

MINUTES

Town of Wappinger Planning Board
October 5, 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. Gray:	Engineer for Town
Mr. Stolman:	Planner for Town
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Adjourned Public Hearing:

Chelsea Farm Subdivision -Adjourned Public Hearing to November 16, 2015

Public Hearing:

Baisley Farm Subdivision -Closed Public Hearing for discussion on October 21, 2015

RADD Automotive -Closed Public Hearing for discussion on October 21, 2015

Discussion:

Dutchess Land Development Subdivision -Approved resolution as written

Earth Angel Veterinary Hospital -Approved resolution as written

Avalon Assistance & Wellness Center -Approved resolution as written

Prestige Mini -Approved resolution as amended

Mobil Station Air & Vacuum
(AMENDED)

-Vote on a resolution for October 21, 2015

Dunkin Donuts, Route 9D

-Resubmit

Dunkin Donuts, Route 9 South
(AMENDED) Utility Storage addition

-David Stolman to draft resolution for October 21, 2015

Conceptual:

BJs Wholesale Club / Gas Station

-Resubmit

- Ms. Humphrey: No, they did not because our house is well and we do not have access. This has been going on for a while so we just want to know what else is going to affect our area.
- Mr. Roberts: This is a Public Hearing on that particular subdivision. I'm not sure if there's anything else going on there.
- Mr. Stolman: There are 17 new single family homes. No new traffic lights and just the traffic from 17 new single family homes. In fact it really shouldn't have any effect on your taxes or the value of your home. What other questions did you have?
- Ms. Humphrey: I just wanted to know if there's going to be anymore street lights or anymore stop lights.
- Mr. Stolman: No more street lights and no more stop lights and just 17 additional homes.
- Ms. Humphrey: Thank you.
- Ms. McVey: Rosemarie McVey, 45 Liberty Street in Chelsea. The last time that I was here for this project, we were told there was going to be an excavation of the land to ease the curve footage and sight for the houses on the southern part of Chelsea Road. Is that still going to take place because it's very steep? Chelsea used to be called low point because it's 10 feet above sea level. My impression was that the houses that were going to be built on the Southside of Chelsea Road were going to have some type of excavation done for the visualization of the traffic coming down that road.
- Mr. Valdati: We happen to have our town engineer here with us tonight. Mr. Gray, do have the information regarding this project?
- Mr. Gray: I will defer to the engineer for the project but I do believe there's some clearing going on.
- Mr. Bodendorf: There is some clearing going on but it's actually on the Northside of Chelsea Road because that's the inside curve so it opens up the sight distance as you are driving down Chelsea Road. It not only opens up sight distance for our proposed road, it opens up sight distance for travelers on Chelsea Road.
- Ms. McVey: So there's sight visualization for the traffic especially coming up the hill?
- Mr. Bodendorf: It should improve in both directions.
- Ms. McVey: The other comment that I have is the wildlife and indigenous wildlife in the area. What's going to be done to safe the bats and whatever else that might be in there endangered? I have a question about the environment, are the swamp areas going to be preserved?

- Mr. Valdati: First of all, all projects that are occurring now, we have to take into account the coming and going of the Indiana Bats because they are affected species. So trees can only be cut a certain time of year. As far as the water encroachment Bob, do you have any information on the wetlands?
- Mr. Gray: David can address that but wetlands are protected by the conservation and there's a conservation easement proposed through the center of the property. There are some steep slopes and also some wetlands to the back of Lots 16 and 17.
- Mr. Stolman: You covered it and the wetlands are not being disturbed.
- Ms. McVey: Even when the property is exchanged in terms of the sale? That has to be forever wetlands?
- Mr. Stolman: Yes, within this conservation that's being created. Conservation is meant to protect the wetlands and basically says they can't be disturbed. It doesn't mean someone cannot violate the law. They are going to be preserved.
- Ms. McVey: The last comment I have is there's a tradition between the old timers in Chelsea that there is a burial site of the last Wappinger Indians somewhere in that vicinity of the proposed building. There is a gravestone that some children pulled out of that area quite a while ago and it sits on my property and a third of it has been cracked off. I'm assuming there are two burial sites on that property. What will be done to preserve the integrity of those sites when and if they are ever discovered?
- Mr. Bodendorf: The site has been investigated and we've walked the site, walked the wetlands and we've never seen any indication of any burial ground there.
- Ms. McVey: It's a long time ago obviously.
- Mr. Stolman: We also contacted State offices, Park Recreation and Historic Preservation and they gave no indication that there's anything there.
- Ms. McVey: Hypothetically, when they are bulldozing the area and a grave site is discovered, what will be done?
- Mr. Bodendorf: I would think they will have to address that at the time but I don't anticipate this happening. Where the houses are located, we've looked at that very hard.
- Mr. Stolman: It's hard for us to make a requirement other than your testimony and nothing else that seems to indicate there's anything there.
- Ms. McVey: I'm just presenting the information that I possess.
- Ms. Visconti: David, if at the time of construction they found something, they would put a stop order and check it out?

- Mr. Stolman: I think that would be the case under any circumstances on any project.
- Mr. Malafronte: Bob, your letter of August 21st, have all the items for Lots 16 and 17 been addressed?
- Mr. Gray: Yes. At the last meeting the board addressed and agreed that the cross easement between two lots would be satisfactory.
- Mr. Malafronte: How about the shared driveway?
- Mr. Gray: The shared driveway was in lieu of an easement between two individual driveways.
- Mr. Malafronte: Lots 16 and 17 also need septic approval from the Board of Health.
- Mr. Bodendorf: Lots 16 and 17 are called lot improvement. Essentially you let is sit for a period of time and then you design a system. Lots 1 through 15 have Board of Health approval already. Lots 16 and 17, the owners of those will have to go back in to the health department for approval and we have a noted on Sheet 8 that says that they need that.
- Mr. Malafronte: They have Board of Health approval up to Lot 15?
- Mr. Bodendorf: Yes. They do.
- Mr. Malafronte: For Lot 15 in the front, you have the well depth about 200 feet so what's the well depth for Lots 16 and 17?
- Mr. Bodendorf: Are you talking about test well? To be honest with you, I don't think we did a test well on Lots 16 and 17.
- Mr. Malafronte: The well that was tested prior to that in the front was about 200 feet so how deep is the well in the back?
- Mr. Bodendorf: That I cannot answer tonight but I do know that all the test well that we did provided adequate water.
- Mr. Malafronte: The other thing that was addressed by the floodplain administrator was something with FEMA.
- Mrs. Roberti: I'm sorry I didn't hear the whole question.
- Mr. Malafronte: It says the town's flood administrator which to review the proposed driveway at River Road for Lot 16. Why?

- Mr. Gray: Because one of the lots with 100 years storm along River Road will be some water so that's the reason Lot 16 will be above the water that's the reason for the cross easement.
- Mr. Malafronte: That's only based on 100 year flood and nothing more?
- Mr. Gray: Right. We also discussed the elevation certificate. These houses are way above the floodplain.
- Mrs. Roberti: We also require final as built that shows the elevation. So even in 10 or 20 years the map would change and put someone in the flood zone that was not in the flood zone at the time the subdivision was approved, that final as built would help them.
- Ms. Visconti: FEMA will only accept natural based certificates elevations done by a land surveyor. I don't think the town maps are going to help them. It has to be signed by a land surveyor.
- Mr. Malafronte: Town wetlands permit, what do we require?
- Mr. Stolman: If there's no any disturbance to any wetland, we are not going to require any wetland permits.
- Mr. Malafronte: According to the notes on here, you will require permits and are you going to address these?
- Mr. Gray: I don't know what you are talking about.
- Mr. Malafronte: It's on the bottom. The town wetlands permits, town floodplains permits and then you have the Dutchess County Department of Health standard notes and changes. The sewer district and how it works.
- Mr. Gray: There is disturbance proposed in the adjacent area and not in the wetlands.
- Mr. Stolman: There will be a permit required for that. They've gotten preliminary approval so the resolution will be for final subdivision plat approval plus the wetlands disturbance permit for the adjacent area and any floodplain permit they need.
- Mr. Valdati: Mrs. Roberti, are we awaiting the fire inspector to give us their approval for this?
- Mrs. Roberti: Right. They did before preliminary was achieved and they did receive a copy of the submission and to my knowledge they did not meet in September. I just checked in the fire inspector office and there are a lot of projects that need to be approved. Next Tuesday will be their next scheduled meeting so I'll make sure that meet takes place so that we get comments.

- Mr. Valdati: So we are anticipating the fire inspector's comments. What's about the highway superintendent?
- Mrs. Roberti: He was here earlier for our pre-meeting and I believe he said he didn't have a problem but we will go over it tomorrow and get you something in writing.
- Mr. Valdati: Thank you.
- Ms. Bettina: There are quite a few issues from Bob's memo that has to be answered so I propose that we keep this Public Hearing open.
- Mr. Bodendorf: But I would view most of those and the ones we talked about were the major issues that could require change to the plan. Bob, do you agree that the mean concerns you have are mostly housekeeping?
- Mr. Gray: I do but we generally don't like to include that number of items in the resolution. We rather clean them up now because it creates a bookkeeping nightmare six months from now when we are ready to sign the resolution to check all those things off. You really want to change them before the Public Hearing.
- Mr. Valdati: I would like to have a motion to adjourn this to a date certain.
- Mrs. Roberti: Al, can we do it where we give them a date and if the meeting changes, it just moves to that?
- Mr. Roberts: Public Hearing has to be adjourned to a date certain.
- Mrs. Roberti: Let's move it to November 16, 2015.
- Mr. Roberts: Will you be able to get everything done in time for you and Bob to work out the details so this resolution will be clean as possible.
- Mr. Bodendorf: Yes.
- Ms. Visconti: Motion to adjourn Public Hearing to November 16, 2015.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

15-5176 - Baisley Farm Subdivision: 15-5176 - Baisley Farm Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on 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) (PH opened & closed 10/5/15)

Present: Bill Povall – Engineer

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

Mr. Povall: Bill Povall, engineer for the applicant, Kristin Klipp. We are here for a subdivision application to subdivide her grandfather, Robert Baisley's parcel into 2 lots to be able to build a home on 1 of the lots. The property is located on the Westside of Wheeler Hill Road and River Road North on the bottom. The property is in the R-80 Zone that's going to be subdivided. We are also including Mr. Baisley's house sits on 2.5 acres which also fronts on Wheeler Hill Road. We are also proposing lot line realignment with that parcel in order to get the frontage needed to meet the zoning requirements for the 2 lots that's going to be 3 for the 4 acres parcel. With this application, we are proposing a shared driveway which will be an easement to avoid disturbance to the existing trees in that area as well as providing flat grade for the driveway. The new lot will be served by individual septic and well.

