

MINUTES

Town of Wappinger Planning Board
December 4, 2017
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

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

Others Present:

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

SUMMARY

Discussion:

Old Hopewell Commons Site Plan & Subdivision	Approved Subdivision & amended Site Plan
1336 Route 9 (Gulf) Canopy & Pump Replacement (Amended site plan)	Resubmit
Wappinger Route 9D Solar Farm	Public Hearing on January 17, 2018

Conceptual Review:

Wappinger Hannaford Site Improvement	Resubmit
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Mr. Valdati: **Motion to accept the minutes from November 20, 2017.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Discussion:

16-3348 (Site Plan) / 17-5183 (Subdivision) Old Hopewell Commons Subdivision: To vote on two resolutions: Site Plan (16-3348) and Preliminary and Final Subdivision (17-5183) resolution 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) (Neg. Dec. November 6, 2017) (Variance granted November 14, 2017)

Present: Mark Day – Engineer

Mr. Flower: Good evening. This evening we have two resolutions to vote on.

Mr. Roberts: I received word through the County that the State is about to transfer Old Route 9 to the County and I will hopefully have more information this week.

Mr. Day: The last time we spoke to the County they did mention the same thing and they were looking for information about SEQRA which Bea was gracious enough to give me today.

Mr. Flower: In terms of the two resolutions we have before us, we first have to vote on the subdivision and there are no changes to that, right?

Mr. Stolman: Yes.

Mr. Valdati: **Motion to approve the Preliminary and Final subdivision Resolution.**

Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Mr. Flower: The next one is the Site Development Plan and Wetland approval. I believe we have two changes.

Mr. Stolman: They are relatively minor. At the bottom of Page 4 and at the top of Page 5 and those are the only two changes.

Mr. Day: May I propose one for the item on Page 4. I spoke to Steve Gill as I mentioned to you today and I was made aware that the County will not

allow us to do any work in the Old Hopewell right-of-way until March 15, 2018. The permit is usually issued to the contractor. What I was hoping that instead of a building permit the board would allow us to get a certificate of occupancy. That way we are allowed to go in there and at least start working while we are waiting for March 15th for the permit.

Mr. Roberts: Are you going to start construction of the buildings?

Mr. Day: We may not get that far but we don't know.

Mr. Roberts: Obviously, he has to do the site work first.

Mr. Day: He may want to do a foundation that's why I'm asking.

Mr. Flower: Any of the board members have any concerns with that?

Mr. Stolman: Let's clarify in case there's more than one CO.

Mr. Flower: We are talking about the first.

Ms. Bettina: Motion to approve the Site Plan and Development Resolution as amended.

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Day: Thank you very much. Merry Christmas! Happy Holidays! Happy New Year!

17-3380 (SP) 17-4076 (SUP) / 1336 Route. 9(Gulf) Canopy and Pump Replacement (amended site plan) (formerly Seven Eleven): To discuss an amended site plan application to replace two existing pumps and canopy with three pumps and canopy on 0.68 acres in an HB Zoning District. The property is located at **1336 Route 9** and is identified as **Tax Grid No. 6157-02-614569** in the Town of Wappinger. (Bunting)

Present: Jerry Bunting – Applicant

Mr. Bunting: Good evening. I'm Jerry Bunting and I'm here with the owner, Mr. Kirmani. The gas station is the former Seven Eleven. We took over the site and traffic for petroleum is increasing and we have problems with vehicles backing up from Old Hopewell Road. We only have two pumps and what we want to do is replace the two pumps with three pumps to get customers through the premises faster. We've had some problems with minor fender benders occurring on the premises as people try to secure position and wait for a pump to become available.

- Mr. Flower: We did receive the review letters from both the engineer and the planner.
- Mrs. Ogunti: It just came today and I have a copy for you.
- Mr. Flower: Was that the Dutchess County comments?
- Mrs. Ogunti: Yes.
- Mr. Stolman: One of the most significant parts of the Dutchess County letter is it is incomplete. You will need to resubmit.
- Mr. Bunting: I received the letter from the planner and the engineer and I received the Dutchess County letter just now.
- Mrs. Roberti: It came in late this afternoon.
- Mr. Bunting: I understand.
- Mr. Stolman: You should have received one from us via email last week.
- Mr. Bunting: That one I received.
- Mr. Stolman: Did you receive one from Morris Associates?
- Mr. Flower: I don't think there was anything on there.
- Mrs. Roberti: His was dated November 17th and F. P. Clark's was dated November 30th.
- Mr. Bunting continues his review of the project.
- Ms. Bettina: It's an extreme safety issue from my perspective. You are putting in another pump to alleviate the problem but it's just going to cost more congestion.
- Mr. Bunting: The problem right now is when vehicles come in they don't know which pump is going to become available next so they cue up and backing up and moving forward.
- Ms. Bettina: I am quite aware of it and I've seen the congestion.
- Conversation continues.

