

MINUTES

**Town of Wappinger Planning Board
June 20, 2011
Time: 7:00 PM**

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

Members Present:

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

Members Absent: Ms. Visconti: Member

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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

Cablevision	-	Approved resolution.
Don Bosco Blvd.	-	PH on 7-6-11.
Brundage	-	Approved neg dec, PH on 7-6-11.

Extensions:

BVA Construction Subdivision	-	Granted extension to December 10, 2011.
Kirk Subdivision	-	Granted extension to December 30, 2011.
Airport Drive Properties	-	Granted extension to July 31, 2011.
Wappinger Farm Estates	-	Granted extension to January 3, 2012.
BAC Properties, LLC	-	Granted extension to June 21, 2011.

Conceptuals:

Southern Dutchess & Putnam Sportsmen's Association, Inc. - To submit application.

Miscellaneous:

Blackwatch Farms - Approved Resolution.

New / Old Business:

Chelsea Farm Subdivision	-	Advise TB for cash in lieu of land.
Chelsea Ridge Mall	-	Approved motion.
NYCDEP	-	Approve to amend resolution.

Discussions:

10-3208 / Cablevision: To vote on 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. (JRS Architects)(PH opened & closed 6-6-11)

Present Nick Williamson JSR Architect

Mr. Valdati: **Motion to move the resolution.**

Ms. Bettina: Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Mr. Malafronte: Aye.

Ms. Leed: Aye.

Mr. Fanuele: Aye.

Mr. Valdati: Aye.

Ms. Visconti: Absent.

Mr. Gray: If you have any questions with the items call my office.

11-3227 / Don Bosco Blvd. – To discuss amending the approved site plan (MJD & Sons) to add a proposed 2,400 sq. ft. office building and additional truck parking, eliminating Phase I and Phase 2, on 33.44 acres in an AI Zoning District. The property is located at **62 Airport Drive** and is identified by **Tax Grid No. 6259-04-647405** in the Town of Wappinger. (Povall)

Present Bill Povall Engineer
 Richard Canter Attorney

Mr. Povall: We came before the planning board about a month ago as a conceptual. We are proposing to expand Phase 1A. This property is approximately 33 acres on Airport Drive. Tonight the actual application is to expand Phase IA, which temporally was a parking facility, to a truck and terminal use and eliminate the original Phase I and II. The second building on the site plan will no longer exist. The lot will double in size of the parking from the original plan. (Description of building and parking details)

Ms. Smith: What are they transporting?

Mr. Povall: Fuel from Bottini.

Ms. Smith: Are the trucks mostly empty?

- Mr. Povall: There could be an occasion at the end of the day that there is left over fuel. It would not be a significant amount. The grading is now less of a disturbance. There would be an 8 foot berm in the back which would have some evergreen trees on them for visual screening. Storm water management system has been designed with the regulations. The front left portion will capture the runoff. This includes oil water separator. The 1,000 gallon fuel tank will be in the south back of the building. These are to fuel the trucks now. Outdoor storage of empty tanks are East of the building and screened by the building from the road.
- Mr. Valdati: Are these new or old tanks?
- Mr. Povall: They are cleaned before they are stored.
- Mr. Fanuele: How many tanks?
- Mr. Povall: 20 tanks maximum.
- Mr. Fanuele: How man trucks.
- Mr. Povall: 20 to 25 trucks.
- Ms. Leed: How close are the homes?
- Mr. Povall: About 150 feet to the property line. About 400 feet to the back of the building.
- Mrs. Smith: How much more traffic will there be?
- Mr. Povall: It would be minimal. 20 to 25 employees.
- Mrs. Smith: I'm concerned with traffic. We have recreation fields there.
- Mr. Povall: There is no anticipated visitors only employees.
- Mr. Gray: Has the SWIPP be submitted?
- Mr. Povall: We submitted a full SWIPP. The county suggest no paving. There is an oil separator. We would rather see it paved.
- Mr. Stolman: The county didn't see a reason.
- Mr. Canter: We will pave if needed as a safeguard. In reference to Mr. Stolman's comments of "no earth moving between September and April". This is for less grading. No need to have a large window of time.

