

MINUTES

Town of Wappinger Planning Board
July 6, 2015
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

Mr. Valdati	Chairman	Absent
Ms. Bettina	Acting Chairman	Present
Mr. Pesce:	Member	Absent
Mr. Fenton:	Member	Present
Ms. Leed:	Member	Present
Mr. Malafronte:	Member	Present
Ms. Visconti:	Member	Present

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

Discussion:

Mountain View Ranch Subdivision (Lot Line Adjustments)	-Resubmit after meeting with Town consultants
The Ridges At Old Hopewell Estates	-Approved Resolution as amended
Monro Muffler Brake	-Approved Resolution as amended
DeGarmo Plaza	-Approved Resolution as amended
Dunkin Donuts	-Resubmit
Greenbaum & Gilhooley's	-Vote on amended Resolution for phasing project

Ms. Visconti: **Motion to accept the minutes for June 15, 2015.**
Mr. Fenton: Second the motion.
Vote: All present voted aye.

14-5168 / The Ridges At Old Hopewell Estates: To vote on a resolution on 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) (PH opened & closed 6/1/15)

Present: Mark Day – Engineer
 Larry Paggi – Conflict Attorney
 David Stenger – Applicant

Mr. Day: Mark Day here representing David Stenger, I'm here today to go through the resolution.

Mr. Stolman: Actually Mark, we don't usually go through the resolution but there's one minor change that I would like to suggest and this has to do with the incidental take permit letter from the DEC. I re-read the letter from the DEC and based upon the notes that are on the plan and the representations that were made, it is unlikely that a take permit is going to be required so it should just say "if required". It's not a formal determination from the DEC and it's not going to be required. Otherwise the resolution is fine.

Ms. Visconti: We just received Larry Paggi's comment letter and there are some items that are still outstanding, are they conditions?

Mr. Stolman: Yes, they are.

Mrs. Roberti: We talked about this before and not on this subdivision but going forward and since you are going to amend it I would like to see something in the resolution that tells the developer that they cannot start work without having a preconstruction meeting. We just had an incident happen, so going forward this should be spelt out. As much as they are entitled to go out there and start doing the infrastructure to reduce their bond, they still need a preconstruction meeting.

Mr. Malafronte: Will that also pertain to the storm management SPDES permit and do they have to have a preconstruction meeting before breaking grown?

Mr. Paggi: That is a prerequisite as well that they have to have a preconstruction meeting before they break grown.

Mr. Malafronte: That should be included in the resolution as well.

- Mr. Paggi: It is in there but it would be good to put it in the resolution so everybody is on the same page.
- Mrs. Roberti: Yes, they have to have a preconstruction meeting before they start.
- Ms. Visconti: Motion to adopt the resolution as amended to reflect the applicant to provide DEC Incidental Take Permit if required. Moving forward, all resolutions should require that developers have a preconstruction meeting prior to starting the infrastructure.**
- Mr. Malafronte: I second the motion.
- Vote: All present voted Aye.

15-3323 / 4062 Monroe Muffler Brake: To vote on a resolution on the application of Monroe 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) (PH opened and closed 6-15-15)

- Present: Mike Gillespie – Engineer
George Jerard – Representative for Monroe Muffler Brake
- Mr. Gillespie: Hi, we are here tonight regarding the resolution and it looks pretty good only up to No. 6, we showed the roof on the elevations. We went a little further to change elevations and spruce it up a little when we first came in. The color of the roof is actually what is out there today and I know one of the comments was to lighten the shade of the roof to be more energy efficient. We could galvanize the top now and just paint it red which would be reflective.
- Mr. Stolman: To be perfectly honest, I was looking at the elevations and I must have had a senior moment and I assumed it was a new roof so I would retract the part about roof.
- Ms. Visconti: Is it in the resolution?
- Mr. Stolman: Yes, it is so we can take that out and it's now a Planning Board decision.
- Ms. Visconti: Motion to adopt the resolution as amended.**
- Mr. Fenton: I second the motion.
- Vote: All present voted Aye.

