

MINUTES

Town of Wappinger Planning Board
March 4, 2013
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls

Members Present:

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

Others Present:

Mr. Gray	Engineer to the Town
Mr. Roberts	Attorney to the Town
Mr. David Stolman	Planner to the Town
Mrs. Roberti	Zoning Administrator
Mrs. Rose	Zoning Secretary
Mr. Horan	Attorney to the Town
Mr. Peter Hobday	Planner the Town

Summarized

PROJECTS DISCUSSED:

Old Troy Subdivision	Planner to Draft Resolution
NYCDEP Shaft 6	Accepted Field Changes
Chapel of Sacred Mirrors	Resolution Accepted-Garage
Gas Land 1831 New Hackensack	Resolution Accepted w/ Lighting Changes
Hilltop Village	Planner to Draft Resolution – Phase 1
Verizon Wireless	Hire RF Engineer-Michael Musso
Bank of America	Submit Amended Site Plan
Villa Borghese	Review Original Site Plan—To see if there is enough parking
Osborne Square	Submit Amended Site Plan

Mr. Valdati: Please stand for the Pledge of Allegiance.

Mr. Valdati: Do I have a motion to accept the minutes from January 23, 2013

Mr. Fanuele: I make a motion to accept the minutes with corrections.

Ms. Bettina: Second.

Mr. Valdati: Next on the agenda is an Adjourned Public Hearing.

12-5165/ Old Troy Corners Subdivision-The Town of Wappinger Planning Board will conduct an adjourned public hearing pursuant to Section 276 of the Town Law, on the application of **Old Troy Corners Subdivision** to discuss their proposed subdivision of a two lot subdivision on a 3.725 acre parcel which will be turned into two residential lots in an R-80 zoning district. The property is located on **Wheeler Hill Road (Along the southwest side of Old Troy Road and near the intersection of Wheeler Hill Road)** and is identified as **Tax Grid No. 6057-04-589487** in the Town of Wappinger. (Day)(LA 01-07-13)(PH 1/23/13)

Mr. Morris: My name is Jason Morris and I am from Day Engineering. This project is a 2 lot subdivision that is on vacant land. The two lots will be served by 2 individual wells and septic. The project was previously in front of the Zoning Board to obtain a variance on lot 2 for right away dedication. There will also be an easement in the front of lot 2, along Old Troy Road and Wheeler Hill Road for the purpose of the DEP water line installation.

Mr. Valdati: Would anyone like to make a comment to the Planning Board? Hearing none, do I have a motion to close the Public Hearing?

Ms. Visconti: I make a motion to close the Adjourned Public Hearing.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Can I have a motion to direct the planner to draft a resolution?

Ms. Visconti: Since the Zoning Board granted the variance, I move that the planner draft a resolution.

Mr. Fanuele: **Second.**

Mr. Valdati: **All in favor?**

Board: **Aye.**

Mr. Valdati: Next item on the agenda is a discussion:

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)

Mr. Simms: My name is Phil Simms and I am here representing the NYCDEP and with me is my colleague George Schmitt, who is our construction manager. We would like to talk to you today about the letter we sent in last week. This letter discussed some minor field changes that we would like to implement on the site basically rearranging some site plan components. Our question is there any other information you need to understand the changes? Is there any other approval process needed or is it as simple as just providing new plans? If you like, I can walk you through some of these changes.

Mr. Valdati: Some of our board members were not privy to the last meeting.

Mr. Simms: As we have moved into the construction phase, there have been some changes now that we have our contractor. What we would like to do is to keep the existing trailers and keep them for the tunnel repair. Right now there is work being done in the Shaft 6 building. We have had some weather related delays in our current project so we would like to keep some of the other contractor trailer on site as well. (Pointing to the map) We would rearrange them and move them to the parking lot.

Mr. Valdati: How long will they be there?

Mr. Simms: A year. A temporary change from here to here. (Pointing to the map) the area of disturbance for the entire project would stay the same. Other minor changes would be with our storm water spillway from our sediment basin so we moved it 15 feet towards the river. That in itself causes no additional calculations. The drainage drains would stay the same. That is all the minor changes. The areas that have the contractor trailers, we still would be putting a smaller modular building. The areas around the shaft and across the access road will be as approved.

