

MINUTES

**Town of Wappinger Planning Board
June 17, 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--Absent
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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

228 Myers Corners Road	Public Hearing – July 1, 2013
Osborne Square	Mr. Gray to monitor
Chelsea Yacht Club-Awning	Resolution Moved
Brundage	Extension Tabled
Greenbaum & Gilhooley's	Submit Application

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	Absent
	June Visconti	Here
	Victor Fanuele	Here
	Angela Bettina	Here

Mr. Valdati: Next 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 the planner for 228 Myers Corners Road. This board has received the letter from the engineer stating there are no engineering concerns. There was an issue with landscaping. We were able to meet with David and get our plans together and amend them accordingly. We now have a letter from David saying that all their concerns have been met. I would like to request that the board set a public hearing.

Ms. Visconti: I would like the record to show that the Fire Prevention Bureau has signed off. The Dutchess County Planning Board has said matter of local concern. David, did you put that in your review?

Mr. Stolman: I think we can set the Public Hearing.

Mr. Valdati: Any further questions from the professionals? Let's set the Public Hearing. The Public Hearing will be the 1st of July.

Ms. Visconti: So moved.

Mr. Valdati: All in favor?

Board: Aye.

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: My name is Kevin Lund and at the last meeting we discussed doing some tree clearing to get the well in so we can finalize the Board of Health. I was in talking to Barbara and discussing this site and there is a fair amount of grading that needs to be done. There is about a 10 foot cut mostly in rock. Not only do we have to cut the trees, we also have substantial grading to do and it's all rock.
- Ms. Visconti: Did you confirm that there are no Indiana Bats in there?
- Mr. Lund: No bats.
- Mr. Stolman: Is it a rock cut?
- Mr. Lund: It is all rock back there.
- Mr. Stolman: How do you intend to clear it?
- Mr. Lund: I will probably bring in a ripper. I may not have explained it correctly, the whole site is mostly rock. When the buildings are put in, the first floor will be a foot above Rt. 9. That big depression you see out front will be filled and there will be a slight slope and exit through Osborne Hill Road. I did speak to the well driller and I asked him to put in extra casing. He does not recommend rock splitting after the well is put in, especially if we have to use a pounder. I'm stuck because I have to get the well drilled because I can't get the map signed.
- Mr. Valdati: What does the town engineer have to say?
- Mr. Gray: You need to build a lane so the drilling rig can get to the where the well is going to be drilled. What width do you think? Do you think 25 feet wide and 500 feet back.
- Mr. Lund: No not that much, more like 300 feet.
- Mr. Gray: (Pointing to the map) if this is rock you are not going to need much of a retaining wall.
- Mr. Lund: No, but they were shown for grading purposes and how good we can do with the rock and landscaping.
- Mr. Gray: What about erosion control?
- Mr. Lund: We are pretty much contained in our property. (Pointing to the map) we are up here and cutting between the two. We have silt fence in the front of the property for the DOT work. There is nothing going to get off our property.
- Mr. Gray: You need the water to get off your property.

- Mr. Lund: It is all shale.
- Mr. Gray: It should run back to Route 9.
- Mr. Lund: It will run back because the grades go that way.
- Mr. Gray: My concern is that mud doesn't get out to Route 9.
- Mr. Lund: It will not get out to Route 9 because of the silt fence and grading. We will do whatever needs to be done.
- Mr. Valdati: Any other concerns, Mr. Gray?
- Mr. Gray: That all siltation and erosion is contained to the property. No dirty water is allowed to leave the site.
- Mr. Valdati: Can you look through this and come up with some suggestions.
- Mr. Gray: I think I could do that.
- Mr. Lund: Why don't I follow the erosion control plan that has already been approved?
- Mr. Stolman: I think the issue is erosion and sedimentation control plan that was approved should go up. With all due respect, it is Bob's roll and not your suggestions.
- Mr. Gray: This needs to be done.
- Mr. Valdati: Our engineer will review the plans that have been approved and take it and incorporate it into the new plan and see if more needs to be in place. This can go ahead as long as you see that all the controls are in place. Will you be conferring with Mr. Lund's engineer?
- Mr. Gray: Yes.
- Mr. Malafronte: Has the DOT addressed the culvert?
- Mr. Gray: He has the permit already.
- Mr. Valdati: Next on the agenda:

13-3272 Chelsea Yacht Club-Awning-To vote on the resolution for 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)

- Mr. Valdati: Would anyone like to move this resolution?

