

MINUTES

**Town of Wappinger Planning Board
February 1, 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. Gray:	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Public Hearing:

Gasland Petroleum	-Opened and closed Public Hearing – Motion to adopt Resolution of Negative Declaration
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Discussion:

Chelsea Farm Subdivision	-Adopt Resolution as amended for above with verbiage
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BJs Wholesale Club	-Circulate for Lead Agency and Resubmit
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Extension:

BAC Properties, LLC	-One year Extension granted
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Architectural Review

Villa Borghese Garden Room	-Approved Amended Architectural Review
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Miscellaneous:

Osborne Square	
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Ms. Visconti: **Motion to accept the Minutes from February 1, 2016.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road): The Town of Wappinger Planning Board will conduct a Public Hearing on the 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. Visconti: **Motion to open the Public Hearing.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Ms. McManus: Good evening, Margaret McManus from the Chazen Companies representing Gasland Petroleum located at the corner of Myers Corner Road and DeGarmo Hill Road. The existing convenience store has an existing carwash which will be eliminated. There is a proposal for two additions to the building which will be an increase of 770,000 sf.

Margaret continues with her review.

Mr. Valdati: Does anyone wish to make a comment?

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

Mr. Malafrente: We are now accepting this declaration and did they address the DEC requirements?

Ms. McManus: I submitted a revised EAF at the last Planning Board meeting.

Mr. Malafrente: Will there be any issues to the resolution?

Mr. Stolman: No. Everything in the Negative Declaration is accurate and appropriate and suitable for adoption. Eventually and assuming this goes to a resolution or approval at some

future date, we are going to make sure that all permits and approvals are in place.

Mr. Malafronte: They want to make sure they are reviewing the same application that we are looking at.

Ms. McManus: When we originally applied almost a year ago, we were going to put a subsurface sewage treatment system. Once we were on the site, we did some testing and the soils will not support a subsurface sewage system. So we were going to propose a package plan which has surface discharge which will discharge into the creek. In order to do that I will need to have the application with the DEC for a SPDES Permit. In the meantime we had updated the EAF to reflect that we will have a package plan instead of the subsurface sewage treatment plant.

Mr. Malafronte: Even though that area is going to be a flood plain, Is that a problem Bob?

Ms. McManus: That's already been identified in the EAF.

Mr. Gray: Please repeat that Frank.

Mr. Malafronte: With the application that she's going to submit and that area being in the flood plain, will that be an impact on her system?

Mr. Gray: It's not on her property it's off her property and will be no impact.

Mr. Stolman: Frank, the first paragraph on the top of Page 4 of the Neg. Dec. talks about the SPDES Permit.

Mr. Malafronte: I don't have it.

Ms. Visconti: Motion to declare a Negative Declaration and adopt the Resolution as prepared.

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

Discussion:

10-5155 – Chelsea Farm Subdivision: To vote on a resolution for final approval on a 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 & closed PH 1/20/16)

Present: Mike Bodendorf – Engineer

Mr. Bodendorf: Good evening, we are here to vote on the resolution but I have one question. It's on Page 5, Item k in reference to MetroNorth approval. It's my understanding that Dan Koehler had a conversation with Jim Moran and Mr. Moran stated that there is no permit required that they would issue for that. So I was just wondering if we could have that removed.

Mr. Stolman: I believe that preceded my memo.

Mr. Gray: I would like it to say shall be provided as required.

Mr. Bodendorf: I just don't want to run into this as a roadblock.

Mr. Gray: There was a question of whether River Road was actually in the MetroNorth right-of-way.

Mr. Roberts: It was clearly determined that it was not.

Mr. Gray: Then take it out.

Ms. Visconti: The whole thing or just MetroNorth?

Mr. Roberts: Just MetroNorth.

Ms. Bettina: Do we have it in writing?

Mr. Roberts: We had a rather extensive meeting about a year and a half ago and the surveyor pieced together all of the old maps and it clearly shows that the MetroNorth right-of-way or ownership is different. There were some mention of the Town road before so that issue was put to rest and I'm very confident that was resolved two years ago.

Ms. Visconti: Motion to adopt the Resolution as prepared by the Town Planner with the inclusion of the verbiage for MetroNorth to be included if required.

Ms. Bettina: Second the Motion.

Roll Call Vote: All present voted Aye.

Mr. Roberts: The other alternative would be to put "shall be provided like Bob suggested.