Ms. Visconti: David, do we have to make an amendment to the plan? What is your recommendation?

Mr. Stolman: The changes are all interior to the site. They are not affecting the neighbors. These are field changes and should be documented by these maps. If Bob agrees, that no additional calculations+ having to do with storm water runoff I think the Planning Board could acknowledge that these are acceptable field changes. Field changes are generally made by the enforcement department but I think the Planning Board could acknowledge that these are acceptable field changes.

Mr. Gray: I do agree and there will be no new calculations necessary.

Mr. Valdati: Do I have a motion from the Planning Board to accept these minor changes?

Ms. Visconti: So moved.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Let the record show that Marsha Leed is abstaining.

Mr. Valdati: Next on the agenda is:

12-3264/Gas Land 1831 New Hackensack Road-To vote on the resolution for the modifications and addition to an existing 1782 sf service/gas station for a total of 2552 square foot convenience store/gas station. The property is located at **1831 New Hackensack Road** and is identified as Tax Grid No. **6259-02-524833**. (Chazen) (PH opened /closed 1-23-13)

Ms. McManus: My name is Margaret McManus and I am representing Gas Land.

Mr. Stolman: At the last Planning Board meeting we were asked to prepare a resolution.

Ms. Visconti: Did you include the lighting that was requested?

Mr. Stolman: Yes.

Ms. Visconti: I move that the resolution that was prepared by the planner.

Mr. Valdati: Do I have a second?

Ms. Bettina: Second.

Mr. Valdati: **All in favor?**

Board: **Aye.**

Mr. Valdati: The next item on the agenda is:

12-4051/ Chapel of Sacred Mirrors (COSM) –To vote on amended resolution of the barn that was previously removed in June of 2012. The property is the **former Deer Hill Conference Center located on Wheeler Hill Road** which sits on 38.74 acres in an R40/80 zoning district. It is identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (Cappelli) (LA 8-9-12)(PH Open 9/17/12)(Close PH 10-1-12)

Mr. Stolman: At the last meeting the Planning Board authorized an amendment to the previously approved resolution. What we have done is made clear that the garage can precede prior to outside approvals being granted.

Mr. Valdati: **Do I have a motion to move this resolution?**

Ms. Visconti: **So moved.**

Mr. Dao: **Second.**

Mr. Valdati: **All in favor?**

Board: **Aye.**

Mr. Valdati: Next item on the agenda is:

10-3204/5157- Hilltop Village at Wappinger: To discuss the site plan and subdivision approval for age restricted housing components on 149.35 acres. 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)(PH 5-7-12)(Accepted FEIS as complete 11-5-12)(Accepted Finding Statement 11-19-12) (TB approval for rezone 1/14/13) (PH Opened and Closed 2/4/13)

Mr. O'Rourke: My name is Richard O'Rourke and I represent Hill Top Village. We are in receipt of the letters from Frederick P Clark and Morris & Associates. We understand the tasks that are before us. I also received from Mr. Roberts templates for agreements that need to be completed. I think we are getting close.

Mr. Stolman: You were going to present the idea of starting Road A.

Mr. O'Rourke: Correct.

Mr. Stolman: Part of the reason for tonight's appearance is to present that. Only several of the Planning Board members were at the meeting the other day.

Mr. O'Rourke: James is here from Toll Brothers and he can walk you through what went on in the meeting last Friday.

Mr. Fitzpatrick: Given the time of the year that we are hoping to obtain an approval, we are going to be chasing winter. We are looking for the ability to start grading and earth work prior to satisfying all of the conditions of the final approval. That work would be road A and a small section of the interior of the road. This will allow us to pave the entire road and get storm water facilities started. It will get us in a spot where we are not in limbo from November until March.

Mr. Valdati: You are talking about paving the whole road. I was under the impression you were talking about grading.

Mr. Fitzpatrick: The work we are looking to get authorization for is for clearing and grubbing.

