

MINUTES

Town of Wappinger Planning Board
September 19, 2016
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Flower	Member	Present
	Mr. Malafronte	Member	Absent
	Mr. Marinaccio	Member	Absent
	Mr. Pesce:	Member	Present
	Ms. Visconti:	Member	Present

Others Present:

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

SUMMARY

Adjourned Public Hearing:

Eduardo Lauria Luxury Apartments Adjourned to October 3, 2016

Public Hearing:

Mat Bus Company, Inc. Open and closed Public Hearing
Resolution approved as amended

Discussion:

Hudson Valley Volvo Approved as amended

Conceptual:

Myers Corners Landing Subdivision Resubmit

Ms. Visconti: **Motion to accept the Minutes of September 7, 2016.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

15-3338 – Eduardo Lauria Luxury Apartments: The Town of Wappinger Planning Board will conduct a Public Hearing on a site plan application to construct a 13,200 sf. building consisting of residential units and 450 sf. of commercial space on 1.10 acres in an HB Zoning District. The property is located at **102 Old Post Road** and is identified as **Tax Grid No. 6157-04-625489** in the Town of Wappinger. (Paggi)

Present: Larry Paggi – Engineer

Ms. Visconti: **Motion to open the Adjourned Public Hearing.**
Mr. Flower: Second the Motion.
Vote: All present voted Aye.

Mr. Paggi: Good evening. Seeing that there's no public, I don't know how much you would like me to present. I know that at the last meeting the real issue was the extension of the water and sewer and the increase in capacity of the water and sewer to this property. There has been multiple correspondence and some work and meetings done relative to that so do you want to go through the project or you just want to address that matter at hand?

Mr. Valdati: Have you been to the Town Board?

Mr. Paggi: We met with Mr. Roberts and the supervisor but we have not been to the Town Board. It's my understanding that the agreement does not need to be modified and we have to come to terms with the buy in fee which I think we've done.

Mr. Roberts: We've come to terms with that. Larry, I think the question is the amount of water needed to the commercial component.

Mr. Paggi: I provided Bob with some preliminary information on that with some back up reports and with the type of machines that would be installed and it looks like we will need about 400 gallons a day.

Mr. Roberts: I think what the Planning Board is looking for is just a clearance from the Town Board that it's acceptable. If we can get it on the Town Board's agenda for Monday, that might clear the air.

- Mr. Paggi: That may have been what you guys talked about at the meeting but this wasn't where we were from that time on. This is news to me.
- Ms. Visconti: We had Mr. Shah and his lawyer here saying that he can't get in and this guy can get in. That was on July 18th.
- Mr. Paggi: I wish Mr. Shah was here because this was a private deal with STS, Aroma and the property along side. He would have had the opportunity to join in at that point in time if he wanted to and it would have helped my client by reducing the cost. We would have put the pipe in but there was nobody stepping up to the plate at that point in time. That opportunity has long since passed.
- Ms. Visconti: That's why we are referring the project to the Town Board.
- Mr. Paggi: I don't understand what the Town Board has to do with it.
- Ms. Bettina: I think the capacity of the water that's going to be used by the apartments was not proposed before.
- Mr. Paggi: I don't think anybody is denying the capacity for this but it would also be capacity for Mr. Shah but he doesn't have the water line coming to him. It's not a capacity issue.
- Mr. Stolman: We are just talking about going to the Town Board and coming back with some sort of okay from the board itself.
- Mr. Paggi: I don't understand. Bob's the one that's telling me that they've got capacity.
- Mr. Gray: I'll make sure that the Town Board has the clarification that there is capacity.
- Ms. Bettina: Bea, please write a letter.
- Mr. Stolman: We just want you to go to the Town Board and get some sort of okay.
- Mr. Paggi: I understand but I just don't understand their role here.
- Mr. Roberts: I think there was a concern that this was originally proposed for a single family residence use now it's turned to 14 apartments for commercial use. That was not contemplated in the extension agreement and they just want to make sure that the Town Board is in agreement with what is being proposed.

