposing a grease trap. We had a note that if the bldg. dept requires an internal one we will provide it.

G. Lake We should talk to the W&S Supt. You might not be processing food but there is a certain amt. of clean up when you provide a morning breakfast. It has been my experience with food that it can need that. An internal grease trap if nothing else.

R. McGoey If you are washing dishes they may have an issue.

R. Winglowitz Ok – I'll reach out.

D. Dulgarian The County is requesting a traffic study and this will tie the two in?
The other hotel on Devitt?

R. Winglowitz It will have to consider any improved development.

D. Dulgarian On Monday's ZBA meeting there was an applicant that owns the Rusty Nail and is contract with someone who owns a hotel there. it would behoove us to not look into that a bit deeper . if it is serious it should be tied in as well. The proximity of it being on the edge of Devitt and across the street from this one needs to be considered. Your retention is going to be on the Honda side?

R. Winglowitz On two sides on the high and the rear side - there is some wetlands there.

D. Dulgarian Is there any further development proposed for the remainder?

R. Winglowitz it's an 8 acre parcel and bisected by the wetland and future development will have to occur on our frontage on Schutt Rd. Ext. There is a couple 100 feet road frontage. They own both lots, the one where the hotel is and the actual lot where the old railroad bed is and where the power lines are now. O&R has an easement across it so that has significant frontage on it.

D. Dulgarian Is the retention area showing here? That should be sufficient for snow storage. (yes)
You had mentioned about the future "trail" has that been addressed?

R. McGoey Not yet, I think the applicant is willing to entertain that. We need to talk to the Town officials to see if they have any interest. It could be done at some future date as well, maybe have a note on there.

R. Winglowitz We don't want it to affect our development on the parcel but we would make provisions for it.

D. Dulgarian The fit in this area is ok, I'm concerned about the traffic. How we will deal with that and actually what traffic is generated by these? It's not like its retail or something. There is no restaurant in this one but they are talking about one across the street so who knows.

J. Keegan Doug touched on most of the points but I would like to see how the traffic study fits. I'm fine with the bldg.

B. Capozella You got the crosswalks in. it looks nice, traditionally the traffic study for this is a mixed bag of when people go in and out. The main is East Main St. location.

C. Najac It looks nice, is there a name brand? (potentially a Hilton Tru) As Doug mentioned with the traffic I want to see traffic study includes all the stuff in that area including Anthony St. in the city of Mtown. I know we discussed the walkway thru. Otherwise, it looks interesting.

A. Guattery I'm good for now until the traffic study.

G. Lake You knew the big concern of the board. You waived your 62 days and we are going to table you for further action. The PH is closed. When you get done with the county and the traffic study we will see you again. I'm sure the County is looking at the same direction. Motion to table for further action. Andy/Clark 7 ayes. Thank you.

2. WK Mechanical SP/SUP- 21 Howells Rd. (49-1-88) #59-17

M. Hunt TOWN OF WALLKILL PLANNING BOARD Notice of Public Hearing Notice is hereby given that a Public Hearing 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 18th day of October, 2017 at 7:30 P.M. or as soon thereafter as the matter can be heard that day on the application of: WK Mechanical, Inc. 21 Howells Road Middletown, N.Y. 10940 For Approval of: A proposed 4,000 sf addition and renovations to the existing commercial building for the use of a metal shop, warehouse and office space. Located at: 21 Howells Rd. Middletown, NY 10940 Also known as Section 49 Block 1 Lot 88, Under Section 249-47 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at such time and place. I rec'd his mailings.

J. Fuller John Fuller, here for the applicant. I have the owner with me as well. Stephen Conforti. The proposal is for a 4000 s.f. addn to an existing 2400 s.f. bldg. It is office/workshop fabrication area. WK Mach is proposing to locate here from Monroe. In doing so they are looking to enlarge the facility by

4000 sf off the back in an L shape. The current property is in HC and the use is compliant with the zoning. This service shop has onsite well and septic. As part of our proposal we attempted to address all comments relative to SW controls and landscaping per the Town ordinances. We indicated at the last meeting that the one change we presented to the Board previously is that we delineated an area to the rear of the proposed addn to provide the pipe storage we alluded to along with dumpster locations. Mr. Conforti is here to answer any questions from the public.

