

MINUTES

Town of Wappinger Planning Board
April 15, 2019
Time: 7:30 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

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

Others Present:

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

SUMMARY

Adjourned Public Hearing:

Zammiello 2-lot Subdivision	Adjourned to May 6, 2019
Central Hudson town wide Pole & Wire Replacement	Vote on Resolution on May 6, 2019

Discussion:

Red Cedar Arborists & Landscapers, Inc.	Vote on Negative Declaration
Obercreek Lot Line Re-alignment	Resubmit
33 Middlebush Road Site Plan and Lot Line Consolidation	Resubmit
NERP Holding Tractor Supply Company & Retail Store	Resubmit

Architectural Review:

Mobil Station Illuminated LED Lite Bar	Resubmit
Mobil Station 349 Rte. 82 Canopy Retrofit	Resubmit

Mr. Marinaccio: **Motion to accept the Minutes from March 18, 2019.**
Mr. Ceru: 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) (Public Hearing: May 21, 2018, Adjourned: June 18, July 16, September 5, October 1, December 3, 2018 and March 4, 2019) (Open & closed adjourned Public Hearing on April 15, 2019)

Present: Mike Gillespie – Engineer

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

Mr. Gillespie: Good evening, Mike Gillespie from M. Gillespie Associates here for the Zammiello 2-lot subdivision. We are here under an adjourned public hearing because this has been going on for quite some time. It was in the best interest of the project and the board has a whole to go ahead and resend the notification to all of the adjourning property owners again. That was done and the receipts were submitted to you.

Mr. Flower: So the neighbors know what's happening with the project.

Mr. Gillespie: It's fairly straight forward 2-lot subdivision on All Angels Hill Road. One of the reasons why we had the delay was on one of the lots there's a large DEC wetlands which shows a very small spot at the bottom of the lot. When we went out there and actually flagged it got much larger. We had to pin the house, well, septic and a portion of the lot very small area. This lot is approved and the site is approved from a previously approved map. We are separating and creating another lot. We are working with the Health Department right now to make sure we have a viable lot.

Mr. Gillespie continues his overview of the project.

- Mr. Flower: At this time we would like to open the floor for public comments. Is there anyone in the public who wishes to speak and have any questions on this project? We cannot guarantee that the answer is going to be given tonight. We are going to limit you to three minutes to make your comments and concerns. We are only taking comments and we cannot guarantee the answers will be given tonight. If anybody wishes to speak on this application please step to the podium and give your name and address for the record.
- Mr. Galligan: Jim Galligan, 145 All Angels Hill Road. I live directly across the street from what's going on. Is this project residential or commercial?
- Mr. Flower: It is residential project and there is no commercial zoning there.
- Mr. Galligan: Okay, that's all I need to know.
- Mr. Flower: Is there someone else?
- Mr. Hayes: Good evening, my name is Francis Hayes, 146 All Angels Hill Road and I'm the adjacent property owner. My first question is what has changed? I must have missed something because when Amelio died and that whole parcel was up for grabs and certain developers wanted to buy it. They wanted to put in cul-de-sac and do a bunch of homes in there the Town said no because of the wetlands. They also didn't want a road coming out of All Angels Hill Road so that was denied and broken out into the individual lots. I'm not against and I am not trying to keep anybody from making a living. I had to hold up the development of Sherwood Heights for months because of drainage coming on my land. The County has an easement for drainage and they figured out that development couldn't go on unless there was a bigger drainage. They spent about \$60,000 and did the easement. The easement is on my land and has to be maintained by my discretion with the County and they have done that. I'm concerned about the drainage from these additional properties. I don't know what has changed that the Town is allowing this to happen. The traffic in that area has increased a lot. I'm just trying to give you some perspective on this. When the initial survey was done it was all wrong and they had part of the drainage on their property which it is not clearly in my deed. I've dealt

with the County for 50 years and every one of them know that the drainage is on my land.

Mr. Hayes continues with his concerns.

Mr. Flower: We will have the applicant address that in writing. Is there anyone else?

Mr. Thompson: My name is Brian Thompson and I live at 22 Old Meyers Corners Road. I have a drainage dish that runs through my backyard and it comes from Sherwood Heights, Nicole Farms. About 7 years ago it was a foot deep and right now it is about 5-6 feet deep. There is also an 18" waterline that runs underneath in my backyard to the tank which will be exposed sooner or later. We've been getting more and more water and last year was a bad year to judge. Our water situation gets worse constantly. We have a shop in the back that constantly floods 2-3 feet deep. There's nowhere for the water to go and it's rushing through 100 MPH because of all of the developments. That's something else to consider.

Mr. Flower: We will have the engineer address that. Are there any other comments? There are still some outstanding issues the Town Planner and Town Engineer have.

Mr. Gillespie: If you have the time there are some items I want to go through. One is the soil that's out there. As part of the original subdivision map there was a note placed on that map indicating that there may be an issue of contamination regarding certain compounds that were used years ago. It would be in the developer's best interest to run a test soil for those compounds prior to purchasing. We recognize that note before coming to this subdivision and we prepared a report and sampling and in fact that a presence of the compound exists. It was mentioned in Bob's letter that same note should transfer from one map to the other. We are not opposed to placing that same note on this map. I don't think there are any show stoppers.

Mr. Stolman: I will agree with Mike there are no show stoppers.

Mr. Flower: You still have to get the soil test.

Mr. Stolman: Yes.