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

2/1/16

RE: CHELSEA FARM SUBDIVISION – RESOLUTION OF FINAL SUBDIVISION PLAT AND WETLANDS PERMIT 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 _____, 2016 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
Francis Malafronte
Carlo Pesce
June Visconti

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

WHEREAS, the Town of Wappinger Planning Board received an application from Chelsea Farm LLC (the “Applicant” and “Owner”) for Final Subdivision Plat Approval for the subdivision of two parcels of land totaling 186.8 acres into seventeen (17) lots ranging in size from 1.85 acres (Lot 1) to 76.1 acres (Lot 16) (“Project” or “Proposed Action”); and

WHEREAS, the subject property is known as tax lots 6056-01-138527 & 190688 on the Town of Wappinger tax maps and has frontage on both North River Road and Chelsea Road (CR 92) within an R-40/80 One-Family Residence District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted a letter to the Planning Board dated 12/23/15; an application form for “Wetland Disturbance Permit,” dated May 6, 2013; an application form for “Floodplain Construction Permit Application,” dated May 6, 2013; an Owner Consent Form, dated February 15, 2010; a Full Environmental Assessment Form (EAF), dated 2/15/10, last revised 5/6/13; a *Threatened and Endangered Species Habitat Suitability Assessment Report*, dated April 1, 2010, revised April 9, 2012 and prepared by Ecological Solutions, LLC; a *Wetland Functional Evaluation Report*, dated December 10, 2010, revised April 9, 2012 and prepared by Ecological Solutions, LLC; a *Conservation Easement Habitat Management Plan*, dated April 21, 2014, revised July 7, 2014 and prepared by Ecological Solutions, LLC; and the following plans generally

entitled “Chelsea Farm Chelsea Road (CR92) & North River Road, Town of Wappinger, Dutchess County, New York”, prepared by Hudson Land Design Professional Engineering, PC, originally dated 2/12/10, with latest revisions dated 12/23/15, unless otherwise noted:

1. Sheet 1, “Cover Sheet;”
2. Sheet 2, “Existing Conditions Plan;”
3. Sheet 3, “Final Subdivision Plat,” last revised 12/21/15;
4. Sheet 4, “Final Subdivision Plat Inset-1;”
5. Sheet 5, “Final Subdivision Plat Inset-2;”
6. Sheet 6, “Overall Subdivision Plan;”
7. Sheet 7, “Subdivision Plan (Lots 1-14);”
8. Sheet 8, “Subdivision Plan (15-17);”
9. Sheet 9, “Lot Improvement Plan (Lots 16 & 17);”
10. Sheet 10, “Preliminary Erosion and Sediment Control Plan;”
11. Sheet 11, “Road and Stormwater Profiles;”
12. Sheet 12, “DCDPW Profiles;”
13. Sheet 13, “Temporary Traffic Control Plan;”
14. Sheet 14, “General Construction & Erosion Control Details;”
15. Sheet 15, “DCDOH Details;”
16. Sheet 16, “Stormwater Details;” and

WHEREAS, the Subject Property currently consists of two (2) tax parcels and the Planning Board has determined that the Subdivision will result in the creation of fifteen (15) additional building lots within the Town of Wappinger; and

WHEREAS, the Proposed Action would require 1,295 square feet of wetland buffer disturbance; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type I 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 Planning Board, after declaring its intent to serve as the Lead Agency with respect to the SEQRA and WEQR processes, received no objection to its declaration and thereafter became the Lead Agency; and

WHEREAS, by letter dated August 25, 2014, the New York State Department of Environmental Conservation has concluded that:

“Based upon the most recent information provided, DEC staff has determined that the project as proposed will **not** result in the incidental take of this protected species

[i.e., the Indiana Bat]. No further review is required. This determination of **no jurisdiction** was based upon the plans titled Subdivision Plat Chelsea Farm prepared by Hudson Land Design and last revised 4/7/2014 and the Draft Conservation easement submitted with the July 25, 2014 resubmission. The DEC will require a copy of the final executed conservation agreement for our files;” and

WHEREAS, by letter dated June 26, 2014, the U.S. Fish and Wildlife Service has concluded that:

“Given our understanding of the proposed project, CE [Conservation Easement], and SMP [Supplemental Management Plan], and based on your agreement with the above conservation measures, the Service does not anticipate ‘take’... of Indiana Bats, nor will the project jeopardize the continuing existence of the northern long-eared bat. In addition, it appears that no suitable habitat for the bog turtle (*Clemmys [=Glyptemys] muhlenbergii*) was observed on site. Therefore, no further coordination with the Service is required pursuant to the ESA [Endangered Species Act of 1973];” and

WHEREAS, on November 3, 2014 the Planning Board adopted a Negative Declaration thereby finding that the Proposed Action will not result in any significant adverse environmental impacts and thereby ending the SEQRA process; and

WHEREAS, on November 3, 2014 the Planning board granted Preliminary Subdivision Plat approval to the Project; and