15-3329 / DeGarmo Plaza: To vote on a resolution 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) (PH opened and closed 6-15-15)

Present: Keith Scofield – Engineer

Mr. Scofield: Hi, I'm Keith Scofield from Liscum, McCormack, VanVoorhis, Dr. Aqeel is not with us today. Based on the information I received from the Town Planner, we have updated our drawings to include information on the goose neck lighting. We've moved anything that had color to it so we are in the earth tones for the signage. We also updated what is now the existing pylon signs with dimensions and a photo of the actual sign labeled with what materials that are currently on the sign as requested. On the site plan, we have removed the new sign location and referred back to the old pylon sign.

Mr. Stolman: Keith, that has to be reviewed so we can go ahead and adopt the resolution as it is and we will review and submit the plan to Barbara very soon and we go forward.

Ms. Visconti: Motion to adopt the resolution as amended.

Ms. Leed: I second them motion.

Vote: All present voted Aye.

14-3307/Dunkin Donuts: To discuss the construction of a 3,000 sf Dunkin Donuts with a drive-thru on vacant commercial land. It is in a CC zone and is on 11.34 acres. The property is at **2026 Route 9D** and is identified as **Tax Grid No. 6056-02-746856** in the Town of Wappinger. (Diesing) (LA 3/23/15)

Present: Jay Diesing – Engineer
Ernie Martin – Engineer
Yuwen Chen – Applicant

Mr. Diesing: Good evening, Jay Diesing, I'm here with Yuwen Chen and Ernie Martin. We were here in March and have been doing quite a bit of work on our site plan, engineering and issues in the town that we have to overcome. We have been working with the health department and its sanitation health disposal system, flood plain issues, DOT and a number of things. The site shifted a little bit south from what you saw the last time to fit it appropriately among our wetlands and different things that are going on at the site. I will let Ernie take over and tell you where he's at with engineering issues and we go from there.

Mr. Martin: Good evening, Ernie Martin with KC Engineering. Since our last meeting as Jay mentioned, we've advanced the plan to the point now where the site is fixed as to where things are going to be. We have set grades and we have done our grading on the site, we've designed our drainage for the site as well along with stormwater mitigation and everything else to comply with Phase 2. At one point we were contemplating using the existing well on the site which is an existing

bar/restaurant that's at the corner. This is going to be totally independent and they will have their own well and septic and it's still going to remain one piece and not a subdivision. We have been working with Phil Greeley regarding the traffic and based on his evaluation and recommendation, we are going to have a turn lane that's going to go into the site. We are working on those details to present to you and the DOT as well. Another thing that has changed from an earlier submission, there is a drainage dish that runs through the site and runs into the wetlands area which will be relocated. We mentioned earlier on that the site has DEC wetlands, Army Core wetlands and town wetlands which would require permits. We are in the process of evaluating this for the flood plains, this site sits about 5 to 6 feet above Stewart's which is to the north. We believe that's more than enough but we are doing our due diligence because on the FEMA maps it is listed as a Zone A.

- Mr. Gray: The Planning Board mentioned solar panels and they indicated they were going to look into that and possibly incorporate into the design. The other thing is if the DOT is okay with keeping the existing entrance.
- Mr. Martin: I'm sure it will be part of our submission.
- Ms. Visconti: In my notes I see you are thinking about the green program promoted by Dunkin Donuts?
- Mr. Diesing: Yes, I mentioned that in our response letter. They do have a program not only related to building construction and features like that but it's also related to their serving materials in the store and getting away from styrofoam.
- Ms. Visconti: So whatever is applicable to your site will be incorporated in plan?
- Mr. Diesing: We are looking into that right now and it sounds like a great program but we have not made a final decision but it's certainly on the table.
- Ms. Visconti: At least you are looking into that.
- Mr. Diesing: It only came out in the last year so we are learning about it and trying to understand how it's going to impact the project.
- Ms. Leed: You mentioned you are relocating the stream.
- Mr. Martin: There's a drainage that runs (points to location on map) through that we are going to take and move it about 10 feet to accommodate the other things as we develop the site.
- Ms. Leed: So you will be blocking one area and rerouting?
- Mr. Martin: Where the stream is now, that area will be filled in and moved to another area to allow us to build the site, parking and the other amenities that we are planning on the site.

