

MINUTES

Town of Wappinger Planning Board
April 16, 2012
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mr. Malafonte:	Member
Ms. Leed:	Member	Mr. Valdati:	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
Ms. Brown	F.P Clark
Mrs. Roberti	Zoning Administrator
Mrs. Rose	Zoning Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Hilltop Village at Wappinger	-PH-Moved to May 7, 2012.
------------------------------	---------------------------

Discussions:

NYCDEP Shaft 6	To resubmit. Lead Agency declared.
----------------	------------------------------------

Gasland Petroleum-1831 New Hackensack Road & Gasland Petroleum
233 Myers Corners Road

Prepare resolution

Mobil Mini Mart

Prepare resolution

Extension

Hackensack Professional Building	Approved extension to November 1, 2012
----------------------------------	--

Andlyn Associates Inc	Approved extension to November 1, 2012
-----------------------	--

Old & New Business

Red Barn

Ms. Bettina: We will now open the Planning Board meeting after our Executive Session

All In Favor: Aye

10-3204/5157 The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 and Section 276 of the Town Law on the application of **Hilltop Village at Wappinger**. To discuss the DEIS for site plan and subdivision approval for age restricted housing components on 149.35 acres that are currently in the R-40 & COP zoning district and are seeking re-zoning to RMF-3. The property is on **All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-630770** in the Town of Wappinger. (Povall) (LA 5-18-2010)

Mr. Roberts: Do to the electronic format of DEIS not being posted on our town website as required by SEQRA regulations tonight's meeting will be opened and not closed but moved to May 7th.

Mr. Roberts: Who will open for the applicant?

Mr. O'Rourke: My name is Richard O'Rourke. I am an attorney and my law firm is the attorneys for the applicant.

Mr. O'Rourke: Continues to explain to the public the purpose of this public hearing. Giving the public the opportunity to ask questions concerning Hilltop Village.

Mr. O'Rourke: The answer to your questions will not be answered in detail tonight but will be answered in writing. We have a court stenographer so that she can take down every word.

Mr. O'Rourke: So this evening we plan to provide you with a brief description to what the application is and the purpose of this is for your comments.

Mr. O'Rourke: Mr. O'Rourke continues to introduce the team that is involved with this project.

Mr. O'Rourke: Gives a brief description of the application and then turns it over to the rest of the team to explain each aspect of the project.

Mr. Valditi: Town protocol directs that all questions be addressed to the chair and the planning board.

Mr. Povall: Engineer on this project, describes in great detail the Hilltop project.

Mr. Dempsey: Traffic Engineer on this project, describes in great detail the impact of traffic to the Wappinger Area.

- Ms. Leed: Can you explain the formula you used to get 40 trips out of 200 homes?
- Mr. Dempsey: Based on no children in the development and since this is an age restricted development most people will not be going to work. There are less people coming and going.
- Ms. Leed: Seems skimpy for that amount of homes.
- Mr. Dempsey: This is based on the national standards for these kinds of facilities and required by NYSDOT, by the county, and the town's planning consultant. They all use the same formula.
- Mr. Fitzpatrick: I'm James Fitzpatrick from Toll Brother; I'm going to give you an overview of the types of homes we plan on building. Mr. Fitzpatrick continues in great detail the styles of homes that will be built in Hilltop Village.
- Mr. O'Rourke: There has been much information collected to analysis this correctly and is in accordance with the State Environmental Quality Review Act as well as the Scoping Document that was developed by the town for the DEIS, and last note. I received a letter today from the Dutchess County Economic Corporation indorsing Hilltop Village.
- Mr. O'Rourke: We welcome your comments and then again all responses will be answered by mail. Madame Chairman I turn it over to you.
- Ms. Bettina: Please state your name
- Mr. Lindstrom: Gary Lindstrom, the senior population here in Wappinger is growing and I don't see any senior housing developing. Mr. Lindstrom continues to express his personal feeling about senior housing. Summarizing my feelings, Wappinger's does need senior housing.
- Ms. Leed: Is afford housing part of this component?
- Mr. Povall: There are 23 proposed affordable units, 17 will be in the front section. Six will be in the main portion.
- Ms. Leed: They are based on percentage on medium income?
- Mr. Povall: Yes
- Mr. Albright: My name is Mark Albright, Vice-President of the Lake Onaid Association. Our concern is the run off of this project. Mr. Albright continues to discuss his concerns and compares it to previous projects that impacted Lake Onaid. We would like this impact statement thoroughly examined. The operation of the retention ponds and the capacity because everything from the top of that hill runs into the Lake.

