

MINUTES

Town of Wappinger Planning Board
November 19, 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	Absent

Others Present:

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

SUMMARY

Discussion:

Old Hopewell Commons	Approved Site Plan as amended with conditions
Central Hudson town wide Pole & Wire Replacement	Circulate for Lead Agency

Conceptual Review:

N&S Supply Lot Line Realignment	Resubmit
Red Cedar Arborists & Landscapers, Inc.	Positive recommendation to Town Board for rezoning
	Resubmit
Wallingford Amended Site Plan	Resubmit

Extension:

Cohen Subdivision	Six months extension granted
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Miscellaneous:

Red Cedar Arborists & Landscapers	David Stolman presented change of zone
2019 Planning Board Meeting Dates	Approved 2019 Planning Board Meeting Dates

Mr. Pesce: **Motion to accept the Minutes from November 5, 2018.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

Discussion:

16-3348 (Site Plan) / 17-5183 (Subdivision) Old Hopewell Commons Subdivision: To discuss changes to the resolutions: Site Plan (16-3348) and Preliminary and Final Subdivision (17-5183) resolution 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) (Neg. Dec. November 6, 2017) (Variance granted November 14, 2017) (Site Plan & Preliminary & Final Subdivision approval December 4, 2017) (Site Plan & Preliminary & Final Subdivision approved as amended November 19, 2018)

Present: Mark Day – Engineer

Mr. Day: Good evening Mark Day with Day Engineering. We are here to discuss resolution for the Old Hopewell Commons project.

Mr. Flower: There was a discussion a couple of weeks ago and we just got the resolution a few minutes before the meeting. The plan is to give an alternate plan in case DPW doesn't approve highway work permit. I guess the owner is not here tonight.

Mr. Day: He is in Florida.

Mr. Flower: Originally, the County had weighed in admirably with the road being put in. I don't see why they wouldn't issue the highway work permit.

Mr. Day: They will and they've given us conceptual. This came about because the bank that's financing the project is concerned that in the event the County didn't fund it. I spoke to the bank's attorney and he said that's not true. The board did approve it with the idea that in the event that road didn't go through we would have access off Sgt. Palmateer Way. He didn't feel it was in the resolution. That's why we are here. The only outstanding issue for getting the permit is the sight distance which we are in the midst of doing. The permit only last for 30 days so it's not something we want to jump on. We want to jump on probably April or May.

Mr. Flower: Just reading this real quickly looks like it's giving them an alternate plan to do the driveway if highway work doesn't get completed by July 1st.

Now we have nothing to hold them to. My feeling is we need a little more verbiage in this in order to change possibly some bondage to post. This will ensure that it's going to get done. Everybody wanted this done three years ago and we all sat in this room. Not only was the County here but we also had NYS and they were in favor of this change.

Mr. Day: The night that we receive final we said we would not offer this up for subdivision we would at some point be taking over Sgt. Palmateer Way then we would file a subdivision with the Town. We have to file a subdivision with the Town in order to get that piece and combine it with the other piece then we can file the map and offer for dedication and create the full commercial parcel.

Mr. Stolman: You received final subdivision plat approval.

Mr. Day: But we didn't file the subdivision map yet because we need to come back to get the other subdivision when we get the other piece.

Mr. Stolman: I didn't have that understanding.

Mr. Day: It wasn't your understanding that we were going to file the subdivision and get the permit?

Mr. Stolman: There would have been no reason to grant you final subdivision approval if you were going to be doing both at the same time if you weren't proposing the second part. Why would the Planning Board have granted you final subdivision approval without the second if the intention was to do them all at the same time?

Mr. Day: Because we didn't get the other piece.

Mr. Stolman: I don't think it really matters.

Mr. Day: At this point we are giving ourselves an option if the County doesn't approve that connection. That's not my client's intent and certainly the board knows we've been due diligent in getting County approval on that road entrance.

Mr. Flower: At the 11th hour we actually changed the wording. Originally it was the issuance of the building permit and if we allowed for the building permit to take place we would write the resolution so that all of the conditions would be met prior to certificate of occupancy. It's my understanding that all 5 buildings are under one building permit. He would have to build the entire project to get this done.

- Mr. Day: Once we obtain that piece we would come in and he's ready to go. Our difficulty is we really can't build that road and leave the other one open. The County made that clear that they didn't want that.
- Mr. Flower: Nobody wants the two roads and without the owner here if we changed it to some type of verbiage to the resolution for some type of performance bond. I don't know if the owner is going to be good with that.
- Mr. Day: He has to be. He's committed and he's building.
- Mr. Horan: As far as the performance bond and the way that this resolution is drafted right now it calls for the work permit to be issued.
- Mr. Horan recites a portion of the resolution as it relates to how the resolution was drafted.
- One of the things that we had discussed was rather than ending the driveway they would continue to the County right-of-way.
- Mr. Flower: That is another option.
- Mr. Stolman: Not just the driveway.
- Mr. Flower: They would actually building out the road from the existing Sgt. Palmateer Way to the right-of-way without building out that last section.
- Mr. Day: To be honest with you that's our intent. When we go to file the final subdivision at that point we will have to post the bond so we want to get as much work done before we post the bond. It had always been our intent to put up barricades. The board needs to understand that a County permit is only valid for 30 days. If you get the permit you have 30 days to do the work.
- Mr. Marinaccio: You never know what you might run into.
- Mr. Gray: Do you have a final review from them?
- Mr. Day: We are just waiting for the sight distance. Even if we got that done we couldn't do anything.
- Mr. Horan: One of the things we had put in here as an alternative was a letter from County DPW which we have now been doing recently. It says the permit will be issued. That is an option on the table and that will clear that condition.

