

MINUTES

Town of Wappinger Planning Board
May 18, 2015
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Pesce:	Member	Present
	Mr. Fenton:	Member	Present
	Ms. Leed:	Member	Present
	Mr. Malafronte:	Member	Present
	Ms. Visconti:	Member	Present

Others Present:

Mr. Horan,	Attorney for Town
Mr. Stolman,	Planner to the Town
Mr. Gray,	Engineer to the Town
Mrs. Roberti,	Zoning Administrator
Mrs. Ogunti,	Secretary

SUMMARY

Public Hearing:

Cervalis, LLC - David Stolman to draft Resolution for June 1, 2015

Discussion:

The Ridges at Old Hopewell Estates - Public Hearing June 1, 2015

Smart Subdivision - Resubmit June 15, 2015

Mr. Valdati: I would just like to point out that Ms. Bettina will act as chair this evening until I can get my feet wet as to what's going on and the protocols that have been taken. For those of you who don't know me, I'm Robert Valdati and I've been ill. I'm back and want to ease my way into the operation so there are no mistakes. I want to welcome some of the new faces on the board.

Ms. Visconti: **Motion to accept the minutes for May 18, 2015.**
Mr. Fenton: Second the motion.
Vote: All present voted aye.

15-3327 Cervalis, LLC: Town of Wappinger Planning Board will conduct a Public Hearing on the application of **Cervalis, LLC:** To discuss a site plan for the use of an office and data center in a COP zoning district. The area is currently vacant and consisting of 223,150 square feet. The property is located at **169 Myers Corners Road** and is identified as **Tax Grid No. 135689-6258-03-278358** in the Town of Wappinger. (Day).

Mr. Valdati: **Motion to open the Public Hearing.**
Ms. Visconti: Second the motion.
Vote: All present voted aye.

Present: Mark Day – Engineer

Mr. Day: Good evening. My name is Mark Day and I represent Cervalis. They are located on Meyers Corners Road. We are here tonight for the 169 building, which is the in the rear. It's an old IBM building. We are here to propose a project where the occupants of the 155 building, are in a lease/purchase for the 169 building. It's a data center, and they basically maintain servers for clients. They maintain other services such as chillers, power, and they also maintain emergency services in the event of power outages. What we are proposing is a yard in the rear of the existing 169 building that is an existing parking area which is not heavily used. This building for the most part is vacant, and there are two tenants in there which will remain. This proposal calls for the installation of a series of chillers and generators which would supply backup for the data center. The first floor of this building is a former IBM data center which is currently vacant. Cervalis occupies the 155 building and is now going to go back there and utilize that area. In doing so, they will need to provide chillers and emergency generators to service that new data center.

Ms. Bettina: Would anybody in the audience like to speak?

Mr. Fenton: I know Bob had some comments. There was one comment that was not fully addressed. Are all your comments satisfied?

Mr. Gray: There are a number of things that the Fire Inspector has to check out.

Ms. Visconti: David, are you confident with the sound?

Mr. Stolman: We are satisfied with that. There were a number of catalog sheets submitted and we think the pertinent information from the catalog sheet should really be put on the plan. The catalog sheets are likely to get lost over time. That's the only comment we have.

Ms. Visconti: What's the number of employees you have at the data center now?

Mr. Day: Right now, it's not occupied.

Ms. Visconti: So we are going to have new jobs for about 10 to 20 employees?

Mr. Day: Yes.

Ms. Visconti: I don't have any other comments.

Ms. Visconti: Motion to close the Public Hearing.

Mr. Fenton: Second the motion.

Vote: All present voted aye.

Ms. Visconti: Motion to authorize David Stolman to write the Resolution to include all of the comments from the professionals for June 1, 2015 meeting.

Ms. Bettina: Second the motion.

Vote: All present voted aye.

15-5172 / Smart Subdivision- To discuss a proposed 2-lot subdivision where there is an existing home on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor)

Present: Richard Cantor – Attorney
Wendy Smart – Applicant
Mike Bodendorf – Engineer

Mr. Cantor: Wendy Smart has submitted an application to subdivide a property over two acres into 2 lots, one to contain the current home and the other a future building lot. Wendy's motivation for the subdivision is her and her husband are hoping to build a retirement home on the vacant piece which has extraordinary view of the Hudson River. This is a relatively routine application with the exception of the 3-family house on one of the lots. That 3-family house is a nonconforming use, and a 3-family house would not be permitted today. Before it arrived here, Barbara Roberti issued her determination that in order to allow a subdivision one of the three dwellings would have to be removed so that it would be a 2-family house on this 2-lot subdivision. With great respect for Barbara Roberti, we disagreed and the Zoning Board upheld Barbara

Roberti's determination. There's an Article 78 pending asking to reverse that determination. I would like to ask Mike Bodendorf to expand further.

