

MINUTES

Town of Wappinger Planning Board
July 20, 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. 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 Landing Development Subdivision -Adjourned Public Hearing for September 9, 2015

Discussion:

Greenbaum & Gilhooley's -Approved Resolution as amended for phasing project

Earth Angel Veterinary Hospital -Resubmit for August 3, 2015

Ms. Visconti: **Motion to accept the minutes for July 6, 2015.**
Mr. Fenton: Second the motion.
Vote: All present voted aye.

09-5151 / Dutchess Land Development Subdivision: The Town of Wappinger Planning Board will conduct an adjourned 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) (PH opened 5/4/15)

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

Ms. Visconti: **Motion to close Adjourned Public Hearing to September 9, 2015.**
Mr. Malafronte: Second the motion.
Vote: All present voted aye.

13-3279 / Greenbaum & Gilhooley's Site Plan: To vote on the proposed phasing plan as well as building elevations for Building "A". 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. Valdati: Good evening.

Mr. Tinkelman: Good evening, I understand there's a motion that's being prepared?

Mr. Stolman: No, a resolution. I think Bob wanted to say something about drainage and then we can go right into the resolution.

Mr. Gray: I understand there is a question about drainage coming out onto Old Route 9?

Mr. Valdati: Yes, is there any drainage onto that road?

Mr. Gray: Yes, we saw on the plan that there's a swale to accommodate it and I visited the site with the Highway Superintendent, Vincent Bettina two weeks ago and he is satisfied.

Ms. Bettina: Is it on the resolution?

Mr. Stolman: No, I think the improvements were shown on the approved plans so everything copacetic.

Mr. Gray: Mr. Bettina had questioned it and I met with him about it and everything is fine.

Mr. Valdati: When did you meet with him?

Mr. Gray: Two weeks ago.

Mr. Malafronte: Is it the proper design that we should use for that area?

Mr. Gray: What is the proper design?

Mr. Malafronte: The swale that runs out from the property.

Mr. Gray: There's water going down the swale right now.

Mr. Malafronte: Will it ever roll over into the roadway and go down into the street?

Mr. Gray: Not with the water that's being proposed.

Mr. Malafronte: With the amount of water that's proposed and the rate of water flow, is it based on what they do on the blacktop?

Mr. Gray: Overrun swale onto the road wouldn't have been approved and we would have asked them for a different design so it's fine.

Mr. Malafronte: So that's the last design and is it proper?

Mr. Gray: Yes, and I understand some people were talking about putting it underground and hiding it.

Ms. Bettina: I don't know what transpired that's why I'm asking.

Mr. Gray: Vinny talked to me about it and we went and looked at the site so I don't really know where this is coming from, he seems to be fine with it.

Mr. Roberts: Vinny called me today and indicated he talked to Bob about the piping, that's all I know. All I'm suggesting that it was mentioned to me by the Highway Superintendent.

Mr. Valdati: We should have the engineer sign off on this.

Mr. Gray: We did sign off on the review of the whole plan.

Ms. Visconti: So then there's no problem with moving this phasing on as prepared by the Town Planner, David Stolman?

Mr. Stolman: Phasing and the elevations are fine but the minor changes to the agriculture are an issue.

Ms. Visconti: Motion to accept the resolution as amended by David Stolman.

Mr. Valdati: Second the motion.

Vote: All present voted Aye.

Roll Call:

Mr. Valdati	Aye
Ms. Bettina	Aye
Mr. Pesce	Aye
Mr. Fenton	Aye
Mr. Malafronte	Nay
Ms. Leed	Aye
Ms. Visconti	Aye

15-3326 / 15-4064 / Earth Angel Veterinary Hospital: To discuss a Special Use Permit and Site Plan for a proposed veterinary hospital in R-20 zoning district. The property previously had been used as a winery. The property is located at **44 St. Nicholas Road** and is in an R-20 zoning district and is identified by **Tax Grid No. 6258-01-200871** in the Town of Wappinger. (Gillespie)

Present: John Sullivan – Engineer
Eric Doering – Engineer
Alexandra Barrientos – Applicant
Robert Codacovi – Applicant

Ms. Bettina: Good evening.

Mr. Sullivan: Good evening. This application was before the Planning Board and was referred to Zoning Board of Appeals and there were three variances granted. The first was for a sign on the road, the second was for a structure in the front yard and the third was the shed before the principle building. We've gone through some of the comments and the only concern was the fenced in area in the front yard was within the wetland buffer. We will revise the size of the paddock area so it is not within the buffer. I know there was a request for some outside elevations, the applicant is here and he can show you some images for the structure in the front yard. Our goal for this evening is to set a public hearing for possibly August 3, 2015.

