MINUTES

Town of Wappinger Planning Board April 18, 2016 Time: 7:00 PM

Town Hall 20 Middlebush Road Wappingers Falls, NY

Summarized Minutes

Members:

r <u>s:</u> Mr. Valdati Ms. Bettina Mr. Flower Mr. Malafror Mr. Marinac Mr. Pesce: Ms. Visconti	tio Member Member	Present Present Absent Present Present Absent
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Others Present: Mr. Horan :

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

SUMMARY

Discussion:

Dunkin Donuts, Route 9D	Approved Resolution as written
Hudson Valley Volvo (Amended)	Approved Resolution as amended
AW Scrap Processors, Inc.	Approved Resolution as amended
Eduardo Lauria Luxury Apartments	Resubmit
Old Hopewell Commons (Formerly La Fonda Del Sol)	Resubmit for May 5, 2016 meeting
Regency at Wappinger (Hilltop)	Resubmit

Mr. Valdati: Mr. Pesce: Vote: Motion to accept the Minutes from the April 18, 2016 Meeting.

Second the Motion. All present voted Aye.

Discussion:

<u>14-3307/Dunkin Donuts, Route 9D</u>: To vote on a resolution 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 **<u>Tax Grid No. 6056-02-746856</u>** in the Town of Wappinger. (Diesing) (LA 3/23/15) (PH opened & closed 4/4/16)

Present:	Jay Diesing Ernie Martin	Engineer Architect
Ms. Bettina:	Motion to appr written.	ove the Resolution prepared by the Town Planner as
Mr. Flower: Vote:	Second the Mot All present vote	
Mr. Martin:	Planning Board	much for your approval and consideration. Has the or generally the Town allowed with an approval like this erything is not in place to allow for any kind of grading? og you do?
Mr. Valdati:	No, I don't belie	ve so.
Mrs. Roberti:	We have allowe	ed with a Restoration Bond.
Mr. Valdati:	The bond will be	e in place to offset any problems.
Mrs. Roberti:	You will be doin	g that at your own risk.
Mr. Stolman:	So it's important	t to know specifically what you are asking to do.
Mr. Martin:	Obviously in orc going to require	ler to prepare the site to the point to do certain work is some grading.
Mr. Stolman:	showing specific Then Bob will ca	has happened is the applicant would prepare a plan cally with graphics and narrative what you intend to do. alculate the value of the restoration guarantee it has to So that needs to happen.

Mr. Gray:	I'm having a little trouble wrapping my head around this. We have to have stormwater protection and coverage under NYS DEC. I don't know how that would work to be honest with you.
Mr. Martin:	I'm just asking the question, I read over the conditions and there's nothing out of the ordinary.
Mr. Gray:	Physically, I know what you need to do to prevent erosion but to get coverage for that from DEC without having an approval is new grounds for me. I'm not saying you can't.
Mr. Martin:	I wanted to kick that around and thought I'd ask the question.
Mr. Gray:	Walter Artus is our stormwater consultant for the Town. I can talk to him about it and try to understand how we can get coverage for something like that.
Mrs. Roberti:	If Walter has to go out for this particular property and besides the restoration bond, there would have to be post planning escrow. Normally that's not required until you are ready to sign to pay for Walter's inspection out there.
Mr. Martin:	That's fine. We are not trying to complicate it. Thank you.

<u>16-3345 (Site) 16-4067 (SUP) Hudson Valley Volvo (Amended):</u> To vote on a resolution 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 Route 9</u> and is identified as <u>Tax Grid No. 6157-04-690127</u> in the Town of Wappinger. (Day) ((PH opened & closed 4/4/16)

Present:	Mark Day – Engineer
Mr. Day:	We went through the Resolution and we don't take any exceptions other than the DOT. We don't think we need a DOT approval. We've moved all of the landscaping and improvements outside. Other than that I think we are okay.
Mr. Stolman:	We didn't see anything in the file indicating that they signed off.
Mr. Day:	We've moved everything and we don't have anything in the right-of-way.
Mr. Stolman:	In terms of the intensification of the use and whether they want anything changed with respect to habitat.

