

MINUTES

Town of Wappinger Planning Board
February 4, 2019
Time: 7:30 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

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

Others Present:

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

SUMMARY

Public Hearing:

Riverview Land Company, LLC

Opened and Closed Public Hearing
Vote on Resolution on March 4, 2019

Discussion:

Chapel of the Sacred Mirror (CoSM)
Rte. 376 Holdings, Inc. Gas Station
Maloney Heights Subdivision

Resolution approved as written
Public Hearing on March 4, 2019
Public Hearing on March 4, 2019

Extension:

Guardian Temperature Controlled Building

Extension granted through April 12, 2020

Conceptual Review:

20 MacFarlane / Carlos Espinoza
Sun Up Properties, LLC Lot Line
Re-alignment

Submit full application
Submit full application

Mr. Valdati: **Motion to accept the Minutes from January 23, 2019.**
Mr. Marinaccio: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

18-3390 Riverview Land Company, LLC (Amended Site Plan): The Town of Wappinger will conduct a Public Hearing on an Amended Site Plan application and Special Use Permit for the construction of two new structures totaling 54,263 sf. that will replace an existing 42,381 sf. building on 6.5 acres in a GB Zoning District. The property is located at **157 River Road North** and is identified as **Tax Grid No. 6056-01-174862** in the Town of Wappinger. (Day) (Public Hearing opened and closed February 4, 2019)

Present: Brian Stokosa – Engineer

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

Mr. Flower: Good evening. Please give us a brief description of the project.

Mr. Stokosa: Brian Stokosa from M.D. Engineering. This is an existing lumber yard site on River Road along the Hudson River. It has a number of buildings on site and the site is mainly used for bringing lumber in via rail or tractor trailer. It is more of a distribution center they store it and deliver to places like Home Depot. The applicant is proposing two new pole barns, an existing parking lot and he also wants to replace one existing pole barn which is in a state of failure at the northern end of the site. The new buildings will be roughly 8,000 sf., 3,500 sf. for two new buildings. The existing building to be replaced in kind 3,000 sf. and again these buildings will be used for temporary storage of lumber products. We are proposing some improvements on the site and trying to repair the fencing along River Road. We've shown some light poles to be repaired, landscaping with cedar trees and parking for employees.

Mr. Stokosa continues his overview of the project.

Mr. Flower: Is there anybody in the audience who would like to speak for or against this project?

Mr. Papesca: Michael Papesca, 1 Lake Drive and I live at the corner of River Road and Lake Drive. I really don't want to see this go. It's terrible as it is because of the water station but the traffic is a mess and you want to put a parking lot across from my house where they have an old bus that's

been there since last year. They dump their flatbeds there too. If they are going south, how far over to the creek that goes down to Herring tunnel? You have that answer sir?

Mr. Flower: We are just accepting public comments this evening.

Mr. Papesca: That's why I'm here.

Mr. Flower: We'll give you a little latitude and allow the project engineer to answer your question.

Mr. Stokosa: We are not proposing any disturbance to any existing foliage that's on site. The two buildings will be within the confines of the existing parking lot.

Mr. Papesca: Where your pole barn is right now? Are you going behind that?

Mr. Stokosa: No.

Mr. Papesca: I've been there since 1959 and I've seen it come and go. I just hope they would clean up the top part more than they would do anything else.

Mr. Flower: Clean up the upper part?

Mr. Papesca: There's an old bus sitting there and I don't know if someone owns it. I really don't care to have all of those cars parked in front of my house either. They have plenty of room on that side to open it up and park their cars down there. I'm just not in agreement with it, that's all.

Mr. Flower: Thank you for your comments. If there's no one else who wishes to speak for or against this application? If not, I will entertain a motion to close the public hearing.

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

Mr. Ceru: Second the Motion.

Vote: All present voted Aye.

Mr. Flower: You still have some work ahead of you. I believe there were some other items that need to be corrected. David, could you go over the items that need to be corrected?

Mr. Stolman: There were two things from our last memo. Have you heard from OPRHP?

