

# MINUTES

Town of Wappinger Planning Board  
June 5, 2017  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

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

### **Others Present:**

Mr. Lindars	Town Attorney
Ms. Valk	Town Conflict Attorney
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Public Hearing:**

Lands of Magarelli Subdivision	Adjourned to June 19, 2017
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### **Discussion:**

Myers Corners Landing Subdivision	Public Hearing on July 17, 2017
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Old Hopewell Commons Subdivision	Resubmit
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### **Conceptual:**

Stage Door Self-Storage (formerly Stage Door Furniture)	Resubmit
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**Ms. Bettina:** **Motion to accept the Minutes of May 15, 2017.**  
**Mr. Marinaccio:** Second the Motion.  
**Vote:** All present voted Aye.

**Public Hearing:**

**17-5182 Lands of Magarelli Subdivision:** The Town of Wappinger Planning Board will conduct a Public Hearing on an application for a 1-lot subdivision on 9.67 acres in an R80 Zoning District. The Property is at **233 Smithtown Road** and is identified as **Tax Grid No. 6256-01-114830** in the Town of Wappinger. (Day)

**Present:** Mark Day – Engineer

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

**Mr. Flower:** Good evening.

**Mr. Day:** Mark Day representing the applicant Lands of Magarelli Subdivision. This project is located on Smithtown Road and it was approved as three lots. Mr. Magarelli has purchased the lots and wishes to combine the three lots back together. The project is utilizing one of the existing septic. The house that's being proposed is bisecting one of the lines. We did relocate the driveway further to the site because of the lot line and cut. The lots were already recreated through deed and we are just here to go through the formal process from three lots back to one.

**Mr. Flower:** Is there anybody in the audience who would like to speak on this subdivision? We only have one comment and the Fire Prevention Bureau has not reviewed this plan. I guess they did look at it and it's scheduled for an upcoming meeting.

**Mr. Day:** We got a review sheets that said no comments.

**Mr. Flower:** We got an internal memo regarding the hairpin on the end and it has raised some concerns. So we have to get comments from them before we move forward. We will need to adjourn the public hearing until our next meeting on June 19<sup>th</sup>.

**Mr. Day:** Is it possible for the owner to pull a building permit for the house?

**Mr. Flower:** Let's get the comments back from the Fire Prevention Bureau since the Fire Inspector did have some concerns.

- Mrs. Roberti: Mark, you should talk to Mark Lieberman because that driveway is a problem and maybe you can correct whatever is bothering them and give it to them before next Monday. So that when he brings it to the meeting on Tuesday they can approve it.
- Mr. Day: Okay.
- Mr. Gray: Mark, looks like you have room between the curve and the house.
- Mr. Day: We should have plenty of room. One of the questions I had in the resolution is that we conform to the sight distance requirements for the County.
- Mr. Gray: That was because we used the County requirements even though it's a Town road.
- Mr. Day: The Town has its own regulations.
- Mr. Gray: Correct, but we want to use the County regulations. We will talk about that.
- Mr. Day: Okay.
- Mr. Flower: Do you think you can get this done in a timely fashion before the next meeting?
- Mr. Day: I will reach out to Mr. Lieberman tomorrow to see if we can move along.
- Ms. Bettina: When is the next meeting?
- Mrs. Ogunti: June 19<sup>th</sup>.
- Ms. Bettina: Motion to adjourn the Public hearing to June 19, 2017.**
- Mr. Marinaccio: Second the Motion.
- Vote: All present voted Aye.
- Mr. Day: Thank you very much.

