

MINUTES

Town of Wappinger Planning Board
February 1, 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. Hobday,	Acting Engineer to the Town
Ms. Cobb,	Acting Attorney to the Town
Ms. Richardson,	Acting Attorney to the Town
Mr. Lange,	Planner to Town
Mrs. Roberti,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Alexander – Parcel A -PH Adjourned to March 1, 2010.

Discussions:

Dr. Soot -To resubmit.

Spooge, Inc. -Approved resolution as written.

Miscellaneous:

Wappinger Gardens -To send out L.A. once application received.

Extensions:

Adams Fairacre Farms -Six month extension granted on site plan.

Conceptual:

WCSD Bus Parking -To submit site plan.

09-3187 / 4041: The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Alexander – Parcel A**. The applicant is seeking site plan and SUP approval of the proposed leasing of 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)(Olson)

Present: Steve Burns - Engineer
Brian Bottini - Applicant
Richard Olson - Attorney

Mr. Kickham: Motion to open the public hearing.

Ms. Bettina: Second the motion

Vote: All present voted aye.

Mr. Olson: Our client intends on leasing a portion of the site for 32 vehicles and storage for empty fuel tanks. The DPW wants the entrance moved away from the traffic light and the issue of the oil/water separator has been resolved with the engineers.

Mr. Fanuele: Are there any questions from the public? Hearing none.

Mr. Malafronte: In the DC Planning letter, they have remarks concerning the berm and the non-conforming use of the site.

Mr. Olson: That doesn't apply and the Zoning Administrator has made her determination that this does conform.

Mr. Fanuele: Ed Rose from the Airport has determined that this area is in the Runway Protection Zone.

Mr. Olson: Their goal is to have nothing in that zone. Simply parking vehicles doesn't apply. The regulations apply to height.

Mr. Malafronte: What about cleaning of the vehicles?

Mr. Olson: We are handling that with the engineers as well.

Mr. Fanuele: We have met with Ed Rose and he doesn't want this there.

Mr. Olson: We do have a conceptual that would move the dumpster and some of the vehicles out of the protection zone as an alternative for you. There will be no cleaning of the vehicles at this site.

- Mr. Malafronte: Is this gravel there?
- Mr. Olson: It is hard packed and we are leaving it as it is.
- Mr. Bailey: Martin Bailey, Widmer Road. Are you dis-assembling any vehicles and what are the state regulations for this?
- Mr. Olson: No we will not be doing any repairs or maintenance here. We are only using this for parking.
- Mr. Fanuele: We will adjourn this to March 1, 2010 for you to get the survey.**
- Mr. Kickham: So moved.
- Ms. Bettina: Second the motion
- Vote: All present voted aye.

06-3129 / Dr. Soot – To discuss an amended site plan to construct a 40’ X 60’ storage garage on a 1.7 acre parcel in the GB zoning district. The property is located at **735 Old Route 9 No.** and is identified as **Tax Grid No. 6157-02-543900** in the Town of Wappinger. (Barger)(Richardson)(Sarcone)

- Present: Steve Burns - Engineer
John Sarcone - Attorney
- Mr. Sarcone: We have made a submission and have pictures also. Mr. Burns submitted a final site plan and all the items in the site plan meet current zoning regulations to do with grading, parking, setbacks, height, etc. Mr. Burns, is this all correct?
- Mr. Burns: Yes.
- Mr. Sarcone: Mr. Chairman we would like a neg. dec. for SEQRA voted on tonight.
- Mr. Fanuele: The parking and the backing into the street are not acceptable to this board and they never came back to address it. This is the first time coming back and now they say they are not going to do anything.
- Mr. Sarcone: We are not going to do it. We are not required too and it has nothing to do with the current structure that is being proposed. In fact there is nothing in the code to prohibit the trailer that is there. This is a small business and I have consulted all the bills and they have spent over \$20,000.00 for a simple garage. This business came in and took over a dilapidated building and turned it into a nice structure. They are in conformance with the code and the whole road backs in and out.
- Mr. Fanuele: You are arguing to the wrong people because we are not going to approve this with the way it is now.

