

MINUTES

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

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

| | | | |
|---------------|----------|--------------|--------|
| Mr. Fanuele: | Chairman | Mr. Kickham: | Member |
| Ms. Visconti: | Member | Mr. Valdati: | Member |
| Ms. Leed: | Member | | |

Member Absent: Mr. Pinto: Member

Others Present:

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|-----------------|-----------------------------|
| Mr. Gray, | Engineer to the Town |
| Mr. Horan, | Acting Attorney to the Town |
| Mr. Stolman, | Planner to Town |
| Mrs. Lukianoff, | Zoning Administrator |
| Mrs. Roberti, | Secretary |

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

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|-------------------------|--|
| United Rental | -Approved Amended Site Plan. |
| Hartsdale pet Crematory | -Approved Site Plan. |
| DCH Auto Group | -To vote on resolution March 16, 2009. |
| Henshaw Subdivision | -Amended Subdivision Approval. |
| Memory Inn | -To vote on resolution March 16, 2009. |
| St. Gregory Church | -To resubmit. |
| Osborne Square | -To resubmit. Letter of recommendation to the ZBA. |
| Villa Borghese | -To resubmit. |

Extension:

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| BVA Construction | -Applicant granted a 90-day extension for closed PH. |
| Pearson Lot Line | -Granted 1 st 90-day extension for subdivision approval. |

Conceptual:

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| BAC Properties | -To submit site plan. |
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08-3149/4034 - United Rental Site Plan: To vote on an 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: Brian Stokosa Engineer

Mr. Stokosa: We have provided changes from the professionals comment letters. We still need to add some plan notes and more description on the landscaping and minor details in the plan notes. We are still waiting on NYSDEC to release the permit for the wash bay area proposed in the rear.

Ms. Visconti: Where in the resolution is the berm and 6' fence?

Mr. Stolman: It is on the plan. The berm may not be necessary so that is not shown. The trees are 25' on center on the plan but they need to be 15 feet on center.

Mr. Gray: I'm fine.

Mr. Stolman: We built Bob's comments into the resolution.

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

Mr. Kickham: Second the motion.

Roll call: Ms. Visconti: Aye.
Ms. Leed: Aye.
Mr. Kickham: Aye.
Mr. Valdati: Aye.
Mr. Fanuele: Aye.

Mr. Stokosa: Thank you.

08-3172/4036 / Hartsdale Pet Crematory – To vote on 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)(Opened PH 1-5-09/Closed PH 2-2-09)

Present: Bill Neave

Ms. Visconti: We have received George Kolb and David Stolman's comments and report and I'm satisfied that there will not be odors.

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

Mr. Kickham: Second the motion

Roll call: Ms. Visconti: Aye.
Ms. Leed: Aye.

Mr. Kickham: Aye.
Mr. Valdati: Aye.
Mr. Fanuele: Aye.

08-3163 / DCH Auto Group Service Center & Showroom – To discuss their proposed site plan and SUP application and to consider setting a public hearing 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)(Opened PH 1-21-09/Closed PH 2-2-09)

Present: Larry Paggi Engineer
Lee Burns Applicant

- Mr. Paggi: After last months meeting we met with the PB at the site. Their primary concern was the screening on the west side of Old Route 9. In the rear parking lot we have proposed 16 trees of Hemlocks and Arborvitae that would be 6 to 8 feet tall. We also worked on cleaning up some items on the plans. Do we still have to consolidate the lots?
- Mr. Stolman: Yes for the showroom site with a plat. No public hearing will be necessary so we will process that resolution when the PB authorizes the site plan resolution,
- Mr. Horan: You may need a declaration of covenants tying all the four parcels together because of the SWM.
- Ms. Visconti: David in your letter you made overtures to contact the DPW.
- Mr. Stolman: Steve Gill of the DPW responded today and he's not interested on restrictions on turning but would like the southern most curb cut moved northerly.
- Mr. Paggi: *Showed on the map where they are looking to move it.*
- Mr. Gray: Stay away from Curry Road at least 300 feet.
- Mr. Stolman: Do you want Graham Foster to weigh in on this?
- Mr. Fanuele: I think so.
- Mr. Paggi: We'll get together with Graham before our next meeting.
- Mr. Fanuele: You're also going to fix the fence and add the two gates, correct?
- Mr. Paggi: Yes.

