

MINUTES

Town of Wappinger Planning Board
September 19, 2011
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mr. Malafronte:	Member
Mr. Valdati:	Member	Ms. Leed:	Member
Ms. Bettina:	Member	Mrs. Smith:	Member

Members Absent: Ms. Visconti: Member

Others Present: Mr. Gray, Engineer to the Town
Mr. Roberts, Attorney to the Town
Mr. Stolman, Planner to Town
Mrs. Roberti, Zoning Administrator
Mrs. Dao, Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

Bob Emig Construction Corp. Subdivision	- Approved amended resolution.
Calvary Chapel of the Hudson Valley	- To resubmit, site visit 9-24-11.
Alto Music / Renovation	- To resubmit, PH on 9-27-11

Miscellaneous:

Adams Fairacre Farms	- Approved as amended.
Villa Borghese	- Authorization to confer with consultants.

Presentation:

NYCDEP Shaft 6	- Discussion of traffic study.
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Ms. Visconti: **Motion to approve the minutes for September 7, 2011.**
Mrs. Smith: Second the motion.
Vote Roll call:
Mrs. Smith: Aye.
Ms. Leed: Aye.
Ms. Visconti: Aye.
Mr. Valdati: Aye.
Mr. Malafronte: Aye.
Mr. Fanuele: Aye.
Ms. Bettina: Absent.

Discussions:

11-3230/ Bob Emig Construction Corp. Subdivision – To vote on a proposed 2 lot subdivision on 3.02 acres in an R-40 Zoning District. The property is located at **264 Cedar Hill Rd** and is identified by **Tax Grid No. 6257-03-368048** in the Town of Wappinger. (Gillespie)(PH opened 6-6-11 adjourned to 7-6-11) (APH opened 7-6-11 adjourned to 8-1-11) (APH opened 8-1-11 closed 8-1-11)

Present Mike Gillespie Engineer

Mr. Gillespie: I have one question. There are two encroachments. One is in the front which we took care because we are clearing 25 feet back from the center of the road. And one is on the proposed lot line. A small sliver of the neighbor’s driveway comes over the edge of our property. Can we leave that alone.

Mr. Roberts: This has been existing for many years. You are not legally required to remove it. It will be there whether it’s subdivided or not.

Mr. Stolman: Page 4, item 2 we can take that item out.

Mr. Roberts: I recommend that.

Ms. Leed: The water in that area is so poor. Can you explain hydro-fracting? Is there a process if you are having trouble finding water?

Mr. Gillespie: Hydro-fracting is a last alternative.. Typically a water storage tank is put in the house if the well is poor.

Ms. Leed: The Dutchess County Board of Health approves the well.

Ms. Visconti: The DCBOH gives you the well permit and has to pass it.

Mr. Gillespie: Yes that is correct.

Mr. Gray: Sometimes hydro-fracting improves well water.

Ms. Visconti: Motion to approve the amended resolution per conversation.

Mrs. Smith: Second the motion.

Vote Roll call:

Mrs. Smith: Aye.

Ms. Leed: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Malafronte: Aye.

Mr. Fanuele: Aye.

Ms. Bettina: Absent.

10-3199 / Calvary Chapel of the Hudson Valley: - To discuss a site plan for a place of worship that would consist of 24,000 sq. ft. and 362 parking spaces on 48.86 acres in a CC & R-40 Zoning District. The property is located on **Route 376 and Diddell Road** and is identified as **Tax Grid No. 6359-03-176082** in the Town of Wappinger. (Berger)(LA sent June 1, 2010)

Present	Richard Cantor	Attorney
	Michelle Zerfas	Engineer

Mr. Cantor: I am aware there are many questions by the professionals that are not answered. It is not our intention to ignore you. We are trying to get the DEC and DOT input. When we have enough information we can answer questions. We are here tonight to give you an update.

Ms. Zarfes: This is a similar plan as seen before. The DOT asked us to shift the driveway. We met with town wetlands committee about crossing the DEC, Town wetlands consultant and Army Corp wetlands. In the past year we have been meeting with DEC, DOT and DCBOH. The DEC is running 1-2 months behind.