G. Lake This is sheet metal shop basically – give us a brief description of what you are going to do there, amount of trucks etc.

S. Conforti I am one of the principals of WK mechanical and property owner. We are going to have our sheet metal shop there. we are going to move our whole operation, warehouse and storage and dispatchers, parts and inventory to this location. We will have 3-4 dispatchers and my parents and me in the office. 1-2 truck, most of the time they are on the road. We make duct work, we fabricate and install commercial and residential. Everything is done inside the building.

G. Lake Motion to open this PH at 7:52 pm.

F. Bozerof(sp?) I am the owner of the house that is in immediate proximity of this business. I have my house for 8 years and have had a good relationship. I have no complaints. I just want to know about the nature of the business. I would like to know if there will be extra noise outside the bldg. that will disturb me. Will there be any exhaust with the trucks they use and dust? I am not in a position to impose any conditions, I would like their business to grow. If we can continue to live in peace I would prefer it. I really would like to have the questions answered. We have a natural border of trees that exist so I don't have the view of the machinery in the yards in front of the business. Part of the fence has been removed. The only thing I would like is to have the fence to isolate my property from the view of the business.

G. Lake This meeting is held so you can come. The noise and the screening, according to our zoning they have to put in a certain amount of trees and bushes. I will let his engineer answer that.

J. Fuller in a moment I will let Steve answer the exhaust and dust questions. Relative to the question of the natural vegetation, there is a natural hillside, this property sites lower than her home. There is a decent tree line along the property edge and it is the intent to maintain the tree line to buffer her from the operation. That was part of our consideration. We are not looking to clear cut. Relative to day to day and noise everything will be internal to the bldg. Sheet Metal fabrication is internal. They will have dumpsters outside and it will be inside an enclosure. We will provide privacy slats to screen it.

S. Conforti There will not be any extra noise or dust. The noise is inside the bldg. the garage doors face the front away from the homes. If they are open during the summer for ventilation it will not affect the neighbors. This will make the property nicer since it has not been maintained. The grass we cut was the wetlands that was perfectly dry and was overgrown. We get delivery trucks during normal business hours, nothing out of the ordinary.

G. Lake Thank you. Motion to close this PH at 8:03 pm – Andy/Bill 7 ayes. Any problem with Dick's comments. You will have to meet the landscape code and Dick will check that. The SW drain pipe, Dick.

R. McGoey that is just a labeling error. He just needs to show it on the right side.

G. Lake We talked about the other comments. There should not be too much landscaping.

S. Conforti Yes, as indicated on the plan we want to dress the property up- it has been poorly maintained and we will be getting rid of the storage trailer.

D. Dulgarian No add'l clearing except for the bldgs. Your hours – (7am to 6 pm with no tractor trailers) (weekends only if we are working inside). You don't have public access correct? (no public) The storage, there will be none outside? (correct)

S. Conforti The dumpsters and the pipe rack. The storage mounted to the back of the bldg. We don't have a fence proposed there.

D. Dulgarian Is there a creek running back here?

R. Mcgoey No, there is a drainage break between this and 5L, the water goes in both directions off of that bridge. It was a drainage ditch that was poorly maintained over time. It's not a creek.

D. Dulgarian Between Dodd, the blacktop and 5L, this type of development is going on. There are a few nice homes so I hope you are a good neighbor, welcome to the Town.

J. Keegan It's a good use for HC and they cleaned it up nicely. Again, no add'l clearing towards any of the neighbors.

B. Capozella No outside storage. Noise, you have a generator listed on your plan, is it only back up? (yes-emergency purposes only)

C. Najac Perhaps we list the hours on the plan so we can enforce it.

Guattery How many service trucks? (4-techs take them home at night).

S. Conforti We are moving all fabrication to this bldg.

Guattery Ok, just no bay doors open in July because that is facing her house.

T. Hamilton The letter on the sanitary septic?

R. McGoey He will need to submit it. I have a suggestion , there is a lower retaining wall along the back corner that faces the neighbor's house. If you could plant some evergreen trees it would be nice screening. It's a direct line for your new building. It will help to screen the building.

G Lake Motion for a neg dec part 3 EAF – Tom/Jim

D. DULGARIAN AYE
J. KEEGAN AYE
B CAPOZELLA AYE

C. NAJAC AYE
A GUATTERY AYE
T. HAMILTON AYE
G. LAKE AYE

Motion for site plan/special use permit subject to all comments. Tom/Doug

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

Thank you and good Luck.