Mr. Valdati: Does anybody on the Planning Board or audience have any questions?

Mr. Malafronte: In Bob's letter he mentioned the plat should identify that no DCHD approval is sought is given for the proposed Lot 2.

Mr. Stolman: It is pretty early in the process and there will normally not be any approvals at this point.

Mr. Malafronte: But I was wondering why he would put that in his letter?

Mr. Gray: What item are you referring to Frank?

Mr. Malafronte: Item 1 (b) DCHD approval will not be given for Lot 2.

Mr. Gray: Right, that's how it's proposed.

Mr. Povall: We cannot actually make a submission to the Health Department until we are granted preliminary approval.

Mr. Roberts: He's right. We can't go to the Health Department until the Planning Board grants him preliminary approval.

- Mr. Povall: Lot 2 is over 5 acres so we are not required to have a septic approval.
- Mr. Malafronte: Under SEQRA, you should be addressing that for the 2-lot subdivision.
- Mr. Gray: The way the Health Department works is that if the property is more than 5 acres, you don't have to specify septic systems. Presumably there are multiple places where you can build a house on the property. To narrow somebody to one location may or may not be where he wants to build the house.
- Mr. Povall: Our response to that question is no, we are not proposing septic on that lot at this time for approval.
- Mr. Gray: In our letter, we just wanted to point that out to the board.
- Ms. Visconti: Are you going to need it for Lot 1?
- Mr. Povall: Yes.
- Mr. Malafronte: Will the access come off River Road?
- Mr. Povall: We are creating for both of these new lots, two 50 foot strips of land and meet the zoning requirement to Wheeler Hill Road.
- Mr. Gray: Ultimately, that shared driveway will serve 3 lots.
- Mr. Povall: We are actually proposing it to serve only 2 lots.
- Mr. Malafronte: David addressed in his letter that you don't show the driveway split.
- Mr. Povall: As we get into the process, we are going to need to do an easement and maintenance agreement for the shared driveway and all of that will be specified in the agreement.
- Mr. Valdati: Is it fair to say that the highway superintendent has not weighed in on this topic?
- Mrs. Roberti: Correct. He did look at it this evening and he did state that he didn't have any problems with it but he will formalize it in writing.
- Mr. Valdati: So we don't have anything formal in writing. Also, the Fire Inspector, Mr. Lieberman will formalize his in writing to make sure that emergency vehicles can access and leave the property.
- Mr. Povall: The shared driveway has been designed in accordance with the town requirements.
- Mr. Malafronte: On their Owner Consent Form, they only show the R-40, it should be R-40/80 because you are showing both properties.

Mr. Povall: Yes, we will make that change.

Mr. Valdati: Any other comments? Thank you, Mr. Povall.

Ms. Visconti: Motion to close the Public Hearing.

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Mrs. Roberti: We discussed earlier about authorizing a resolution and David would incorporate the Fire Prevention Bureau and Highway Superintendent comments.

Ms. Visconti: Motion to authorize the Town Planner to prepare a resolution to incorporate the conditions that are necessary to finalize.

Ms. Bettina: Second the motion.

Vote: Mr. Valdati: Aye
Ms. Bettina: Aye
Mr. Pesce: Aye
Mr. Fenton: Aye
Ms. Leed: Aye
Mr. Malafronte: Aye
Ms. Visconti: Aye

15-3325/4063 - RADD Automotive: The Town of Wappinger Planning Board will conduct a Public Hearing for the construction of a 641 sf addition to an existing 1289 sf building for the continuation of automotive repair and the addition of a 2,000 sf storage building. 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) (PH opened & closed 10/5/15)

Present: Al Cappelli – Engineer

Ms. Visconti: Motion to open the Public Hearing.

Ms. Bettina: Second the motion.

Vote: All present voted Aye.

Mr. Cappelli: Good evening, I'm Alfred Cappelli I represent RADD Automotive located at 1441 Route 376 in the Town of Wappinger. The existing building is currently a 2-car automotive garage in a residential zone and it is preexisting nonconforming. We are hoping to expand the facility by approximately 50%. The illustration that's outlined here shows the rust color of the existing building and to the rear of that building on that site will be our 600 sf addition. The garage door will be facing the back of that building. What we are looking also to do as many of you know, 10

or 12 storage trailers in the rear portion of the building behind the stockade fence. We discussed with the board previously that we will eliminate in its entirety, clean up the site and build a detached single story storage building in the rear of the property. This will handle all of the storage that's in each of those individual trailers.

- Mr. Stolman: There's representation that if the Planning Board approves the storage building, there would be no more containers proposed in the future.
- Mr. Cappelli: Nothing in the future and everything will be cleaned up for the sole purpose of putting everything in that one metal building.
- Mr. Valdati: Does anybody on the Planning Board have any questions?
- Mr. Fenton: Is there a specific number of vehicles you are going to have on site?
- Mrs. Roberti: You asked us to go out and look there and I did get some pictures that I can pass around. There were no junk vehicles and there were no vehicles in disarray when I went out there. These pictures show how many storage containers and tires all over the storage building that will be cleaned up. You asked about number of vehicles.
- Mr. Cappelli: I know we talked about 30 Barbara but I can do 25 behind the fence and you can't see them.
- Mrs. Roberti: I can't speak for the winter when the leaves on the trees are not there but I could only see one house dead on and that's way in the back. Whether others can be seen in the winter, I can't tell you but it's really protected right now.
- Ms. Bettina: What kind of fence is in the back?
- Mr. Cappelli: There's a stockade fence currently existing.
- Mr. Malafronte: In Bob's letter dated September 3, 2015 he addresses the coolant, AC refrigerant wastes to go out and other materials. I saw some batteries and tires with the forthcoming in the new changes in Environmental Law 374-2 Part 613. What is he doing to address these in the future?
- Mr. Cappelli: Currently there's an outdoor storage tank that facilitates all the recycle coolant that comes out every couple of weeks. So there's a tank outside on the side of the building with big letters 'COOLANT' next to his fuel oil tank. In the back there's a DEC registrar that's being relocated and gets pumped out every several weeks.

- Mr. Malafronte: Does he use Safety Kleen for removal? What agency does he use?
- Mr. Cappelli: I can let you know because I don't know what agencies he uses. I know he told me the same agency picks up the coolant and oil. I don't know who it is but I can get that information to you.
- Mr. Malafronte: Barbara, when you went out did you look inside? I saw some batteries, acid storage, rubber tires and the fuel waste. What's the capacity of those tanks? Is it 275 gallons?
- Mr. Cappelli: It is 275 gallons each one.
- Mr. Fenton: Al, does he keep fuel on the site?
- Mr. Cappelli: Waste fuel oil. He does oil changes and has a double tank behind the wall where everything gets dumped in and every couple of weeks it gets taken out by an agency.
- Mr. Gray: There are no fuel tanks?
- Mr. Cappelli: No fuel tanks at all.
- Mr. Valdati: Is it fair to say that anything that emanates from those vehicles on that property would wound up eventually underground?
- Mr. Cappelli: Conceivably.
- Mr. Valdati: It goes in the ground and finds its way to water. Depending on how large this is going to grow, we may require that there be some maintenance for those trappings.
- Ms. Visconti: I don't think this is going to grow any further because it is nonconforming. This is it.
- Mr. Roberts: This is maxed out.
- Mrs. Roberti: They did receive a variance for the increase in size so they can't grow any further.
- Ms. Bettina: Anyone in the audience would like to speak?

- Ms. Lopez: Donna Lopez, 16 Dorrett Drive. The back of my house is right behind RADD. I would like to know how close are you to my property and what is the distance?
- Mr. Cappelli: It is 185 feet. From the property line to the storage, we are proposing 185 feet. There are currently two trailers there so we are on the Route 376 side of those trailers. We are further away from your property than those two that exists on the other side of the fence.
- Ms. Lopez: What about sound barrier?
- Mr. Cappelli: Noise travels and there's no way to minimize it unless he's doing repairs outside, you should be hearing anything because the garage is facing Route 376.
- Ms. Lopez: What's about privacy? I know they can come from this distance and go right on my property.
- Mr. Cappelli: Why would the owner go on your property?
- Ms. Lopez: I didn't say the owner. Whoever he asked to go and survey the property.
- Mr. Cappelli: Sure, it could be a surveyor and that's not unreasonable.
- Ms. Lopez: The first time I noticed it was on a Sunday and I didn't think they worked on a Sunday.
- Mr. Fenton: Do you have a police report?
- Ms. Lopez: No. Who are you going to call the police on?
- Mr. Fenton: How is he going to answer your question is what I'm getting at. I'm not sure where you are going with that one.
- Mr. Cappelli: He got a survey a couple of years ago and he's getting one done right now. If you saw somebody out there within the last week or so, I'm going to say it was a surveyor. He's surveying the property for financing purposes. I know because they contacted me.
- Ms. Lopez: Can a surveyor just go on your property?
- Ms. Bettina: Did they go on your property?
- Ms. Lopez: Yes, they went on several of the properties.

