

MINUTES

Town of Wappinger Planning Board
May 6, 2013
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

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
Ms. Roberts	Attorney to the Town
Mr. Stolman	Planner to the Town
Mrs. Roberti	Zoning Administrator
Ms. Rose	Planning & Zoning Secretary
Ms. Richardson	Conflict Attorney

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

All Angels Heights Subdivision	Waiting for Mike Nowicki's report
228 Myers Corners Road	Submit new plans
Odyssey Diner	Prepare Resolution
Grace Bible Church	To meet with Barbara
BJ's Wholesale Club Propane Cylinder Refill Station	Submit application

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: Next on the agenda is:

09-5152 All Angels Heights Subdivision - - To discuss an 8 lot subdivision on 22.84 acres in an R-40 Zoning District The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid Nos. 6259-03-410112** in the Town of Wappinger. (Barger)

Mr. Burns: My name is Steven Burns and I am representing All Angels Heights Subdivision. I have cleaned up the map quite a bit. It is an 8 lot lay out on a 20.8 acre parcel. Each lot is fitted up for a 4 bedroom house. The roof litters lead to a dry well. I reduced the limit of disturbance to about 4 ¾ acres so I can stay under of the DEC threshold for their storm water prevention plan. I modeled the drainage in such a way to check the volume of the post is less than or equal to the volume of the pre run off. I have gone further than matching your flow rates in this case I matched the volume. This is to address flooding issues that came up during a Public Hearing for the lot line realignment. (Pointing to the map) this is All Angels Hill Road here and New Hackensack Road is here and Dutchess County Airport is here. I have responded to the comments from the professionals. The only comment I don't have an answer for is from Dutchess County Public Works concerning the decimal levels in the area of the project. In the next few days I will be taking the information found on the master plan from the Dutchess County Airport and plotting it on the map. It will show the decimal contours and how they affect the project.

Mr. Valdati: Does anyone have any questions?

Ms. Visconti: February 4, 2012, I asked about elevation certificates to be provided to homeowners who are located in the 100 year flood plain so they will be able to get their flood insurance without having to get a survey. Also, how much fill is going to be needed to raise them above the flood level? In the Barger report, it states that every 5 or 6 years silt and sediment will be moved. Who is removing it?

Mr. Burns: The town removes it. The town accepts the storm water basins and they also accept the maintenance. They would set up a storm water district.

- Ms. Visconti: Is that what they are doing, Mr. Gray?
- Mr. Gray: My understanding is they will. I haven't specifically spoken to Graham Foster but typical they will.
- Ms. Visconti: I would like to see that in writing. Now that you have lots in actual flood zones, those people are looking at flood insurance up to \$2000.00 a year.
- Mr. Burns: Our lowest house elevation is about 154 with the flood elevation of 139.
- Ms. Visconti: The only ones that can change that is FEMA. If that doesn't show the elevation that they are way out of the flood zone, they are going to be required to get flood insurance. They will not be allowed to get a mortgage unless they can prove they are not in a flood zone.
- Mr. Burns: You have to have the propose basement elevation and we don't have that information yet.
- Ms. Visconti: You are building the houses so you will know what the basement elevations will be. If you can do something in the beginning, to prevent the problem.
- Mr. Burns: I can put a note on the map or how would you like me to address it. The best time to do the elevation would be at the time of the c/o.
- Mr. Gray: These elevations are way out of the flood plains. I think the best way to make sure there is a certificate is to propose an internal plot plan on everyone of these houses as far as the building permit process. The final plot plan shows the elevations of the basement, first floor and the garage; along with all the grading. In this case we can go beyond that and ask for an elevation certificate. This could be a requirement as part of the final plot plan. This is the easiest way to do this.
- Ms. Visconti: Ok, I'll put it in my notes.
- Mr. Malafronte: He has on the drawing item 11 & 12 that the runoff is the responsibility of the homeowner. Shouldn't that be taken off the site plan?
- Mr. Gray: Can you tell me what it says?
- Mr. Burns: That is cross drainage over lots.
- Mr. Gray: That is different than flooding. In subdivision lots, lots in the subdivision are permitted not for directed pipe runoff but if a property raises their elevation and their sheet flow can occur over other lots in the subdivision it is diverted around other homes. It is permitted in this town.
- Mr. Malafronte: Does that have to be addressed when they go for FEMA insurance?