- Mr. Pesce: Just make it an entrance.
- Mr. Bunting: I can do that.
- Mr. Flower: So if you could change that and do another submission. What's the clearance under it is going to be?
- Mr. Bunting: I think it's going to be 14 feet clearance on both sides.
- Mr. Flower: You will have to go for a variance since you will be changing the nonconformity of the front setback of the current canopy.
- Mrs. Roberti: We have to research when the gas station first started. You may need a variance or amend your special use permit. We really don't know until we gather that information. We do know you need a variance for the canopy.
- Mr. Flower: You will be hearing from our zoning administrator whether you need a variance. So if you could make a new submission we can put you on the next available agenda.
- Mr. Bunting: Thank you.

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 Clucchiara – Applicant
Nick Vamvas – Engineer
- Mr. Flower: We did receive one resubmission from you. It was brought to my attention earlier this evening that you had made another submission. We have not had a chance to review those other submissions yet. With that being said it might affect the date of the public hearing. We may have to push that back to a subsequent meeting. I will let Mr. Stolman comment on his review letter.
- Mr. Stolman: Perhaps in your next submission you will be able to respond to the comments in my review letter. It would be redundant to go over these things again.
- Mr. Vamvas: You did reiterate a lot of your previous comments.

- Mr. Stolman: Were they addressed in the second submission?
- Mr. Vamvas: We have not put in a submission on the habitat concerns and that's forthcoming. We have also gone to SHIPPO and we hadn't gotten a response. We just got their response today and they are recommending Phase A and B. We are going to initiate that as soon as possible. Regarding the sight distance I don't know if we actually responded to this and we know the project will require DOT permit. We have not officially requested.
- Mr. Gray: The DOT is going to dictate that. We have objected to things the DOT has asked for and they changed their minds. It is their jurisdiction.
- Mr. Vamvas: We are working on the turnaround radius. Do you need a figure in addition to that?
- Mr. Stolman: Yes.
- Mr. Vamvas: If we can show that we have been in contact with the agencies, how does that impact having the public hearing?
- Mr. Stolman: As long as you've made an effort. The public hearing can be opened and it's up to the Planning Board to close it or not. It can be adjourned to another meeting but we would like the record complete.
- Mr. Vamvas: Understood.
- Mr. Flower: At this time it would be in our best interest to put this off to the January 17th meeting. We will change it from the January 3rd meeting to the January 17th meeting.
- Mr. Valdati: Motion to move the Public Hearing from January 3, 2018 to January 17, 2018.**
- Ms. Bettina: Second the Motion.
Vote All present voted Aye.

Conceptual Review:

17-3381 Wappinger Hannaford Site Improvements: To discuss a conceptual application to improve the building colors, signage, bottle-return clynk and parking lot on 12.98 acres in an SC Zoning District. The property is located at **1490 Route 9** and is identified as **Tax Grid No. 6157-02-653974** in the Town of Wappinger.

Present: Brandee Nelson – Engineer

- Mr. Flower: Has there been a submission to the board?
- Mrs. Ogunti: You should have gotten yours in the mail. The professionals have theirs before them.
- Mr. Marinaccio: I didn't get mine.
- Mr. Flower: So I wasn't the only one that didn't get it.
- Mrs. Roberti: It was mailed last Tuesday or Wednesday.
- Ms. Nelson: Good evening. My name is Brandee Nelson and I'm a professional engineer with Thighe & Bond. We are working with Hannaford and they are looking to do some minor updates updating their brand throughout the area. Their update consists of a number of things. Our main goal tonight is to find out what kind of approval we need from this board. Some municipalities have just been doing an administrative approval through their building departments. We are looking for import on direction. As you know Hannaford is on Myers Corners Road and it's a 55,000 sf. store. They are freshening up their façade with fresh paint colors and updating their signs.
- Ms. Nelson continues her overview of the project.
- Mrs. Roberti: Before you go any further that's not a side yard when it's on a corner. It's a front yard.
- Ms. Nelson: So it's a front yard? I will have to revisit my setback. Thank you.
- Mr. Stolman: What does the back of the building look like?
- Ms. Nelson: You mean the back of the clynk building?
- Mr. Stolman: Right, so you have the back of the clynk building facing Myers Corners Road and there's no back elevation.
- Ms. Nelson: It's in the rear elevation. It's just a plain metal façade and we can talk about what is preferred there.
- Mr. Flower: If you are going to be putting it up at the road, it should be broken up with some type of landscaping and screening. Putting a shed right there by the road is not a good thing.
- Mr. Stolman: It will not be the most attractive thing.

