

MINUTES

Town of Wappinger Planning Board
November 6, 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	Present
	Mr. Valdati	Member	Present

Others Present:

Mr. Roberts:	Town Attorney
Mr. Learn for	Bob Gray, Town Engineer
Mr. Stolman:	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Public Hearing:

Cohen Subdivision

Opened and Closed Public Hearing
Vote on Preliminary & Final Subdivision approval

Discussion:

DeGarmo Plaza – Dunkin Donuts

Approved preliminary & final for 2 lot subdivision as amended / approved resolution for amended site plan

10 Stage Door Road

Approved

Old Hopewell Commons Subdivision

Approved Negative Declaration

Wappinger Route 9D Solar Farm

Resubmit

Church of the Sacred Mirror (CoSM)

Circulate for Lead Agency

Resubmit

Extension:

Eduardo Lauria Luxury Apartments

Granted 6 months extension

Architectural Review:

Mercedes Benz Pylon Sign

Approved

Ms. Visconti: **Motion to accept the Minutes from October 16, 2017.**
Ms. Ralph Marinaccio: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

17-5181 Cohen Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on 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: Mark Day – Engineer

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

Mr. Flower: Good evening.

Mr. Day: Good evening, Mark Day of Day Engineering representing the Lands of Cohen. This is a 4 acres piece of property located on All Angels Hill Road. We are proposing to subdivide it into 3 acres and the zoning is R40. Our smallest lot is slightly greater than R40 and we are proposing a common driveway for the 3 lots due to sight distance issues. We are connecting to the Town central sewer system and we are connected to the Town central water system.

Mr. Flower: Is there anyone in the audience who would like to speak on this application?

Ms. Siegmund: Good evening. Margaret Siegmund, 20 Carmel Heights. We are neighbors of the proposed Cohen subdivision. Our property borders theirs on the north and the east side. For the past 10 years and each year our water increases from this wooded lot. Since 2000 when we were building, these trees have grown 100 feet in height with many branches now extending to our side. There are more than 2 dozen trees along the border fence. During this time of year we are have fallen leaves across our entire backyard preventing sunlight to dry the leaves and grass from morning dew. In addition, the wood is casting a shadow across our lot.

Ms. Siegmund continues.

Ms. Visconti: How many trees are going to be staying or going?

- Mr. Day: It's hard to say. It's up to the owner of the lot.
- Ms. Siegmund: A lot of trees are right on the border and coming on my property. Those trees should have been taken care of years ago.
- Ms. Visconti: Is that part of the screening?
- Mr. Day: We are not proposing any limits of disturbance.
- Ms. Siegmund: I attempted to get the name of the owner of the subdivision.
- Mr. Day: That would be me.
- Ms. Siegmund: I called your office and was told you couldn't give me any information as to the owner. We did not want to contact Mrs. Cohen because she's older than we are and I did not want to bother her with this situation.
- Mr. Day: The owners are Mr. & Mrs. Cohen and I believe they are in Florida at this time.
- Ms. Siegmund: Is there someone here?
- Mr. Day: The son I think lives in NYC.
- Ms. Siegmund: That's who I wanted to contact but no one would give me the name or the address so I had no option but to come here.
- Mr. Day: I would suggest if and when this is actually approved and the house is under construction, you contact the person who is going to occupy this house to work it out.
- Ms. Siegmund: By then it would be too late.
- Mr. Day: That's my suggestion.
- Ms. Siegmund: What are my options here?
- Mr. Roberts: You should consult with your attorney. You have some rights. If the tree leaves is actually over your property line, there are some legal issues that can be addressed. I don't think it's appropriate for the Town to give you private advice. This is something you should consult with your own attorney and take it up with the Cohens. There's nothing the Town can address either through the subdivision process or through anything under Town regulations.