- Mr. Stokosa: I talked to Tim Lloyd today and he reviewed the application. The reason he hasn't release anything is because he's waiting for correspondence from Tim Miller's office who prepared the analysis and report. Again, in their findings there was nothing of importance in their conclusion. They were under the assumption that this had to be reviewed by NYS DEC. They were waiting for contact so there was a communication lapse there. Since there won't be any disturbance we don't need to involve DEC. Regarding SEQRA information for an amended site plan and I gave them contact information to have them circulate the letter to both your office and the Town.
- Mr. Stolman: So we are still waiting for that?
- Mr. Stokosa: We will get it this week.
- Mr. Stolman: Is Mike Norwicki putting something together regarding the wetland?
- Mr. Stokosa: I think the question was the wetland buffer?
- Mr. Stolman: Yes.
- Mr. Stokosa: We can take pictures and I think he had pictures in his report. The creek goes between two paved parking areas. So the entire buffer associated with that ravine area is within the paved parking area. I don't know what more information we need to provide?
- Mr. Stolman: A couple of pictures will do.
- Mr. Stokosa: The whole buffer is paved. You can see that from our site plan.
- Mr. Stolman: That will be enough.
- Mr. Flower: Bob, any comments?
- Mr. Gray: I'm happy with the elevations and the flood elevations and I believe you said you were still going to do the flood doors in the building regardless.
- Mr. Stokosa: Yes, we are going to have another plan with flood doors in the pole barn areas. We are also going to put a note on the plan recommending that the applicant when we have one of these situations where we do have a large rain coming towards us he's going to take his lumber and ship it to higher grounds. Based upon Mr. Gray's acceptance of our flood plain boundary and are two minor comments from David's office we have enough information for a contingent approval.

- Mr. Flower: How do you feel David? Do you have enough information at this point?
- Mr. Stolman: I think so and we can condition the approval on a clean bill of health from OPRHP and a bit more information regarding the wetland. The buffer report says the wetland itself is an important issue. So if you could document that but I think we can go ahead and draft a resolution.
- Mr. Flower: I agree. Since the professionals feel they have enough information we should be able to go ahead and issue conditional resolution. At this point it's a matter of authorizing the Town Planner to prepare a resolution for a conditional approval.
- Mr. Marinaccio: Someone had mentioned steps to one of the parking lots. Is that something we should talk about now?
- Mr. Stokosa: Yes.
- Mr. Stolman: We will include that in the resolution too.
- Mr. Marinaccio: What about the screening.
- Mr. Stolman: There's some screening there and we can check to make sure it's sufficient.
- Mr. Marinaccio: Is that bus going to be there all the time?
- Mr. Stokosa: I know that bus has been a problem there for some time and I advised the applicant if he doesn't want to hurt himself he should remove it.
- Mr. Marinaccio: Are there other trailers there as well that this gentleman is concerned about?
- Mr. Stokosa: I'll make sure they are taken away ASAP.
- Mr. Horan: What's the intent of that parking area? Is that customer parking?
- Mr. Stokosa: It's just a lumber yard and distribution center.
- Mr. Marinaccio: So you are going to screen and get rid of the trailers? What do you do with the flatbed that comes in and drop off the lumber?
- Mr. Stokosa: First of all we are going to replace the entire chain link fence that's there. There are sections that are not in good condition and sections in severe disrepair. What we've decided is where there are areas of voids of vegetation along the Town road we are going to fill that with various

types of screening about 6 feet high. We are screening the entire parking area and providing some vegetation on each side. There's no vegetation being proposed to be taken down. Right now there is no defined parking area. Everybody just finds spots.

- Mr. Marinaccio: Is that gated parking area where employees can drive in?
- Mr. Stokosa: It's gated here and you can enter the parking area off River Road which is not gated. The actual entrance into the site is gated. The public can't get in.
- Mr. Marinaccio: So the public can't use that parking?
- Mr. Stokosa: No.
- Mr. Marinaccio: Okay, I don't see any reason why we can't prepare the resolution.
- Mr. Flower: We should note in the resolution that the parking lot to be used only for employee parking.
- Mr. Marinaccio: No trailer storage.
- Mr. Flower: With those couple of items I will entertain a motion to authorize the Town Planner to prepare a resolution.
- Mr. Marinaccio: Motion to authorize the Town Planner to prepare a resolution for March 4, 2019.**
- Mr. Ceru: Second the Motion.
- Vote: All present voted Aye.

