

MINUTES

Town of Wappinger Planning Board
January 20, 2016
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. Malafronte:	Member	Present
	Ms. Visconti:	Member	Present

Others Present:

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

SUMMARY

Adjourned Public Hearing:

Chelsea Farm Subdivision	- Closed Adjourned Public Hearing, vote on February 1, 2016
--------------------------	---

Discussion:

Gasland Petroleum (233 Myers Corners)	-Public Hearing on February 1, 2016
Sikh Temple	-Resubmit after meeting with consultants

Conceptual:

Castle Cadillac, LLC (Amended)	-Resubmit
--------------------------------	-----------

Ms. Visconti:	Motion to accept the minutes from December 7, 2015.
Ms. Bettina:	Second the Motion.
Vote:	All present voted Aye.

Adjourned Public Hearing:

10-5155 – Chelsea Farm Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on a final subdivision application for Chelsea Farms Subdivision for their proposed 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. This parcel is located on **Chelsea Road (County Route 92) & North River Road** and is identified as **Tax Grid No. 6056-01-138527 (102.7 acres) & 6056-01-190688 (84.1 acres)** in the Town of Wappinger. (Koehler) (LA 4/9/10) (Rec'd preliminary subdivision approval 11-3-14) (Opened and Closed APH 1/20/16)

Present: Mike Bodendorf – Engineer

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

Mr. Bodendorf: Hi, Mike Bodendorf, Engineer for the applicant for this subdivision of two parcels totaling approximately 186 acres into 17 residential building lots. Lots 1 thru 13 are being frontage from a new town road. Lots 14-15 have frontage from side of Chelsea Road and Lots 15 thru 17 have frontage on River Road North. Each lot will be served by an individual well and septic system. There's a series of stormwater facilities consisting of bio retention areas and retention ponds. Since we last appeared before this board, we have addressed 99.9% of Morris Associates comments.

Mr. Valdati: Mr. Gray, any questions?

Mr. Gray: None at all. Our comments are general satisfied. There are a number of items the attorney is working with the applicant on.

Mr. Roberts: I believe this is ready for final conditional approval.

Mr. Valdati: Are there any comments from the board?

Mr. Gray: I have a couple of small items: (1) The resolution should contain a flood development permit for the driveway; (2) Prior to CO, an elevation certificate should be issued as each house gets a CO.

Mr. Malafrente: Al, are all of the documents that will be submitted be reviewed?

Mr. Roberts: Of course, the condition of approval is contingent on me approving all the legal instruments.

- Mr. Malafronte: They told us they were going to give us copies of the approval letter from the Board of Health and Department of Public Works. Did you guys receive those? We didn't get the in this package.
- Mr. Bodendorf: I submitted them back in September and in December.
- Mr. Gray: That's why you don't see it in our letter.
- Mrs. Roberti: It is in your packet.
- Mr. Malafronte: It's not in our package. It says it's here but not approved.
- Mr. Gray: It says it here "The DCDPW has review this submittal and accepts the plan for a subdivision road and two single-residential driveways on CR92 to serve this subdivision.
- Mr. Roberts: It goes on to say "Once the Town issues final subdivision approval, etc"....that's why we are here now.
- Ms. Bettina:** **Motion to close the adjourned Public Hearing.**
Ms. Visconti: Second the Motion.
Vote: All present voted Aye.
- Mr. Valdati:** **Motion to authorize the Town Planner to prepare a Resolution for final conditional approval for February 1, 2016.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

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. 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) (LA 12/7/15)

- Present: Margaret McManus – Engineer
- Ms. McManus: I'm Margaret McManus, representing Gasland Petroleum. I believe we circulated the last time for Lead Agency for this project. I have two comment letters, one from Mr. Gray's office and the other from Mr. Stolman's office which are minor in nature. I have a couple of changes

to be made to the plan but they don't change the layout of the project. If you recall, the project is at the corner of DeGarmo Hills Road and Myers Corners Road. One of the items on this project is that we have a treatment plant. We've had correspondence with DEC for the SPDES Permit. We are now waiting for a determination on SEQRA from this board before they will issue the permit to me. Also, I met with the Highway Superintendent about the outfall that will happen in this area and he indicated that if we get the permits from the DEC and the DCDH, he does not have any problems with the connection point.