Ms. Visconti: I see you notified the adjoining neighbors but not across the street. You need to expand the notice past Diddell Road. You are sending all water down to them. 362 parking spaces create a lot of impervious areas.

Mr. Canter: Calvary Church will be a good neighbor. They can't change the natural flow to the detriment of neighbors. We understand not to make the water problems worse.

Mr. Valdati: Does the engineer have any comments?

Mr. Gray: I looked at the storm water.

Mr. Canter: We have a proposed layout that is reasonable.

- Ms. Visconti: The maps should have the added list of residents.
- Mr. Fanuele: Continue what you are doing.
- Mr. Gray: We did a site walk with Joe Berger about a year ago.
- Ms. Visconti: I think we should have a site visit.
- Mr. Malafronte: We should get a letter from David Sullivan with all the items addressed.
- Ms. Visconti: Mrs. Dao will contact us with a time for the site visit.
- Mr. Gray: In our comment letter we asked for all streams and water bodies should be shown. The removal of the bridge does not match what is there now.
- Mr. Canter: The traffic study question is, is it necessary?
- Mr. Stolman: I will look at the DOT letter.
- Mr. Canter: The number of parking spaces is in excess of what the town codes states. We will explain why it is needed. Also, there is an issue of material from wetlands mitigation being removed from the site. We are proposing to leave material on site otherwise we would have to take out a mining permit. Thank you.
- Mr. Fanuele: When do you feel you will back?
- Ms. Zarfaz: After we talk to the DEC.
- Mr. Fanuele: If you leave materials on site, will you fill in the wetlands.
- Ms. Visconti: Site visit on Saturday September 24, 2011 about 9:30 – 10:00am.
- Ms. Zarfaz: I will get in touch with Mrs. Dao.

11-3233 / Alto Music / Renovation - To discuss amending the previously approved (Gateway) site plan on 1.674 acres in a HD Zoning District. The property is located at **1676 Route 9** and is identified by **Tax Grid No. 6158-04-530446** in the Town of Wappinger. (Brodie)

Present Kevin Brodie Engineer
 Karen Arent Architect

Mr. Brodie: Revisions have been made since our last meeting in June.

- Ms. Arent: Describing the landscaping, I showed the enclosed dumpster, added and moved trees with screen planting. We are keeping the existing sign.
- Mr. Brodie: Read from Mr. Stolman's letter.
- Mr. Stolman: There was a comment letter from DC Planning. You might not have received it yet. We are suggesting two additional shade trees.
- Mr. Valdati: Is there any screening for the garbage receptacle?
- Ms. Arent: Yes we will have screening.
- Mr. Brodie: We added side and rear elevations, painting, and front covering windows with black metal panels 8 feet by 10 feet, with metal rods in all windows. The guitar headstocks are dark red.
- Discussion of the board against the red headstocks.*
- Mr. Haben: We will take the headstocks out.
- Ms. Visconti: You will put the trees back.
- Ms. Leed: How much light will there be if the windows are covered?
- Mr. Brodie: There will be plenty of artificial lighting.
- Ms. Visconti: How are the signs illuminated?
- Mr. Brodie: LED steady lights. It will show on the plan. I will add another sheet for the lighting. The logo is non-illuminated, the Alto Music sign will be illuminated, the existing free-standing 4 feet by six feet sign is illuminated, and are only replacing the acrylic sign.
- Ms. Visconti: Mrs. Roberti, does this meet the sign code?
- Mrs. Roberti: The code allows up to 25 square feet. They meet the code.
- Ms. Visconti: DC Planning limited lighting to no more than one foot candle.
- Ms. Leed: The lights are shielded.
- Mr. Brodie: There are already existing shielded pole lights.
- Mr. Valdati: It seems fine at this point.
- Mr. Fanuele: Is the refuge in the same place?

