

10/2/19
PB Minutes

Town of Wallkill
PLANNING BOARD MINUTES

October 2, 2019

Members in Attendance: Gary Lake

Tom Hamilton, Clark Najac, Bill Capozella, Doug Dulgarian

Jim Keegan

not in attendance: Andy Guattery

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

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING

G Lake: Thank you. We have one public hearing tonight. if you want to speak at that PH come up and fill out a blue card. Put it on here and we will call your name at the proper time. With that I will have MaryLynn read the notice as it appeared in the paper.

PUBLIC HEARING: 7:30PM – PLAY NOW DAYCARE SP/SUP –

2250 Goshen Tpk. (61-1-24) #66-19

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 at 99 Tower Drive Bldg A Middletown, NY. In said town on the 2nd day of October 2019. At 7:30 PM or soon thereafter that the matter can be heard that day. On the application of the Holy Cross Greek Orthodox Church Play Now Early Childhood Center. 2250 Goshen Tpk, Middletown, NY 10941. For approval of an amended site plan and special use permit located at 2250 Goshen Tpk Middletown, NY 10941. Also known as SBL of 61-1-24 under section 249-26.2 of the zoning laws of Town of Wallkill. All parties of interest will be heard at such time and place. I did receive the mailings.

G Lake: Thank you name for the record please.

Michael Sandor: MJS Engineering for the applicant.

G Lake: give us a brief description since you were last time and we will go to the public.

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M Sandor: sure, between the last PB meeting and this PB meeting we had a WS with your consultants as well as yourself. There was various discussed at that meeting and those items are outlined in a memorandum from Dick McGoey. I have read those and we will add those notes to the plan and comply with those conditions.

G Lake: Ok you haven't done that yet?

M Sandor: a few things, the signs have been ordered. They are in fathers office. The painting has been repaired. In front of the dumpster as well as some work done in front of the church. The lights have been turned down. All the lights have been turned down. I would imagine the next step is, I would call the building department and then have your inspector come out and verify that. If we are successful in getting the approval tonight.

G Lake: OK. Also on the site plan, I believe that here they were supposed to note on the site plan about striping. Is that correct?

D Mcgoey: yes, the upper parking lot was to be installed one week of the date of a conditional approval.

M Sandor: I will put that on the plan.

D McGoey: and the parking repaired in six of the date of the condition of approval.

M Sandor: I'll put that on the plan as well. But all of that is underway.

G Lake: you're right but. Let me go through the board but that all has to be on the plan before I sign off. If anything goes your way.

M Sandor: I understand that

G Lake: OK let me go through the board. And then we will go to the public

D Dulgarian: I'll wait

J Keegan: after the public

B Capozella: after

C Najac: after public

T Hamilton: after

G Lake: Holding the PH at 7:30

M Hunt: Russell Smiley

R Smiley: stage road and I own the property that is in the back of the church's property. The whole length. All farm land. I am a little in the dark as to what is going on. Is this going to be in the church that is there now? Is there going to be a new building built?

G Lake: No, it's in the church that is there now. The only other thing that you might see on the outside, I probably should let him answer this but we have been through it so many times. There's going to be a playground area for the children. But no additions to the church.

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R Smiley: I have no problem with the daycare center at all. I wish them the best of luck. My concern is with the drainage on this property. It's been a problem pretty much since they built it. I don't know if anybody has the original plans for this project but they had a sediment pond, if you were facing the property in the lower right hand corner.

G Lake: correct. And our engineer and his drainage person is looking at their revisions on that. Before anything is signed off, that will have to be on there so the building Dept has their teeth to enforce it.

R Smiley: right as it is now it's full of broken up black top, concrete, rusty culverts and it's more of a mound than a sediment pond. The water either goes into my field or goes across the other neighbors property and ends up in their cellar. It ends up down on #6 agenda tonight. It's going to end up on his property.

G Lake: we did address at not only this meeting but at a WS. We did pick it up.

