

MINUTES

Town of Wappinger Planning Board
March 18, 2019
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

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

Red Cedar Arborists & Landscapers, Inc.
Central Hudson town wide Pole &
Wire Replacement

Public Hearing opened & closed
Adjourned to April 15, 2019

Discussion:

Furnia Subdivision

Resolution approved as amended

Riverview Land Company, LLC

Resolution approved

Flynn, Rawls and Lepore Subdivision

Resubmit

NERP Holding Tractor Supply Company
& Retail Store

Intent to circulate for Lead Agency

Conceptual Review:

479 All Angels Hill Road Apartment House

Resubmit

Architectural Review:

Mobil Station Illuminated LED Lite Bar

Moved to April 15, 2019 meeting

Extension:

Smart Subdivision

One 90-day Extension granted

Mr. Marinaccio:

Mr. Valdati:

Vote:

Motion to accept the Minutes from March 4, 2019.

Second the Motion.

All present voted Aye.

Public Hearing:

18-3403 Red Cedar Arborists & Landscapers, Inc. Contractor Yard: The Town of Wappinger will conduct a Public Hearing on a site plan application to reuse the existing buildings for office space, to store supplies, vehicle storage, maintenance, and to grow planting stock on 3.396 acres in a HD Zoning District. The property is located at **185 New Hackensack Road** and is identified as **Tax Grid No. 6150-02-999951** in the Town of Wappinger. (Berger) (Lead Agency January 31, 2019)

Present:

Joseph Berger – Engineer

Steve Reylea – Applicant

Mr. Valdati:

Mr. Pesce:

Vote:

Motion to open the Public Hearing.

Second the Motion.

All present voted Aye.

Mr. Berger:

Good evening, Joseph Berger for the applicant. It's a 3.39 parcel to use existing buildings on New Hackensack Road behind the airport. We plan on utilizing the existing buildings for landscaping contractor's yard with an existing parking lot. We will be utilizing the land in the back for truck storage as well as storing the landscaping materials such as stones and planting area in the center. We will have a fueling station in the back, a stormwater runoff and a bio retention in the middle to keep the stormwater from the site. There's an existing well and septic on the site.

Mr. Flower:

At this point we will open up the floor for anyone that wishes to speak on behalf of this application. Are there any questions or concerns?

Mr. Markel:

Ken Markel, 175 Vale Lane, North Salem, New York. I'm one of the owners at 187 New Hackensack Road which is the professional building adjacent to the proposal. I'm here on behalf of the other owners of the professional building with doctors and professionals. There are four of us who are doctors and we are happy to have a new neighbor and we wish him luck. The only reason we are here tonight we just want to make sure that because it is a professional building with a dentist, chiropractor and ophthalmologist. There is no intended use of an industrial nature such as rock crushing, mulching or things that makes noise. We are very concern about for our patients and because it is a professional building, noise will be a problem for us. We would prefer that the trucks, filling station and industrial types of equipment don't land in the front of the building. There's enough parking for their men and their cars but if it becomes more of a trucking type of parking lot in the front that would be an eye sore for us. Those are my main concerns just the noise and it becoming more industrial looking. We want to wish Mr. Reylea all the best but we just want to protect the medical building for the doctors and their patients. Thank you for your time.

Mr. Flower: Thank you. Is there anyone else with any comments?

Mr. Brown: Good evening. I'm Dr. Howie Brown and I'm a practicing doctor in the building. The building has existing for 40 years now and it is very close to the rest of your property. We definitely wish to work with our neighbors but with it being so close I recognize that dirt will blow into the area, noise will be very easily heard. I don't know what goes into landscape besides planting, the scents that might be coming into there. It's more a matter of keeping things as comfortable and presentable as possible for my patients as well as the office.

Mr. Flower: Thank you for your comments. Is there anyone else? Since there's no one else, I will entertain for a motion to close the public hearing.

Mr. Marinaccio: Motion to close the Public Hearing.

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Flower: Mr. Berger, there are still some outstanding items from both the Town Planner and Town Engineer that need to be addressed on the current plans. Also, the comments from the two gentlemen that spoke should be addressed and submitted to us in writing. Do you have any questions for us?

Mr. Berger: I'll form a response but we have to take into consideration that it is landscaping and all work is in the back.

Mr. Flower: If you could compile everything and complete the application for the final review and at that point we can move forward from there.

Mr. Berger: Okay. Thank you very much.

Mr. Flower: Thank you.

18-3394 Central Hudson town wide Pole & Wire Replacement: The Town of Wappinger will conduct a Public Hearing on 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
Brian Demisko – Central Hudson

Mr. Pesce: Motion to open the Public Hearing.

Mr. Marinaccio: Second the Motion.

Vote: All present voted Aye.

