

# MINUTES

Town of Wappinger Planning Board  
November 20, 2017  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

Summarized Minutes

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

**Others Present:**

Mr. Horan for	Town Attorney (Al Roberts)
Mr. Gray:	Town Engineer
Mr. Stolman:	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

**Discussion:**

Cohen Subdivision	Approved Resolution as written
Old Hopewell Commons Subdivision	Town Planner to prepare Resolution
Grace Bible Church	Public Hearing on January 3, 2018
Furnia Subdivision	Public Hearing on January 3, 2018
Elgen Associates	Public Hearing on January 3, 2018
BMB Real Estate Corp.	Public Hearing on January 3, 2018

**Architectural Review:**

1177 Route 9	Approved freestanding sign
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**Ms. Bettina:** Motion to accept the Minutes from November 6, 2017.

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

**Discussion:**

**17-5181 Cohen Subdivision:** To vote on preliminary & final subdivision approval for a 3-lot subdivision on 4.12 acres in an R40 Zoning District. The Property is at **195 All Angels Hill Road** and is identified as **Tax Grid No. 6258-04-713166** in the Town of Wappinger. (Day)(LA April 24, 2017) (PH opened & closed November 6, 2017)

Present: Mark Day – Engineer, M. A. Day Engineering

Mr. Flower: This is pretty straight forward. All members should have the preliminary and final subdivision plat approval in front of you. If you have read it and feel comfortable let's go ahead and vote on this.

**Mr. Pesce:** **Motion to approve the preliminary and final subdivision.**  
**Mr. Bettina:** Second the Motion.  
**Vote:** All present voted Aye.

**16-3348 / 17-5183 Old Hopewell Commons Subdivision:** To discuss a site plan & subdivision application to construct a 4,720 sf. office space, 3,000 sf. bank and 6,320 sf. residential unit buildings with 112 parking spaces and a two lot subdivision which includes the re-alignment of Sgt. Palmateer Way. This is a 2-lot subdivision on 6.45 acres in an HB Zoning District. The Property is at **Old Rte. 9 & Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (LA April 24, 2017) (PH opened & closed October 2, 2017) (Neg. Dec. November 6, 2017) (Variance granted November 14, 2017)

Present: Mark Day – Engineer, M.A. Day Engineering

Mr. Flower: Since the last meeting looks like you got your variances for the other lot. Did you hear anything else from the County or State closing of the roadway?

Mr. Day: I did speak with Balkind and emailed him as well as the attorney general's office in Albany and apparently it takes a little bit of time. Once he finds out he will let us know or the Town would probably find out before we do. As far as the roadway, we would just build an entrance road and not seek to open anything on Old Hopewell Road until such time as it is resolved with the State and/or County or Town.

Mr. Flower: We will work the roadway out prior to the certificate of occupancy being issued for the apartments.

Mr. Stolman: I took good notes at the last meeting regarding the discussion we had. There will actually be two resolutions. One is for the subdivision and the other for the site plan approval.

Mr. Flower: Are there any questions from the board and do you feel comfortable with giving the approval?

**Mr. Marinaccio: Motion to authorize the Town Planning to prepare the resolution.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

**17-3369 Grace Bible Church Amended Site Plan**: To discuss 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)

Present: Nicole Patti – Engineer, LRC Group

Ms. Patti: Good evening, Nicole Patti from the LRC Group. Would you like me to go over the project?

Mr. Flower: Yes, please go over it really quickly for us.

Ms. Patti: Nicole Patti, I'm going to give you a brief description of the project. It's a two phase project. Phase 1 will be the construction of a 720 sf. garage and children's play area and the conversion on an existing shed to covered bench area. As well as a 712 sf. garage portico and a proposed ball field area. Phase 2 will include a 4,800 sf. addition, new parking areas around the building. We are looking to do SEQRA for the project as a whole and site approval for the separate phases. We received comments from our previous submission and are currently working to address those comments.

