

Town of Wallkill

PLANNING BOARD MINUTES

January 2, 2019

Members in Attendance: Gary Lake

Tom Hamilton, Clark Najac, Bill Capozella

J. Keegan, T. Hamilton, Doug Dulgarian

Absent: A. Guatterry

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

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

REORGANIZATION 2018 Motion to Approve – B. Capozella, 2nd D. Dulgarian 6 ayes.

Joshua Auto SP/SUP- Highland Ave. Ext. (36-2-41.1) #33-16

M. Hunt Notice is hereby given that a PUBLIC HEARING of the Planning Board of the Town of Wallkill, Orange County, NY will be held at the Town Hall at 99 Tower Drive Bldg. A Middletown NY 10940 on the 2nd day of January 2019 at 7:30 pm or as soon thereafter as the matter can be heard that day on the application of Ezra Holdings, Middletown LLC 51 Forest Rd. Monroe, NY 10950 for approval of a SP/SUP for Joshua's Auto Repair located at 420 Highland Avenue Ext. AKA 36-2-41.1 under Section 249-27C (8) of the zoning law of the Town of Wallkill. All parties of interest will be heard at said time and place. Mailings were rec'd.

J. O'Rourke Lanc and Tully Eng. The parcel is 4.5 acres in the Ent. District in Highland Ave. Ext. we have been here over the last several months trying to clean up some site issues and violations. We have updated the plans, cleaned them up and added landscaping. We have modified the plans for ADA compliance and site lighting. We have worked with the board adding the landscaping where we could because the site is pretty much all paved. We are here to clean up the Bldg. Dept violations.

G. Lake Any headway with the cleanup?

J. O'Rourke they have made some, I am representing John Queenan but he did show me some pictures that show some clean up but I don't think it is where it should be. That is where it is. We are

1/2/19
PB Minutes

trying to clean up this portion of the violation as we work to get the site back in order. Motion to open this PH at 7:38 pm.

M. Kuhl We own the property next door. This is new to us what is going on. We are talking about the Auto Body shop – is there hours of operation?

G. Lake He was sent here thru the Bldg. Dept because of site concerns. They ended up in Court as well. This is an effort to bring the site plan up to date and will give the bldg. dept more leverage.

M. Kuhl Is this the whole property or just the Auto Body?

G. Lake The whole thing to get it down on paper and on the record.

M. Kuhl There is a ROW In here. Is that accounted for? 50' ROW. It was from when we dealt with Zaritsky – off the top of the parking lot, 50' over.

R. McGoey It does not show on this map.

M. Kuhl (Sr.) We have the catering hall there and we made an agreement for the 50' ROW that there would be nobody coming thru on the ROW to us. The lands that were Suresky next to the ROW we agreed I would use it that way. We owned up to the back building is there is a ramp there that is on our property right now. I own that ROW and it is not shown on the map and those people don't know they are on our property now. That is how that came about. That was when the Town of Wallkill and Middletown were doing the annexation. We just want to make sure that they are aware of that.

G. Lake: We are going to close public hearing at 7:44. Motion?

motion.

G. Lake: Second?

second.

G. Lake: All in favor?

Aye.

G. Lake: Opposed, none. Are you going to have any trouble with Dick's comments?

J. O'Rourke: No.

G. Lake: Okay, let's get into this right away. This dock off the back of this Joshua's auto is in that ROW? Is this an actual survey? Can you answer that tonight?

J. O'Rourke: This was taken from the survey map done in 2017 by Daniel O'Brien. Basically, we took his survey from last year, and updated the site plan. We're not aware of any easements or access. There is a

1/2/19

PB Minutes

section saying "subject to a prior railroad spur track easement." So if that easement was converted to him somehow, that may be was he is referring to, because that goes right back to the building.

****Someone**** Do you know if your survey was based on a title search?

J. O'Rourke: It says "survey subject to any findings of a title search." I can certainly let the client know we're not doing anything different on that easement right now. We're not proposing any expansion or anything.

R. McGoey: He is parking a lot of cars in there.

G. Lake: We're going to go through the board to see what else they have. I think between now and the time the board makes their decision, we're going to need a little more information on the easement just to make sure you don't end up back here again. Doug?

D. Dulgarian: My concern is that the applicant doesn't even meet up with what they are showing us tonight.

J. O'Rourke: If I may, I believe the reason we are putting those notes on there is so that the building department has an approved site plan for us to do that.

D. Dulgarian: I understand, but typically when we give approval, it is compliant at that point.

J. O'Rourke: I don't disagree with you. I think they are doing this because they have prior court cases and because they haven't been in compliance. I defer to the board, and I understand that the site is not the neatest by any means.

D. Dulgarian: I think it has to comply with what the plans say today, rather than just a goal. Are we tabling it? Or giving a time frame?

G. Lake: This has been in worksession and this was told to the applicant that cleanup has to be done before it got to this point. Jim?