- Ms. Siegmund: This is not your normal neighborly discussion. This is a wooded lot.
- Mr. Roberts: Trees are all over and this is a private matter. It is not a Town matter.
- Ms. Siegmund: That's unfortunate. To hire a lawyer is going to be a huge expense.
- Mr. Roberts: You can try talking to Mr. Cohen. This is not anything the Town has authority to address.
- Ms. Siegmund: How can I get in touch with the son?
- Mr. Day: If you call our office tomorrow, I will give it to you.
- Mr. Flower: Are there any other questions?
- Mr. Malone: Anthony Malone, 111 Cider Mill Loop. I'm the Cohen's neighbor. I was just wondering if the existing house is going to be removed.
- Mr. Day: No, that will remain.
- Mr. Malone: Thank you.
- Mr. Siegmund: Are those trees going to remain that size?
- Mr. Flower: Again, you need to consult your owner attorney regarding this issue as our attorney stated.
- Ms. Visconti: Motion to close the Public Hearing.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.
- Mr. Flower: The only comment we have is the common driveway issue. Is everyone in favor of the common driveway? It's been presented by the engineer and the County has weighed in on it. I believe the applicant was looking to stay with the common driveway. Do all the members feel that it's a viable option?
- Ms. Visconti: I would rather have one driveway.
- Mr. Flower: Are there any questions?
- Ms. Visconti: Motion to authorize the Town Planner to prepare a Resolution for November 20, 2017.**
- Mr. Marinaccio: Second the Motion.
- Vote: All present voted Aye.

Mr. Stolman: I will have it for the next meeting.

Mr. Day: Thank you very much.

Discussion:

17-3370 DeGarmo Plaza – Dunkin Donuts: To vote 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
Dr. Aqeel – Applicant

Mr. Flower: All we need is the resolution and the negative declaration.

Mr. Stolman: The resolution has the negative declaration in it. There is one additional condition in that resolution. On Page 3 toward the top of the page there would be an additional condition Item F will state that the water main that is located on this property shall be located by the applicant. The applicant shall provide easement in favor of the Town. The rest of the resolution will remain in tacked.

Mr. Flower: Everybody understands the issue of the water line that runs there currently that's not shown on the map? The final draft will show the easement to the Town.

Mr. Roberts: I think Mike Tremper wanted it located also.

Mr. Scofield: We will speak with Ernie Martin of KC Engineering.

Dr. Aqeel: I met with Ernie Martin of KC Engineering and we went to the job site and spoke to the water department and we located the water main coming in. To the best of my knowledge it is 50 feet in off the easement that is already existing and I think Ernie Martin drew up a new survey and we submitted as part of the application. I'm not sure it's not shown on the newest one we just gave you? If not, I will call Ernie Martin again to make sure it's in the survey.

- Mr. Roberts: We received an email from Mike Tremper of CAMO. He's the one who raised the issue. He was concerned that the pipe goes through your property. I'm not sure how we get to Schuele Drive because there's a Town park back there. His concern was that he wanted to make sure the Town had an easement because if it ever broke someone has to get in to repair it. It supplies water to Schuele Drive, DeGarmo Road to Fairchild property and between All Angels Hills and DeGarmo.
- Mr. Stolman: If it's already shown properly within the easement then you don't have to do anything. The condition in the resolution can be worded such as if it's not already shown on the property it shall be located and shown.
- Mr. Flower: Our first order of business is to vote on the site plan and subdivision.
- Ms. Visconti: Motion to approve the Resolution for preliminary and final to combine the two lots as prepared by the Town Planner.**
- Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Ms. Visconti: Motion to approve the Amended Site Plan Resolution as prepared by the Town Planner.**
- Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: We are all set. So you have everything you need.
- Mr. Scofield: In case you want to look we have addressed all of the conditions.
- Mr. Flower: No, we are good.
- Mr. Stolman: Mr. Chairman, I think you just said preliminary approval. They have preliminary and final for the consolidation of the two lots and approval for the amended site plan.
- Mr. Flower: Yes, that was my mistake.

17-3372 10 Stage Door Road (amended site plan): To vote on an amended site plan application to add three 8' x 9' overhead garage doors to the front of the existing 30,000 sf. 2-story building on 2 acres in HB Zoning District. The property is located at **10 Stage Door Road** and is identified as **Tax Grid No. 6156-02-826836** in the Town of Wappinger. (Povall)

Present: Bill Povall – Engineer

- Mr. Flower: We have before us the resolution for the amended site plan and all we have to do is vote on it for approval. I don't believe that we have any other open items.
- Mr. Stolman: No, just the resolution as is.
- Mr. Flower: At this point I'm looking for a motion to approve it.
- Mr. Valdati:** **Motion to approve the Site Plan as prepared by the Town Planner.**
Ms. Visconti: Second the Motion.
Vote: All present voted Aye.
- Mr. Povall: Thank you and have a good night.

