

MINUTES

Town of Wappinger Planning Board
October 2, 2017
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

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

Others Present:

| | |
|---------------|----------------------|
| Mr. Roberts: | Town Attorney |
| Mr. Bob Gray: | Town Engineer |
| Mr. Stolman: | Town Planner |
| Mrs. Roberti: | Zoning Administrator |
| Mrs. Ogunti: | Secretary |

SUMMARY

Public Hearing:

Old Hopewell Commons Subdivision

Public Hearing opened & closed
Vote on Resolution November 6, 2017

DeGarmo Plaza – Dunkin Donuts

Public Hearing opened & closed
Vote on Resolution November 6, 2017

Discussion:

Chelsea Ridge Pre-fab Shed

Resolution approved

Cohen Subdivision

Public Hearing November 6, 2017

make a left turn at the signal it just breaks down. There are a number of accidents historically at that location. Under this plan as Dennis had described by relocating the intersection further away from Route 9 will eliminate those conflict points. We evaluated not only the 45 units and the office space as well as proposal for the other lot so we have to consider all the traffic in terms of our evaluation. In terms of the relocation of this road, there's a benefit in terms of moving the intersection away from Route 9 so you don't have that conflict point that occurs in proximity to the intersection. Traffic generation from this type of development without the other parcel would be 40 trips in peak hour. Once you have the other piece it is 15 trips entering and existing during peak hours. In terms of the amount of volume that goes on Route 9 and Old Hopewell Road these days is probably approaching 3,500 vehicles an hour including the main traffic on Route 9. It's not a big increase in terms of volume and the benefit here is the relocation which would allow improved stacking and better flow in the area. There's an approval from NYS DOT for a right turn in and out so that would remove some traffic from Old Hopewell Road. From a total traffic stand point without getting into the nuts and bolts of our study we see good benefit here. We've been working with the Dutchess County DPW and NYS DOT to implement a plan like this.

Dr. Greeley continues his overview of the traffic study.

Mr. Flower: Do we want to go over some of the items or take questions from the public?

Mr. Gray: We had some housekeeping issues.

Mr. Lynch: We have your letter and we are working on it.

Mr. Gray: Regarding the application to the DPW, let's have a discussion about the property line and the 66 feet wide road coincide with the DOT taking. One other issue is we need a deed from the County because the DOT owns Sgt. Palmateer Way right now. Ultimately, we want that deed to come to the Town but it has to start from DOT. I've asked for it but have not received it yet. We want Sgt. Palmateer Way to come together with the site plan. I know the DPW commissioner is here tonight maybe he can help us with that.

Mr. Lynch: We are working with DOT and the County. Right now we are not proposing to include that taking as part of this application.

- Mr. Stolman: One of the reasons Bob is bringing this up is whether you get that property or not in the end the Town still wants that roadway closed. The proper authority needs to provide that assurance.
- Mr. Lynch: Okay.
- Mr. Gray: That's my only comment outside of my housekeeping.
- Mr. Flower: Bob, do you want to comment on this?
- Mr. Balkind: Good evening, Bob Balkind, Commissioner of Dutchess County DPW. First of all I just want you all to know that the applicants have been working with our office for years on this application. I don't know how long it has been before Planning Board or the Town Board. Dutchess County strongly supports the relocation of Sgt. Palmateer Way moving it away from the Route 9 intersection. There's been a lot of iteration of the road configuration for this site plan and we strongly support the current configuration. We would encourage the board to consider that and although I cannot officially speak for DOT, we've been working with them side by side and both agencies are very supportive of that road relocation. As far as the deed still pending, as Mr. Gray mentioned I just had a discussion with DOT right of way agent last week and they said they are working on the process. They actually have to send the matter to the State Attorney General's office for them to quit claim the road to Dutchess County. We formally asked for that to happen and we are waiting for that to occur. They go through a review process with the attorney general and once the attorney general clears it for disposal, DOT will quit claim that deed of the road then to Dutchess County. We fully intend to quit claim that road back to Wappinger so that your road will be continuous and complete. We will work diligently to get that road dedication from the State and once we do so we will turn that road over to the Town as we have been discussing.
- Mr. Stolman: Based upon your experience is it a 3 month, 9 month or 2 year process?
- Mr. Balkind: It can be months to 9 months to a year. I cannot speak to how that dovetails with the applicant's approvals and I understand you want to tie the two together. Unfortunately, with the process beginning with the attorney general's office it is nothing we can control.
- Mr. Roberts: Would you issue a work permit for the new road before for Sgt. Palmateer Way is closed or would you authorize the new road while Sgt. Palmateer Way is open?