J. Keegan: I agree with Doug, I think we should table it, not only because of this but also because of the easements. I also see that the map is not up to date with what his notes say, so I agree with Doug, I'm okay with tabling it.

G. Lake: Bill?

B. Capozella: I would like to see it tabled. I want to know about these easements, and the place still isn't cleaned up like it should be.

G. Lake: Clark?

C. Najac I agree with Doug. I think we need to make sure that this gets cleaned up before we approve. Beyond that, we definitely need to straighten out who owns what properties and officially notify the Kuhl's of the results.

1/2/19
PB Minutes

G. Lake: Tom?

T. Hamilton: Regarding the property by Highland Ave. Ext. is, the landscaping looks like it is out of your property line. Also, where the section where the Railroad tract easement is, you have landscaping in that square as well.

J. O'Rourke: Would you like that removed? I think we are going to have to redo that.

G. Lake: So now you've heard the board. They really want the easement situation cleared up.

J. O'Rourke We will research that. if you want landscaping the only spot that works is in the Town ROW.

G. Lake We have done that before.

J. O'Rourke Maybe recommends they plant shrubs since they have not maintained it in the past.

G. Lake The board is going to table this and the easement needs to be resolved. Clean it up – they did not. I think you need to get back to them and tell them to get organized. Do you waive the 63 day time frame?

J. O'Rourke Yes I will. Can we placed on the next agenda?

G. Lake We will pencil you in tonight but if we check the site and violations still exist we will remove it. Motion to table – Tom/Clark 6 ayes.

Preferred Mart SP/SUP – use of Caretaker Residence – 31 Smith Rd. (41-1-113.1) # 78-18

Joel Scher I would like to use this as a caretaker residence as it was in the past. That would be the only purpose.

G. Lake Dick, there is no outstanding comments?

R. McGoey Just need a note on the plan that the house would be used for a caretaker residence only and that he would be employed by them.

Joel Scher No problem.

D. Dulgarian There are 2 companies there correct? (yes)

G. Barone both businesses are conducted on site. This would be grandfathered in for historical use.

(no further comments from the Board).

1/2/19
PB Minutes

G. Lake Motion for Neg Dec/Part 3 EAF subject to all comments. Jim/Doug 6 ayes. Motion for SP for Caretaker Use subject to same. Doug/Jim 6 ayes.

Resource Recovery SP/SUP –68 Crystal Run Rd. (78-1-17.1) #31-16

J. Jacobowitz Attorney for the project. We are here pursuant to the application previously submitted to you. We had numerous meetings with the Chairman and Mr. Mcgoey and we reviewed letters from Dick. Mike Sandor is here to address any comments. We hope you will feel comfortable about calling a PH for the 1/16/19 meeting. We have the mailing labels and are in the position to give that notice. There is enough time to do this. We can get it done if that is the way the Board goes. I will have Mr. Sandor go over the comments with you.

G. Lake You feel you can get everything out in time for the 1/16/19 PH?

J. Jacobowitz It depends on when Tad can review the notice.

T. Barone I will review your notice.

M. Sandor I do have Dick's comments and basically number 1 is just saying the site plan will be submitted in 2 phases. As far as snow storage, I will add to the plan areas where there will be adequate snow storage. We show it in 2 locations, one for Phase 1 which is in an area that is not part of the parking. Phase 2, if they add additional parking it will be relocated. I show location for Phase 1 and location for Phase 2. There is add'l parking in the rear of the bldg. for phase 1 we show the dumpster location in the area that is currently paved. And for Phase 2 we show the dumpsters in this area which will require add'l paving. We are going to have to relocate if we go to Phase 2.

G. Lake At worksession we talked about the enclosures that you need. (correct) Why would that one be spent and not put it down where Phase 2 was. Just trying to save money.

M. Sandor Ok. We will consider that further. Existing grease traps – they are currently within the bldg. There is no exterior. We will provide the SWWP and Grease Trap Agreements.

R. McGoey You need an exterior grease trap by law. You need the details on the plan.

M. Sandor We will have to work on that. There is a container on the outside of the bldg. that will be removed. (storage in the rear). The concrete structure that was on our survey was an old pit that had something to do with the old pool. It's a closed pit. I will label it on the plan. That's it.

D. Dulgarian I have no problem with the PH if it is doable time wise. Why do you need so much parking? The patients are not driving themselves there or having visitors.

J. Jacobowitz It's the code, so many per bed and for employees came out to 214 we need.

D. Dulgarian I'm good for now.

1/2/19
PB Minutes

J. Keegan I'm good with the PH being set.

C. Najac I'm good with reassessing the parking area for the future. Maybe we can use the spot that is not blacktopped for snow storage.

T. Hamilton Is this applicant buying this property?

J. Jacobowitz They own it. They have for 37 years and will continue to own it and Resource Recovery will be the tenant of the premises. As far as the parking we can meet it. When we come back we hope to have an experience that will show it is not necessary.

