

MINUTES

**Town of Wappinger Planning Board
June 6, 2011
Time: 7:00 PM**

**Town Hall
20 Middlebush Road
Wappinger Falls, NY**

Members Present:

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

Others Present:

Mr. Takacs,	Engineer to the Town
Mr. Roberts,	Attorney to the Town
Mr. Stolman,	Planner to Town
Mr. Ulker-Kacar	Associate Planner
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Cablevision	-	Closed Public Hearing, Vote
Brundage	-	Vote on 6-20-11 for neg. Dec Adjourn Public Hearing to August 1, 2011.
Bob Emig Construction Corp. Subd.	-	Adjourn Public Hearing to July 6, 2011

Discussions:

Scorin (former Van Benschoten Site Plan)	-	Resolution. Approved as written
Alto Music / Renovation	-	To resubmit. Site visit June 11, 2011

Extensions:

La Fonda Del Sol	-	Granted extension to 12-14-11 w/condition
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Miscellaneous:

NYSDEP - RWBT Bypass Project.	-	Apprise PB of Draft Scope
Chelsea Ridge Mall – Generator	-	To show screening on June 20, 2011
Blackwatch Farm Estates	-	To resubmit change to ponds

Mr. Valdati: **Motion to approve the minutes for April 4, 2011 and May 16, 2011.**
Ms. Visconti: Second the motion.
Vote: All present voted aye.

Public Hearings:

10-3208 /the Town of Wappinger will conduct a public hearing pursuant to Article IX, Section 240-87 of the Town Law, on the application of **Cablevision**. The applicant is seeking an amended site plan for the construction of an 1830 sf addition for a proposed data center on 6.25 acres in an HB Zoning District. The property is located at **719 Old Route 9N** and is identified as **Tax Grid No. 6157-02-539850** in the Town of Wappinger. (BBV)

Present: Nick Williamson J & R Architect

Ms. Visconti: **Motion to open the public hearing.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.

Mr. Williamson: Explained to the audience, the Planning Board and the professionals what comments were addressed from their prior meeting and what they are proposing.

Mr. Fanuele: Asked the audience if anyone had any comments. There were none.

Ms. Visconti: Questioned Mr. Stolman if the screening was acceptable.

Ms. Ulker-Kacar: Responded, they were acceptable.

Ms. Bettina: Would like plantings around the screening.

Mr. Williamson: We can put plantings around the screening if the board would like.

Ms. Visconti: **Motion to close the public hearing.**
Mrs. Smith: Second the motion.
Vote: All present voted aye.

Ms. Visconti: **Motion to draft a resolution.**
Mr. Valdati: Second the motion.
Vote: All present voted aye.

10-3216 / the Town of Wappinger will conduct a public hearing pursuant to Article IX, Section 240-87 and Section 240-72 of the Town Law, on the application of **Brundage**. The applicant is seeking a site plan and SUP

to legalize two houses, one for rental income, one for their primary residence and a retail business on 1.76 acres in the NB Zoning District. The property is located at **2088 Route 9D** and is identified as **Tax Grid No. 6057-04-847098** in the Town of Wappinger. (Day)

Present: Jason Morris Engineer

Ms. Visconti: Motion to open the public hearing.

Ms. Bettina: Second the motion.

Vote: All present voted aye.

Mr. Morris: Explained what he is proposing on this site. There will be two houses and a retail store, also a display area for a bouncy house. This application is also for the replacement of the sewage disposal system for the second house. They are in front of the Dutchess County Department of Health to obtain approval for the replacement and for a new well location. We obtained a variance from the ZBA for placement of the monument sign.

Mr. Fanuele: Asked the audience if anyone had any comments. There were none.

Ms. Visconti: Asked Mr. Stolman if he received any answers from the previously asked information. Also if Mr. Stolman received anything from the Department of DEC, which stated a permit is needed determination of impact needs to be made by the New York Office of Parks Recreation and Historical preservation. DEC also stated the application is incomplete.

Ms. Ulker-Kacar: Responded their answers were not received yet. All items are still outstanding.

Mr. Morris: We can't get a notice of complete application unless the board grants SEQR determination. We need a public hearing in order to get SEQR determination. Spoke to Nancy Todd who said there are no historical structures on the site. A response from Shipo was received.

Mr. Stolman: Asked where do you stand with the Health Department?

