

MINUTES

Town of Wappinger Planning Board
September 5, 2018
Time: 7:00 PM
Summarized Minutes

Town Hall
20 Middlebush Road
Wappingers Falls, NY

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	Present

Others Present:

Mr. Landers	Town Attorney
Mr. Gray	Town Engineer
Ms. Brown	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Adjourned Public Hearing:

Zammiello 2-lot Subdivision

Adjourned to October 1, 2018

Public Hearing:

Wireless Edge Towers, LLC

Resolution approved

MacFarlane Warehouse & Outdoor
Storage

Resolution approved

Discussion:

Church of the Sacred Mirror (CoSM)

Resubmit

Gasland Petroleum (233 Myers Corners Rd)

Approved changes / Performance Bond

United Rentals (amended site plan)

Public Hearing on October 1, 2018

Architectural Review:

Lawrence Farms Storefront Renovations

Approved as proposed

Miscellaneous:

Red Cedar Landscaping

Approved Temporary Occupancy

Extension:

Calvary Chapel of the Hudson Valley

Six (6) months extension granted

Mr. Pesce: **Motion to accept the minutes from August 6, 2018.**
Mr. Marinaccio: 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)

Mr. Flower: Is there anybody here for the Zammiello Subdivision? Since there's no one here for this project, we are going to go ahead with the public hearing for Wireless Edge Towers, LLC.

Mrs. Ogunti: Bruce, do we want to adjourn it?

Mr. Flower: Do we have to adjourn it even if we did not open it?

Mrs. Roberti: It's an adjourned public hearing so it has to be adjourned to a date certain. You have to open it and adjourn it. They were on in May and it was adjourned to June and then again to July 16th and no one showed up. On July 16th we again adjourned it to today.

Mr. Flower: They weren't present when we adjourned it the last time.

Mrs. Roberti: For the last two times they weren't here.

Mr. Flower: So the last two times they weren't present?

Mrs. Ogunti: They made a recent submission.

Mr. Flower: I need to call Brian and I will ask him what's going on.

Mrs. Roberti: October 1st if we do get a submission would give Bea enough time to get it out. Hopefully we will find out what's holding him up from coming to these meetings.

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

Mr. Marinaccio: **Motion to adjourn the Adjourned Public Hearing to October 1, 2018.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

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

The Town of Wappinger will conduct a Public Hearing 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)

Present: Robert Gaudioso – Synder & Snyder

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

Mr. Hussain: Second the Motion.

Vote: All present voted Aye.

Mr. Flower: Good evening. Kindly give the public a brief description of what you are proposing to do then we will open the floor for public comments.

Mr. Gaudioso: Thank you Mr. Chairman. Robert Gaudioso with the law firm of Snyder & Snyder on behalf of the applicant Wireless Edge Towers, LLC., an Orange County Poughkeepsie Limited Partnership doing business as Verizonwireless. The applicants are seeking a special use permit from the Planning Board for a wireless telecommunications at this facility at the town owned property at 30 Soccerfield Drive. The facility is proposed to be constructed as a 120 feet tower designed to resemble a tree with branches going up to 125 feet. We submitted response based on the town planner and town engineer comments. We did a balloon test and a visual resource evaluation. There is one variance required and we did make application to the ZBA and we are on the agenda for next week. With that I would be happy to answer any questions that the board or public might have.

Mr. Flower: At this time I would like to open the floor for public comments. Is there anyone in the audience who would like to speak on behalf of this application?

Mr. Hussain: Is it an improvement or is it something that was there before or is it a new tower?

Mr. Gaudioso: It's a new tower and we did submit a report to explain why Verizon needs this tower. It's to provide additional service to the area and also to provide additional capacity to the area as well.

Mr. Hussain: Thank you.

- Mr. Flower: You did state that you are going to be on the ZBA's agenda for next week.
- Mr. Gaudio: Correct.
- Mr. Flower: So you are working on getting the necessary variances?
- Mr. Gaudio: If you would recall we did an uncoordinated SEQRA review so there's no delay between the two boards. They are separate SEQRA determinations.
- Mr. Gray: Once they come back from the ZBA we will be ready to go ahead for the approval.
- Mr. Flower: All you need now is to follow through and get the variance.
- Mr. Gaudio: Would it be possible to approve the special permit on the condition of the variance?
- Mr. Gray: The attorney thought it was not a good idea.
- Mr. Flower: We will hold off until you get the variance from the ZBA.
- Mr. Gaudio: Would it be possible to close the public hearing and have a resolution drafted by staff if and when we do come back we'd be in that position?
- Mr. Flower: Staff will be involved with the variance process so once it's approved they will draft the resolution. Does any board member have any problem with drafting the resolution? If not I would like to entertain a motion to have the planner draft a resolution.
- Mr. Phillips:** **Motion to close the Public Hearing.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.
- Mr. Hussain:** **Motion to authorize the Town Planner to draft the resolution for October 1, 2018 contingent on the Zoning Board of Appeals granting the variance.**
- Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

18-3398 20 MacFarlane Warehouse & Outdoor Storage: The Town of Wappinger will conduct a Public Hearing on a site plan application for office, storage of cleaning supplies, cleaning equipment, outdoor storage of vehicles and small maintenance equipment on 2.27 acres in an R20 Zoning District. The property is located at **20 MacFarlane Road** and is identified as **Tax Grid No. 6157-04-720271** in the Town of Wappinger. (Espinoza)

Present: Craig O'Donnell – Owner

Mr. O'Donnell: My name is Craig O'Donnell. I live at 640 Wheeler Hill Road and I'm the owner of the subject property. The application for the used property is a facility for a cleaning company. We had a public hearing in March of this year for the use at this property.

Mr. Flower: That was at the ZBA and that's a separate public hearing in order to get the variance. At this point I need a motion to open the public hearing.

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

Mr. Phillips: Second the Motion.

Vote: All present voted Aye.

Mr. Flower: Is there anyone in the public who wishes to speak on behalf of this application?

Mr. Glickman: Good evening. My name is David Glickman and I live at 21 MacFarlane Road. I live directly across the street from this piece of property, my house burned in February so I haven't been there and we got a notice for a public hearing in February. We were turned upside down due to the fire so we missed that meeting. We sent an email in asking for more information about this being turned back to commercial. From what I heard from the town awhile back that it wasn't going to turn to commercial. After Sloper Willen moved out it went back to residential and I know Ryan automotive purchased the property for storage. I guess Craig bought it and cleaned it up compared to what it had been. There was just one hearing and people that were concerned didn't get the chance to speak about it. It happened in one meeting and it was approved so I'm a bit disappointed in that especially when I emailed the town to talk about it and got no response. Everything that happens on that property washes down my property.

