

MINUTES

Town of Wappinger Planning Board
January 20, 2010
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mr. Kickham:	Member
Ms. Leed:	Member	Ms. Bettina:	Member
Mr. Valdati:	Member	Mr. Malafronte:	Member

Members Absent:

Mrs. Smith: Member

Others Present:

Mr. Gray,	Engineer to the Town
Mr. Horan,	Acting Attorney to the Town
Mr. Stolman,	Planner to Town
Mrs. Roberti,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Friendly Motorcars -PH Adjourned to March 1, 2010.

Discussions:

BAC Properties, LLC	-To resubmit.
Spooge, Inc.	-To vote on site plan, February 1, 2010.
All Angels Hgts. Subdivision	-To resubmit.
Alexander-Parcel A	-Public Hearing on February 1, 2010.

Miscellaneous:

Rao Kennel -Sent to ZBA for Interpretation.

09-3191/4040 The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 and Article VIII, Section 240-46 of the Town Law on the application of **Friendly Motorcars**. The applicant is seeking approval of amending their site plan for an 18,171 sf addition, 44 additional parking spaces and renovations to the existing dealership which is located on 5 acres in an HB Zoning District. The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger. (Swartz)

Present: Don Swartz - Architect
Michael Ostrow - Applicant
Mark Kornhaas - Engineer

Mr. Kickham: Motion to open the public hearing.
Ms. Leed: Second the motion
Vote: All present voted aye.

Mr. Swartz: *Presentation made to the public and Planning Board for the proposed project.* This will be an 18,171 addition with the entrance remaining off of Old Post Road. We have 173 spaces and we propose 203 spaces for a net gain of 30 spaces. There will be no disturbance to the east side by this line here. The existing chain link fence will be continued and closed off on the northerly property line. We will then plant conifer pines in this area here. Our lighting plan meets the zoning code. The service doors will not open to the rear of the property and the building colors are set by corporate. There will be metal panels of blue with silver gray and glass. *Gave views of each side and function of the proposed building.*

Mr. Kornhaas: Currently this site is served by private well and septic and the applicant is looking to extend the sewer and water to the site from the line from Adams. We will then abandon the septic and the well. Nothing new is really proposed from the last site plan. In terms of storm drainage, it mimics the previously approved plan. There is no disturbance proposed beyond here. All this will be graded and it will drain forward and we are proposing a collection system for the entire site. It will all come this way to the front and then it will be treated and put into the town's existing storm drainage.

Mr. Fanuele: Is there anyone in the audience with a comment?

Mrs. Zorillo: Lauren Zorillo, 17 Beechwood Circle. We have quite a few environmental issues that have been going on for over five years. The first phase was never completed and we have made quite a few complaints. We have several pictures with us showing 40 foot trees that were ripped out and replaced with 5 foot trees in their place. The existing parking lot is already in our backyard and our property value has already been lowered \$40,000.00 because of what was going on. The existing lighting on the building is not down cast and shines at us. When I called Mr. Ostrow he told me I should go to Home Depot and buy blinds and hung

up on me. Our well is less than 1000 ft. from this proposed fence so if they are going to be changing to sewer lines we are concerned about the runoff that will be happening at our property as well. To begin with, an original line of site was never done and we believe all of this stems from that. The rock wall that was done doesn't even come to our property. But the things that were done now cause problems to the three abutting properties, flooding into our backyards, into our basements and into our front yards. Every single morning at 1:30 am there is a tow truck that comes into the back of the building and beeps while unloading a car. When this started five years ago they had mounds of dirt, they started then stopped. They received a SUP to conduct business from 12:00 am through 7:00 am which goes against the noise ordinance and it woke up our infant children every single day and when we called the town we were told we should call the state police because it's a noise issue although we did several times and we have it documented. The state police had to go there and ask them to shut down several times. So while we want this project finished and it looks great, we are extremely concerned that this is going to take another five years and lower our property value even more. The noise and the lighting is a huge concern. Although we understand it sounds good that they will have down lighting and the water will go to the front we really want you to see what it looks like. We have pictures and come to our homes like Tania and George did to see the problems that we have. Also the Indiana Bats should be studied for this site.

Mr. Stolman: You're saying a line of sight was never done?