16-3348 / 17-5183 Old Hopewell Commons Subdivision: To vote on a Negative Declaration on a site plan & subdivision application to construct a 4,720 sf. office space, 3,000 sf. bank and 6,320 sf. residential unit buildings with 112 parking spaces and a two lot subdivision which includes the re-alignment of Sgt. Palmateer Way. This is 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) (PH opened & closed October 2, 2017)

- Present: Mark Day – Engineer
- Mr. Flower: Good evening.
- Mr. Stolman: If you should adopt the Negative Declaration tonight they will need to go to the Zoning Board of Appeals to take out the variances needed.
- Mr. Flower: So we are voting on a Negative Declaration and we need a motion.
- Mr. Day: With respect to Item 5 it talks about the closure of the intersection.
- Mr. Stolman: They are looking at the Negative Declaration they are not looking at the memo.
- Mr. Day: Ah, okay. Carry on.
- Ms. Visconti:** **Motion to approve the Negative Declaration as prepared by the Town Planner.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: So you want to discuss David's memo regarding Item 5.

- Mr. Day: Yes, just the issue of the closure of the intersection of Sgt. Palmateer Way and Old Hopewell Road. I'm not certain that the applicant will have control over that closure because it limits it to the building permit for the project. My concern is we don't actually know if and when we would own it. It would be up to the Town.
- Mr. Stolman: Yes.
- Mr. Roberts: You would probably have to coordinate it with the Town.
- Mr. Day: It's saying it would be limited to my building permit.
- Mr. Stolman: I think the Town wants to know when the road is going to be closed before you start building your project. The Town wants to know two things 1) you have a highway work permit to build your new intersection on Old Hopewell Road. Secondly, there won't be two roads opened at the same time.
- Mr. Day: We would have to convey the road to the Town before it closes, right?
- Mr. Roberts: You couldn't connect the new road to Old Hopewell Road unless you comply with the work permits.
- Mr. Day: The second issue I'm concerned about is we cannot get a building permit for our site until there's a closure of Sgt. Palmateer Way. I don't know that's going to work for us timewise because we don't know how long that's going to take. It wouldn't be up to us to close it.
- Mr. Stolman: No, it won't be up to you to close it but the Town wants to be assured that both of those roads are not going to be opened at the same time.
- Ms. Visconti: Who would be able to do that?
- Mr. Roberts: There are two separate issues here. The State owns the underlying title to the road and I believe they made requests to transfer it to the County and the County will turn it over to the Town and ultimately transfer it to Mark's client. The issue is if Sgt. Palmateer Way is not closed and they build the new road, do you want those two roads to have access to Old Hopewell Road in such proximity to each other? That's the concern David is raising.
- Ms. Bettina: Is it legal?
- Mr. Roberts: We don't have control over the intersection.

- Ms. Visconti: Neither does he have control.
- Mr. Roberts: Let me finish. DOT or the County controls the intersection for at least 100 feet in. If either DOT or the County says close off Sgt. Palmateer Way I assume the Town Board will follow their advice. The question that David is raising is until that happens and they construct the new road, are you going to allow two roads entering onto Old Hopewell Road simultaneously? I don't think that's the intent and of course we are not going to know until he gets his work permit from the County. As soon as we get the go ahead from DOT or DPW, I think the Town Board will close the road.
- Mr. Day: We would like to begin the new project once all permits have been issued.
- Ms. Visconti: I understand what you are talking about going after an agency.
- Mr. Roberts: June, with all due respect I don't think that's the issue.
- Ms. Visconti: Does he have the authority to close the road?
- Mr. Roberts: May I finish. The transfer of the property from the State to the County is a long process. All we are talking about and the concern is having both roads opened at the same time. I think there's a safety concern.
- Mr. Day: We are not proposing that. We are going to leave the road closed until such time that Sgt. Palmateer Way can be closed. My point is I would still like to get a building permit and work off our driveway and we just won't connect to Old Hopewell Road.
- Mr. Roberts: I think that would work.
- Mr. Day: So we are all clear we would like to be able to access our site from the roadway and what we are proposing is we would treat it no more than a driveway. There won't be connection to Old Hopewell Road until such time when we work out the arrangements.
- Ms. Bettina: My only concern is safety on Old Hopewell Road.
- Mr. Stolman: My only concern is that we have a whole project built and occupied and something goes wrong and we can't get Sgt. Palmateer Way closed.
- Mr. Day: There is still an entrance.
- Conversation continues.