Mr. Stolman: What they are asking for is for the resolution to be structured to do clearing and grading on either side of the driveway that is coming up to Flavormatic and to do clearing and grading of the area in Phase 1. No building permits, no paving, no putting in utilities. Just to make it clear to the Planning Board it is just for clearing and grading on both sides of the existing driveway. We would structure the resolution for those things; subject to a variety of conditions that we lay out. A restoration bond is put in place, some sort of approval from the county, and drawings of what is going to be done. It would be the very initial phase of the project and we would account for that in the resolution.

Mr. O'Rourke: Mr. Roberts sent me the template for the restoration bond. We would post a cash bond.

Mr. Stolman: Just in case the outside approvals do not come in, then we have a guarantee that the property can be restored to its natural state.

Mr. Valdati: Does anyone have any questions?

Mr. Fanuele: The access to Flavormatic will be maintained?

Mr. O'Rourke: Yes.

Ms. Leed: I have a question concerning legal precedence. Is this something we typical do?

Mr. Roberts: We do not typical do this but we have done it in the past.

Mr. Stolman: We only have to go back as far as the DEP project to see a project that was phased. We are not looking for the approvals of Phase II until they get to Phase II. The resolution was structured for that. There are a variety of outside agencies approvals that are needed. They only have to provide the approvals prior to the beginning of the work. This will be the first phase of the project.

Mr. Fitzpatrick: The water and sewer phase would need Board of Health approval.

Mr. Stolman: So you would not be able to put the utilities in the road way and pave the road way until they get Board of Health approval.

Mr. Fitzpatrick: This is to take advantage of a 30 to 60 day window.

Mr. Valdati: The key would be a restoration cash bond so the town doesn't fall short on our responsibilities.

Mr. Gray: In terms of erosion control, I thought we discussed you would be starting some of the drainage?

Mr. Fitzpatrick: Casey Devline, who you have met, he will be submitting a plan and in addition to clearing the land there may be some select areas that the storm water facilities constructed in order to get the erosion control in place. There may be some infrastructure related to storm water but that does not require approval from any outside agencies.

Mr. Gray: So there may be some utilities having to do with storm water.

Mr. Fitzpatrick: Yes and that would be clearly defined.

Mr. Malafronte: That will be clarified in the resolution that there will be retention ponds.

Mr. Fitzpatrick: Yes. We will supply a plan that will be used as an exhibit.

Mr. Valdati: Do I have a motion from the board to authorize our planner to prepare a resolution.

Mr. Malafronte: I make a motion.

Ms. Visconti: Second but I have a question. These resolutions are going to be done in phases?

Mr. Stolman: Yes.

Mr. Valdati: **All in favor?**

Board: **Aye.**

Mr. Gray: I just have a clarification. I spoke to Bill and his office is working on my letter and David's as well. Can we build in some turn around to eliminate whatever comments from the resolution? I have a lengthy letter and I would hate to see every single thing that is in the letter put in the resolution. I don't want to delay a vote on the resolution.

Mr. Fitzpatrick: Would it be possible that the resolution references the letter?

Mr. Gray: We did stop doing that. If we could minimize the number of items in the letter, I don't know how long David, would need from me, a revised letter to incorporate into the resolution.

Mr. Stolman: Normally, the resolution would leave our office Wednesday of next week.

Mr. O'Rourke: Which means of course, we have to get it well in advance of Wednesday for you to provide your letter.

Mr. Gray: I guess that won't happen.

Mr. O'Rourke: If I can make a suggestion, this is done in most jurisdictions. Is there a way that the letters can be incorporated into the resolution? The approval is conditional upon the satisfaction of the completion of each and every condition in the letters.

Mr. Gray: Because of the time constraints, I withdraw my request.

Mr. O'Rourke: Thank You.

