

MINUTES

Town of Wappinger Planning Board
September 21, 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	Absent
	Ms. Visconti:	Member	Present

Others Present:

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

SUMMARY

Adjourned Public Hearing:

Dutchess Land Development Subdivision	-David Stolman to draft resolution for preliminary & final subdivision approval
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Public Hearing:

South View Knolls Subdivision	-Approved resolution as amended
Earth Angel Veterinary Hospital	-David Stolman to draft resolution for a Special Use Permit and Site Plan

Discussion:

Avalon Assistance & Wellness Center	-David Stolman to draft resolution for preliminary Site Plan
Chelsea Farm Subdivision	-Public Hearing on October 5, 2015

- Baisley Farm Subdivision -Public Hearing on October 5, 2015
- Prestige Mini -David Stolman to draft amended resolution for Site Plan approval
- RADD Automotive -Public Hearing on October 5, 2015
- Extension:**
- Corporate Park-Signage -Granted final extension to October 26, 2015
- Corporate Park -Granted final extension to October 26, 2015
- Conceptual:**
- Lepton & Quark, LLC/Extinction of Easement -Resubmit

Ms. Visconti: **Motion to authorize David Stolman to draft a resolution for final approval for the October 5, 2015 meeting.**
Ms. Leed: Second the motion.
Vote: All present voted Aye.

15-5173 / South View Knolls Subdivision: To discuss a preliminary subdivision approval for a lot line realignment between lots 3 and 4 of the previously approved subdivision FM # 12125 and will involve lots 2, 3 and 4. The property is located at **348-350 Maloney Road** in the R-40 zoning district and is identified as **Tax Grid No. 6359-01-007799 / 6359-01-039787** in the Town of Wappinger (Burns)

Present: Steve Burns – Engineer

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

Mr. Burns: My name is Steve Burns and I represent Mr. Hugh Ross and South View Knolls Subdivision. Lots 2 and 3 had a shared driveway with a configuration and the septic area for Lot 3 was moved over. So what we've done is take Lots 2, 3 and 4 off the old filed map, Lot 2 will stay the same size and the right-of-way will be abandoned. Lots 3 and 4 will have the lot line realignment between them where the old lot line will be moved over and it will bring the lot down to just over 2 acres in an R-80 Zoning District. It involves a total of 3 existing lots and the only addition will be a new curb cut to the driveway for Lot 3. Originally, it went around the wetland that's why it went into Lot 2 but we are looking for a wetlands permit so we can bring the driveway through. This reduces the impact to the wetland and makes for a more saleable lot.

Ms. Bettina: **Motion to close the Public Hearing.**
Ms. Visconti: Second the motion.
Vote: All present voted Aye.

Ms. Visconti: Do we have a resolution?

Mr. Stolman: We do have a resolution and there's only one change that needs to be made. The Public Hearing was going to be held on September 9, 2015 and it's now being held on September 21, 2015 so on the second page it should say September 21, 2015. I can either make that change or we can initial it.

Ms. Visconti: **Motion to accept the resolution as amended effective September 21, 2015.**
Mr. Pesce: Second the motion.
Vote: All present voted Aye.

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

Present: John Sullivan – Engineer

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

Mr. Sullivan: I'm John Sullivan from M. Gillespie and Associates and we are here representing Earth Angel Veterinary Hospital, 44 St. Nicholas Road and it's in the R-20 Zoning District. It's an existing building that was previously used as a winery and now we are proposing a veterinary hospital. In the front yard there is going to be two small paddocks for two mini horses. There are a couple of images here of what the front will look like. This is the sign that's going to be located at the front of the property. We were given a variance from the Zoning Board of Appeals for that and we are not proposing any improvements to the parking area. There's a K9 area in the back for dogs to roam around. I do believe all of the comments were addressed from the town consultants and have been added to the site plan.

Ms. Bettina: Are there any comments from the audience?

Ms. Bettina: **Motion to close the Public Hearing.**
Ms. Visconti: Second the motion.
Vote: All present voted Aye.

Ms. Visconti: Dutchess County Planning said local concerns and fire prevention just need a radius for turning to comply for the fire truck turning lane. You wanted the narrative of 8/17/15 to be included with site plan notes.

Mr. Stolman: Right, and the pertinent information from that letter dated 8/17/15 should be shown in the notes and I think you just said you did that.

Mr. Sullivan: We showed the turning lane for the fire trucks.

Mr. Stolman: I'm talking about the letter of 8/17/2015.

Mr. Sullivan: I believe it was added to the site plan.

Mr. Stolman: We will check that.

Ms. Visconti: You said something about needing a full EAF?

- Mr. Stolman: Right, and because it's a Special Use Permit, the code says a fully EAF needs to be prepared.
- Ms. Visconti: So we are waiting on that document?
- Mr. Stolman: Yes.
- Mr. Fenton: Do we have any other issues with the sight distance from the highway superintendent?
- Ms. Visconti: No.
- Ms. Visconti: Motion to authorize David Stolman to draft a resolution for approval as long as the full EAF is furnished and to incorporate the narrative.**
- Mr. Pesce: Second the motion.
- Vote: All present voted Aye.