- Mr. Gray: With a letter from the County we can bonify that condition?
- Mr. Day: Yes, we have submitted that as part of the approval. Remember when we got conceptual.
- Mr. Gray: It was a conceptual but it wasn't a detailed review.
- Mr. Day: Right.
- Mr. Stolman: Then somebody has to pursue the highway work permit beyond the conceptual approval.
- Mr. Day: Which I assume we would do it once we got Sgt. Palmateer Way not realizing it was going to take this long.
- Mr. Gray: I just don't get why we don't have a deed from DOT and the County yet. I need to see this in my lifetime. It's been at least two years.
- Mr. Stolman: Condition #5 if the applicant is unable to obtain a highway work permit or letter from DPW by July 1, 2019. I think Condition #5 can be expanded so it addresses the circumstance where you are not able to get a highway work permit or the letter from the DPW by July 1, 2019. The certificate of occupancy that is issued needs to add circumstance that you are going to get the highway work permit and connect to Old Hopewell Road. It doesn't address that right now. There needs to be some performance guarantee in case something happens.
- Mr. Horan: That might be the way to do it.
- Mr. Flower: They should post a performance bond or a line of credit to complete the work.
- Mr. Day: So the work would be from the right-of-way out to Old Hopewell Road.
- Mr. Flower: Right.
- Mr. Day: Okay.
- Mr. Flower: Prior to getting certificate of occupancy they will build to the right-of-way.
- Mr. Horan: At that point in time the applicant can post a performance, letter of credit, bond or an amount determined by Town Engineer for the remaining improvements.

- Mr. Gray: Don't they have a curbing or something within so many feet of the right-of-way.
- Mr. Day: I think that's DOT.
- Mr. Gray: They have authority within so many feet of an intersection.
- Mr. Stolman: Up to the front property line? That's a minor detail.
- Mr. Day: I'll just keep knocking on their door until I get an answer.
- Mr. Stolman: I don't think that Bob or I got a chance to review that plan. It needs to be modified to show the right-of-way going down to Old Hopewell Road. We really need to have some condition in the resolution that says we are going to review that plan. Bob and I may have comments regarding that plan.
- Mr. Flower: The alternate plan?
- Mr. Stolman: Yes.
- Mr. Flower: Can the alternate be changed to just delete that section by Old Hopewell Road?
- Mr. Day: Sure.
- Mr. Flower: Resubmit even if there's a temporary barrier.
- Mr. Marinaccio: How do you know what the sight distance will be?
- Mr. Day: We were actually out there and the County found a way to ask for it. You can see it. It is 1,000 feet one way and a light in the other way.
- Mr. Flower: How does everybody else feel about just deleting that one section and adding some type of performance bond as an alternative in case DPW does not issue a work permit?
- Mr. Marinaccio: That's fine and I don't have a problem with that. How much of the road is going to be left to finish up in the future?
- Mr. Day: Probably about 25-50 feet.
- Mr. Horan: I think that would be appropriate.
- Mr. Day: I think it would be approximately 30 feet.

- Mrs. Roberti: Mark, I know Anthony and Nick have looked at changing the elevations of the building. Can you submit what actually is going to be built out there so the board can see?
- Mr. Day: Yes.
- Mr. Flower: Yes, the elevations which were overlooked in the process.
- Mr. Day: Yes, we can submit.
- Mr. Flower: I guess at this point we can vote to amend the resolution unless you want to speak with your client first or wait for two weeks.
- Mr. Day: Please vote.
- Mr. Flower: So we are voting to amend the site plan development approval as written with the two additions. One would be the alternate road way would be based upon the original plan less the 30 feet at the Old Hopewell Road intersection. Also to add a clause in the resolution in the event they do not have permit in by the July 1, 2019 date the applicant would provide some type of performance bonding or line of credit to complete the work once the approvals can be made subject to review and approval of the Town Engineer.
- Mr. Day: Okay, that's good.
- Mr. Gray: Mark is going to do it and I'm going to review it.
- Mr. Marinaccio: Motion to amend the site plan development approval as written with the two additions. (1) The alternate roadway would be based upon the original plan less the 30 feet at the Old Hopewell Road intersection. (2) Include a clause in the resolution in the event they do not have a work permit in by the July 1, 2019 date, the applicant would provide some type of performance bond or line of credit to complete the work subject to the review and approval of the Town Engineer.**
- Mr. Phillips: Second the Motion.
- Vote: All present voted Aye.
- Mr. Stolman: Would you mind if I worked with Jim on this?
- Mr. Day: Not at all.
- Mr. Gray: Have your office call me. We are doing a new template for the Town road. The old template is outdated.

