

MINUTES

Town of Wappinger Planning Board
January 21, 2015
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present: Ms. Bettina: Acting Chairman Mr. Ciccarelli: Member
Ms. Visconti: Member Mr. Malafronte: Member
Ms. Leed: Member Mr. Fenton: Member

Members Absent: Mr. Valdati: Chairman

Others Present: Mr. Gray, Engineer to the Town
Mr. Roberts, Attorney to the Town
Mr. Stolman, Planner to Town
Mr. Graham, Conflict Attorney to the Town
Mrs. Roberti, Zoning Administrator
Mrs. Dao, Acting Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

BAC Properties, LLC	- PH 3-2-2015.
Stewart's Shop #325 (SUP & Site)	- To resubmit. Going to the ZBA.
Stewart's Shop #325 (Subdivision)	- To resubmit. Going to the ZBA.
Gasland Petroleum (233 Myers Corners Road)	- To resubmit.
Osborne Square	- To vote on Resolution 2-2-2015.
COSM (Chapel of Sacred Mirrors)	- To resubmit drawings.

New / Old Business:

CDWTL Extension to Dutchess County Airport:	- TB to act.
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Ms. Visconti: **Motion to approve the minutes for December 1, 2015 and December 30, 2015.**
Mr. Ciccarelli: Second the motion.
Vote: All present voted aye.

Discussions:

14-3319 BAC Properties, LLC Full Build Out Site Plan: The applicant is seeking re-approval for their amended site plan for the construction of a contractor equipment rental counter and display/warehouse/storage and office consisting of 19,440 square feet.
The property is located at **30 Airport Drive** and is in an A1 zoning district and is identified by **Tax Grid No. 6259-04-578332** in the Town of Wappinger. (Povall)

Present: Bill Povall – Engineer

Mr. Povall: An overview of this project was discussed. There was a previous approval for this site and it was an oversight that the approval expired. We are requesting that the same exact site plan be re-approved. We don't want to go through the whole process if possible.

Mr. Stolman: The old set of plans were approved January 21, 2010. You have to go through the process again.

Mr. Malafronte: Did codes change since the last approval?

Mr. Povall: No, they haven't.

Mr. Malafronte: Have the plans in the past conditions been met for May 2, 2012?

Mr. Povall: Yes, they have.

Mr. Povall: Can the public hearing be waived?

Mr. Stolman: This is a substantial site plan. A public hearing will be required.

Ms. Visconti: **Motion to have the public hearing on March 2, 2015 and authorize Mr. Stolman to prepare a resolution for approval.**

Mr. Fenton: Second the motion.

Vote Roll call: Mr. Malafronte: Aye
 Ms. Leed: Aye
 Mr. Ciccarelli: Aye
 Ms. Visconti: Aye
 Mr. Fenton: Aye
 Ms. Bettina: Aye

14-4060(SUP)/14-3320(Site) Stewart’s Shop #325: The applicant is proposing adding underground gasoline storage tanks, gas pumps and a 1380 square foot canopy. The property is located at **2048/2054 Route 9D** and is in a CC zoning district and is identified by **Tax Grid No. 6056-02-776904/783920** in the Town of Wappinger.

14-5171/Stewart’s Shops Corp (Subdivision): The applicant is proposing to combine two parcels located at 2048 & 2054 Route 9D. The property is located at **2048 & 2054 Route 9D** and is identified by **Tax Grid No. 6056-02-776904(2048) & 6056-02-776904 (2054)** in the Town of Wappinger.

Present: Chuck Marshall Real-estate Rep.

Mr. Marshall: (An over view of what is planned was discussed.) We will install windows in the existing store front, add exterior freezer with an overhang and the curb cuts will be reduced from 3 to 2.

Mr. Stolman: Two variances will be required:
1) The distance between gas stations is less than 2,500 feet.
2) Less than 1,000 feet from a residential property line.

Ms. Bettina: The variance process should take place first.

Mr. Malafronte: Wasn’t there a problem with the subdivision side yard with Zoning?

Mr. Stolman: This is a consolidation of two parcels. There was a subdivision but now they are putting the 2 parcels back together.

Mr. Malafronte: Did you receive Mr. Gray’s letter?

Mr. Marshall: Yes. Who issues the flood plain permit? It is not covered in Mr. Gray’s comments. Dutchess County Planning comments state; under the canopy there needs to be under five foot candles of light. There is no way to achieve this.

