

MINUTES

Town of Wappinger Planning Board
June 17, 2019
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

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

Others Present:

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

SUMMARY

Public Hearing:

Sun Up Properties, LLC Lot Lines Re-alignment:	Adjourned to July 15, 2019
NERP Holding Tractor Supply Company & Retail Store	Adjourned to July 15, 2019

Discussion:

Flynn, Rawls and Lepore Subdivision	Approved Preliminary & Final
Red Cedar Arborists & Landscapers, Inc.	Vote on Resolution on July 1, 2019
33 Middlebush Road Site Plan & Lot Line Consolidation	Resubmit

Architectural Review:

Dunkin Donuts Route 9D Shed	Resubmit
Mobil Station 349 Rte. 82 Canopy Retrofit	Referred to DCP / Resubmit

Extension:

Guardian Temperature Controlled Building	Extension granted
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Miscellaneous:

Zammiello 2-lot Subdivision	Public Hearing on July 1, 2019
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Mr. Valdati:

Mr. Freno:

Vote:

Motion to accept the Minutes from May 20, 2019.

Second the Motion.

All present voted Aye.

Public Hearing:

19-3408 Sun Up Properties, LLC Lot Lines Re-alignment: The Town of Wappinger will conduct a Public Hearing on a Lot Line re-alignment to re-align 5 existing parcels which shall result in four (4) parcels in the GB Zoning District and one (1) in the R-40 Zoning District on 28.4 acres. The property is located at **228-232 New Hackensack Road** are identified as **Tax Grid Nos. 6259-03-174114, 199113, 260110, 249149 and 305124** in the Town of Wappinger. (Martin)

Present:

Brian Stokosa – Engineer

Mr. Valdati:

Mr. Peratikos:

Vote:

Motion to open the Public Hearing.

Second the Motion.

All present voted Aye.

Mr. Stokosa:

Good evening, Brian Stokosa from M.A. Day Engineering helping Ernie Martin who is away. I'm here tonight representing Sun Up Properties regarding a lot line re-alignment on New Hackensack Road. The applicant would like to basically do a lot line re-alignment for 4 lots. We do agree that there are some drainage pipes and some access points across property lines. The applicant would like to keep the commercial buildings in the front and combine a couple of lot lines and have two commercial buildings on two separate pieces. There's a stock pile area with access roads that will be combined with Parcel C and Parcel B will eventually be left for open space. We would like to sell the piece as it is in hopes that somebody may retain use of the storage area. We are not proposing any new uses.

Mr. Stokosa continues an overview of the project.

Mr. Flower:

Thank you. Let's see if we have any comments from the public. Is there anybody who would like to comment on this lot line re-alignment please come up to the podium? David, do you have any comments?

Mr. Stolman:

We have a memo dated May 16th and I think you have that memo Brian. Everything is in the memo except each lot is going to have its individual access. The reference to cross access easement is not valid. Other than that there are no show stoppers.

Mr. Flower:

Pete, any comments regarding the easement?

- Mr. Setaro: Bob had a comment letter May 19th and in there Brian mentioned about the various culverts running across the property. These drainage culverts don't retain any water generated by the Town. There are a couple of culverts that come from the airport and comes through the stormwater pond. Did you install the stormwater pond of the Town?
- Mr. Buchard: It has been existing.
- Mr. Setaro: What we had discussed earlier was that I would just contact the DPW to see if they had any interest in possibly having an easement through this property in order to continue the drainage they have coming from the airport. I will give them a call. We got a letter I believe from the Lead Agency circulations right, Barbara? Brian asked about the two existing parcels that have houses on them whether they should come in for Health Department. We don't think that needs to happen but if you could get together with Ernie and at least show approximately where the existing wells and septic are. So that we can make sure it doesn't affect the lot lines.
- Mr. Stolman: Are the wells and septic shown on Lots B and C?
- Mr. Setaro: Just generally show where they are shown on the map.
- Mr. Stokosa: Is it possible to go for a final approval based upon what we discussed tonight?
- Mr. Flower: What you need to do now is get the plan updated and the professionals review it one last time and then we move forward from there.
- Mr. Stokosa: Okay.
- Mr. Setaro: What about the cross access easement?
- Mr. Stolman: Cross access will no longer be necessary.
- Mr. Stokosa: I will relay the message to Ernie and we will resubmit based on the comments tonight.
- Mr. Stolman: You do want to adjourn the public hearing to a date certain. If we close it tonight then the clock starts. We don't know how long it will take to make the changes.
- Mr. Stokosa: We can turn that around within the 62-day window.

Mr. Marinaccio: **Motion to adjourn the Public Hearing to July 15, 2019.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Stolman: Would you like a draft resolution as well?

Mr. Marinaccio: **Motion to authorize the Town Planner to prepare a resolution pending satisfaction of submission by the professionals.**

Mr. Peratikos: Second the Motion.

Vote: All present voted Aye.

19-3407 NERP Holding Tractor Supply Company & Retail Store: The Town of Wappinger will conduct a Public Hearing on 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) (Lead Agency 3-27-19)

Present: Alec Gladd – Attorney
Jim Cassidy – Engineer
Matt Darling – Applicant

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

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Gladd: Good evening, Alec Gladd from Cuddy & Feder. I'm joined by Matt Darling, the applicant and Jim Cassidy the project engineer. As this board knows we've been pending since January and we look forward and welcome the public comments and the opportunity tonight. We have incorporated a lot of project changes into our project including an executed shared access. We've moved some trailers to the back, adjusted stormwater retention basin. These are all of the things that Jim's going to cover. We have incorporated comments since the last meeting regarding landscaping and lighting that were updated on the plan.

Mr. Cassidy: Good evening. For the record my name is Jim Cassidy a professional engineer and principal with the firm of Hallisey, Pearson & Cassidy. I will briefly go over the proposal and the changes that we made. It's a piece of land located on the westerly side of Route 9. As we said we were working on a shared access agreement so we can combine the driveway with the ACURA dealership. The site will consist of a 19,087 sf. building located about 250 ft. from the roadway. There will be 51 parking spaces

in the front, 15 parking spaces in the back at total of 77 parking spaces. Regulations require 128 spaces but we were before the Zoning Board of Appeals for a variance to reduce the number of parking spaces. Last time we were requested response back from the DOT. We did submit a response letter to them and basically they had three comments. They wanted to ensure that we had an agreement in place with the ACURA dealership which we do. We provided a copy to the DOT also. They also wanted to confirm that the existing driveway will be removed which it is. The area between their site and our site will be regraded and landscaped. Finally, they wanted to ensure that Tractor Supply is proposing to do the work which we agreed that Tractor Supply will do the work on behalf of the ACURA dealership. There were some comments from your Planner requesting staggered row of evergreens along the southerly boundary line, which we incorporated on the plan. We have a total of 50 evergreens planted at this point. We submitted an application for the ACURA dealership and obtained a copy of the previously submitted site plan for the ACURA dealership. We incorporated all of the changes that's going to occur on the ACURA dealership property.

Mr. Cassidy continues an overview of the project.

Mr. Flower: At this time I think we need to open the floor for public comments.

Mr. Zandstra: Hi, my name is Brian Zandstra. I'm the owner and tenant of the property at 6 Fowlerhouse Road for 20 years. We emailed some photos to the board on June 10th because we didn't have the means of blowing them up and presenting them here. Our concerns are primarily privacy and the economic value of our home but also noise during construction. We understand that any development on this property will have an impact on us. We think the best way to reduce that impact is separation between our property line and the development.