Mr. Day:	I don't even know how I would ask them that question.
Mr. Stolman:	Let's leave it in there just in case.
Mr. Day:	If I came back and don't have it, I cannot close it.
Mr. Stolman:	Let's say if applicable if that's fine with you and the Planning Board.
Mr. Day:	That's fine with me.
Mr. Stolman:	Valvoline got such a letter that said "we are okay".
Mr. Day:	I never got such a letter.
Ms. Bettina: Mr. Pesce: Vote:	Motion to approve the Resolution with amendments. Second the Motion. All present voted Aye.

<u>09-3190 / AW Scrap Processors, Inc.</u>: To vote on a resolution on a site plan for the pre-existing nonconforming 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:	Just had one concern about the Resolution and Dave and I just discussed it. I think it should be alright now. It said the Planning Board will conduct a yearly review of the map for the renewal of the license. The Town code refers to the Town Clerk instead of the Planning Board.
Mr. Stolman:	We are going to amend this a bit. This project is going to be approved by the Planning Board in accordance with the Zoning Law as oppose to the Junkyard Licensing Chapter 153. When we cast the Resolution in that light, it all will make sense.
Mr. Burns:	Is that going to burden them with additional review fees every year?
Mr. Stolman:	It should be minor or not at all if everything is okay from year-to-year.
Mr. Horan:	I think basically what would happen is after the improvements are made to the site and there's an as-built generated along with a map that will be filed annually. To the extent that any changes would be made to that map, you would then come to the Planning Board.

- Mr. Stolman: It could be changes that you are looking for or changes that the Planning Board wants to impose if there are problems out there.
- Mr. Burns: Can we reword this? I'm just trying to keep them from doing something over and over every year is just a waste. Is there some way we can flag the file when they come in to renew their application?
- Mr. Stolman: I don't know if we want to commit the Planning Board to that.
- Ms. Bettina: I feel very comfortable going to the Planning Board on a yearly basis for a review.
- Mrs. Roberti: Steve, if they come in every year and bring the same plan and we go out for inspection and nothing's changed, that's good, but if some changes it's a problem anyway.
- Mr. Burns: So who is reviewing this?
- Mrs. Roberti: Mark and I go out every year. The Planning Board might want to come out with us but if everything is status quo there will be nothing to do. If they increased the junkyard in anyway and does something not in conformance with the plan, I'll keep bringing them back here anyway.
- Mr. Burns: I just didn't want to get into a situation where the junkyard licensing fee becomes providing escrow yearly for the review of this site plan.
- Mrs. Roberti: As long as they remain compliant, we are good.
- Mr. Stolman: That's going in the record right now.
- Ms. Bettina:Motion to approve the Resolution as amended.Mr. Pesce:Second the Motion.Vote:All present voted Aye.

<u>15-3338 – Eduardo Lauria Luxury Apartments:</u> To discuss a site plan application to construct a 13,200 sf. building consisting of residential units and 450 sf. of commercial space on 1.10 acres in an HB Zoning District. The property is located at <u>102 Old Post Road</u> and is identified as <u>Tax Grid No.</u> <u>6157-04-625489</u> in the Town of Wappinger. (Paggi)

Present:

- Larry Paggi Engineer
- Mr. Paggi: Good evening. The proposed project is the site immediately North of the Aroma restaurant previously a garage. The proposal is a 2-story building that will accommodate apartments and we are proposing a

