

# MINUTES

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

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

<b><u>Members:</u></b>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Flower	Member	Present
	Mr. Malafronte	Member	Present
	Mr. Marinaccio	Member	Present
	Mr. Pesce:	Member	Absent
	Ms. Visconti:	Member	Absent

### **Others Present:**

Mr. Horan for	Town Attorney
Mr. Gray:	Town Engineer
Mr. Stolman:	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Adjourned Public Hearing:**

Eduardo Lauria Luxury Apartments	Opened and closed PH 11-7-16 Resolution approved as amended
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### **Discussion:**

ACURA 1070/1072 (Amended Site Plan)	Resolution approved as amended
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25 Dugan Lane (Solar Energy)	Resubmit
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Sikh Temple	Public Hearing on December 5, 2016
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### **Architectural Review:**

Nature Preserve Homeowners Association	Approved construction of shed
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Dunkin Donuts 9D (proposed shop)	Approved modification to previously approved site plan
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**Mr. Valdati:** **Motion to accept the minutes of October 17, 2016.**  
**Ms. Bettina:** Second the Motion.  
**Vote:** All present voted Aye.

**Adjourned Public Hearing:**

**15-3338 – Eduardo Lauria Luxury Apartments:** The Town of Wappinger Planning Board will conduct an Adjourned Public Hearing on a site plan application to construct a 13,200 sf. building consisting of residential units and 450 sf. of commercial space on 1.10 acres in an HB Zoning District. The property is located at **102 Old Post Road** and is identified as **Tax Grid No. 6157-04-625489** in the Town of Wappinger. (Opened and Closed PH 11-7-16) (Paggi)

**Present:** Larry Paggi – Engineer

**Ms. Bettina:** **Motion to open the Adjourned Public Hearing.**  
**Mr. Malafronte:** Second the Motion.  
**Vote:** All present voted Aye.

**Mr. Valdati:** Good evening Mr. Paggi.

**Mr. Paggi:** Good evening. I don't know if you want me to make a presentation since it's an adjourned Public Hearing. The plans have not changed since the last time we were here.

**Mr. Valdati:** If you could put it in a nutshell for us.

**Mr. Paggi:** We have been working out the logistics of the water and sewer agreements and I think we have them all rectified at this point. Your engineering and legal consultants are satisfied with where we stand and we are here to ask you for a conditional approval based on the resolution that the Town Planner has drafted.

**Mr. Stolman:** You have our resolution. There are several minor amendments that I can go over. Would you like to do that now?

**Mr. Valdati:** Yes.

**Mr. Stolman:** On Page 2, we've been waiting for the Dutchess County Department of Planning to come back with their recommendation. They did respond by letter dated November 3, 2016 and they stated a matter of local concern with comments. None of their comments are earth shattering or require changing the resolution.

On Page 4, is a condition regarding snow storage and this would be Item E. The last sentence of that paragraph reads “If needed, additional snow storage area shall be shown on the site plan or a commitment for trucking the snow away from the site shall be provided.”

On Page 6 Paragraph No. 6, the last sentence would say “The applicant must return for approval from the Planning Board if any changes to the endorsed plans, architectural plans or signage and/or this resolution for approval are desired.”

**Ms. Bettina:** **Motion to accept the resolution with changes as recommended by the Town Planner.**

Mr. Marinaccio: Second the Motion.

Roll Call Vote:  
Mr. Malafronte AYE  
Mr. Marinaccio AYE  
Mr. Flower AYE  
Ms. Bettina AYE  
Mr. Valdati AYE

Mr. Stolman: We have to get the Public Hearing closed before we adopt a motion. I’m sorry I missed the fact that you didn’t close the Public Hearing first.

**Ms. Bettina:** **Motion to close the Public Hearing.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Horan: Let the record note that’s “nunc pro tunc” to prior to the vote on the resolution.