- Mrs. Richardson: There has been no public hearing yet and this board has never accepted this application as complete. The PB has the authority to request changes that relate to the use of the site. At this time the PB is not in a position to vote on this.
- Mr. Valdati: We understand the protocol on how to move to a public hearing and then vote for completeness. What is at issue is that this gentleman suggests that there is no merit here to comply with Section 240-96(C) 4 of our zoning law. We have letters here from David Stolman our planner that suggest that this is not in compliance, so that I would need to know. Also it is suggested that no where is it stated that a trailer can be prohibited by being placed on any business. I think that flies in the face of good planning and zoning and again I heard things that if we vote it down that they will go to the next step which implies litigation. We are here to look to see if we can craft a project as you wish to be good neighbors and to see if you expand that you maintain a good neighbor quality and comply with good sound planning principles and zoning requirements.
- Mr. Sarcone: I understand your comments but three years for approval is a longtime. I'm here to state we won't change the plans.
- Mr. Fanuele: We didn't hold up the applicant. They didn't come back for over 6 months and I resent your statements. Until you fix the parking we are not ready to approve this.
- Mr. Lange: When you come and change the site, the pre-existing goes away. It does not count anymore. You are supposed to bring the site up to standards and it is not up to standards. We have asked for very simple items and they haven't been complied with.
- Mr. Sarcone: I have gone over everything and I am of the firm opinion that this is not required. There was never a site plan.
- Mr. Lange: What does that matter? You need to submit to us a modified site plan when you ask for approval from this board.
- Mr. Sarcone: And we did.
- Mr. Lange: But you haven't modified the things that were asked.
- Mr. Sarcone: Actually if they withdrew the application, then what? They are still backing out. They are in compliance with this plan. They are not changing anything.
- Mr. Fanuele: That's a matter of opinion and I think you heard the difference of opinion.
- Mr. Sarcone: So where do we stand?

- Mr. Lange: Your parking spaces don't meet the town standards. Do you want us to approve something substandard?
- Mr. Sarcone: They do meet the town standards based under law. Our clients have the right to use the parking that is in existence.
- Mr. Lange: They do not meet the town's standard of 10' X 20'.
- Mr. Sarcone: So are you going around and indiscriminately selecting who you want to enforce that with?
- Mr. Lange: Sir you came to us.
- Mr. Sarcone: No sir. You came to them and said you're in violation by having this trailer which they weren't. But they said ok we will put a garage in and make it look nice and now what they are being asked to do is to comply with current zoning. They don't have to do that. We have asked the board to make a decision of declaration under SEQRA.
- Mr. Fanuele: We are not going to grant anything until we see the plans. We don't accept this plan yet so we can't go any further until we accept a plan.
- Mr. Sarcone: So can I call for a vote on that.
- Mr. Fanuele: We're not going to vote on anything.
- Mrs. Richardson: I think the applicant can withdraw their application if they choose too. They can't require you to vote one way or another.
- Mr. Sarcone: The applicant is not withdrawing.
- Mr. Fanuele: We won't vote under advice from attorney.
- Mrs. Richardson: The applicant can withdraw the application. This board does not have the authority so this is really your client's opportunity or option to proceed.
- Mr. Sarcone: Again I will speak with my client and see what they want to do.
- Mr. Valdati: That sounds like a good idea. I would like our consultants to the board to amplify some of the items that were specified here in our letter from F.P. Clark. Specifically I am speaking about item d on page 3 and page 2 item 1a. Also we want a firm statement regarding the trailer on the site. So please get back to us with that.
- Mr. Sarcone: Thank you.

09-3178 / Spooge, Inc.: To vote on the site plan and neg. dec. for the 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

Mr. Povall: We have no changes tonight.

Mr. Fanuele: Any comments on the resolution?

Mr. Malafronte: Are all the items addressed?

Mr. Povall: Any outstanding comments are pending approval of the resolution. We need a neg. dec. from the PB to allow us to go to the DEC.

Mr. Valdati: Motion to move the resolution as written.

Mr. Kickham: Second the motion

Roll call: Ms. Leed: Aye.
Mr. Malafronte: Aye.
Mr. Kickham: Aye.
Mr. Valdati: Aye.
Ms. Bettina: Aye.
Mr. Fanuele: Aye.

Mr. Povall: Thank you.

Wappinger Gardens Development: To circulate for Lead Agency. The property is located on **Route 9D** and is identified as **Tax Grid No. 6057-04-898012** in the Town of Wappinger.

Present: Michael Gillespie - Engineer
John O'Donnell
Michael Barnett

Mr. Gillespie: *Gave a full presentation to the PB on the proposed zone change and project. This is a 49 acre parcel on Route 9D. We are looking to circulate for Lead Agency and the Town Board feels this board should be the lead agency.*

Mr. Fanuele: How does the board feel?

Mr. Valdati: I will move a resolution to circulate for Lead Agency.

Mr. Malafronte: Second the motion

Vote: All present voted aye.