- Mr. Shaughnessy: My name is Edward Shaughnessy, we have been waiting for this for a long time. My health is failing rapidly and it's only going to get worse and I want to get my wife into something like this. I pled to the town board to do what you can to expedite this. Mr. Shaughnessy goes on the compliment Toll Brothers and asked for a time frame for the 7 phases.
- Ms. Bettina: We will get back to you on this.
- Ms. Hawley: My name is Karen Hawley, concerns that everyone wants to move into these homes but who is going to buy the home they have now. We are going to be left with empty homes besides the impact on my back yard. Mrs. Hawley expresses her dissatisfaction with the development since it is behind her property.
- Ms. Leed: Did the traffic study talk about public transportation?
- Mr. Dempsey: The Loop Bus does service this area.
- Ms. Bettina: Please state your name
- Ms. Schmalz: Mary Schmalz
- Ms. Schmalz: Mr Dempsey is working for Toll Brothers and it will come back in their favor. I hope the town will work with the Dutchess County Planning Board and Traffic Dept and know how much extra the town is going to have to pay for all the lights that will be added.
- Ms. Schmalz: How many units?
- Ms. Bettina: 225
- Ms. Schmalz: If not rezoned, how many units?
- Mr. Roberts: I don't know if that was every calculated.
- Ms Schmalz: Asks how many people are here from Edgehill Drive?
- Ms. Schmalz: States more people in the neighborhood should have been notified. Ms. Schmalz continues her discussion of the Hilltop Village and Toll Brothers Project.
- Ms. Bettina: Mary this was published in both papers, Poughkeepsie Journal and Southern Dutchess News on March 28th and there were also mailings. The public hearing will go on until May 7th.
- Mr. Valditi: All abutting properties were notified.
- Ms. Bettina: Yes

- Ms. Sasse: My name is Carol Sasse. My concern is the traffic. Ms Sasse continues with her concerns with the amount of traffic this development will produce.
- Ms. Bettina: Thank You
- Ms. Bettina: Anyone else.
- Mr. Straly: My name is Carl Straly. Has anyone taken into consideration how long it is going to take the New Hackensack Fire Dept, which is a volunteer fire department, to get to one of these homes? Mr. Straly continues to discuss his concerns about emergencies in the Hilltop Development.
- Mr. Albright: How are we going to be notified that the written responses are available to see?
- Mr. Roberts: It will be posted on the website with the DEIS that is submitted to the town.
- Mr. Valditi: There is also a copy at town hall. It is in the Town Clerk's Office.
- Ms. Bettina: Sir
- Mr. Hawley: My name is Robert Hawley. I have questions about the wetlands.
- Ms. Bettina: We will get back to you.
- Mr. Hawley: Has there been a study concerning the wild life?
- Ms. Bettina: That will be addressed.
- Mr. Hawley: How much of a bumper will there be between Tor Road and this development? Are they going to be in our back yard?
- Ms. Bettina: Anyone else?
- Ms. Bettina: Name please.
- Mr. Shaughnessy: Mr. Edward Shaughnessy discussed the development of this town and the responsibility of the board. Complemented Toll Brothers on being a reputable company.
- Ms. Bettina: Yes
- Mr. Hawley: Karen Hawley. What's to stop these 55 and older from having their grandchildren moving in with them?
- Ms. Bettina: That will be addressed.
- Ms. Bettina: Sir

