

MINUTES

**Town of Wappinger Planning Board
June 15, 2015
Time: 7:00 PM**

**Town Hall
20 Middlebush Road
Wappingers Falls, NY**

Summarized Minutes

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

Others Present:

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

SUMMARY

Adjourned Public Hearing:

Dutchess Land Development -Adjourned Public Hearing for July 20, 2015

Public Hearing:

Monro Muffler Brake -Closed Public Hearing for discussion for July 6, 2015

DeGarmo Plaza -Closed Public Hearing for discussion for July 6, 2015

Discussion:

Del-Tra Holdings, LLC -Approved resolution as amended

The Ridges at Old Hopewell Estates -David Stolman to draft resolution for July 6, 2015

Extension:

Obercreek Subdivision -Granted one year extension.

St. Gregory's Church -Granted one year extension.

La Fonda Del Sol -Granted final 6 months extension

Mr. Pesce: **Motion to accept the minutes for June 1, 2015.**
Ms. Leed: Second the motion.
Vote: All present voted aye.

09-5151 / Dutchess Land Development Subdivision: The Town of Wappinger Planning Board will conduct a public hearing on preliminary application for a 12 lot subdivision with only 1 lot in the Town of Wappinger on 3.2 acres in an R-80 Zoning District. The balance of the subdivision on 12.41 acres will take place in the Town of Fishkill. The property is located on the **East and West side of Smithtown Road** and is identified as **Tax Grid No. 6256-01-201598/236657 (T/Fishkill) & 6256-01-210678 (T/Wappinger)** in the Town of Wappinger.
(Burns)

Mr. Pesce: **Motion to open Adjourned Public Hearing.**
Ms. Leed: Second the motion.
Vote: All present voted aye.

Mr. Pesce: **Motion to close Adjourned Public Hearing to July 20, 2015.**
Mr. Malafronte: Second the motion.
Vote: All present voted aye.

15-3323 / 4062 –Monro Muffler Brake: The Town of Wappinger Planning Board will conduct a Public Hearing on the application of Monro Muffler Brake auto repair facility on 2.0 acres in the HB Zoning District. The property is located at **1344 Route 9** and is identified as **Tax Grid No. 66157-02-624589** in the Town of Wappinger. (Gillespie)

Present: Mike Gillespie – Engineer
George Jerard – Representative for Monro Muffler Brake

Ms. Bettina: **Motion to open Public Hearing.**
Mr. Malafronte: Second the motion.
Vote: All present voted Aye.

Mr. Gillespie: I'm Mike Gillespie and I'm here for the Public Hearing associated with the amended site plan and special permit for Monro Muffler Brake. This property is located on the north east section of Old Hopewell Road and Route 9 and previously known as the Party Barn. The intent of the applicant is to modify the existing use to provide for a Monro Muffler Brake facility. This falls under automotive service under the Town of Wappinger code and we are required to come before the board for a special permit.

Ms. Bettina: Thank you. Are there any questions?