Mr. Morando: Good evening. My name is Anthony Morando and I'm an attorney with the law firm of Cuddy & Feder, here on behalf of Central Hudson Gas & Electric. We are pleased to be here this evening to provide the public with an overview of the TV line replacement project. We are going to go through some and

have a discussion to go over some of the project details so everybody is on the same page with what the application actually is. The project involves a replacement of the existing TV electric transmission line from the Town of Wappinger through the Village of Wappingers Falls. Although only a small portion in the Village. As the board knows but for the public the project requires a site plan approval from this board. We've also requested a wetlands permit from this board. We've also requested a flood plain development permit but that will be issued by the Building Department. The Planning Board is the Lead Agency under SEQRA coordinating the review amongst any other involved agencies. We have completed the public notice for the public hearing, publication in two newspapers as well as mailing. We submitted tonight proof of publication as well as proof of mailing. Brian Demisko the Project Manager for Central Hudson will start off now going through some of the details of the project. Greg Lieberman from EDR will handle all of the site, civil and individual aspects in his presentation.

Mr. Demisko:

Thanks Anthony. My name is Brian Demisko and I am a Project Manager with Central Hudson Gas & Electric and I would like to step through a brief presentation on a project that we have before you tonight. On October 22, 2018 Central Hudson submitted an application for approval from the Planning Board in the Town of Wappinger to replace the existing 69 KB transmission line. That transmission line is predominantly located in the Town of Wappinger and a small portion goes through the Village of Wappingers Falls. About 95% is in the Town of Wappinger and 5% in the Village of Wappingers Falls. It is a 69 KB line and it runs between the North Chelsea Electric Station in the Town of Wappinger. It runs off of Route 9D northeasterly for a total traverse of about 6.3 miles and terminates at the Myers Corners substation off of Myers Corners Road. This particular line in the Town of Wappinger is about 5.9 miles of the total of 6.3 miles traverse. About four tenths of a mile goes through a small portion of the Village of Wappinger Falls. We are proposing that all of the poles and all of the conductor wires on KB line will be replaced. There are 108 poles in total in this traverse in this 6.3. Out of the 108 poles there are 101 poles in the Town of Wappinger and 7 poles are in the Village of Wappingers Falls.

Mr. Demisko continues his overview of the project.

Mr. Lieberman:

Good evening everybody, my name is Greg Lieberman with Environmental Design and Research and we help Central Hudson prepare a lot of the applications that have been provided to the Town. The overall profile of this replacement line is very much consistent with what's out there today. The average height of the existing pole is about 50 feet and the average type of the replacement pole is about 59 feet. With the self-weathering steel there will be a monotone brown color on some of the distribution lines. The firm EDR conducted a variety of studies with the site plan application and prepared a whole environmental assessment form, stormwater pollution plan, wetlands mitigation reports and a visual analysis. In our

visual analysis provided to the Town, we looked at the existing views of the current right-of-way and documented those views. We also looked at the viewshed analysis in change of all heights and it was determined that increasing visibility with a one mile radius is pretty minimal from an increase standpoint. We developed these photo realistic simulations at various locations throughout the Town. The existing trees on either side of the railways will continue to screen these lines and the views of the proposed lines are the same as what is there today.

By using some uniform colors, by streamlining some of the electrical infrastructure, locating this within the existing right-of-way the visual change is relative minimal. In some areas it improves the overall aesthetics. We also prepared environmental assessment for wetlands and we looked at impacts to the land. With these types of linear projects the impacts are primarily temporary access during construction only. In fact there will be no change in impervious coverage, no change to land use and ecologic cover type upon project completion. With respect to impacts on wetlands disturbance will be contained. The poles themselves have a relatively small footprint although construction is an ongoing project replacing the pole and going to the next pole. There will be no permanent impact with respect to wetlands. We are only filing a wetland permit with the Town because some of the existing poles are within wetlands and are required to be replaced. With respect to flood plain, there will be no grading.

Mr. Lieberman continues his overview of the project.

Mr. Morando:

That's the end of our initial presentation and we appreciate the opportunity by the public and the board to be here tonight and we are going to sit and listen.

Mr. Flower:

Thank you. I am going to read a quick statement for everybody here. The purpose of a public hearing is to accept comments and any important relevant information regarding the project. It's not the function of the Planning Board to promote or oppose a certain project if it complies with the appropriate sections of the zoning law and if the application is consistent with all criteria set forth in the zoning law, the Planning Board does not have the authority to deny the application. The applicant's professionals have already made their presentation we will now open up the floor for questions. Those speaking must identify themselves stating clearly their name and address. All comments will be directed to the Planning Board and not the applicant and/or the applicant's professionals. Redundant comments will not be entertained and will be acknowledge as already been brought to the Planning Board. No cross talk between the applicant and the public will be allowed during the public hearing. A duration of each individual comment will be limited to three minutes. At this point anybody who wishes to make comments please raise your hand and step up to the podium and state your name and address.