15-3334 Avalon Assistance & Wellness Center: To discuss a preliminary site plan application for the construction of a mud room to the entryway of an assisted living facility in a GB Zoning District on 1.3 acres. The property is located at **1629 Route 376** and is identified as **Tax Grid No. 6157-03-488331** in the Town of Wappinger. (Martin)

- Present: Ernie Martin – Engineer
- Mr. Martin: Good evening. Ernie Martin, KC Engineering representing Avalon Assistance & Wellness Center located at 1629 Route 376 adjacent to the airport. Essentially it's an assistance facility there and the owner would like to add on an external closure and extend the roof down. It would be like an open port. The idea is some of their clients can go out there and possibly smoke and be outside. Again, it is a very small area and the enclosure is about 9 x 10 feet.
- Ms. Visconti: It says about 171 sf?
- Mr. Martin: Yeah, it's not perfectly rectangular. There's an overhang here right now that would be removed and closed in with two doors and over here you would have this open area which is the sidewalk.
- Ms. Bettina: Will that whole area be entirely close?
- Mr. Martin: Only this part is enclosed and this part will be an open area.
- Ms. Bettina: Okay, I thought I heard you say smoking?
- Mr. Martin: Yes and in this area they could smoke.

- Mr. Martin: Most of you know where the building is. The building is a brick structure but there are parts of it that have vinyl siding so the idea would be this is going be wood frame and the vinyl siding would match the cream color that's out there right now. The roof right now is a brown color and it would match the shingles. All the other trim would be white.
- Ms. Bettina: Do you have a picture that you could show us?
- Mr. Martin: I can bring colors in or I can bring in for the staff to look at.
- Ms. Visconti: Is this a complicated and involved thing and can it be done through paper?
- Mr. Stolman: There should be a resolution and you have to decide whether you want to have a Public Hearing or not.
- Ms. Bettina: I don't think we need a Public Hearing.
- Mr. Stolman: I'm not advocating a Public Hearing, it's your determination.
- Ms. Visconti: We can waive it.
- Mr. Stolman: If you would like I can draft a resolution for the next meeting.
- Ms. Visconti: Motion to authorize David Stolman to draft a resolution for the October 5, 2015 meeting.**
- Mr. Pesce: Second the motion.
- Vote: All present voted Aye.

10-5155 – Chelsea Farm Subdivision: To discuss a final subdivision application for Chelsea Farms Subdivision for their proposed 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. This parcel is located on **Chelsea Road (County Route 92) & North River Road** and is identified as **Tax Grid No. 6056-01-138527 (102.7 acres) & 6056-01-190688 (84.1 acres)** in the Town of Wappinger. (Koehler) (LA 4/9/10) (Rec'd preliminary subdivision approval 11-3-14)

Present: Mike Bodendorf – Engineer

Mr. Bodendorf: Mike Bodendorf from Hudson Land & Design Engineering, I'm sitting in for Dan Koehler on this project. We received comments from Morris Associates and F. P. Clark Associates as well as Board of Health approval since the last submission. We also received two comments from the Fish & Wildlife Service asking that we change minor sections of the conservation easements. I have copies of their easement. I have copies that I can distribute tonight or we can make an official submission. There are some comments from the Morris letter that require discussion tonight in reference to Lots 16 and 17 with the recommendation of the shared driveways.

- Ms. Visconti: My concern is the fact that Lot 17 is in the flood zone, leave it as having its own driveway and not a shared driveway with Lots 16 and 17. Barbara, you are the flood administrator and if they leave that as Lots 16 and 17 having shared driveway and that puts them in the floodplain requiring them to get flood insurance?
- Mrs. Roberti: It is the house elevation that's out of the flood insurance, they can get a LOMA.
- Ms. Visconti: So are we going to ask the applicant to furnish the flood insurance for this?
- Mrs. Roberti: We are asking all subdivisions now.
- Mr. Fenton: Is there a required 100 foot buffer?
- Mrs. Roberti: We've had a lot of properties in the town that only part of the property was in the flood zone and with the right elevation certificate and issued survey. They were able to get a LOMA as long as they don't have any other structure in the flood zone. We check all building permits now to make sure that the garage or the shed is not in the flood zone.
- Mr. Bodendorf: I just want to point out the grading shown on Lot 16 driveway is pretty much at the floodplain elevation is at its lowest point which is River Road. So there's probably a chance for River Road to be inundated than the driveway itself during a 100 year flood.
- Ms. Visconti: We are just really concerned with all this business of flooding the homeowners will be left with \$3,000.00 a year flood insurance premium unless we make adequate mitigations here at the Planning Board.
- Mr. Gray: The question is do you want to have the two driveways in the cross season? Perhaps that would guarantee the people on Lot 17 their frontage if flooded, they come across Lot 16 to go to their driveway or have a common driveway. That's the question.
- Ms. Visconti: Do you have any recommendations on it?
- Mr. Gray: Both have their advantages and the disadvantages to the individual driveways and the common easement between them allows you to cross over. The downside to a common driveway is that they are not as desirable as a shared driveway.
- Mr. Roberts: We have shared driveways in the Town of Wappinger and The Town of LaGrange has it, Fishkill and East Fishkill. I think the consensus has been that people have their own separate driveways.