- Mr. Gillespie: Water & Sewer are our big issues and we have been working with the professionals on this.
- Mr. Fanuele: You need to bring in an application and escrow fees.
- Ms. Cobb: What we would recommend is bump that up to \$25,000.00 that the PB can then use to circulate for L.A.
- Mr. Gillespie: We sent a letter indicating that we would do that.
- Mr. Valdati: I understand that you are looking to tie into water and sewer?
- Mr. Gillespie: There are a lot of technical issues but yes. After the 30 days to circulate we will come back to you with a nice presentation.

Discussion continued on procedures.

- Mr. Gillespie: Thank you.

07-3135 / Adams Fairacre Farms - Seeking their first 6 month extension on final site plan approval for the construction of a 76,327 sf building , garden center and nursery on 12.84 acres in an HB/HD Zoning District. This extension would begin on February 2, 2010 and expire on August 1, 2010. The property is located at **152, 154 & 158 Old Post Road** and is identified as **Tax Grid Nos. 6157-04-649374/614375/649335** in the Town of Wappinger. (Tinkelman)(LA: 10-19-07) (Closed Public Hearing 10-6-08)(Final approval granted on February 2, 2009.)

- Mr. Kickham: Motion to grant a 6 month extension.**
- Mr. Valdati: Second the motion
- Vote: All present voted aye.

10-3197 / WCSD (Centralized School Bus Parking) – To discuss a site plan to centralize the school bus parking for WCSD with 160 school buses used to transport students on a 23.97 acre parcel in the AI zoning district. The property is located at **160 Airport Drive**. and is identified as **Tax Grid No. 6259-04-815490** in the Town of Wappinger. (Povall)

- Present: Bill Povall - Engineer
Nat Picco - Owner
Michelle Maloney – WCSD
Tim Kardashian - WCSD

- Mr. Povall: This is the old Mid Hudson Hardwood site. This is a 23 acre site which then became the Ramp Transportation site owned by Nat Picco. This has a 4,600 sq. ft. building with some paved area in the front and the rest of the parking is gravel. The WCSD is looking to park their buses from the Fishkill Plains site which is currently being used but is no longer suitable. WCSD is looking to consolidate all the parking of the buses to make it safer in one area. We are looking for 160 school bus parking spaces and 164 spaces for employees. There are approximately 130 buses used daily and there are 180 school days each year. There would be 129 runs in the morning and 130 runs in the afternoon. There are 2 bays currently inside the building and they would have DOT inspections twice a week and it would include some maintenance. All heavy maintenance is done at the garage at Wappinger Junior High. The fueling of the buses is done at Wappinger Junior High and Fishkill Plains Elementary.
- Mr. Fanuele: How often do the buses re-fuel?
- Mr. Kardashian: About every 4 days.
- Mr. Valdati: What time do the buses start in the morning?
- Mr. Povall: *Gave break down of the run times.*
- Mr. Fanuele: So they will be staggered?
- Mr. Povall: Yes.
- Mr. Valdati: How long are they started up for?
- Mr. Povall: About 5 minutes. They exit from Airport Drive to Route 376.
- Mr. Fanuele: Soon they will need a traffic light there.
- Mr. Povall: We had a conversation with the DOT and there is a left turn there and turn lanes to come into Airport Drive.
- Mr. Lange: You may want a traffic study for this.
- Mr. Valdati: Conceptually I'm interested.
- Mr. Malafronte: With 160 buses, will you be doing mitigation for the run-off?
- Mr. Povall: We are planning on using it as is. We have retention basins there now and the landscape berm has already been put in. The drainage is captured at the berm and sent to the basins. There is an urgency of time here for the district. They need to leave their current location.

Mr. Valdati: Were studies done about diesel buses being started by the district?

Mrs. Maloney: Yes.

Mr. Valdati: Please include those studies with your submission.

Mr. Hobday: Also include winter conditions with respect to snow removal.

Mr. Fanuele: Put all this together and make a formal submission.

Mr. Povall: Thank you.

Mr. Kickham: Motion to go into executive session.

Mr. Valdati: Second the motion

Vote: All present voted aye.

Mr. Valdati: Motion to come out of executive session.

Ms. Bettina: Second the motion

Vote: All present voted aye.

Site Visit: Site visit taken on Saturday, January 23, 2010 for Friendly Motorcars.

Mr. Valdati: Motion to adjourn.

Mr. Kickham: Second the motion.

Vote: All present voted aye.

The meeting ended at 8:45 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board