- Ms. Visconti: I have a note here that you will be addressing the outdoor dining?
- Mr. Diesing: I don't recall commenting on outdoor dining, what in particular?
- Ms. Visconti: I have here green program provided by Dunkin Donuts and address outdoor dining, 20 seats.
- Mr. Diesing: Okay, we are hoping to have the outdoor dining.
- Ms. Visconti: So that has to be put on your plan as well.
- Mr. Diesing: It is on the plan now.
- Ms. Visconti: So if they move that stream, will they have to move everything around for that outdoor dining?
- Mr. Stolman: I don't think the outdoor requires moving the stream.
- Mr. Diesing: The outdoor dining sits adjacent to the building to the south and we are proposing a patio out there and some landscaping around it.
- Mr. Stolman: There are a couple of different waivers that are being asked for.
- Mr. Diesing: We are asking for a waiver for identifying all of the manbuilt features within 200 feet of the property line. Our property is so large and we want to identify everything on the property. We were wonder if the board would be willing to waive that because it really doesn't impact anything near our property line with the project.
- Mr. Fenton: Are there any violations with complying with buffers?
- Mr. Stolman: No, it's just a matter of showing off site improvements as you normally would but given the size of the property and the location and the improvements they are looking to make, I think it would be fine to waive that. The part is waiving the location of trees within 12" or more in diameter and I think you are saying that trees will be removed to relocate the stream.
- Mr. Martin: Originally when we did our first survey work and our presentation in March, we showed the edge of the tree as an open site we were going to develop. Now we are developing (points to area on map) in this area. I have not looked in there to see if there are larger trees or not but we can take an inventory to see what's impacted. Everything is wetlands and we are not doing anything there.
- Mr. Stolman: I think you should do the areas you plan on affecting and disturbing. I would agree if you are not going into the wetlands there's no point in showing the trees that are in there. However, the areas you are planning to affect and disturb, areas where you plan to take down trees, it would be important to inventory those.

- Ms. Bettina: Just so I'm clear, when you come into your Dunkin Donuts and you drive around, take your order, is there a way that cars can get by if they change their minds and don't want to stay in that line?
- Mr. Diesing: Yes, there's a bypass lane for anyone that's parked in these spaces or doesn't want to jump out of the lane, there's an 18 foot travel lane outside the drive thru lane.
- Ms. Leed: Is that one way?
- Mr. Diesing: Yes.
- Mr. Stolman: This is a status meeting, you got comments and I made comments, Bob made comments and we are making progress so you should continue to work on the comments.
- Mr. Diesing: We wanted to come in to update you on the progress and if you had any other concerns we needed to address. We are still working on it and we have some things to do. I think at the March meeting, the board did circulate and was declared Lead Agency. Is it pre-matured to think about a Public Hearing at this time and do we have enough information to do that?
- Mr. Roberts: Did you get the resolution from the DOT?
- Mr. Diesing: We have a comment letter from the DOT.
- Mr. Stolman: You are working on some traffic analysis, right?
- Mr. Diesing: Yes.
- Mr. Roberts: Before you have a Public Hearing you might want to get that issue resolved so the public can understand what you are doing.
- Ms. Bettina: I think you will have a lot of questions regarding the traffic so it would be better to have that versus not having that for a Public Hearing.
- Mr. Diesing: We just received the schematics plan from Greeley for the widening and turning lanes so we can certainly try to develop that further.
- Ms. Bettina: I think that would be perfect before we do any Public Hearing.
- Mr. Fenton: Was that the primary comment from the DOT?
- Mr. Diesing: That was recommended by Phil Greeley except for the turning lane and the DOT agreed with that. Phil has been working on that so hopefully we will have something by the next meeting.

