MINUTES

Town of Wappinger Planning Board

April 4, 2016 Time: 7:00 PM Town Hall 20 Middlebush Road Wappingers Falls, NY

Summarized Minutes

Members: Mr. Valdati: Chairman Present

Ms Bettina: Acting Chairman Present Mr. Bruce Flower Member Present Member Present Mr. Malafronte: Mr. Marinaccio: Member Present Mr. Pesce: : Member Present Ms. Visconti: Member Present

Others Present:

Mr. Roberts: Attorney for Town

Ms. Cobb: Conflict Attorney for Town

Mr. Gray: Town Engineer Mr. Stolman: Town Planner

Mrs. Roberti: Zoning Administrator

Mrs. Ogunti: Secretary

SUMMARY

Public Hearing:

Valvoline Public Hearing Opened & Closed – Vote on April 18, 2016

Dunkin Donuts – Route 9D Public Hearing Opened & Closed – Vote on April 18, 2016

Hudson Valley Volvo (Amended) Public Hearing Opened & Closed – Vote on April 18, 2016

Discussion:

Candlelight Landscaping Public Hearing scheduled for May 2, 2016

AW Scrap Processors, Inc.

Vote on Resolution on April 18, 2016

Extension:

Baisley Farms Subdivision Six months Extension Granted

Ms. Visconti: Motion to accept the Minutes from the March 21, 2016 Meeting.

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

<u>15-3341 (Site) 15-4065 (SUP) Valvoline:</u> The Town of Wappinger Planning Board will conduct a Public Hearing on a site plan application and special use permit approval for two additions to an existing Valvoline Store and the construction of a storage building on 1.79 acres in an HB Zoning District. The property is located at <u>1158 Route 9</u> and is identified as <u>Tax Grid No. 6157-04-680140</u> in the Town of Wappinger. (Tinkelman)

Present: Bob Turner – Architect

Ms. Visconti: Motion to Open the Public Hearing.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mr. Turner: Good evening. We were not able to submit any new information

because a lot of what we were looking to do we couldn't because of the cold weather. We have it scheduled for this week and hope we can do it. I want to give a brief overview of what the client is proposing to do. There's an existing building where they do oil changes. They are expanding what is now currently an office and a training room. They can

now separate the training from the office. The addition will be the handicap bathroom. They will be constructing a storage portion in the back and I did get clarification of that particular building and its uses. I was under the assumption from the client that would be for parts that the store would be using to service the cars but that was a misinterpretation. It is to store the products and materials they need to maintain and

service the equipment that they use within the building.

Mr. Turner continues his review of the project.

Mr. Valdati: How is the waste oil taken away?

Mr. Turner: All the waste oil is stored inside the building in a large tank and is

properly disposed.

Mr. Valdati: Please provide us with details so the Town is fully aware.

Mr. Flower: That's a DEC regulation so you might want to leave it in their hands.

Ms. Bettina: They do sign off on it.

Mr. Turner: Yes, they do.

Ms. Bettina: Their records are kept some place?

Mr. Turner: Yes, everything is kept on site and they do have a record book.

Ms. Visconti: Bob, do you have sheds on this property?

Mr. Turner: There are sheds in the back of the building that's why they are building

this storage.

Ms. Visconti: Has there been a determination whether they need variance for the

shortage in the HB Zone?

Mrs. Roberti: This is an existing site that has previous approval.

Mr. Stolman: We talked about this and there's no need for a variance.

Ms. Visconti: Did we find out whether they are a principle or an accessory use?

Mr. Stolman: It's going to be a second principle use.

Ms. Visconti: Is that allowed in zoning?

Mr. Stolman: Yes, we will characterize as such.

Ms. Bettina: That will be part of the resolution.

Ms. Visconti: They listed that the storage building is a garage. Was that corrected?

Mr. Turner: I believe we corrected that but I will make sure before it goes back out

again.

Ms. Visconti: It was called a garage and there was a need for no servicing in this

building.

Mr. Stolman: We went over our comments the first meeting in March and Bob has

responded to them so we are going to get these plans and we will all

review them again.

Ms. Visconti: Is there any reason that we cannot close the Public Hearing?

Mr. Stolman: I have no reason.