WHEREAS, a duly advertised public hearing on the Final Subdivision Plat was held on January 19, 2016 at which time all those wishing to be heard were given the opportunity to be heard; 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, Land Subdivision Regulations and Wetlands chapter of the Town Code; and

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. The Planning Board hereby grants Final Subdivision Plat Approval to the subdivision of two (2) parcels of land totaling 186.8 acres into seventeen (17) lots ranging in size from 1.85 acres (Lot 1) to 76.1 acres (Lot 16), as herein defined

and as shown on the Final 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 Planning Board hereby finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Town of Wappinger since, in accordance with the Land Subdivision Regulations, fifteen (15) new building lots will be created within the Town of Wappinger as a result of the seventeen (17) lot subdivision. Further, lands appropriate for reservation for recreational purposes do not exist on Site, and therefore a fee in lieu of the reservation of land for recreational purposes in an amount based on the fee in existence at the time the Planning Board Chairman signs the Final Plat shall be submitted to the Town.
- b. The Applicant/Owner shall endorse a copy of this resolution and submit it to the Planning Board for its files.
- c. 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.
- d. 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.
- e. The Owner of the Subject Property shall submit a copy of the current deed(s) to prove ownership of the lot(s).
- f. The Applicant shall apply for and obtain street addresses for the seventeen (17) lots from the Dutchess County 911 Addressing Office, and shall submit evidence of same to the Planning Board.
- g. The following item is subject to the review and approval of the Town Engineer: The SWPPP Acceptance Form shall be updated by revising line 13, and completing lines 8 to 10.
- h. The Applicant shall comply with the following items subject to the review and approval of the Town Attorney:
 - (1) Dedication of the River Road North right-of-way to the Town.
 - (2) Dedication of the proposed new Town road to the Town.

- (3) Dedication of various easements to the Town. The Applicant shall submit all appropriate and required forms and documents including conservation easements, the offer of dedication, certification of the length of the roads, cost estimates and performance and maintenance bonds, all to the satisfaction of the Town Attorney.
 - (4) Formation of the drainage district needed for operation and maintenance of the portions of the drainage system that are outside a Town road right-of-way.
 - (5) The Planning Board required an enforceable maintenance agreement for the emergency access between Lot 16 and Lot 17 on River Road North. The Applicant shall submit the proposed agreement to the Town Attorney. The agreement shall include the metes and bounds description of the emergency access.
 - (6) A bond or equivalent performance guarantee for the road and drainage construction shall be reviewed by the Town Attorney. The design engineer shall prepare a bond computation for review by the Town Engineer. The Town Engineer will recommend the approved bond amount to the Town Attorney to the Town.
- i. The Applicant shall submit the plat to the Dutchess County Department of Health (DCDOH) for its review, approval and signature and shall secure all necessary permits from the DCDOH and shall submit proof of such approval to the Planning Board.
 - j. All required signatures and seals (owner, engineer, surveyor) shall be shown on the plat before the plan set is presented for Planning Board Chairman signature.
 - k. Evidence of all required permits, or evidence that such permits will be granted, and outside agency approvals (DCDOH; Dutchess County Department of Public Works (DCDPW); MetroNorth if required) shall be provided.
 - l. No Building Permits may be issued for any lots in this subdivision until the rough grading, drainage improvements, water, sewer, underground utilities, off-site water and sewer improvements and binder course for the roads have been completed to the satisfaction of the Town Engineer or until a phasing construction plan is approved by the Planning Board. A note to this effect

shall be placed on the Final Subdivision Plat to the satisfaction of the Town Engineer.

- m. Home site elevation certificates (relative to the floodplain) shall be provided to all future lot owners in the subdivision and the Final Plat shall bear a note stating such. Further, the Final Plat shall state that all subsequent plot plans for the individual lots shall also bear a note which states that elevation certificates shall be provided to the future owners of the lots shown on the plot plans.
 - n. Agreements and easements 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.
 - o. The following matter is subject to the review and approval of the Town Highway Superintendent: The new road and associated design and details.
 - p. The following matter is subject to the review and approval of the Town Floodplain Administrator: A Floodplain Development Permit will be required for the construction of the proposed driveways on River Road North for proposed Lots 16 and 17, and the cross access easement and driveway, since the Lot 17 driveway entrance will be inundated during a 100-year flood.
 - q. The Applicant shall provide a name for the proposed road which meets the satisfaction of the Town Fire Inspector.
3. Within five (5) business days following the date of the adoption of this resolution, a copy of this resolution shall be filed with the Town Clerk.
 4. 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 2 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.
 5. 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 2 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.

6. 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.
7. 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.
8. No Certificate of Occupancy shall be issued by the Town for any building until an elevation certificate is provided.