Mr. Bodendorf: Good evening, Mike Bodendorf from Hudson Valley Land Design. This is a 2-lot subdivision with an existing lot, 3-family house, driveway, an existing detached garage and an in ground pool to the rear. The new lot will be created in the rear, it will have the pool for its use and we are proposing a new septic system for the house and a reserve system for the existing house. What we are proposing to do is to continue to use the existing driveway and let that serve as a shared driveway. We do understand that it does encroach onto the NYCDEP property. The applicant has an existing operational permit with the NYCDEP and we will look into that further to see if they are allowed to use it with another lot.

Ms. Bettina: Have you addressed all of the concerns in David Stolman's letter?

Mr. Bodendorf: No, and there are two environmental issues. One in regards to the archeological sensitivity and I believe that it's within a half mile radius of Carnwarth Farm. The other was wetlands noted on the DEC website but there are no wetlands on the site.

Mr. Stolman: Actually, there's reference to wetlands in your notes.

Mr. Bodendorf: On the plan? There are definitely no wetlands on the site and it may have been a typo on my part.

Ms. Bettina: That definitely needs to be fixed and until all of the comments have been resolved, we cannot move forward.

Mr. Bodendorf: I plan to address all of those comments.

Mr. Stolman: Any floodplains?

Mr. Bodendorf: There are floodplains associated with the river and I don't think it comes up to the property. I will show that line on the plan.

Mr. Stolman: Another comment we made was in order to have a common driveway, an applicant has to show that there can be two driveways that are feasible. We are going to leave the feasibility of the driveway with Bob Gray and the new Highway Superintendent. You have to be able to show that an alternative driveway would work in order for the Planning Board to say yes to a common driveway.

Mr. Cantor: Sounds like we are going to be back with the 2 foot contours and a lot of answers to the questions posed. Is the request for information sufficiently modest and you are comfortable scheduling a Public Hearing?

- Ms. Bettina: To be honest with you, I don't feel comfortable enough to schedule a Public Hearing.
- Mr. Stolman: The practice of the Planning Board is they never schedule a Public Hearing the first time you put in an application. My memo should be responded to and the comments in Bob Gray's memo should be responded to. The Planning Board does not want to be in a position where the public comes in and we don't have the answers to their questions.
- Mr. Cantor: When is the last submission date for your next meeting?
- Mrs. Roberti: The June 1st submission was today. The next meeting is June 15, 2015.
- Mr. Cantor: What's the next submission date?
- Mrs. Roberti: Three weeks prior.
- Mr. Cantor: Mr. Bodendorf will endeavor to have it in on time for your June 15, 2015 meeting and hopefully we will have enough answers to make you feel comfortable.
- Mr. Valdati: It's the jurisprudence that you will try to clear up all the loose ends before you come back to us. This way you are ready to move forward.
- Mr. Cantor: If there are any loose ends of significance remaining with respect to your comments, we will clear them up.
- Mr. Valdati: One of the biggest loose pieces seems to be the extra rental unit on the property, the 3 family instead of 2 the family unit.
- Mr. Cantor: The reason I mentioned that is in my opinion that's not a subdivision issue, that's a zoning issue that will allow it or not allow it. It's not going to change any of the subdivision issues that you are going to deal with.
- Mr. Valdati: Would it be fair to say you have not pursued this with the Zoning Board?
- Ms. Bettina: They have already gone to the Zoning Board.
- Mr. Cantor: We conferred with Barbara Roberti, the Zoning Administrator and she stated that we can go forward only if one of the three dwellings is removed. We then went to the Zoning Board and they agreed with Mrs. Roberti. We are now going to the local courthouse in Poughkeepsie with the same request. It's hard to know which will come first, your readiness to approve the 2-lot subdivision or the judge's readiness to decide the issue.
- Mr. Valdati: I think we should have all of the documents in hand before we proceed.
- Mr. Cantor: The decision? You may be putting this off by 6 months by saying that.

- Mr. Fenton: Jim, does this jeopardize the case if we make a decision like that?
- Mr. Horan: We've been conflicted out on this so I'm not going to respond.
- Mrs. Roberti: I will speak to Mr. Graham tomorrow morning and ask him to weigh in on this in a memo and also be here on June 15th if they have their submission in so he can be present for that meeting.
- Mr. Cantor: Mr. Graham is fully aware of this. He was with the Zoning Board and is handling the Article 78 for the town. So he's up-to-date with this.
- Ms. Bettina: Thank you, and we will see you on June 15, 2015.

