

MINUTES

Town of Wappinger Planning Board
June 3, 2019
Time: 7:30 PM

20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

Mr. Flower	Chairman	Present
Mr. Ceru	Member	Present
Mr. Freno	Member	Absent
Mr. Marinaccio	Member	Present
Mr. Peratikos	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

Adjourned Public Hearing:

Zammiello 2-lot Subdivision: Adjourned to August 12, 2019.

Public Hearing:

Flynn, Rawls and Lepore Subdivision
Public Hearing closed.
Town Planner authorized to prepare preliminary & final Resolution.

Discussion:

NERP Holding Tractor Supply Company & Retail Store
Public Hearing on June 17, 2019.
Town Planner authorized to prepare Negative Declaration.

Red Cedar Arborists & Landscapers, Inc. Contractor Yard
Public Hearing on June 17, 2019.
Town Planner authorized to prepare Resolution.

Extension:

St. Gregory's Church
Extension granted retroactive from June 14, 2016 to June 13, 2020.

Mr. Marinaccio:
Mr. Peratikos:
Vote:

Motion to accept the Minutes from May 6, 2019.
Second the Motion.
All present voted Aye.

Adjourned Public Hearing:

18-5189 Zammiello 2-lot Subdivision: The Town of Wappinger will conduct an Adjourned Public Hearing on an application for a 2-lot subdivision on 7.95 acres in an R40 Zoning District. The property is located on **All Angels Hills Road** and is identified as **Tax Grid No. 6258-04-621394** in the Town of Wappinger. (Gillespie) (Public Hearing: May 21, 2018, Adjourned: June 18, July 16, September 5, October 1, December 3, 2018 and March 4, 2019) (PH opened April 15, 2019) (PH adjourned to May 20, 2019) (PH adjourned to June 3, 2019) (PH adjourned to August 1, 2019)

Mr. Marinaccio:
Mr. Peratikos:
Vote:

Motion to open the Adjourned Public Hearing.
Second the Motion.
All present voted Aye.

Mr. Flower:

Is there anyone here regarding the Zammiello 2-lot Subdivision? Since there's no one here tonight, I need a motion to adjourn the public hearing to August 12th.

Mr. Pesce:

Motion to adjourn the Public Hearing to August 12, 2019.

Mr. Valdati:
Vote:

Second the Motion.
All present voted Aye.

Public Hearing:

19-5199 Flynn, Rawls and Lepore Subdivision: The Town of Wappinger will conduct a Public Hearing on 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 – Engineer

Mr. Marinaccio:
Mr. Pesce:
Vote:

Motion to open the Public Hearing.
Second the Motion.
All present voted Aye.

Mr. Samuelson:

Good evening. Jay Samuelson with Engineering Properties representing the applicants. We are proposing a 2-part application and there are two existing lots. There's a 9.91 acres lot and a 1.62 acres lot. Action one is to take the small strip from the 9.91 acres lot and add it to the 1.62 acres lot and make it a conforming lot for lot width. The second proposal is to subdivide one lot out of the remaining of the 9.91 acres lot which would be a 2 acres lot. The existing lot has been approved by Dutchess County Health Department for the septic. In the end we will have three lots that would be approved. One that will be roughly 7.5 acres and two that will be 2 acres each.

Mr. Flower:

At this time I will open the floor to public comments.

Ms. Ellison:

Hello, my name is Emily Ellison and I live at 8 Spring Street, Chelsea, NY 12512. How many residences will there be when the project is completed? So one house is going down and the proposal is there would be two or three houses?

Mr. Samuelson:

There will be three houses when we are done. There's two vacant lots and one of them has an old house that is coming down and no one is living there. We will raise and put a new house on it so it will be three when we are done.

Ms. Ellison:

The driveways will come out to River Road?

Mr. Flower:

Yes, there will be three driveways onto River Road.

Ms. Ellison:

Are those three residences going to make use of city water?

Mr. Flower:

It's private water so it's well and septic.

Ms. Ellison:

Thank you.

Mr. Flower:

While we have you here, there are a few things we need to go over from previous meetings. One item is regarding a marker for the site. We did get the information regarding the historical structure that it's going to be taken down. There was a request regarding putting a plaque on the road showing that it's

an historical site. Is that still part of the plan that you will provide that?