- Mr. Stolman: It benefits the applicant and the Town to try to accomplish closing Sgt. Palmateer Way sooner than later.
- Mr. Roberts: Unfortunately, it's beyond our control.
- Mr. Stolman: We can talk on a regular basis with the County and State to try to get the property transferred from the State to the County to the Town.
- Ms. Visconti: Dutchess Commissioner said he would facilitate.
- Mr. Stolman: We still don't know how long that will take.
- Mr. Roberts: They can't do anything until the States acts.
- Ms. Visconti: He said he would petition the State but it is all good will.
- Mr. Roberts: It's all been done and it's in the process.
- Ms. Visconti: In the meantime we don't need to hold him up.
- Mr. Roberts: We will get it resolved.
- Mr. Stolman: Good you brought it up.
- Ms. Visconti: So are you going to write something.
- Mr. Stolman: Write something to what?
- Ms. Visconti: So he can go ahead.
- Mr. Stolman: At the end when they come back from the ZBA successfully, there would be time to craft a resolution and get it done then.
- Mr. Day: Is it possible to get a waiver on Item 4 asking for an existing tree survey. There are a lot of trees out there. We are hoping to get a waiver on there.
- Ms. Visconti: How many trees are we talking about?
- Mr. Stolman: It will only be for the limit of disturbance and not for the whole site.
- Mr. Day: We can promise that every tree within limit will be removed.
- Mr. Stolman: What kind of trees are those?

- Mr. Day: They are shrubs and there's really nothing out there.
- Mr. Flower: The current plan is a lot better than the previous plan. The previous plan was going to clear the entire site. We are leaving all of the natural vegetation that's there. I believe that we agreed to add evergreen at the edge of the disturbance to provide further screening if necessary.
- Mr. Day: Yes, unfortunately I did not bring the plan with me. We are going to have screening at the rear of the building and along the edge.
- Mr. Flower: What is the board's feeling to waive this requirement?
- Ms. Visconti: I am a little familiar with the site so I don't have a problem waiving the survey.
- Mr. Flower: Let the record show that all members are in agreement with waiving the survey. So you are all set now and you need to go to the ZBA and then we will work out some of the issues with the road. David, do we still have a couple of other items for preliminary approval?
- Mr. Stolman: If the variance is not granted then everything becomes mute.
- Mr. Flower: Let's get the zoning squared away then we will move forward.
- Mr. Day: Thank you. June, I want to say thank you for all your service and help. Enjoy Florida.
- Ms. Visconti: Thank you so much.

17-3360 / 17-4073 Wappinger Route 9D Solar Farm: To discuss a site plan application for a 2.5 MW DC ground mounted (photovoltaic system) solar farm on 48.2 acres in an NB and R40/80 Zoning District. The property is located on **Route 9D** and is identified as **Tax Grid No. 6057-04-898012** in the Town of Wappinger. (Chazen) (LA June 15, 2017)

- Present: Michael Cucchiara – Applicant
Neil Alexander – Attorney
Nick Fomas – Chazen
- Mr. Flower: Good evening. Did you receive the two review letters on the project?
- Mr. Cucchiara: Yes, we have. Since we were last here May 22nd we have been working with your advisors in revamping our plans.