- Mr. Paggi: I'm not trying to be stubborn.
- Ms. Bettina: I'm not trying to either.
- Mr. Gray: Just so the Planning Board understands, Larry and I discussed the size of the pipes, the floor from the laundromat, floor from the apartments, fire hose and he's going to need sprinklers.
- Mr. Roberts: There is sufficient capacity according to Bob for both and just to pass it by the Town Board to get them to approve. Larry, if you get a letter in to Lori tomorrow and maybe perhaps the Planning Board can have Bea send a letter to Joe Paoloni to get on Monday's agenda.
- Mr. Paggi: I'll do whatever you guys want us to do and that's not a problem. In fairness to my client, can we at least ask you to ask David to prepare a resolution for the next meeting for a condition approval?
- Mr. Roberts: I don't really see a problem.
- Ms. Visconti: Did you get a copy of a letter from David Rider? He wrote that a single family of three in a single family house uses approximately 400 gallons per day. He also stated that the proposed 14 one bedroom apartments would be 14 x 110 gallons per day equaling 1,820 gallons per day. Also noted the commercial laundromat that is located in the rear of the proposed building and additionally, the design standards of NYSDEC recognizes a flow of approximately 580 gallons per day per machine use in the laundromat. This would be silly that's why we sent you to the Town Board. Are they aware of all of this use?
- Mr. Paggi: I did get that letter and we reviewed some of that information and the Town Engineer is comfortable with everything we presented. We are aware and we took it into consideration during our calculations. The fees we are looking at for buy in are in excess of \$30,000 and closer to \$40,000 when we considered the commercial use of 400 gallons per day. The 500 gallons per day per washing machine is an old standard and we've provided updated information and background reports.
- Ms. Visconti: Just so everybody understands that the line that they are connecting to from both water and sewer is private only constructed by Mr. Lauria. It was not intended to do anything more than to serve the three properties. We tried to explain to Mr. Shah that in order for him to connect, it would have to be part and parcel of regular municipal line running down Old Post Road.

- Ms. Bettina: That should be part of your memo to the Town Board also.
Mr. Paggi: If this board would be agreeable to directing David to prepare a resolution for the next meeting assuming the Town Board response favorably (if they don't, that's a different story), we can address all of the outstanding technical issues and concerns.
- Mr. Valdati: Mr. Gray, is there enough capacity in this district to service this project?
- Mr. Gray: Yes.
- Ms. Bettina: David, do we need a resolution first?
- Mr. Stolman: No.
- Ms. Visconti: We can authorize the resolution to be prepared for the night that he comes back with a letter from the Town Board as long as the Town Board gives their okay.
- Mr. Stolman: I think the safe thing to do is to adjourn this Public Hearing to October 3rd.
- Mrs. Roberti: Larry before you go, are you going to send the letter in tomorrow?
- Mr. Paggi: Yes.
- Mrs. Roberti: Then you guys are going to ask Bea to send a letter to Joe and Lori as a placeholder for September 26th Town Board meeting.
- Mr. Paggi: The letter will be directed to the Town Board telling them the capacity that Bob and I think we are going to need. Are we asking them for their approval or just making them aware of it?
- Ms. Bettina: Reference the letter that was in the memo from Mr. Shah that said that the capacity has changed.
- Mr. Stolman: I think you should ask for some sort of response from them.
- Mr. Gray: These parties agreed that if there were a municipal line put in on Old Post Road, that they would abandon their line and hook up to it and support the payment and construction of it.
- Mr. Paggi: Which is an incredible burden for them to consume, nonetheless, if Mr. Shah wants water all he has to do is pay for it.

- Ms. Visconti: It was my understanding that he has been asking for it but it was never available to him. I'm not going to get into it.
- Mr. Roberts: June, that's apples and oranges and we are mixing that up with Mr. Shah.
- Ms. Visconti: Al, I'm not just worried about one individual but if we do something and all of a sudden more come in and we have to be protected.
- Ms. Bettina: We also want to be fair.
- Mr. Roberts: It's a Town Board issue not a Planning Board issue.
- Ms. Visconti: Motion to adjourn the Public Hearing to October 3, 2016 and authorize the Town Planner to prepare resolution.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

Public Hearing:

