

MINUTES

Town of Wappinger Planning Board
January 04, 2017
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

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

Others Present:

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

SUMMARY

Public Hearing:

Alexey Nechaev Subdivision	Opened & Closed Public Hearing
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Discussion:

Southside Plaza	Public Hearing on February 6, 2017
G & G Amended Site Plan	Resubmit on January 18, 2017
Smart Subdivision	Public Hearing February 6, 2017 Circulate for Lead Agency

Architectural Review:

Prestige Mini Amended Site Plan (Flag Pole)	Granted installation of 35 feet Flag Pole
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Mr. Flower: **Motion to accept the minutes from December 5, 2016.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

16-5180 Alexey Nechaev Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on a preliminary layout application to subdivide an existing lot into two (2) residential lots with municipal sewer and an individual well for water supply on 1.45 acres in an R20/40 residential Zoning District located on **Middlebush Road and Cameli Drive** and is identified as **Tax Grid No. 6157-01-438825** in the Town of Wappinger. (Paggi)

Present: Christian Paggi – Engineer

Mr. Flower: **Motion to open the Public Hearing.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Ms. Bettina: Good evening and Happy New Year.

Mr. Paggi: Good evening and Happy New Year to you. My name is Christian Paggi on behalf of the applicant, 30 Middlebush Road a 2-lot subdivision. We were here last month for an unofficial Public Hearing and have since made a couple of changes to the plan to address some of the comments that were verbalized. One was relocating the proposed driveway for the new lot. The applicant has agreed to remove the entire portion of the existing driveway. Prior to this meeting I was able to speak with Mr. Stinson about a vegetative buffer doing some evergreen trees on his property to screen his property from the new residence. The applicant is agreeing to pay for 6 to 8 feet tall evergreen trees staggered to address those concerns.

Mr. Paggi gives a full overview of the project.

Ms. Bettina: Thank you. I am going to ask anyone who would like to speak to come up to the podium and give your new name and address.

Mr. Settembrino: William Settembrino, 11 Cameli Drive. I am concerned about the drainage and runoff water. With the new construction, I feel that it's going to bring water on my property.

Mr. Gray: The catch basement between Stinson and this property there is a pipe that discharges to a dish on the east side of Cameli Drive. I went out

there yesterday and again today to see if it's still running. It looks like it's graded and nothing is going to get on the driveway. The amount of water from Cameli Drive is way more significant than it's going to be down here. I think I'm looking at the right thing, there's a swale that runs along your driveway.

Mr. Settembrino: Yes there is a swale.

Mr. Gray: I just want to make sure I was looking at the right spot.

Mr. Webb: Hello, my name is Gerald Webb. I reside at 23 Pleasant Lane and have for 40 years. The Town's storm sewer runs to my property. It's not connected to the drainage on Cameli Drive but the water ultimately goes into the flood drains. Last year FEMA redid the flood maps and it cost me \$800.00 to find out that my basement is two tenths of a foot above flood level which is a good thing. However, any additional water will reduce that margin.

Ms. Bettina: Thank you.

Mr. Stinson: Tim Stinson, 12 Cameli Drive. I have a petition by the entire neighborhood. Also, included in the petition is a signed letter by Josephine Pericles. She's lived in the neighborhood for 62 years. Her main concern is the same thing. When the land was developed in the '50s and 60s, it was grass. The run off affected her property during the heavy rain.

Mr. Stinson continues to voice his concerns regarding the subdivision.

Mr. Stinson: He said there are building plans already and it is 1,800 sf?

Mr. Paggi: I did not say that.

Mr. Stinson: Are there building plans?

Mr. Paggi: I don't know if there are building plans yet.

Mr. Stinson: I see he changed the area of disturbance. Why did he want to do that? The original plan had the entire lot be cleared. Now he changed and it's not disturbing the back parcel. Does anyone know the answer for that?

Mr. Flower: There was a discussion at the last meeting that in lieu of full tree survey of what was there just show the limited disturbance. So they are not going to be clearing the entire lot.