- Mr. Flower: You are aware that the Town is changing the zoning requirements regarding the solar law. We are currently looking for information and I see the SWPPP has been completed as of yet. You might want to weigh in on that Andy.
- Mr. Learn: We stated that in our comment letter of October 10th. There are some drainage issues and some SWPPP concerns that we would like addressed. I won't go into specific details but mainly the design of stormwater practices. I'm not raising anything new but it is detailed in our letter.
- Mr. Cucchiara: I believe Nick from Chazen is currently updating the information.
- Mr. Flower: David, any comments?
- Mr. Stolman: We have several issues that you have in our memo. We need a decommissioning plan. There are wetland issues to address and SEQRA issues to address in terms of wildlife, site access. We would recommend that there be another iteration and submission to address Andy's comments and we go from there.
- Mr. Flower: At this point we can get the updated plans more complete and I believe you are looking for a public hearing on the project.
- Mr. Cucchiara: So if we do the public hearing we won't require variances?
- Mr. Roberts: The Town Board is entertaining changes to its solar law. It is in conjunction with information we got from Central Hudson. The property will be permitted to be in a solar farm. Someone made a comment was it designed specifically for this parcel? The answer is no. There are only certain areas that Central Hudson permits solar farms and solar energy to connect to their grid. The system they have in place is along Route 9, Route 9D and Route 376. This particular site is located in very close proximity to the lines that Central Hudson has that could accommodate this surge. In any event, you have before you the solar law and the Town Board is looking for your comments on the proposed solar law. At some point later tonight you might want to look at it and give your recommendation to the Town Board. Once the solar law goes into place it will eliminate a lot of the required variances under the existing code.
- Mr. Stolman: It will eliminate all of the variances. To answer your question you are seeking a special permit and a site plan approval. A public hearing will be held for each of them concurrently.

- Mr. Cucchiara: How long do we have for notice for the December 4th meeting? Do we have enough time to get everything in place before then?
- Mr. Stolman: I don't think the Planning Board is scheduling anything yet.
- Mr. Flower: We want to make sure everything is complete before we schedule a public hearing so when the public comes in we are working from a more complete plan and concerns are addressed. This way it's clear to the public what's being proposed. Once we received that set and they are reviewed by our professionals we can discuss it at the next meeting.
- Mr. Cucchiara: When will the submission date be to get on the December 4th agenda?
- Mrs. Ogunti: Today, November 6th.
- Mr. Cucchiara: We should be given a little consideration since we are a few months in and also giving staff time to review.
- Mrs. Roberti: Today's date would have been for the December 4th submittal. You are being asked to make a submittal and have it reviewed so that they can set a public hearing.
- Mr. Cucchiara: Correct. I wanted to come back on December 4th so that we could have a public hearing if we did everything right for the January meeting.
- Mr. Roberts: You have to wait until the December 4th meeting.
- Mrs. Roberti: Can you submit within a week for a discussion?
- Mr. Alexander: So we need to get that to you by December 13th.
- Mrs. Roberti: Can you get it in by this Friday?
- Mr. Alexander: Okay. David, did the board actually declare itself Lead Agency yet?
- Mr. Stolman: We did circulate. They acknowledge that they are Lead Agency.
- Mr. Alexander: I apologize. I'm a few steps behind.
- Mr. Fomas: On the decommissioning plan, is there anything in particular we should be addressing outside of what's requested?
- Mr. Learn: The Town needs to have a way to remove the equipment that has been installed if for some reason the company is unable to do so. Given the lifespan of the project (30 years) is a long time to hold a bond. I would

recommend an easement on the property provided to the Town to decommission and remove the equipment if it is no longer operational or in disrepair. This way the Town could assess those costs to the land owner.

- Mr. Cucchiara: Does anything change since we are going to be the land owner in this case with option to purchase this property?
- Mr. Learn: The Town will need to have the option to assess the costs that they incur.
- Mr. Alexander: I think we should do that off line to talk about it more. I can understand but I do have some concerns.
- Mr. Roberti: I didn't quite understand what you just said.
- Mr. Alexander: I do think Mike's point is a really good point. You are talking no different than a structure you put up. Having a depreciation cycle on a solar farm is very similar to a depreciation cycle on a building. If Home Depot or a shopping center comes into town to build a building and you don't ask them when you give them a building permit, can I have a decommissioning permit for when you take the building down? We are not a tenant and I think you are coming at this at the age of cell towers where the carriers come in and you want to know if their equipment can come down. They are all tenants. This is a property owner putting their own equipment on their property to use it so I think it's a very distinguishing feature.
- Mr. Roberts: It's already in the code.
- Mr. Stolman: No, not the easement.
- Mr. Roberts: We can't ask you for a bond. You are the property owner but solar farms only have one use and it's to produce solar energy. Buildings can be used for another purpose consistent with the code. So we just trying to come to an accommodation balancing your needs to construct and our need to be assured that when that useful life is gone it's going to be replenished or taken down.
- Mr. Stolman: We need a mechanism.
- Mr. Roberts: Andy, Jim Horan has been working on it and I'll be available so I'm sure we can get this worked out.
- Mr. Alexander: Sure, I just wanted to approach some thought process.