Mr. Zorillo: William Zorillo, 17 Beechwood Circle. In the rear we have one row of trees and our house is directly in contact with the building. Other properties have two or three rows staggered of trees which basically blocks out the fence. We were told at our meeting with Joe Ruggerio that there wasn't a line of sight done and that it was an oversight. This now pitches down toward my yard and all the water runs into my yard.

Mrs. Zorillo: How long will this take?

Mr. Swartz: We expect to begin in 2011 and it will take about 12 months to complete.

Mrs. Pierson: Fran Pierson, 11 Beechwood Circle. Since they started taking down trees I'm flooded. It's like a lake back there and I'm there 45 years and it was never like this before. Jay Paggi came out and agreed it was water from Mercedes. Even the engineer from Adams came out to help but said it was water from Mercedes. I have pictures of water flowing toward my house. I don't dare leave during rain because I have to make sure it flows around my house. I dug a swale to try to pitch it away. This started when Mercedes moved in and started moving things around.

Mr. Fanuele: We won't have all the answers tonight but we will look into this.

Ms. Leed: Can you describe the buffer for us? Will there be any more screening for the neighbors?

- Mr. Swartz: There are significant changes to the existing conditions. Right now the fence has stopped short, which was where it was on the original plans but now it will go to the property line on the north side.
- Mrs. Zorillo: You mean the 8 foot chain link fence that doesn't cover anything.
- Mr. Swartz: We wanted to put up a taller fence but the ordinance wouldn't allow it. We would also add 12 foot trees along the rear. (Pine Trees)
- Mrs. Zorillo: They may be 12 ft tall but can you see in these pictures from my yard.....
- Mr. Fanuele: I suggest a site visit from their yard.
- Mr. Swartz: We are not destroying any deciduous trees, we are adding conifers. Also Morris Associates did our original plans.
- Mrs. Pierson: Renovation to me means to improve not add on.
- Mr. Fanuele: We will visit this site. We will also respond to your comments after that.
- Mr. Zorillo: This looks like a beautiful building but we do have concerns.
- Ms. Leed: Is the noise ordinance enforceable?
- Mr. Stolman: We will look into that as well as all the comments made tonight.
- Multiple conversations took place at this time.*
- Mrs. Pierson: Can you explain the water and sewer again?
- Mr. Swartz: Went over the plan again.
- Mrs. Godfrey: Diane Godfrey, Beechwood Circle. We hear the noise at night and we are not even close to this. Trucks come into this in the middle of the night.
- Ms. Bettina: Motion to adjourn this until March 1, 2010.**
- Mr. Malafronte: Second the motion
- Vote: All present voted aye.
- Mr. Fanuele: We will have a site visit to 11 & 17 Beechwood Circle this Saturday morning at 9:00 am.
- Mr. Swartz: Thank you.

09-3181 / BAC Properties, LLC: To discuss a full build-out of the existing site. The applicant is proposing a 19,440 sq. ft. building for office, equipment rental and a display area on 10 acres in an AI Zoning District. The property is located at **30 Airport Drive** and is identified as **Tax Grid No. 6259-04-578332** in the Town of Wappinger. (Povall)

Present: Bill Povall - Engineer
B. Ciccone - Applicant

Mr. Povall: We are here with revised plans for this meeting. This will be the second building on this 10 acre lot. Formally this was Dutchess Landscaping which received approval for two phases to build both buildings. The second phase to build this building expired since the former owner could not afford to build it. This layout tonight is similar to the one approved originally. It is 19,440 sq. ft. and the display area in the front is for contractor rental equipment and is 260 feet from the road and the front parking lot is within the 100 ft. buffer and we are looking for the PB to approve that. The bulk grading had already been done by Dutchess Landscaping. The SW basin was also built out as part of the original site plan. The new building will be office and warehouse space.

Mr. Gray: We have mostly clarification issues.

Mr. Stolman: We didn't really address the wetland issues in the past. The wetland buffer comes up to the proposed building and the heavy display area is in the buffer. We would prefer the heavy equipment to be placed outside the buffer area.

Mr. Povall: The owner needs the front for display and the work has already occurred there. We are proposing to catch the runoff if any into the catch basins with oil & water separators. So it will be controlled and treated before it gets into the wetlands.