Mr. Zandstra continues (Copy of comments available)

Mr. Flower: Thank you for your comments.

Ms. Eckerson: Good evening members of the Town Board. My name is Caitlin Eckerson and I live at 10 Fowlerhouse Road with my husband and two children. A 3 year old and a 7 month old. I'm here before you today to urge you to deny the proposal for the development of Tractor Supply. My husband and I are proponents of economic growth and we have nothing against Tractor Supply Corporation. However, the proposed plot plan is too small to put a large commercial building and would offer minimum blocker between the commercial lot and the adjacent residential neighborhood. This will have a serious impact on the

residents of Fowlerhouse Road in regards to noise and light disturbance, decreased privacy, home value depreciation as well as possible air, soil and water pollution. Although the construction phase will only take 4 months there is a significant concern regarding air pollution at that time. Our homes will be exposed to significant movement of dust particles from the site. We would like to know what type of chemicals will be held on this site. Tractor Supply is known to sell fertilizers, pesticides, animal feed, propane and heavy equipment.

Ms. Eckerson continues (Copy of comments available)

Ms. Peiffer:

My name is Gail Peiffer and I live at 4 Fowlerhouse Road. I am a senior citizen and I have been living there for 33 years and I am a two time breast cancer survivor. I am very careful about everything that I do and I am very concerned about the environmental state of my home because the area is so close. I don't know if any of you board members have been to the site to see exactly what I'm talking about. The parking lot is going to sit right in my backyard. I have a fence and a few trees that are still on my property but I'm also concerned about the privacy. I strongly urge you to request that a fence be put up on a berm such as Adams has. I have a picture of the fence that Adams has to protect the people. I don't understand how this has been able to come this far on this small piece of land. We are a few houses but they are houses and we've been there for years. It is going to be very detrimental and I don't know whether they are going to be blasting and particles are going to come on my property. I don't know if my fence is going to be destroyed. I have a chain linked fence and a new dog and I don't know if it's going to be damaged when they take down the trees. The fence needs to be put up for security reasons. I don't want anybody coming on my property or my neighbors' property around my house through the back area. I strongly believe we need a high fence and a berm to protect us. The trees that they are going to plant needs to be deer resistant. We recommend the Norway spruce and planted 10 feet apart and staggered on my side and then the fence. My biggest issues are privacy, security and noise. I have pictures too. When they take down the trees who is responsible for protecting the stone wall on my property? I want to make sure who will be responsible for the damage that will occur on my property? Thank you.

Mr. Flower:

Thank you. We will have that addressed. If you have pictures you can give that to the secretary.

Mr. Peiffer:

My name is Dwight Peiffer, 4 Fowlerhouse Road. My wife and I have been living there for 33 years since 1986. My wife and I are very concerned that Tractor Supply is trying to build their business at the

imposition of the abutting residential home owners. They are imposing their needs due to a lack of acreage at the sacrifice of the homeowners needs. Safety is a priority, privacy is another component and containment of noise. Tractor Supply has the responsibility for at least the consideration to work with the community and as an obstacle to their means. A large project on a small parcel of land and it is discerning to say the least. The reputation of Tractor Supply with EPA such as violations and large fines brought against them with various lawsuits. In my view it is alarming especially next to a residential property. History with rodents due to storage of feed and there are residences that have had issues that abutted the land of Tractor Supply. Some of the concerns are the use of PA system. That should not be needed. There are a lot of other hand-held devices. I don't know if they use music at all but that should be outside. The location of dumpsters away from the homeowners with hydraulic closures, permanent trailer displays, parking of cars. I couldn't really see the diagram but we don't want the lights shining onto our property, snow removal is another issue and it should not be piled up on the southerly end. It should be on the northerly end.

Mr. Peiffer continues.

Mr. Flower: Thank you for your comments.

Mr. Masch: Good evening, Tom Masch, 150 Old Post Road. I've been listening to all the homeowners talking about the proposal of Tractor Supply. Many of you have been in the area for 20 to 30 years. My family has owned the property since 1939. We owned Mercedes property at one time and we dealt with the Chinese restaurant, we dealt with the transformation of Mercedes Benz. The dirt pile that was there for a good part of two years and the proposal of Adams. I'm up here to say that I am not advocating for Tractor Supply and I'm not say no for Tractor Supply but I've dealt with more construction, more noise than any of you have done in a lifetime. Adams and Mercedes have been a very good neighbor on both sides. My fence that was put up was me requesting and working with Adams and the Zoning Department in the Town of Wappinger. It was very successful. As the last person said about the berm, I'm actually higher than Adams but they went down 13 feet below my grade and solve my water problems I had in my basement. As far as pesticide and noise, it's minimum and I hear it and it doesn't bother me one bit. My son was an infant when Adams was being built. They've accommodated me 100% and done everything possible to make my life good with no issues. Mercedes and Adams have low level type lights and they go up at night. Mercedes has security cameras which I welcome. My bedroom is on the side of Mercedes and with the increase of population in this Town comes the increase of crime. With security cameras and minimum

lights I am protected. You have people that will do harm to you and your family. I understand your privacy concerns.

Mr. Masch continues.

Mr. Flower: Thank you for your comments. I'll let the professionals weigh in and it looks like a little bit of work that needed.

Mr. Stolman: I don't think you have my last memo.

Mr. Setaro: While you are looking for that I'll go first. From the engineering side, there was a recent submittal that was made that appeared to address comments from David's office. CPL still has some outstanding comments. Bob had a letter dated June 2nd which referenced the March 14th letter which had quite a few engineering items in there. To our knowledge neither one of those have been updated. The biggest item in there was the preparation of SWPPP. At this point we don't have one and I think David wants to review the consideration of SQRA determination as we discussed. I think we need to at least see some hydraulic calculations to back up your design on the plan showing the stormwater management and basin.

Mr. Cassidy: What was the date of that letter because I know we addressed that?

Mr. Setaro: Bob's letter was dated June 2nd and you were copied on it. It didn't have much in it. It just mentioned the ACRUA driveway and it said all of our comments are in our March 14, 2019 letter.

Mr. Cassidy: Okay, I will go over it again.

Mr. Setaro: If you have something responding to our March 14th letter but when I talked to Bob before he left he had not gotten anything from you. There was no SWPPP. We probably don't need the complete stormwater pollution prevention plan but we need something calculation wise to back up what you have on the plan to ensure there won't be any kind of drainage in the back.

Mr. Cassidy: We submitted at the last meeting.

Mr. Setaro: Everybody shaking their heads here but I will go back and double check our files again.

Mr. Stolman: At the last Planning Board meeting we went over our memo of May 31st and there were a variety of comments in that memo. We were concentrating on drafting the Negative Declaration. For tonight the

Planning Board may want you to respond in writing and subsequent comment that were raised.

Mr. Flower: There were a couple of comments regarding environmental issues such as pesticides whether there are going to be problems in the SQRA review process.

Mr. Stolman: There are quite a few items that should be responded to in writing.

Mr. Flower: At this point in time we are going to need the applicant to answer the questions that were brought up tonight from the public in writing. So we will need to adjourn the public hearing to a date certain. After they've reviewed and if there are any other items they will address.

Mr. Stolman: Based upon the responses we will prepare the Negative Declaration.

Mr. Darling: We can answer most of their comments now if you want.

Mr. Flower: Our preference would be that it is in writing regarding what's being kept inside and outside.

