

MINUTES

Town of Wappinger Planning Board
February 2, 2009
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

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

Members Absent:

Ms. Visconti:	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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Adjourned Public Hearing:

Hartsdale Pet Crematory	-Vote on March 2, 2009.
DCH Auto Group	-Discussion on March 2, 2009.

Discussions:

Sonic Wappingers	-To vote on February 9, 2009.
Henshaw Subdivision	-Vote on March 2, 2009.
Adams Fairacre Farms	-Approved as amended.

Miscellaneous:

Wappinger Farm Estates	-Granted 5 month extension to July 1, 2009.
------------------------	---

Conceptual:

Spooge, Inc.	-To submit site plan.
--------------	-----------------------

08-3172/4036 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 **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: Bill Neave Applicant

Mr. Valdati: Motion to open the adjourned public hearing.

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Fanuele: We have received a letter from George Kolb that reports that he met with David Stolman at the site in Hartsdale.

Mr. Stolman: Yes, Tom Pollena showed us around the site while it was in use and we saw no smoke and there appears to be no odor whatsoever.

Mr. Gray: We have received their emission report from Westchester County. This should be made part of their building permit.

Mr. Stolman: Their facility in Hartsdale is located on Central Avenue with homes very close by. There was absolutely no smoke or odor coming out of the stacks and this is located in a densely populated area.

Mr. Fanuele: Are there any comments from the public? Hearing none.

Mr. Gray: The stacks on this building will be hidden within a chimney.

Mr. Valdati: George Kolb says that compliance cannot be given until a building permit.

Mr. Gray: That's for code compliance.

Mr. Stolman: In Hartsdale, this is a tiny stand alone building, here it would be located in a commercial condo.

Mr. Valdati: Motion to close the public hearing.

Ms. Leed: Second the motion

Vote: All present voted aye.

Ms. Leed: Motion to authorize the planner to write a resolution of approval for the March 2nd meeting.

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Neave: Thank you.

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	Applicant
	Michael Norwicki	Wetland Specialist
	David Zelig	Architect
	Steve Matthews	Traffic Engineer

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

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Paggi: *Gave overview to the public.* This will be a showroom and service center all in one building. There would be one door in and one door out for circulation. Toyota has a national brand image so they would like all their dealerships to have the same design. To dress up the building we have adding some rock and landscaping.

Mr. Zelig: Explained the proposed landscaping for the site to the public.

Discussion followed.

Mr. Paggi: Regarding the lighting we have two schematics proposed. One is for occupational hours and the other one is for after hours with security. *Explained for the board the lighting plan.*

Mr. Norwicki: I am the biologist for the project. No Article 24 permit is required although this does fall within the town wetland buffer. *Explained the wetland buffer for the PB.*

Mr. Fanuele: Are you putting in a new gate?

Mr. Paggi: Yes, both entrances will be gated.

Mr. Fanuele: What about the old fence?

Mr. Paggi: We will be replacing that as well. We are also looking for the PB to approve the signage tonight.

Mr. Matthews: The new plan eliminates one access onto Old Route 9. We show only two driveways now. The highway superintendent wants to have full movement out of this site and it isn't likely that we will get an opinion from the DPW since this is not a county road.

Mr. Paggi: To summarize, DCH has demonstrated I think it is fair to say that they have given great cooperation through the years that this project has been before the town in many different forms. The resulting project where the entire west side of Old Route 9 is left without any building improvements is a significant benefit to the neighbors on that side of the road. We believe that the

SW improvements provide substantial benefit over existing conditions to protect the environment and we are here tonight in the hope that the PB will authorize the planner to draft a resolution of approval for consideration at your next meeting with the condition that we provide the documentation from the DEC as was suggested. I on behalf of DCH ask you accept your Highway Superintendent opinion that left turns not be required.

- Mr. Fanuele: Do the signs need a variance?
- Mr. Stolman: There are 10 signs being proposed and the PB may give latitude and waive in good design. My opinion is that it is not too much signage. So you can either waive the requirement or send them to the ZBA. The county said to comply, go to the ZBA or vote with a super majority.
- Mr. Roberts: In the code we can vary the requirement. David and I will send a letter to DC Planning in support of that.
- Mr. Fanuele: Have you addressed the planner's comments regarding the parking lot?
- Mr. Zelig: We have created islands on the Route 9 side.
- Ms. Leed: What is the height of the lighting?
- Mr. Paggi: 12', 16' & 18' are the varied heights for the lighting.
- Mr. Stolman: We will also check the prior approval for the west side of Old Route 9 as to the landscaping approved in the late 90's.
- Mr. Paggi: Wasn't that grading.
- Mr. Roberts: No it was landscaping agreed to by Cindy Greer and it was never planted.
- Mr. Paggi: DCH will agree to shift the sidewalk more into the green. The sidewalk was part of the Prep Center approval.
- Mr. Valdati: Bob speak with Mike Tremper and Graham.
- Mr. Gray: I will.
- Mr. Fanuele: Is there anyone in the audience with a comment?
- Mr. Munoz: Angel Munoz, 110 Curry Road. Where is the new car delivery going and where is the employee parking?
- Mr. Paggi: Showed on the map where the employee parking and the delivery parking would be.
- Mr. Munoz: What is the grade there?

