

MINUTES

Town of Wappinger Planning Board
October 1, 2018
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

Mr. Flower	Chairman	Present
Mr. Ceru	Member	Present
Mr. Hussain	Member	Present
Mr. Marinaccio	Member	Present
Mr. Pesce	Member	Present
Mr. Phillips	Member	Present
Mr. Valdati:	Member	Absent

Others Present:

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

SUMMARY

Adjourned Public Hearing:

Zammiello 2-lot Subdivision	Adjourned to December 3, 2018
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Public Hearing:

United Rentals (Amended Site Plan)	Approved as written
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Discussion:

Furnia Subdivision	Approved as written
Wireless Edge Towers, LLC	Approved as written
Wappinger Route 9D Solar Farm	Approved as written

Conceptual Review:

Wheels R Us	Resubmit
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Mr. Marinaccio: **Motion to accept the Minutes from September 5 and 17, 2018.**
Mr. Phillips: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

18-5189 Zammiello 2-lot Subdivision: The Town of Wappinger will conduct an Adjourned Public Hearing on an application for a 2-lot subdivision on 7.95 acres in an R40 Zoning District. The property is located on **All Angels Hills Road** and is identified as **Tax Grid No. 6258-04-621394** in the Town of Wappinger. (Gillespie)

Present: Mike Gillespie – Engineer

Mr. Pesce: **Motion to open the Adjourned Public Hearing December 3, 2018.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Mr. Gillespie: Good evening folks, it's been awhile. This is a 2-lot subdivision off All Angels Hill. I sent a couple of letters from the last time we were here because we've been working on the wetland issues. We do have a signed wetland map from the DEC and there were some correspondence from Army Core which we are working with and seem to have that resolved. We met with DPW and there was a previously approved driveway for this site and there's a new driveway so we had to get an approval on that. In addition to providing for sight distances and the site also has an Indiana Bat situation and we are also dealing with that. Because this adjourned public hearing has been going on for a while and nobody showed up for the first hearing but if the board feels they want to adjourn it tonight, we will be happy to re-advertise for it and bring everybody up to speed.

Mr. Flower: Even if we do adjourn it becomes a date issue and you still have to make a submittal because we haven't addressed anything since May.

Mr. Gillespie: Right. We have to make a resubmittal which is the biggest part of this.

Mr. Horan: The easiest thing to do is to adjourn it without a date and when the submissions are made and the professionals have an opportunity to review then we can notice it to a date certain.

Mr. Flower: Can we adjourn it to a date uncertain?

Mr. Stolman: Yes.

- Mr. Flower: Then we will just republish it once we get the submission. At this point we need a motion to adjourn it.
- Mr. Stolman: You want to see if there's anyone here in the audience for the public hearing.
- Mr. Flower: Is there anyone in the audience who wishes to speak regarding the Zammiello 2-lot Subdivision located on All Angels Hill Road? Since there's no one I will entertain a motion to adjourn the public hearing.
- Mr. Horan: Let's adjourn it to the first meeting in December for holding purposes.
- Mr. Flower: That was my question and either way we need a submittal.
- Mr. Horan: Right, you are going to re-advertise but the question is for now does that make sense?
- Mr. Gillespie: That's fine.
- Mr. Horan: That way it doesn't fall off the calendar.
- Mr. Gray: For instance if Mike re-submits next week and he wants to be on November we can notice it for a meeting in November.
- Mr. Flower: So we are looking for a motion to adjourn to December 3rd.
- Mr. Pesce:** **Motion to adjourn the Adjourned Public Hearing to December 3rd.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

18-3395 United Rentals (Amended Site Plan): The Town of Wappinger will conduct a Public Hearing on an amended site plan application to allow for outdoor storage of equipment to their existing building on 5.5 acres in a GB Zoning District. The property is located at **14-20 All Angels Hill Road** and is identified as **Tax Grid No. 6259-04-503105** in the Town of Wappinger. (Buchanan)

- Present: Chris Buchanan – United Rentals
- Mr. Marinaccio:** **Motion to open the Public Hearing.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

