

Town of Wallkill
PLANNING BOARD MINUTES

December 5, 2018

Members in Attendance: Gary Lake

Tom Hamilton, Clark Najac, Bill Capozella

J. Keegan, & A. Guattery,

Doug Dulgarian

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

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

Silverlake Ridge SP/SUP- Scotchtown Silverlake Rd. (99-1-1 thru 57) #03-06

M. Hunt 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, Bldg. A Middletown NY in said Town on the 5th day of December at 7:30 pm or as soon thereafter as the matter can be heard that day on the application of Silver Lake Apartments LLC for approval of a site plan for 124 Apartment units located at Silverlake Scotchtown Road (AKA 99-1-1thru 57 under Section 249-26b 2 of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at such time and place. I have rec'd his mailings.

J. Queenan Hello, Lanc & Tully for the applicant. We are here for 124 units located on a 31.5 acre parcel of land in the R1 zoning district. The property is located 1000' south of Tower Drive. We are proposing 124 rental units with 8 bldgs. On approximately ½ the property in the rear. Out of the 124 total, 30 will be one bedroom, 94 will be 2 bedrooms and they will be spread amongst 8 bldgs. Development will include the clubhouse and pool centered in the development and 10,000 s.f of play/recreational area throughout the site. Access would be proposed from Silverlake Scotchtown Road with approximately about a 12 – 1300' town road that would take us to the rear property line. From there is a loop road internal to the property

on the rear side which would be a private road. This would be the access to parking lots and bldgs. It is serviced by central water and sewer services. Water main from Tower Drive under 17 and across Silverlake Scotchtown Road into the site. Sewer is onsite and loop throughout and there is an existing easement out the back of the property. We have tried to accommodate a lot of comments along the way. The board wanted to see all the parking on the street. We have put the parking to the side or to the rear so as you drive through you see the frontage of the bldgs. There is a good 1000' feet in front that will not be disturbed. We are developing the rear of the property. We have situated the bldgs. into the hill in the rear. The highest point is in the left hand corner and pulled the bldgs up by parking in the back so they are sitting lower now. With the coverage of the trees up there as well as the trees in front the visibility of this development will be minimal from surrounding properties.

G. Lake Motion to open the PH at 7:42 pm.

R. Arnold My property is 80 O'Brien Rd, which is an 85 acre working farm that abuts this property. I have a small list of requests I would like to make of the new developers. I brought a copy to read out loud, and a copy for your records. First, I request that the SilverLake Apartment Complex construct an impenetrable fence, 6 feet high along the border for the developed property. Second, I request that they place no trespassing signs on that fence, indicating that residents and or their visitors are not allowed to cross that fence. Third, I'd like for all leases or deeds granted in the future to include a statement that no residents or visitors can trespass onto the farm. Lastly, the developers and or owner of the property secure substantial liability insurance. These requirements, in my opinion, are necessary to ensure the safety of the residents of the proposed apartments. There is often wildlife moving across my property including bear, deer, fox, and coyote, and I do not know where they come from or where they go. There are also many large pines across the property. These requirements would ensure resident safety from wildlife, falling trees, or falling into any of the ponds on my property. These requirements also ensure that residents do not get harmed by any equipment I use during the spring, summer, and fall months. These requirements also protect the buildings and grasslands of my property from and damage from ATV's, campfires, or any other hazards. Given that the future building could house several hundred people, including children, I simply want to ensure that the developers and future residents observe our respected property boundaries- primarily for their own safety, but also to prevent damage to my property.

G. Lake Okay, we will place this in the record, and address it at a worksession.

G. Lake There's not much here other than what the neighbors have said. We will be sending Mr. McGoey out to look at a few things. Motion to close the public hearing. The public hearing is closed. Do you waive your 62 day time frame?

J. Queenan: Yes.

G. Lake: Dick, are there any comments in particular you need to touch on?

D. McGoey: Are there going to be any issues with anything?

J. Queenan: No.

G. Lake: Then let's go through the board. Doug?

D. Dulgarian: These are one ownership rentals correct?

J. Queenan: Yes.

D. Dulgarian: Because of the wetlands, are you going to put a note on the plan that there is no further development allowed on this property?

D. McGoey: This is a **conservation subdivision**.

D. Dulgarian: We talked about a trail last time; did you take that off the plan? What are you proposing?

D. McGoey: There's a section in the ordinance that requires that with this size property, 3.5 acres must be provided for some kind of recreation. One of the suggestions was the walking path, which would provide for passive recreation.