Ms. Visconti: Motion to close the Public Hearing.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mr. Valdati: Motion to authorize the Town Planner to prepare a Resolution.

Ms. Visconti: Second the Motion.
Vote: All present voted Aye.

<u>14-3307/Dunkin Donuts, Route 9D:</u> The Town of Wappinger Planning Board will conduct a Public Hearing on the construction of a 3,000 sf Dunkin Donuts with a drive-thru on vacant commercial land. It is in a CC Zoning District and is on 11.34 acres. The property is located at <u>2026 Route 9D</u> and is identified as **Tax Grid No. 6056-02-746856** in the Town of Wappinger. (Diesing) (LA 3/23/15)

Present: Jay Diesing – Architect

Ernie Martin - Engineer

Ms. Visconti: Motion to open the Public Hearing.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mr. Diesing: Good evening. Jay Diesing with Mauri Architects and I'm here with Ernie

Martin. For the purpose of the Public Hearing, I will just do a brief

overview. We are proposing a Dunkin Donuts shop on Route 9D. It's an 11 acres parcel with a bar, restaurant on the south end of it. Our site will be in the middle of that parcel and it's not a subdivision just a land lease. We submitted a photometric basically the same as what we submitted in our earlier submission. For signage we are proposing a monument sign on 9D and a wall sign on the front of the building. This sign is internally illuminated but the sign on the building is not internally illuminated. There were some discussions about the size of the sign. Mr. Stolman has indicated that it's a 40 sf. sign area, which is true. The outside perimeter of the sign is 40 sf. but it's been our position that the actual sign area is only about 20 sf. The sign on the building is 21 sf. so it's

well within the permitted size.

I will turn this over to Ernie for some of the engineering aspects of the

project.

Ms. Bettina: Thank you.

Mr. Martin: Ernie Martin with KC Engineering. We have been working and dealing

with the site issues. There are a number of issues on this particular site that are challenging but we've made tremendous progress. There's an existing stream that runs through the property and there are DEC

regulated wetlands, Army Corp. wetlands and Town wetlands. We have an entrance in on the south side and an exit out on the north side. We will incorporate a turn lane into the site which needs a DOT widening

and that's shown on here. As far as sewer and water, water will be provided by an individual drilled well. We are drilling our own well and we are providing our own septic system. We have Army Corp. wetlands because we are relocating the stream to meet stormwater quality. To go through this process, we had to deal with various agencies and I want to give you an update. As far as Army Corp, we have a permit in place and I think the Town has a copy of that. Regarding DEC, we have a completed application and we are ready to go to publication. Regarding DOT, we've made two or three submissions to them and we are now at a point where DOT is saying to us they do not give approval, they give permits. At that point we will be ready to apply for a permit. As far as the Health Department is concerned regarding the septic system and everything related to it is technically complete The Health Department gave us permission to drill a well and the well was drilled last week.

Mr. Valdati: We received a letter from the Dutchess County Department of Planning

and they indicate "cannot receive Department of Health approval until

the Town has given a SEQRA determination."

Mr. Stolman: At the appropriate time the Planning Board may authorize the drafting of

a resolution and we will include a Negative Declaration into the resolution. If adopted, the applicant shall reach out to the Health

Department.

Ms. Visconti: I have a note here indicating that back in October of 2015 they were

going to land bank the parking spaces?

Mr. Stolman: I don't recall that conversation.

Mr. Diesing: I do recall the conversations about land banking the parking on site.

This is a pretty busy road and it's going to be a pretty busy store so the

applicant feels they will need the parking.

Mr. Visconti: Okay.

Ms. Bettina: What are the hours of operation?

Mr. Diesing: The hours of operation are 5:00 am to 11:00pm. The light and signage

will be turned off after business hours.

Ms. Bettina: Is there anyone in the audience who would like to speak?

Mr. Edwards: I'm Joe Edwards, 1 Spur Terrace, Newburgh, New York. I've operated

the Hughsonville Market since 1975 and I sold it 8 years ago. From the

bridge to the village, we have 12 stores or delis. Right now, I'm a

consultant for the people that bought from me and I have papers indicating that I can speak on their behalf. The problem here is that each of these little stores takes business from the other ones. It's a pretty store and I don't know if they only have donuts in there. Most of the other ones have more than donuts.