- Mr. Brodie: Yes, six foot high chain link fence with brown slats.
- Mr. Stolman: You wanted to raise the issue of the shade trees again. Explain to the planning board what you are proposing up front.
- Ms. Arent: (Discussion of number and placement of trees)
- Mr. Stolman: The trees on the left side are ok.
- Mrs. Roberti: We originally thought this was a change of use. This is not a change of use. This is a modification of an existing site plan.
- Mr. Fanuele: We can set a public hearing for October 3, 2011.
- Mrs. Roberti: Can you get to us a re-submission by the end of the week?
- Mr. Brodie: Yes. Thank you.

Miscellaneous:

#10-6016PP/ Adams Fairacre Farms – To discuss field changes to stone wall, signage, and fencing for the pond. The property is located at 12.84 acres in an HB/HD Zoning District. 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)

Present Mike Augello Construction Manager

Mr. Augello: We would like to make some small changes. First, the pond has a six foot fence and we are proposing a four foot fence. Also, instead of ballads we would like to continue the fence with a gate instead. It leads to gravel access road to clean the pond. The second change would be on the North side of the parking lot. Trucks are having a hard time turning. We would like to move the tree line and parking spots closer to the Mercedes property. We have a letter of consent from them. The fire hydrant also can be moved. Third, the stone retaining wall at the Masch property line changed from rock to a landscaped wall that extends a few feet. Mrs. Roberti did make a site visit. Lastly, the entry sign location needs to be moved from where it was originally approved. There are three maps showing the original location, the DOT right of way, and the area before the island. We might put the sign in the originally approved location than move it in the spring after receiving DOT approval.

Mr. Stolman: The planning board can approve this move.

- Mr. Fanuele: I have no problem with all the changes.
- Mr. Augello: For signage I will see Mrs. Roberti.
- Mrs. Roberti: You went to the ZBA for approval of signs. It is different than what was approved. You will need additional approval for the signage on the awning.
- Mr. Stolman: It is no problem as long as it complies with the code.
- Mr. Valdati: The awning signage will be added to the square footage.
- Mrs. Roberti: I want the planning board to approve the design and I will calculate the size.
- Mr. Valdati: Motion to approve the changes to the approved site plan.**
- Ms. Visconti: Second the motion.
- Vote Roll call:
- Mrs. Smith: Aye.
- Ms. Leed: Aye.
- Ms. Visconti: Aye.
- Mr. Valdati: Aye.
- Mr. Malafronte: Aye.
- Mr. Fanuele: Aye.
- Ms. Bettina: Absent.

08-3153 / Villa Borghese – To discuss project and bring the planning board up to date on the progress for the site. The property is located at 70 Widmer Road and is identified as Tax Grid No. 6158-02-880530 in the Town of Wappinger. (Paggi)

Present Larry Paggi Engineer
 Christian Paggi Engineer

- Mr. Paggi: We are putting together an application to submit to the planning board. In 1988 an approval was given that included a certain number of parking spaces to be built. The parking spaces were not built. In 2007 the site plan was amended to change the parking. (A time line sheet was handed out) The owners entered into contract to purchase 1.5 acres for additional parking. We need three approvals. They include subdivision approval, the second parcel to be rezoned to NB, and get site plan approval for additional parking.
- Mr. Fanuele: Where will the water go?
- Mr. Paggi: The water will go back into the ground. We would like permission to work offline with the Town Engineer.
- Mr. Valdati: Is that area the Porco's property where you were parking in violation of the site plan?

- Mr. Paggi: Yes it is.
- Ms. Visconti: Is 52 additional parking spaces all that you need?
- Mr. Paggi: 156 parking spaces were approved in the 1988 site plan.
- Mr. Valdati: When the upstairs is developed did you take into consideration for the parking spots?
- Mr. Stolman: I will check into that.
- Mr. Paggi: We would like to have these conversations with Mr. Stolman.
- Mr. Roberts: You have to acquire the property from Cranberry in order to implement this.
- Mr. Porco: We are ready to close as soon as possible. We can't close until we receive subdivision approval. We are in contract.
- Ms. Visconti: You are looking for authorization to talk to the professionals.
- Mr. Valdati: It is a town board issue to rezone.
- Ms. Visconti: Motion to authorize meetings with the professionals.
- Mr. Malafronte: Second the motion.
- Vote: All present voted aye.