D. Dulgarian: One of our concerns with the path was that it would create a "hang out" spot for kids who lived in the building. As long as that is discussed, I have nothing further.

G. Lake: Jim?

J. Keegan: I like the idea of the passive trail. I do think the area where the road ends and the neighboring properties meet, should be fenced in- or at least put some boulders there as a divider. That would be an obvious place where people would want to drive ATV's, bicycles, walk, anything like that. You can look at that in the worksession. I like what you did with the parking lots, and that you added a clubhouse and pool area. I have no issues with the actual development.

G. Lake: Bill?

B. Capozella: Just to reiterate Mr. Arnold's comments, there was something about liability insurance? I don't know if that is something we do? Or something that we can look into?

Someone: Usually, liability is not the planning board's concern.

G. Barone: With respect to this apartment use, there is nothing about where it is located that would entail any extraordinary risk or liability associated with the location as opposed to any other apartment complex we'd approve. Because of this, I don't think we have the basis to impose that, and someone making this much of an investment is going to protect that investment. The business owner will presumably take any precautions needed to ensure the correct policies.

B. Capozella: For this property, are there going to be any sheds or anything like that allowed? Should we have that on the plan? The only other thing we really didn't discuss was the traffic; we may have to bring that up.

D. McGoey: We had a traffic study done, that resulted in a new traffic light at Tower Drive and Scotchtown SilverLake rd.

B. Capozella: I don't have anything else then.

G. Lake: Clark?

C. Najac: This version looks much better than what we've seen in the past. I would like to ask our attorney, if we are allowed to add a stipulation to their leases that no one can use motorcycles, ATV's, or anything of that nature across that property?

G. Barone: Yes, certainly here it's appropriate because it is a conservation subdivision. You can restrict a certain range of activities you deem to be inappropriate with the conserved lands or areas.

C. Najac: A walking path would be nice, and I'm sure kids are going to hang out there anyhow, but kids hanging out and kids riding ATV's is a big difference. That is my only concern.

G. Lake: Andy?

A Guattery: Much better plan than before. I do notice one thing. Coming across from building two, to the sidewalks where the 24 lot is, there is no crosswalk mark in there. That should be added. Other than that, I think this is a far better layout than anything else we've seen from here. I think everyone involved, including the neighbors, will be happy with it when it's all done. There were some valid concerns raised, but I have nothing more to add.

G. Lake: Tommy?

T. Hamilton: One thing I noticed is that on different residential subdivisions is that they have to check a form about having agricultural areas within so many feet of the establishment. The public or whoever is buying the house I turn knows that there is going to be fertilizer, other

farming equipment, and things in there that they may onto want to live next to. With this property, the residents should know what is behind them so that there are no surprises when they buy or rent.

Someone: So in their leases, there should be a full disclosure of the adjoining farming operation.

T. Hamilton: That's all I have.

A. Guattery: Gary, I have one more thing. Have we seen a lighting plan?

J. Queenan: We haven't gotten to that yet.

A. Guattery: Okay, I was just checking. That is all from me Gary.

G. Lake: Your public hearing is closed. We are going to table you for any further action. You heard all the comments of the board and we gave you a copy of that letter, so we're going to send you back to a worksession. Once we get everything satisfactory, the board can get you back in. Thank you. Motion to table for further action?

D. McGoey: Motion.

G. Lake: Andy, second?

A. Guattery: Second.

G. Lake: All in favor?

All: Aye.

G. Lake: Opposed, none. Thank you.

Bassi Express Citgo SP REVISION – 2543 Rt. 302 (24-1-49) #70-18

M. Hunt: 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, Bldg. A Middletown NY in said Town on the 5th day of December at 7:30 pm or as soon thereafter as the matter can be heard that day on the application of Bassi Citgo, 2543 Rt. 302 Middletown NY 10940, for approval of the site plan for an eating and drinking establishment located at 2543 Rt 302 Middletown NY 10940. Designated as tax map section 24 block 1 lot 49, under section 249-39 of the zoning law of the Town of Wallkill. All parties of interest will be heard at said time and place. Mailings are received.

12/5/18
PB minutes

G. Lake: You're not having tables or anything inside, correct?

Bassi Citgo: No, no eating inside.

G. Lake: I open this public hearing at 8:05. Anybody? If not I close this public hearing at 8:06.
Motion?

Bassi Citgo: It is an eating and drinking establishment and deli, no inside eating, on 302. It is a 0.36 acre parcel.

G. Lake: This is pretty straightforward. I saw Mr. Ingrassia about the grease trap issue. I did stop in, they do have a grease trap that the town had okayed. Is there going to be any problems with this note; no storage of vehicles on site?