- Mr. Balkind: We would prefer the new entrance to Old Hopewell Road occur as the existing Old Route 9 is closed off to traffic. We would prefer there not be two access points on Old Hopewell Road at the same time.
- Mr. Roberts: If that's not going to happen, can we have both openings onto Old Hopewell Road?
- Mr. Balkind: I would like to discuss that with the applicant's traffic engineer to discuss how that would look and behave in terms of left and right turn restrictions. I think there could be a way to do that but it would need to be thought through and we don't have conflicting traffic movements so close to each other.
- Mr. Roberts: Could you recommend the closure of Sgt. Palmateer Way?
- Mr. Balkind: In conjunction with the construction of the new entrance?
- Mr. Roberts: Yes.
- Mr. Balkind: Absolutely, we can do that.
- Mr. Roberts: I think that would solve the problem.
- Mr. Balkind: Yes, I would certainly recommend that.
- Mr. Roberts: They control that intersection.
- Mr. Balkind: As it is a DOT right of way I don't know that we could affect the closure but we can certainly recommend it. We could petition DOT with support from the Town to do the closure as long as the new road is connected. I don't know if they would object to that or not. I can certainly ask that question and report back to the board but we would support that for sure.
- Mr. Flower: So you would be able to facilitate with the State to close the road?
- Mr. Balkind: We would petition the State to do that. Ultimately, we would have no authority but we could petition State provided the Town supports it and the applicant is willing to move forward that way.
- Ms. Visconti: What kind of support from the Town are you looking for?
- Mr. Balkind: Probably just a letter endorsing the option as describe here.
- Ms. Visconti: Should that come from the chairman of the Planning Board?

- Mr. Stolman: It probably would be better from the Town Board I would think.
- Mr. Roberts: Why don't we have the Planning Board and the Town Board endorse it.
- Mr. Balkind: I would suggest the more endorsements the better and certainly we would carry that endorsement forward and actually meeting with DOT and go through what the mechanics would like. If it is only one road at a time we don't need to get into any detail analysis because it's still going to be one road.
- Mr. Flower: Thank you. At this time we are going to open up the floor for public comments. We are going to limit the comments to three minutes. When you do get up and you want to make a comment, please state your name and address for the record clearly so the secretary can record within the minutes. Is there anybody who wishes to speak upon this application?
- Mr. Munuoz: Angel Munuoz, 110 Curry Road, Wappingers Falls. I have a couple of comments regarding the memorial at the corner. I'm opposed to deeding the road to the applicant. I feel it is not good for commercial development to encroach on the park itself. How many units are scheduled to be put into this development?
- Mr. Lynch: We are proposing 45 units.
- Mr. Munuoz: How many parking per unit?
- Mr. Lynch: It's a different breakdown depending on the unit count. There are 83 parking spots.
- Mr. Munuoz: How many spots per unit?
- Mr. Flower: If you have any questions, please address it to the board. There's an application so you can come into the planning department office and they can show you the site plan if you want to review it.
- Mr. Munuoz: I'm trying to know is how much parking is available for each building. If there's an overflow of visitor parking, where are they going to line up? Is there road parking for these folks and if there's road parking does it affect traffic in this area? In addition, the small parcel on the bottom is less than three quarters of an acre. I know the Zoning Board of Appeals gave them a variance and I'm not sure that I really agree with it. If the applicant wants they can deed that small portion to the Town.