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**Response to Comments from the
Town of Wappinger Public Hearing March 18, 2019 Session**

INTRODUCTION:

Central Hudson has prepared this response to the public comments made at the TV Line Replacement Project ("Project") public hearing, held by the Town of Wappinger Planning Board on March 18, 2019. The full stenographic transcript of the hearing has also been submitted to the Planning Board. Each comment below includes a reference to the page of the transcript at which the comment was made, so the comment can be reviewed in its context.

RESPONSE TO PUBLIC COMMENTS:

Comment (1): Will the Project result in "a reclassification of any land that's not considered a wetland right now?" (Hollop, p. 25)

Response: No. Wetland and stream resources in the current TV Line ROW ("Project Site") were delineated in accordance with the US Army Corps of Engineers and NYS Department of Environmental Conservation guidance and standards (*see* Environmental Assessment Form (EAF) Attachment E, p. 3- 6). The extents and boundaries of these resources will not change as a result of the Project, nor will a reclassification of wetlands or floodplains occur.

Comment -(2): Are the replacement poles "a little wider in circumference than the ones which exist"? (Ho/lop, p. 25-26)

Response:- The width of proposed replacement poles for the TV Line are consistent with the existing poles on the Project Site. The existing wood poles generally range between 1.5 and 2.5 feet in diameter at the ground elevation, while the replacement poles are approximately 2 to 2.5 feet in diameter. In many cases there will be no change in width. And, any changes in diameter in select locations would be indiscernible and insignificant in that it will not result in an increase in visibility or any impacts to the environment (*see* EAF Attachment E, p. 11-12; and Attachment I, Visual Report).

Comment (3): The existing poles located on property at 3 Wendy Lane "were replaced about eight years ago. It wasn't 100 years ago or 50 years ago, but they did replace them about eight years ago." (Hollop, p. 26)

Response: New York State Department of Public Services requires electric utilities to design, operate and maintain electric transmission facilities in a manner to provide reliable electric service. The existing TV Transmission Line was constructed in totality in the 1920s and is past its useful life. Numerous repairs and replacements of poles have taken place over the years, as has been presented at the public hearing, in order to maintain reliable service while a full replacement was designed and ultimately implemented.

The closest TV Transmission Line pole (#46012) to 3 Wendy Lane is located at 1 Wendy Road. This existing pole is wood and was replaced in 2011 due to severe wood pecker damage. This short-term replacement was required to minimize risk of service interruption. The replacement pole needed to fit into the design and height parameters of the existing TV Line.

The entirety of the TV Line is now proposed to be replaced to secure the overall transmission infrastructure, improve storm hardening and bring the TV Line into compliance with National Electrical Safety Code (NESC)

- utility design standards, among other current design requirements and best practices. All poles will be replaced in the same general location with self- weathering brown steel poles which are stronger and more resistant to damage and degradation. Individual poles cannot be shifted on an ad hoc

- basis. The location, height and overall layout and design of each pole affects other poles along the line. The design of the TV Line is based on computer modeling, which takes into account a variety of design and physical factors

- in order to optimize conductor spans and compliance with current standards. This requires designing and replacing the TV Line in its entirety to provide safe conductor ground clearances at all points of the existing TV Line.

- *Comment (4): "Is it possible to see a summary of the Environmental Review?" (Webb, p. 26)*

Response: Yes. This is part of the public record before the Planning Board. Please refer to the EAF and Attachments A through I submitted to the Town of Wappinger in October 2018. These are available for review in the Planning Department at Town Hall, located at 20 Middlebush Road, Wappinger, NY.

Comment (5): "[I]s there any agency that controls the voltage that Central Hudson puts it through? Is there anything preventing them from jacking it up, doubling it or tripling it?" (Webb, p. 27)

Response: The existing TV Line is 69 kV. The TV Line will remain 69 kV after the replacement Project. Notably, the existing and proposed TV Line infrastructure is not designed or capable to accommodate an increase in voltage above 69 kV. Existing and proposed infrastructure would need to be modified and such modifications would involve review and approval by the NYS Department of Public Services (DPS) pursuant to NYS Law (see NYCRR 16 Part 102). In this project, for example, Central Hudson must submit a Part 102 Report to the DPS that includes a description of the Project and will reconfirm the 69 kV voltage of the TV Line. Central Hudson is not in any way proposing to increase the voltage above 69 kV.

Comment (6): "I just want to confirm because I have power lines on the other side of me, I believe it's the power line that doesn't have the big towers in it. It's the one with just smaller poles; is that correct?" (Schouten, p. 27-28)

Response: . Yes. The replacement Project only includes the TV transmission line which extends through a portion of the property at 118 Ketchamtown Road.