**Discussion:**

**16-5179 Myers Corners Landing Subdivision:** To discuss an application for a 10-lot subdivision on a total of 6.10 acres on two parcels in an R-20 Zoning District. The property is located on **Myers Corners Road** and is identified as **Tax Grid No. 6158-04-894014 (5.84 acres) and 6157-02-899988 (0.26 acres)** in the Town of Wappinger. (Povall)

- Present: Billy Povall – Engineer
- Mr. Flower: Good evening.
- Mr. Valdati: Are you in receipt of Mr. Gray's letter?
- Mr. Povall: Yes.
- Mr. Flower: Just give us a brief description of the project.
- Mr. Povall: Good evening. This is a 10 lot subdivision off Myers Corners Road between Patti Place and Robert Road. The 10 lots with this submission package are consistent with the plan of the previous meeting. Since the last meeting we've put together all of the engineering details on grading, stormwater, etc. We are here tonight to look forward to moving ahead with the project.
- Mr. Flower: We need to discuss the easements and the width of the easements referenced in Bob's letter.
- Mr. Povall: We do have room to expand those easements and that's something I can work with Bob on to make them the size that they need to be.
- Mr. Gray: They are supposed to be 30 feet.
- Mr. Flower: Are you going to be able to get those changed?
- Mr. Povall: Yes, we have a little bit of room to maneuver to make that occur.
- Mr. Flower: Also, the other building in the front which has a nonconforming use right now.
- Mr. Povall: We are proposing to take the office building down and turn it into a residential lot to conform to the R20 Zoning District. The way the lot exists at this point in time is an undersized lot. We are proposing to make it as big as possible by adding some land from the back parcel to Lot 10. The new lot will not be of the size required in the zoning but we are making a nonconforming lot more conforming so we are making it bigger.
- Mr. Macho: So we can have the proper setbacks.
- Mr. Flower: So you will make it larger than what it already is. This way you will meet all of the setbacks.

- Ms. Valk: I think that's County road setback.
- Mr. Povall: We are proposing the move the house further back from where the existing building is right now. That will increase the front yard setback to the County road.
- Mr. Flower: David, are you good with that?
- Mr. Stolman: Yes.
- Mr. Flower: Are there any questions from the board about the subdivision as it is currently?
- Ms. Valk: Billy, if I understand it correctly you are going to move the house back so you don't have that County setback issue on that one lot?
- Mr. Povall: We will still have less than the required setback but we actually increasing it to make it better.
- Ms. Valk: I know you are making it better but it's still underneath so I will have to discuss with Barbara.
- Mrs. Roberti: He will need variance because he doesn't have enough room on the side.
- Mr. Flower: So you will need the variance for the undersize lot.
- Mr. Povall: We have enough room on the side but we will fall under the overall lot size in the front yard setback to the County road.
- Mr. Gray: That's 75 feet.
- Mr. Povall: Correct.
- Mrs. Roberti: For the record, they have to go to the ZBA anyway to get a variance for the undersized lot.
- Ms. Valk: The way your nonconforming is written if you trigger any one variance for the lot size, width and depth corrects the undersized lot.
- Mrs. Roberti: Right.
- Mr. Povall: It's a standalone lot and the applicant agreed to bring this lot in the application to make it better and more conforming.

- Mr. Flower: Bob, are you okay with this as it stands?
- Mr. Gray: Yes, we will work with Bill regarding the easements and the width.
- Mr. Povall: Will there be any recommendation from the board to the ZBA?
- Mr. Flower: I think everyone agrees that it will be for the one lot just for the size and nothing else.
- Ms. Valk: If they didn't need the County road setback they wouldn't need any variances. Unfortunately, they have the one and it opens the door and also needs lot size.
- Mrs. Roberti: I would also like to bring to the board that this particular lot has been problematic for the last 15 years because of its size closest to the road and the fact that it doesn't fit into the zone as a residence. I've spoken to Mr. Macho in the past asked him with the subdivision would he consider turning this to a residential lot to make it conforming to the zone. It's all moving in the right direction.
- Mr. Macho: A recommendation would be helpful.
- Mr. Flower: So we are giving a positive recommendation for the lot size and the front setback.
- Mr. Gray: Are you going to be able to meet the 50 feet Town setback? I know you can't meet the 75 feet.
- Mr. Povall: We cannot meet the Town or the County setback. We have a reasonable size house so that allows us to push the house further back to increase that setback.
- Mr. Flower: Was this sent back for Lead Agency?
- Mr. Povall: I believe you did.
- Mr. Stolman: This is an unlisted action so we may or may not have sent out for Lead Agency.
- Mr. Povall: We did get comments from all of the agencies.
- Mrs. Roberti: We send every application to agencies.
- Mrs. Ogunti: No, we did not.