- Mr. Povall: The original MJD site plan it included taking 20 feet of the top of this hill. We have to move all that earth and make a path for the second building. The grading involved with that site plan is significant. With this plan we significantly reduced the amount of earth work. We would like the timing condition removed. We can reduce the lighting but need it for security reasons.
- Mr. Canter: We will amend the plans to accommodate the cements of the lighting.
- Mrs. Roberti: The neighbors have called complaining about the noise and they want more screening.
- Mr. Povall: We are proposing an 8 foot to 10 foot higher berm for screening.
- Mr. Canter: Can you share the addresses of the residents, we will make sure it is screened.
- Mrs. Roberti: The plan showed 13 trees and the last time I looked there were only 8 trees. What ever Mr. Stolman feels is adequate for screening should be done.
- Mr. Malafronte: Are there any plans to expand the site other than what you are doing right now?
- Mr. Cantor: There are no short or long term plans to expand. The site is a facility to fuel trucks not tanks. The building will have a bathroom and office. Nobody will be working on site.
- Mr. Fanuele: There was a question of the above ground power lines.
- Mr. Stolman: The lines will be underground.
- Mr. Cantor: The MJD approval had 2 commercial buildings. The second plan is a change of use to a transfer terminal with a larger parking lot. Can you wave the public hearing?
- Mrs. Smith: I don't want to wave the public hearing.
- Mr. Valdati: I agree.
- Mr. Fanuele: The public hearing will be on July 6, 2011.
- Mr. Stolman: It would be premature to draft a resolution. I don't want to hold up the public hearing.
- Mr. Cantor: Thank you.

10-3216 / Brundage Site Plan - Vote on the neg. dec. for 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)(PH open 6-6-11 adjourned to 8-1-11)

- Present Jason Morris Engineer
Martin Brundage Owner
- Mr. Fanuele: Are we going to vote on a neg dec today?
- Mrs. Smith: I feel indifferent about voting on the neg dec.
- Mr. Valdati: There is no impact on the environment in that area to issue a neg dec
- Mr. Stolman: The neg dec mention the visual impact in terms of the location of the display area. If you agree with that you can go forward with the neg dec.
- Mr. Valdati: Motion to approve the neg dec.**
- Ms. Leed: Second the motion
- Roll call:
- Mrs. Smith: Aye.
- Ms. Bettina: Aye.
- Ms. Leed: Aye.
- Mr. Malafronte: Aye.
- Mr. Fanuele: Aye.
- Mr. Valdati: Aye.
- Ms. Visconti: Absent.
- Mr. Morris: Mr. Brundage would like to make a plea to the board to put up the bounce house in the proposed display location, while we wait for site plan approval. He needs to make some money to pay for this project.
- Mr. Brundage: I've put in about 38,000 dollars and want to display the bounce house. This weekend I put up the bounce house, strapped it down and posted it down very secure. (Pictures passes around the table.)
- Mr. Roberts: The purpose of a site plan is to allow approval from the planning board.
- Mr. Brundage: I'm asking for advance site plan approval.
- Mr. Valdati: That can't be done. It would be violating the spirit of the zoning law.
- Mr. Morris: Is there anything in the code that would prohibit a homeowner from putting up the bounce house on their lawn?
- Mr. Roberts: You are using it for commercial purposes. What is needs to be done to get final approval?
- Mr. Morris: We need a DEC permit. We needed a neg dec to apply for a DEC permit.

- Mr. Roberts: You can adopt the resolution of the site plan on the approval of outside agencies.
- Mr. Valdati: Without DEC approval, Mr. Brundage cannot put up the bounce house.
- Mr. Morris: SHIPO and Health Department and DEP signoffs are needed.
- Mr. Stolman: The planning board can authorize a resolution contingent the outside agencies
- Ms. Smith: The public hearing is still open and adjourned to August 1, 2011.
- Mr. Fanuele: The public hearing in scheduled for July 6, 2011. We can re-advertise, close and open the public hearing at the next meeting and grant site plan approval.
- Mr. Morris: Thank you.

Extensions:

06-5120 / BVA Construction Subdivision - The applicant is seeking a twelfth extension for six months on the closed Public Hearing for a 3 lot subdivision on 17.288 acres in an R-40 Zoning District. This extension would begin on June 11, 2011 and run through December 10, 2011. The property is located on **Kent Road** and is identified as **Tax Grid No. 6257-02-513975** in the Town of Wappinger. (Barger) *(The Public Hearing was closed on July 16, 2007 and the 62 day clock expired on September 16, 2007. The applicant granted an extension from September 17, 2007 through December 15, 2007, second extension to March 15, 2008, third extension to June 14, 2008, fourth to September 14, 2008 and a fifth extension to December 13, 2008, sixth extension to March 12, 2009, a seventh extension to June 11, 2009, eighth extension to December 10, 2009, ninth extension to June 10, 2010, tenth to December 10, 2010, eleventh extension to June 10, 2011.*

- Mr. Valdati: They need to give us an explanation for their extension request.
- Ms. Bettina: In the future the extension should be explained.
- Mrs. Smith: Motion to grant extension.**
- Ms. Bettina: Second the motion.
- Vote: All present vote aye.