Ms. Visconti: **Motion to authorize the planner to write the resolutions for the March 16th meeting.**
Mr. Valdati: Second the motion
Vote: All present voted aye.

Mr. Paggi: Thank you.

07-5128 / Henshaw Subdivision –To vote on amended 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 approval on May 19, 2008)

Present: Jon Bodendorf Engineer
 Diane Henshaw Applicant

Mr. Bodendorf: We are good with the resolution but we are questioning the recreation fees. We have two houses so we are only creating one new lot.

Ms. Visconti: Move the change that the recreation fee for only one new lot.

Mr. Fanuele: I have a question on the delineating of the buffer.

Mr. Stolman: There is going to be a conservation easement over the ACOE wetlands.

Ms. Visconti: **Motion to change the rec fee to only one lot.**

Ms. Leed: Second the motion.
Roll call: Ms. Visconti: Aye.
 Ms. Leed: Aye.
 Mr. Kickham: Aye.
 Mr. Valdati: Aye.
 Mr. Fanuele: Aye.

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

Mr. Kickham: Second the motion.
Roll call: Ms. Visconti: Aye.
 Ms. Leed: Aye.
 Mr. Kickham: Aye.
 Mr. Valdati: Aye.
 Mr. Fanuele: Aye.

Mr. Bodendorf: Thank you.

09-3179 / Memory Inn Building: The applicant is seeking an amended site plan. Where this is an approved office building they would like to also have service business included. The property is in the GB zoning district on 2.954 acres and is located at **232 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-249149** in the Town of Wappinger. (Buchner)

Present: Harold Buchner Applicant

Ms. Visconti: Do you need a sign for the hair salon?

Mr. Buchner: It is done within the original sign.

Mr. Valdati: Motion to authorize the planner to write a resolution of approval.

Mr. Kickham: Second the motion.

Vote: All present voted aye.

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
Michelle Zerfas Engineer

Mr. Hibbs: This is a two phase project for an addition in the rear of the fellowship hall and also to add onto the sides for classroom space. *Explained the phases to the PB.*

Ms. Zerfas : Explained the staging areas and where the septic would be relocated.

Mr. Fanuele: Are the construction trailers temporary?

Ms. Zerfas: Yes.

Ms. Visconti: Are there wetlands here?

Mr. Hibbs: There is a stream in the rear and catch basins here that empty eventually into that stream.

Mr. Stolman: The stream itself is a wetland and then a 100 foot buffer is added to that. You can also land bank some of that parking but you also need to show that it can be built in the future. Either in the parking lot shown in detail or find somewhere else.

- Mr. Hibbs: The same people using the church will be the ones using the classrooms. So we show 55 parking spaces currently and they use the parking lot to capacity maybe only 2 or 3 times a year.
- Ms. Leed: So you're not changing the parking lot?
- Mr. Hibbs: No.
- Mr. Stolman: I think Jay is looking to see if the PB would allow a waiver for the land banking.
- Mr. Fanuele: Yes the PB will allow the waiver.
- Mr. Hibbs: There doesn't seem to be too many other issues so where do we go from here?
- Mr. Stolman: Based upon our comments, modify the plans and then I believe the PB would feel comfortable with setting a public hearing.
- Mr. Hibbs: Thank you.

08-3162 / Osborne Square (Formally Bank Plaza): To discuss two new commercial buildings for a total of 16,228 sf on 2.138 acres located in an HO Zoning District. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day)

- Present: Jason Morse Engineer
Kevin Lund Applicant
- Mr. Morse: We are back again with some changes for the board. We have added a 10 foot width and length to this building and a second floor to this one. In doing so we removed the rear building and we are proposing to land bank 7 parking spaces.
- Ms. Visconti: I have a problem that you have never answered any of David's comments.
- Mr. Lund: The building change was substantial and we wanted you to see it first.
- Ms. Visconti: We have to decide on exits for Osborne Hill Road as well.
- Mr. Morse: We are proposing an exit on Route 9 and Osborne Hill Road.
- Mr. Fanuele: What is the zone for the houses to the sides in the rear?
- Mr. Lund: They are both in the HO zoning district.

