

MINUTES

Town of Wappinger Planning Board
January 17, 2018
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

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

Others Present:

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

SUMMARY

Grace Bible Church	Public Hearing opened & closed – Resubmit
Furnia Subdivision	Public Hearing opened & closed – Resubmit
Elgen Associates	Public Hearing opened & closed – Resubmit
BMB Real Estate Corp.	Public Hearing opened & closed – Resubmit
Wappinger Route 9D Solar Farm	Public Hearing opened & closed – Vote on Resolution

Discussion:

Verizonwireless Chelsea Micro Antenna	Public Hearing on February 5, 2018 Town Planner to prepare Resolution
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Extension:

Chelsea Farm Subdivision	One year extension granted
BAC Properties, LLC	One year extension granted

Conceptual Review:

Lawrence Farm Proposed Coffee Shop & Drive -thru	Resubmit Site Plan
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Mr. Marinaccio: **Motion to accept the Minutes from December 4, 2017.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

17-3369 Grace Bible Church Amended Site Plan: The Town of Wappinger Planning Board will conduct a Public Hearing on an amended site plan application for a two phase project in an R20 Zoning District on 7 acres as follows: Phase 1 to include a 923 sf. building addition, 30' x 24' portico and 24'x30' garage with 5 asphalt parking spaces. Phase 2 to be completed at a future date to include 4,800 sf. addition and 48 parking spaces. The property is located at **158 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-393242** in the Town of Wappinger. (LRC Group) (Variance granted September 26, 2017) (Opened & Closed Public Hearing January 17, 2018)

Present: Nicole Patti – LRC Group

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

Ms. Patti: Good evening, Nicole Patti from the LRC Group, representing Grace Bible Church. The church is proposing a multi-phase site plan approval project. Phase 1 will include construction of 720 sf. garage, play area, covered seating area 924 sf. expansion to the building with a 720 sf. portico. They are also proposing additional gravel parking and memorialize the existing gravel parking. Phase 2 will include future expansion to the rear of the building, a 4,800 sf. some additional parking spaces and reworking of the existing parking for the proposed traffic flow.

Mr. Flower: Is there anyone in the audience who would like to speak for or against this variance please step up and state your name and address for the record.

Mr. Fasulo: Jim Fasulo, 12 Fenmore Drive, Wappingers Falls, NY. I have a couple of concerns. People think if you have a church in your backyard it could be a dream. I have experienced something that is not quite a dream. In the past the church has been involved in illegal and unauthorized grading. When I went to the church to talk about it I was received with just a blank stir. I did come to the Planning Board and they ordered a cease and desist. I see they want to put a ballfield there and they already have a ballfield. They did grading for the ballfield and it turned out to be a place for kids to race around with their cars. I have spoken to other neighbors of mine who have similar complaints. I would like to see

some kind of restriction added to this resolution if approved to prevent this kind of thing from happening.

Mr. Fasulo continues his comments.

Mr. Dusavage: Joseph Dusavage, 8 Fenmore Drive, Wappingers Falls, NY. Whatever conclusion that comes from this, I would like to see no more lighting through the parking lot and also no ball games late at night. We also have flood conditions in our backyard with the grading and additional parking lot.

Ms. Dusavage: Mary Dusavage, 8 Fenmore Drive, Wappingers Falls, NY. My concerns are similar to my husband's and my neighbor. I have no problem with the portico and obviously it's for an ability issue. My problem is the extended building that's closer to our houses and not the one closer to the school. The church did some type of construction project well past 10:00pm and you could hear it going, their lights were on and there had been multiple instances where people come and do burnouts in the driveway. To extend the parking lot further than it is right now would give more prudence for bigger burnouts and more destruction and more noise pollution in our neighborhood. That's my biggest concerns right now.

Mr. Flower: Are there any other comments?

Ms. Patti: I would like to address some of the comments that have been made in regards to the noise, pollution and things going on at night. This project was before the ZBA and as part of the approvals that they were granted for the variances, they are now required to limit all noise to 10:00pm which is the noise ordinance according to the Town's zoning code. The only proposed lighting is around the pond and they are direct lighting toward the parking lot area. They are solar LED lights and can be dusk till dawn or motion sensor and they won't be sending light off to the neighboring properties. Regarding flooding, we did a stormwater analysis and took into account all of the proposed parking, ballfield area and as far as I know there were no further comments from the Town's consultants. Their engineer seems to be okay with that.

Mr. Fasulo: Is it possible to have the lighting on the south side of the pond facing the church? As a courtesy to the neighbors if the ballfield is extended into the property rather than against the property lines at least 20 feet?

Ms. Patti: It's something I can look into with the engineers.

Ms. Dusavage: Were you planning on adding lights to the ballfield?