Mr. Flower: Does everybody feel there's a necessity to show the building within 200 feet from the property line or you wish to waive it? Mostly what's already there is existing.

Ms. Bettina: Waive it.

Mr. Flower: If everyone is in agreement of waiving it say Aye.

All members present voted Aye.

Mr. Flower: So we are all set on that. We did have on here for some outdoor lighting to discuss.

Ms. Patti: I spoke with the applicant this morning and there is currently wall pack lighting on all sides of the building. It is currently set for dusk to dawn setting.

Mr. Stolman: As long as the parking lot is lit and the lighting is shown on the plan.

Ms. Patti: No, but the wall pack are shown.

Ms. Bettina: That needs to be shown for safety reasons.

Mr. Flower: Another note was the wheel stop.

Ms. Patti: Yes, there will be wheel stops at every parking spot.

Mr. Flower: David, do you have anything else?

Mr. Stolman: Nothing else other than scheduling the public hearing.

Mr. Flower: Bob, do you have any items that need to be addressed?

Mr. Gray: No, I think we covered the wheel stops and we wanted you to show the existing water and sewer.

**Ms. Bettina: Motion to set a Public Hearing for January 3, 2018.**

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

**17-5185 Furnia Subdivision:** To discuss 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)

Present: Michelle Zerfas – Engineer, Berger Engineering

Ms. Zerfas: Good evening, Michelle Zerfas with Berger Engineering. Since our last time here we received a letter from SHPO indicating that there is not going to be any impact and that was submitted to the Town on November 3<sup>rd</sup>. If possible we would like to schedule a public hearing.

Mr. Flower: David, is there anything that needs to be addressed?

- Mr. Stolman: No show stoppers. We mentioned providing shelter protection for kids waiting for the bus.
- Mr. Flower: In my opinion I don't think it's a necessity to approve a subdivision but it's something in the local code and that's something the rest of the board needs to weigh in on.
- Ms. Bettina: You mean cover for the kids when they are waiting for the bus?
- Mr. Furnia: Yes, like at a bus stop.
- Ms. Bettina: Where I live and my personal experience is the kids are on the street and it's pouring out and there's nowhere to go.
- Discussion continues.
- Mr. Furnia: We do have it on there but if there's something you want us to change around we can modify.
- Mr. Gray: Do we know that the school is going to pick up there or at the pole sign?
- Mr. Flower: That's something we have no control over but you can feel out the school district and let them weigh in.
- Mr. Horan: They may not want to stop there.
- Mr. Flower: I know there were some issues with showing the easement access with stormwater maintenance. I don't know if that's been updated?
- Ms. Zerfas: It will be put on the plat when we finalize and there will be metes and bounds when the SWPPP is full reviewed.
- Mr. Flower: So all we need to do is set a public hearing.
- Ms. Bettina: Motion to set a Public Hearing for January 3, 2018.**  
Mr. Marinaccio: Second the Motion.  
Vote: All present voted Aye.

**16-3355 Elgen Associates (Amended Site Plan)**: To discuss 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)

Present: Jon Bodendorf – Engineer, Hudson Land Design

Mr. Bodendorf: Good evening, Jon Bodendorf from Hudson Land Design on behalf of the applicant Elgen Associates. This property is located between Old State Road and Old Route 9 on 1.78 acres and there are currently three buildings on it all of which are vacant. The last time we were before you the owner and applicant were considering putting parking areas on either side of the lot and was hoping to find the right tenant to utilize. He has since decided not to pursue that. There won't be any new construction other than improving the parking area and landscaping and the applicant would like to connect the buildings to the sewer system.

Mr. Bodendorf continues his overview of the project.

Mr. Flower: Is the parking lot going to be paved?

Mr. Bodendorf: I need to clarify that with the owner. If the Town would prefer that paved versus gravel, I don't think he would have an issue with doing that.

Mr. Flower: I bring that up because you show the handicap parking and also there's no path from the handicap parking to the commercial building.

Mr. Bodendorf: In light of that he probably would propose paving the whole thing.