06-5122 / Kirk Subdivision – The applicant is seeking their ninth extension for six months on amended preliminary subdivision approval for a 3 lot subdivision on 4.4 acres in an R-40 zoning district. The extension would start on June 30, 2011 and expire on December 30, 2011. The property is located at **97-99 Pye Lane** and is identified as **Tax Grid Number 6358-03-240218** in the Town of Wappinger. (Barger) *(The public hearing was closed on January 3, 2007 and they received preliminary approval on March 5, 2007. Amended preliminary approval on January 7, 2008, first extension until October 5, 2008, second extension to Jan. 3, 2009, third to April 1, 2009 & their fourth to July 1, 2009, Fifth extension to December 21, 2009, sixth to June 30, 2010, a seventh extension to December 30, 2010, eighth extension to June 30, 2011 .)*

- Mr. Gray: The town board gave a letter to hookup to town sewer.
- Mr. Valdati: Motion to amend and approve condition that explanations be given for extension.**

- Ms. Bettina: Second the motion.
- Roll call:
- Mrs. Smith: Aye.
- Ms. Bettina: Aye.
- Ms. Leed: Aye.
- Mr. Malafronte: Aye.
- Mr. Fanuele: Aye.
- Mr. Valdati: Aye.
- Ms. Visconti: Absent.

Airport Drive Properties - Requesting their sixth extension for one year for Final Site Plan Approval that was granted on January 4th, 2006. This extension would run from July 1, 2011 through June 30, 2012. The property is located on **Airport Drive** and is identified as **Tax Grid Nos. 6259-04-667424 (Parcel C) and 6259-04-686450 (Parcel D)** in the Town of Wappinger. (Povall) *(Final approval was granted on January 4, 2006 and expired on January 3, 2007 at which time they were granted their first extension to July 3, 2007, a second 1 year extension to July 2, 2008 and a third extension to July 1, 2009, fourth extension to June 30, 2010, fifth extension to June 30 2011)*

Mrs. Roberti: This lot has site plan approval on 2006. CEO Mr. Morello and I discussed the construction that was being done. There is a lot of movement of dirt. We need to find out what they are doing on it. Maybe their extension should be for 30 days so they can come in and tell us what they are doing.

Mr. Fanuele: If site plan approval was given in 2006, are they doing what they had approvals for?

Mr. Gray: They need to come in and explain themselves.

- Mr. Valdati: Motion to grant 30 day extension.**
- Mr. Malafronte: Second the motion.
- Vote: All present vote aye.

05-5110 / Wappinger Farm Estates. The applicant is requesting their eighth extension on preliminary subdivision approval for 6 months for a 19 lot subdivision on 60.620 acres. The extension would start on July 2, 2011 and expire on January 3, 2012. The property is located on **Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger. (M. White)*(PH: 2-6-06 Closed PH 3-19-07 / LA: 9-19-05)(Granted Re-Zone 12-26-07 /Preliminary granted 1-7-08, first extension Jan.2, 2009, second on Feb, 2, 2009 and third July 2, 2009, fourth to January 1, 2010, fifth to July 1, 2010, sixth to January 3, 2011, a seventh extension to July 2, 2011,)*

- Mr. Valdati: Motion to grant extension.**
- Ms. Leed: Second the motion.
- Vote: All present vote aye.

09-3181 / BAC Properties, LLC: The applicant is requesting their first extension for one year on final site plan approval for a proposed 19,440 sq. ft. building for office, equipment rental and a display area on 10 acres in an AI Zoning District that was granted on June 21, 2010. The extension would start on June 21, 2011 and expire on

June 20, 2012. The property is located at **30 Airport Drive** and is identified as **Tax Grid No. 6259-04-578332** in the Town of Wappinger. (Povall)(PH opened/closed 6-7-2010)(First extension June 21, 2010)

Mrs. Smith: Motion to grant extension.

Ms. Bettina: Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Fanuele: Aye.

Mr. Valdati: Aye.

Ms. Visconti: Absent.

