

MINUTES

Town of Wappinger Planning Board
July 18, 2018
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

Mr. Flower	Chairman	Present
Mr. Ceru	Member	Present
Mr. Hussain	Member	Present
Mr. Marinaccio	Member	Present
Mr. Pesce	Member	Present
Mr. Phillips	Member	Present
Mr. Valdati:	Member	Present

Others Present:

Mr. Horan	Town Attorney
Ms. Valk:	Conflict Attorney
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Adjourned Public Hearing:

Zammiello 2-lot Subdivision

Adjourned to September 5, 2018

Public Hearing:

Skin Serendipity

Public Hearing opened & closed
Vote on Resolution on August 6, 2018

Discussion:

Myers Corners Landing Subdivision
Splain Lot Consolidation
Wappingers Farm Estates Subdivision
Old Hopewell Commons Subdivision

Resolution approved as amended
Public Hearing on August 6, 2018
Circulate for Lead Agency & Resubmit
Pre-construction meeting & restoration bond

Architectural Review:

Lawrence Farms Freestanding Sign

Approved

Conceptual Review:

20 MacFarlane Warehouse & Outdoor Storage

Submit Site Plan application for August 6, 2018

Extension:

Old Hopewell Commons Subdivision

Ninety (90) Days extension granted

Mr. Pesce: **Motion to accept the Minutes from June 18, 2018.**
Mr. Phillips: Second the Motion.
Vote: All present voted Aye.

Adjourned Public Hearing:

18-5189 Zammiello 2-lot Subdivision: The Town of Wappinger will conduct an Adjourned Public Hearing on an application for a 2-lot subdivision on 7.95 acres in an R40 Zoning District. The property is located on **All Angels Hills Road** and is identified as **Tax Grid No. 6258-04-621394** in the Town of Wappinger. (Gillespie)

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

Mr. Flower: The public hearing is now opened for the Zammiello Subdivision. Is there anyone who wishes to speak on behalf of this application?

Mr. Stolman: You want to find out if the applicant is here.

Mr. Flower: Looks like we don't have anybody here. I will now entertain a motion to adjourn the public hearing. What are our next two meetings?

Mrs. Ogunti: Our next two meetings are August 6th and September 5th and just to note we have one meeting in August.

Mr. Flower: Since we have no one here and there is a resubmission on this project, we will need to adjourn the public hearing to September 5th.

Mr. Pesce: **Motion to adjourn the Public Hearing to September 5, 2018.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

18-4080 Skin Serendipity: The Town of Wappinger will conduct a Public Hearing for a Special Use Permit application to operate an at home day spa in their personal residence on 0.48 acres in an R20 Zoning District. The property is located at **6 Drew Court** and is identified as **Tax Grid No. 6257-04-784419** in the Town of Wappinger. (Payson)

Present: Elizabeth Payson – Applicant

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

Mr. Flower: Ms. Payson, please come up and like you did the last time and give the audience a brief overview of your project.

Ms. Payson: My name is Elizabeth Payson and I live at 6 Drew Court in Wappingers. I am here for a Special Use Permit to continue my business which is Skin Serendipity in my home where I provide esthetics skin treatments and other forms of skin treatments out of my home for clients. My business is my passion, my livelihood and how I pay my bills. I keep it private and I keep it quiet and I have my clients park in my driveway so I don't cause any disturbance or interference to my neighbors. I'm here just to continue to do what I love.

Mr. Flower: We will now open the floor for public comments. Is there anyone in the audience who wishes to speak for or against this application? Please come up and state your name and address for the secretary so she can record that in the minutes.

Ms. Dengler: My name is Jo Dengler, 7 Drew Court, Wappingers Falls. Our street is a small cul de sac with 9 homes on it and it is residential and we would like it to stay like that. This is drawing extra traffic and we are not used to that.

Mr. Flower: Thank you.

Mr. Hickey: My name is Mike Hickey, 4 Drew Court, Wappingers Falls. I don't think there should be a big problem about this because basically they've been doing this for some time and you won't even notice she's doing this. I can tell you that there's traffic going back and forth on the block and I can tell you it's not from her business. I have been in that cul de sac for 44 years and I haven't noticed anything detrimental at all in terms of traffic or noise. So I would definitely support giving them the special use permit. They are good people as well and they are good citizens. My wife had a medical problem at one time and he came over to help so I cannot speak highly enough of them. They have integrity. I don't know the law so I don't know what you are looking for in terms of comments. I have no problem with them being next to me.

Mr. Flower: Thank you. We are just basically feeling out the neighborhood to see if there are any overall concerns. What is being proposed is legal in that neighborhood.

Mr. Hickey: Okay. Thank you.

Mr. Flower: The question was how much traffic you get per day?