Mr. Glickman continues.

Mr. Flower: Barbara, I thought the variance was just for outdoor storage?

Mrs. Roberti: It is. Two things I think should happen. One, when we have a public hearing it is published and the surrounding property owners are notified.

If no one shows up there's usually no reason to keep the public hearing open.

- Mr. Glickman: I can correct that because we had a councilman at the last meeting that was notified for the Mercedes building and a lot went on and is still going on. I'm starting to work with the town for the things that were promised me.
- Mrs. Roberti: The zone has not changed. It is still residential. What Mr. O'Donnell has acquired is a use variance to continue to use the property. He was able to demonstrate that financially it didn't work to build a house there plus it's been used for automobiles all these years.
- Mr. Glickman: There used to be a house there.
- Mrs. Roberti: The house was taken down in the 1960s. He was given a used variance and there's no outdoor storage. Craig, can you just explain?
- Mr. O'Donnell: You and I talked about it.
- Mr. Glickman: You told me it had turned into commercial and I told you I would not give you a call.
- Mr. O'Donnell: I didn't tell you it turned back to commercial. I said I got a use permit from the ZBA to continue to use it as a commercial building. Part of the agreement was when I got somebody there I had to come back to the Planning Board and tell them exactly what the use was going to be for them to review and approve that.
- Mr. Glickman: All I got on the notification was M&C is looking to use it for storage, office and small equipment.
- Mr. O'Donnell: That was in the initial application before the ZBA. However, for this application we have a specific user and he has a cleaning business. He has two vans and two employees.
- Mr. Glickman: This doesn't have to do with M&C?
- Mr. O'Donnell: M&C is just the owner of the property.
- Mr. Glickman: I took it as Mini of Dutchess when I googled it. That's the only thing that came up trying to figure out who M&C was.
- Mr. O'Donnell: That's me. I'm M&C of Dutchess. I own the property now and I have somebody that wants to lease the property to do his cleaning business.

- Mr. Glickman: So basically you are just leasing the building out. A couple of weeks ago I saw two dump trucks come through with a backhoe.
- Mr. O'Donnell: No dump trucks.
- Mr. Flower: Let's keep the focus here. This conversation should have taken place prior to the meeting.
- Mr. Glickman: I got the notice that's why I'm here.
- Mr. Flower: We are here tonight to gather comments from the neighbors to make sure there are no major concerns. What he's proposing is an allowed use in that zone.
- Mr. O'Donnell: It is a low impact use on that property. There are only going to be a couple of people there.
- Mr. Flower: The ZBA put limitations as to what they can put outside. You don't have to worry about an excavating company moving in. If you have any questions you can reach out to Mrs. Roberti and Mr. Gray.
- Mr. Gray: Just jot your phone number down and I will get a hold of you tomorrow.
- Mr. Flower: Is there anyone else who would like to speak?
- Mr. Dunham: Marlow Dunham, 18 MacFarlane Road. I'm the house that's facing the back.
- Mr. Flower: Please address your comments to the board. If you need to speak with the Mr. O'Donnell do it after the meeting.
- Mr. Dunham: I'm actually good. It says here that outdoor storage of vehicles. Is that temporary?
- Mr. O'Donnell: There will be two employees so they are going to park their vehicles outside.
- Mr. Dunham: I get it now. I didn't know what vehicles meant. Three years ago I showed up and there were a hundred vehicles parked in that place and I said, okay this is different.
- Mr. O'Donnell: Is that when they were storing the vehicles?
- Mr. Dunham: Yes, and then they were gone. That's what got my attention.

- Mr. O'Donnell: It's just a small cleaning company.
- Mr. Dunham: I'd rather somebody using it then it sitting there empty. I'm good. Can I get your phone number?
- Mr. O'Donnell: Sure, after these guys are done grilling me.
- Mr. Flower: Are there any questions from the board members?
- Mr. Marinaccio: If this company is going to grow eventually and you are going to have more than two vehicles. Do we put a limitation on how many vehicles going there? Hopefully he grows very well.
- Mr. O'Donnell: Maybe he does grow and maybe there are more than two vehicles. I think if it starts to encumber outside of the paved area with storage of vehicles then it would become an issue.
- Mr. Marinaccio: What if he gets 20 vans?
- Mr. O'Donnell: There's over an acre down there and tons of room to park.
- Mr. Flower: I believe the parking spaces have been delineated on the plan.
- Mr. O'Donnell: There are a lot of parking spaces there. He could probably park 70 vehicles out there.
- Mr. Marinaccio: Do we want to put a number on there?
- Mrs. Roberti: I think in the use variance with 5 days' notice we can do an inspection of the property. If someone would complain or one of the neighbors complained that it was being overused then what was intended within 5 days' notice I can get in there and see what's going on. Putting a number would help me too to keep them within certain parameter.
- Mr. Marinaccio: The number would be what you guys would do, right and figure out how many vehicles?
- Mr. Glickman: How about me, I live there. I'm the only one that sees it.
- Mr. Marinaccio: We have to make that determination.
- Mr. O'Donnell: I don't know if you want to get to the point where the parking lot is packed and there really is no more room. There is probably another acre of unused property. If they start parking vehicles in the woods then

I'll say hold on this is gone over. I don't know what the number is. You can probably park 50 cars there very comfortably.

Discussion continues.

- Mr. Marinaccio: You could probably put a hemlock to deter the view.
- Mr. O'Donnell: You can't see it anyway. The only possible person that can see it will be Mr. Glickman.
- Mr. Glickman: It is possible and I am not against a business going there but when I walk out and see all of these vehicles I won't like it.
- Mr. Flower: I know the screening issue was brought up in the beginning.
- Mr. Marinaccio: What kind of cleaning business is it?
- Mr. O'Donnell: They do janitorial service, cleaning commercial buildings. Cleaning floors, bathroom and all of the cleaning products will be in the van. All the parking will be on the County Player side.
- Mr. Marinaccio: Can we keep it to just this one business and he's not subletting out?
- Mr. O'Donnell: I think it's just for his business. I don't think there's enough space in there to start subletting.
- Mr. Flower: He's also limited to what he's proposed. Subletting would be in violation of his approval. In terms of the comments, I think we've addressed all of the planning comments.
- Ms. Brown: Yes.
- Mr. Flower: So everything has been addressed through the recent submittals?
- Ms. Brown: Yes.
- Mr. Flower: Bob, you alright?
- Mr. Gray: We are all set.
- Mr. Glickman: Is there going to be some type of conversation regarding limitation?
- Mr. Flower: Concerning what?
- Mr. Glickman: The number of vehicles.

