

**TOWN OF WALLKILL  
PLANNING BOARD**

**Referral to ZBA**

**WHEREAS**, Orange County Dinosaur Park LLC (the “Applicant”) submitted to the Planning Board of the Town of Wallkill (“Planning Board”) an application for Site Plan approval, and issuance of a Special Permit to construct and operate a dinosaur-themed private recreational venue (“Dinosaur Park”), on those certain premises (“Premises”) located north of Shawangunk Road, west of Goshen Turnpike (Orange County Route 101), south of Tarbell Road and east of Weld Road, and east of New York State Route 17 between exits 116 to the north and 118 to the south, in the Town of Wallkill, Orange County, New York. The subject property is identified on Town of Wallkill Tax Maps as Section 3 Block 1 Lot 9 and Section 3 Block 1 Lot 120 containing ±137 acres; and

**WHEREAS**, in connection with seeking the aforementioned site plan approval and special use permit, the Applicant also submitted an application to consolidate Tax Lots 9 and 120 into a single lot; and

**WHEREAS**, the Premises are situated in the Rural Agricultural District, and in the RA District a “public or private, recreation facility” is a use that is permitted via issuance of a Special Use Permit by the Planning Board; and

**WHEREAS**, the proposed Dinosaur Park will feature various life-sized animatronic dinosaurs where families and school children will be able to experience numerous educational and recreational opportunities while viewing the dinosaurs and other attractions at the park, by either walking the trails on the grounds or by a small train; and

**WHEREAS**, the Dinosaur Park, as proposed, will consist of 126 different features, as follows:

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|----|---|
| 96 | DINOSAUR EXHIBITS                                       |
| 1  | 180' X 60' DINING/COOLING AREA                          |
| 2  | CHILDREN PARTY TENTS/AREAS                              |
| 2  | TROLLEY STATIONS (UPPER & LOWER)                        |
| 6  | GEODESIC EDUCATION DOMES                                |
| 1  | TRAIN STATION & FIRST AID                               |
| 1  | AMPHITHEATER TENT                                       |
| 2  | 40' x 60' DINO-SCOOTER TENTS/AREAS                      |
| 1  | 60' DIAMETER PLANT CONSERVATORY                         |
| 1  | CAROUSEL RIDE (Site Plan indicates DOL permit required) |
| 1  | 30' x 40' DINOSAUR SCOOTER TENT/AREA                    |
| 2  | MAZES   |
| 2  | SKELETON / FOSSIL EXCAVATION TENT/AREA                  |
| 1  | DINO-DIG FOSSIL EXCAVATION TENT/AREA                    |

7	PLAYGROUNDS
1	50' x 50' ROTATING EXHIBIT
126	Total

**WHEREAS**, in the RA District, recreational uses are allowed, as follows:

- (4) Public, or private, recreation facilities and open space, other than for a single-family residence, including playgrounds, swimming pools, lakes, golf courses and clubhouse, including the sale of food and drink, provided that:
  - (a) Such use shall occupy a lot with an area of not less than two acres.
  - (b) No building or structure shall be erected nearer than 50 feet to any lot line.
  - (c) Plans for all outdoor public address systems are approved by the Planning Board.
  - (d) Plans for lighting of outdoor recreational facilities are approved by the Planning Board.

**WHEREAS**, there are certain legal limitations on the Planning Board's authority to interpret the Town Code, and, with respect to a determination as to whether a proposed use is allowed in a particular zoning district, the Planning Board members are to use their commonsense judgment to determine if the proposed use is clearly allowed under the relevant provisions of the applicable town code; and

**WHEREAS**, the members of the Planning Board have thoroughly vetted the relevant elements of the proposed Dinosaur Park, and they verily believe that the proposed Dinosaur Park will be a beneficial use for the overall community and Hudson Valley region, and that the proposed Dinosaur Park:

- (1) Is properly located in regard to transportation, water supply, waste disposal, fire protection, police protection or other facilities,
- (2) Will not create undue traffic or congestion or traffic hazards,
- (3) Will not adversely affect the value of property, character of the neighborhood or the pattern of development,
- (4) Will encourage appropriate use of land consistent with the needs of the Town of Wallkill, and

(5) Will not impair the public health, safety and general welfare, all subject to the imposition of relevant conditions as are determined via the site plan review and SEQRA process; and

**WHEREAS**, by reason of these limitations on the Planning Board's authority to interpret the Town Code, the Planning Board felt that it was appropriate for it to refer this matter to the Zoning Board of Appeals of the Town of Wallkill for the Zoning Board of Appeals to render an interpretation as to whether the proposed Dinosaur Park is a "Public, or private, recreation facility" that is allowed in the RA - Rural Agricultural District via a special use permit; and

**WHEREAS**, the Planning Board determined that its review and action on this matter constitutes a Type 1 Action for the purpose of SEQRA; and

**WHEREAS**, the Planning Board circulated a Notice of Intent dated April 7, 2021 for such lead agency designation, to all identified involved and interested agencies in accordance with SEQRA to which no objections were received in response thereto; and

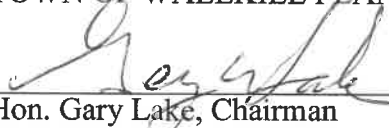
**WHEREAS**, the Planning Board has not made a determination of significance under SEQRA with respect to this matter; and

**WHEREAS**, on September 8, 2021 and September 15, 2021, the Planning Board conducted a public hearing on the Special Permit in accordance with the requirements of the Zoning Law regarding the Project and all persons who wished to be heard were given an opportunity to be heard; and

**NOW, THEREFORE, BE IT RESOLVED** that on a motion by Andy Guattery and seconded by Doug Dulgarian, and carried by a vote 3 Ayes, 2 Nays, that the within matter is hereby referred by the Planning Board to the ZBA for consideration of an interpretation of the applicable provisions of the Town Code as to whether the Dinosaur Park, as proposed, is a "Public, or private, recreation facility" that would be allowed in the Rural Agricultural District via the issuance of a special use permit.

Dated: **October 6, 2021**

TOWN OF WALLKILL PLANNING BOARD

  
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Hon. Gary Lake, Chairman

The original of this resolution was filed with the Town Clerk on **October 14, 2021**

A copy of this resolution was filed with the Town Building Dept. **October 14, 2021**

A copy of this resolution was filed with the Clerk of the ZBA on **October 14, 2021**

A copy of this resolution was mailed to the applicant on **October 14, 2021**