- Mr. Flower: So it's a matter of carrying the note over from the previous plan.
- Mr. Stolman: We will see what the levels are when they come back fine and no need for remediation.
- Mr. Gillespie: In the confines of the report those value that come back from the laboratory those values are actually in there. I will honor it at closing and we already have the information.
- Mr. Stolman: There's nothing in there that can't be resolved.
- Mr. Gray: What about DPW?
- Mr. Gillespie: I went there and I got a map and the sight distance is on there.
- Mr. Gray: Are they okay with the driveway?
- Mr. Gillespie: Yes. If the board feels comfortable tonight I would like to at least close the hearing and move forward with some kind of resolution. I've already taken care of the "i's" and the "t's" and we will be making a submission this week so I don't think we are too far away.
- Mr. Stolman: The reason the board might not close the hearing is because we have a 62 day clock and we don't know when you are going to make the submissions.
- Mr. Flower: This has been a long time coming just to get to this point. We've scheduled public hearings on our agendas and nobody appeared and there was no notice that no one was going to appear or ask for an adjournment to later dates.
- Mr. Gillespie: I sent some letters.
- Mr. Flower: There were a few of those that had taken place over a period of time.
- Mr. Horan: Once you get the conceptual letter from DPW for the driveway and there are no concerns from outside agencies, I think at that time you can close the public hearing.
- Mr. Gray: Mike, we do not need a permit just a letter.

- Mr. Gillespie: What we can do in the next two weeks respond to the comments the public brought up.
- Mr. Flower: Just to get it on paper so we have it on the record that those issues have been addressed.
- Mr. Horan: As far as the location of the driveway, since it's on a County road, that's up to the County.
- Mr. Flower: In the meantime we will adjourn the public hearing and you will work on getting us the additional items and we can move forward on that.
- Mr. Gillespie: Okay.
- Mr. Flower: What would be the next available date to adjourn the public hearing to?
- Mrs. Ogunti: May 6th or May 20th.
- Mr. Flower: What would you prefer?
- Mr. Gillespie: We spent some time with the County today so I would prefer May 6th. I should be able to get a submittal before the end of the week.
- Mr. Flower: At this point I will entertain a motion to adjourn the public hearing.
- Mr. Marinaccio:** **Motion to adjourn the Public Hearing to May 6, 2019.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

SEE FULL TRANSCRIPT OF MINUTES FOR CENTRAL HUDSON UNDER SEPARATE COVER

18-3394 Central Hudson town wide Pole & Wire Replacement: The Town of Wappinger will conduct a Public Hearing on a Site Plan application, Wetland Permit application and Flood Plain Permit application to replace damaged and deteriorated poles and equipment within the existing TV transmission corridors within the Town of Wappinger boundary. The property is being identified as **Tax Grid No. 6157-02-525731.** (Cuddy & Feder) (Public Hearing opened & closed April 15, 2019)

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

Discussion:

18-3403 Red Cedar Arborists & Landscapers, Inc. Contractor Yard: To discuss a site plan application to reuse the existing buildings for office space, to store supplies, vehicle storage, maintenance, and to grow planting stock on 3.396 acres in a HD Zoning District. The property is located at **185 New Hackensack Road** and is identified as **Tax Grid No. 6150-02-999951** in the Town of Wappinger. (Berger) (Lead Agency January 31, 2019) (Public Hearing opened & closed March 18, 2019)

- Present: Michele Zerfas – Engineer
Steve Reylea – Applicant
- Ms. Zerfas: Hi, Michele Zerfas representing the applicant, Red Cedar.
- Mr. Reylea: Steve Reylea, applicant.
- Ms. Zerfas: The last time we were here we received a no impact letter from SHPO and we would like to get a SEQRA determination for next meeting to get that to the Town Board.
- Mr. Flower: We did receive the SHPO letter but we are a little concerned about your most recent submission you made for the project. It seems there were some changes to some of the items from the architectural detail, fuel pumps were relocated.
- Ms. Zerfas: Regarding the architectural, we decided not to go with the fancy architectural.
- Mr. Stolman: Say that again.
- Ms. Zerfas: Basically, what's out there now he is just going to paint over it? The bottom of the barn is all torn up with big gaps and metal missing so what his plan is to repair all of that so the colors match.
- Mr. Marinaccio: In our previous meeting we agreed to have that building to be on that particular site because that's something which is a necessity in that area. We agreed upon that in the beginning.
- Mr. Reylea: What was that again?
- Mr. Marinaccio: The way it looks right here is what we were expecting to see.
- Mr. Reylea: It has been a year and a half trying to get through this so I don't want to delay it with more issues.

- Mr. Marinaccio: That's not our fault.
- Mr. Reylea: I was the one that said I would redo the barn and that would require us to have a special use variance. I can do that later and I don't want to delay.
- Mr. Marinaccio: Can we make it a part of this that he's going to do this later?
- Mr. Stolman: It can be phased in.
- Mr. Reylea: We want to do it but I don't want to delay this anymore.
- Mr. Flower: The delay is not on us.
- Mr. Reylea: If we get a variance that would push it even further.
- Mrs. Roberti: To obtain a variance it usually takes about a month.
- Mr. Marinaccio: I don't think it's going to take that much to get that through.
- Mr. Stolman: It will have to go back to the Town Board for rezoning of the property so you could do those in parallel.
- Ms. Zerfas: Part of this is the way it's sticking out and there's something that says can't go above the roof line.
- Mr. Stolman: What can't go above the roof line?
- Ms. Zerfas: Anything above the roof line except for steeples and things like that.
- Mr. Stolman: You can get a variance for that.
- Mrs. Roberti: You can get variance at the same time if that's what is required. How tall is that from the ground to the top?
- Mr. Reylea: About 20 feet.
- Mrs. Roberti: Height is not an issue because you can go up to 35 feet high.
- Ms. Zerfas: There's a thing in the code that says you can't have anything extending.
- Mr. Stolman: Is that on the roof or in front of the roof?