- Ms. Olivieri: My name is Gina Olivieri, I live at 738 Vassar Road and I'm here with mother who lives at 207 Old Hopewell Road. The propane tanks that he mentioned that are there, it's our understanding that they are going to be moved no matter who takes over that location. That has not happened yet and this was agreed to from a prior meeting or prior time by my parents. We just want to know if that is going to be addressed no matter what happens to their plans. The other thing was the hours of operation and we just want to understand that it's not going to be an intrusive noise level. This is a bordering residential area and the last couple of ownerships were tool rentals and the Party Barn, so there were no repair noises or car honking and service machines. Another concern is the increase of traffic at Old Hopewell Road and Route 9 exchange traffic light near 7 Eleven. As it stands right now, it tends to have a high accident pattern and there are people who do not use the 7 Eleven extension correctly causing potential hazards.
- Mr. Fenton: How are you guys going to be affected by the traffic?
- Ms. Olivieri: We are directly behind 7 Eleven so it's not so that the residential area might have an overflow of the Old Hopewell Road traffic trying to get into there. We are behind both properties.
- Mr. Fenton: The traffic light won't affect it.
- Ms. Olivieri: The traffic does affect residential and other property owners there because of the higher volume traffic you have, the more incidents and blockage you have. There's a traffic impact and it affects everyone around there so this is a concern from a planning perspective. The existing buffer zone you mentioned in the back area with the trees and the existing rock wall, we just don't want the existing buffer damaged or touch in a way that it affect the 25 to 50 feet that exists. Another thing is the side bar access road that used to exist that was decided in previous meetings was to be closed off, has overgrown vegetation and rocks and there's no access to Old Hopewell Road. We just want to make sure that is maintained and that there's no access created by this new establishment. This business is different from the previous businesses in that it involves repair work, battery acid repair work, oil, tires, so we just want to make sure that the work that gets done at that establishment would not go into the well water at 207 Old Hopewell Road. We also want to make sure that there's proper storage removal of all those items that might come from this type of business.
- Mrs. Olivieri: I'm Mrs. Olivieri and I live at 207 Old Hopewell Road. We've been through a lot with this piece of property and want to make sure the exit at Old Hopewell Road won't be opened again, and that rock wall won't be touched.
- Mr. Gillespie: Which one?
- Mrs. Olivieri: The rock wall behind there where you want to put more trees. They already put Christmas trees up and I'm not sure if you were involved then but I do

recognize your name. Those trees were knocked down by United Rentals then they had to replace them so I don't want anything near that rock wall because it defines the property. I want the gas barn that's there removed because you are not there and we live there and when you go outside sometimes they are either filling or purging it and a wall of gas hits you in the face.

- Ms. Bettina: Are you referring to the propane?
- Mrs. Olivieri: Yes, I am. Have you ever been hit by propane?
- Ms. Bettina: I am well aware of propane? Thank you. Are there any questions from our professionals?
- Mr. Stolman: Nothing new.
- Ms. Leed: Could the engineer just address one of their concerns which would be the toxicants in the well water?
- Mr. Roberts: Let the applicant's engineer address some of the issues because that's going to be part of the design plan.
- Mr. Jerard: Our operating hours are Monday – Friday 7:30 am to 8:00 pm, Saturday 8:00 am to 4:00 pm and Sunday 9:00 am until 5:00 pm.
- Mrs. Olivieri: So 7 days a week, God bless America.
- Mr. Gillespie: That's our hours of operation. In terms of traffic increase, this is a pre-existing site so over time there have been multiple uses associated with it. This site has been quiet as of late and prior to that, we were the ones that brought out the site plan for the United Rentals. We wanted to make some changes to the site and we got the approval for that and there were certain things done out there but effectively they did not want to pursue occupancy. So I don't want you to think they started and abandoned it, they really didn't have an obligation to comply with their site plan because they never occupied the building. Somethings were done and something weren't. In terms of the traffic increase, we have our access on the DOT highway and as part of this process we got it directly from the town and they sent them a notice saying this is what's being proposed here, do you have any comments and would you like to withdraw it? They came back saying they were okay and no modification to the entrance is needed. This buffer zone is not going to be touched and there will be no storage in that area and we made it very clear at our last meeting and it's indicated on our final plan. Regarding the stone wall, here's the stone wall and this is your property so there's a buffer between where the tree line is and the stone wall it's not going to be touched.
- Mr. Stolman: Mike could you clarify that it's not a buffer zone and the area is not going to be developed at this point in time?