- Mr. Gray: With the common driveway, you have the same maintenance issues as the crossover that two property owners have to decide on who is maintaining, snow plowing, etc.
- Ms. Visconti: Have we had any problems?
- Mr. Gray: On common driveways?
- Ms. Visconti: Yes, like coming to the town hall. I guess it's a legal and binding agreement once they sign the maintenance agreement.
- Mrs. Roberti: First of all, in the Town of Wappinger the common driveway was just put into law less than 10 years ago. The other thing is it becomes a civil matter between the two property owners.
- Ms. Visconti: So we wouldn't even know about it.
- Mrs. Roberti: Or if they call we would tell them that it's a civil matter and we don't get involved.
- Mr. Gray: I think the cross easement is fine. We just have to make sure there's something on the map that says it's properly maintained.
- Mr. Roberts: June, I probably misunderstood you. I thought you had a concern about the elevations of the proposed homes?
- Ms. Visconti: Barbara said they are asking for the elevation certificate so the homeowner can go ask for a LOMA and not have to have the expensive flood insurance because we've mitigated the problem by having the applicant furnish it to whoever is going to buy it.
- Mr. Roberts: Aren't the homes located outside of the flood zone?
- Mrs. Roberti: The problem is if the flood zone touches the property, you have to notify by grid so the bank is not aware whether it's the whole property, piece of the property so it's up to the homeowner to fight it.
- Mr. Bodendorf: It's not that it's close. This dwelling is sitting at around 50 feet where the floodplain elevation is at 12 feet and Lot 17 is sitting at 38 feet.
- Ms. Visconti: So as long as the certificates apply, they can go to FEMA and plead their case because to get a land surveyor to do it is \$900,000.
- Mr. Gray: It would be part of the final plot plan. The final plot plan is going to show the elevations. It should say in the resolution and on the subdivision map that the elevations will be provided with the final plan.

Ms. Visconti: **Motion to set a Public Hearing on October 5, 2015.**
Mr. Fenton: Second the motion.
Vote: All present voted Aye.

14-6039 - Prestige Mini: Seeking an amendment to the approved site plan for the removal of the cube, to add artificial turf surface on the display berm, the installation of an irrigation equipment shed, and timber guide rail. This parcel is in an HB Zoning District on 6.32 acres and is located at **1162-1176 Route 9** and is identified as **Tax Grid No. 6157-04-674155/659168** in the Town of Wappinger. (Paggi)

Present: Larry & Christian Paggi – Engineer
Jennifer Van Tuyl – Attorney
Mark Infante – Construction Manager, Prestige Mini
Maureen Potter – Prestige Mini

Ms. Van Tuyl: We are here tonight to discuss with you a few situations that have arisen during the development of this site where elevations as constructed shows some minor variances from what was approved before. We have some reasons why these things were done and what I would like is first go through the ones that were covered in Larry's letter. We can then go over Barbara's memo that was a site visit and site inspection on Thursday. The most important thing that we want to talk to you about is the berm. As you know the approved site plan had that covered with live evergreen plant material. I think you all remember how terrible the summer was difficult to get anything growing particularly on the slope of the berm. So what was recommended to us was to actually use Astro turf on the berm and we were told it would be easier to maintain over the long term. It actually looks nice and it won't create the maintenance issues of mowing around the cars. I'm going to turn this over to Larry to describe the other feature.

Mr. Paggi: A couple of changes which was brought to the Planning Board's attention. This area towards the north of the building was always depicted as having some electrical utilities in that area and upon installation the owner was advised by Central Hudson that they had to be protected because of the proximity to the parking. So they were required to put guardrails on either side to protect them from cars and that has been done on the revised as built. The other feature is a shed to the rear of the property and if you recall, there was a preexisting house. During the site plan approval, we discussed maintaining this well for potential future irrigation purposes. As Jennifer mentioned, the weather they experienced during the course of the summer made it necessary to pursue the irrigation system earlier than later. They just installed a pump in the well and it's not something that's going to be readily visible once the site is occupied with cars.

Ms. Van Tuyl: I have two more things to mention from Barbara's memo. I think everybody also remembers that when we brought to you the elevations of the berm we had planned to put in blue stone strips representing the edge of a road going

up the berm. With the provision of the Astro turf covering, we no longer had a root system to really attach the blue stone strips to. So we are asking permission not to have that. There was a comment that the front of the building had these color strips inserted around the framework that all those color strips aren't in. Again, it's an eccentricity of Mini Corporate that they install these color bands when the building is occupied and it's just the way they do things. We will certify that we will put them in and will bond that. There was a question about a no parking sign by the handicap parking in front of the door, we discussed this with Sal and he suggested that we paint 'no parking' on the curb which I think has been done. So we ask that that be acceptable. There's a security gate to be installed along the front to protect the site. We need to have a certification of the plantings and the pocket ponds, is that a part of your storm water certification that will be filed?