- Ms. Payson: I take clients Tuesday through Saturday and my hours vary based on how busy I am. I book my clients an hour apart based on the service to avoid that. I purposely have my client park in my driveway and it fits three cars comfortably. My husband is never home so the only car that's in my driveway when I'm working is my own. I understand it's a small neighborhood and I respect my neighbors and I want to keep it that way.
- Mr. Clarkson: My name is Richard Clarkson, 11 Drew Court in Wappingers Falls. I've lived in there for 40 years as well. I am not against business but I'm against business in a residential area. When I first moved in Rockingham I knew that there were other businesses established in Rockingham and have been refused permits. I'm especially against someone who has been in business for months before she came for a Town permit. That's all I have to say.
- Mr. Flower: Is there anyone else?
- Ms. Campbell: Theresa Campbell, 5 Drew Court. I basically want to know is this setting a precedence that if you allow one business then anybody can then start businesses in their home in that development? That's my concern because it is zoned residential and once you start letting commercial in does that set precedence for everything? As everyone knows it is a court and what if someone else open up a daycare and you have 20 kids running around the court? Because someone else has a business now anybody else can. In the beginning they were parking in the street right in front of her home. Just recently they started parking in her driveway. She did say to my children that they cannot park on her side of the street because she needed the parking for her clients.
- Mr. Flower: It is a public road.
- Ms. Campbell: They know that but she decided to say that and obviously it didn't go very well because like you said it is a public street and anybody can park anywhere. I don't have a problem with that but when you tell me when I've been there for 20+ years that my kids can't park when it's just their friends stopping by for a little bit.
- Mr. Flower: Thank you.
- Mr. Payson: Howard Payson, 6 Drew Court. My wife is here and we would like to say thank you for everyone that has taken the time. I would like to address the last person's concerns. My wife and I are very private people and in terms of cars and of children being there. We are the first people to embrace and to be good neighbors but when there are at least 10 cars all across the block and parking everywhere. We understand that we

don't have the right to say who can park there but when it's a consistent thing and there's noise. We've never filed a noise complaint and we've never had a noise complaint against us. As my wife said we have three cars that we can fit in our driveway and there are only two cars at any time in that driveway. I just want to say that and I appreciate everyone's time.

Mrs. Payson:

Theresa Campbell, I apologize for the event you and I had before. I'm sorry and as my husband mentioned that's just the way we grew up. It's a little bit of a culture shock to see that many cars that quickly. I'll be the first to admit that I was wrong and it was a short temper move on my part and I'm sorry. I'm not trying to do anything wrong or make anybody upset or angry. I'm just trying to do what I love to do and continue to do every day and I'm sorry that you and I had words about this in the past. I would like to make our street respectful for everyone.

Mr. Flower:

Thank you. Is there any other public comment?

Ms. Campbell:

Hi my name is Marina Campbell, 5 Drew Court. I am 20 years old and I've lived there since I was growing up. It is a friendly neighborhood and I remember playing with the kids across the street since I was little and I've never had any issues until this whole spectacle about business being on our small street. I know it is listed as a residential area only as other members of my community have stated. I think it should stay that way especially since it has caused so many problems for a lot of people living on the street. Friends of mine, family members have been asked to move vehicles where they have been parked in front of her house and I just don't think that it's right. It's just going to cause more problems.

Mr. Flower:

Any other comments?

Mr. Horan:

For the record the Town of Wappinger permits a home occupation as a permitted use without having to come to the Planning Board if there is no client that visits the home. The Town of Wappinger permits in all residential districts in the Town a home occupation that has clients who come to their house subject to a special use permit. Which is the application currently pending before you tonight.

Mr. Stolman:

It's a permitted accessory use subject to a special use permit in this case.

Mr. Flower:

At this point we've heard the comments so we can now close the public hearing.

Mr. Marinaccio:

Motion to close the Public Hearing.

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

Mr. Flower: At this point we need a motion to authorize the Town planner to prepare a resolution.

Mr. Valdati: Motion to authorize the Town planner to prepare a resolution of approval for August 6, 2018.

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

Discussion:

16-5179 Myers Corners Landing Subdivision: To vote on a preliminary and final subdivision approval on an application on a total of 6.10 acres on two parcels in an R-20 Zoning District. The property is located on **Myers Corners Road** and is identified as **Tax Grid No. 6158-04-894014 (5.84 acres) and 6157-02-899988 (0.26 acres)** in the Town of Wappinger. (Povall) LA 6-20-17 (opened PH 7-17-17) (closed PH 9-6-17) (adopted October 16, 2017)

Present: Billy Povall – Engineer for Applicant

Mr. Flower: We are here tonight to discuss the preliminary and final approval.