	mixed use. We are incorporating a small laundromat to the South West side of the building. The site is currently zoned HB but does not conform to the HB regulations for a lot area and lot width. However, the project does conform to all of the other area requirements and it meets the area setbacks and the building coverage. Barbara and our office have had some preliminary conversations and we thing the appropriate route is to the Zoning Board for lot area and the lot depth.
Mr. Valdati:	Mr. Paggi, is the laundromat for public use?
Mr. Paggi:	The intention is for Public use. It will primarily be for the use of the building but will be open to the public because the apartments are not equipped with laundry facilities.
Ms. Bettina:	They are going to be commercial?
Mr. Paggi:	Yes, they are going to be commercial.
Mrs. Roberti:	Larry just to correct something, when we spoke it was some time ago. If it's an existing lot even though it is nonconforming, you won't have to go for a variance.
Mr. Paggi:	We would like that.
Ms. Bettina:	How will your laundromat be identified as far as signage?
Mr. Paggi:	We just talked about that a little bit and it can be identified by signage. I hadn't really contemplated signage for it but we can talk to the architect to incorporation some signage. We will incorporate into the next submission. We do have comments from the fire inspector, David's office and Bob's office. We have no issues with any of them.
	Bob, I know we need to amend the water and sewer.
Mr. Gray:	I'm not sure that we do. We can look at that.
Mr. Paggi:	Okay, we will look at it together. Also the encroaching asphalt path from Aroma, I don't think you had any problem with it be on your property.
Mr. Horan:	I don't think it necessarily but I think the only issue would be with respect to lot coverage.
Mr. Paggi:	I think that's where the refuse containers are stored and I don't think it's going to impact these guys.

Ryan:	I'm Ryan Fortini, 23 Beechwood Circle. It directly abuts my property.
Ms. Bettina:	This is not a Public Hearing.
Mr. Fortini:	So I'm not allowed to speak?
Ms. Bettina:	No. Sorry.
Mr. Horan:	How does it show on the Aroma site?
Mr. Gray:	I think it's a simple matter to either not use it or put an easement around it.
Mr. Horan:	It's really more of an issue for the Aroma site than it is for this one.
Mr. Paggi:	On the next submission if there has to be a retaining wall, I will let the Planning Board know what it's going to look like. On the last comment, David's office commented on the need for a landscape buffer between the back of the property and the residential property.
Ms. Bettina:	In the winter time the trees that are there can be seen from a couple of miles. From my experience if you were to put a buffer like pine trees that don't lose their leaves in the winter time to block to noise and the view.
Mr. Paggi:	We only have one option and I don't think we are going to get a buffer along the wall because it's a rock so we would actually have to move some trees from here and plant some there if that's what you would like to see.
Mr. Valdati:	Mr. Stolman's office will come up with some recommendations.
Mr. Paggi:	That was really all that we had to go over. Is there anything procedurally as far as declaring Lead Agency?
Mr. Stolman:	It's an unlisted action I believe so the Planning Board could declare its intent to be Lead Agency but doesn't have to since it's an unlisted action. Have we been doing that regularly or only on certain projects.
Ms. Bettina:	Only on certain projects.
Mr. Stolman:	It really isn't required. There are going to be some outside agencies but they can take care of SEQRA themselves. So Larry you can modify the plans and come back with your submission.
Mr. Paggi:	Will there be a Public Hearing for this project?

Ms. Bettina:	Yes.
Mr. Paggi:	So we will need to make another submission before a Public Hearing?
Ms. Bettina:	Yes.
Mr. Fortina:	Will we be notified of the Public Hearing?
Ms. Bettina:	Yes, everybody in that area will be.
Mr. Paggi:	Thank you.

<u>16-3348 – Old Hopewell Commons (Formerly La Fonda Del Sol</u>: To discuss a site plan application to construct a 4,720 sf. office space, 3,000 sf. bank and 6,320 sf. residential unit buildings with 112 parking spaces on 6.45 acres in an HB Zoning District. The property is located <u>Old Route 9N and</u> <u>Old Hopewell Road</u> and is identified as <u>Tax Grid No. 6157-02-542585</u> in the Town of Wappinger (Day)

Present:	Mark Day – Day Engineering
Mr. Valdati:	Good evening Mr. Day.
Mr. Day:	Good evening. As you mentioned, this is the former La Fonda site. The owner Anthony Segreti is proposing some apartments. The plan you are looking at now is not the same as what we submitted because we had a meeting with the consultants and Mrs. Roberti. We thought that the Special Use Permit that was gotten allowed 3 stories but we found out later that it's not correct. So we added an additional building. Tonight I'm not here to get into the layout. We know we have to revamp this. One of the things I really want to discuss that I think is critical to move on with this project is the issue with Old Route 9. Mr. Day continues his review of the project.
Mr. Stolman:	Mark, is that proposed as a Town road?
Mr. Day:	Yes, it is. It will be dedicated to the Town and remain a Town road. We will have an entrance from it that will serve the apartments.
Mr. Stolman:	One aspect of that proposal is that you will create a walkway. That will not conform to the district in terms of size.