- Mr. Flower: Thank you for your comments. Is there anybody else who wishes to speak?
- Mr. Bostwick: Robert Scott Bostwick, 165 Old Hopewell Road, Wappingers Falls. There were a couple of issues that were just brought up in the application that there are 112 parking spaces but he just said that there are 83 parking spaces. As far as the traffic study if you have 83 cars in there and most of these people working you may have 83 cars or 70+ cars so the numbers are off there. I'm yet to see a formal legitimate traffic study that shows exactly what goes on at intersections having lived on Old Hopewell Road for 15 years. By moving things west you are going to take the problems that you have there now and just push them further west. So the people from Indian Village, myself and the others on Old Hopewell Road are now going to get that intake. While it is a very good looking project and the Town is very much in favor of it. There are some very big issues here that are being swept under the rug to push this project forward. I think it's going to come back and bite the residents in the butt while the board members and the developers here are not going to be affected by this.
- Mr. Flower: Phil, would you like to respond to this?
- Mr. Greeley: Just a quick response on the traffic generation, when you do traffic studies and we have to follow the criteria of the State DOT and Dutchess County and the Town so you analyze a one hour period. For this type of development the established per generation shows you don't get 83 trips in a one hour period spread out over 2, 2 ½ hour period and traffic comes and goes. So when we analyze a site like this it is a 1 hour period. Everybody does it that way as required by the State. In terms of the traffic delays and because of the proximity of the geometry of the existing roadway, by shifting it you get better stacking conditions which allows vehicles to move efficiently.
- Mr. Bostwick: Can I go back to that point again. In doing your study you talked on the floor for an hour so what about the traffic that comes off of Route 9 onto Sgt. Palmateer Way and makes its way north? You honestly think that these people are going to continue going up Route 9 to Myers Corners and then make the left there you are fooling yourself. Not to mention the commercial delivery traffic comes on Sgt. Palmateer Way also. It would be interesting to see the first car carrier try to make the right hand turn off Old Hopewell Road through the development to deliver the cars to the car dealerships there. Their drop off is on Sgt. Palmateer Way. I think there are some issues here that need to be addressed then they have been in the past.

- Mr. Flower: Thank you. We will take your concerns under consideration.
- Mrs. Roberti: I just want to bring up that on the agenda it says 112 parking spaces the difference is some of those spaces will go to the commercial site.
- Mr. Flower: Are there any other questions?
- Mr. Sena: Nicholas Sena, 1 Cayuga Drive, Wappingers Falls, NY. I agree with everything Mr. Bostwick said about the relocation of Sgt. Palmateer Way. If you look at the traffic study and I took statistic on how many accidents on the Old Route 9 intersection and most of the accidents are right in front of Cayuga Drive. There was an accident on April 1st that took out the telephone poll and if you drive by now there's a new poll being installed. I happen to live on the corner house and I've had over four people crash on my property. One flipped over in my back yard on Easter Sunday. I would like to ask you how many times have someone crashed on your property or flipped over in your back yard? I would like you guys to think about this before you start doing it. It looks like it's already a done decision when you start talking about deeds.
- Mr. Flower: Are there any other questions?
- Mr. Campbell: Carl Campbell, 125 Curry Road, Wappingers Falls, NY. I'm little bit concerned about the runoff. How large are the catch basins? I know they were to accommodate 50 year storms and there wasn't anything mentioned about that. What kind of emergency runoff are we talking about? Are we talking about a tube that runs into the wetlands or there's something more elaborate?
- Mr. Flower: Dennis, you want to answer real quickly?
- Mr. Lynch: We are required by NYS DEC to meet all the requirements for stormwater runoff and quality and quantity. As part of that we cannot generate more water then what's there now and the majority of the water on the site will be stored underground in an infiltration system. The emergency overflow will be in larger storm events under which would go out in a vegetated swale and dissipated into the wetlands. We are also providing additional wetlands swale and energy will be dissipated and it will go into the wetlands. We are also providing a different type of stormwater management practice to mitigate some of the runoff that's come down off Old Hopewell Road and what we are proposing. There will be two different kinds of stormwater management practices and as I mentioned it is a pretty detailed report we have to go through.
- Mr. Flower: Thank you.

