

# MINUTES

Town of Wappinger Planning Board  
May 2, 2016  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

### Members:

Mr. Valdati	Chairman	Present
Ms. Bettina	Acting Chairman	Present
Mr. Flower	Member	Present
Mr. Malafronte	Member	Present
Mr. Marinaccio	Member	Present
Mr. Pesce:	Member	Present
Ms. Visconti:	Member	Present

### Others Present:

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

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## SUMMARY

### Public Hearing:

Candlelight Landscaping	Public Hearing opened and closed
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### Discussion:

Valvoline	Resolution approved as amended
Randolph School	Public Hearing on May 16, 2016
Obercreek Subdivision and Lot Re-alignment	Resubmit

### Extension:

1070-1072 Route 9, LLC	Extension granted from May 29, 2016 to August 28, 2016
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There was a comment raised to show trailer on the premises that's used for business. Is that trailer being removed?

- Mr. Gillespie: It's not. We actually detailed the location of the trailer on the plan.
- Mr. Baisley: We use that for going on job sites. We fill it with materials and take to job sites.
- Ms. Visconti: So it's moveable and it's just not standing there as storage.
- Mr. Malafronte: Mike, did you receive Mark Liebermann's letter about the tanks?
- Mr. Gillespie: I did and I provided that to the applicant and once we get through with this process, there is going to be a building permit and Mark is going to be a part of this process.
- Mr. Malafronte: The other one is to address Bob's comment about the turning radius.
- Mr. Gillespie: Yes, that was in the last letter and I left it as a semi-open item. We removed some of the parking to allow greater turning radius so that's a non-issue.
- Mr. Valdati: Is there any provision for the containment or the capture of oil or coolant of that nature?
- Mr. Burchfield: The old fluids will be put in 55 gallon drums and then I will have Enviro Lease come and empty out the drums and take it away.
- Mr. Valdati: Is there any way to safeguard spillage?
- Mr. Burchfield: There are no drains in the floor
- Mr. Gray: Is the parking paved?
- Mr. Gillespie: All of the parking is paved.
- Ms. Bettina: Looking at Photo 7 and Frederick Clark's memo regarding the landscaping and the evergreen trees, I can understand why because it's residential.
- Mr. Corttrell: We were concerned about the eastern end where there were two deciduous trees. When we visited the site and the fact that they did not have the leaves on them, you could see the residence.
- Mr. Gillespie: We just got the memo and we will address that.

- Mr. Corttrel: We just want to make sure it was fully screened.
- Mr. Valdati: Is there anyone in the audience who would like to speak on this project?
- Mr. Gillespie: I would like to talk about the elevations. As we mentioned, this is the existing building subject to a previous site plan and the only modification to this building is the addition of the building mounted sign. I don't have a problem with providing photos and colors but it's important that the town documents what's there in case something changes later. To create building elevation drawings when the building is not going to change doesn't make a lot of sense to me.
- Mr. Cottrell: That was the spirit of our comment that it was just to capture what was there. We really won't need a full architectural drawing but just the pictures on there and just listing the colors.
- Mr. Valdati: What's about Photo 11 and the structural?
- Mrs. Roberti: These existed and this was also what we were going to ask the board to approve.
- Mr. Valdati: Do they meet code?
- Mr. Gray: They were approved and I'm pretty sure they came before the Planning Board.
- Mrs. Roberti: If they were approved then they should have building permits, I will check. To move things along could you submit the specs so the inspector can look at them?
- Mr. Gillespie: We can do that. This site plan is proposed to supersede the previous site plan.
- Ms. Bettina: The back of the building is where you are going to be doing the repairs?
- Mr. Baisley: Yes.
- Ms. Bettina: Is there lighting on the building?
- Mr. Baisley: Yes, there are lights in the back of the building.
- Ms. Bettina: Do they meet our code as far as brightness?
- Mr. Cottrell: I thought that they would but I have not seen a photometric plan.