Mr. Samuelson: Yes, we will provide that.

Mr. Flower: You will submit that before the final approval?

Mr. Samuelson: Yes, we will show that on the plan and what the sign will look like.

Mr. Marinaccio: Is it going to be a wood or metal plaque?

Mr. Samuelson: I would do it similar to the other historic plaques around the area with the metal.

Mr. Horan: The board had a discussion during the workshop and the Planning Board secretary can forward the information. There's a place in the Catskills that used to do the old Department of Education signs made out of aluminum. There's a selection off their website and I can get you that information. We should probably coordinate with the Town Historian regarding the lettering.

Mr. Samuelson: Okay.

Mr. Flower: Bob, is your engineering good?

Mr. Gray: Yes, we are good.

Mr. Flower: David, you good?

Mr. Stolman: We are good.

Mr. Flower: At this point I will entertain 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. Marinaccio: Motion to authorize the Town Planner to prepare a Preliminary & Final Resolution for June 17, 2019.

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

Discussion:

19-3407 NERP Holding Tractor Supply Company & Retail Store: To discuss a Site Plan application for the construction of a Tractor Supply Company & Retail Store on a 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) (Lead Agency 3-27-19)

Present:

Alec Gladd – Attorney
Jim Cassidy – Engineer
Matthew Darling – NERP Tractor Supply

Mr. Gladd:

Good evening, I'm Alec Gladd and I'm an attorney with Cuddy & Feder. Here with me is the project engineer Jim Cassidy and project applicant Matthew Darling. We were last before your board on April 15th where we presented a preliminary concept plan with shared access with ACURA. We have since executed a shared access agreement with them and revised and submitted the drawings showing that shared access as well incorporating other comments your consultants which Jim will go over in detail in a second. We have also been proceeding before the ZBA seeking our parking variance. We also started our process before the Town Board seeking permission to enter the water and sewer extension. After this I believe we are ready to proceed with the SEQR process.

Mr. Cassidy:

Good evening, for the record my name is Jim Cassidy and I am an engineer with the firm of Hallisey, Pearson & Cassidy. Since the last time we were before you and as Alec Gladd had mentioned we are working on coming up with an agreement for the development of Tractor Supply where we have shared access with the ACURA dealership. One of the issues that came up in the review process is that we have the access to the northerly side of the dealership and they have the exit right-of-way on the southerly side.

The proposed parking count that we had proposed is exactly the same. We are looking at a total of 77 spaces with 60 in the front and 17 in the back. Zoning regulation requires that we have a total of 258. As we mentioned before we are before the ZBA requesting a

variance of 51 parking spaces. One of the things we demonstrated before the ZBA was if Tractor Supply were to leave and a pharmacy were to move in, because of the concrete pad we have in the back for outdoor display of products, that retail operation could convert that area into parking spaces.

One of the comments was that we need to screen the dumpsters. We do have dumpsters and it's located outside and rather than use the regular screening since we didn't think it would provide enough screening. So what we did was add a 30 foot screen extension of wall which would do a better screening. There were several comments on landscaping and a request that we add additional landscaping along Route 9. Our concern with shrubs in the front is our visibility is limited. We have addressed all of the engineering comments and we did receive planning comments regarding a memo that went out in March of this year. Unfortunately, I never received a copy so I've written a response letter so hopefully we can go through the comments and address them. I have copies of my response letter if members and staff would like it.

Mr. Cassidy continues his overview of the project

Mr. Flower:

You say there was a letter from March 31st?

Mr. Cassidy:

I believe there was a review letter from March 31st.

Mr. Flower:

Was that from the Town or consultants?

Mr. Cassidy:

From the consultants.

Mr. Stolman:

Was there a meeting just after that?

Mr. Cassidy:

I believe there was a meeting after that.

Mr. Stolman:

You didn't get a letter at that meeting?

Mr. Cassidy:

No, I didn't.

Mr. Gray:

Did you get mine?