Mr. Day: Have a good holiday.

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

Present: Anthony Morando – Attorney, Cuddy & Fedder
Brian Dimisko – Project Manager, Central Hudson
Mike Capania – Design Engineer, Central Hudson
Greg Lieberman – Project Manager, Environmental Design Research

Mr. Morando: Good evening. My name is Anthony Morando an attorney with the law firm of Cuddy & Fedder here on behalf of Central Hudson. Here tonight with me is Brian Dimisko, manager for Central Hudson. Mike Capania one of the design engineers at Central Hudson and Greg Lieberman from EDR who is working on some of the site civil work. We are here tonight seeking a site plan approval as well as wetland permit. In addition we are seeking a flood plain development permit from the administrator's office. Our team is going to walk you through the project and give you an overview of what we submitted. It's a lot of material so we will try to keep it brief and point to some of the details and the reason for the project. The agenda item mentioned town wide so just to be clear it's an electric transmission line that runs about 6.3 miles and almost all of it is in the Town of Wappinger but cuts through the Village of Wappinger. Brian will walk you through the details. Brian if you want to start with your presentation that would be great.

Mr. Demisco: Good evening everyone. I'm Brian Dimisko a Project Manager with Central Hudson. It's a pleasure to be before you tonight to talk about the KV line project with Central Hudson. The KV is an electric transmission line and it is the lowest of our transmission lines classifications. The highest being 345 KV then 115 KV and 69 KV. Below that begins the distribution voltage. We filed our site plan application with the Town of Wappinger on October 22nd. Again, this is a replacement project and in total the line traverse is 6.3 miles and 5.3 miles resides in the Town of Wappinger. Just a small piece resides in the Village of Wappinger.

Mr. Dimisko continues his overview of the project.

Mr. Lieberman: Good evening. My name is Greg Lieberman I'm a Project Manager with EDR. We are an environmental consulting and engineering firm that works with Central Hudson in preparing the site plan application. I will

just build a little bit on what Anthony and Brian had talked about tonight. As some of these distributions get taken off line and collocated on a line for a double circuit on one of the TV line. Really what it boils down to is there's going to be reduction of the visual clutter. As an environmental firm we provide a lot of the environmental support studies for the Town. Within that visual report we discussed the visual impacts within the view shed and document with the existing visibility with the current line. We talk through some of what these visual reductions would really mean. With respect to impacts on land, the impact is temporarily associated with construction which is confined within the existing disturbed wetlands. In other words it's not going to be new grading and new pavement that's being added. There will be no change in land use. If there's an area that's wetlands today it will be wetlands when the project is complete. When we put it into context we are dealing with poles that are 2 feet in diameter.

Mr. Lieberman continues his overview.

- Mr. Marinaccio: Did you say the poles are 2 feet in diameter?
- Mr. Lieberman: Plus or minus typically.
- Mr. Marinaccio: Are they going to be taller than what is there now?
- Mr. Lieberman: There will be some changes in pole height as a result of the national safety code.
- Mr. Dimisko: The average pole height is about 50 feet. We will have a height of 59 feet across the whole TV line.
- Mr. Marinaccio: Are you planning on adding extra light on this in the future?
- Mr. Lieberman: No. Wetlands will be temporarily accessed using non-jurisdictional crossing mechanism which is a series of timber clippings that goes into a temporary bridging. So we are not creating a road to the wetlands and we are not constructing an access road there. When it's all said and done there will be no loss of wetlands.
- Mr. Marinaccio: Will you be adding any extra wires in the future?
- Mr. Lieberman: It is described in the impact study. There will be a hole to allow for the pole to go in.
- Mr. Marinaccio: So where there are disturbance you going to plant around that?

- Mr. Lieberman: The stormwater prevention plan has been approved by the Town. Any area that is temporarily impacted during the removal and/or replacement will all be replaced according to the SWPPP and in accordance with the details of the planning profile.
- Mr. Stolman: Do you need a permit from the Army Corp.?
- Mr. Lieberman: We do not need a permit from the Army Corp. we do the area impact.
- Mr. Stolman: I heard that you said the bridge had to be approved.
- Mr. Lieberman: No, there's a non-jurisdictional method of processing.
- Mr. Stolman: You said something about permit.
- Mr. Lieberman: I said Town permit.
- Mr. Stolman: I heard that as well but nothing further from me. Thank you.
- Mr. Lieberman: We understand that Town flood plan development permit issued by the zoning office will be required for this project.
- Mr. Phillips: Are the metal poles buried like the traditional pole or are you putting on a pad?
- Mr. Lieberman: Mike, could you answer that please. He's the design engineer for the project.
- Mr. Capania: Most of these poles will be what we call direct buried. They are buried a little bit deeper than distribution. There are some locations where we are entertaining the fact to put pier in and we are also doing some precast concrete foundations instead of steel in and that's in locations of water so that we don't have degradation.
- Mr. Marinaccio: What's going to keep these poles from rising at ground level? I realize these are metals poles and are you going to be doing these poles over in 5 years?
- Mr. Capania: All of our steel poles come from the manufacturer with a color coded coating which is a synthetic coating around the base of the pole. Along with that we have a ground sleeve. We double the thickness of the steel so oxidation can occur.
- Mr. Marinaccio: Are you going to monitor this on an ongoing basis like every 5 years to check on degradation?

