

# MINUTES

**Town of Wappinger Planning Board**  
**January 5, 2009**  
**Time: 7:00 PM**

**Town Hall**  
**20 Middlebush Road**  
**Wappinger Falls, NY**

## Members Present:

Mr. Fanuele:	Chairman	Mr. Pinto:	Member
Ms. Visconti:	Member	Mr. Valdati:	Member
Ms. McElduff:	Member	Ms. Leed:	Member

## Members Absent:

Mr. Kickham: Member

## Others Present:

Mr. Hobday,	Acting Engineer to the Town
Mr. Horan,	Acting Attorney to the Town
Mr. Stolman,	Planner to Town
Mrs. Roberti,	Secretary
Mr. Kolb,	Building Inspector

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## SUMMARIZED

### PROJECTS DISCUSSED:

### OUTCOME

#### **Adjourned Public Hearing:**

Lands of Barry	-To vote on preliminary approval January 21, 2009. Closed PH.
United Rental	-Closed PH. Discussion on January 21, 2009.

#### **Public Hearing:**

Sonic Wappingers	-To resubmit lighting, closed PH.
Hartsdale Pet Crematory	-Adjourned to February 2, 2009.

#### **Discussions:**

Silver Fox Estates	-Approved resolution for final subdivision as amended.
Gigliotti Subdivision	-Granted resolution for final subdivision approval.
Mid Hudson Chinese Church	-To resubmit. Referred to the ZBA.
Bre-Del Enterprise	-To vote on site plan, January 21, 2009.
Thomas Subdivision	-To vote on preliminary & final subdivision, January 21, 2009.
Candlelight Landscaping	-Approved resolution as amended.
Accessible Technologies	-To vote for SUP, January 21, 2009.

#### **Miscellaneous:**

Thomas Subdivision	-Applicant granted 1 <sup>st</sup> 90-day extension for closed PH.
Henshaw Subdivision	-To resubmit.

#### **Conceptual:**

St. Gregory Church	To submit site plan.
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**08-5143** / The Town of Wappinger will conduct an Adjourned Public Hearing pursuant to Article 276 of the Town Law on the application of **Lands of Stephen & Kim Barry Subdivision**. The applicant is seeking approval for a 3 lot subdivision and lot line realignment on 6.88 acres in an R-20/40 Zoning District. The property is located at **2486 Route 9D** and is identified as **Tax Grid No. 6157-01-283844 & 266833** in the Town of Wappinger. (Barger)

Present: Richard Barger Engineer

**Ms. Visconti: Motion to open the adjourned public hearing.**

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Barger: We have received our DOT approval and the road name, Lauren Way has also been approved. *Gave overview of the project for the public.*

Mr. Stolman: We have two main comments. First the common drive must show compliance and second show that it is 18 feet wide.

Mr. Barger: It is in the detail that it is 18 feet wide on page 4. I also show the requirement for individual driveways.

Mr. Hobday: I haven't had a chance to see the profiles yet.

Mr. Fanuele: Are there any questions from the audience? Hearing none.

Ms. Visconti: Does anyone on this board have a problem with the common driveways? ( No. )

**Ms. Visconti: Motion to close the public hearing.**

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Stolman: I can draft a resolution of approval if the driveways are ok with Morris Assoc.?

Mr. Fanuele: Ok we will put you January 21<sup>st</sup> for preliminary approval.

Mr. Barger: Thank you.

**08-3149/4034** The Town of Wappinger will conduct an Adjourned Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **United Rental Site Plan**. The applicant is seeking approval to amend their site plan and SUP. The property is located at **1344 Route 9** and is identified as **Tax Grid No. 6157-02-624589/627012** in the Town of Wappinger. (Gillespie)

Present: Michael Gillespie Engineer

**Mr. Pinto: Motion to open the adjourned public hearing.**

Ms. Leed: Second the motion

Vote: All present voted aye.