- Ms. Patti: No, there will be no night time games and no lights.
- Ms. Dusavage: What about the pond?
- Ms. Patti: The pond is existing.
- Mr. Dusavage: There was never a pond there and we've been there over 20 years.
- Mr. Flower: We were aware that they graded without approval from Town Hall. In terms of the review comments, I looked at everything and I believe you are requesting a waiver. We are not in a position to waive it and we just want to confirm that the lighting will conform with the Town requirement.
- Mr. Stolman: We are also going to require in the resolution that they would have to come before the Planning Board if they want to have lighting on the ballfield.
- Mr. Gray: I'm fine but I will go and take a look at the site once the snow melts.
- Mr. Marinaccio:** **Motion to close the Public Hearing.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

17-5185 Furnia Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on an application for a 9-lot subdivision on 7.56 acres in an R20 Zoning District. The property is located on **New Hackensack Road** and is identified as **Tax Grid No. 6158-02-948876** in the Town of Wappinger. (Berger) (Opened & Closed Public Hearing January 17, 2018)

Present: Michele Zerfas – Berger Engineering
Shane Furnia – Applicant

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

Ms. Zerfas: Good evening, Michele Zerfas with Berger engineering representing Furnia Subdivision. I want to start with two items that was brought up at the last Planning Board meeting. Mr. Furnia spoke with the Wappinger Central School transportation and they are fine with where we show the bus stop. They said that in the future they may decide to change it but for now they are fine where it is.

- Mr. Furnia: They are going to be picking up at New Hackensack and Furnia Court. They are not going to drive into the subdivision.
- Mr. Flower: It will have to be addressed whether or not shelter will be required.
- Ms. Zerfas: The director of aviation at the airport asked that the trees be changed from red maple and that dwarf trees be planted.
- Mr. Furnia: Red maple trees every 75 feet and they can grow up to 60 feet tall.
- Mr. Flower: Did they address those comments in writing?
- Mr. Furnia: Yes.
- Ms. Zerfas: They contacted us last week.
- Mr. Flower: So that will be included in the next submission?
- Ms. Zerfas: Yes. I believe we missed the next submission date. Since there are only minor changes, would it be possible for us to be on the next agenda?
- Mr. Flower: When will you be able to make the next submission by?
- Ms. Zerfas: By Monday.
- Mr. Flower: We just need enough time for everybody to review it.
- Mrs. Roberti: We actually have an extra week this month so if she gets it in by January 22nd, that gives everyone two weeks to review it.
- Mr. Stolman: Michele, have you submitted the Phase 1 view report yet?
- Ms. Zerfas: Yes, that was submitted back in October.
- Mr. Stolman: Did you submit the SHIPPO as well?
- Ms. Zerfas: Yes, I believe that was submitted in November.
- Mr. Stolman: Could I get a copy of those?
- Mr. Flower: Is there anyone in the audience who would like to speak for or against this project?
- Mr. Flower reads a letter from a concerned resident:

My name is Lori Morris and I live at 6 Daisy Lane, Wappingers Falls, NY. I received the undated certified letter addressed only to my deceased husband, Michael Morris, regarding this hearing on January 5, 2018. The envelope was NOT addressed to me even though I am also on the deed, so I question if the notice requirement was met. I am also writing on behalf of Rose Townsend, who resides at 2 Daisy Lane. She is my aunt, in her 80's, and not able to come out in this weather. Thus, I am writing on both of our behalves. Our concerns regarding the Furnia Subdivision are as follows:

1. A few years ago the Townsends at 2 Daisy were approached by the airport, who was seeking an easement for the trees on their property, stating that the trees were interfering with the equipment and landing capabilities of the airport traffic. So does it make sense to build homes closer to the airport if the airport was worried about trees in a neighboring property?
2. As the airport currently exists, the homeowners of Daisy Lane have issues with the airport traffic. Low flying planes, especially helicopters, rattle everything in our homes, especially in the summer. I reported it once to the tower, which is unmanned "after hours", and was advised that if I could get the tail number, I can report it. If I can get the tail number, THEY ARE TOO CLOSE! And the Furnia development wants to put houses closer?
3. Exiting out of Daisy Lane is a nightmare as cars come from Route 376 towards Route 9 at an increased speed around the corner before coming upon Daisy Lane. The Wappingers Central School District recognizes that there is a blindspot upon exiting Daisy Lane to the left that they regularly must adjust their bus routes to avoid. Most of the Daisy Lane residents exit to the right off of Daisy Lane, proceed to Wildwood, and turn around to head towards Route 376 or go through the development to get to a safer exit. The current entrance into the Furnia subdivision will only increase traffic hazards for Daisy Lane. Have environmental and safety assessments been performed?
4. There resides on the property a significant amount of wildlife, surprisingly together: coyotes, turkeys, and rabbits.
5. About a year ago, I was advised that Wappingers is zoned for 2 acres per house and the board was NOT willing to change that. I pointed out that there was a prior proposal from the 1980's where the prior owner was going to have a developer install in excess of nine homes on the property, but I was advised that the proposal was never approved and

could NOT be grandfathered in. The current proposal is for less than half of what are law currently states, for several homes, not just one.