Mr. Valdati: **At this time I am calling for an executive session concerning some legal advice. I make a motion to go into executive session.**

Ms. Visconti: **Second.**

Mr. Valdati: **All in favor?**

Board: **Aye.**

Mr. Valdati: **Can I have a motion to come out of executive session?**

Ms. Visconti: **So moved.**

Ms. Bettina: **Second.**

Mr. Valdati: **All in favor?**

Board: **Aye.**

Mr. Valdati: Next item on the agenda is:

12-3262 – Myers Corners Road Communications Facility/Orange County-Poughkeepsie Limited Partnership D/B/A Verizon Wireless. To discuss the installation of 15 communications antennas and equipment on the existing building at 155 Myers Corners Road. This application also includes the installation of 12' X 30' shelter at the base of the building. The property is located at **155 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-350303** in the Town of Wappinger. (Olson)

Mr. Olsen: My name is Scott Olson and I represent Verizon Wireless. These two gentlemen here, if you have any questions, are Mike Orchard and Rick Andres. We were before the board for a conceptual meeting back in September. What we are looking to do is install new antennas at the front building off of Myers Corners Road. (Pointing to the map) There will be a total of 15 antennas. They will be in three different sectors. There will be 5 different antennas facing one way, 5 facing one way and another 5 facing a different way. There will be a 12 x 30 equipment shelter on the west side and in the back of the building. It will not be seen from the road. The antennas will match the façade of the building. We have special RF transparent paint. We were before the ZBA and were granted a number of variances. We are here before you tonight to answer any questions you may have. The one thing I would like to remind you is the FCC shot clock. The shot clock is fairly new and it imposes a requirement on local municipalities to render a decision within a certain amount of time. It does depend on what kind of application we are dealing with. For co-locations it is 90 days and for new towers it is 150 days. It does get confusing how it is calculated because there are times the shot clock tolls if additional information is requested. I haven't computed it yet but my client likes to make sure there is an agreement in place that if necessary the shot clock is extended. Here I believe we are talking about a co-location. The 90 days have not come and passed yet but it will come to be shortly. Will the board be willing to entertain a one or two page letter stating if necessary that 90 days is extended.

Mr. Roberts: It depends on what day we are going to measure the 90 days. You had some preliminary applications that were rejected. You did go to the Zoning Board of Appeals. We do have some unique circumstances in calling this a co-location but we have no information on the other repeaters and transmitters that are on the building. It is a question of is it a co-location or an initial site application. The standards are different for each of them. The co-location would be 90 days and the site application

would be 150 days. We would like to hire our own RF engineer so he can go through the technical stuff after which he can report back to the board. The board has the intent to comply with the turnaround time but we need the information. I don't know when your final application got in but I think it was January or February. I would like to agree with you about the start date but I don't know if I can do that tonight because I don't have enough information to advise the board.

Mr. Olsen: I don't think it will be an issue because of the nature of this project but the Verizon Wireless legal team has made it our priority to at least address the board. We can require more information but I think most of what you want is in the application book. David Stolman and I did talk about it today. In terms of the antennas, there are existing antennas on the roof of that building.

Mr. Roberts: What information do you have about them?

Mr. Olsen: I do have an RF safety report done by Millennium Engineering and the report is in the application book that was given to you. What it says is that the engineer did an onsite visit. They went on the roof of the building and identified 6 signal booster antennas, 4 miscellaneous yagi antennas, and two miscellaneous satellite dish antennas. Also in the report is an RF emission report signed by a licensed RF engineer. I am not sure you need antennas up there to be a co-location. If you look at your code, a co-location primarily is when you attach something to an existing structure. If you look at the report, there are antennas up there so we don't fall under a new tower facility.

Mr. Valdati: That is a good semantic argument. We are under the mind set of co-location being existing antennas and now the introduction of further antennas.

Mr. Olsen: I understand why you do. In your code, you talk about preferences. The order of the preferences is to put antennas on an existing building or a tower or a structure that has antennas. I am taking a more liberal view of it and how it is viewed in the industry.

Mr. Valdati: At this time, we should name an RF engineer to do some investigating work on our behalf. I think Michael P Musso, who is with HDR Inc.. I make a motion. Would anyone like to second that?

Ms. Visconti: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Olsen: We don't have a problem. We know what the industry is. Is his role going to be limited to confirming the emissions, like the report we put into the application or is it going to be open ended?

Mr. Valdati: None of us are ready to go and check what is there already and not know what we are looking at. It is important to have this gentleman go and see what is in place at this time and what emissions are being given off now. What dual emissions will be combined and what if any harm is to the community.

Mr. Roberts: Are you referring to October 8, 2012 letter that is part of exhibit 6?