Mr. Stolman: With all of the representation tonight we will need it in writing.

Mr. Darling: I agree but I wasn't sure if we could respond to the public since we are here.

Mr. Flower: Some of the comments should be addressed in detail. We've entertained in the past that the comments be answered right away regarding runoff from the property or traffic that's already been reviewed by us. At this point you need to put everything in writing with a clear answer to the questions. This way it can be reviewed by our professionals, the board and we can also provide to the public for the next meeting. How long do you think it's going to take for you to put together these answers in writing? Our next meeting is July 1st but I don't think it's going to be enough time for you.

Mr. Cassidy: About two days.

Mr. Flower: Bea, do we have a lot of items for July 1st?

Mrs. Ogunti: We have about four items.

Mr. Flower: Any public hearings that day?

Mrs. Ogunti: No.

- Mr. Flower: Until you can get this submittal in to answer the questions quickly we can put you on July 1st if that works for you. If not then it will be July 15th.
- Mr. Cassidy: We would like to address some of the questions that came up tonight and we will put them in writing as well. We are in agreement that we will provide those but since we have everybody here this evening we would like to address some of the questions.
- Mr. Darling: We would like to clarify some of the comments that came up tonight. There were some questions about the berm, landscaping that we will need some directions on what would the Commission would like.
- Mr. Flower: If you are willing to put a new berm would that include a fence on top I assume? If the 8 feet fence is acceptable I think they just want a guarantee that they will not have any lights transmitted on their property.
- Mr. Darling: I think we have a lighting schematic showing light on the neighbors' property.
- Mr. Cassidy: I will make an application and I will make sure it happens. If we can I would like to take 5 minutes of your time since there were a lot of comments about the orientation of the dimension of the building and dumpsters. I would like to explain to the public how we arrived at this and why the building is where it is located where it is. It will help you understand a little bit too.
- Mr. Flower: Anybody have any comments?
- Mr. Marinaccio: I would like to hear what they say then I can make comments.
- Mr. Flower: Do you want him to answer the questions now?
- Mr. Marinaccio: I think these people want to hear.
- Mr. Cassidy: Let's just start off with the buffer as mentioned when you have a nonresidential use abutting a nonresidential zone there is requirement that you have restrictive buffer. Typically in a HB zone the buffer is 10 feet. Because we abut a residential zone the setback is 25 feet and we held 25 feet on the side. In laying out the site we did have to go through several options. The building is 124 feet wide by 150 feet deep. A typical Tractor Supply building is rotated 90 degrees so the shortest side would face the road. When the building is oriented in that direction this pad would be off to the side of the building making the overall weight and pad area 224 feet wide. In addition to a typical driveway, the Tractor

Supply request is 28 feet wide. The driveway along the north side is 14 feet wide. For truck circulation we would enter off Route 9 and come down the northerly side. We have this concrete pad on the north and we put all the loading away from the residence. There will be a ramp on the pad and the truck can off load on the pad and come right into the store. The truck will continue down this driveway across the front of the building and back out to Route 9. Tractor Supply does not get a lot of delivery on average. About one delivery truck a week. What happens to the north is away from the residence. There were comments about dumpsters, Tractor Supply has a small 6 cubic dumpster next to this ramp. Anything that is recyclable, paper, cardboard products which is 90 percent of the trash generated by Tractor Supply are stored within the building. A hauler comes ones a week and brings it off site. There was concern about drainage, we designed the site in such a way that all of the water is collected by a drainage system and conveyed and discharged in a stormwater basin to the rear of the property. All drainage is going away from the properties on Fowlerhouse Road.

Mr. Cassidy continues.

Mr. Darling:

Hi, I'm Matt Darling the applicant. I just want the public to be aware that Tractor Supply is a large corporate retail chain of 1,800 stores. Tractor Supply does not own the property and we are not proposing to sell to them. My company is based out of Hartford, Connecticut. We are the developer and the land owner or will be and we will be the ones constructing the building on the site. We are a local small company that have been developing for about 15 years. We are not talking about dealing with big box chain and don't really care about the local neighborhood anything like that. You are dealing with me and you are dealing with my contractors and subcontractors. I live an hour and a half away and I'm sure many of my contractors will be local. I'm not looking to create an atmosphere that's going to endanger the public. Certainly we would hope the neighbors at Fowlerhouse will be customers of the Tractor Supply line not from Tractor Supply and obviously I hope they succeed there. I just want to make sure that relationship was known and you are dealing with me and not with Tractor Supply until they take actual ownership.

Mr. Darling continues.

Mr. Fowler:

Are there any questions?

Mr. Marinaccio:

I have a couple. The gentleman had mentioned something about rodents which had been addressed. You said there are chemical which you were bringing to the property. When the boxes get destroyed or go

out of date, how do you dispose of them? Do you put them in little dumpsters and ship them away properly or do they end up at Royal Carting?

- Mr. Cassidy: On the rodent issue, personally I have never heard of a rodent issue on the property.
- Mr. Marinaccio: You deal with feeds and bird seeds. If the bag breaks you are throwing it in the dumpsters, is that not correct? That's where your rodent issue is going to come from. If it's not a sealed container, what are you going to do with that?
- Mr. Darling: With respect to the boxes, they are stored inside and shipped directly from there.
- Mr. Marinaccio: I understand but you hadn't mentioned anything about the chemicals itself.
- Mr. Darling: If there are any spills of fertilizers, dog food they are going to get put in the proper bags we have on site and they do have spill maintenance and manuals on site for things like that.
- Mr. Marinaccio: Are the chemicals going to be put in the sealed container and it is done properly.
- Mr. Darling: Of course, they are not going to throw anything away.
- Mr. Marinaccio: They will never find anything in the dumpsters?
- Mr. Darling: No, and in terms of rodents, they have rodent traps.
- Mr. Marinaccio: I deal with a company that takes our food wastes. We ship it up to Kingston and they turn it soil compose. Would that be something you would entertain doing if you had that issue? That would definitely take care of any rodent issue. This company provides the containers and they are rodent proof.
- Mr. Darling: Again, I have no problem recommending that Tractor Supply use those. Unfortunately, that's part of their operation that I do not have control of. I have no problem with taking the suggestion and passing them on.
- Mr. Marinaccio: You had mentioned about your contractors, are they within 25 mile radius of this particular store?
- Mr. Darling: I'm not sure but I leave the job open for bid.

- Mr. Marinaccio: So the locals will have the opportunity to bid as well?
- Mr. Darling: Of course. There's no exclusion based on location.
- Mr. Marinaccio: I just wanted to make sure.
- Mr. Darling: The berm is a little bit of conflict because if we do a berm that usually means no trees. You can plant the trees on the berm or we do the fence and put the trees on top. I just want people to understand that because I'm willing to work with them. If I do a berm there may not be any landscaping and want to make sure the public is okay with that.
- Mr. Fowler: Tractor Supply is a corporation and obviously they have some type of spill and disposal policy on commercial products. Is that something you can get copies to us?
- Mr. Cassidy: Yes, I can get copies. They actually have a service that they use.
- Mr. Darling: The PA system that was brought up. They went to a mobile device so if they need something they will call on the handheld pager that they have. There is no PA, there's no music outside.
- Mr. Setaro: When you guys are looking at the berm just make sure that you don't go right up to the property line. Leave some type of buffer. On some other projects what we've done it's disturbance along the residence on Fowlerhouse. The contractors put up an orange construction fence to make sure people stonewalls aren't disturbed.
- Mr. Darling: We typically do a temporary construction fence especially in an area like this.
- Mr. Flower: At this point it looks like we are going to adjourn to a future date. Will the 1st of July work for you?
- Mr. Cassidy: July 1st works for me.
- Mrs. Roberti: It's exactly two weeks from tonight. They would have to literally submit tomorrow so that Bea has enough time to mail and the consultants will need time to review and comment.
- Mr. Setaro: I'm probably going to have a problem because I'm going away on June 27th. I can have someone else look at it but it is going to be tight.
- Mr. Stolman: It will be very tight.