I certainly understand that the property can be developed and I have watched it changed since 1993 when I bought my home, but to allow such a variation on the current law seems unhealthy for both the potential new homeowners in this new proposed development and the current homeowners in the neighboring development.

Thank you for your time.

Lori Morris
(845) 797-4634

Mr. Furnia: We are going to take care of the tree issue. Some of her other concerns with the zoning I think is inaccurate.

Mr. Flower: We've hashed out the zoning so it is a nonissue.

Mr. Fasulo: Is that accurate or not?

Mr. Flower: In her statement it's not 2 areas zoning in that location. The subdivision that's being proposed is zoned correctly.

Mr. Roberts: I think it would be more appropriate if they respond in writing.

Ms. Zerfas: It has not formally been accepted but it doesn't seem to be any major problems.

Mr. Flower: We wanted to discuss it further and we are looking for the easement to the stormwater basin and the rain garden.

Mr. Gray: The rain gardens are well thought out and are in favor of stormwater practices well before the final discharge. However, we need to address the maintenance of these rain gardens that are on private property. The SWPPP is stating that they will be handled by the private property owner. We have to ensure that happens and if that doesn't, maintenance is handled by a responsible party. This could be addressed in the stormwater management water district in setting that up. On commercial properties there's a covenant that allows that if maintenance isn't done that the Town will do the maintenance. This needs to be addressed in the final document so that there's some guarantee that these practices are maintained. We are an MS4 community and have a responsibility to do that. MS4 means that the Town takes care of the stormwater regulations and we are audited on doing that. You said you had some pamphlets to give out.

- Ms. Zerfas: It hasn't been prepared yet. We go to the MS4 meeting and it is representatives from all of the different Towns. It talks about the septic systems on these lots and that they have to be maintained by the homeowner. Because you are an MS4 and the septic system fails, the Health Department just comes out to the homeowner. Because you are an MS4 and if the rain garden isn't maintained DEC and EPA can come to the Town. It's like having an umbrella on the lot.
- Mr. Roberts: You are going to have to weave this all into the drainage district and there's a lot of work to be done. The formation of the district, delegation of responsibilities and as Bob said to incorporate it into a restrictive covenant putting the burden on either the district or the homeowner.
- Mr. Gray: As far as my other comments go I'm sure they'll be answered in their normal review comments. It's the responsibility of the homeowner practices that's new and we need to address it properly. I'm sure the State has some ideas on that too.
- Ms. Zerfas: We also need to keep in mind for the Health Department we will have to go through the SEQRA process.
- Mr. Flower: David, do you have any questions?
- Mr. Stolman: None for the time being.
- Mr. Flower: Al, any questions?
- Mr. Roberts: No.
- Mr. Flower: At this point there are some things you need to address so you can combine it with your next submission and get you on the next agenda and we go from there.
- Mr. Pesce: Motion to close the Public Hearing.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.

16-3355 Elgen Associates (Amended Site Plan): The Town of Wappinger Planning Board will conduct a Public Hearing on an amended site plan application for the reuse of two (2) of the existing three (3) buildings for residential rental and commercial office/storage use, and the removal of an existing dilapidated building on 1.78 acres in an HB Zoning District. The property is located at **561-563 Old State Road** and is identified as **Tax Grid No. 6157-02-580777** in the Town of Wappinger. (Bodendorf) (Opened & Closed Public Hearing January 17, 2018)

Present: Jon Bodendorf – Hudson Land Design

Mr. Pesce: **Motion to open the Public Hearing.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Bodendorf: The subject property is located on Old State Road and Old Route 9 in the Town's Highway Zoning District. It's a little less than two acres in size and there are currently three structures on the property which are all vacant. The applicant is simply looking to do is to clean up the site and utilize two of the three existing structures so there will be no new building construction on the site. The third building is in a state of disrepair so as part of the proposed project would be completely demolished and removed. Other than that there are just some basic site improvements proposed to include parking and landscaping. We are also proposing to connect the existing structures to the Town sewer main that runs through the southern portion of the property. That's essentially the project in a nut shell.

Mr. Ciraulo: Christopher Ciraulo, 564 Old State Road, Wappingers Falls, NY. My family has lived at that address for nearly 10 years and our children play in the yard and they ride bikes in the street. If you are not familiar with this road, it's a side road with very little traffic. The traffic comes from people test driving Nissan and Toyota. We enjoy being closely located to businesses and community but at the same time shielded from the main bustle of Route 9. My wife and I are agreeable to the two larger existing structures at the site being improved and used for residential purposes. We don't necessarily have anything against usage as office space which I think is what's being proposed. I understand that comes with a modest parking area and there could be concerns with that but without any further details I don't have any questions about that. I believe I speak for all of the residents of Old State Road some of which are here tonight when I say that we would love to see the third dilapidated structure torn down. I have some questions that I would like to ask. Should I go one by one?

Mr. Flower: You can go one at a time. We are just collecting information at this point and the engineer will address it and get back to the board.