Mr. Stolman: Just the final approval.

Mr. Flower: Do we have a resolution for this?

Mr. Stolman: Yes.

Mr. Flower: Did you read over the resolution?

Mr. Povall: Yes, I did read it and I just have one question regarding Item 4G on Page 4 talks about the 911 addressing to be provided on the plat. We got an email from the building department to provide a road name. The email says after the Planning Board approves the subdivision the final map is filed with the County. Then you submit a letter to Dutchess County addressing the proposed road name. Once the name is approved the County sends it to the Town of Wappinger Town Board for a vote. In the past we did work on getting the name approved before the map so I'm just trying to figure out where we are today.

Mrs. Roberti: For the record homes that are built in the subdivision cannot get an address until the map is filed and those lots are actually created. At that point Dutchess County will issue a grid number for them to file each parcel. As each building permit comes in it goes to 911 to be given a number.

Mr. Stolman: What's about the name?

- Mrs. Roberti: The name should be approved.
- Mr. Povall: It went to Sue.
- Mr. Stolman: Susan Dao?
- Mrs. Roberti: Bill, did you apply for the name through the fire inspector's office?
- Mr. Povall: I was told to file through Susan.
- Mrs. Roberti: Did you give it to her?
- Mr. Povall: Yes.
- Mrs. Roberti: Then Susan would have sent up to 911 addressing so that should be forthcoming.
- Mr. Povall: It was my understanding that she was waiting until the subdivision is filed.
- Mrs. Roberti: That is not the way it goes.
- Mr. Povall: My question is does Page 4G apply the way it is written?
- Mr. Stolman: I think you will get the name sooner than it would seem from the email.
- Mr. Povall: I believe it says address.
- Mr. Stolman: No, just name.
- Mr. Povall: It says to apply for street addresses.
- Mr. Stolman: The only thing you have to put on the plat is the street name.
- Mr. Povall: Got it. I was just a little confused by that.
- Mr. Stolman: It was a test.
- Ms. Valk: There was a modification to the proposed resolution and that came up during discussion about the need for a restoration bond given the clearing that occurred on the property since the time of the preliminary approval. So our recommendation is that would go in as a new 4J and I can read into the record what the proposed condition would be. That a restoration bond and an amount to be approved by the Town engineer and form approved by the Town conflict attorney shall be submitted before any further site work is undertaken. So that's actually not a condition to the plat file it is actually for further work to continue.
- Mr. Flower: Are you okay with the restoration bond?

- Mr. Povall: The bottom line is if the plan never gets filed then there will be a bond to restore the property.
- Mr. Flower: It was also brought to my attention that there's an outstanding inspection on the property?
- Mr. Povall: We have been conforming and we are in the process with Walter and others in town to go over the inspections but we have been going out there doing weekly inspections.
- Mr. Flower: So your office has been over there doing it?
- Mr. Povall: Yes, and with Susan Dao.
- Mr. Flower: Have those been submitted?
- Mr. Povall: Yes, to Susan Dao.
- Mr. Flower: At the expense of the Town or Walter Artus?
- Mr. Povall: The inspections at this time have been submitted to Susan Dao. I got an email from her today and she also wants it sent to Walter and Bob.
- Mr. Gray: Okay, I just thought they just weren't been done.
- Mr. Povall: We've been doing it since the last meeting.
- Mr. Gray: I don't know why I thought that.
- Mr. Povall: No, we've been doing them.
- Mr. Flower: It was mentioned to me earlier that it wasn't been done.
- Mr. Povall: I'll forward them out tomorrow.
- Mr. Flower: Okay. David was there anything else?
- Mr. Stolman: No, that was it.
- Mr. Flower: Rebecca, you are good?
- Ms. Valk: Yes.
- Mr. Flower: Bob, are you satisfied?
- Mr. Gray: Yes.
- Mr. Flower: So at this time it's just a matter of voting on the resolution?

Ms. Valk: Just as a note there's a ticket pending in the Town of Wappinger and your client has not appeared on that yet and he needs to appear on the stormwater.

Mr. Povall: Okay.

Mr. Flower: At this point we need to vote on the resolution as amended.

Mr. Marinaccio: **Motion to approve the Resolution as amended.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

Mr. Povall: Thank you.

