

# MINUTES

Town of Wappinger Planning Board  
August 1, 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	Absent
Mr. Marinaccio	Member	Present
Mr. Pesce:	Member	Present
Ms. Visconti:	Member	Absent

**Others Present:**

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

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## **SUMMARY**

**Discussion:**

Gasland Petroleum (233 Myers Corners Road)

Authorized Town Planner to prepare Resolution  
for September 7, 2016

**Mr. Malafronte:**                   **Motion to accept the Minutes of July 18, 2016.**  
**Mr. Flower:**                    Second the Motion.  
**Vote:**                            All present voted Aye.

**Discussion:**

**14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road):** To discuss 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) (Opened & closed APH 02/01/16) (Neg. Dec. 02/01/16)

**Present:**                         Margaret McManus – Engineer

**Ms. McManus:**                Hi, my name is Margaret McManus and I work for Chazen and we represent Gasland. All of you were not on the board when this was first before the board sometime in 2015. The site plan hasn't changed. We had to get a NYS SPDES Permit for the discharge of the drain and that took over a year to a year and the half. In the meantime we have secured that permit and we are presently being reviewed by the DOH. We've just submitted after their comment letter and we've had discussions with the DPW as part of relocating this entrance slightly down the road. We have a letter with their conceptual approval of that. I've met with the Highway Superintendent about connecting to the box culvert for the discharge of packaged station. At your last board meeting, there was a comment or maybe in one of the letters about getting approval for the landscaping for the right-of-way. I haven't contacted the Highway Superintendent but I will contact him. We were down to two comment letters. The planner actually sent a letter basically signing off on all of their comments. I don't think we've gotten a letter from Morris Associates yet but they were all minor comments and I think they can be conditional.

**Mr. Gray:**                        No. Not yet but I will talk to the Planner and if you authorize a resolution we will get with them to tell them to make sure he know which items are complete to include in the resolution.

**Ms. McManus:**                The site now is basically 100% impervious. We would be adding two additions and the carwash will no longer be a carwash and will become part of the building. We had been able to get some green space around the corner of the building which is a rather small site. We are increasing

the nonconformity of that item. We've added some extensive landscaping in the front and the sides of the building.

Ms. McManus continues her review of the project.

Mr. Suleiman: The only item of concern on my end is that since this requires the 8 spaces you guys approved as part of the parking, that it's put on record that they are approving the extra size lot.

Mr. Flower: What 8 spaces are you talking about?

Mr. Marinaccio: They are talking about the spaces in front of the parking.

Mr. Flower: How is that going to work?

Ms. McManus: Based on the square footage, we need to have 18 parking spaces on site and we have 14 parking spaces. Half of the ones under the canopy are counted as parking spaces because you know that many times people will come up park at the pump and go in buy their cigarettes or coffee and then they come back. They don't bother to move their car from the pump to a parking space.

Mr. Marinaccio: Is that a legal parking space under the pump?

Ms. McManus: It's counted as a parking space under your code and it allows that privilege of allowing half of the parking. I actually believe when we were here for the one on Route 376, we counted all of the parking spaces under the pump but that's before your board had made a determination on how many they were going to allow. This is an existing and there are pump islands there now and we are adding the parking to the site. I don't think the use will change that much.

Mr. Marinaccio: The three spots you have in the front, is this where the tractor trailers come in to fuel? Are those three parking spots going to be okay for that?

Ms. McManus: My plan is actually the distributor to deliver the gasoline so we can restrict the hours of delivery if there would be a conflict. This just shows that the truck can get through the site. The truck would probably pull up as it does now near where the fuel is.

Mr. Marinaccio: Then back up to the highway?

Ms. McManus: No, he can pull out onto DeGarmo Hill Road or he could come in to DeGarmo Hill Road and pull out this way.