- Mr. Flower: Good evening. Could you give a brief description to the public about what you are doing on the site?
- Mr. Buchanan: We are a division of United Rentals. We rent portable restrooms and we do fresh water and wastes system. We have no rental equipment, forklifts, scissors or anything like that. All we do are plastic restrooms and restroom trailers. That's it and very simple.
- Mr. Flower: At this point I will open up the floor for anyone who would like to speak on behalf of this application.
- Mr. Maltias: Joe Maltais, 32 Padasana Court in Wappingers. We back up directly to the site at the old NES building. We were just curious. Are you going to store them outside? Is there smell related to it?
- Mr. Buchanan: There is no smell and there is no disposal on the site. At the end of each day it is brought up to Poughkeepsie to the Waste Water Treatment plant. There will be nothing on the back side of the lot and we planted 18 trees and you just have to give them a little time to grow. The only thing that might go there as we grow will be the luxury restroom trailers. During the winter on our down months we store them inside. We have two buildings out there the upper warehouse and the lower warehouse.
- Discussion continues.
- Ms. Maltais: Thank you very much. We appreciate it.
- Ms. Wong: My name is Li Yum Wong, 21 Germaine Lane in Wappinger. We are next to you guys and I don't want to see your company there.
- Mr. Seymour: My name is Frank Seymour and I'm 7 Germaine Lane which backs up to this property. Our only concern is that the outfit that was in there before with the lifting they polluted this lake when they were pressure washing these machines. At times we had an oil film on that pond.
- Mr. Flower: We did raise the question and there is no equipment there.
- Mr. Seymour: So there won't be any pressure washing?
- Mr. Flower: Maybe some detail cleaning.
- Mr. Seymour: That was our concern. The pond hasn't recovered yet and the water is still black. So you won't be doing any pressure washing?

Mr. Buchanan: No heavy equipment.

Mr. Flower: No petroleum or discharges?

Mr. Buchanan: No. The only things we have are our service trucks and they get serviced offsite.

Mr. Flower: Are there any other comments from the public? With the list of requirements we believe you guys are missing the affidavit of publication for this public hearing.

Mr. Buchanan: Correct. It didn't get missed it got overlooked. We got the invoice in the mail and I paid it and I noticed today when Bea called me that the affidavit was going to be sent after payment was received.

Mr. Flower: So it actually has been paid?

Mr. Buchanan: Oh yes, definitely.

Mr. Flower: There are two ways we can do this.

Mr. Buchanan: Is there an easy way?

Mr. Flower: One is we adjourn it to the next meeting and you have to come back again. The other is you are going to get the affidavit from the newspaper and you are going to deliver that to the secretary.

Mr. Buchanan: I can do that.

Mr. Flower: Once you deliver that to the secretary then you will get an approval. We will vote on it tonight but I won't sign any of the paperwork until that last item has been taken care of.

Mr. Buchanan: That's fine.

Mr. Flower: For some reason it doesn't come through you might have to start all over again.

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

Mr. Phillips: **Motion to approve the Resolution as written.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Mr. Buchanan: Just to be clear when I get the affidavit and get to Bea she's going to give me what I need.

Mr. Flower: Bea is going to call me and tell me that everything is good and depending on my schedule I will get down here and sign the resolution and you will be all set at that point.

Mr. Buchanan: Okay. I will go to their office tomorrow and harass them until they give it to me.

Mr. Flower: You might get in a little trouble for that.

Mr. Gray: You need to follow the conditions in the resolution. Just read it and it's pretty clear what they are. I just don't want you coming in and expecting something from Bea.

Mr. Buchanan: I'm clear.

Mr. Flower: Obviously, you have a copy of the resolution.

Mr. Buchanan: Yes.

Mr. Flower: As long as you get the preliminary and final approvals and meet all of the conditions.

Mr. Stolman: No, conditional approvals.

Mr. Flower: I'm sorry. I'll sign the resolution and once all of the conditions are met then I'll sign the second signature on there and signifies that everything has been completed. I should word that differently in the future.

Mr. Buchanan: Thank you very much.

Discussion:

17-5185 Furnia Subdivision: To vote on Preliminary Subdivision 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: Shane Furnia – Applicant

Mr. Flower: I'm assuming everyone received the resolution. So at this point we need a motion to approve the resolution as written.