Mr. Olsen: Yes.

Mr. Roberts: Ok. It did indicate here that the facility would be at full capacity. I am just concerned what that comment really means. It also indicates that there are 6 booster antennas as part of a repeater system. I am just pointing things that caught my eye and I think things need to be explained to us and then things can move forward.

Mr. Olsen: I am not an engineer but when they report that it is at capacity they are preparing the worst case scenario. We are going to assume that Verizon Wireless if built is operating at full capacity and we are going to measure the emissions at that point to give you the worst case scenario. They want you to know the potential hazard.

Mr. Stolman: Before you mentioned, you had an interpretation of a co-location. Where did you find that?

Mr. Olsen: I went through your code today. So what are we doing out there? We are clearly putting antennas on a building. In you code section 240.81D which is location standards. It basically says that you want towers or antennas to go on an existing building that has a telecommunication center. Am I correct?

Mr. Stolman: That is the normal way I understand the way to interrupt co-location means.

Mr. Olsen: This is the only municipality that I have come across that I have come across that issue. I am not saying it is wrong. I am just says this is the first time.

Mr. Stolman: The meaning to co-locate s is to find a building that has something of the same on it.

Mr. Olsen: Correct but it may a misnomer in a sense. The point is in the industry you are putting antennas on an existing structure and not a new tower. That is why I went to the next section which is Sighting Objectives. If you look at that, the preference is to encourage placement of antennas on existing structures. Is that correct?

Mr. Stolman: Yes, the very first one suggest placement on an existing structure. I was talking about the term co-location.

Mr. Olsen: I understand. I am not trying to say your code says that we are absolutely a co-location. I think it would be ambiguous. I am trying to use other sections of your law. Isn't that what we are supposed to do?

Mr. Stolman: It is but I don't think it is co-location. I agree that the number one priority in our code is what you were talking about; putting it on an existing structure but I don't know if that is co-location.

Mr. Olsen: If that is your number one priority and we are doing that, why are we having a discussion about co-location? When we spoke earlier that was a big factor in your analysis.

Mr. Stolman: I am not trying to take issue with what you are doing. The only issue I see is that if it is a co-location, as we interrupt co-location, and if the antennas up there are not legally placed there is really a co-location.

Mr. Olsen: I understand but I cannot speak if there are. I don't have the answer to that. I just want to say we just want to put antennas up there and it is a good location.

Ms. Visconti: What are the desire results of putting them up there? Are there gaps in the coverage in the cell towers in Wappingers Falls? Is it going to be 100% or 150% coverage?

Mr. Olsen: It is going to fill gaps that currently exist along the Myers Corners Road area. I wish there was one tower and one facility that would provide service for you entire town. As of now it is impossible to do that.

Ms. Visconti: It will only be a small radius in the town. This doesn't go out to La Grange.

Mr. Olsen: This is primarily for Wappinger.

Mr. Valdati: Gentleman, do you need to pursue to have something in writing about the 90 day shot clock and an extension beyond that?

Mr. Roberts: We don't have enough information to agree yet.

Mr. Valdati: Another word it could be 90 days or 150 day? I guess we have to wait for Mr. Musso's outcome.

Mr. Olsen: What is the name of the other gentleman?

Mr. Valdati: Mr. Walter Cooper.

Mr. Roberts: Mr. Cooper was the gentlemen who initially gave us the parameters and developed the bylaws in the Massachusetts community. He was the one, at the time, that was instrumental helping the Town of Wappinger to develop the current code concerning cell towers and repeaters. Which we have now found out not in alignment with the guide lines set by the Federal Legislation.

Mr. Valdati: Do you want to rescind the resolution and go with the other gentlemen or are you satisfied?

Ms. Visconti: Now that we have new information, David, then you would utilized, review and update the zoning.

Mr. Stolman: I think the chairman is asking if you want to change the inspector.

Ms. Visconti: I'm asking about the new information.

Mr. Roberts: We asked for approval to redraft the entire section and we have not been given approval.

Mr. Stolman: This would be a limited assignment.

Mr. Malafronte: The towers that are going to be used are for cell phones?