- Mr. Paggi: Absolutely. We actually requested from the landscaper that they provide us with the seed mixture that was required.
- Mr. Stolman: From photographs, it doesn't appear that the seed mixture was put in or it didn't take.
- Mr. Paggi: I will check that David. One thing I want to mention is that they did plant it and we had advised against that because we hadn't seen the as built. We asked them to give us the as built first in order to certify the volumes. When we got the as built, the volumes did need to be adjusted so they went back out and had to dig it up. So you may see bare spots because they had to re-excavate recently and it's my understanding that they have been reseeded. I will need to find out and will get in touch with you.
- Ms. Van Tuyl: Another item that Barbara noted is that there are two loud speakers on the building and two light polls. That is the burglar protection system that mini uses. It's off site people who are monitoring cameras 24/7 and you can imagine that these cars are desirable so it's live monitored all the time. The idea is if a trespasser were to come onto the site, he or she would be immediately spoken to through the system. It is not intended to be used for any on site calling staff members or anything like that.
- Mr. Fenton: Does it violate the noise ordinance?
- Ms. Van Tuyl: Well, we wouldn't have the liberty to violate the noise ordinance. It's meanly to surprise people by hearing it so promptly. There were some concerns about dead or comatose trees throughout the site. Mark said some of these trees are beginning to come alive now that we have some cooler weather. If there's anything beyond the normal maintenance bond that you feel is required, we will go in and plant as soon as we can and the fall should be a good time. Other than your note on Page 1 about the evergreen bushes, I think that's pretty much our position.

- Mrs. Roberti: There are supposed to be evergreen bushes before the berm by the lights and there is some question about the height of the berm in the front.
- Mr. Paggi: I think what Barbara is referring to is the rendering of the evergreen in front of the berm. They were never contemplated on our landscape plan.
- Mr. Stolman: Not only was it shown on this plan photographed, simulated and in the lower part, they are also shown on the original approved plan in two places.
- Mr. Paggi: What I'm saying is that there's a discrepancy between the original plan and the rendering.
- Mr. Stolman: Right, but there was representation by virtue of this drawing in two places.
- Ms. Roberti: You represented that as the final as built. It says it right here.
- Mr. Paggi: Oh yes, continuous line of evergreen.
- Ms. Bettina: The evergreen would shelter the lights on the Mini sign so there was a purpose for showing them.
- Mr. Stolman: It's certainly up to the board to entertain these modifications that have been requested.
- Ms. Bettina: How does the board feel about the evergreen to shelter the light? There's another point to be made, this berm is supposed to be 8 feet in height from the road and that's not what we are seeing from Route 9 and it doesn't look anything like that.
- Ms. Van Tuyl: On the side of the berm? What's your question?
- Ms. Bettina: To be honest with you, I was on vacation and driving down Route 9 and I glanced and it looked like the car was going to fall off. I did not think that was what we approved. I was very surprised and disappointed but that's my personal opinion.
- Ms. Van Tuyl: Is your question about the appearance of the cars that they are on the side of the berm?
- Mr. Fenton: They are sporadically placed on the road. How were the vehicles mounted to the berm? In the winter is that berm maintained?
- Mr. Infante: I'm Mark Infante, construction manager for Prestige. The idea of the berm as we were told was to shelter the parking lot and to give it a green landscape look. The berm actually had a much steeper slope and we decreased it. As far as I know we built this berm pretty close to what's on the drawings. We went around and investigated many plantings in this area but with the salt spray that comes off Route 9, nothing would grow and be green in the wintertime. The

picture depicts a green berm and we could never find anything that would grow in this area year round. We thought about putting some sod or grass down but can you imagine having to cut that lawn walking up and down that slope? So I proposed the turf and this is a very expensive material and was close to \$50,000 to put the turf down. It's a high quality product and even has little blades of faded grass to give it that really good appearance. It's not some cheap stuff you get at Home Depot, it's meant for a golf course. Going with gray stones I didn't think would show on that berm very well that's why we left them off. For the cars, we got big turn buckles with screws on them that hold down trailers and we screwed them right into the berm and put aircraft cable to each of the cars. There's no way those things can come out so they are really secured well.