- Mr. Cassidy: Yes, I actually got yours. If you like I have a copy of my response letter.
- Mrs. Roberti: I have March 1st and March 15th.
- Mrs. Ogunti: I have March 31st.
- Mr. Horan: Whose letter is that Bea?
- Mrs. Ogunti: David's, from March 31st.
- Mr. Flower: So you never submitted a response?
- Mr. Cassidy: No, I didn't.
- Mr. Flower: I don't remember seeing a response.
- Mr. Cassidy: No, we didn't.
- Mr. Flower: Normally the consultants will email their response to the secretary and then disburse it to everyone.
- Mr. Gray: We received plans without any cover letter. I wrote a quick letter over the weekend myself showing my support.
- Mr. Cassidy: I went through these and I didn't see anything that was earthshattering that we can't deal with here. I'll be glad to sit down with the staff to go through these.
- Mr. Horan: What issues were discussed regarding negative declaration because this is going to have an effect on ACURA property.
- Mr. Stolman: It is unlisted but we have to cover both sites. What Jim is referring to is that we need an application for ACURA for a portion of their property so that we can cover both of these under one SEQR umbrella.
- Mr. Gladd: That was one of the questions that we had. We are showing on the plan that we submitted all the changes that we are making to the ACURA dealership property. We have authorization from them that we provided to the Town of our Shared Access Agreement.

- Mr. Stolman: I have no problem with using one plan for the two sites unless someone else has an objection. We need an application submitted with the proper signatures and fees because ACURA is applying to change their site plan as well as part of this. If there are going to be any signage, pavement marking, traffic control signage that you are not showing on this, we need to see that. If there is going to be landscaping in the new area that you are not showing we need to see that. Not that you need to show the entire ACURA site but it needs to be complete for both sides.
- Mr. Gladd: We understand that it's your process to have the board authorize you to prepare a Negative Declaration. We could probably turn it around within a week. Your next meeting is on June 17th and we are scheduled to be back before the ZBA. They've adjourned the public hearing a couple of times and we sent some supplemental submissions. We were hoping we have the board authorize the preparation of the Negative Declaration. If we made the submission in time just because it's authorized to be prepared and you adopt it at your next meeting. We would just like the option to keep the meeting before the ZBA.
- Mr. Stolman: Have you gotten anything back from the DOT yet?
- Mr. Cassidy: No, not yet but this is what they were looking for.
- Mr. Flower: David, do you feel you have enough to prepare a Negative Declaration at this time?
- Mr. Stolman: Did you get any feedback from the DEC yet?
- Mr. Cassidy: Yes, in the submission that was handed to you tonight.
- Mr. Stolman: What about the Indiana Bat?
- Mr. Cassidy: We realize it's on site and DEC says we have to wait for the nesting season.
- Mr. Stolman: We are very sorry you have not been getting our memos. Did you modify the plans in accordance with that memo?

- Mr. Cassidy: Everything has been modified other than the landscape. My landscape artist didn't want to put it there in the event there were changes. On our plan everything has been changed other than the landscaping.
- Mr. Stolman: Based upon these representation we have enough now to prepare the Negative Declaration by the next meeting.
- Mr. Flower: So you have enough information.
- Mr. Stolman: I trust that we do and I think you should have a public hearing. It is more common to issue a Negative Declaration and then have a public hearing. You do not want to foreclose the idea of important comments.
- Mr. Flower: Is this plan sufficient to go ahead and schedule a public hearing?
- Mr. Stolman: The plans have been modified so I think we have enough.
- Mr. Horan: The one thing that would be helpful to get something for DOT.
- Mr. Stolman: We can work on a draft Negative Declaration and depending on the outcome of the public hearing you either feel comfortable adopting it or put it off for further modifications.
- Mr. Flower: How much time do we need to give them to send out registered letters?
- Mrs. Roberti: We can do it for June 17th.
- Mr. Flower: Okay. At this point we want to schedule a public hearing for June 17th.
- Mr. Valdati:**
Mr. Marinaccio:
Vote:
- Motion to set the Public Hearing for June 17, 2019.**
Second the Motion.
All present voted Aye.