Mr. Ciraulo: I understand the space is to be used as residential rental and office/commercial space. At the November 20, 2017 Planning Board meeting there was a clarity called for whether the nonresidential space was going to be office or commercial space. Has that been determined?

- Mr. Flower: No, they are going to tend to that. It will be part of the approval process.
- Mr. Ciraulo: Does the site plan application include any parking area that's going to be used as car dealership lot space?
- Mr. Flower: They are not proposing that.
- Mr. Ciraulo: Are there any zoning variances necessary for the project moving forward as set forth in the present application? Has there been any tenant identified for the nonresidential space?
- Mr. Bodendorf: Not yet.
- Mr. Ciraulo: Has there been any other applications submitted to expand upon this present site plan application?
- Mr. Flower: No, this is the application that's before us. It would have been brought up with this public hearing.
- Mr. Ciraulo: The sewer system was mentioned as part of this improvement would be tied into the existing sewer system. Is it in deed tie into the existing system or the line that comes at the end of the road would be extended to tie in to the property?
- Mr. Flower: They are working with the Town on that. Bob is this an extension or a connection?
- Mr. Gray: There's no application for extension to the district.
- Mr. Ciraulo: Has any environmental assessment been performed as a prerequisite for this project?
- Mr. Stolman: Yes.
- Mr. Ciraulo: Were there any significant findings there?
- Mr. Flower: I don't believe so.
- Mr. Ciraulo: Does there have to be any formal determination of environmental significance?
- Mr. Stolman: There will be.
- Mr. Ciraulo: Is there a timeframe when that would be determined?

- Mr. Flower: After the close of the public hearing.
- Mr. Stolman: It's often rolled into the approval.
- Mr. Ciraulo: That's all of the questions that I have and I appreciate your time.
- Mr. Flower: Is there anyone else who would like to speak for or against this project?
We obviously have a lot of open issues and one was having a more detailed plan.
- Mr. Bodendorf: I was going to ask tonight if it would be acceptable to have an inset plan to show the entire property except where the improvements are. Would that be satisfactory?
- Mr. Stolman: Would you be using too much paper?
- Mr. Bodendorf: It's just because of the length of the property it's tough to show.
- Mr. Flower: So that will get addressed?
- Mr. Bodendorf: Yes. Just to comment on the tenant question, I spoke to the owner just before we made this submission and he was talking to a few different people. I'm hoping that he has that a little nailed down for our next submission.
- Mr. Flower: The concern in our review was a commercial use. We are looking to find uses that are in the zoning code for that property taking out the specific uses within the zoning code that won't have any impact on other items. We are looking at the office space and parking space for every 300 sf. If that could be listed on the plan with those specific uses, also the wetlands permit. You will have to get a Town's wetlands permit I believe. They have to be done prior to construction.
- Mr. Stolman: Actually this board approves that. The resolution would be for site plan and wetlands approval. Just to put a final point instead of saying service use you should say personal service use. Commercial/office is not a listed use.
- Mr. Valdati:** **Motion to close the Public Hearing.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: Now the question is when are you going to be able to make a submission?

Mr. Bodendorf: It depends on what the owner has done but we will make a submission as soon as we can.

16-3353 BMB Real Estate Corp. (Restaurant to Apartments Conversion/Formerly Lilliana's Restaurant): The Town of Wappinger Planning Board will conduct a Public Hearing on a site plan application for the conversion of existing restaurant and deli space into 6 apartments on 2+ acres in a GB Zoning District. The property is located at **1639 Route 376** and is identified as **Tax Grid No. 6259-03-482346** in the Town of Wappinger. (Burns) (Opened & Closed Public Hearing January 17, 2018)

Present: Steve Burns – Burns Engineering
Barry Olah – Applicant

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

Mr. Burns: Good evening, Steve Burns representing the applicant, BMB Real Estate. The applicant is proposing that we take an existing building that has 7,600 sf. of a banquet, restaurant and deli space. That existing space is going to be converted to 6 new apartments. It will be one, 1-bedroom, one 3-bedroom and four 2-bedroom apartments. We are still working on our water supply and we are having some issues using a well with so many residents. The maximum on the current water supply is 25 occupants. We are working on how to limit that before connecting to public water supply. I have addressed all of the outstanding comments and the site lighting is adequate throughout the site. The overall impervious for the site is going to be reduced tremendously. We need about 25 parking spots so we are going to bring it down to the minimum. The only other outstanding item was the Indiana Bats concern for the EAF. We don't have any issues with the Indiana Bats because we are not taking down any trees.

Mr. Flower: Is there anyone in the audience who would like to comment on this site plan?

Mr. Burns: I dropped it off yesterday.

Mr. Flower: Okay. I just want to go over my notes from the last meeting. You had the lighting issue.

Mr. Burns: I took care of that and put a photo on it.

Mr. Flower: You did have the issue with the recreation fees.