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

CHELSEA FARM SUBDIVISION
RESOLUTION OF FINAL SUBDIVISION PLAT AND WETLANDS PERMIT APPROVALS

Robert L. Valdati, Chairman Voting:
Angela Bettina Voting:
Francis Malafronte Voting:
Carlo Pesce Voting:
June Visconti Voting:

The resolution is hereby duly declared adopted.

Dated: _____, 2016 Wappingers Falls,
New York

Robert L. Valdati, Chairman
Wappinger Planning Board

Date Town of _____

Chelsea Farm LLC
Applicant and Owner

Date _____

The following endorsement hereby confirms that the Owner and/or Applicant have fulfilled all of the items in Condition 2 of this resolution and authorizes the filing of the Final Subdivision Plat with the County Clerk, Division of Land Records.

Robert L. Valdati, Chairman
Wappinger Planning Board

Date Town of _____

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15-3336 / 4066 BJs Wholesale Club / Gas Station: To discuss a Site Plan and Special Use Permit 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: Jody Cross – Attorney
 George Goff – BJs Wholesale Club
 Josh O’Connor – Bohler Engineering

Ms. Cross: Good evening. Jody Cross from Zarin & Steinmetz, attorney for BJs Wholesale Club in connection with an application to put a gas station for members only. This is something they are doing to their older stores that don’t have gas stations. The newer BJs have gas stations and they are trying to retrofit clubs that don’t. The gas station would have 6 fuel pumps and twelve filling stations with 4,063.2 sf., canopy and 8 x 18 employee kiosk. This gas station is off the road and it’s for members

only. The property is in the SC Zoning District which allows gas stations a special permit use. We are here for a site plan and a special permit application. We will also need a variance so we will go to the Zoning Board of Appeals. We received comment letters from your engineer, planner and the county and we will incorporate those comments as well. We are looking to replace the pylon sign to include the gas station prizes. We have a concept we are looking to present to you but the landlord has not approved it. We are here to answer your questions and to ask that you circulate to declare your intent to be Lead Agency.

- Ms. Visconti: The recommendation from the Dutchess County Department of Planning is that we could waive the requirement for the proposed 15 parking spaces adjacent to the fuel storage tanks as well as the 13 spaces near the southern border.
- Mr. O'Connor: The parking that was initially provided met the requirements at the time in 1992 for the BJs Club. We feel confident that we have more than adequate parking to meet the number required.
- Mr. Stolman: The Planning Board has the authority to void the initial construction of a certain number of spaces.
- Mr. Goff: I would be glad to speak with my landlord about that.
- Mr. O'Connor: That is the limit of the existing parking lot.
- Ms. Cross: We just received the memo and have not had a chance to respond.
- Ms. Bettina: I understand but there's so much parking that's not utilized at all.
- Ms. Visconti: The lighting needs to be reduced to add some heavy duty lighting there.
- Mr. O'Connor: The parking lot does not exceed the lighting.
- Mr. Valdati: Are you suggesting that the gas station will only serve members?
- Ms. Cross: Yes.
- Mr. Valdati: Would there be any incentive for people to shop there to get the benefit of getting gas?
- Ms. Cross: There's a reduced price for members.
- Ms. Bettina: What are the hours of operation?

- Mr. Goff: Typically we open at 6:30am and we close an hour before the club closes.
- Ms. Visconti: You told us 6:30am to 9:00pm, BJs normal hours 9:00am-9:00pm and Sunday, 9:00am -7:00pm.
- Ms. Bettina: Barbara, is the sign within code?
- Mrs. Roberti: I went looking for the variances that were previously granted, unfortunately, we don't have the 1990 variances. I did uncover variance from 1996 when they wanted to add the AC Moore and other signs which were granted and they spoke to the original sign for the height. What is the sign that is there right now? Is it 16 feet or 18 feet?
- Mr. O'Connor: I believe it is 16 feet and this one is 18 feet.
- Mrs. Roberti: The variance that was granted in 1996 speak to the one granted in 1990 for 72 sf. and they wanted to add 48 sf addition for AC Moore and whatever the other store would be for a total of 120 sf and it was granted. So you will have to see if there's a square footage difference.
- Ms. Cross: Could you provide us with a copy?
- Mrs. Roberti: I will email it.
- Ms. Visconti: That would be in the request to the ZBA?
- Mrs. Roberti: You have the authority to waive the requirement instead of sending them to the ZBA. The first sign they sent is really the sign that's there and not much better.
- Ms. Visconti: This one looks much nicer.
- Ms. Bettina: How is this going to be lid?
- Mr. Goff: LED type lighting.
- Mr. Goff: We need LED lights for the gas prices.
- Ms. Bettina: I understand that but there's a certain theme we are trying to stick to in the Town. We don't want this place looking like Jersey City.
- Mr. Goff: I can ask the landlord.
- Ms. Cross: Are there examples we can look at?