Mr. Fowler: I think we should move it to the 15th of July so I need a motion to adjourn to July 15th.

Mr. Marinaccio: **Motion to adjourn the Public Hearing to July 15, 2019.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.

Discussion:

19-5199 Flynn, Rawls and Lepore Subdivision: To vote on a preliminary and final resolution on a Lot Line Consolidation and 2 lot subdivision. This action consists of a 2 lot subdivision of the Flynn lot, and a lot line change to add acreage to the Rawls lot in order to meet minimum lot width. The property is located at **340 South River Road** and is identified as **Tax Grid Nos. 5956-04-930485 (Flynn - 9.91 acres) and 5956-04-914451 (Rawls – 1.62 acres)** in the Town of Wappinger.
(Samuelson)

Present: Michael Lynch – Engineer

Mr. Lynch: Good evening. My names is Mike Lynch from Engineering Properties representing the applicant. We received the draft resolution and there are some conditions to the site plan that will be made upon final issuance if approval is granted for signature. One of the conditions was the septic approval for two of the lots through the Health Department which has been submitted. We are just awaiting approval from the Health Department at this time. That's the status of the project right now.

Mr. Flower: So in terms of the resolution you are fine with the way that it is written?

Mr. Lynch: Yes.

Mr. Flower: We need to take a vote on the preliminary and final.

Mr. Marinaccio: **Motion to approve the Preliminary & Final Resolution.**
Mr. Ceru: Second the Motion.
Vote: All present voted Aye.

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) (Neg. Dec. May 6, 2019)

Present: Joseph Berger – Engineer
Dan Contamo – Architect
Steve Relyea – Applicant

Mr. Berger: Good evening. Joseph Berger for the applicant. We are continuing review on the site plan for Red Cedar Landscapers Contractor Yard on New Hackensack Road. As the board knows there are existing buildings and we are basically going to be using the rear of the site for the products. The building on the left or on the south side will be used for the equipment and on the north side is the office building space. What we've done on the site to address some of our concerns and not to impact our neighbors is we have a berm that runs parallel to our New Hackensack which will have trees on top to buffer any sounds or visuals of the doctors. Where our materials are going to be stored in bins we have bin walls and a fence on top. The fence is for visual and the bins are for sound and to contain our property. I also have the architect who will speak shortly.

Mr. Berger continues.

Mr. Contamo: Good evening. My name is Dan Contamo, the architect for the project. At the last meeting we proposed the arbors on either side of the buildings and the center portico. Now we are proposing a sign on the road and it would have a similar style arbor but a smaller scale. We have chosen to locate it where a car is pulling in. There is an existing sign location which is in front of the parking lot and is actually outside of the setback line. Instead of leaving it back there we are putting it where if a car is pulling out they are beyond the sign to be able to see in either direction. The sign square footage is slightly under what is the maximum size for a road sign. We've also proposed a sign on the side of the building and again it is slightly under the maximum which will leave us enough to put a sign on a door in the future. We chose to paint it on the side of the building. This sign is only on one side so it's not really seen from the open field of the residential section even though it's several hundred feet away.

Mr. Contamo continues.

Mr. Flower: It's only proposed on just one side of the building?

- Mr. Contamo: Yes.
- Mr. Flower: Does anybody have any questions about the signage?
- Mr. Marinaccio: How are you going to illuminate the sign on the building at night?
- Mr. Contamo: It's not going to be illuminated.
- Mr. Marinaccio: How about the sign on the road?
- Mr. Contamo: It does have lights that are under the arbor. It is double sided and there will be one on each sign. You wouldn't see the lights because it's hidden behind the beam of the arbor.
- Mr. Valdati: Do you have fuel tanks?
- Mr. Berger: Yes, we do. The fueling station is midway in the building which is behind the southerly building. It would be right before you enter into the back yard. It is going to be totally contained and a secondary storage put in there. We reviewed the location with the Town Engineer several times.
- Mr. Valdati: Would you like to describe any kind of protection or collection service that's provided for the fuel tanks.
- Mr. Berger: It's on concrete and it is also going to containment already built in. That is DEC and EPA requirements so any leakage is caught in the secondary container.
- Mr. Flower: You have a wall tank plus additional container as shown on the plan with a roof structure. Sir, I understand you had questions when you attended the Town Board meeting?
- Mr. Shepherd: Yes.
- Mr. Flower: Normally we don't take questions outside of the public hearing but we will make an exception since you weren't able to attend the public hearing or notified about the public hearing. I don't know if they answered any of your questions.
- Mr. Shepherd: Yes, they answered quite a few of my questions. I still have other questions.
- Mr. Flower: Are you satisfied with the answers?

- Mr. Shepherd: Hello, my name is Edward Shepherd, Jr., 195 New Hackensack Road. Earlier the gentleman stated that the berm will have trees on top. Do we know if they will or will not survive?
- Mr. Berger: The trees that are proposed on this berm we feel that they will survive on the berm that's being built so that we would have the soil for the trees.
- Mr. Stolman: Would you accommodate a berm where you have a fence between the property line?
- Mr. Berger: We could but this is more for visual. The concrete bins that we have the materials goes against the concrete bins.
- Mr. Stolman: How tall are the bins?
- Mr. Berger: They are 6 feet tall. We feel that the concrete bins are providing the sound barriers.
- Mr. Setaro: The way you have the bins it appears that they are going to be right at existing grade. Then you have a 6 feet concrete wall?
- Mr. Berger: Yes.
- Mr. Setaro: Then you have another 6 feet fence on top of that. So now you are going to have a 12 feet tall structure.
- Mr. Berger: Yes.
- Mr. Setaro: This isn't like the bins are cut in into the curve.
- Mr. Berger: Exactly. If we put a berm there it's going to be on the side of the bins.
- Mr. Stolman: It sounds like it is going to be sound attenuated.
- Mr. Berger: Absolutely.
- Mr. Setaro: It is going to be above the grade about 12 feet.
- Mr. Berger: I believe the concrete will be the attenuation and that you are not going to hear anything and the fence will be more than the trees would be a nice visual. If we but a berm on the other side and trees on top of that would be lower than what we are proposing.
- Mr. Stolman: Right.