Mr. Diesing: Yes, there will be donuts, bagels, muffins, breakfast sandwiches and

coffee.

Mr. Edwards: All of that stuff hurts the other stores. If you drove half a mile, there's a

Dunkin Donuts store and other community stores. The reason I'm telling you guys is I put the Hughsonville store where the Post Office is 30 years ago and we had a very hard time re-negotiating the lease. It doesn't even pay enough for them to pay their taxes, utilities or anything else. If you took the Post Office out of there, there won't be any

Hughsonville. People that live around there will have to get their mail in Wappingers Falls, New York so we should stop and think about it. Personally, we don't need another convenient store in the area.

Mr. Edwards continues.

Ms. Bettina: Thank you. Is there anybody else in the audience who would like to

speak?

Ms. Olivieri: Constance Olivieri, 207 Old Hopewell Road, Wappingers Falls. A lot of

you remember me. I also used to own a deli on Old Hopewell Road and it was the busiest deli. I like Dunkin Donuts and I have nothing against it but you will kill a lot of little businesses if you do put that in. You have two already so you don't need another one. I'm here to speak against

that and other things.

Mr. Valdati: Thank you.

Ms. Visconti: Motion to close the Public Hearing.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Ms. Visconti: Motion to authorize the Town Planner to prepare the Resolution for

April 18, 2016 meeting.

Ms. Bettina: Second the Motion.
Roll Call Vote: All present voted Aye.

Mr. Malafronte: As long as we list the letters we got from the DOT, Army Corp. of

Engineers into the resolution.

Mr. Stolman: As oppose to listing the letters, we general list the approvals that are

required. They are going to need a highway work approval from the DOT which will include the widening of Route 9D and everything else the

DOT requires.

Mr. Malafronte: Do you also need that from the Army Corp. of Engineers?

Mr. Stolman: Yes, and the DEC and the Town's wetlands permit as well.

Mr. Valdati: Before we go to the next item, what's about the Town SEQRA for Dunkin

Donuts?

Mr. Stolman: We are going to roll that into the Resolution.

<u>16-3345 (Site) 16-4067 (SUP) Hudson Valley Volvo (Amended):</u> The Town of Wappinger Planning Board will conduct a Public Hearing on a site plan application and special use permit approval for an automobile dealership to add a 108 sf entry portal and a 440 sf canopy extension to the existing service drop-off area. The site sits on 4.6 acres in an HB Zoning District and is located at <u>1148-1152</u> Route 9 and is identified as <u>Tax Grid No. 6157-04-690127</u> in the Town of Wappinger. (Day)

Present: Mark Day – Engineer

Phil Clark - Architect

Ms. Visconti: Motion to open the Public Hearing.

Ms. Bettina: Second the Motion. Vote: All present voted Aye.

Mr. Day: Good evening. Mark Day representing Hudson Valley Volvo and with

me this evening is Phil Clark of Claris Architect. The project as we discussed at the last meeting, we are adding a portal and an extension. This is actually an addition and not a canopy. Everything else on the site will remain the same. We are redoing the front and relocating the way the cars actually sit on site and we are providing a larger buffer. We are not changing anything with respect to the DOT entrance. With me I have

Phil who will discuss the architecture part of the project.

Mr. Clark: Good evening. I'm Phil Clark and I'm an architect in the State of New

York. The proposed renovation is mostly interior but for the exterior, we are going to change the façade. I confused things a little the last time when we were talking about the glass which is an edged smoked glass which is a standard store-front glass. The glass in the front is a smoked

frost glass.

Ms. Visconti: You used the term illuminate.

Mr. Clark: Yes, I used the term illuminated and I apologize.

Mr. Clark continues his architectural review of the project.

Ms. Visconti: The Dutchess County Department of Planning signed off as a matter of

local concern. The DOT state the onsite improvement has little or no impact. You will also be constructing the parking lot that was approved

but never constructed.

Mr. Clark: Correct.

Mr. Gray: The storage building in the back is really a container.

Mr. Clark: Correct.

Mr. Gray: I see it's not on the new site plan.