- Mr. Flower: It's up to the board at this point whether they want to set limitations.
- Mr. Glickman: If it's a certain number of vehicles, I won't have a problem.
- Mr. Flower: What are your feelings regarding limitations to the number of vehicles or show the area where they can provide storage.
- Mr. Marinaccio: You guys have any suggestions?
- Mr. O'Donnell: You can put 30 vehicles on the County Player side. How about 25 vehicles and you can even see the blacktop.
- Mr. Flower: We had shown it to be 5 parking spaces.
Discussion continues.
- Mr. Hussain: What about 20 parking spaces?
- Mr. Flower: Okay. Before we motion for an amendment do we have to close the public hearing?
- Mr. Landers: I have a comment. I represent Mr. O'Donnell on this project so I cannot speak.
- Mr. Flower: This is in terms of the meeting nothing having to do with the conflict. So legally we have to close the public hearing before we can make any other motions or changes to the plan? I just want to make that clarification.
- Mr. Landers: Procedurally yes.
- Ms. Brown: Yes.
- Mr. Flower: Is there anyone else in the audience who wishes to speak on this project?
- Mr. Marinaccio: Motion to close the Public Hearing.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: Obviously everybody got the resolution. As per our recent discussion do we have any proposals to amend the resolution? If not, I will entertain a motion to amend the resolution to include no more than 20 vehicles on the property.

- Mr. Marinaccio: Can we just limit it to just that one business?
- Mr. Flower: Just for the one business.
- Mr. O'Donnell: Ralph, they are the applicants.
- Ms. Brown: It specifically says it's for that cleaning company.
- Mr. Marinaccio: Motion to amend the resolution to include no more than 20 vehicles on the property.**
- Mr. Hussain: Second the Motion.
- Vote: All present voted Aye.
- Mr. Flower: We need to word that a little differently.
- Ms. Valk: Yes, we do. On Page 2, Paragraph 2, this is the SEQRA determination and the negative declaration on the grounds. Strike the text that says net decrease to impervious surface to say no change to impervious surface on the site because they are not proposing any changes to the site.
- Mr. Flower: So you are okay with that change?
- Mr. O'Donnell: Yep, it's fine.
- Mr. Marinaccio: Motion to amend the resolution regarding the SEQRA determination striking the text that says net decrease to impervious surface to say no change to impervious surface on the site. To also, limiting the amount of vehicles to 20 vehicles on the site.**
- Mr. Phillips: Second the Motion.
- Vote: All present voted Aye.
- Mr. Glickman: I have a quick question.
- Mr. Flower: The public hearing is closed. Is it pertinent to the vehicles?
- Mr. Glickman: Yes.
- Mr. Flower: Okay, I'll entertain your comment.
- Mr. Glickman: If there are 20 vehicles in there and they park them all on my edge, I'll be pissed.
- Mr. O'Donnell: No, they specify to park on the other side.

- Mr. Glickman: If there are going to be 10 vehicles there then I need to have a conversation with somebody. It needs to be in the record that we talked about this.
- Mr. Flower: We will address that. We can amend the resolution.
- Mr. Glickman: If he parks on the other side I won't even see him.
- Mr. Flower: I understand.
- Mr. O'Donnell: Are you going to make a note that parking as delineated on the submitted plan because I have delineated on the plan.
- Mr. Flower: Well, you have the 5 spots delineated on the plan.
- Ms. Brown: We can make it condition to amend the site plan to show the 20 spaces where the 5 spaces are delineated and just extend that. That will be on the County Player side.
- Mr. Flower: Why don't you say on the western side of the property?
- Mrs. Roberti: The opposite which is the eastern side of the property.
- Mr. Glickman: Thank you.
- Mr. Flower: At this point it has been approved.
- Mr. O'Donnell: Thank you very much.

Discussion:

17-3377 Church of the Sacred Mirror – (CoSM): To discuss an amended site plan application for the conversion of an existing carriage house to an art gallery/exhibition hall on 37.93 acres in an R40/80 Zoning District. The property is located at **46 Deer Hill Road** and is identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (KC Engineering)

14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road): To discuss minor amendments to the approved site plan to allow the development to be phased in order to obtain temporary certificate of occupancy. The project includes two additions to the existing building for a total building floor area of 2,688 square feet. The property is located at **233 Myers Corners Road** and is in a NB district and is identified by **Tax Grid No. 6258-02-730572** in the Town of Wappinger. (Chazen) (LA 12/7/15) (Opened & closed APH 02/01/16) (Neg. Dec. 02/01/16) (Site Plan and Special Use Permit approved September 7, 2016)

Present: Christian Moore – Engineer
Brian Murphy – Project Manager

Mr. Flower: Good evening.

Mr. Moore: It's been some time since we were before this board and I see some new faces on the board. So I will bring the board up to speed. In 2013 the Wappinger Planning Board granted a site plan approval for certain modification for the Church of the Sacred Mirrors located on Wheeler Hill road on 37 acres. At that time provisions were designed for widening of roads, improve parking, certain utilities and some handling of stormwater and a water supply system. The chapel has taken a look and they wanted to change certain features on the property. They want to modify an existing carriage house located 1,000 off Wheeler Hill Road. They were going to make the rear of the building the front and the front the rear. They have submitted new architectural rendering of the building and we had to do minor modifications to the previously approved parking lot. When we were before the board last one of the concerns that came up was the handling of the water supply. The previous company that I worked for designed a water treatment system which involved tying of two existing wells on the property into treatment plant chlorination and booster pumps to enhance pressure on the site. Since that time the owners wish to go a different route. In a perfect world what we would like to do is tie in with the existing water on Wheeler Hill Road. The option would be to construct a water treatment plant which would be a substantial cost and if the can offset that cost by getting permission from the town to tie into town water.

Mr. Moore continues his overview of the project.

Mr. Flower: This board doesn't have the ability to allow the connection to town water. That would have to go through the Town Board. You are trying to get rid of the treatment plant at this point.

Mr. Moore: Correct.

Mr. Flower: How would you supply water to the building prior to connecting to town water or you are going to wait until you get town water before occupying the building?

Mr. Moore: We don't know exactly when or if the town will allow us to connect for portable water. Is it possible to get temporary water for fire flow?