- Mr. Berger: Just to remind the board that we are near the airport and we cannot put large trees back there anyway. The fence and the concrete bins would be superior sound attenuation and visual.
- Mr. Shepherd: My concern is the noise. My property is in the rear where my pool is and I also have a cottage. The doctor offices are between me and his property. I can hear the trucks dropping off deliveries of rocks, materials and I can hear when they have the safety beepers on. I can also hear the sound of machines moving the different supplies around. Is a 4 feet berm with trees on top is going to be enough to take away a lot of the noise? Is there also going to be a fence? That's what my concern is.
- Mr. Berger: The berm is per the direction for an R20 road and the bins will be toward your property. The berm is not at that location. It is there to protect the doctors' office which is much further down. We feel the 4 feet trees would give us the protection we need.
- Mr. Shepherd: How high is it?
- Mr. Berger: It is 6 feet with the tree on top.
- Mr. Shepherd: So that's what is going to be there?
- Mr. Berger: Yes, that's what is going to protect your property.
- Mr. Shepherd: The other thing that I want to bring up is the rezoning of the property. I am the only residential property with the 4 properties that are being rezoned from Highway Business to General Business. I don't feel that my zone should be changed to anything but residential. I don't feel I should pay more for something I don't want. Nobody is giving me the answer whether my taxes will be increased. I'm concerned about this.
- Mr. Flower: In terms of the change in zone, we have no control over that. The Town Board makes the decision regarding the rezone. In terms of the taxes, have you discussed this with the Assessor?
- Mr. Shepherd: Yes and they won't give me an answer either. They don't know.
- Mr. Flower: The Assessor will be the one you need to talk to.
- Mr. Shepherd: I tried that already. They said they are unable to give me the answer.
- Mrs. Roberti: The Assessor wouldn't give you an answer?
- Mr. Shepherd: Correct.

- Mrs. Roberti: Your property is listed as residential. It's a multifamily and you have a cottage. You are a preexisting nonconforming so you are not listed as commercial. I was told that because you are residential this change in the zone will not affect you because you are not taxed commercial. You are taxed as residential.
- Mr. Shepherd: I was told different.
- Mrs. Roberti: We will double check that tomorrow.
- Mr. Shepherd: I was told I was Highway Business.
- Mrs. Roberti: That will be the zone but you still are a residential property in a commercial zone.
- Mr. Stolman: It is zoned commercial but you are taxed residential.
- Mr. Shepherd: I understand now.
- Ms. Cobb: Going from one commercial zone to a residential zone shouldn't affect your taxes because you are taxed for the use. Regardless of what the papers says.
- Mr. Stolman: These two zones are very similar. It's not like you are going from what you are now, to Industrial or something very heavy duty.
- Mr. Shepherd: Okay.
- Mr. Stolman: It is like a lateral change.
- Ms. Cobb: We will try to get you that information in writing from the Assessor.
- Mr. Shepherd: My last concern was you will be storing supplies in the barn, is that correct?
- Mr. Berger: The products will be out here and the barn will be used for machinery.
- Mr. Shepherd: So you won't be storing any supplies in the barn?
- Mr. Berger: There could be some.
- Mr. Shepherd: My concern is storing stuff that might be dangerous to my property.

- Mr. Berger: There could be chemicals stored in there but they would be contained. I'm not going to say we won't have chemicals in there. There is a lot on the site and it probably would be safer being in the building than outside.
- Mr. Shepherd: Is this something the Town checks to make sure everything is stored properly?
- Mr. Flower: We could ask the applicant to provide us with a list of what chemicals he uses.
- Mr. Setora: We can also have him put that on the plan so that it is clear whatever chemicals they are going to have. I assume they have MSDS sheets for it.
- Mr. Berger: We can do that and as a landscaper what chemicals that he uses.
- Mr. Shepherd: I would like to thank you for listening to my concerns.
- Mr. Flower: Does anybody else have any questions for the applicant?
- Mr. Marinaccio: What is the fence going to be made of that's on top of the cement wall?
- Mr. Berger: It is going to be a white vinyl fence.
- Ms. Cobb: Right now we are waiting for the Town Board to make its final determination on the zoning. I don't know if the Town Board needed anything formally from this board, I don't think so.
- Mrs. Roberti: The Town Board will need something from you in writing. I've asked the Supervisor to put them back on next week's Town Board agenda. Just something from this board that you were happy to answer all of Mr. Shepherd's questions and that he received his answers.
- Mr. Flower: Obviously we answered all of his questions this evening.
- Mr. Shepherd: I believe so.
- Mr. Flower: I believe he is satisfied. At this point we are satisfied with what's being presented. It's up to the Town Board to go ahead and finalize the zoning change. We can't approve the site plan location because it doesn't meet the zoning requirements. We will wait for the Town Board to approve the zoning change and once they've done that we can act on the application.
- Mr. Berger: Is it appropriate to authorize the Town Planner to prepare a resolution for the next meeting?

- Mr. Stolman: I can wait until the results come out on Monday night and prepare the resolution assuming the Town Board approves the zoning change.
- Mr. Flower: Assuming that they approve the zoning change on Monday night he will then have the resolution ready for the July 1st meeting. At this time I need a motion to authorize the Town Planner to prepare the resolution pending the Town Board approval of the zone change.
- Mr. Marinaccio: Motion to authorize the Town Planner to prepare the Resolution pending the Town Board approval of the zone change for July 1, 2019 Meeting.**
- Mr. Peratikos: Second the Motion.
- Vote: All present voted Aye.

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 combining 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: Al Cappelli – Architect
- Mr. Cappelli: Good evening. Al Cappelli, Architect for the applicant. I will just give a quick overview or would you like me to start from the beginning?
- Mr. Flower: Yes, from the beginning.
- Mr. Cappelli: Okay, 33 Middlebush is the concrete block building diagonally across the street from where we are. There are two lots, the one the building is on and the lot adjacent to it. The property is zoned residential and we obtained a Use Variance from the Zoning Board of Appeals to continue the allowance of the building as a commercial entity. Part of the requirement was to consolidate the two lots. One lot is 0.87 acres and the other is 0.88 acres and we are combining those. The intent of the building is for contractor storage and as we discussed in many instances you are not allowed to have commercial vehicle if you are a small contractor, a plumber or an electrician in a residential driveway. This building will serve as indoor storage only for vehicle, equipment and for supplies. There will be no outdoor storage whatsoever. The last time we were here there were some discussion about parking spaces as well as access to the building by large vehicles for supplies or deliveries. We expanded the parking area toward to northeast side of the building.

Right now we have a 55 feet trailer circumventing the parking lot and one going in and out while adding additional parking spaces. That's where we are as of today. We submitted a landscaping plan but we didn't go too far into the lighting or drainage aspect because we wanted to make sure everyone here was satisfied with the impervious area that we are creating.

Mr. Stolman: You didn't provide any turning templates on your plan.

Mr. Cappelli: No, but I did since your comment letter. We just showed that for demonstration purposes this evening. David, I didn't know what size vehicle you want us to template and what would be appropriate in order to accommodate a larger size vehicle. We can talk about it.

Mr. Marinaccio: We should probably figure out a 72 feet trailer.

Mr. Cappelli: If that's the size vehicle you want me to accommodate.

Mr. Marinaccio: I don't want to see a tractor trailer on Middlebush Road to make a delivery.

Mr. Cappelli: I can't tell you today what size vehicles would be making deliveries. We can accommodate a larger vehicle but that would mean more impervious. We have a nice wooded area right now then it will be more blacktop.

Mr. Setaro: Is the building going to be carved out in different spaces?

Mr. Cappelli: Yes. We showed a photograph of what the building looks like today. The footprint of the building unchanged and what the building is going to look like.

Mr. Flower: Are there any comments?

Mr. Valdati: Does that site have any problems with water?

Mr. Cappelli: In terms of stormwater?

Mr. Valdati: Yes.

Mr. Cappelli: There are wetlands and I think they are local. We haven't done anything on stormwater management yet because we don't know the starting point in the amount of impervious you want out of us.

