

MINUTES

Town of Wappinger Planning Board
July 6, 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. 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
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Discussion:

Old Hopewell Commons (Formerly La Fonda Del Sol)	Resubmit
Mat Bus Company, Inc.	Site Visit 7/9/16 Resubmit
BJs Wholesale Club / Gas Station	Scoping Session 08/01/16

Architectural Review:

Hudson Valley Lighting	Approved minor expansions to front vestibule
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- Ms. Visconti: That building does not meet the lot size and you are going to need a variance. What about the multi-family building within 10 feet of the lot line? Is that a problem?
- Mr. Stolman: Given the size of that property, I think it is insufficient Mark.
- Mr. Day: But the code is 10 feet and the code says it's sufficient. Is it not?
- Mr. Stolman: I will check.
- Ms. Visconti: It says it's 10 feet of the lot line so I didn't know whether it was legal or not.
- Mr. Stolman: Mark, what zone is it.
- Mr. Day: I think it is HB Zone. It's residential from the rear.
- Mr. Stolman: The Planning Board has discretion laying out a plan like this and I would think that the 10 feet setback for a residential building in the rear or against the property line is just not a site plan the Planning Board should approve.
- Mr. Day: They have to defer the code, right?
- Mr. Stolman: No.
- Mr. Day: This is not the code?
- Mr. Stolman: I think the Planning Board has the discretion when it comes to laying out a site plan for residential buildings like this.
- Mr. Roberts: That's abutting the Town road.
- Mr. Day: It's abutting the side yard setback.
- Mr. Roberts: Sorry. I misunderstood.
- Mr. Stolman: It's not going to be Mark. You can tell me I'm wrong but I believe the Planning Board has a certain amount of discretion when it comes to this kind of thing.
- Ms. Visconti: We have to address this. The applicant is closing off a dangerous cutoff on Old Route 9 to allow a new Town road that he's going to build, right?

- Mr. Stolman: Wait, you are trying to lead me in a certain direction. I'm not sure the Planning Board looks at this in a favorable light. The comment I'm making here is a chicken and egg situation. I'm not sure the ZBA can give you a variance with respect to how you laid out that lot right now because you don't have the right to all that land that you are adding on to the lot.
- Mr. Day: Let's go back to the meeting we had right here. There were three tables and a herd of people and I think at the meeting you said at the time the board may see it clear because we are getting rid of this intersection. You thought it was a good idea and that the Town may consider giving us some waivers in order to create this situation.
- Mr. Stolman: I don't think I said that. I think you are looking for the Planning Board's point of view with respect to your situation. All I said was you've got a chicken and egg thing. You said before you would like to go to the ZBA. I'm not sure that you should go to the ZBA first or the Town Board. That's what I'm saying because you are showing part of the roadway attached to the lot. If the Town Board says it's a great idea, the ZBA and the Planning Board thinks the subdivision makes sense the ZBA can give you the variance you are looking for.
- Mr. Day: I understand. I may have misspoken.
- Ms. Bettina: You definitely have to go to the Town Board because that isn't really resolved and you are proposing to close it. You have to go to the Town Board before this goes any further.
- Mr. Travis: Who makes the decision on closing the road? Is it the Town Board?
- Mr. Stolman: Town Board.
- Ms. Bettina: It's not up to us.
- Mr. Day: Okay.
- Mr. Stolman: Not only closing the road but offering it to you. Al made a comment about who gets the opportunity to purchase parts of the road.
- Mr. Roberts: In terms of abandoning that portion of Old Route 9. If you abandon it, I think there may be an obligation that the abandoned portion be seeded to the abutting land owner's with DCH's consent. Are there any buildings on the Redl's property?
- Mr. Day: I believe the maintenance facilities for the Toyota.

- Mr. Roberts: I think it would help in context of Dave's comment of 10 feet setback. If you could show buildings on there so the board gets a complete picture of what that site would look like with that setback.
- Mr. Day: We can do that.
- Mr. Malafronte: The site where La Fonda Del Sol used to be is an historical site. Is that site still historical?
- Mr. Roberts: The building is gone and I don't know if that was an historical site.
- Mr. Malafronte: Does it change anything? That's what I'm asking. The building next to it is an historical building and that's still standing.
- Mr. Roberts: Where is that?
- Mr. Malafronte: The one you just talked about.
- Mr. Roberts: Are you sure that's historical?
- Mr. Malafronte: Yes, I pulled it off the website.
- Ms. Bettina: You mean the older one?
- Mr. Malafronte: Yes. Also, Vinny still has a problem going back to the DC Planning, Department of Public Works and NYS DOT. This came out on June 29th. Did you see that?
- Mr. Day: No.
- Mr. Malafronte: About giving more feedback on the road?
- Mr. Day: I haven't seen it but
- Mr. Malafronte: Who do you have to go to first? Do you have to go to the Planning Board, Public Works, Transportation or you going to the Town Board?
- Mr. Stolman: The County and the State seemed to favor his layout at a meeting one afternoon.
- Mr. Flower: I was at that meeting and at the end of that meeting the State and County agreed that this proposed plan is a good idea and closing that intersection down creates less of a headache at the current intersection. They were in favor. I don't believe Vinny let us know what his standing was at the end of it but I believe he was also in agreeance that it should

be moved down for safety. I think the question he is trying to ask is what are the board's feelings of this project as it's played out on paper? The Town Board has to do its part prior to us making a decision but they are just trying to get some feedback. Is this a feasible project?