- Mr. Malafronte: So if you pull out you are not going to have any service to the Dunkin Donuts at that time so you will suspend that while they are filling?
- Ms. McManus: No, you will be able to get into the building.
- Mr. Malafronte: Are you going to have a Dunkin Donuts and a drive-thru on the side?
- Ms. McManus: There's no drive-thru on the Dunkin Donuts because it's not allowed in this district.
- Mr. Marinaccio: So he can pull this truck through and around those pumps now?
- Ms. McManus: If you look on Sheet SP3, there is truck turning movements.
- Mr. Malafronte: I see it's the height of the canopy.
- Ms. McManus: The height of the canopy is set by New York State to accommodate tractor trailers to go underneath the bottom 14' 9" minimum and we usually set ours about 15' or 18'.
- Mr. Malafronte: Did you get all of your feedback from the BOH for the approval of your underground septic system?
- Ms. McManus: Yes, we are in the process of getting that approved.
- Mr. Gray: You have the DEC permit and the full confirmation letter from the County Health Department. Basically they are conceptual approvals.
- Mr. Marinaccio: This is all you are required for this one parking spot?
- Ms. McManus: You need one parking spot for the first 25 parking spaces.
- Mr. Marinaccio: Why not have it close to the building?
- Ms. McManus: For the grading purposes, that was the easiest handicap access location.
- Mr. Marinaccio: So a handicap person is going to roll a wheelchair through the snow and slush in the winter?
- Ms. McManus: I could move the handicap spot to be here rather than here but the front door is here and you are talking about that or that. The space is the same.
- Mr. Marinaccio: If you are in a wheelchair, anything closer would be better.

- Ms. McManus: What I'm saying is that the distance to the door is really not any different but if you would like to see it changed, we could change it. This also allows for a wider sidewalk than what's on the side of the building.
- Mr. Marinaccio: It's hard to tell how to scale it without any comparison.
- Ms. McManus: I can take a look at it unless you want it to be a condition on the approval I can move it over. My fingers aren't moving and it's about the same distance. The other thing is there's an island here with plantings and this sidewalk is a little narrower and I can have a ramp right here and the side walk comes out in front of the building. I don't think it's any difference in the distance.
- Mr. Marinaccio: I want to see it be checked out.
- Mr. Gray: Meaning distance, Ralph?
- Mr. Marinaccio: Every little bit is a big deal when you are in a wheelchair.
- Mr. Malafronte: The curb cut on Myers Corners Road is 30 feet going to the gas station and from DeGarmo Hills Road it is 40 feet from there. Are you going to have enough from Myers Corners Road going that way? You show a flow in but it could be hard with the flow going out.
- Ms. McManus: I believe we'd widen this in order for the truck to get in and out.
- Mr. Malafronte: The way you are showing it there's a flow going in from Myers Corners Road and it is already a difficulty coming in then you are going to make a turn into the plaza?
- Ms. McManus: That's probably a restriction on what is allowed by the DPW. I can contact the DPW.
- Mr. Gray: It is.
- Ms. McManus: Thirty feet is what's allowed.
- Mr. Malafronte: Is it enough?
- Mr. Gray: Absolutely.
- Ms. McManus: The standard width is only 24 feet so 30 feet is already accommodating.

Mr. Gray: We've worked with them on some of the comments and this letter summarizes it. When the BOH give their final approval that will satisfy our condition from an engineering stance.

**Mr. Flower:** **Motion to authorize the Town Planner to prepare a resolution referencing the original site plan.**

Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.

Mr. Roberts: I would just like to refer to the original site plan and this is a very old site plan. I think it was approved in 1982 if my memory serves me right.

Ms. McManus: I don't know and I'm not sure that my office has that.

Mr. Roberts: Bea if you could find that resolution.

Ms. Bettina: Should we make it a part of the resolution?

Mr. Roberts: I think we should reference it and amend the site plan. This was approved decades ago.

Ms. McManus: Should I put a reference on the title sheet to the original site plan?

Ms. Bettina: Yes.

Ms. McManus: Thank you.

## **New and Old Business:**

### **Mid-Hudson Volvo -**

Ms. Bettina: In everybody's package, there is a memo from Mark Liebermann. He just wants everyone to be aware of the stop work order on Volvo.

Mr. Roberts: Mark called me about this.

Ms. Bettina: Do we have any new or old business?

Mr. Malafronte: When we approved the Regency, did we approve the height of the that pile of dirt?

Mr. Gray: That's the berm.