Discussion:

17-3377 Chapel of the Sacred Mirror – (CoSM): To vote on an amended site plan application for the Art Gallery. The applicant is proposing to change the main entrance to the other side of the building facing the parking lot. The parcel is on 37.93 acres in an R40/80 Zoning District. The property is located at **46 Deer Hill Road** and is identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (Day) (Resolution approved February 4, 2019)

- Present: Brian Stokosa – Engineer
- Mr. Flower: Good evening. We have a resolution to vote on. Is there anybody here from CoSM?
- Mr. Stokosa: I'm here.

- Mr. Flower: Did you get a chance to read the resolution?
- Mr. Stokosa: Yeah, we read the resolution and we are in favor of what's being proposed.
- Mr. Flower: So you are in agreement? At this time we need to approve the resolution.
- Mr. Marinaccio: Motion to approve the resolution as written.**
- Mr. Valdati: Second the Motion.
- Vote: All present voted Aye.

18-3400 (Site Plan), 18-5195 (Lot Line Consolidation), and 18-4081 (Special Use Permit) Rte. 376 Holdings, Inc.: To discuss signage on a Site Plan, Special Use Permit and a Lot Line Consolidation. The applicant is proposing the consolidation of two tax parcels and to install a fueling station with three fuel pumps and to construct a 2,600 sf. convenience store on 2.3 acres in a GB Zoning District. The property is located at **1592 Rte. 376** and is identified as **Tax Grid Nos. 6259-04-530251 and 6259-04-540266** in the Town of Wappinger. (Chazen)

- Present: Chris Lapine – Engineer
Kyle Bardwell – Engineer
- Mr. Flower: We discussed earlier during the workshop so tonight is just about the proposed sign. The applicant had proposed a 45 square feet sign on the site plan which was submitted.
- Mr. Stolman: I'm thinking that we shouldn't take this up since the applicant isn't here to represent the project.
- Mr. Horan: Let's move on to the next item.
- Mrs. Ogunti: He wasn't expected to be here.
- Mrs. Roberti: Yes, Bea just informed me and she's right. When we were here last meeting and we talked about the signage I believe the applicant asked if he needed to be here and we basically said we were going to discuss the signage. He may really have felt it wasn't really necessary to come.
- Mr. Flower: So we are going to hold this off until the public hearing?
- Mrs. Roberti: Or you can discuss and let them know.
- Mr. Flower: We can discuss this in a public forum.

- Mr. Stolman: I'm just thinking that they might want to discuss it with you. It's up to you.
- Mrs. Roberti: You can come up with your decision and they can then discuss it with them and if they don't like it they can go to a public hearing.
- Mr. Horan: At this point in time I don't think they have to make a formal decision.
- Mr. Flower: We will make the recommendation as we discussed earlier.
- Mr. Marinaccio: So the recommendation is what we had proposed?
- Mr. Flower: Right, what we discussed earlier.
- Mr. Marinaccio: Okay.
- Mr. Flower: That's if everybody is in favor.
- Mr. Marinaccio: Also will there be planting around that sign?
- Mr. Flower: Yes, at the bottom of that sign.
- Mrs. Roberti: So is 30 sf. your recommendation with landscaping around the base?
- Mr. Flower: Yes. So that information will be provided to the applicant.
- Mrs. Roberti: I will email them in the morning.

03-5080 Maloney Heights Subdivision: – To discuss a stormwater district for a previously approved 8 lot subdivision on 18.7 acres in an R40 Zoning District. The property is located on **Maloney Road approximately 1,000 feet east of Route 376** and is identified as **Tax Grid No. 6259-02-605758** in the Town of Wappinger. (Day)

Present: Brian Stakosa – Engineer

Mr. Stakosa: This project has been hanging around for a while and it was approved in the 80s. The property is on 18.7 acres in an R40 Zoning District, 8 lots on Maloney Road. FAA restriction for building is at the top of the site which restricts any kind of building disturbance associated with Dutchess County Airport. When we designed this it was under the old DEC regulations for whatever reason we did not follow up on this project which is the construction activity permit. Obviously, the economy took a downturn and as the economy started to come back somewhat, the applicant pursued installing a subdivision. Since the NOI was not filed

we have to conform to the new DEC Drainage Regulations so that's why we are here before you tonight. There are 8 lots that exists, Town road exists, there's a bond in place, inspection fees that were posted. We just never pulled the trigger.

