

# MINUTES

**Town of Wappinger Planning Board**  
**January 21, 2009**  
**Time: 7:00 PM**

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

**Members Present:**

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

**Members Absent:**

Ms. McElduff:	Member	Ms. Leed:	Member
Mr. Kickham:	Member		

**Others Present:**

Mr. Gray,	Engineer to the Town
Mr. Roberts,	Attorney to the Town
Mr. Stolman,	Planner to Town
Mrs. Roberti,	Secretary
Mrs. Lukianoff,	Zoning Administrator

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SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

**Public Hearing:**

DCH Auto Group	-APH to February 2, 2009.
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**Discussions:**

United Rental Site Plan	-To vote on March 2, 2009.
Lands of Barry Subdivision	-Received Preliminary approval.
Bre-Del Enterprises	-Received Site Plan approval.
Thomas Subdivision	-Received Preliminary and Final Subdivision approval.
Accessible Technologies	-Received Special Use Permit approval.
Sonic Wappingers	-To vote on February 2, 2009.
Adams Fairacre Farms	-To vote on February 2, 2009.

**Executive Session:**

Legal matters

**Miscellaneous:**

BVM Builders, Inc.	-Applicant granted 90-day extension on closed PH.
Henshaw Subdivision	-Granted second & final 90-day extension to May 14, 2009.

**Conceptual:**

Spooge, Inc.	-Conceptual on February 2, 2009 continues.
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**08-3163** The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **DCH Auto Group Service Center & Showroom**. The applicant is seeking approval for their proposed site plan and SUP application for a 52,848 sf, 2-story combined showroom and service facility as well as their subdivision application combining the two existing parcels into 1 conforming lot. Across the street they are also proposing the use of the 2 existing lots for parking. The property is located at **1349 Route 9 & 635 Old Route 9 No.** and is identified as **Tax Grid Nos. 6157-02-585606/589645/558657/553706** in the Town of Wappinger. (Paggi )( LA sent 10-9-08)

Present: Larry Paggi - Engineer  
Lee Burns - Manager  
David Zelig - Landscape Architect  
Steve Matthew - Traffic Engineer

Mrs. Roberti: For the record I have the receipts for the mailings and the published legal notice.

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

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Paggi: *Gave presentation to the public describing the project.*

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

Mr. Munoz: Angel Munoz, 110 Curry Road. Since this will be a two-story I want assurances on this site here. I want to make sure that the lighting on the new building and the lighting in the parking lot will not shine on me. On this property next to me I was assured there would be a buffer in the past and it never was placed there and I want it there now. We also want assurances that the noise and lighting will be buffered to my property and the Sammartino property next to me. Our preference would be evergreens. We had given our permission to the Greer's back in the 90's and in return they promised us landscaping on this west lot. We also get a lot of debris thrown down here toward us.

Mr. Roberts: That's right, June was on the board when Cindy Greer agreed to that and it never happened.

Mr. Paggi: We thought the best mitigation was to put no structure on this property. We are only proposing one double row of cars and no lighting is planned. We do have an extensive landscaping plan for this also.

Mr. Burns: The existing overhead doors have been left open all the time and now with this plan no overhead doors facing the west side will remain open.

Ms. Visconti: Will your people use that lot to show cars?