R Smiley: but I have talked to father about it and I guess he hasn't gotten to it yet.

G Lake: we are going to get it fixed now.

R Smiley: thank you

G Lake: Thank you

D Mcgoey: thanks for pointing that out

M Hunt: Douglas Bush

D Bush: My name is Douglas Bush and I reside at 2268 Goshen Tpk, which is directly adjacent to the Greek Church. Water problems here have become unbearable. Several years ago there were several loads of shale hauled in there. 40-50 loads of shale. Sediment pond doesn't exist. There's no curbs on the lower part of the parking lot or lower catch basins. I'm getting murdered for the water. I had to get a dozer in my place and caught a swale and stalk culver pipe in the back in turns goes on my brother in laws property. And also down on #6 floods. Now I am having problems with water in the basement. Those are my concerns, I just want to reiterate that. It seems like it's being addressed. Thank you

G Lake: thank you. Again, I am not an engineer but we have staff of engineers that is lead by Mr Mcgoey and he sends out and will be sending an actual field inspector. Once they do get their building permits and get the OK. If they get it here tonight!? And we have talked pretty extensively about where his water goes. The retention pond that needs cleaning up, might need reshaping. Again< for me to tell those specifics I really can't but if Mr McGoey wants to talk about it. Dick did you want to say anything more about it?

D Mcgoey: we asked our engineer look at it and let us know. What they are going to do about it. We pointed it out to them a number of years and they never did anything about it. So Mike add that to your

M Sandor: I'll be honest with you, I know there was a question regarding some concrete and blacktop that was in the area. I was under the impression that that's cleaned out. It's still think in there but I will go in there and look at it. I did not know anything about the runoff from the pond onto to your property. I'll have them take a look at that and get a more detail study. I'll send that to the town.

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D Bush: I have a 16" culvert back there and I have seen it completely full.

M Sandor: I'm going to have to go through there. Maybe if you don't mind, I'll come down and meet you or something. I'll get your number. You are right next door, on the right hand side?

D Bush: yes right down the hill.

M Sandor: alright

D Bush: just follow the water.

M Sandor: I'm sorry

G Lake: ok so you say you have your signs. Anybody else from the public on this one? Before I close the PH? Motion to close the PH at 7:35pm **Bill/Tom 6 Ayes**

OK you have the signs ordered, the parking lot, we kind of talked about what you need to do now. Also in light that obviously there's been a little water problem, or a big water problem. You are going to have to address that in quite detailed, OK?

M Sandor: Yes

G Lake: let me go through the board. Doug?

D Dulgarian: I have no problem approving this subject to all the improvements that were mentioned.

J Keegan: same I have nothing else to add

B Capozella: I am OK subject to.

C Najac: I'm fine with Dick making sure that everything is done properly

T Hamilton: it'd be nice to see the parking lot and the way it's supposed to be. We make everybody else keep it up, stripes, everything. I don't think it was ever that way. I would get it straightened out.

G Lake: Dick, anything?

D Mcgoey: nope

G Lake: Ok so motion for a Neg Dec part III EAF with all comments of this board and Dick's comments and review. Bill/Clark

G Lake: Marylynn call the roll

M Hunt:

Mr Dulgarian: Yes

Mr Keegan: Yes

Mr Capozella: Yes

Mr Najac: Yes

Mr Hamilton: Yes

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Mr Lake: Yes

G Lake: Motion site plans special use permit subject to our comments in the neg dec. **Tom/Jim**

G Lake: now and again, this is all relying on that you put everything we talked about here tonight and show the new drainage or what needs to be done. McGoey's office will sign off on it and that point I will sign the map.

M Sandor: understood

G Lake: Marylynn call the roll

Mr Dulgarian: Yes

Mr Keegan: Yes

Mr Capozella: Yes

Mr Najac: Yes

Mr Hamilton: Yes

Mr Lake: Yes

G Lake: OK good luck!