Mr. Morris: Due to the weather we didn't do anything yet. We have to investigate the existing septic tank and resubmit.

Mrs. Smith: Did you get approval for the signs.

Mr. Morris: A 10 foot by 20 foot sign is on the building and we received a variance from the ZBA for a monument sign.

Mr. Roberts: I recommend doing SEQR separately. Draft a neg dec for the next meeting.

Mr. Stolman: So we'll draft the neg dec for the next meeting.

Mr. Valdati: Motion to draft a neg dec drafted for the next meeting.

Mrs. Smith: Second the motion.

Ms. Visconti: Motion to adjourn the public hearing till August 1, 2011.

Mr. Valdati: Second the motion.

Vote: All present voted aye.

11-3230 / the Town of Wappinger will conduct a public hearing pursuant to Article IX, NY pursuant to Section 276 of the Town Law, on the application of the **Bob Emig Construction Corp. Subdivision**. The applicant is seeking approval for a proposed 2 lot subdivision in an R-40 Zoning District on 3.02 acres. 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)

Present Mike Gillespie Engineer

Ms. Visconti: Motion to open the public hearing.

Mrs. Smith: Second the motion.

Vote: All present voted aye.

Mr. Gillespie: This is a two lot subdivision. Currently there is one existing lot just over 3 acres, with an existing home. It is proposed to add an addition and renovate the house. The dirt driveway will be moved and a garage will be added. The new lot will be 1.78 acres. And the other lot 1.79 acres in an R-40 zoning district. A new well is proposed for the new home. The issue was brought up about the site distance. We do meet the site distance requirements for both driveways. The Highway Superintendent wants trees and shrubs be removed for more site distance. We are not touching the rear of the property.

Mr. Morley: My name is Chris Morley and I reside at 276 Cedar Hill Road, next door. My biggest concern is water. The water in Cedar hill is bad. Most houses have about 120 foot down wells 5 houses south of me a new house had to go 650 feet down to get water this is a high concern. I now have to have two water filtration systems because it turns black in a week.

Mr. Fanuele: Are you digging one or two wells.

Mr. Gillespie: The existing home has a well. We're not sure how good it is. We would love to tie into the town water. We can drill the new well farthest from your property.

Ms. Visconti: Does the Department of Health issue a well permit? Do they check other wells?

Mr. Gillespie: It is a policy that a person is allowed to dig for water on their own property.

Ms. Visconti: How far do you anticipate digging?

Mr. Gillespie: 120 to 600 feet down. We don't know.

- Mr. Morley: The Development behind me hasn't been built due to no water.
- Ms. Leed: Is there a procedure of drilling the previous well? What is regulated?
- Mr. Gillespie: The Health Department regulates the wells. We will drill far enough from the other well.
- Ms. Visconti: Will you be able to get enough water?
- Mr. Gillespie: Five gallons per minute is what the Health Department wants. If you drill and have less a 500 gallon storage tank is possible.
- Mr. Stolman: There has only been one submittal. We need another submittal.
- Mr. Gillespie: We initiated the process with the Health Department.
- Mr. Malafronte: Mr. Lafko, do you have any comments in reference to wells?
- Mr. Lafko: Cedar Hill shows water issues. There is no reason to think the issues can't repeat themselves. I think he made a good profile of what his risks are.
- Mr. Roberts: The Dutchess County Health Department has jurisdiction with well and septic.
- Mr. Malafronte: What if it is a safety issue?
- Mr. Roberts: In small subdivisions the resolution can be adopted on the contingent on them getting Health Department approval. That's the way it's been don for the last 30 years.
- Mr. Malafronte: Then we should adjourn and wait to get some feedback from the Health Department. What if it's not approved?
- Mr. Roberts: Then they go back to the drawing board. Everyone can tap water under their ground.
- Mr. Stolman: Can you move the wells away?
- Mr. Gillespie: Yes we can push the well farther away.
- Mr. Malafronte: I think we should adjourn until approval from the Health Department is received.
- Mr. Fanuele: How is the supply from the other well?
- Mr. Emig: It's a strong well. We ran it for hours.
- Mr. Stolman: I would like another set of plans before the draft resolution.
- Mr. Roberts: Can you have the plans by the end of the week?

Mr. Gillespie: I will prepare a submission.

Mr. Roberts: Adjourn to the second meeting.

Mrs. Smith: Motion to adjourn Public Hearing to July 6, 2011.

Ms. Visconti: Second the motion.