-Comment (7): "Is there a timeframe of when this will be started?" (Schouten, p. 28)

Response: . -- The Project commencement date is subject to change based on the date all required permits and approvals have been issued and is subject to weather conditions. Central Hudson is proposing to complete the entire Project in 2021. Please refer to the Construction Information Summary included as Exhibit G of Central Hudson's October 22, 2018 Application Submission Package. A copy of this Summary is attached for reference as **Exhibit A**.

Comment (8): Will we be notified when they're going to be on the property, on my property?" (Schouten, p. 28)

Response: Central Hudson has an established notification and communication process regarding proposed line replacement projects. Central Hudson will inform affected landowners in writing shortly before pre-construction activities begin, and again as affected areas of the Project near construction activities.

Comment (9): "I do have a problem with people trespassing, especially four wheelers, and in the past every time, almost every time that Central Hudson has done work on the property they've either not used the designated entry point and created new entry points onto the property or they've opened the entry point and then left it open for a couple of days, and I've called and contacted and finally someone comes and shuts it, so my other concern is that when they're on either side of the property that not the whole world has access to it." (Schouten, p. 28)

Response: The property located at 118 Ketchamtown Road is approximately 30 acres in size and has multiple access points. Central Hudson has followed up with responsible staff internally in response to this Comment (9). Central Hudson will note the concern and make every effort to maintain a consistent method of entry on the Project Site using the appropriate access locations. Central Hudson will also provide contact information to the property owner as part of the pre-construction notification and communication process.

Comment (10): "Before I spoke to them they had mentioned about moving that whole power line in the back of Split Tree Drive so I don't know if that was still the plan or if they're going to just replace them." (Perez, p. 30).

Response: Please refer to the Response to Comment 3.

- Comment (11): "I was wondering if they take these new distribution conductor wires and put them on the same poles with the other wires if it will increase the kilovolts coming out, if it will increase radiation or electromagnetic waves or how that will work like that." (Hollup, p. 31)

Response: There will be no increase in voltage classification (i.e., kilovolts) where distribution lines are located on transmission line poles on the Project Site.

Comment 11 refers to property at 3 Wendy Road. No distribution lines are proposed to be added to the transmission line poles on or near this property. Moreover, electromagnetic field levels will remain in compliance with applicable regulatory standards. Please refer to correspondence from Russell Raymond, P.E., dated April 2, 2019, attached as **Exhibit B**.

Comment (12): "With the increased height of the poles up near the airport end of the project are they going to need to put any beacons on top of those poles because of the increased height and the proximity to the airport?" (Macenetti, p. 31)

Response: The TV Line replacement poles are not proposed or anticipated to require any lighting. Please refer to correspondence from Environmental Design and Research, Landscape Architecture, Engineering & Environmental Services DPC ("EDR"), dated April 8, 2019, attached as **Exhibit C**.

Comment (13): "Just want somebody to say that the voltage is not going to increase with the new poles. " (Tufoli, p. 32)

Response: There will be no change in the voltage of the TV electric transmission line. The TV Line is a 69 kV line now and will remain a 69 kV line after completing the necessary TV Line replacement Project.

Comment (14): "These were replaced seven or eight years ago. I don't know why they need to replace them now. I understand it's for safety concerns but a seven year old pole should last 30 to 40 years as far as I'm concerned." (Minor, p. 34)

Response: Please refer to the Response to Comment 3.

Comment (15): "These new metal poles are still poles. Are they going to add more lines to them in the future? And I'm just concerned about the emissions that it may give off because having a swimming pool 20 feet from a metal pole. " (Minor, p. 34)

Response: The TV Line replacement Project does not include a proposal to add additional lines to the replacement poles now or in the future. The TV Line will remain in the same general location as it currently exists and in relation to the swimming pool that was subsequently installed on the property.



Mr. Flower: Is there anyone else in the audience who would like to make any comments? Since we have a large number of comments we should adjourn to give the applicant's professionals to respond. What would be an acceptable future date to respond? Will April 1st work for you?

Mr. Morando: When would we need to get that to you in advance of April 1st?

Mr. Flower: If we could get it a week ahead of the meeting.

Mr. Morando: So essentially a week from today. Okay. If it's okay with the board we will do April 15th just in case.

Mr. Flower: That will give you more than enough time to answer the questions. So at this point we are looking to adjourn the public hearing to April 15th.

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

Discussion:

17-5185 Furnia Subdivision: To vote on final approval on an application for a 9-lot subdivision on 7.56 acres in an R20 Zoning District. The property is located on **New Hackensack Road** and is identified as **Tax Grid No. 6158-02-948876** in the Town of Wappinger. (Berger) (Opened & Closed Public Hearing January 17, 2018)

Present: Joseph Berger – Engineer
Shane Furnia – Applicant

Mr. Flower: Good evening.