- Mr. Passano: Al Passano. It is important for those of us who live on Tor Road to enjoy the wooded area. Toll Brothers homes look nice from the front but not the back. These look very close and these trees should be left.
- Ms. Bettina: Anyone Else?
- Mr. Fanuele: I have a couple of questions. Who is going to maintain this roof? The recreation area is mostly wet lands. I don't know if you can get much in there. It would be over a million dollars that would need to be donated to the recreation fund. I don't think the property is worth a million dollars.
- Mr. Povall: Robinson Lane field is in addition not in lieu of recreation
- Ms. Smith: Discussion with Mr. Povall concerning the wet lands at Robinson Lane
- Ms. Bettina: Any other comments?
- Mr. Straly: Carl Straly. You are talking about the property up on Robinson Lane? Have you ever been up there when it has rained and the ball field is flooded and we couldn't play baseball? Flooded all the way up to the club house. We could not use the fields for 6 weeks and then we had to go in and clean it up and then repair fences.
- Mr. Validi: Those lands for recreation purposes are being given in addition
Mr. Staly and Mr. Validi continue the discussion for the land
- Mr. Valiti: I move we adjourn the public hearing to May 7th
- Ms. Smith: Second
- Ms. Bettina: I make a motion to open planning board**
- Mr. Valditi: So moved**
- All in Favor: Aye**

Discussion:

11-3224 / NYCDEP Shaft 6 – To discuss conceptually, noise mitigation for the NYCDEP on River Road in conjunction with the 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. Villari: Introduces his colleagues. Discusses with the board the previous amended site plan having to do with the Geo Technical Boring Program. This week the holes are being grouted up and the drill rig will be leaving and we have been doing a noise monitoring. Now that the rig is leaving and the holes have been grouted we are discontinuing the noise monitoring. As the program progresses, we may need to approach you for an additional amended site plan if more boring needs to be done. If so, we would continue the noise monitoring and protocol as before.
- Ms. Smith: Sounds OK by me.
- Mr. Villari: Asking the town professional to explain the noise mitigation plan and give an outlook
- Mr. Horan: Gives in great detail the findings from the meeting with the noise experts from DEP and Mr. Erich Thalheimer, who is one of the best known experts in noise mitigation in the nation if not the world. He headed the noise mitigation in the Big Dig in Boston.
- Mr. Villari: Sue sent around a synopsis of the noise mitigation plan.
- Mr. Roberts: Jim, I think we need to let the board understand the extent of the noise. My review of the material much of the noise cannot be mitigated to any less than what they are proposing. There are going to be times when this is a noisy operation.
- Mr. Horan: Response to Mr. Roberts statement and continues with a discussion about the noise mitigation.
- Ms. Bettina: We have a gentleman.
- Mr. Bettina: My name is Vincent Bettina, councilman who represents this area. My concern is that work is being done on three shifts. Will the 11 to 7 noise be the same as the other shifts?
- Mr. Villari: Let our noise consultant answer that.
- Mr. Brook: There are two phases of the night time work.
- Mr. Bettina: Is it safe to say that 1 phase will not be as loud as the day but the connection phase might be.
- Mr. Bettina: Thank You