Ms. Bettina: On your site plan, the area that you have for the mini horses, are you going to have two horses and that's it? Also, the amount of land that's within the wetland part, are you going to redo it?

Mr. Sullivan: We are going to reduce the paddock area so it's not within the wetland buffer.

- Ms. Bettina: So how much does that leave you per horse? If you are going to have them out there, I thought you needed an acre per horse?
- Mr. Codacovi: These are mini horses.
- Ms. Bettina: What's the requirement and does anybody know?
- Mr. Codacovi: I'm not really sure, we have an employee who raises them and I believe she said for two horses it's about half acre for a mini horse.
- Ms. Bettina: I want that to be part of the resolution.
- Mr. Stolman: Roughly how much land area will be devoted to the mini horses once you reconfigure the area?
- Mr. Codacovi: We think she said we need about half acre.
- Mr. Roberts: How much do you have now?
- Mr. Codacovi: I'm not sure of the exact size of this paddock area but we could stretch this along the left side of the property and whatever space we take from the buffer can be added to that to ensure it's a half acre.
- Mr. Stolman: It would be good to specify on the plan how large that area is.
- Mr. Bettina: Are you going to breed?
- Mr. Codacovi: These horses are there simply to add to the feel when you come to the property you relax, your animal is inside getting a service and you wander the property, so there's no breeding or anything like that.
- Ms. Leed: So they are props.
- Mr. Codacovi: I guess.
- Dr. Barrientos: The horses that are going to be in there are neutered.
- Mr. Valdati: Do you have businesses that come in to clean the waste?
- Dr. Barrientos: Yes, we follow regulations for biohazardous materials, we have contract with Stericycle and they are the ones that come in and remove all biohazardous materials. We also follow regulations with waste management, cleaning and maintenance and make sure we do not pollute the area.
- Mr. Fenton: Is there a station dedicated for staging the bedding and manure?

- Mr. Codacovi: Yes, the run in shed is also going to have an area where the horses will be and then there's going to be a door that will be locked and secured.
- Ms. Bettina: Let me remind you that you are in a residential area and smell travels so you need to take that into consideration.
- Dr. Barrientos: There are three things that are happening specifically for the dogs, all of that is going to be removed and changed. Specifically for the horses, the woman that owns one of them and has a horse in her barn right now is our expert for size and so on and so forth. She's the one that would like to remove the manure because she uses it personally so we are not necessarily going to treat it, recycle or keep it and we have no use for that.
- Ms. Bettina: It needs to be documented that it's going to be removed overtime.
- Mr. Roberts: How frequently will the manure be removed?
- Mr. Codacovi: Probably on a weekly basis or twice a week.
- Mr. Roberts: There's going to have to be some area where it's kept until it's removed. I think that's what Mr. Fenton was questioning, are you going to store it some place for a period of time and how you are going to store it?
- Dr. Barrientos: The acreage that is given to a horse allows for a certain amount to fall on the ground, so the question is how often are you going to clean the stall and how long are you going to create a pile before it's removed. The answer to that is as soon as that pile becomes an issue within the barn and has to be removed because I cannot take it outside and leave it there. The answer would be as often as it needs to be removed.
- Mr. Codacovi: Keep in mind that these are mini horses so with two the volume you get is 1/10th of a bigger horse.
- Dr. Barrientos: To put things into prospective in comparison to a large horse, a large horse stall is marked to shovel daily and that manure gets put aside in a container and that gets removed from the actual barn the horse is in every two to three days.
- Mr. Sullivan: We can create a set of notes that describes the removal process and how it can be dealt with on the site plan.
- Mr. Valdati: How about the turning radius?
- Mr. Sullivan: There was a winery previous to this application so they do have enough room for a firetruck to get in and out of there.
- Ms. Bettina: There's a note from our Fire Inspector that you need a turnaround for operation and to comply with fire code for commercial building. That needs to be addressed.