Mr. Stokosa continues his overview of the project.

Mr. Stokosa: The applicant is aware that he has to post additional fees for inspection, we have to post a new bond, amend the map planning report and obviously update the drainage easement. Basically nothing has changed on this plan other than the drainage and some more green practices. We have gone ahead and filed our NOI and we do have coverage. The applicant does intend to remove trees on the site. We have had our preconstruction meeting. With the Indiana bat season upon us we intend to clear trees before the deadline happens. We've gone through the steps to initiate this process.

Mr. Flower: Bob, any comments?

Mr. Gray: David and I are in agreement that we probably ought to schedule it here at your next available meeting. We have to skip because of the Association of Towns so it will be the first meeting in March and have a resolution ready at that meeting. Between now and then I think you need to go to the Town Board to get the new bond approved so hopefully we are ready to go with the bat. It can be a condition in the resolution but it would be nice to clean it up a bit. We can include the new bond amount in the resolution as well as the inspection fee. As Brian said this is to record the map so the new drainage easement can be shown on the lots and the practices that are now dictated by the new stormwater regs. Everything else remains the same. As a matter of fact it's a filed map and these lots exists.

Mr. Flower: The description that was put on the agenda shows 12 lots. Was it originally 12 lots or it was always 8 lots?

Mr. Stakosa: It was 8 lots.

Mr. Flower: Okay, I just want to confirm that.

Mr. Horan: Brian, do you know if there were offers of dedication recorded?

Mr. Stakosa: Good questions. I will get you the answer on that.

Mr. Marinaccio: Do they have a proposed date when they are going to start this project?

- Mr. Stakosa: Like three weeks ago.
- Mr. Marinaccio: Did they start clearing or anything like that?
- Mr. Stakosa: We had our NOI issued and I believe there are tree clearing machines on site. I'm not sure because of the weather where they are with that. They may have started just doing the entrance and I'm not sure how far back they have gone. The intent is to clear the disturbance limits that were shown on this plan which matches pretty much what was approved in the original filed map.
- Mr. Flower: At this point we need a motion to schedule the public hearing.
- Mr. Marinaccio: Motion to schedule the Public Hearing for March 4, 2019.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Mr. Flower: Based on the recommendation of the Town Planner and Town Engineer this project is ready for conditional approval. I will now entertain a motion to authorize the Town Planner to prepare a resolution for March 4, 2019.
- Mr. Stakosa: Thank you.
- Mr. Marinaccio: Motion to authorize the Town Planner to prepare a resolution for the March 4, 2019 meeting.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.
- Mr. Gray: Bruce, the only thing I would add is if there was an offer for dedication that will amend any easements.
- Mr. Stakosa: Okay, I'll check on that.
- Mr. Gray: If there wasn't one we will have to do one. I believe there probably was one.
- Mr. Horan: I will also check with the Town Clerk to see what he has.
- Mr. Stakosa: Thank you very much I appreciate it.

Extension:

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

Guardian Temperature Controlled Building: Seeking three 90-day extensions for their approved subdivision on a Site Plan, Special Use Permit and a resolution on a lot line consolidation to construct a temperature controlled self-storage and combine two lots on 0.62 acres in an HB Zoning District. These extensions are being requested to allow time to continue to work with our architects, engineers and surveyor to put together final plans for submission. The first two extensions would be retroactively from September 14, 2018 to December 14, 2018, and December 14, 2018 through March 13, 2019. The third current 90-day extension would begin on March 13, 2019 through June 13, 2019. The applicant is also seeking his first one year extension for his approved site plan to begin March 13, 2019 through April 12, 2020. The property is located at **1084 Route 9** and is identified as **Tax Grid No. 6156-02-753949 (.62 acres) and 6156-02-774941 (2.30 acres)** in the Town of Wappinger. (Redl) (Approved March 19, 2018)

Mr. Marinaccio: **Motion to grant three 90-day extensions.**
Mr. Ceru: **Second the Motion.**
Vote: **All present voted Aye.**

Conceptual Review:

18-3406 20 MacFarlane / Carlos Espinoza (Amended Site Plan): To discuss a Conceptual Review application to upgrade and repair the existing building on 2.27 acres in an R20 Zoning District. The property is location at **20 MacFarlane Road** and is identified as **Tax Grid No. 6157-04-720271** in the Town of Wappinger. (Badey & Watson)