Mrs. Roberti: The flood plain permit will be issued as part of the site plan.

Mr. Stolman: We commented on the lighting. The County is an advisory. There should be no spillage over the property line of more than a half of a foot-candle.

Mr. Marshall: I will work to change the lighting. Do I need a separate application for the ZBA variances?

Mrs. Roberti: Yes you do. If you want to be on next Tuesday’s agenda, I need to have your application in by tomorrow. You can get the application on-line.

Mr. Marshall: Thank you.

14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road): The applicant is proposing modifications to an existing gas station which will include the elimination of an existing car wash and expansion of the existing convenience store to include a Dunkin Donuts. The project includes two additions to the existing building for a total building floor area of 2,688 square feet. A new subsurface sanitary treatment system will be installed. The property is located at **233 Myers Corners Road** and is in a NB district and is identified by **Tax Grid No. 6258-02-730572** in the Town of Wappinger. (Chazen)

Present: Margaret Smith-McManus Chazen

Ms. McManus: This is an existing gas station site with an existing drive thru car wash. We would like to expand the store, eliminate the car wash and eliminate one of the two curb cuts on Myers Corners Road. I received comments from DPW, Morris Associates and Frederick P. Clark. We know that we will need a SPEDES permit from the DEC for the discharge of the septic system?

Ms. Bettina: You need DEC and DCBOH approvals.

Mr. Gray: In my review I have asked for a letter of conceptual approval from both DEC and DCBOH. That is a threshold issue for us. We would like to see that early on in the process.

Ms. Visconti: It is a small property.

Ms. Leed: The canopy looks too tall.

Ms. Bettina: Can you submit a photo simulation?

(Discussion took place of the height of the building and canopy.)

Mrs. Roberti: I approved a building permit for the canopy that was a replacement, same size and location. Everything was the same. They just wanted a new one. The Building Inspector issued the permit. It's up to the Planning Board if they want the canopy to go ahead.

Ms. Visconti: If we approve the canopy and it's not the same it can be torn down. The applicant should not move ahead with the canopy and it should be included in the site plan.

Ms. McManus: I will speak to the applicant. They probably shouldn't move ahead with changing the canopy.

Ms. Visconti: Per the review of DCP, have you spoken to the plaza owner about access from the gas station into the Degarmo Plaza? Are they inclined to do this?

Ms. McManus: They are not inclined to do this. We are decreasing the amount of impervious area on the site so there will be less run-off.

- Mr. Malafronte: The trucks for the garbage container pick up will be backing up over the septic system.
- Ms. McManus: The septic system will not be there anymore. The septic will be going into a treatment plant.
- Mr. Gray: The underground structures are designed for traffic.
- Mr. Malafronte: How many parking spots are there?
- Mr. Stolman: 17 spots are required. One parking spot per 150 sq. ft. The building is 2,688 sq. ft. They are in excess of 2 spots.
- Mr. Ciccarelli: Does the treatment system discharge into the creek? Whose responsibility is it to see the system is working properly?
- Mr. Gray: A DEC permit is required. It is monitored and will have monthly visits.
- Ms. McManus: There will be monthly testing.
- Ms. Visconti: The issue of the lighting under the canopy, it's too bright.
- Ms. McManus: We will look at the lighting.
- Mr. Fenton: How is the signage?
- Ms. McManus: There is existing signage. The applicant wants to add Dunkin Donuts to the building. I will see if it will be added to the existing sign.
- Mr. Gray: I want the Highway Superintendant to get involved with this. The discharge will be going into one of his culverts.
- Ms. Bettina: You need to come back to us with a photo.
- Mr. Stolman: Is that a proposed refuse enclosure?
- Ms. McManus: Yes, Proposed enclosure.
- Mr. Stolman: Can it be similar to the one on Route 376?
- Ms. McManus: Yes.
- Mr. Stolman: We like that one.

Ms. McManus: Thank you.

08-3162/Osborne Square –To discuss the phasing of the project so that TEG Bank can obtain a CO. The property is located at **1145-1147 Route 9** and is identified as **Tax Grid No. 6157-04-649068**. (Lund)

Present: Kevin Lund Owner

Mr. Lund: I'm here to discuss phasing for Osborne Square, to allow TEG Bank to open. We had substantial delays due to rock in the back. We have not finished the rear parking or the driveway going out to Osborne Hill Rd. We put down asphalt for the bank and paved a portion of the office building parking lot to keep the site clean.