- Mr. Capania: Our whole transmission system is on a 5 year cycle and it does get monitored. Actually, this line was identified for the program that it does need replacement. We have identified a substantial amount of poles that need to be replaced that's why we are here today.
- Mr. Marinaccio: So you are not putting an access road for future use and this is just going to be graded and you are just going to drive through in the future.
- Mr. Capania: Correct.
- Mr. Morando: That's our overview presentation for this evening. Our hope and intent is to begin the SEQRA process anticipating this board will sever as Lead Agency.
- Mr. Horan: So this application is just for the KV line right now?
- Mr. Morando: That's correct.
- Mr. Horan: So KM will come in on a separation application?
- Mr. Morando: Correct.
- Mr. Horan: So this project is just in the Town of Wappinger and the Village of Wappinger.
- Mr. Morando: That's correct.
- Mr. Horan: The other project is going to be in the Town of Poughkeepsie.
- Mr. Flower: I forgot about that. That was the presentation that was done in the summer.
- Mr. Morando: Correct.
- Mr. Flower: Is that a much larger project?
- Mr. Morando: It's just a different line.
- Mr. Lieberman: It's a 2.9 mile land traverse the KM line and then traverses between Myers Corners Road station and the Knapp station in the Town of Poughkeepsie. Slightly more than half of that line is in the Town of Wappinger.
- Mr. Morando: At that time we were just giving you a heads up on those projects.

- Mr. Flower: When you submitted it was a much broader project and now this is just the one line.
- Mr. Morando: Correct.
- Mr. Horan: So now you want to circulate for lead agency and that would be appropriate.
- Mr. Stolman: They would declare their intent for lead agency. We will prepare that.
- Mr. Marinaccio:** **Motion to declare our intent to circulate for Lead Agency.**
Mr. Phillips: Second the Motion.
Vote: All present voted Aye.
- Mr. Gray: I would like the board to know that I will be working with their engineer because we had some comments on the SWPPP so I'm going to meet with them. I will be working directly with them.
- Mr. Pesce: What type of timber is required for this? Do we have the location that they are going to be utilizing?
- Mr. Morando: It's on the application.
- Mr. Flower: Are there any other questions?
- Mrs. Roberti: Do you want to discuss their public hearing where it should be held?
- Mr. Flower: When we are ready.
- Mrs. Roberti: Yes, when we are ready.
- Mr. Flower: Since this project is spread out and you are bordering a lot of properties and you are going to be mailing a lot of letters to a lot of residents.
- Mr. Morando: We've gone through it before. I know where you are going with this.
- Mr. Flower: We might want to consider changing the venue. This room might not be large enough to handle all the public that might come out that evening. We may need to use the Junior High School auditorium which has been used in the past to hold public hearings for larger projects. In that case we might have to schedule for it to be on its own night. We will not be doing any other business that evening if we go to the Junior High School. I just want to make you aware of that.

- Mr. Morando: Understood.
- Mr. Horan: Has there been any outreach from people along the routes so far?
- Mr. Morando: Nothing official.
- Mr. Horan: Good.
- Mrs. Roberti: Typically, do you get a lot of residents to these hearings?
- Mr. Morando: The word typically can be dangerous.
- Mrs. Roberti: What have you found?
- Mr. Morando: In some cases not many and in other cases depending on the time of year and what people are interested in that moment in time. People are sometimes interested once they see it's an electricity company. Sometimes it has nothing to do with the project at hand and may be related to a bill they got that day.
- Mr. Horan: I know in Pleasant Valley they had a project that was unrelated to the Monster powerline project but everybody thought it was so the A and the C line replacement powerline project and all hell broke loose and there were a lot of comments that had nothing to do with what they were proposing. A lot of the process is just explaining to them that they are not getting a 365 KB line. One of the things that will be helpful in advance of the public hearing is putting as much information on the Town website as possible. I think Central Hudson had put on their site some information on the project as well.
- Mr. Flower: If they could submit the entire project electronically so we can post that in some form of pdf for the residents to view would be helpful.
- Mr. Morando: When should we plan on coming back?
- Mrs. Roberti: January.
- Mr. Flower: Probably sometime in January.
- Mr. Flower: Did you receive a letter from the Zoning Administrator?
- Mr. Morando: No.
- Mr. Horan: With respect to the pole height, the Town code regulates building height.

- Mr. Flower: Is everyone satisfied? If so we will circulate for Lead Agency and take it from there.
- Mr. Morando: So we should plan on coming back in January?
- Mr. Flower: Yes, probably sometime in January.
- Mr. Horan: With respect to the pole heights, the Town code regulates building heights and in order to qualify our code regulates from ground to the roof. Since the poles do not have a roof it is not considered a building they are just structures. They do not need to go to the Zoning Board of Appeals.
- Mr. Morando: Thank you very much for your time and we will see you in the New Year.