- Mr. Cucchiara: We definitely have a plan and we done these before. We have costs estimates from contractors that I can provide to you.
- Mr. Learn: We will take all of the information you have.
- Mr. Stolman: I agree with Andy.
- Ms. Bettina: How many solar farms do you have now?
- Mr. Cucchiara: Probably close to 100 right now.
- Ms. Bettina: How long have you been in business?
- Mr. Cucchiara: About 7 or 8 years.
- Mr. Flower: You said you had two things to discuss.
- Mr. Cucchiara: That one and yes, Nick do you have any questions on wetlands and SEQRA or may other pertinent issues?
- Mr. Fomas: Frederick Clark's letter, the DEC involvement with wetlands, we don't believe there would be unless you have other information. We don't see any issues with wetlands on site. There are no wetland impacts.
- Mr. Stolman: You talking about Paragraph B on the top of Page 3?
- Mr. Fomas: Correct.
- Mr. Stolman: Did you receive the letter from DEC dated July 26th? Apparently, there are off site DEC wetlands. If you would like we can talk about this off line. Give me a call if that's alright with you.
- Mr. Fomas: That's fine with me. One other thing, comment No. 5 you just want a note on the plan?
- Mr. Stolman: Yes, just label it on the plan.
- Mr. Flower: The Fire Prevention Bureau wanted a note that the owner of the solar farm will provide some type of training to the three fire district in the Town. Specifically, for that site since nobody is going to be there for overall safety.
- Mr. Fomas: We saw that letter and we've done that with other fire departments before so how would you like us to address it?

- Mr. Flower: We probably will have to add that as a condition to the resolution that training will be provided on an ongoing basis every couple of years.
- Mr. Fomas: Okay, I'll be happy to do it.
- Mr. Flower: Are there any other questions for the applicant?
- Ms. Visconti: Nope.
- Mr. Cucchiara: Thank you.
- Mr. Alexander: Thank you for the extra time.

17-3377 Church of the Sacred Mirror – (CoSM): To discuss an amended site plan application for the conversion of an existing carriage house to an art gallery/exhibition hall on 37.93 acres in an R40/80 Zoning District. The property is located at **46 Deer Hill Road** and is identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (KC Engineering)

Present: Christian Moore – KC Engineering

Mr. Flower: Good evening.

Mr. Moore: Good evening. Christian Moore with KC Engineering, in 2012 the Church of the Sacred Mirror came before the Planning Board for a site plan to improve property. It is about 38 acres located off Wheeler Hill Road. Improvements were made to internal access parking to an existing office building and parking in front of an existing carriage house that was going to be turned into an art gallery. The applicant is before today to request to small changes to the original site plan. The footprint of the proposed art gallery is being shifted slightly west and minor changes to the front parking are proposed. The owners wish to make the westerly face of the building now the front and previously it was the rear of the building. We received comments from the Town Engineer and Town Planner and we've reviewed them and we don't feel that there are any show stoppers there. The Town Planner's memo said that because this is in a sport district it would be a Type 1 action of the SEQRA and it would have to reopen the SEQRA process. A full EAF was prepared for this project originally. Would the board be empowered to accept a modified version of that environmental assessment form and avoid having to open the entire SEQRA process?

Mr. Moore continues his overview of the project.