Mr. Flower: The planner indicated in his letter that parking needs to be shown on the parking schedule.

Mr. Stolman: In doing that you would need to specify what kind of commercial use you are talking about because commercial use could mean anything.

Mr. Bodendorf: I think he did mention professional office type use but I'll try to get him to narrow that down.

Mr. Stolman: You have office/commercial. You should be specific.

Mrs. Roberti: You should consider looking into personal service and parking that is allowed in that zone.

Mr. Bodendorf: If we have to add some additional spaces we certainly have the room.  
Mr. Flower: Bob, you have any comments?

- Mr. Gray: You need to consult with the highway superintendent how he wants to handle the drainage. I'll help you with that. Also, cleaning the sanitary lines and I think we had the same question about the paving.
- Mr. Flower: At this point you know what you need to do so we can go ahead and set the public hearing.
- Mr. Bodendorf: That's what we would like to do.
- Ms. Bettina:** **Motion to set the Public Hearing for January 3, 2018.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.

**16-3353 BMB Real Estate Corp. (Restaurant to Apartments Conversion/Formerly Lilliana's Restaurant):** To discuss a site plan application for the conversion of four apartments from an existing restaurant space 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)

- Present: Steve Burns – Engineer, Burns Engineering
- Mr. Burns: Good evening everybody. My name is Steve Burns representing BMB Real Estate Corp. Since the last time we spoke we have spent a lot of time with the Health Department trying to figure out what is on site and they had no record of any septic. We dug up around the building and evaluated and determined there's sufficient system to support the change of converting the restaurant and deli to apartment units and small office. There will be a total of 11 units. The public water has not been connected yet but there should be water in the spring.
- Mr. Burns continues his overview of the project.
- Mr. Flower: So the Health Department is slow on the water supply side and not the sewer?
- Mr. Burns: Correct. They are fine with the change in use for the sewer because the existing system supported the 18 units.
- Mr. Flower: So you are also looking for phasing approval.
- Mr. Burns: Yes.
- Mr. Flower: This reopens one of the original discussions about connecting to the water supply.

- Mr. Burns: We are going to propose connecting to the water supply. They hit some rocks so I don't know what exactly the fine details are.
- Mr. Flower: So they are still working on it because I drive by every day and I thought they were completed.
- Mr. Burns: No, they are up on Airport Drive and it looks really nice out there. There are lights all around the buildings.
- Mr. Flower: I think it would be beneficial to show on the map that you are providing lights around the buildings and that you will have enough to cover the parking lot.
- Mr. Burns: There's also the street light at the end of Airport Drive. There's a Central Hudson light that we can leave there that lights up the parking lot. It was proposed to be removed.
- Mr. Flower: How does everybody feel about leaving the street light there?
- Mr. Marinaccio: It's actually pointing into the lot.
- Mr. Burns: We have an issue with the playground equipment. Insurance is the major issue with it.
- Mr. Marinaccio: You looked up the code and you said it was illegal to do that and that wasn't allowed.
- Mr. Burns: Actually the Town zoning doesn't allow it. You cannot have playground equipment in the GB Zoning District.
- Mr. Flower: I will have to refer to the Zoning Administrator on that.
- Mr. Burns: It's in the chart.
- Mrs. Roberti: What was the question?
- Mr. Burns: Whether playground equipment was an allowed use in the GB Zoning District.
- Mr. Stolman: As an accessory use to residential?
- Mr. Burns: I believe when I was looking it was listed in the chart.
- Mr. Flower: What's everybody's feeling on this?