- Mr. Stinson: What does that do because esthetically it's not appealing and I'm wondering is he getting off cheap?
- Ms. Bettina: That's not for us to say. Your question will be answered.
- Mr. Stinson: Mr. Gray, do you think he's going to need fill?
- Mr. Gray: They are proposing fill but the applicant can answer that after this hearing.
- Mr. Stinson: So basically you take questions today and we come back in two weeks for answers. Again, how is the engineer going to guarantee that I am not going to get flooded?
- Mr. Gray: You need to address the board.
- Ms. Bettina: We will get back to you and your questions will be answered.
- Mr. Stinson: When will the fill be in and when will the Public Hearing be closed?
- Mr. Roberts: The Public Hearing will be closed tonight.
- Ms. Bettina: There's no reason for it not to be closed at this point.
- Mr. Stinson: Reading a lot online and the subdivision review in NYS, the preliminary hearing is the most important thing when it comes to getting everything hashed out. The final Public Hearing is not that important. I would like the Town to look into not even doing this because it's creating hardship for an autistic child. This gentleman is going to be flooded out and other people are going to get more water. The Town does have provision in their code that will allow you not to do this.
- Mr. Roberts: I don't think that's accurate Mr. Stinson. I am going to make a brief statement and the questions you have posed are going to be addressed by the applicant to the board. The purpose of this design review is to make sure that he's not going to exacerbate any existing conditions by the design of this subdivision. That will be reviewed by the Town's engineer. However, as long as he complies with the subdivision regulations, we are not in the position to deny the application.
- Mr. Stinson: In Section G of the Town Code says the Planning Board will study preliminary plot taking consideration of the requirements of the community and the best use of the land being subdivided.

- Mr. Roberts: That does not give them the right to deny if he complies with all of the conditions.
- Mr. Stinson: It says it right here.
- Mr. Roberts: Sir, I'm not going to debate it.
- Mr. Stinson: I know we are not here for a debate. The last thing is the trees. My wife feels the trees should be on his property and not on my property.
- Mr. Paggi: The idea of having it on your property was to make sure they would be maintained. We'd be more than happy to put a fence up but it's really up to you. Mainly if and when this property is sold, they don't cut them down.
- Ms. Bettina: Do you understand the reason?
- Mr. Stinson: I understand.
- Mrs. Stinson: I'm Jacqueline Stinson I'm Tim Stinson's wife. About the trees, I do not want to give up my property so he can make money. He puts the trees up, he maintains them. You can put it in the deed that whoever has the property has to maintain them. We have in our deed we can't have chickens so stupid things can go in deeds. The new owners can have that provision in the deed that they must maintain this fence or trees permanently. I'm not letting him come on my yard.
- Ms. Bettina: Thank you very much. Is there anybody else?
- Mr. Pesce:** **Motion to close the Public Hearing.**
Mr. Flower: Second the Motion.
Vote: All present voted Aye.
- Mr. Paggi: Where do we stand with SEQRA?
- Mr. Roberts: We want to respond to all of these questions so it can be incorporated into the SEQRA determination.
- Mr. Paggi: Have we received responses from everybody it was circulated to? I don't need an answer now. So we will respond to all of the comments we received and Bob we will work with you on the drainage issues.
- Mr. Gray: That's a good idea.
- Ms. Bettina: I want to make a motion that a resolution be prepared.

- Mr. Roberts: We should wait until we get the responses in.
- Mr. Stinson: I do have one more question.
- Mr. Roberts: Reopen the Public Hearing.
- Ms. Bettina:** **Motion to reopen the Public Hearing.**
Mr. Flower: Second the Motion.
Vote: All present voted Aye.
- Mr. Stinson: The State environmental review has not been done yet.
- Mr. Roberts: All of the answers are going to be incorporated.
- Mr. Stinson: You know you are not supposed to hold the Public Hearing until the plat is finalized.
- Mr. Roberts: That's not accurate.
- Mr. Settembrino: What's the accurate answer?
- Mr. Roberts: They are not supposed to make a final decision until SEQRA is concluded. SEQRA hasn't been concluded that's why we left it open for Mr. Paggi to provide those answers.
- Mr. Stinson: Is the application complete?
- Mr. Roberts: The application is complete and the EAF has been submitted.
- Mr. Stinson: Okay. All of the accompanying information been completed?
- Mr. Roberts: Yes.
- Mr. Gray: However, there has been additional information requested tonight.
- Mr. Stinson: Okay, we are good.
- Mr. Gray: Christian, when you look at the drainage, look at Cameli Drive going up Pleasant Lane. I would like to know where that's going.
- Mr. Paggi: Sure. Can we set up a time to meet up then?
- Mr. Gray: Sure, give me a call.

Ms. Bettina: Thank you.