- Mr. Campbell: You never answered my question. Is on street parking going to be allowed there for visitors of residents of that area?
- Mr. Flower: Parking is on the site.
- Mr. Campbell: So parking is only on the site and no on street parking there?
- Mr. Flower: No on street parking.
- Mr. Stolman: They are going to have to satisfy the Planning Board that there is enough parking on the site and not on that roadway. Bruce, they need variances so the next step whenever the Planning Board feels is appropriate would be to issuance of a Neg. Dec. Then they have to go to the Zoning Board of Appeals and that's going to take some time and come back this way to make sure the application is complete and act on it. Once the public hearing closes the clock has 62 days on it so we need to take all of that into consideration.
- Mr. Lynch: We are okay with waiving the 62 day approval from the board if it's going to take longer than that.
- Mr. Flower: You want to waive the 62 day approval?
- Mr. Lync: Yes.
- Mr. Valdati: Mr. Stolman could you tell us how many spots of parking they are required to have?
- Mr. Stolman: I don't know that I have that answer for you at the tip of my tongue. In our last review memo dated September 1st, by our count there were 84 parking spaces for the office, the apartments, garage and 44 dwelling units.
- Mr. Lynch: We now require 83 with the development that we are showing now. Actually, we are showing 84 so we have one extra.
- Mr. Stolman: I thought you said 90.
- Mr. Lynch: No, 83 parking spaces.
- Mr. Stolman: We are certainly going to advise the Planning Board as to whether there's enough parking for the units, the associated commercial use as well as visitors parking. We are going to make sure there's enough parking on site before this thing gets approved.

Mr. Flower: So with the applicant waiving the 62 day requirement?

Mr. Stolman: I think that does the trick.

Ms. Bettina: Are there any more questions?

Ms. Visconti: Motion to close the Public Hearing.

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Mr. Stolman: Before we can draft the Neg. Dec. we need the other information we asked for in our memo and anything environmental in Bob's memo.

Mr. Lynch: We are planning on making a submission next week.

Mr. Flower: Barbara, is this next submission going to be for this next meeting?

Mr. Lynch: It is going to be for the first week in November.

Mrs. Ogunti: It's going to be November 6th.

Mr. Flower: The other order of business we have is to make a motion to send a letter of recommendation to the Town Board.

Ms. Visconti: Motion to authorize the Planning Board secretary to send a letter to the Town Board in support of the position taken by Commissioner Robert Balkind of Dutchess County DPW for the road closure.

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

17-3370 DeGarmo Plaza – Dunkin Donuts: The Town of Wappinger Planning Board will conduct a Public Hearing on an amended site plan and consolidation subdivision application for the conversion of a former bank building into a new Dunkin Donuts restaurant with drive-thru in an SC Zoning District on 5.05 acres. The existing bank is 1,980 sf., the proposed restaurant is 2,132 sf. and 75 parking spaces. The property is located at **235-237 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-759569** (Parcel 1 - 3.948 acres) and 6258-02-781586 (Parcel 2 – 1.106 acres) in the Town of Wappinger. (Scofield)

Present: Keith Scofield – Engineer

Ms. Visconti: Motion to open the Public Hearing.

- Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: Good evening.
- Mr. Scofield: Good evening, Keith Scofield with Liscum, McCormack & Van Voorhis Architects in Poughkeepsie. We are here tonight to wrap up the final comments that might be outstanding.
- Mr. Flower: We have you down as a public hearing and I don't believe that we received a resubmission for review. It was dropped off to Bea this past week.
- Mrs. Ogunti: It was dropped off this morning.
- Mr. Scofield: I'm sorry it was dropped off this morning. I spoke to Bea last week.
- Mrs. Ogunti: You spoke to me on Friday at 3:45pm and I said it was too late and I told you to drop it off on Monday. So we received it today.
- Mr. Flower: So no one has had the opportunity to read the submission. On the other hand we have you down for a public hearing this evening. If you would like to go through what corrections you made to the plan.
- Mr. Scofield: Sure, I can do that.
- Mr. Flower: Then we can open the floor to any public comments.
- Mr. Scofield: Based on the previous meeting we had updated the elevations and removed all of the signage except for the front sign over the door. There are no longer any signs to the side and rear of the building. Mr. Stolman had requested that we address the current plaza building as far as the occupancy load to determine the parking count. We had done so.
- Mr. Stolman: Did you use the specific parking requirement for each building or close to an average?
- Mr. Scofield: Yes. In the current building there are 9 tenant spaces, 6 of which are business spaces and 3 of which are restaurant related so the parking count according to each of those are addressed. We ended with 109 spaces required. The existing rear paved areas are striped to meet that and then I added an additional set of stripping adjacent to the building to make up the 109 spaces. We updated the lighting on the building so the number of wall stencils had been adjusted and there was also another fixture that was removed because it was originally highlighting what was