18-5190 Splain Lot Consolidation: To discuss a lot consolidation for preliminary and final subdivision application to combine three existing vacant parcels into one lot on 39.57 acres in an R80 Zoning District. The property is located on **Smithtown Road** and is identified as **Tax Grid Nos. 6256-01-020831, 6256-01-041873 and 6256-01-075916** in the Town of Wappinger. (Povall)

Present: Bill Povall – Engineer for Applicant

Mr. Povall: We are here tonight with an application to consolidate Lots 7 and 8 to make them subdivisions. This is the proposal that we discussed with the board at the conceptual review at the last meeting. Lots 1, 2, 3 and 4 were combined at a prior date. Lot 5 is included as part of this application because Lot 5 is involved with the easement required to build the shared driveway for Lots 6, 7 and 8 as well as some drainage improvements. With this application not only are we proposing to combine the three lots we are also proposing to extinguish the driveway because it's no longer applicable. With this plan we did show the grading for the proposed driveway. It will just be a standard 12' wide driveway as per the Town code for one home. This will be located in the middle of the three lots. The septic system was already approved as part of the subdivision. There's a drainage ditch that runs from Smithtown Road to the State wetland to the back. However, the Town wetland ordinance is considered Town wetlands. We did have a buffer disturbance that was approved with the original subdivision and we are looking to modify that.

Mr. Povall continues his overview of the project.

Mr. Flower: Did you receive the review letters from both the planner and the engineer?

Mr. Povall: Yes.

Mrs. Roberti: Did you receive from the Fire Prevention Bureau?

- Mr. Povall: Yes, I did.
- Mr. Flower: Bob, are you good with this?
- Mr. Gray: Yes. It sounds like my question on site visit is satisfied because they moved it slightly.
- Mr. Flower: So now that satisfies your comments. David?
- Mr. Stolman: We need a new driveway for Lot 5.
- Mr. Povall: Lot 5 is still in the same place. It was always a standalone.
- Mr. Stolman: Lot 5 is using a shared driveway?
- Mr. Povall: No, it's always been a standalone.
- Mr. Gray: I have to go back and look at the old plan.
- Mr. Stolman: That's entirely on its own lot?
- Mr. Povall: Yes.
- Mr. Flower: So both of you are satisfied.
- Mr. Povall: I would like to make a request to waive the public hearing because this is just to combine 6 lots. What we are proposing is far less extensive than what was proposed in the original subdivision. There really wasn't any public comment for the original subdivision.
- Mr. Flower: How does everybody feel about waiving the public hearing?
- Mr. Marinaccio: Waive it.
- Mr. Stolman: Before you waive it let's find out if you can waive it. This is a preliminary plat and generally for a preliminary plat a public hearing is required.
- Mr. Povall: I've been doing this for a number of times and normally a public hearing has been waived associated with combining lots.
- Mr. Stolman: Do you have a section to site? Here we go. Section 217(12h) Section 2, notwithstanding 217(12h) the Planning Board may waive the public hearing for an application that consists solely of the realignment of common lot line between two adjacent lots and this is not exactly that.

- Mr. Gray: You are not realigning it.
- Mr. Stolman: You are not realigning a common lot line between two adjacent lots.
- Mr. Horan: In some respect you have to come back anyway.
- Mr. Flower: We still have to do a final resolution anyway.
- Mr. Stolman: It's not in a critical path. In essence it's not slowing things down.
- Mr. Povall: Even though this would be a preliminary and final you still require a public hearing?
- Mr. Stolman: Yes.
- Mr. Povall: It's a lot of work that's involved.
- Mr. Stolman: According to New York State Town Law, you have to have a public hearing at preliminary and this is preliminary and final but we have an exception which this doesn't seem to be.
- Mr. Povall: Okay.
- Mr. Flower: We will have to set the public hearing. Is there a chance we can do it for the August 5th meeting?
- Mr. Povall: That's enough time. We can do this tomorrow.
- Mr. Flower: Bea, do you think it's enough time to file the notices?
- Mrs. Ogunti: Yes.
- Mr. Flower: So we will set the public hearing for August 5th.
- Mrs. Ogunti: It's actually August 6th.
- Mr. Stolman: We can have a resolution of preliminary and final approval ready by then.
- Mr. Flower: At this point we need a motion authorizing the planner to prepare the resolution pending the outcome of the public hearing.
- Mr. Phillips: Motion to authorize the Town Planner to prepare a resolution for preliminary and final approval for August 6, 2018.**
- Mr. Hussain: Second the Motion.

Vote: All present voted Aye.

18-5194 Wappingers Farm Estates Subdivision: To discuss a subdivision application for the construction of 11 single family residents on 61.00 acres in an R40/80 Zoning District. The property is located at **105 Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger (Day)

Present: Derrick Day and Mark Day – Engineers for the Applicant

Mr. Derrick Day: Good evening Derrick Day here with M. A Day Engineering representing Wappingers Farm Estates. The site consists of a 61 acres parcel located at 105 Robinson Lane in the Town of Wappinger just south of Robinson Lane Park. The site is in an R40/80 Zoning Districts. The applicant is proposing to create an 11 lot residential subdivision and dedicate the remaining acreage of the site to the Town of Wappinger. This past week soil tests were performed at the site to see what type of soil was there and hopefully next week we can submit what we have to the Board of Health for further approval. This is currently where we are with the project.