Discussion:

16-3343 Southside Plaza (Amended Site Plan): To discuss an amended site plan application to construct two additions to an existing building. The first addition will be 2-stories (2,642 sf.) on the south end of the building and the second addition will be 2-stories (6,414 sf.) on the north end on 2.48 acres in an HB Zoning District. The property is located at **1315 Route 9** and is identified as **Tax Grid No. 6157-02-567518** in the Town of Wappinger. (Day) (LA October 10, 2016)

Present: Brian Watts – Engineer

Mr. Watts: Good evening, Brian Watts, from M. A. Day Engineering. I'm here on behalf of Southside Plaza. Since the last meeting we made some changes to enhance the landscaping plan which we provided. We changed the proposed replacement of the bushes to dogwood trees in clusters of three along the front and between the parking areas and Route 9. We have added three trees to the rear of the property.

Mr. Watts continues his overview of the project.

Ms. Bettina: At the last meeting we had a discussion of the demolition of the building across the street. What is the status of that?

Mr. Watts: He's not here tonight and I'm not sure what the status of that is.

Mr. Roberts: I remember at the beginning of this process this question was raised and he represented to the board once this approval was granted and a permit issued, he would demolish the building across the street. It's my understanding that Real Holdings owns both. We just want him to live up to his word and incorporate this in this resolution. It is an eyesore he himself has admitted. Please touch base with him and get back to us. I would like to incorporate in the resolution.

Mr. Watts: I will contact him.

Mr. Roberts: Let him know that it's a condition for an approval.

Mr. Flower: Bob, you also had the issue of grading?

Mr. Gray: They made a substantial amount of dents in the amount of parking spaces. The issue here is the spaces in the existing site plan are

noncompliant to code. The grading in the parking lot is supposed to be no more than 5%.

- Mr. Watts: We tried to locate that area and it had the most noncompliant side slopes.
- Mr. Flower: They were in existence and approved.
- Mr. Gray: Now this is an amended plan that will be approved. Maybe you can make it an employee space.
- Mr. Flower: Most businesses would rather have their customers closer.
- Mr. Watts: We anticipate that would be the greatest concern during the winter months.
- Mrs. Roberti: Brian, could you address the dumpster detail.
- Mr. Watts: I don't have it with me.
- Mrs. Roberti: I would like it shown on the plan. We have a policy now that our dumpsters are nice looking. I don't know if you require a land bank parking?
- Mr. Watts: We were originally showing a slab with a PBC fence detail to match the neighboring refused area but we can put in a CMU if that's preferable. That's an easy change, we can do that.
- Mr. Roberts: You said it's proposed, right?
- Mr. Watts: Right now he takes care of his own garbage and eliminated the dumpsters that were previously there and he has no need to replace them. If he needs it, it will be on the site plan.
- Mr. Roberts: Where is the current refuse disposal?
- Mr. Watts: Previously it was located on the upper parking where we are proposing the addition and it was taking parking spaces essentially and he has since removed those.
- Mr. Gray: He loads his refuse and he takes it off site himself?
- Mr. Watts: He takes it to other dumpsters with other businesses.

- Ms. Bettina: I agree Barbara, that's a good point that it needs to be shown on the plan.
- Mr. Watts: Originally it was the PBC slab fencing so I can revise that and show a concrete masonry unit with chain link.
- Mrs. Roberti: We want it in the resolution that at this time the Planning Board is waiving that requirement until needed in the future. Can we also put in that should the Town feel the dumpsters are necessary, they can require that enclosure be put in.
- Mr. Watts: Depending on how that's going to be worded. I don't think he would have an issue with that.
- Mrs. Roberti: Things change and from an enforcement point of view, it's very hard to get people to comply when they just don't want to.
- Ms. Bettina: We've asked a couple of applicants to put landscaping around it.
- Mr. Roberts: Why can't we agree to do it now?
- Ms. Bettina: That's what I'm saying to incorporate it in the resolution.
- Mr. Roberts: In the interest of good planning, I think it should be done now.
- Mrs. Roberti: Also, he could build it now but he just doesn't have to use it.
- Mr. Watts: I will have to see if that's something he's willing to do. I believe this is rock and it's going to be slightly more substantial than grading.
- Ms. Bettina: The trees you have are dogwoods?
- Mr. Watts: Yes.
- Ms. Bettina: Sammy, is that acceptable?
- Mr. Suleiman: Yes.
- Mr. Watts: We received the comment letter from your office and one of the comments was regarding the original site plan approval, we haven't located a copy of any approved site plan.
- Mrs. Roberti: We couldn't find the original site plan but something came up today and we might be able to find something from Kids Town. I will look tomorrow but if we can't find anything that will have to be waived.

- Ms. Bettina: Do you need anything else from our consultants?
- Mr. Watts: Is it possible to talk about a Public Hearing at this point?
- Ms. Bettina: Bea, what are the dates we could do this Public Hearing.
- Mrs. Ogunti: We could do it either January 18th or February 6th.
- Ms. Bettina: Will February 6th work for you?
- Mr. Watts: February 6th works for me.