- Mr. Gillespie: We are here before you to clean up the site. The last time we were here there were a couple of outstanding comments. I have met with Mrs. Oliveri and she asked for some delineation. We have provided along the rear a chain link fence with turning it down by the Old Hopewell access. The height of the fence will be four feet and we are not proposing any trees at this time since there is significant rock there. We have increased the landscaping in the front along Route 9 and have added a few trees on the Old Hopewell access area. In regards to the wash bay, it will recycle the water. The propane tanks have a number of permits and they are updating the permits with the DEC.
- Mr. Fanuele: Can you plant some small trees along the back?
- Mr. Stolman: I think the Oliveri's were more interested in a fence because of the encroachment.
- Mrs. Oliveri: Connie Oliveri, Old Hopewell Road. There is a trailer up there and the signs on it are illegal. I want trees and a 12 foot high fence.
- Mr. Fanuele: Where are these trailers? I went out there as well as the other members and I consider 12 ft. high too high. I also recommend planting trees and if it's rocky then plant smaller trees and they will just take a little longer.
- Mr. Oliveri: The land is sloped with rocks at the end. Four foot won't do anything. Ten foot would be better.
- Mr. Fanuele: We have to look at this two ways. You looking down and the town looking up so we need a compromise.
- Mr. Oliveri: Four foot just won't do!
- Mr. Stolman: I don't think from your house you will see the fence even at 12 ft.
- Mrs. Oliveri: I want this man controlled!
- Mr. Kolb: There is nothing on the other parcel, all the equipment was moved.
- Mr. Fanuele: Once they put the fence up they won't be able to put anything up.
- Ms. Visconti: What is happening with the other parcel?
- Mr. Gillespie: Years ago there was a grading permit which they became a little zealous with.
- Ms. Visconti: So right now nothings there?
- Mr. Gillespie: Correct.
- Discussion took place regarding what type of fence and landscaping to agree on.*
- Ms. Visconti: So a six foot fence of open chain link is to be placed there.
- Mr. Fanuele: With a berm and trees.

**Mr. Valdati:** **Motion to close the public hearing .**  
Ms. Visconti: Second the motion  
Vote: All present voted aye.

Mr. Stolman: We want to review the landscaping plans first so we will comment on this for the meeting on January 21<sup>st</sup>.

Mr. Gillespie: Thank you.

**08-3159** The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Sonic Wappingers.** The applicant is seeking approval for a proposed Sonic Restaurant consisting of 1,728 sf in the Hannaford Shopping Center in a SC Zoning District. The property is located at **1271 Route 9** and is identified as **Tax Grid No. 6157-02-653974** in the Town of Wappinger. (Slater)

Present: Peter Catizone Engineer  
Doug Slater Applicant

**Ms. Visconti:** **Motion to open the public hearing.**  
Mr. Pinto: Second the motion  
Vote: All present voted aye.

Mr. Catizone: We are here for a Sonic Restaurant and we will be replacing the Applebee's site which is 5,200 sf with a smaller building of 1,728 sf in the Wappinger Plaza. Described the project for the PB and the audience.

Ms. Visconti: What is the height of the lights?

Mr. Catizone: 15 ft. high.

Mr. Bailey: Martin Bailey, 199 Widmer Road. What about the traffic flow?

Mr. Catizone: There is a full movement intersection that is signalized.

Mr. Bailey: Will the traffic light be changed?

Mr. Catizone: We have no ability to change that. We just lease our space from the shopping center.

Mr. Fanuele: Anyone else in the audience? Hearing none. Will any of the light interfere with Route 9?

Mr. Catizone: This site is sunk down 8 to 9 feet from Route 9.

Ms. Visconti: When you close at night will the lights be turned out?

Mr. Slater: Yes as promised.

*Discussed lighting and signage.*

Mr. Stolman: We would like to see a night rendering of what this will look like.

Mr. Horan: This won't be dark at night because you have the shopping center lights behind this.

Mr. Fanuele: Any other comments? From the public hearing address the lights.

**Ms. Visconti: Motion to close the public hearing.**

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Fanuele: Resubmit the night lighting for review and get back on the agenda.

Mr. Catizone: Thank you.