Vote: All present voted aye.

Discussions:

10-3218 / Scoring' (former Van Benschoten Site Plan) - To vote on a proposed site plan and Special Use Permit for an indoor commercial recreation facility on 3.81 acres in the AI Zoning District. The property is located on **Airport Drive** and is identified as **Tax Grid No. 6259-02-644502** in the Town of Wappinger. (Gillespie) (Public hearing opened and closed March 21, 2011)

Present Mike Gillespie Engineer

Mr. Gillespie: We received a copy of the resolution. Mr. Canter will not be here tonight. We talked and there are no concerns.

Ms. Visconti: Motion to approve.

Mrs. Smith: Second the motion.

Vote: All present voted aye.

Mr. Gillespie: Thank you.

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 Architect
 Karen Arent Architect
 John Haburn Owner

Mr. Brodie: This was the former Gateway building. Use if retail will stay the same. Alto Music is presently across the street.

Mrs. Smith: Who took down all the trees?

Mr. Brodie: We didn't know we needed approval. We are proposing signage, additional landscaping, and a handrail to make it safer and cover up graffiti as well.

Ms. Arent: We are proposing different trees and bushes. There are existing birch and red maple trees. Some others we will be removing.

(discussion on how many and what type of shrubs and trees to remain and add)

Mr. Brodie: There are 66 parking spaces now. The comment was made I to go for a variance for 74 parking spaces or land bank. There is no place on the lot to add parking. It is a huge financial hardship to add more spaces.

Ms. Visconti: Dutchess County Planning says 66 existing spaces; fewer than 50 spaces are anticipated. That would mean 16 spaces broken up into islands. You, Mr. Stolman said 8 spaces. The rest converts to landscaping.

Mr. Stolman: If the application says they have more spots than they need they can turn the extra into landscaping. I don't understand why the site was approved with 66 spaces not 74spaces.

Mr. Brodie: We are proposing what Gateway had for parking. 9,700 square feet for sales and 1,375 square feet for storage.

(Discussion at consultants table looking at map.)

Mr. Valdati: It seems they want to be grandfathered to have the same parking. What is your ruling on that, Attorney?

Mr. Roberts: The new code would apply if there is a material change in the use of the site. It appears to have been approved on April 6, 1987. I need to review this approval and research that.

Mr. Fanuele: I need to see the map. Do you have a lot of garbage?

Mr. Haburn: I'm the owner of Alto Music. We have cardboard.

Mr. Fanuele: Where are you putting the dumpster? You need to landscape the dumpster.

(Discussion about dumpster location and enclosure.)

Ms. Visconti: The planning board has to determine if the silhouettes constitutes signs. How big are the filled in windows?

Mr. Brodie: The existing windows are 10 feet wide by 7 feet tall. They don't meet code. We want to replace with black panels.

Ms. Visconti: The how big is the guitar silhouettes?

Mr. Brodie: 20 feet high.

Mr. Valdati: is it a sign or not?

- Mr. Brodie: It had cow prints all over the building.
- Mr. Valdati: They weren't selling cows. You are selling guitars.
- Mr. Haburn: Our other stores have the same.
- Mr. Brodie: I will bring in samples.
- Mr. Roberts: This will set precedence.
- Ms. Visconti: A lighting plan is needed.
- Mr. Brodie: We will use the pylon that is there now. We will just re-lamp. The parking lighting will stay the same.
- Ms. Visconti: We have to decide if it is considered a sign. We need more data.

Site visit will be on Saturday June 11, 2011 at 9:00am.

- Mr. Brodie: Thank you.
- Ms. Bettina: Will there be a sign on Route 9?
- Mr. Haburn: We will use the existing sign that is there.

Extensions:

05-3116/ La Fonda Del Sol –Seeking their fifth, six month extension for final site plan approval for a revised site plan for a restaurant, retail space and a standalone bank totaling 27,225 sf in an HB zoning district.. This extension would begin on June 15, 2011 and run through December 14, 2011. The property is located on the corner of **Old Hopewell Road & Old Route 9** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (PH: 2-6-06 / LA: 1-17-06)(Closed PH 3-3-08, received an extension from the applicant to November 5, 2008.)(Received final site plan approval on July 21, 2008. First 6 month extension granted to January 15, 2010, second granted to June 14, 2010, third granted to December 14, 2010, forth granted to June 14, 2011) – letter received

- Ms. Bettina: Why do they want another extension?
- Mr. Fanuele: They have nobody to rent it. They are not going to build it if they can't rent it.
- Mr. Valdati: Motion to grant the extension subject to them complying with the current buy-in prevision to the water and sewer district.**
- Mr. Malafronte: Second the motion.
- Vote: All present voted aye.