Conceptual Review:

18-5197 N & S Supply Lot Line Realignment: To discuss a conceptual review application to consolidate and reduce four existing lots into three newly reconfigured lots on 8.59 acres in an HB Zoning District. The property is located at **205-209 Old Route 9** and is identified as **Tax Grid Nos. 6156-02-765714 (1.11), 6156-02-765692 (3.7), 6156-02-764724 (1.18) and 6156-02-764754 (2.6)** in the Town of Wappinger. (Cerchiara)

- Present: Tom Cerchiara – Surveyor
- Mr. Flower: Good evening.
- Mr. Cerchiara: My name is Tom Cerchiara, I'm a land surveyor representing Nussbickel Realty. The property where N&S supply is has existing zoning, setback, property lines through buildings, lines right against buildings and it's a mess over there. That's why I'm here for a conceptual. There's a lot of stuff going on and I want to get the Town's direction as to how we are going to resolve some of these issues. I don't think we can resolve every issue but I'm sure we are going to need some variances when we are all done. Right now there are 17 zoning things on this property not including property lines that are running through this building. We are looking to resolve that and turn this into 3 lots. Create the lot for the office building, a lot for the primary N&S Supply building and a lot for the AC building.
- Mr. Cerchiara continues his overview of his project.
- Mr. Stolman: When you were talking about the office building, were you talking about Lot 3?

- Mr. Cerchiara: Yes.
- Mr. Stolman: So that property line might shift?
- Mr. Cerchiara: Yes, where the proposed line between Lot 2 and Lot 3 the property line is going to shift so we want to make sure we have room for parking
- Mr. Flower: Out of curiosity are they going to realign it so that each building is on its own parcel?
- Mr. Cerchiara: That is correct.
- Mr. Flower: Some of the variances you have here you are going to cover it by just consolidating the lot.
- Mr. Cerchiara: Right.
- Mr. Flower: How would you handle the parking and are the two buildings like a shared use?
- Mr. Cerchiara: Yes.
- Mr. Flower: So how are you going to address in compliance with parking? Will each individual lot be able to handle its own?
- Mr. Cerchiara: That's the goal that each individual lot would be able to handle its own. We are going to be bringing some engineering and consultants for analysis of that. The other thing they want to do is to build that parking lot but the question is what level of design plans you are going to ask for that? Are you going to ask for a full design plans or conceptual to show that we have the space?
- Mr. Stolman: You mean the subdivision?
- Mr. Cerchiara: If we are going to make that an office building we will need to show that we have the space for that, right?
- Mr. Stolman: I would say for the subdivision we don't need full plans if you are not looking for a site plan approval to build that line.
- Mr. Marinaccio: Where are you planning on putting this office building?
- Mr. Cerchiara: There's an existing office building on Lot 3 all the way down on the corner.

- Mr. Stolman: You will need to get a site plan approval for the original lot.
- Mr. Cerchiara: We will have to get a site plan approval for all of the lots.
- Mr. Stolman: Do you have these site plan approvals now?
- Mr. Cerchiara: Right now we are just here to see what you want.
- Mr. Stolman: I think we are going to need site plan for each lot.
- Mr. Cerchiara: A standalone site plan?
- Mr. Stolman: I think so.
- Mr. Flower: Is there a current site plan?
- Mrs. Roberti: We will research it.
- Mr. Gray: I don't know about the septic system because that could become a problem with the County Health Department. When you start site plan or amended site plan, you trigger a lot of other things such as easements, cross access for drainage, parking, etc.
- Mr. Cerchiara: Will we have to prepare a site plan in order to just go through the process of re-aligning the lot lines?
- Mr. Gray: I didn't think so but you are talking about constructing a new parking lot.
- Mr. Cerchiara: We are not planning on constructing them yet.
- Mr. Stolman: I was taking the position of schematic to scale.
- Mr. Cerchiara: That's the answer we are looking for.
- Mr. Horan: At a minimum you should be identifying the well and septic for each individual building. From a marketing point of view you should be looking at that. In the past I've had projects where the Health Department raised concerns with septic for residential property was on commercial property.
- Mr. Gray: With the lot alignment you are proposing you will have no problems with the Health Department. The minute you go into site plan you will have problems so I think you want to think long and hard about that.

- Mr. Cerchiara: At this stage we want to just fix the lot lines and down the road we can build the parking or extend the building.
- Mr. Gray: As engineer for the Town I still want you to show me where the wells are for each individual lot. Where the septic system is as best as you can determine and establish easements? Also drainage because I'm sure these parking lots have culverts.
- Mr. Cerchiara: Yes, that's all going to be located.
- Mr. Gray: You will need that regardless if you are doing a site plan. We are going to need that just to make sure there are rights over one property or the other.
- Mr. Cerchiara: So you are saying if we want to just do the subdivision and worry about the full site plan and design later we can do a schematic and scale.
- Mr. Stolman: Based upon a comment that Barbara made we may condition the subdivision approval and have you make site plans for each lot in the future. Does that make sense?
- Mr. Cerchiara: What's a reasonable period of time?
- Mr. Stolman: I don't know we will have to sort that out.
- Mr. Marinaccio: What engineering are you using for this?
- Mr. Cerchiara: I will be working with Hudson Land Design but they have not picked an engineer at this time.
- Mr. Marinaccio: Are you going with Bernard?
- Mr. Stolman: He's an architect.
- Mr. Marinaccio: He can still do the engineering and site plan layout.
- Mr. Stolman: He probably has some engineering firm helping him.
- Mr. Marinaccio: He has all of those records.
- Mr. Cerchiara: I can talk to Bernard. We've worked with him quite a bit. I will discuss with the client which direction they want to go and how fast they want to move this along. As far as the zoning stuff that we are going to end up needing I feel we are reducing it significantly. Do we have to do an

application for each one of them or we just submit one application listing all of the buildings plus the variance?