- Ms. Bettina: So they came on your property and you weren't notified.
- Ms. Leed: Were they carrying survey equipment and are you sure they weren't just trespassers?
- Ms. Lopez: Yes, going through on foot.
- Ms. Leed: Were they holding tripods?
- Ms. Lopez: Not the first time but the second time he had his tripod and he looked like a surveyor.
- Mrs. Roberti: I've gotten a few calls in the years saying that people were on their property and it turned out that they were surveyors. We have no way of knowing when an applicant is going to send a surveyor out.
- Ms. Bettina: Maybe the next time you should just call the police if you guys don't feel comfortable.
- Ms. Lopez: Okay.
- Mr. Lopez: We were under the impression that there was a bird sanctuary there and that nothing was going to be built.
- Mr. Roberts: I don't know of anything to that effect.
- Mrs. Roberti: This property was a gas station going back many decades.
- Mr. Roberts: On what basis did you think there was a bird sanctuary?
- Ms. Lopez: It was the realtor that mentioned that to us.
- Mr. Stolman: We've heard bird sanctuary, Indian burial grounds, we've heard all kinds of things.
- Ms. Lopez: Most important to us is property value. What if the value goes down? We were in a residential area now it's commercial.
- Mr. Roberts: That's been there at least since the 1970s and property values are going to fluctuate with the economy. I don't know if you can particularly attribute decrease and increase in value to what's being developed here.

- Mr. Stolman: This is an attempt to clean things up and to get rid of all of the containers that are on the property.
- Mrs. Roberti: This was a gasoline filling station prior to 1964 so it's been used as a commercial site over 50 years.
- Ms. Lopez: What kind of security do they have? That fence does not look too high to me so anybody can come over that fence to our direction.
- Ms. Bettina: Again, if you feel unsafe by any means, call the police. As far as security goes, I don't know if the applicant has that in place.
- Mr. Cappelli: He does have cameras and he has the stockade fence in the front.
- Ms. Lopez: Will it be lid?
- Mr. Cappelli: There's an existing pole with light fixtures on it currently now that's not changing at all.
- Ms. Lopez: I know the light fixtures are there because they are shining in my bedroom.
- Mr. Cappelli: They should be on a timer. If they are not, let me know. It's not a high pole and it's only 10 feet high.
- Mrs. Roberti: How long have you lived in your home?
- Ms. Lopez: About 28 years.
- Ms. Visconti: So you've been there for 28 years, have you had any intrusions on your property?
- Ms. Lopez: No.
- Mr. Valdati: Mr. Cappelli, you've heard how we discussed people coming on neighbor's property, perhaps you can pass this information on to the owner. If something is going to be done in the future, it will be done properly and notice will be given and permission granted.
- Mr. Cappelli: I know the bank surveyor contacted me recently that the owner did not even know until I told him after the fact that the surveyor asked me for pieces of information to satisfy the bank. When I told the owner, he was surprised that there was another survey that he had to pay for at the closing.

- Ms. Keller: Lanna Keller, 18 Dorett Drive. Yes, they did come over and I approached the gentlemen as they were hopping over the fence. He said he was a surveyor for RADD. I didn't quite understand why they needed the survey literally on my driveway on my property and he had no explanation. In the future it would be nice to say I need it for bank approval versus us wondering what you are doing on our property. As far as it always being a gas station, it was a smaller gas station and the fence and other things have come along the way. The noise is atrocious and on Saturday morning when they start, I hear it. In that storage facility, are they going to put the stuff in there, lock it and leave or is this a facility that's now moving closer our property and we are going to hear more noise going on in there? What exactly is the purpose since we are not privy to any of this information? We feel we have a commercialize thing moving into our residential area. I have children literally playing in my backyard.
- Mr. Cappelli: I have no problem taking you and the other neighbors on a tour back there to look at all of the storage trailers and what he has stored in each of those trailers.
- Ms. Keller: Are they going to be using that area more now that it's much closer to my property.
- Mr. Stolman: No it's not. The area where the building will be has storage containers there right now so it's not moving toward your property it's replacing the containers where they are with this building.
- Mr. Cappelli: There are a couple of storage containers shown on the dotted lines and there are a couple underneath the building and a preponderance of them all around the site.
- Ms. Keller: I have no problem with clean up. I just don't want the noise, the traffic, the lights and I don't want anybody else's lights glaring in my backyard. I want privacy in my backyard and I want my kids to play in my backyard. I don't want to hear noise, I live in a cul-de-sac, I live in a rural area and not a business area.
- Mr. Cappelli: So here's the storage and the garage door is facing to the left of the building and here's the Lopez property and here's your property. I'm looking at a blank façade, no door and there are some garage doors facing the front and nothing facing your property. Again, as David mentioned previously, I have to think this is perhaps more of a buffer from the noise and activities that are currently going on right now.

- Mr. Stolman: Perhaps we can take another look at the lighting aspect.
- Ms. Keller: What's about the noise?
- Mr. Stolman: I'm not sure there's anything we can do about the noise.
- Mr. Fenton: Al, what are the hours of operation?
- Mr. Cappelli: He generally runs 8am – 6pm weekdays and 8am – 12pm on Saturdays and no Sunday hours.
- Ms. Leed: Al, could the lights be shielded?
- Mr. Stolman: I think we are talking about the existing situation and it's hard to understand how they can light up your property 180 feet away.
- Mr. Valdati: I think it's fair to say that the Planning Board and our consultants are in close communication with Mr. Cappelli with respect to this project. If you incur any inconvenience or displeasure because of what's going on at this property, please call the Town Hall or call Barbara and we will make sure it gets through the property channels.
- Mr. Roberts: Two things, regardless of how the site is used, it has to comply with the town noise codes and it changes at 7pm and he's well within the perimeters and the lights have to be facing down. There's a photometric design in our code and it is .5 candles power at the property line so I don't possibly see how the lighting that's been discussed could exceeds those perimeters.
- Ms. Keller: What's the start time of the noise code?
- Mr. Roberts: It's 7am to 7pm.
- Ms. Keller: What's about Saturday?
- Mrs. Roberti: His hours of operation are 8am to 12pm on Saturday and 8am to 6pm on weekdays so he's way within the noise code.
- Mr. Fenton: So the light that shines in your bedroom, where's that pole to where your bedroom is?

- Mr. Cappelli: So the single light fixture that we have parking lot is right here. Again, the guy is not a bad guy you can tell him to unscrew that bulb in the back since you are not working at night so why do you need that light?
- Mr. Stolman: You can actually control that and as Al said, it has to be down lid. It must be facing in their direction because if it's a 180 watt bulb and 150 feet away.
- Mr. Cappelli: We will take care of what needs to be taken care of.
- Mr. Malafronte: Are you removing all of the materials out of the storage tanks?
- Mr. Cappelli: Correct.
- Mr. Malafronte: Even if it's old materials?
- Mr. Cappelli: Absolutely, as a matter of fact there are all kinds of things in those storage containers.
- Mr. Malafronte: You have tires on the ground and they are used tires and not new.
- Mr. Cappelli: Absolutely right and they get picked up every so often as well. He's got some of them outside and he's got some of them inside the trailers. Those tires get picked up all the time and that's part of the recycling effort at all gas stations.
- Mr. Malafronte: So he has a lot of work going on.
- Ms. Visconti: That's why he's expanding.
- Ms. Keller: But he's only expanding storage and not the building.
- Mr. Cappelli: He's adding two bases. He's got two bases in the front and we are adding two more bases in the back and that was always on the agenda from day one.
- Ms. Bettina: All the trailers and all the storage are going away and not to be replaced.
- Ms. Keller: I thought you were just adding storage and now you are adding two more bases. What's the decibel amount of noise that is allowed?
- Mr. Roberts: There is a standard but I don't have that committed to memory.

Mr. Stolman: I have it. Receiving property in residential zone districts during the hours of 7am to 10pm, 65 decibels in the (A) range and 10pm to 7am, 50 decibels in the (A) dB range.

Mr. Fenton: Do we have the capability of reading that?

Mr. Roberts: I don't think they bought the equipment for that.

Ms. Keller: I want this to work too, I live behind them. I'm hoping they adjust the light and you are going to show me the storage and we are all going to be happy. But if it goes above that decibel, I'll be calling you.

Mr. Valdati: May I suggest that you work out an arrangement so you know who to contact to plan your little excursion.

Ms. Keller: Thank you.

Ms. Visconti: Motion to close the Public Hearing.

Mr. Malafronte: Second the Motion.

Vote: All present voted Aye.

Ms. Visconti: Motion to authorize the Town Planner to prepare a resolution to include all comments discussed.

Mr. Malafronte: 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)

Present: Steve Burns – Engineer

Mr. Burns: Good evening, Steve Burns, Engineer for Dutchess Land Development Subdivision. At the last meeting we closed the Public Hearing and authorized Mr. Stolman to prepare a resolution for preliminary and final subdivision approval.

Mr. Valdati: It says the balance of this subdivision is in the Town of Fishkill.

Mr. Burns: Yes.

Mr. Valdati: **Motion to accept the resolution for preliminary and final subdivision approval.**
Ms. Visconti: Second the Motion.
Vote: All present voted Aye.

10/5/15

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: DUTCHESS LAND DEVELOPMENT, LLC – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the ____ day of _____, 2015 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati _____
Angela Bettina _____
John Fenton _____
Marsha Leed _____
Francis Malafronte _____
Carlo Pesce _____
June Visconti _____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board received applications from Dutchess Land Development, LLC (the “Applicant” and “Owner”) for Preliminary and Final Subdivision Plat Approvals for the subdivision of one parcel of land into twelve (12) lots, eleven (11) of which are to be located within the Town of Fishkill and one (1) is located within the Town of Wappinger (the “Project” or “Proposed Action”); and

WHEREAS, the subject property currently consists of three (3) tax lots, two of which are located in the Town of Fishkill and one (1) of which is located in the Town of Wappinger; and

WHEREAS, the subject property is known as tax lot 6256-01-210678 on the Town of Wappinger Tax Assessment Maps and is located on the northerly side of Smithtown Road within the R-80 One-Family Residence District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted an application form for Preliminary Subdivision Plat Approval, dated 3/13/15; a Full Environmental Assessment Form (EAF) (Parts 1, 2 and 3), dated 6/4/13; an Indiana Bat Habitat Suitability Survey, dated 10/15/14; a Well Completion Report dated 1/8/15; and the following plans generally entitled Dutchess Land Development, LLC Subdivision, prepared by Burns Engineering Services, PC and last revised 5/14/15:

1. Sheet 1 of 11, Subdivision/Existing Conditions;
2. Sheet 2 of 11, Preliminary Plat;
3. Sheet 3 of 11, Easements and Road Dedication;
4. Sheet 4 of 11, North Grading Plan;
5. Sheet 5 of 11, Smithtown Road Profile;
6. Sheet 6 of 11, South Grading;
7. Sheet 7 of 11, Stormwater Layout;
8. Sheet 8 of 11, Sewer Main Layout;
9. Sheet 9 of 11, Details;
10. Sheet 10 of 11, Details;
11. Sheet 11 of 11, Sight Distances; and