**Discussion:**

**16-3354 ACURA 1070/1072 Route 9 (Amended Site Plan):** To vote on an amended site plan for a 1,500 sf office space for an Internet Sales Office with an accessory use of parking space for storage of 79 cars on 5.02 acres in an HB Zoning District. The property is located at **1070/1072 Route 9** and is identified as **Tax Grid No. 6156-02-900910** in the Town of Wappinger. (Opened & Closed PH 10-17-16) (Day)

Present: Mr. Watts – Engineer

Mr. Stolman: You have the resolution on this as well and I don’t think we are expecting anything from the applicant.

Mr. Watts: I just want to see if we could amend one of the conditions of the resolution. Item 6a specifically regarding the parking spaces be depicted on the site

plan. The approved site plan originally did not depict parking spaces to my knowledge neither did the approved site plan in 1972. None of the amended site plan changes that parking area.

Mr. Stolman: Doesn't the approved plan show areas for parking?

Mr. Watts: It's not specifically layout as parking spaces.

Mr. Stolman: Let's change this paragraph to say that the proposed site plan shall be similar to the approved site plan to show parking areas and where parking will not occur.

Mr. Watts: We can do that.

Mr. Stolman: There's one other minor change. On Page 3, Item 6d would say "A note shall be added to the site plan stating that all vehicles stored on the site would be new and in good repair."

**Ms. Bettina: Motion to approve the resolution as amended.**

Mr. Valdati: Second the Motion.

Roll Call Vote:	Mr. Malafronte	NO
	Mr. Marinaccio	AYE
	Mr. Flower	AYE
	Ms. Bettina	AYE
	Mr. Valdati	AYE

**16-4069 25 Dugan Lane (Solar Energy):** To discuss a Special Use Permit for the installation of 76 ground mounted photovoltaic systems on 2.8 acres in an R20/40 Zoning District. The property is located at **25 Dugan Lane** and is identified as **Tax Grid No. 6356-01-027985** in the Town of Wappinger.

Present: Rich Galbreth – Vanguard Energy  
Corey Mitchell – Vanguard Energy

Mr. Galbreth: We submitted this project the beginning of September 2015 so it's been quite a long process.

Mr. Galbreth gives a review of the project.

Mr. Flower: Have you seen the letters from the planner or engineer and have you revised the plan at all?

Mr. Galbreth: We did not receive any letters.

- Mr. Stolman: We sent ours to Barbara Morley.
- Mr. Galbreth: We received only the agenda for today.
- Mr. Stolman: Who is Barbara Morley?
- Mr. Galbreth: She does our permitting.
- Mrs. Ogunti: That's the contact we have on your application.
- Mr. Galbreth: She dropped the paperwork on my desk that was faxed over to us last week.
- Mr. Mitchell: Prior to that we received the notice from the NYS DOT.
- Mrs. Ogunti: I faxed that to her.
- Mr. Stolman: We emailed our review memo to her.
- Mr. Gray: We sent ours to Alexander Sichel.
- Mr. Galbreth: No, we did not get anything.
- Mr. Gray: Well, I did send it out.
- Mr. Galbreth: What I'm saying is he doesn't work for our company any more. He was an engineer on the side. He designed the plan.
- Mr. Mitchell: He designed the plan a year and a half ago.
- Mrs. Roberti: Our recommendation for this project and future projects to go before the planning board, you should put a contact person's email, address and phone number in your application so this doesn't occur again.
- Mr. Galbreth: It's on the application with Barbara Morley's information. We did not receive the review.
- Mr. Gray: It was sent to the engineer and there were a lot of details that needs to be revised.
- Mr. Horan: When we first looked at the survey that was submitted to us they all looked closer to Dugan Lane.