the mural sign on the side. So that had been done and finally the concerns of any of the sparse plantings and the vegetation are existing between the adjacent residence of the Jensen family to be planted in order to break up any of the sparseness during winter season.

- Ms. Bettina: How tall would the evergreen be?
- Mr. Scofield: Right now as a white pine and they should grow to about 25 feet height.
- Ms. Bettina: How high are they when you are putting them in?
- Mr. Scofield: I don't know.
- Ms. Bettina: I've been to some things where they are 2 feet high and it takes years to grow.
- Mr. Scofield: We can specify height for the purchase.
- Ms. Bettina: I think it is important to us.
- Mr. Scofield: That's fine.
- Ms. Bettina: David, what would you recommend the height should be?
- Mr. Stolman: It should be 6 to 8 feet high.
- Ms. Bettina: Thank you.
- Mr. Scofield: That's fine. Does anybody have any further questions before I turn it over?
- Mr. Flower: Bob, do you want to make comments regarding your letter? I don't know if you have the resubmission yet.
- Mr. Gray: I don't think it has hit our office yet but in terms of our letter we don't have that many comments. Again, these are housekeeping comments about acreage and how you want to handle these encroachments of the Jensen's property.
- Mr. Scofield: We discussed at the previous meeting. Dr. Aqeel had worked with KC Engineering and he had actually approached the neighbor. There were some discrepancies as to who took ownership of the pavement there so it was my understanding that Ernie Martin from KC Engineering said it's better to let it rest then bring up a disturbance.

- Mr. Gray: Other than that I'm fine.
- Mr. Flower: Is there anybody here who wishes to speak on behalf of this application?
- Ms. Visconti:** **Motion to close the Public Hearing.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: We will go through the resubmission and whether the planner or engineer has any questions that might need to be addressed. Then we will look forward to the Negative Declaration and schedule that at a future date.
- Mr. Stolman: We don't need to do a separate Negative Declaration. We normally without variances will roll the Neg. Dec. into the resolution for approval.
- Mr. Flower: Do you think you are ready for that?
- Mr. Stolman: Based upon what Keith said it sounds that he has addressed most or all of our comments so I would be comfortable with that. Bob, are you comfortable with the resolution?
- Mr. Gray: Yes, our comments are pretty minor.
- Ms. Visconti:** **Motion to authorize the Town Planner to prepare the resolution.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: Which date would be best to vote on the resolution?
- Ms. Visconti: Would you want to review the submission?
- Mr. Flower: There's a submission we need to review that he just submitted today. That would need to be addressed.
- Ms. Visconti: I don't think it will be ready for the next meeting.
- Mr. Stolman: As part of the drafting of the resolution, we will go through our memo as a checklist and anything that's not done will be a condition of the resolution.
- Mr. Flower: You will need to review what has been submitted.
Mr. Stolman: We will and we can do all of that at the next meeting if you would like.

Mr. Flower: We want to give the applicant time in case there is something that needs to be addressed.

Ms. Visconti: Let's do it on November 6th.

Mr. Stolman: Sure.