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Town Zoning Law and the Land Subdivision Regulations; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law; and

WHEREAS, a public hearing on the Preliminary Subdivision Plat was opened on 5/4/15 and subsequently closed on 9/21/15, during which times all those wishing to be heard were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to the State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts. Any land disturbances resulting from construction will be controlled and mitigated through proper drainage and erosion control. The Project also poses a low risk of resulting in a take of any threatened or endangered species known to inhabit the surrounding area.
3. The Planning Board hereby finds that a proper case does not exist for requiring that additional parklands be suitably located within the Town of Wappinger, and that a fee in lieu of the reservation of parkland is also not appropriate in this situation, because no new building lots are being created as part of this subdivision.
4. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project as herein defined and as shown on the subdivision plat drawings.
5. The Planning Board hereby waives the Public Hearing on the Final Subdivision Plat because the Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat.
6. The Planning Board hereby grants Final Subdivision Plat Approval to the Project as herein defined and as shown on the subdivision plat drawings, subject to the following conditions which

must be satisfied prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

- a. The Applicant/Owner shall endorse a copy of this resolution and submit it to the Planning Board for its files.
- b. The Applicant shall prepare and submit a Final Subdivision Plat in accordance with Appendix A, Section A-5 of the Town of Wappinger Land Subdivision Regulations.
- c. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
- d. The Owner of the Subject Property shall submit a copy of the current deed to prove ownership of the lot.
- e. The Applicant shall apply for and obtain a street address for the lot in the Town of Wappinger from the Dutchess County 911 Addressing Office, and shall submit evidence of same to the Planning Board.
- f. The Applicant shall fulfill the following items to the satisfaction of the Town Engineer:
 - (1) The proposed r-o-w dedication shown on Sh 1, Sh 2 and Sh 3 shall be revised and clarified.
 - (a) The Smithtown Road r-o-w dedication shall be split at the Town line, with a separate dedication to the Town of Wappinger.
 - (b) All sides of the r-o-w dedication shall be labeled with courses.
 - (c) The dedication shall be tied to a monument at the Town line. The monument shall be shown on an as-built, and the as-built shall be submitted with the road dedication.
 - (2) Sh 1 shall be revised so that all drainage notes are shown clear of other text and symbols for proper legibility.
 - (3) The plat shall be signed and sealed by a licensed surveyor. If the plat also shows engineering design, it shall be signed and sealed by both responsible professionals.

- (4) It is not clear if the SWPPP is acceptable under the new SPDES permit requirements (i.e. that a preliminary SWPPP was accepted before January 29, 2015). The Town of Wappinger will defer to the Town of Fishkill regarding acceptance of the SWPPP. Nevertheless, the Town of Wappinger has concerns about the portion of the SWPPP drainage design that affects the Town of Wappinger.
- (a) The drainage analysis shall be revised to address the following matters regarding Design Point 2 in the Town of Wappinger.
- [1] The pre-development flow path for DA2 shall be revised. DA2 actually consists of several further subsheds draining to the catch basins along Smithtown Road but may be modeled as a single subshed. However, the flow path shall trace to the southernmost basin on Smithtown Road (the first basin in the run) and then continue within the drainage pipes to the ultimate discharge. The flow path may start at a lower elevation (about 338) to enter the first basin in the run.
 - [2] The post-development flow path for DA2 shall be revised. The DA2 subshed boundary shall be drawn perpendicular to the contours, not parallel to the contours (as in the vicinity of the house and driveway on Lot 11). The flow path shall lead to the same inlet as in the pre-development condition.
 - [3] The drainage report shall include additional pages specific to the network along Smithtown Road and the outlet in the Town of Wappinger.
 - [a] The Hydraflow Plan View shall show the basins of interest along Smithtown Road and the outlet in the Town of Wappinger.
 - [b] The Existing Wappinger Catch Basin grate inlet analysis shall be revised to resolve:
 - i. The grate area shall be the net open area, not the dimension of the inlet frame width.
 - ii. An appropriate "n" value shall be used for the gutter, perhaps 0.013 but not 0.0.

- iii. The swale in the model does not appear to correspond with the topo (i.e. the road side appears to be relatively flat, with no deep and steep ditch as modeled).
 - iv. The analysis does not appear to show that the inlet has sufficient capacity, since the required depth at the inlet exceeds the available depth. A different inlet grate may be required, or bypass flow must be modeled.
- [c] The Hydraflow analysis shall be supplemented with a drawing to show the basis for the Q computations (i.e. the C coefficient used, the subshed area, and the flow path and inlet time to each grate).
 - [d] The report shall include printouts of the hydraulic grade line graphic display.
 - [e] In all cases where the hydraulic grade line exceeds the grate elevation, the system shall be modified so that the flow is entirely contained within the closed drainage system.
 - [f] In all cases where the energy grade line exceeds the hydraulic grade line, the system shall be checked that the energy grade line does not exceed the grate elevation, and the system shall be modified if needed.
- [4] The report must show no increase at DP 2 (the outlet culvert from the northerlymost CB just off-site).
- g. The following items are subject to the review and approval of the Town Attorney:
 - (1) Easements and agreements regarding stormwater management.
 - (2) The proposed highway r-o-w dedication.
 - h. The following matters are subject to the review and approval of the Town Highway Superintendent:

- (1) The driveway curb cut for Lot 12, including the reverse pitch to drain toward the road. Sight distance at the approved location shall be measured and shown on Sh 11. The sight distance shall be shown and measured per the DCDPW standards.
 - (2) The curtain drain outlet on Lot 12 that daylights above the road.
 - i. The following matters are subject to the review and approval of the Town Fire Inspector:
 - (1) The driveway for Lot 12.
 - (2) A truck turning radius template overlay shall be shown to verify that the sharp turn near Smithtown Road is accessible for a fire truck.
 - (3) A truck turning radius template overlay shall be shown to verify that the next turn is accessible for a fire truck.
 - (4) A turnaround as required shall be shown at the garage.
 - j. All required agreements, easements, restrictive covenants, etc. regarding the construction, operation, maintenance and enforcement of provisions regarding stormwater management systems and practices shall be subject to the review and approval of the Town Attorney and the Town Engineer.
 - k. All “outside agency” approvals such as approval from the Dutchess County Department of Health shall be secured for the Project.
 - l. The Applicant shall clearly indicate the limits of tree removal on the subdivision plat drawings to the satisfaction of the Town Planner.
 - m. The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.
7. Conditional approval of the Final Plat shall expire one hundred eighty (180) days from the date of this resolution unless all of the items contained in Condition 6 above have been certified as completed. However, the Planning Board may extend for periods of ninety (90) days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board’s opinion, such extension(s) is/are warranted by the particular circumstances.
 8. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Owner and Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging receipt of a copy of the resolution. When all of the items set forth in

Condition 6 above have been satisfied, a copy of the Final Subdivision Plat, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with the above conditions of approval and that the Final Plat is authorized for filing with the County Clerk, Division of Land Records.

After said filing, two (2) copies of the Final Plat certified by Dutchess County and six (6) copies of the certified copies of the Final Plat shall be submitted to the Planning Board. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the Town Clerk along with a signed copy of this resolution.

Regarding the six (6) copies of the certified copies of the Final Plat, one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Planner, Town Highway Superintendent, Town Zoning Enforcement Officer and the Dutchess County 911 Addressing Office.

- 9. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefor has not been granted by the Planning Board, this resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will not be made until six (6) months after the filing of the subdivision plat.
- 10. Prior to the issuance of the first Building Permit for the Project the Applicant shall record all required easements, declarations, etc. in the Dutchess County Clerk’s Office and shall provide fully executed copies and proof of recording to the Town Attorney.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
John Fenton	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
Carlo Pesce	Voting: _____

June Visconti

Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2015
Wappingers Falls, New York

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

Dutchess Land Development, LLC
Applicant and Owner

Date

The following endorsement hereby confirms that the Owner and/or Applicant have fulfilled all of the items in Condition 6 of this resolution and authorizes the filing of the Final Subdivision Plat with the County Clerk, Division of Land Records.

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

J:\DOCS2\500\Wappinger\Dutchess Land Development LLC Subdivision 880 prn.SIS.doc:

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: Mike Gillespie – Engineer

Mr. Gillespie: Good evening. Mike Gillespie, Engineer for Earth Angel Veterinary Hospital. We had a Public Hearing last meeting we opened and closed and nobody showed which was surprising because we had somebody show at the ZBA. No complaints and you authorized David's office to prepare a resolution, we looked at it and it looks good to me.

- Mr. Malafronte: On your layout, I see you have the fence for the mini horses 5 feet away from the pond. Can you make it 10 feet away? By eye sight, it looks real close.
- Mr. Gillespie: Earlier on during a portion of this we did show the fence closer to the pond. The pond is a regulated town wetland so we moved the entire fence outside of the buffer so there's no portion of the new fence that's within the 100 feet of that.
- Mr. Malafronte: On the map I have here it looks like it' is real close.
- Mr. Gillespie: I think the photograph that's on the plan you are talking to, that's a depiction of what the fence is going to look like.
- Mr. Stolman: If it had been in the buffer, it wouldn't have been a wetland permit so there's no wetland permit needed because it's outside the buffer.
- Ms. Visconti:** **Motion to accept the resolution prepared by the Town Planner.**
 Ms. Bettina: Second the Motion.
 Vote: All present voted Aye.