- Mr. Mitchell: Originally the engineer said this was Dugan Lane by the driveway so we resubmitted these to show that this was actually the backyard and not the front yard.
- Mr. Horan: Basically what we need to see on this drawing is the location of the panels and the abutting houses so we can see the relationships to them. You indicate that there are existing screenings so if you could put that on the drawing that would indicate where the screening needs to be. The way our code is drafted, the side of the solar panels cannot exceed 50% of the floor area of the existing house.
- Mr. Mitchell: I thought it couldn't exceed the whole thing.
- Mr. Horan: It is 50%.
- Mr. Stolman: Otherwise it becomes a solar farm and a solar farm is not permitted in certain districts.
- Mr. Galbreth: So it's based on a footprint and not a power output?
- Mr. Horan: Right. Basically the idea is you don't want to have the panel bigger than the house.
- Conversation continues.
- Mr. Galbreth: I believe it is a 2,300 or 2,400 sf. house.
- Mr. Horan: If you could show that on the plan it would certainly work. We didn't have any dimensions.
- Mr. Stolman: What Jim just said what you need to show on the plan is not exhaustive so this is a special permit use and you need to submit a site plan. You will need to go to Section 240.84 of the Zoning Law. It says what a complete site plan consists of. You should use my memo and Bob's memo as check lists and provide a complete application.
- Mr. Galbreth: When do we have to get this in by so we can get this Public Hearing set.
- Mr. Stolman: You should submit it when it's complete.
- Mr. Galbreth: We are going to try to get this complete within the next week or so.
- Mr. Stolman: There are two meetings a month generally on the first and third Monday and the deadline for submission is roughly three to four weeks in advance of the meeting date.

- Mrs. Roberti: You downloaded the application from our website. If you look at that again it gives you instructions so you need to follow that and it tells you what Mr. Stolman is talking about the code. In that are meeting and submission dates.
- Mr. Galbreth: Okay.
- Mr. Stolman: The quickest way to get through the process is to get to her everything you need before you come back. If you have any questions, my phone number is on my memo and Bob's is on his memo.
- Mr. Valdati: Thank you gentlemen.
- Mr. Galbreth: Thank you.

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

Present: Alfred Cappelli – Architect

Mr. Valdati: Good evening.

Mr. Cappelli: Good evening. I'm Alfred Cappelli representing the Sikh Temple. It's been many months since we've been here and not much has changed. We've been coordinating with the County, the highway, the drainage issues that they were having for their highway work which impacted us. They've taken care of their issues with the DEC.

For those who weren't here before, I'm going to quickly give you a review. We have 17 acres on the corner of Old Hopewell Road and All Angels Hills Road. We are looking to put a 20,000 sq. Sikh Temple consisting of the temple, a dining hall and kitchen, classrooms and office areas as accessory uses to that. At some point a future phase with a small priest house and 150 parking spaces. In the trifold we gave you 9 months ago were drainage study, bat study and traffic study. They have been amended over time to take care of the comments that the professionals had as well as some of the dialogue that we had with the County.

Mr. Cappelli continues his review.

- Mr. Malafronte: You said you addressed all the issues prior to the last meeting. What issues were they?
- Mr. Cappelli: Are we talking about stormwater drainage or portable water.
- Mr. Malafronte: I'm talking about both. There was also a street guide that was supposed to have a checklist for the County.
- Mr. Cappelli: I think we submitted it 6 to 9 months ago during one of our first meetings.
- Mr. Malafronte: It only goes back to April.
- Mr. Cappelli: It's almost 6 months ago.
- Mr. Malafronte: Did anybody get it? Bob did you get it?
- Mr. Gray: No.
- Mr. Malafronte: David?
- Mr. Stolman: No.
- Mr. Cappelli: It was a checklist that we had to fill out for the DOT.
- Mr. Malafronte: We never received a copy.
- Mr. Cappelli: If you want a copy of it I'll get you a copy. I didn't know you needed a copy.
- Mr. Stolman: We normally don't get application materials to other agencies.
- Mr. Malafronte: It says here that we should ask for it.
- Mrs. Roberti: Whatever they are submitting to the Health Department and other agencies, we don't get copies. We just get whatever the response is from the agencies.
- Mr. Cappelli: If Frank wants a copy, I don't have a problem.
- Mr. Malafronte: Will this address all of the issues?
- Mr. Cappelli: They had separate review letters. These guys may have been copied on them. We took care of these issues as we went along. You should have correspondence of all of those issues.