Present: **Margaret McManus – Engineer**

Ms. McManus: Good evening, I'm Margaret McManus with Badey & Watson and my client is E & C Espicoz. They purchased this property from Craig O'Donnell which was M&C which is a little confusing but they are the new owners. The history of the property is that it was used as an ambulance core for many years and it went through several owners and there were certain violations. Craig O'Donnell ended owning it because it was in foreclosure. Last year he went to the Zoning Board of Appeals and actually obtained a use variance which is very difficult to obtain. At the time he did not have a buyer but they discussed many special use permits that could be used at the site and they narrowed it down to a storage or contractor's yard or something of that nature. The person who purchased the property owns a cleaning business so what's basically stored there are cleaning products. They also have vans that they would like to store there that have water in them because they clean the carpet. They received the variance and they came back to this board and got an approval for a site plan in conformance with the use

variance. The new owner in his eagerness to improve the site became a little overzealous and pushed the land trying to flat this area out into the wetland buffer. So that needs to be remediated. In the meantime we've already installed the erosion measures and stabilize the bare earth for the winter. We are here before you to talk about how this site will end up once the remediation takes place. My client is looking to make an amendment to the site plan.

Ms. McManus continues an overview of the project.

Ms. McManus: There have been discussions with the consultants on the steps that need to be taken. So this is the first step to come before you to discuss if this is something the board will entertain after the wetland permit is issued and the wetland is restored.

Mr. Flower: Looks like he's proposing to make a larger garage and he wants to expand the building that's currently there.

Ms. McManus: He wants to enclose part of this and make this an office and to have a larger garage. The reason for the larger garage is that some of the equipment that they use have to be stored in a heated or enclosed environment because there's water in the machines. Right now he has a space that he rents in Poughkeepsie that he's storing those vehicles. He would like to consolidate and have everything in one spot.

Mr. Flower: The garage that he's proposing will be for vehicle storage?

Ms. McManus: Yes, it would be for vehicle storage. I printed out different types of 4-bay garages.

Mr. Flower: Whatever he chooses to build will be part of the submission to the board?

Ms. McManus: Yes.

Mr. Flower: At some point you will have to make a full submission. This is a conceptual plan tonight to get a feel from the board.

Ms. McManus: Correct. That will definitely look like a residential garage not like a commercial garage with a peak roof.

Mr. Gray: From this side of the table as we are looking at it we are concerned about the peak roof being visible to the other property. It all depends on how high that ridge is.

- Mrs. Roberti: Is he looking to put storage on the second floor?
- Ms. McManus: It is not his intention I don't think but I will check with him.
- Mrs. Roberti: If so then it's usable square footage that raises another issue here that this is a legal nonconforming that cannot be increased.
- Mr. Horan: It's a use permitted by variance.
- Ms. McManus: Since it's a use permitted by variance, is he allowed to increase its square footage?
- Mr. Stolman: What Jim is saying is it is a conforming use.
- Ms. McManus: I think the conditions were there was not going to be outdoor storage and there weren't going to be any signs.
- Mrs. Roberti: They never anticipated the increase in square footage. It was supposed to be used as the site looks.
- Ms. McManus: I read through the Minutes up to the public hearing and unfortunately, they didn't do the public hearing until the next month. Nothing that I read said that they said they were not going to increase square footage.
- Mr. Horan: I was the attorney for the ZBA when it was drafted. It really wasn't contemplated that the buildings would be changed but then again at the time there was no user contemplated for the site. Because of the condition of the building I don't necessarily think that the ZBA would necessarily go back and reconsider it. I don't think the ZBA contemplated expansion of the buildings. I don't think there's a specific prohibition against expansion. I believe some outdoor storage was permitted on the site provided it was screened to the satisfaction of the Planning Board.
- Mr. Horan continues.
- Mr. Horan: I think the main concern was the business generating a lot of traffic.
- Ms. McManus: I don't think that's true because the way the business operates is that at the end of the day around 4:30pm, someone would come in to get supplies. That doesn't even happen every day, it's only when they work overnight and deplete supplies and they may bring back one of the vehicles. It's basically storage of equipment.
- Mr. Flower: So the storage of equipment will be inside.