10/5/15

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: EARTH ANGELS VETINARY HOSPITAL - RESOLUTION OF SPECIAL USE PERMIT AND AMENDED SITE DEVELOPMENT PLAN APPROVALS

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the ____ day of _____ 2015 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

- | | |
|--------------------|-------|
| Robert L. Valdati | _____ |
| Angela Bettina | _____ |
| John Fenton | _____ |
| Marsha Leed | _____ |
| Francis Malafronte | _____ |
| Carlo Pesce | _____ |
| June Visconti | _____ |

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board recently received the application of Earth Angels Veterinary Hospital (the “Applicant”) on behalf of Kathleen Petretta (the “Owner”) for Amended Site Development Plan and Special Use Permit Approvals to convert an existing building on the site into a veterinary hospital, a fenced-in canine area, fence-in mini horse areas and an accessory shed structure (the “Project” or “Proposed Action”); and

WHEREAS, the Subject Property is known as Tax Lot 6258-01-200871 and is located at 44 St. Nicholas Road within the R-80 One-Family Residence District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted an application form dated 3/11/14 for approval of a site plan; a Special Use Permit application form dated 3/11/15; an Owner Consent Form dated 5/16/14; a Short Environmental Assessment Form dated 10/18/14; a letter to the Planning Board dated 8/17/15 and prepared by M. Gillespie & Associates; a letter to the Planning Board dated 8/17/15 and prepared by Earth Angels Veterinary Hospital; and

WHEREAS, the following drawings were also submitted, dated, and prepared as follows:

1. “Site Plan Special Use Permit, Earth Angels Veterinary Hospital,” prepared by M. Gillespie & Associates, last revised August 14, 2015;
2. “Earth Angels, Exterior Elevation,” prepared by TWC Terwischa Construction, Inc., dated October 21, 2014;
3. “Earth Angels, Presentation Drawings,” (Floor Plan) prepared by TWC Terwischa Construction, Inc., dated October 21, 2014;
4. “Earth Angels Veterinary Hospital – Proposed Monument Sign – REVISED TO 18 sq.ft,” prepared by Timely Signs and dated April 8, 2015;
5. “Illumination Diagram, Earth Angels Veterinary Hospital,” prepared by M. Gillespie & Associates, last revised August 14, 2015; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law; and

WHEREAS, the matter was referred to the Dutchess County Department of Planning and Development (DCDPD) and the DCDPD deemed the Proposed Action a matter of local concern with no further comment in a response dated 8/5/15; and

WHEREAS, at its 4/28/15 meeting, the Zoning Board of Appeals granted the following variances to the property:

1. A 1.04-acre variance for a veterinary hospital with outdoor runs in a residential zoning district;
2. A variance to allow an 18-square foot freestanding sign with the condition that the sign shall not be illuminated after 9:00 PM;
3. A variance to allow a shelter shed structure for mini horses in front of the principal structure, with the condition that the maximum size of said structure be 10' x 22'; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including without limitation the provisions relating to Special Use Permit, Site Development Plan, Parking and Performance standards of Articles VII through XI respectively of the Zoning Law as well as other applicable laws and regulations subject to the conditions below; and

WHEREAS, on 9/18/15 the Planning Board held a public hearing on the Project at which time all those interested were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to the State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts because the Proposed Action does not constitute a major increase in the intensity of land use at the Subject Property. It is also the case that site revisions will only require erosion and sediment controls, as no changes to site drainage will occur.
3. The Planning Board hereby adopts this Resolution of Amended Site Development Plan and Special Use Permit Approvals for the conversion of the Site into a veterinary hospital, a fenced-in canine area, fenced-in mini horse areas and an accessory shed structure as described above and as shown

on the above listed drawings, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:

a. The following shall be fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:

(1) The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.

(2) The above specified Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.

(3) The Owner shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.

(4) The Applicant shall comply with any outstanding comments and requirements of the Town Engineer. Satisfaction of these outstanding issues shall be subject to the review and approval of the Town Engineer.

(5) A revised elevation drawing indicating the colors of all proposed materials shall be furnished to the satisfaction of the Town Planner.

(6) The following shall be added to the drawings as formal notations in order to memorialize the information contained therein to the satisfaction of the Town Planner:

(a) A maximum of two mini horses will be contained in the paddock.

(b) Manure will be removed from the paddock field on a weekly basis. Manure will be stored within a lidded, 55-gallon container to be stored within the proposed shelter shed.

- (c) Hay within the shelter shed will be replaced on a weekly basis. Urine- and manure-soaked hay within the shelter shed will be replaced on a bi-weekly basis.

- (d) Feed shall be stored within the shelter shed. A lidded container will be provided and daily checks for rodent control will be performed. Feeding patterns are paddock grass from April 15 through October 15, hay from October 15 through April 15 with grain supplement from November through March.

- (e) A maximum of 20 dogs will be boarded at any given time.

- (f) Waste will be removed from the canine exercise area on an immediate basis. Scooping and weekly removal will also be performed. There will be a maximum of 10 dogs in the exercise area at any given time. No outdoor runs are proposed within the canine exercise area. Dogs will be supervised to monitor interaction, noise and to provide cleanup of droppings.

- (g) No on-site burial or incineration of animals will be performed. Dead animals shall be bagged and placed in a cooler until removed for off-site burial or incineration.

- (h) The proposed freestanding sign will not be illuminated after 9:00 PM on weekdays and not after 5:00 PM on weekends.

When all of the sub-conditions set forth in Condition 3.a above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

- b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:
 - (1) The Applicants shall fulfill all of the conditions of, and shall complete all improvements required in accordance with this resolution of Site Development Plan Approval.
 - (2) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, including the ability for emergency apparatus to turn around on-Site and compliance with the fire code for a commercial building, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
 - (3) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.

- 4. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only be made in accordance with the

provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Special Use Permit Approval shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.
7. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
8. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the approved Site Development Plan and Special Permit Approvals shall be subject to continued conformance with the Amended Site Development Plan and Special Permit Use Approvals.
9. Except as specifically modified herein, the prior resolutions of approval and all amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
John Fenton	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
Carlo Pesce	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2015
Wappingers Falls, New York

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

Earth Angels Veterinary Hospital
Applicant

Date

Kathleen Petretta
Owner

Date

The following endorsement hereby confirms that the Owner or Applicant has fulfilled all of the items in Conditions 3.a of this resolution and that the above mentioned plans may be endorsed by the Planning Board Chairman.

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

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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: At the last meeting we presented the small addition we want to put on and the board authorized a resolution for approval and waived the Public Hearing.

Ms. Visconti: Motion to approve the resolution prepared by the Town Planner.

Ms. Bettina: Second the motion.

Vote: All present voted Aye.

10/5/15

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: AVALON ASSISTANCE & WELLNESS CENTER – RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the ____ day of _____ 2015 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati _____
Angela Bettina _____
John Fenton _____
Marsha Leed _____
Francis Malafronte _____
Carlo Pesce _____
June Visconti _____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board recently received the application of Dutchess Airport Realty, LLC (the “Applicant” and “Owner”) for Amended Site Development Plan Approval for the construction of an enclosed mudroom addition to an existing structure on the site (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is known as tax lot 6259-03-488331 on the Town of Wappinger Tax Assessment Maps and is located at 1629 Route 376 within the General Business (GB) District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted an Application for Site Plan Approval and attached narrative dated 8/24/15; a Short Environmental Assessment Form dated 8/24/15; an Owner Consent Form dated 8/24/15; a letter to the Planning Board dated 8/24/15 and prepared by KC Engineering and Land Surveying P.C.; and the following drawings prepared by KC Engineering and Land Surveying P.C:

1. “Site Plan for Avalon Assistance and Wellness Center” dated 8/21/15;
2. “New Entrance for Avalon Assistance Living & Wellness Center” dated 12/8/14; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law and requires no further review to identify any potential environmental impacts; and

WHEREAS, the Planning Board had decided to waive the public hearing as the amendment of the approved site development plan had been determined to be substantively the same as the previously approved site development plan; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including the Site Development Plan, Parking and Performance standards of Articles IX, X, and XI respectively of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

10. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
11. The Planning Board hereby adopts this Resolution of Amended Site Development Plan Approval for the construction of an enclosed mudroom, as described above and as shown on the above listed drawings, in accordance with the provisions of Articles IX through XI of the Zoning Law subject to the following conditions:
 - b. The following shall be fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:

- (1) The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.
- (2) The above specified Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.
- (3) The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
- (4) The following conditions shall be fulfilled to the satisfaction of the Town Planner:
 - (a) A site plan shall be furnished which is at a clear, legible resolution and which is printed at full size.
 - (b) The architectural elevations shall be revised so as to include the colors of the proposed materials.
 - (c) The dimensions of the proposed mudroom shall be made explicit on the site plan.

When all of the sub-conditions set forth in Condition 2.a above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

- b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:
 - (1) The Applicants shall fulfill all of the conditions of, and shall complete all improvements required in accordance with this resolution of Site Development Plan Approval.
 - (2) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
 - (3) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.

12. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days

of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

- 13. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

- 6. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
- 7. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the approved Site Development Plan shall be subject to continued conformance with such approved Amended Site Development Plan Approval.
- 8. Except as specifically modified herein, the original Resolution of Site Development Approval and all amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
John Fenton	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
Carlo Pesce	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2015

Wappingers Falls, New York

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

Dutchess Airport Realty, LLC
Owner and Applicant

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Conditions 2.a of this resolution and that the above mentioned plans may be endorsed by the Planning Board Chairman.

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

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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
Faye Logan – Designer

Ms. Van Tuyl: Jennifer Van Tuyl, as you know Mini is ready to open and very anxious to get its CO. We were here a couple of weeks ago to discuss some minor changes including putting Astro turf on the berm as a better covering. There were some concerns expressed at the last meeting both about the compliance of the berm, some questions about the height, the slope, the style as well. You asked us to come back to you tonight with two or three ideas of the way that we could address the board’s design concerns. You set a \$50,000 bond for the improvements that you would select tonight and you authorized David to prepare a resolution to go forward on that basis. What we’ve done in the last two weeks is visited the Town Board who very graciously approved the formatting of the bond which they have to do to proceed forward. They stated

support in assisting Mini in opening although they were very careful to respect all the authority this board has of course and provided that certain original documents be delivered to the Town Attorney. The key question now is to talk about the design concept of the berm. When we came here a year ago, we wanted this berm and we wanted it to be visually provocative and no one can speak to it other than the designer himself.