- Mr. Stolman: This is an unlisted action and we actually don't have to because the Town Board repealed the local SEQRA regulations. So many more actions are going to be unlisted as opposed to Type 1 action where you had to come up with a Lead Agency. If the ZBA issues a Negative Declaration and they can do that or we could go through the designation of Lead Agency.
- Mr. Flower: What would be the best approach? Should we declare a negative declaration or do they have to do it themselves?
- Ms. Valk: If you do it uncoordinated you have to adopt.
- Mr. Flower: If it's a coordinated review then we have to designate a Lead Agency to do the full review.
- Mr. Stolman: Would the ZBA prefer the Planning Board to be the Lead Agency?
- Mrs. Roberti: In most cases it comes from the Planning Board on certain projects that have already sent out for Lead Agency.
- Mr. Stolman: Maybe we make a policy and make a decision and follow that decision because this is going to come up over and over.
- Mr. Flower: Maybe we should circulate for Lead Agency and once that's set we can give you the approval to go to the ZBA.
- Mr. Povall: Okay. Can we at least set a date for the public hearing at least 30 days from the circulation date so we don't have to come back here to set a date?
- Mr. Flower: It seems as though everyone is on board with this project.
- Ms. Bettina: Let's consult with the professionals if it's okay to set a date for the public hearing.
- Mr. Stolman: Yes.
- Ms. Valk: He's asking for a date so that after the circulation he doesn't have to come back.
- Mrs. Roberti: The public hearing would have to be July 17<sup>th</sup>.
- Mr. Povall: We could get on for that.

- Mr. Stolman: There should be another submission. Bob, you have quite a few comments, right?
- Mr. Flower: In that timeframe you will make a submission to address all of the engineer's and planner's comments in their letters. So you should get that information to us prior to that meeting.
- Mr. Povall: Yes, that would be no problem. The comments are minor in nature and design.
- Mr. Gray: They are not threshold comments.
- Ms. Bettina:** **Motion to circulate for Lead Agency.**  
Mr. Marinaccio: Second the Motion.  
Vote: All present voted Aye.
- Ms. Bettina:** **Motion to set a Public Hearing on July 17, 2017.**  
Mr. Marinaccio: Second the Motion.  
Vote: All present voted Aye.

**17-5183 Old Hopewell Commons Subdivision:** To discuss an application for the realignment of the southernmost section of Sgt. Palmateer Way at its intersection with Old Hopewell for a 2-lot subdivision on 6.45 acres in an HB Zoning District. The Property is at **Old Rte. 9 & Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (LA April 24, 2017)

- Present: Mark Day – Engineer
- Mr. Flower: Good evening.
- Mr. Day: Good evening, Mark Day, Day Engineering representing Old Hopewell Commons. The last time we were before the board, you asked that you refer us to the ZBA and we've been to the ZBA and the variance for this lot was granted. It now will be a substandard lot and once the road is dedicated, this will create a parcel which would be less than what is allowed by the code. A couple of changes have taken place on this project. We originally were approached by the Town to consider taking care of some of the flooding to the north of us. After speaking with a biologist, this would require substantial permit from the Army Corp. so we are no longer going to do that. We are going to maintain our development on our site within our buffers as best we can and all of our

stormwater will be maintained to the best of our ability outside this area. That's one of the larger changes we have talked about.

Mr. Day continues his overview of the project.

Mr. Flower: Barbara, do you have anything to say?

Mrs. Roberti: We have a little problem. The ZBA granted your variance but we are going to have to ask them to rescind that wait until you receive a Negative Declaration. We jumped ahead of SEQRA and that can be a reason for an appeal. I will send a letter to the ZBA and have them take that back next week and once you receive the Negative Declaration we can put you back on the ZBA agenda.

Mr. Stolman: There was a designation of Lead Agency Mark, and you may recall the Planning Board became the Lead Agency.

Mr. Day: Going through the comments, there's one that I want to get ironed out is the 10 feet setback.