- Mr. Villari: Then again it would be under the most aggressive situation possible.
- Mr. Horan: What time frame are we talking about?
- Mr. Brook: Discusses the proposed time frame and the FEIS guide lines and noise levels. Because of the success of using Erich Thalheimer in the meeting and the expertise he brought to the table we asked that he be involved with the review of the FEIS before they submit it to us and be involve in the tweaking of the mitigation plan and they have agreed to consider whether or not based on schedule conflict if they can make it work .
- Mr. Villari: Our end date to get site plan approval is August of this year. If we could get the approval any time sooner it would be greatly appreciated. It would give us that much more lead time to get ready for the project. Mr. Villari continues discussion.
- Mr. Horan: Just a few comments I forgot to mention. DEP has an undertaking program for noise mitigation, dwellings that are affected can receive storm windows for bedrooms on the side of the house facing the construction. We would like to make this available to cover everyone facing the construction.
- Mr. Roberts: Please explain the areas that will be affected by that
- Mr. Horan: That is part of the decision we are still having
- Mr. Villari: Discussion concerning ongoing negotiations.
- Ms. Leed: How many homes are you targeting?
- Mr. Villari: About 50.
- Mr. Valditi: Is it safe to say that these homes will have mismatched window?
- Mr. Villari: If we are going to do this, it is for noise mitigation purpose.
- Mr. Valditi: Has concerns that the homeowner will experience an expense to match the other windows.
- Mr. Villari: Explains the cost and the reasoning?
- Mr. Malafronte: Will there be any concrete vibrators on site?
- Mr. Simmons: At this point we are not sure what equipment is going to be used by the contractors. We are going to assume that they are going to be using drum

mixes and concrete hoppers. Contractors will be responsible to submit the noise mitigation for the equipment they are using.

- Mr. Malafronte: This is the list of equipment that is going to be used?
- Mr. Villari: This is a representation of what might be used. There will be mobile sound barriers that will be moved to where the equipment is.
- Mr. Horan: Continues to explain the noises mitigation in respect to mobile units.
- Mr. Villari: That covers a lot of what we have been discussing recently. Then again I think we are very close to an agreement. The FEIS should be done on or about May 1st.
- Mr. Roberts: The only thing I have to say and I said it earlier. This is going to be noisy and we have to balance what I consider the overwhelming public need to supply NYC with water. I'm sure when they started this process 100 years ago they didn't contemplate they would have to re-dig it, the flip side is even with the contemporary technology and equipment it is going to be disruptive and I don't know how long the inter -connection is going to take.
- Ms. Bettina: How long is this going to take?
- Mr. Villari: The actual connection in 2020 will take 6 to 15 months and we are working on some good ideas to have it done sooner.
- Mr. Roberts: Continues to express his concern about the noise levels 6 to 8 years from now.
- Mr. Villari: Asks that the noise mitigation plan changes as needed so that they would not have to come in front of the town board every time a change is needed because if they have to come to the board every time they will never get the project done. We ask that this has that kind of freedom. To some degree it works on its own.
- Ms. Leed: Will this be subject to Building Department Inspections.
- Mr. Roberts: Jim, I'm not sure how you're going to implement the ongoing implementation. That will have to part of the written protocol.
- Mr. Horan: Just to be clear, procedurally. Right now we are talking about a conceptually noise mitigation plan. Mr. Horan continues to explain the further steps that are going to take place if the conceptual plan is accepted.

- Mr. Gray: To address Ms. Leed.s comment. The building permits are going to be issued by NYC. Not sure of the enforcement of the site plan.
- Mr. Horan: Mr. Horan explains the process of permits and building codes.
- Mr. Roberts: They will be issued under NYC code with exception of the fire codes because NYC fire department will not come up here.
- Mr. Villari: There will be 24 hour a day monitoring.
- Mr. Horan: Also, with this noise mitigation plan implemented is procedures to respond to noise implants.
- Ms. Bettina: Thank You. Next on our list is Gaslands Petroleum, Inc

12-3250 - Gaslands Petroleum, Inc. - To discuss replacing existing non-conforming sign with new LED light that would be same size and same height. The property formally operating as a Gulf station will now operate as a Shell Station. The property is located at **1831 New Hackensack Rd.** and is identified as **Tax Grid 6259-02-524833** in the Town of Wappinger. (Chazen)