Devitt Warehouse SP/SUP-(Lead Agency) Medparc Drive (78-1-94.1) #90-18

Ross Winglovitz with engineering surveying properties. I understand that my clients got in touch with Tad regarding SEQRA procedures and they have agreed that they want to do a circulation for a lead agency. They did it before with a specific project but

So my understanding is the attorneys have reviewed the file and they talked to Tad and the discussion centered around basically, I think we had this discussion 6 months ago when we started. Should we recirculate or shouldn't we recirculate? Was the original circulation satisfactory? I think the attorneys for my client have reviewed and discussed with Tad and they just want the board to just recirculate the Lead agency to make sure we are covered. Since this is a different use particularly, this is a warehouse and it was a medical office before at this location. So they want to make sure they were covered.

Tad: as indicated the applicants' council prepared a notice of intent for the Town of Wallkill Planning Board to give notice and designate itself as the LEAD agency. I have reviewed and Mr McGoey has reviewed it and we both approved it. I have handed you 2 copies if you want to chairman after the board votes in this, you can sign it and give one original to the applicant so they effect the notice.

G Lake: OK

T Hamilton: does this include where they were going to raise that roof?

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Tad: Yes that's where it's coming about. One of the things they have to do is double back the ZBA to get that variance and the ZBA would have to do a SEQRA action on their own. So if they have to do SEQRA, we might as well just start it here. And do a coordinated review with them.

T Hamilton: did the town board let them do that?

G Lake: Yes but I thought when the town board did the Uber lay zone.

T Hamilton: they let them do that.

G Lake: they allowed that along with the extra 30,000sq.ft.

Tad: this is the project where you are bumping up the height of the building.

R Winglovitz: correct, there is a height variance required.

Tad: so they are going up with the building height by 7' which requires a variance from the ZBA. So that would require these ZBA to do a SEQRA determination. Then the applicants counsel instead of us doing a consistency statement feels it would be belt and suspenders approach for us to redo SEQRA with the lead agency notice and have the SEQRA determination here. Because I suspect, one of the problems that you will run into down the road is funding, IDA \$, things of that nature.

G Lake: let me ask you, are we signing him back to the ZBA then?

Tad: Oh yeah, he still has to go for his variance to the ZBA and then he has to come back here for his site plan approval.

G Lake: well I know that but

T Hamilton: I thought when the town had that meeting and the hearing on it, where they gave them the extra square footage and they also gave them the 7/8 extension on there. That was trough the town board?

R Winglovitz: the town board just made the recommendation for the use in accordance of the overlay it was. At that time it didn't know about the height issue.

G Lake: but they gave you the ok for 30,000 s.t.?

R Winglovitz: yes, we went back to amend, because there was 270, I did go back and meet with them and they agreed that there was no issues and they agreed to re-recommend us to the

G Lake: ok so you never brought it up to the town board, the extra 7' height?

R Winglovitz: correct. At that time we didn't know

G Lake: OK

T Hamilton: we spoke about it though?

G Lake: I know that Tom but

T Hamilton: at the town board meeting

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G Lake: but as of right now, I guess we don't have it in any resolution.

T Hamilton: OK

G Lake: so we are sending to the ZBA also. Ok let me go through the board, Doug?

D Dulgarian: So we already a lead agency, this is a modification, basically?

G Lake: I believe that is how Tad is handling it.

D Dulgarian: I'm fine

J Keegan: I'm fine

B Capozella: send them ZBA

C Najac: yes send them to the ZBA

T Hamilton: no problem

G Lake: ok then motion for a modification plus sending them to the ZBA

Tad: the motion has to be for the PB to circulate this notification. The lead agency. At the last meeting you did the ZBA referral and recommendation.

G Lake: Ok I'll do that one separate then

Tad: ok

G Lake: motion to send this modification out as lead agency – Motion? **Tom/Clark 6 Ayes**

G Lake: motion to send to the ZBA for a height variance – Motion? **Doug/Bill 6 Ayes**

R Winglovitz: Thank you

G Lake: now Tad, I need to sign this form?