- Mr. Stolman: So maybe you can show the turning radius template for a large truck.
- Ms. Bettina: Yes, so when something does happen, people and the animals don't get hurt. Also, the sign I believe you could go 18 to sf.
- Mr. Sullivan: We haven't even shared the sign.
- Ms. Bettina: Is it going to be illuminated from 8:00 am to 9:00 pm and until 5:00 pm on Saturdays?
- Dr. Barrientos: Yes.
- Mr. Roberts: On the attachment the applicant submitted, it says fencing: pasture – 1 acre divided in half for rotation for 2 – 3 minis. Are you having 2 or 3 mini horses?
- Mr. Codacovi: We are going to have 2 minis.
- Dr. Barrientos: It is enough for 3 but we are just having 2.
- Mr. Roberts: I think the basic question is they don't want an accumulation of manure that's going to result in noxious and offensive fumes in the neighborhood so that has to be addressed in the resolution.
- Mr. Codacovi: So what you are looking for is a description of how it's going to be cleaned and how often we are going to do that?
- Mr. Stolman: Also where you are going to store the manure in the meantime.
- Mr. Roberts: The goal being they don't want any noxious and offensive fumes reaching the property.
- Mr. Malafronte: What's the basic requirement for a veterinary hospital?
- Mr. Stolman: You need two acres for outdoor runs and they got three variances.
- Mr. Malafronte: Does that variance include the buffering and the pond?
- Mr. Sullivan: The buffering is noted on the plan.
- Mr. Stolman: They got everything they need from the Zoning Board of Appeals in terms of the size of the property.
- Mrs. Roberti: A plan such as what's before you was given to the Zoning Board of Appeals and quite a few of the members said they were familiar with the Sportsman Club. The code states that they have to have two acres for every horse.
- Mr. Stolman: Actually for the first large farm animal and these are not large animals.

- Mrs. Roberti: As far as the outdoor runs, it needs 10 acres.
- Dr. Barrientos: But we do not have outdoor runs.
- Mr. Stolman: There's nothing that says 10 net acres and the code does not use net acreages.
- Mr. Malafronte: You are not going to have 10 net acres because other areas cannot be used.
- Ms. Bettina: The area where you are going to exercise the dogs is that concept similar to a dog park or are these dogs going to be walked by people?
- Mr. Codacovi: There won't be any unattended animals outside.
- Ms. Bettina: I understand unattended being there watching all the puppies play versus somebody having a dog on a leash. Are they always going to be leached?
- Dr. Barrientos: No.
- Ms. Bettina: So they will be free to run as in a dog park with the owner there?
- Mr. Codacovi: We are not going to open the doors and let them all out at one time and we will not have packs roaming around out there. We will have a couple of animals at a time.
- Ms. Bettina: The reason I'm bringing that up is because of the noise factor.
- Dr. Barrientos: The model that we follow has to do with all the things we going to use to lower and contain barking and keep these dogs exercised and entertained. A dog that's barking inside is being simulated by something outside of the fence or it's bored and needs attention.
- Ms. Leed: What's the maximum amount of dogs that can be boarded at any given time?
- Mr. Codacovi: I believe 18 dogs at any given time.
- Mr. Roberts: Let me refer the board to Section 240-71 which states the condition in which commercial kennels or veterinary hospitals can be used. It is the Planning Board that may impose such conditions as it deems necessary to avoid or minimize traffic, noise and odor impacts and impairment of the use, enjoyment and value of property in the area. So I think you have to accumulate all of your concerns, put them in the resolution and then indicate how you want that controlled to minimize the impact. Maybe David can start putting together some of the things he wants to see in the resolution and have you review it in anticipation of a Public Hearing.
- Ms. Visconti: That sounds reasonable to me.

- Mr. Malafronte: Will that be any impact to the animals and will that aggravate them at all?
- Mr. Codacovi: I've walked that property and it's not going to have an impact and inside you cannot hear anything at all. I was there a couple of weeks ago and they had a full house and they were shooting and you could not hear anything. In the back of the property, the sound just goes up and over you.
- Ms. Visconti: David, make sure we address the concerns that have been voiced here and we see if we can schedule a Public Hearing and that may change the complexion of what the resolution will look like.
- Mr. Gray: There was a letter from the Health Department on March 25, 2015 questioning the septic system whether or not this was a public supply because of the number of people using it. So whatever you need, you will need their approval and that should go in the resolution.
- Mr. Sullivan: The septic is being looked at and sent to the Dutchess County Health Department so that's in the process.
- Mr. Gray: What's about the water supply?
- Mr. Sullivan: To my knowledge, I'm not sure about the water supply.
- Mr. Gray: I'm not sure that it would be categorized as a public water supply. Public water supply needs to service 25 or more people per day or 5 service connections. It doesn't sound like it would qualify for that but we are going to need something from the Health Department. I believe when it was the Sportsman Club they had more than 25 people there but it was probably before all the regulations came into effect so that needs to be addressed.
- Ms. Visconti: To recap, David will rewrite the concerns and he's going to present it to us and we will review it and if we feel confident that we can move ahead we will then set up a Public Hearing.
- Mr. Stolman: Okay, you want to do it that way?
- Ms. Visconti: That's the way we should do it.
- Mr. Stolman: It's certainly a way you can do it so it's perfectly fine and I will do that for the August 3, 2015 meeting.
- Mr. Codacovi: So there's going to be a Public Hearing on August 3, 2015?