- Ms. Bettina: Your name is?
- Ms. McManus: Margaret McManus.
- Ms. McManus: My client has purchased these two stations. He is under order from the NYS DEC to remove the contaminated tanks and surrounding soils as part of this he is changing the flag ship from Gulf to Shell.He wishes to change the sign that is similar in size from this to this. (Ms. McManus show the board drawings of the proposed new signs). When speaking to the manufacture they assured me these are comparable in size. 32 square feet. We propose that they will be the same size and height but we would like to change out the old placard type with the new LED. I spoke to Mr. Gray today and spoke to the manufacturer of the LED to determine if the brightness of the LED could be changed. It comes with an 8 button remote and there are ways to change. It comes with a preset standard and if changes need to be changed. There are ways to do it.
- Mr. Gray: These LED lights need to be brighter during the day then they are at night. Mr. Gray continues his explanation of LED lights compared to other lights.
- Mr. Valditi: The existing sign is in non-conformity?
- Mr. Roberts: Yes pre existing non-conformity.

- Mr. Valdit: It's going to be replacing with the same level of non-conformity.
- Mr. Roberts: Yes, Mr. Roberts continues the explanation of why it can be replaced.
- Ms. Smith: Is the LED going to be on all the signs?
- Ms. McManus: No only on the price sign.
- Ms. Brown: Proposed sign 32 sq feet of 34 sq feet?
- Ms. McManus: 32 sq feet. The original proposal was done by another professional
- Mr. Robert: You will not be increasing the size of the sign.
- Ms. Mc Manus: That's correct
- Ms. Brown: So it's a replacement of the same size?
- Ms. McManus: Yes
- Ms. Bettina: You will be responsible for setting the density of the light
- Ms. McManus: It comes pre-set. It is sensitive to light and will change.
- Ms. Bettina: Do we have a resolution?
- Mr. Valditi: I remove that Frederick P Clark Associates, Inc prepare a resolution to the specifications here.**
- Ms. Smith: Second**
- Ms. Bettina: All in favor**
- All: Aye**
- Ms. McManus: For both sites?**
- Ms. Bettina: Yes**

12-3251 - Gaslands Petroleum, Inc. - To discuss replacing existing non-conforming sign with new LED light that would be same size and same height. The property formally operating as a Gulf station will now operate as a Shell Station. The property is located at **233 Myers Corners Rd.** and is identified as **Tax Grid 6258-02-730572** in the Town of Wappinger. (Chazen)

Same as above

11-3240/4049 / Mobil Mini Mart Route 9: To discuss amending their site plan and SUP to convert the repair shop of 1,039 square feet into a mini-mart. The property is in an HB zoning district on .96 acres and is located at **1468 Route 9** and is identified as **Tax Grid No. 6157-02-648928** in the Town of Wappinger. (Green)

Ms. Bettina: Your name?

Ms. Swart: Linda Swart. I am the architect that is working on the building.

Mr. Green: Steven Green. I am the surveyor working on the building.

Mr. Fanuele: Did you address the Dept of Planning?

Mr. Valditi: They want a Hannaford connection.

Mr. Green: The Hannaford connections would come from corporate and we do not know the time frame at all, so that would be up to Hannaford owners and the owners of Mobil. It could take 6 month to a year to get the connection.

Mr. Roberts: Have you tried.

Mr. Green: It's not up to me. It's up to the owner.

Ms. Swart: We have the owner here

Mr. Zafar: My name is Syed Zafar.

Mr. Roberts: Explains the process of inter connecting with Hannaford

Mr. Zafar: We did not realize what a long journey this would be and has been a tremendous loss for us. We are losing \$5000 to \$10,000 a month. The Mobil does not want to deal with it they sold that distribution ship to C P D Energy, it's no longer Mobil. It's a total mess to get a hold of people. Mr. Zafar continues to explain the situation facing him with the connection to Hannaford.

Mr. Roberts: All we want is a demonstration that you tried to work it out with the adjacent property owners. Mr. Roberts continues his discussion concerning the connection.