Tad: yes

355 Bloomingburg Rd SP – Quick Mart SP Revision – 355 Bloomingburg Rd (73-1-23) #43-19

G Lake: Quik Mart decided not to come stay tonight, we have a little more work to do with them so we are going to get that straightened out before they come up to the board.

Davellian LLC SD – Silverlake Scotchtown Rd (52-11-4.2 and 52-11-3) #24-18

G Lake: good evening, name for the record.

Steven Green: the last meeting we had to follow up with Dick Mcgoey for a work session on some modifications. We changed the one lot that had two house on it. To two separate lots. About 6,000 s.f.

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a piece. That will be reflected on the map. We also sat with the Highway super and went over the end of the road. How we were going to handle plowing the snow. He agreed to, I think it was 40' , 30' past the existing driveway.

D Mcgoey: yes, it was 25-30'.

S Green: I think I made it 30' Then I read through Dick's comments and there was a couple of details that he wants on the plan, which shouldn't be a problem.

G Lake: are you going to have any problems with any of those.

S Green: no not at all

G Lake: Ok Doug?

D Dulgarian: Have the variances been received on this, or?

S Green: we didn't need any variances as of the last meeting.

D McGoey: I'll let the attorney explain, they were already pre-existing nonconforming setbacks. Through all of the property line. The attorney felt the new lot line would not create any more.

D Dulgarian: Ok I'm good with that, I just didn't understand why we didn't need it. But you are good.

D Mcgoey: took too long to answer

D Dulgarian: I think this cleans up a situation like we talked about last time. I think this is way better

S Green: yes it's easier to get rid of if they need to sell one

D Dulgarian: yeah and the paperwork nightmare that could be at the town down the road is gone now as well. I don't have any issues this

J Keegan: I know there's a lot going on here. I think it does clean it up. Takes care of First street and everything we are looking to do here. SO I have no issues

B Capozella: Should we note in on the plans that since there's lot #3 and 4. We didn't note on the plans. Normally we say it's pre-existing/non-conforming. Just so it's noted that we are covered. To say that it existed because if you look at the bulk requirements. Lot 3 and 4 are way under but they are pre-existing/non-conforming and normally we state that so we can cover ourselves because Lot#1 and 2 are OK.

S Green: I can write it under the bulk table?

B Capozella: yes, normally I think we usually do that, if I recall. Nothing else

C Najac: just seems to make it legal now that everything is on its own separate lots. So we shouldn't have any issues in case somebody needs to sell part of it.

T Hamilton: I think it's straightening out a lot of the area and this is the best solution that we can go for. That's it

G Lake: ok then motion for Neg Dec Part III EAF – motion? **Tom/Jim 6Ayes**

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Motion for SD approval subject to our comments - motion **Bill/Clark 6Ayes**

Ok you got it.

Soul Evangelical Church SP – Certified Dr (50-1-25.1) #18-16

Pastor Al:

G Lake: Dick you have checked over the maps?

D Mcgoey: I did and essentially comply with the comments that I raised in parking, Bulk table area location map. And the note on the plan that occupancy will be for approximately 18 months. There's also a note on there that they will clean up the site so I'm satisfied.

G Lake: ok, let go through the board: Doug?

D Dulgarian: Nothing additional

J Keegan: nothing good luck

B Capozella: nothing

C Najac: nothing

T Hamilton: nothing

G Lake: ok and I don't have anything either. Sorry like I said but we have a proper map. It's no one's fault. Just things happen. Now everybody is covered and everybody is going to be in good shape.