- Ms. Bettina: You can look at Dunkin Donuts the way they adjusted to a more traditional and modern sign.
- Mr. Goff: It's the pylon sign they use and I have no control over it and everybody has a lease. I will discuss this with the landlord.
- Mr. Malafronte: That letter from the County states that since no fueling canopy elevations included on the site plan with signage and lighting.
- Mr. Goff: When you say elevations are you looking for the site profile or height?
- Mr. Malafronte: According to them, they are looking for heights.
- Mr. Stolman: They were in the package we got.
- Mr. Malafronte: The last one was the name of the road.
- Ms. Cross: I will make those changes. I think we had NY Route 9 and its US Route.9.
- Ms. Visconti: So we need the applicant to give us the sign dimensions that we could waive it or do it here but they still have to go to the ZBA. So we need to make a recommendation to the ZBA.
- Mrs. Roberti: You could decide now. Would you rather them get the variances on the sign or would you rather take that authority since they are going to the ZBA anyway? It's up to you as a board.
- Ms. Visconti: They have to give us the dimensions and square footage so we can figure it out. They definitely have to go for the 2,500 sf.
- Mr. Stolman: There's no point in rushing to the ZBA because you might or might not need a sign variance and the Planning Board is going to be Lead Agency. The ZBA cannot act anyway until all of this is done.
- Ms. Visconti:** **Motion to declare our intent to circulate as Lead Agency.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.
- Ms. Cross: Just to clarify, we will make the revisions to our plans that were requested and we will resubmit to your board and come back before you.
- Mr. Valdati: Thank you.

08-3162 / Osborne Square: To discuss changes to the dumpsters approved for this site. Where stone dumpsters were approved the applicant constructed white PVC dumpsters on 2.138 acres located in an HB Zoning District. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Lund)

Present: Kevin Lund – Applicant

Mr. Lund: When Barbara was at our site last week for a final as built, she brought to my attention that we put a vinyl fence around our dumpster for enclosures. For whatever reason the detail that shows on the two photocopies was what they approved and it's absolutely my fault I didn't go back into the drawing. I assumed when I asked for the change it was done. I took some pictures of what was built, it's pretty much the same size and they drilled the gate is too small. When we met with Royal Carting, we told them that the gate was not large enough to have both garbage and recyclable fit through. The site next to Durant's has a chain link fence and it encroaches on our property and it doesn't really bother me but it is very close to the dumpster enclosure. It makes it a little more difficult for the construction. I would like to ask the Planning Board to allow me to leave the vinyl fence the way they built it and maybe I can put some additional trees around the perimeter to enhance it.

Ms. Visconti: These pictures say a million words as far as I'm concerned the rest of it is terrible compared to the nice enclosure.

Mr. Lund: I had my son take the picture today but he didn't take that one. We put a lot of trees and I could probably add more along Durant to shelter that.

Ms. Visconti: I think this is an improvement and I don't see a problem with it.

Mr. Stolman: I think there should be some discussion between the Planning Board members and a motion.

Mr. Valdati: This was not approved and not what the Planning Board granted?

Mr. Lund: Correct.

Mr. Valdati: We have to correct this. What would you care to do?

Ms. Visconti: I made the motion that I think he should be allowed to stand the way it is with the existing vinyl gates. He has the most trees that we've seen on any other project we've had in a year asked anybody to do.

- Ms. Bettina: Kevin, this is nothing personal, however, this is not what we approved.
- Mr. Stolman: Kevin, is time of the essence in terms of the CO?
- Mr. Lund: Yes. If I have to change it, I would ask that for you give me at least until the weather gets better.
- Mr. Stolman: The standard solution would be to issue the CO and take a bond from you.
- Mr. Roberts: A bond and a contract.
- Mr. Lund: We will do the work ourselves and I don't have a problem with a bond. Who determines the bond amount?
- Mr. Stolman: Bob can do that.
- Mr. Lund: I will need to get Durant to give me permission to take down the chain link fence.
- Ms. Bettina: What if Kevin just does the façade and leave the vinyl on the side, would that meet what we approved?
- Mr. Stolman: No.
- Mr. Roberts: You will need a motion to amend. I think you are saying that the back and two side walls leave as vinyl and the front where they open the gate, you want some stone?
- Mr. Lund: The back was left vinyl and the side we switch to block and stone. I probably will do all three sides.
- Mrs. Roberti: From going out there, the only sides you can really see is the side that face Route 9.
- Mr. Gray: Do you have room inside if you left the vinyl?
- Ms. Visconti: Motion to authorize the Town Planner to prepare a resolution that by July 1, 2016 the vinyl front gates are allowed to stay and the three sides blocked with stone as per the original detail.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye...
- Mr. Valdati: What about escrow?