- Mr. Gillespie: I think that's an important consideration and when you talk about buffer areas sometimes those become legally binding. This is just a wooded area that exists and not going to be touched and naturally provides you with a buffer.
- Mr. Roberts: That is owned by somebody else and not part of this application.
- Mrs. Olivieri: That piece of land next to the rock wall is owned by somebody else?
- Mr. Gillespie: It is common ownership and we have a piece of property here which is the piece before you tonight and there's another parcel.
- Mrs. Olivieri: I want to the Town Board or any of the boardd to petition the state to close 7 Eleven access because there's never a policeman when somebody comes from the side entrance of 7 Eleven.
- Ms. Bettina: Thank you. We understand your concerns and Mr. Gillespie is trying to address them.
- Mr. Gillespie: There was the question about repair work. All the service work is going to be done inside of the building and that has been made very clear. George, why don't you talk about what repairs that's actually done in the building and the portions that are done by Monro Muffler as a franchise and a corporation to ensure that there are no issues with battery acid and leaking.
- Mr. Jerard: We do not work outside of the building and all of the repairs are conducted inside of the building. We have no underground storage tanks and we do not store or dispense gasoline. We do oil changes and that oil is placed in an above ground double wall storage tank and is picked up by a licensed hauler for the State of New York.
- Ms. Leed: There's also drainage and things that spill out of the cars.
- Mr. Gillespie: In terms of flow drains, those floors do not have drains.
- Mr. Jerard: This is on a septic system so we cannot have floor drains that go through a septic system. That is actually a Class 5 injection while under federal regulations and that would require a Speedy's Permit and that permit would never be issued in New York State.
- Ms. Bettina: Does that help?
- Mrs. Olivieri: That's very important. Will you have your own septic system?
- Mr. Jerard: What we use is a used c-container so that the tires are contained within the container itself and there are no water issues, no mosquitos and it's under lock. We have a license under New York State Tire Disposal person comes and pick up the tires and take them to the proper facilities.

- Mr. Gillespie: The last concern is gas and propane and that's going away.
- Mr. Stolman: Is there a modification to this plan?
- Mr. Gillespie: I don't bring the modified plans to the Public Hearing. In the final plan you will see all of the tweaks and modifications.
- Mrs. Olivieri: Will we be able to get a copy of this plan?
- Ms. Bettina: It's public record.
- Mr. Gillespie: I think that's all of the highlights.
- Ms. Bettina: Are there any other questions?
- Mr. Fenton: Motion to close the Public Hearing.**
Mr. Pesce: Second the motion.
Vote: All present voted Aye.
- Mr. Pesce: Motion to authorize David Stolman to draft a Resolution for July 6, 2015.**
Ms. Leed: Second the motion.
Vote: All present voted Aye.

15-3329 / DeGarmo Plaza: The Town of Wappinger Planning Board will conduct a Public Hearing on the application for renovations to the existing shopping center to include a new canopy and façade, sidewalks and new signage. The property is located at: **235-237 Myers Corners Road** in a NB zoning district. The property is identified by **Tax Grid No. 6258-02-759569** in the Town of Wappinger. (McCormack)

Present: Keith Scofield – Engineer
Dr. Aqeel – Applicant

Mr. Malafronte: Motion to open the Public Hearing.
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

Mr. Scofield: I'm Keith Scofield from Liscum, McCormack & VanVoorhis, Poughkeepsie, NY. I'm here with Dr. Aqeel and we were previously here to discuss the overall façade renovations that we are proposing. On the top of the sheet is a photo of the existing building condition as a brick building. There's a black and white portion of what that elevation is on the front and below is what we are proposing is an addition of a new front façade piece with gables. This is going to consist of hardie plank siding, shakes and updating some of the store fronts that require the bronze anodized to match all the others. There are brick columns, and brick pylons that are going to be on the base supporting the columns. We are going to try to go with the closest matching brick that we can and asphalt shingles for the roof surface. Previously we discussed signage and we have now introduced a new pylon sign set at a 10 feet high elevation as

discussed. For the façade signage for each tenant will follow the earth tone color scheme.