Mr. Stolman: That's gone. It was retracted.

Mr. Day: The other one is you say Section B requires that multi-family uses be screened by a buffer strip of evergreen planting, or an alternative approved by the Planning Board, from abutting residential uses.

Mr. Stolman: What we are saying is your plan is too conceptual and you do not have a complete set of plans. There's no landscape buffer shown.

Mr. Day: We submitted landscaping. I wasn't sure what you were talking about because you say we are abutting residential property but we are not providing a buffer. Am I getting that right?

Mr. Flower: I believe he's referring to the landscape buffer. I think originally the plan was to clear all of the vegetation that's currently there and ultimately opening those two properties to the new development. Technically, you will have to put some type of screening along the property line to screen it from the two residential lots.

Mr. Stolman: Do you show a landscape buffer on your plan?

Mr. Day: If this is the area you are concerned with, we are no longer going to remove this so there will be a 100 feet buffer to the west. I certainly show it to the north.

- Mr. Stolman: We talked about evergreen so there's year round screening.
- Mr. Day: Okay. I will take care of that. We pretty much agree with everything else and we are rethinking the areas of disturbance.
- Mr. Flower: If you are leaving all the vegetation and wetlands that's there now that should suffice.
- Mr. Stolman: For a number of things here you say that they will be provided as the application progresses and we are still waiting for those things.
- Mr. Day: We got the survey the day that we submitted for today's meeting and that was done by Chazen's office so we are pretty set and we will submit along with everything else. I hate to ask, but is it possible to get input from the public at this point? I know there were some people concerned at the ZBA meeting.
- Mr. Flower: David, do you feel you have enough information to go forward with the public hearing?
- Ms. Bettina: There are quite a few things still open, isn't there?
- Mr. Stolman: For many things it says this will be submitted as the application progresses. I would say to have a fairly completed application before you have a public hearing.
- Ms. Bettina: I agree because the public will just come out and bombard you with questions.
- Mr. Flower: I don't think the current submission shows the stormwater basin was put in. If we are going to steer away from that maybe we should have the full submission at that point. The public will be coming out apparently for this one. There might be some other issues from them. So showing some of these changes might satisfy their concerns.
- Mr. Day: Okay. The traffic study is completed and we will be submitting that. We did go over with the traffic engineer and Hark Plaza now exits to the south which takes a lot of weight off our proposed intersection. So we will produce that at the next meeting.

**Conceptual Review:**

**17-3368 Stage Door Self-Storage (formerly Stage Door Furniture)**: To discuss a conceptual application for utilizing the existing 30,000 sf. building for self-storage on 2 acres in an HB Zoning District. The property is located at 1 Stage Door Road and is identified as **Tax Grid No. 6156-02-777824** in the Town of Wappinger. (Buyakowski)

Present: Billy Povall – Engineer

Mr. Flower: Good evening.

Mr. Povall: I'm here tonight for a conceptual review for the Stage Door building. This is the old Stage Door Furniture building at the corner of Old Route 9 and Stage Door Road. It's an existing 30,000 sf. building and it's been vacant for a number of years. The owner is looking to install self-storage units in the building. There's no water and sewer for any significant retail business at this point in time and it will all be within the existing structure. There are currently 20 parking spaces and another 10 spaces are required to comply with the zoning. We are proposing a secondary access to the rear of the building for the additional 10 parking spaces as well as providing access for small box vans, small trucks to bring the materials to the building. Right now there's an existing graveled driveway that provides access to the back of the building as well as a graveled loading area.

Mr. Povall continues his review of the project.

Mr. Flower: Are you proposing any changes to the outside area?

Mr. Povall: Not at this time.

Mr. Flower: Are you proposing signage by the road?

Mr. Povall: We will continue with the signage location the way it is now. There's an existing freestanding sign. Those are the type of details we would come in with a complete application.

Ms. Bettina: How many additional parking you need?

Mr. Povall: We would need 10 additional parking.

Mr. Valdati: Will this require sprinkler system?

Mr. Flower: That's something that will be taken up with the Fire Inspector.