Bassi Citgo: No. We've made new plans and put that on them- that there will be no storage of vehicles on the property.

G. Lake: Okay, let me go through the board. Doug, do you have anything?

D. Dulgarian: No, it's a pretty minimal impact. I have no issues.

G. Lake: Jim?

J. Keegan: No issues, good luck.

G. Lake: Bill?

B. Capozella: No issues.

G. Lake: Clark?

C. Najac: Nothing to add.

G. Lake: Andy?

A. Guattery: Just one question. It says we have two existing dumpsters that will be relocated or removed. Which one is it?

Bassi Citgo: They are being relocated.

A Guattery: Nothing further, good luck.

G. Lake: Tom?

T. Hamilton: Nothing further.

12/5/18
PB minutes

G. Lake: Motion for a **neg dec/part 3 EAF subject to all comments.**

A. Guattery Motion.

B. Capozella: Second.

G. Lake: Marylynn call the roll.

****At this time, Marylynn Hunt calls the roll. All board members reply yes.****

G. Lake: Motion for site plan special use permit, approval subject to our comments.
Motion? Andy, second.

B. Capozella – Second.

G. Lake: Marylynn, call the roll.

****Marylynn Hunt calls the roll again, all board members reply yes.****

G. Lake: Okay, good luck.

Bassi Citgo: Thank you.

Columbia Storage SP – Extension to final – 2673 Rt. 302 (22-3-40.4) #38-17

G. Lake: Is anyone here for this?

M. Hunt: No.

G. Lake: We received a letter requesting a one year extension. Does anyone have a problem with granting that request?

T. Hamilton: No.

D. Dulgarian: No.

A Guattery: No.

B. Capozella: No.

J. Keegan: No.

C. Najac: No.

G. Lake: Okay. Motion to grant them a one year extension?

12/5/18
PB minutes

T. Hamilton Motion.

A Guattery: Second.

G. Lake: All in favor?

All Members: Aye.

G. Lake: Opposed, none.

Distelburger/Dunkin Donuts Site plan and SD –430/432 East Main St. (73-1-1.23) #29-16

G. Lake: Distelburger Dunkin Donuts. Again, an extension to final.

J. Samuelson: Jay Samuelson, Engineering Properties. The previous franchise owner has pulled out. There is a new overall property owner to the entire property, including the piece in the back. The new property owner is searching for a new franchisee to build that Dunkin Donuts as approved so we are looking for a year extension. We are not proposing any changes to the Dunkin Donuts, it has already been approved. They are just looking to find a new franchisee to build at that location. If that does not happen they will try to do some sort of similar use and if anything changes within the site plan, we will be back here. Right now, they are just looking to get a new franchisee in.

G. Lake: Okay, let me go through the board. Doug do you have anything?

D. Dulgarian: No, I don't have anything. I'm good with one year.

G. Lake: Jim?

J. Keegan: I'm good.

G. Lake: Bill?

B. Capozella: Okay.

G. Lake: Clark?

C. Najac: One Year.

G. Lake: Andy?

A. Guattery: Fine with one year.

G. Lake: Tom?

T. Hamilton: Fine with one year, but I have a question. A lot of this hinged on the school across the street changing its parking arrangements so that people don't pull up in the front. It was supposed to be changed to busses only in the front so that there is no mess of traffic. They haven't done anything.

J. Samuelson: I know the school project is out to bid, I don't know if that has been let or not yet. They're working on doing their improvements. The development for the remainder of that parcel takes into account all the improvements of the school, so the entrance that was set up for Dunkin Donuts was coordinated with the school improvements. That will all remain the same.

T. Hamilton: Okay, that's all.

G.Lake: Motion for a one year extension?

C. Najac Motion.

G. Lake: Clark, second?

A. Guattery Second.

G. Lake: All in favor?

All Board Members: Aye.

G. Lake: Opposed? None. Thank you.

Hanover 3 lot SD – Bisch Rd. (36-2-26.3) # 66-18

J. Samuelson: Good Evening, again, Jay Samuelson. What we have here is a new project. It's a 25 acre parcel. What we are proposing is 3 lots that will all conform to zoning, all with existing frontage off of Bisch Road. It will be two 3 acre lots on either corner, with a large piece of the remaining acres (which is about 19 acres). At this point in time we have submitted full design plans, and we are in contact with KC and reviewing the septics. At this point we would like to move forward with setting a public hearing.

