

# MINUTES

Town of Wappinger Planning Board  
November 5, 2015  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

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

### **Others Present:**

Mr. Roberts:	Attorney for Town
Mr. Dennis:	for Town Engineer
Mr. Suleiman:	for Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Discussion:**

Gasland Petroleum - Resubmit  
(233 Myers Corners Road)

AW Scrap Processors, Inc. - Resubmit

### **Extension:**

All Angels Heights Subdivision - Granted 6 months extension

<b>Ms. Bettina:</b>	<b>Motion to accept the minutes from November 5, 2015.</b>
Ms. Visconti:	Second the Motion.
Vote:	All present voted Aye.

- Mr. Valdati: We have some different personalities with us this evening. Please introduce yourself sir.
- Mr. Suleiman: Sami Suleiman, I'm an Associate Planner with Frederick P. Clark Associates.
- Mr. Dennis: Joe Dennis, I'm a Professional Engineer with Morris Associates standing in for Bob Gray.
- Mr. Valdati: Thank you.

**Discussion:**

**14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road):** The applicant is proposing modifications to an existing gas station which will include the elimination of an existing car wash and expansion of the existing convenience store to include a Dunkin Donuts. The project includes two additions to the existing building for a total building floor area of 2,688 square feet. A new subsurface sanitary treatment system will be installed. The property is located at **233 Myers Corners Road** and is in a NB district and is identified by **Tax Grid No. 6258-02-730572** in the Town of Wappinger. (Chazen)

- Present: Margaret McManus – Engineer
- Ms. McManus: Hi, I'm Margaret McManus and I'm an engineer with The Chazen Companies and I represent Gasland Petroleum. We were before the board I believe in 2013 and we made the presentation. This is an existing gas station with a carwash. We will eliminate the carwash and the canopy, put a couple of extensions to square out the building, replace the canopy and provide additional landscaping. We will remove the entrance to the back of the lot. There was an issue with the septic and we really cannot find a place on site to do a traditional septic. We are before the NYS DEC getting a SPDES Permit in order to have a surface discharge rather than a subsurface discharge for the septic system. That is a lengthy process and we've been responding to comments ongoing the last few months. The client wants to move ahead knowing that he cannot get approvals without getting the health department approval. He wants to move ahead with the planning process so that when that is available, we will be ready to build. At this point we are asking that you declare your intent to be Lead Agent and circulate for that.
- Ms. Visconti: Mr. Chairman, could I just review some of my notes that I have from January 21, 2015? I have the applicant spoke with the plaza and the plaza is not interested in cross access.

- Ms. McManus: That's correct.
- Ms. Visconti: Dutchess County Department of Planning said the building is too tall, the signage is not good and the canopy is too tall, access from the gas station to the plaza, the applicant states the plaza is not interested. There are too many lights above the canopy, highway superintendent needs to sign off, fire prevention did sign off but there's a new submission. The Planning Board was to determine whether we could use the four pumps as the required parking spaces.
- Mr. Valdati: Thank you. Are there any other comments?
- Ms. McManus: We did lower the height of the building and the height of the canopy. I did not bring that rendering with me but I believe it was submitted.
- Mr. Suleiman: It was resubmitted.
- Ms. McManus: As far as the lights on the canopy, we will definitely look at that. We have levels that are similar to the ones that were recently approved at New Hackensack Road. It looks like it is very bright but overall the average on the site is not bright. We will take a look at the lights again as we go forward.
- Mr. Valdati: Did you submit a lighting plan?
- Ms. McManus: Yes, we did.
- Mr. Valdati: Mr. Suleiman, your office has that?
- Mr. Suleiman: Yes, we have it.
- Ms. McManus: I know that Myers Corners Road is going to be realigned. The county has a project and I looked to see if it would be an impact to our site and there's no impact.
- Mr. Fenton: At what point would you start the process with the DEC permit?
- Ms. McManus: We already started the process.
- Mr. Valdati: In other words moving forward, you have to have approval for the septic?

- Ms. McManus: Before I can even go to the Department of Health, I have to get the SPDES Permit and that is a lengthy process.
- Ms. Visconti: We have to make a determination for the four pumps parking.
- Mrs. Roberti: We did and we allowed 50% of the pumps at the other gas station on Maloney Road and Route 376.
- Ms. Visconti: So it will be consistent to previous codes.
- Mr. Roberts: I think there was an amendment to the code.
- Ms. McManus: I am already counting 18 spaces and now 23 and that includes 4 out of the 8 pumps. So there are 18 provided and 18 required.
- Mr. Suleiman: As far as the lighting and in reading the response to the comments, I looked at those lighting standards myself and you could tone it down a little. I think the big issue is a bit of light spillage outside the property line.
- Ms. McManus: I'll check but usually we never have above .5 along the edge of the property line.
- Mr. Suleiman: Okay. Any reduction would be better and also, just a notation that no outdoor storage is proposed.
- Ms. McManus: We did receive a comment letter from Morris Associates which I will address accordingly.
- Mr. Dennis: In our letter to the chairman we mentioned that we are trying to coordinate with the Highway Superintendent and Dutchess County Health Department. We cannot get everybody there at the same time but we are trying to work something out to put the force main out to the stream that everybody is aware of the construction and what is going to be involved with that. Morris is trying to track down and coordinate that meeting.
- Ms. McManus: I understand that this is a busy time for the Highway Superintendent.
- Mr. Valdati: So you have the understanding from DEC the entrance egress of the property on Myers Corners Road would be acceptable considering there would be a Dunkin Donut there.

