

MINUTES

**Town of Wappinger Planning Board
June 3, 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
Mrs. Dao	Acting Planning & Zoning Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Kowalsky Lot Line Realignment	Motion moved
Verizon	Public Hearing –July 1 st
Corporate Park	David Stolman to review new submission
Osborne Square	Building Department to monitor
Stonegate	Planning Board Lead Agency
La Fonda Del Sol	7 th extension granted
Matthew Vassar Brewpub	Submit Plans
Chelsea Yacht Club	Resolution to be drafted
RFP	Attorney Al Roberts Planner David Stolman Engineer To be determined

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: Attendance please:

Ms. Rose:	Robert Valdati	Here
	Frank Malafronte	Here
	Marsha Leed	Here
	Max Dao	Here
	June Visconti	Here
	Victor Fanuele	Here
	Angela Bettina	Here

Mr. Valdati: Next on the agenda is:

13-5166/Kowalsky-Lot Line Realignment- To vote on the lot line realignment of 8.22 acres. The properties are located at **164 and 168 Old Hopewell Road** and are identified by **Tax Grid No. 6157-01-422545(164 Old Hopewell Road) and 6157-01-447532(168 Old Hopewell Road)** in the Town of Wappinger. (Kowalsky)

Ms. Visconti: David, is the board going to waive the topo and the trees? I didn't see it in the resolution. Does it need to be addressed?

Mr. Stolman: It doesn't need to be in there because it doesn't need to be done.

Mr. Valdati: Do I have a motion to except the resolution.

Ms. Visconti: I make a motion to except the resolution.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Next on the agenda:

12-3262 – Myers Corners Road Communications Facility/Orange County-Poughkeepsie Limited Partnership D/B/A Verizon Wireless. To discuss the RF report for 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 Olsen and I represent Verizon Wireless. I understand that the Planning Board has the arch report from Mike Musso. I believe we have answered all your questions.
- Mr. Stolman: I don't think the board has gone through this letter. I would like to go over it.
- Mr. Valdati: Please do.
- Ms. Visconti: Are there antennas there and do we know who they belong to? The last time everyone was shocked that there were antennas on the building.
- Mr. Stolman: I don't think we know who owns those but Mr. Musso has taken those antennas into consideration; as well as the engineer for Verizon. There are some repeaters up there that will come down.
- Ms. Visconti: Are they all legal?
- Mr. Stolman: I don't know.
- Ms. Visconti: That is the question that is in my notes. We all looked at each other because none of us knew that there were antennas up there. I don't know if this is for open discussion or for executive session.
- Mr. Stolman: The report from Mr. Musso, on the bottom of page 1, says there are signal boosters antennas that are part of an in building repeater system and 2 satellite antennas. The signal booster antennas will be removed as part of the Verizon antennas. As far as the RF's admissions, everything is fine.
- Ms. Visconti: We don't have to take those into consideration?
- Mr. Stolman: We do have the building owner as part of this application. If you want to take up now if those antennas are legal, this is the appropriate time.
- Mr. Malafrente: David, on the report it says he needs a line of site for his antennas to work. Are there other towers somewhere else?
- Mr. Stolman: The antennas that will be mounted will give a line of sight to provide the coverage that is needed.
- Mr. Malafrente: You normally need 2 to 3 mile radius to have the coverage you need.
- Mr. Olsen: Generally speaking yes. It really depends on the terrain but generally we depend on 2 to 3 miles.
- Mr. Malafrente: Is that the circumference you need to overlap?