Mr. Stolman: One application.

Mr. Cerchiara: Alright and that will go to the ZBA?

Mr. Flower: We will refer you to the ZBA for the variances that would be required.

Mr. Cerchiara: Okay. I think you answered all of my questions. It's my first time coming to Wappinger so I wanted to make sure that everything was in order. Do you have any other questions?

Mr. Flower: Any other questions?

Mr. Pesce: No.

Mr. Cerchiara: Thank you very much for your time.

18-3403 Red Cedar Arborists & Landscapers, Inc. Contractor Yard: To discuss a conceptual review 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 GB 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)

Present: Steve Reylea – Applicant

Mr. Reylea: Good evening I'm Steve Reylea owner of Red Cedar. I've owned Red Cedar since 1985 here in Wappinger. We've spent the last 15 years on Bill Horton Way and we've outgrown that location. I found this land and building that triple the size on New Hackensack Road and was looking to move there. We are in the process of rezone so it's a little early but I was looking to come here and discuss future site plan approval for landscape and nursery. There are two existing buildings and to fix them up. I'm here to answer any questions you might have.

Mr. Marinaccio: I see you mentioned vehicle storage. How many vehicles?

Mr. Reylea: Right now we have 3 bucket trucks, 4 chip trucks and about 15 landscape trucks, pickup trucks, several excavators. That's pretty much it.

Mr. Stolman: You show about 7 trucks on the site plan. How many do you have in total?

- Mr. Reylea: About 25 to 30 vehicles.
- Mr. Stolman: Can you plan to store them in a place not visible from New Hackensack? I guess you have to get with your design engineer.
- Mr. Flower: The engineer can detail it a little better showing the amount of equipment you have and the actual location.
- Mr. Reylea: I haven't even seen the plan yet. We are working on rezoning right now.
- Mr. Flower: The rezone is on for discussion after the meeting. Tonight we just received the letter from the Town Planner regarding rezone because we have to make a recommendation to the Town Board. Tonight is just a conceptual for what you are proposing to get feedback from us on what you need to do before you make a full submission for this application. Do you have a proposed fuel pump and an above ground 25 gallon tank? Is that just diesel fuel or there will also be gasoline on site also?
- Mr. Reylea: Probably just diesel but I'm not sure. Is gas not allowed?
- Mr. Flower: It is allowed but it was something that was raised and with the landscaping business you probably use all types of fuel. If you put one in and then later on you want to put another you will have to come back to add another tank.
- Mr. Reylea: I probably want to do both because we have quite a few diesel trucks and now with the different levels of emissions we've been going back to a lot of gas trucks. Even chippers are now gas.
- Mr. Flower: You might want to sit down with the engineer and discuss that also and for your fueling area.
- Mr. Marinaccio: You might find it easier to just go and buy the fuel. I stopped carrying fuel on my property.
- Mr. Reylea: We had a fuel company coming and the trucks started stalling because the fuel kept clogging so we stopped that pretty quickly.
- Mr. Marinaccio: Why was it clogging?
- Mr. Reylea: I don't know why they kept clogging so we had to change it every other day. Our trucks were going out and needed refueling filters. When we are done design this we want to make full use of every square inch of

that place. There will be lots of big trees and rows of plants and trees to hide that will hide the trucks.

- Mr. Marinaccio: Are you going to retail out of this?
- Mr. Reylea: My idea was not to go crazy with it but if somebody drove by and want some screen trees but I'm not really sure that I would want retail in there maybe wholesale. I'm not sure. It's not our primary focus.
- Mr. Stolman: If you did want retail you would have to accommodate the cars.
- Mr. Reylea: There are a lot of parking spaces.
- Mr. Stolman: You would probably need an area for employees and an area for customers.
- Mr. Reylea: I wouldn't expect more than a couple of people at a time.
- Mr. Stolman: I know you haven't seen it before but is there going to be enough area for your mulch and stone?
- Mr. Reylea: Mulch and stone are going to be right over here and maybe a couple of other things. The trucks will have to park in front of that.
- Mr. Flower: Is the existing going to be used for your business?
- Mr. Reylea: Yes.
- Mr. Flower: So both of the buildings are going to be used for your business and you are not going to sublet another building for someone else to use?
- Mr. Reylea: I didn't plan on it but maybe a small piece like an electrician.
- Mr. Flower: You might want to show that as well.
- Mr. Reylea: Yes, when we go for site plan approval I will say this could be a rented area. It's only going to be a couple of square feet.
- Mr. Flower: Any other questions?
- Mr. Marinaccio: No.
- Mr. Stolman: Not at this time.