- Ms. Bettina: Can you supply some lighting?
- Mr. Baisley: They were the lighting that was there when we got the initial approval but I will check.
- Mr. Gillespie: I actually have the previous site plan and it shows 100 watts lighting on the site.
- Ms. Visconti: Motion to close the Public Hearing.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.
- Mr. Valdati: Motion to authorize the Town Planner to prepare a resolution.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

**Discussion:**

**15-3341 (Site) 15-4065 (SUP) Valvoline:** To vote on a resolution on a site plan application and special use permit approval for two additions to an existing Valvoline Store and the construction of a storage building on 1.79 acres in an HB Zoning District. The property is located at **1158 Route 9** and is identified as **Tax Grid No. 6157-04-680140** in the Town of Wappinger. (Tinkelman) (PH opened & closed 4/4/16)

- Present: Bob Turner – Tinkelman Architecture
- Mr. Malafronte: I would like to address three letters from the Chazen Company. The first letter is February 16<sup>th</sup> and he updates it April 12<sup>th</sup> and another update April 26<sup>th</sup> changing the verbiage in both letters we received.
- Mr. Gray: I'm not sure which letter you are referring to.
- Mr. Malafronte: The letter from Chazen. You made three changes and it's the one you have the square foot of the impervious areas then you took that out.
- Mr. Gray: I think they were working to reduce the number of comments in the resolution.
- Mr. Malafronte: Also your letter with your comments.

Mr. Gray: I have a letter of April 26<sup>th</sup> which has not been addressed because it is too soon. My letter of April 27<sup>th</sup> summarizes everything to date but does not include the April 26<sup>th</sup> letter but it's quite a shave down.

Mr. Malafronte: My point then will be does it make a difference?

**Ms. Visconti:** **Motion to accept the Resolution as prepared by the Town Planner.**  
Mr. Marinaccio: Second the Motion.  
Vote: All present voted Aye.

**15-3332 Randolph School:** To discuss a Site Plan for the construction of a new Library and Arts building on 4.661 acres. The property is located at **2467 Route 9D** in the R-20/40 zoning district and is identified as **Tax Grid No. 6157-01-216814** in the Town of Wappinger. (Berg) (Variance granted 11-10-15)

Present: Chris Berg – Architect  
Ben Miles – Director  
Kathryn Tomkins – Admissions Coordinator

Mr. Berg: Last month you had a site visit and toured where the building is going. We pointed out some of the historic buildings on site and some of the features that we are trying to work with and our whole approach to how the building is situated with regards to the existing campus.

Mr. Berg continues his review of the project.

Mr. Gray: I'm the engineer and the best thing would be for you to call my office to review these and come to an agreement. It shouldn't take long to knock them out.

Mr. Berg: Okay. If it's easier we could go through some of the information and clarify.

Mr. Gray: This looks like a scary letter but we went through the plan sheet-by-sheet just to try to make it easy.

Mr. Valdati: Are you referring to the April 27<sup>th</sup> letter?

Mr. Gray: No, my letter of April 18<sup>th</sup>.

Mr. Valdati: Okay. I have April 27<sup>th</sup>.

Mr. Gray: On Randolph School?