**08-3172/4036** The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Hartsdale Pet Crematory**. The applicant is seeking approval for a pet crematorium and office on a 2.47 acre parcel in the AI zoning district. The property is located at **72 Airport Drive** and is identified as **Tax Grid No. 6259-04-702742 & 702744** in the Town of Wappinger. (Neave)

Present: Tom Bellino Applicant

**Ms. Visconti: Motion to open the public hearing.**

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Bellino: We are going to purchase two units up on Airport Drive for our pet crematory. The scheduling will be for Tuesdays and Fridays and delivery will be by box trucks. This facility is smokeless and odorless and we operate three of these facilities in the White Plains/Greenburgh area of Westchester County.

Mr. Fanuele: Is there anyone in the audience with a comment?

Mrs. Oliveri: Old Hopewell Road. It says an office on 2.74 acres. Where is this exactly?

Mr. Gray: Showed the audience on the map.

Mr. Bellino: We will be buying 3,000 sf of office space for this.

Mr. Schmults: John Schmults, 93 Hackensack Hts. Rd. This is going to be behind me. How is this smokeless?

Mr. Bellino: Explained the technology.

Mr. Schmults: But how do you know that it is true.

Mr. Bellino: NYS permits this.

- Mr. Schmults: Would you put this in your backyard?
- Mr. Fanuele: If that happens we will shut them down.
- Ms. Visconti: Is this monitored monthly or yearly?
- Mr. Bellino: The permit is updated yearly.
- Mr. Schmults: What if you have complaints and they say that they are within reason.
- Mr. Bellino: NYS would not permit this.
- Mr. Stolman: The TB recently put this into the zoning code and they put many notes and conditions into this law to protect the environment and neighbors. The town will also inspect yearly to be sure it is operating properly.
- Mr. Kolb: These uses are mandated to be inspected every year.
- Ms. Leed: What is the distance to the neighbors?
- Mr. Bellino: It is 305 ft. to the stonewall then another 90 ft. or so.
- Mr. Valdati: Hartsdale has had reviews so can we see those? We don't have answers to the resident's questions at this point.
- Mr. Bellino: We can get you the state test results.
- Mr. Fanuele: Supply that to the town engineer and we will adjourn this public hearing to February 2, 2009.
- Mr. Valdati: Motion to adjourn the public hearing to February 2, 2009.**
- Mr. Pinto: Second the motion
- Vote: All present voted aye.
- Mr. Bellino: Thank you.

**02-5062 / Silver Fox Estates-** To vote on final approval for a 6 lot subdivision on 10.89 acres in an R-40 zoning district. The property is located between **Scotse Road and Losee Road** and is identified as **Tax Grid No. 6157-02-892694** in the Town of Wappinger. (Paggi) ( Received preliminary approval on 2-5-07)

- Present: Larry Paggi Engineer
- Mr. Fanuele: Is this driveway encroachment fixed?
- Mr. Paggi: Yes, they repaved it onto only their property. As to the 500 to 600 feet of stonewall, we'd like a split rail fence instead. The stonewall would be over \$70,000.00 to construct. So we would like the PB to reconsider.

Planning Board: *Agreed to post and rail fence.*

Mr. Stolman: No drainage district will be required.

**Ms. Visconti: Motion to move the resolution as amended.**

Mr. Pinto: Second the motion

Roll call: Ms. Visconti: Aye.  
Ms. Leed: Aye.  
Mr. Pinto: Aye.  
Mr. Valdati: Aye.  
Ms. McElduff: Aye.  
Mr. Fanuele: Aye.

Mr. Paggi: Thank you.

**08-5144 / Gigliotti II Subdivision:** To discuss a two lot subdivision on 44.16 acres in an R-40 Zoning District. The property is located **1287 Route 376** and is identified by **Tax Grid No. 6358-01-112963** in the Town of Wappinger. (Gillespie)(Opened & Closed PH 12-1-08)

Present: Michael Gillespie Engineer

Mr. Fanuele: Mr. Straley has had a concern with regard to drainage.

Mr. Gillespie: We have agreed to install a swale down past his house. It is ultra conservative and we will show it on the plan.

**Ms. Visconti: Motion to move the resolution of preliminary approval.**

Ms. Leed: Second the motion

Roll call: Ms. Visconti: Aye.  
Ms. Leed: Aye.  
Mr. Pinto: Aye.  
Mr. Valdati: Aye.  
Ms. McElduff: Aye.  
Mr. Fanuele: Aye.

Mr. Gillespie: Thank you.