- Mr. Stolman: My impression driving past on its steepest section looks like it's going to fall off. I know it's not going to fall off and you made a real effort but it looks like it.
- Ms. Leed: Is there a reason why the sign is in the middle? Was that an error is what you are saying?
- Mr. Infante: The letters were supposed to be on the right but when they issued the permit, the sign company put it in the middle because the permit showed it in the middle.
- Mr. Fenton: It screwed up the whole concept.
- Ms. Van Tuyl: We think we built the berm the way it was designed to hide the parking lot and the advertising value
- Mr. Paggi: One thing I can tell you is it's the original design when the architect put it together was for a 70 degree angle on the slope which was very steep. One of the things we told them was they would have a hard time stabilizing it and they did. I don't think you achieved 70 degrees.
- Mr. Infante: We are less than 70 degrees.
- Mr. Paggi: If you perceive that it's too steep, it maybe the visual here because it was designed as a 70 degree slope.
- Mr. Fenton: Usually in the field when you find that these things are difficult, you stop and come to the board before you do some final work on it.
- Mr. Stolman: I don't think the Planning Board looked at the contours as much as looked at the simulation of what it would look like and agreed to the simulation of what it would look at.
- Mr. Pesce: A fairly quick solution to the appearance is carving out the spot and taking off the angle a little bit.

- Ms. Visconti: Carlo, what you are saying is dig further into the berm to flatten it out so the car sits on it?
- Mr. Pesce: Right.
- Mr. Gray: I don't know what's underneath the Astro turf.
- Mr. Infante: It's earth and stone that's bound together and well compacted.
- Mr. Gray: If you want to do what Carlo just said, you want to do it for the full length and the shelf doesn't have to be leveled, it can be at an angle.
- Ms. Bettina: Make the cars look like they are actually driving.
- Mr. Roberts: The concept is like shelving them in some fashion so there's an implant going into the road and into the side of a mountain. It's going to be hard to do and I understand.
- Mr. Infante: I'm trying to think it out and anything can be done.
- Ms. Visconti: Maybe you should go back to the drawing board because you got the flavor and come back with something that's doable for you and for us.
- Mr. Stolman: You have multiple solutions but it should look realistic whatever it is.
- Mr. Gray: Another thing you could do is widen the base of the berm to create a ramp rather than cut into it.
- Ms. Van Tuyl: We certainly hear everything you have said and we are willing to work to develop a design that will work on engineering basis. This owner is very desperate and anxious to get their store open and get the real cars here and start selling. I think overall they developed a site plan that's very good and very attractive so I would ask the board to authorize these changes subject to continuing to work with the board on the berm and the sign to give us a 60 day time period. Obviously we are anxious to finish it as soon as possible so we are asking your cooperation in letting us open and get business going.
- Mr. Roberts: One exception is landscape and I don't know if this qualifies as landscape. Perhaps Angela wants to discuss some other options.
- Ms. Bettina: I don't know how the board would feel with the import we have given the applicant if they go and work to the best of their ability working with our professionals and make sure what we suggested is accomplished and if there are any problems, you will come back to us.
- Ms. Visconti: I don't have a problem with that and I understand the need to open.

- Ms. Bettina: The way that it is presented right now, is not what this board approved and it needs to be fixed. We cannot issue a CO especially until this is fixed.
- Mr. Fenton: I don't want the applicant to reinvent the wheel. We should give them some solid content. You could move the sign and put it at the top of the berm and put a road in and you are still sticking with the concept.
- Mr. Stolman: I would be careful about putting the sign on the top of the roof and I'm not sure how it's going to look at that height.
- Mr. Fenton: I'm not sure about cutting into that berm and how much of the structural integrity you take away. If you redesign the berm and find out you don't have enough materials to work with would be a nightmare.
- Ms. Bettina: The berm is there to camouflage the back parking lot and it doesn't have to be that high.
- Ms. Van Tuyl: I think what Bob Gray said was it looks much taller in the front because of the Route 9 right-of-way with the dish in front of it makes it look taller but we didn't build it too tall. We built it at the height that it was approved.
- Mr. Gray: This ramp they are talking about could be built out instead of cutting into the berm. I'll be willing to sit with Larry in the next day or two.
- Ms. Van Tuyl: I agree with the fact that we need direction and as you can see the Astro turf cost \$50,000 and having everybody there to put things up, every time we do something it's going to be well over \$100,000. We don't want to design something that's going to make Bob Gray happy and we come back to the board and that doesn't make you happy and then we do something else that doesn't make David Stolman happy. We have to know what we are aiming for here and we do want you to be happy.
- Ms. Bettina: I think our professionals have a clear understanding of what we are talking about.
- Mr. Gray: I think we can grade it so the cars can sit on a ramp that's not horizontal but less steep than it is now and could be graded up and we can circulate that to David Stolman.
- Mr. Infante: Is there any way we can count this as a landscape item so we can get this thing start up?
- Mr. Roberts: We can make it work and there should be some escrow like David said. I can understand their need to get this open.
- Mr. Infante: This is a landscape item and a landscape berm and if you look at it that way, I think we should be able to put escrow or bond up to cover this. We will work

immediately with Bob and we've always taken care of everything the town has wanted here and we will work hard and diligently to get you a quick product.