- Mr. Roberts: We have a directive from the county planning department directing you to do that.
- Mr. Roberts: Discusses with Mr. Fanuele what happens if we don't agree with that.
- Ms. Leed: Concerns of a steep grading situation.
- Mr. Roberts: Have you spoken to the young lady who issued that opinion?
- Mr. Green: I can talk to her that is not a problem.
- Mr. Green: Continues discussion with the board concerning the steep grading situation
- Mr. Roberts: Can you talk to Emily Dozier and have her revisit this?
- Mr. Fanuele: Do you have a map, right in and right out?
- Mr. Green: It's on the map and I talked to DPW and asked for some specifications. He said he did not have any. So I gave him something to work on and a letter from DPW has not come back.
- Mr. Green: Continues discussion with the board
- Mr. Valditi: Maybe Emily Dozier will see thing differently.
- Mr. Valditi: What else do we need? We're going to hear from DPW.
- Mr. Green: Continues a discussion with the board concerning sidewalks.
- Ms. Leed: This has nothing to do with the restaurant. Is that correct?
- Ms. Swartz: We did take away the restaurant. We added a coffee bar. Everything will be self serve.
- Ms. Swartz: Discusses with Mr. Fanuele the lay out of the interior design.
- Ms. Swartz: Discusses the sign on the building.
- Ms. Swartz: Owner is still discussing the name of the business. The size of the sign will not change but the name might.
- Mr. Zafar: We need help; we are losing well over \$7,000 a month. We need this expedited.

- Mr. Fanuele: I don't need a back entrance. Need a right in and right out on Route 9.
- Mr. Valditi: I agree with that. I don't think that is a deal breaker.
- Mr. Roberts: Should we schedule a public hearing?
- Mr. Valditi: I think that is reasonable.
- Mr. Green: The one thing we did get away from is the free standing sign.
- Ms. Swartz: We have a pre existing free standing non conforming sign that we would like to change the face plate.
- Mr. Gray: You need to talk to the planner and the zoning administrator.
- Mr. Roberts: Does it have to be as high as it is?
- Mr. Zafar: We would like to keep it as is. We just want to change the inside. Nicer numbers then ones that are there are faded.
- Mr. Roberts: Can it be lowered?
- Mr. Green: It can hardly be seen from the south. I know if you lower it the sign will not be seen. How low do you want the sign?
- Mr. Valditi: Barbara Roberti needs to way it on this.
- Ms. Bettina: The next step is a public hearing. The next meeting will be May 7, 2012.
- Mr. Gray: Steve, when can you get me the information on the way in and way out?
- Mr. Green: The information on the one way in and the one way out was already submitted we are just waiting for the highway department input.
- Mr. Gray: We would like to move to a resolution as soon as we could but we need sufficient time.
- Mr. Green: If the DPW is fine, then I don't have to change anything?
- Mr. Gray: We are not asking for the cross connection be implemented. We are asking that the mechanism be put into place.

- Ms. Swartz: You are talking to the county planner and asking her to reconsider. Will this then be a mood point.
- Mr. Roberts: Ours experience with the county, you should have a back up position.
- Ms. Swartz: When will you get to talk to the planner?
- Ms Brown: This week.
- Mr. Roberts: Lets us do it so the burden is on us.
- Ms. Smith: How can we do a resolution and Public Meeting the same evening?
- Mr. Gray: I don't know if we are pushing this to have a resolution at the public hearing or have two meetings.
- Ms. Smith: I think we should have two meetings.
- Mr. Gray: Your approval could be conditional on the county approving the access. That could be a condition in the resolution.
- Ms. Swartz: That would be terrific.
- Mr. Valditi:** We can prepare a resolution conditional upon county's agreement that we can go forward without the inter connection.
I move that it be done.
- Ms. Smith:** **Second**
- Roll Call Vote:**
- | | |
|-------------------------|---------------|
| Victor Fanuele | Aye |
| Constance Smith | Aye |
| Marsha Leed | Aye |
| Frank Malafronte | Aye |
| Robert Valditi | Aye |
| Angela Bettina | Aye |
| June Visconti | Absent |

08-3170 / Hackensack Professional Building: Seeking their first six month extension on final site plan approval for a 11,981 of office building on 2 acres in a GB Zoning District that was approved on May 2, 2011.