- Ms. Visconti: I would like to move the resolution as prepared by the planner.
- Mr. Roberts: Actually Barbara prepared the resolution.
- Ms. Visconti: I would like to move the resolution as prepared by Barbara Roberti, the Zoning Administrator.
- Ms. Leed: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Valdati: Next on the agenda is an extension:

08-3162 / Osborne Square (Formally Bank Plaza): Applicant is seeking their fourth 6 month extension on their site plan that was approved on January 5, 2011. This extension would begin on July 2, 2013 through January 1, 2014. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day)(Site plan approved 1-5-11) *(The public hearing was closed on July 19, 2010; final approval was received on January 5, 2011. First extension granted January 5, 2012, second granted July 18, 2012, third to July 2, 2013.)*

- Ms. Visconti: I will move the extension.
- Mr. Fanuele: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Valdati: Next on the agenda is another extension for:

10-3216 / Brundage: The applicant is seeking their third extension for six months on their approved site plan and SUP to legalizing two houses, one for rental income, one for their primary residence and a retail business on 1.76 acres in the NB Zoning District. This extension will begin on July 5, 2013 through January 4, 2014. The property is located at **2088 Route 9D** and is identified as **Tax Grid No. 6057-04-847098** in the Town of Wappinger. (Day) *(PH opened and closed 6-6-11. Resolution Approved July 6, 2011) (First extension granted July 5, 2012 thru January 3, 2013, second thru July 5, 2013.)*

- Mr. Valdati: Do I have a motion? Hearing none does any of our professionals what to weigh in on this?
- Mr. Roberts: We understood the gentlemen ran out of money.
- Mrs. Roberti: I called Mark Day's office for an extension letter, when Sue was out for surgery, and I was informed they no longer handle this. Then a delivery of maps with drainage and wetland reports came in with no narrative. The map itself looks like a carryover from a year ago.

- Ms. Visconti: I would ask a letter be sent and have him come to talk to this board and give us an update. I move to table this extension until Mr. Brundage comes before us.
- Ms. Bettina: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Valdati: Next on the agenda is a conceptual:

13-3279/New Commercial Development(Formerly Greenbaum & Gilhooley’s)-To discuss the proposed change of the existing use to a commercial and development use. The property is located at **1379 Route 9** and is identified as **Tax Grid No. 6157-02-594684**. (Robert Turner [Tinkelman Architecture])

- Mr. Satara: My name is Nick Satara and this is Steven Tinkelman.
- Mr. Tinkelman: What we would like to do is have these conversations early on while we are still in the process of developing these projects. We had a meeting out there with Mr. Foster (Highway Superintendent) to get some feedback on this project. What we are going to do is keep this building. We are going to take off some later pieces that were added on.
- Ms. Visconti: This is going to be a restaurant plus a retail spot?
- Mr. Tinkelman: Mr. Satara is not sure yet. We have a mix and we will know better when we come back. We would like to put 3 buildings on the site. (Pointing to the map) this will be Ulster Savings Bank, this will be a retail building with a few tenants in there. The site has tremendous visibility. We will be able to take some of the barren land that is there and use it and make is appealing to the eye. We are talking to the DOT to see if we could get some land for landscaping. There are four curb cuts on Route 9 and our intention is to cut it down to two. We are also looking at some green technology; both in the building and on the site. There are some issues we would like to talk about. First is the parking. Your ordinance is pretty clear, on commercial being 100 to 150 square feet. There are also formulas for the bank and talking about the number of tellers. This bank is about 2700 square feet and requires 19 parking spaces. The bank may have 4 or 5 people working in it. Most of their business is through the drive through. The parking is high for the use of the bank. The bank closes at 5:00; if we have some restaurants here there could be shared parking. Your ordinance doesn't talk about shared parking.

- Mr. Satara: We have restaurants in Fishkill and Middletown that share parking with a bank and it is working out fine.
- Mr. Tinkleman: We are trying to accomplish a couple of things. One we might be able to reduce the amount of asphalt. Two we might be able to reduce the amount of parking spaces with the shared parking with the bank.
- Mr. Valdati: What is the amount of parking required?
- Mr. Stolman: They are not sure about the program. Will it be a restaurant and retail? We would need to know before calculating.
- Ms. Bettina: With the bank, how many people do you think they will employ?
- Mr. Tinkleman: Probably 5 employees.
- Ms. Bettina: I know the banking industry has changed and are doing away with drive through tellers. They are leaning towards internet banking. I don't know if this is correct; they may only need 3 employees.
- Mr. Valdati: We are well aware of your work and we have no misgivings. Has DOT commented on the cut out to Route 9?
- Mr. Tinkleman: With conversations with Mr. Leonard, he put the sign there. His theory was that if someone had one too many cocktails, they would know what way to turn onto Route 9.
- Ms. Leed: Can you consider sidewalks for this area?
- Mr. Tinkleman: (Pointing to the map) we don't know if we will get two accesses here.
- Ms. Visconti: What is the coverage ratio, David?
- Mr. Stolman: I think the maximum coverage is 75%.
- Mr. Tinkleman: We had a conversation with the town engineer about the definition. If we use impervious pavement, we meet the requirements of the ordinance. We want to make this attractive along the front so we will be way above the 25% for landscaping. The unique challenge is that this has two fronts. The bank will not have a problem because they don't get deliveries or they don't have trash. (Pointing to the map) these buildings need to be attractive on both sides.
- Ms. Visconti: Will these be one story?
- Mr. Tinkleman: (Pointing to the map) this is already two stories in the back. These will be one story but taller structures. That is one of the challenges we face. Not only do we need to make the Route 9 side attractive, we also have to make the other side also.
- Ms. Bettina: Why would we need sidewalks on Route 9?