14-5168 / The Ridges At Old Hopewell Estates: To discuss the proposed subdivision of 15.95 acres into 8 additional lots. The existing residence will remain on a 5.9 acre parcel and the remaining 10.05 acres will be divided into 8 building lots of approximately 40,000 square feet each with any necessary improvements. The property is located at **838 Old Hopewell Road** and is identified as **Tax Grid No. 6257-04-616448** in the (Town of Wappinger). (Cantor) (Day). (L/A 5/14/14)

- Present: Richard Cantor – Attorney
Dave Stenger - Applicant
Mike Nowicki - Engineer
Dennis Lynch - Engineer
- Mr. Lynch: Good evening, I'm Dennis Lynch with Day Engineering. We did receive the comment letter from Larry Paggi's office. I'll go through the engineering comments and then David Stolman's letter. Most of the comments have been addressed and there are some minor cleanup things that had to be done with the stormwater pond.
- Mr. Paggi: There were a half dozen technical "i's" and "t's" to be taken care of. The significant comments that remain pertinent are items that will be addressed as the project moves forward. Some of the issues are Stormwater Management District formation, Dutchess County Health approval for water and sewer, and preparation of easements that can be associated with stormwater district. Those are some of the major issues that are not yet appropriate to address at this time.
- Mr. Nowicki: Jurisdictional Determination is that I delineated the wetlands last year in my delineation report and submitted to the Army Corps of Engineers per the request for the Planning Board. To obtain a Jurisdictional Determination is the Army Corps comes with me and we visit the site, walk it and make any changes and submit a revised map and get a letter. The letter is good for 5 years.

- Mr. Stolman: So the Jurisdictional Determination relative to what's being proposed means that you are out of the wetlands or in the wetlands?
- Mr. Nowicki: For the purpose of the town, we are 100 feet outside of the wetlands.
- Ms. Visconti: What's about the DEC comments?
- Mr. Nowicki: During the delineation, I did a habitat assessment for endangered species and Dutchess County encompasses whatever the State has and the Federal legislations. That report was submitted to the DEC a month and a half ago.
- Mr. Cantor: So we do have the DEC comments in Mike's report which also addresses some of David Stolman's comments. It is the applicant's intention to comply with the dates rather than seek an exception for the dates. Unless Mr. Stolman has any questions, I think the endangered species questions have been answered.
- Mr. Valdati: I'm pleased with the suggestion that the items are being improved on the plan. I think that would solidify our intent.
- Mr. Stolman: So Dennis you are going to put them on the plan, right?
- Mr. Lynch: They were changed after we received the letter as well as the wetlands. The next submission will include the mitigation and the revised wetlands.
- Mr. Paggi: Dennis, you mentioned that the wetlands lines are going to be modified based on the Jurisdictional Determination?
- Mr. Lynch: Correct.
- Mr. Cantor: Do you think this is far enough along to schedule a Public Hearing?
- Mr. Stolman: Before the Army Corp information, I would have said that we were not ready for a Public Hearing. But I am comfortable now.
- Ms. Visconti: I move to put a Public Hearing on the agenda for June 1, 2015.**
- Ms. Bettina: Second the motion.
- Vote: All present voted aye.

New & Old Business

- Mrs. Roberti: Lee Burns the General Manager of DCH Toyota contacted me to let me know that their new building is getting to completion, and they need to demo their existing building and finish the parking lot. He has asked permission to park 65-75 cars either at the site that's across the street by the gas station next to 7-11 or at Fun Central. I asked him to check into

BJs, they have that big lot in the back that they don't use and he asked Plant Depot and he has had no luck. They are ready to take the parking lot down and he said to give him 30 days, but I said to allow 45 days just in case the weather does not permit. So far, the Highway Superintendent has no issue, Ismay responded with no issue and Bill Beale tonight told me he does not have a problem. I have not heard back from Mr. Ciccarelli and Mr. Kuzmicz. The flavor sounds like they do not have a problem. So I want to know if anyone on the board has a problem with me issuing a temporary permit to just let him park his cars while the construction is going on.

Mr. Fenton: How long are they planning to park their cars there?

Mrs. Roberti: He said 30 days but my permit will give him 45 days. He's in a rush to get this done so he can finally start having his customers come to his showroom and it's better for his business to have his cars right there. Is there a preference one way or the other which parking lot he should use?

Ms. Bettina: My preference would be the lot by the gas station.

Mrs. Roberti: Thank you.

Ms. Visconti: **Motion to adjourn.**
Mr. Fenton: Second
Vote: All present voted Aye

Adjourned: 8:00 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board