Mr. Day:	Originally we were but after meeting with the Highway Superintendent and the County, they agreed to do what we are proposing here tonight.
Mr. Stolman:	Could you go over what you are proposing on Old Route 9 again?
Mr. Day:	Old Route 9 will be a one way north so anybody making a turn right now will be able to move north and won't be able to come back out to this intersection.
Mr. Stolman:	Will it be one lane going north?
Mr. Day:	We want it to be one lane but what the highway super asked is that we dedicate one lane northbound straight the opposite lane and only use that for emergency purposes. So that anybody that would actually want to use this to be able to come down here in this direction. It's not for regular general use.
Mr. Stolman:	So you have two lanes worth of pavement and one lane striped?
Mr. Day:	Yes.
Mr. Stolman:	Sounds odd.
Mr. Day:	That's why I'm here. In order for us to dive into this thing, we will need to figure it out. We have another meeting on Friday. The County wants this closed and they don't want those movements anymore.
Mr. Horan:	Mark, what's the State's position?
Mr. Day:	The State wasn't involved. They weren't invited.
Ms. Bettina:	Isn't it a State road?
Mr. Day:	No. This is actually your road. Old Route 9 is your road.
Mr. Stolman:	Mark, was the State involved years ago with the approval for La Fonda?
Mr. Day:	I think the County pulled them in.
Mrs. Olivieri:	Will there be a Public Hearing for this and will I be notified?
Ms. Bettina:	Yes. All the residents are always notified if there's a Public Hearing.
Mrs. Olivieri:	What's about the water?

Ms. Bettina:	This is not a Public Hearing. As I said, residents get notified if there's a Public Hearing for all of the projects.
Mr. Stolman:	We actually started to review the traffic study that was submitted. Bob, there was a comment in your letter about the right-of-way.
Mr. Day:	If you don't mind, I want to hold off until we get the answer because obviously it affects the outcome of that report.
Mr. Stolman:	Sure.
Mr. Day:	I don't know who I seek that from? Is it the board or the county?
Mr. Gray:	You have three highways there, the Town, Highway and the State.
Mr. Day:	I want to go there and say this is what the Planning Board said then we can throw that on the table and try to map it out. I would like your feedback this way I can go back and say this is how the Planning Board feels. In the end, it is in your jurisdiction.
Ms. Bettina:	I'm not an expert for highway so I would like to hear what they say before we even say anything.
Mr. Valdati:	Do you have a copy of the DOT letter date April 1, 2016?
Mr. Day:	I just got it.
Mr. Valdati:	I would imagine you should peruse through that.
	Conversation continues
Ms. Bettina:	I don't think it's fair to make a decision tonight.
Mr. Horan:	The other question is whether it stays or goes. The question would be are there any other issues that the board would like to raise to the State or the County? I think that's a fairer question at this time. I do feel it's unfair to come to a conclusion but to help Mark out, is there something that's not been seen that should be discussed that hasn't been discussed previously.
Mr. Valdati:	I think we need the Highway Superintendent to join us to give us his opinion.