18-3404 Wallingford Amended Site Plan: To discuss a conceptual review application to downsize the furniture store into a barn space as retail, the residence would remain a one family residence to be occupied by the family, and the main building/house would be rented out on 1.49 acres in an HM Zoning District. The property is located at **2321-2325 Route 9D** and is identified as **Tax Grid No. 6057-02-987580** in the Town of Wappinger. (Wallingford)

Present: Matt Wallingford – Applicant

Mr. Wallingford: Good evening my name is Matt Wallingford and this is my wife Betsy. We own the furniture store around the corner on Route 9D and we could use some help. The store is pretty much dead and we are struggling. We bought the property 15 years ago and we put the store in the big house. We did very well until the recession hit and everything went down the drain. We are now at a point where we are trying to close the store but we need income to keep up the property. There are three buildings on the property and they need a lot of maintenance. The thought is we do something with the big house as far as rental. Nothing has changed on the property on the site plan from 1985. The property is pretty much the same. We do not want retail in there because it will be a challenge to bring one retailer to fill the whole building. I don't think it's going to happen. We are trying to avoid a lot of cars and we want to bring the property back to its youth. It is a beautiful property.

Mr. Marinaccio: Do you have an idea of how many apartments you want to put in there?

Mr. Wallingford: My first goal is not to cut it up. We would rather sell the property then cut it up. The building has another space downstairs which is about 1,800 square feet for a common area hallway. There was a furniture store upstairs and an illegal apartment downstairs. Mark Lieberman came in to see the apartments and we said that we wanted the tenants out. Mark talks to the owner and the owner says what do you mean illegal apartment? I left immediately while they had their conversation. Mark and I talked after they were done and he said what do you want to do? I said I want the whole building retail for furniture so we took the kitchen out and capped off all of the utilities and we made a showroom. We need help so how do you feel about a mixed use?

Mr. Wallingford continues his review of the project.

Mr. Marinaccio: Is it legal?

Mr. Stolman: This is zoned HM although the plan says it is zone NB which it was years ago but now it is zoned HM. One of the permitted uses is mixed use. You can have a mixture of residential and commercial.

Mr. Stolman recites the definition of mixed use.

- Mr. Marinaccio: If he goes for construction aren't there some fire issues that he has to comply with? You are going to want to take all of that into consideration. It's going to be a major expense.
- Mr. Stolman: Sure.
- Mr. Wallingford: Are you talking about construction costs?
- Mr. Marinaccio: You asked for some help so I'm just telling you what you are going to run into. It might not be feasible for you to go ahead and make all those changes to gain a few dollars to help subsidize it doesn't make any sense.
- Mr. Wallingford: The upstairs was an apartment.
- Mr. Marinaccio: It was.
- Mr. Wallingford: This is why I'm here because I don't understand the ins and outs. We are not sitting on a pile of money so we have to come up with something so we can afford to keep the property.
- Mr. Flower: We understand that so before you make any decisions you really need to sit down and talk to an engineer. You probably are going to need a sprinkler system one way or the other depending on how you do it and come up with some fire barrier between the two floors.
- Mr. Marinaccio: A fire escape will be required and you could end up with a quarter of a million dollars and you never going to see a return.
- Mr. Flower: You want to feel out the options and maybe get some estimated costs from somebody and see how much that will cost. A sprinkler system becomes difficult especially in an area where you don't have municipal water.
- Mr. Wallingford: So all of the residential have to have sprinklers?
- Mr. Gray: Yes, in mixed use.
- Mr. Flower: In one or two family he wouldn't have to but three families and above you have to. So if you converted the entire house to an apartment building. If you had two families you won't have to sprinkle it but if you had three families you will have to sprinkle it.
- Mr. Wallingerford: It will be retail down and apartment above.

- Mr. Flower: That becomes an issue because you definitely have to do the residential portion of it. Then it becomes how do you separate it? If you do provide a two hour fire operated separation between them you might be able to isolate the upstairs and the downstairs can remain on sprinkler or just upstairs and the path of egress.
- Mr. Wallingford: There is an outside staircase going up to where that kitchen was.
Discussion continues.
- Mr. Marinaccio: Are you going to be open to just two apartments upstairs and downstairs with retail?
- Mr. Wallingford: I would rather not have anything retail after what we've gone through.
- Mr. Stolman: How about a different kind of nonresidential like office.
- Mr. Wallingford: We could do that. It's the upstairs space that is a challenge.
- Mr. Stolman: This is not my area of expertise at all. It sounds like if you can keep one building entirely residential and put the nonresidential somewhere else and you don't have to sprinkle the residential building.
- Mr. Wallingford: What if we just made one a house?
- Mr. Horan: That would be fine.
- Mr. Marinaccio: Then he doesn't need us for that if he's going to rent it out.
- Mr. Stolman: If you are going to change where the nonresidential is you would need a site plan approval and maybe special permit approval from the Planning Board. It depends on what he is actually proposing. Not particularly for the house because the house will be part of the mixed use.
Discussion continues.
- Mr. Marinaccio: Have you spoken to a real estate broker?
- Mr. Wallingford: I have. A fair amount of them so I put it on Craig's List and the people that came in I said there is no way we are going to rent to some of these people.
- Mr. Marinaccio: It's about the dollar and you are stuck between a rock and a hard place.