- Mr. Valdati: Never mind.
- Ms. Bettina: You saw Frederick Clark's letter?
- Mr. Berg: Correct. I don't think there were major issues.
- Mr. Cottrell: No, our issues were mainly housekeeping type issues. If you need to speak to us about that, give us a call.
- Mr. Berg: If I remember correctly, there was an issue about the parking and the delineation of the spaces on the gravel.
- Mr. Cottrell: Yes, the drawing didn't have a scale on them.
- Mr. Berg: The title under each drawing does have a scale. It may be hard to see.
- Ms. Visconti: The Fire Prevention Bureau said they need a name for the private road. I noticed that you sent in a letter to the New York State DOT telling them that if and when they are going to make some changes on ingress and egress. At this point in time, it is going to remain the same as it is right now.
- Mr. Berg: That was the intent and we did speak with them and wrote the letter but they were not offering any funds at the moment. As far as the school is concerned, they were not proposing to make any changes.
- Mr. Valdati: In terms of emergency contact for 911. Does the county have the name of the road?
- Mr. Miles: We have not submitted that yet but we can do that tomorrow morning.
- Mr. Valdati: Good. Please copy us.
- Mr. Malafronte: Have you addressed the Fire Prevention Bureau turning radius?
- Mr. Berg: They did issue a letter.
- Mr. Flower: What you have here won't suffice and 40 feet is going to be too tight. In the real world it would be easier for them to have an area where they can back into. The other thing to look into is the septic tank driving heavy equipment over it.
- Mr. Berg: We have a letter from Mark Liebermann that the turning radius is fine. It is a heavy duty tank for traffic. There's a 40 foot radius that's been indicated and the paved area is actually larger than that. We should

probably show a 3 point diagram as well. As you go down the hill, that area will be graded to make the roadway wider.

**Mr. Valdati:** **Motion to set a Public Hearing on May 16, 2016.**  
**Ms. Visconti:** Second the Motion.  
**Vote:** All present voted Aye.

**11-5159/Obercreek Subdivision and Lot Line Re-alignment:** To discuss a proposed 14 lot subdivision and lot-line re-alignment on 32.95 acres in an R-40/80 zoning district. The property is located on **New Hamburg Road & Marlerville Road** and is identified as **Tax Grid No. 6057-02-997768/ 6157-01-030738** in the Town of Wappinger. **(Chazen)**(LA April 8, 2011)  
(Neg Dec 2-3-14) (PH opened 10-7-13) (PH closed 1-22-14) (Preliminary Approval 02-3-14)

**Present:** Kyle Ahearn – Chazen Companies  
Alex Reese – Applicant

**Mr. Ahearn:** We were last before the board in 2014 and at that time we received a conditional preliminary approval, negative declaration and the public hearing closed a month prior. Since that time, we have been working with the Dutchess County Health Department and waste authority on the septic system.

Mr. Ahearn continues with his review and update of the project.

**Ms. Visconti:** The Fire Prevention Bureau would like a street name and you indicate that you are providing that.

**Mr. Ahearn:** We will be providing that information to them.

**Mr. Roberts:** You said you have a memorandum of understand from Dutchess County Waste Water Management. When do you expect to have final agreement with them and will you be required to form either a septic district or sewage district.

**Mr. Ahearn:** The memorandum is executed and they will be going before the Town Board.

**Mr. Reese:** They will be going before the County Legislature to create the district but they are coming before the Town Board to say what they are doing.

**Mr. Roberts:** Yes, but it's going to be a county district. The Town Board might want to put their two cents in and I would hope that they would adopt a motion to

approve it. Technically, there's nothing the town has to do with respect to the formation of this septic facility.

- Mr. Reese: Correct.
- Mr. Malafronte: Bob, with respect to your letter, on Page 4, the Department of Public Works denied any responsibility for the drainage system on site. Does that mean we take it over?
- Mr. Gray: Yes.
- Mr. Ahearn: There's no existing easement.
- Mr. Malafronte: Do they have to comply with that?
- Mr. Gray: The drainage is there and the county is not going to maintain so it has to be maintained.
- Mr. Ahearn: If the county is not willing to accept that easement, they won't accept any responsibility for the maintenance.
- Mr. Gray: Since the DCDPW denied responsibility to maintain the drainage system it appears the applicant should prepare a drainage easement and drainage agreement with the town to clarify the easement responsibility.
- Mr. Roberts: Whatever is decided should be incorporated in the final resolution.
- Ms. Bettina: Yes, we need that and it should be documented as part of the resolution.
- Mr. Malafronte: Did you get anything from the Board of Health yet?
- Mr. Ahearn: Yes. We went back and forth with them and we recently resubmitted the plan to them and they had a couple of outstanding items but we expect approval on that soon.
- Mr. Malafronte: Will you supply Bob with copies of that?
- Mr. Ahearn: Yes, before our final signature.
- Mr. Malafronte: What about the comments between you and Bob about the SWPPP. Is that clarified too based on Bob's comments?
- Mr. Ahearn: This will be addressed as well.