- Ms. Bettina: Let's see what it says first.
- Mrs. Roberti: I'm not finding it in here.
- Mr. Burns: Here it is: swimming pools and other recreational facilities for the use of the residents of the premises and their guests is not permitted.
- Mrs. Roberti: That's really in regards to pools and their accessories.
- Discussion continues.
- Mr. Olah: The only place we would be able to put a playground would be next to Route 376 and I would have to fence it and I don't want to take on this responsibility.
- Mr. Burns: There's also a commercial access in the back.
- Mr. Olah: There's a drainage easement that they could easily fall into and I don't want to take that liability.
- Ms. Bettina: I understand where you are coming from and what would stop a child who lives there from going into that easement?
- Mr. Olah: It is the parents' responsibility.
- Ms. Bettina: What if the parents are not there or the child gets out of the house.
- Mr. Burns: There's always a possibility. There are recreation activities at the soccer fields on Airport Drive. There's a playground on Jackson Road.
- Ms. Bettina: If you have residence and children in a commercial area, the code says we can have recreation for them, right?
- Mr. Burns: That we should have recreation? It doesn't exactly say that we should provide a play area for the kids. In this instance is it appropriate to provide a play area?
- Ms. Bettina: Do you want my personal opinion? That's what we are supposed to do.
- Mr. Marinaccio: I didn't hear the code say that.
- Mr. Flower: It doesn't say it's required and then again it doesn't say that it's not required either.

- Mr. Marinaccio: If they don't want to they don't have to.
- Mr. Valdati: If you choose to put a playground then it should be fenced in.
- Mr. Burns: There's a lot more that's involved than just putting in a swing set and calling it a day.
- Mr. Flower: It's different than what it was 30 or 40 years ago.
- Mr. Burns: Schools are getting rid of them for insurance reasons.
- Ms. Bettina: Professionals, please weigh in on this.
- Mr. Horan: One of the reasons why you have a recreational fee for the creation of additional units in a multifamily situation is if there's a determination that there isn't a suitable area on the lot to accommodate residential uses, the Planning Board has the ability to make a determination that rather than put recreation on the lot a payment of rec fee for the additional units created as appropriate. That's the easiest way out of that situation.
- Mr. Stolman: The other point Angela mentioned was to fence the area to keep kids from Route 376.
- Mr. Flower: With that said you will have to pay recreational fees which will go to improve the Town's parks. Could we waive the playground requirement for this particular site? If they are not going to provide the recreation they are going to pay the fee.
- Ms. Bettina: We require everybody to do that.
- Mr. Flower: What's everybody's feeling on this? Can they just do without the playground?
- Mr. Marinaccio: I think do away with the playground.
- Mr. Pesce: I agree.
- Ms. Bettina: As long as you are going to pay the fee.
- Mr. Olah: What's involved with that?
- Mrs. Roberti: It is \$5,000 per new unit.  
Mr. Olah: Is that a one-time fee?
- Mrs. Roberti: That's a one-time fee for each apartment.

- Mr. Olah: If you require that then I'm going to squash the project and let the place go into foreclosure. I'm done. I really can't do it. Every meeting is a new requirement.
- Mrs. Roberti: That's in our code and it always has been.
- Ms. Bettina: This isn't anything new.
- Mr. Stolman: It has always been like that.
- Mr. Olah: I've been trying to do this since August of 2016.
- Mrs. Roberti: You haven't been back in a really long time. It's not this board that has held you since 2015.
- Mr. Olah: I got Board of Health approval in 2005 and 2010. At this point I'm bleeding. I'm paying \$32,000 in taxes a year and the revenue on the place is not bringing anything in to support it.
- Mr. Flower: The rec fee is out of our control that's something that's set by the Town Board. We don't have a way of waiving that unless they provide the playground. Is it either or?
- Mrs. Roberti: I don't know if that's reasonable.
- Discussion continues.
- Mr. Gray: There's an option that developers have done before by doing improvements on Town property like building dugouts in lieu of these fees.
- Ms. Bettina: Can it be phased?
- Mr. Stolman: It can be phased.
- Ms. Bettina: It doesn't have to be done now.
- Mrs. Roberti: Before the map can be signed, all the fees have to be paid up front.
- Mr. Horan: This is a site plan and not a subdivision.
- Ms. Bettina: I'm trying to give you some lead way and I don't want you to be surprised either.
- Mr. Stolman: You are right. This is above your paygrade.