Mr. Furnia: Hi there, I am Shane Furnia and I have the project Furnia Subdivision with Joe Berger the engineer.

Mr. Flower: This evening we are here to discuss the resolution. Have you reviewed the resolution?

Mr. Berger: Yes, we have.

Mr. Flower: There are a lot of items that are still open that need to be addressed. The comments the Town Engineer and Town Planner still have that need to be addressed on the plot.

- Mr. Berger: We have addressed them but they need to be checked by both of them.
- Mr. Flower: Do you have any questions?
- Mr. Berger: Yes, there are two questions: One is on Page 4, Item J about the school bus.
- Mr. Furnia: I think we addressed this.
- Mr. Flower: Let me just make sure that David received the note.
- Mr. Stolman: Yes, we are removing it?
- Mr. Flower: Yes, we did discuss this at previous meetings.
- Mr. Stolman: It's gone.
- Mr. Furnia: The next one was Page 4, Item K about planting. It had to do with trees along the property line. Along the property line on Daisy Lane is already a row of trees and there were trees along this lot line here that the neighbors on Daisy Lane had cut down.
- Mr. Flower: I know we did discuss it at one point. Are there any comments from any of the board members?
- Mr. Stolman: Should I remove that as well?
- Mr. Berger: The only one that basically don't have trees is the joiners he cut in half. We understand and we just want an update on the County highway. We got communication from Steve Gill today and he will be sending a letter of approval within two days.
- Mr. Flower: So you agree with everything else?
- Mr. Berger: Yes, we are in agreeance with everything else. Once we get the final approval from the Health Department we will bring it in a submission. That's the reason because we wanted to bring everything in together. We submitted our last documents to them about 8 weeks ago and we have satisfied all of their comments.
- Mr. Flower: At this time I will entertain a motion to approve.

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

18-3390 Riverview Land Company, LLC (Amended Site Plan): To vote 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 Stakosa – Engineer

Mr. Stakosa: Good evening. Brian Stakosa with M.A. Day Engineering. We took a look at the resolution and we don't have any issues as it is written.

Mr. Flower: Since the applicant's engineer is satisfied with the resolution, I will entertain a motion to approve the resolution.

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

Mr. Papesca: Is there a resolution on this?

Mr. Flower: Yes, we are approving it.

Mr. Papesca: We can't do that. That's why I was here in February to go against it putting a parking lot right in front of my door.

Mr. Flower: They are meeting the requirements of the zoning code.

Mr. Papesco: They have trucks parked there dripping gas and oil and they are making a parking lot for their employees and you are approving that? That's the greenway down there and they have razor wires on the fencing. They are going to encroach into the wetlands down where the inland is and the habitat is going to be effected by that. Did anybody ever looked into any of that?

Mr. Flower: They met the criteria for the project and we have no reason to deny it.

Mr. Papesco: Just because I'm complaining that goes into the wind?

- Mr. Flower: I believe they addressed your questions at the public hearing.
- Mr. Papesco: They moved the bus and that's all that they did. What's about all of the oil that's on the ground? They are on 6.5 acres of land so they are going to go into that inland that's there. I don't see how that was addressed.
- Mr. Flower: This evening wasn't meant for a public hearing. I understand your concern but prior to this evening you should have contacted somebody in the Building Department and they could have brought it to our attention.
- Mr. Papesco: They knew I had a grievance about it so why didn't they contact me? I contacted Angela Bettina about it.
- Mr. Flower: Sir?
- Mr. Papesco: My name is Mike Papesco and you don't have to call me Sir.
- Mr. Flower: Again, they are approving the resolution tonight because they met the criteria for this project. The question you brought up at the public hearing were addressed. If you have any further concerns you can discuss that with the zoning administrator.
- Mr. Papesco: Why bother doing that if you have already approved it?
- Mr. Stolman: The plans have been thoroughly reviewed to the landscaping of the easterly parking area.
- Mr. Papesco: They closed their place in Jersey now there are going to be more trucks out there. The smell of diesel is disgusting that's one problem. Plus they went over the old tunnel and I never even seen any approvals for that. Has anybody ever looked under that tunnel to see what it looks like? The trucks run over that thing constantly. What's their hours of operation because they wake me up at 5:00 a.m. and that's a residential area?
- Mr. Flower: If they start and violate the noise ordinance you need to contact the zoning administration.
- Mr. Papesco: Now I know that and there will be a grievance on that. At 5:00pm we have beeping and tractor trailers going back and forth.

Mr. Flower: My advice is to contact the zoning administrator between 8:30am and 4:00pm and she should be able to address your concerns.

Mr. Papesco: Why bother.