16-3350 Mat Bus Company, Inc.: The Town of Wappinger will conduct a Public Hearing on an amended site plan application for the installation of a 1,000 gallon diesel fuel tank and a 2,000 gallon gasoline tank at the rear of the existing building, on an existing bus garage site on 23.967 acres in an AI Zoning District. The property is located at **160 Airport Drive** and is identified as **Tax Grid No. 6259-04-815490** in the Town of Wappinger. (Day)

- Present: Mark Day – Engineer
- Ms. Visconti: Motion to open the Public Hearing.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.
- Mr. Day: As the board knows, we are here this evening to represent Total Transportation. They are installing two fuel tanks behind the building. At the last meeting the board had asked that we have a Public Hearing and we've also made some modification to the plan. We put the proposed tanks on the actual plan and we've made the other modifications that the board had asked us to make.
- Ms. Visconti: You are referencing prior approval on your plan and you are going to show the distance from your building to your tanks and you are also going to show the equipment back there.
- Mr. Day: Yes.

- Mr. Valdati: Do you have any surface machinery that will work for cleaning spills from these tanks?
- Mr. Day: I miss what you said.
- Mr. Valdati: There should be some apparatus on each tank that would clean.
- Mr. Day: We are proposing a sump if there's any spill it will be collected in that sump.
- Mr. Valdati: Mr. Gray, sump?
- Mr. Gray: This would normally be expected on a tank.
- Mr. Valdati: Will there be a sewer/water separator?
- Mr. Gray: There shouldn't be any fuel leaving this tank and there's a system to collect it if it does.
- Mr. Valdati: You will prepare for it?
- Mr. Day: We will modify the plan based on the sumps.
- Mr. Stolman: On Page 3, AI has recommended that Item No. 4 be removed which is the prohibition of the use of firearms. Bob rendered a memo dated September 15, 2016 and those items from his memo will be put in the resolution.
- Mr. Gray: Mark, did you get a copy of that?
- Mr. Day: Yes, we did.
- Mr. Stolman: June mentioned showing the distance from the building to the tank, so we will add that as well. Those are the modifications.
- Mr. Roberts: With respect to Item No. 4 preempted by Environmental Conservation Law, the Penal Law and certain portions of Patent Law. So it's prohibited.
- Ms. Bettina:** **Motion to close the Public Hearing.**
- Ms. Visconti: Second the Motion.
- Vote: All present voted Aye.
- Ms. Visconti:** **Motion to approve the resolution as amended.**

Ms. Bettina: Second the Motion.
Roll Call Vote: All present voted Aye.

Discussion:

16-3345 (Site) 16-4067 (SUP) Hudson Valley Volvo (Amended): To vote on an amended site plan application and special use permit approval for an automobile dealership to bring into conformance existing fuel tanks which were inadvertently not shown on the previously amended site plan dated April 25, 2016. The site sits on 4.6 acres in an HB Zoning District. The property is located at **1148-1152 Route 9** and is identified as **Tax Grid No. 6157-04-690127** in the Town of Wappinger. (Day) (opened & closed PH 4-18-16)

Present: Mr. Day – Engineer

Mr. Day: At the last meeting, the board had asked that we make some modifications. Since that time the owner hired a company to remove some of the existing tanks and replace them with new ones. Once I get that information, we will place it on the plan as we did with prior application. At that point they will have a Bulk Storage Permit.

Ms. Visconti: So he can't include this tonight?

Mr. Stolman: We can.

Mr. Day: It will be a condition.

Mrs. Roberti: For the record, Mark Liebermann sited them for having the tanks. So they took out building permits, therefore we will wait for these modifications with the new company before Mark closes out. I'll make sure Mark has a copy of the resolution and once the new tanks are in he can close it out.

Mr. Stolman: I think Item No. 4 of the resolution on Page 3 is what you just talked about. It states the applicant shall place a note on site plan listing the NYSDEC Petroleum Bulk Storage for each tank. It's in the resolution already.

Ms. Visconti: Motion to approve the resolution prepared by the Town Planner as amended.

Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Conceptual:

16-5179 Myers Corners Landing Subdivision: To discuss an application for a 9-lot subdivision on a 5.845 acre vacant parcel in an R-20 Zoning District. The property is located on **Myers Corners Road** and is identified as **Tax Grid No. 6158-04-894014** in the Town of Wappinger. (Povall)

Present: Bill Povall – Engineer

Mr. Roberts: Mr. Chairman, I would just like to state for the record that I recuse myself. Mr. Macho is a client of my office periodically.