- Mr. Roberts: Escrow or Performance Bond should be an amount as determined by Bob and when that's posted, he can get his CO.
- Mr. Lund: Do I have to come back again to approve the bond?
- Ms. Visconti: No, you don't. You should be able to just sign, seal and deliver.
- Mr. Lund: Thank you.

Extension

14-3319 BAC: Seeking their first one year extension on Site Plan approved March 2, 2015, on the application of **BAC Properties, LLC seeking re-approval for their amended site plan for the construction of a contractor equipment rental counter and display/warehouse/storage office building consisting of 19, 440 square feet in an AI Zoning District.** The extension would begin on March 2, 2016 through March 1, 2017. The property is located at **30 Airport Drive** in the Town of Wappinger and is identified as **Tax Grid No. 6259-04-578332.** (Povall) (PH 3/2/15) (Approved Amended Site Plan 3/2/15)

Present: Brandon Cercone – Applicant

Ms. Visconti: **Motion to approve a one year Extension.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Architectural Review:

16-3342 Villa Borghese Garden Room: To discuss an architectural change to exterior north elevation. The applicant is proposing two windows to replace existing stucco and concrete block in Ball Room. The property is on 12 acres in a R-20 Zoning District located at **70 Widmer Road** and is identified as **Tax Grid No. 6158-02-880530** in the Town of Wappinger. (Porco)

Present Paul Porco – Applicant

Mr. Porco: I gave you a rendering of what my architect gave me. I felt it wasn't detailed enough and I wanted to give you the dimensions of the where the windows were just in case there was an issue. What I gave you was the North elevation view of what the windows would like on the exterior. If you look at Detail 8 where the windows detail was, we are looking to put two interior windows. The actual dimension of the windows 5'5" x 6'4" and they are going to sit in the interior part of the Garden Room on either side of the room. This will be next to the two existing bay windows. We are basically

removing some block wall, putting some steel and reinforcing these windows just to add some light in that room and to expose the beautiful garden outside. We are not altering the building or enhancing the square footage but bringing more nature light into the building.

- Ms. Bettina: Barbara, does he meet all of the codes in the town with respect to these windows in case there's a fire?
- Mr. Malafronte: Bob, do you require any details on the removal and demolition?
- Mr. Gray: He has a building permit.
- Mrs. Roberti: There's a full construction drawing in our office and he took out a building permit. Sal or Susan will review to make sure it meets all of the building codes as far as taking out the windows. We have those already.
- Ms. Bettina: This will meet all of the safety codes and we will get a copy?
- Mrs. Roberti: Sure, if you would like a copy.
- Mr. Roberts: What do you mean by safety?
- Ms. Bettina: I just want to make sure all of the windows meet the specs for the Town. I've had issues with some egress if there's a fire or something.
- Mr. Roberts: This has nothing to do with that. All it has to do is meet the building codes and that is what Sal and Susan does. It's not a safety issue.
- Mr. Stolman: Just to clarify one thing, this shouldn't be an Amended Site Plan. This is just an Architectural Review.
- Mr. Roberts: So it's just Amended Architectural Review.
- Ms. Visconti: Motion to approve the Amended Architectural Review.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Miscellaneous:

Gulf Gas Station - S&K Wholesaler (formerly 7 Eleven)

- Mrs. Roberti: Before we go into New & Old Business, I have a gentleman here and I wasn't sure he was coming. I brought this up at the last pre-meeting, the Gulf Station and the signage and you wanted to see other variations. He would like to get a flavor of what you are looking for. It's a new owner and they are not enlarging any of the signs
- Mr. Roberts: Barbara, he should state his name and what company he works for.
- Mr. Jeffers: Greg Jeffers and my company is Onpoint Graphics I am here representing S&K Wholesaler who owns 1336 Route 9 formerly 7 Eleven. That property was officially taken over by last week and we are currently working a 7 Eleven look-a-like operation and we are officially Gulf branded operation.
- Mr. Roberts: So it's not 7 Eleven anymore?
- Mr. Jeffers: No.
- Mr. Jeffers gives an overview.
- Ms. Bettina: We would like to stay within a certain theme in our Town.
- Ms. Visconti: Are you taking down the whole sign?
- Mr. Jeffers: We are not taking the sign down at all. We are changing the big 7 Eleven sign to become the price sign. Right now we have a small sign as far as pricing is concerned. We are the cheapest gas pricing on Route 9 and people can't see it. We are switching the sign where the 7 Eleven is replacing with the LED sign.
- Ms. Visconti: Are the dimensions still going to be the same?
- Mr. Jeffers: Yes, same dimensions.
- Ms. Visconti: I think what I need to see is the rendering of the existing sign with the new stuff.
- Mr. Jeffers: It's on there and I'll be glad to show it to you.
- Ms. Bettina:** **Motion to go into Executive Session.**
Mr. Malafronte: Second the Motion.
Vote: All present voted Aye.
- Ms. Visconti:** **Motion to come out of Executive Session.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