- Mr. Logan: What we've done is prepared three possible alternatives with the relocation of the automobiles and the position of the tire tracks as originally proposed be added to the Astro turf in the same way the NFL adds lines to their turf. They would be painted on and maintained in the future. That's Option 1. Option 2, someone had suggested possibly lining the fiberglass model cars on the top of the berm. Option 3, shows the two oblique cars climbing up the berm itself and placing it on grade in line with the actual car which will be the blue car which is the actual car and we will change in time with models and colors. These are presented to you to review and the first one is just the addition of the tire tracks on the berm to complete the illusion of the installation of the fancies of these cars.
- Ms. Leed: Personally, that's a problem with it and maybe you could get an alternate color or something. Astro turf is extremely artificial.
- Ms. Visconti: I think it looks great and I like it better than big dirt in the wintertime. The brightness is good.
- Mr. Fenton: You get zero flexibility with the Astro turf. It either is or it isn't.
- Ms. Van Tuyl: It's a very high quality material and it's over \$50,000 and it's something that prevents weeds.
- Mr. Infante: It's guaranteed to last 8 to 15 years especially on a slope it has good drainage.
- Mr. Malafronte: Are you going to remove the Astro turf that's there right now and redesign it?
- Mr. Logan: No, we are going to literally add paint to it as indicated on the original plan.
- Ms. Van Tuyl: Just to make it clear because you were not at the last meeting. At the last meeting we came in to get this board's approval. If you can recall, the summer was very dry and we could not get anything to grow on the slope so finally what we did was put the Astro turf on it and we came to discuss it with the board. So the covering that's there now is the Astro turf.
- Mr. Malafronte: Are you squaring this off and bringing it down?
- Mr. Logan: It has been constructed exactly as it was originally proposed.
- Mr. Malafronte: You tell me it's flat and you are going on an incline.

- Mr. Logan: It's more like a pyramid with the top cut off.
- Mr. Malafronte: This configuration looks much better because you have it coming down and even. When you go past it now, it's like a ripple effect.
- Mr. Logan: It's actually very flat. The grade under the Astro turf has been engineered and smooth.
- Mr. Malafronte: It doesn't look that way from across the road.
- Ms. Bettina: Astro turf was installed because of longevity and the look.
- Mr. Malafronte: In other words you guys approved the Astro at the last meeting?
- Ms. Visconti: We gave them instructions to go back and fix it as much as they could.
- Ms. Van Tuyl: The three designs that we presented are basically to be very close to the initial with the idea of the car. Again, it should be visually provocative and it's an invitation to an illusion so the first option would be to put those car tracks on in the same way that the lines are on Astro turf to be tire tracks. The second option would be if you don't like the slope and want them driving on top of the berm, we could that. The most visually conservative option would be to have them drive along the stretch in front of the berm as a backdrop to that. Our designer would like to do Option 1 and just add the road tracks because we think that's the most creative.
- Ms. Bettina: When you see it from Route 9, it's actually different than portrayed in the pictures.
- Ms. Visconti: It has some merits because it's different.
- Ms. Bettina: I personally would choose Option 2.
- Ms. Visconti: I like Option 2 as well.
- Ms. Bettina: Although the Astro turf wasn't what we asked for but it's a win win and we get the green.
- Mr. Valdati: I'm looking at Option 1. That's the most dynamic of them all.
- Mr. Fenton: I agree and it's part of the original concept.
- Ms. Bettina: What if for Option 1, you move that Mini sign from the berm and put it on top.
- Mr. Logan: Remember, all of this is illusion.
- Mr. Pesce: Once it snows, the cars on the hill are gone and you won't see them.

- Mr. Logan: If I could add just one perspective. You don't see Option 2 out there right now but you see something very similar to Option 1. When you take those cars off the green, you are going to see a lot of green whereas now you have cars there and I think it's very interesting and dynamic like the original plan.
- Mr. Paggi: You guys know me and I've been around for a very long time and you know me to be truthful. I represent a lot of places in Dutchess County and I'm in touch with a lot of professionals. This is the only place I've heard a negative reaction to the berm and I think because you saw something in a picture and you had conceived different ideas. Everybody who didn't see this and we talk to has come by say that's really neat out there. Where did the concept come from? We have not heard anything negative about it.
- Ms. Leed: Are these local people that have given you compliments because people are saying the opposite to me.
- Mr. Paggi: Absolutely. We see people stopping by and taking pictures of it.
- Ms. Bettina: I think because it is different and this is the only Mini that has it.
- Mr. Paggi: No, this is original to this area and perhaps the country. This was a creation to address your concerns of the inventory lot adjacent to the sales office. Rather than putting a fence up or trying to hide it with shrubbery or green, we came up with this installation concept.
- Ms. Visconti: This was a breath of fresh air and something different.
- Mr. Paggi: The problem I have with Option 2 is you are just lining up cars
- Mr. Stolman: When you look at Option 2, is there any chance of putting the blue car on top of the berm?
- Mr. Logan: The problem with that is there are only three cars in this model and they are expensive. The one on grade is an actual car which they will trade up for color and models.
- Mr. Stolman: Forget the blue is it any chance to put the fourth car on the top? It just looks out of place to me.
- Mr. Logan: I don't know if there's any available because they don't make them anymore.
- Mrs. Roberti: The bushes you see on the bottom are there and that will soften it because they are going to grow a couple of feet.
- Ms. Van Tuyl: Right, it will soften the light.
- Ms. Bettina: There's also going to be lights on the green.

Ms. Van Tuyl: Right, the lights you see will be shielded by those very low evergreens and we agreed at the last meeting that those will be put in.

Mr. Valdati: I would like to vote on the design on the berm.

Straw Poll on Berm Design Option 2

Mr. Valdati	No
Ms. Bettina	Yes
Ms. Visconti	Yes
Ms. Leed	No vote
Mr. Malafronte	No vote
Mr. Fenton	Yes
Mr. Pesce	Yes

Ms. Visconti: The straw poll says we are going with design Option 2 so David what do you want to address to change the resolution?

Mr. Stolman: I'll have the one that Bea stamped in the front to the upper right hand corner received October 5, 2015. If you turn to the first page, we inserted the date at the bottom of the first page for the most recent version of the elevation drawing 8/31/15. On Page 3, what had been No. 5 was modifying the drawing so as to show the landscaping, guardrails and the final design of the berm. We've now moved that down to the top of Page 4 where it says a certificate drawing shall be submitted to the town zoning administrator. This drawing or drawings shall show among other things the final berm design and the steel guardrails so we move to the appropriate place.

David continues to outline all of the changes necessary for the resolution.

Ms. Visconti: Motion to accept Option 2 of the berm design and the changes noted by the Town Planner for approval by the board.

Ms. Bettina: Second the Motion.

Roll Call:

Mr. Valdati	No
Ms. Bettina	Yes
Ms. Visconti	Yes
Ms. Leed	No
Mr. Malafronte	No
Mr. Fenton	Yes
Mr. Pesce	Yes

10/5/15

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: PRESTIGE MINI – RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the ____ day of _____ 2015 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati	_____
Angela Bettina	_____
John Fenton	_____
Marsha Leed	_____
Francis Malafronte	_____
Carlo Pesce	_____
June Visconti	_____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board recently received the application of Prestige Mini of Dutchess County, LLC (the “Applicant” and “Owner”) for Amended Site Development Plan Approval for alterations to the approved site development plan including the removal of a proposed decorative display cube, the implementation of an artificial turf surface on the proposed display berm, the installation of an irrigation equipment shed and the installation of three 20-foot sections of steel guide rail (the “Project” or “Proposed Action”); and

WHEREAS, the Subject Property is known as tax lot 6157-04-659168 on the Town of Wappinger Tax Assessment Maps and is located at 1162 Route 9 within the Highway Business (HB) District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted a letter to the Planning Board dated 8/31/15 and prepared by Lawrence J. Paggi, PE, PC; photographs of the aforementioned irrigation equipment shed dated 8/27/15 and prepared by Lawrence J. Paggi, PE, PC; and the following plans, dated and prepared as follows:

1. Sheet D-5 Rev, “Proposed Elevations,” prepared by SNS Architects and Engineers PC and last revised _____; and
2. Sheet C3, “Landscape Plan,” prepared by Lawrence J. Paggi, PE, PC, and last revised 8/31/15; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II Action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law and therefore requires no further review to identify potential environmental impacts; and

WHEREAS, the Planning Board has decided to waive the public hearing as the amendment of the approved site development plan has been determined to be substantively the same as the previously approved site development plan; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and has been satisfied that the Project will comply with the Zoning Law including the Amended Site Development Plan, Parking and Performance standards of Articles IX, X and XI respectively of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

14. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
15. The Planning Board hereby adopts this Resolution of Amended Site Development Plan Approval for alterations to the approved site development plan including the removal of a proposed decorative display cube, the implementation of an artificial turf surface on the proposed display berm, the installation of an irrigation equipment shed and the installation of three 20-foot sections of steel guide rail, as described above and as shown on the above listed drawings, in accordance with the provisions of Articles IX through XI of the Zoning Law, subject to the following conditions:
 - c. The following shall be fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:
 - (1) The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner/Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.
 - (2) The Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.
 - (3) The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
 - (4) A performance guarantee in the amount of fifty thousand dollars (\$50,000) for the completion of the decorative berm, landscaping and other improvements shall be posted with the Town by the Applicant. The form and content of the performance guarantee shall be to the satisfaction of the Town Attorney.

- (5) Sheet C-3, "Landscape Plan," shall be altered to reflect the use of steel guide rail, rather than the currently annotated timber guide rail. This shall be performed to the satisfaction of the Town Planner.
- (6) A certification of planting for the two (2) pocket ponds on the Subject Property shall be submitted. This shall be performed to the satisfaction of the Town Zoning Administrator.

When all of the sub-conditions set forth in Condition 2.a above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

- b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:
 - (1) The Applicant shall fulfill all of the conditions of, and shall complete all improvements required in accordance with this Resolution of Amended Site Development Plan Approval.
 - (2) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
 - (3) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.

16. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
17. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

5. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved amended site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
6. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the approved Site Development Plan shall be subject to continued conformance with such approved Amended Site Development Plan Approval.
7. Except as specifically modified herein, the resolutions of site development plan approval and all amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
John Fenton	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
Carlo Pesce	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2015
 Wappingers Falls, New York

 Robert L. Valdati, Chairman
 Town of Wappinger Planning Board

Date _____

 Prestige Mini of Dutchess County, LLC
 Owner and Applicant

Date _____

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Conditions 2.a of this resolution and that the above mentioned plans may be endorsed by the Planning Board Chairman.