- Ms. Visconti: No, we will discuss it then or would you want to have a Public Hearing then?
- Ms. Bettina: Would you like a Public Hearing before discussing everything that was brought up that David's going to write up before the Public Hearing?
- Mr. Codacovi: So you are saying the next meeting we are going to come here and it would be a forum and we will discuss before a hearing?
- Ms. Bettina: Yes, and we discuss everything that was brought up tonight.
- Mr. Codacovi: So you know your constituency better than we do, what do you recommend?
- Ms. Bettina: I think it would be wise for you to come back.
- Ms. Visconti: Also have all the information on the manure removal so we can discuss that and see that everything is in order and set a Public Hearing in case a lot of people show up. This way we will all be prepared.
- Mr. Roberts: I suggest you present a narrative to the board indicating all the things you said you are going to do, how you're going to manage waste, how you're going to handle the dogs in the run, the maximum number of dogs you are going to have on the run, the maximum number of dogs you expect to board. So that narrative can be incorporated in the resolution and everybody is clear as to what you are going to do if you are going to get approval for it.
- Mr. Stolman: You should put a series of notes on the plan because that's the best place for it.
- Mr. Roberts: Putting it on the plan is good but we should hear it from them as well.
- Mr. Stolman: Instead of putting it on an 8 ½ x 11 paper, he should put it on the plan since that's where it's going to end up anyhow.
- Ms. Visconti: This will be a dry run in case there are a lot of people at the Public Hearing.
- Ms. Bettina: Is there a plan for the lighting for the facilities? Is it going to be on 24/7?
- Mr. Codacovi: Which lights are you referring to?

- Ms. Bettina: I'm thinking about illumination for the residents if they can see it and how is it going to be different than it is now?
- Mr. Codacovi: Now there's nothing there but I would like to have some low level lighting for security purposes on the outside.
- Ms. Bettina: Is that included on the plan, because I'm sure that will come up.
- Mr. Sullivan: We have not addressed that yet but we will include that on the plan.
- Mrs. Roberti: Our secretary, Bea gets the minutes done really quickly and they will be available for you to look at to see what we discussed here. You were at the Zoning Board of Appeals Public Hearing and there were some residents so it is in your best interest to have this sorted out before the hearing.
- Dr. Barrientos: It makes absolute sense because we want to be prepared for the questions you asked.
- Mr. Codacovi: Do you expect a lot of people to show up?
- Ms. Bettina: You could, it varies.
- Mr. Codacovi: This is the first time we've gone through this process, the ZBA Public Hearing was fairly quiet. There was one person from the gun club that was totally in support of us and there was another person who was against it.
- Ms. Bettina: You really don't know what the residents in that area are feeling and what they want to know. You could have a lot or maybe you could have two so it's to your benefit to come prepared.
- Dr. Barrientos: Could you give us an idea when that Public Hearing would be held?
- Ms. Bettina: The next date would be September 9, 2015.
- Mr. Codacovi: So there's only one meeting in August then?
- Ms. Bettina: Yes.
- Mr. Doering: This is more a timing question and I really thought it would be set for a Public Hearing the next meeting and it looks more like a month and a half from now but I understand we have to do it correctly. If there were people that showed up that were opposed, is it more a question around the

perimeters of which the business would operate or is there a potential they couldn't operate the business out of this facility?

- Mr. Valdati: Could you repeat the second part of that?
- Mr. Doering: Is operating the business out of that facility in jeopardy?
- Ms. Bettina: No, not at all. I just think there will be things that will need to be addressed and changed.
- Mr. Doering: Sure, but that's from an operational standpoint is that really what you are getting at?
- Ms. Bettina: Yes, you can maintain your business in conjunction with your neighbors and we are trying to give you questions that are going to come up. For instance the paddock in the front needs to be addressed.
- Mr. Doering: I think all of the comments that you guys have had are valid and we can get them on there to help everyone understand what's going on with the project. It has to do with timing and what we have to do so if they have to wait for the Public Hearing, this means we don't start groundbreaking until December. We don't want to have to wait that long and gamble spending money on drawings if it's in jeopardy of being an operative business, but you are saying it's not and just a matter of operational stuff.
- Ms. Visconti: Based on the Public Hearing, there may be additional comments and conditions that can be put in the resolution.
- Mr. Doering: Okay, that's all we wanted to know.
- Mr. Roberts: It is a permitted principle use and don't have the correct size for the parcel and you got a variance so that you can put your proposal on that particular lot. It is my understanding that all of the required variances were obtained. So the purpose of the Public Hearing is to allow the public to address concerns to the board where they see some potential problems or potential issues that they would like mitigated. As part of the special use process, the board is empowered to impose certain conditions. If the public raises some legitimate issues that the board needs to mitigate in some fashion, they can do so and that can be incorporated in whatever approval or resolution you are getting. That's why I suggested you propose everything to the board how you plan on doing it, how you plan on mitigating it and how you plan on controlling the site so that the board has a framework how you intend to operate. Then David is going to incorporate that in the resolution and your engineer will put it on the site plan.