16-3356 G&G Amended Site Plan: To discuss an amended site plan with mixed use for three buildings to include retail, bank, office and restaurant. Proposed fast food drive-thru between Building A & Building B to be eliminated. To be replaced with outdoor dining patio, adding 5 new parking spaces, and adding exterior cooler to the north side of Building A on 1.89 acres in an HB Zoning District. The property is located at 1379 Route 9 and is identified as Tax Grid No. 6157-02-594684 in the Town of Wappinger. (Tinkelman)

- Present: Bob Turner – Architect
Eric Baxter – R. L. Baxter Building Corp.
Jesse Camac – R. L. Baxter Building Corp.
- Ms. Bettina: Good evening.
- Mr. Baxter: I'm Eric Baxter from R. L. Baxter Building Corp. and Mill House Brewing Company, my sister and I are co-owners of this restaurant. She just had a baby on Christmas Day and couldn't make it here.
- Mr. Camac: I'm Jesse Camac and I'm going to be the operator of the restaurant developing the concept and working with Eric.
- Mr. Baxter: As you can see it will be people getting together trying to create a community type atmosphere in the restaurant and something that's approachable by everyone in the community. We want to attract people whether from the city, Albany and all around to the restaurant and really create a good buzz about it.
- Mr. Camac: We have a lot of ties with local farmers in the area and the goal is to utilize products throughout the Hudson Valley when possible. We really want it to be an everyday space so people in the area can come and

enjoy a meal at a fair price. We are trying to develop and design a beautiful space.

Mr. Turner: Bob Turner with Tinkelman Architects. We were the original architects when it was Greenbaum & Gilhooley's restaurant. We are back in front of you to amend the site plan to accommodate various uses into the site. The existing drive thru is being eliminated because there is no need for that anymore. We will be incorporating into the new plan an exterior seating area. We will be relocating the electrical to the outside.

Mr. Turner continues his overview of the project.

Mr. Gray: So what you are showing as the new exterior cooler will be the exterior cooler and the electric room.

Mr. Turner: Correct. The electrical room will take place on the west side and the cooler will be on the east side.

Mr. Gray: So the answer to our question 2 is you are going to show any changes but state that everything else is remaining as was on the original.

Mr. Turner: Correct.

Mr. Gray: Rather than just reshoot it.

Mr. Turner: Yes. I didn't see any need to show everything. I will just pick up whatever modifications that are happening. There was a question from F. P. Clark Associates whether we are going to have any outdoor music. We will need to respond to that if we are going to put speakers outside and it will need to comply with the noise ordinance that we have. We will have to apply for a special use permit should we decide to.

Ms. Bettina: Maybe you should apply for it while you are here and in the planning process.

Mr. Turner: Instead of having to reprint the drawings, I would like to just be able to put notes on the amended plan.

Ms. Bettina: I think we would rather have one final version of the plan. We don't people having to refer back to another site plan.

Mr. Roberts: What gets approved will be approved for all of the buildings on site. You are talking about integrated parking so that has to be shown on the plan. I firmly believe that what has to be adopted is one site plan.

- Mr. Turner: LRC has a certain base drawing and this is what it looks like. Here's our new base drawing. I will need to find out if they will need to update their drawings? I was trying to avoid bringing them back and just modify background drawings.
- Ms. Bettina: I'm sorry, that is what the board is requiring.
- Mr. Turner continues his overview of the project.
- Mr. Baxter: A lot of the exterior is hardy fiber cement and for the siding we are going to bring cedar shakes on the gable ends.
- Mr. Turner: On the front of the building instead of going to the regular shingles in the architectural style, they are going to go with the diamond pattern.
- Mr. Baxter: We are doing a different style of storefront. Rather than your typical commercial storefront, it will be more residential and higher end hospitality.
- Ms. Bettina: It looks really nice. Are you going to have any recessed lighting?
- Mr. Baxter: I'm sure we will do something.
- Mr. Turner: That's something we will have to look at to see how deep the overhangs are in order to accommodate that.
- Mr. Baxter: We are really going to try to light up the inside of the tower from the inside.
- Mr. Turner: At this point I don't know where we need to go with you. We would like to keep moving on the project as we currently are doing. So many things are weighing on my mind and one is trying to get this electrical room in.
- Mr. Baxter: If you can tie up the actual building construction and push off the site items at a later date. We are not a big corporation and we are trying to get going as soon as possible.
- Mr. Gray: The only change really is the footprint of the electrical room and the cooler. They want to move on but it will be at their risk.
- Mr. Baxter: Right, we will have full construction documents for the building inspector to review and in terms of planning it will be at our own risk.