Mr. Pesce: **Motion to approve the Resolution as written.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

18-3393 (Site Plan) / 18-4079 (Special Use Permit) Wireless Edge Towers, LLC:

To vote on a Site Plan and Special Use Permit on a public utility personal wireless services facility on 4.90 acres in an R40 Zoning District. The proposed facility consists of a 120 feet monopole designed to resemble a tree extending to a height of 125 feet with a multi-carrier equipment compound at the base. The property is located at **30 Soccerfield Drive** and is identified as **Tax Grid No. 6357-01-114590** in the Town of Wappinger. (Snyder & Snyder) (Variances granted along with Neg. Dec. September 25, 2018)

Present: Robert Gaudioso – Snyder & Snyder

Mr. Gaudioso: Good evening.

Mr. Flower: You obviously got the resolution from the planner?

Mr. Gaudioso: We did.

Mr. Flower: I believe we do have a correction.

Mr. Stolman: Actually two minor corrections. The first one is on the first page the second whereas from the bottom where it says that the subject property 0.68 acres, it should be 4.9 acres. The second is an incorrect reference on Page 2 right in the middle of the page where it talks about the variance issued by the Zoning Board Appeals, the reference should be Section 240-81(g)4(c)(2).

Mr. Gaudioso: The distances were changed as well to 750 feet required from the dwelling unit and we can provide 531 feet. That was the variance that the Zoning Board granted. The lot line setback is what we asked for the waiver.

Mr. Flower: At this point we need a motion to approve the resolution as amended.

Mr. Pesce: **Motion to approve the Resolution as amended.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

17-3360 / 17-4073 Wappinger Route 9D Solar Farm: To vote on 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) (Opened & Closed Public Hearing January 17, 2018)

Present: Michael Cucchiara – Nexamp

Mr. Flower: Did everybody receive Dave's memo today? I think everybody is good with all of the changes they proposed. At this point we will go over it with the planner since he wrote the resolution.

Mr. Stolman: This is characterized as an amendment to the resolution of site development plan, special permit and wetland disturbance permit approvals. This is the resolution that the Planning Board adopted before the name changes. The only changes to the original resolution other than the name changes are what you see in double underline, strikeouts and redlined. The project that was originally approved we are calling it the original project.

Mr. Stolman goes over the changes to the resolution.

Mr. Flower: Are you okay with the proposed changes?

Mr. Cucchiara: The proposed changes look good but I do want to point out so there are no issues is that the title of the drawings of site plan is C130 identified as Nexamp PV101A so it should be C130 and C131. So C130 is just the fence and the additional road and this one shows an extension of the swale to deal with the new inverter position.

Mr. Stolman: Have we reviewed this one?

Mr. Cucchiara: No. The drawing I had sent you was a conceptual drawing.

Mr. Stolman: Since we haven't reviewed these drawings we are not going to mention it in the resolution. The drawing that I specified is the drawing that you gave us so all of the drawings have to be modified upon approval. So we are going to leave it as it is.

Mr. Cucchiara: Okay fair enough. I'm happy with that I just want to be clear. I did print out 11 copies of both the new drawings as well as the compliance review and I don't know if I can leave that tonight or I need to come back tomorrow to drop it of?

- Mrs. Ogunti: Could you take them back and fold them please.
- Mr. Cucchiara: Okay, sure.
- Mr. Stolman: Actually we need all of the drawings modified that you changed.
- Mr. Cucchiara: The only changes to the original plans are those two pages would be this plan as well as the site plan.
- Mr. Stolman: Why won't it be the grading and drainage plans and the erosion plan?
- Mr. Cucchiara: Working with Chazen is the only change would be the grading and drainage plans and the site plans.
- Mr. Stolman: I don't know if that's the changes we need but it seems irrelevant to what we are here tonight for.
- Mr. Flower: On this voting we only listed out the four previous members and you didn't put in the three newer members. Now that we are modifying should we include them?
- Mr. Stolman: I am going to put in all of the rest of the members and Bea will show Robert being absent. I should have put the other members in but I overlooked that.
- Mr. Hussain: Are the inverters all in one place or split out?
- Mr. Cucchiara: They are all in one place.
- Mr. Hussain: Is it connected to the fence?
- Mr. Cucchiara: Yes, underground transmission.
- Mr. Flower: We still need the submittals for everybody to approve.
- Mr. Cucchiara: Do we need the submittals for the compliance review?
- Mr. Flower: All of the additional paperwork has to be submitted so they can review and approve it.
- Mr. Gray: We need to look at what they submitted.
- Mr. Flower: Do we add that as a condition?