Ms. McManus: It's not a drive thru, it's the county DPW. We did circulate to them but I have not gotten a comment letter from them. I will reach out to them.

**Mr. Valdati:** **Motion to declare our intent to be Lead Agency.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

**09-3190 / AW Scrap Processors, Inc.:** To discuss their site plan for the processing of second hand materials for recycling and the sale of used auto parts. The property is in an R-80 zoning district on 26.423 acres and is located at **1980 Route 9D** and is identified as **Tax Grid No. 6056-02-688723** in the Town of Wappinger. (Barger)(Sarcone) (Burns)

Present: Steve Burns – Engineer

Mr. Burns: Good evening everyone. To the new faces in the room, my name is Steve Burns and I'm representing AW Scrap this evening. We have not been before you in quite some time and since then there has been a remap of the site plan. This is the existing condition of AW Scrap showing the whole property if anybody is not familiar with it. The property is located on Route 9D and borders Stonykill Road. Since the last time we were here, the scrap yard has purchased another parcel along Route 9D. The parcel purchased was a key in the sound study. The property next to that which is next to the scrap yard is in foreclosure and they tried to purchase that but there are some problems with the bank with that one. The scrap yard also owns the other side of the 4 acres. There was a ZBA interpretation granted.

Mr. Burns continue to give overview.

Mr. Valdait: So you got an interpretation and not a variance?

Mr. Burns: The ZBA said I didn't need a variance.

Mr. Roberts: That's accurate and for those who have not been involved, this has been a very lengthy process. This has been a preexisting junkyard going back at least to the 1950s according to our record. It was sold by the prior owner to AW Scrap after her husband died. Somewhere in between the town imposed a requirement for a site plan and we've been working with the property owners to get a site plan so we have a template as to exactly what's not approved. We talked about some noise reduction implements to the site and they did as part and parcel to this project applied to the ZBA to use a portion of the adjacent piece for parking.

Steve, we looked at our previous maps that Dick Barger had prepared, it seems that you've gone beyond the ZBA interpreted as being permitted to be used. We are going to have to sit down and go through the old maps and the current maps. With the permission of the board, we would like to meet with their staff and bring all of the records as current. I would like to get this project reviewed with Steve as quickly as possible and back to this board so that we can get the site plan approved.

Mr. Fenton: There was an issue years ago when Antonio was around regarding the hours of operation.

Mr. Roberts: It is a preexisting nonconforming use and they agreed to comply with the noise code. In large measure, you can't control the hours of operation under zoning. The cases are pretty uniformed but what they do have to comply with is the noise code. I mentioned to Barbara and she's had only one complaint in the last few years. There were numerous complaints so they have come a long ways from where we started on this. He worked for Dick Barger until he passed and he succeeded to this project. There are some slight variations between what I remembered we agreed to than what is on these current plans. That's why I'm suggesting that we sit with Steve, work out the details, get this back to you in a package that I think you would consider approvable and get the plan filed because that would give us the template for present and future compliance. That's what we are looking to do.

Mr. Valdati: Is our fire inspector allowed to inspect the site?

Mr. Burns: I believe he's been allowed to in the past. I don't see why he won't be allowed.

Mr. Roberts: He has to do the so called 123 Inspection?

Mr. Burns: Yes.

Mrs. Roberti: To answer John, under Tanya there were a lot of complaints going back 9 years ago. At 6:30am they would start with these very large trucks and they make their morning noise and out to Route 9D and track a lot of mud. Since the noise ordinance changed and they were actually before you many years ago, I've only received from one gentleman from Stonykill. He complained ones a year about this and quite a few of the neighbors. Whatever it was going on and all those people on Route 9D were upset about in the morning, they apparently come into compliance to not start until 7:00am. I have not received any complaints since.