- Ms. McManus: Yes, everything is inside. There are some vehicles outside.
- Mr. Marinaccio: Will employee parking be out there?
- Ms. McManus: They are only parking back here. They are not showing any parking except in the back of the building.
- Mr. Flower: Is this an allowed use in the zone or nonconforming.
- Mr. Horan: Now it is permitted by the use variance.
- Mr. Flower: So any change they would have to go to the ZBA.
- Mr. Horan: The question here is this an expansion of the use?
- Mr. Flower: That would be the bigger concern whether that would trigger a trip back to the ZBA.
- Ms. McManus: We are here to get direction on what our next steps are and where we need to focus and if we have to go back to the ZBA that if the Planning Board is willing to entertain the site plan.
- Mr. Flower: We don't have enough information to make any decisions 100%.
- Ms. McManus: So we make a full submission showing everything we want and then go to both boards to get a site plan approval or an interpretation?
- Mr. Horan: It would just be an amendment to the prior ZBA determination or some clarification that this would be permitted under the use variance.
- Ms. McManus: Okay.
- Mr. Flower: If you make the full submission of what you are looking to do then we can make a determination at that point. At that point we can make a referral to the ZBA.
- Ms. McManus: Is it conducive to go to the ZBA before spending all the money on a full site plan to know where the ZBA stands.
- Mr. Horan: That would probably would be the best. The other option would be for the Zoning Administrator to issue a determination.
- Mr. Flower: It sounds like the only open question is whether they have to go to the ZBA to make that determination based on their prior approval.

- Mr. Horan: The variance was granted with the condition that the building would be used in its current configuration. The proposed use is consistent with what was discussed at the ZBA.
- Mr. Flower: I do remember there were some restrictions on the parking lot.
- Mr. Horan: It wasn't permitted to be a retail use to scale down the traffic. There was a discussion regarding contractor's yard and no heavy equipment would be permitted in a contractor's yard.
- Ms. McManus: So there would be a net decrease in the overall impervious surfaces on the property.
- Mr. Gray: We would also be interested in the elevations.
- Ms. McManus: I'm getting that we should go to one ZBA meeting on whether or not you are going to do a determination.
- Mrs. Roberti: Maybe just do an interpretation on the use variance.
- Mr. Stolman: Yes.
- Ms. McManus: So I can just write to you for that?
- Mrs. Roberti: So do you and the board want to do a site visit after the ZBA decides?
- Mr. Flower: Yes.
- Ms. McManus: So once we have a full submittal then you can review.
- Mr. Flower: Once a full submittal is made then we probably want to do a site visit of the property just to see what the conditions are out there and discuss the concerns of the neighbors. What they can and cannot see.
- Ms. McManus: So the wetland permit would be administered through this board?
- Mr. Horan: Yes.
- Mrs. Roberti: There is one major outstanding issue. Mr. Espinosa was supposed to put up a \$25,000 restoration bond and a description of the work.
- Ms. McManus: Yes, and I did send him a description of the work. I was on vacation but I sent him an email with the description of the work. Did he not give that to you?

- Mrs. Roberti: Mr. Horan would be the one to write the resolution for the Town Board. You need to get either a surety bond or performance bond submitted to his satisfaction.
- Ms. McManus: I'll follow up with that tomorrow.
- Mrs. Roberti: We have to do something. It's been over two months.
- Ms. McManus: I did write the description and I thought he had followed through with it. Do you have any other questions for me?
- Mr. Flower: Anybody have any other questions?
- Mr. Marinaccio: Not right now.
- Mr. Flower: At this point we will just wait to see what the applicant submits.
- Ms. McManus: When you see what's there now anything would be an improvement.
- Mr. Flower: I'm familiar with the property. We are just concerned about the grading changes and that it's not going to effect the neighbors.
- Ms. McManus: Exactly. Thank you.