- Mr. Burns: Not 99% of the time. The salespeople usually retrieve the cars themselves.
- Mr. Paggi: Most of the activity will occur facing Route 9.
- Mr. Munoz: I appreciate the work being done but I do sit in my backyard and they do show cars and we can hear them discussing them.
- Ms. Visconti: How many cars are proposed for the west side.
- Mr. Burns: A couple of hundred.
- Mr. Fanuele: What kind of debris are you talking about?
- Mr. Munoz: Christmas trees, a sink, etc.
- Mr. Paggi: We could gate the entrance.
- Mr. Burns: That would be a better solution.
- Mr. Gray: Will there be any surveillance there?
- Mr. Burns: We just recently put that in.
- Mr. Zelig: Explained the planned landscaping for the board.
- Mr. Stolman: What about the traffic islands?
- Mr. Zelig: We have added traditional trees within the parking area itself.
- Mr. Fanuele: You will put up a fence?
- Mr. Paggi: There is a fence along the entire property line and we will add a gate.
- Mr. Fanuele: The DPW didn't allow La Fonda a right hand turn out. Did you get DPW approval?
- Ms. Visconti: We have a problem on Old Hopewell Road and we should just tell them that this is the way it should be. We would ask you to voluntarily send everyone out to Middlebush Road.
- Mr. Burns: Our closest driveway is far away and our traffic is staggered. We did speak to Graham today and he doesn't have a problem with it.

- Mr. Matthew: I represent TRC as a traffic consultant and we also did the traffic report for La Fonda Del Sol. The difference here is that La Fonda also has access on Old Hopewell Road where we do not. *Explained the traffic flow to the PB.*
- Ms. Visconti: I agree it may not be many cars but I use that intersection and it is very dangerous.
- Mr. Matthew: I agree and La Fonda did also agree with that.
- Mr. Burns: People will still try to go to Old Hopewell Road regardless.
- Mr. Fanuele: Get approval from the DPW
- Mr. Stolman: In our memo we suggest that the PB get the opinion of the DPW and I believe Bob is interacting with Graham to get his opinion on this.
- Mr. Gray: Graham Foster called me and wanted me to make sure this board understood his position which is to not limit the left turn out.
- Ms. Visconti: Would he want to put that in writing?
- Mr. Roberts: He should put that in writing.
- Mr. Fanuele: Can you close one driveway?
- Mr. Paggi: I'm not sure.
- Mrs. Sammartino: Eleanor Sammartino, 118 Curry Road. I came here for the last few projects and that lake is on my property. I called the DEC and Cornell Cooperative. They want to put in a pocket pond and the main sewer line goes through my property, which I gave the town an easement for. Why am I always hit with these problems. Their pond will go into the lake on my property. They will wash their cars, etc and it will all run into my property and pollute it.
- Mr. Paggi: The car washing will not go into your pond.
- Mrs. Sammartino: Cindy Greer owns this and is leasing it to a Chinese company.
- Mr. Gray: There are two lots here, one is 3.19 acres and one is 4 acres. One parcel is owned by Greer and the other parcel is owned by DCH Investments.
- Mr. Fanuele: What water goes to her pond?
- Mr. Paggi: Hunter's Creek.. With the new SWM the water quality should be improved to your property. *Explained to Mrs. Sammartino how the SWM works.*

- Mr. Gray: In our letter we reserve the right to have time to review the SWPPP. We wanted to have a review ready for tonight's meeting but we didn't have the usual three weeks.
- Mr. Fanuele: Anyone else with a comment? Hearing none. We will adjourn this to February 2<sup>nd</sup>, 2009.
- Ms. Visconti: Motion to adjourn this to February 2<sup>nd</sup>, 2009.**
- Mr. Pinto: Second the motion
- Vote: All present voted aye.
- Mr. Paggi: Thank you.

**08-3149/4034 - United Rental Site Plan:** To discuss amended site plan and SUP approval. 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) (Public Hearing closed on January 5, 2009.)

- Present: Michael Gillespie - Engineer
- Mr. Gillespie: When we were here on January 5<sup>th</sup> the public hearing was closed. The outstanding question was the trailer on the site. The trailer is on this site and we have placed it on the plan now for accuracy. This is the same plan that we submitted and the only change (addition) is the trailer.
- Mr. Stolman: You're showing landscaping at 6 feet in height with a berm. Four trees are shown on Old Hopewell Road and we feel that more are needed. *Went over his memo for the PB.*
- Mr. Gillespie: Agreed. We will supply additional trees.
- Mr. Stolman: On Route 9 add two trees around the refuse enclosure and then fence along the easterly property line and the plans will be modified to show it wrapping around the Old Hopewell clearing and connecting on the other side with the existing fence. Which side of the power lines is this on?
- Mr. Gillespie: The fence is on the inside of the pole line.
- Mr. Stolman: We show a 6 foot high fence with privacy slats.
- Mr. Gillespie: Agreed.
- Mr. Gray: Has the Fire Inspector signed off yet?