- Mr. Wallingford: We've been stuck for a really long time and we have what I think is an asset. We are creative people and we work our butts off. We are looking for a sign point us in the right direction or something.
- Mr. Marinaccio: Why don't you go for the two apartments?
- Mr. Wallingford: I think the expense of putting a shower and a kitchen down is going to put me in my grave. I can't do it.
- Mr. Marinaccio: You still have to put a fire separation in that too?
- Mr. Flower: Yes, like an hour separation and most likely sheetrock.
- Mr. Marinaccio: That's two incomes right there. I don't know what the rental value is in that particular area.
- Mr. Gray: You will need a septic system for two families.
- Mr. Wallingford: That could kill us. It's not going to fly.
- Mr. Marinaccio: Have you tried to rent it as it is?
- Mr. Wallingford: Yeah. I have a part-time tenant and they are going in in three weeks.
- Mr. Gray: Have you thought about indoor storage?
- Mr. Wallingford: I'm not picky. I will try anything. We are not looking to get rich here. I'm looking to cover the utilities and cover some of the taxes.
- Mr. Gray: Is it wide open in there where you could put pods with overhead doors?
- Mr. Wallingford: It is wide open. The way the rooms are broken up it will lend itself to that.
- Mr. Marinaccio: You have to figure out what you want to do. You have a beautiful house and you want to be able to stay there. That's not a bad idea he said with the storage. You can just keep record stored there and you don't have to take furniture. You can specify the storage and then you have to deal with some structural issues in the basement.
- Mr. Wallingford: So that's one building. The other building is the barn which could have that retail aspects. I'm done with retail and I just can't do it. The barn we can use as storage for ourselves because we have a ton of stuff.
- Mr. Flower: The barn probably has no utilities probably.

- Mr. Wallingford: There's no plumbing. The barn could be use as storage. What a crime it is such a beautiful property we are going to make it into a storage lot.
- Discussion continues.
- Right now the site plan says retail use. Is there something we need to do to make it an office even if it's just downstairs that might help.
- Mr. Stolman: Is one of these structures a cottage?
- Mr. Wallingford: Yes, the smaller one.
- Mr. Stolman: That's currently being used and you are living there?
- Mr. Wallingford: Yes.
- Mr. Stolman: Can the Planning Board approve residential and nonresidential within mixed use zoning?
- Mrs. Roberti: You mean keeping the cottage residential and then using the buildings for commercial.
- Mr. Stolman: Right. If it's a mixed use there are a number of nonresidential uses.
- Mr. Marinaccio: Have you looked into office condominium?
- Mr. Wallingford: That is a great suggestion.
- Mr. Marinaccio: Is parking the issue?
- Mr. Wallingford: It depends and I conceivably could cherry pick rooms in the building and limit it. There's a lot of that going on in Beacon and some people have done really well with it. That's one of the reasons I'm here because that building is on the site plan as retail. For me to do that I still have to do this. What do I have to do to get the approval to do that because I'm grandfathered for retail?
- Mr. Stolman: You don't have to be grandfathered since it is a permitted use in a mixed use zoning district. Personal service business is one of the permitted uses.
- Mr. Wallingford: What would I have to do as far as the site plan goes in order to do that?

- Mr. Stolman: We have to update this and present that the zoning is not the same anymore. We will need a table showing the parking calculation for the mixed uses. You can go to the building department to see what a complete site plan looks these days.
- Mr. Wallingford: I called an engineer and he has experience with the property. So that will be one of the next steps.
- Mr. Stolman: It doesn't have to be too elaborate. The existing site is already developed.
- Mr. Gray: I think it could probably prove that it can serve two residential properties.
- Mr. Wallingford: Thank you all very much. Have a nice Thanksgiving.

Extension:

17-5181 Cohen Subdivision: Seeking their first 6 months extension on an application for a 3-lot subdivision on 4.12 acres in an R40 Zoning District. This extension is being requested to allow time while they work on expanding the sewer district as they continue to work with the Town Engineer, Camo Pollution Control as well as the surveyor. This extension would begin November 19, 2018 through May 17, 2019. The Property is at **195 All Angels Hill Road** and is identified as **Tax Grid No. 6258-04-713166** in the Town of Wappinger. (Day)(LA April 24, 2017) (Preliminary & Final approval May, 20, 2018)

- Mr. Marinaccio:** **Motion to approve a Six (6) months extension.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Miscellaneous Discussion:

Red Cedar Arborists & Landscapers Change of Zone - David Stolman gives an overview of the change of zone for Red Cedar.

- Mr. Marinaccio:** **Motion to authorize the secretary to write a letter to the Town Board with our positive recommendation.**
Mr. Phillips: Second the Motion.
Vote: All present voted Aye.
Mr. Stolman: Could you please attach my memo to the letter to the Town Board.
Mr. Flower: Yes, we can do that.

2019 Meeting Dates

Mr. Marinaccio: **Motion to approve the 2019 meeting dates, time change to 7:30pm and workshop at 5:30pm.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

Mr. Pesce: **Motion to Adjourn.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Adjourned: 9:20 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board