- Ms. Zerfas: It's in front of the roof.
- Mr. Stolman: So it's not on the roof.
- Mrs. Roberti: We could look at that.
- Mr. Reylea: This is a conceptual.
- Mr. Stolman: You might not need a variance for that.
- Mrs. Roberti: At this point you will just need the setback from the County road if that's required.
- Mr. Marinaccio: So that won't extend if they did them parallel to each other?
- Mrs. Roberti: It's one application but two variances.
- Mr. Marinaccio: So that really won't affect the time?
- Mrs. Roberti: Right.
- Ms. Zerfas: Now the SEQRA issue.
- Mr. Stolman: It all depends on what you are actually proposing?
- Mr. Flower: I understand you need to close out the SEQRA issue but I'm bringing up the fact that the plans are different than the previous submission.
- Ms. Zerfas: The change is shifting the field pump from the back to the front. The reason why it's better in the front and it's counter intuitive. So if there is a spill it goes to the bio retention. There were some questions about fencing versus trees. In discussions have a mixture might be nice for what the Planning Board prefers. Mr. Gray would prefer that we had some ornamental much prettier trees along the road.
- Mr. Flower: David, I believe it was on your letter regarding fencing?
- Mr. Stolman: The citrus trees will be fine.
- Ms. Zerfas: The other things was fences versus trees.
- Mr. Reylea: The reason why I thought the fencing won't do so well is when you drive on New Hackensack you will be able to see

over a fence. So I was going to try to berm these trees and trim the hedge that would never grow above the airport limits. Either way, if the fence is fine but you can pretty much see right over it.

Mr. Flower: Any other questions regarding the professional letters?

Mr. Gray: We just had some stormwater stuff and you had a pre-chat before the meeting started so we will meet in the office to iron that out. We will come to an agreement what the number should be. We talked about the fuel location and we are okay with that but don't forget there's a containment around.

Mr. Marianccio: Is there going to be any vegetation around that tank?

Ms. Zerfas: No.

Mr. Gray: It's still back behind the building.

Mr. Reylea: When I first brought this here as a conceptual, my friend did this for me and you thought it would need a variance. My architect friend is real busy and said it would take a lot of hours to design this and I just couldn't get it done. It's been a couple of months to design that so I figure I'll bring that up when I'm ready to do it. Hopefully in 8 months but I just didn't want it to be part of this.

Mr. Flower: I think the board would like to see some improvements to the building. From the front right now it needs a little help.

Mr. Reylea: Well, we are going to fix everything but we just wasn't going to go that fancy.

Mr. Flower: It' hasn't been maintained over the years even if we agreed to phase it going forward as part of this approval process so you can get going on your project. I believe you've already started. You might want to discuss that at a later time with the zoning administrator. Once we get to the final approval process that would be put in as a phasing or an agreement that it would be done within a certain timeframe.

Mr. Reylea: Okay, that sounds fine.

Mr. Flower: Is that agreeable?

- Mr. Reylea: Sure.
- Mr. Flower: So tonight the course is you want to get approval for the Negative Declaration for the SEQRA documents that have been submitted. So that can then move you forward to the Town Board for the rezoning application. At this time we need a motion to authorize the Town Planner to draft a Negative Declaration.
- Mr. Marinaccio: Motion to authorize the Town Planner to prepare a Negative Declaration for May 6, 2019.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.
- Mr. Horan: The applicant can update the EAF to include the ZBA as an involved agency. That is assuming that it's not in there.
- Mr. Stolman: I don't think there are any other variances identified I have to check.
- Ms. Zerfas: Does the board have any preferences for screening? Either trees or fence?
- Mr. Flower: The trees would be fine as long as they are planted.
- Mr. Marinaccio: He wants to berm them up which I don't see a problem.
- Mr. Flower: As long as it's going to help with the screening and they would be planted close enough. We have no issue with that. At the next meeting we will vote on the Negative Declaration. In the interim you will work with the Town Planner and Town Engineer for any open issues.
- Mr. Gray: I think we can take care of ours this week. Tom is very available.

19-5200 Obercreek Lot Line Re-alignment: To discuss a Lot Line Re-alignment for the consolidation of seven (7) existing tax parcels and seven (7) proposed lots on a combined total acreage of 32.85 in the R80 and R40/80 Zoning Districts. The property is located on Creek Road, New Hamburg Road and Marlerville Road and is identified as **Tax Grid Nos. 6057-02-772763(2.33) 6057-02-847758(20.31) 6057-02-849804(1.52), 6057-02-914890(7.00), 6057-02-948875(0.20), 6057-02-959870(0.67), 6057-02-987852(0.82)** in the Town of Wappinger. (Chazen)

- Present: Alex Reese – Applicant
Kyle Ahern – Engineer

Mr. Reese:

Hi, my name is Alex Reese the owner of Obercreek Farm and I live at 89 New Hamburg Road. I am here requesting a lot line revision for 7 lots along Marlerville Road, Creek Road and New Hamburg Road. There are 7 lots now and 3 lots don't have any houses on them and 4 lots do have houses on them. Five of these lots are owned by Obercreek Limited Partnership and one of these lots is owned by myself. The reason we are doing these lot line revisions is that we have 5 residences that were built about 100 years ago. They've been rented out for all of my life. The problem is that they were built before zoning and I don't know why the lots were created the way they were. Some of the houses share wells and septic fields. The primary reason for the lot line revision is to establish that each of these houses are on their own lot. The second reason is to separate the agricultural buildings, the farms with the barn that we have there on New Hamburg Road from the residences and our operation can continue into the future. A smallest reason is for me to get control of my driveway easement to the farm on Marlerville Road.

Mr. Reese continues.

Mr. Ahern:

Good evening, I'm Kyle Ahern with Chazen. I just want to keep it brief so I wanted to come before you guys to get some feedback. As Alex said one of the main reasons for this application is for the wells and the septic fields. He also talked about multiple houses on single lots and multiple houses on shared services. Based on when these houses were built, the current zoning doesn't comply. We done soil testing and all of these sewer and water services will be submitted to the Department of Health. We've identified zoning and what would be the best solutions according to code where we can move these lot lines. As well as accomplish Alex's goals that he outlined.