- Mr. Olsen: Generally yes. If you look at the application, exhibit 3, there are some maps in here that illustrate where the service is lacking.
- Mr. Stolman: The first part of the report explains the existing conditions. The second pages there are 5 bullet points with additional information and materials that should make the application complete.
- Mr. Olsen: The first bullet point is about no structural problems with the structure that the antennas will be attached to. We would never attach the antennas to a structure without doing an analysis and Mr. Musso requested it also. Our engineer went to the site and did an analysis and we have a letter that we can formally submit. Second bullet point refers to a discrepancy in our report. One says 15 antennas and the other says 12. He has confirmed there will be 12. The RF report analyzed 12 antennas. The 3rd bullet point, Mr. Musso wanted clarification as to whether or not there would be a GPS antenna. With every cell tower we build, there is a GPS antenna. With the 4th bullet point, Mr. Musso wanted to know if we could use antennas small then 8 feet. For this proposal, this is the 4th generation service, the LTD, those antenna have to be between 6 and 8 feet tall. That is what the industry calls for now. The 5th bullet point is a signage issue. We will have a sign on the fence. The FCC requires certain information. It will also have an 800 number, should there be an issue. There was also a request the signage be put near where the antennas are going so that if the fire department ever had to approach the building. They would know there are live antennas there.
- Mr. Stolman: Scott will be submitting additional material too. It will supplement what has already been submitted. That information will go back to HDR and then they would issue their final report. The next issue starts on the bottom of page 2. One of the things that the Verizon application was suppose to show is a gap in coverage. HDR reviewed the material that was submitted by Verizon. HDR has confirmed there is a gap in coverage and these antennas would fill the gap in coverage. Other sites where looked at but HDR reported that those locations would not fill the gaps. Except for the additional information that HDR is looking for, they have given this project their approval. HDR concludes the RF calculations are cumulative as they include the yaggi and satellite antennas that remain on the roof top. The ground level exposure in the vicinity of the site the RF value was found to be less than 1% or the FCC maximum exposure. Basically HDR has given this proposal a clean bill of health.
- Mr. Valdati: Since this is an unlisted action in terms of SEQRA, what is our next step?
- Mr. Stolman: As soon as you are satisfied that you have enough information, you can schedule a Public Hearing.
- Mr. Valdati: We should have Mr. Musso here for that.
- Mr. Stolman: He can be here.
- Mr. Valdati: Let's schedule a Public Hearing for July 1st. Do I have a motion?**

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Next on the agenda is:

13-3273/Corporate Park - To discuss an amended site plan to include two additional offices in the rear of building #2 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. (Day)(Lund)

Mr. Lund: Good Evening. The last time I was here I was asked to submit an amended site plan. This reflects the paving and the things we did illegally at the park. I did submit this to Barbara and it was distributed. I did receive a comment letter from Mr. Stolman and we just recently just responded to all the comments. Unfortunately the engineer that worked on this project and other has left the firm. So I responded to most of the comments myself and they are on the drawings.

Mr. Stolman: We have not gone over the comment letter yet.

Ms. Leed: Did you respond to the county about the trees you cut down?

Mr. Lund: I didn't cut down any tree. What I did was extended the parking area and replanted the two trees. It is on my common letter. It is on the north end of the building near the dumpsters. When you come down Rte. 9 you will see them.

Mr. Gray: They are talking about street trees.

Mr. Lund: I never took down street trees.

Ms. Leed: Is there an area that looks not shielded?

Mr. Lund: The building is so shielded you can't even see the sign anymore.

Mr. Gray: Barbara and I can stop by.

Mr. Valdati: Mr. Stolman, in regards to your letter on page 2 do you have any items still outstanding?

Mr. Stolman: I won't know until I review the latest submission. If I can just point out, the Planning Board approved storage for the tenants down below and it the proposal now to allow the tenants continue using that as storage or rent it out?