Mr. Day: It actually was on the survey. We misunderstood the client and thought

it was to be removed. Because they get parts delivery at night, he would

like to keep those containers if the board is willing.

Mr. Gray: Generally, we do not allow containers. They prefer some type of storage

addition.

Mr. Day: We are going to take them out.

Ms. Bettina: Okay, thank you.

Mr. Gray: Will there be an addition

Mr. Day: No. We will just use what we have.

Mr. Stolman: Mark, could you address the display vehicles up front, it's the ones that

are right in front of the building itself.

Mr. Day: What's there now is actually landscaping which is fairly close to the

property line. We are actually going to straighten that out and it's going to be horse pavement in front where the cars park. We are going to

realign the parking closer and putting the cars right here.

Mr. Stolman: Does this mean you cannot have any display vehicles?

Mr. Day: There are three of them that are shown in this area.

Mr. Stolman: And none up against the building?

Mr. Day: We actually pulled that in. Now they do it but the way this is going to

work we are not going to be able to do that.

Mr. Stolman: Thank you.

Ms. Bettina: How many cars are you going to put there?

Mr. Day: There are three proposed spaces in front of the parking area.

Mr. Stolman: There are three on each side.

Ms. Bettina: Are they going to be used or new cars?

Mr. Day: New ones.

Mr. Stolman: Could you indicate the orientation of those.

Mr. Day: Some of them maybe sideways or straight on but I'm not really sure. It

will vary.

Mr. Stolman: There should be one every 40 feet so if you park them sideways they

may be too close together.

Mr. Day: Okay, so we will keep the 40 feet.

Mr. Stolman: If you could just show that on the plan. Thank you.

Ms. Bettina: Are they going to be illuminated?

Mr. Day: We are not planning to.

Mr. Stolman: We are looking for a lighting plan but no show stoppers.

Ms. Bettina: Will the lighting be like that even if the business is closed? Also, will the

Volvo light still be illuminated?

Mr. Clark: It's 7:00am to 7:00pm and the lights are shut down after hours.

Ms. Visconti: What signage is on the building?

Mr. Day: The existing sign.

Mr. Clark: It's a refurbish sign. It's new signage but it's going to be the same.

Ms. Bettina: Is it going to be illuminated all hours?

Mr. Roberts: It's going to be illuminated 24/7.

Ms. Bettina: Thank you.

Mr. Stolman: The Zoning Law says that one sign can be illuminated during business

hours only.

Mr. Roberts: We just have to be uniform on how we approach this. Is the building

itself going to be illuminated all night?

Mr. Clark: No.

Mr. Roberts: Okay, we need that clear in the record.

Ms. Visconti: Can we close the Public Hearing and you can be in touch with the client

about the lighting and uniformity?

Mr. Roberts: That can all be spelled out in the Resolution.

Ms. Visconti: Motion to close the Public Hearing.

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Ms. Visconti: Motion to authorize the Town Planner to prepare a Resolution to

include all items discussed.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Discussion:

<u>16-3347 (Site) 16-4048 (SUP) Candlelight Landscaping:</u> To discuss a site plan application and special use permit to add an additional use of a Motor Vehicle Towing, Repair and Service Facility in an Al Zoning District on 2.56 acres. The property is located at <u>110 Airport Drive</u> and is identified as **Tax Grid No. 6259-02-713524** in the Town of Wappinger. (Gillespie)

Present: Mike Gillespie – Engineer

John Baisley - Applicant

Mr. Gillespie: Mike Gillespie representing Candlelight Landscaping. With me is the

applicant, John Baisley. We are located on Airport Drive which is

located across from the airport and it's in the Al Zoning District. It's an existing parcel with an existing building and is subject to site plan approval. The essence of our application is to seek a Special Use Permit for the use of a motor vehicle towing, repair and service facility. There are no changes to the building other than potentially some signage. The proposed tenant is here to answer any detail questions you might have.

Ms. Visconti: You want the Planning Board to waive the enclosed area for towing and

repair vehicles in the natural buffering. How far is it from the nearest

residence?

Mr. Gillespie: What we are showing are the 10 parking spaces allocated specific for

this use.

