

Town of Wallkill

PLANNING BOARD MINUTES

April 17, 2019

Members in Attendance: Gary Lake

Tom Hamilton, Clark Najac, Bill Capozella, Doug Dulgarian

J. Keegan, & A. Guattery,

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

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING

1. Quickway 3 SP/SUP- 103 Tower Dr. (41-1-100.1 & 100.2) #12-08

M. Hunt: Town of Wallkill 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 NY, will be held at the town hall, 99 Tower Drive Building A, Middletown NY in said town on the 17th of April, 2019 at 7:30 pm. That matter can be heard on the application of 103 Tower Dr. Associates LLC, 2 Parkway & Rt. 17 south Upper Saddle River NJ 07458 for approval of re-approval of site plan and special permit located at 103 Tower Dr. 800 feet south of Turner Dr. also known as 41-1-100.1 & 100.2 under section 249-20 of the zoning law of the Town of Wallkill. All parties of interest will be heard at such time and place.

Representative: Good evening, I am here for the re-approval of a 70,400 square foot warehouse with parking. There have been no changes to the plans. One change we would like to make to the plans is that we show 29 reserved spaces; Mr. Frassetto would like to construct them at the time of building construction. He plans to start construction this summer. He feels from a marketing standpoint and a tenant standpoint, the additional parking would be desirable.

G. Lake: We banked that at one time, you want to do that now?

Representative: Yes. Otherwise, no changes.

G. Lake: Let me go through the board.

D. Dulgarian: I have nothing.

J. Keegan: After public.

B. Capozella: After public.

C. Najac: After public.

A Guattery: After public.

T. Hamilton: After public.

G. Lake: I'll open this public hearing at 7:38. I'll close this public hearing at 7:39. Motion?

T. Hamilton: Motion.

D. McGoey: Can you explain the parking problem again to me?

Representative: We had 29 reserved spaces shown on the plan. He would like to construct them at the time of building construction, instead of a few years down the road.

G. Lake: Andy did you second?

A. Guattery: Second.

G. Lake: Let me go through the board again.

D. Dulgarian: Nothing.

J. Keegan: Nothing.

B. Capozella: Nothing.

C. Najac: Nothing.

A Guattery: Nothing.

T Hamilton: Nothing.

G. Lake: Motion for EAF part 3?

B Capozella: Motion.

G. Lake: Second?

J Keegan: Second.

G. Lake: Marylynn call the roll?

M. Hunt: Mr. Dulgarian

D. Dulgarian: Yes

M. Hunt: Mr. Keegan

J. Keegan: Yes.

M. Hunt: Mr. Capozella

B. Capozella: Yes.

M. Hunt: Mr. Najac

C. Najac: Yes.

M. Hunt: Mr. Guattery

A. Guattery: Yes.

M. Hunt: Mr. Hamilton

T. Hamilton: Yes.

M. Hunt: Mr. Lake.

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

A Guattery: Motion.

G Lake: Second?

C. Najac: Second.

G. Lake: Marylynn call the roll.

M. Hunt: Mr. Dulgarian

D. Dulgarian: Yes

M. Hunt: Mr. Keegan

J. Keegan: Yes.

M. Hunt: Mr. Capozella

B. Capozella: Yes.

M. Hunt: Mr. Najac

C. Najac: Yes.

M. Hunt: Mr. Guattery

A. Guattery: Yes.

M. Hunt: Mr. Hamilton

T. Hamilton: Yes.

M. Hunt: Mr. Lake.

G. Lake: Yes. Good Luck.

2. The House of Refuge SP/SUP– 480 Rt. 17M (39-4-2) #10-

M. Hunt: Town of Wallkill 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 NY, will be held at the town hall, 99 Tower Drive Building A, Middletown NY in said town on the 17th of April, 2019 at 7:30 pm. That matter can be heard on the application of Patricia Dejesus 29 Dogwood Dr. Middletown NY, 10940 for approval of a religious vocational educational education school center located at 480 Rt. 17M Middletown NY, 10940 also known as 39-4-2 under section 249-26 of the zoning law of the Town of Wallkill. All parties of interest will be heard at such time and place.

P Dejesus: What we would like to do is offer educational vocational training to specifically target the youth and young adults by offering various workshops and trainings that would be geared towards certification during the hours that e feel the young people would be most vulnerable. We would also like to offer different events to the community such as coat drives, dress for success, feeding the community and other events along those lines.

G Lake: Let me go through the board and then I'll go to the public.

D Dulgarian: I'll wait

J Keegan: I'll wait.

B Capozella: After.

C Najac: After.

A Guattery: After.

T Hamilton: After.

G Lake: Will people be coming to your facility for church services?