- Mr. Lund: I modified with your comments. You asked me to modify the parking to accommodate the parking and I used your calculations and the area down below is an accessory use for the tenants.
- Mr. Stolman: If it is ok with the planning board, we will review this new submission against our memo and have a review memo ready for the next meeting.
- Mr. Valdati: That will be fine.
- Mr. Valdati: Next on the agenda is:

08-3162 / Osborne Square: To discuss clearing land in order to drill the well to satisfy the DCHD for their approved site plan that includes two new commercial buildings for a total of 16,205 sq ft on 2.138 acres located in an HB Zoning District. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day)(Lund)(Approved on January 5, 2011)

- Mr. Lund: We recently, which I sent a copy to Barbara, a letter of approval to drill the well. (Pointing to the map) The well is very close to this house. I need to cut down trees to get the well rig in there.
- Ms. Leed: How many trees and how wide?
- Mr. Lund: (Pointing to the map) the property is pretty cleared up to this point. It will be approximately 180 feet. It is pretty steep so I just cannot cut a path. I will update you on some of the items in the resolution. Tomorrow Peter Marlow and I have a meeting to discuss the sewer disposal system. The Health Dept will sign off and the easement with the DPW for the exit on to Osborne Hill Road. That should be it.
- Mr. Gray: It is absolutely necessary that we drill the well because they have to test the water to get their approval.
- Mr. Valdati: That is the only viable way to get there?
- Mr. Gray: Yes. You have a choice of coming in on the Route 9 side or the Osborne Hill Road side. The distance is about the same from both sides.
- Mr. Valdati: What is the pleasure of the board?
- Ms. Visconti: It makes sense to come in on Route 9 because you already started it.
- Ms. Bettina: I agree.

- Mr. Stolman: What about the Indiana Bats?
- Mr. Lund: Fish and Wildlife doesn't require testing on land less than 5 acres.
- Mr. Stolman: Let me read what the map says. A tree cutting restriction shall be in place on all potential roost trees of Indiana Bats from April 1st to September 31st. It goes on but that is the important part of the note. We need to know if the trees you intend to take down are potential roost trees.
- Mr. Lund: Mike originally worked on that for me. I'll have him go out again.
- Mr. Stolman: We have a way through this, Bob and the Building Dept can monitor which might be roost trees. They can be flagged.
- Mr. Valdati: How long do you think it will take to get this information?
- Mr. Lund: I'll have Mike Nowicki come out tomorrow.
- Mr. Valdati: Have him flag them and then the Building Dept will come out.
- Mr. Valdati: Next on the agenda is:

12-3260/Stonegate Site Plan – To discuss lead agency for their existing site plan (1998) for a non-conforming boarding house. The property is located at **Old Post Road** and is identified as Tax Grid No. **6157-02-641504** in the Town of Wappinger. (Berta)(Cantor)

- Ms. Visconti: Mr. Chairman, I would like to inform you that Mr. Shah is a client of mine and I will be recusing myself from any votes but not the discussion.
- Mr. Valdati: Thank you.
- Mr. Stolman: You are aware this is an existing boarding house on Old Post Road and the Town Board in its Comprehensive Plan talk about legitimizing this boarding house. It says, the property known as Stonegate, located on the east side of Old Post Road, by indicating the front portion is designated for commercial use. The Town Board took the first step in legitimizing this non-conforming use and changing this zone to HB. We have drafted a new Local Law which will put the Boarding House use in HB with a special permit use and will have certain requirements for the HB use. The Town Board is starting to entertain this Local Law. Once the boarding house is put in the HB zone, Mr. Shah can ask for special permit approval. You have approval over part of this process and the Town Board has approval over the Local Law. We brought this up at the last Town Board meeting to see if the Town Board wanted to be the lead agency.

The Town Board would prefer if the Planning Board would be lead agency.
The discussion tonight is whether you want this responsibility?

Mr. Valdati: What is the board's pleasure? Do I have a motion to declare us lead agency?

Ms. Leed: I make a motion.

Mr. Valdati: Second.

Mr. Valdati: Roll call vote.