- Mr. Stolman: We need to get consistent with the sidewalks. Some areas have them and some don't. We can discuss this at a later date. It might be a good idea and get a map of Route 9 and see where the sidewalks are and take it from there.
- Mr. Tinkleman: We would need 2 acres to develop this property and we are under. We will have to go to the Zoning Board for that.
- Mr. Malafronte: Is there anything in the Comprehensive Plan that talks about development on Route 9?
- Mr. Stolman: Sure, the Comprehensive Plan talks about that.
- Mr. Malafronte: Do they have to address that.
- Mr. Stolman: They do comply.
- Mr. Malafronte: You don't think this would be a subdivision?
- Mr. Stolman: Not necessarily.
- Mr. Malafronte: Do we have to address the Greenway concepts?
- Mr. Stolman: To the extent they can.
- Mr. Tinkleman: Our feeling is to do a great job here. We want to get the right tenants and have longevity.
- Mr. Valdati: I like the concepts; it looks like it will fit in the community. This will need to go to the ZBA to get the appropriate variances.
- Mr. Stolman: What the policy has been, the applicant submits a formal application. We review it and see if any variances are needed, if any.
- Mr. Roberts: The code does have a provision that the Zoning Board can ask for a recommendation from the Planning Board.
- Mr. Valdati: If the Zoning Board does make a request of us to give our opinion, we will certainly do that.
- Mr. Stolman: The people that have worked with the code for the last 20 years will determine what variances are needed.
- Mr. Gray: The determination on who will be lead agency for SEQRA needs to get approval from the Planning Board, ZBA as well as the DOT. Say the Planning Board is the lead agency the ZBA would not be able to grant any variances until SEQRA was completed.
- Mr. Tinkleman: I think we need to show what it is going to look like. I think the variances needed are going to be determined early on. If we do not get the variance for the 75 foot setback

there might not be a project. We will come back to the Planning Board when we can determine what will be the restaurant and where the variance will be needed.

- Ms. Visconti: David, what will be needed so a lot of money is not spent, then to find out the project cannot be completed.
- Mr. Stolman: I think submitting some additional detail but not a fully engineered drawing would be helpful.
- Mr. Valdati: If we declare ourselves as lead agency, we would have to make a determination. We would have to complete our SEQRA findings and then go to the ZBA.
- Mr. Stolman: He can go to the ZBA but will not be able to get a determination.
- Mr. Malafronte: Will there be an impact on Route 9?
- Mr. Stolman: We are not talking about impact yet. We have identified that the bank will need a front yard variance because it is closer than 75 feet.
- Mr. Malafronte: Is Route 9 a County Road or a State Road?
- Mr. Stolman: Route 9 is a State Road and that is why it has a 75 foot setback.
- Mr. Malafronte: Is Old Route 9 a Town Road?
- Mr. Roberts: It was turned over to the town for maintenance.
- Ms. Visconti: That has a different setback.
- Mr. Stolman: We have requirements from the county and state.
- Mr. Malafronte: Is there any historical sites in this area?
- Mr. Stolman: We have no application yet. Your questions are good questions but that would be in the SEQRA process.
- Mr. Valdati: It seems the board is interested in this project and it has merit. Come back with an application.
- Mr. Valdati: Next on the agenda is new business. Does anyone have any new business?
Does anyone have any old business?
- Ms. Visconti: Next on the agenda is the appointment. I make a motion to appoint Bob Gray as engineer to the Planning Board.
- Mr. Valdati: As you remember from the last meeting, I made a motion to move the vote to this meeting as long as we had a full board.

Ms. Visconti: We can't keep doing this.

Mr. Fanuele: I think we should go ahead and vote.

Ms. Visconti: I made a motion. Do I have a second?

Mr. Malafronte: Second.

Mr. Valdati: All in favor? Roll call vote.

Ms. Rose:

June Visconti	Aye
Victor Fanuele	Aye
Angela Bettina	No
Marsha Leed	Aye
Frank Malafronte	Aye
Robert Valdati	Aye

Mr. Valdati: Congratulation.

Ms. Visconti: I make a motion to have Greg Bolner as conflict engineer.

Ms. Bettina: Second.

Ms. Rose:

June Visconti	Aye
Victor Fanuele	Aye
Angela Bettina	Aye
Marsha Leed	Abstain, I use to work for that company
Frank Malafronte	Aye
Robert Valdati	Aye

Ms. Bettina: I make a motion that we adjourn.

Ms. Visconti: Second.

Respectfully,

Sue Rose, Secretary
Planning Board