3. Roselli SP/SUP -2 family –Ext. to Cond. Final Shaw Rd. (24-1-1.82) # 55-16

G.Lake This is here for an extension to final conditional final.

D. Yanosh We are finished with KC and waiting for a letter. The septic is approved. I submitted new plans for review and signature.

G. Lake Motion for one year ext. to conditional final. Andy/Jim 7 ayes.

4. Blumel Rd. 15 lot SD – 74 Blumel Rd. (41-1-15.1 & 15.2) #104-16

D Lynch Dennis Lynch with Day Engineering. We were here in July of this year and sent to the ZBA for area waivers. We were granted them. The project site is 14.81 acres on Blumel Rd. Fortune Rd. and Woodstock are to the west. We are proposing a 15 lot SD. One of the waivers we requested is the code calls for 1.5 acres minimum and was not the character of the surrounding properties. We requested a minimum of ¾ acre lot which was granted. There is a mixture of larger 1.75 along the side - .8 average. Other site improvements include 30' wide road as opposed to 25 ' that is required. This matches Fortune and Woodstock. We are also proposing sidewalks, landscaping and lighting. We are providing a 4' grass buffer, 4' sidewalk and 2' strip between the sidewalk and the ROW. Landscaping throughout, street trees and 35' buffer of the existing vegetation around the property. As you can see the intent is to keep as much of the existing vegetation as possible and fill in the gaps. We are proposing stone wall entrance and decorative site planning throughout.

G. Lake I thought we were going to get the curb 4' and then the sidewalk and then the lawn.

D. Lynch Edge of the road is 4' grass strip and 2' from the edge of that to the property line. All the street trees are on the individual lots.

G. Lake And we agreed on larger trees at w/s. (yes) At the ZBA meeting he told us he plans on putting sod down instead of grass. Supervisor Valentin has a light in mind that is different than the bell light we see in the commercial area. We can show it to you in WS. This is here to set a PH. The Board knows we have been working on this quite a while.

D. Dulgarian I like this before but like it even better now. I think it truly does fit there. They made a presentation at the ZBA where they showed the lots around this and these lots will improve what is going on out there. you probably should bring that to the PH as well. I think the remainder of the stuff is engineering issues. I like it.

D Lynch This was at the request of the ZBA to provide an aerial

J. Keegan the only concern I had was the driveway onto Blumel which has been corrected. The layout is great, no issues.

B. Capozella I feel like a lot of these developments have houses that are exactly the same. Is this going to be different?

F Fidanza The plan is to try to make this different and change it up to a different style. It will be a better selling tool as well.

C Najac I like the fact that you managed to get all them in with one entrance without a bunch of driveways on Blumel. You have kept a buffer all the way around for the existing homes. It looks good.

A Guattery I think you have a great project.

T. Hamilton We had requested the houses staggered from the road. On the drainage, who maintains the pond?

R. McGoey That would be dedicated to the Town.

G. Lake Are you going to incorporate any rain gardens? WE had major rainstorms last year. The little retention pond there did not get more than 6" water in it. SW management/drainage over there is a concern coming off your property. That is why I bring it up, to make sure we do it right.

R. McGoey The only comment that needs to be resolved is whether we do a T turnaround or a cul-de-sac.

G. Lake I spoke to Mike at Highway and he prefers a cul-de-sac. We will set you a PH for 11/15/17.
Motion – Bill/Andy 7 ayes. Thank you.

5. Homeland Tower SP/SUP – 90 Slaughter Rd. (61-1-27.12) #57-17

D. Kenny I'm with Snyder and Snyder representing the applicant. This is the Ford Farm on Slaughter Rd. We are looking for a SUP for a wireless telecommunication facility which will consist of a 150' monopole with antenna and related equipment at the base of thereof. It will be a the northern section of the farm across the street from Slaughter Rd. the applicant submitted the appl on 9/28/17 and we rec'd comments. The comments boil down to 3 sections of whether a balloon test should be scheduled, which we will do. In addn whether or not add'l setback variances are required. We submitted a cover letter discussing the TOW code allowing a lesser setback than the required 200' setback showing the fall zone that would be within 100 ft.

there is also evidence the property line is 122' from the proposed monopole. The road is beyond 200' from it. The general public and adjoining property owners would be safeguarded even with the tower being set within 122' from the property line. Showing the fall zone and the actual road being more than 200' from the proposed tower. There were questions on alternative sites and the applicant reviewed them and bought a rep from Homeland Tower to discuss those. Any of the sites we would be happy to present further stuff at the PH.