Mr. Gray: I'm having a little trouble following this. I thought you were here to change some parking and other things. This board has nothing to say

about the water. We'll be glad to talk about it but it really isn't germane to what you are here applying for. I think you want to discuss the change in the façade to the building and the parking.

- Mr. Moore: The original approval involved the construction of the water treatment facility on the site. Even though the Planning Board won't be approving that it is a deviation.
- Mr. Flower: You are looking to get the approval to building the water plant on the property and converting to the town system.
- Mr. Gray: It can just be a letter from the Department of Health.
- Mr. Moore: It would probably involve a design of a metering pit in the front.
- Discussion continues.
- Mr. Gray: File your notice with the Town Board and come back and notify these guys when you are ready.
- Mr. Flower: Outside of the water issue at this point what are the other changes we have to discuss for this evening? You had other changes I believe on the property.
- Mr. Moore: The parking lot has been reconfigured due to the front vestibule addition that goes in the front. They are looking to defer the construction of the proposed stairwell which was on the original approval. They would like to defer to a future phase.
- Mr. Flower: Did you say the garage was proposed? Is that an addition or something that was on the approved plan?
- Mr. Moore: This was something that was on the original approval.
- Mrs. Roberti: What was the timeframe on all of these phases? Have you expired on them?
- Mr. Moore: We don't really have a timeframe for the phases it's dependent on funding. We just wanted an opportunity to get before the board.
- Mrs. Roberti: On your side it might depend on funding but on the resolution side usually the third phase is three years out and this was a long time ago.
- Mr. Moore: This has been at least five years since the original approval.

- Mrs. Roberti: Right. It's probably not on the table until it is reapproved. I think you really need to submit something that clearly states all the changes and any new phasing so the board can actually look at that.
- Mr. Moore: Like a project timeline?
- Mrs. Roberti: Yes. If they have to approve something even the building department has to know what your timeline is.
- Ms. Brown: Is the elevation of the building going to change? Is the façade being proposed to be changed on the carriage house?
- Mr. Murphy: I'm James Murphy and I'm the project manager for CoSM. We were approved for a sculpture façade with sculptural features on the building. That's an additional \$1.4 billion in cost and obviously that's going to take some funding. Since this is not going to be sculptured for several years I was told to phase that out.
- Mr. Flower: So you are looking to get some type phasing for the future in phasing that sculpture?
- Mr. Murphy: I got this approved but that's going to take longer than the garage.
- Ms. Brown: I believe we have elevations from the previous application for what you are looking for the final phase but we will need an elevation of what the building will look like out.
- Mr. Moore: I thought we submitted elevations of that.
- Mr. Murphy: It should have been submitted with our last submission. The only deviation from that is a small vestibule in front of the building.
- Mr. Flower: The last submission was for the vestibule.
- Mrs. Roberti: So you really don't know when you are will get around to raising the funds for the façade. I think if you try to phase that 6 to 7 years out I think we should stop on that when and if you are ready come in as an architectural. To phase it that means someone has to watch that clock. It may never happen. That should be removed and you can come back and revisit.
- Mr. Flower: Which would be a minimal review at that point so the phasing is just the garage?

- Mr. Moore: As well as the steps along the side of the building they wish to defer to a future phase.
- Mrs. Roberti: How long?
- Mr. Murphy: I would say a couple of years. Originally the back of the building was going to be the front so they want to look at something that would be aesthetically pleasing.
- Mrs. Roberti: Do they need steps to get to the building now?
- Mr. Murphy: No.
- Mr. Moore: There's a ramp at the front of the building. There are not steps.
- Mr. Landers: There have been a number of changes about various things and I don't know that the board is prepared to comment on these items. My suggestion would be all these items, phasing and additional requests that seem to be coming up should be presented to the board and have them prepare than to do this on a fly. I don't think it's appropriate.
- Mr. Flower: Just take what you have and give us a clear format as to what the changes are.
- Mr. Moore: There are two things that were to be phased in the future but everything else is clearly indicated in the plans.
- Mrs. Roberti: That was years ago and now you are still saying it could be another couple of years. You really don't have a date certain.
- Mr. Moore: On the original site approval that was anticipated to be constructed all at one time. Only on the most recent submission we made in October are we proposing to phase those two features.
- Mrs. Roberti: Right, but that original plan had them on it. How many years ago?
- Mr. Moore: That was 5 years ago.
- Mrs. Roberti: In this conversation you are saying it could be another 3 or more years. This board may not be the same board. It's best for you to get them off and get it approved for your changes.
- Ms. Brown: It may be beneficial to take those off for now and then come back with those changes when you are ready.

- Mr. Flower: At this point you need to come back with a revised plan. When this was originally approved 5 years ago only one gentleman here was on the board. Mr. Valdati was on the board 5 years ago. It would be helpful to give us a clearer picture for approval and in the meantime try to work out your issues with the water supply.
- Mr. Murphy: The outstanding water issues have to be resolved to be given permission to build the vestibule?
- Mr. Flower: You need some clear resolution if you are going to go with it. The vestibule is one step closer to occupying and the water system is very contingent to you getting occupancy to the building.
- Mr. Murphy: We are in dialogue with Bob and we talked about connecting to the fire suppression and that seems like an easy avenue in the future.
- Mr. Flower: Mr. Gray would be happy to help you work out your water issues. For now you need to come back with a new submission.
- Mr. Moore: Thank you.

14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road): To discuss minor amendments to the approved site plan to allow the development to be phased in order to obtain temporary certificate of occupancy. The project includes two additions to the existing building for a total building floor area of 2,688 square feet. The property is located at **233 Myers Corners Road** and is in a NB district and is identified by **Tax Grid No. 6258-02-730572** in the Town of Wappinger. (Chazen) (LA 12/7/15) (Opened & closed APH 02/01/16) (Neg. Dec. 02/01/16) (Site Plan and Special Use Permit approved September 7, 2016)

Present: Kyle Barber – Chazen Companies
Chris Lopane – Chazen Companies

Mr. Barber: Good evening. My name is Klye Barber with the Chazen Companies with my coworker, Chris Lopane. We are here presenting on behalf of Gasland Petroleum and you may be familiar with this project on Myers Corners Road. It was previously approved in 2016 and we are here tonight to seek an amended site plan approval for two minor changes. This project is currently under construction and the building is up right now and looks really good. We got a lot of positive feedback. It was previously approved for the Dunkin Donuts and you may be aware that Dunkin Donuts is coming up on an adjacent property. We submitted a revised elevation floor plan for you guys with the change of taking Dunkin Donuts out. During construction we were told that the county is

making some modifications to Myers Corners Road. One of the changes is slightly raising the road and that will have a slight impact to the west of our entrance. We would like to change our design to allow for the heightening of Myers Corners Road. The plan is not to do the work on Myers Corners Road at this time the county complete their work. The applicant is seeking a temporary CO.