Mr. Valdati: How is it treated?

Mr. Povall: Through a 4 bay with wetland plantings.

Mr. Valdati: Has the engineer reviewed this?

Mr. Gray: It has been reviewed and is part of our memo. This was a parking lot before.

Mr. Malafronte: Does this call for one or two separators?

Mr. Povall: We can add 2 with baffles.

Mr. Valdati: How many trucks will be parked there?

Mr. Povall: About 25 trucks.

- Mr. Stolman: We want to protect that wetland as much as possible.
- Mr. Gray: What type of vehicles are you proposing?
- Mr. Povall: I'm not sure at this time. It could a bulldozer, etc.
- Mr. Kickham: I think it should come out of the buffer completely. Move the building back and take out the parking. This should be designed for a worse case scenario. I don't want it there but if it is then I want a total capture system.
- Mr. Valdati: I agree with my colleague.
- Mr. Povall: The display area is in the buffer but the water is being captured and treated.
- Mr. Fanuele: If we allow the display area you will need to pave it.
- Mr. Gray: Shale which is what's there becomes very hard and is close to paving. How many vehicles will be in the display area?
- Mr. Povall: About 25 vehicles.
- Ms. Leed: That's a lot. You don't need 25 vehicles in the display area.
- Mr. Kickham: What kind of signage are you proposing?
- Mr. Povall: I'm not sure at this time. The heavy equipment in the display area is important to the client so that his customer's can see what is available.
- A discussion took place regarding the display area.*
- Mr. Fanuele: How many members think it should be eliminated?
- Mr. Kickham: *Raised his hand.*
- Mr. Valdati: If not removed then highly protected.
- Ms. Leed: It seems excessive.
- Mr. Povall: This is very similar to what was approved here before.
- Mr. Fanuele: Then come up with something to please the board members.

Mr. Povall: May I meet with David and Bob?

Mr. Fanuele: Yes.

Mr. Horan: Will the display vehicles be there just during the day or overnight as well?

Mr. Povall: Overnight too. I will resubmit. Thank you.

09-3178 / Spooqe, Inc.: To discuss consideration of a SEQR Negative Declaration to construction of an office building totaling 3,168 sf. The building will be a two-story office building consisting of 1,152 sf on each floor and an attached garage that will be 864 sf and used for office and storage space. The lot is in the HB zoning district and the acreage is .27. This is located at **684 Old Route 9No.** and is identified as **Tax Grid No. 6157-02-602780** in the Town of Wappinger. (Povall)

Present: Bill Povall - Engineer
Michael Witkowski - Applicant

Mr. Povall: This is a call center located between Route 9 and Old Route 9. This is a narrow small lot with a drainage ditch along Route 9. We need to obtain a DEC Wetland Disturbance Permit and at this point the Dec deems this complete but they require a neg. dec. before they will issue one. We would like to move forward and complete SEQRA.

Mr. Fanuele: Is this doable David?

Mr. Stolman: Yes. We can do one separately from the other.

Mr. Povall: We are looking for a conditional approval.

Mr. Stolman: We don't like to have too many outstanding issues in the resolutions.

Mr. Povall: Most of the comments are landscaping related.

Mr. Stolman: Fine we can move forward.

Mr. Valdati: Motion to authorize the planner to write a resolution of final site plan approval.

Mr. Kickham: Second the motion

Vote: All present voted aye.

Mr. Povall: Thank you.

09-5152 / All Angels Hgts Subdivision - To discuss an 8 lot subdivision on 22.84 acres in an R-40 Zoning District The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid Nos. 6259-03-410112** in the Town of Wappinger. (Barger)

Present: Dick Barger - Engineer
Robert Macho - Applicant

Mr. Barger: We were here for the conceptual and now we are back. We are in the process of getting the bat study done and we are proposing a SWM system in the buffer.

Mr. Fanuele: How long before the bat study is ready?

Mr. Barger: About a month.

Mr. Macho: We don't have any species of the trees for the bats on our property.

Mr. Gray: They need to do the study at a certain time of year.

Mr. Fanuele: Is this will wells and septic?

Mr. Barger: Yes.

Mr. Gray: Can the SW be moved out of the buffer?

Mr. Barger: Not really. I still have to go to the ACOE.