Mr. Mark Day: Just to embellish you guys have seen the project before. It was owned by a prior owner and there's a new owner now. Everything is intact and same with dedicating the parcel back to the recreation department. That's pretty much it so I think at this point we need to circulate.

Mr. Stolman: Yes.

Mr. Mark Day: Unless you want to set the public hearing.

Mr. Stolman: Anything else you want?

Mr. Mark Day: Final.

Mr. Flower: So that has already been through the process?

Mr. Mark Day: Yes, it started with the prior owner and he pretty much sold it and we advised the new owner to just stick to the plan and there was too much fill involved to come off Robinson Lane with your driveways. There's no need to build that road because you aren't going to gain anything it's just going to be another road. It took a considerable amount of fill so this plan is a driveway off of Robinson Lane and no road involved.

Mr. Flower: Obviously you received the comments from Bob and David.

- Mr. Mark Day: Yes, and we take no exception with the comments so we will make changes.
- Mr. Stolman: Mark, to the best of your recollection was the improvement of the land that will go to the Town for recreation purposes for the improvement of the ballfield part of the arrangement?
- Mr. Mark Day: It may have been with the prior owner and the new owner is not aware of that. I can ask but we never talked to him about that.
- Mr. Stolman: The dedication of the land was part of the arrangement to get the rezoning so I'm wondering whether the new owner knows or not.
- Mr. Mark Day: I want to say he does not know so I can speak for him that he does not know that. I know it was his intent to honor the agreement such as giving the property. The improvements I can't speak for that.
- Mr. Stolman: So we need to research that.
- Mr. Flower: You need to research the resolution from when the Town Board allowed the zoning change.
- Mr. Mark Day: Okay.
- Mr. Flower: We need to make sure what was agreed to in that process and it will also reflect on this site plan.
- Mr. Mark Day: Okay.
- Mr. Gray: Mark, did you look into tearing up these driveways? I'm not even talking about common driveways. I'm talking about where they share a property line there's one spot I looked at that would reduce the number of times and I asked the Highway Superintendent to weigh in on this.
- Mr. Mark Day: Okay so we will move the driveways.
- Mr. Gray: I realize that you have septic to deal with. It would be nice to have only few places for people to come out.
- Mr. Mark Day: It makes sense.
- Mr. Gray: The other thing was on the other side of the street there was an encroachment next door. The previous map shows a lot line revision to accommodate that.

- Mr. Mark Day: I will talk to the new owner about it. He's not aware about that either.
- Mr. Gray: I recall there was something on the other side of the road too.
- Mr. Mark Day: This gentleman reached out.
- Mr. Gray: Just get that old plan and see the lot line revision.
- Mr. Mark Day: So we will convey that back?
- Mr. Gray: On the other side they took a bite out of that lot.
- Mr. Mark Day: What I'm trying to avoid is having to align the lot. Can I just convey this back to this person?
- Mr. Gray: The whole lot?
- Mr. Mark Day: When you say slice do you mean one?
- Mr. Gray: I don't know if we can do that without a file map.
- Mr. Mark Day: The owner is going to say no because he's not going to pay for a survey to do it but we'll address it.
- Mr. Gray: There was an allowance for that in the previous map and I think there's an encroachment on the other side. It's definitely a better set up than the old subdivision.
- Mr. Mark Day: Peter asked that we show limits of disturbance on each lot and I don't know we will know what that would be.
- Mr. Gray: I'll help you with that.
- Mr. Flower: Any questions from the board?
- Mr. Mark Day: Do we circulate for lead agency?
- Mr. Flower: We need a motion for the Planning Board to circulate for lead agency.
- Mr. Pesce:** **Motion to declare our intent to circulate for Lead Agency.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

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

Present: Mark Day – Engineer for the Applicant

Mr. Day: Tonight we are on the agenda because we inadvertently started cutting trees apparently early. It was a misunderstanding on our part. We asked our site biologist to take a look at everything which he did and he also looked at it after we got the stop work order to verify we hadn't gone outside the limits he recommended in his report to us. The limits of disturbance and the wetlands were staked in the field and an entrance road that existed at the old LaFonda site. We have not gone anywhere near the limits of disturbance that were staked. That's where I am with that. Other than that we got Board of Health approval and we've submitted the SWPPP and part of the reason we had to cut the trees and we had to get back here to get some photo testing for the SWPPP. We submitted to Bob's office for review and I believe Peter is looking at it. All of the other approvals we have the County has reviewed them as far as the connection to Old Hopewell. They had some minor comments and I believe they have approved the concept to what we are doing. Last week the DOT got involved and said that there may be a permit we will have to get from them. Based on our discussion with Mr. Bentley we think the permit he is seeking is for the closure of Sgt. Palmateer Way which would not be under our jurisdiction and it would be under the Town.