Mr. Barber continues his overview of the project.

Mr. Lopane: Just a clarification. He's seeking the approval at a later date to apply for a temporary CO for all the site improvements with the exception of the curbing and landscaping. There will be a note on the plan.

Mr. Flower: I believe there's no provision in the Town Code to provide a temporary CO.

Mr. Stolman: Correct.

Mr. Flower: One of the options would be to post a performance bond with a number determined by the town engineer for the cost of that work to finish that section.

Mr. Lopane: That work I'm assuming would include just the work the county is performing.

Mr. Gray: Also, whatever you are leaving out. You and I can talk and come up with a figure. We've done this many times before.

Mr. Flower: Does the board have any concerns with that? Does the plan show the changes and signage? Do you have the proposed changes?

Mr. Lopane: The area here which was 1 1/2' x 15' where the approved signage where the old Dunkin was. They are only allowed to work within the confines of what was approved. Right now we just have name to be determine as part of that elevation. You can call it what you want as long as you come.

Mr. Flower: As long as the building department doesn't hold you to put name to be determined for the final CO. So that would be the only signage?

Mr. Barber: That's the only sign that changed. That was where the Dunkin Donuts was before.

Mr. Flower: I don't remember that one. Was there a lot of signage on there?

- Mr. Lopane: It wasn't approved to be on the site sign.
- Mr. Flower: This is pretty much going to be blocked by the canopy. Are there any questions or concerns?
- Mr. Gray: Nothing has changed it's just circumstances to get the CO issued.
- Mr. Flower: The resolution doesn't have to be rewritten for this?
- Mr. Horan: You can just put it as an amendment to the resolution.
- Mr. Flower: So all we have to do is vote on the amendment.
- Mr. Horan: Just add that the resolution previously adopted is amended.
- Mr. Gray: Just say is hereby amended so we don't have to rewrite the resolution.
- Mr. Flower: There was a note from Dutchess County Health Department regarding seating and their approval for the septic system. When the plans were submitted their seating area that was added which wasn't on the original approval.
- Mr. Lopane: The floor plan has changed and there's actually going to be less than was previously proposed.
- Mr. Gray: We will remove the comment.
- Mr. Flower: So that takes care of that then. At this point I will entertain a motion to approve the amended signage for the building to get a certificate of occupancy. They are going to post a performance bond for the remaining landscape curbing that needs to be done in the front which is going to be done within 90 days of the completion of the county road work. Does that sound reasonable?
- Mr. Lopane: As long as their work is not completed in the beginning of December because we are not going to be able to plant landscaping.
- Mr. Gray: Completion is a fuzzy thing anyway so once that's done you can do the landscaping. In this case just say performance security or something. Quite often they just give a check.
- Mr. Flower: So either performance bond or security deposit.

Mr. Marinaccio: **Motion to post a performance security for the landscaping and curbing pending completion of the county road work.**
Mr. Phillips: Second the Motion.
Vote: All present voted Aye.

18-3395 United Rentals (Amended Site Plan): To discuss 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.

Present: Christopher Buchanan – Engineer

Mr. Buchanan: Good evening everyone. I'm Christopher Buchanan.

Mr. Flower: We received the changes and did you get the review comments from the engineer and the planner?

Mr. Buchanan: Review comments before the changes were made?

Mr. Flower: The engineer stated that the plan should clearly state that the owner shall agree to address and resolve the following points.....

Mr. Horan: We are going to omit that comment.

Mr. Flower: We still need to show that on the plan.

Mr. Horan: Just note on the plan that the adjacent driveway encroaches and that the Planning Board takes no position.

Mr. Buchanan: I have actually spoken to the owner, he's a really nice guy and he has moved everything. The driveway is free and clear now to do whatever we want with it. He also chopped down all of the brush.

Mr. Horan: Amend the plan to remove it. That would be easier.

Mr. Flower: So that just needs to be updated on the map.

Mr. Buchanan: I think Larry did that.

Mr. Horan: There's something on there.

Mr. Buchanan: We have a gate that we thought was a driveway I found out from this gentleman that the old owner of that building owned the property adjacent to it and he used to use that driveway for his trucks.

- Mr. Flower: It has the encroachment with a dotted line. If it's all been cleared then you have to take it off the map.
- Mr. Buchanan: The tree line on the map is done as well and it's all planted.
- Mr. Flower: So it's been planted already?
- Mr. Buchanan: We planted 16 trees along those lines.
- Mr. Flower: What types of trees were they?
- Mr. Buchanan: They are white spruces.
- Mr. Flower: What's the height?
- Mr. Buchanan: They range between 5 1/2 to 7 feet.
- Mr. Flower: The planner's recommendation was 6 to 8 feet.
- Mr. Buchanan: Unfortunately, we were caught late in the season and the bad storm that hit our area. The landscaper had to wait because all of the nurseries were wiped out because all the townships had to replace all of their landscaping. We ended up going to a landscape supply house in Montgomery. They assured me 18 to 20 inches of growth a year.
- Mr. Flower: Is that reasonable?
- Ms. Brown: Yes.
- Mr. Flower: Sarah, you want to go over the rest of the planning comments?
- Ms. Brown: We spoke to Barbara about our first two comments which are existing conditions so we won't worry about the parking location. We just need to see a detail on the plan for the chain link fence with the slots in it.
- Mr. Buchanan: There are slots in the chain link fence right now.
- Ms. Brown: If you could just note that on the plan.
- Mr. Buchanan: No problem.
- Ms. Brown: On the plan if you could show the area where it says the site is to be used for renting, delivering and servicing the portable restrooms.....do you have other construction equipment?