- Mr. Stolman: I don't think so that's why in our memo we stated that Type 1 action under SEQRA you can update the environmental assessment form if you would like to do that. We can quickly prepare a designation of Lead Agency letter and get that out in the mail this week and in 30 days from now you will become the lead agent. It is not going to hamper the processing of this project. You should treat this not as a continuation but a new action just to be on the safe side.
- Ms. Bettina: I agree.
- Mr. Flower: You mentioned that there were some upgrades to the water system that's currently there or no longer going to take place?
- Mr. Moore: On the approved plan they prepared a water treatment system which was reviewed and approved by the Dutchess County Health Department. However, we are not proposing to put that in to service or construct it based upon the installation that water main on Wheeler Hill Road.
- Mr. Flower: So you don't know when you will be able to connect?
- Mr. Moore: Exactly. We can't connect to it and we've made multiple requests on behalf of CoSM both the Town, DEP and the Health Department and the answer has been no. We can however serve the building currently existing on the property. Its only purpose would be to serve this building and would require no other modification to the existing water system which serves the other buildings on the property.
- Mr. Learn: What was the approved water system intended to serve and was it just this building or the entire site?
- Mr. Moore: For everything except the caretaker house which has its own well.
- Mr. Learn: At the time of this approval you didn't have this extra well?
- Mr. Moore: No, we were going to use that well because the well that was drilled was a better producer. This area historically has very poor water production.
- Mr. Flower: Without knowing exactly what the original approval was it might be good to verify with the Department of Health.
- Mr. Moore: I believe we have written letters over the years and we even have a letter from Pete Marlow getting at least the conceptual approval from him but I'll review our records and verify position of that with the County Health Department.

- Ms. Bettina: I just want to be clear. This was approved with that being implemented to the water system, right?
- Mr. Moore: Yes.
- Ms. Bettina: What you are saying now is that you don't want to implement that close to the water system that's there, right?
- Mr. Moore: We don't want to connect to the existing water line that's on Wheeler Road.
- Ms. Bettina: Even though you've been told many in that community are hooked up and you still don't want to put it in?
- Mr. Moore: The owner does not wish to put that in.
- Ms. Bettina: You need to have that put in because that was what was approved by the board.
- Mr. Moore: Not if we don't connect all the buildings. If we just need the four buildings and not the art gallery we don't need to construct that system.
- Ms. Bettina: Is that okay with the Board of Health?
- Mr. Moore: Yes, as it was the four buildings serve off of one supply with no treatment.
- Ms. Bettina: So you really don't need to connect to the water main?
- Mr. Moore: They don't need to but they would prefer to.
- Ms. Bettina: I'm sure they would and many people would prefer to. I just really want to understand that you really don't need to hook in.
- Mr. Moore: There are also issues with fire flow. If my client were allowed the main in the front he could run a water line to serve all the buildings and also provide fire protection.
- Mr. Flower: Is he providing fire protection for the new building?
- Mr. Moore: There's a subservice tank I believe.
- Mr. Flower: So you are putting an underground tank and a fire pump?

- Ms. Bettina: I would really like to hear from the professionals about this because I'm seeing a gray area.
- Ms. Visconti: If they have 5 buildings they got to have a plan and they have 4 buildings and they can use the existing well.
- Mr. Learn: I'm a little rusty on my public water supply regulations but I believe the 5th connection triggers the State mandate for a public water supply.
- Ms. Visconti: If we were supposed to do this then they would have to come if they wanted to put a 5th building they would have to put in the water plant.
- Mr. Learn: I would recommend that the applicant submit correspondence to the Health Department that indicates that this application is okay without having to use the water system that's installed.
- Mr. Roberts: Correct me if I'm wrong. Whatever he does it's going to require Health Department approval and if it triggers a different operation and depending on the number of users on the private system, additional requirements are imposed by the Health Department in terms of periodic testing and forms will have to be submitted on a weekly or quarterly basis. I agree with Andy for him to submit and we will get further information.
- Mr. Learn: This is really a Health Department issue.
- Mr. Flower: We are looking for confirmation from the Health Department on the change. They say everything is great creating separate systems for each building but we need to get something in writing from them.
- Mr. Moore: We would need to get these plans to the Health Department for the approval of the water line itself.
- Mr. Flower: That would be something you want to get sooner than later to get that process moving.
- Mrs. Roberti: Are you changing the elevations on the east side that were proposed.
- Mr. Moore: I believe we are changing the 10' x 14' vestibule.
- Mrs. Roberti: The board would want to see color rendering of what you are proposing because that's a drastic change from what was originally approved.
- Ms. Bettina: That would be very helpful if we saw color rendering of the proposed change.