- Mr. Gillespie: Yes.
- Mr. Fanuele: Will the trailer be permanent?
- Mr. Gillespie: It's not a permanent structure. This could be rented but it's kind of a display.
- Ms. Visconti: So it's like a back hoe then that they rent. But no sign should be on it.
- Mrs. Lukianoff: The TB will be looking at this issue with the sign ordinance.
- Ms. Visconti: The resolution should include that the trailer not have a rent me sign on it.
- Mrs. Oliveri: How many trees will there be, I want a number!
- Ms. Visconti: This is not a public hearing.
- Mr. Gillespie: I will work with the planner as to the landscaping plan.
- Ms. Visconti: Motion to authorize the planner to write a resolution of approval for the March 2<sup>nd</sup> meeting.**
- Mr. Valdati: Second the motion
- Vote: All present voted aye.
- Mr. Gray: Let's have a ruling on the spacing of the trees.
- Mr. Gillespie: How's 15 feet on center?
- Mr. Stolman: I agree with that.
- Mr. Gillespie: Thank you.

**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

*This had been pulled from the agenda but a discussion took place regarding approval.*

**Mr. Valdati:** **Motion to move the resolution for preliminary approval.**

Ms. Visconti: Second the motion

Roll call: Ms. Visconti: Aye.

Mr. Pinto: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

**08-3160 / Bre-Del Enterprises ( Ciraolo ):** To vote on site plan approval for 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

Ms. Visconti: All sides of the building will be the same, right?

Mr. Barger: Yes.

Mr. Stolman: We indicate those as 6 legal size sheets of elevations in the resolution.

**Ms. Visconti:** **I would move the resolution as prepared by the planner.**

Mr. Pinto: Second the motion

Roll call: Ms. Visconti: Aye.

Mr. Pinto: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Mr. Barger: Thank you. We also did get health dept. approval.

**08-5141 / Thomas Subdivision –** To vote on preliminary and final subdivision approval for 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: Dan Koehler - Engineer

Mr. Koehler: In the resolution on page 4 of 5, D (5), can we strike that since we have no disturbance in the wetlands.

Mr. Gray: Yes.

Mr. Stolman: I'll amend that.

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

Mr. Pinto: Second the motion

Roll call: Ms. Visconti: Aye.

Mr. Pinto: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

**08-3177/4038 Accessible Technologies ( Candlelight Landscaping):** To vote on 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

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

Mr. Pinto: Second the motion

Roll call: Ms. Visconti: Aye.

Mr. Pinto: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Mr. Baisley: Thank you.

**08-3159- Sonic Wappingers:** To lighting 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. 6157-02-53974** in the Town of Wappinger. (Slater)

Present: Dan Koehler - Engineer  
Doug Slater - Applicant

Mr. Koehler: First of all I would like to start off by stating that we appreciate the board's effort to date on this and the consultant's also. Our clients are on a bit of a tight time frame here where there are certain lease and financial obligations that need to met and in order to met those they need to be able to get that building permit. So we would like to ask the PB to authorize the planner to write a resolution of approval for the February 2<sup>nd</sup> meeting.

Ms. Visconti: Do you have Bob Gray's letter from the 21<sup>st</sup>?

Mr. Koehler: I do and those items are very easy for us to satisfy.

Ms. Visconti: This is a nice night time version.

Mr. Slater: I drove eight hours for that picture. In the pictures, the light on the tower is not in our project.

**Discussion regarding lighting took place.**

Mr. Stolman: I will look at that. There are not many other issues.