P Dejesus: As of right now no, in the future we may have some sessions but right now no.

G Lake: I open this public hearing at 7:44pm.

A St John: Hi, I am Audrey St. John and I am from 150 Commonwealth Ave. I have lived in that area for about 30 years. One of the things we are concerned about is having a church, or anything affiliated, creating congestion in the area. We believe that this parking lot is not conducive to holding that many cars and the traffic in 17m is a lot meaning they'd have to start using our roads. If they use our on street parking, the roads become very narrow, and only one

car can pass at a time. You mentioned that “at this time” it will not be a church. What about the future? Will there be 50-60 people showing up? We’re also concerned about noise levels. There will have to be laws put into place ensuring the safety of our children and elderly with this new traffic being introduced. The other concern we had was taxes. If taxes need to be paid on this building, will that be put onto us? That is all, thank you very much.

G. Lake: The reason I brought up the church in the beginning was for my own clarification. From my understanding now, there will be no church use.

P Dejesus: That is correct.

G Lake: In terms of taxes, I do not believe this would be qualified to be taken off the tax roll. What are your times of operation?

P Dejesus: On Tuesdays and Thursdays, we are looking to be open from 5:30pm-7:30pm. On Saturday and Sunday we are looking at somewhere between 10am and 12pm.

G Lake: Motion to close this public hearing at 7:52?

A Guattery: Motion.

G Lake: Second?

C Najac: Second.

G Lake: All in Favor?

All: Aye.

G Lake: Opposed, none. Let me go back through the board.

D Dulgarian: Going back to hours of operation, are you only open on the four days mentioned?

P Dejesus: Yes, right now we are just starting out with the 4 days because it is just me and my two daughters. Given all of our schedule’s that is what works right now.

D Dulgarian: I like that there are no late hours. With the concern of traffic, I do not see this getting any more traffic than the Dunkin Donuts that is a few doors down. I like what you’re doing and I see any problems with it.

J Keegan: My only question is if you have outdoor classes? I ask this because of the public's concern over noise.

P Dejesus: There will be no outdoor classes, everything will be held inside. The only thing we were thinking of having outside was a meet and greet/open house day for the community to see our facilities and what we do. We really took into consideration the community and we really do not want to disrupt anything or anyone.

B Capozella: Now when you say events such as food pantries, you're not hosting those in your facility, correct? You'll be going offsite for that?

P Dejesus: We would go offsite. An example of something onsite, would be putting together baskets of donated food around Thanksgiving and extending that to the community.

B Capozella: As far as the young people coming, there are no court systems mandating children to come to you, correct? This will be children and young adults coming voluntarily?

P Dejesus: Correct.

B Capozella: One thing I would like to be put back on the record again, is that you and your daughters are certified instructors; everyone doing any kind of teaching in this facility will be certified.

P Dejesus: That is absolutely correct and again, I would be more than happy to provide proof of all of our certifications.

B Capozella: The only thing we didn't really address is the parking. There isn't a lot of parking there so parking on side streets cannot be allowed. I don't know if you even have a plan for how many people may be there at a time.

P Dejesus: I cannot foresee what is going to happen. I do know there are 25 spots there.

B Capozella: okay, that is it for me.

C Najac: As long as you're not running any late evening hours, I don't see any issues.

A Guattery: Are there any plans of bussing for the children who cannot drive themselves yet?

P Dejesus: I have not; at this point it would be the responsibility of the parent or guardian. That is something I can definitely look into but as of now it is the responsibility of the guardian or older sibling.

A Guattery: From what I understand, the only cars there would be whoever is working, and the people in the classes. Now, I believe that people are going to come in groups, not each individual so to me, parking does not seem like an issue. It is a legitimate concern though, and something that should always be kept in mind. Other than that, I have nothing. I think it's a good fit, and it will be good for the community.

T Hamilton: Do you have an age range?

P Dejesus: We were looking at high school and middle school. Elementary school is too young for what we have planned.

T Hamilton: Young Adults who drive themselves will definitely have to be factored into parking. I understand that the ambulance is still in the basement here. With ambulances coming in and out and children in the parking lot, problems may arise. That's all for now.

G. Barone Are you getting any permits from the state of education?

P Dejesus: My certification and my daughters' are through the state of education. My certification is a LCSW, licensed clinical social worker, and it is also in trauma focus CBT and CBT/DBT, ERDE, and MRDD. They're all on the DOE website.

G. Barone That is just something for the board to note, that this is being called a vocational school but the licensing and permitting is individual rather than for the facility. There is nothing coming from the state Board of Education.

G Lake: I really have nothing else; she jumped in and brought up licensing for me. Motion for neg dec/part 3 EAF?