- Mr. Gray: Not really because they are out of the flood plan. This has to do with the plot plan and how the house is graded to make sure your house next door doesn't direct water into my house. That the grading is done in such a way that it can come across the lot in a safe way.
- Mr. Malafronte: In January, you spoke of the elevations and fill.
- Mr. Gray: There has been a substantial change in the elevation. It is above the flood plain. You're mixing up FEMA and drainage.
- Mr. Malafronte: You're not going to address this.
- Mr. Gray: The grading is always addressed. What we want to add here is the elevation certificate to make sure these homeowners have what they need so they are not stuck with flood insurance. I also think it should go into the resolution.
- Mr. Valdati: We do have letters from Mr. Stolman and Mr. Gray. Have you received those letters also?
- Mr. Burns: Yes.
- Mr. Valdati: There seems to be a number of items in Mr. Stolman's letter. Mr. Stolman would you please explain some of these items.
- Mr. Stolman: Mr. Burns has made much progress with this last submission. The bulk of this is being handled by Mike Nowicki. We haven't gotten anything back concerning the wetlands.
- Mr. Valdati: There seems to be some outstanding permits that are required.
- Mr. Stolman: There is quite a bit that Mike is working on and we haven't heard anything. When we can, we will go out and verify the boundaries of the wetlands. Steve has pretty much finished his work but we are still waiting on Mike.
- Mr. Valdati: Mr. Gray's letter outlines a number of items. I think before we go to a public hearing we should have these items on hand. I am not going to consider a public hearing until we get all the outstanding information and permits.
- Ms. Visconti: This sounds reasonable.
- Mr. Valdati: Does anyone have anything else to add?
- Mr. Stolman: I understand talking to the applicant that Mike Nowicki has finished his work but has not submitted it. That work has to be reviewed. We have to go out and walk the site. We have to check out the wetland delineation. Even if we had a Public Hearing at the next meeting, it could not be closed unless all this work is done. Adjourning a Public Hearing from meeting to meeting is not what the Planning Board wants to do.
- Mr. Macho: I have everything and you keep stalling. Mr. Nowicki has everything.

- Mr. Stolman: We on the board are not stalling. The site has to be walked.
- Mr. Macho: The site was already walked.
- Mr. Stolman: Steve has put up the wetland flags so we can do that.
- Mr. Macho: You haven't been back since then?
- Mr. Stolman: With all due respect, it is really your side of the table that has been the cause of this length of time. If Mr. Nowicki submitted what needed to be submitted, we would be in a very different place.
- Mr. Valdati: Mr. Stolman, would you give your professional opinion about the Public Hearing.
- Mr. Stolman: I would say based upon not having all the information. It is not time for a Public Hearing.
- Mr. Gray: You have done a very good job dealing with our comments with the exception of the county request for a sound study. People will show up at these meetings and we have to have the answers.
- Mr. Burns: If I get everything and talk to the people at Dutchess County and put the overlay on the map, would that address everything and we can move along.
- Mr. Stolman: As long as everything is complete.
- Mr. Valdati: The next item on the agenda is:

12-3252 / 228 Myers Corners Rd. To discuss amending their site plan to show existing conditions of the property which includes three (3) buildings on 6.3 acres in an NB /R40 Zoning District. The property is located at **228 Myers Corners Rd.** and is identified by **Tax Grid 6258-02-702520** in the Town of Wappinger. (Borek)

- Mr. Walsh: My name is Don Walsh and I am here concerning 228 Myers Corners Road. We came before you a year ago and there were 3 outstanding issues. First there were issues with the County and the Department of Transportation. Which dealt with the intersection of Myers Corners Road and our entrance on the property, we had to find out how to line our driveway with the intersection across the street. It wasn't an overnight decision because of the configuration and the shared cost. The second issue that was tied to that was the county wanting to put in sidewalks all the ways along Myers Corners Road. We had to look into that and make a determination where the side walk would be located and what the buffering and screening would be along that side walk. It was difficult for us and that touches on the third thing. It was in Mr. Stolman's memo. It was an issue on how we were going to handle the front yard. Years ago, every car dealership in the town needed to be on 3 acres. There were Zoning Board meetings concerning this. It turned out to be a .45 acre. The board did decide that a car

dealership would be allowed on that lot. The .45 acre is the front parking area and some of building 2. Which is used for touchup and body work for the car dealership.