- Mr. Malafronte: Are you still planning to go into the 100 feet buffer?
- Mr. Diesing: Yes.
- Mr. Stolman: The 100 feet buffer actually goes into the building, so yes. There's no 100 feet buffer for the Army Core of Engineers either.
- Mr. Martin: There are actually three wetlands on the property. The DEC wetlands, (point to wetland the map) so a 100 feet from there is the adjacent area buffer. The area that goes from this wetland up along the existing stream has been delineated by our wetlands biologist as town wetlands and Army Core of Engineers wetlands. The Army Core does not have any buffer however the town has a 100 feet buffer. What we are proposing is to create a retention area and other wetlands areas and we may have to expand it a little bit.
- Mr. Malafronte: Who is going to approve the 10 feet move of the stream?
- Mr. Martin: I think the town would since it's their wetlands.
- Mr. Malafronte: Do you want the town to approve it?
- Mr. Stolman: The town has to. That movement is regulated under the town law so if they are going to be able to do it, they are going to need the Planning Board's permission.
- Mr. Gray: You grant the permit, it's not a protected stream.
- Mr. Malafronte: What about the signage on it, are you going to address it in your letter?
- Mr. Stolman: We haven't talked about signage yet. Before we get off the wetlands, Ernie maybe you can show where the town's buffer line is.
- Mr. Martin: The town's buffer line is this line here (shows on the maps) and it runs about midway to the parking lot across the building and then again through the parking lot on the other side.
- Mr. Malafronte: Is that part of the flood plain are with FEMA?
- Mr. Diesing: That's totally separate.
- Mr. Stolman: So there needs to be some mitigation of the buffer disturbance and Ernie was talking about some of that.
- Mr. Martin: Here we have our storm drainages collected from drainage from the parking (shows on map) and goes to a hydromatic separator and then it comes into a bio retention area and then into a stormwater wetlands. I envision this area to be about the elevations of the stream of this wetland so it's important that the soils be of a wetlands type soils and more importantly that the plants be of wetlands type

plants. Since we are taking away some of that buffer that Jay pointed out, we will be expanding in this area.

Mr. Malafronte: So when you are feeding back into the stream, who is going to approve that?

Mr. Martin: It's going to be approved by a combination of DEC, Army Core of Engineers and the town upon site plan approval.

Mr. Fenton: So we need to tighten up the traffic study, wetlands study and the signage before we have a Public Hearing.

Mr. Diesing: I think we will be able to talk about the signage at the next meeting since that's something we haven't gone too far with. At our last meeting we were focusing on the engineering details so we will be prepared to talk to you a little bit about that the next time.

Ms. Bettina: Thank you.

13-3279 / Greenbaum & Gilhooley's Site Plan: To review phasing plan as well as elevations for Building "A" elevations. The property is located at **1379 Route 9** and is identified as **Tax Grid No. 6157-02-594684** in the Town of Wappinger. (Robert Turner [Tinkelman Architecture])(Neg Dec 1-22-14) (L/A 8-26-13)

Present: Steve Tinkelman – Arthitect
Nick Citera – Cosimo's Restaurant Group

Mr. Tinkelman: Steve Tinkelman, we are here to talk about two issues, the first is the idea of phasing the project. When we were approved originally, we did not have any discussions nor we did we know we were going to build at different times. If you drove by you can see the bank is in good shape and they want to open in October so we've had conversations with different departments in the town. We would like to do the site in its entirety and that will include underground and all the connections to the infrastructure to the Central Hudson lines, DOT connections that are on the site will be done. Essentially, the whole site will be finished and we would like to not top coat an area around the former Greenbaum & Gilhooley's building and the center structure. The base would be in there, the curbs will be around the structure so from the curbs would be the point where we would stop. In the meantime, all the landscaping is done and we will build a fence so the bank can open when the building is scheduled to open. It will look great from the road with all the lights, landscaping and striping will be done for safety reasons. We would like to continue the enclosure around the other two buildings until they are done. Also for neatness, we would like to use this one area for construction for now so that when all of the top coating and work is done, it doesn't get damaged by construction vehicles.