**08-3166 / Mid Hudson Chinese Christian Church** – To discuss a proposal for a new two-story 5,600 sf building which would be 2,400 sf for a gymnasium and 3,200 sf for classrooms/office in an R-40 zoning district on 4.04 acres. The property is located at **306 All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-966715** in the Town of Wappinger. (Bodendorf)

Present: Peter Catizone Engineer

- Mr. Catizone: This is an existing facility and we are proposing to build a new two story addition consisting of a gym, classrooms and offices. *Described the project for the board.*
- Ms. Visconti: Are 127 parking spaces required?
- Mr. Stolman: 117 spaces are required.
- Mr. Catizone: We can provide 122 with land banking. We would like to put in 107 spaces and land bank the remainder. We are asking for a recommendation to the ZBA for a side variance at this time.
- Mr. Valdati: Motion to send a letter of recommendation to the ZBA for the side yard variance.**
- Ms. Visconti: Second the motion.
- Vote: All present voted aye.
- Mr. Catizone: Thank you.

**08-3160 / Bre-Del Enterprises (Ciraolo):** To discuss the construction of a one/two story office building in an NB zoning district on .678 acres. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-02-508806** in the Town of Wappinger. (Barger)( Lead Agency sent out on September 19, 2008.)(Opened & Closed PH 12-1-08)

- Present: Richard Barger Engineer  
Nick DeLuccia Applicant
- Mr. DeLuccia: I have brought in elevations to show the board this evening. *Proceeded to describe the elevations to the PB.*
- Mr. Fanuele: Can we do a resolution?
- Mr. Stolman: Yes. We can have one ready for January 21, 2009. I note that the county would like the building to face Route 376.
- Mr. DeLuccia: This will sit cornered to the road. I will bring it to the next meeting for you to see.
- Mr. Fanuele: Fine, we will see you on the 21<sup>st</sup>.
- Mr. Barger: Thank you.

**08-5141 / Thomas Subdivision** – To discuss a 2 lot subdivision on 22.1 acres in an R-40 Zoning District. The property is located at **197 Riverview Drive** and is identified as **Tax Grid No. 6056-02-706819** in the Town of Wappinger. (Bodendorf)(Opened/Closed PH 11-3-08)

- Present: Jon Bodendorf Engineer

- Mr. Bodendorf: Our wetland consultant went back out and agreed with Dave Stolman. There are no impacts to the wetlands.
- Mr. Fanuele: So are we ready for a resolution?
- Mr. Stolman: Yes.
- Mr. Valdati: So the recreation fees count for only one lot?
- Mr. Stolman: Yes.
- Ms. Visconti: Prepare a resolution for preliminary and final subdivision approval for January 21<sup>st</sup>, 2009.
- Mr. Bodendorf: Thank you.

**08-3175 / Candlelight Landscaping:** To vote on a temporary a 38' X 50' tent to shield equipment from weather in an AI zoning district. The property is located at **110 Airport Road** and is identified as **Tax Grid No. 6259-02-713524** in the Town of Wappinger. (Baisley)

Present: John Baisley Applicant

Mr. Baisley: I would like a temporary tent to cover my construction vehicles.

**Ms. Visconti: Motion to move the resolution as amended.**

Ms. McElduff: Second the motion.

Roll call: Ms. Visconti: Aye.  
Ms. Leed: Aye.  
Mr. Pinto: Aye.  
Mr. Valdati: Aye.  
Ms. McElduff: Aye.  
Mr. Fanuele: Aye.

**08-3177/4038 Accessible Technologies ( Candlelight Landscaping):** To discuss a Special Use Permit to assemble handicap equipment in vehicles and homes. The property is located at **110 Airport Drive** on 2.357 acres in an AI zoning district and is identified as **Tax Grid No. 6259-02-713524** in the Town of Wappinger. ( Baisley)

Present: John Baisley Applicant  
Sean Piscopo Applicant

Mr. Piscopo: We have a display table to review our products but 95% of our work is done off site. We supply handicap equipment to homes, offices and cars. Cars are done in our warehouse facility.

Ms. Visconti: I believe AI wrote a letter to Tania regarding this.