- Mr. Burns: That was quite some time ago before they paved the entrance. It used to be a dirt path.
- Mr. Roberts: Steve, do you think you can touch base with Barbara tomorrow to set a date possibly next week?
- Mr. Burns: I'll make myself available but I don't know about the other parties.
- Mrs. Roberti: I'm looking at next Thursday.
- Mr. Burns: Next Thursday is good. Do you have a specific time?
- Mrs. Roberti: We will talk tomorrow.
- Mr. Valdati: Motion to authorize Mr. Roberts and our other professionals to meet with Mr. Burns and his counterparts.**
- Ms. Visconti: Second the Motion.
- Vote: All present voted Aye.

**Extension:**

**09-5152 / All Angels Heights Subdivision:** Is seeking their second extension for a proposed subdivision of 8 lots on a 22.84 acre parcel in an R-40 zoning district. The project received preliminary & final subdivision approval on November 17, 2014. This 6 month extension will begin on November 15, 2015 through May 14, 2016. The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid No. 6259-03-410112** in the Town of Wappinger. (Burns) (PH 8-8-13) (Preliminary Granted 10-21-13) (Final Granted 11-17-14) (First extension May 16, 2015 thru November 15, 2015)

Mrs. Roberti: All Angels Heights was approved last November for an 8 lot subdivision. The owner is out there right now working on the structure. I expect him to come in soon for a reduced bond amount and once that's in place and accepted by the Town Board, they'll be filing the map. Until then, he needs the second extension.

- Ms. Visconti: Motion to grant a 6 month extension.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

**New & Old Business**

Solar Panel Moratorium

- Mrs. Roberti: I was at the Town Board last night for a Solar Panel Moratorium Public Hearing that no one came to and they closed it but they would like you input. What I've asked them to do is put a 90 day moratorium on ground mounted solar panels. This will not affect roof mounted residential panels. We do have people looking at solar farms right now and we have people looking at ground mounted. We have one now and there's no way we can put out a fight because zoning code doesn't have any regulations. We need some time to get some regulations put in place and get it adopted by the Town Board before we start getting more of them in. Last night they asked if the county had any issues or the Planning Board since we were meeting tonight. Do you have any comments?
- Mr. Roberts: If I could just add to that. The resolution introducing the moratorium directed your board to comment on it before they adopt it so they had the Public Hearing. Because of switching the dates of who was having what meetings, they couldn't adopt it without your comments and the County's.
- Ms. Visconti: So this is only moratorium other than residential?
- Mr. Roberts: No, other than roof mounted solar panel. Just to point out that she has an application for someone on Dugan Lane.
- Mrs. Roberti: The very first application for this gentleman was for a very small house. He came in for three ground mounted solar panels in his front yard with 37 feet wide and 9 feet high. I said no so they came back with two 51 feet wide by 12 feet high. What makes it worse in this type of neighborhood is he has a private driveway going up the side of his house. He has a very long narrow lot so for three other homes this is what they'll be looking at. I have nothing in zoning to outwardly say no other than that's ridiculous. So we are hoping to have different regulations depending on the size of the neighborhood and how big we want them because this will impact everybody else's road.
- Ms. Leed: Are they structural like a shed you can put in your front yard?
- Mr. Roberts: They are treating it as an accessory structure.
- Mrs. Roberti: We don't allow anything in the front yard.
- Ms. Leed: He wants to put this in his front yard?

- Mrs. Roberti: It's his front but it's really a side.
- Mr. Roberts: It's an awkward layout.
- Mrs. Roberti: It's an awkward layout and now these two will be in his rear.
- Ms. Visconti: I just received a 4 or 5 page memo with solar panels that they are available to help document or frame a law.
- Mrs. Roberti: If you agree with it, they help you streamline the process.
- Ms. Visconti: I still have it on my computer.
- Mr. Roberts: Who is it from?
- Ms. Visconti: I thought it was Land Use in White Plains.
- Mr. Roberts: Pace University?
- Ms. Visconti: Yes. I'll forward it to you tomorrow.
- Mr. Roberts: I'm working on a case with one of the law professors at Pace so I'll ask him. I would appreciate that. We were going to adopt something real quick and Town of Poughkeepsie had something drafted and when we really looked at it, it didn't address all of the concerns we had. So we opted for the moratorium and we are going to look at other types of energy not just residential solar panels but solar farms, etc.
- Ms. Bettina: Why don't we start with Town Hall to cut cost there?
- Mr. Roberts: That's a separate issue and that was a roof matter.
- Ms. Bettina: We also have property around here that can be utilized for that.
- Mr. Roberts: That's what we want to control.
- Mrs. Roberti: They are looking at a solar farm around the airport.
- Ms. Visconti: Marc Molinaro has in his budget that he is supporting solar energy.
- Ms. Leed: There was a resolution passed to direct VPW to look at county buildings and he vetoed it but it went over the veto and it was supposed to be implemented but they are not doing it.

**Ms. Bettina:**                    **Motion for the 90 day Moratorium.**  
Ms. Visconti:                Second the Motion.  
Vote:                                All present voted Aye.

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

Adjourned: 7:35 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board