- Mrs. Roberti: When we circulate to the Fire Prevention Bureau, I'm sure they will comment on that.
- Ms. Bettina: How close are you to the wetlands?
- Mr. Povall: Here are the existing Town wetlands and here is the buffer. It's already a graveled loading and unloading area.
- Mr. Flower: How does the board feel with this change to storage?
- Mr. Stolman: It is a permitted special permit use.
- Mr. Flower: Does it require a special permit for this?
- Mr. Stolman: Yes.
- Mr. Povall: The furniture retail business worked for the building for some time because there wasn't a high demand for water and sewer.
- Ms. Bettina: Will all of those parking spaces be needed? I know they are required but why not land bank them?
- Mr. Povall: That's a possibility.
- Ms. Bettina: It would be an effective way to use that space instead of paving. The front is already paved and it's just storage.
- Mr. Stolman: Storage won't generate a lot of traffic.
- Mr. Povall: We still will need to pave the driveway and the access behind the building. We can certainly eliminate some of the parking space.
- Ms. Bettina: Especially since you are so close to the wetlands.
- Mr. Povall: I think that's a good idea.
- Ms. Bettina: Once you pave it you can't unpaved it.
- Mr. Stolman: When it's fully occupied and operational, people don't go to their storage units often.
- Ms. Bettina: Even if they do go they don't go every day. I know you are in the planning phase but lighting in the front should be the down lights just to show that you are open.

- Mr. Marinaccio: I think it's a good idea for that building.
- Ms. Bettina: Yes, I think it is. With the population increases, I'm sure people will need an area to store their things.
- Mr. Povall: The applicant did some research and there is a need for it.
- Mr. Flower: So get a full application submitted with the details and we will go from there.
- Mr. Povall: Great. Thank you.

**New & Old Business:**

Wappinger Route 9D Solar Farm (Nexamp Solar, LLC)

- Mr. Flower: Do we need to go into executive session for this?
- Mr. Lindars: No. Let the record reflect that there will be a letter sent at the request of Nexamp.
- Mr. Flower: Let's fill the rest of the board members in. Apparently there's been communications between the applicant and the professionals regarding their project. They are looking for a letter from us saying we are going to declare ourselves Lead Agency.
- Mr. Stolman: They are looking for the Planning Board to declare that it's going to seek Lead Agency.
- Mr. Flower: They have not come before us yet with an application and they are on the June 19<sup>th</sup> agenda and asking us to circulate for Lead Agency after that meeting.
- Mr. Valdati: Barbara, could you fill me in on what the zoning laws are regarding this?
- Mrs. Roberti: Their attorney, Neil Alexander has been dealing with Jim. The solar law was passed over a year ago and there were some issues with it so it had to get corrected and refiled. They are entitled to do this type of solar there as a solar farm. That's what the special use permit is for. There are requirements in the solar law in an R40/80 Zoning District that requires them to have an extensive buffer. There are some issues that they might need variances for moving forward. At this time we just need to reach out to Jim to make sure the solar law was refiled.

- Ms. Bettina: What's online for solar and is it up-to-date and correct?
- Mrs. Roberti: That's what we want to verify.
- Ms. Bettina: You don't know?
- Mrs. Roberti: I don't know.
- Mr. Stolman: I don't think it is or it wasn't the time I looked and Jim provided me with a copy.
- Ms. Bettina: That can be an issue.
- Mr. Stolman: Sometimes it's not correct on the website but it will be made current.
- Mrs. Roberti: This came up this afternoon so it wasn't enough time to do some research.
- Ms. Bettina: The solar law went into effect a year ago and what we have on our website is not correct.
- Mrs. Roberti: What we have on the website is not law.
- Ms. Bettina: So what we have there for over a year is not correct, right?
- Mr. Stolman: It probably was correct at one point.
- Ms. Bettina: It is not correct now.
- Mr. Stolman: Right.
- Ms. Bettina: So if it's out there and it's not correct why isn't it down?
- Mrs. Roberti: I'm going to take a stand that 99% is correct and what may actually be wrong may not affect this. That's what we are trying to get clarification on before June 19<sup>th</sup>.
- Ms. Bettina: If something is not correct even by 1% should it not be there?
- Mr. Stolman: We are not going to disagree with you.
- Ms. Bettina: Who is responsible for maintaining what is right on the website? Why is it still there if it is not correct?
- Mr. Stolman: We are not sure.