- Mr. Burns: I wanted to discuss that with you outside of the public hearing. I have a Town code with me that states if we were to identify a need for recreation and if we are not posing any need for recreation you can waive those fees I believe. For 6 units and if you think about the math on that, the rent of those units goes to the Town for recreation fees.
- Mr. Flower: We will go back to that one to discuss. You also have the water issue. Are you looking to connect to the County water system?
- Mr. Burns: I'm having trouble with the Health Department approving and if we can limit the amount of occupants on the water supply.
- Mr. Flower: Are they trying to force you to connect?
- Mr. Burns: They are probably going to force our hands to connect. We are trying to phase that by only letting us build out so many units. The proposal right now is to leave out two of the units. I'm not sure that's going to even fly.
- Mr. Gray: What does it have to do with the public water supply?
- Mr. Burns: The well now is a community water supply and not a public water supply.
- Mr. Gray: The public water supply is either community or non-community. Community means that people live there and non-community means that people don't live there but they are both public water supplies.
- Mr. Burns: I believe it is non-community right now and non-community is limited to 24 residents or 15 units.
- Mr. Gray: The public waters supply as long as it serves 25 people a day or more or there are 5 service connections.
- Mr. Burns: Adding these units is going to bring us into the community water supply standards because we are going to have 25 or more.
- Mr. Gray: I believe the 25 apply to the public water supply. Community or not, we will have to talk more about this.
- Mr. Burns: There's a maximum of 20 tenants.
- Mr. Gray: Then it will not be considered a public water supply and that's what you are trying to avoid.
- Mr. Burns: Yes.

- Mr. Flower: David, do you have any comments?
- Mr. Stolman: We talked about the endangered species. I think Steve's statement responds to his latest submission.
- Mr. Flower: You have more work to be done but we will review the submittal.
- Mr. Stolman: We should get that soon.
- Mr. Flower: The last item is the recreation. We discussed in depth at the last meeting. I believe there was the some type of facility on the property and the recreation fee. You were to talk to the Town Board to do some type of improvement to an existing park. The ball is in your court at this point. We can't just waive it 100%. It's always been one or the other and even with subdivision, there's dedication of land for parks. Although we don't have that situation here there's a lot of provision.
- Mr. Burns: So if I show a swing set on the property then we don't have to pay any recreation fees? Is it as simple as that?
- Mr. Flower: If you are going to provide a swing set on the property, it all depends on how much of a playground you are providing.
- Mr. Roberts: The facilities have to be adequate for the expected number of people that will be living there.
- Mr. Burns: That's probably about three children.
- Mr. Roberts: This refers to children and adults.
- Mr. Flower: We cannot just waive the public hearing.
- Mr. Pesce:** **Motion to close the Public Hearing.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: You need to resubmit in order to get on the February 5th agenda.
- Mr. Burns: Thank you.

17-3360 / 17-4073 Wappinger Route 9D Solar Farm: The Town of Wappinger Planning Board will conduct a Public Hearing on a site plan and special use permit 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: Mike Cucchiara - Nexamp
Nick Vamvas – Chazen Companies

Mr. Pesce: **Motion to open to Public Hearing.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Cucchiara: Good evening Chairman Flower, Planning Board members and staff. I will take a few seconds to introduce the project. We've been before the Planning Board and we started this process back in 2017. I'm the applicant Michael Cucchiara and Nexamp is our company. We are a solar development firm founded 10 years ago by army veterans passionate about renewable energy. Since that time we've developed over 200 projects amounting to 100 megawatts of commercial scale solar energy. For tonight's meeting we are proposing a 2.5 megawatts community solar farm on an R40/80 zone property off Route 9D in the Town of Wappinger. This is a 48 acres parcel and it's been a vacant property for some time now.

Mr. Cucchiara continues his review of the project.

Mr. Vamvas: Good evening, Nick Varmas of the Chazen Companies. I'm just going to pick it up from what Michael was saying. The site is compatible with use which is allowable in the R40/80 Zoning District. The use meets the definition of a solar farm in the Town's code. The site will consist of a graveled driveway off Route 9D and there will be a perimeter fence for safety purposes. The project does require a series of approvals in addition to site plan approvals from the Town. We will also need wetlands permit from the Town because the site does have a series of federally regulated wetlands. In order to install the proposed project we are going to be impacting some of the Town's buffer. There are no direct wetlands impacts. The project also requires a flood plain permit.

Mr. Vamvas continues his review of the project.

Mr. Flower: Is there anyone in the audience who would like to comment? Bob, do you have any comments?

Mr. Gray: No.