Mrs. Dao:	June Visconti	Recuse myself
	Victor Fanuele	No
	Frank Malafronte	No
	Marsha Leed	Yes
	Max Dao	Yes
	Angela Bettina	Yes
	Robert Valdati	Yes

Mr. Valdati: Next on the agenda is an extension for:

05-3116/ La Fonda Del Sol –Seeking their seventh, extension for one year for final site plan approval for a revised site plan for a restaurant, retail space and a standalone bank totaling 27,225 square feet in an HB zoning district. This extension would begin on June 13, 2013 and run through December 13, 2013. The property is located on the corner of **Old Hopewell Road & Old Route 9** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (PH: 2-6-06 / LA: 1-17-06)(Closed PH 3-3-08, received an extension from the applicant to November 5, 2008.) (Received final site plan approval on July 21, 2008. First 6 month extension granted to January 15, 2010, second granted to June 14, 2010, third granted to December 14, 2010, forth granted to June 14, 2011, fifth granted to December 14, 2011, sixth granted to December 14, 2012, seventh granted to June 13, 2013)

Ms. Visconti: I make a motion to grant the extension

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

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

13-3278 / Matthew Vassar Brewpub (former Fun Central) –To discuss a brewpub with an outdoor beer garden. The property is located at **1630 Route 9** and is identified as **Tax Grid No. 6158-04-551329** in the Town of Wappinger. (Tinkelman)(Daniels)

Mr. Daniels: My name is Alan Daniels and I own the Half Time Pub on Route 9 in Poughkeepsie. About 3 years ago I recognized that at the annual Tap New York Festival the top New York Breweries, one lucky brewery goes home with the Matthew Vassar Brewers Cup for the most outstanding brewery in New York. I would like to open a brewpub and outdoor beer garden where the old Fun Central was. There are four sections to the building. In the back are batting cages, there is a separate room for parties, there is another room where the arcade was, and the outdoor area where the golf is. The simplest way to address the beer garden would just to remove the putting greens and level them out and make those dining areas. The rest of the exterior will remain the same. The water features will remain and will be turned back on again and people will have the opportunity to dine around the water. When you move closer to the building it will be covered to protect customers from the weather. The inside of the building will be a bar, restaurant and an area for a musician. The party room will now be the brewing area. The batting cages will be removed for more parking and an area for shipping and receiving. The outside of the building will be changed to give a more beer garden look.

Ms. Visconti: I am happy that there will be a new place for employment for the Town of Wappinger.

Mr. Stolman: Application to the Town Board will be needed since this would require rezoning.

Mr. Valdati: Does the board have a good feel for this project and do we want to see more of it?

Board: Yes.

Mr. Valdati: Next item on the agenda is:

13-3272 Chelsea Yacht Club-Awning-To discuss the installation of a 16' x 34' permanent awning at the Chelsea Yacht Club Clubhouse. The property is located at **22 Front Street** and is identified as **Tax Grid No. 5956-12-938659** in the Town of Wappinger. (Serge Cryoff)(Variance received on May 28, 2013)

Mrs. Roberti: The last time they were here they were told to submit an amended site plan. To do an amended site plan it will cost him a couple of thousands of dollars. He did receive his variance for the rear yard setback. I was wondering if we could do a one page resolution since the other canopy has been there for about 20 years. The only thing they are doing is putting up a permanent structure which will require a building permit. It will be inspected.

Ms. Visconti: I don't have a problem with it.

- Mr. Valdati: Does anyone have any comments?
- Mr. Roberts: It seems to be an appropriate resolution.
- Mr. Valdati: Mrs. Roberti, please draft a resolution.
- Mr. Valdati: Next on the agenda is:
RFP voting for engineer, planner and attorney
- Ms. Visconti: I vote to have Bob Gray nominated to be the Planner to the Town.
- Mr. Malafronte: Second.
- Mr. Fanuele: I think we should have a discussion first.
- Ms. Leed: So do I.
Ms. Visconti: You can say what you want after you vote.
- Mr. Valdati: Any discussion?
- Ms. Leed: I was looking for an engineer that was talking about sustainability. There was only one proposal that even mentioned that.
- Ms. Visconti: I happen to agree. Are we not demanding this from our professionals?
- Ms. Leed: I think it is an important issue.
- Mr. Gray: May address this at this time.
- Mr. Valdati: Go right ahead.
- Mr. Gray: This is very important to me and my family. For the last year I have been pushing for solar energy here at Town Hall.
- Ms. Leed: That should have been in your proposal.
- Mr. Gray: You are right, it is important. We should have been proactive in our proposal. What we are doing now are capital projects which are a Town Board function.
- Mr. Valdati: Would you refresh are memory with the votes so far.
- Ms. Dao: June Visconti motioned and Frank Second. The vote went:

Angela Bettina	Yes
Frank Malafronte	No
Marsha Leed	No
Max Dao	Recuse
Robert Valdati	yes

Mr. Valdati: The also failed.