Motion for a Neg Dec part III EAF

Bill/Doug 6 Ayes

Site plan approval subject to our comments - Motion? **Tom/Jim 6Ayes**

Fidanza SP/SUP – 2278 Goshen Tpk (61-1-25.1) #57-18

R Winglovitz with engineering and surveying properties. Here representing Franco Fidanza in an application that we first presented about a year ago. Franco had bought this piece on Goshen Tpk. opposite County Rd Opposite of his existing facility. Currently exists is an old house and a barn. He was really just looking to build a barn structure. He happened to look into the cost of that it was more expensive than building a regular catering facility for himself. He had been working with architects, they have come up with a new footprint which includes two venues, one is an outside tent venue on the East side the main entry hall, entry feature will be round about covered canopy. Then another space for events on the West side and then a second story with a smaller space for business meetings and smaller events. We have worked through a concept plan here with parking. The wet land delineation since then that has been completed and the survey has been completed, topography has been completed. We did get Dick's comments, we would be glad to discuss them. One of the more significant comments is regarding parking. We are applying a standard of one per four, which is the fixed seat standard

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T Hamilton: with the parking we just don't want it to say church because he also has the other venue across the street. IF there's a possibility he can use both. And then you were talking about the firetruck

G Lake: I think there was the house across the street too.

T Hamilton: yes but this, you got this 20' thing behind it. That's for the trucks also. Not just in the front in that little circle.

G Lake: right

T Hamilton: and we don't need to run off going into Smiley's or the other neighbors. We don't want it going back the other way.

R Winglovitz: understood.

G Lake: about your storm water mgmt . end of it and again I am not trying to, but his parking lot up on North Street that he built for the bus company. I have seen tons and tons of water fall on that thing. At the bottom of that hill he has a little bity retention pond that I have never seen it filled yet. But he uses pavers or something, he uses that one side of that parking lot, where the water goes right down through. Might want to go look at that.

R Winglovitz: yes on Franco's property?

G Lake: yes Franco's property, yes. And I tell you when we had those big rain storms, a couple of years ago, no water. It actually worked, and it shocked me, it really did. I went by 2-3 x's just to see how bad North Street was and it wasn't. I would take a look at that, in case you are tight. It might be worth looking at. I don't know it could be all wet. No punt intended.

Motion to accept sketch and we can move on:

Tom/Doug 6 Ayes

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mentioned at the one before may be more appropriate. Speaking with Franco and his experience with business, one per four is really very appropriate. As you know, everybody stays in a hotel somewhere and takes a bus to the facility. He feels that one per four represents really what the demand is. As opposed to the one per 40s.f. As part of this we will need the board's concurrence or referral, if they don't agree with that to the ZBA. I'd be glad to answer any questions I can tonight.

G Lake: if you had to add parking. If your one on four did not work. And it starts parking out on Goshen Tpk and every other place. Is there room to add parking in there.

R Winglovitz: not a significant amount of parking, no. We are bounded on the East by wetlands and on the south by wetlands.

D McGoey: so are you saying that if your required to do it on the basis of space of one per 40s.f. of seating area. Then you have problem with parking?

R Winglovitz: we would have a problem.

T Hamilton: for the excess can he park across the street on his other property?

D Dulgarian: and then shell them?

T Hamilton:yes

D Dulgarian: actually that's a really good idea.

R Winglovitz: an agreement with an off site entity, he does have them, right now he has that I think with the church.

D Dulgarian: that's a really good idea with solving the problem.

T Hamilton: or park in Villa Venezia!

D Dulgarian: as long as they continue under the same ownership, down the road. If that changes.

D McGoey: then it goes in the lease agreement.

G Lake: I think, you are going to need to show us the one on 40 s.f. depth for catering.

D McGoey: yes we should see the numbers.

G Lake: how far are you off? Are you off a lot?

R Winglovitz: looking at the two main venues, which would be the worst case scenario these being occupied with two weddings at the same time. They wouldn't be doing anything on the second floor. We are about 220 spaces versus 126 spaces.

T Hamilton: so you are off by 100

R Winglovitz: well, 96

G Lake: well, I think it's a pretty neat concept...

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D McGoey: that's assuming that everything is occupied? The tent and then the..... Because you are not going to occupy everything all at once?