Mr. Olsen: Correct. Lap Tops will also be able to connect to it but mostly cell phones.

Mr. Malafronte: Did you get a nation license for a larger area or do you have to resubmit every time you want to put up an antenna?

Mr. Olsen: We have a general market license for this area and it allows us to put up antennas where we deem necessary. We do not need a specific license from the FCC for each site.

Mr. Malafronte: Do you have that number?

Mr. Olsen: Yes. We have 3 licenses. Do you want the call sign.

Mr. Malafronte: I think I have it printed out.

Mr. Olsen: WQJQ689 this is what we call the LTE. 700 megahertz system. We service 3 separate systems and 3 separate frequencies.

Mr. Malafronte: This is what I printed out.

Mr. Olsen: (Reviews print out)

Mr. Valdati: Mr. Olsen, please write those down for Mr. Malafronte.

Mr. Olsen: Yes.

Mr. Roberts: Is there any chance you could secure approval from the building owner to have our expert investigate what antennas are there and to expedite the review process.

Mr. Olsen: I have worked with Mr. Musso so he and I know each other.

Mr. Roberts: The sooner we get this information the sooner we can come to an understanding when the start date is and we can move along.

Mr. Valdati: At this point we are ready to move forward and we will be in touch with you.

Mr. Valdati: Next on the agenda is a conceptual for:

13-3269/Bank of New York-Free Standing Sign-To discuss the installation of a free standing Bank of America sign. The property is located at **1469 Route 9** and is identified as **Tax Grid No. 6157-02-609919** in the Town of Wappinger.

Ms. Forrest: My name is Nancy Forrest from Gloede Signs. We are handling the sign installation.

Mr. Valdati: There hasn't been a sign there in a number of years.

Ms. Roberti: Never.

Mr. Valdati: Mr. Stolman, I understand there is a monument there for a sign.

Mr. Stolman: There is a base.

Mr. Valdati: Is that all in the proper dimensions for signage?

Mr. Stolman: We cannot tell where the base is located related to the lot lines on the photograph that I have. It has to be 25 feet from the property line. We cannot see from the application that was submitted.

Ms. Forrest: I took this project on from an expeditor that was hired by Bank of America. I have been doing this for 36 years. I did call to see if the file was complete and if I needed to bring anything and I was told everything was complete.

Mr. Stolman: I think you were told for tonights conceptual you submitted enough. You need to submit a site application indicating where the property lines are.

Ms. Roberti: You need to come back to the Planning Board with an amended site plan.

Mr. Valdati: Do you have any further question?

Ms. Forrest: No.

Mr. Valdati: Next on the agenda is another conceptual on:

13-3271/Villa Borghese-Permanent Tent-To discuss the installation of a 40 x 40 permanent canopy. The property is located at 70 Widmer Road and is identified as **Tax Grid NO. 6158-02-880530** in the Town of Wappinger.

Mr. Paul Porco: We are looking to put in a permanent structure. The plans are in front of you. This is to shield our guest from the elements when we have a function on our terrace.

Ms. Visconti: Is this going to be air conditioned?

Mr. Porco: No. There will be 6 to 8 paddle fans.

Ms. Visconti: What is it made of?

Mr. Porco: Canvas.

Mr. Valdati: It would be nice to see what it will look like to see if it fits into our community. (Pointing to the picture) is this what it is going to look like?

Mr. Porco: That is exactly what it is going to look like.

Mr. Valdati: Does this have load bearing capability? For example, snow and rain.

Mr. Delucia: Mark Day's office and the manufacturer are working on that.

Mr. Valdati: What does the board think of this?

Mr. Fanuele: Will this increase the number of people?

Mr. Porco: No.

Mr. Valdati: How about parking? If 2 events are going on the same time, will there be sufficient parking?

Mr. Porco: There is sufficient parking because we do not hold separate parties there.

Mr. Stolman: I don't know if that terrace was included in the original parking calculations. The parking calculations done about a year ago show there is enough parking for the building. We do not have the plans in front of us to review.

Ms. Leed: Barbara, are terraces normally calculated?

Mrs. Roberti: I am not sure.

Ms. Visconti: What you are saying is that one of the rooms has doors that lead to this terrace?