- Ms. Bettina: We are not sure. That's what I want to know at this time.
- Mrs. Roberti: The Town Clerk puts these things on the website.
- Ms. Bettina: So how are we sure it's not correct?
- Mrs. Roberti: I'm not sure at this late date since they just came through this afternoon and I don't have that information available.
- Ms. Bettina: Why do we think it's not correct?
- Mrs. Roberti: There were a lot of discussions.
- Ms. Bettina: With whom?
- Mrs. Roberti: Discussions with Jim Horan and Al Roberts.
- Ms. Bettina: Was that recently?
- Mr. Stolman: Yes, very recently and I think the best thing is to talk to Jim and Al.
- Mr. Lindars: I will verify tomorrow the specific issue that may or may not exist.
- Mr. Flower: I believe from some of the previous conversations there was an issue with what was submitted. I remember there was a copy to all of the board members on the solar change prior to the Town Board adopting it. I know we did get a copy sent to us.
- Mrs. Roberti: It got filed without those changes.
- Ms. Bettina: Moving right along then.
- Mr. Flower: We agreed to send the letter and after reviewing their application we will move ahead. Our intent is to circulate for Lead Agency.
- Mr. Stolman: That's all they are looking for currently.
- Ms. Bettina: So Ian you will get back to us on the issue before our next meeting?
- Mr. Lindars: Correct.
- Mr. Flower: If somebody can send all of us an email to update us on where we stand.

- Ms. Bettina: The Town Board needs to know that also.
- Mr. Lindars: When's the next meeting.
- Mr. Flower: She's talking about the solar issues but I'm talking about the letter that the applicant is looking for.
- Ms. Bettina: I understand that but before we go any further we need to take care of the problem that already exists and you are going to provide us with that information prior to.
- Mr. Flower: I agree. Since we don't need the vegetation and the trees that's there that might suffice now as oppose to what was previously there. It's going to be very difficult to do.
- Ms. Bettina: We don't want to embarrass our professionals or this board either.
- Mr. Flower: If everyone agrees to send the letter their attorney is asking for then we can ask Bea to send out.
- Mr. Flower: We will authorize Planning Board Secretary to send a letter to Nexamp declaring we are going to circulate for Lead Agency.
- Mr. Valdati: Just want to verify the June meeting.
- Mr. Flower: Our next meeting is June 19<sup>th</sup> and it's an adjourned public hearing for Magarelli Subdivision.
- Mr. Valdati: What's about July?
- Mr. Flower: July 17<sup>th</sup> is the Public Hearing for Myers Corners Landing and Lead Agency for Old Hopewell Commons.
- Mrs. Roberti: We do have a meeting on July 5<sup>th</sup>.
- Ms. Bettina: Do we have anything on the agenda for July 5<sup>th</sup>?
- Mrs. Ogunti: We don't have anything right now.
- Mr. Marinaccio: Are we getting any closer to closing the Sikh Temple?
- Mr. Flower: We should be finally ready to close the Sikh Temple because we circulated for Lead Agency and move this forward at this point.

Mr. Marinaccio: Didn't they want to go out there with this weather balloon? Is it still going to happen?

Mr. Flower: Can someone reach out to Al Cappelli?

Mrs. Roberti: I will.

Mr. Flower: That's going to be one of the big issues. The people in the area want to see what the overall height was and we want to see as well.

Ms. Bettina: Yes, you promised you would deliver.

Mr. Marinaccio: Is it the top of the dome?

Mr. Flower: Yes.

Mrs. Roberti: Do you want to authorize David tonight to prepare the Negative Declaration?

**Mr. Valdati: Motion to authorize the Town Planning to prepare a Negative Declaration.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

**Mr. Valdati: Motion to adjourn.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

**Mr. Valdati: Motion to Adjourn.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Adjourned: 8:05 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board