- Mr. Flower: David, do you have any questions?
- Mr. Stolman: Nothing really additional to what's been said already.
- Mr. Pesce:** **Motion to close the Public Hearing.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Mr. Stolman: You are waiting for some additional information. You are waiting for information from the wetlands scientist, right?
- Mr. Vamvas: Yes. We sent a letter to the Town at the end of December and we did not get a response to that. I just wanted to make sure you are comfortable with that approach. We don't want to submit anything to the Army Corps that's going to sit on someone's desk.
- Mr. Stolman: So you hired a wetlands scientist to determine whether a federal permit is needed?
- Mr. Vamvas: We haven't yet because we wanted to get some volume from the Town. If you are comfortable with that we can take that approach.
- Mr. Stolman: In order to have a wetlands scientist provide information you have to hire a wetlands scientist to do a report and submit it to us. That would be perfect.
- Mr. Vamvas: Sure. The wetlands that I show were delineated by wetland scientists already but if you are looking for a report from a wetland scientists I'm sure we can provide that to you.
- Mr. Cucchiara: David, I think what we were trying to respond to was you were asking us to contact the Army Corps for impact and we were hoping to go to the original wetland biologists to provide an affidavit to the boundaries of these wetlands that would suffice. Because what we were trying to say is that we are not impacting the wetlands directly therefore Army Corps would likely put this low on our priority. We would just go by the wetlands permit of the Town.
- Mr. Stolman: Okay, that would be fine with me. You have some species and endangered species?
- Mr. Cucchiara: Yes.
- Mr. Vamvas: We don't have responses from DEC yet regarding our report. I believe the Town got a copy of that at the end of December.

- Mr. Stolman: Right. These things can always be conditions of the approval.
- Mr. Flower: So if you feel comfortable with it then just make that a condition.
- Mr. Stolman: It would be good to see the wetlands report. I don't know that we have to wait on the DEC and the Army Corps. That could take a very long time.
- Mr. Vamvas: If the board feels that we've addressed everything from the consultants, we ask that you make a SEQRA determination with the conditions.
- Mr. Flower: David, do you feel comfortable and do you have enough information?
- Mr. Stolman: I feel comfortable. These could be conditions of the approval and we roll the Negative Declaration into the approval.
- Mr. Pesce: Motion to authorize the Town Planner to prepare a resolution for February 5, 2018.**
- Mr. Valdati: Second the Motion.
- Vote: All present voted Aye.

Discussion:

17-3382 (Site Plan) / 17-4077 (SUP) Verizonwireless Chelsea Micro Antenna / Central Hudson (Pole #7): To discuss a site plan and special use permit application to replace a 32.3' wooden utility pole (owned by Central Hudson Gas & Electric) with a 43' wooden pole to accommodate two (2) small antennas and related equipment in an R10 Zoning District. The property is located at **21 Market Street** (south of Broadway Avenue) and is identified as **Tax Grid No. 6157-01-353724** in the Town of Wappinger. (Olson)

- Present: Scott Olson – Engineer
- Mr. Olson: Good evening. My name is Scott Olson with Young & Sommer and I represent Verizonwireless. We have an application before you and it's for a small cell. Has the board ever dealt with small cell application before? I know we haven't.
- Mr. Roberts: To my knowledge, no.
- Mr. Flower: It's the first time for me here on the board.
- Mr. Olson: That's fine and if you want I can give you a brief explanation. I was before the Town many years ago for the towers. Small cells are a

significantly paired down facility and it's intended to provide a hotspot services that generates signals that will travel about 1,000 feet in each direction give or take. It's a very low power and the cell towers are low power. These are extra low power. They are intended to fill in small areas, neighborhood and high traffic areas such as this. In this case we are not going to have any massive equipment on the ground. As a matter of fact, there will be no equipment on the ground.

Mr. Olson continues his review of the project.

Mr. Flower: Have they installed any of these units in any area.

Mr. Olson: They have but they haven't installed them locally from what I'm aware of.

Mr. Flower: In one of the review letters from the planner he brought up the color but if you have photos that we could look at.

Mr. Olson: I do. I can submit them after the meeting or during the meeting whatever your preference is. The antennas are very small and I'll show you what they look like. There photos I'm showing you now shows ground equipment but what we are proposing does not have ground equipment.

Mr. Pesce: Where are these now?

Mr. Olson: They are in the Syracuse area. It's one utility pole and the difference with what we are proposing and what you are looking at is minus the large white box.

Mr. Flower: So it's basically those two rectangular antennas on the top of the pole and the boxes down below?

Mr. Olson: Yes. In this case these are located about 42 feet and that's significant because the FCC does regulate our commissions but they don't regulate our commissions when the antennas are located 33 feet or higher.

Mr. Valdati: Who maintains the poles?

Mr. Olson: The pole is owned by Central Hudson Gas & Electric and they've granted us a license to use the pole. We will maintain all of the antennas and the associated equipment.

Mr. Valdati: Thank you.

Mr. Flower: David, do you have any questions?