- Mr. Flower: It is out of our hands.
- Mr. Olah: What if it was an adult complex?
- Mr. Flower: You will still get the rec fees. With that we will leave this as an open ended item. We have a few other items like the ADA access being able to get from the parking lot to the building. You will have to build a ramp as we discussed at the last meeting.
- Mr. Burns: It's all done. The front of the building has existing ADA access for the deli and the motel.
- Mr. Flower: We are not talking about doing something with the one level building. It's the other buildings and you have to abide by the building code telling you how to design the units for accessibility and adaptability and also fair housing act comes into play.
- Mr. Olah: It's all unilock pavers with awnings.
- Mr. Burns: I can put something next to that door saying it is handicap.
- Mr. Flower: The other issue was the sprinkler system.
- Mr. Burns: That goes back to the water line.
- Mr. Flower: That's another item that will be required and it's not up to this board to make that decision.
- Mr. Olah: I do have plans for the sprinkler system without the water hook up. I will be supplying 10,000 gallons reserved tanks.
- Mr. Flower: As long as you know that going forward.
- Mr. Olah: When I spoke to the engineer that's doing the water they said they cannot guarantee that they can support the sprinkler system. There's not enough water there. You are requiring me to get a sprinkler system and they cannot support it because there not enough water there.
- Mr. Gray: They are putting that water main in for fire suppression at the airport. Steve, are you going to show a lateral on the plan?
- Mr. Burns: I will show a lateral on the plan.
- Mr. Flower: Any other questions from the board?
- Mr. Marinaccio: You have to go to the Town Board about waiving the playground.

- Mr. Flower: At this point you will need to take this up with them.
- Mr. Olah: Can we move forward as a contingency? I need to get going on this project.
- Mr. Burns: There's no sense holding us up now since that will be a contingency.
- Mr. Valdati: Wouldn't that be a Town Board decision?
- Mr. Gray: Work in lieu of the fee, right?
- Mr. Flower: Yes, they have to make that decision.
- Mr. Burns: You can approve it and your decision is not contingent on that, right?
- Ms. Bettina: That's the law.
- Mr. Flower: It's open ended because we don't have the resolution as to which way to go.
- Mr. Burns: We have a little bit of time before the map is going to be ready anyway.
- Mr. Flower: David, do we have to have a public hearing on this?
- Mr. Stolman: Yes.
- Mr. Olah: Didn't they waive it when we were last here?
- Mr. Burns: I believe you waived the public hearing?
- Mr. Flower: We have to go back and look through the Minutes. Do you remember when you were last here?
- Mrs. Roberti: It was April or May and I don't think we were that far along to waive the public hearing.
- Mr. Stolman: Generally you waive public hearing for things that are minor.
- Mr. Gray: They February 6, 2017 is as far back as I go.
- Mrs. Ogunti: They were last here on May 1, 2017 and the first time was September 16, 2017 as a conceptual review.
- Ms. Bettina: What do you recommend going forward?

- Mr. Stolman: It says here that the Planning Board may waive the public hearing requirement where an amendment of the approved site development plan has been determined to be substantively unchanged from the previously approved site plan.
- Mr. Burns: The previously approved plan was a filed map.
- Mr. Stolman: I don't think the waiving of the public hearing is on the critical path anyway.
- Ms. Bettina: I agree, I don't think that's the critical thing.
- Mr. Flower: It will be a matter of formality if we had the public hearing and be done with it. This will give you some time to reach out to the Town Board and resolve the rec fee issue. That would be the best course of action.
- Mr. Burns: Okay.
- Mr. Olah: You are talking about another three months and by the time I get the building permit.
- Mr. Flower: We can have the public hearing on January 3<sup>rd</sup> and if everything is good we will move ahead.
- Mr. Olah: That's the thing if every is good.
- Mr. Flower: Once the rec fee issue is resolved, we can move forward because that is going to be the biggest hold up.
- Mr. Stolman: Whether you resolve the rec fee now or later it is still going to be in your way of getting a building permit and a certificate of occupancy.
- Mr. Burns: You either have to get a waiver of the fee or do some park improvement in lieu of or pay the fee.
- Mrs. Roberti: You have to understand that when this board approves this regardless of the date, there are going to be conditions in the resolution besides rec fees that have to be met before the site plan is actually signed. You cannot get a building permit until that is signed and that is how that works.
- Mr. Olah: Barbara, you told me from the beginning that you better do your due diligence because this is going to cost you a lot of money.
- Mr. Burns: So can we schedule a public hearing for January 3<sup>rd</sup>?