Mr. Stolman: It's actually a little more than that.

Mr. Gillespie: In this special permit, it indicates that cars awaiting repair are required to

be enclosed. Just want to make the point that these are not going to be wrecks. They are going to be brought on and dismantled and totaled

vehicles and these are cars for oil changes and repairs.

Ms. Visconti: Is it a body shop?

Mr. Gillespie: No. Just small vehicle repairs.

Ms. Bettina: Is it possible for cars to stay overnight if they are not repair? If so, how

many could there possibly be?

Mr. Stolman: Adjacent to the property is in a single family residential zoning district so

Michael will have to show that there's enough streaming to the buffer.

Ms. Visconti: He wants you to waive the buffer that's why I'm asking.

Mr. Gillespie: Right now there are existing trees.

Mr. Baisley: If we need to add trees to the buffer, we will do that.

Ms. Visconti: How many trees do you expect to be on site?

Mr. Stolman: One of the issues is space. That property line comes up pretty quickly

and you need to show vegetative buffer on your property as oppose to

the trees on the adjacent property.

Mr. Baisley: Yes, that's what we are planning on doing.

Mr. Stolman: What I'm trying to say is there's not enough room. You just have to

show how that's going to occur.

Mr. Baisley: There's enough room there to plant trees.

Mr. Gillespie: We have between 23-24 feet between the edged of the pavement to the

back property line. I don't know exactly what consists of residual natural

landscaping. I will check it out.

Mr. Pesce: So there's no chain link fence and no security fence for vehicles that are

parked there overnight? Is it because there's not enough room?

Mr. Baisley: No.

Ms. Visconti: How many cars are there at any one time?

Mr. Baisley: Between 2 to 10 cars.

Mr. Malafronte: On the application you have contractor storage and office space. What

part of that is the office?

Mr. Baisley: When you walk in there's an office downstairs that's 25 feet deep and

upstairs another office 25 feet and a wall that separates and in the rear

is the warehouse.

Mr. Malafronte: The contractor storage plus office so it's not a repair shop.

Mr. Gillespie: This is the existing building and the current uses are exactly what was

stated.

Mr. Malafronte: So you are changing the use?

Mr. Gillespie: It's a 5 bay building so the middle bay, we are taking one use out and

replace it with a vehicle repair place.

Mr. Malafronte: Is that one bay about 60,000 sq. ft.?

Mr. Gillespie: No. The balance of the site has contractor storage and offices.

Mr. Malafronte: On the application it has 7,500 sq. ft.

Mr. Gillespie: Floor plan wise, that's the size of the building.

Mr. Malafronte: But you are proposing a change.

Mr. Gillespie: We will address that.

Ms. Visconti: What do you think the hours of operation would be?

Mr. Baisley: Hours of operation are 8:00am to 6:00pm 5 days a week.

Ms. Visconti: How many employees will you have?

Mr. Baisley: Not a lot. Starting out, it will just be me.

Mr. Malafronte: Is that the only entrance you have going into the site?

Mr. Gillespie: Going back to the employee question, the intent is for him to initiate as

one employee but we also want to build in here as a maximum so we show 5. The manual doors are in the front and the operation and

overhead doors are facing the rear.

Mr. Stolman: What about the semi-trailers?

Mr. Baisley: I use them for my business and take them to job sites because it has all

of our tools in there.

Mr. Stolman: Do you want to continue to have it there?

Mr. Bailsey: Yes.

Mr. Stolman: So that should be shown on the plan.

Mr. Gillespie: It's kind of temporary.

Ms. Bettina: If you are going to use it, then it should be part of the plan.

Mr. Gillespie: We will get it shown on there for the record.

Mr. Stolman: Mike, do you want to talk about signage?

Mr. Gillespie: The idea is to have a sign on the door but not freestanding.

Mr. Stolman: Everything needs to be shown on the plan.

Discussion continues.

Ms. Cobb: Mike, on your EAF, you want to check it again. On No. 2, you have it

checked off as "Yes" I think you want to check off "No".

Mr. Gillespie: I will check it out. Appreciate it.

Mr. Malafronte: On the shelf that extends out, do you have enough turning radius?

Mr. Gillespie: The intent here was to make the turning radius for a tow truck to turn but

we will make that work.