Mr. Day: At the last meeting we were told to resubmit the plan to the Planning Board. That's why we are here and that was after the meeting.

Ms. Visconti: Back in April, Bob Gray made the recommendation that if you phased, Phase 1 would be parking and Phase 2 would be the bank. So if you go to the Town Board and they say no we are not going to give you that piece of land to the bank. You still can go ahead with Phase 1, right?

Mr. Day: What happens is it puts our client in a position where he doesn't want off this road and we are back where we were prior to our meeting here with all of the agencies. We want to cooperation on what the Town wants to do and what the State and County would like to see done. We also want to benefit from what we are doing and this is a pretty major expense.

Ms. Visconti: On the 2700 sf. office building, it has an apartment and a garage?

Mr. Day: It would be for maintenance and the caretaker of the complex.

Ms. Visconti: Okay. I didn't know why you had that there.

Mr. Roberts: I would like to clarify what Frank was saying. You asked a question and then you confused me.

Mr. Malafronte: Which one?

Mr. Roberts: You wanted to know the position of State and the County was.

Mr. Malafronte: Right. I didn't see anything in writing and Vinny wants feedback what's going on.

Mr. Roberts: I clearly thought like Bruce did that we got the impression from both County and State that was their preferred way.

Ms. Bettina: Is there anything in writing?

Mr. Roberts: I think that was the purpose of the meeting.

Ms. Bettina: Is there anything they wrote to us saying this is what we like?

Mr. Roberts: To my knowledge, no.

- Ms. Bettina: Based on that, I think you need to go back to the Town Board and figure out where you go from there.
- Ms. Visconti: Go back to the Town Board to see if they are going to give you the piece of property or not. As far as the Highway Superintendent goes he's stating that the DC Planning and the DPW and NYS Department of Transportation need to comment.
- Ms. Bettina: We can have all these meetings and brainstorm but if there's nothing in writing to refer to, we have a gray area.
- Ms. Visconti: On April 12th, Old Hopewell Road and Old Route 9 be one way and limited to emergency vehicle. Mark Day, DC Planning, DPW agreed on this 4/14/16 in these comments. That's what I have when I made my notes.
- Mr. Day: That was prior to our meeting.
- Mrs. Ogunti: I believe it was May 4th.
- Mr. Day: So we will go to the Town Board and as far as the meeting minutes, I don't believe there were any.
- Mr. Malafronte: The other thing would be to address the historical site.
- Ms. Visconti: The Fire Prevention says it needs sprinklers in the apartments.
- Ms. Bettina: Is there going to be lighting?
- Mr. Day: Yes. It's very difficult to design and tell you layout because we are not certain the road is going to happen.
- Ms. Bettina: You may want to consider something other than a bank there too. There are quite a few.
- Mr. Malafronte: We discussed something about the elevations of the apartments and how high they are going to be?
- Mr. Day: We originally proposed 3-stories but we are not doing that. We are doing 2-story units.
- Ms. Bettina: Good luck.
- Mr. Day: Thank you.

16-3350 Mat Bus Company, Inc.: To discuss an amended site plan application for the installation of a 1,000 gallon diesel fuel tank and a 2,000 gallon gasoline tank at the rear of the existing building, on an existing bus garage site on 23.967 acres in an AI Zoning District. The property is located at **160 Airport Drive** and is identified as **Tax Grid No. 6259-04-815490** in the Town of Wappinger. (Day)

- Present: Good evening. This application is on Airport Drive and it's an existing site. The operators store buses here and it's basically for Wappinger Central Schools. The application tonight is to install a concrete pad and two tanks at the rear of the building.
- Mr. Malafronte: Are you talking about the Mat Bus Company?
- Mr. Day: Yes.
- Mr. Valdati: Could you tell us about these tanks?
- Mr. Day: I think they are very special tanks. They are double wall tanks. One is 1,000 gallons and the other is 2,000 gallons and strictly to serve the buses on the site. They operate for the Wappinger Central School District. We found out from David's letter that there was on the last amendment about "no fuel". It's easier for them to have it here and more of a convenience and obviously a savings. That's basically why we are here.
- Ms. Visconti: Isn't there an aquifer over by the soccer fields?
- Mr. Roberts: There's aquifer all over the world but I think there's wetlands across the street if my memory serves me right.
- Ms. Visconti: In view of the fact that the previous amended site plan says "no fueling on property".
- Mr. Roberts: We have to pull out the old file and examine it.
- Mr. Stolman: We need to find out why the Planning Board at the time made that prohibition. What the reason was and we go from there.
- Mr. Malafronte: This was prior to 2010 when the new SEQRA came out and also in 2012 when it required the full EAF. Maybe you have to go back and get the full EAF and SEQRA.
- Mr. Stolman: You are talking about the new forms?