- Mr. Gray: So everybody is comfortable, I can work with you guys and whatever concept we come up with we will circulate it through email. I understand the concept but I just want to make sure.
- Mr. Roberts: If you can approve it, maybe we can have a resolution for the next meeting.
- Mrs. Roberti: As the consultant said, I'd rather you see the final product and approve it. If everyone is in agreement, I will agree to a bond and consider this landscaping so that we get the right product rather than try to rush it. In the meantime not hold them hostage for a CO.
- Mr. Fenton: How much of a bond?
- Mrs. Roberti: I don't know, it would have to be determined and not by me.
- Mr. Gray: I'd say \$50,000 will more than cover it.
- Mr. Roberts: Assuming we come up with a design that's acceptable to this board when we are here on October 5th, and I don't know David if you will have the resolution but we will need some sort of bond in place because I think they would want a CO on October 5th in some fashion.
- Mrs. Roberti: It's okay if you want to authorize a resolution but you still have to decide are you okay with the cube not being there, the difference in the fence that protects the utilities, the shed and the handicap parking. Is there any way to move it over a spot?
- Mr. Infante: I talked to Sal about this. That's no problem, I can move it over.
- Ms. Bettina: Just move the parking away from your front door so people can go in and out without worrying about the handicapped person.
- Mr. Gray: What Angela is asking is where the cross stripping is if that became a regular parking spot and then to the left of it do your stripping and to the left of that you won't lose any parking.
- Mr. Infante: You mean ruin my nice painting job? We can do that, I just hate painting it over that's all.
- Ms. Bettina: The fence that's protecting the utilities I understand it's steel right now but why would you use timber beam?
- Mr. Infante: We could not get the right length and no one had it and we called everywhere. Also, the timber is not as strong as the steel and the steel actually looks pretty good since the building is modern, it's nice and shiny.

- Ms. Van Tuyl: Barbara, has everything been covered in your memo?
- Mrs. Roberti: Just to go over what we discussed:
-\$50,000 bond while we work on the berm
-Change the handicap spot – we are going to move one over
-Fence – steel is okay
-Shed was very small but okay
-Cube – because of rebranding is not going to be put in
-They will get certification for the plantings and the pond
- Mr. Infante: I will get together with Bob and Larry and we will figure something out.
- Ms. Van Tuyl: So we only have two ideas to present to the board at the next meeting. We want to make sure because people could have different opinions.
- Mrs. Roberti: This allows if you are not happy, you can still move ahead.
- Ms. Visconti: Motion to authorize David to prepare a resolution to include all the items discussed and pending approval on October 5th, a CO will be issued.**
- Mr. Pesce: Second the motion.
- Vote: All present voted Aye.

15-3325/4063 - RADD Automotive: To discuss the construction of a 641 sf addition to an existing 1289 sf building for the continuation of automotive repair. The property is located at **1441 Route 376** in the R-20 zoning district on 2.56 acres and is identified as **Tax Grid No. 6259-04-840023** in the Town of Wappinger. (Cappelli) (Variance granted 4/28/15)

- Present: Al Cappelli – Architect
- Mr. Cappelli: Good evening, Alfred Cappelli representing RADD Automotive. Nothing has really changed other than satisfying the consultants' concerns. We have a 1,200 sf automotive repair place at 1441 Route 376 and we are looking to add 641 sf to the rear of the building consisting of two additional garages. We went to the ZBA back in April and we were granted a variance for an interpretation of this use. We've been before this board for the last several months. There are two things we would like to accomplish this evening because I would like to have a Public Hearing next month. The other item I would like to discuss which we discussed with the consultants previously is some of you may or may not be familiar with the fact that behind the fenced area which hides a lot of the automobiles, there are currently 12 storage containers. We are eliminating 5 of those so there will be remaining 7 of these storage containers which varies in size. What we would like to do is take all of those storage containers and discuss with the board to see if you would allow us to build one storage building in the back and get rid of the individual storage containers. We would like to see what the flavor of the board is.

- Mr. Fenton: Is there an issue with lot coverage?
- Mr. Cappelli: No, we have two acres back there and we would like your permission to build on it.
- Mr. Stolman: What kind of building will it be?
- Mr. Cappelli: It will be a metal tin can building.
- Ms. Visconti: What size?
- Mr. Cappelli: About 2,000 sf.
- Ms. Bettina: You will only need one of them?
- Mr. Cappelli: I will only need one.
- Ms. Bettina: Will you get rid of all of the trailers on site?
- Mr. Cappelli: All of the trailers are gone.
- Ms. Bettina: They will not be replaced?
- Mr. Cappelli: They will not be replaced.
- Mr. Fenton: As long as those are the condition because I know this guy likes to multiply things.
- Mr. Cappelli: When we had an informal meeting several weeks ago, we mention that there will be no outdoor and indoor repair going on in that building. It will strictly be storage and the will be part of the condition of the site plan agreement.
- Mrs. Roberti: Al, you said that all of the storage containers will be removed? But Letter "B" is an existing shed. Will that be removed? It looks like that's where you will propose the building.
- Mr. Cappelli: That will be removed as well.
- Mrs. Roberti: Your note No. 2 says no outdoor storage will take place on the site except where expressly shown. Do you show anywhere for outdoor storage?
- Mr. Cappelli: No, I really don't. The lightly shaded area in the back is a graveled area right now that has cars and some assembly of disrepair like many automotive repair facilities. Again, they are fenced in there so the public can't see it but I don't know how I can show necessarily.