- Mr. Paggi: 12 feet.
- Mr. Munoz: I don't agree. I have a three story house and when I look out my back room I'm looking at the inventory parking. The tree line is low to Mrs. Sammartino's property.
- Mr. Fanuele: What are you proposing?
- Mr. Munoz: Evergreen screening.
- Mr. Stolman: Al and I feel that maybe the PB should take a look at this.
- Mr. Zelig: If there was nothing there I would agree but to disturb what's there and possibly create erosion, I don't agree.
- Mr. Munoz: This was supposed to be overflow parking and now its sales. I think it is time to give back.
- Mr. Fanuele: We will have a site visit on Saturday at 9 am with Al Roberts and the PB.
- Mrs. Sammartino: Eleanor Sammartino, 118 Curry Road. We already gave the town property for the town sewer easement. Now you're going to be putting all your water onto me and polluting my pond.
- Mr. Gray: I'm happy with the SWPPP plan. The water is going to be captured, cleaned up and directed to the Hunter's Creek.
- Mr. Paggi: It's difficult to explain but we are providing you more protection than you have today. *Explained the SW to Mrs. Sammartino and the public.*
- Mr. Gray: We have reviewed Larry's plan and we believe this will be a big improvement.
- Mr. Valdati: At the end of the day will Mrs. Sammartino wind up with more water than she currently does?
- Mr. Paggi: No.
- Mr. Fanuele: Anyone else? Hearing none.
- Mr. Roberts: Lee please review my prior letters, we need some legal certification from the attorney for DCH and you have some preservation covenants to prepare and submit to me.
- Mr. Valdati: Motion to close the public hearing.**
- Mr. Pinto: Second the motion
- Roll call: Ms. Leed: Aye.
Mr. Pinto: Aye.
Mr. Valdati: Aye.
Mr. Fanuele: Aye.

- Mr. Stolman: We still need an opinion from the County DPW on turning out of the driveway.
- Mr. Gray: We also have some housekeeping comments that maybe you can get to us so that they are not in the resolution.
- Mr. Valdati: We will make a determination on March 2nd for a resolution.
- Mr. Paggi: Thank you.

08-3159- Sonic Wappingers: To vote on 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: Do we need health department approval on this?
- Mr. Gray: Peter Marlow wants approval for the food service and the grease trap. This can be done before the CO. Get a copy to CAMO for site plan approval. The DCHD approval should be before a CO is issued according to Pete Marlow.

Discussion followed.

- Mr. Koehler: On page 4 of 6, 5(B), that information has been submitted for the lighting.
- Mr. Stolman: I'll take a look at it. We can work offline on some of these things.
- Mr. Koehler: We are on a pretty tight schedule and in August of 2008 DC Planning issued a letter of incompleteness. We have worked well with this board to straighten out all outstanding issues and Lindsay Carlisle of DC Planning said she needs a week to look at the plans and approve this. So we are asking for a special meeting next week to approve this.
- Mr. Fanuele: We will set a special meeting for next Monday at 6:30 pm. We will vote on this resolution only if DC Planning will have sent an approving letter.
- Mr. Koehler: Thank you.

07-5128 / Henshaw Subdivision –To discuss amending final subdivision approval on 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) (Received Final Subdivision on May 19, 2008.)

Present: Jon Bodendorf Engineer
Diane Henshaw Applicant

- Mr. Bodendorf: We have made changes to the plan following our meeting with Dave Stolman. Ms. Henshaw has been here for over 25 years and has enjoyed the cabin in the rear as well as the trails and her barbeque. The way this had been approved it would have prevented any passive use. We are looking to reduce this to a conservative easement and do away with the split rail fence.
- Mr. Stolman: Given the historical use of the property, the fact that it has been used and mowed and not the kind of wetland you would expect to see out there it is just as Jon said. As long as we protect the most environmentally sensitive portion of the property which is the ACOE wetland and put a covenant over that, that should be sufficient.
- Mr. Valdati: Don't we ordinarily have a barrier there?
- Mr. Stolman: Yes.
- All members agreed to allow less restrictive conditions.
- Mr. Stolman: You now will need to modify the plans, prepare the restrictive covenants and then the PB can adopt an amended resolution. This will re-start the clock.
- Mr. Fanuele: We will vote on this on March 2nd.**
- Mr. Valdati: So moved.
- Ms. Leed: Second the motion
- Vote: All present voted aye.
- Mrs. Henshaw: Thank you.

07-3135 / Adams Fairacre Farms - The vote on 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 vote on the combining of 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 Architect
Robert Turner Architect
Pat Adams Applicant

Mr. Stolman: They are here to abandon three lots into one lot and part of the road. This is very routine.

Mr. Roberts: You can't abandon the town portion until after Adams acquires all the other lots. This just authorizes a consolidation of those parcels and that will be done at a future time.