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

Present: Ernie Martin – Architect
Howard Buckner – Applicant

Mr. Martin: Good evening, Ernie Martin representing Sun Up Properties, LLC. The owner up Sun Up Properties owns 5 parcels on New Hackensack Road starting at the intersection at St. Nicholas Road. The 5 properties totals about 28 acres. Currently the property is used for a couple of things. There are currently two buildings on two of the properties. One is a brick house that's used for residential use and the other building is known as the Memory Inn and it is used for commercial rental. I believe it has 5 tenants. The balance of the property is used for Sun Up construction business for storage of equipment. The 5 properties are in two zoning districts. The property is in two zoning districts, General Business and R40 Zoning District. It is the intent to realign the property and still

maintain 5 properties. The parcel that's in the R40 Zoning District will remain as residential.

Mr. Martin continues an overview of the project.

Mr. Stolman:

How wide is that parcel?

Mr. Martin:

We just drew in about 30 feet.

Mr. Stolman:

Did you say it's flat?

Mr. Martin:

Yes, but we realize that we have to survey it. There is an area where he has drainage issues coming from the airport that exists and runs down to a pond on St. Nicholas Road. We are going to determine the location of that and see how it is going to impact this. If we have to flare this line to get around that we might not even bother with this lot. Right now we are just getting it out there for discussion.

Mr. Flower:

Is there any proposed potential uses out there?

Mr. Buckner:

No, for future sale of the property.

Mr. Flower:

You are just going to continue to run the business from there?

Mr. Buckner:

Yes.

Mr. Martin:

To the rear of these two buildings this property drops off tremendously.

Mr. Flower:

Are there any questions?

Mrs. Roberti:

Ernie, the flag lot has to be 50 feet wide.

Mr. Stolman:

The flag pole.

Mr. Martin:

Our plan is to go out there and get a good survey and locate all the important typography that's there. Being that we are just moving lot lines around we are not planning to do typography on all 28 acres. Does the board have any thoughts one way or the other? We would locate features such as the Federal Wetlands. There is a stream that meanders down and runs behind and goes into that pond on St. Nicholas Road which may impact this.

Mr. Gray:

Can you get access to LIDAR? That's going to give you a pretty good 2 feet typography. I've been exposed to that recently and it's pretty impressive. It will show you a lot about the property.

- Mr. Stolman: We do need something.
- Mr. Gray: It's better than some field typography. Do you have Health Department approval on this in order to file the map?
- Mr. Martin: A lot of that is going to depend where the stream is, our setbacks and it may not even be worth doing that.
- Mr. Gray: Is it 5 acres?
- Mr. Martin: It might be just a little under but I'll find out.
- Mr. Gray: If you have 5 acres you won't have to show a specific design. I think they still have the 5 acres rule.
- Mr. Martin: I think they have a new head of the department now.
- Mr. Gray: I think by the time you change the 30 to 50 you might end up with 5 acres.
- Mr. Martin: Yeah.
- Mr. Gray: Because it's R40 you might need Health Department approval. If this is all residential you will need septic system.
- Mr. Flower: What are your feelings with what's being proposed?
- Mr. Martin: As a result of our survey it might dictate if we can move the line and again, it's just a concept.
- Mr. Flower: From what we've seen so far everyone is fine with the concept.
- Mr. Stolman: Without the wetland shown, without the typography shown we can just make a limited analysis.
- Mr. Martin: We even had some discussions. Right now we are showing two lots. We might make this one big lot. That's a possibility.
- Mr. Gray: I think you would be treating it has one since it's a business.
- Mr. Buckner: We have approved and built entrances on both.
- Mr. Martin: There's an entrance here and another entrance over here and then there's an entrance for each of these.

- Mr. Gray: Is that the drainage pipe that goes underneath the terminal building?
- Mr. Buckner: Under which building?
- Mr. Gray: Under the airport terminal building. There's actually a reinforced concrete pipe that goes underneath the building.
- Mr. Buckner: If you live north from my office, that's Airport Drive. The stream comes across and goes into the airport property and then it's placed by the terminal.
- Mr. Gray: Is that the same pipe that discharges?
- Mr. Buckner: Yes.
- Mr. Flower: You are going to show the pipe that's going across the property?
- Mr. Martin: Yes, our survey will locate that as well.
- Mr. Flower: Is the drainage pipe a part of the easement?
- Mr. Gray: I think each property owner owns their section of pipes I think.
- Mr. Martin: We should locate the pipe and find out where it is.
- Mr. Gray: It's been interesting.
- Mr. Martin: Thank you.
- Mr. Buckner: Thank you.

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

Adjourned: 8:45 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board