- Mr. Flower: Are they local wetlands or Federal? In the Planner's comments he noted there were Federal wetlands and you will have to go through the Army Corps of Engineers if there's anything you have to do.
- Mr. Cappelli: No problem.
- Mr. Stolman: There's a 100 feet buffer as well.
- Mr. Cappelli: Yes.
- Mr. Setaro: In terms of your drainage for the expanded parking lot. Are you thinking about tying it into the basins that are already in front or you don't know yet?
- Mr. Cappelli: I haven't given it any thought yet.
- Mr. Setaro: You haven't figured this all out AI?
- Mr. Stolman: Step at a time.
- Mr. Cappelli: That entrance is a new County constructed entrance when they did the paving project along Middlebush Road a couple of years ago. It's their design and their location so we are not touching that.
- Mr. Flower: David, how many parking spaces do you need?
- Mr. Setaro: It's required 15 parking spaces and they are provided 22 parking spaces.
- Mr. Flower: Is there a way to reconfigure even if you lose some parking spaces to accommodate the tractor trailers?
- Mr. Cappelli: What I will do is make the isles a little bit larger and add blacktop to the east side of the building in order to create that oversize turning radius.
- Mr. Flower: Do we need to accommodate large vehicles?
- Mr. Setaro: What's there now?
- Mr. Cappelli: What we have now is 55 feet vehicles?
- Mr. Setaro: So 55 feet is a tractor trailer.
- Mr. Cappelli: Right.
- Mr. Setaro: You are saying that's a tractor trailer.

Mr. Cappelli: That's correct.

Mr. Setaro: You haven't seen this yet?

Mr. Stolman: No, we haven't.

Mr. Flower: So you are calling it a tractor trailer now?

Mr. Cappelli: I'm saying 55 feet and not larger.

Mr. Flower: For delivery it's not going to be that huge.

Mr. Stolman: I'll have our tractor guys look at it.

Mr. Flower: Everyone feel comfortable with this current layout to move forward?

Mr. Marinaccio: I think we can move forward and I think it's a good idea for that spot.

Mr. Cappelli: When we are a little bit further along I can provide a full set of plans.

Mr. Flower: Looks like everybody is okay with the concept of the site layout. I think everybody would like to see it on a full set of plans.

Mr. Cappelli: Absolutely, but we don't want to keep changing that's why we are taking baby steps.

Mr. Marinaccio: David is going to check the turning radius, right?

Mr. Stolman: Yes, we are but you can work on that next submission.

Mr. Cappelli: That's fine. I can send this out to you tomorrow and you can look at it informally.

Mr. Flower: It looks good.

Mr. Cappelli: Thank you very much.

Architectural Review:

19-3412 Dunkin Donuts Route 9D Shed: To discuss an Architectural Review for the legalization of an existing pre-fab shed on 9.34 acres in a CC Zoning District. The property is located at **2036 Route 9D** and is identified as **Tax Grid No. 6056-02-746856** in the Town of Wappinger. (Chen)

- Mr. Flower: The applicant is not here this evening but he did make the submission. I was wondering if anybody had any comments.
- Mr. Marinaccio: I would like to see a little bit more on his submission. I would like to see some trees around it and more detail.
- Mr. Flower: Okay showing a little more detail like whatever types of trees he is going to be using.
- Mrs. Roberti: What would you like to see so we can tell him this tomorrow?
- Mr. Marinaccio: Just a little more detail than he's showing right now.
- Mr. Flower: We probably want to see what the dimensions of the structure and where the trees are going to go.
- Mr. Marinaccio: Just show something.
- Mr. Flower: Okay, so we will see them at a future date.

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 – Project Manager at CPD Group
- Mr. Jean: We are here to present one more time as we were required for the Mobil Station. We were asked to bring the light level to .5 foot candles so that we can meet the requirement of the Town so we did that. We have .3, .5 and .7 foot candles. The reason is and the way it is set up in the software we are not able to furnish .5 foot candles in every place. However, we decided to add a shield that will be made on site. It is basically a sheet of metal to limit how much light can go over the light. By doing so we can limit how far the light goes and where it goes.
- Mr. Jean gives an overview.

- Mr. Stolman: As respect to light shedding, is it from under the canopy to the property line?
- Mr. Jean: Yes, that's what was asked of us.
- Mr. Flower: David, do you think the screening is an adequate measure to make them comply with the requirement of the code for the lighting that's going to shed on the property?
- Mr. Stolman: According to the plan they submitted they are not exceeding one half of the foot candle on the property line. There is going to be a lot of light under the canopy.
- Mr. Jean: We asked the vendor as well as the engineer to change the fixtures and they did.
- Mr. Marinaccio: This is pertaining to the blue band around it. Is it going to be under mount lighting?
- Mr. Jean: Yes, this is under mount lighting. As far as the blue band, we have outside on Merritt Boulevard which is a Mobil Station. We went there and I took pictures as well to show that the amount of light shed is very small LEDs. It sheds light on the blue face therefore you can see but it does not add to the lighting that is shown on the canopy.
- Mr. Marinaccio: I have also looked at that light on Merritt Boulevard and I can see that blue band at least 500 to 600 feet away.
- Mr. Jean: It is illuminated.
- Mr. Marinaccio: Our concern is that people that live across the street from there are going to have to see that blue band in their yard.
- Mr. Jean: Again, we have LED lights that is shed on the surface. I went there after the meeting and there is no light. Is it visible? Yes, because it has lights behind it. It will not be an issue for the neighbors.
- Mr. Marinaccio: That's a difference in opinion. In my opinion I think it's too bright for the neighborhood.
- Mr. Jean: Which one is too bright?
- Mr. Marinaccio: The blue band. The lights underneath are bright too. I thought you were going to tone it down. We had mentioned that earlier that is not something that meets the code and will you be willing to change it. It's

hard to tell what you are telling us than the visuals. We don't live there but we have friends and neighbors that lives there.

Mr. Jean: I understand and again besides going to the site on Merritt Boulevard, I went to the site itself at night to see. I looked at the area to see where residences are and they are not that close to the property.

Mr. Marinaccio: I think we should all take a look at it. Don't go by what I say let everybody make their own decision. Barbara, you had mentioned dimmers that you can adjust.

Mrs. Roberti: It depends on how it is manufactured and if it is dimmable.

Mr. Marinaccio: Are they dimmable lights?

Mr. Jean: Are you talking about the LED lights around the blue band?

Mr. Marinaccio: The LED lights.

Mr. Jean: The problem with using dimmers is that we will always have the issue with it being too bright or too dark. The idea was not to shed over the property line. We proposed the shield to keep that from happening.

Mr. Stolman: Are the new lights under the canopy dimmable?

Mr. Jean: None of those fixtures will be dimmable.

Mr. Flower: We discussed this the last meeting about dimming the lights and you said you didn't want to do that. That was what prompted the conversation about lowering the light if possible and that didn't get carried over until the plan. The shield thing is now the way you want to go.

Mr. Jean: Overall, the lighting level is down compared to what we started with. In order to get to .5 foot candles we added the shield.

Mr. Marinaccio: I think the shield is a good idea but you have too many lights out there and it is too bright for that area. Are you going to be able to take some of them down?

Mr. Jean: The key is not in the amount of fixtures. It is in the amount of output in fixtures.

Mr. Marinaccio: How do you fix that situation since it's too bright for that neighborhood?