- Mr. Stolman: I think you've covered everything but I would like to see a photograph of exactly what this is going to look like.
- Mr. Olson: I'll get you something that's better than that.
- Mr. Stolman: Are any utility poles that would work in this space that is not immediately adjacent to homes?
- Mr. Olson: I don't believe they are but I will contact the corporate people. There are restrictions for utility poles. Different utility companies have different regulations. I'll get you that information.
- Mr. Stolman: Okay. Thank you.
- Mr. Flower: At this point we need to schedule a public hearing. I don't think we have enough time for the February 5th meeting, do we?
- Mrs. Ogunti: We do.
- Mr. Pesce:** **Motion to schedule a Public Hearing for February 5, 2018.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.
- Mr. Olson: I'll see you on February 5th.
- Mr. Flower: If you could provide us with a picture of the exact rendering.
- Mr. Olson: I'll get a picture for you.
- Mr. Flower: If you could provide that to the secretary for distribution prior to the February 5th meeting.
- Mrs. Ogunti: I will send you the public hearing information.
- Mr. Olson: That's fine.
- Mr. Flower: Everyone feels comfortable with that?
- Mr. Stolman: I am.
- Mr. Valdati: That's good.

Mr. Pesce: **Motion to authorize the Town Planner to prepare a resolution pending the outcome of the Public Hearing.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Extension:

10-5155 – Chelsea Farm Subdivision: Seeking their second one (1) year extension on a final subdivision approval for Chelsea Farm Subdivision for their proposed 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. This extension is being request for general economics. This extension would begin on February 1, 2018 through January 31, 2019. This parcel is located on **Chelsea Road (County Route 92) & North River Road** and is identified as **Tax Grid No. 6056-01-138527 (102.7 acres) & 6056-01-190688 (84.1 acres)** in the Town of Wappinger. (Koehler) (LA 4/9/10) (Rec'd preliminary subdivision approval 11-3-14) (Opened & closed PH 1/20/16) (Final subdivision approval 02-01-16)

Present: Dan Koehler – Hudson Land Design

Mr. Koehler: Good evening, I'm Dan Koehler with Hudson Land Design the engineer for the applicant. We received conditional final approval on this project February of 2016. In essence the majority of the outstanding issue that's remaining is legal document related. My client is taking a look at the project and it's not the best time for him to do this project as it's approved right now. The economics of it aren't exactly perfect and right now contractors are very busy and their price is very high right now. There are a lot of offsite improvements that we are doing and also the Town was discussing some potentially different approvable uses for that particular property. They had some discussions back and forth that I wasn't involved with when they had those discussions. With new administration here, whether those discussions are going to continue I don't know. If they don't, we are going to go ahead and finish up the subdivision at some point and move on with the subdivision. In the meantime that's where we are. We are asking for an additional one year extension to hopefully get a good feeling on whether or not there's going to be something different here possibly.

Mr. Flower: Are there any questions?

Mr. Marinaccio: No, I'm fine with the extension.

Mr. Valdati: **Motion to grant a one year extension.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

14-3319 BAC Properties, LLC: Seeking their third one year extension on Site Plan approved March 2, 2015, on the application of **BAC Properties, LLC seeking re-approval for their amended site plan for the construction of a contractor equipment rental counter and display/warehouse/storage office building consisting of 19, 440 square feet in an AI Zoning District.** The applicant has a potential tenant. However, the process has been delayed due to medical reasons. This extension would begin on March 2, 2018 through March 1, 2019. The property is located at **30 Airport Drive** in the Town of Wappinger and is identified as **Tax Grid No. 6259-04-578332.** (Povall) (PH 3/2/15) (Approved Amended Site Plan 3/2/15)

Present: Ben Ciccone – Applicant

Mr. Ciccone: Good evening. We are looking for a one year extension.

Mr. Flower: Is there a reason for the extension?

Mr. Ciccone: It's the same thing as our previous request for an extension. We had a possible tenant but he had some medical issues so that stopped our discussions.

Mr. Flower: So this will be your third one year extension.

Mr. Ciccone: Yes.

Mr. Pesce: **Motion to grant the third one year extension.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.

Conceptual Review:

18-3383 Lawrence Farms Proposed Drive-Thru: To discuss a conceptual application for a proposed drive-thru and electric car charging stations on 9.91 acres in an HB-2 Zoning District. The property is located on **1083 Route 9** and is identified as **Tax Grid No. 6156-02-710924** in the Town of Wappinger. (Lawrence)

Present: John Lawrence – Applicant
Rich Tompkins – Engineer

Mr. Lawrence: Good evening, I'm John Lawrence with my wife, Kim to discuss a conceptual review. We also have here with us Rich Tompkins from Morris Associates. We have a design here which Rich will explain in detail. It's a pretty simple modification to the existing Lawrence Farms.

Mr. Tomkins: We are proposing in that space a small coffee shop with a drive-up window on the southeast corner of the building with a small extension to

utilize the space that's already covered by a roof and the space that's utilized with the sidewalk. We are proposing a one-way drive-up and bisecting in the middle of that would be a one-way access to the back for trucks for loading and unloading to the other tenants. In addition to that we are proposing two spaces that would be electric charging station so we are not proposing any major changes for curbing for the drive-up. We are proposing a small curb area to protect the actual charging station but those curbs will be placed over the blacktop that's there. Again we are not trying to disturb any of the blacktop or impervious surface that is currently there.