Discussion:

17-3374 Chelsea Ridge Pre-fab Pool Shed: To vote on a site plan application for the installation of a 12' x 24' pre-fab shed to store pool equipment onto pre-existing concrete slab on 31.64 acres in an RMF5 Zoning District. The property is located at **1 Chelsea Ridge Mall** and is identified as **Tax Grid No. 6056-01-373534** in the Town of Wappinger.

Present: Shannon McGarvey – Chelsea Ridge

Mr. Flower: This will be pretty straight forward. We just need to vote on the resolution this evening. All of the board members have reviewed the resolution? Are there any questions or concerns?

Ms. Visconti: No.

Mr. Valdati: **Motion to approve the resolution as prepared by the Town Planner.**
Ms. Visconti: Second the Motion.
Vote: All present voted Aye.

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10/2/17

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: CHELSEA RIDGE PRE-FABRICATED POOL SHED RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the ____ day of _____, 2017 at 7:00 P.M.

The meeting was called to order by the Chairman Bruce M. Flower and the Planning Board member attendance was as follows:

Bruce M. Flower _____

Angela Bettina _____
Ralph Marinaccio _____
Carlo Pesce _____
Robert L. Valdati _____
June Visconti _____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Planning Board received an application from Chelsea DHC, LLC (the “Owner” and “Applicant”) for Amended Site Development Plan Approval for the installation of a 288-square foot, pre-fabricated pool shed on an existing concrete slab for the storage of pool equipment (the “Project” or “Proposed Action”); and

WHEREAS, the ±100.0-acre property is known as tax lot 6056-01-373534 and is located at 1 Chelsea Ridge Mall within the RMF-5 Multi-Family Residence District (the “Subject Property” or “Site”); and

WHEREAS, the Planning Board has received an Application for Site Plan Approval dated 8/24/17; a Short Environmental Assessment Form (EAF) dated 8/21/17; and a hand-drawn sketch of the shed location; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II with respect to the New York State Environmental Quality Review Act (SEQRA) and requires no further review under SEQRA; and

WHEREAS, the Planning Board has determined that the application does not rise to the level of necessitating a public hearing; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including the provisions relating to Site Development Plan Standards of Article IX of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby adopts this Resolution of Amended Site Development Approval for the installation of a 288-square foot, pre-fabricated pool shed, as described above and as shown on the above listed drawing, in accordance with the provisions of Article IX of the Zoning Law subject to the following being fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:
 - a. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and Applicant

shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.

- b. The Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.
- c. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.

When all of the sub-conditions set forth in Condition 2 above have been satisfied, six (6) copies of the above referenced plan, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) copy of the endorsed plan will be returned to the Applicant, one (1) copy will be retained by the Planning Board, and one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

- 3. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
- 4. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

5. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
6. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Amended Site Development Plan Approval shall be subject to continued conformance with such Amended Site Development Plan Approval.
7. Except as specifically modified herein, the prior resolutions of approval and any amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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| Bruce M. Flower, Chairman | Voting: _____ |
| Angela Bettina | Voting: _____ |
| Ralph Marinaccio | Voting: _____ |
| Carlo Pesce | Voting: _____ |
| Robert L. Valdati | Voting: _____ |
| June Visconti | Voting: _____ |

The resolution is hereby duly declared adopted.

Dated: _____, 2017
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Chelsea DHC, LLC
Owner/Applicant

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 2 of this resolution and that the above mentioned drawing may be endorsed by the Planning Board Chairman.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date



17-5181 Cohen Subdivision: To discuss an application for a 3-lot subdivision on 4.12 acres in an R40 Zoning District. The Property is at **195 All Angels Hill Road** and is identified as **Tax Grid No. 6258-04-713166** in the Town of Wappinger. (Day)(LA April 24, 2017)

Present: Brian Watts – Engineer

Mr. Watts: Good evening, Brian Watts with M.A. Day Engineering on behalf of Cohen Subdivision. If the board will recall we are currently proposing a 3-lot subdivision on All Angels Hill Road. The current lot is 4.12 acres in the R40 Zoning District. Lot 1 would include all the existing improvements, driveway, home, garage, foundation and a fenced in area that used to house the pool that has been removed. We were before the board proposing a common driveway and the board had stopped progress at that point to ensure the County would approve a common driveway. We have been in contact with Mr. Gill from the County.