- Mr. Jean: You mean after we install the new ones?
- Mr. Marinaccio: Yes.
- Mr. Jean: When we install the new one we will go over it and we will check with our meters and we will from there make a decision that is appropriate.
- Mr. Marinaccio: I don't think it is your decision to make. It is our decision to make when we see it. You telling us and what we can visually see on this piece of paper are two different things. We want to see because if it doesn't meet the criteria then something has to be done.
- Mr. Jean: You asked that we lower the level of lighting, we did that more than ones. You ask that we don't have more than .5 foot candles, we accomplished that as well and on top of that we added the shield. If we were to remove those fixtures and add lower ones the light would not be sufficient for the station.
- Mr. Flower: We brought this up in the last meeting. Since that meeting have other station owners been bound to providing the same materials? Does this exist anywhere else other than a commercial area? We do know the station in Fishkill does have similar and there is a glare that comes off the lighting from a distance. Are there any other locations you have that we could possibly do a field trip? I know we asked this before. Have you looked into that at all?
- Mr. Jean: The only station we have is in New Paltz and the comparison I provided is about the LED at the station in Fishkill. Their level is higher than that one.
- Mr. Freno: How does this compare to what's installed currently?
- Mr. Jean: There is not good lighting right now. Two of the fixtures are down or broken that's one of the reasons we need to change the light.
- Mr. Freno: If that current system was up and running, how does that compare to this?
- Mr. Flower: This is a difficult one because you came in as an architectural review. Usually we do that for just signage and now you are asking the board to review lighting. Our consultants haven't reviewed these plans.
- Mr. Jean: They have the plans.
- Mr. Flower: They have the plans and I believe there was one letter written.

- Mr. Stolman: We haven't done anything on this at all.
- Mr. Flower: Nothing on this particular one?
- Mr. Stolman: I don't believe so.
- Mr. Flower: Looks like we are bouncing back and forth and it hasn't been reviewed.
- Mr. Stolman: We need to take a close look at the numbers on the canopy and the foot candles.
- Mr. Jean: I have the light meter with me and I can measure it here as well to see the level of the light that we are receiving. This is our fourth meeting here and each time we do exactly what is asked from us to lower it.
- Mr. Flower: If we went with a light meter to look at the as built condition, would you be agreeable to replacing all of the fixtures on the property to lower it down to acceptable foot candles?
- Mr. Jean: What we installed here will be acceptable because what we showed here is what we are doing.
- Discussion continues.
- Mr. Flower: The one option was to have you go forward and deal with it after the fact. Or we could ask the Planner to review what he has and provide us with document as to what his recommendation would be.
- Ms. Cobb: In other Municipalities there have been standards for lighting under canopies. Just a quick look at this without being an engineer or consultant in this matter, the foot candles under the canopy seems high. For the Board education they need to know what this level of foot candle is. There's a Valero Station in the Village you can check to see what those foot candle levels are. Rather than tell the applicant to install something and he has to take it out.
- Mr. Flower: The County just put out a letter to all Planning Boards regarding light levels at commercial facilities which I don't have with me.
- Mr. Stolman: I'm looking at an LED and I'm not saying that this is perfect but I'm looking at a gas station LED retrofit and it's like a very bright situation. It says average illumination approximately 15 foot candles i.e. recommended foot candles is 10 to 15 foot candles.

- Mr. Jean: We would need to compare with who the source that produced it. We took the time to visit other sites that's close to us and 53 foot candles here for Gulf, 27 foot candles Valero and we got 20 feet candles for Cito. They are all in different locations but we made the effort so I'm asking you to consider the effort that we put into it.
- Mr. Marinaccio: Where are these locations?
- Mr. Jean: This is the Gulf Station and we have one on Route 9D and two on Route 9.
- Mr. Marinaccio: You made the comment that the software that you guys use and the computer does all of this but they don't take into consideration of the location and the people that live there.
- Mr. Jean: I brought that up because you asked us to visit other sites. When we ask consultants to present the lighting they show us what is recommended for stations interior and exterior. The Town makes comments and we take that into account and change it. We added extra layers of solutions in order to make it as best as possible. I would like you to appreciate that. If you put all of the copies together you will see substantial changes and I'll bold **substantial** that we've made.
- Ms. Cobb: Another option for the board might be to send the lighting plan to County Planning and put guidelines and they can respond to the board then.
- Mr. Flower: What I referenced earlier was from Dutchess County Planning on acceptable light levels.
- Ms. Cobb: Under the canopy.
- Mr. Marinaccio: Is it including the band around it?
- Ms. Cobb: Including both.
- Mr. Flower: I'll find it and forward to all of the board members because I have it saved on my computer somewhere. Everybody was expecting something a little different. At least I was expecting something different of lowering it.
- Mr. Jean: We did and I said that many times.
- Mr. Flower: Did it get mislabeled on the plan? I have two submissions here. One from May 3rd with 10 fixtures under the canopy, 7,720 illuminants, 60 watts each with a total of 600 watts. The most recent submission was May 31st with 10 light fixtures, 7,720 illuminants, 60 watts each which

gives you 600 watts. The watts and the fixtures stayed the same. The only thing that has changed is the shielding.

Mr. Jean: You say you have two submissions? Look at the output of lights around the perimeter because the amount of light fixtures may change or not. You insisted on not letting more than .5 foot candles outside of the site. I don't think we spoke about the number of fixtures we can have on the canopy or not.

Mr. Flower: You keep changing it and you didn't change the fixtures. I know we discussed this the last time the lighting, the light at the property line. Mr. Marinaccio brought to your attention a number of times about the lighting level. You didn't lower the lighting level.

Mr. Jean: We did and I can read it off the plans that we have. Again, I have my computer and I can prove it because I have emails from the vendor of all different ones and we came up with the one that shows .3, .5 and one area is .7 and we said let's add the shield to put that where it should be. This shows that we took serious consideration what was said and the comments that were made.

Mr. Flower: I can put it to a vote for approval. I have a feeling the rest of the Board is not going to approve this.

Mr. Jean: Some appreciation needs to be shown for the effort that we put into it.

Mr. Flower: I'm going to defer to the Town Planner.

Mr. Stolman: I got the plan on it from the Dutchess County Planning Federation regarding LED lights for site plan review which I can send to everybody tomorrow.

Mr. Flower: That's the document I was talking about.

Mr. Stolman: It says high security area may be lit with .5 foot candles but anything higher is a waste of electricity and source of glare and light pollution. We have to get to the bottom of this.

Ms. Cobb: I think the Board should recommend that this be sent to County Planning and have them comment on this specific plan.

Mr. Flower: I agree.

- Mr. Jean: When we asked the question at the first meeting what requirement should we abide by and we were told repeatedly .5 foot candles should be sufficient.
- Mr. Stolman: That's not what we are talking about exactly. The lighting at the property lines can be .5 foot candles or less but the under canopy lighting can be a ball of fire and too bright at that one spot.
- Mr. Jean: How much is required? How much is the level of lighting that is required and I have my light meter with me?
- Mr. Stolman: I'm getting all different numbers and some of them seem too low. So I think we have to get to the bottom of what is appropriate or not which I can't say right now unfortunately.
- Mr. Jean: I'm trying to understand the logic of how it works. For gas station we have a certain level and for here we have a certain level. I'm not objecting to have a vote done. Again, we are in a residential area and we worked with the lighting consultant to lower the level.
- Mr. Flower: That's what everybody's concern is because you are adjacent to a residential area and there are concerns that it's going to be too bright. I know the shielding is stopping light from leaving the property but as the Planner mentioned with all of this light under there it's like a torch burning and everybody can see it from their house.
- Mr. Jean: That will not be the case.
- Mr. Stolman: You are a very good advocate for your client and you made a real effort but I don't think we have enough data here tonight to make a decision.
- Mr. Jean: We have the level of light in color.
- Mr. Jean continues.
- Mr. Marinaccio: It's not showing you a horizontal view of the light.
- Mrs. Roberti: Ralph, there's a picture on the right side at the bottom. If I could say something. Paul, you keep saying the light down but if you are standing across the street it is bright looking at it. If you look at that bottom picture where it's dead no, it is bright. If you go above it looking down it doesn't look that way.
- Mr. Marinaccio: You are showing us the down version of it but you are not showing us a horizontal view of it.