Mr. Malafronte: That's where they are putting the houses.

- Mr. Gray: I'm going to have to look at that but there's a visual berm.
- Mr. Malafronte: It goes like this towards the back end but the whole side to where they are going to build is curved up. I thought they were going to bring it out and raise it.
- Mr. Gray: I think this is where they stock pile their materials.
- Mr. Malafronte: No, it's on the other side.
- Mr. Gray: They are not leaving mounds where they are going to build.
- Mr. Malafronte: There are mounds of dirt on the side of the road like this, and then the hill and the gully is going like this.
- Mr. Gray: When you say like this do you mean towards All Angels Hills Road? What do you mean?
- Mr. Malafronte: Towards where it's going to be built. I thought they were going to be raising it up but it's going down.
- Mr. Gray: It's raised more than the original approval was for.
- Mr. Malafronte: I suggest that you look at it.
- Mr. Gray: I'll double check.
- Ms. Bettina: Please, and get us feedback on the grading at the Ridges.  
  
Our next meeting is going to be September 7<sup>th</sup> and that's going to be the Public Hearing for BJs scoping session.
- Mr. Roberts: I won't be here. I will be on vacation but Jim Moran will be here.
- Ms. Bettina: Is there anything new that we need to be aware of?
- Mr. Roberts: No. Not until we see something from them.
- Mr. Malafronte: Are we supposed to receive the scoping from BJs.
- Mrs. Ogunti: I believe we should receive it by August 24<sup>th</sup> or around that time.
- Mr. Malafronte: So on August 24<sup>th</sup> we are going to review it? Have you guys reviewed it already?

- Mr. Roberts: We haven't received it.
- Mr. Malafronte: I thought we were going to be looking at it this week?
- Mrs. Ogunti: They asked for an extension. It was originally going to be on August 1<sup>st</sup>.
- Ms. Bettina: Did somebody send a note out?
- Mrs. Ogunti: They sent us a letter and I forward it to everybody.
- Mr. Pesce: I got it.
- Mr. Malafronte: I'm having problems with my email.
- Mr. Roberts: They didn't have enough time to prepare for it so they asked for an extension.
- Mr. Malafronte: Are we going to have enough time to review it?
- Mr. Roberts: They are going to present it and we are going to review it.
- Mr. Malafronte: I thought we were going to discuss something.
- Ms. Bettina: There's nothing to discuss because we don't have anything.
- Mr. Malafronte: On their site they didn't give us all the property lines for the properties on one side and the properties on the other side of the stream side and where the well is located. I thought they would show us where the wells are on the site.
- Mr. Gray: On the BJs site?
- Mr. Malafronte: Yes, Alpine. They are not on the drawing and that's one of the things I wanted to bring up tonight.
- Mr. Malafronte continued to inquire about the property lines and wells on the BJs site.
- Mr. Flower: They put monitoring wells around the station in the ground away from the tank so in case there is a leak. You have to go back and look at the plan but I think it's more than one.
- Mr. Gray: They also monitor the saline level.

- Mr. Flower: They also have walls around that area to check the soil.
- Ms. Bettina: Is that new technology and do all gas stations have that at their sites?
- Mr. Flower: It's been around for quite a while now.
- Ms. Bettina: Within the last 10 years?
- Mr. Flower: It has to be more than 10 years.
- Mr. Roberts: Didn't DEC mandate this?
- Mr. Flower: It's all part of the DEC requirements.
- Mr. Gray: I'll look at the site plan and give you feedback.
- Ms. Bettina: I just want to know if the other gas stations in the area like the one at the end of Old Hopewell Road that doesn't work and the Gulf Station across the street have that technology in their systems?
- Mr. Flower: They should have it because the Gulf Station was replaced.
- Ms. Bettina: How would you know?
- Mr. Flower: It's a requirement.
- Mr. Marinaccio: Is there any way they can put a containment unit around that?
- Ms. Bettina: Can we implement the containment? I don't know if we can?
- Mr. Marinaccio: California Law is the most restrictive so let's see what they do.
- Mr. Bettina: Okay, that's something we should investigate.
- Discussion continued.