- Mr. Valdati: Can we schedule a public hearing without the rec fees?
- Mrs. Roberti: Yes, the rec fees will be an item that can be settled with the resolution at the end so they have some time to look into that.
- Ms. Bettina:** **Motion to set a Public Hearing for January 3, 2018.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.

**Architectural Review:**

**17-3379 1177 Route 9 – Freestanding Sign:** To discuss an architectural review application to construct a 60” w x 96” h (40 sf.), replacement freestanding sign on 1.2 acres in an HB Zoning District. The property is located at **1177 Route 9** and is identified as **Tax Grid No. 6157-04-600170** in the Town of Wappinger. (Serino)

- Present: Tim Serino – Applicant
- Mrs. Roberti: This is the project I talked to you about.
- Mr. Flower: So the new sign overall height will be 10 feet? That’s what you have on the application.
- Mr. Serino: Yes.
- Mr. Flower: Is the existing signage going to stay?
- Mr. Serino: No, it’s coming down.
- Mr. Flower: Okay, so that’s coming down and you will have the existing tenants on it.
- Mr. Serino: Yes.
- Mr. Flower: Anybody have any questions for the applicant?
- Mr. Valdati: Will there be any illumination for this sign?
- Mr. Serino: It will be interior LED lighting.
- Mr. Marinaccio:** **Motion to approve the sign.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.

**New & Old Business:**

**Dutchess County Airport Lead Agency**

- Mr. Flower: Everybody got the package on Dutchess County Airport? They are looking to build a 32,250 sf. building for the Dutchess Community College aviation course. They are circulating for Lead Agency and I believe we have jurisdiction and they are doing this as a courtesy. Does anyone have any objection?
- Mr. Marinaccio: Who is going to handle it?
- Mr. Flower: The County will handle it.
- Mr. Horan: The County is circulating for Lead Agency. There are some questions regarding New York State Dormitory Authority also listed as an involved agency I believe so the funding is probably coming from them. Also, SUNY is involved because it's Dutchess County Community College.
- Mr. Marinaccio: Will they be paying a recreation fee?
- Mr. Horan: There is no recreation fee.
- Mr. Horan gives an overview of the jurisdiction law.
- Mr. Horan: There are a number of reasons why we shouldn't be Lead Agency.
- Mr. Stolman: One of them could be that we have no jurisdiction over it.
- Mr. Horan: That could be a big one.
- Mr. Stolman: If you want to get all of the SEQRA documentation and you want to be an interested agency you should tell them that.
- Mr. Horan: Yes.
- Mr. Stolman: Send a short letter saying please consider us an interested agency in this process.
- Mrs. Roberti: There's a letter they want us to send back to Robert Belkind.
- Ms. Bettina: That's important.