G. Lake Motion to set the PH for 1/16/19. I'm also going to tentatively put you on the 2/6/19 in case you cannot make the 1/16/19. It would be a lot easier to give those 2 spots tonight then find out you can't make it later on. Tom/Clark 6 ayes. Thank you.

Galleria 2 lot SD – Galleria & Smith Rd. (78-1-87) # 84-18

Applicant we are looking for a 2 lot SD to SD a 6.9 acre parcel on Smith Road approximately 440' of frontage. It is a vacant parcel and AkA 78-1-87. It is one and the same parcel and part of a refinancing when we ran into trouble and actually needed to create a real property lot, which is why we are making this change. We met with Mr. McGoey and he suggested iron pins and monument markers. They are on the plan now.

G. Lake We looked at the map before the meeting reviewing this. I'll go through the board.

D. Dulgarian I don't see that it affects us in any way.

(no other comments from the Board)

G. Lake motion for a neg dec/part 3 EAF – Bill/Jim 6 ayes. Motion for SD approval subject to all comments. Doug/Bill 6 ayes.

Fair Oaks Realty Commercial 8 lot SD – Shawangunk Rd. (3-1-112) # 90-07

Chris McDermott This is the project that was before you back in 2009. We got to the point that we got a neg dec and the market went to pieces and the project stopped there. we are tasked with picking this up again. Several of you were on the board at that time and will recall it. What we want to do is pick up the ball and go with it again. The property is for sale, we have one buyer interested in one portion. We don't know if that will happen and wish to proceed with what we have. We had a w/s a month ago. He summarized the project and agrees in entirety and is ok with his comments. The big issue will be the Stormwater since there are changes in the requirements. There is also a legal issue that will need guidance as to where do we go with the SEQRA? Do we need to start over?

G. Lake We did talk about it. Since the approvals were let go tonight will be a good start to sketch. It looks about the same, are there any changes?

Chris McDermott We have not changed anything. We are reintroducing the project.

G. Lake I think with our Attorney's advice you can send out the Letter of Intent letters to proceed. I was on the board when this came in and I liked it then and feel the same way.

G. Barone Prepare the NOI, propose the list of interested and involved agencies and send it to Dick and myself for the review and approval. Once approved, send it out for mailings with the appropriate materials and provide us with an affidavit of mailing.

G. Lake You mention the stormwater. Will that change the layout at all?

Chris McDermott It could, when we had done the stormwater previous the regulations have changed (2015). I think there will be some changes but I don't know the extent yet.

G. Lake I'll go through the board for comments.

D. Dulgarian I remember I liked this project. it's a little bit of rolling hills up there. is the lowest point on 17M?

Chris McDermott It slopes from NYS toward Bloomingburg.

D. Dulgarian If this has to be redesigned I hate when the stormwater is visible from the road. I don't know if the rest of the board shares that. Maybe you can get creative with it. I like the rolling hills and pines, it's a nice property. I like the use for it. You have a couple access points and some visibility from 17 –it's nice.

Chris McDermott As we look forward to his I will try to keep that in mind. We may have flexibility going forward because we may combine some lots.

J. Keegan I'm ok with sketch. It looks nice in that area. With only one access point if this is all built out it will create a lot of traffic. We should look at that down the road.

Chris McDermott We did a full traffic impact study at the first application. We identified 2 emergency access points.

B. Capozella The only question I have is on the bulk requirements. Required 40,000 s.f. and you put 174,502 s.f and then in parentheses you put lot 6. What am I missing?

Chris McDermott We were trying to identify the lot that was the most constricted. That is the smallest lot. Every other lot is larger than that. They all meet the requirements.

C. Najac I remember this project as well. As long as we get the stormwater in there it looks good.

1/2/19

PB Minutes

T. Hamilton we have been looking at this quite a while. Good to see it coming back. Dick – does it need to be a NYS Engineer? There is not an engineer stamp on it.

Chris McDermott Yes, we have a NYS Engineer.

R. McGoey Next submission should have it on it.

G. Lake is the intent basically the same, medium size warehousing? (yes)

Chris McDermott If a user wanted a larger warehouse we could look to combine.

G. Lake Right now we are looking at this. You might want to contact the local fire department again.

Motion to accept sketch Tom/Jim 6 ayes. Motion to issue the NOI – Bill/Jim 6 ayes. Thank you. Return to worksession.

Greenwood Realty 6 Lot SD – Silverlake Scotchtown Rd. (81-2-1.1 and 1.2) #83-07

D. Yanosh Greenwood Realty SD – this was before you in 2008. ZBA as well with a 6 lot SD, granted numerous extensions. Now they want to go forward and they lost their approval. There are just clean up comments from Dick McGoey – no problem.

G. Lake Mr. Barone and I spoke before the meeting and you need to return to the ZBA for the variances before Planning Board decision can be done. Motion to refer to the ZBA Clark/Tom 6 ayes.

MOTION TO ADJOURN.