- Mr. Roberts: The plans have to be approved before the building permit is issued. For everybody's sake, the plans have to be approved.
- Mr. Turner: Is there any way we can expedite things? If I can get these comments in to you as soon as possible and jump on the January 18th agenda. Typically, we will need to be submitting for the February meeting.
- Mr. Gray: The issue I think you have and you heard tonight is that they want the whole site plan to be revised. They want all of those connections on the new plan.
- Ms. Bettina: With the program they now have it is probably doable.
- Mr. Gray: You have to move from one drawing to another and that's a fair amount of work involved in doing that.
- Mr. Baxter: I will refer to Mr. Roberts on this. The real huge holdup now is this little electrical popup.
- Mr. Roberts: I understand in the correspondence that you need the electric to do the site work.
- Mr. Turner: The electrical room is basically whatever is happening in the building right now.
- Mr. Roberts: In your correspondence you are going to rewire the electrical supply to the site and you need that in order to facilitate the refurbishing of the building. This is my understanding.
- Mr. Baxter: We actually have an open building permit which is the exact footprint that we have right now.
- Mr. Turner: It's the same footprint and where the electrical room was inside the building now it's outside.
- Mr. Roberts: It's got to be with the understanding that we are going to get a final site plan and integrating all the elements of what we discussed prior to approval.
- Mr. Turner: That would give us a little more time to get LRC to get the background in and I don't know what their work schedule would be. Their work is not a whole lot. It's just changing the background drawing.
- Mr. Baxter: The existing tower is on the original building permit.

- Mr. Turner: Correct. The footprint of this tower is on the building permit because it was there.
- Mr. Gray: I think your only issue is the cooler and the electrical work and if you are willing to do that at your own risk. What Al is saying is we will catch up and it will give Bob enough time to respond to the comments.
- Mr. Roberts: The board has to approve this approach.
- Mr. Flower: There are a lot of changes to this plan and it looks like you added square footage so that should be addressed and reviewed. Looks like you moved from 5,000 sf. to 7,712 sf.
- Mr. Turner: The size of the restaurant is not going to occupy the whole building where as before we were limiting ourselves to a small amount. The overall square footage is the same across the board.
- Mr. Roberts: What I remember is they were just going to use the first floor for the restaurant and now you are using the entire building.
- Mr. Baxter: We are not adding square footage.
- Mr. Flower: Unfortunately, I don't have the original site plan to look at. I'm hearing things tonight and it's starting to concern me.
- Mr. Turner: What do we need to provide to you regarding the outdoor seating?
- Mrs. Roberti: How much restaurant space were you approved for on the first plan?
- Mr. Turner: On the first plan we were approved 5,000 sf. We were looking at just doing little here and there but when they approached us that they want to take the entire building that was when our plans changed and we knew we had to come back in front of you. Now they are going to be occupying the entire building and now it goes from 5,000 sf. to 7,000 sf.
- Mr. Flower: Now you are using it as a restaurant and usually the parking calculations are different. If they are expanding on a more intense use are they going to have enough parking to provide?
- Mr. Turner: My concern also was regarding parking. That's why I went back into Phil Greely's original parking agreement that we had for the original site plan. We are going to be working with it on this new layout and arrangement of square foot usage. In doing the calculations I found that it did still work for us and we did have adequate parking in this design as we had in the original design. I can provide that information to you with the next

submission when I come back. We are not going to be impacting any of the businesses with the parking. What we currently show will work.

- Mr. Roberts: I think maybe you should go back and revisit what you were originally approved for in the first building. You are not changing the footprint with the exception of freezer and the electrical utilities.
- Mr. Turner: Correct.
- Mr. Roberts: The first approval was for 5,000 sf.
- Mrs. Roberti: I remember in the first approval it was very specific for instant in Building B you got a Starbucks for 2,000 sf. it would be subtracted from the Greenbaum building. You could only use up to that square footage. Now you are adding over 2,000 sf. so I would like to see how the parking hasn't changed.
- Mr. Turner: I used the calculations that were provided to us and I went through all of them.
- Mr. Gray: It would be good if they come back to the next meeting with that analysis.
- Mr. Turner: I can easily do that.
- Mr. Gray: You could consult with the planner on that.
- Mr. Roberts: You said there was an outstanding building permit?
- Mr. Turner: We have a building permit for doing work on this building. The only thing we are allowed to do is whatever occupies the inside of the building without going to the exterior walls. They've been doing a significant amount of restructuring inside the building.
- Mr. Flower: Try to get as much information and details for the next meeting and we can make a decision at that point.
- Ms. Bettina: So what's the status of the electrical and the freezer?
- Mr. Baxter: The freezer is fine because the actual structure of the freezer will be the popups and frame around it so that will take some time. Again, the electrical is very important.
- Ms. Bettina: Should we let them go ahead and keep our fingers crossed?