- Mr. Buchanan: We don't have any other types of construction equipment.
- Ms. Brown: So it's only for the portable restrooms. Approximately, how many pieces and where will they be stored on the site?
- Mr. Buchanan: If I have anything to say about it there won't be anything stored there because it will all be rented. Right when you come into the site there's the easement that's where they will be storing them.
- Ms. Brown: If you could just delineate that on the site plan and give an approximate number.
- Mr. Buchanan: We already showed parking and storage.
- Ms. Brown: Okay, if you could just note how many you are going to store in each area even though it's not the maximum number because they are going to be rented out.
- Mr. Buchanan: Okay.
- Ms. Brown: Are you proposing any lighting out there?
- Mr. Buchanan: It's already lit.
- Ms. Brown: If it's already lit then I'm not that worried about them. Are you proposing any signage?
- Mr. Buchanan: Once we get approval my construction team is going to come in with a sign proposal.
- Ms. Brown: With a separate signage application?
- Mr. Buchanan: Where the old NEC sign was we are just going to put a decal that says United Rentals. We don't like to attract attention and we have no walk-in traffic.
- Ms. Brown: We just want to prevent you from coming back.
- Mr. Buchanan: I want to prevent that also.
- Ms. Brown: There was wetlands delineation performed in June.
- Mr. Buchanan: Correct.

- Ms. Brown: We just want the report of the findings. If you didn't get our comments and my memo I can send it to you.
- Mr. Buchanan: You probably sent it to Larry?
- Ms. Brown: I sent it to David. Is that you?
- Mr. Buchanan: Yes.
- Ms. Brown: I can send you another copy.
- Mr. Buchanan: I'm sure I have it in my notes somewhere.
- Ms. Brown: This site could potentially have Indiana bats so we probably have to put the notes on the plan but I don't think that will be an issue. If you have any questions you can contact my office.
- Mr. Flower: At this point it's just a matter of getting the plan updated and a new submittal. We have to have a public hearing. Is this a special use?
- Mr. Buchanan: It's an allowed use.
- Ms. Brown: It's just a site plan.
- Mr. Flower: Okay, so all we need to do is set a public hearing. The previous site plan didn't allow for outdoor storage.
- Mr. Buchanan: It's not that it didn't allow it, it just didn't show it.
- Mr. Flower: So you are amending the site plan. Since there's more residential use around you we would like to give the residents the opportunity to speak if they have any concerns.
- Mr. Horan: Mr. Chairman, I think it would be appropriate to authorize the planner to prepare the resolution for that meeting.
- Mr. Flower: Whatever the submission date is for this meeting you would have to have all the updated plans put together for us. Assuming we don't fill the room with residents we could vote on the resolution that night if there are no major changes that need to be made to the site plan and public comments.
- Mr. Buchanan: Okay.

- Mr. Flower: At this point we need to schedule a public hearing for the next available date which is October 1st. What's the submission date for the October 1st meeting?
- Mrs. Ogunti: September 3rd.
- Mr. Flower: How quickly can you put together the package for us?
- Mr. Buchanan: It's just a matter of taking the driveway off and showing the slotted area and the number of units to be stored at a maximum amount.
- Mr. Flower: If we get it within a couple of weeks that should do it.
- Mr. Gray: It won't require a lot of review.
- Ms. Brown: If there are any questions about the comments you can contact my office.
- Mr. Flower: Does October 1st work for you?
- Mr. Buchanan: Yes.
- Mr. Gray: If Larry gets it to us within the next week from today that would work for us.
- Mr. Buchanan: I will have Larry do that since I will be in Rochester Wednesday, Thursday and Friday.
- Mr. Valdati:** **Motion to schedule a Public Hearing on October 1, 2018.**
Mr. Phillips: Second the Motion.
Vote: All present voted Aye.
- Mr. Pesce:** **Motion to authorize the Town Planner to prepare a resolution for October 1, 2018.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Architectural Review:

18-3399 Lawrence Farms Storefront Renovations: To discuss an architectural review application for the renovation of outdoor seating with tents at the south entrance of the site on 9.91 acres in an HB Zoning District. The property is located at **1083 Route 9** and is identified as **Tax Grid No. 6156-02-710924** in the Town of Wappinger. (Lawrence)

Present: Rich Tompkins – Mauri Architects

Mr. Flower: Good evening.

Mr. Tompkins: Good evening Rich Tompkins from Mauri Architects here representing K&J Partners for the Lawrence Farms project. There is a restaurant that's going to be taking Space 1 and 2 which are the two spaces on the south side of the building. The proposal is to put a 20 x 40 feet tent/greenhouse on the south side that could potentially be seasonal depending on the type of structure. There will have some outdoor seating and we have two additional tent structures for an event. They are on the south side of the driveway in the parking area. We are also proposing a 25 x 45 feet garden.

Mr. Flower: So it is being changed to a restaurant and it will be assembly marketing opposed to the mercantile that was in that area before.

Mr. Tompkins: Space 1 was a dry cleaner, Space 2 was Joe's Italian Market and he did have some seating. We had proposed some changes to the front façade which is the east side and south side of the building to make that look more like J. Jill which was recently approved. We are proposing a carport over Building 5 just an open structure with columns and roof. There are currently storage trailers in the rear of the property. The main focus tonight is to just get approval on the architecture on the front and side so that we could with building department approvals and construction of that space.

Mr. Tompkins continues his overview of the project.

Mr. Flower: You still need to provide more information for the change in uses because it sounds like the parking might become an issue.

Mr. Tompkins: The parking had always been an issue. We did amend the parking requirements to include restaurant and Space 1 and 2. We are up to 285 parking spaces that would be required and at the bottom of that chart a total number of existing spaces of 233. We are removing 9 spaces which are parallel parking spaces along the south side. We picked up an additional 10 spaces and we talked about using the parking spaces along Route 9 as compact parking. We ended with a total of 242 spaces. There is a parking agreement that's on file with the Dutchess County Clerk's office for shared parking with Hudson Ribs & Fish.

Mr. Tompkins continues his overview

Mr. Flower: The shared parking is shown on your table?

- Mr. Tompkins: It's not shown on the table because that is what's on site. We are roughly 43 spaces short. The adjacent lot north is the Hudson Ribs & Fish.
- Mr. Flower: You are going to use two tents out there for events to create additional usage? I know it won't be all the time but how will they manage the events.
- Mr. Tompkins: I can't speak for how they are going to operate the restaurant.
- Mr. Gray: It would just be like an outside seating area like Farm to Table.
- Mr. Marinaccio: Where are you proposing to have those event tents? Are they for weddings or beer fests?
- Mr. Tompkins: No, it would just be strictly for dining.
- Mr. Marinaccio: You are going to close the restaurant down to put people in a tent?
- Mr. Tompkins: No, they would choose to eat inside or outside similar to what Farm to Table has maybe just a little larger.
- Mr. Marinaccio: So you are going to hold seating in the tents and restaurant at the same time?
- Mr. Tompkins: Yes.
- Mr. Marinaccio: So parking is a problem.
- Mr. Gray: I'm pretty familiar with Farm to Table and when that outdoor seating is full there is nobody in the restaurant. You don't fill both. When it's nice people want to eat outside and not inside.
- Mr. Marinaccio: You are going to have the outdoor patio plus two tents?
- Mr. Tompkins: That's what we are proposing, yes.
- Mrs. Roberti: Are the tents permanent?
- Mr. Tompkins: No.
- Mrs. Roberti: So you are just going to put them up from time to time?
- Mr. Tompkins: Yes.