- Mr. Stolman: Do you want a draft of the Neg. Dec. for that evening or you would feel more comfortable to see what comes out of the public hearing?
- Mr. Flower: What's the rest of the board's opinion of that? Do you want to go ahead and draft the Neg. Dec. for the next meeting?
- Mr. Marinaccio: If there's any change you can make it then, right?
- Mr. Stolman: If you hear of some new information at the public hearing that you haven't heard before that would affect the SEQR process and the Negative Declaration you could put off adopting it. We can modify it for the following meeting.
- Mr. Marinaccio: Then I don't have a problem with you having it prepared.
- Mr. Flower: So we are going to authorize the Town Planner to draft the Neg. Dec. based on information submitted to us at this time.
- Mr. Marinaccio: Do you think one meeting will be sufficient for that?
- Mr. Stolman: We can do it for the next meeting depending on how the public hearing goes and play it by hear.
- Mr. Flower: I will entertain a motion to authorize the Town Planner to draft the Neg. Dec.
- Mr. Marinaccio: Motion to authorize the Town Planner to prepare the Neg. Dec. for June 17, 2019.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.
- Mr. Flower: We have a couple of questions regarding the ACURA site plan, are you just talking about the corner piece that's going to be changed? We are also looking to get some of the information on the traffic flow on their property because you are going to change the exiting on how it is going to be proposed for the traffic flow. Signage to be provided and also how they are going to maintain fire lanes through the property. At least those

things need to be put on at a minimum. Is there anything you guys want to add?

Mr. Marinaccio:

How many trailers did we agree on when we talked about this a couple of meetings ago? I know what you asked for but what did we settle on? I remember it being three.

Mr. Cassidy:

We typically have space for 15 trailers that was originally on the plan but we cut it down to 3 individual pads and we put the 15 in the rear.

Mr. Marinaccio:

Do we have a record of this agreement?

Mr. Cassidy:

We showed it on the pad and each pad can accommodate one trailer.

Mr. Marinaccio:

I think two is more than sufficient. I would like to see some type of landscaping around to dress it up a little.

Mr. Cassidy:

Okay, we can do that.

Mr. Flower:

That's all that we have at this time. We will see you at the public hearing.

18-3403 Red Cedar Arborists & Landscapers, Inc. Contractor Yard: To discuss architectural changes to the barn 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) (Public Hearing opened & closed March 18, 2019)

Present:

Michele Zerfas – Engineer
Steve Relyea – Applicant
Dan Keeler – Architect

Ms. Zerfas:

Good evening, Michele Zerfas with Berger Engineering. We are here before you tonight to give you an update on what the project is. On June 10th we are before the Town Board for the rezoning public hearing and on June 11th we are before the ZBA for the public hearing for the area variance for the entrance. The architect is here to explain to you how

he is designing which is different from what you saw. I would like if possible to authorize the Town Planner to prepare a final conditional for the next meeting.

Mr. Flower: We just got the plan tonight.

Ms. Zerfas: I'm not asking you to comment. The architect is here to go over what has changed and we will be back in two weeks.

Mr. Flower: I understand that it's an architectural review for this evening and we did discuss it earlier. Any of the board members have any questions for the applicant regarding the proposal we saw earlier?

Mr. Marinaccio: I think it's actually nicer than it was before.

Mr. Flower: Are they going to re-side both sides of the building or just a portion of the front section?

Mr. Keller: Hi, I'm Dan Keeler, I am the architect and we are only adding new siding 8 feet on both sides.

Mr. Flower: So it's going to go down on both sides of the barn.

Mr. Stolman: No, he's saying 8 feet to the back.

Mr. Keeler: This is the existing siding that will remain. The new siding turns the corner and stops 8 feet back.

Mr. Marinaccio: Will the siding on the side match with the same siding?

Mr. Relyea: We want to keep a little bit of an industrial look to redo it in a galvanized steel to the sides.

Mr. Flower: So you are going to replace that side then?

Mr. Relyea: Yes, it has to be.

Mr. Flower: It's going on the west side the one that's in pretty bad shape?

Mr. Relyea: Yes, we galvanized steel or corrugated metal the way it is now trying to keep that industrial look. We will have a mixture of residential in the front and industrial on the side.