We had to work out with the county on how much of the front lot would be taken by the dedication of land for the sidewalk and by planting strips and how much land would be left over. What we have done with the county is, at David's suggestion, this is in contrast of what the town requirements about parking island. We can accommodate both and still keep the .45 acres. What we would like to submit with the dealings from the county is and what David said about grandfathering parking area without the islands would just what we would have left over after giving up the planting strips and sidewalk. We also had a matter with Mr. Gray's office and I know he will comment on. Mr. Williams commented on some of the grading. I will now introduce Rich Williams, from In Sight Engineering, who will discuss the progress made so far.

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Mr. Williams:

My name is Rich William and I am with In Sight Engineering. We expanded the drawings from 1 sheet to 3 sheets and commented on the suggestions from the Town Planner, the Town Engineer, Dutchess County Planning and Dutchess County Dept of Public Works. Based on the most recent comments from the Town Planner and the Town Engineer, we have resolved most if not all of the issues. We have illustrated the future Myers Corners Road improvement. We walked through the illustration with the county and they are in agreement. We are in the process of applying for the Highway Work Permit. We relocated the existing sign that it meets the zoning code. We have added additional erosion control and storm water treatment units on site. We did show this to Mr. Gray and he did find these acceptable. This summarizes the most substantial suggestions. We would like to get the boards comments.

Mr. Valdati:

Any questions from the members of the board?

Ms. Visconti:

David, who picks up the waste from the repair facility. This was from May 2012.

Mr. Stolman:

In terms of picking up the waste, we don't get very far into that. There are all kind of regulations concern removal of waste from gas stations and car repair shops.

Mr. Stolman:

This is an existing commercial site because it is such a tight spot I think the stripped islands would be more appropriate that the raised islands.

Mr. Walsh:

I do agree with David. We could add trees to the back of the property for more privacy and not take away land from the tenant in the front of the property.

Mr. Stolman:

I suggest you give us a call when revising these plans. We can talk about where it would be appropriate to put the trees.

Mr. Walsh:

That is not a problem.

Mr. Valdati:

Next on the agenda is:

13-3274/Odyssey Diner – To present modifications and upgrades to the approved site plan for the proposed diner which is 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) (PH opened and closed 1-04-12)(Resolution signed January 18, 2013)

- Mr. Gillespie: We are here tonight because of the need for an amended site plan. This board already approved the original site plan on January 18, 2012. It took about one year to get signed and the building permit was issued around March 2013. During the construction there were some modification made to the site. They were made to the building. At the last meeting we came to explain some of the changes and the board felt that the job should be shut done until an amended site plan was submitted and we got an as built of what was already done. We had a meeting with Sal Morello, the building inspector, to go over the plans and to make sure we are on the same page. What we would like to do tonight is go over the comments from the professionals. One of the biggest issues was the second floor and the windows that were installed on the second floor. Compared to the original approval, there are some modifications to the building exterior. David's letter was very clear in pointing out the modification that was done to the site. This includes 1300 square feet to the second floor. (Pointing to the map) the side walk that was here was removed and made wider. Some landscaping was pulled, so what we have now is a landscaping plan that we are now proposing. The condition of the building caused us to demolish. We have to connect to the water supply to the village for the sprinkler system. The whole parking lot is going to be paved. On the original plan we showed a round mounted sign on the Old Route 9 side of the building, what we are now proposing is a directionally sign. This is the extent of the modifications for this site.
- Mr. Stolman: At the last Planning Board meeting it was stated that the height of the second floor was going to be 7 foot plus. Why is it less than that now?
- Mr. Gillespie: I have been out to the site and part of our as built and after taking numerous measurements on that second floor area. There is no ceiling height that is higher than 6 foot 10 inches.
- Mr. Stolman: I accept that and the building department will verify it. There is no need for additional parking the second floor does meet the criteria for parking. There is a proposed free standing sign on Route 9. The site plan needs to be revised to show and label that the new free standing sign will be 25 ft from the property line.
- Mr. Gillespie: The original plans show two building mounted signs.
- Mr. Stolman: I believe the board already approved that.
- Ms. Leed: What is the rational of having windows where storage is going to be? Windows denote an office.
- Mr. Gillespie: I didn't put the windows in and the owner is not here.
- Mr. Gillespie: (Pointing to the map) this is your final as built. I don't think they look right. They are not centered. We can certainly eliminate them but we do need ventilation.