Mr. Valdati: Thank you.

Mr. Povall: Good evening. I believe this was Mr. Macho's subdivision many years ago. There was an application before the board for the property. We are here tonight proposing a 9 lot subdivision on the 5.8 acres. With this property there's a 50 feet leg or access point to Myers Corners Road. It's in the R20 Zoning District and the 9 lots that meet the R20 designation and we have access from Myers Corners Road to a dead end.

Mr. Povall continues to give his review of the project.

Mr. Povall: We are before the board tonight to show you what we are looking to propose in the form of a subdivision application and get some feedback.

Ms. Visconti: Is it in a wetland or flood zone?

Mr. Povall: No.

Ms. Visconti: So this development will be 20 feet from Myers Corners Road?

Mr. Stolman: Change in elevation.

Mr. Povall: It's roughly 20 feet of elevation change from Myers Corners Road falling back to the property to the back of these homes. What we would like to propose to the Town is to connect through the rear to the north which is 20 feet lower toward Patti Place.

Mr. Valdati: Is there a commercial business on one of the front parcels?

Mr. Povall: Yes, there is a commercial building in the front that's existing.

Ms. Bettina: Do you have plans for it?

Mr. Povall: I spoke to the owner today and ultimately he would like to propose a residence there because it is in the residential zone.

- Ms. Visconti: Is that right next to Regina Pace?
- Mr. Roberts: Yes, it's next to Regina Pace. It's right on the map.
Mr. Stolman: Could you address the strip of land that's attached to the larger parcel?
- Mr. Povall: I wasn't part of the original application many years ago. It's my understanding that strip of land is set aside to bring utilities on Myers Corners Road. Whether it is water or sewer at the time was basically set aside for those utilities. I think the original plan at the time had a pump station.
- Mr. Stolman: Would it be best at this time to attach that to the parcel next to it?
- Mr. Povall: We most certainly can look into that.
- Mr. Valdati: So we recommending a lot line realignment.
- Mr. Povall: I think as we move forward we will need to sit down with Bob and go through what our intentions are with the water and sewer and basically come up with a game plan. Bob, I think this has to be in the water and sewer district.
- Mr. Gray: I have to go back and check.
- Ms. Bettina: That will make a difference if you are in the district or not.
- Mr. Gray: I think you are in the sewer but not the water.
- Mr. Stolman: Are you going to add the water and sewer to that little strip?
- Mr. Povall: It had always been my understanding that we are in the sewer district but I wasn't quite sure of the water district. The original plan 10 years ago did show a connection to the sewer. I believe that they may have had individual wells as part of the plan.
- Mrs. Roberti: It was proposed to have central sewer and individual wells.
- Mr. Valdati: Mr. Gray, is there any documentation or tabulation as to the capacity in the water district?
- Mr. Gray: Yes. We do an audit at least every year.
- Mr. Valdati: Could that copy be sent to the Planning Board?

- Mr. Gray: We do that for the Town Board and any application that comes, we've added several. The last one was the Ridges off Shamrock Hills Drive. We did a complete audit of the existing usage, proposed usage and that's done for every application. It's done ones or twice a year depending on activity.
- Ms. Bettina: I think it would be valuable to the board to have that information also. Could you copy us in the future?
- Ms. Visconti: Basically, you have 5.85 acres with lots. Is the little business and the little strip both owned by the same owner?
- Mr. Povall: Yes.
- Ms. Visconti: So it should be one parcel.
- Mr. Povall: It should be two parcels.
- Ms. Visconti: I know it is but what I'm saying shouldn't it be all one parcel?
- Mr. Stolman: I think what the Planning Board is saying is it should be a lot line alignment for the whole thing.
- Mr. Povall: Then include that as a lot for a house?
- Mr. Stolman: Add that 15 feet wide strip into the lot.
- Ms. Visconti: So there's no problem in the future.
- Ms. Stolman: Let's resolve the whole thing right now.
- Mrs. Roberti: That has been a problem. He has been using that as an office off and on so it's been an enforcement issue. I don't have the Minutes from 2009 but this came up to the Board and June remembers and wanted that incorporated either as a community rec house or a home, so that the enforcement ceases.
- Mr. Povall: Okay.
- Ms. Visconti: If you incorporate as one parcel, it would be much easier going forward.
- Mr. Povall: I will go back and speak with him and based on my discussion today, I don't see it being an issue.
- Mr. Valdati: Mr. Povall, do you have any questions for us?