Miscellaneous:

NYCDEP - Draft Scope for RWBT Bypass Project.

Present Mike Borsykowsky Assistant Commissioner
 Many other consultants with the NYCDEP

Mr. Borsykowsky: Handed out information packet. The Croton and Catskills and the Delaware water sheds are very important. The highest quality and half of our water falls into the Delaware water shed. The aqueduct has been in service for 70 years. We have been tracking over the last 20 years the leakage. At times it leaks about 15 million to 35 million gallons of water per day. The risk of continuing to operate the tunnel unabated without repairing it can't go on working this way. The water tunnel supplies 9 million people. There is an overall program we need to sustain the water supply while this tunnel is being replaced.

(Mr. Borsykowsky went through the information packet with explanations on how the tunnel will be installed and how dirt will be removed.)

Mr. Page: We are proposing to take lead agency. The DEP is having a public meeting tomorrow. Notices were put in the newspaper.

(Discussion of when and how notice of the public meeting went out.)

Mr. Stolman: NYC will be lead agency. After the draft EIS is written, you have to have a finding statement as part of the SEQR process.

Mr. Mahoney: Water supply would be on this leaking aqueduct. It would be shut off for 2 years. 9 million people and 9 counties and about another million people would be effected. There are requirements, we are willing to do.

Mr. Borsykowsky: Thank you.

Chelsea Ridge Mall – Generator

Mrs. Roberti: I would like you to view the handout for a little generator that will be in the back of the building between air conditioner units. Is it ok?

Ms. Visconti: Motion to accept the recommendation of the Zoning Administrator.

Ms. Bettina: This needs screening. It can be seen from the road. It doesn't look nice.

Mrs. Roberti: Do you want an amended site plans for mechanicals?

Ms. Visconti: You can have them come in as a conceptual and then we can determine if they need to submit an application.

Mrs. Roberti: Everything should come in as a conceptual.

Ms. Visconti: I rescind my motion.

Ms. Bettina: Motion for Chelsea Ridge Mall to come back as a conceptual.

Ms. Visconti: Second the motion.

Vote: All present voted aye.

Ms. Bettina: Motion applicants with mechanicals to come in, as a conceptual with no fees.

Ms. Visconti: Second the motion.

Vote: All present voted aye.

Blackwatch Farms: Regarding ponds on subdivision, Robinson Lane.

Present Mike Gillespie Engineer

Mr. Gillespie: This is a 21 lot subdivision that was approved already. All the homes are built. Two weeks ago the top course of the roads were paved. As part of the approval process ponds were created. These ponds were designed to hold water. They were called pocket ponds. That is not how they are constructed. They are constructed as infiltration basin. The roads have been formally dedicated and accepted by the town. Is that true?

Mr. Roberts: Yes it is true.

Mr. Gillespie: The town, Mr. Gray, Mr. Foster and Mr. Artus came out to see if it is acceptable as constructed. I was told they are acceptable for a number of reasons. I was asked to keep the Planning Board in the loop. The planning doesn't change. The ponds act as a filtration basin rather than a pocket pond.

Mr. Roberts: This will have to go back to DEC for amendment. It will require the Planning Board to approve the amendment and file a different construction drawing so that the construction that is on file with the County Clerk Office is consistent with what was constructed and approved by DEC. I just wanted the Planning Board to be aware if this.

Mrs. Roberti: I have been in contact with the owner of Wappinger Farms Estate. He will remove the sign and apply for a sign application.

Ms. Bettina: Can a ticket be issued?

Mrs. Roberti: I will issue a ticket tomorrow.

Mr. Roberts: In reference of Alto Music, It is not a change in use only a change of occupancy.
Also in reference to NYCDEP, We found out they wanted to meet with the consultants.
(Conversation took place about communication between themselves and the Planning Board.)

Mrs. Smith: **Motion to adjourn.**
Ms. Malafronte: Second the motion.
Vote: All present voted aye.

The meeting ended at 10:00p.m.

Respectfully submitted,

Susan Dao, Secretary
Town of Wappinger Planning Board