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

J:\DOCS2\500\Wappinger\Prestige mini amended sdp prn.sis.docx:

15-3337 Mobil Station Air & Vacuum (AMENDED): To discuss a preliminary site plan for the addition of air and vacuum machines with associated electrical utility on an existing gasoline service station and convenience store in a HB Zoning District on .96 acres. The property is located at **1468 Route 9** and is identified as **Tax Grid No. 6157-02-648928** in the Town of Wappinger. (Martin)

- Present: Jillian Martin – Construction Manager
- Ms. Martin: My name is Jillian Martin, Construction Manager from Chestnut Petroleum. We are the current operators of this Mobil Gas Station at 1468 Route 9. We currently have an amended site plan in front of you proposing to put air and vacuum machines on the Southside of the building near the non-handicap parking space that abuts the building. I believe you all have a copy of the plan. That's really what all there is and does anybody have any questions or need information?
- Mr. Malafronte: Are you putting this right on the sidewalk?
- Ms. Martin: There's a concrete sidewalk.
- Mr. Malafronte: How big is that curb? Are you going to put the air and vacuum machines on that curb?
- Ms. Martin: Yes, that is the plan.
- Mr. Malafronte: Does that mean you are going to use the handicap spot for that?
- Ms. Martin: The handicap spot will be next to it.
- Mr. Malafronte: The handicap spot is right there and the curb is right there and you got that setback. Then you have another handicap spot next to it.
- Ms. Martin: No, there's only one handicap spot as far as I know and according to the plan.

- Mr. Malafronte: You see where the handicap spot on the map is, one spot now isn't going to be handicap on the other side of the striped lines.
- Ms. Martin: If you are looking at it with the north arrow facing up, there are two spots directly next to the building. The one on the left is handicap and the one on the right is not. The air and vacuum machines will be on the non-handicap spot. It's going to be raised and they can park and use the air and vacuum machines.
- Mr. Malafronte: Are you going to have enough space for the two pieces of equipment?
- Ms. Martin: Yes, they are going to be side-by-side and not front and back.
- Ms. Visconti: I see that the Dutchess County Department of Planning signed off and they have no problem with it and I think this is very simple.
- Ms. Visconti: Motion to authorize the Town Planner to prepare a resolution for approval.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

14-3307/Dunkin Donuts, Route 9D: 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 – Architect
Ernie Martin – Engineering
- Mr. Diesing: Jay Diesing, Mauri Architects. Just as a recap, we are proposing a Dunkin Donuts shop on Route 9D just South of the Stewart's Shop and North of Stony Kill Road on the Eastside of Route 9D. We are proposing a 3,000 sf store with a drive thru and there aren't a lot of physical changes to the site since we met the last time. Ernie has been doing a lot of work with the DOT, Army Core and DEC and the Department of Health so I will turn him over to you to tell you all about that.
- Mr. Martin: Ernie Martin, KC Engineering. Since our last presentation as Jay said, there's been a considerable amount of engineering that has been done. Our plans are currently before the Health Department and it's been about a month and we could be getting a review probably within a week. Once we get our initial review, assuming we get a fair review because we've had preliminary meetings with the Health Department. The next part on that would be to have the applicant drill a well do all the applicable testing. It's the intent even though there's an existing well on site that serves the existing bar to have a totally independent system. As far as DOT, we got initial review from them and it was

a pretty decent review. We had to add some details and things of that nature and we are looking to get back to them. It's going to be a one way in and a two way out and the issue is making left hand turn onto that road and that has not fully been resolved. Our consultants have supplied a lot of information to the DOT so we are hoping that will convince them to be able to do that.

- Ms. Visconti: You had 25 feet but DOT said it should be 17 feet.
- Mr. Martin: It's for the lane coming in. This lane is 25 feet and has to be narrowed down to 17 feet and this one here we are showing it as a left and right turn will stay at 25 feet.
- Mr. Gray: If they give you the left turn.
- Mr. Martin: Yes. Regarding FEMA, we have Leonard Jackson doing the flood study and as of today he said he's a few days from getting resolution regarding the floodplain. The first floor of this Dunkin Donuts will be about 7 feet higher than the Stewart's building. I do recall when we had the storm Irene which was close to the 100 year, I know part of Route 9D was under water and not sure it was close to Stewart's but we are 7 feet above that. I'm confident that the floodplain is not going to be an issue.
- Ms. Visconti: So you are in a Flood Zone A?
- Mr. Martin: Yes, we are in Zone A which is not defined.
- Ms. Visconti: I thought for sure that Zone A's were defined.
- Mr. Gray: They are but are in proximate study. Zone A is a detailed study and they are doing work to take it from a Zone A to Zone AE. I think that's what he's saying.
- Mr. Stolman: Ernie, you used the word resolved before in terms of the work that Leonard Jackson is doing? What do you mean by resolved?
- Mr. Martin: Right now it shows a good part of his property is in Zone A.
- Mr. Stolman: You mean his work will be resolved?
- Mr. Martin: Yes.
- Mr. Gray: You said Leonard Jackson is doing a detailed study but there isn't one now. I think that's going to become a letter of map revision or LOMAR as they call it and I believe you will need to work with the flood administrator of the town. I believe the municipality has to submit the LOMAR.
- Mr. Martin: At some point, not only does it get submitted to the town for you to look at but there's got to be an acknowledgement on behalf of the municipality that you are aware of it.

- Mr. Gray: I believe that letter gets submitted by the town to FEMA. Just have Leonard coordinate with Barbara.
- Mr. Martin: Ultimately what's going to happen after the work is done we do an as built and submitted it back to FEMA and ultimately they will change the maps.
- Mr. Fenton: Do you have any issues with signage?
- Mr. Diesing: A couple of minor issues David mentioned he wanted us to bring the monument sign closer to the property line then the code will allow. Now that the road is adjusting based on the widening that Ernie designed, it's getting to be a nonissue.
- Mr. Fenton: What's about the square footage of the sign?
- Mr. Diesing: The square footage of the monument sign is over the permitted so I don't know if there's any flexibility with the board on that.
- Mrs. Roberti: The board can waive that and lately they have been making their own decisions whether or not the signs are bigger than the code allows for. Where we allow 25 sf for a freestanding sign, they are asking for 40 sf.
- Mr. Fenton: Al, the Planning Board has the authority to do that?
- Mr. Roberts: They've been doing it for close to two years.
- Mr. Malafronte: Have you gotten any new feedback from the DOT? The last one I have here is September 15, 2015.
- Mr. Martin: As I said, we need to address certain things and we are doing that now. I think there were two letters and it was the in September.
- Mr. Malafronte: Yes, that's what I'm looking at September 2, 2015 and that addresses the March 11, 2015 letter which means you haven't addressed them. The other one is the DEC letter of April 29, 2015 and they are looking for permits. You are in the FW-16, Class 3 and also the sub-tributary H-101-1-1.
- Mr. Martin: As I mentioned earlier, we have our plans advanced to the point we are about ready to submit to the DEC.
- Mr. Malafronte: So you don't have anything on paper that we can look at?
- Mr. Martin: You have the current plans before you or you mean response from the DEC?
- Mr. Malafronte: Did you address everything with the Dutchess County Board of Health?
- Mr. Martin: Our plan has been at the Health Department for over a month.

- Mr. Malafronte: They want a new one?
- Mr. Martin: As I mentioned earlier, the plan was submitted to the Health Department over a month ago.
- Mr. Malafronte: When was it submitted to the Health Department?
- Mr. Martin: Probably September 1, 2015 or last week in August.
- Mr. Malafronte: They request was back on June 18, 2015.
- Ms. Bettina: So you are waiting for information from the Board of Health?
- Mr. Valdati: How many parking spots will you have?
- Mr. Diesing: Our latest parking space count is 43.
- Mr. Valdati: What's the seating capacity?
- Mr. Diesing: We think we might have 30 seats in the restaurant.
- Ms. Visconti: Back in July you said that the green program will be looked at for this site?
- Mr. Diesing: DD Green they call it has different incentives for using recycled cups and silverware in the restaurant. We are still considering that and a decision has not been made. Another thing we are looking at is portable light panel for the building. I know we have a lot of things outstanding but our goal was to schedule a Public Hearing for the next meeting.
- Mr. Stolman: The problem with that is we have to leave all of that open until you get an indication from all of your outside agencies that they are going to approve the project. We won't be able to close the Public Hearing and then there's a clock for the Planning Board with which to act and you would have to grant the Planning Board extension after extension.
- Mr. Diesing: Won't some of these things be conditions of approval?
- Mr. Stolman: Traditionally, the Planning Board has not made them conditions of approval unless there's been an indication of the outside agency sort of conceptual approval. Assuming you fill in all of the blanks and dot all of the "i's" and cross all of the "t's" they going to get those permits.
- Mr. Diesing: Well, we hope to have those kinds of conceptual approvals within the next week that's why we thought Public Hearing would be the next step. Hopefully then we would just deal with the conditional items.
- Mr. Fenton: If the DOT turns down your request, how will that affect your project?

- Mr. Diesing: We would just end up having a North exist only. The applicant is prepared to go ahead with the project if that happens.
- Mr. Martin: Worse case they may put a restriction on “no left turn”.
- Mr. Valdati: So this does have a drive thru window?
- Mr. Martin: Yes, it does.
- Mr. Valdati: Hopefully within the next couple of weeks you will have everything you need so we will see you soon.