Mr. Tinkelman: On page 3 of 5, number 4, it talks about the expiration of 180 days with two 90-day extensions. Is there ever a situation where if the properties can't be acquired and we need an extra 60 days or so...

Mr. Roberts: That 180 days and two 90-days are set in town law. You would have to re-apply.

Mr. Fanuele: Anything else? No.

Mr. Valdati: Motion to move the resolution for the subdivision.

Mr. Pinto: Second the motion.

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

Mr. Stolman: You have the resolution for the site plans and I refer you to the one dated today with strike-outs.

Went over the recent strike-outs with the applicant.

Mr. Tinkelman: On page 12 of 16, number 7, when the town sells us water, Adams becomes a tenant?

Mr. Roberts: The water district is amended to include your parcel in the water district.

Mr. Tinkelman: Can we copy you on all the agency approvals at the end?

Mr. Bolner: I would prefer the submittals sent as you go along.

Continued going over the resolution.

Ms. Leed: Motion to approve the resolution for site plan approval as amended.

Mr. Valdati: Second the motion

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

Mr. Tinkelman: Thank you.

05-5110 / Wappinger Farm Estates. The applicant requested a 5 month extension on December 1, 2008 and the PB granted a 30 day extension only pending the outcome of their depleted escrow account. The applicant now requests an additional 6 month extension being in good standing financially. The applicant is seeking their 6-month extension on preliminary approval for a 19 lot subdivision on 60.620 acres. The extension would start on February 2, 2009 and expire on July 1, 2009. The property is located on **Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger. (M. White)(PH: 2-6-06 Closed PH 3-19-07 / LA: 9-19-05)(Granted Re-Zone 12-26-07 / Preliminary granted 1-7-08

Mr. Valdati **Motion to grant an extension for preliminary approval for an additional five months to July 1, 2009.**
Ms. Leed: Second the motion
Vote: All present voted aye.

09-3178 / Spooge, Inc.: To discuss construction of an office building totaling 3,168 sf. The building will be a two-story office building consisting of 1,152 sf on each floor and an attached garage that will be 864 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
 Paul Pilon Architect
 Mike Witkowski Applicant

Mr. Fanuele: Four of us did a site visit and we're not sure the PB can recommend an 80% variance.

Mr. Povall: The existing building is only 2 feet of the property line and with the new building we need to get clearance for a turn around.

Mr. Fanuele: I'm confused with the use. The garage is truck storage.

Mr. Povall: This will be a 2-story office building of 3,168 sf and then the garage which will be 860 sf.

Mr. Fanuele: Then I can't count the garage as parking spaces.

Mr. Povall: The indoor garage will be used for parking trucks.

Mr. Fanuele: Is this strictly for business?

Mr. Witkowski: Yes. Our business trucks go out every day.

Mr. Fanuele : How can I count the garage as parking spaces?

Mr. Valdati: There are a lot of anomalies and variables here. Is this doable or just not good planning. How big is the lot next door?

Mr. Povall: The site next door is about one acre and this is .27 of an acre. So it's hard to compare.

- Mr. Valdati: The ditch is fairly close there.
- Mr. Povall: The size of the building is what the applicant needs.
- Mr. Pinto: The property doesn't look large enough for a 3,000 sf building.
- Mr. Povall: I would like to point out that the footprint of the building is 2,000 sf. We are trying to keep the building as small as we can with the second floor.
- Mr. Valdati: The original building is non-conforming, right?
- Mrs. Lukianoff: Yes, but not the use. The use is ok but they will need variances.
- Mr. Valdati: So you are looking for a recommendation from us?
- Mr. Fanuele: An 80% variance is quite large. The building needs 50% and the parking is not resolved.
- Mr. Pilon: What if we align the garage with the building?
- Mr. Fanuele: I still have a problem with storing trucks in the garage.
- Mrs. Lukianoff: If you store them outdoors then you will need to screen them from Route 9.
- Mr. Fanuele: What will the building look like?
- Mr. Pilon: Brick on the 1st floor, siding on the 2nd floor and a pitched roof. There will be windows on the second floor. I am still working on the elevations but I'm waiting to see where it will go.
- Mr. Fanuele: You need to have windows and the current building doesn't have them.
- Mr. Valdati: I knocked on the door and no one would answer it.
- Mr. Witkowski: That's right. No one gets in due to the nature of our business.
- Mr. Fanuele: Can someone explain to me the parking and the building being too close.
- Mr. Valdati: Me too.
- Ms. Leed: How many employees will be there?
- Mr. Witkowski: Five cars for employees plus trucks at any one time.
- Mr. Fanuele: Can we restrict parking.
- Mr. Stolman: The problem is that if he moves or sells the property there will not be enough parking.

Mr. Fanuele: Move the building 5 feet and show some storage. You can go to the ZBA without the recommendation.

Mr. Povall: We'll look into this. Thank you.

Ms. Leed: 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.

Mr. Pinto: Second the motion.

Vote: All present voted aye.

Mr. Pinto: Motion to adjourn.

Ms. Valdati: Second the motion.

Vote: All present voted aye.

The meeting ended at 10:00 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board