R Winglovitz: correct. This would be if the two wedding venues are occupied at the same time, which I think is the worst case scenario. Franco believes that if has an event in the tent which is going to be the largest things, then he wouldn't be renting the other side. So he thinks that his worst case scenario would be the tent rental. That being occupied, which would bring us down to close to what we have.

G Lake: well, I think it's a neat idea, I really do. I have seen the remnants of what you were going to show. I guess that's going to change but, you know we are talking about a guys that always seem to be pretty successful in what he does, and builds pretty nice stuff so I can see that becoming a problem. I think that you need to show the board some kind of safety valve for the parking. If it's here, if it's renting out valet parking and running cars up to the church or whatever. I just think that you need to

R Winglovitz: yes we can make those arrangements, I know he has in the past so he can probably do that for this facility.

G Lake: I just think that you need to do that. I can see two events. Especially if it comes out as nice as what you've shown in the workshop so far. I don't think two events is a non-realistic thing to have, for something like this. Especially offering the house as an Inn for the people to stay.

R Winglovitz: Basically, the architect of this building will be pretty much like a barn. It would fit in with the barn atmosphere.

G Lake: you didn't bring that with you tonight?

R Winglovitz: he didn't give me the architects

G Lake: oh that's too bad.

D McGoey: I got it.

R Winglovitz: you got it?

D McGoey: very attractive, it's new.

D Dulgarian: this is on Goshen Tpk, right Bill?

G Lake: let go through the board. Doug?

D Dulgarian: I have the same concern with the parking I agree that it's going to be a really nice set-up with the rustic style weddings. And I understand that's something that's taking off. I do have one question: the underground storm water, is there some sort of notes on the plan as to how it's going to maintained?

R Winglovitz: that'll be part of the detailed design. We are hoping we can fit it here. We have shown a reserve that if we need it, we would put it here. We are hoping that we can fit in all in the above ground area. Just South of the parking lot.

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D Dulgarian: now, obviously your neighbors here are talking about all the water run-off that they are having now. Dick, With all this additional black top do the numbers jive with the size of the stormwater retention, that he is going to have?

D McGoey: we haven't seen it yet.

R Winglovitz: it's only in sketch

D McGoey: ok so when we get that far, you are going to have all that done.

D McGoey: it's supposed to be less then or equal to three developments. So they have to verify that.

D Dulgarian: those are my concerns, down the road when you come back to all that is addressed. And basically, it's just the parking and stormwater. I like it though.

J Keegan: Yeah, I like it. I like the way it looks. I am a little concerned about the parking just because if you ever go to an event at Anthony's, over in New Windsor. It's always packed, the events are sold out. Every rook is packed and I am sure that he's going to do just as nice so there's no reason it won't be packed all the time. The only thing that I'm concerned about is when people come into the parking lot and they don't find it. They are going to park on Goshen Tpk, so we want to try to avoid that. Try to make as many spots as we can. For the people, I think it's going to be a great site. The only other thing is for the fire truck, with a packed house and every spot taken. If you get something going on in the kitchen area, which is in the back of the building, and a fire truck can't get in to maneuver and get around that circle. That might be a major problem, because you are going to have every spot full. That's kind of where, al lot of the times, where the emergencies take place, where the cooking is going on so I would definitely check with the fire department, see if that's something.

R Winglovitz: we have run the fire truck through there, but we haven't gotten specifically what this departments truck is Mechanicstown, so they

J Keegan: it doesn't have to be a ladder truck just any truck engine that comes in there, just so they can get around

R Winglovitz: we will actually do a template and submit with the next plan. So that we can show how that works

J Keegan: those are my only concerns.

B Capozella: For tonight we are just got to go to the ZBA anyway?

G Lake: No

B Capozella: no it's just sketch

G Lake: just sketch

B Capozella, Ok then I'm ok with the sketch right now.

C Najac: if we can work something out with the parking issue, at least with the church. An agreement with the church. What we do 50 years now, so if we can work that out then the rest of it looks really nice. I like the design and the concept was great the last time you proposed it so. Let's continue