- Ms. Visconti: You are going to need a 2 foot variance for the building here.
- Mr. Morse: Yes with the front columns and the width of the sidewalks we will need a 2 ft. variance.
- Mr. Lund: *Showed colored elevation to the PB of the project.*
- Mr. Stolman: This must go back to DC Planning. Has the PB decided on the exit to Osborne Hill Road?
- Ms. Visconti: We said yes.
- Mr. Kickham: Let's wait until DC Planning weighs in on this.
- Ms. Visconti: Motion to send a letter of recommendation to the ZBA.**
- Mr. Valdati: Second the motion.
- Vote: All present voted aye.
- Mr. Lund: Thank you.

06-5120 / BVA Construction Subdivision - The applicant is granting a 90-day extension on the closed Public Hearing before the planning board to run from March 12, 2009 through June 11, 2009. The property is located on **Kent Road** and is identified as **Tax Grid No. 6257-02-513975** in the Town of Wappinger. (Barger) (The Public Hearing was closed on July 16, 2007 and the 62 day clock expired on September 16, 2007. The applicant granted an extension from September 17, 2007 through December 15, 2007, second extension to March 15, 2008, third extension to June 14, 2008, fourth to September 14, 2008 and a fifth extension to December 13, 2008.)

- Ms. Visconti: Move to accept the closed public hearing extension. Put on March 16th to discuss project.**
- Mr. Valdati: Second the motion.
- Vote: All present voted aye.

08-5142 / Pearson Lot Line Realignment: The applicant is seeking their first 90-day extension on final subdivision approval for a lot line realignment between Widmer Construction and Rick Reinheimer. The extension would start on March 16, 2009 and expire on June 15, 2009. The properties are located at **125 and 113 Widmer Road** and are identified as **Tax Grid Nos. 6258-01-149629 (Widmer Construction) & 112609 (Pearson)** in the Town of Wappinger. (Day)
(Received final subdivision approval on 9-15-08.)

- Ms. Visconti: Move to grant first 90-day extension for final subdivision approval.**
- Mr. Kickham: Second the motion.
- Vote: All present voted aye.

09-3181 / BAC Properties, LLC: To discuss a full build-out of the existing site. The applicant is proposing an 18,000 sq.ft. building for office, equipment rental and a display area. The property is located at **30 Airport Drive** and is identified as **Tax Grid No. 6259-04-578332** in the Town of Wappinger. (Povall)

Present: Bill Povall Engineer
Brandon Ciccone Applicant

Mr. Povall: This is the old Dutchess Landscaping. The pool has been filled in and we are here for conceptual approval to build the second building that was previously approved by this board. In 2002 this board approved the front building and a second building. The previous owner only built the back building as it was a phased approval and he only completed phase I. The new owner Mr. Ciccone would like to now build phase II which is the second building. When we were here last summer for BAC Properties there had been issues with noise in the rear. When Dutchess Landscaping was first approved the wetlands were flagged by the ACOE and the town wetland law did not exist. Fill was used to bring up the front for phase II and the parking. The previous owner put in the utilities, the SW and the sub-grade getting it ready for the new building and the pavement. We are here now to propose an 18,000 sq. ft. building with the same grades as the previous plans. This will match the grades already in place. Now with the town wetland law we are in the buffer so we had Mike Norwicki out there to look at the impact and he found no adverse impact there. Even though the three year time period has expired there are few changes to the previously approved plan. The back building will remain as BAC Construction and the balance will be rental space for construction equipment. The new building will be a contractor rental business with parking and a display area here in front. We have taken out both gatehouses. The septic was approved for 20 employees and we will expand that for the additional employees.

Ms. Visconti: What is in the rear building now?

Mr. Povall: A small office with a work area on one side and the other side is empty but for a rental business.

Ms. Leed: Do the employees stay on site or leave during the day?

Mr. Povall: Usually leave for Mr. Ciccone's business. In order to finish this it is just a matter of building the parking lot out and then constructing the building.

Mr. Stolman: Could you talk about the northerly side.