- Ms. Leed: How about louvers the same color of the building?
- Mr. Gillespie: With the change in elevation, some of the windows had to be modified. They added a window in the kitchen. They would like to keep that window to let some light in.
- Ms. Visconti: I have no problem with it.
- Mr. Valdati: Does anyone have any questions about the window placements?
- Ms. Bettina: (Looking at the map) is that going to be the only window on the left?
- Mr. Gillespie: What happened with this whole problem was when the building was taken down it had to meet the current codes. The original never meet the handicap current law that is why there are so many changes from the original plans.
- Mr. Valdati: Any questions from the dais?
- Mr. Valdati: A ticket was issued and that need to be taken care of.
- Mr. Stolman: This also needs to be sent to the village.
- Mrs. Roberti: This did go to the village on April 15th.
- Mr. Valdati: Have you heard from the village?
- Mr. Gillespie: I haven't heard anything from the village.
- Mr. Roberts: The point I'm trying to make is part of this property belongs in the village. We do not have jurisdiction on the property that belongs to the village. If you are altering any portion of the building that belongs to the village, you are going to need approval from their Planning Board.
- Mr. Stolman: Part of the parking lot is in the village, and you don't need approval to pave a parking lot.
- Mr. Gillespie: Does this board have the power to waive a Public Hearing having to do with minor modifications to the site plan.
- Mr. Roberts: The answer is the board has the discretion to determine if this modification is significant.
- Mr. Valdati: I believe we can waive the Public Hearing.
- Ms. Visconti: I agreed.
- Mr. Valdati: I believe a resolution can be prepared containing all the stipulations we made this evening including the fines being satisfied.

- Mrs. Roberti: Please understand that once this is granted, if there are any changes, you must come back to the Planning Board.
- Mr. Visconti: I second the resolution.
- Mr. Valdati: All in favor?
Board: Aye.
- Mrs. Roberti: With the thought this is moving forward with a resolution and they did bring in buildings plans. How does the board feel about the stop work order being lifted?
- Mr. Valdati: So moved. Do I have a second?
- Ms. Visconti: Second.
- Mr. Valdati: All in favor?
Board: Aye.
- Mr. Valdati: Next on the agenda is:

13-3270/Grace Bible Church-Existing Car Port-To discuss amending their site plan to include the existing 20 x 20 car port. The property is located at **158 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-393242** in the Town of Wappinger.

- Mr. Ryan: My name is Randall Ryan and I think I am here for the carport.
- Ms. Visconti: On March 18th we asked him to go see you.
- Mrs. Roberti: That is why he is here. When he came in for a building permit, he asked for a four pole carport. The building permit specifically said no sides. It has sides and electric and that is why they are here.
- Mr. Valdati: Mr. Stolman's plan explains your reviews.
- Mr. Stolman: There has been some grading as well. You need to show some grading on a plan and it should be on the amended site plan.
- Mr. Ryan: The grading that is being proposed is already done.
- Mr. Stolman: The grading that was done should have been on the site plan.
- Mrs. Roberti: To keep the board up to date, the grading that was done without a grading permit. A stop work order was put on the property and we were waiting for them to open the permit. Since the church is here for the carport, David thought it would be in the best interest to add the grading.