There are no changes to the plan other than your ordinance requires in a multiple building site plan, everything has to be done before one of the buildings can be open. That's when we met with Barbara Roberti and Bob Gray and realized that's

not going to work. We are here requesting you to allow the bank to open and be fenced off for safety reasons.

Ms. Leed: What type of fence?

Mr. Tinkelman: It's the fence that's there now. It is a construction chain link fence. That being said, all of the landscaping along the front is completely done so it's going to look great and will also help us with some of the marketing. The spaces are not all taken yet and the nicer we can make it look, the better it will be from a business point of view.

Mr. Fenton: Is Old Route 9 under the jurisdiction of the DOT?

Mr. Tinkelman: No. We will have all of our signoffs from the DOT before getting the bank open. We are working with them now and the entrance to Old Route 9 will be finished as well.

Ms. Bettina: Considering Mr. Stolman's letter, there's nothing that shows Phase 1 and Phase 2 on the plan.

Mr. Tinkelman: In my letter there was a cover letter and it describes Phase 1 which is this area.

Ms. Bettina: Did you provide that to Mr. Stolman?

Mr. Stolman: My comment really is that there needs to be a little bit more information on the plan, no big deal and if you are so disposed to have a resolution drafted by the next meeting, we could either do it as a condition or do it in between. My point is that this should be standalone instead of Phase 1 and Phase 2, a simple detail on the fence or a rotation can be provided.

Mr. Roberts: Are you going to need any approvals from the DOT to phase the access points pending completion of the site?

Mr. Tinkelman: No, they are completely comfortable with what we are doing.

Mr. Roberts: Do you have that in writing?

Mr. Diesing: We can get that in writing. We are going to have a full signoff from the DOT that's in their right-of-way.

Mr. Roberts: Are you going to be splitting the site while you are continuing the construction of Phase 2? If so how do you prevent people from going from where the bank is to your side now there's a chain link fence?

Mr. Tinkelman: If you are heading south and given the geometry, you won't be able to go that way anyhow.

- Mr. Stolman: You've got in and out to the bank and you've got another in and out from Route 9 to the bank so you have plenty of access.
- Mr. Roberts: DOT is okay with this?
- Mr. Tinkelman: Yes, they are and they have to sign off on the work so they are monitoring the construction and we have all the inspections set up and it is part of the CO process that you have to get DOT approval.
- Mr. Gray: Just make sure that the DOT knows that the site is being phased.
- Mr. Diesing: We will get a statement from them.
- Ms. Bettina: Any other comments?
- Mr. Stolman: I'm satisfied with those.
- Mr. Malafronte: There's a comment from Vinny on the black top swale to be completed on the Route 9 side of property.
- Ms. Bettina: The Highway Superintendent, Vincent Bettina made a comment about the drain issue, can you comment on that?
- Mr. Gray: Yes, it was shown on the original plan.
- Ms. Bettina: So this is resolved?
- Mr. Gray: Yes, it was.
- Ms. Visconti: What's about the elevations?
- Mr. Tinkelman: The elevations changes are extremely minor and we made a couple changes to make the building look nicer.
- Ms. Bettina: Do we have these in color?
- Mr. Tinkelman: We never did them in color even when we went through the site plan approval.
- Ms. Bettina: I know but is there a way we can get it in color?
- Mr. Tinkelman: I could do that for you but we are changing such small things so there's no material changes, there's no pallet changes. What we are doing is putting an additional mechanical room door in the back.
- Mr. Malafronte: Is it similar to the original plan you gave us?
- Mr. Tinkelman: Yes.