- Mrs. Roberti: Could you change it to read other than cars, no outdoor storage or parts, engines, etc.
- Mr. Cappelli: Sure, that's fine.
- Mr. Roberts: Also show where the storage will be.
- Mr. Cappelli: He runs a pretty clean operation over there. If you drive by after 5:00pm, everything is put away in the back. He's a good neighbor to the residential people.
- Ms. Visconti: David, does he have to bring back a new plan showing where the building will be?
- Mr. Stolman: Yes.
- Ms. Visconti: So the directions that we are giving him are:
-He is going to be able to provide one storage building
-Get rid of all the storage containers
-No indoor and outdoor repair work
-Show area where cars will be stored
-Elevations will be metal and will be 2,000 sf.
-Get rid of existing shed
- Mr. Cappelli: They are all gone.
- Mr. Fenton: Is that cold storage and are we talking any heat in there?
- Mr. Cappelli: In this building, there will be no plumbing we are going to run electrical to it and that's all.
- Ms. Bettina: Are you on well water?
- Mr. Cappelli: We are on well water.
- Ms. Bettina: Where's the well?
- Mr. Cappelli: The well is in the back.
- Mr. Bettina: Where are the older cars?
- Mr. Cappelli: They are in an orderly fashion and the ones that are abandoned and carted away absolutely. The ones that are in long term repairs still have oil and gas in them.
- Ms. Bettina: They are on gravel though so if anything had to leak, they would go right into the grown.

- Mr. Cappelli: Correct.
- Mr. Fenton: Barbara, is there a limit to junk vehicles allowed now?
- Mr. Roberts: We were just discussing and we think it would be a good idea to put a limitation on the number of vehicles that can be there on any given time.
- Mr. Stolman: Otherwise this could end up looking like a junk yard.
- Ms. Bettina: Especially if his business takes off.
- Mr. Cappelli: I'll ask him honestly what he feels it should be. Again, you have the vehicles that are coming in and out tomorrow and others by the end of the week and the others don't worry when you get to it. He's not in the junkyard business and he's doesn't want to accumulate these things.
- Mr. Roberts: If he ever sells it, we are bound by the site plan.
- Mr. Cappelli: Right, so how do we arrive by that quantity?
- Mr. Roberts: Talk to him, you are a nonconforming use in a residential zone and he's been a good neighbor so far.
- Mr. Cappelli: I will.
- Mr. Fenton: Putting a time limit on a vehicle might be tough especially for Barbara. Maybe you can categorize it as totally dismantled, not road worthy vehicle and put a cap on that. If they exceed that, they violate the site plan.
- Mr. Stolman: That would be easier to inforce.
- Ms. Visconti:** **Motion to set a Public Hearing for October 5, 2015.**
- Mr. Pesce: Second the motion.
- Vote: All present voted Aye.

15-5176 - Baisley Farm Subdivision: To discuss a preliminary application for a 2 lot subdivision and lot line realignment on 9.38 acres in an R-40 Zoning District. The property is located at **806 Wheeler Hill Road** and is identified as **Tax Grid No. 6057-04-639100 / 607090** in the Town of Wappinger. (Povall)

Present: Bill Povall – Engineer

Mr. Povall: Good evening, I'm Bill Povall engineer for the applicant, Kristin Klipp with a proposal for a 2-lot subdivision and lot line realignment. Her grandfather, Robert Baisley owns the two parcels on the corner of Wheeler Hill Road and River Road North. I highlighted in green the two parcels. Right now Mr.

Baisley has a 2.5 acres parcel that fronts Wheeler Hill Road, there's an existing house, existing driveway and you have the 9.3 acres parcel to the rear of the existing home. That parcel has an existing 25 feet strip of land access to Wheeler Hill Road and River Road North. What we are looking to do ultimately is create a 4.3 acres lot for Kristin and her husband, Brad to build a house by taking that off the 9.3 acres parcel. In order to do this and meet the zoning requirements, we need to provide a 50 foot strip of land on each parcel to have access and comply with the zoning regulations. In doing so, we are proposing a lot line realignment which will take some land off the top of the 2.5 acres parcel that her grandfather has for his house to create those 50 foot strips to create the two lots. Right now there's a stone wall between those two properties and runs along the property line between the two existing parcels. What we are looking to do is create a lot for her to build a house on the north side of that wall. Lot 2 which will be 5.2 acres would be left as a building lot but there are no plans at this point in time to build on it. We are proposing a shared driveway.