**Ms. Visconti: Motion to authorize the planner to write a resolution of site plan approval.**

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Koehler: Thank you.

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**Ms. Visconti: Motion to go into executive session.**

Mr. Valdati: Second the motion

Vote: All present voted aye.

**Mr. Valdati: Motion to come out of executive session.**

Ms. Visconti: Second the motion

Vote: All present voted aye.

**07-3135 / Adams Fairacre Farms** - The applicant is seeking construction of a 76,327 sf building , garden center and nursery on 12.84 acres in an HB/HD Zoning District. The property is located at **152, 154 & 158 Old Post Road** and is identified as **Tax Grid Nos. 6157-04-649374/614375/649335** in the Town of Wappinger. ( Tinkelman )(LA: 10-19-07) (**Closed Public Hearing 10-6-08**)

**08-5147 / Adams Fairacre Farms** - The applicant is seeking to combine 3 lots into one parcel for the Adams project. The three parcels consist of 12.84 acres in an HB/HD Zoning District. The property is located at **152, 154 & 158 Old Post Road** and is identified as **Tax Grid Nos. 6157-04-649374/614375/649335** in the Town of Wappinger. ( Tinkelman )(LA: 10-19-07)

Present: Steve Tinkelman - Engineer  
Robert Turner - Engineer  
Pat Adams - Applicant

**Ms. Visconti:** Move to authorize the planner to write a resolution for site plan and subdivision approval to be ready fore the February 2, 2009 meeting.  
**Mr. Valdati:** Second the motion  
**Vote:** All present voted aye.

**Mr. Tinkelman:** Thank you.

**07-3136 / BVM Builders Inc.:** Applicant is granting a 90-day extension on the closed public hearing that took place on September 15, 2008. This second extension would run from February 15, 2009 through May 14, 2009. The property is located on **9D (next to Stewart’s)** and is identified as **Tax Grid No. 6056-02-783920** in the Town of Wappinger. (Bodendorf)

**Ms. Visconti:** Move to accept the extension for the closed public hearing.  
**Mr. Valdati:** Secnd the motion  
**Vote:** All present voted aye.

**07-5128 / Henshaw Subdivision** –Asking for their second and final 90-day extension on final subdivision approval on a 3 lot subdivision on 19.4 acres in an R-40 Zoning District. This extension would run from February 13, 2009 through May 14, 2009. 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 opened and closed on May 21, 2007 and Preliminary Subdivision approval was granted on June 4, 2007, Final approval on May 19, 2008. First extension to February 13, 2009.))

**Ms. Visconti:** Move to grant the extension.  
**Mr. Valdati:** Second the motion  
**Vote:** All present voted aye.

**09-3178 / Spooqe, Inc.:** To discuss construction of two office buildings totaling 3,168 sf. One building will be a two-story office building consisting of 1,152 sf on each floor and a second building will be 768 sf and used for office and storage space. The lot is in the HB zoning district and the acreage is .27. This is located at **684 Old Route 9No.** and is identified as **Tax Grid No. 6157-02-602780** in the Town of Wappinger. (Povall)

**Present:** Bill Povall - Engineer  
Mike Witkowski - Applicant

**Mr. Povall:** There is a security business located on this site now. The building is in poor condition and the owner has outgrown his building. We are proposing a building of 32’ X 36’ sf with two floors. We are also proposing an attached garage 36’ X 24’ sf with an office above.