- Mr. Valdati: Is that the Town of Wappinger Highway Superintendent?
- Ms. McManus: Yes.
- Mr. Roberts: We should have that in writing, Robert.
- Ms. McManus: At this point, I'm hoping you will declare yourselves Lead Agency and set a Public Hearing.
- Mr. Roberts: I would like that letter in writing from the Highway Superintendent before we set the Public Hearing.
- Ms. McManus: Can that be part of the Public Hearing?
- Mr. Roberts: You are going to have to keep adjourning it. I would like to simplify the process.
- Ms. McManus: You only have one meeting in February. So if we miss the February 1st meeting, then we have to wait until March 7th.
- Mr. Malafronte: The DEC is saying your application is incomplete.
- Ms. McManus: They are saying it's incomplete because they cannot issue a complete application until I give them a Negative Declaration.
- Mr. Valdati: In terms of sewage, are you talking about discharging into the Wappinger Creek?
- Ms. McManus: There will be an onsite sewage plant that will discharge clean effluent. It's a sub-tributary to the Wappinger Creek.
- Ms. Visconti:** **Motion to declare the Planning Board Lead Agency.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

- Ms. McManus: My site plan is not impacted by any of the Health Department approvals. There will be no changes to this layout. So I'm asking that you consider setting a Public Hearing.
- Mr. Valdati: Mr. Gray, what would you need, Mr. Bettina?
- Mr. Gray: Mr. Bettina has weighed in on this verbally tonight so we need a letter from him. The only caution I would give you is there's only one approval, and no preliminary approval. This board has been burn before on conditional approval with other agencies. Before we move toward an approval, we would want at least a conceptual letter from the County Health Department as well as DEC. The next step would be if the board decides on a Public Hearing and then the Negative Declaration which will enable them to get a permit for the sewage. I don't think you want to move to a resolution until we get a permit and a conceptual approval from the Health Department.
- Ms. McManus: I can get a conceptual letter and that shouldn't preclude a Public Hearing.
- Mr. Gray: That shouldn't preclude a Public Hearing but that's up to the board.
- Ms. Visconti:** **Motion to set a Public Hearing for February 1, 2016.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.
- Ms. McManus: Is there a way that a Negative Declaration could be written if the board so desires to approve that after the closing of the Public Hearing?
- Ms. Visconti: I don't have any objection to having it in hand and we don't have to adopt it if we find that people in Town Hall are watching.
- Mr. Roberts: They need the Negative Declaration in order to get the information you want regarding the septic design and septic discharge.
- Mr. Malafronte: This septic system is going into the Class C stream.
- Mr. Gray: It's not a septic system, it's a treatment plant.
- Mr. Malafronte: So after you treat it, what becomes of it?
- Mr. Roberts: It's just like a sewer plant that discharges into a stream.

Ms. Visconti: **Motion to authorize the Town Planner to prepare a Negative Declaration in the event the Public Hearing goes the way we would like it to go without any problems and we can utilize it that evening; also, with the understanding that if the Public Hearing has to be adjourned, it will go to March 7, 2016.**

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

15-3330 Sikh Temple: To discuss a Site Plan application for construction of a new Sikh Temple consisting of 20,000 sf. The property is located at the corner of **Old Hopewell Road & All Angels Hill Road** in the R-40 Zoning District and is identified as **Tax Grid No. 6257-04-919433** in the Town of Wappinger. (Cappelli)

Present: Albert Cappelli – Architect

Mr. Cappelli: Good evening, Albert Cappelli, Architect representing the Sikh Cultural Society. We've been here several times before and we are here for the application. For some who haven't been here, I'm going to discuss what we are doing. We are at the corner of Old Hopewell Road and All Angels Hill Road. We have a 17 acres parcel currently a corn field. We are planning to build a multi-phase 20,000 sf Sikh Temple.

Mr. Cappelli continues his review of the project.

Mr. Valdati: **Motion to authorize the Town Planner to prepare intent to be Lead Agency.**

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mr. Malafrente: What about the DEC wetlands and Army Core of Engineers?

Mr. Cappelli: Local wetlands, we are filling it in. We are going to be submitting a wetlands permit and that will be taken care off.

Mr. Cottrell: You determined that this was a Town regulated wetlands but on the EAF it was identified as Federal waters.

Mr. Cappelli: I will have to double check that. We submitted a report at one time.

Mr. Gray: Federal is any size.