- Mr. Marinaccio: Is this the color that will remain?
- Mr. Keeler: Actually, this is the color that we are proposing which is the actual paint color. This has a little bit of a yellow glow to it. We can literally change the angle and the color. This was the color that we were proposing.
- Mr. Relyea: The arbors will be basically cut from locus but chunks of wood. So there will be beams in two different colors.
- Mr. Flower: So it would be natural wood with stain on it.
- Mr. Relyea: Right.
- Mr. Flower: That is what's being proposed to the Zoning Board for the setback?
- Mr. Relyea: Yes.
- Mr. Flower: Are there any other questions?
- Mr. Stolman: We just think there should be some low landscaping in front of the building.
- Mr. Keeler: Instead of showing the rendering with the landscaping, we are proposing on the site is landscaping on either side.
- Mr. Keeler continues his overview of the landscaping.
- Mr. Flower: Okay, that would be good. David, do you have any concerns?
- Mr. Stolman: We haven't really looked at the plan. We don't see anything at the moment but we will take a look.
- Mr. Flower: What has been presented as long as the board is satisfied with dressing it up a little bit that we had concerns with.
- Mr. Marinaccio: Are you going to put a business sign on this building?
- Mr. Relyea: There are two posts out on the road.

Mr. Marinaccio: So you are not putting anything on the building then?

Mr. Relyea: No, not on this building right now. If in a year I need one I will come back.

Mr. Marinaccio: It probably would be better to show it now. Does he have to put it up if he shows it?

Mr. Stolman: Does he have to put the sign on?

Mr. Marinaccio: Does he have to put it up?

Mr. Stolman: No.

Mr. Relyea: The side will be on two posts on the road. If any lettering or sign I will have to think about that.

Mr. Marinaccio: You can show it now.

Mr. Flower: Anyone wants to make a motion as it is presented?

Mr. Marinaccio: **Motion to approve the Architectural as presented.**
Mr. Peratikos: Second the Motion.
Vote: All present voted Aye.

Mr. Flower: David, do you think you have enough to prepare the resolution?

Mr. Stolman: I think we have enough assuming your rezoning takes place and you get your variance.

Mr. Marinaccio: **Motion to authorize the Town Planner to prepare the Resolution pending rezoning at the Town Board and variance at the ZBA.**

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

Extension:

13-3295 / St. Gregory's Church- Is seeking their second extension for Phase II of their approved site plan that was signed by the Chairman on July 9, 2012. Where Phase II had to apply for a building permit within one year of the issuance of a CO for Phase I (that CO was issued on May 6, 2014), Due to financial issues, the Phase II project for a Portico and stairs was delayed. The Church had requested a one-year extension on June 15, 2015 to run through June 14, 2016. The Church had

changes in Priests and applying for continuous extensions was overlooked. The Church is now ready to apply for a permit to construct the Portico and stairs and is seeking a retroactive extension back to June 14, 2016 for one additional year to June 13, 2020.

The property is located at 1500 Route 376 and is identified as Tax Grid No. 6259-04-715115 in the Town of Wappinger.

Present: Father Alex – Applicant

Father Alex: We are very grateful for you to take the time with us again. I'm Father Alex, I retired in 2015 and at the time we were looking to build this as the final piece on Phase I. Currently we have this in front of the church that runs all the way back. The lower entry is here and these parts are in place. What we have right now is a small awning and an upper landing to get into the church. It's a difficult entryway especially if we are bringing coffins into the church. Our application was to remove the existing landing and staircase and build a more gentle descent. We had to delay the project because we did not have enough money to continue the project. Now that we are on goal, we are asking for an extension to complete the work.

Father Alex continues his overview of the project.

Mr. Flower: So basically you are looking to put on the extension and approval for a one year extension retroactive from June 14, 2016 to June 13, 2020.

Father Alex: If given the approval, we are looking to complete the work this summer or by June of next year.

Mr. Flower: So I need a motion for an extension retroactive from June 16, 2016 through June 13, 2020.

Mr. Valdati: Motion to grant the Extension retroactive from June 14, 2016 through June 13, 2020.

Mr. Peratikos: Second the Motion.

Vote: All present voted Aye.

Father Alex: Just to clarify that we know what we are doing. Are we okay to proceed and get a building permit?

Mr. Flower:

Yes. Is there any other business that we need to discuss? Since there's no other business to discuss I will entertain a motion to adjourn.

Mr. Marinaccio:

Motion to Adjourn.

Mr. Pesce:

Second the Motion.

Vote:

All present voted Aye.

Adjourned: 8:27 pm

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

Mr. Gray:

Bruce, if you don't mind, this is my last Planning Board meeting. I'm going over to work at Orange County DPW beginning two weeks from today. Pete Setaro from our office will be taking my place here. He's a professional engineer and it's been great working with you guys.