Conceptuals:

11-3235 / Southern Dutchess & Putnam Sportsmen’s Association, Inc. – To discuss amending their site plan to make trap range improvements along with associated improvements on 20 acres in an R-80 Zoning District. The property is located at **378 Cedar Hill Road** and is identified by **Tax Grid No. 6256-01-282900** in the Town of Wappinger. (Garcia)

Present Rodger Garcia Applicant

Mr. Garcia: I have photos to show what it is we are proposing. (1) We want to finish a trap house so that our members can get out of the bad weather. We started to build it without approval of the town. This was due to lack of knowledge of needing approval. (2) We want to improve the archery range. We have handicap members that can’t use the areas up hill. We also want lighting, a 15 foot mass, with a timing switch. The range is behind the building and it gets dark between 3:00 and 4:00pm. It is surrounded by trees. Also we are proposing a roof to protect shooters. (3) We want to extend the range house twelve feet. We want to separate the pistol and riffle shooters. They need to be separated for safety reasons. We intend to deal with a sound and build a baffle system in front of the range house. We’ve planted trees to help.

Ms. Smith: Is there blockage for the bullets for nearby house?

Mr. Garcia: There is a berm system that is 40 feet tall. It goes into the mountain. There are no metal targets allowed, no ricochet, the hours are reduced.

Mr. Fanuele: Submit necessary paperwork. And go through the approval cycle.

Mr. Gray: Look at Saint Nicholas Road DC Pistol Association and see how they filed for their site plan, it might be helpful.

Mr. Stolman: See what the planning board needs and is looking for.

Mr. Garcia: Thank you.

Miscellaneous:

Blackwatch Farms – To discuss final approval to amend ponds on subdivision, Robinson Lane.

Present Mike Gillespie Engineer

Mr. Gillespie: A few weeks ago we spoke about a small modification to the ponds.

Mr. Gray: The subdivision is complete in terms of storm water and roads. The issue is that the filed map shows wet ponds and do you think the town board should accept ponds that are conflicting to what the filed map shows. These are dry ponds. Do we think there should be a map filed to amend that showing the dry ponds this would require approval from this board? Presuming that happens, the next step would be to come back to the town board and have the ponds accepted.

Mr. Valdati: Motion to move the resolution.

Mrs. Smith: Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Fanuele: Aye.

Mr. Valdati: Aye.

Ms. Visconti: Absent.

New / Old Business:

Chelsea Farm Subdivision: To discuss recreation money or acceptance of land.

Present Ralph Holt Recreation Chairman
Steve Frazier Maintenance Supervisor

Mr. Fanuele: There was land for recreation. The land they want to give us can't be built in. We weren't sure if you wanted to take money in lieu in recreation land.

Mr. Holt: I've seen the property and walked the property. Recreation recommends the money not the land. We have enough of that kind of land. We can't build or do things at Carnwath; we have 34 acres of land next to Hughsonville, 22 acres on Briar Lane, we have another 10 acres that we are not using. We need money to improve some of the parks we already have. The money would go to Park Land Trust.

Mrs. Smith: I would rather we have the money instead of taking useless land.

Mr. Roberts: \$5,000 per lot.

Mr. Stolman: Recommend to the town board to take money and discount recreation fee by \$5,000.

Mr. Frazier: I would like the parking lot blacktopped.

Mr. Fanuele: The recreation people will negotiate what will benefit us.

Mr. Valdati: Motion to let the town board know we are in favor of the cash fee for the subdivision in lieu of the land including the part that is used for parking at Chelsea.

Mr. Malafronte: Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Fanuele: Aye.

Mr. Valdati: Aye.

Ms. Visconti: Absent.

Chelsea Ridge Mall – Generator

Present Frank Mulvey Service Manager

Mr. Mulvey: Passed pictures around. The boxwood plants grow to 36 inches high.

Ms. Bettina: I can still see the generator from Route 9D.

Mr. Mulvey: This is a 1,400 watt backup generator for 2 Chelsea Mall. The tenants in there are a computer company and need to maintain backups on their mainframe.

Mrs. Smith: Motion to allow generator.

Mr. Valdati: Second the motion.

Vote: All present vote aye.

NYCDEP: Parking lot.