- Mr. Malafronte: The last correspondence from the County was September 16, 2016.
- Mr. Cappelli: Most of that was taken care of from a line item to line item but they all were. We worked very diligently with them.
- Mr. Valdati: Mr. Stolman, have all of your concerns been take care of?
- Mr. Stolman: I don't think that AI has had time since last Thursday or Friday to take care of everything but on the other hand we have no particular show stoppers. He needs some time now to see if he needs Army Core of Engineers permit. We have a few comments and we are waiting for the foundation, signage and you will need a wetlands permit from the Planning Board. But I think they are moving along at a very good pace.
- Mr. Malafronte: On your letter, you still have the issue of the wetlands.
- Mr. Stolman: Yes. We would like to find out with AI's help if they need a permit from the Army Core of Engineers. We know they need a permit from the Planning Board.
- Mr. Gray: What's the acreage?
- Mr. Horan: David's letter says 5,400 sq. of wetlands.
- Mr. Stolman: I wouldn't call this the official number.
- Mr. Gray: Speaking of drainage, if you look at Pages 3 and 4 of our letter, there were questions about the SWPPP and stormwater pollution. There were some commentary about coordination of that and clarifications of the water retention and a few plan items. We are available for you at any time.
- Mr. Cappelli: I would like to do that.
- Ms. Bettina: What about the water district?
- Mr. Gray: We had a meeting and the applicant desires to utilize the United Wappinger Water District for fire prevention and potentially for domestic water.
- Ms. Bettina: So they are not in the district?
- Mr. Cappelli: That's correct. We've had several meetings and the last time we were before you we didn't know what we were going to do. We would not be allowed to be part of the water district. In subsequent conversations and

requests, we had a meeting with Ms. Jiava where we asked if we could have water for fire purposes only. Ms. Jiava's comment was if I'm going to give you water, I'm going to give you everything.

Ms. Bettina: Did that go before the Town Board yet?

Mr. Cappelli: No, not yet. We are not at that point. There were some back and forth as to how much it would cost to join the system. We are still in that negotiation period.

Mr. Gray: That is not a concrete proposal yet.

Mr. Cappelli: Correct. We have submitted something to the Health Department for the sewage disposal.

Mr. Gray: If you were to become a part of the Wappinger United Water District whether it's for fire flow or domestic, this would be a decision of the Town Board. You will need to put an application to the DEC.

Mr. Cappelli: I would like to think that the design and we are far enough along with the fundamental layout minus some minor things. I would like to request a Public Hearing. I don't know what else we can give you for putting a Public Hearing.

Mr. Stolman: I have no objection to opening the Public Hearing but not necessarily closing it the same night.

Mr. Cappelli: That's fine I don't anticipate it being closed.

Mr. Malafronte: Will all of these comments be addressed prior to the Public Hearing?

Mr. Cappelli: Depending upon when the Public Hearing is scheduled and without a doubt. Again, some of the comments about certain details might not be taken care of but I don't think it affects the fundamental layout from the public perspective. We will do our best to get as many of the items if not all of them done by that Public Hearing.

Mr. Stolman: It's going to take you some time to sort out the water but as long as the applicant is okay with leaving the Public Hearing opened until most everything is resolved. There is a clock that starts running once it's closed by which time you have to have some sort of decision.

Mr. Gray: I agree. I think clearly where the water is coming from is a concept we would like to nail down but that can happen anytime. I think it's good to

get import from the public because there are a lot of homes that surrounds it.

Ms. Bettina: I don't think they are in the water district.