Mr. Gray: There were major things that had to be addressed for this project to go forward and cleaning up these items would come after that. I think that's what happened.

**Mr. Valdati:** **Motion to authorize a meeting with our professionals.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

Ms. Visconti: Is there a reason not to authorize a resolution?

Mr. Roberts: Some of these things should be cleaned up so the resolution can be very crisp so we can move on

**Extension:**

**13-3293 / 1070-1072 Route 9, LLC:** Is seeking their fourth extension to amend the current site plan to include all the current uses present to date and to remedy the encroachment violation into the wetland buffer. This one year extension will begin on May 29, 2016 through May 28, 2017. This extension is requested in order to comply with the conditions of the Resolution of Special Use Permit, Amended Site Development Plan and Wetlands Permit Approvals. The property is located at **1070-1072 Route 9** and is identified as **Tax Grid No. 6156-02-800910** in the Town of Wappinger. (Day)

Present: John Lentini– Architect  
Ulysse Ajram –Owner

Mr. Lentini: Good evening members of the board. I'm John Lentini. The owner Ulysse Ajram has retained me to supplement all the efforts to this site to be able to improve the site. There were stipulations in the approval that the engineer needs more time. I expected him or one of his representatives to be here. I am making a plea for him to be able to extend.

Ms. Bettina: For a year?

Mr. Lentini: What's customary?

Mrs. Roberti: What's taking so long?

Mr. Ajram: My name is Ulysse Ajram, I'm the president of Beach Realty of Westchester that owns this property. We bought the property on December 21, 2015. I hired Mark Day to take over and close whatever stipulation he needed to close.

Mr. Ajram continues to provide the board with an update on the property.

Mr. Roberts: We can grant three months and if you want another extension, you will have to come here with a detailed explanation which I think will benefit you too.

Mr. Ajram: I appreciate it. All I want to do is close and have tenants come in.

**Mr. Valdati:** **Motion to grant an extension from May 29, 2016 to August 28, 2016.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

### **New and Old Business:**

#### **Oddyssey Diner/Mr. Shed:**

Mrs. Roberti: It's not Oddyssey Diner. It's actually the property to the north that used to be Mr. Shed. Two years ago they came before the village for a sunroom on wheels. We had asked the board in the village to wait until we had more information but they went ahead and approved it anyway. After they got the approval, they never did put the sunroom on the property. The applicant is on their next agenda and wants to put the sunroom and pool on the property. As of tonight, they have not submitted anything to the village. So it would be prudent that they don't approve anything on Thursday until this board has the chance to look at it thoroughly. It is your gateway to the town.

**Mr. Valdati:** **Motion to authorize the Zoning Administrator to send a letter to the Village of Wappinger Planning Board to put a hold on this project pending additional information and our review.**

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

#### **NYC DEP:**

**Ms. Bettina:** **Motion to authorize the Town Engineer to send a letter to the NYC DEP that the well monitoring at the homes connected to the United Wappinger Water District be discontinued. The individual wells at these properties have been discontinued from the service piping and are no longer utilized for portable water.**

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

**Miscellaneous:**

Planning Board Processes & Procedures Overview scheduled for May 4, 2016 at 6:00pm.

**Ms. Visconti:**  
Mr. Pesce:  
Vote:

**Motion to adjourn.**  
Second the Motion.  
All present voted Aye.

Respectfully Submitted,

Adjourned:

8:11pm

Bea Ogunti  
Secretary  
Planning Board / Zoning Board of Appeals