J Keegan: Motion.

B Capozella: Second.

G. Lake: Marylynn call the roll.

M. Hunt: Mr. Dulgarian

D. Dulgarian: Yes

M. Hunt: Mr. Keegan

J. Keegan: Yes.

M. Hunt: Mr. Capozella

B. Capozella: Yes.

M. Hunt: Mr. Najac

C. Najac: Yes.

M. Hunt: Mr. Guattery

A. Guattery: Yes.

M. Hunt: Mr. Hamilton

T. Hamilton: Yes.

M. Hunt: Mr. Lake.

G. Lake: Yes. Motion for site plan special use permit subject to our comments?

A Guattery: Motion.

G Lake: Second?

C Najac: Second.

G. Lake: Marylynn call the roll.

M. Hunt: Mr. Dulgarian

D. Dulgarian: Yes

M. Hunt: Mr. Keegan

J. Keegan: Yes.

M. Hunt: Mr. Capozella

B. Capozella: Yes.

M. Hunt: Mr. Najac

C. Najac: Yes.

M. Hunt: Mr. Guattery

A. Guattery: Yes.

M. Hunt: Mr. Hamilton

T. Hamilton: Yes.

M. Hunt: Mr. Lake.

G. Lake: Yes. Good Luck.

3. 45 Ridgewood Ave 2 family SP/SUP- 45 Ridgewood Ave.(75-4-12)#20-19

M Hunt: Town of Wallkill 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 NY, will be held at the town hall, 99 Tower Drive Building A, Middletown NY in said town on the 17th of April, 2019 at 7:30 pm. That matter can be heard on the application of DASHA Properties LLC, 36v Sheffield Drive Middletown NY, 10940 for approval of a two family residence located at 45 Ridgewood Ave. Middletown NY, 10940 also known as 75-4-12 under section 249-22 of the zoning law of the Town of Wallkill. All parties of interest will be heard at such time and place.

Representative: We're here seeking documentation for the building department because currently on the county records, that property is listed as a two family, but the building department does not have the proper paperwork needed for it to be a two family.

G Lake: You were sent here by the building dept. because every indication we have states it is a single family. You have just started getting assessed as a two family in 2019. Let me go through the board.

D Dulgarian: After.

B Capozella: After.

C Najac: After.

A Guattery: After.

T Hamilton: After.

G Lake: I open this public hearing at 8:08pm. There is no one here, but I am going to leave the public hearing open because we have to get the building department on this. We have no information on whether or not it is legal in terms of 2 family houses and safety are concerned; entrances, exits, electrical etc.

D Dulgarian: You said that the county has this listed as a two family, but I have county records here that list it as a single family when you swapped it from yourself to your company on 11/5/18, it was listed as a single family residence when you bought it on May 29th, of 2018, and it was listed as a single family residence the previous time it was sold in September of 2007. This is straight from the county. This is a single family house and nothing was ever done legally to make it a two family, and yet you're coming in here wanting us to call it a two family when you're not doing what everyone else would have had to legally to get a proper two family. I don't have any problem with the location of it; I have a problem with whoever did this illegally because it was always shown as a single family. To me this is a single family and there is no reason to change it. We don't know that it meets all the codes; we don't know anything about it. I have an issue with this one.

J Keegan: I'm not sure if you can produce other paperwork, but the paperwork that we have shows it always being a one family. Gary, we're speaking with building about safety factors?

G Lake: I think we need to make sure that whatever was done was right.

J Keegan: I'll reserve the rest of my judgment until we hear back from that report.

B Capozella: I'm going to reserve my judgement until we receive that information from the building inspection department. I'd like to know about the legality of the property before I make any determinations.

C Najac: It definitely sounds like we need to table this until we get a response from the building department.

A Guattery: I read the same papers that Mr. Dulgarian read and it was always a single family until a business bought it, in which case the assessor's office listed it as a two family. That

doesn't make it a two family. I'll reserve the rest of my thoughts until the public hearing is finally closed, but I have a problem with this just being switched over.

T Hamilton: My problem is that at our previous meeting, the applicant came to us and said that he bought it as a two family, it was sold as a two family, and it was always a two family. Now we find that the county always had it listed as a single family, until the assessor's office caught wind of a change of ownership and went out and looked at it and found it was two rentals.

G Lake: You have copies of the floor plan? Turn them in for the record. Right now we are going to table you until further notice and leave the public hearing open. We are going to get in contact with the building department ourselves to ask them to get a report back to us. As soon as that is done, we will get you back on an agenda. Motion to table?

T Hamilton: Motion.

G Lake: Second?

C Najac: Second.

G Lake: All in favor?