- Mr. Doering: That's fine and great to know. Thank you.
- Mr. Sullivan: We will come up with a comprehensive plan.
- Ms. Bettina: Please contact Mr. Stolman to help you with it.
- Mr. Stolman: It would be good if you could work on that in the meantime and get it to me in advance of the meeting and I will incorporate it.
- Ms. Bettina: Bea will get the minutes to you to help you as well.
- Dr. Barrientos: Great. Thank you.
- Mr. Malafronte: Maybe we can go over the buffer and signage.
- Mr. Stolman: I can go over that. The ZBA granted three variances requiring 2-sided 18 sf. sign instead of 6 sf. but it cannot be illuminated beyond 9:00 am to 5:00 pm that was one variance. The second was to put the 10 x 22 sf. paddock in front of the principle structure and that's not normally permitted. The third variance was for with respect to the size of the property and they gave them a variance over an acre because they are shy a little over an acre to reach 10 acres.
- Mr. Malafronte: Right, they adjusted 1.4 acres and gave them that variance but then they don't give you the structural so what can they use out of the existing 8.96 acres? They've got it blocked off so hopefully they don't get into the buffer area.
- Ms. Bettina: They understand that they cannot get any animals near the buffer that's why they are redoing the plan.
- Mr. Roberts: Regarding your comments with what they can do with 8.96 acres, they cannot do anything that's why they got the variance.
- Mr. Malafronte: After they approved the 8.96 acres, you have other areas that cannot be used.
- Mr. Roberts: The parcel is 8.96 acres and they need 10 acres so what the ZBA approved is they can have this much use on the site that's 8.96 acres rather than 10 acres.
- Mr. Malafronte: So it's up to us to determine.

- Mr. Roberts: It's up to you to layout the site plan and they can use the entire 8.96 acres as if it were 10 acres.
- Mr. Malafronte: So you are saying that they can get into the buffer?
- Mr. Roberts: No, we are not saying that. They have to follow all of the regulations within the 8.96 acres.
- Mr. Stolman: They could use the buffer for certain things the use allows them to but they cannot use it for animals.
- Mr. Malafronte: I'm trying to get the clarifications from the professionals.
- Mrs. Roberti: After you approve this or whatever the bottom line is, they are going to come in for a building permit because they have to work on the building and construct the shed for the horses, etc. Their building permit needs to mirror whatever you approve. When they are done, a final as built is going to be done of the entire site showing the fencing for the paddock, the lights, the elevations of the building and everything that's on this plan when you finally approve it and it gets signed. Until that's done and I'm satisfied then I give it to Bob and he'll check for whatever engineering is needed and depending on the site, it might go to Mark or CAMO, etc. Until all of that is done, it doesn't even go to the building inspector to issue a CO. If the paddock goes into the buffer, we will know all of that.
- Mr. Fenton: David, when you put together something for the dog control, you have to tread lightly in that area because we don't want Barbara go out and count dogs if there are more than one or two barks per hour. Like June said, there's a noise ordinance.
- Mr. Pesce: What it appears at face value is it's a veterinary hospital with sick animals outside playing, but they didn't say anything about boarding.
- Ms. Bettina: They are going to board.
- Mr. Pesce: They are planning on it and that's when the dogs start to go outside.
- Mrs. Roberti: They are also a holistic veterinary hospital so when they say play time, this might be part of the dog's treatment.
- Ms. Bettina: That's okay if they are there for the dogs training and they are not just there for boarding.

Mr. Roberts: That's why I asked them to spell out how they are going to control their business rather than us trying to tell them. If they volunteer that they are going to operate their business in this fashion and we accept it, it's coming from them rather than being imposed by us.

Ms. Bettina: **Motion to adjourn.**
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

Adjourned: 7:51 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board