Mr. Stolman: So in order for the Planning Board to approve a common driveway in this case for 3 lots they got approved that they could actually put in a driveway for each and that's feasible. The County came back and said yes, it would be feasible to put a driveway in for each lot.

Mr. Watts: That's where we left off prior to moving the application forward with the Town. The Town Board and the sewer district would require us to make sure we knew we were going for two or three lots. Barbara agreed and we settled it that we can get the three lots and we would like to pursue the application at this point.

Mr. Flower: So you decided to stay with the common driveway?

Mr. Watts: Yes.

Mr. Flower: So you have proven that you meet the separate driveway requirements?

Mr. Watts: Yes, we've shown that they are going to be offset from the existing driveway.

- Mr. Flower: We did receive a copy of the emails between the County and yourself. They did want more information though.
- Mr. Watts: They did want to see the stormwater analysis. I've done a preliminary one and we will give that to the County but they have expressed that shouldn't be any kind of major issue with them.
- Mr. Flower: You are going to provide that to the County?
- Mr. Watts: Yes.
- Mr. Flower: Basically at this point in time we are looking to have a Public Hearing based upon what your final plan is, correct?
- Mr. Watts: Correct.
- Mr. Flower: We need to set the public hearing. Bea, what's the next available date for a public hearing?
- Mrs. Ogunti: November 6, 2017.
- Mr. Flower: So if you are willing we will schedule it for November 6th.
- Mr. Watts: Yes, that would be fine with us.
- Ms. Visconti:** **Motion to set a Public Hearing for November 6th.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.
- Mr. Watts: Thank you very much.

New and Old Business:

Rezoning Application: **Route 376 Holdings, Inc. / Gas Station** – Referral from Town Board to discuss rezoning of a portion of parcel 6259-04-540266 from R-40 to GB zoning district. This will allow the rehabilitation of the vacant gas station located at the intersection of Route 376 and Hackensack Hgts. (Chazen)

- Present: Chris Lepine – Chazen Companies
- Ms. Visconti: Did we get anything on this rezoning?
- Mr. Flower: We did receive a packet on the rezoning application.

- Ms. Visconti: Angie, did you receive it?
- Ms. Bettina: No, I haven't.
- Mr. Flower: You never received anything?
- Ms. Bettina: No.
- Mrs. Roberti: It was actually put before everyone by Joe Paoloni at the last meeting that night.
- Mr. Flower: I did receive a copy of it. Basically the existing parcel and the line run all the way across here. This is split between a GB and Residential Zoning District so it's two different zoning on one parcel. They are petitioning the Town Board to change the zoning for the entire lot to GB Zoning District. There's a remediation issue still on site and the tanks are still on the ground. They want to remediate it but they want to make a larger gas station with a convenience store.
- Ms. Visconti: How far is the nearest residential house from the gas station?
- Mr. Lepine: There's an existing one across the street on New Hackensack Heights right now.
- Mr. Marinaccio: Is there anything behind it?
- Mr. Lepine: There are a number of adjoining residences along it.
- Ms. Visconti: It's not really close, is it?
- Mr. Lepine: Let me start off by introducing myself. I'm Chris Lepine with the Chazen Companies, representing the applicant Route 376 Holdings, Inc. / Gas Station. As the chairman has explained to the Planning Board members, we were before the Town Board in August seeking a zoning amendment to the adjoining parcel that Route 376 Holdings had purchased. As you are aware the existing .46 acres is a contaminated site that the applicant has purchased from the County. In addition to that the applicant has purchased the adjoining property. The 1.57 acres parcel is bifurcated by both the R40 and GB Zoning District. Approximately .85 acres of this is in the commercial zoning district and the remaining 1.18 acres is in the R40 Zoning District. The applicant's proposal is to rezone both parcels to the GB Zoning District and it will be a total of 2.03 acres. The intent is to demolish and remediate the .46 acres parcel and anything that's come on to the adjoining parcel that he purchased. The proposal is to move

the pumps away to the residential use and have a building that's further back to the zoning district setbacks. We've also provided a 50 feet landscape buffer between the proposed improvements and the adjoining property to the north of us. Access will be a right turn in and right turn out along Route 376. The existing building is approximately 1,200 sf. and the new building would be between 2,800 – 2,900 sf. The intent is to increase the number of pump locations from 4 to 6.