- Mr. Malafronte: Yes, and the SEQRA too. This is prior to 2010. This is May 2010, August 2010 that SEQRA came out.
- Mr. Day: We submitted a full EAF. It was the current version.
- Mr. Malafronte: When was it updated?
- Mr. Day: I don't know what you are looking at to be honest with you.
- Mr. Malafronte: This one says you sent a letter to the Department of Transportation about the SEQRA and they reviewed and it was acceptable but I haven't seen one.
- Mr. Day: I don't know what letter you are referring to because I don't think we wrote that. This most have been part of a circulation.
- Mr. Roberts: Who wrote the letter?
- Ms. Visconti: The Department of Transportation.
- Mr. Malafronte: Going back to my question being that it was May 2010 and you didn't get SEQRA until 2010. Won't they have to go back and get a new site plan with a full EAF?
- Mr. Stolman: Mark has done everything that he has been asked to do so far which is to fill out the current full EAF. Was there a circulation?
- Mr. Day: No.
- Mr. Stolman: Mark has done everything he's been asked so far. It is an unlisted action and we could either do a designation of Lead Agency procedure or not since it's an unlisted action in accordance to SEQRA and WQRA. I would say at this point in time, Mark should take my review memo, Bob's review memo and if the additional information that Bob was looking for with respect to the tanks and then come back once he's done all that work.
- Mr. Day: Okay.
- Mr. Malafronte: I would like to make a motion to do a site visit to inspect the site before we can make a decision.
- Mr. Day: A site visit?
- Mr. Malafronte: Yes. Did anyone second?

- Mrs. Roberti: A site visit would be at your discretion.
- Ms. Bettina: Will anybody be there from your establishment?
- Mr. Day: You will have to come by bus. I'm sure somebody can be there.
- Ms. Bettina: Is there a particular date?
- Mr. Malafronte: Some of the things I've seen on site: I know they are up to 160 buses already, they have vehicles and they have some type of mechanism in the back. I just want us to take a look and see what they have.
- Ms. Bettina: This Saturday at 9:30am?
- Ms. Visconti: I cannot be there at 9:30am.
- Ms. Bettina: Can you be there this Saturday, July 9th at 10:00am?
- Mr. Valdati: Thank you.

15-3336 / 4066 BJs Wholesale Club / Gas Station: To discuss an amended 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) (LA 2-10-16)

Present: Jody Cross – Zarin & Steinmetz
Josh O'Connor – Bohler Engineering

Mr. Valdati: We have received a resolution from our planner and I believe everyone has it. Anyone care to make a motion?

Ms. Visconti: Motion to approve the resolution as drafted by the Planner of the Town.

Ms. Bettina: Second the Motion.

Roll Call Vote:

Mr. Valdati	AYE
Ms. Bettina	YES
Mr. Flower	AYE
Mr. Malafronte	AYE
Mr. Marinaccio	AYE
Mr. Pesce:	AYE
Ms. Visconti:	AYE

- Mr. Stolman: The next item would be to ask Jody when they might have the draft scoping.
- Ms. Cross: Obviously we would like to move this along as quickly as possible so if it's a potential to set the public hearing on the draft scope on August 1st, when will we need to get it to you by?
- Mrs. Roberti: By July 15th.
- Ms. Cross: We are going to endeavor to do that. If we can't we will let you know in advance.
- Mr. Stolman: The resolution you adopted directs the filing of that draft scoping to interested and involved agencies and copies to everybody else as well.
- Mr. Valdati: I believe the Town's website would have that data so if anyone is interested, they can go to the website and download it.
- Ms. Cross: Is there a list you can provide us of all of the interested parties that we are not yet aware of?
- Mr. Stolman: We will take care of the circulation.
- Ms. Cross: Okay.
- Mr. Stolman: We are going to circulate the Positive Declaration and as soon as we get the draft scoping we will circulate very quickly and put on the Town's website. So as soon as we get your draft scope, we will do that. What I propose is that Al, Bob and I can massage the scope before the scoping session so by the time we have the scoping session, we'll feel more comfortable with the outline.
- Mr. Roberts: As a matter of record keeping, the last time we adjourned the public hearing to August 1st. I think it would be appropriate that you withdraw your request for continuation of the public hearing so that we can proceed.
- Ms. Cross: We so withdraw so you can proceed with the SEQRA process and ask that you set a public hearing on the scoping be held.
- Ms. Visconti: This is that the scoping be on August 1st?
- Mr. Roberts: Also the withdrawal of the public hearing that was adjourned to August 1st.