Mr. Ciccarelli: What is the difference in time that TEG will be ready compared to the office building?

Mr. Lund: The bank should be finished sometime in February and the office at the end of April.

Mr. Fenton: If you change the location of the curb, do you need further approvals from the DOT?

Mr. Lund: No. There is a \$25,000 bond and open DOT permit. The DOT has no issues.

Mrs. Roberti: If the PB is in favor of phasing it, a bond is needed for any landscaping in the bank area and a final asbuilt on that part of the site, including lighting etc. to see everything you approved is in. Everything should be treated as a stand alone.

Mr. Ciccarelli: What type of fence will you use to separate the property?

Mr. Lund: We will be using orange construction fencing.

Mr. Ciccarelli: Is the rear parking in the second phase?

Ms. Bettina: Is the parking phase provided to Mr. Stolman?

Mr. Lund: Yes.

Mr. Stolman: The parking calculation per phase should be in the resolution.

Ms. Visconti: The resolution should include an asbuilt.

Ms. Visconti: **Motion to authorize Mr. Stolman to prepare a resolution for approval for phasing with parking and fencing.**

Mr. Ciccarelli: Second the motion.

Vote Roll call: Mr. Malafronte: Aye
 Ms. Leed: Aye
 Mr. Ciccarelli: Aye
 Ms. Visconti: Aye
 Mr. Fenton: Aye
 Ms. Bettina: Aye

Mr. Lund: Thank you.

15-3322 / COSM (Chapel of Sacred Mirrors) – To discuss the installation of a 4’ x8’ 60KW generator. The property is located at **46 Deer Hill Road** and is identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (Brian James)

Present: Brian James Contractor

Mr. James: We are looking to put a 60 kw generator in the center of the campus. It would be by the well pump house.

Ms. Visconti: How many acres is this site?

Mr. James: 40 Acres.

Ms. Bettina: Are there propane tanks in the ground?

Mr. James: There is now a 250 gallon tank and want to upgrade to upgrade to 1000 gallon tank. There is an 125 gallon above ground tank. Mark Liebermann, Fire Inspector is aware of this.

Ms. Visconti: Is it visible form the house? Is there landscaping around it?

Mr. James: We plan on landscaping it.

Mr. Stolman: The drawing that was submitted is not to scale for the location. Gas, electric and tank lines need to be shown. What is the testing schedule? What is the noise level? Are there any fumes? What is the landscaping and the relationship to the parking lot?

Mr. Malafronte: Is this just for emergency use?

Mr. James: Yes, it is for emergency use. It can run for 10 days. Now we can only have back-up power for 3 days. There are 5 buildings on the campus.

- Mr. Malafronte: Do you normally loose power?
- Mr. James: Sometimes.
- Mr. Fenton: Are you near a flood plain?
- Mr. James: No. We are on a hill.
- Mr. Roberts: We need plans.
- Mr. Gray: Check with Mr. Liebermann to approve the location of the tanks.
- Mr. James: Thank you.

New / Old Business:

CDWTL Extension to Dutchess County Airport: Dutchess County is proposing to undertake the expansion of the Dutchess County Water and DCWWA Central Water Transmission Line by means of construction of a 5,790 LF water main along Airport Drive and Route 376 to the Dutchess County Airport.

Dutchess County is proposing the expansion of the Dutchess County Water and DCWWA Central Water Transmission Line. The Town Board is to act on this per the advice of the Town Attorney.

RFP'S

Discussion took place regarding whether to call for RFP's. After much discussion there was a motion to table the RFP's.

Vote: All present voted aye.

- Ms. Visconti: We should send a letter to Victor Fanuele thanking him for his service on the Planning Board.

Executive Session:

Ms. Bettina: Motion to go into executive session for legal advice.

Ms. Visconti: Second the motion.

Vote: All present voted aye.

Ms. Bettina: Motion to come out of executive session.

Ms. Visconti: Second the motion.

Vote: All present voted aye.

Ms. Visconti: **Motion to open regular session.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.

Ms. Bettina: **Motion to adjourn.**
s. Visconti: Second the motion.
Vote: All present voted aye.

The meeting ended at 9:00pm.

Respectfully submitted,

Susan Dao, Acting Secretary
Town of Wappinger Planning Board