- Ms. Bettina: Thank you. Are there any questions from the audience?
- Ms. Olivieri: I'm Gina Olivieri, 207 Old Hopewell Road. Is this the plaza that's near the firehouse on Myers Corners Road? We are just checking because we got a letter about this and we are too far away and we weren't sure how it would affect us.
- Mr. Roberts: It was an inadvertent mistake.
- Ms. Olivieri: It's nice that they are going to renovate that plaza.
- Mrs. Roberti: Before we close the Public Hearing, could we discuss the sign?
- Ms. Bettina: Are you beyond what the town calls for?
- Ms. Scofield: Yes, we are and at the last meeting, we were asked to bring the sign down to 10 feet height.
- Mr. Stolman: Which has been done and the sign has been reduced somewhat in size than the 56 sf. and the code permits 25 sf.
- Mr. Scofield: I thought that's what we discussed at the last meeting.
- Mr. Stolman: No, sorry there was no consensus on that and we talked about Barbara doing some research regarding the size of these kinds of signs on Route 9 and elsewhere in the town.
- Mrs. Roberti: I do not have all of the data but I went up and down Route 9 and started to look them up. A lot of the signs are not as big as you would have thought. The actual size is 29.5 sf, and Party Rentals which is Durants is 32 sf. So you have signs like Alpine Commons and BJs that's humongous but a lot of times they had variances and are really big sites and are way off Route 9. So it's up to the Planning Board and most of the signs are bigger than the 25 sf and we just turned down Executive Square on Route 9 for a similar sign.
- Ms. Bettina: But they are on Route 9 and you are not. You are on a residential road and the speed limit is 40 mph on Myers Corners Road.
- Mr. Roberts: It varies through the length and I believe it is 35 mph.
- Mr. Bettina: I believe in front of this plaza is between 35-40 mph.
- Mr. Roberts: I believe the suggested speed is 35 mph but it might be 40 mph.

- Ms. Bettina: So there is a difference in the size of our signs on Route 9 versus what's in the community. Executive Plaza has a large sign and under it has the names of the businesses, and also in the parking lot there's a directory. I heard that Westage does the same thing and they have numbers that go along to the buildings inside instead of listing them on Route 9.
- Mr. Aqeel: We also discussed lowering the size of the sign from 12 feet to 10 feet and I thought we were all in consensus at the time? The ultimatum was either put a brand new sign or leave the old sign.
- Ms. Bettina: You can leave the old sign, and that's perfectly fine with us.
- Mr. Aqeel: So I'm building this beautiful plaza and leaving this old ugly looking sign there.
- Ms. Bettina: That's your prerogative.
- Ms. Aqeel: You guys don't want to agree to a 10 feet sign compared to a 15 feet sign that's there.
- Ms. Bettina: It is 56 sf. and it is not within our guidelines for signs in this area.
- Mrs. Roberti: Did you measure what the existing sign was?
- Mr. Scofield: No, I didn't go out to measure it.
- Mrs. Roberti: At the last meeting, we asked you what the exact size of that sign was because there is a variance toward that sign.
- Mr. Roberts: If I recall, there was a variance for that particular sign so that variance could be carried over and we can use the square footage as per the variance as an update.
- Ms. Leed: Is the new sign going in that same location?
- Mr. Scofield: No, it's being relocated to the drive-through.
- Mr. Malafronte: Al, if they do a repair, is that considered modifying the sign?
- Mr. Roberts: The variance is for that sign in that location. If they are going to relocate it, then they would have to comply.
- Mr. Malafronte: If they redo the sign and leave it where it is, are they in compliance?
- Mrs. Roberti: The variance was only for the height and not the size of the sign.
- Mr. Gray: I think what Frank is saying is if the size of the sign remains the same and they clean it up, will that be in compliance?