HT Rep (homeland Towers) I have been in this situation before – we did the tower on Conners Rd. I was responsible for the project and was presented a couple alternative properties on them. We are having these alternative properties run by the ones presented for this site but they appear to be closer to our existing sites so they may not work. We will reevaluate, we would be more than happy to help and work with the Town. By the next meeting we will provide reports documenting such. One of those was Rykowski Lane.

G. Lake This is for capacity correct? (yes)

HT Rep The RF justification report that was submitted 8/28/17 discussed the site for capacity. There are 3 surrounding sectors around it and we have shown data that they are about to or exceeded capacity on several times. The main focus is to relieve the capacity of these other sites. What happens is when you get a phone call and don't have coverage you won't see any bars on your phone. Failure with capacity is you would see full bars but not get the phone call since there is not a data or voice channel to get to your phone. There is no knowledge the call is not coming in which is worse for emergency responses as well.

G. Lake Let's talk about the setback. I was here when they decided to change the setbacks to what they are today. It was a very heated discussion with the Town Board and they sent it to us for recommendation. The Town Board then decided to set the present regs into effect today. I believe the section they want and expect us to maintain is to the property line. I don't have my attorney here tonight but I think your option is to play it safe for the Town and the applicant and send you to the ZBA or if you want to research the other sites further.

HT Rep I believe the applicant would like to move forward with this appl. and have a PH set.

G. Lake I'm not going to set it tonight. I will be sending you to the ZBA. You fall outside the 200'. I read your letter but I believe it is property line not roads. I'm at a disadvantage without my attorney tonight.

HT Rep We are not in disagreement the setback should be to the property line. I think we were looking at Code Section that is before you even get to the ht. of the tower plus 50' it's saying the absence of any evidence supporting a greater or lesser setback distance. Before that it states that the setback is there to provide a safeguard to the general public or adjacent property. Here we believe we have shown the fall zone that is submitted with the structural report of being 100' and being within the property line that we have shown a reason for being a lesser than the ht. plus 50. We are not saying we should change where we are measuring from, we believe we have shown information that shows that should this tower collapse and that it would collapse within the property line. It would fall within a 100' zone and the property setback is 122'. In addition, we believe the extra distance to the road is just an add'l piece of evidence that would show why this setback could be reduced.

G. Lake I'll go thru the board.

R. McGoey I'm surprised you did not call our attorney before the meeting.

HT Rep I understood him to be here tonight to review it. Could there be a PH set on the condition of a discussion between us and the PB Attorney?

R. McGoey When are we going to determine if some of these other sites are viable? I think the Rykowski road site works, but unfortunately your maps are horrible. I asked for better maps.

G. Lake I will put you on the next meeting, we will table tonight. You can research this and we will go from there. November 1st, I will have an answer on which way we should go. I like being on the cautious side. I don't want to have people come back 6 months ago and say you did it for this guy now do it for me.

(no add'l comments from the board members)

Motion to table until 11/1/17 and place back on 11/1/17 – Andy/Clark 7 ayes. You can call Mr. Barone direct.

6. Fair Oaks Exxon SP/SUP-280 Bloomingburg Rd. (14-1-26.12) #34-17

R. Winglowitz This is an existing gas station – Exxon Mini Mart at the corner M&M and Bloomingburg Rd. it's now a Citgo across from a Mobil Station. Small bldg. in need of upgrades. Originally he was looking at modifications and ultimately he decided to remove the bldg. and put a new one further back from the road. Along with this facility we are looking at a drive thru restaurant, they want to maximize what they can do there. they had us design this on the south side of the bldg. there is a queue for 13 cars and in addition to the service station and restaurant he is also proposing used car sales. He has a dealer license and he wants to put it to use on his existing facility. He wants to provide storage for cars in the back and a few display spots in the front yard. I think it's permitted with discretion in the code. There will be a new septic. He will need to go to the DEC for wetlands. There was a violation at one time where there was grading work done and it was done within 100' buffer. A violation was issued a few years back and had to do some improvements and mitigation. There is a line of boulders that is the demarcation of the DEC's established. They would not want to see any development on the other side of them. We still need a permit since we will be within 100' of the wetlands. They told him he could use up to the boulders. We would be happy to discuss any comments that you have.