All: Aye.

G Lake: Opposed, none. Thank you.

4. LAC Plaza SP (Extension to final) 453 Rt. 211e (53-2-28) #90-17

Kevin McManus: Good evening, I'm Kevin McManus with Gia realty, on behalf of LAC plaza. We obtained a site plan approval and a modification for that approval. The first was to expand the parking lot which was across the street and west of the existing office building. This was done to allow the office building to be converted to medical offices. We were in discussions with a potential occupant of the building at that time and we appreciate the board's hard work in helping get us through that. Subsequent to that time, we had a potential lease with a daycare center in which we amended the site plan approval to take away 7 parking spaces, and add a small play area. We also obtained a special permit for that use. What we'd like to do, is bank those spaces so we can still keep marketing that space as medical office space.

G Lake: You're willing to get these done as you move forward with the daycare or whoever else you are speaking to, correct?

K McManus: Yes, correct.

D Dulgarian: No issues.

J Keegan: I'm okay as long as he does the upgrades.

B Capozella: No issues.

C Najac: No issues.

A Guattery: No issues.

T Hamilton: No issues.

G Lake: Motion for extension of final for a year?

B Capozella: Motion.

G Lake: Second?

D Dulgarian: Second.

G Lake: All in favor?

All: Aye.

G Lake: Opposed, none.

5. Fair Oaks Exxon SP – 280 Bloomingburg Rd. (14-1-26.12) #34-17

Zack K.: My name is Zack K from Engineering and Surveying properties. The goal of this plan was to limit the amount of disturbance for the plan. Looking over Dick's comments, most of it is going to be detailed in later plans. I can however speak to the seating. There is going to be no outdoor seating, only indoors. That will be shown on the architectural plans.

G Lake: It looks like you shrunk the whole building size.

Zack K: Yes, We did.

G Lake: Right now it looks like your pretty well away from the wetland boundaries. We always had an issue with the used cars, but I don't see them on here anymore; I assume you're doing away with that?

Zack K: We put a note on the plan that states under this current site plan, there will be no sake of used cars.

G Lake: Let me go through the board.

D Dulgarian: The building that is there, is that coming down?

Zack K: Yes that is coming down.

D Dulgarian: The ingress and egress shown on the 17M Bloomingburg Rd., is that the spot it is in currently?

Zack K: I believe so yes.

D Dulgarian: So the only new ingress and egress is on M&M?

Zack K: Yes, we've had multiple meetings with the DPW regarding the entrances. Nothing has changed on the other side of the plan.

D Dulgarian: You have 6 pumps total?

Zack K: Yes, I do believe right now he has 4 and he will be upgrading to 6.

D Dulgarian: Nothing further.

J Keegan: When you do come back, just remember that this is the first thing you see when you get off the highway. This kind of represents the town so keep that in mind when you're thinking of landscaping and whatnot. That's all I have.

B Capozella: My only question is just the tanker trucks getting in and out. Can they get in either way?

Zack K: They're mostly going to come in off of the highway exit and use just that one side. We have provided truck turning templates which show the entrance into where the fueling station is.

B Capozella: That's all.

C Najac: This is a much better looking plan. My only question is how you're protecting the propane tanks?

Zack K: If there is anything additional you would like for those propane tanks, we are open to adding anything.

A Guattery: You may want to consider setting up truck turning radius's for something a bit longer than the 50ft wheel base length you have here. Other than that, I have nothing.

T Hamilton: I agree with what Andy is saying. Where the pumps are, the overheads are way higher than they have to be. I would try to bring them a bit lower without hindering any trucks fitting through there.

Zack K: I do believe we will be adding plans for our canopies on future plans.

G Lake: I think there are regulations for where you can put that LP in relation to a door opening or whatnot so think about that when you're drawing up your plan. The only other issue I have is the landscaping out on your island on the corner of where Bloomingburg road and M&M road meet. That's a pretty active corner as far as accidents go. When you are figuring that landscaping out, try to keep it low; shorter bushes, shorter grass. Otherwise I have nothing else. I think it's a much better plan and a great step in the right direction. Motion to accept this as sketch?

A Guattery: Motion.

G Lake: Second?

C Najac: Second.

G Lake: All in Favor?

All: Aye.

G Lake: Opposed, none. Thank you.

6. 404 East Main St. SP – 404 East Main St. (75-6-2) # 23-19

G. Lake: Motion to reset a public hearing for 404 East Main St. for 5/15/19.

4/17/19
PB Minutes

D Dulgarian: Motion.

G Lake: Second?

A Guattery: Second.

G Lake: All in favor?

All: Aye.

G Lake: Opposed, none.

MEETING ADJOURNED.