- Mr. Valdati: You need to schedule an appointment with Mrs. Roberti and Mr. Gray to review everything.
- Mr. Valdati: Any new or old business?
- Mr. Roberti: I have some new business. This just came across my desk today. (Showing Pictures to the board). This is the old United Rental Building. The previous renters did not work out and the owners are thinking about opening something similar to Party City. They will be painting the sides and rear white and the front red and they wanted to know if this is possible.
- Ms. Visconti: I make a motion that the applicant can paint the front red.
- Mr. Dao: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Gray: I have a small item. I am working with the Town Supervisor and the Town Board concerning the roof here at Town Hall. It is in bad shape and needs to be replaced. We are looking at solar pvc on the roof. I am working with a company named Sun Tech and they would help us with the specifications for that. I am looking into grants to help with the cost of the roof. As it develops, we will let the board know.
- Mr. Malafronte: Did you check with the NYS Energy Board for grants?
- Mr. Gray: NYS Energy Redevelopment Board, yes.
- Mr. Valdati: Next on the agenda is a conceptual for:

13-3275/BJ's Wholesale Club Propane Cylinder Refill Station-To discuss the addition of a fenced propane refill station, a landscaped parking island, existing shed display and existing seasonal goods storage area. The property is located at **1357 Route 9** and is identified by **Tax Grid No. 6157-02-707773** in the Town of Wappinger.

- Mr. Trauger: My name is Jim Trauger with Kimley–Horn and Associates and representing BJ's Wholesale Club. They are purposing to put in a Propane Cylinder Refill Station at 1357 Route 9. The project would put a 1200 square foot concrete pad for a 1,000 gallon propane tank to refill home cylinders. A landscaped island is proposed next to this area. I did speak to staff and no formal submittal has been made. We will incorporate the shed and flowers outside into this application. I spoke to Mark Lieberman, who is your Fire Inspector, and he has no problem with the project. I spoke to Mrs. Roberti and she suggested we come in here and get the boards feedback before we make a submittal. The pad would be located between the tire center and the front doors. The tire center personal would be the ones that refill the cylinders. NYS

requires bollards and fencing to surround the tank. The fence would be locked when not in use.

- Mr. Fanuele: I think the propane tank is in the wrong place. It is right in the center of the traffic and it should be at the side or the back of the building.
- Mr. Roberts: I am not for or against the proposal. There were one or two applications for a similar proposal that were rejected by this board for safety concerns. You may want Barbara Roberti to pull those applications and integrate them with this application. Mark Lieberman, who was the Fire Inspector than as he is now, had some comments.
- Mr. Valdati: We have no comments from Mr. Lieberman on this application.
- Mr. Roberts: That is because it is only a conceptual.
- Mr. Valdati: You have spoken to Mr. Lieberman.
- Mr. Trauger: Yes, he voiced to me, as long as we follow the regulation.
- Mr. Valdati: We are not against them just the location.
- Ms. Leed: Can this be put on the side of the building? Having it in front of the building is an eye sore.
- Mr. Stolman: You are proposing to put this in prime parking spaces.
- Mr. Valdati: It is visible to generate business but I don't see the necessity to have it there.
- Mr. Trauger: The intent is to put it as close to the tire center as possible since they will be the ones operating it.
- Mr. Valdati: This is a great service your business is offering but as you can see the board is not happy with the location.
- Mrs. Roberti: The first time you contacted me and I showed Mark Lieberman; he was not in favor of it. The reason being there are parking spaces all around it. He recommended in this corner (pointing to the map).
- Mr. Valdati: (Speaking to the Board) Ladies and gentlemen, I think we should rethink the location of this. I would like to get Mr. Lieberman's input on this. Safety is very critical; we are not against having it, just the location.
- Mr. Malafronte: Most places only have 500 gallons. I would say we would have to contact first responders and Home Land Security.
- Mr. Valdati: As far as our Fire Inspector, he should have all that information.
- Mrs. Roberti: I will make sure this goes to the Fire Prevention Bureau.

- Mr. Valdati: Thank You.
- Mr. Trauger: I am still unclear on the vehicle that would determine its location. Will be ok if the Fire Inspector is ok with its location?
- Mr. Valdati: Our Engineer and Fire Inspector have the credentials for recommending its location and will we take their advice. Contact our professionals and come before us with a plan.
- Mr. Gray: I would like to know if this would ever be put underground.
- Mrs. Roberti: Also, the delivery of the propane should be included in the application and the safety aspect of having people around when you delivery it.
- Mr. Valdati: I would like to have a 5 minute recess and then start the RFP Interviews.

*******The audio is available upon request for the Planning Board Engineer *******

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Respectfully,

Sue Rose, Secretary
Planning Board