Mr. Cappelli: Yes, they are.

Ms. Bettina: Besides Rockingham, are others in the water district?

Mr. Gray: Yes, Meadow Wood and there are some in the area that are and others are not. Shamrock Hills for instance is in the water district.

Ms. Bettina: Based on that there could be some issues from the residence in the area.

Mr. Gray: If they are willing to open the hearing until these things are settled, it would be a good idea to hear from the surrounding public.

Mr. Stolman: I think we have enough information to present this to the public and start getting their import.

Mrs. Roberti: Our next chance for a Public Hearing is November 21<sup>st</sup>, December 5<sup>th</sup> or January 4<sup>th</sup>.

Mr. Cappelli: December 5<sup>th</sup> would work for us.

Mr. Valdati: The Public Hearing is set for December 5, 2016.

Mr. Cappelli: Thank you.

### **Architectural Review:**

**16-3357 Nature Preserve Homeowners Association:** To discuss the construction of a **12' x 20'** shed on 45.43 acres in an RMF3 Zoning District. The property is located at **52-58 Berry Lane** and is identified as **Tax Grid No. 6157-01-284665** in the Town of Wappinger.

Present: Jose Fortes – Contractor

Mr. Fortes: We would like to build the shed next to the tennis court. My boss was supposed come but he could not make it on time so he sent me. I hope you help me a little bit because I don't know anything about the project. This is my first time doing this.

Mr. Valdati: Mr. Stolman, do you have any comments?

Mr. Stolman: No, I don't.

Mr. Valdati: Mr. Gray, any comments?

Mr. Gray: No comments.

**Ms. Bettina: Motion to approve the shed as submitted.**

Ms. Marinaccio: Second the Motion.

Roll Call Vote:

Mr. Malafronte	AYE
Mr. Marinaccio	AYE
Mr. Flower	AYE
Ms. Bettina	AYE
Mr. Valdati	AYE

**16-3358 Dunkin Donuts 9D (proposed shop):** To discuss the change in the construction of a 3,000 sf. roof design to accommodate HVAC units and decorative guardrail in the rear of a Dunkin Donuts shop on 11.34 acres in a CC Zoning District. The property is located at **2026 Route 9D** and is identified as **Tax Grid No. 6056-02-746856** in the Town of Wappinger. (Diesing)

Present: Jay Diesing – Architect

Mr. Valdati: Good evening Mr. Diesing.

Mr. Diesing: Good evening, Jay Diesing, Mauri Architects. We are back tonight for a minor modification to our previously approved site plan. In our building design we found it would be beneficial if we were to place our heating and air conditioning units on the outside or roof of the building so we made a little modification.

Mr. Diesing gives a review of the project.

Mr. Valdati: Are there any questions from our professionals?

**Mr. Flower: Motion to approve the modifications.**

Mr. Malafronte: Second the Motion.

Roll Call Vote:

Mr. Malafronte	AYE
Mr. Marinaccio	AYE
Mr. Flower	AYE
Ms. Bettina	AYE
Mr. Valdati	AYE

Ms. Bettina: This couldn't have been new, news. You had to have known this a couple of months ago. You guys are already building and you are

coming in now? You could have notified us a lot sooner and we have a lot of other stuff that's going on. I'm sure our professionals agree with me. This is going to be implemented going forward.

Mr. Diesing: Yes, we should have come sooner. Thank you.

**New & Old Business:**

Ms. Bettina: If the board members agree, we do need a light at the main entrance of the building. We need to send a letter to the Town Board implementing a light at the main entrance of the building. Bea, please send a letter to the Town Board.

**Ms. Bettina:** **Motion to adjourn.**  
**Mr. Malafronte:** Second the Motion.  
**Vote:** All present voted Aye.

Adjourned: 7:50 pm

Respectfully Submitted  
Bea Ogunti

Secretary  
Planning Board / Zoning Board of Appeals