- Mr. Marinaccio: If you are going to host an event is that something you have to take a permit out for?
- Mrs. Roberti: The problem with it is for every time you put tents of that size they would have to be inspected so you have to take a permit to get the inspection.
- Mr. Tompkins: I know they are thinking of putting the tent up for a 3 month period.
- Mr. Marinaccio: I don't see how you are going to have enough parking to accommodate the tent plus the patio.
- Mr. Tompkins: Again, I think the thinking is you either sit outside or inside.
- Mr. Marinaccio: You don't know and you are assuming at this point. How many people are you proposing to put in 45 x 60 feet tent? What are you going to do for airflow because tents contain a lot of heat?
- Mr. Tompkins: About 60 people.
- Mr. Marinaccio: I don't want to sit in a tent that's steamy when I can be sitting in a nice cool restaurant on a hot day like today.
- Mr. Tompkins: If you had something on a day like today nobody is going to be sitting outside and everyone will be inside. Whereas, if you have 75 degrees, the majority of the people will be sitting outside I'd rather them sit outside.
- Mr. Marinaccio: With 90 people, where are these people going to park?
- Mr. Flower: Parking is definitely going to be an issue. If the restaurant takes off and you are doing well and you end up filling up the restaurant and outdoor seating area and both tents. If you have 200 cars you are basically wiping out the rest of the plaza.
- Mr. Marinaccio: You have to also look at the hours of operation.
- Mr. Flower: If you want to provide a parking analysis to show that it works based upon the hours of operation.
- Mr. Tompkins: Okay. I don't mind doing that if we can agree to what I am calculating for the number of people outside and the square footage for the number of tents in addition?
- Mr. Flower: It will be based on hours of operation and what the anticipated uses are.

Mr. Tompkins: We are basically say 30 additional parking if we are saying 90 people. Do I apply the same parking space per 3 seats and calculate the number of seats that are outside in addition to what's inside? Can I take half of that?

Discussion continues.

Mr. Gray: We've done shared parking analysis for other properties so we could use that as a template.

Mr. Tompkins: Do you have anything I can work from?

Mr. Gray: Yes, where Hudson's is and the new buildings over there.

Mr. Tompkins: Do you have a copy I can get from you?

Mr. Gray: Yes, absolutely.

Mr. Flower: They will be able to help you and give you something you can work from.

Mr. Gray: It sounds very similar to the bank over there. What's the name of the bank?

Mrs. Ogunti: TEG.

Mr. Gray: Looks like you have a lot more parking here.

Mr. O'Donnell: I think what John is looking for is to get the approval for the architectural for the front and the side,

Mr. Tompkins: Right.

Mr. Flower: So you will come back with an application for the rest of this and pick up all of the different pieces you were talking about.

Mr. Tompkins: I think you mentioned you want some view of what the rear is going to look like.

Mr. Flower: Yes, whatever you are proposing like basic elevations.

Mr. Marinaccio: Showing crosswalk and flow of traffic.

Mr. Flower: Are you going to provide bathrooms facilities for the customers?

- Mr. Tompkins: The bathrooms are already inside hence the additional door for them to get back inside. There is still 2-way traffic and it's really only one delivery a week. We can show the crosswalk at least it delineates where people should be walking.
- Mr. Flower: People will be walking back and forth coming to the restaurant.
- Mr. Marinaccio: Are you guys going to show lighting over there?
- Mr. Tompkins: There is some existing light I believe on the side of the building. We didn't really discuss light but I know there will be lighting inside of the tent. We weren't proposing any new lighting.
- Mr. Flower: What about the patio outside?
- Mr. Tompkins: The patio will have a structure over it.
- Mrs. Roberti: What are the fire barrier walls with the extensions with roll up fire wall in the front on both sides?
- Mr. Tompkins: This building doesn't have sprinklers not to bore you with the building code. The fire area is limited and less than 100 people are allowed without requiring a sprinkler system. The walls between space 1 and 2 and between spaces 2 and 3 will become fire barriers. There will have to be a two hour separation between those. We will have to build a wall in case of a fire.
- Mrs. Roberti: You brought it outside because of the heat?
- Mr. Tompkins: Yes, fire code requires it to continue that fire barrier to the roof.
- Mrs. Roberti: The interior wall between the two spaces.
- Mr. Tompkins: Unless we can get water here then everything goes away.
- Mr. Flower: Basically, what you are looking for tonight is to get the approval to change the façade on the front and side of the building. As well as the east and south elevations as provided.
- Mr. Tompkins: Correct.
- Mr. Flower: At this point it's up to the board to approve it as shown on the plans.
- Mr. Marinaccio: Does that motion include the two tents?

- Mr. Flower: We are only approving the architecture review of the front which is the east elevations shown on the plan and the south elevations which is also shown on the plan.
- Mr. Tompkins: South will just be the three doors and again the look is to match J. Jill. That's really all we are looking for, no tents or any of that tonight.
- Mr. Flower: What would be the timeframe to coming back?
- Mr. Tompkins: Well, I won't have it done by September 3rd.
- Mr. Flower: I just want to know if it's something that's going to be rather quickly or something that's going to be put off for a year.
- Mr. O'Donnell: Right now it's going to be for the event space and the tents will be for the spring.
- Mr. Tompkins: I would say within the next couple of months.
- Mr. Flower: Right now there will be no outdoor activities.
- Mr. Tompkins: Yes.
- Mr. Flower: I will now entertain a motion to change the front elevations as shown on the plan.
- Mr. Phillips: Motion to approve the changes to front and side elevations to the building as shown on the plan.**
- Mr. Marinaccio: Second the Motion.
- Vote: All present voted Aye.
- Mr. Valdati: Are there any concerns for traffic safety and bollard and things of that nature?
- Mr. Tompkins: For this particular thing we are not doing anything outside other than the façade but in our proposal there is a blowup. We are proposing the concrete barriers to protect anybody that would be sitting in that patio area. Again, the only traffic is the delivery truck that comes ones a week.
- Mr. Flower: Again, that will be shown on the plan.
- Mr. Tompkins: Correct.
- Mrs. Roberti: Just submit to the building department these changes.

