

Draft

MINUTES

**Town of Wappinger Planning Board
January 18, 2012
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
Ms. Visconti:	Member		

Members Absent:

<u>Others Present:</u>	Mr. Gray,	Engineer to the Town
	Mr. Roberts,	Attorney to the Town
	Mr. Stolman,	Planner to Town
	Mrs. Roberti,	Zoning Administrator
	Mrs. Gale,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

Odyssey Diner	Resolution Approved
Villa Borghese	Resolution Approved
NYCDEP	Submission – Withdrawn
AW SCRAP	Site Visit set 1-28-12
Kirk Subdivision	Status update completed.

Extensions:

Masonic Lodge	Granted extension.
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Conceptual:

N & S Supply Co.	Approved placement of generators.
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11-3241 - Odyssey Diner: To vote on amending the approved site plan (formally Pizza Hut) to convert to a proposed diner on 1.22 acres in an HB Zoning District. The property is located at **1515 Route 9** and is identified by **Tax Grid No. 6158-04-572057** in the Town of Wappinger and **Tax Grid No. 6158-19-569062** in the Village of Wappinger. (Gillespie)

Present: Mike Gillespie
Paul Varanouskas (Architect)

Mr. Gillespie: We realize that sidewalks were a hot button at the public hearing but are not required.

(Discussion between the Board and Professionals continued to describe the sidewalks, and areas around the proposed Diner property and future plans to widen Route 9.)

Ms. Visconti: I take it the application we have before us does not have sidewalks in it?

Members: Yes

Ms. Visconti: Made motion to accept the resolution as being prepared by David Stolman with amending the statement about going to the Village – as it has already been done.

Ms. Smith – Second the Motion

Roll Call Vote: C. Smith – Aye
M. Leed – Aye
F. Malafronte – Nay
J. Visconti – Aye
R. Valdati – Nay
A. Bettina – Nay
V. Fanuele – Aye

Ms. Visconti – Made a motion to send a letter to the State and the Village we recognize and appreciate their concerns and at a future date – see about continuing sidewalks.

Ms. Bettina – Second

All – Aye

Mr. Valdati – Nay – I don't agree with what you said.

11-3243 - Villa Borghese (Widmer Inn Restaurant Corp.) To discuss amending their site plan and lot line realignment between Villa Borghese and Wappingers Re, LLC. for 1.5 acres. The property is in a NB zoning district on 4.681 acres and is located at **70 Widmer Road** and is identified as **Tax Grid No. 6158-02-880530** (Villa Borghese) & **Tax Grid No. 6158-04-951382** (Wappingers Re, LLC.) in the Town of Wappinger. (Paggi)

Mr. Fanuele – We did a site visit...

Mr. C. Paggi – We met with the Town Board and they re-zoned the property to Neighborhood Business now it's up to the Planning Board to approve the site plan amendment and the sub-division. Regarding restoration and landscaping, we met with D. Stolman and the landscape architect from Fredrick P. Clark and we came up with a landscape plan restoration plan that meets the needs of the board as well as the neighbors.

Ms. Smith: Are you addressing the drainage issues?

Mr. C. Paggi: We also visited site, walked around area – didn't see any indication of runoff or erosion, site is flat, and any water is being absorbed by the ground, if they're seeing drainage problems it could be coming from more of the front of the site.

Mr. L. Paggi: There are no drainage issues coming from that area.

Mr. Fanuele: Area going down – the gravel area...

Mr. C. Paggi: That gravel area is going to be removed and restored, can't plant trees or shrubs, that's where the existing SDS area is. What we are proposing is a couple if landscaped areas, screening to make it look nicer. Proposing trees, shrubs ...replace it with an upright hedge. Help the screening as far as the lights. After meeting with the landscape architect, she proposed we do more of a natural screen, stagger it, it would be more healthy for the trees that we're proposing. Showing 13 trees to remain that neighbor was concerned and about 20 evergreen trees.

Ms. Leed: Is the septic actually in that gravel area that's going to be a parking area?

Mr. C. Paggi: Per the owner, from all the documents that we received, that's the indication we've been given, the septic could support loading, from that information – they answer is yes.

Ms. Visconti: Referenced letter from Jan. 13th – is that before you met with them (lighting and landscaping previously requested....)

Mr. Stolman: That's from the same day – Christian e-mailed us another plan – we could take a look at that.

Ms. Visconti: Landscaping and lighting are ok by you?

Mr. Stolman: Landscaping is 99% there – haven't reviewed refuse enclosure and we haven't reviewed the lighting yet. We are at the point where the Planning Board could entertain draft resolution.