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

Present: Jay Samuelson – Architect

Mr. Samuelson: Good evening. Jay Samuelson with Engineering and Surveying Properties here representing the land owners, the Flynn's. What we have here is a unique application. We have an 11.5 acres property that we are looking to subdivide and transfer a 25 feet strip to the neighboring lot to make it conform to the lot width lot frontage. The two names on the application are Mr. Rawls and Mr. Lepore. Mr. Rawls owns the adjacent lot and he will be purchasing the 25 feet strip subject to the approval and Mr. Lepore will be buying the two lots subject to approval. The Flynn's had their septic recently approved by Dutchess County Health Department. We will have to get a septic and well approval for Mr. Lepore on Lot 2. Mr. Rawls also has well and septic approval from Dutchess County Health Department. We have revised the plan to show the location of his septic and well.

Mr. Flower: Did you receive the letters from the Town Planner and Town Engineer?

Mr. Samuelson: Yes.

Mr. Flower: There are a few items that need to be addressed?

Mr. Samuelson: Yes, just a few minor items.

Mr. Flower: Just clarify on the Rawls' property that it's a 2-lot subdivision and not a 3-lot subdivision.

Mr. Samuelson: Yes.

Mr. Stolman: In the table, Lot 3 is identified so there are three lots involved.

- Mr. Samuelson: There are two existing lots and when we are done there will be three lots. That's why we labeled as Lots 1, 2 and 3 but I can revised it to say 2-lot subdivision to clarify it.
- Mr. Stolman: You do show in the table a column for Lot 3. I don't think there's any harm in labeling that because there are three lots involved there.
- Mr. Flower: Just put a note saying that there's an existing lot.
- Mr. Samuelson: Okay, we will try to clarify.
- Mr. Gray: We will contact you directly regarding some clarification issues on the map once we understand what's on there.
- Mr. Samuelson: Okay. I know there were some questions about the existing features on the lot. I believe the Flynn's have applied for the demolition permit to remove the existing house on the lot. That's my understanding but I will verify it that's why I didn't show it on the map because it didn't come up on the EAF that's why I noted it that it was there.
- Mr. Gray: On this map there's a proposed house.
- Mr. Samuelson: That is the approved house for the plot plan that was submitted to the Health Department.
- Mr. Gray: So that is the proposed house and not the existing house.
- Mr. Samuelson: The existing house is relatively in the same location but I will show where the existing house is.
- Mr. Gray: Also, show the septic and well that is there the best that you can determine.
- Mr. Stolman: Could you address the existing historic house that's there.
- Mr. Samuelson: It is on the historic register and I do believe that there's a letter with the Building Department regarding the note to be demolished. I can provide the board with a copy of that. It is beyond repair.
- Mrs. Roberti: Who is the letter from?

- Mr. Samuelson: SHPPO.
- Mr. Stolman: What does the note say?
- Mr. Samuelson: That it is beyond repair and can be demolished.
- Mr. Stolman: Did SHPPO want the house document?
- Mr. Samuelson: I will find out from them.
- Mrs. Roberti: Are they in the process of taking that house apart because it was reported that there's a dumpster there.
- Mr. Samuelson: There's a possibility but I can clarify that.
- Mrs. Roberti: We will go out tomorrow but if they are working on the house without a permit we will put a stop work order.
- Mr. Samuelson: I will check on that.
- Mr. Flower: At this point it's just a matter of getting the historic letter from the seller and updating the application. Once we receive all that information we will go ahead and set a public hearing.
- Mr. Samuelson: I understand. Thank you.
- Mr. Flower: Once you make that submittal, we will put you on a future agenda.

19-3407 NERP Holding Tractor Supply Company & Retail Store: To discuss a Site Plan application for the construction of a tractor supply retail store on vacant lot on 5.899 acres in an HB Zoning District. The property is located on **Route 9** and is identified as **Tax Grid No. 6157-04-539374** in the Town of Wappinger. (Hallisey, Pearson & Cassidy)

- Present: Alec Gladd – Attorney
- Mr. Gladd: Good evening. I'm Alec Gladd an attorney with Cuddy & Feder and I'm here this afternoon on behalf of the applicant, Tractor Supply Company & Retail Store. We were before the board a couple of weeks ago with a site plan application. This is for a 1,900 sf. tractor supply store on a vacant lot in an HB Zoning District on the west side of Route 8 and south side of the ACURA dealership. We are in receipt of the Town Engineer's comments and we are working on getting response for that. We

are here tonight hoping to circulate SEQRA notice of Lead Agency. We also believe the application is complete for GML circulation and we are also before the ZBA next Tuesday again for a parking variance seeking to reduce the number of spaces on site.

Mr. Flower: At this point we will make the motion to circulate for Lead Agency.