Mr. Ahern continues.

We received comments from Bob's and David's offices and we plan to respond to that and add information to the plan. I would like to ask David that we coordinate with your office. Other than that we are here to answer any questions.

Mr. Stolman:

Sure.

- Mr. Marinaccio: There will be no demolition of any structures?
- Mr. Reese: No, we don't plan any demolitions of any of the existing structures.
- Mr. Stolman: Have you checked the average density provisions of the zoning laws?
- Mr. Ahern: An average density of subdivision?
- Mr. Stolman: Yes.
- Mr. Ahern: It would still require fewer variances unless there's an option.
- Mr. Stolman: That's something the Planning Board has the authority to do by itself as opposed to a conservation subdivision that requires approval from the Town Board.
- Mr. Ahern: Okay. For Lot 7, one of the main goals is to keep agricultural an integral part of this part the Town within the length of this project. Including Lot 7 and the average density subdivision that would limit us. I'm talking way in the future.
- Mr. Stolman: You don't necessarily have to include all of the parcels in the average density subdivision. We are not saying it would work.
- Mr. Ahern: We can look to see if it would work.
- Mr. Stolman: It is Section 240-19A.
- Mr. Ahern: Yes, that's what we did with the Obercreek Subdivision.
- Mr. Stolman: That's right, you did.
- Mr. Ahern: We can look and see what would reduce the variance numbers.
- Mr. Flower: We understand where you are coming from it's just a matter of you addressing the comments David had mentioned if there's any possibility of reducing the number of variances would be helpful.
- Mr. Ahern: Okay.

Mr. Gray: Feel free to call us.

Mr. Ahern: I appreciate it.

Mr. Reese: Thank you very much.

16-3351 33 Middlebush Road (Site Plan) and 19-5201 (Lot Line Consolidation): To discuss a site plan application to convert the existing building for contractor storage and combing both lots dissolving the property line between the parcels by creating one lot. A Use Variance was granted on August 22, 2017 by the Zoning Board of Appeals for contractor storage on 1.75 acres in an R20/40 Zoning District. The property is located at **33 Middlebush Road** and is identified as **Tax Grid Nos.: 6157-01-414840** (0.88) and **6157-01-396837** (0.87) in the Town of Wappinger. (Cappelli)

Present: Alfred Cappelli – Architect

Mr. Cappelli: Good evening, Al Cappelli, Architect for 33 Middlebush Road LLC. We have the building photographed on the easel. Most of you are familiar with the building across the street. It's in a residential zone so when it discontinued as a business use the use reverted back to single family residence. We went before the ZBA for a use variance and they were kind enough to grant for contractor storage. The intent of the property is to use it for contractor storage. We are looking to install a couple of garage doors, improve the aesthetics of the building, and add several parking spaces. Part of the preconditions of the zoning was to combine two lots and that's part of this application. That's pretty much it and I think there were some comments about land and we will be supplying drainage plan. There are wetlands on the property we had flagged but didn't find its way to this submittal that was flagged within the last 18 months. We submitted a pretty detailed narrative explaining what we are looking to do, the limitations to the property set before us by the ZBA. Anyone has any questions as to the direction we are going?

Mr. Flower: I think you addressed the uses of the building very well. Obviously you will provide us in future submittals the elevations of the building.

Mr. Cappelli: Yes, the building elevations, the street elevations and the elevations facing the parking lot. We will bring something colored and try to maintain a residential look.

- Mr. Flower: It's a nice improvement to the property. Are you going to provide dumpster enclosures?
- Mr. Cappelli: Yes, we will put enclosures around it. We noted we will put a dumpster there so we don't have a problem with putting an enclosure.
- Mr. Gray: Check with my office on that and we will give you a little more detail on what we want. We want bollards and side view enclosures, we would prefer a steel frame on the doors so that they don't sag as easily. One on the things that I would really like to see is a side entrance to the enclosure. So there's no wear and tear on the doors. In other words if someone has to put something in the dumpsters they don't have to open the doors.
- Mr. Cappelli: We have a typical detail for that.
- Mr. Gray: We are getting a little picky.
- Mr. Flower: Yes, something that would have a little longevity.
- Mr. Cappelli: I didn't get a memo from David. Did you prepare a memo David?
- Mr. Stolman: I did and you can have this one.
- Mrs. Roberti: Did you hear from Dutchess County?
- Mr. Cappelli: I got the County one today with the appearance issues, landscaping we are going to add anyway. All of the variances were taken care of so we are not going to the ZBA again.
- Mr. Marinaccio: You said it's going to be a contractor's garage?
- Mr. Cappelli: That's correct.
- Mr. Marinaccio: What type of contractors?
- Mr. Cappelli: In the narrative as suggested by the ZBA we put together a listing of plumbers, electricians and maybe carpentry. There won't be any fabrication there and as everybody know local contractors in the Town can't park there. There are 17 parking spaces but I don't think there's going to be a need for 17 spaces. Somebody comes in the morning pick up some

equipment and leave. Maybe there's a secretary there but we are not conducting business. There will be offices on site for the plumber or electrician and not the type of business where they are going to be seeing customers.

Mr. Marinaccio: How many vehicles you are going to park in those garages?

Mr. Cappelli: The building is 53 feet and I think I have 5 or 6 garage doors on the front so you could probably park a couple of dozen vehicles in there depending upon the size and what they want to do in there.

Mr. Marinaccio: I don't think you have enough. You are talking about the secretary, the owner/operator, a couple of employees.

Mr. Cappelli: Yes, but they are coming and going to work.

Mr. Marinaccio: Are they going to take their personal cars or they will park in the garage?