**Ms. Visconti:** This piece of property is small for a large building.

- Mr. Povall: This is relatively small compared to the new building next door.
- Ms. Visconti: How big is the lot next door?
- Mr. Povall: The lot is around 1 acre and this is .27 of an acre. We recognize that beside the town wetland permit we will also need a DEC permit. *Described the project for the PB.*
- Ms. Visconti: I think this will overwhelm this small site. Is this all just for his business?
- Mr. Povall: Yes.
- Mr. Gray: What is the side setback you're proposing?
- Mr. Povall: The main portion is 5 feet off the side and the garage is 2 feet off the side. We tried to pull this off the side as much as possible.
- Ms. Visconti: Is this an existing non-conforming?
- Mr. Roberts: This is a pre-existing non-conforming lot.
- Mrs. Lukianoff: I looked into the history of this and there has never been a site plan. There was an attempt at a site plan in 1997 when this came in as a conceptual.
- Mr. Povall: It was actually something very similar to this.
- Mrs. Lukianoff: I also saw that there were no records relating to a SUP or site plan. What was interesting was that in 1995 a building inspector issued a CO for the conversion of a single family residence into an office.
- Mr. Roberts: Without site plan approval, who issued the CO?
- Mrs. Lukianoff: Mark Liebermann. They also went to the ZBA for a variance on the tower 1997 and it was granted. So in affect it went from a non-conforming use as a residence to a conforming use as an office.
- Mr. Roberts: But without a site plan.
- Mr. Povall: The existing building will need to stay while the new building is built due to the ongoing business.
- Mr. Witkowski: We are basically a 911 center throughout the United States.
- Ms. Visconti: How many people do you employ?

- Mr. Witkowski: Between here and New Jersey roughly 20.
- Ms. Visconti: How about here on this site?
- Mr. Witkowski: A couple.
- Mr. Stolman: That information is important regarding parking spaces. We are not asking for classified information.
- Mr. Roberts: In the HB zone he is allowed 19% lot coverage.
- Mr. Valdati: What is the buffer based on, net or gross?
- Mr. Stolman: Gross. Where will the tower be?
- Mr. Povall: On top of the new structure.
- Mr. Stolman: Where is the tower now?
- Mr. Witkowski: On the ground and it will remain on the ground but concealed by the building. It must remain on the ground because of wind load.
- Mr. Fanuele: So there are questions regarding the parking. You say three trucks to be parked in the garage and then three employees or so come which leaves only 6 spaces left.
- Mr. Witkowski: We have no walk in traffic.
- Ms. Visconti: What are you looking at for a construction period?
- Mr. Witkowski: Not sure yet.
- Mr. Fanuele: I want to see an engineer's report.
- Mr. Roberts: He is under the code as far as square footage and he has sewer.
- Mr. Valdati: How far is the new building next door from this?
- Mr. Povall: About 10 feet to the property line and about 27 feet to this new building.
- Mr. Fanuele: This is very close to the property line and you're probably looking for a recommendation from us for the ZBA.
- Ms. Visconti: What kind of building are you proposing?

- Mr. Povall: A pitched roof, frame building with possible stone on the bottom.
- Mr. Witkowski: We have a lot of storage for burglar alarms, medical and fire systems, cameras, etc. We are packed to the rafters right now.
- Mr. Gray: Have you considered a garage under and having 2 ½ stories?
- Mr. Witkowski: We are going for UL approval and they are very strict, more so than the building code and that wouldn't work. This is a 24 hour a day operation and we change shifts every eight hours.
- Mr. Valdati: You have 1000 sf existing now?
- Mr. Povall: Yes.
- Ms. Visconti: If only three people per shift then why 12 spaces?
- Mr. Stolman: They can either apply for a variance or you can waive some of the parking.
- Mr. Valdati: I think we need a site visit.
- Ms. Visconti: I agree. Let's go this Saturday.
- Mr. Povall: This footprint is 1,900 sf and the Elgen building next door is about 5,000 sf footprint that will give you an idea of size.
- Mr. Fanuele: We will meet at 9 am for the site visit. Come back on February 2, 2009 as continuing the conceptual.
- Mr. Povall: Thank you.
- Mr. Valdati: Motion to adjourn.**  
Ms. Visconti: Second the motion.  
Vote: All present voted aye.

The meeting ended at 9:20 p.m.

Respectfully submitted,

Barbara Roberti, Secretary  
Town of Wappinger Planning Board