- Mr. Roberts: If they keep the sign the same, in my opinion they are free to refurbish the existing sign.
- Mr. Malafronte: So if they refurbish it and bring it to the colors you want, can they do that?
- Ms. Bettina: If they stay within what's there already because that's what the code calls for.
- Mr. Fenton: Why don't they just go for a variance?
- Ms. Bettina: You could do that also.
- Mr. Malafronte: It could take time and they want to get done early.
- Mr. Aqeel: I was given the impression that the Planning Board can give me the okay for the sign and I don't have to go for a variance.
- Mr. Roberts: I think the standard here is the Planning Board is trying to keep the decision on this sign consistent with the decisions that have been made with other properties. If I could clarify something, I live around there and Myers Corners is largely residential but this is a particular pocket of neighborhood businesses. What you would want to do is keep whatever designs concept with the neighborhood theme.
- Mr. Stolman: So if the sign is going to be refurbished, it still needs to be shown on the plan.
- Mr. Aqeel: This is the third time that I've come to you and we talk about signs and new changes every time. It was reducing to 10 feet and now it's refurbishing the sign.
- Mr. Stolman: My comment that last time, and the board agreed with it was that we do some research before they made a decision so there was no decision at the last meeting.
- Mr. Scofield: I think everyone was telling Dr. Aqeel that if we brought the sign to 56 sf. and dropped it down to 10 feet that that would be sufficient.
- Mrs. Roberti: What was the square footage prior before you reduced it?
- Mr. Scofield: The same as the sign that's there now. It was proposed as 84" wide and 12 feet high.
- Ms. Stolman: Is that including the base? You have to include the base in terms of the height because it can't be an elevated sign, so the top of the sign can be no higher than 10 feet off the ground no matter what the configuration is. We are talking about the area of the sign and not the base which has been reduced to 56 sf. If the existing sign is going to be refurbished, it still needs to be shown on the plan including colors, materials and illuminations.

- Mr. Scofield: Can the sign be removed from this application and we continue with the elevations because we would like to get them started repairing the building.
- Mr. Roberts: I like the shops at DeGarmo Plaza, and then he has a nice identification of each storefront, this is a nice improvement and I don't necessarily agree you leave all that information on the façade.
- Mr. Aqeel: My answer to that was to try to give the tenants there some visibility.
- Ms. Bettina: You can do it on the sign that's already there or you can bring the sign down to be within the requirements of the town.
- Mr. Aqeel: Again, we are going to leave the existing 15 feet sign alone.
- Ms. Bettina: Thank you.

Mr. Malafronte: Motion to close the Public Hearing.
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

Mr. Malafronte: Motion to authorize David Stolman to draft resolution for July 6, 2015.
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

15-3324 / Del-Tra Holdings, LLC (Formally Bre-Del Enterprises): To vote on a resolution to amend their site plan that was previously approved for the construction of a 4,128 sf, one/two-story office building in an NB zoning district on .678 acres. The applicant is now proposing to build a 1-story, 2,970 sf building. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-02-508806** in the Town of Wappinger. (Day)

Present: Mark Day – Engineer

Mr. Fenton: Motion to accept the resolution as amended
Mr. Pesce: Second the motion
Vote: All present voted Aye
Roll Call: Ms. Bettina Aye
Ms. Leed Aye
Mr. Malafronte Aye
Mr. Fenton Aye
Mr. Pesce Aye

14-5168 / The Ridges At Old Hopewell Estates: To discuss a preliminary application for 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 **383 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
David Stenger – Applicant
Mark Day – Engineer
Larry Paggi – Engineer

Mr. Cantor: Ms. Bettina, at the last meeting there were a large number of neighbors who expressed their concerns and I think all of their questions have been answered hopefully to your satisfaction. If that's the case, we would ask that you authorize a motion for the next meeting in that resolution if you choose to authorize it. We would ask that you authorize it in addition to preliminary and negative declaration, the waiver of the Public Hearing on the final and also the granting of conditional final. It is my understanding that the plat has all of the engineering that you would require going from preliminary to final. The only thing that's outstanding is the water and sewer and it's simply a question of extending the district which can't be done until you as the Lead Agency adapt a negative declaration. There's a map, plan and report sitting at the Town Board and capacity has been confirmed for both water and sewer and is just awaiting the negative declaration. If you see your way to authorizing of conditional final, we will be well on our way to getting this project done. I think we have everything we need for final.

Mr. Stolman: Where the final plat is in substantial conformance, preliminary plat which will be in this case because we are using the same drawing for both. The Planning Board is authorized to waive the Public Hearing and I would recommend that they do that.

Mr. Malafronte: Mr. Cantor, the letter we got from the Army Core of Engineers, does it impact anything on the site on the wetlands?

Mr. Stolman: We got two letters and both resolved matters that had been outstanding.

Mr. Malafronte: So there's no impact?

Mr. Stolman: No, it does not raise any issues that we cannot resolve through notes and revisions to the resolution.