Mr. Cappelli: Okay, I'll buy into that they are will drop their buddy up and get the main truck so there may be some vehicles there. I believe they are limited to three users in the building even though I mentioned there will be 5 or 6 garage doors. Can we provide more parking? I'm sure that we could. I just hate to add that much blacktop to impervious to the site. If it's the flavor of the board I can add more parking.

Mr. Marinaccio: I personally don't think you have enough parking. I think the employees and contractors are going to park wherever they can. They will park in front of the garage door if they have to. Nobody is going to regulate that if you don't have enough parking.

Conversation continues.

Mr. Marinaccio: The other thing is some contractors like to sublet part of their garage to help other contractors cut costs. I you going to regular that because they can't do that? I've seen all of this.

Mr. Cappelli: I'm not sure I can regulate it but we can put notes on the plan with stipulation from the ZBA. I'm not sure it's a police action from the zoning administrator knowing, what and where but I understand what you are saying.

- Mr. Marinaccio: I personally don't think you have enough parking but that's up to everybody else.
- Mr. Stolman: The closest standard we have in the zoning law is for wholesale storage similar to commercial use is one per employee but not less than 1 per 1,000 square feet of gross floor area.
- Mr. Cappelli: How many gross square feet do I have here.
- Mr. Gray: You have 6,700 gross square feet.
- Mr. Cappelli: So I will need 6.7 parking spaces. We are not going to be able to determine the number of employees right now.
- Mr. Marinaccio: How are they going to approach getting tractor trailer deliveries to this place? Are there provisions for that?
- Mr. Cappelli: In terms of getting in and out?
- Mr. Marinaccio: Aren't they going to get supplies? Some might get a tractor trailer load of stuff. Are they going to be pulling on the road and backing the truck in on that highway? That's something you have to think about.
- Mr. Horan: What did they do previously when there was commercial there?
- Mr. Marinaccio: They weren't tractor trailers.
- Mr. Flower: Is there a possibility of providing some type of a turnaround area so if they do pull in there's an area to back into.
- Mr. Cappelli: The owner would like nothing more than to be able to drive around this building. Again, I'd probably restrain him from doing that hence the impervious.
- Mr. Flower: I'm not asking if there's a way to reconfigure stuff on the easterly side of the building so trucks can back up into and pulled out again face first out of the driveway. As oppose to them pulling in and then having to back out onto Middlebush Road to try to get out.

Conversation continues.

- Mr. Cappelli: Good points.
- Mr. Flower: Are there any other questions?
- Mr. Gray: We were talking at the table a little bit here about sight distance. The sight distance used to be really bad before the County did some work on Middlebush Road. It's still not great so if we are going to be talking about tractor trailers backing up in here and if you put a turnaround you won't have any parking lot. West of the building is a swamp so I don't see you going around the building.
- Mr. Flower: You should show on how a standard garbage truck will have access.
- Mr. Gray: I don't how you are going to turn a truck around in there.
- Mr. Flower: I'm not saying a full turnaround.
- Mr. Gray: If he gets his nose in I don't know how he's going to get out.
- Mr. Cappelli: Okay, thank you.

19-3407 NERP Holding Tractor Supply Company & Retail Store: To discuss a Site Plan application for the construction of a tractor supply retail store on vacant lot on 5.899 acres in an HB Zoning District. The property is located on **Route 9** and is identified as **Tax Grid No. 6157-04-539374** in the Town of Wappinger. (Hallisey, Pearson & Cassidy)

Present: Alec Gladd – Attorney
Matt Darling – Applicant
Justin Parker –

Mr. Darling: Good evening. I'm Matt Darling with NERP Holding and Acquisitions. I'm here with Justin Parker from our engineering office. We just want to give you an update as to what we are looking for potential driveway modification. There were comments from the engineer that the driveway we already proposed and that we should look at some other alternatives. We came up with two alternatives and we just want to show the board tonight but neither one has been fully engineered yet. The first option shows our own separate driveway divorced from the ACURA dealership. The second option shows closing the ACURA exit and creating another exit. Then we will have a shared driveway with an easement

it would allow access to both our properties and eliminate any sort of merging that would take place. We would prefer this method but obviously it would require us to work out an agreement with the owner who has expressed interest in doing this. We met up with him several times to come up with this plan and he seems like he's willing to work with us. Hopefully we will be able to wrap this up within the next week or two and we will be back here. If I can't work out a deal with the gentleman at ACURA I'm going to have to go with the second driveway.

- Mr. Flower: The first one looks like it's going to be a much better option and a lot cleaner.
- Mr. Darling: It's a lot cleaner and it solves some problems the ACURA dealership has with their circulations. I think we are on a good path to getting there.
- Mr. Flower: Obviously DOT will have to approve no matter which one.
- Mr. Darling: Which they would have an easier time approving this one.
- Mr. Marinaccio: Is there going to be an in and out for the ACURA dealership?
- Mr. Darling: Yes. He still would like to keep this northerly entrance.
- Mr. Marinaccio: Why the plan for grading?
- Mr. Darling: For storage.
- Mr. Gray: They have an easement of the future tractor supply property. Is that permanent and is the owner of this property having that closed?
- Mr. Darling: You mean the existing easement? As far as we know it's permanent.
- Mr. Gray: I was just wondering if there's any language in there that gives any leverage.
- Mr. Darling: Leverage over what?
- Mr. Gray: To cooperate because their easement is over you.