- Mr. Flower: I'll let you go at your own risks. The owner of the property, it will be at his own risk and if for some reason there are issues with the parking. You have one unbuilt building right now and maybe that building will need to get smaller to accommodate the overall site. That's my personal feeling.
- Ms. Bettina: Maybe it won't.
- Mr. Flower: We are going to give them the allowance that upon approval from the Building Department for the changes of the construction. Obviously, the overall site plan which you will need prior to getting the CO will be contingent upon having the entire amended site plan.
- Mr. Pesce: If you a planning on overflowing the parking into the bank area are there any walkways?
- Mr. Turner: There is an assessable walkway and it is handicap assessable.
- Ms. Bettina: Al, do you have any questions?
- Mr. Roberts: No. They are doing this at their own risk and I would feel more comfortable if they come back in two weeks to give more details. We need the original resolution of approval given to all of the board members this way we know exactly what was approved under the circumstances.
- Mr. Gray: Sammy, will David be back next week?
- Mr. Suleiman: Yes.
- Mr. Gray: I think it's important that you take your parking analysis and whatever limitations and review it with David.
- Mr. Turner: I had a conversation with Sarah Brown this afternoon and she said provide me the information that shows that the parking works and we can make a determination from there.
- Mr. Gray: If you come in here cold on January 18th and the planner hasn't gone over this, it's going to be hard for you.
- Mr. Turner: I will definitely give David a call. Thank you very much.
- Ms. Bettina: Thank you.

15-5172 / Smart Subdivision: To discuss a proposed 2-lot subdivision where there is an existing home on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor)

Present: Jon Bodendorf – Engineer
Richard Cantor – Attorney

Ms. Bettina: Good evening.

Mr. Cantor: Happy New Year. Richard Cantor on behalf of Smart Subdivision and with me is Mike Bodendorf, project engineer. This application is for a 2-lot subdivision and it was here some time ago. It got put on hold because there was a zoning disagreement. The property is presently approved by a nonconforming 3-family residence. A 3-family residence will no longer be permitted in that zone. The disagreement was whether this proposal to leave the 3-family residence on one lot and create a second lot was then to increase a prohibited increase in a nonconforming use. That finally was resolved and it was determined that there is no prohibition and this is not an increase in nonconforming use. So here we are back again to move forward with this 2-lot subdivision. In the meantime it was determined in an earlier review that one of the lots was a flag lot and it does not have the required length. Within the next week we are going to be making an application to the Zoning Board of Appeals for an area variance to allow a flag on a flag lot. Mike Bodendorf has submitted to you a revised EAF. We are here to ask you to circulate the revised EAF for coordinated environmental review with the Planning Board proposing to be the Lead Agency. The other request is to schedule a Public Hearing 30 day out. At this time I will turn this over to Mike Bodendorf.

Mr. Bodendorf: Good evening, Mike Bodendorf with Hudson Land Design Engineers. There really have only been some minor changes from the last time we appeared before you. We made some minor tweaks to the flagged portion of Lot 2 by not making Lot 1 nonconforming in anyway specifically in lot width and lot size. Lot 1 size is just barely under 40,000 sf. and Lot 2 is about 49,600 sf. We had some comments from the engineer regarding sight distance and typography. We were also asked to prove the viability of this alternate driveway. We are still proposing to use this shared driveway to access Lot 2 and we did show that this driveway can be installed inside that width that we are providing for the flagged lot. We provided sight distance for both

driveways and provided it in a table on the plans. That's pretty much it from the last time we appeared before you. We did receive some comments from the consultants and Bob yours was what the herringbone area is. That's actually the existing gravel driveway and parking area that's there now. That can be taken off the plan or we can provide information on the plan. We are asking the board's consideration for waiver on underground service to Lot 2 because there are existing poles that brings power back to the pool house already.

Mr. Cantor: Unless there's a question that's an overview of the project. I would first ask that you adopt a motion to circulate the revised EAF for a coordinated review including circulation to the ZBA.

Mr. Flower: **Motion to circulate the revised EAF.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Mr. Cantor: Are you comfortable 30 days out with scheduling a Public Hearing?