This extension would begin May 3, 2012 and run through November 1, 2012. The property is located on **New Hackensack Road** and is identified as **Tax Grid No. 6259-03-101039** in the Town of Wappinger. (Gillespie)

Mr. Fanuele: Which one is this? Is this the one next to Jackson Road?

Mr. Malafronte: They are both next two each other.

Mr. Fanuele: Where is the other one?

Ms. Smith: They are both next to each other.

Ms. Bettina: No they're not.

Ms. Smith: I make a **motion to grant a six month extension**

Mr. Fanuele: The first one is not by the second one.

Mr. Valditi: Let's do the first one at hand. We had a motion to grant the extension **I second that motion.**

Roll Call Vote:	Victor Fanuele:	Nay
	Constance Smith	Aye
	Marsha Leed	Aye
	Frank Malafronte	Aye
	Robert Valditi:	Aye
	Angela Bettina	Aye
	June Visconti	Absent

11-3225 / Andlyn Associates Inc.: Seeking their first six month extension on final site plan approval for the proposed relocation of the existing entrance onto New Hackensack Road. This parcel is .873 acres in a GB Zoning District. This extension would begin May 3, 2012 and run through November 1, 2012. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-107069** in the Town of Wappinger. (Gillespie)

Mr. Validiti: **Motion to grant extension.**

Ms. Bettina: **Second**

Roll Call Vote:	Victor Fanuele:	Nay
	Contance Smith	Aye
	Marsha Leed	Aye
	Frank Malafronte	Aye

Robert Valditi	Aye
Angela Bettina	Aye
June Visconti	Absent

- Ms. Bettina: I make a motion to adjourn the meeting.
- Mr. Valditi: Anybody old or new business?
- Mr. Fanuele: Red Barn.
- Mr. Fanuele: Asks Mr. Roberts to sum up Red Barn.
- Mr. Roberts: Explains the two types of nurseries. One that is permitted on the Agricultural and Markets Laws that is approved in NYS. In New York State there is public policy in favor of farming. Farming includes breeding horses, in addition to raising crops and live stock. Nursery under AGRA Markets mean that vegetation must be grown on site generally for a growing season and sold. There is a separate provision in our Zoning Code that permits agricultural uses in a residential zone apart from AGRA Markets in a residential zone subject to a special use permit and one of the permitted uses is a nursery under the town code. Mr. Roberts continues to explain the applicant's interpretation of our zoning code as opposed to AGRA Markets.
- Mr. Valditi: I recall an issue in the past where he was conducting contractor's supplies.
- Mr. Roberts: Herb Levinson, zoning administrator at the time, asked if they (Red Barn) can have a contractor's office in his home. At that time it was permitted. The original Zoning Planner at that time identify this as a commercial complex He (Red Barn) never complied with the original approved site plan. Mr. Roberts continues to explain the non compliant situation and explains the court situations over the years.
- Mr. Valditi: Relative to the town what activity should they be regulated to?
- Mr. Roberts: What's permitted under the zoning code. I'm not sure what you question is. Mr. Roberts continues to explain the courts views and zoning views.
- Mr. Fanuele: I think I'm going to need help with this.
- Mr. Roberts: There is a list of schedule zoning uses. Mr. Roberts continues his conversation with Mr. Fanuele explaining the zoning uses.
- Mr. Malafronte: Did you lose the case?

- Mr. Roberts: No Frank, it's in court now. Mr. Roberts continues to explain the court process.
- Mr. Roberts: We have to be back in front of the judge the beginning of June and continues to explain the difference between the town zoning code and AGRA Markets.
- :
- Mr. Roberts: Explains to the board what their responsibility will be with this issue.
- Ms. Bettina: I make a motion to adjourn our meeting.**
- Mr. Valditi: I second that motion.**
- Ms. Bettina: All in favor?**
- Members: Aye**

Respectfully submitted,

Susan Rose, Secretary
Town of Wappinger Planning Board