G. Lake: Dick, is this outside the water and sewer district?

D. McGoey: Correct, it is outside the water and sewer district.

G. Lake: The large parcel in the back; is that wetlands?

J. Samuelson: There are two small pieces of wetland. There is a small channel through the center so we are going to utilize the existing farm lane to get to the back. There is a large DEC area of wetland in the back, but there is still a significant amount of acreage here that is buildable. Our original plan was to try to get more than three lots, but with the lot width and frontage requirements, we couldn't create more lots without building a road back there. The cost of putting a road back there was just not feasible.

G. Lake: Even under an open development?

J. Samuelson: From what I understand with the open development, the road is pretty similar to a two road anyway.

D. McGoey: The width and base of the road is town spec. The surface treatment on the road can be less.

J. Samuelson: It's still a significant cost for just two more lots, but we are still open to discuss alternate options if any problems arise with zoning. At this point in time though, we want to proceed with the three lots. Any changes with that lot in the future, we will come back and see what we can do with it. We will not change these two lots because they have minimum frontage to the road so they are pretty much set as they are. There is a long driveway getting to the back parcel here, just to get past the wetland are here. If we were to do anything in the future, we could create a shared driveway. There would be a minor disturbance to get that driveway in there, but it would be less than a tenth of an acre.

G. Lake: Okay. Let me go through the board. Doug?

(no issues from the Board)

G. Lake Motion to set a PH on 1/16/19. Andy/Clark 7 ayes. Return to WS. Motion to accept sketch Bill/tom 7 ayes.

OYA SOLAR SP/SUP- Pocatello Rd. (65-1-7.3) #20-18

Mel Farmer Good evening, I'm with Stantec for the applicant. Since the last meeting we have submitted a response letter and addressed comments. We take no exception to them. We are submitting revised plans based on them. We respectfully ask for a negative declaration for the ZBA to act at their upcoming meeting. We are requesting a PH to be set on 1/2/19.

12/5/18
PB minutes

G. Lake You do have considerable amount of comments. Before we go forward I think we discussed earlier that it was still missing a SWWP for a TYPE 1 action. That is a Part 3 SEQRA issue that has not been satisfied.

D. McGoey This is a coordinated review.

G. Barone It is a Type 1 so we also need the long form EAF part 2 and long form EAF part 3. We need the word documentation here and shoot it to me and I will send it to the PB members so we don't have to go thru it line by line during the meeting which is very time consuming. Email it directly. The procedural way is you come back in January assuming it has been done and the board is ready to act and they will issue a neg dec then. Between now and then you can have your ZBA hearing – we have no say over that.

Mel Farmer The ZBA cannot act until we get a neg dec...

G. Barone they can close their hearing if they want to but they can't take final action until we issue our SEQRA determination, presumably a neg dec. They can do all of their work, stop their action and come back here and presumably everything will be in order to issue a neg dec and then you can go back to them for final action on their part. A type 1 action with multiple involved agencies involves going back and forth for a while.

G. Lake Unfortunately that is where we are at right now. There are still questions about stabilization on the slope and SWWP. I'll go thru the board.

D. Dulgarian I have a question. You have done these elsewhere in municipalities in Orange ' County?

Craig/OYA Solar no we have not. We have in Ontario, this is the first in this area. There are a lot of them north of the border.

D. Dulgarian In the municipalities you have built in is this assessed as vacant or a property with a structure on it?

Craig/OYA solar I'm not sure we are currently dealing with the Town on establishing a PILOT. I'm not sure how it is assessed. They try to set a rate and NYSERDA has some recommendations. It doesn't change the land classification because of the nature of the use and it's a temporary structure in effect because it will be removed.

D. Dulgarian A building can be removed too.

Craig/OYA Solar There has been debating on whether to treat it as permanent property. it's still up in the air. It's the reason the PILOT agreement is being approached. NYSERDA is recommending a tax exemption be adopted – that was the original approach with these programs.

D. Dulgarian I am curious as a Township-it's reasonable to know what the assessment will be and the potential for this would be on the tax rolls. This is a fairly new type of use/business.

Craig/OYA Solar Usually the taxation is set by the size of the system. That is the question you are asking, how the taxes are set up. the land is classified after, it is set as a per MW typically when PILOT agreements are finalized. Something like this might be \$6000 a MW for example.