Mr. Malafronte: So they all will be addresses?

Mr. Cantor: Yes.

Mr. Malafronte: What about the people that had concerns about it?

- Mr. Cantor: I tried to address it in my letter and we asked Mr. Day's colleague, Mr. Lynch to physically go out in the field to confirm the location of the stonewall and that was confirmed as being correct on the drawings.
- Ms. Leed: I have a question regarding your note on landscaping it says the removal of any existing trees within the proposed limits of disturbance. Are they going to be preserved them? Is there a note about trees that are allowed to be taken down or not and to label them that way, does that mean anything?
- Mr. Stolman: We talked about this at a previous meeting, we will review it and we are simply deferring this until the plat plan is submitted to the Building Department for building purposes and will be physically put on there. The trees that don't need to be taken down won't be taken down.
- Ms. Leed: Are we requiring that additional trees be put there since the neighbors requested that the original trees be put on the road and side. Is there anything that says that the lots have to have a certain number of trees?
- Mr. Stolman: There are state trees that are required.
- Mr. Malafronte: Is there any impact with the Indiana Bats?
- Mr. Stolman: There are no problems with the Indiana Bats.
- Mr. Paggi: Just be aware with preliminary approval, there's still a little bit of lifting to be done by the applicant that is customary. There's the Board of Health approval, they still have to perform stormwater sewer district and ultimately they are going to gain coverage under the Stormwater Speedy's Permit. These are all listed in our last comment letter but with your prerogative, they can be made conditions of a final approval.
- Mr. Roberts: I agree can you reasonably accept to get everything done within a required timeframe?
- Mr. Stolman: The timeframe is 180 days and there are unlimited extensions now under the town law and I don't think the residents will approve it.
- Mr. Paggi: Not at all and technically we've got Board of Health Department approval that we have to gain.
- Mr. Day: Which we can't do until the town board tells us to.
- Mr. Malafronte: Then it will be better served that we make it part of the resolution.
- Mr. Fenton: It should be a part of the resolution as well.

Mr. Malafronte: **Motion to waive final Public Hearing.**
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

Mr. Malafronte: **Motion to authorize David Stolman to draft a resolution for July 6, 2015.**
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

Ms. Bettina: **Motion to go into Executive Session.**
Mr. Malafronte: Second the motion.
Vote: All present voted Aye.

Mr. Malafronte: **Motion to come out of Executive Session.**
Ms. Bettina: Second the motion.
Vote: All present voted Aye.

11-5159/Obercreek Subdivision and Lot Line Re-alignment: Is seeking a second extension for a proposed 14 lot subdivision and lot-line re-alignment on 32.95 acres in an R-40/80 zoning district. This one year extension will begin on July 31, 2015 through July 30, 2016. The property is located on **New Hamburg Road & Marlerville Road** and is identified as **Tax Grid No. 6057-02-997768/ 6157-01-030738** in the Town of Wappinger. (Chazen)(LA April 8, 2011) (Neg. Dec 2-3-14) (PH opened 10-7-13) (PH closed 1-22-14)

Ms. Bettina: **Motion to grant a one year extension from July 31, 2015 to July 30, 2016.**
Mr. Malafronte: Second the motion.
Vote: All present voted Aye.

13-3295 / St. Gregory's Church: Is seeking a first extension for Phase II of their approved site plan that was signed by the chairman on July 9, 2012. Where Phase II must apply for a building permit within one year of the issuance of a CO for Phase I, that CO was issued on May 6, 2014. The church is asking for a one year extension for Phase II from May 6, 2015 through May 5, 2016. The property is located at **1500 Route 376** and is identified as **Tax Grid No. 6259-04-715115** in the Town of Wappinger.