- Present James Canale Engineer NYCDEP
- Mr. Canale: In 2007 a project of Del 185 received approval. When the project was done we were to dispose of the parking lot. We can't close the building permit until we complete all the work from our site plan approval from 2007. With the new work coming in it would more sensible to relieve us of the need to remove the parking lot so we can close the building permit.
- Mr. Gray: This is the only thing you need to close the building permit. The parking lot could be used for the next project. Can you amend the resolution to remove the lot restriction from the approved site plan?
- Mr. Stolman: You can ask me to draft a short amendment to that resolution.
- Ms. Bettina: Motion to approve the amended resolution.**
- Mr. Valdati: Second the motion.
- Roll call:
- Mrs. Smith: Abstained.
- Ms. Bettina: Aye.
- Ms. Leed: Aye.
- Mr. Malafronte: Aye.
- Mr. Fanuele: Aye.
- Mr. Valdati: Aye.
- Ms. Visconti: Absent.
- Mr. Stolman: Is there going to be another public information meeting?
- Mr. Canale: Yes, NYCDEP will be preparing a larger venue for another public hearing.
- Ms. Bettina: I don't recommend having a meeting the week of July 4, 2011.
- Mr. Stolman: Mrs. Dao you were made the point person because you represent the planning board.
- Ms. Bettina: I want to be kept informed.
- Mrs. Dao: I will forward you all correspondence.
- Mr. Roberts: Chris Colsey wants all meetings with NYCDEP to be coordinated by Mrs. Dao.
- Mrs. Dao: I will contact Chris Villari and get a date for the town board meeting with NYCDEP. For the next public hearing the NYCDEP wants to know who do you want to be notified and how. Should notices be sent to all residences to Route 9D.

- Ms. Bettina: What do we do so Mrs. Dao isn't totally in charge of all the meetings, including the town board? Is it her job to inform all the boards of the meetings?
- Mr. Roberts: All I was told is Mr. Colsey deferred anything that has to do with the NYCDEP to Mrs. Dao.
- Ms. Bettina: Mr. Roberts, I would like to discuss this personal matter with you and the planning board, now.

Chapel of the Sacred Mirrors

- Mr. Fanuele: After we finish with The Chapel of the Sacred Mirrors. They are having events up there. They can't have events until they fix the driveway.
- Mr. Roberts: Do they have site plan approval?
- Mr. Stolman: We have to do research on that.
- Ms. Bettina: Deer Hill Conference center is similar to the IBM center where they can rent it out. Is there a restriction of hours of operation?
- Mrs. Roberti: I will check with Mr. Morello for building, Mr. Liebermann for fire and I will check on zoning.
- Mr. Stolman: I have to research this but I think the past approvals of use are similar to what is being used now. I think they do not need to have new approvals.

New Hackensack Fire Department 911 Memorial

- Mrs. Roberti: I was asked by Howard Prager to show the planning board what they are proposing.
- Mr. Roberts: They need site plan approval.
- Mrs. Roberti: The steel is from the World Trade Center. It's about 20 feet tall but sunk into the ground sticking up about 12 feet. Ok so they need site plan approval.

Friendly Motor Cars

- Mrs. Roberti: The rear of the property has 15 Norway spruce trees to be put there. The contractor doesn't feel the trees will fit and they will also become very wide.
- Mr. Roberts: Mr. Morello is raising the issue?
- Mrs. Roberti: Yes.

- Mr. Roberts: If Mr. Morello should write a written report to Mr. Stolman, with a copy to the board and identify his concerns. Doing it verbally is not good.
- Mr. Stolman: The note on the plan says the blue spruce in the back have to be spotted with the town. Mr. Morello called me from the site. He explained to me what his concern was. I told him I would come out to the site. The point of putting the note on the plan was to make sure that the trees are spotted properly. I told him we could come out to the site. He thought it would be a good idea to discuss this at the planning board meeting. Our landscape architect should go out there with Mr. Morello for overview of tree placement.
- Mr. Valdati: Do you want authorization?
- Mr. Stolman: Mr. Morello wants authorization to have our office to oversee everything is done properly. Also, they arrived with half as many locust trees. Half were damaged. They wanted to put Bradford pear trees. They are not good. I told him maple; linden or oak would be good.

Spooge

- Mrs. Roberti: The building is on slab because it was a potential water issue. After digging he found no water. The owner now wants the building to have a basement under one section for storage. He wants to know if he has to come back to the planning board.
- Mr. Stolman: It comes down to if he needs additional parking spaces?
- Mrs. Roberti: The basement would be under the office.
- Mr. Gray: There is a difference between occupied space and storage.
- Mrs. Roberti: If he wants the basement, I'll have him come in to the planning board meeting on July 6, 2011.

Executive session.

- Ms. Bettina: Explain how the supervisor, having his own secretary, can delegate to our secretary when he has one.
- Mr. Roberts: Mr. Colsey wanted to have one contact person to coordinate with the NYCDEP. Ms. Dao should just ask Mr. Colsey when he wants the meeting and set it up.

(Discussion took place about getting backup water)

- Ms. Bettina: As a courtesy I would like to receive copies of all meetings that are scheduled.

Mr. Malafrente: Motion to adjourn.
Ms. Bettina: Second the motion.
Vote: All present voted aye.

The meeting ended at 9:20 p.m.

Respectfully submitted,

Susan Dao, Secretary
Town of Wappinger Planning Board