Mr. Pesce: **Motion to declare our intent to circulate for Lead Agency.**
Mr. Valdati: Second the Motion.
Vote: All present voted Aye.

Mr. Stolman: That means the ZBA cannot act until the Planning Board finishes the SEQRA process.

Mr. Gladd: Correct. We were there last Tuesday and they also consented to the Planning Board circulating as Lead Agency.

Mr. Stolman: So it is very important that we recognize that we are at the front end of the SEQRA process. We barely scratch the process of the SEQRA process and we have to go through that.

Mr. Flower: The engineer is not here to respond to the comments.

Mr. Gladd: Yes, we got this late on Friday and has not had the time to respond to all of that. We are working on that.

Mr. Stolman: Did you get our memo as well?

Mr. Gladd: I don't know because I have not seen it.

Mr. Stolman: It was sent to Matt Darling.

Mr. Gladd: Okay, I haven't seen it yet.

Mr. Stolman: We would like to modify one of the comments that we made on Page 4, Item 6A. We believe now that there should be two rows of evergreen staggered to make for a better visual barrier. We are going to look into the white spruce and determine whether is acceptable. The rest of our memo remains intact.

Mr. Gladd: Unless the board has any questions for me I just have one question on the engineer's memo. For Item 6 about the parcel

not being in the sewer and water district, if we could get a copy of the map planning report for the sewer district.

- Mr. Gray: There are many.
- Mr. Gladd: I wasn't able to find any maps and from what I understand the line was brought in front of our property.
- Mr. Gray: It is and it was extended by Adams.
- Mr. Gladd: Okay.
- Mr. Gray: It was extended from the ACURA property south in front of this subject property through a tunnel across to the Adams property.
- Mr. Gladd: Alright. So our property wasn't included?
- Mr. Gray: Correct.
- Mr. Horan: I'll see what we can find.
- Mr. Gray: I was not the engineer at the time but historic items like that are with the Town.
- Mr. Stolman: You will need to approach the Town Board if you want the water district to be extended and the Town Board can give you an idea the length of time it will take. You may want to approach the DOT as well.
- Mr. Gray: I included all the steps. Our attorney recently summarize all of the steps this special district extension or formation of a new district. I can get that to you. The entrance is DOT so we will abide with whatever they say.
- Mr. Flower: Do you have any other questions?
- Mr. Gladd: No, I'm good.
- Mr. Flower: Okay, get the responses in and we move forward from there.
- Mr. Gladd: Thank you for your time.

Conceptual Review:

19-3409 479 All Angels Hill Road Apartment House: To discuss a Conceptual Review application to convert a ceramic studio into an apartment and currently empty space into three (3) additional apartments for a total of four (4) apartments on .50 acres in an HM Zoning District. The property is located at **479 All Angels Hill Road** and is identified as **Tax Grid No. 6357-03-210027** in the Town of Wappinger. (Milliken)

- Present: Andrew Milliken – Architect
Abbey Josiah – Real Estate Agent
- Mr. Josiah: Hi, I'm Abbey Josiah and I am here on behalf of my client, Asad Batarseh who is the owner of 479 All Angels Hill Road. We are here with a proposal to convert a studio into an apartment.
- Mr. Milliken: Hi, I'm Andrew Milliken and I'm the architect helping with the design of the project.
- Mr. Josiah: The current building consists of a 2-bedroom apartment on the upper end.
- Mr. Milliken: There's one small apartment and some of the lower floor is business use. We are just asking for your guidance for the proposal to turn the business use into more apartments to better use the floor area without expanding the building.
- Mr. Flower: So you want to expand to four apartments.
- Mr. Milliken: Correct.
- Mr. Josiah: There are currently two bedrooms there and the rest of the area is vacant.
- Mr. Flower: It's my understanding that the property is not large enough for the zoning code for the number of apartments you are proposing?
- Mr. Josiah: Yes, we have to go before the ZBA for a couple of variances.
- Mr. Milliken: This is just the first step.
- Mr. Flower: This is obviously just a conceptual and the professionals haven't reviewed your application and you are just here for a discussion with the board itself. For what you are proposing the lot is too small and there's no sewer out in that area.