- Mr. Stolman: We are talking about the base. It's a nice and attractive base.
- Mr. Roberts: That will go a long way to improve the presentation.
- Ms. Visconti: The Mobil Station on Route 9 just did a really nice pylon sign.
- Mr. Jeffers: I will take a look at that. I know the owners will be here before you trying to do some stuff with the property and I'm sure at that point, they will be more accommodating. We are at a point here where we are operating Gulf with a 7 Eleven sign. We just want to get that sorted out because they will be coming to ask you for some additional improvements.
- Mr. Roberts: If they improve the base, do you have any objections to the color scheme?
- Ms. Bettina: But that's the brand and you cannot change that.
- Mr. Roberts: What do you have in mind for the base, Angela?
- Ms. Bettina: Something more traditional similar to BJ's.
- Mr. Roberts: None of us have seen this but now I understand your concerns so I think you have to improve the base.
- Mr. Jeffers: Okay.
- Mr. Roberts: Does that accomplish your purpose?
- Mr. Jeffers: Yes.
- Mr. Stolman: It's mostly a blue sign. I'm just concerned about the size of the numerals.
- Ms. Bettina: Is it going to be the same as the one in Fishkill?
- Mr. Jeffers: Yes, it will.
- Mr. Roberts: People will be traveling at 40-50 MPH so the size has to be appropriate.
- Mr. Stolman: Looks like the cash numbers are bigger than the credit numbers.
- Mr. Jeffers: You have to let the customer know the cash and credit prices are. Do we have to wait until the March 7th meeting to get a sign or can we get it with conditions? There are certain promotions that 7 Eleven had that the customers are expecting so we need to clear up the confusion.

- Ms. Bettina: Basically you want to put your brand up to identify your business.
- Mr. Jeffers: Absolutely.
- Ms. Bettina: I do not have a problem with it by all means.
- Mr. Roberts: Do you want to give him an idea what he can change the base to?
- Ms. Bettina: I would like for him to come back with a rendering.
- Mr. Jeffers: Rendering for the base? I guess my question is can I go ahead and put up my brand?
- Ms. Bettina: Yes. That's fine because you own the building but we want you back here on March 7th.
- Mr. Jeffers: Okay.

New & Old Business

- Ms. Visconti: Motion to authorize the Chairman of the Planning Board to send a letter to the Town Board requesting that they implement some type of legislation to support the idea that we now have a theme of historic/traditional in the Town of Wappinger. This legislation allows the Planning Board to move ahead on requiring those architectural themes to be implemented.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.
- Ms. Bettina: David, could you prepare that?
- Mr. Stolman: Yes, I will send June a copy.
- Ms. Bettina: Bea, could you send that to everyone.

Architectural Review:

- Mrs. Roberti: While we are on the subject Architectural Review, I spoke with Robert earlier and I had also spoken to Lori to look at minor architectural review versus major. DeGarmo Plaza was major because it was the whole plaza. When somebody just wants to put a blue stripe or change something minor, a lot of times it's just your vision. Do you like it or not and if we approve it that night it moves it along a little faster. The

consultants will get it like a conceptual before them but we will call it a minor architectural review.

Ms. Bettina: I want to see this stuff before it gets approved.

Mrs. Roberti: That's what I am saying. For example Villa Borghese (he didn't), we would have an application for minor architectural review. If it's major, then they will fill out an amended site plan and they put up escrow because it's going to be more than one or two meetings. Is that okay with you?

Ms. Bettina: I'm fine with that.

Ms. Visconti: Yes, I like the idea.

Hilltop / Regency Homes

Mrs. Roberti: Hilltop / Regency Homes are going to come in on March 7th to explain to you what they are doing but we just wanted to give you a preview. Bob can explain it better.

Mr. Gray: They have access materials and....

Ms. Bettina: What kind of materials?

Mr. Gray: When I say materials, it's a site where they put export materials. Rather than do that, they want to take the material and utilize it to raise the elevations of these future town houses to two feet higher than that was proposed.

Ms. Bettina: It's not wetlands or anything like that?

Mr. Gray: No. It's approved to build on.