Ms. Bettina: **Motion to grant a one year extension from May 6, 2015 to May 5, 2016.**
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

05-3116/ La Fonda Del Sol—Seeking their tenth extension for six month 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 14, 2014 and run through December 13, 2014. 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, fourth granted to June 14, 2011, fifth granted to December 14, 2011, sixth granted to December 14, 2012, seventh granted to June 13, 2013, eighth granted to December 13, 2013, ninth granted from December 13, 2013 to June 13, 2014.) The 10th extension expired on December 14, 2014 and it was discussed to grant a final 6 months extension at the Planning Board meeting on June 15, 2015. The Planning Board has decided to grant the 11th and final extension for 6 months and no other extensions will be granted. This 6 months extension began on June 15, 2015 and run through December 14, 2015.

Ms. Bettina: **Motion to grant final 6 months extension from June 15, 2015 to December 14, 2015.**
Mr. Fenton: Second the motion.
Vote: All present voted Aye.

New & Old Business:

Stonegate:

Mrs. Roberti: I went out to Stonegate today to do a final on their site plan as-built. On the plan where it shows landscaping and the fence, it says 6 feet stockade but in the detail it says PVC. I know the devil is in the detail but they put up stockade fencing and it says stockade fencing on Page 1 and 2. So I want to know what you want to do about it.

Ms. Bettina: No, it's wood stockade.

Mrs. Roberti: When you first go in between the first and second building, one of the dumpsters is there and it's also made out of cedar stockade so it blends and there's another one in the back. They failed for 10 other reasons but those reasons I can deal with it with the architects.

Mr. Stolman: We should go back to the minutes and see if it talks about the kind of fence that was proposed and if the Planning Board accepted stockade at that point and if that is what's in the minutes then it should be stockade. If they represented they were going to build vinyl and the Planning Board accepted that then it should be vinyl. We should check the record first before doing anything.

Mr. Fenton: What if we find out that it is?

Mr. Stolman: I think it is just a bit of information you might want to have when you make your decision.

Mrs. Roberti: We'll check the minutes and I'll check with the architect.

Hilltop:

- Mrs. Roberti: Hilltop, SWPP says that they cannot have more than 15 acres disturbance. Bob, can you explain it to them?
- Mr. Gray: They've been moving around with their site plan. The last time they were talking about bonding all of the sidewalks and they are still not proposing more than 15 acres open at any one time. That's in the resolution that they can only have 15 acres disturbed at one time but it's not going to be contain, it's going to be in different areas.
- Ms. Bettina: Aren't these to be in phases?
- Mr. Gray: There was a phasing plan that was part of the approval.
- Ms. Bettina: But they are not sticking to the plan so that's a problem.
- Mr. Gray: I think the phasing plan was created more for the Homeowner Association and to keep them straight. They have not completed Phase 1 and they have been getting building permits for Phase 2.
- Mr. Fenton: Why would they propose to phase out?
- Mr. Gray: Because they have separate Homeowners Association for each phase. In other words there's an umbrella association over all of them say there's one for Phase 1, Phase 2 and a separate one for Phase 3 and then a blanket HOA overall. That was really the purpose of the phasing clause.
- Ms. Bettina: Are they sticking to the phases that we approved?
- Mr. Gray: Did it say that they had to be completed?
- Ms. Bettina: I'm asking you guys.
- Mr. Gray: My opinion is that they did not specify they would complete every single unit in Phase 1 before they got a building permit for Phase 2.
- Ms. Bettina: Can somebody make sure of that?
- Mr. Gray: Yes, I think it has already been done.
- Mrs. Roberti: We will and we have looked into it. Phase 1 was their club house and a lot of those specialty items and a few houses and the models and then Phase 2 were so many. They figured they would be doing about 25 a year but when we first looked at that, there was no deadline that you had to have the 25 homes before entering into Phase 2. The phases were shown for their condos.