Mr. Gray:	I agree with you Robert. I think the Highway Superintendent and the Planning Board should have a meeting of the minds. Like David said there's study to be done so that we can make an informed decision.
Mr. Valdati:	Mrs. Roberti, could you facilitate a meeting with Mr. Bettina?
Mrs. Roberti:	Would you like to ask him to appear here on May 2 nd at the next Planning Board meeting? I'm not sure whether you want him at that meeting or the meeting after.
Ms. Bettina:	The meeting after because in addition to the Highway Superintendent there are other agencies.
Mrs. Roberti:	You can talk about this under New and Old Business and you come back to the second meeting in May.
Mr. Gray:	Vinny is going to voice his opinion on Friday.
Mr. Day:	Yes, I think he's going to go. Is it prudent that Bob goes?
Mr. Gray:	I will be at code school.
Mr. Stolman:	We are looking at the traffic study as well and have not been involved in any of the meetings.
Mr. Day:	It is going to be tough to set this meeting up.
Mrs. Roberti:	Do you still need Mr. Bettina on May 2 nd ?
Mr. Valdati:	Yes, we do.
Ms. Bettina:	He needs to explain his concerns and his views. Who else do you think should be at that meeting?
Mr. Gray:	Including Vinny, our own Highway Superintendent, Dutchess County Department of Public Works and NYS Department of Transportation. The three of them need to come to a consensus about what to do with this.
Mr. Stolman:	Should we try to convene in the afternoon on that day?
Ms. Bettina:	How does everyone feel about that?
Mr. Valdati:	Yes, but we have to get the State, the County and get Mr. Bettina.

Mr. Stolman:	We need a working meeting.
Ms. Bettina:	l agree.
Mrs. Roberti:	We cannot have more than two of you there then it constitutes a Planning Board meeting. You guys have to decide which two of you will come to this.
Ms. Bettina:	I'll go. Why don't you send the date and depending on what the date and time is, we can decide.
Mr. Gray:	I think it is important that Mr. Bettina is advised of this so he knows on Friday that there's going to be some other import.
Mr. Day:	I don't see what the purpose is for the Friday meeting because whatever we decide at that meeting is a floater.
Mrs. Roberti:	Mark since you are in touch with everyone, do you want to set something up or email me who I should talk to.
Mr. Day:	I'll give you the names.
Ms. Bettina:	So you are going to set up the meeting and we will provide you the names of the two board members who will be going.
Mr. Day:	Thank you very much.

<u>14-3317 Regency at Wappinger (Hilltop)</u>: To discuss grading and landscaping revisions for the previously approved site plan dated March 18, 2013. The parcel is in a RMF-3 Zoning District on 141.613 acres and is located at <u>All Angels Hill Road & Brentwood Drive</u> and is identified as <u>Tax</u> <u>Grid No. 6257-02-630770</u> in the Town of Wappinger. (Toll Brothers)

Present:	Brian Stacy – Toll Brothers
Mr. Stacy:	Just revisiting what we had discussed previously. This section is coming up approximately 2 feet. You guys walked it with us so we all could see it. We also had some revisions to the interior private road that were strictly along and between the houses and nowhere else.
Mr. Stolman:	I think she's clear on that. We are waiting for plans showing the new landscaping, specifically where it will be located and which trees you are proposing to use.
Mr. Stacy:	We submitted a plan with new trees.

Mr. Stolman:	Since the site walk?
Mr. Stacy:	Nothing has changed since the site walk.
Mr. Stolman:	She recommended three alternate trees for Robin Hill so you have to modify your plans.
Mr. Stacy:	One of them is close to 70 to 110 feet and it doesn't make sense.
Mr. Stolman:	So you don't need to use that.
Mr. Stacy:	I personally did not take to any of the trees she recommended because they don't fit the neighborhood for what we had there. The last one she chose grows a little taller.
Mr. Stolman:	Green pillar?
Mr. Stacy:	They might be a little too tall but the tree she was talking about changing out, she likes the locations that she sorted when we provided her that plan. We are not changing anything else we are just changing some of these trees that are in here.
Mr. Stolman:	I spoke with her today and she's waiting for a plan showing which trees you are specifically planning to use and where you are planning to use those trees.
Mr. Stacey:	How would you like to see that? Do you want me to create a map and highlight each tree that came out that's different?
Mr. Stolman:	Yes. However you would like to show it as long as it's clear and everything we need to see where it varies from the approved plan.
Mr. Stacy:	Do I have your permission to work with David's office to make that change happen to have him approve it before we come back?
Mr. Valdati: Ms. Bettina: Vote:	Motion to allow the applicant to consult with the Town Planner. Second the Motion. All present voted Aye.
Mr. Stacy:	Regarding the 2 feet down there, are there any concerns that needs to be addressed?
Ms. Bettina:	Mr. Gray, are there any concerns?