- Mr. Moore: You would prefer color rendering?
- Ms. Bettina: Yes.
- Mr. Roberts: We need to get the old resolution and circulate to everyone.
- Mr. Flower: At this point we need to get more information from you on these items but we are going to move for on the Lead Agency designation.
- Mr. Moore: Thank you very much.

Extension:

15-3338 – Eduardo Lauria Luxury Apartments: Seeking a 6 months extension on a site plan application to construct a 13,200 sf. building consisting of residential units and 450 sf. of commercial space on 1.10 acres in an HB Zoning District. The applicant has experienced delays for personal reasons and has now decided to pursue selling the property with the approval. This extension would begin on November 7, 2017 through May 6, 2018. The property is located at **102 Old Post Road** and is identified as **Tax Grid No. 6157-04-625489** in the Town of Wappinger. (Opened and Closed PH 11-7-16) (Paggi)

- Ms. Visconti: Motion to grant a 6 months extension.
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

Architectural Review:

17-3378 – Mercedes Benz Pylon Sign: To discuss an architectural review application to replace an existing 9 5/8" x 2' 10.5" pylon sign with a 13' 1.5" x 4' 2 7/8" pylon sign on 5.0 acres in an HB Zoning District. The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger.

- Present: Joe Messner – Applicant
- Mr. Flower: Good evening. Currently your sign is just over 9 feet tall for Mercedes Benz and looks like you are at the smallest end of the spectrum.
- Mr. Messner: Yes, we would like a big one but we thought that would be asking too much.
- Mr. Flower: So you would like to upgrade just over 13 feet high sign and same location. How does the rest of the board feel?
- Ms. Bettina: I think it's a nice sign.

Mr. Flower: Based on what you submitted we have no objections.

Mr. Stolman: You probably want to adopt a resolution in favor of it.

Ms. Bettina: Motion to adopt a Resolution to approve the 13' 1.5" x 4' 7/8" pylon sign.

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

New & Old Business:

Discuss with Planning Board regarding solar law amendment

Mr. Flower: The last item is a discussion regarding the solar law. The original copy was emailed to you and I believe has printed out copies for you here. Has everyone read the proposed changes and does anyone have any questions?

Ms. Bettina: If you look at Item A on the first page, the ground mounted solar energy system shall be 100 feet away from residential.....screened by existing vegetation. They are going to be cutting down trees so what existing vegetation there is going to be? Do we want to plant on the buffer or just a berm or something?

Mr. Flower: In terms of that specific project, I don't have the plan before me.

Ms. Bettina: I'm just saying overall.

Mr. Roberts: There are setbacks and requirements. They are in the building envelope so it's 100 feet and if it's a wooded area or rocky area.

Ms. Bettina: It is in a residential area. I'm talking residential on a street.

Mr. Roberts: Right, but these parcels have to be 20 acres.

Ms. Bettina: Right, what am I missing?

Mr. Roberts: So it's a large parcel. There's going to be existing vegetation on site that's not going to be disturbed.

Ms. Bettina: What I'm saying is that if there's existing vegetation as an example you have AW Scrap and you have vegetation there. When winter time comes the existing vegetation doesn't screen anymore. That's my point that there should be taken into account the different seasons.

Ms. Visconti: Like fir trees.

Ms. Bettina: I understand it's a large parcel.

Mr. Roberts: Read the entire paragraph because I think some of the exact issues you have talked about covered in there.

Ms. Bettina: It says may use evergreen. Again, I look at AW Scrap.

Mr. Roberts: It's not 100 feet.

Ms. Bettina: I know but you can still see it.

Mr. Roberts: It's not 100 feet of vegetation.

Discussion continues.

Ms. Visconti: **Motion to require that applicant must use evergreen and other materials providing a substantially opaque hedge like barrier and attaining a minimum height of 6 feet within 3 years of planting.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Mr. Flower: Bea, please send a letter to the Town Board to ensure that the law adds a provision that the applicant must use evergreens and/or other materials that provide a substantial opaque barrier for screening.

Ms. Bettina: **Motion to Adjourn.**

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

Adjourned: 8:30 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board