Mr. Lepine continues with his overview of the project.

- Ms. Visconti: I tend to agree with everything you just said because I live in that area and everything you said makes sense.
- Mr. Flower: At this point in time you are looking to get a recommendation from us to the Town Board for the rezoning application?
- Mr. Lepine: Correct. The intent is if the applicant is successful in the rezoning he would then come to the Planning Board for a site plan approval. There are two things I do want to bring to your attention for transparency. The layout as shown right now the canopy does not meet the required setback of 75 feet from a State or County road. The reason is we are trying to maintain the buffer in the back of 50 feet and in order to get the 75 feet we would have to eliminate that buffer because it would require complete regrading of the neighboring property. So I do want to bring this to your attention.
- Ms. Visconti: I like the idea of the buffer between the residential and commercial properties. I think that's more important than the setback of the canopy.
- Mr. Lepine: One other item I should identify is no gasoline station shall be located within 1,000 feet from a residential district or any school, church, park, playground, hospital or public library. Unfortunately, there's an existing station located next to a residential district. Obviously we don't need the 1,000 feet setback but we would have to go to the ZBA for a variance. There is a property that's own by a church that we don't meet the setback to. Once again, these are all existing conditions.
- Ms. Visconti: Well, you are being upfront of what is needed.
- Mrs. Roberti: Since you are looking to move ahead, is there any way we can get that site cleaned up?
- Mr. Lepine: Cleaned up in terms of weeds and clothing to take place I don't think that will happen at this time if you are looking to him to demo the building.
- Mrs. Roberti: No, just the leaves and trees. We just want it to look presentable.

- Ms. Visconti: So right now you are just looking for recommendation to the Town Board?
- Mr. Lepine: Correct.
- Ms. Visconti: Motion to authorize the Planning Board secretary to send a letter to the Town Board with a positive recommendation for the rezoning of the Route 376 Holdings, Inc. Gas Station project.**
- Mr. Valdati: Second the Motion.
- Vote: All present voted Aye.
- Mr. Lepine: I would ask that the applicant have two weeks to clean up the site. He is currently trying to close out a CO on a project so I know he is not going to be able to dedicate resource to it. So next week he would be able to dedicate resource to the cleaning up of it. We will provide you with photos after the cleanup.
- Mr. Flower: Thank you.
- Mr. Lepine: Thank you very much.
- Mr. Flower: Chris, could we just get copies for the rest of the board members. Apparently, I was given one and the rest of the board didn't get one.
- Ms. Visconti: I never got it.
- Mrs. Roberti: I remember handing them out.
- Mr. Marinaccio: I have a copy.
- Mrs. Roberti: I will need a copy.
- Ms. Bettina: To be on the safe side why don't you make copies for everyone?
- Mr. Lepine: I will bring it down to Town Hall tomorrow. Do you also need copy of the EAF as well?
- Ms. Visconti: No, I don't need that. I just need something so when he comes back to us.
- Mr. Lepine: Okay, we will have it brought down tomorrow. Thank you.
- Mr. Flower: Does anybody else have anything else that needs to be brought up this evening?

Mrs. Roberti: Bruce, you said you won't be here on October 16th?

Mr. Flower: Yes, I won't be here.

Mrs. Roberti: Is there anyone else who might not be here on October 16th?

Ms. Visconti: I'm here but I will have to check my calendar.

Mrs. Roberti: We just have to have 4 to have a quorum.

Mr. Marinaccio: I'll be here.

Ms. Visconti: Yes, we need you Ralph.

Mr. Valdati: I'll be here.

Mrs. Ogunti: Angela, are you going to be here?

Ms. Bettina: I don't know.

Mrs. Ogunti: You are always here.

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

Adjourned: 8:10 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board