Discussion took place regarding the wetlands and the septic for the lots.

Mr. Fanuele: What goes first with the pond, the ACOE or the town wetlands?

Mr. Stolman: Either sometimes. Bob, do you feel this is a good location.

Mr. Gray: Yes and we can look at the treatment up stream also to slow it down.

Mr. Barger: If the ACOE says ok to the location will you also ok it?

Mr. Stolman: Yes.

Mr. Gray: So come back once you have the bat study and the ACOE.

Mr. Barger: Thank you.

09-3187 / 4041 Alexander – Parcel A: To discuss leasing a portion of an existing contractor yard for the purpose of parking trucks and servicing vehicles for Bottini Fuel Oil Co.(TOJE Realty) in a GB zoning district on 6.36 acres. The property is located at **288 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-483156** in the Town of Wappinger. (Barger)

Present: Dick Barger - Engineer
Brian Bottini - Applicant
Richard Olson - Attorney

Mr. Olson: The changes we are proposing are minimal. We have moved the entrance down at the request of the DCDPW. The Zoning Administrator has determined that this is a permitted use and we have already gone through the comments from the consultants and we have no objections to any of the conditions. One request I am going to make of the board tonight is under 240-88B of your code that you can waive the public hearing.

Mr. Barger: I haven't applied for the permit from the county yet but I will once it's approved.

Mr. Fanuele: What about the letter from the DPW?

Mr. Barger: We received a conceptual form the county so far.

Mr. Olson: They speak to the tanks and they will be empty tanks when stored there.

Mr. Stolman: What about the trucks?

Mr. Bottini: The trucks are empty at the end of the day.

Mr. Malafronte: How many trucks will be there?

Mr. Bottini: Roughly 28 to 32.

Discussion regarding fueling of trucks took place.

Mr. Malafronte: What kind of drainage is there? Does it leech into the stream?

Mr. Barger: There is a swale here and here.

Mr. Gray: We ask that Dick prepare a drainage report on this because with the vehicles there is no water separation at all on this property.

Mr. Valdati: We have certainly talked at great length about this with other properties and this looks like it is in the same venue.

Mr. Gray: You look like you are about 100 feet from the creek so look at oil/water separators.

- Mr. Stolman: Also look at the DC Planning letter.
- Ms. Leed: I think a public hearing would be beneficial.
- Mr. Olson: If a public hearing will be required can we have it on February 1st?
- Mr. Fanuele: Yes we will set your public hearing for February 1, 2010.
- Mr. Barger: Thank you.

Rao Kennel: The Town Board has referred a request for a kennel on Route 82. The owners are requesting relief from the town code to operate a commercial pet resort kennel. The property is on **Route 82** and is identified as **Tax Grid No. 6356-01-282945** in the Town of Wappinger.

- Mr. Fanuele: This was referred to us from the town board. They are looking for a zone change. Do we want a kennel on Route 82?
- Mr. Bettina: My constituents have concerns with this being a residential district.
- Mr. Stolman: For a commercial kennel you need to have 10 acres. The owner went to Tania and she made a determination that there must be a vet office associated with it.
- Mr. Bettina: This is a commercial kennel and the parcel is small.
- Mr. Fanuele: The parcel is also very narrow.
- Mr. Valdati: So this is two acres and does he want relief from that and also relief from separation of a veterinarian's office?
- Mr. Stolman: I believe this is an issue for the ZBA not the PB.
- Mr. Valdati: We need clarification from Tania on how she determines our code.
- Mr. Horan: In Tania's defense the code says 'and' where it should say 'or'. The ZBA has the jurisdiction to determine area variances.
- Mr. Valdati: Let the supervisor know that the function of the PB is not T/law 267 but that of the ZBA.
- Mr. Bettina: We need clarification on the code. I think the code is ambiguous, it seems you can have dogs on two acres to raise them but if I am going to sell them I need 10 acres.
- Mr. Stolman: A private kennel is 3 or more dogs over the age of 5 months for non-commercial use.

Discussion continued.

Mr. Fanuele: Ok we will send Chris a memo.

Mr. Valdati: Motion to adjourn.

Mr. Kickham: Second the motion.

Vote: All present voted aye.

The meeting ended at 9:30 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board