Ms. Leed: I would like to nominate Woodard & Curran.

Ms. Visconti: Second.

Ms. Dao:	June Visconti	No
	Victor Fanuele	No
	Angela Bettina	No
	Frank Malafronte	Yes
	Marsha Leed	Yes
	Max Dao	Recuse
	Robert Valdati	No

Mr. Valdati: This also has failed.

Mr. Valdati: I will nominate Clark, Paterson, and Lee.

Ms. Bettina: Second.

Ms. Dao:	June Visconti	No
	Victor Fanuele	No
	Angela Bettina	Yes
	Frank Malafronte	Yes
	Marsha Leed	No
	Max Dao	Recuse
	Robert Valdati	Yes

Mr. Valdati: This has also failed. Does anyone have another nominee? I think we should rethink this?

Mr. Valdati: I think this should be tabled or is anyone willing to change their position?

Mr. Valdati: Hearing none this will be tabled until we reconvene.

Ms. Visconti: I'll second the motion to table until we reconvene.

Mr. Valdati: Next is the vote for the Town Planner. Do we have a nomination?

Ms. Visconti: I nominate David Stolman and his firm.

Ms. Bettina: Second.

Ms. Dao:

June Visconti	Yes
Victor Fanuele	Yes
Angela Bettina	Yes
Frank Malafrente	No
Marsha Leed	Yes
Max Dao	Yes
Roberti Valdati	Yes

Mr. Valdati: Congratulations, Mr. Stolman.

Mr. Stolman: Thank you.

Mr. Valdati: Next will be the nomination of the Town Attorney.

Ms. Visconti: I nominate Al Roberts and his firm.

Mr. Dao: Second.

Mr. Valdati: Roll call vote.

Ms. Dao:

June Visconti	Aye
Victor Fanuele	Aye
Angela Bettina	Aye
Frank Malafrente	Aye
Marsha Leed	Aye
Max Dao	Aye
Robert Valdati	Aye

Mr. Valdati: Congratulation Mr. Roberts.

Mr. Roberts: Thank you.

Mr. Valdati: I would like to nominate Carmine Carolei as conflict attorney.

Mr. Bettina: Second.

Ms. Visconti: I have a problem with Mr. Carolei because he does the litigation for Article 78's. I don't think he can bring anything to the table for municipal law.

Ms. Leed: I agree.

Mr. Valdati: Roll call vote.

Ms. Dao:	June Visconti	No
	Victor Fanuele	Abstain
	Angela Bettina	Yes
	Frank Malafrente	No
	Marsha Leed	No
	Max Dao	Yes
	Robert Valdati	Yes

Mr. Valdati: We do not have a majority.

Mr. Valdati: May I offer Ms. Richardson's name as conflict attorney. She is from Gellert & Klein.

Ms. Visconti: Second.

Mr. Valdati: Roll call vote.

Ms. Dao:	June Visconti	Yes
	Victor Fanuele	Yes
	Angela Bettina	Yes
	Frank Malafrente	Yes
	Marsha Leed	Yes
	Max Dao	Yes
	Robert Valdati	Yes

Mr. Valdati: We are not able to reconcile tonight for an engineer. I recommend that we review everything again and we will discuss this at our next meeting.

Ms. Visconti: I make a motion to adjourn this meeting.

Ms. Bettina: Second.

Respectfully,

Sue Rose, Secretary
Planning Board