- Mr. Darling: We have a very small easement so if we just ignore that and do a separate driveway. He can do whatever he wants and we are not going to infringe on his access. Our Plan B unfortunately puts our customers out 3 or 4 lanes. I can only do what I can do but I think right now we have a reasonable agreement between us.
- Mr. Flower: The second option that you proposed seem like the best option out of both proposals. I don't know if everybody feels the same?
- Mr. Marinaccio: Yes.
- Mr. Darling: There were comments about trying to dress up some of the elevations a little bit. Our architect is adding some architectural details so we will get you plans at the next meeting. We will make it look more like an architectural facility.
- Mr. Flower: Try to get the same architectural like Adams across the street along that line with gables rather than what you have proposed.
- Mr. Marinaccio: Do you have other plans for the building. Having a choice would be nice.
- Mr. Darling: I'll bring a couple of options. Usually I bring an options that has more details then we can expand from there but I can certainly bring other options.
- Mr. Flower: Yes, similar to what we had sent you like the store we sent you in Patterson. We felt it's similar to the Adams across the street and it fits.
- Mr. Darling: Jim is working with our architects to tailor to that store. At the next meeting it will be more productive and we will have a full set of engineering plans.
- Mr. Gray: Did you think about coming across from the front at all?
- Mr. Darling: My original proposal was to join here and he didn't seem to go for it. He prefers something out here to accommodate his higher traffic. It wasn't a whole lot different from what we had originally proposed. I just wanted to make sure you guys were okay with it before we start drawing plans.

Mr. Gray: Just make sure you touch base with DOT because they have ultimate jurisdiction.

Mr. Darling: Okay, thank you.

Architectural Review:

19-3410 Mobil Station Illuminated LED Lite Bar: To discuss an Architectural Review application to install an illuminated LED lite bar around the top lip of the existing Mobil Gas Station canopy fascia on .50 acres in an HM Zoning District. The property is located at **1468 Route 9** and is identified as **Tax Grid No. 6157-02-648928** in the Town of Wappinger. (Holloway)

Present: John Clark – CPD Energy Group New England

Mr. Clark: Good evening. My name is John Clark of CPD Energy Group New England. We are the contractors that pulled the permit to do the work at this location for EXXON Mobil. This is a new brand standard they are trying to push for all of their locations. That's why we are here today.

Mr. Flower: We do have some concerns with the lighting. David, you want to talk about the level?

Mr. Stolman: The units of measurements seem off in the first place.

Mr. Clark: They were off. They added a zero at the end.

Mr. Stolman: It looks like they added more than zero. It is showing 16,500 and 38,500 foot candles?

Mr. Clark: I have 16,050 to 38,050 foot candles.

Mr. Stolman: That's still off. Usual in terms of foot candles it's less than 5.

Mr. Clark: EXXON Mobil just sent me this. Did you guys get this?

Mr. Stolman: We got something but I don't think it was quite that. Are you planning at night to land helicopter on the canopy?

Mr. Clark: No. It doesn't light up that much. It illuminates the blue section and it's still white on the bottom.

Mr. Stolman: There's already light at the bottom of the canopy so this one is extra to call attention to the gas station. We were debating whether this was part of the signage or not.

- Mr. Flower: You saying the lighting will not be a concern.
- Mr. Stolman: I don't think you have the same drawing that he has. Could you show that to the board?
- Mr. Clark: I have enough for everybody.
- Mr. Marinaccio: Are you talking about lighting up the sign?
- Mr. Clark: I believe it's already lit.
- Mr. Marinaccio: Are the foot candles around the canopy lit as well?
- Mr. Clark: No, that's just the flat surface.
- Mr. Marinaccio: So the Mobil is lit right now?
- Mr. Clark: As far as I know.
- Mr. Horan: Are there any other Mobil Stations locally that already have this installed?
- Mr. Clark: We've done a few sits but I don't know if we've done Fishkill yet.
- Mr. Horan: On the sample you just handed out and looking at the detail there's light that's shining down against the white. In the front is that black?
- Mr. Clark: It's blue as well.
- Mr. Horan: Is the blue strip illuminated?
- Mr. Clark: This is a flat fascia what's currently there now.
- Mr. Horan: So it is just down lit with the LED strip.
- Mr. Clark: Correct.
- Mr. Flower: What white just washes the front of it? I would be interested in seeing something that's already put in there before. The numbers seems to be pretty high and that would be a lot of light.

- Mr. Clark: When I saw 16,000 I said what are you doing here this is way off.
- Mr. Stolman: The code said you can't have more than one half foot candle display on site. I think the order of magnitude is still off but the unit of measurement is different.
- Mr. Clark: I'll go back and ask EXXON Mobil.
- Mr. Flower: Maybe they can give you some better detail of the lighting this way it can be determined how much light from a distance. To ensure you are not going to have more than a half foot candle.
- Mr. Clark: Okay.
- Mr. Stolman: If you could find a place we could visit at night and it would be nice to have an illumination contour plan to show.
- Mr. Clark: Right, I got you.
- Mr. Flower: If you could get us the information we can review and get you on a future meeting.
- Mr. Clark: Thank you.
- Mr. Flower: The quicker you get it back to us the quicker we can get you on the agenda.
- Mr. Clark: How soon will I have to get it to you? When is the next meeting?
- Mr. Flower: May 6th is the next meeting. Since you've already made a submission as long as you get it to us in a reasonable amount of time we can get you back on the agenda.
- Mr. Clark: Okay.