Mr. C. Paggi: We're proposing the refuse containers and enclosure be located close to where it is now, Right now is close behind the parking spaces, we're proposing to move it where people can't see it - behind the building. Gated enclosure chain link fence, with privacy slats 6' high, easy access.

Mr. Malafronte: Are you going to have an enclosure for the propane tank, too?

Mr. C. Paggi: Right now there's a couple of large evergreens out there – right hand side, clean it up, trees in front.

Ms. Bettina: What kind of trees?

Mr. C. Paggi: Maple trees that will lose their leaves. Do evergreens

Ms. Bettina: Looking for something that won't lose their leaves, deers eat evergreens, use blue spruce.

(Discussions continued regarding hedges as screen, between board members and Mr. Paggi & Mr. Stolman)

Mr. Valdati: The gravel area that was attempted to become a parking lot in the beginning, needs restoration area (describing direction toward Widmer Rd.) during heavy rain event, is there no ponding there?

Mr. L. Paggi: I went out there – and I don't see any evidence of drainage course, no type of movement, Not indication of grass laying down – I don't see indication of channelized flow there. Gradual

Ms. Visconti: **Motioned** to authorize Dave to write a resolution for site plan and lot line alignment.
Ms. Smith Second

Roll Call Vote: Ms. Smith – Aye
Mrs. Leed - Aye
Mr. Malafronte – Aye
Ms. Visconti – Aye
Mr. Valdati – Aye
Ms. Bettina – Aye
Mr. Fanuele – Aye

11-3224 / NYCDEP Shaft 6 : -To review the draft EIS in regards to their site plan for construction activity associated with the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT) repair program, an appx. 45 mile section of the Delaware Aqueduct that conveys appx. 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)

Mr. J. Canale: New proposal to amend our site plan for the ongoing work at shaft site – dive 24/7 operation, with the tunnel running continually, take pressure off the water system, allow us to dive for the 2 mos. that it is going to take to install pressure boundary. Incidental noises, no machinery running at night, when they open the doors front of shaft structure – noise escapes – build a vestibule out front to keep any noise from escaping out the

building. Access door will be to side facing south away from neighbors. Proposed to build vestibule to mitigate the upsetting situation, revised plans – overhead door – relates to code, location of door is in front of structure. Divers will be living inside a small chamber inside the building. Fire emergency – load divers inside a livable habitat, they can't just live outside, they would be dead. Load habitat on truck filled with the divers. Not operate overhead door too frequently, intend to put up noise curtain, 3 or 4 months than take down, this vestibule would not meet the setbacks we need to be referred to the zoning board. Tunnel is 45 miles long, 600 feet below sea-level, shaft is 13 ft. diameter filled with water, about eight days to decompress. (Describing the difference between the existing shaft (Shaft 6) and the new shaft (6B) and its purpose to take the overflow of water).

Mr. Villari: Originally the rehabilitation was going to be done in the dry, now we're doing it in the wet, that means we have to use these specialized divers.

Mr. Fanuele: How long do these divers go down?

Mr. Canale: Three (3) divers going down in the bell, go down 600' nothing holding the door closed except for air pressure, once they get down there the water pressure the door will pop open – (continued to describe the function of the diver and what they will do). They would be there for 60 days...rotate the divers after 30 days, they're always there.

Mr. Villari: There's support staff, support machinery, they make noise...their work environment

Ms. Leed: How temporary?

Mr. Canale: 60 days for dive – demobilize their equipment about 2 ½ mos.

Mr. Villari: This is an opportunity to go to the zoning board.

Mr. Valdati: How big is the trailer?

Mr. Canale: 18' x 29'

Mr. Stolman: Overhead door – code says you can't have an overhead door for auto repair or automobile service, there's no prohibition in the code for this use.

Question from audience:

Bridget Anderson: Live 198 River Rd. – North, appreciate the city putting up the curtain, just blowing off the fences, looks awful – diving doesn't last long, looks worse, - have structure so close to driveway, get in, do what they need to do – get out. More of an eyesore.

Mr. Villari: So you're saying if we don't build it – your ok?

Mrs. Anderson: It's a waste of money – you're going to do what you have to do – a couple of weeks (a couple of months) truly temporary – not worth it. Truly want it to be temporary.

Mr. Villari: Neighbor willing to put up with it.
(Board – withdraw your submission – submission withdrawn)

09-3190 / AW Scrap Processors, Inc.: To discuss their site plan for the processing of second hand materials for recycling and the sale of used auto parts. The property is in an R-80 zoning district on 26.423 acres and is located at **1980 Route 9D** and is identified as **Tax Grid No. 6056-02-688723** in the Town of Wappinger.
(Barger)(Sarcone)

Attorney: Peter Scheyler – Representing AW Scrap (Replacing Sarcone)

Mr. Byrnes:
(Barger/Miller) – Minor changes made to the plan, comments from Dave’s office.