D. Dulgarian Tad, that agreement would be more important than the Town Assessment?

G. Barone if you are going back and forth how taxes are used to generate revenue for the Town Budget but also tax relief is used as a means to promote businesses. He could put a water park there and be taxed at a high rate. He can put a solar farm there and get a lower rate per dollar cost of improvement. Sometimes a municipality will give tax breaks to encourage growth in an area. That is ordinarily a legislative function but over the last 20-30 years they have created IDA's which are like standalone non-elected authorities that do these tax relief programs. If the IDA wants to give them a tax break that is the authority that can.

D. Dulgarian Just wondering as a resident as well. I just didn't know if it was assessed at a rate greater than vacant property or full build out.

Craig/OYA Solar I would argue that is a fair description. They don't draw water or impact sanitary systems, no impact to school, etc. It's a passive use for the land.

B. Capozella I just want to reiterate I am for this project., I like it. I mentioned previously that across the street on Pocatello Rd. there was a lot of work done for the homeowners. You have to do an environmental study on this -the Town did drainage there. with your Environmental study, we have asked in the past what the panels do, is there any chemicals that can come off , sound etc?

C. Najac The only issue was the stormwater and Dick is aware of that.

A. Guattery So these are tracking panels? Each of the arrays that are being put together move as a single but not each section side by side?

Craig/OAY Solar They do tie together. There is a drive shaft that runs across all the arrays. It depends on what the final layout is. there is a limit to the motors, etc. You can only run them so far and move so many panels. The panels would go on top of a bar that rotates the side of the sleeve and they get mounted to that shaft or tube and those run 18 panels in a row (further explanation muffled).

A., Guattery How many degrees of movement do we get out of these things?

Craig/OYA Solar Probably 32 degree and one side back to 32 degree on the other. That is about right, it might be a bit steeper than that.

A Guattery I ask because I was talking to folks on the downhill side of this project, Karen Drive. Controlling erosion and water runoff, but also as we are pivoting these panels what impact can we have with reflection if anything off the panels. I'm sure the public will have concerns.

Craig/OYA Solar I have been getting that question. The panels are designed to absorb light. You have aluminum frame around it which doesn't absorb light. You can get some reflection off the frame but nothing major. You have arrays by international airports. Typically the glare won't be different from a lake for instance. You would have similar characteristics to a body of water.

A Guattery You will need this information at hand. The perception of the public is that you will bake their house when it pivots.

Craig/OYA Solar The ants under the magnifying glass – I can see the web pages they are researching. You have a number of different types of solar technology. One is thermal solar. It is concentrated solar and that is the one you see in the James Bond movie with the big tower. It is done with meters, not solar panels. They are concentrating the beams of light. It's actually heat.

A Guattery the aluminum frames, do they come in a matte?

12/5/18
PB minutes

Craig/OYA Solar They are. I have had concerns for glare from the panels before. At some point you might find when the sun is just right you might see sun glare but no different than a windshield, etc. I have never had an issue with glare.

A Guattery The important part is you already hit it and it's on the record tonight. We want to make sure we covered it.

T. Hamilton Back to the idea to the degrees of tilt either way. Dick, how does that affect real rainy days and Stormwater runoff and where it is going to go. Now instead of being tilted one way it's the other. How do you compensate for that?

R. McGoey I don't know the answer.

Craig/OYA Solar The tables are never full table flat ever. If you ever stood in a solar array when it's raining you will find you don't have a highly concentrated deluge of water off of one end or another. They are spaced and the panels have a gap $\frac{3}{4}$ " -1" gap between every panel. It's about a 20 s.f. panel that is next to another one that is on an incline that will follow a grade and move throughout the day on that incline it happens to be one. when they get hit with rain, depending on the angle of the rain and other variables, you will get water everywhere. In terms of a saturation standpoint that soil in the field does little to change how it hits that. we have done studies on massive farms that show no change in the characteristics. I have done a lot of SW studies that don't have a change in the characteristics even 10 year after being in the field. I have seen enough of these with my own eyes.

Mel Farmer From DEC perspective there is no change in run off from the panel. But there is because we are cutting down trees and turning it into meadow grass. That is the different. We are going to mitigate that. it's about 20 acres. Its trees, scrub and it's 10% grade. We will mitigate pre and post.

T.Hamilton Dick will be looking for something showing where the run off is going. I was curious if any of that changed where it would go. Mr. Miller is enjoying is AG exemption currently - he won't have that anymore.

Craig/OYA solar It will be mine if it goes through – we will be buying it. I will be leasing it to the long term owner and collect the rent. We are looking for the PILOT agreement from the County. The balance of the land will be taxed at a normal rate.

12/5/18
PB minutes

G. Lake WE are going to table you for further action. Return to WS . Motion Andy/Clark 7ayes.

MOTION TO ADJOURN.