Ms. Visconti: I think that's an excellent idea. So if you raise those houses up, in the next 20 years you are not going to have any problems.

Mr. Gray: You wouldn't have had a problem to begin with or it wouldn't have been approved. This is going to keep us from bringing materials on the road.

Ms. Bettina: That's not going to be similar to Old Hopewell Road with the preserve how high they are?

Mr. Gray: First of all, they really can't. These are garages, driveways and those were 3 stories.

Ms. Bettina: I only saw the front of that and it is very sad so I want to make sure that in the future, we see the whole project.

Solar

Mrs. Roberti: Our moratorium right now is only in place until Jun 5th I believe. The moratorium is only on ground mounted or conversion solar. It does not include residential roof mounted. A couple of things have come up in the paper surrounding solar. One of the things was the Chief of the New Hackensack Firehouse came in and he wanted every permit that has been issued to date. Reason is when they have a fire and they shutdown electric, there's still electric going through these panels. So they are going out to each and every one of these houses to make sure it's marked and they are going to have a master plan so when a call comes out, they know right away that house has solar. It could be in the middle of the night and they'll know where the cutoff switch is.

Mr. Pesce: If it's a volunteer fire department, they will not put the volunteer on the roof.

Mrs. Roberti: That's not true because my son fell through a roof on Route 9D.

Ms. Bettina: I would like a letter to be written to the Town Board because there is a moratorium on solar that there be a moratorium on all solar including roofs. Until they figure out how our firefighters are not subjected to any kind of safety issues. They can be electrocuted and struck by lightning because there's still energy in that.

Ms. Visconti: They have to come in for a permit. Doesn't the NYS license building code require certain installation requirement?

Mr. Roberts: That's a hot topic. There is a new version of the state building code. The new version supposedly going to address some of the concerns of the Firematic community but there's also an equally strong lobby. There are also Federal and State not necessarily mandates with strong push to encourage solar.

Ms. Bettina: That's why I want moratorium.

- Mr. Malafronte: Angela, this means you will have moratorium on generators and when the generator comes on, you'll have electricity anyway. How many things are you going to put moratorium on?
- Ms. Bettina: There's people getting hurt and it's in the paper.
- Mr. Roberts: You are hearing both sides of the argument. What I'm trying to suggest is they really haven't come to a common consensus how to solve it. The firemen are very concerned particularly from the earlier solar panels. There's no place on the roof to prevent a fire. There's new technology that's coming out that would probably change that. The state codes are trying to address that issue with the new version of the building code which is due out in March. If my memory serves me right, at the Association of Towns, there is a course on solar.
- Ms. Bettina: I agree with you but until that time, I think we should incorporate a hold so nobody gets hurt.
- Mr. Roberts: Again, I would recommend that even if you cannot get a consensus from this board, you send a letter to the Town Board.
- Ms. Bettina: I would like to make a resolution that the Town Board put a moratorium on all solar.**
- Mr. Pesce: Second the Motion.
- Roll Call Vote:
- | | |
|-----------------|-----|
| Mr. Valdati | Yes |
| Ms. Bettina | Yes |
| Mr. Pesce: | Yes |
| Mr. Malafronte: | No |
| Ms. Visconti: | Yes |

SEQRA vs. REQRA

- Mr. Stolman: Back in 1977 when SEQRA came into effect, it was envogued for community and SEQRA regulations and maybe in the late 1970s, we probably drafted a chapter for the Town. Communities for the most part have abandoned those old SEQRA chapters.
- Mr. Roberts: None of us were around when Joe Incarnato spearheaded it then.
- Mr. Stolman: It's getting in the way and putting lots of smaller projects in the Type 1. We've been talking probably about a year now about repealing the local chapter and just going to the Sates regulations. That's what most communities have already done.

- Mr. Roberts: They've changed the format how you process and application under SEQRA and there is a lot more information required to be submitted by the developer and WEQR just gets in the way.
- Ms. Visconti: Is it our authority as a Planning Board or the Town Board?
- Mr. Roberts: We would like you to support it.
- Mr. Stolman: It's going to come to you after the local law gets drafted. This is just a heads up.
- Ms. Bettina: Thank you.
- Mr. Malafronte: Is this in the regular 240 zoning?
- Mr. Stolman: No. It's a different chapter for code.
- Mr. Valdati: There are many questions that come to us and we share lots of information. I'm going to suggest we make use of phone numbers and call each other if we have things to say instead of being here at the Daos and look disjointed and not looking like we are on the same page. We need to look like we have our ducks in a row and we've done our due diligence. Not when the Public Hearing has been held and the resolution is in hand that we have these questions. They should be done already so please don't hesitate to call people. If you don't have numbers, get them.

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

Adjourned: 8:49pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board