Ms. Bettina: You are going to the ZBA to get your variance.

Mr. Cantor: Correct. They can't act until you complete SEQRA processes and you don't need to have their variance to open a Public Hearing.

Ms. Bettina: Are you guys ready for a Public Hearing on February 6th. Is that enough time?

Mr. Flower: We will need the 30 day out to schedule the Public Hearing.

Mrs. Roberti: We don't have a second meeting in February due to the Association of Towns conference. Can you get the Lead Agency by tomorrow then we can get it out by Friday.

Mr. Bodendorf: If we don't make the February 6th date, when will the next date be?

Mrs. Ogunti: March 6th.

Mr. Cantor: We will go with February 6th if we run into trouble, we will let you know. Will Bea be doing all of the notifications on the Public Hearing or do we do it?

Mrs. Ogunti: I will be sending the legal notice to the Southern Dutchess News for publication and will send you the legal notice and names of abutting property owners for Mike to mail out.

Ms. Bettina: It will also be on our website as well.

Mr. Cantor: Again, Happy New Year and thank you for your cooperation.

Architectural Review:

17-3359 Prestige Mini – Amended Site Plan (Flag Pole): To discuss an amended site plan application to install a 35 feet flag pole on 4.40 acres in an HB Zoning District. The property is located at **1162 Route 9** and is identified as **Tax Grid No. 6157-04-659168** in the Town of Wappinger. (Fotos)

Ms. Bettina: Good evening.

Mr. Fotos: My name is Andrew Fotos. Unfortunately, my people aren't here. I'm the general manager of the store.

Mrs. Roberti: I spoke with Infuente last Thursday and he asked if it would be on tonight and I told him as long as he got it in by the end of next week we would get it on tonight's agenda.

Mr. Fotos: I didn't see my message until after 3:00pm today.

Mrs. Roberti: You are here now and it is your flag pole.

Mr. Fotos: We wanted 70 to 80 feet but you guys reduced it to 35 feet.

Mrs. Roberti: We reduced to 35 feet so you won't need a variance.

Mr. Fotos: Is that the reason why?

Mrs. Roberti: We have a 35 feet height requirement in the Town.

Mr. Fotos: Oh, you do? Most of all of our other flag poles are 70 to 80 feet.

Mrs. Roberti: That's your option to go to the ZBA.

Mr. Fotos: Oh, so we could go higher but we have to go to the ZBA for a variance.

Ms. Bettina: Yes.

Mr. Fotos: Can Infuente do that? We wanted it from the beginning but somebody dropped the ball on our end. I reminded them about it especially on Flag Day and Veteran's Day.

Ms. Bettina: What's your name again?

- Mr. Fotos: Andrew Fotos.
- Mrs. Roberti: Are you the manager of this site?
Mr. Fotos: Yes.
- Mrs. Roberti: While you are here, I have one complaint. You have to keep that car and only one car by the berm. That is a condition of your site plan to have one car there at all times.
- Mr. Fotos: I found that out from Maureen. I didn't know that and I just thought that it was an optional parking space for us. I'm not making excuses but everybody else is parking their cars on the grass.
- Mrs. Roberti: We are working on that but you should just take care of your situation.
- Mr. Fotos: I know but I'm just saying that everybody else is parking on the grass on Route 9.
- Ms. Bettina: Prestige came to us and we really worked hard to get you all set and this was their idea to have those cars there. Please remind them of that.
- Mr. Fotos: We did and as soon as she told me I took them off the grass. Since you brought that up, does it have to be that one spot?
- Mrs. Roberti: That's the spot that was approved.
- Mr. Fotos: Can it be a car or a truck? Does it matter?
- Mrs. Roberti: It was approved for a car.
- Mr. Roberts: There was a sketch that was submitted with a car on it that was approved.
- Mr. Fotos: What if the car is sold?
- Mrs. Roberti: I'm not trying to be difficult but right now what you are doing is not working and you are in violation of your site plan. I've been patient because I figure you'd be here and you can't have a vehicle up front on the grass.
- Mr. Fotos: Which we did and we stopped.
- Mrs. Roberti: You need to keep a mini at that spot.