Mr. Roberts: Have you amended the plan since this memo?

Mr. Byrnes: No I haven’t amended this plan – dimension of parking – 10’ x 14’ parking spots.

Mr. Scheyler: Letter of November 30th – David letter.

(Mr. Stolman) read from letter....fire lanes...referred to M. Liebermann. - also letter from Mr. Liebermann, dated August.

Mr. Scheyler: Is that the only requirement on the fire lane – that they be 12’ wide and 13’ height and have to support that weight?

Mr. Stolman: Yes – we’re ok with the notes, want to make sure currently there is emergency access and circulation.

Ms. Visconti: From Dec. 5th meeting, have a note – need to get from Mr. Liebermann. (We need Mr. Liebermann to send us a letter).

Mrs. Roberti: Letter of August 1st says “no permits have been applied for out there”? Do you plan to get permits?

Mr. Byrnes: There’s no permanent structure that have been added, they’re temporary.

Mrs. Roberti: They still need permits.

Mr. Stolman: Look at Item #1 page 2 (still reading from letter dated November 30th – recommendation of ZBA explaining their recommendation.)

Mr. Byrnes: I have no problem being in the resolution of site plan approval, waiting for the board.

Mr. Roberts: Mr. Scheyler just proposed a restrictive covenant (clarified this is a residential area)

Mr. Scheyler & Mr. Roberts – discussed penalties of code.

Mr. Valdati: Resolution would reference – can site plan with a note?

Mr. Roberts: Declaration for the sub division does

Mr. Stolman: Declaration and note on map

*Discussion regarding meets and bounds for parking
Landscaping and fence by Steve Burns to understand berm for screening*

Ms. Bettina: Stated there are no leaves on 9D you can see everything

Mr. Scheyler: There is an existing fence adjacent to the power company

Ms. Bettina: From 9D to the scrap area
Need to do a site visit

Site Visit scheduled for Jan. 28th at 9:00AM

Mr. Scheyler: Suggested they bring a digital camera.

Mr. Roberts: Temporary building has been up for some time – bring to conclusion.

Mr. Gray: Culvert – discharge underneath 9D – West/East 18” pipe bring water from 9D. Show 2 pallelle lines – put in parking lot – where pipe is - where water is going
Topos blocked out.

Mr. Fanuele: Any other questions
No response
Site visit set for 1-28-12

06-5122 / Kirk Subdivision – The PB has instructed applicant to appear to discuss their amended preliminary subdivision approval for a 3 lot subdivision on 4.4 acres in an R-40 zoning district. 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, ninth extension to December 30, 2011, 10TH Extension granted to June 28, 2012)

Mr. Steve Burns: - Gave information on subdivision 99 Pye Lane – Montfort Rd. 20’ buffer area – undisturbed Privacy – water main further down Pye, extend down to fire hydrant – garage to be removed.

Mr. Fanuele: What’s holding you up?

Mr. Byrne: My client’s attorney

Mr. Fanuele: You had public hearing January 3, 2007

Mr. Byrne: They have 3 attorneys – they’re going through a divorce.

Planning Board asked to be kept updated on status.

11-3239 - Malcolm R. Hunter Post #53 of Masonic War Veterans of New York: Seeking their first 6 month extension on final site plan approval granted on February 7, 2011. This extension would begin on February 8, 2012 through August 5, 2012. The project is located at **150 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-322214** in the Town of Wappinger. (Chazens) (LA Sent Oct.7, 2010)(PH opened and closed on 11-15-10, Site plan approval granted on Feb. 7, 2011)

Mr. Valdati: Motion to grant extension for 6 months

Ms. Bettina: Second

All – Aye

CONCEPTUAL:

12-3248 N & S Supply Corp.: To discuss placement of two (2) new generators on site, located at **201-205 Old Route 9** and is identified as Tax Grid No. **6156-02-765692** in the Town of Wappinger.

Mr. Nussbuckle: Proposing 2 gas fired generators – Central Hudson – plumbing in building and pad existing along HVAC bldg. Generators can't be seen – been there for years – needed for back-up power feed off Route 9 in case they lose power.

Ms. Visconti: Do they need formal approval?

Mr. Roberts: Inconsistent need to be enforced – issued permit – doing the right thing. They are asking for direction.

Motion to Authorize – Ms. Visconti
2nd – Mr. Malafronte
All in favor - Aye

The meeting ended at 9:15 p.m.

Respectfully submitted,

Michelle Gale, Secretary
Town of Wappinger Planning Board