- Ms. Bettina: But I want to see what's different versus what we were given.
- Mr. Tinkelman: I will walk you through it. We originally had these two small windows and we felt they were out of scale for a commercial space because it's a taller space. What we are really doing is taking this roof form and just moving it back a little bit and putting in two windows to match so it the same. The second change is we want to make this entrance (shows on map) grander for the second story space. There are no changes to the front of the building, the side of the building and to the rear of the building it's just adding a door.
- Ms. Bettina: Any questions?
- Mr. Malafronte: Is this a combination of Building A and B?
- Mr. Tinkelman: This is just Building A and there are no changes to Building B.
- Mr. Malafronte: So this is the original Greenbaum & Gilhooley's?
- Mr. Tinkelman: There are no changes to the floor plan and the perimeter of the building.
- Mr. Malafronte: So you are running it out where the garage used to be? You have the main building and two small buildings. Originally I thought we weren't doing anything with the Greenbaum & Gilhooley's building itself?
- Mr. Tinkelman: As part of the original approval, there was a small 1-story unattractive addition that's coming down. We are also taking the front of the building and making some changes to the front but that was in the original plan and we are reusing and repurposing most of the building.
- Mr. Malafronte: If I'm looking at these elevations on your drawing, you are changing the façade of the restaurant building?
- Mr. Tinkelman: It's not being changed at all.
- Mr. Stolman: Are you talking about the original Greenbaum & Gilhooley's building relative to what's out there now is being changed.
- Mr. Tinkelman: The footprint stays the same.
- Mr. Stolman: The façade changes to what's out there now. There are approved façade changes and Steve is saying that relative to the approved façade changes, these are minor changes.
- Mr. Tinkelman: The goal here is not to take anything away but add better daylight in that corner and it's the prime space on the corner so having a better window and it also matches the other windows. Frankly, the way that building was built by the builder wasn't great at all and this is an opportunity to fix that up.

- Mr. Roberts: You are not changing the footprint to anything, it's just the façade and with respect to the old Greenbaum's building, everything remains the same but you are adding two doors where your previously approved drawing was one.
- Mr. Tinkelman: Yes, it's a landlord door and not a customer door. The other thing is the side facing the middle building, there are no changes at all on the façade, the front, on the south side besides adding the bigger window the rest stays the same.
- Ms. Bettina: May I ask how many participants you have right now?
- Mr. Tinkelman: We have some leases that we are entering into but nothing sign right now so we are working on that. We were hoping to be further along so it's disappointing for us and we know this is one of the reality of life in the Hudson Valley.
- Ms. Visconti: Motion to authorize David Stolman to draft a resolution for July 20, 2015.**
- Mr. Fenton: I second the motion.
- Roll Call: Mr. Malafronte – Nay
Ms. Leed – Aye
Ms. Visconti – Aye
Mr. Fenton – Aye
Ms. Visconti – Aye

15-5174 / Mountain View Ranch Subdivision (Lot Line Adjustments): To discuss a preliminary application for lot line adjustments on four parcels of an existing 5 lot subdivision on 123.5+ acres in an R-3A Zoning District. The property is currently used for farming, equestrian operations and residential uses previously known as Julfran Farm. The property is located on the **Smith Crossing Road and Maloney Road** and is identified as **Tax Grid Nos. 6359-01-050625/119522/182562 and 134683** in the Town of Wappinger. (Watson)

- Present: John Watson – Engineer
John Ostuni – Mt. View Realty LLC
- Ms. Bettina: I'm going to ask you to get with our professionals because there are quite a few outstanding questions regarding the project and then come back to the Planning Board.
- Mr. Watson: So I should set up a meeting with them and Barbara?
- Ms. Bettina: Yes, please.
- Mr. Gray: Try to do it as quickly as possible.
- Mr. Watson: Thanks.

Ms.Visconti

Mr. Fenton:

Vote:

Motion to adjourn.

Second

All present voted Aye

Adjourned: 7:50 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board