- Mr. Stolman: Assuming that the draft scoping is received from the applicant by July 15th. It will give time to circulate it and for the public to look at it.
- Mr. Valdati: Our motivation for a Positive Declaration is that we want to be very careful that the residence of the Town be protected beyond any question and that there's nothing we are not going to examine very carefully. The scoping also brings out more concerns from the public that you would be able to of course look into and provide explanation. Again, we do this because we are concerned of what affects the community.
- Ms. Cross: We appreciate that and BJs is looking to show your board that we will have a strong record to prove this project and hopefully we will move quickly.
- Mr. Valdati: Very good.
- Ms. Visconti: Thank you.
- Mr. Valdati: Any comments from the board?
- Ms. Visconti: Nope.
- Mr. Parrish: There were two letters to the board on the subject and they are not in policy issue and one which deals with some language changes. On the scoping, I would like to ask perhaps some formal outline could be issued to have a reasonable schedule for when the application draft is in, when the scoping hearing will be held and then we will have a review after that. The second draft and the last public scoping before you finally prepare the document. Some process so that it doesn't come as a surprise. I can assure you that everything that I am suggesting is in accordance with the regulations. The regulation says that the scoping processes from the time they submit an application to the time an approved scoping and if we cannot fill the 62 days. I wouldn't suggest any process that goes over 62 days. Within the 62 days, it's helpful we have a certain outline step 1, step 2 and step 3. It's not actually essentially how it's structured but I think it's better than to come here every time to start over.
- Ms. Bettina: Nat, I respect you as the board does but I think we are okay. Thank you very much.
- Mr. Parrish: Thank you.
- Mr. Valdati: Thank you for your comments. We will take it under advisement.

Architectural Review:

16-3346 Hudson Valley Lighting: To discuss the renovation of the existing building entrance and façade. The building footprint will not change. The property is on 67.002 acres in a AI Zoning District located at **151 Airport Drive** and is identified as **Tax Grid No. 6259-02-841673** in the Town of Wappinger. (Liscum, McCormack, VanVoorhis)

Ms. Visconti: **Motion to approve minor expansions to front vestibule.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mrs. Roberti: Hudson Valley Lighting took over the old Coca Cola building on Airport Drive. They came before you last year because they were changing the vestibule area and closing it in. Right now they are looking for the final on their warehouse so they can start moving in and operating. We had them open another permit for renovations on the offices so we can keep it separate. They are trying to change the vestibule slightly from what you approved by boxing it off and they want to know if that's fine with you. It's a very minor change.

Ms. Bettina: I think it's very nice and a great improvement.

Mr. Valdati: Any other comments?

Ms. Visconti: **Motion to approve the request for the architectural review.**
Ms. Bettina: Second the Motion.
Roll Call Vote:
Mr. Valdati AYE
Ms. Bettina AYE
Mr. Flower AYE
Mr. Malafronte AYE
Mr. Marinaccio AYE
Mr. Pesce: AYE
Ms. Visconti: AYE

New & Old Business:

Ms. Visconti: I think the Degarmo Plaza is doing a fantastic job with the façade. If you've gone by lately, the signs over the door looks fantastic. The sign is really close to the road and why he would elect to keep that dirty old ugly looking sign sitting there.

Ms. Bettina: I think it was a very good suggestion that this board gave him.

Mrs. Roberti: He had the opportunity to change it and he wouldn't. The sign company has been in touch with me and I explained to them that he has to come back to you. Unfortunately, I was away for a few days and I have messages that Dr. Aqeel reached out to me and if he thinks he's going to get a different answer than the sign company did. He has two more meetings before the end of the summer to try to come back and get you to approve the sign.

Ms. Bettina: I'm happy to see the benefit of our import.

Mrs. Roberti: I did tell the sign company to relay to him which is probably what he's upset about. He wants to put the sign right near the road and you had landscaping approved plus sight distance so he has to move it back. I said he has to come to you and show you what he wants to do.

Ms. Visconti: I go by all the time and I look at the building I can see everybody who is there and I don't see the dirty old sign.

Ms. Visconti: **Motion to go into Executive Session.**
Mr. Malafronte: Second the Motion.
Vote: All present voted Aye.

Mr. Malafronte: **Motion to come out of Executive Session.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

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

Respectfully Submitted,

Adjourned:

7:50pm

Bea Ogunti
Secretary
Planning Board / Zoning Board of Appeals