- Mr. Cappelli: Yes, it's a small area anyhow.
- Mr. Malafronte: Is your site on aquafer and are you going to drill wells?
- Mr. Cappelli: Yes, it is.
- Mr. Malafronte: How far down will you dig your well?
- Mr. Cappelli: We may have to dig a well and at that point we will know how deep.
- Mr. Malafronte: Mr. Gray, are they allowed to drill on the aquafer?
- Mr. Gray: Every well is drilled into an aquafer. That's how you get water.
- Mr. Malafronte: So you have no problem with this?
- Mr. Gray: It's not that I don't have any problems with it I haven't had the chance to review it. We just got it yesterday.
- Mr. Cappelli: We did discuss this with the Town the possibility of tying into adjacent water system. We would have liked to but we are not part of the district.
- Mr. Malafronte: The elevation on the temple itself is quoted here as 35 feet max.
- Mr. Cappelli: Yes. The left and right side of the building is 22 feet, the two wings towards the front are 26 feet and the center portion is 30 feet.
- Mr. Malafronte: What's our limit, Barbara?
- Mrs. Roberti: There's an exception for anything that has to do with religious construction.
- Mr. Cappelli: That's what I went by, that's why we kept everything under 35 feet but we do have a 35 feet limit.
- Mr. Valdati: Mr. Cappelli, how many employees will be in the building?
- Mr. Cappelli: No employees, only the priest.
- Ms. Bettina: On your application for site plan approval, anticipated number of employees shows 300 employees.
- Mr. Cappelli: It must be in the wrong place. That's the maximum number of people in the temple. I will change that, there are no employees.

- Ms. Bettina: For the hours of construction, you said Monday-Friday, 7:00pm-6:00pm; Saturday, 9:00am-6:00pm; Sundays and holidays, 9:00am-6:00pm?
- Mr. Cappelli: That should be operations of the building and not construction.
- Ms. Bettina: What are the hours of construction?
- Mrs. Roberti: Construction hours in the code are 7:00am to 7:00pm.
- Ms. Bettina: Monday through Friday and not on the weekend?
- Mrs. Roberti: I'll check and send Al an email tomorrow.
- Mr. Gray: Al, is the building going to be sprinkled?
- Mr. Cappelli: Yes. Although there were some discussions with the tTwn (no promises) that we might be able to hook up with some sprinkler system and pay for that water. Hopefully it might never be used.
- Ms. Visconti: The Fire Prevention Bureau said that (1) Underground tank - water must have separation from domestic fire supply; (2) Sprinkler system and fire alarm required; (3) Show location of Fire Department connection on roadside of construction. He just sent that out, did you get a copy?
- Mr. Cappelli: No, but I will get a copy.
- Mr. Gray: Al, you made an application to the Town Board to hook up to the town water system for fire purposes.
- Mr. Cappelli: After we had our last meeting here, I think we were asked to send a letter to the Town Board asking them that we can possibly do that. We never got a response back and it's been 10 months ago.
- Mr. Roberts: I never saw it either and I don't think it was ever addressed by the board. You might want to resubmit it and ask to be placed on the agenda.
- Mr. Cappelli: Sure, I will resubmit it.
- Mr. Gray: The only other one I know like that is Alpine Commons where BJs is. They are hooked up to Town water only for their sprinkler and fire. They have their own water system for domestic use.
- Mr. Valdati: Are there any questions?

- Mr. Cappelli: I would like the opportunity to work with the professionals so we are not coming back and forth.
- Mr. Valdati: Barbara, is there escrow in place?
- Mrs. Roberti: Yes.
- Ms. Visconti: Motion to allow Mr. Cappelli to work with our professionals.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.

Conceptual:

15-3340 – Castle Cadillac, LLC (Amended): To discuss amending applicant's previous site plan to include outdoor storage, transport trailer, and additional uses. The property is on 5.0 acres in a CC Zoning District located at **1090 Route 376** and is identified as **Tax Grid No. 6358-01-296627** in the Town of Wappinger. (Paggi)

- Present: Larry Paggi & Christian Paggi – Engineers
- Mr. Paggi: Good evening everyone. We are here tonight representing Frank Nicodemus relative to the Castle Cadillac at the intersection of Myers Corners Road and Route 376. We are here because there are currently violation issues against the property for uses that are not approved on site. They currently have site plan approval as an automobile restoration/parts sale and automotive sales without outdoor display. We are here to propose a resolution to the violations which would involve seeking some site plan approvals for several of the violations and proposing some improvements. We are also here to seek approval for some supplementary and complimentary uses on the site.
- Mr. Paggi continues his review of the project.
- Mr. Roberts: I think you refer to it as a Central Hudson right-of-way. Are there any visible overhead lines?
- Mr. Paggi: There are.
- Mr. Roberts: What you are suggesting then is the underlying fee is with JAI subject to an easement in favor of Central Hudson.
- Mr. Paggi: Correct.