- Ms. Nelson: There is actually a pretty substantial screening there. I can bring some pictures of what it looks like there. Today the fog won't actually allow me to take pictures. There's solid landscape screening throughout. Is there some other exterior treatment we can put on it?
- Mr. Flower: What's the board's feeling about putting it at the corner of the parking lot?
- Ms. Bettina: Do you have this installed in any of your other stores?
- Ms. Nelson: We only have it physically installed in our main stores and not in any of our New York stores.
- Ms. Bettina: Do you have pictures so we can have an idea?
- Ms. Nelson: I can bring pictures. We are doing a similar project in the Town of Red Hook right now. Could you guys give me a sense? I don't know if you guys use this supermarket but this side of the parking lot is rarely used. If we move it to another location, will we still need a variance?
- Conversation continues.
- Mrs. Roberti: It would be an easier variance. Under shopping center requirement, the minimum side yard for that type of a building would be 50 feet for rear or side and the front is 75 feet.
- Mr. Gray: For the rear is 75 feet?
- Mrs. Roberti: No, 50 feet is for the rear and side. It's a smaller variance the way it's tucked it might be something easier.
- Mr. Roberts: It is more conducive to that area.
- Ms. Nelson: Would you guys refer us to the ZBA once I settle on a location that is acceptable or should I seek out the ZBA ahead of time?
- Mr. Roberts: You have to designate Lead Agency and in the interim I think it would be appropriate to get some conceptual approvals so that the appropriate recommendation can be made to the ZBA.
- Mr. Flower: You will need a full submission to the board. If the board is content with what you provide us then we can send you off to the ZBA to apply for a variance.

- Ms. Nelson: Okay.
- Mr. Flower: At that point you can declare your intent for us to be Lead Agency.
- Mr. Gray: With respect to Item 2, the proximity to the access road you are going to have an issue with plowing snow.
- Ms. Nelson: As far as the full submission, just gaging the changes that we are proposing, do you want our submission to include things like the painting colors? Normally, I would consider that maintenance.
- Mrs. Roberti: They have architectural approvals.
- Ms. Nelson: Okay, we will include all of the proposed changes. Are there any other SEQRA related items you want us to include in our submission that I need to be aware of now that I can look at proactively?
- Mr. Stolman: I would say no.
- Mr. Gray: How often will the clynk be emptied?
- Ms. Nelson: Right now if there's a clynk in the building, a clynk box truck is coming around 3 to 4 times a week. With this newer model, the clynk truck comes around about 1 time every week.
- Mr. Gray: Is there any type of containment?
- Ms. Nelson: What do you main about containment?
- Mr. Gray: Like a metal building that sits on a slab.
- Ms. Nelson: It's a metal building that sits on a pressure treated lumber so it's not on a fixed foundation. All of the bottles are bagged.
- Mr. Gray: So if there's any liquid in the bottles they are contained in those bags?
- Ms. Nelson: Yes.
- Mr. Gray: Just bottles and not cans?
- Ms. Nelson: I think it's all redeemable.
- Mrs. Roberti: How will the people be getting their money back? I heard you say something about it being scanned to people's accounts.

- Ms. Nelson: They will have a little ATM kiosk and they will set up an account and you get a little scan card. Once your bottles are processed through their facilities, your account will be credited and you can take it to the store and redeem it for cash, donate to charity or apply it towards your grocery bill.
- Mr. Valdati: Are there provisions for broken glass bottles?
- Ms. Nelson: You mean how does clynk handle broken bottles?
- Mr. Valdati: Yes.
- Ms. Nelson: I don't know but I can ask them.
- Mr. Flower: Are there any other questions?
- Ms. Nelson: Thank you for your time. I really appreciate it. How many meetings are you having in January?
- Mrs. Roberti: We have two meetings in January. You will need an amended site plan so call me tomorrow and we can talk about what you need to do and give you the new submission dates.
- Ms. Nelson: Okay. Thank you.
- Mr. Flower: At this time we have a couple of items to discuss before we adjourn. We probably need to go into executive session.
- Mr. Valdati: Motion to go into Executive Session for legal advice.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.
- Ms. Bettina: Motion to come out of Executive Session.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Ms. Bettina: Motion to cancel the January 3, 2018 Public Hearings and reschedule to January 17, 2018.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Mr. Valdati: **Motion to schedule a workshop on January 10, 2018 to discuss past business with the three new members that will be coming to the Planning Board.**

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

Mrs. Roberti: Bea and I will be working on the venue for the Christmas Party. It is scheduled for December 18, 2017. You will need to let us know if you are coming and if you will be bringing someone. We also invited the ZBA members. Someone mentioned if we should invite any public officials. What do you want to do?

Ms. Bettina: I would say, no.

Mrs. Roberti: Thank you because it makes it hard for us since you have the current board and the incoming board.

Mr. Flower: That's fine. Is everybody on board with that?

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