- Mr. Josiah: No, a new septic system will be installed. As a matter of fact we have a design system with the Department of Health already.
- Mr. Flower: They feel confident that they have enough property to install the system?
- Mr. Josiah: Yes.
- Mrs. Roberti: That would happen if you made a formal application with one of the agencies that will verify that.
- Mr. Milliken: A design has been developed.
- Mr. Flower: We just want to make sure you explore all the items prior to making a full application. One of the bigger items is trying to get Health Department approval.
- Mr. Josiah: From the review plan they came back with a couple of things that we addressed and we received their okay.
- Mr. Gray: Did the Health Department address the separation to the well.
- Mr. Josiah: Also including the septic that meets the requirement.
- Mr. Gray: Not only the septic system but the 100 percent expansion area that they require from the well. We want to see documentation of that. I think any board would want to see that.
- Mrs. Roberti: They don't meet the criteria to the code that's why they have to go to the Zoning Board of Appeals for variances.
- Mr. Flower: The apartment houses are allowed in that area if they meet the criteria. Are there any questions from the board at this time?
- Mr. Marinaccio: Not at this time.
- Mr. Milliken: Should we go to the ZBA before we make application?
- Mr. Flower: Are you asking if you should make application to the ZBA before the Planning Board?
- Mr. Milliken: Whatever you want us to do.
- Mr. Stolman: Normally, the application comes here first.

Mr. Flower: If you want to make a full application to the Planning Board and we can review and then you can go to the ZBA while we are going through our review process.

Mr. Milliken: Great, thank you.

Architectural Review:

19-3410 Mobil Station Illuminated LED Lite Bar: To discuss an Architectural Review application to install an illuminated LED lite bar around the top lip of the existing Mobil Gas Station canopy fascia on .50 acres in an HM Zoning District. The property is located at **1468 Route 9** and is identified as **Tax Grid No. 6157-02-648928** in the Town of Wappinger. (Holloway)

Mr. Flower: The applicant was unable to make it here this evening so we are going to move it to our April 15th agenda at their request.

Extension:

15-5172 / Smart Subdivision: Seeking their fifth and sixth 90 day extension on a proposed 2-lot subdivision where there is an existing home on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by Town Water subservice and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. This extension is being requested to allow for time to complete the process with Board of Health approval and the attorneys to finalize the easements and agreements. This extension, if granted, it would retroactively begin on March 17, 2019 through June 16, 2019. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor) (LA January 6, 2017) (PH opened 2/6/17 – closed 3/6/17)) (Neg. Dec. approved 7/17/17)(Variances granted on August 22, 2017) (Approved September 18, 2017)

Present: Michael Bodendorf – Engineer

Mr. Bodendorf: Good evening. Mike Bodendorf for the applicant. Basically, all of the engineering concerns have been addressed it's just the issuance of the water that has some kinks to work out. We had a meeting scheduled for Friday and it got postponed to Wednesday.

Mr. Gray: I won't be at the meeting.

Mr. Flower: So this evening you are just here for approval for a 90-day extension.

Mr. Bodendorf: We also submitted another letter suggesting possibly a longer extension so we don't have to keep coming back but it's up to you.

Mr. Flower: I believe it was for 90-days, is that correct?

Mr. Bodendorf: I submitted a 90-day and the project attorney asked me to request 180 days.

Mr. Stolman: They are limited to 90 days extensions. It should be in 90 days increments.

Mrs. Roberti: So we need a 5th and 6th 90 days extension.

Mr. Flower: Okay, so at this point we need a motion to approve the extensions.

Mr. Marinaccio: Motion to approve two 90 days extensions.

Mr. Pesce: Second the Motion.

Roll Call Vote:

Mr. Marinaccio	YES
Mr. Pesce	YES
Mr. Ceru	YES
Mr. Valdati	NO
Mr. Flower	YES

Mr. Flower: Since one member oppose if we reverse this back to the original request for one 90 days extension, I'll get a motion on that.

Mr. Marinaccio: Motion to approve one 90 days extensions.

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

Miscellaneous:

Electronic filing

Mr. Flower: I understand that all of the professional would prefer electronic submission with the exception of the Town Planner.

Mr. Stolman: I'm old school.

Mr. Flower: Going forward we can reduce the number of paper submittals by two as long as they make electronic submission in pdf format.

Mr. Gray: Yes, we would prefer that.

- Mr. Horan: That works for me.
- Mr. Flower: So the zoning administrator and the secretary will communicate to the architects and engineers that we are currently asking for electronic submittals as well as the paper submittal. As time goes on we will reduce the paper submittal if the board members prefer having electronic or paper.
- Mr. Gray: In other towns the electronic is usually okay but the board members would prefer a map. It's easier to review a map on paper.
- Mr. Stolman: Sometimes it is mostly half scale drawings.
- Mr. Gray: If you could reduce the submission requirements we can make that note so in the future when they need to submit we are not getting the extra paper copies.
- Mr. Stolman: In some other communities the Planning Board office emails and in this case it would be emailing to Craig Roberts to put on the website.
- Mr. Flower: Once we receive the electronic submittals we can do that in house.
- Mr. Stolman: Yes, easily.
- Mr. Horan: That works for purposes of the Open Meeting Law.
- Mrs. Roberti: Bruce, even though the board would want paper then Bea can also submit that to you about your choice.
- Mr. Flower: So we will get that out to the applicants for future submissions.

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

Adjourned: 8:51 pm

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