- Mr. Jean: We have it right here and remember this isn't going to be black and white it is going to be visible. If the Board says you have to be at 20 foot candles, we will make it 20 foot candles otherwise we will be without light. We have the opportunity tonight to decide if it is going to be 20 foot candles then make it 20 foot candles.
- Mr. Setaro: Our problem is we don't know what the number should be that's why we need more input.
- Mr. Jean: You have the document if you could pass it around to us and we can go through it.
- Mr. Setaro: None of us is qualify to give you a guideline.
- Mr. Jean: The County has issued a report.
- Mr. Setaro: Once we approve something we cannot take it out.
- Mr. Jean: I understand that and the County already sent out a report.
- Mr. Setaro: I'm not approving anything based on what we are looking at. We need guidelines on their actual report.
- Mr. Freno: I'm not comfortable approving anything based on what we are looking at.
- Mr. Marinaccio: We need their actual comments on this particular project.
- Flower: We will refer to Dutchess County Planning for their comments. I believe the last time we approved the canopy so our decision will depend on the comments from the County. If this application came in as a full submittal and they reviewed then we would receive comments. Usually we do architectural reviews for signage because it's a lot for us to look at. We are looking at conformity with the zoning code and again, none of us are experts in lighting. Some of the members are having concerns because of the brightness and it is very bright than what's proposed on paper. That's pretty much where we are at this point.
- Mr. Setaro: Bruce, the other thing you might be able to do is look at when the Valero in the Village was built and the foot candles under the canopy if your Board members don't think it's that bad. Is it possible to get the lighting plan for that? That would be another measuring stick beside what we get back from the County. We can't make too many comments here because we have a conflict so I'm staying quiet but wanted to get that out there.

- Mrs. Roberti: I can ask Brian Murphy in the Village to send me a copy and I will also send it out to Heather at Dutchess County Planning.
- Mr. Flower: We will try to get the information back as soon as possible and we go from there. We can't make a decision tonight. I can put it out to a vote on the application to approve it or disapprove it and you will be starting all over anyway. You have to make a new submittal. We are stuck.
- Mr. Jean: Okay. In the meantime what do you want us to do?
- Mr. Flower: At the next meeting we will have a resolution to the lighting issue.
- Mr. Jean: In other words there's no action on our side.
- Mr. Flower: When we get the comments back from Dutchess County Planning and see what their recommendation are. I believe we have another application out there that will follow this one since it's a similar situation.
- Mr. Jean: When the County response to your inquiry produce the input that you are looking for then we don't have any choice but do exactly what was asked. So if the County says 15 foot candles, we don't have any choice.
- Mr. Flower: It will be up to the Board to make the final decision.
- Mr. Jean: Like I said you will side with the County so we don't have any other choice. If I may suggest that the vote should be pending the inquiry of the County we won't need to come back here and we will be notified how high it needs to be.
- Mr. Flower: If the County comes back with a recommendation and you discuss it with the Zoning Administrator and come to an agreement you can revise the plan and get it to us immediately and we can go ahead and approve that.
- Mr. Jean: We will go as it is dictated to us. What do we do when we get the response from the County, can you repeat that again?
- Mr. Flower: You want to discuss the findings with the Zoning Administrator. If you guys come up with a number you can revise the plan and come back to us.
- Mr. Jean: Thank you.

Extension:

17-3361 (Site Plan), 18-5188 (Lot Line Consolidation), and 18-4078 (Special Use Permit)

Guardian Temperature Controlled Building: Is seeking their first 90-day extension for the Lot Line Consolidation to construct a temperature controlled self-storage and combine two lots on 0.62 acres in an HB Zoning District. This extension is being requested to allow time for our surveyor to complete the map. He has been inundated with projects which has delayed his work. If granted, this extension will be retroactive beginning June 13, 2019 through September 12, 2019. The property is located at **1084 Route 9** and is identified as **Tax Grid No. 6156-02-753949 (.62 acres) and 6156-02-774941 (2.30 acres)** in the Town of Wappinger. (Redl)

Mr. Marinaccio:	Motion to approve a 90-day Extension.
Mr. Valdati:	Second the Motion.
Vote:	All present voted Aye.

Miscellaneous:

18-5189 Zammiello 2-lot Subdivision: To discuss 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) (PH opened April 15, 2019) (PH adjourned to May 20, 2019) (PH adjourned to June 3, 2019) (PH adjourned to August 1, 2019)

Present:	Mike Gillespie – Engineer Guy Caffrey – Applicant
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Mr. Gillespie:	Good evening. Mike Gillespie from Gillespie and Associates. I'm here tonight with Guy Caffrey the owner of the property. I believe everybody is somewhat familiar with the project and it has been going on for quite some time. It is a 2-lot subdivision off All Angels Hills Road. I first want to thank the board for allowing me to be on the agenda tonight. It has been an adjourned public hearing for quite some time and I take responsibility for that and I apologize.
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Mr. Flower:	We adjourned it to a future date because nobody was here.
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Mr. Gillespie:	One of the big factors that was hanging out there which we did not have at that adjourned date was something from the County. We needed access off All Angels Hills Road which is a County road but we hadn't heard back from them. As of Friday, they formally sent something that indicated they approved one of the driveways but the other driveway they want us to flip flop the lots together which is doable. We got that information now. The reason we are before you tonight is that Guy has
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somebody that is very interested in one of the parcels. Even though the board adjourned that hearing to August, if the Board is so incline to be set for the first week in July which will mean a big deal relative to the building season. That's why we are here tonight to hopefully bring that back a month to gain that extra month to get things done.

- Mr. Flower: Obviously there are some changes that needs to be made to the plan and you are looking to just move the process along. So you wouldn't be looking for an approval at this point.
- Mr. Gillespie: The way it was said at the meeting before last was we were waiting for a letter from the County and there was an apprehension about closing the public hearing until we have something from them. That's why it was left open. We were hoping David's office would prepare a resolution for preliminary and final.
- Mr. Flower: Will you be willing to republish in the paper for that date?
- Mr. Gillespie: We will do whatever we need to do.
- Mr. Flower: Is there enough time to do that?
- Mrs. Roberti: Yes, we could publish next week for July 1st and they would just have to re-send to the neighbors so everybody is aware that the meeting was moved up.
- Mr. Flower: Is there anybody against moving it from the August 12th meeting to July 1st?
- Mr. Marinaccio: No.
- Mr. Flower: So no objection to that we will go ahead and make a motion.
- Mr. Freno: Motion to move the Adjourned Public Hearing from August 12th to July 1st.**
- Mr. Valdati: Second the Motion.
- Vote: All present voted Aye.

Mr. Freno:
Mr. Valdati:
Vote:

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

Adjourned: 10:27 pm

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