15-3333 – Dunkin Donuts, Route 9 South (AMENDED) Utility Storage addition: To discuss a proposed construction of a 144 sf. utility storage building addition on the northwest edge of the existing parking lot in an HB Zoning District on 1.32 acres and is identified as **Tax Grid No. 6157-02-600971**. The property is located at **1491 Route 9** in the Town of Wappinger. (Diesing)

- Present: Jay Diesing – Architect
- Ms. Bettina: I think this is fine that you want to build that utility shed next to your refuse. I don't see any issues with that.
- Mr. Diesing: We made a little change since the plan was submitted to you. So this is the Northside and we are proposing a small addition, 9 x 16 on the Eastside of that. David brought up a good point that our doors were out to the parking lot. So putting it on the Eastside will clear up any conflicts. There was another question about what was going to be stored in this building. It's basically going to be outdoor things like shovels, snow blower, rakes and Christmas decoration.
- Mr. Stolman: Is it on the plan Jay?
- Mr. Diesing: Description of the storage?
- Mr. Stolman: Yes.
- Mr. Diesing: No, it's not.
- Mr. Stolman: The concern was that you were not going to store things outside so if you could put some sort of note on the plan to that effect.
- Mr. Diesing: Sure.
- Ms. Visconti: Motion to authorize the Town Planner to prepare a resolution with these items in it.**
- Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

15-3336 – BJs Wholesale Club / Gas Station: To discuss a preliminary application for an addition of a gasoline filling station for members on 86.817 acres in an SC Zoning District. The property is located at 1404 Route 9 and is identified as **Tax Grid No. 6157-02-707773** in the Town of Wappinger (Zarin & Steinmetz)

Present: David Steinmetz – Zarin & Steinmetz
Jody Cross – Zarin & Steinmetz
George Goff – BJs Wholesale Club
Joshua O'Connor – Bohler Engineering

Mr. Steinmetz: Good evening Mr. Chairman and members of the board. David Steinmetz from the law firm of Zarin & Steinmetz, representing BJs Wholesale Club and here with me this evening from BJs is George Goff, my colleague Jody Cross that you will see from time to time in connection with this application and Josh O'Connors from Bohler Engineer. As I think all of you know, BJs has operated successfully and hopefully relatively quietly here for 20 years. As you may also know BJs today and most of the national wholesale clubs, are either constructing new wholesale clubs where they are installing gas stations for members when they build them. What BJs is proposing to do is to introduce into your location here in Wappinger a gas station solely for members of the club and is not open to the general public. The concept is to introduce gas for members at a lower price than they would be able to purchase and they are proposing to have 6 pumps will 12 fillers. There's a section of the parking lot rather underutilized and I was there this evening but you all are far more familiar with it than I am. The property is in the Shopping Center Zoning District. You may all know that there were some recent amendments to your code that now allow for the implementation and the installation of a gasoline filling facility in the SC Zone. Based upon the location of this particular site, proximity to a Residential Zone as well as its proximity to another gas, we would require two variances. Under Section 240-52(a) (e) and we would require 2,500 feet limitation into another gas station and we could currently border the R-20 Residential District. We would require a variance for that as well. We've had preliminary discussions with Barbara, David and Al and they all knew we were coming in with this. But we thought the most prudent thing would be to come before your board and present this, set up an escrow account and we would very much like to sit with your professionals staff before we submit a formal application. We know we have to process before your board as well as ZBA and we want to do that correctly, we want to do that cooperatively and make sure we address the NYS Environmental Quality Review Act.

Mr. Fenton: You will need two variances?

Mr. Steinmetz: Correct.

- Mr. Fenton: You will need an area and special use?
- Mr. Steinmetz: No. There are two area variances. One is for the 2,500 feet separation distance because the site is adjacent to an R-20.
- Ms. Leed: How far are you from the residential homes?
- Mr. O'Connor: It's a setback to the district boundary and not a setback to the homes itself.
- Mr. Stolman: What's that dimension?
- Mr. O'Connor: We require 1,000 feet and we are within that on this site.
- Mr. Leed: How close?
- Mr. O'Connor: Approximately 150 feet to the property line.
- Mr. Steinmetz: So we need something like 850 feet variance. Procedurally the only thing we are here really as I understand it is to as for permission to set up an escrow deposit, appropriate funds and begin the process. We are here to answer any questions that you may have and anything more we can give you.
- Ms. Bettina: How many people are going to be working there?
- Mr. O'Connor: One person at the kiosk and quite frankly most people will pay with their credit card and they can pay cash as well. They will first swipe their BJ's membership first and then their method of payment.
- Mr. Fenton: That's a really tight insane turn.
- Mr. O'Connor: We are actually adjusting that corner to make it a little smoother. As the project advances we will look more closely at the geometry of the site.
- Ms. Bettina: How many lights are going to be there and is it going to be illuminated?
- Mr. O'Connor: It will have the typical under canopy lights and I guess we will have a couple of pole lights and probably a couple on the side of the loading area.
- Mr. Gray: I missed part of your presentation. Will there be any water and sewer at this?
- Mr. O'Connor: There's an employee restaurant and will be tied into the existing water and sewer. We don't anticipate disturbance greater than an acre.
- Mr. Gray: You mean bringing water from BJ's?
- Mr. O'Connor: I believe water comes in from the main road and we will tie in to the existing water.

- Mr. Gray: There's a connection to municipal water but it's for firefighting.
- Mr. Fenton: Will the pumps close when the club closes?
- Mr. O'Connor: George just mentioned that the gas station will be opened a little earlier than the club would normally open.
- Mr. Goff: The gas station hours are typically 6:30am to 10:00pm but this particular club closes at 9:00pm.
- Ms. Bettina: Are you proposing opening at 6:30am?
- Mr. Goff: It could be possible and it depends on what kind of sales we do.
- Ms. Visconti: So you are going to let us know the hours of operation?
- Mr. Goff: When we do a traffic analysis we will determine whether we open at 6:30am.
- Mr. Steinmetz: Is there anything else?
- Mr. Valdati: Do you have any questions of us?
- Mr. Steinmetz: May we set up our escrow and meet with staff? That's the only question we have for you.
- Ms. Visconti: Yes, I think that would be a good idea.
- Mr. Steinmetz: Terrific. That's what we shall do.
- Mr. Valdati: I don't know. I think we should wait until they get approval from the ZBA.
- Mrs. Roberti: I think they want to meet with us prior to submitting so that they know what our code is. That's up to the board.
- Ms. Visconti: I think that would be a good idea to meet with our professionals in order to prepare a formal application.
- Mr. Steinmetz: We would obviously appreciate that and we think that would make it more efficient and we would do a better job addressing your concerns.
- Ms. Visconti: Motion to allow the applicant to meet with our professionals prior to preparing a formal application on condition as appropriate for escrow.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

New and Old Business:

Upcoming Planning Board Meeting dates:

- Ms. Roberti: We need to talk about the next dates. November 16th and December 7th remains. Right now on October 19th there's a Town Board meeting and some of your consultants maybe required to be at that. So I'm offering Wednesday or Thursday, October 21st or October 22nd.
- Ms. Bettina: Okay, so October 21st.
- Mr. Roberts: I cannot make October 21st but I can send Jim Horan.
- Mr. Stolman: I'm pretty sure I cannot make October 21st but I can get back to you.
- Ms. Bettina: Are we going to do November 5th?
- Mrs. Roberti: November 2nd is your date but it's the night before the election and on November 4th the Town Board has a scheduled meeting so we are moving that to November 5th.
- Mr. Malafronte: I'll be working on the golf course because I'm the only one there.
- Mr. Valdati: So November 5th at 7:00pm.
- Mr. Malafronte: I'll be doing the Board of Election on November 3rd all day.
- Mrs. Roberti: So I'll send out an email tomorrow outlining these dates and the day of the week.
- Mr. Malafronte: Why can't it be the following week?
- Mrs. Roberti: Because they need to be every two weeks. I know this is a change but we have to do this to avoid cancelling meetings.

NYC DEP:

- Mr. Gray: NYC DEP, I speak with them all the time and we were discussing doing a site visit for those of you who want to. They are down about 600 feet now and you can take a ride down the elevator and they give you all the equipment you need. You will need a coat because it is cold down there. Do you guys want to pick a date to do the tour? I mentioned this to the Town Board as well and some people from the Building Department and CEMO are interested as well. This will be a great opportunity to see this. It is an amazing project.
- Ms. Bettina: Will you find out dates from them?

Mr. Gray: No, I need the dates from you. If you guys give me a date, I will work with that.

Ms. Bettina: Would it be on a Saturday or during the week?

Mr. Gray: No, it will be Monday through Friday during the day.

Ms. Bettina: How long will this take?

Mr. Gray: About an hour.

Prestige Mini:

Ms. Bettina: I do have a question going back to Mini. Is the handicap parking in front going to be a part of the resolution and there won't be anything in the front?

Ms. Visconti: Yes, that's a part of the resolution.

Mr. Gray: Either eliminate it or put the right signage in.

Mr. Stolman: So Barbara, if you could make sure that gets in.

Mrs. Roberti: There are three handicap spots and according to code, they only need two. At this point they didn't want to move the spot over because with the new paving and new striping it would look old. Sal was out there and he looked at the code and with the no parking it's acceptable on the curb. He asked Mark Infante to put no parking in huge letters and he was okay with it from a building inspector's point of view.

Ms. Bettina: But you can't see it on the curb and you can't see it on the road or when it snows.

Mr. Gray: If there's snow, you are not going to have a wheelchair there.

Mr. Gray: So everyone understands this. Where you have the crosshatching, there's a sign that goes to the end of that says no parking in front of the doors.

Ms. Bettina: You don't know.

Mr. Gray: Well, you can't. Wheelchairs can't handle snow.

Ms. Bettina: Then get rid of it.

Ms. Leed: Handicap spot has to have a sign.

Mrs. Roberti: They have signs everywhere except before the crosshatch where the two front doors are.

- Ms. Bettina: So eliminate it all together.
- Mr. Malafronte: On the new change to the code, to add the gas station. What other requirement when you have one person in there. I look at Section 240-52 doesn't say you have to have a full blown bathroom with a handicap ramp. For people getting gas and need to use the bathroom, where do they go? Normally for convenience they have a bathroom.
- Mr. Roberts: They go to BJ's. The Stop n Shop in Hyde Park that recently open, they just put a gas station to the side of the Southside of the building and I believe the facilities are in the Stop n Shop.
- Mr. Malafronte: You are talking about 1,000 feet to get into BJ's.
- Mr. Stolman: They will be back so you can take it up with them.
- Ms. Visconti: If it's just a kiosk, I'm not expecting a bathroom.
- Mr. Stolman: If you go to a Mobil Mart, I think the employees use the same bathrooms the customers use.

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

Adjourned: 9:55 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board