Mr. Porco: Yes. This terrace is for an existing party in that building.

Mr. Valdati: I think to clarify this we should have our professionals review the original site plans. Review the canopy application and see if there is adequate parking and then we can go forward from there.

Mrs. Roberti: Gives us a few weeks to review it.

Mr. Delucia: If the parking is sufficient, will we have to go back in front of the board?

Mrs. Roberti: Yes, we would need an amended site plan.

Ms. Bettina: Will this be used all year round?

Mr. Porco: No, I am not going to heat it. Hopefully use it up to the first week in November.

Mr. Valdati: I make a motion to have Mr. Gray follow through as indicated.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Next on the agenda is:

Corporate Park - To discuss a site plan for a restaurant, office and retail building in a HB zone. The property is located at **1207 Route 9** and is identified as **Tax Grid No. 6157-04-563441** in the Town of Wappinger.

Mr. Lund: I am here to discuss an amendment to our approved site plan. There has been a violation issued to us for some paving that was done on an existing rear driveway. There is a maintenance office in the basement of the building that was converted and renovated to my current office. We were also issued a violation for doing improvements without a building permit. I prepared a site plan to show the board the existing driveway that was on the as built survey. This was submitted to the town in 2007; the modification where the areas were paved for parking spaces in the lower level.

Mr. Stolman: Are there 2 offices down there or 1?

Mr. Lund: It really is only 1; Mr. Ritter shares it with me.

Mr. Valdati: Do you have anything else to say?

Mr. Lund: I don't know if you have any other questions? I highlighted the existing driveway.

Mr. Valdati: I don't know where to start so I will turn this over to Mrs. Roberti. This way she can give us a time line.

Mrs. Roberti: This project was approved January 19, 2005 by the Planning Board. It was signed by the Planning Board Chairman at the time on January 5, 2006. In that resolution, it said nothing was to be put downstairs except for maintenance for the landlord. No office was approved.

Mr. Valdati: So you are saying no office was approved for that area.

Mrs. Roberti: It was to be used for office maintenance material. There is an elevation that shows an overhead door. Mr. Lund came back to the Planning Board many times to ask for different uses. In 2010, he came back to the Planning Board and asked to use the basement for his tenants. The board gave him approval. At which time, he took out 2 building permits. Mark Lieberman, the fire inspector, gave him the building permits and the c/o's. One was for a partition wall and the other was for storage for Cat's Eye Exterminator. In one of those building permits, was the floor plan the Kevin submitted to Mark to show the partitions next to a maintenance office. At some point, from 2006 to 2010 the office was put in. It looks like, from this plan, cubical and open area. The last building

permit was c/o'd on April 14, 2011 to present to offices were put in with bathrooms, windows and doors.

Mr. Valdati: How many offices?

Mrs. Roberti: It shows 2 from the outside. I have never been inside so I don't know if it is an open area.

Ms. Leed: (Pointing to the map) this elevation with the windows and doors is the original.

Mrs. Roberti: Go back that is the original and this is what I took pictures of in January. The original site plan show that there is a 12 foot gravel path the retention pond and the four bay. There is landscaping all around the building. The location survey that Kevin brought in shows the driveway being brought up to the back of the building. Those plans were submitted to the Building Department and they were copied and labeled. If you look at the label on his copy, there is a note that says hand delivered. On our copy, you can see it has not been approved by anyone in the office. There is no signature from the zoning administrator, building inspector, highway superintendent or the engineer. There are letters in the file from Kevin, which Jay Paggi refers to this and approves it. There is nothing in the town that Tanya went out or a building inspector signed off. So as far as I am concerned, this is in the file and there is no final as built that anyone actually approved. He does tell you he eventually paved it and put in some parking.

Mr. Valdati: The elevation that you show here (pointing to the map) seems to have some landscaping also.

Mrs. Roberti: Yes.

Mr. Valdati: On this map the landscaping is removed.

Mrs. Roberti: On this lot survey, it shows trees. I don't know if there are the same amounts of trees.