- Mr. Povall: No. I got some feedback and overall my main question is this something the board sees moving forward as long as we dot our “i’s” and cross our “t’s”? I know we have the water issue to deal with.
- Mr. Valdati: Has the listing been included as to the shrubberies that are going to be included in this subdivision?
- Mr. Stolman: I think at this stage Bill was just looking for a concept review so details are not yet shown in the application but they will be as per the way Bill does things always.
- Mr. Gray: There’s a minimum requirement for street trees and again, it’s a proposed Town road. I had a couple of questions about the right-of-way. Bill, it seems to me that on the west side and the east side of the road there are very narrow strips of land. For instance Lot 1 is going to have a tail that’s 23 feet wide coming out to Myers Corners Road.
- Mr. Povall: On Lot 2?
- Mr. Gray: No, Lot 1. It seems to me that it’s a very awkward piece of land and perhaps you want to include that in the right-of-way? Perhaps carry that on the other side or even go further back.
- Mr. Poval: I’ve done subdivisions like this and we’ve had narrow strips. For example the owner of this lot is investing a lot of time and money into their project and they want it to look a certain way. This strip of land was included so the Town can have their right-of-way all the way to this lot. Next thing you know, the neighbor is asking to put a driveway and they are trying to get a lot of benefit from the improvements that you are doing.
- Mr. Gray: I think we can add a condition that no other driveways can be put there.
- Mr. Povall: The other problem was the Town didn’t want the other 55 feet.
- Mr. Gray: For instance Roy on the corner becomes a corner lot and Pace as well and we don’t want any zoning violations. Now and front yards will have to meet setbacks. If we leave it as a strip and it’s in private ownership, that’s not a concern.
- Mr. Roberts: It is preexisting nonconforming.

- Mrs. Roberti: I'm not concerned with Regina Pace's but that corner on Roberts Road will wound up having three fronts and that can be very problematic for that lot going forward.
- Mr. Stolman: Maybe we just leave the strip and restrict them to access in otherwise.
- Mr. Gray: To leave the strip in ownership with the lots?
- Mr. Stolman: Yeah.
- Ms. Bettina: I think this is something you guys can discuss and come back with a few ideas.
- Mr. Gray: To create a corner on someone's property, you are adding a setback. For instance if they want to put a shed in the back, now it's a front yard and they have to be 50 feet backward and that's not fair to them.
- Mrs. Roberti: That's my biggest fear that the one on Roberts Road will have three sides.
- Mr. Gray: For any of them. You are taking away the use of their property.
- Mr. Flower: I have one question on the radius of the cul de sac, if you could just clarify that with 42 ½ feet radius that's to the edge of pavement?
- Mr. Povall: That's to the edge of pavement.
- Mr. Flower: So it's the edge of pavement and not the property line.
- Mr. Povall: The property line is 52 feet.
- Mr. Flower: You are showing on the map I have here as 42 ½ to the property line and not to the edge of pavement.
- Mr. Povall: It is the edge of pavement but it's just drawn that way.
- Mr. Flower: If you could just clarify that. I believe the Town code says you have to have an 85 feet circle.
- Mr. Povall: That was just an error in the drafting.
- Ms. Visconti: Fire Prevention Bureau need private road name submitted per the Fire Inspector regulations and turn around needs to be adequate for apparatus.

Mr. Poval: This road would meet all of the Town's specifications. I've done so many of these.

Mr. Gray: Is there any way you can reconfigure the lots so that the center of the proposed easement matches up with the center of the existing easement?

Mr. Povall: We can certainly do that.

Mr. Valdati: Any other comments?

Mr. Povall: Thank you.

Ms. Bettina: **Motion to adjourn.**
Ms. Visconti: Second the Motion.
Vote: All present voted Aye.

Adjourned: 7:40 pm

Respectfully Submitted
Bea Ogunti

Secretary
Planning Board / Zoning Board of Appeals