- Ms. Bettina: It's all about finance. Do you have to sell a certain percentage before moving onto another phase?
- Mr. Gray: You have to have a certain amount sold and occupied before you turn the Homeowners Association over to the individuals. This has nothing to do with financing.
- Ms. Bettina: What are they doing that made it come to your attention?
- Mr. Gray: As they clear the next area where they are building infrastructure, they need approval under the Stormwater Pollution and Prevention plan and that requires that the 15 acres be open at once and no more than 15 acres. What they are doing here is they are not going to have more than 15 acres open. However, they will not have all 15 acres in one block they will have 5 acres here and 8 acres there and so forth.
- Mr. Malafronte: But it's not compliant with the phasing they are proposing.
- Mr. Gray: It's somewhat different from the phasing plan that's why Barbara wanted to come before you.
- Mr. Malafronte: I know the maximum was 15 and the other ones were 11, 12 but they weren't the same sizes.
- Mrs. Roberti: We never allowed them to disturb more than 15 acres at one particular time.
- Mr. Gray: They are being very careful and they have two separate stormwater SWPP inspection every week. The town does a stormwater SWPP compliance a total of three inspections every week. The reports come across my desk, Barbara's and the building department and they are being very careful about that and they address all of the concerns in writing every time there's an issue.
- Ms. Bettina: Have any of the neighbors come in with any complaints?
- Mr. Gray: There was an issue in the beginning there was a discharge from one of the retentions. A neighbor from Lake Oniad came to talk to us about it and that was resolved.
- Ms. Bettina: Since then there hasn't been any problems?
- Mr. Gray: It was a pretty nasty storm then so with the 15 acres being open it's been working and business is up.
- Mr. Fenton: I just want to hear what David thoughts are.
- Mr. Stolman: So the issue apparently isn't whether they can have 15 discretely separate acres open at the same time, the issue is phasing.

- Mr. Roberts: If I understand this, they have permission to disturb a maximum of 15 acres and not necessarily 15 continuous acres and they are disturbing up to 15 acres in different places.
- Mr. Gray: As of startup date they disturbed way more than 15 acres but 15 acres at a time. Once it's revegetated they can move on to disturb another 15 acres.
- Ms. Bettina: They've gone over more than 15 acres.
- Mr. Gray: Not at one time, absolutely not.
- Mr. Stolman: What are we asking the Planning Board for?
- Mrs. Roberti: I'm not sure, I asked Bob to bring it up because there are e-mails going between Walter and Bob and ultimately they said let Barbara decide and I'm not really sure.
- Mr. Fenton: Isn't this a DEC question and not a Barbara question?
- Mr. Gray: No, we are an MS4 community and we have to decide.
- Mr. Fenton: Decide on what?
- Mr. Gray: Decide that we can have discrete acreages instead of just 15 acres.
- Ms. Bettina: You just said it was permitted so why are you coming to us now?
- Mr. Gray: It is permitted and it's a little unusual and we just thought we would come before you.
- Ms. Bettina: Why does Barbara have to approve it then, I don't understand.
- Mr. Stolman: What is Walter's recommendation on this? Did he say it was fine?
- Mr. Gray: He's fine with it.
- Mr. Stolman: The engineer said it is fine so I don't have an opinion.
- Mrs. Roberti: It's unusual but it's not wrong but if it comes out later on and someone asks us do you know they are disturbing in two places, I least we were made aware of it and you were duly notified that's why we brought it up.
- Ms. Bettina: That's fine but I was not under the impression that they could do 15 acres wherever they want.
- Mr. Gray: They would need approval for the stormwater from Walter.

- Ms. Bettina: Do we get reports on that? I would like to get a report.
- Mrs. Roberti: There are piles of them.
- Ms. Bettina: You guys are professionals you can net it out and send us a status so we are made aware of what's going on there.
- Mrs. Roberti: Sal Morello is your stormwater management official and he's out there all the time and Walter Artus is your consultant and he's out there once a week and Bob goes out as well. So there are a lot of eyes out there.
- Ms. Bettina: Just let us know so we are kept informed if anybody comes to us.
- Mr. Roberts: I don't know why you have to make that decision. If anyone had to make it, would be Sal since he's stormwater management in conjunction with Walter.
- Mr. Gray: We wanted to make the Planning Board aware of it.
- Mrs. Roberti: I just thought on a project this size I didn't understand it and thought to bring it to you so we can all learn together.
- Mr. Gray: Do you want me to forward the reports to you?
- Ms. Bettina: No, I want you to net out the important parts and send it to us.

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

Adjourned: 8:35 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board