19-3411 Mobil Station 349 Rte. 82 Canopy Retrofit: To discuss an Architectural Review application to replace outdated canopy fascia on 1.06 acres in an HM Zoning District. The property is located at **349 Route 82** and is identified as **Tax Grid No. 6356-01-223990** in the Town of Wappinger. (Jean)

Present: Paul Jean – Construction Manager

- Mr. Jean: Good evening. My name is Paul Jean working for the Mobil Station we are about to talk about.
- Mr. Flower: David, there was no review letter for this one?
- Mr. Stolman: No, not this one.
- Mr. Flower: You have a similar project to the previous one for the LED lighting at the top.
- Mr. Jean: Yes, our canopy has the LED lighting as well. When we use LED lighting we have it done by a firm that gives us a certain amount of foot candle. Under the canopy we have 28 to 37 candle lights but for the light around the canopy it's going to be less than that. I checked outside this room and it's just 18 so it's going to be less than that. Adding the LED light behind the sign won't be a problem.
- Mr. Marinaccio: Does it have a sign now?
- Mr. Jean: Currently the canopy is lit all around. EXXON Mobil wants to have the blue represented right now. It's going to be blue and white and the light will be behind that.
- Mr. Marinaccio: Is the Mobil sign illuminated? I mean the letters?
- Mr. Jean: The letter won't be lit.
- Mr. Marinaccio: Will it be internally illuminated?
- Mr. Jean: When the box is shining it's the same concepts as the letters themselves will be lit.
- Mr. Stolman: Not lit, illuminated.
- Mr. Marinaccio: Does this fall into the signage for the property? You are going to be adding more signage on this property.
- Mr. Stolman: Sure, it's additional signage.
- Mr. Marinaccio: Does he exceed the signage?
- Mr. Stolman: We don't know since we don't have enough information.

- Mr. Jean: Currently the canopy is all white but the EXXON Mobil lettering is there. What is added here is the blue ribbon but the Mobil sign is there that's just being replaced by Mobil lettering.
- Mr. Marinaccio: It's not shown there.
- Mr. Stolman: On the top picture are the letters Mobil on the canopy?
- Mr. Jean: Yes.
- Mr. Stolman: The letters are not additional signage.
- Mr. Marinaccio: Where will the light be on the canopy?
- Mr. Jean: The proposed lettering and existing lettering are going to be the same size.
- Mr. Flower: You are just adding the coloring around the proposed lettering and the LED to wash the front of the canopy.
- Mr. Marinaccio: That's not what is shown here. It is showing this as being illuminated. That's not going to happen.
- Mr. Jean: The box has the light and not the lettering.
- Mr. Flower: Have you upgraded any of your other gas stations? CPD has many gas stations in the area. Have they done this retrofit at any of the other stations that we might be able to look at?
- Mr. Jean: We haven't done any in this area. This would be one of the new ones that we are doing. I believe the one in Fishkill on Merritt Boulevard is a similar design.
- Discussion continues.
- Mr. Flower: We just want to make sure that it's not overpowering the area.
- Mr. Marinaccio: It's somewhat residential.
- Mr. Jean: I can show an image how the light is shown on site.
- Mr. Flower: This photometric plan you have here does that also show the LED around the perimeter of the canopy?

- Mr. Jean: It does not include that.
- Mr. Pesce: It is going to be glowing because that's the whole effect you want to go for. They don't want to see a Mobil Station there to begin with because they live across the street.
- Mr. Marinaccio: You are going to bring the top of that canopy to their eye level and it draws more image which they don't have to look at now. For the neighbors to have to look at that it's not fair to them.
- Mr. Jean: I understand the point you just made. As I said this is EXXON Mobil image.
- Mr. Pesce: That's something you would see driving on I-84 and one stands up more than the other. That's what it looks like.
- Mr. Jean: Our application is more than the canopy lighting.
- Mr. Flower: Our issue is the lighting and there's really nothing provided on the plan for the light. The signage doesn't seem to be an issue by changing the letter and putting the blue band around the canopy. If you could give us more detail on the lighting.
- Mr. Marinaccio: We can take a look at Fishkill.
- Mr. Stolman: The Fishkill Mobil Station doesn't look like it has the blue strip is lit at all.
- Mr. Gray: Fishkill has pumps on both sides of the building. I don't know if there's a canopy in the back.
- Mr. Jean: There's a canopy in the back and a car wash.
- Mr. Marinaccio: That Mobil is illuminated.
- Mr. Stolman: Looks like the letters are internally illuminated.
- Mr. Flower: You said yours is not going to be illuminated.
- Mr. Jean: When the lights shines over the surface it appears that the letters are illuminated.
- Mr. Stolman: The letters are internally illuminated.

- Mr. Jean: Remember that's the box and light reflects through the surface.
- Mr. Marinaccio: It sounds like that's almost reflective. The question is how much reflection we are talking about in conjunction with consideration of the residents. You are right on top of a residential neighborhood and that has to come first.
- Mr. Jean: I agree with that. Right now where I am standing it varies between 97 and 103 foot candles. I measured it and it was 18.7 foot candles.
- Mr. Gray: This is around 100 foot candles.
- Mr. Marinaccio: Because of its location, what's about the people that live there? They have to look at that.
- Mrs. Roberti: It's a commercial/residential district.
- Mr. Marinaccio: So they have the right?
- Mrs. Roberti: Does that canopy light up at all?
- Mr. Jean: Right now we have the canopy with the box with the lettering. That's all we have. The goal is to spot Mobil wherever you are.
- Mr. Marinaccio: That's not lit.
- Mrs. Roberti: The Mobil must be lit. They are always lit. Now it's blue now they want to but a light bar.
- Mr. Jean: LED lights provide a lot and you can control how much shed on a surface. Going back to the concern of the neighbors, we understand because we've been dealing with lighting for all of our sites wherever we are.
- Mrs. Roberti: Can you give us a contour plan that actually shows the foot candles through the property line.
- Mr. Jean: We can provide that. I have an example here and I can show more to show that it's carefully designed.
- Conversation continues.