Mr. Baisley: Tractor trailers do come in and out of there without any problems.

Ms. Bettina: Are you ready for a Public Hearing?

Mr. Gillespie: Yes, I think the biggest issue is the buffer so we can schedule for the

next two weeks.

Ms. Visconti: Motion to schedule a Public Hearing for May 2, 2016.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

<u>09-3190 / AW Scrap Processors, Inc.:</u> To discuss their site plan for the pre-existing non-conforming processing of second hand materials for recycling and the sale of used auto parts. The property is in an R-80 zoning district on 26.423 acres and is located at <u>1980 Route 9D</u> and is identified as <u>Tax Grid No. 6056-02-688723</u> in the Town of Wappinger. (Burns)

Present: Steve Burns – Engineer

Mr. Burns: Hello everyone. For the new members, I'm Steve Burns and I represent

AW Scraps. I have the updated site plan from the time we last met. The

only significant change is that we've taken the dirt berm instead of

leaving it where it was built we put it where it's shown on a previous map dated September 9, 2011. We did also send out the red line on the deed covenant for the property. The document specifically mentioned a fence and the trees being planted on top of the berm and at this point we think a better route would be to plant the trees at the bottom of the berm. This will ensure that it doesn't have any problems with drought. We are not proposing a fence but we are proposing the berm to act as a protection

where the fence would have.

Mr. Stolman: Yes, we talked about using the berm to keep the cars from moving into

that direction.

Mr. Valdati: Any thoughts on the type of trees you might put there?

Mr. Burns: There will be two rows of trees. The back row will have white pines

because they grow faster and will fill in quicker. The front row will be

Norway spruce.

Mr. Stolman: We noticed that you have not specked the size of the trees. They need

to be 5-6 feet in length at a minimum.

Mr. Burns: Okay.

Ms. Bettina: They need to have enough spacing so they do not kill each other.

Mr. Burns: They are 2 to 3 feet apart.

Mr. Stolman: The Zoning Board of Appeals recommended that the Planning Board

require a declaration regarding this property right here so that it wouldn't be used for anything other than that small parking area. So we can include the requirement for the execution and filing of that declaration. We had a comment in our last memo and Mark Liebermann the Fire

Inspector has okayed the note regarding fire lanes.

Ms. Visconti: Motion to authorize the Town Planning to prepare a Resolution to

include the ZBA recommendation and size of the trees.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mr. Roberts: Steve, we expect this work to be done before the season ends and we

are going to put it in the Resolution.

Mr. Burns: Okay. Will 6 months be acceptable?

Mr. Roberts: Have them planted by October 15, 2016.

Extension:

<u>15-5176 - Baisley Farm Subdivision:</u> Seeking their first 6 months extension for preliminary and final approval for a 2 lot subdivision and lot line realignment on 9.38 acres in an R-40 Zoning District. The applicant is requesting this extension while they work to finalize the plans. The extension would begin on April 20, 2016 through October 19, 2016. The property is located at <u>806 Wheeler Hill Road</u> and is identified as <u>Tax Grid No. 6057-04-639100 / 607090</u> in the Town of Wappinger. (Povall) (PH opened & closed 10-5-15) (Preliminary & Final Granted 10-21-15)

Mrs. Roberti: This is so close to being finalized. It should be done within the next two

weeks.

Ms. Visconti: Motion to grant a six month Extension.

Ms. Bettina: Second the Motion.
Roll Call Vote: All present voted Aye.

New & Old Business

April training session date: May 4, 2016 at 6:00pm

-Mrs. Roberti outlined topics to be discussed at the April training session

Solar Law Discussion: April 18, 2016

Other Discussion:

Mrs. Olivieri: Constance Olivieri, 207 Old Hopewell Road voiced her concerns about BJs

Wholesale Club bringing a gas station to the site. It was a very heated and

lengthy exchange between Mrs. Olivier and some board members.

Ms. Visconti:Motion to adjourn.Ms. Bettina:Second the Motion.Vote:All present voted Aye.

Respectfully Submitted,

Adjourned: 8:33pm Bea Ogunti

Secretary

Planning Board / Zoning Board of Appeals