Mr. Stolman: No, it's just the normal course of event after the resolution has been adopted. All you have to do is approve the resolution and everything is going to fall in place.

Mr. Flower: So at this point it's just a matter of voting on the resolution.

Mr. Pesce: **Motion to approve the Resolution as amended.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

Conceptual Review:

18-3401 Wheels R Us Site Plan and Lot Line Realignment: To discuss a conceptual review application to join two existing lots and bringing into conformance an existing Motor Vehicle Sales establishment on a total of 1.54 acres in an NB Zoning District. The property is located at **1834 Route 376** and is identified as **Tax Grid Nos. 6259-02-550835 (0.61 acres) and 6259-02-560850 (0.93 acres)** in the Town of Wappinger. (Day)

Present: Mark Day – Engineer
Derek Day – Engineer

Mr. Day: Good evening. This property is located at Route 376 and Maloney Road and this is Wheels R Us. Right now the applicant is storing cars on the smaller parcel and he was also storing cars on the other parcel. Barbara called yelling so we had to get in here and that's why we are here tonight. The issue is that this lot is not zoned so we would have to seek a use variance. Our goal would be to combine the two lots but we would also need to seek a use variance for the larger parcel.

Mr. Stolman: You mean it's not zoned for the use.

Mr. Day: Right, for that use. So our goal would be tonight if this board sees fit we would like to go to the ZBA to try to get the use variance worked out and come back to this board with a viable site plan.

Mr. Hussain: Is this a gas station?

Mr. Day: No, this is not a gas station. It may have been at one point. So here is the Texaco and then the Village Crest Apartments and this is to the rear on the east us. Because this is such an odd ball parcel we thought the best move would be to combine the two parcels and allow the use on the other parcel.

- Mr. Horan: One of the things we were looking at with combining of the parcels makes this easier. Another option would be consider expansion of the nonconforming use which is easier to obtain than a use variance. In order to get a use variance you have to demonstrate you cannot obtain a reasonable rate of return on the property for any of the uses that are permitted in the zoning district. The applicant still has the option to pursue a use variance. That's certainly something you want to look at. The ZBA has the legal obligation to look at some of the financial issues with respect to the property. You will have to do an analysis of what uses are permitted on that site, how much it would cost and at the end of the day is it worth it to do those expenses? The benefit would be that you would have a use variance that would continue even if this particular use cease. The standards are a little bit easier to get than the expansion of a nonconforming use and have to look at the code. You probably will need to get a variance with respect to that anyway. We will have to work out the code language a little bit because it contemplates expansions of the buildings. Barbara probably would have to make some type of an interpretation how that would apply.
- Mrs. Roberti: It might be easier this way.
- Mr. Day: With this board or the ZBA?
- Mr. Horan: First we will deal with Barbara so if we have that conversation I think conceptually better than getting the use variance.
- Mr. Day: So you want me to combine the two parcels and seek an expansion?
- Mr. Horan: I believe the expansion of a nonconforming use comes to the Planning Board.
- Mrs. Roberti: Yes, and at some point you will leave us here and go to the ZBA for the area variance and then you come back here.
- Mr. Day: At this point do we go ahead with surveys?
- Mrs. Roberti: This is going to be easier than the use variance.
- Mr. Horan: You will need a special permit from the Planning Board.
- Mrs. Roberti: You will need site plan, special use permit and the lot line consolidation.
- Mr. Horan: It says for a building or structure which contains a nonconforming use shall not be enlarged relative to the size or the use.....except when authorized by special permit from the Planning Board, etc. We have to

make a determination of how that language applies to a parking lot.
Based on that you may or may not have to get an area variance from the
ZBA?

Mr. Day: So our next move is to come back to the Planning Board?

Mrs. Roberti: Then I'll render my interpretation.

Mr. Horan: Assuming you want to go that way that would be the easiest way.

Mr. Day: We will go the easiest way. Thank you very much.

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

Adjourned: 7:51 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board