Mr. Day continues his review of the project.

Mr. Flower: So the SWPPP is in progress and we are not quite approved on that yet.

Mr. Day: Correct.

Mr. Flower: I believe there's also a requirement for stormwater maintenance agreement?

Mr. Day: Our attorney has submitted.

- Mr. Horan: I'll talk to Carl about it. We had discussions but not with respect to that. I'll talk to him and he can have that done. I know he's away this week but he'll be back on Monday.
- Mr. Flower: Also a restoration bond needs to be set up.
- Mr. Day: How do we set the amount for that?
- Mr. Flower: You will need to talk to our engineer.
- Mr. Stolman: What's the scope of what you would like to do before you get all of your conditions fulfilled?
- Mr. Day: We are very close the one issue that popped up was this issue about the DOT permit. When I spoke to Greg on the phone he was literally leaving for his vacation. So he said I don't think you need it, send us the SEQRA files which we did and you may not even need it. From what he has led me to believe it would be because of disturbance up here when that road is finally closed which we won't be doing. He said if you won't be doing it then a permit won't be needed but he wasn't sure. He wanted us to clarify exactly how the road would be done.
- Mr. Stolman: Threshold question, are you asking to do any additional work for you to fulfill all of the conditions of your approvals.
- Mr. Day: I would like to continue to clear all of the trees inside the limits of disturbance.
- Mr. Stolman: You asked the question how much would the restoration bond be? Bob is asking what is the scope of the work you would like to do for you to fulfill all of your condition?
- Mr. Day: Just getting the tree cut and not pulling stumps.
- Mr. Stolman: In what area?
- Mr. Day: Basically the commercial lot because we would be using as staging and anywhere around our limits of disturbance minus the trees we can't cut until October.
- Mr. Stolman: So Bob will come up with a number based on that.
- Mr. Gray: Let's talk tomorrow.

- Mr. Flower: So the restoration bond will be for more or less the entire site but you are not going to start construction of the road because that will hold off until you get all of your final approvals.
- Mr. Day: Right. We need to get our SWPPP, get the site plan signed and we need to resolve the issue with the road and how exactly it gets swapped if you will.
- Mr. Horan: Mark, there's a procedure called discontinuance procedure. This would be treated as the road being realigned and after the road is realigned the new road is constructed and accepted then the portion of the road being aligned gets abandoned. That's basically on the word of the Highway Superintendent saying that portion of the road is no long needed. Send me an email and I'll respond to that.
- Mr. Day: At that point is it the Town that takes out the asphalt? I think that's what Greg is asking who is taking out the asphalt?
- Mr. Horan: We haven't looked at that site. That would be a discussion for purposes of the work on that site. These resolutions don't apply to that lot. As far as taking out the asphalt goes none of that would be added until the road is technically abandoned.
- Mr. Day: Right and our road would have to be constructed and it's down the road and I was trying to explain it to Greg.
- Mr. Stolman: Mark, are your erosions and sediment controls in?
- Mr. Day: We were putting them in but then Barbara told us to stop work so we stopped work.
- Mr. Gray: You and I will speak tomorrow and come up with a bond amount.
- Mr. Day: The other thing is we need to extend the site plan and subdivision approval.
- Mr. Flower: Yes, we have that later on the agenda for the extension and you are here for the preliminary and final approval. Mark, have the wetlands been marked?
- Mr. Day: The wetlands have been delineated both the wetlands and the limits of disturbance are delineated.
- Mr. Flower: So they've been marked so if anybody goes on the site to do an inspection they will see it?

- Mr. Day: Yes.
- Mr. Stolman: Mr. Chairman, I think Barbara has a comment.
- Mrs. Roberti: Before you start work again once the bond is in place maybe we can set up a quick meeting with me, Susan and Bob and maybe Walter and meet out there before you start.
- Mr. Day: We meant to but we will.
- Mr. Flower: So we have a little bit of work ahead of us before we can get going here.
- Mr. Day: Thank you very much.