Mr. Lund: There was nothing removed. That change was submitted so I could get a garage door and bring the driveway to the door. It was done during the original construction of the two buildings. This as built was turned in, in 2007 and I know David had a representative on site when we did the final walk through. I had to turn this in before I could get c/o's on the buildings. Whatever changes were done they were field changes and everyone saw them. They inspected them and then brought into Town Hall and circulated. When I went in after this issue arose I asked for copies and I had to go to Jay Paggi's office to get them. At that point

Barbara and I saw they were never signed. I have no control over internal distribution with the town. I was told to bring the maps to Town Hall and I did. I assumed it was circulated because I received c/o's for the building.

- Mrs. Roberti: C/o's for the building itself says it is for a building to: Commercial new construction – building shell only and unfinished basement for storage only.
- Mr. Lund: The point is I turned this as built in with the change and the driveway up to the rear of that building prior to getting them c/o'd.
- Ms. Leed: What about the door and windows? Where they there when they did the final inspection?
- Mr. Lund: The extra windows were not there. We made provisions for the windows when the foundation was poured and the previous owner did not put them in.
- Mr. Valdati: Mr. Stolman would you please way in.
- Mr. Stolman: To the best of my knowledge we never did an inspection.
- Mr. Lund: The fellow that was working on the resolution for your company.
- Mr. Stolman: Chris Holme.
- Mr. Lund: Yes. When I took over when Mr. Ritter got sick.
- Mr. Stolman: What was he doing out there?
- Mr. Lund: When I applied for the c/o's I remember Jay Paggi saying you need to get in touch with David Stolman's office because we don't check landscaping.
- Mr. Stolman: Was Chris out there to check landscaping?
- Mr. Lund: I put a request in because Mr. Paggi at the time said you have my sign off on this and the survey went back a couple of times. Jay had 2 copies one was refused because of a man whole cover and then he said we do have to get in touch with David Stolman's office because we don't look at landscaping or anything like that.
- Mr. Stolman: To the best of your recollection was all the landscaping put in?

Mr. Lund: Oh sure. About a year or two later, Barbara had me out there doing more landscaping on Cayuga Drive.

Mr. Stolman: Was the landscaping moved out of the way for the driveway that was put in?

Mr. Lund: I guess we moved them but I really can't remember how that came about. I think we took some of the pine trees in the back and some went to the front some went to the side and some went to the hill that graded down between building 3 and building 2.

Mr. Stolman: I wasn't aware of it.

Ms. Leed: Are we talking about 2 issues here? Changes to the landscaping and paving and then the changes to the building.

Mr. Stolman: Yes.

Ms. Leed: So everything. Nothing came through the town that you know of for approvals but he is saying some of the things were put in with the c/o's.

Mr. Valdati: There is reference made to Mr. Lieberman signing off. There were two examples you sent to me and the other board members. Those don't count for the offices you constructed. It only counts for a partition that was placed. It does not count for the bathrooms, plumbing or electrical to be installed.

Mr. Lund: I did make changes when I applied for this building permit.

Mr. Valdati: I think the best course of action for everyone concerned is for you to do an amended site plan.

Mr. Lund: Ok.

Mr. Valdati: You should submit. It should be reviewed by the professionals and the Planning Board. We will look at that and see if what you have done can stay there and what requirements are going to be made. Inspections have to be done. That will entail an inspector but we do need to pursue this. I think we can all agree this is the best course of action. So I'm going to request on behalf of my colleagues that you make a submission for an amended site plan. I would like you to include all the aspects that seem to be in question that do not have town documentation approval. I think this is fair and we can take it from there. Do you have any questions of us?

Mr. Lund: No.

Mr. Valdati: Ladies, gentlemen any comments?

Board: No. Sounds good.

Mr. Lund: I would like to add that I did look at the current approval today and the parking calculation. In the original approval we were allowed 157 spaces. We have 182 parking spaces. We have an abundance of parking spaces. During the winter there is an area we put the snow in. Not that it justifies the square footage. My application will request using some of that space.

Mr. Valdati: We are looking forward to receiving the documentation and we will look at it very carefully.

Mr. Lund: Thank you.

Mr. Valdati: Thank you, Mr. Lund.

Respectfully,

Sue Rose, Secretary
Planning Board