Mr. Povall: The catch basins are already in place and we would install the curbs. I've been watching the pond for 5 years and it never gets 20% of the water it was built for. We are also going to put in a oil/water separator.

Mr. Stolman: Does the pond have safety features?

- Mr. Povall: This was built prior to the new guidelines.
- Mr. Stolman: If there were no wetland there and this was just a SW pond you would have to do just water quality but now we have the pond discharging directly into the wetlands. So I would think we better make sure the water is clean coming out of the pond before it hits the wetland.
- Mr. Povall: That's not a problem, we can take care of that.
- Mr. Stolman: This use is permitted by zoning.
- Mr. Fanuele: So since we agreed on this previously we will take that into consideration.
- Mr. Stolman: Yes.
- Mr. Povall: We have landscaped around the pond and we are comfortable with you coming out to see it. Actually the big disturbance is during construction and we have already passed that point.
- Ms. Visconti: Address the concerns with the truck washing, including oil and repairs.
- Mr. Fanuele: You're ready for site plan application.
- Mr. Povall: Thank you.

08-3153 / Villa Borghese – To discuss amending their site plan to include additional parking. The property is located at **70 Widmer Road** and is identified as **Tax Grid No. 6158-02-880530** in the Town of Wappinger. (Fiorese)

- Present: Lou Fiorese Architect
- Mr. Fiorese: I know that this application had been visited upon by this board about a year ago. In 1988 the site plan was approved for 161 parking spaces. Only 101 spaces were built and now the balance of those approved spaces need to be built. Since that time the size of the spaces has increased and part of the approved area has been landscaped for celebrations so I have found an alternative place for the parking.
- Mr. Valdati: So you are here for 60 spaces to be approved in a different location?
- Mr. Fiorese: Yes. My job is to bring the lot into today's conformance with the code. I now have blacktop without striping so people park where ever and when I analyze the layout I can achieve 101 spaces. So based on my analysis 101 spaces are available and the new 60

spaces need to be 10 feet wide with landscaping. The original 101 spaces will be 9 feet wide from the old code. There are also some issues with being 10 feet from the property line when the code states a 20 foot setback. We may need to go to the ZBA for a variance on that.

- Mr. Stolman: In our memo on page 2, Lou since the property is very dense the PB can decide on the 10 foot buffer and waiving the additional 10 ft. required and you may not need a variance. *Went over balance of his memo.* The town board is planning on re-zoning this as NB in the Comprehensive Plan.
- Mr. Fanuele: If this gets rezoned does he have to come back?
- Mr. Stolman: No.
- Mr. Valdati: You really need to find out if this is valid or not. We need a legal opinion on this.
- Mr. Kickham: I agree. I would also like a legal opinion on this.
- Ms. Visconti: In 1987 the PB seemed to think they needed it.
- Mr. Stolman: I guess we need to ask Al Roberts.
- Mr. Fiorese: My research suggests that this is a property that typically needs to have an annual approval for it. So is there any record of this property being approved every year?
- Mrs. Lukianoff: There is a requirement that the fire inspector inspect this every year.
- Mr. Fiorese: My client wants to clean up the site, upgrade the septic and upgrade the parking.
- Mr. Valdati: I would like the building department to look to see if any other permits have been cancelled due to an expenditure of time where it was no longer valid. If that is the case then I think we need to be consistent.
- Mr. Stolman: There was a permit issued last year for the upstairs. The total space is now 14,800 sq. ft. which equates to 141 parking spaces needed. So 161 are more than enough parking spaces for this.
- Mr. Fiorese: I will resubmit for this. Thank you.
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- Mr. Fanuele: If the Villa Borghese was approved for 161 spaces and the town never enforced them then what is the issue?

Mr. Horan: He wants to put them in a different location than what was approved.

Mr. Fanuele: I question the variances consistency.

Mr. Fanuele: Do we have a town botanist?

Mr. Stolman: We have a landscape architect on our staff.

Ms. Visconti: Our wetland law is too restrictive. The DEC and ACOE require two out of the three criteria to be present. Our law says any one of the three makes it a wetland.

Mr. Kickham: Water is better than gold.

Ms. Visconti Motion to adjourn.

Mr. Kickham: 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