Architectural Review:

18-3396 Lawrence Farms Freestanding Sign: To discuss an architectural review application to remove an existing 48 square foot sign and replace with a 120 square foot directory road sign on 9.91 acres in an HB Zoning District. The property is located at **1083 Route 9** and is identified as **Tax Grid No. 6156-02-710924** in the Town of Wappinger. (Lawrence)

- Mr. Flower: Did everyone see the information on signs from the zoning administrator? Did you all look at it with respect to what is being proposed of which Mr. Lawrence has a picture up in front of him. So you say the overall is 24 inches that I'm seeing from here?
- Mr. Lawrence: The sign is 10 feet wide, 12 feet high 120 square feet and the overall height we are proposing is 20 feet. So this helps a little bit. Stewart's on Route 9D has a sign that's 20 feet high and it's been there a long time and is a single user. We really need this sign because each tenant has to be on that sign and we have 12 tenants. I really hope I can get your approval and there are much more on signs in the Village of Wappinger.
- Mr. Flower: With what's being proposed here and going through Mrs. Roberti's list here for signs, what are your feelings about this? Is this something for approval or you would like to see changes on what's being proposed.
- Mr. Marinaccio: The only thing I would like to see is an address on it. I don't see anything wrong with it and I think it's a nice sign. It is necessary for those businesses in that area to have that sign there.
- Mr. Haas: It looks good.

- Mr. Flower: Looks like the board is in favor of what you've proposed. At this time I will entertain a motion for approval. Before we do that we don't need a resolution for this, correct?
- Mr. Horan: You don't need a written resolution.
- Mr. Stolman: There should be a motion.
- Mrs. Roberti: I just want to clarify that there's a motion and then Bea fills out the back.
- Mr. Stolman: What I'm saying is there should be a motion of approval.
- Mr. Horan: It should reference if there's a date or something.
- Mr. Flower: Right, as submitted to the board of the original plan. I will now entertain a motion to approve the new sign as submitted.
- Mr. Valdati: Motion to approve the new sign as submitted.**
- Mr. Hussain: Second the Motion.
- Vote: All present voted Aye.

Conceptual Review:

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

- Mr. O'Donnell: Good evening, my name is Craig O'Donnell and I live at 640 Wheeler Hill Road in Wappingers Falls, NY. I own the property at 20 MacFarlane Road which is the former Sloper Willen Ambulance facilities back in the 1950, 1960 up to the early 1990 until they move next door. It probably has been used as vehicle storage, repair shop, etc. It's in an R20 zoning district. Earlier this year I came and got a use variance from the ZBA for commercial use in a residential area. In the meantime I've cleaned the property up and worked with Barbara and got the tenant that was there out. Got rid of trash, got the water running and electric on. I've found a user for the property. Mr. Espinoza has a cleaning business and is interested in running his business out of that building. He has several company vehicles that will be parked there as well as the vehicles of his employees. There will be no use on the outside of the property other than vehicle parking. This was outlined in the approval from the ZBA exactly for this use and something more aggressive.

Mr. O'Donnell continues his overview of the project.

Mr. O'Donnell: We are here tonight just to get the approval from the board for this particular use on this property.

Mr. Flower: You still have to put in for a formal application.

Mr. O'Donnell: Yes, we've already applied for a formal application. We just want to make sure this is something the Town is interested in seeing operate there. The Zoning Board of Appeals have already reviewed and approved it.

Mr. Flower: Are there any questions from any of the members with what's being proposed?

Mr. Horan: Mr. Chairman, I was the attorney for the ZBA and based on the import from the ZBA and drafting the resolution of the granting the use variance. As Mr. O'Donnell stated this is probably less intense of a use than what was contemplated originally. The discussions were landscaper yard or some sort of contractor which can get broader depending on the type of operation. Cleaning establishment and this type of business other than the number of employees the type of use is basically more or less the same. It doesn't really have the potential for expanding into different areas so I think this is probably the most favorable use of the property. Some of the other uses that were discussed were the storage of cars like that. You are not generating a lot of traffic in and off the site and basically the employees can come pick up the truck and come back and pick up their cars. The only issues the chairman had discussed were the hours of operation.

Mr. Espinoza: We have a crew that comes in to the warehouse around 4:30pm pick up the van and then go out. We are going to have people in the warehouse who are going to have everything ready for them in the day so the hours of operation is 8:00am to 5:00pm. The guys come at 4:30pm and get the vans ready to go and they will park their cars over there and they are going to use our vans to go to work.

Mr. Stolman: When do they come back?

Mr. Espinoza: They come back at 6:30am so we work overnight. The only ones that are going to be there in the day is myself, wife and two others there.

Mr. Marinaccio: How many employees do you have now?