Presentation:

11-3224 / NYCDEP Shaft 6 – To follow up on discussion of their site plan for construction activity associated with the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT) repair program, an approx. 45 mile section of the Delaware Aqueduct that conveys approx. 50 % of the drinking water for NYC & some upstate communities. The property is located at **195-209 River Road** and is identified as **Tax Grid No. 6056-01-288977** in the Town of Wappinger.(Canale)

Present Chris Villari NYCDEP
 Anthony Russo NYCDEP
 Many other consultants with the NYCDEP

- Mr. Stolman: The approved resolution from the last meeting for the movement of a boring test hole is in draft form.
- Mr. Villari: Due to the weather, we want to change the boring times from 8:00am to 6:00pm. Also, some Saturday work from 9:00am to 5:00pm.

- Mr. Stolman: Are the hours specified in the original approval?
- Mr. Villari: No, I don't think so. We will stay within the code.
- Mr. Russo: Last meeting there was concern of collecting traffic data from additional locations. Automatic traffic counts were placed in three locations. Montclair Apartments, Chelsea Ridge Apartments at both entrances and Dutchess Stadium are being studied. We are setting up meetings with the school district.
- Ms. Visconti: We requested to find out about the contractors.
- Mr. Russo: We are meeting next week with your staff and consultants. It is a work in progress.
- Mr. Fanuele: Did you make a trip up North to see what it was like?
- Mr. Russo: Yes.
- Ms. Visconti: How large are the trucks?
- Mr. Russo: The majority of the trucks are 70 feet long or smaller. The auto-turn program shows how the trucks turn through the intersection. Larger trucks are needed for a limited time.
- Ms. Visconti: What are the speeds of the trucks?
- Mr. Russo: We are discussing that. The state will be at the meeting also. Thank you.

New / Old Business:

- Mr. Valdati: I have information and examples of RFP's. Mrs. Dao, please make copies and distribute to the Planning Board and Town Board.
- Mr. Beale: If any of the planning board members would like to do the same as Mr. Valdati please make it available to all the members. I would be happy to have a joint meeting with both boards for discussion.
- Mr. Valdati: Than it would be clear and precise as to the level of correspondence from the applicants.
- Mr. Gray:** We've had meetings last week about the corner of Smithtown Road and Route 9 of the North-East corner. There is a piece of property blocking the drainage that leaves Green Fly Swamp and goes North through an office building. The property is owned by Dr. Jalaj. That property discharges into a covert which than goes under Route 9 and comes out on front of Mr. Lund's property. Last week we met with Mr. Jalaj. The Mr. Foster pulled out of 2 small covert pipes, what was blocking the pipes. There will be 2 permits

considered by the Zoning Administrator. One is for the drainage swale through Dr. Jalal's property and another drainage permit to clear that stream on Mr. Lunds property. These will be independent of their site plan. The owners would be doing this.

Mrs. Roberti: The owners would be filing for the permits and putting up escrow. Because of the backing up there are homes on Osborne Hill Road that are flooding.

Mr. Beale: Where does the water ultimately end up?

Mr. Gray: Hunters Creek, behind Viscount Liquor.

Mr. Valdati: Mrs. Roberti, temporary signs and banners, how long are they entitled to be up?

Mrs. Roberti: A promotional permit is good for 3 months. They can apply for 3 times a year for 25 days or 3 consecutive months. They do pay a fee. STS Tire and Lukoil both received tickets.

Mrs. Smith: **Motion to adjourn.**

Ms. Visconti: Second the motion.

Vote: All present voted aye.

The meeting ended at 9:00 p.m.

Respectfully submitted,

Susan Dao, Secretary
Town of Wappinger Planning Board