- Mr. Lawrence: We are not disturbing the wetland and we are not building any structures. We are just painting existing blacktop. I'm wondering if we could streamline this somehow with the zoning administrator and anyone on this board and Mr. Gray because there is no significant impact.
- Mr. Flower: With the current plan there are a couple of issues that did come up and one is the parking spaces.
- Mr. Lawrence: Mr. Chairman, I believe we can reconfigure our parking and go to the power to be to get the law changed so that we do not have too many blacktops in the Town of Wappinger.
- Mr. Flower: I think what you have proposed doesn't meet the current zoning standards. There are other alternatives.
- Mr. Lawrence: I would like to propose to have this moved forward because the coffee shop is hinged on a drive-thru so if there's no drive-thru, the coffee shop is out.
- Mr. Flower: Obviously, you have a lot of empty space and you want to occupy them. I understand that. In terms of the drive-thru, does anyone on the board have any questions?
- Mr. Marinaccio: Is it just going to be a coffee shop?
- Mr. Lawrence: This particular company is from Connecticut and they now have three stores. It's an independent franchise and they are similar to a Starbucks and not a Dunkin Donuts. They feel very strongly that this area can support their type of coffee and they can have some food. It looks very exciting folks.
- Mr. Tompkins: The rental space is about 1,500 sf.

- Mr. Flower: In the back of the property there's a proposed 25' x 45' roof over two trailers?
- Mr. Lawrence: I would like to just focus on this enlargement at this time. I'm looking to improve the front of the Country Store. After 22 years of being there they are gone.
- Mr. Flower: In the back of the property there are wetlands by Building 5 and you are proposing 25' x 45' roof.
- Mr. Lawrence: They are rounded rooftops and I just need a place to put my equipment. If you don't think it's appropriate, I will be fine with it.
- Mr. Flower: We just didn't know what that was since on your application you didn't specify.
- Mr. Lawrence: At this time it's only about the enlargement so I didn't want to present that.
- Mr. Flower: Barbara, the construction business is it part of the original plan?
- Mrs. Roberti: Yes.
- Mr. Lawrence: I just want to make sure it's part of the current site plan and it's incorporated in this site plan as well. At this point you need to make a full submission. The parking spaces have to be addressed. David, can you address that?
- Mr. Stolman: Sure, 10% of the spaces can go down to 8.5% wide because there's no provision. You are proposing 53 of those spaces.
- Mr. Lawrence: I would like to come back and discuss that when we do those other sites. The amount of blacktop on Route 9 is never used. There should be waiver on these parking on how many we are allowed to have because we never use them.
- Mr. Stolman: There should be a waiver. Just so you understand that this board has limitations as to what they can do and can't do. The Town Board can change things and the ZBA can give you a variance.
- Mr. Lawrence: So when I come back we can work on the parking lot. I cannot stand my space. I'm maxed out and there are no more parking areas for me to get without going into wetlands so we will work that out.

- Mr. Flower: I'm sure we can come to an agreement to that. Once you get a full submission together we can act and move forward.
- Mr. Lawrence: I think we are losing spaces.
- Mr. Flower: I think you are losing 9 with the drive-thru.
- Mr. Lawrence: On the south side of the building there should be 5 spaces existing and two for the electric cars. Anything in the back of the building never gets used. It is on the plan but never used.
- Mr. Stolman: The southerly driveway, is that two ways in?
- Mr. Lawrence: Yes.
- Mr. Stolman: Is it possible to make it one-way?
- Mr. Lawrence: The cars and trucks come in here make their deliveries and go back in this direction on Route 9. There are a few vehicles that want to come through this way. General speaking the traffic flow is in this direction. A lot of these stores are serviced by UPS and FedEx. There are not big truck deliveries. It's not a big shopping center with huge food stores. If we put two lanes of traffic here it would just confuse people.
- Mr. Tompkins: The intent was to keep everybody in the same direction.
- Mr. Flower: Make a submission and we go from there.
- Mr. Tompkins: Just a couple of questions on the submission. Are you looking for us to change the direction?
- Mr. Flower: Personally turning around there in a fire truck is hard backing up.
- Mr. Tompkins: I think large trucks are going to go that way and people are just going to move out of the way. If we are going to handle the parking in a separate submission, do we want to show the parking the original way and address that in a different submission?
- Mr. Stolman: It would be the cleanest if you would take everything out that you are not proposing now. You can save it on a computer file and go back to it.
- Mr. Tompkins: Okay.
- Mr. Stolman: Otherwise the resolution is going to say this is what's being approved and this is not. It makes it very complicated.

Mr. Tompkins: Can I avoid having the parking chart all together?

Mr. Stolman: You should have a parking chart for this proposal this way the resolution is clean and straight forward.

Mr. Tompkins: Okay, that's why I'm asking.

Mr. Lawrence: Thank you very much.

Mr. Pesce: **Motion to go into Executive Session for legal advice.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Mr. Valdati: **Motion to come out of Executive Session.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

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

Adjourned: 9:00 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board