G. Lake I think it will be an improvement. It is still tight in a couple spots but nothing that we could not work out. My concern is we are going to be upgrading this corner and I just wonder why we would want to throw used cars there. it looks like a random place. Are you planning on blacktopping it, striping it?

R. Winglowitz Sales would take place out of the bldg he is proposing. Spaces in the front yard, gravel or grass.

G. Lake I hate to say it but I don't like the idea of putting them up there. There are some nice projects being built right now like Cumberland Farms. I realize they are bigger outfits than you but I think this will be real positive for the Town. We have a great opportunity to make it a clean corner and step it up. I think we need to see how you are going to present this.

R. Winglowitz They would be auctioned cars.

G. Lake Only my opinion but it looks so good in the front.

R. Winglowitz I did talk to my client and in response to some of Dick's comments we added some landscaping. There were 4 parallel parking spots and we are going to remove them and landscape to improve the aesthetics. I knew the use was a concern. He would be willing to remove the display parking up front so the used cars would be hidden behind the building. They would not be up front and visible.

D. Dulgarian I think the entrance – the landscape statement should be really strong. I agree with Gary that we are looking to make busy corridors more appealing and improve them. It begins here with us. With all the traffic on the highway and 17M it will bring a lot of people and the landscaping should be strong. I would like to see something better than a couple bushes and a sign. The used cars, I don't care if there is 4 or 40, to me it does not fit. You see it more as an accessory to a car repair. I've yet to see it with a convenience store as an accessory use. It will be a big improvement there.

J. Keegan I think this will be an improvement but I agree the used car does not fit with the convenience/gas and drive thru. It's not something I would like to see. I would like crosswalks across the bldg. from the parking area across the way. Coming off the highway people will zoom in and out but a crosswalk would slow them down. I would like to see more on it.

B. Capozella I agree on the crosswalks. Used cars I'm on the fence with.

C. Najac The last few convenience stores we have done have been stepped up. they look nice and making a world of difference. We would like to do something equal out in that direction. It will make a big difference. Let's go for it. I don't know about the used cars, it does not fit in with the convenience store.

A. Guattery I agree, I would like to see better landscaping and a stone wall feature on the corner. As for the used cars, the 4 you have up front, people would be walking across your drive thru entrance – that doesn't work. 18 spots in the grass in the rear – and you get to them by going to a parking space? They will be parking on the road and walking thru the grass. Not a good idea. It's a bad fit. Mr. Gingras across the street is going to great lengths to make it look nice on that corner and we want to support that whole corridor.

T. Hamilton Used cars, I worry about every other convenience store that comes back in later asking for it. You are setting a precedence. I can see them parking on the side road and walking across as well.

G. Lake Landscaping out front – you have to be careful with that church there. The F.D. spends a lot of time there with accidents. Stone walls are nice but I would be afraid on that corner to restrict the vision. The church had petitioned the Town Board/County about putting a red light there. this is one of the exceptions where we need to keep the landscaping low or something different. It's a safety factor. I'm going to call a motion for sketch for retail/drive thru/office and gas pumps. I don't have it in my heart to tell you anything about the used car sales. You can go back to your client and discuss that part of it but I will call the vote on everything but the used car sales. Motion –Andy/Tom 7 ayes. Thank you.

7. Blue Sky Polo Club 2 lot SD – 325-413 Bart Bull Rd. (46-1-78) # 65-17

C. Elmes this is a 2 lot SD for the 272 acres I own. One lot would be 232 acres and the rest would be 37 remaining. I have Dick's comments and have no problem. We got rid of the old cars and the mobile home.

Right now we play polo on the polo fields. We were approved for a paintball area years ago too. The kennels are on a separate piece across the street. We tried to get people to come play soccer but they did not want to pay. We play Frisbee 2x a year.

G. Lake Ok – any questions from the Board? (no problems) Motion for a neg dec part 3 EAF –Andy/Tom 7 ayes. Motion for subdivision approval subject to same. Andy/Jim 7 ayes.

MOTION TO ADJOURN