Mr. Tompkins: Yes, we will. Thank you.

Miscellaneous:

Red Cedar Landscaping: Temporary Occupancy at 228 Myers Corners Road. Storage of vehicles and materials while applying for a re-zone and site plan approval for 185 New Hackensack Road.

Mrs. Roberti: I think you all are familiar with 228 Myers Corner Road across the street from Gasland. It's a preexisting nonconforming site that's been approved over the years for different items. Red Cedar has bought a piece of property on New Hackensack Road near where the indoor tennis court is. They are going to be going to the Town Board to have it rezoned from HD to GB which is current across the street with the tennis court all around the area up to Route 376. Once they are done with the Town Board they will come to you with submission with what they want to do there. In the meantime they sold the property they occupied for many years on Bill Horton Way and they need a place to occupy temporarily while they go through this board and Town Board. It's very difficult to find a place to put your trucks and your business. They are going to park their trucks there and occupy an office for their staff and one bay in the back. All their uses are approval uses and temporary. We just brought this to the board so you are aware in case someone says something to you. Then you will know that they are there and it is only temporary.

Mr. Marinaccio: Temporary as in 2-3 months?

Mrs. Roberti: They have to go through the Town Board for rezone and they've already discussed with the supervisor and some other board members. They seem to be in favor of the rezone and it will help that area move forward to develop also. Once they appear at the Town Board they historically will refer them to you. Bea already has a submission for a conceptual so that you can get a feel for what they are looking for. It's pre-matured to bring it to you before meeting with the Town Board at least ones. Technically, it's not allowed until a rezone is in the process so you will be getting that. However many months it takes to get through both boards.

Mr. Marinaccio: So probably not until next spring.

Mrs. Roberti: Probably and we just wanted to memorialize so when they come to you for their conceptual and site plan you would know where all these trucks are and where they are doing business.

Mr. Marinaccio: Should we put a limitation on them for less than one year?

- Mrs. Roberti: He knows he can't stay there and it's a very temporary situation. We will make that a part of his condition here and I'm sure it will be a condition at the Town Board. Once you get that approval there should be no reason to be at that temporary location. Michele, have you made a submission to the Town Board for the rezone?
- Ms. Zerfas: No, not yet but we are talking to them.
- Mrs. Roberti: We are holding the conceptual for this board pending submission for rezoning to the Town Board.
- Mr. Flower: As long as the applicant is going through the process. Are you guys comfortable with that?
- Mr. Marinaccio: Yes.
- Mr. Horan: Do they have to file for a certificate of occupancy?
- Mrs. Roberti: Yes, they will be.
- Mr. Flower: That takes care of Red Cedar.

Extension:

10-3199 / Calvary Chapel of the Hudson Valley: Seeking a 6 months extension while awaiting NYDOT and DCDBCH completion of their reviews and preparation of their permits and approvals on Site Plan approval for a place of worship that would consist of 24,000 sq. ft. and 200 parking spaces and 133 proposed parking spaces to be land banked for a total of 333 spaces on 48.86 acres in a CC & R-40 Zoning District. The extension would begin on September 15, 2018 through March 14, 2019. The applicant is requesting this extension in order to allow the NYDOT to complete their review and prepare their permit and approval. The property is located on **Route 376 and Diddell Road** and is identified as **Tax Grid No. 6359-03-176082** in the Town of Wappinger. (Berger)(LA June 1, 2010)(Neg. Dec. 9-16-13)(PH opened 10-7-13) (PH closed 1-22-14)(Final approval granted on March 17, 2014.)

- Present: Michele Zerfas – Berger Engineering
- Ms. Zerfas: About 6 months ago we got Board of Health approval and the design approved by the DOT to the entrance is a complicated entrance. We finally got with Maser and the DOT to say yes, we like this design and we are working to get the permit application and bonding and all the other information that they need. That's where we are now and I'm before you for an extension. One thing we would like to ask would be

right now the previous conditional approval said to get a permit. Would it be possible to amend it to say that the design part has changed?

Mr. Gray: So the board knows that we rather not almost have a permit. We just need a letter from DOT so when you do apply for a permit you will get one because you need insurance information from a contractor for a permit and then that permit is for a limited time. We just want to make sure DOT would issue a permit when they got everything they need. The same thing with the DPW you really don't need a permit to sign the map.

Mr. Flower: Okay, as long as you provide a letter from the DOT.

Mr. Gray: Yeah, a letter from the DOT and I think they have that.

Mrs. Roberti: Before any building permit is ever issued on any State or County highway we require the actual permit.

Mr. Flower: Basically, we just need the verbiage and it's based on final approval at this point.

Mr. Gray: Do you need a new resolution, I don't know.

Mr. Horan: No, just amend the resolution to change the condition from DOT permit required to letter from DOT.

Ms. Zerfas: Also, can I get 6 months extension?

Mr. Flower: While you are still working on getting the letter from DOT.

Mr. Marinaccio: Motion to amend the Resolution to change the condition from DOT permit required to letter from DOT.

Mr. Hussain: Second the Motion.

Vote: All present voted Aye.

Mr. Pesce: Motion to grant a 6 months extension.

Mr. Phillips: Second the Motion.

Vote: All present voted Aye.

15-5172 / Smart Subdivision: Seeking their third extension on a proposed 2-lot subdivision where there is an existing home on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. This extension is being requested to allow for time to complete the process with Board of Health approval and the attorneys to finalize the easements and agreements. This extension, if granted will begin September 18, 2018 through December 17, 2018. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor) (LA January 6, 2017) (PH opened 2/6/17 – closed 3/6/17)) (Neg. Dec. approved 7/17/17)(Variances granted on August 22, 2017) (Approved September 18, 2017)

Present: Mike Bodendorf – Engineer

Mr. Bodendorf: Good evening. The Health Department is satisfied at this point and we had to give them a signed resolution and I gave them the draft resolution so they have a signed resolution now. They are just waiting for a letter from the town stating that they can hook up to the water. That puts us into the reason why we are asking for this extension. Bob Gray's office has to review a revised easement restriction and access easement.

Mr. Gray: That letter is coming out shortly.

Mr. Bodendorf: Thank you.

Mr. Pesce: Motion to grant a 90 day extension.

Mr. Marinaccio: Second the Motion.

Vote: All present voted Aye.

Mr. Pesce: Motion to Adjourn.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Adjourned: 9:12 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board