- Mr. Fenton: You complied with the road frontage?
- Mr. Povall: Yes, we have 50 feet of road frontage for each of the two lots that we are graded.
- Ms. Visconti: That doesn't infringe on the existing Baisley property does it? It looks like the driveway is going across his property too.
- Mr. Povall: It does and it will be a driveway easement. What we are proposing is that the two lots have the rights to the easement because his existing home already has a driveway. Because he owns both properties, he has the ability through ownership to create the proper legal easement.
- Mr. Fenton: Is there anything with flag lot?
- Mr. Stolman: There's no prohibition against flag lot.
- Ms. Leed: I don't like flag lot it just feels like property that shouldn't be developed being developed but it's legal.
- Mr. Stolman: That big piece should not have been developed with just that tiny strip.
- Mr. Leed: But it was and that's the way the law reads.
- Ms. Bettina:** **Motion to set Public Hearing on October 5, 2015.**
Ms. Visconti: Second the motion.
Vote: All present voted Aye.

14-3305/ Corporate Park-Signage: Where this extension is set to expire today, the applicant would like to appeal to the Planning Board for an additional extension on a resolution for additional roof mounted sign to an existing building. The sign will be 2' X 10'. This 6 months extension will begin on August 3, 2015 through February 2, 2016. The property is located at **1289 Route 9** and is identified as **Tax Grid No. 6157-04-573456** in the Town of Wappinger. (Lund)

Ms. Bettina: Motion to grant an extension to October 26, 2015.
Ms. Visconti: Second the motion.
Vote: All present voted Aye.

13-3273/14-3304 - Corporate Park: Where this extension is set to expire today, the applicant would like to appeal to the Planning Board for an additional extension on a resolution for the following changes to the Corporate Park Site. Building #3 is seeking a change in use from 18,000 square feet of office space to 12,000 square feet of office space and 6,000 square feet of retail. Building #2 is to approve additional offices in the rear of the building. This extension will begin on August 3, 2015 through February 2, 2016. The property is in a HB zone and is located at **1285 Route 9** and is identified as Tax Grid No. **6157-04-555439** in the Town of Wappinger. (Josh Podell/Kevin Lund)

Ms. Bettina: Motion to grant an extension to October 26, 2015.
Ms. Visconti: Second the motion.
Vote: All present voted Aye.

15-3335 - Lepton & Quark, LLC / Extinction of Easement: To discuss a preliminary application for the extinction of an easement in a GB Zoning District. This easement was created by Nicholas DeLuccia on June 18, 2002 to allow access to his property located at 210 New Hackensack Road. The property is located at **22 Bill Horton Way** and is identified as **Tax Grid No. 6259-03-126067** in the Town of Wappinger (Fuentes)

Present: Riccardo Fuentes – Applicant

Mr. Fuentes: Good evening, my name is Riccardo Fuentes. I am very new at this and I think you have my paperwork on this. I own property at 22 Bill Horton Way that I bought from Nick DeLuccia. Nick owns the adjacent property on that road. When he developed these properties, he had an easement through my parking lot and across to his to the road. I'm proposing to get rid of that easement because it cuts right through my parking lot. When I bought the property three years ago, Nick and I agreed to get rid of the easement and I'm finally getting around to doing it. I wrote a letter and he signed it agreeing to that so I now need your blessing to see if we can do that.

Ms. Visconti: How can you accomplish this?

Mr. Fuentes: That I don't know.

- Mr. Roberts: To extinguish the easement, he is going to need the board's approval. I believe he should file an amended map showing it's extinguished because it's already on file in the county clerk's office. You want to get rid of all of the notes that are on record in the county clerk's office and then have his attorney draft a termination of easement. It has to be prepared in the same form as a deed does.
- Ms. Visconti: So it's paperwork?
- Mr. Roberts: Yes, it's paperwork.
- Mr. Fuentes: Is this something my attorney can do and what should I ask him to do?
- Mr. Roberts: Who is your attorney?
- Mr. Fuentes: David Wise.
- Mr. Roberts: I know David. You will probably get one of his partners but they will know what to do.
- Mr. Stolman: What you are doing here tonight is presenting a concept to the Planning Board so now you will have to make a formal application to go beyond conceptual approval.
- Mr. Fuentes: Is it a letter that I write?
- Ms. Bettina: No, see Barbara.
- Mr. Fuentes: I never realized how much you need to learn about this.
- Ms. Bettina: You want to make sure your "t's" are crossed and your "i's" are dotted.
- Mr. Fuentes: You mentioned that I need a new map.
- Mr. Stolman: Yes, a map like this and it's going to say something like extinction or extinguishment.
- Ms. Bettina: So you go and see Barbara and come back to the Planning Board.
- Mr. Fuentes: So the paperwork from my attorney with the amended map should come back to you?
- Ms. Bettina: Yes.
- Mrs. Roberti: Call me on Wednesday.
- Mr. Fuentes: This Wednesday?

Mrs. Roberti: Yes.
Mr. Fuentes: So if I have to come here again, Barbara will tell me?
Mrs. Roberti: Yes, I will tell you.
Mr. Fuentes: Great. Thank you.

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

Adjourned: 8:48 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board