- Mr. Flower: Is there a plan like the previous plan showing what the light levels will be as they approach the property lines. On that picture is there a scale for light level?
- Mr. Jean: Yes, the scale will be the highest level around the canopy and as it blue it's darker or the level is toward zero.
- Mr. Pesce: I think we are talking about the same thing but we talking not about the same thing. What's about just keeping people up at night and they have to pull down their shades. I'm talking about people in the neighborhood and seeing at this big glowing canopy. You'll be able to see it from half a mile away and even though it's a foot candle you will see it glowing.
- Mr. Marinaccio: I don't see the need for it.
- Mr. Pesce: Putting something that essentially isn't necessary in that particular area. I don't remember if there's actually a street light there.
- Mrs. Roberti: The site is illuminated.
- Mr. Marinaccio: Do we need to have more lights to that?
- Mr. Jean: The station is there. EXXON Mobil is changing all of their image. That means we don't have control over that.
- Mr. Flower: We understand that and it is corporate policy to make all the stations to look alike. As a board we just want to make sure you are going to be in compliance. The documents you provided don't show that you are going to be in compliance so we are just asking for more information. The quicker you get that to us the quicker we can make an approval. We just went through the same thing with the previous applicant.
- Mr. Jean: I just did that.
- Mr. Stolman: We don't want to be surprise.
- Mr. Marinaccio: I need to see what that looks like illuminated at night.
- Mr. Jean: Are you considering the other aspect of the application? We also presented the canopy itself that would be replaced. That has nothing to do with lighting. The box that's there will be replaced with a canopy.

- Mr. Stolman: Is it the same size? So you are replacing it in kind.
- Mr. Jean: Yes.
- Mr. Marinaccio: We are agreeing to the canopy and not the lights.
- Mr. Flower: Is the work for the canopy already scheduled? Is that your concern?
- Mr. Jean: Yes.
- Mr. Marinaccio: We are putting the cart before the horse here.
- Mr. Jean: The canopy is going to be the same as it is right now except we will have a new one.
- Mr. Stolman: There shouldn't be an issue with that.
- Mr. Flower: We can give the approval for the canopy minus the LED lightning until we can get proper documentation.
- Mrs. Roberti: Part of putting a new canopy up, these things come preinstalled or as kits. The lighting will be there and wouldn't it be a lot expensive to put it in plain with no lighting? When you get the approval here you can put the light on?
- Mr. Jean: We have a company that installs the canopy and a different company doing the lighting. I believe the canopy and the lighting could be split in this situation. If it's okay with the board we can have the canopy and we can bring in documentation for the light.
- Mrs. Roberti: My fear is that you are going to hire someone and they are going to put it on the way you want them to and then it's going to be lit and you will say it came like that.
- Mr. Jean: The fascia doesn't come with the canopy. You add the fascia to the canopy.
- Mrs. Roberti: Why don't you get them the information that they need and you can be on the next agenda like the other gentleman.
- Mr. Jean: I did not say that I won't provide it.

- Mrs. Roberti: You are proposing that we issue you a building permit to change that.
- Mr. Marinaccio: You are not changing the illumination under the canopy at all?
- Mr. Jean: No.
- Mr. Gray: This lighting company you are talking about they should be able to give you a foot candle contour plan that shows these guys what the lighting levels are going to be at the property line. That's what they are looking for.
- Mr. Stolman: Not only that but they don't want to be surprise.
- Mr. Gray: The big part of it is you don't want the foot candle at the property line. That should be easy to get.
- Mr. Marinaccio: That's part of it.
- Mr. Flower: What's the board's feeling about us letting him have the canopy without the lighting at this point and time?
- Mr. Marinaccio: Are we going to have that in writing?
- Mr. Flower: We are going to make a motion right now.
- Mr. Marinaccio: They cannot apply anything on the outside.
- Mr. Horan: Is the existing canopy lit?
- Mr. Jean: No, the fascia doesn't have lights. Just the Mobil sign that's lit.
- Mr. Horan: The existing Mobil is lit but the rest of the fascia is not.
- Mr. Flower: At this time I will entertain a motion to go forward with the canopy work as proposed minus the LED lighting.
- Mr. Marinaccio: I still need to see a visual.
- Mr. Flower: I do too.
- Mr. Marinaccio: Is this lighting be on 24/7?

- Mr. Jean: No, when the store closes it will be turned off.
- Mr. Flower: What are the store hours?
- Mr. Jean: I did not ask them the specific times the store will be open. I believe 9:00pm or 11:00pm but I'm not sure which one.
- Mr. Flower: It's not a 24 hours store.
- Mr. Jean: Not this one.
- Mr. Marinaccio: I'll say no until we get more information.
- Mr. Flower: We are a 7 person board and you need at least 4 people. If one person is not going to vote for it I can't pass a resolution. We asked the previous applicant for more information and we need more information from you as well. The quicker you get the information to us, the quicker we can make an approval. I'm sorry about that but that's where we stand this evening.
- Mr. Jean: So we have the okay to do the canopy?
- Mr. Flower: No, because I can't pass a resolution at this time with one negative vote.
- Mr. Clark: The light bar does not go with the canopy fascia. The light bar that's attached to the top goes on separately. So you can do that in two separate steps.
- Mr. Flower: I understanding and I was looking at the plans and it shows that as a separate item. Unfortunately, you need a majority vote to it to pass. We don't have that even with a conditional approval. If you have a colocation that we can look at and also a photometric plan will be required.
- Mr. Jean: Thank you.

Miscellaneous:

Executive Session for legal advice

Mr. Marinaccio:

Mr. Ceru:

Vote:

Motion to go into Executive Session.

Second the Motion.

All present voted Aye.

Mr. Ceru:

Mr. Marinaccio:

Vote:

Motion to come out of Executive Session.

Second the Motion.

All present voted Aye.

Mr. Ceru:

The board is making a motion to approve the settlement in the Smart Subdivision and the same are substantially the same provisions as has been presented to them this evening. Mr. Stolman has been directed to amend the resolution in conformance with the settlement agreement.

Mr. Marinaccio:

Vote:

Second the Motion.

All present voted Aye.

Mr. Marinaccio:

Mr. Pesce:

Vote:

Motion to Adjourn.

Second the Motion.

All present voted Aye.

Adjourned: 10:28 pm

Respectfully submitted,
Bea Ogunti, Secretary
Town of Wappinger Planning Board