

MINUTES

Town of Wappinger Planning Board
April 6, 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: Mr. Gray, Engineer to the Town
Mr. Roberts, Attorney to the Town
Mrs. Lukianoff, Zoning Administrator
Mrs. Roberti, Secretary

**SUMMARIZED
PROJECTS DISCUSSED:**

OUTCOME

Discussions:

Sonic Restaurant -Re-open Public Hearing on April 20, 2009.

Conceptual:

All Angels Hgts. Subd. -To resubmit after moratorium is lifted.

Extension:

Lehigh Subdivision -Accepted second 6 month extension for closed PH to run through October 7, 2009.

MegTam Subdivision -Granted 2nd 6 month extension to October 16, 2009.

Mr. Valdati: **Motion to approve the minutes for October 20, 2008.**
Ms. Visconti: Second the motion.
Vote: All present voted aye.

Mr. Valdati: **Motion to approve the minutes for November 3, 2008.**
Ms. Visconti: Second the motion.
Vote: All present voted aye.

Mr. Valdati: **Motion to approve the minutes for December 1, 2008.**
Ms. Visconti: Second the motion.
Vote: All present voted aye.

08-3159- Sonic Wappingers: To discuss current project for a 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. Gray: This is here to set the date to reopen the public hearing.

Mr. Fanuele: We will place this on the April 20th agenda based on new facts from the Village of Wappingers.

Ms. Visconti: **Motion to set the date to reopen the public hearing for April 20th, 2009.**
Mr. Valdati: Second the motion
Vote: All present voted aye.

Mr. Roberts: This is to reopen the old public hearing and schedule a new public hearing. I also understand that there was supposed to be a letter sent today from Matt Alexander?

Mr. Fanuele: He called and said he couldn't make it tonight.

Mr. Roberts: I got into a lengthy conversation with Jay Paggi over this and I asked him if anyone from the village would be attending tonight and he said no but that Mayor Alexander would be sending a letter for tonight. *Discussed conversation with Jay Paggi.* Maybe we should have a daytime meeting with the village.

Mr. Gray: Sonic will be using about 390 gallons of water per day and Applebee's used over 3000 gallons per day. This will be substantially less water.

Mr. Valdati: However, even though it is a reduced amount, would it be fair to say the village should have been notified?

Mr. Gray: Yes I would say so.

- Mr. Slater: Regarding the water usage, it's almost counter-intuitive because if we don't go into that space it would be released to another casual dining use.
- Mr. Roberts: I'm not disagreeing with you sir but obviously your landlord, Wappinger Plaza, LLC needs to get together with the village. You can't get a CO without it. Normally we don't issue a building permit without water approval.
- Mr. Slater: Without that in place we probably won't move forward with construction.
- Mr. Fanuele: We feel that if we get together with the village it might be better.
- Mr. Gray: I feel if you and your landlord get together and meet with the village this will move smoother.
- Ms. Visconti: Motion for the consultant's to get together with the village.**
- Ms. Leed: Second the motion
- Vote: All present voted aye.

07-5130 / All Angels Hgts Subdivision - To discuss a 4 lot subdivision on 21.94 acres in an R-40 Zoning District The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid Nos. 6259-03-410112** in the Town of Wappinger. (Barger)

- Present: Dick Barger Engineer
Robert Macho Applicant
- Mr. Barger: My client would like to develop four lots where the recent road was approved and the balance of the lots will be developed after the moratorium is lifted.
- Ms. Visconti: I have a copy of Graham's letter. We did a site visit there years ago. How many acres is this?
- Mr. Barger: Around 20 acres.
- Mr. Fanuele: When will the road be dedicated?
- Mr. Barger: When the four lots are done and then we will extend it further at a later date.
- Ms. Visconti: So phase one will be the four lots.
- Mr. Fanuele: I would like to see how the balance is developed.
- Mr. Gray: Vic did David discuss with you his concerns with this? They originally came in for 10 lots at first, and then came in for the road extension. There is a thing in SEQRA called segmentation and that is David's concern here. It's a big no-no to do that. It's a project that is larger then the four lots and it is trying to circumvent the moratorium.
- Mr. Roberts: I will defer to Scott Volkmann due to a conflict of interest.
- Mr. Macho: We have done everything that you asked.

- Mr. Gray: There is a public hearing on the master plan in May and our hope is that it is over in June.
- Mr. Roberts: That will either end the moratorium or it will not be renewed in June.
- Ms. Visconti: Then you can move forward all at once.
- Mr. Barger: We might as well wait until June but the law says we can do four lots.
- Ms. Visconti: You can do four lots if it is the total project but we know it is more.
- Mr. Barger: Can we get a building permit for one lot?
- Mrs. Lukianoff: Yes.
- Mr. Barger: Thank you.

08-5139 / Lehigh Subdivision: The applicant is granting a second 6 month extension on the closed public hearing. The public hearing was closed on May 5, 2008 and this fourth extension would run from April 8, 2009 through October 7, 2009. The property is located at **79 Diddell Road** is identified as **Tax Grid No. 6359-01-480600** in the Town of Wappinger. (Day) (PH Closed on 5-5-08, 1st extension to 10-6-08, second extension to 1-9-09, third to April 8, 2009.)

- Ms. Visconti: Motion to accept a 6 month extension for the closed public hearing.**
- Ms. Leed: Second the motion
- Vote: All present voted aye.

04-5093 / Meg Tam Subdivision – Seeking their second six month extension on preliminary approval for an 8 lot subdivision on 90 acres in an R-80 zoning district. The project received preliminary approval on April 21, 2008 and their first extension on October 21, 2008 through April 19, 2009. The second six month extension would run from April 19, 2009 through October 16, 2009. The property is located between **Smithtown Road** and **Cooper Road** is identified as **Tax Grid No. 6156-02-978818** in the Town of Wappinger. (Povall) (PH: 1-19-05)(Closed PH 3-17-08)(First 6- month extension on October 21, 2008)

- Ms. Leed: Motion to grant a second 6 month extension for preliminary approval.**
- Ms. Visconti: Second the motion
- Vote: All present voted aye.

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- Mr. Valdati: If the consultant's can't make a meeting they should send a representative in their place unless it is an emergency. Many questions tonight could have been hard copied and here tonight. Where does the water for Sonic come from?

Mr. Roberts: The water supply would not be something the PB would ordinarily address. The village water supply has somewhat diminished. They have a contract with the joint water board and they have strict provisions and are penalized very strongly when they go over their limits. Apparently they did go over their limits and they were hit with a very large surcharge. There is no way any one of us would have known of the villages problems with the Hannaford Plaza or any outside users unless they would have notified us. The contract with the village and the plaza is to deliver water to the site and it is just one master meter and then the plaza has sub-meters for each individual user. That is handled entirely by contract between the plaza and the village. Now the only thing that we missed was the inadvertence that they weren't told about the public hearing. I don't know that anything else, in fact I'm more than reasonable certain that we have no other obligation other then to send them a copy of the notification. What happened was that this heightened the situation between the plaza owners and the village and then that got exacerbated by the joint water board with the village.

Mr. Fanuele: There were changes to the plaza previously that the village wasn't interested in.

Mr. Roberts: When Jay was here he notified the village but he also worked for the village.

Discussion continued.

Mr. Roberts: So if Sonic were to go into the Applebee's building then there would not have been a public hearing. Then there would only have been a change of occupant required.

Ms. Visconti **Motion to adjourn.**

Mr. Valdati: Second the motion.

Vote: All present voted aye.

The meeting ended at 7:45 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board