- Mrs. Roberti: It says it here that if you give them consent to be Lead Agency that we request that the undersigned continue to be notified as SEQRA determinations procedure continues.
- Mr. Marinaccio: Will our fire inspector be required to do a walkthrough on this?
- Mr. Stolman: No.
- Mr. Flower: The County is required to provide their own permitting system within their County and to do that they have to have qualified building and fire inspectors to handle the permitting process.
- Mr. Horan: Bruce, the Town of Poughkeepsie doesn't do anything for DCC, right?
- Mr. Flower: No, when they tried to do the dorms they controlled that project.
- Mr. Horan: Didn't they have some kind of trust or something to build that?
- Mr. Flower: There was a trust involved with the financing of the project but ultimately the County won that case and they built the dorm and I believe it's operated through that trust.
- Ms. Bettina: It's similar to what the DEP is doing down in Chelsea. We are not Lead Agency but we know what's going on. That's very important because it's a big project and the airport is going to be a big project and you don't want to miss that opportunity of being informed.
- Mr. Marinaccio: I would think somebody would do a site visit and a visual of what they are telling you in the letter.
- Ms. Bettina: We could probably ask because we did a site visit at the DEP project.
- Mr. Valdati: Motion to authorize Mr. Flower to sign letter to Dutchess County.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

**Degnan Retail Center – 1708 Route 9 – rezone referral from Town Board:**

- Mr. Flower: We all just received the rezoning for the Degnan project right before this meeting and not sure you had a chance to look at it so far.
- Mr. Stolman: I glanced at it and they are looking to rezone that property from Highway Design to Highway Business and there are a lot of highway businesses along Route 9.

- Mr. Flower: So this will help to make his property more marketable and at the same time will resolve the other issue with the cars on the hill.
- Mr. Stolman: Yes.
- Mrs. Roberti: Should the Town Board feel generous enough to give him the zone change, he needs to come back to you for an approval for all of those violations.
- Mr. Flower: Have you heard from the Village on the Subaru project?
- Mrs. Roberti: No.
- Ms. Bettina: Interesting.
- Mr. Flower: They promised me they would keep me in the loop on that project.
- Mrs. Roberti: The owner or manager came in to see the Supervisor.
- Mr. Gray: Peter Marlow, the owner of Subaru left here and was going to have an interesting meeting with Mr. Degnan.
- Mr. Flower: Peter was the gentleman I met at the Planning Board meeting in the Village.
- Ms. Bettina: Don't give up.
- Mr. Flower: So basically the Town Board is looking for a recommendation on this? How do you feel about this?
- All members present expressed a favorable recommendation.
- Mr. Flower: We will have Bea send a memo to the Town Board with a favorable recommendation.
- Ms. Bettina: Motion to authorize the Planning Board secretary to send a memo to the Town Board with our favorable recommendation to approve this project.**
- Mr. Valdati: Second the Motion.
- Vote: All present voted Aye.

**Solar Law Amendments – new revisions – referral from Town Board:**

- Mr. Flower: We have Jim here and he will give us an overview of the solar law.

Mr. Horan: The solar law was to add solar farms. When it was first adopted it was permitted in the R5A or R3A and R40/80 Zoning Districts. It was also permitted in the COP and AI districts. What's important with respect to solar farm is that three phase power is available to connect from Central Hudson. In the Town, most of the three phase power is located on the State highways and some of the County highways.

Mr. Horan continues his overview of the solar law.

Ms. Bettina: What is the park that you say is in Chelsea? Where exactly is it? Is that Sol Silvers property that was approved for horses? Now that's approved for solar?

Mr. Horan: That's 80 acres and it's in R40/80 so it would fit the zoning criteria.

Ms. Bettina: They would have to go before the Town Board.

Discussion continues.

Mr. Flower: In terms of the solar amendment, is the Town Board looking for a recommendation from us?

Mr. Horan: I think just a letter from this board saying that we've reviewed the solar amendment and give our positive recommendation.

**Mr. Valdati: Motion to authorize the Planning Board secretary to send a memo to the Town Board with our positive recommendation.**

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

#### **2018 Planning Board meeting dates:**

**Mr. Valdati: Motion to approve the Planning Board dates for 2018.**

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

#### **Christmas Party:**

Mrs. Roberti: Our Christmas party is scheduled for December 18<sup>th</sup>. Bea and I will look into the venue for this event.

**Ms. Bettina:**  
Mr. Valdati:  
Vote:

**Motion to Adjourn.**  
Second the Motion.  
All present voted Aye.

Adjourned: 8:50 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board