- Mr. Espinoza: In the company we have about 60 employees but they are not all coming into our warehouse. Majority of our business is in Middletown and Monticello but not anything around here. The few people that come into Wappingers Falls they are crews that doing work in hospitals and medical offices. Those are the guys that are going to come to the warehouse drop their cars off and get the vans. So they are about 7-8 people. Everybody else drive their own cars to the places we are doing the work at.
- Mr. Marinaccio: How many vans parked there?
- Mr. Espinoza: In the company we have about 8 vans and we have an enclosed trailer where we transport our equipment and that's basically it. The others in the company drive their own vehicles. We are looking at no more than 15 to 20 cars in any given day Monday through Friday.
- Mr. Marinaccio: Do you mean storage container trailers?
- Mr. Espinoza: You know the enclosed landscaping trailers that have the ramp in the back? That's what we normally use because we have the scrubbers that clean the floors and they are heavy equipment. We pretty much have everything at every single site we have to work at night but if something breaks down or something goes wrong they have to come in and bring another equipment into the trailer.
- Mr. Marinaccio: Is this pretty well screen from the public view?
- Mr. O'Donnell: You can hardly see the building and if you go down there you can probably see 20 feet of the front right corner of the building because there's a house there. On both side of the building is heavily wooded and is behind existing buildings along MacFarlane Road.
- Mr. Marinaccio: Are you going to have a sign out there too?
- Mr. O'Donnell: No, probably not.
- Mr. Espinoza: The only place we are going to have a sign is outside on the building.
- Mr. Horan: The ZBA can add any new use to the property subject to site plan approval by the Town of Wappinger Planning Board according to the agreement. No outdoor storage or display is permitted without approval of the Planning Board. Outdoor storage and display areas shall be screened from streets and residential areas such storage display areas shall not encroach on any yard setbacks nor be located in any dedicated buffer landscaping areas set forth in the approved site plan.

- Mr. O'Donnell: None of those conditions are going to be addressed as far as any outdoor storage will be screened.
- Mr. Horan: Only the house on the side and that's the only screening that will be required.
- Mr. O'Donnell: The initial thought behind that was landscaping but they didn't want to have a landscaper come in with an excavator with heavy equipment there. So we restricted it to just small equipment like Bobcats and lawn mowers, etc. I think it's a perfect use for the property so if there's anything that I can address between now and the meeting.
- Mr. Flower: You've addressed some of the comments that came up tonight like the actual hours of operation, vehicles on the property and things like that so include that in your application. Also when you submit to the secretary you can get the final resolution from the ZBA on the use variance so all the members can review the full application for site plan.
- Mr. O'Donnell: Yep, we are scheduled for August 6th so see you then.

Extension:

17-5183 (Subdivision) Old Hopewell Commons Subdivision: Seeking a 90 days extension on a subdivision application for a two lot subdivision which includes the re-alignment of Sgt. Palmateer Way. The applicant is requesting this extension to allow them to complete all outstanding items. The extension, if granted will retroactively begin on June 2, 2018 through August 31, 2018. This is a 2-lot subdivision on 6.45 acres in an HB Zoning District. The Property is at **Old Rte. 9 & Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (LA April 24, 2017) (PH opened & closed October 2, 2017) (Neg. Dec. November 6, 2017) (Variance granted November 14, 2017) (Preliminary and final Subdivision adopted December 4, 2017).

- Present: Mark Day – Engineer for the Applicant
- Mr. Flower: The engineer is in the process of getting the items finalized for the final approval. Do you feel 90 days will be long enough at this point for you to get all of your approvals? At this point we need to grant this extension because the approval ran out on June 2nd of this year and this will now run the extension to August 31st of this year. At this point in time we need a motion to approve the extension.
- Mr. Valdati: Motion to approve a 90 day extension retroactive from June 2, 2018 through August 31, 2018.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.

- Mr. Day: Can we put in the erosion and control plan?
- Mrs. Roberti: Yes.
- Mr. Flower: Before we go there has the SWPPP been approved?
- Mr. Gray: I think we should go ahead and do that and we should make this that preconstruction meeting.
- Mr. Day: Should I call you?
- Mr. Gray: Yes, and I think we should have Walter there.
- Mrs. Roberti: Mark, I know you say 90 days would work and since we are retroactively approving this and this is only until August 31st.
- Mr. Day: You want to say yes but can we go for more time?
- Mrs. Roberti: I was just thinking that we don't have a second meeting in August.
- Mr. Stolman: It has to be in 90 days increments so two 90 days extensions.
- Mrs. Roberti: What happens when we don't have a second meeting?
- Mr. Stolman: I'm saying two 90 days extensions.
- Mr. Flower: So you want to request two 90 days extensions?
- Mr. Day: Yes, I want to request two 90 days extensions if possible.
- Mr. Flower: So we need to amend the motion for two 90 days extensions starting as of June 2nd.
- Mr. Marinaccio: Motion to approve two 90 days extensions from June 2, 2018 through August 31, 2018 and August 30, 2018 through November 29, 2018.**
- Mr. Phillips: Second the Motion.
- Vote: All present voted Aye.

Mr. Pesce:
Mr. Hussain:
Vote:

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

Adjourned: 8:25 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board