- Mr. Fotos: We have a truck there now so I should remove the truck and put a mini in that spot. I'm really patriotic and I would prefer an 80 feet flag pole so I'll ask him if he wants to go that extra route.
- Mrs. Roberti: You will still need this board's approval.
Mr. Fotos: I don't know how you feel about that.
- Mr. Flower: I have no objection.
- Mr. Fotos: All of our stores have the 80 feet flag pole. We have to go by what the Town says but if we need to go to the ZBA to get it approved and it may take a little longer, we will.
- Ms. Bettina: Are you going to have a light on the flag pole?
- Mr. Fotos: Yes, they all do. I will bring it up to them. The owner is the one that's stressing the 80 feet flag pole also.
- Mrs. Roberti: If they give you 35 feet and you do decide to put that up, let me know then we have to issue a building permit. If you decide to go to the ZBA, they will see you but regardless of which approval you have to make sure that building permit is issued.
- Mr. Fotos: I will let Infuente know, he's the one that does all of our building permits.
- Mr. Flower:** **Motion to approve the 35 feet flag pole.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

New & Old Business:

Association of Towns

- Ms. Bettina: Has anything been done with the Association of Towns?
- Mrs. Ogunti: I emailed the information to you today.
- Mr. Roberts: I prepared the resolution and the Town Board approved it.
- Ms. Bettina: You guys know what that's all about? As a Planning Board member you need to have 4 hours of education done every year. You have to get the education and it's a State requirement. There is a 2.5 day education classes that's held every year at the Marriott in NYC. Otherwise, there are

classes offered online that would be applicable to the education that you need.

- Mrs. Roberti: It was emailed to you late today and Inez has to register all of you by January 27th so she really would like it back by January 21st. The Town gets a better rate and you pay a lot less for the classes per person.
- Mr. Marinaccio: How many hours is it?
- Mr. Roberts: It's pretty close to 7 hours a day.
- Ms. Bettina: You don't only have to take the ones pertaining to the Planning Board. There are also zoning and many other classes. The classes were listed in the Association of Towns booklet that we received. I don't think you can carry over your hours.
- Mrs. Ogunti: I think you can.
- Ms. Bettina: The minimum is 4 hours a year.
- Mr. Roberts: The classes are really helpful and they offer SEQRA reviews basics on Planning Board and ZBA and case law updates involving land use and land planning. There are a number of courses that you can switch back and forth from. The ones on planning and land use are very helpful.
- Just another thing, I had the sense that we all want to Greenbaums & Gilhooley's but it's very important they supply us with the approvals that were previously granted. We really need to know what the baseline is before we start altering it. These guys are in the middle of construction and they need the stuff to get going and probably want to open up for the spring or summer.
- Ms. Bettina: I think he understands that we need a complete set and I think we were very clear on that.
- Mr. Flower: I agree that it should be submitted as a complete package before giving an approval. It was hard to decipher the whole thing because on that plan it didn't show a cooler and electrical room.
- Mr. Gray: There are two different plans.
- Mr. Flower: It wasn't really good. Tinkelman's office did not do a good job in presenting that. I wasn't prepared to do anything only because there wasn't enough information and also listening to Bob Turner talk about how he's changing some of the aspects of the property. You are expanding the assembly

occupancy not only by 2,000 sf. inside but you are also increasing it on the outside.

Mr. Marinaccio: Increasing by 50%.

Mr. Flower: It will definitely affect your parking calculations and he said he had somebody to do a whole study on it.

Ms. Bettina: He's going to have to come back on it.

Mr. Gray: Not only that but this place is going to be open for lunch. Previously, they were going to be open at night.

Ms. Bettina: I'm going to be completely honest in that aspect, if you look at the banks in the area people do not utilize it compared to 8 years ago. Everybody is doing banking online.

Mrs. Roberti: The Chase Bank around the corner, the parking lot is almost always full. The Bank of New York down the street, cars all over.

Mr. Roberts: Yes.

Ms. Bettina: I can go to Fishkill and I can go to Rhinebeck and M&T and they are never full at any time.

Mr. Marinaccio: It depends on the bank also. My wife works for the Credit Union and they are always packed.

Mrs. Roberti: I appreciate you asking for only one plan because when we go to do the COs and when you are bouncing back and forth you lose stuff in translation. It's hard to superimpose to see what was there and what wasn't.

Ms. Bettina: There are so many programs out there so it shouldn't be that hard. Is there workload that much that he can't do that?

Mr. Flower: It's not that it's the fact that they have to pay LRC to do some work and they don't want to pay LRC and I get it.

Mr. Roberts: Not only that but they want to get it done quickly.

Ms. Valk: These folks know me but you don't know me. I'm Rebecca Valk, the conflict attorney and I wanted to take the opportunity to introduce myself.

Mr. Flower:
Mr. Pesce:
Vote:

Motion to Adjourn.
Second the Motion.
All present voted Aye.

Adjourned: 9:00pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board