Mr. Gray:	No, I'm fine with it. I think it's been approved.
Mr. Stacy:	Yes. Now, how do you want to see that? Should that be considered a minor field change?
Mr. Gray:	We will get drawings for it in our as-built so that's fine with me. It's up to you if you want anything beyond that but we will have a record of how the place is graded.
Mr. Valdati:	Is there a bond that's required?
Mr. Gray:	No, there are no town roads involved.
Mr. Stolman:	Bob, is there anything that shows the proposed change?
Ms. Bettina:	Is that going to be documented some place?
Mr. Gray:	Right now, no. The utilities are staying where they were proposed. The only thing that would change would be the grades on the sidewalk and the garage elevations.
Ms. Bettina:	It should be documented.
Mrs. Roberti:	Then you should make a motion.
Ms. Bettina: Ms. Pesce: Vote:	Motion to incorporate whatever changes that are taking place be documented on the plan. Second the Motion. All present voted Aye.
Mr. Valdati:	Should Central Hudson get their opinion on this?
Mr. Gray:	Do you have electric on the part where the utility run?
Mr. Stacy:	Yes, we do. I'm powered in my construction office.
Mr. Gray:	We will need a sign off from Central Hudson.
Mr. Valdati:	How about water and sewer?
Mr. Gray:	It has not changed.
Mr. Valdati:	Okay, but do we need a sign off for that?

Mr. Gray:	Half of it is in already and what remains to go in is going to be put in at the same grades. Are you prepared to discuss Sylvia Drive?
Mr. Stacey:	I know about some redirecting of some water.
Mr. Gray:	I'll give you a history of what happened. Last month the retention pond at the back of the project that backs up to properties of Sylvia Drive in the Rockingham development. The outlet to this retention pond goes to an existing swale that goes to an existing catch basin in Sylvia Drive. This pond is inspected twice a week by the Toll Brothers engineer, ones a week by Walter Artus and also by Sal Morello our stormwater officer.
	Mr. Gray continues to give his review of the project.
Ms. Bettina:	Thank you Bob.
Mr. Valdati:	Motion to allow a proposal to move the outlet to Toll Brothers property.
Ms. Bettina: Vote:	Second the Motion. All present voted Aye.
New and Old Business:	
Solar Law Discussion –	
Mrs. Roberti:	We have the new Solar Law so we need comments from you to go to the Town Board for the Public Hearing scheduled for April 25, 2016. We sent you the proposed law that Jim wrote and he is going to give a review.
	Mr. Horan gave a detailed review of the Solar Law.
Ms. Bettina: Mr. Pesce: Vote:	Motion to send letter to the Town Board accepting the Solar Energy Law provision. No site plan approval for existing commercial building mounted only on architectural review. Second the Motion. All present voted Aye.
Mr. Horan:	To the extent the board gets into a rhythm, there's nothing that precludes an amendment in the future to take it out.
Mr. Valdati:	Thank you.

Knights of Columbus -

Mrs. Roberti: I received a letter from the Knights of Columbus on Route 82 that they signed with St. Pauley textile. They do sheds that are clothing drop off. This is the same company that started with Grace Bible Church. The Knights of Columbus is a non-for-profit and would like to place one of these 8' x. 10' sheds on their property. You cannot see it from the road it is in the back from the building. Jim said even though there's an exemption in the code, I can grant sheds up to 100 sf. It's for their snow plow and shovels. This is a separate business and the Knights of Columbus is a 4065 Club and they will make some money from this but will use the money for the community. The clothes are picked up weekly and the Knights will take responsibility that they are kept clean. So do you want to see it or can we use it under the exemption?

Mr. Valdati: The exemption is fine.

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

Respectfully Submitted,

Adjourned:

8:52pm

Bea Ogunti Secretary Planning Board / Zoning Board of Appeals