- Mr. Stolman: The closest we could find is an assembly use and it needs a SUP. We did a review and have only a few minor comments.
- Ms. Visconti: DC Planning has signed off. I move to authorize the planner to write a resolution of approval for the next meeting.**
- Mr. Pinto: Second the motion
- Vote: All present voted aye.
- Mr. Stolman: We can waive the PH as this is minor and we'll have the resolution for January 21, 2009.
- Mr. Piscopo: Thank you.

**08-5141 / Thomas Subdivision.** Granting the first 90-day extension on the closed public hearing for a 2-lot subdivision. The public hearing was closed on November 3, 2008 and this extension will run from January 5, 2009 through April 4, 2009. The property is located at **197 Riverview Drive** and is identified as **Tax Grid No. 6056-02-706819** in the Town of Wappinger. (Bodendorf)

- Ms. Visconti: Motion to accept a 90-day extension on the closed PH.**
- Ms. McElduff: Second the motion
- Vote: All present voted aye.

**07-5128 / Henshaw Subdivision** –To discuss possible changes to final subdivision approval for a 3 lot subdivision on 19.4 acres in an R-40 Zoning District. The property is located at **425 All Angels Hill Road** and is identified as **Tax Grid No. 6357-03-088161** in the Town of Wappinger. (Bodendorf) (The public Hearing was opened and closed on May 21, 2007 and Preliminary Subdivision approval was granted on June 4, 2007 and final subdivision approval was granted on May 19, 2008.)

Present: Jon Bodendorf Engineer  
Diane Henshaw Applicant

- Mr. Bodendorf: When we received final approval back in May of 2008 I did not do a good job of explaining the conditions to Diane Henshaw. We have met with David Stolman regarding some of the concerns Mrs. Henshaw has.
- Mrs. Henshaw: My husband and I purchased this property 25 years ago and raised our kids here. There is a cabin down by the pond and we have always maintained our property well. The split rail fence is too cost prohibitive for me.
- Mr. Stolman: There is a pond on the property and the wetland was delineated. The split rail fence was to go fairly close to the homes and Mrs. Henshaw has said that they really do use the property even though it is technically wetland, although you might not even know that. There is room for compromise so I ask that you authorize me to site down with them and work out that compromise.

Ms. Visconti: That's a good idea.

Mr. Roberts: If you do relax the conditions I recommend that there be something in writing and in an amended resolution.

Mr. Fanuele: The landscaping between the houses should be taken out.

Mr. Bodendorf: Thank you.

**08-3176 / St. Gregory the Theologian Orthodox Church:** To discuss a two phase expansion consisting of 2,650 sf , Phase I would be for 1,800 sf for the addition of a one story Fellowship Hall. The property sits on 3.27 acres in an R-40 zoning district and is located at **1500 Route 376** and identified as **Tax Grid No. 6259-04-715115** in the Town of Wappinger. (Hibbs)

Present: Jay Hibbs Architect

Mr. Hibbs: We are here because the church is looking to add space in a phased plan if the funding is not available. *Showed and described the plan for the PB.*

Mr. Pinto: How much parking do you have?

Mr. Hibbs: Not enough.

Mr. Pinto: What about land banking some parking?

Ms. Visconti: 100 adults which produce 50 to 55 cars regularly.

Mr. Hibbs: The drainage on the property was added by the town in this area and travels through this swale to the Wappinger Creek. Chazen's our engineer deems it a wetland but we would like to park in that area.

Ms. Stolman: Is Chazen's saying the channel only?

Mr. Hibbs: Yes.

Mr. Stolman: We can come out and look at that.

Mr. Gray: The DEC comes into play with the creek so you need to stay 50 feet away.

Mr. Fanuele: From a conceptual point of view it is ok to submit a site plan application.

Mr. Hibbs: Thank you.

**Ms. McElduff:** I make a motion to send a letter of recommendation to the TB for Marsha Leed.  
Mr. Valdati: Second the motion  
Vote: All present voted aye.

**Ms. Visconti:** Motion to adjourn.  
Mr. Pinto: Second the motion.  
Vote: All present voted aye.

The meeting ended at 10:10 p.m.

Respectfully submitted,

Barbara Roberti, Secretary  
Town of Wappinger Planning Board