Mr. Roberts: So the operative document is going to be the easement to Central Hudson. If you are proposing to use the property that's subject to Central Hudson easement, you are in for a pretty long haul before you get any approvals from them; and depending on how the easement is written, you may need to have approval from JAI. This was briefly discussed beforehand and the concern is your time frame and have you been in contact with either Central Hudson or JAI about obtaining the appropriate easement of license?

Mr. Paggi: The answer to both questions is yes. Central Hudson is amenable to an easement and JAI has recently been approached once they learned that they are actually the underlying property owners. They apparently are also agreeable and my clients have also been in contact with them. We've had experience with getting easements for automobile dealerships uses with Central Hudson. We did it for the Healey site on Route 9 and all their inventory parking is under power lines in Central Hudson easements.

Mr. Roberts: How long did it take you to get it?

Mr. Paggi: Maybe 9 months.

Mr. Roberts: That's the concern, Larry. This has been ongoing for 10 years and we are glad to see you here and we want this corrected but we got to expedite this approval process. That's the concern of the Planning Board and it is an ongoing violation. I don't think the Planning Board is going to be happy if we have to wait 6 to 9 months to get the appropriate approval from Central Hudson. On the flipside, I realize they are not going to grant you the appropriate license until they have some approval from the Town saying it is okay. It is going to have to be a long term license because the only approval the town could give if the Planning Board so chose would be coterminous with the length of your license. You mentioned storage pods, I don't believe that's permitted in our zoning code and this board could not approve that. This facility needs a storage building.

Mr. Roberts continues with his comments....

I've been told that there are 25 cars parked out front. Are they there for restoration or are they owned by the applicant?

Mr. Nicodemus: I own all of the cars that are there.

Mr. Paggi: I believe any of the vehicles that are there for restoration are also there for sale as is.

- Mrs. Roberti: New pods we have for 9 months and trailers are only allowed on a construction site for 6 months and one per site.
- Mr. Paggi: Okay, I will need to talk with the owners about this. Currently the second floor of the building for the most part is unused. The owners would like to make application for an antique dealership up there that would be complimentary to the Cadillac restoration business. They would also like to propose a designated outdoor area for retail of antiques during the seasonal months on Sunday only. We have two final issues we wanted to bring to your attention. The owners have an enclosed trailer that they used to transport the Cadillac. They are proposing a spot outside to park it. We are also proposing a new sign. What we are looking to do is get some feedback from the Planning Board and the consultants.
- Ms. Visconti: Would this be something like a mini Stormville?
- Mr. Paggi: Very mini and only antiques.
- Ms. Visconti: Would it be antique furniture, lamps and vases?
- Mr. Nicodemus: It would be a combination.
- Ms. Bettina: How many employees would be working there?
- Mrs. Nicodemus: I don't know. We haven't gotten that far.
- Ms. Visconti: The new signage is 12 feet and not 10 feet?
- Mr. Paggi: It is 12 feet and I have not taken a look at the square footage yet. We will detail that in our application.
- Mr. Pesce: What about the car shows? Is it like swapping on Sundays?
- Mr. Nicodemus: I'm not planning on it at this point.
- Ms. Visconti: The parts you were looking to store, what kind of square footage that would be converted to a building?
- Mr. C. Paggi: There are four 10' x 40' storage trailers. They are not exactly pods, they are shipping containers.
- Ms. Visconti: Would you have enough room on the site to put them in?
- Mr. C. Paggi: That's the issue.

- Ms. Visconti: One of the things you want to do is take a tour of the facilities. It's amazing how the restoration is done.
- Mr. Roberts: Larry, one of the concerns is the board wants to bring the site to compliance. We are glad you are here addressing the issues. We posed a number of things to you. How quickly can you get back to us with some definitive answers? Primarily, the easement or whatever you are going to obtain from the adjacent landowner, if you can work that out and report to the board, then the other things can fall into place.
- Mr. Paggi: We can tentatively schedule to get on in March.
- Mrs. Roberti: Just be aware that when you make a formal submittal, you need four weeks.
- Mr. Roberts: Time is critical to bringing this to compliance.
- Mr. Paggi: Understood. We will shoot to get something back to you by February but no later than March.
- Mr. Roberts: What about a site visit.
- Mr. Paggi: You should wait until you get a formal application.
- Ms. Visconti: What's the total acreage?
- Mr. C. Paggi: It is 5 acres.

New and Old Business:

Solar Panels discussed

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

Adjourned: 8:25 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board

