

MINUTES

Town of Wappinger Planning Board
April 20, 2009
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

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

Member Absent: Ms. Visconti: Member

Others Present:

Mr. Gray,	Engineer to the Town
Mr. Roberts,	Attorney to the Town
Ms. Ulker-Kacar,	Acting Planner to Town
Mrs. Lukianoff,	Zoning Administrator
Mrs. Roberti,	Secretary

SUMMARIZED

PROJECTS DISCUSSED: OUTCOME

Public Hearing:

Sonic Restaurant -Granted resolution as amended.

Discussions:

Spooge, Inc. -To resubmit.

St. Gregory's Church -To resubmit.

Conceptual:

Dutchess Community Living -To submit a site & subdivision plan.

Lloyd's Parcel -May 4, 2009 for further discussion.

HUDSONIA: -Special Presentation on Blanding's Turtles

08-3159 The Town of Wappinger will re-open the Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Sonic Wappingers.** The applicant is proposing a Sonic Restaurant consisting of 1,728 sf in the Wappinger Plaza 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: Dan Koehler - Engineer
Richard Cantor - Attorney
Doug Slater - Applicant

Mr. Valdati: **Motion to re-open the public hearing.**

Ms. Leed: Second the motion

Vote: All present voted aye.

Mr. Cantor: Given your familiarity with this project do you want a presentation?

Mr. Koehler: This project was actually approved by this board on February 9th, 2009 of this year and we are re-opening this public hearing as a result with a cliché in the process. *Gave overview of the proposed project.* The Village of Wappinger delivers water to this shopping center and our goal is to obtain approval from the village for water.

Ms. Vasquez: 78 All Angels Hill Road. Is there enough room for this in the center?

Mr. Fanuele: Yes. The traffic should be about the same.

Mr. Cantor: The HD said the Town Engineer should approve the grease trap. I would ask that the resolution of approval make that a condition of the CO.

The Town Engineer and the Town Planner concur.

Mr. Cantor: The current resolution moves the water approval from the CO to the building permit. The applicant is aware of that and it is acceptable.

Mr. Fanuele: Any other comments? Hearing none.

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

Mr. Pinto: Second the motion

Roll call: Ms. Leed: Aye.

Mr. Pinto: Aye.

Mr. Kickham: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Motion to move the new resolution as amended.

Mr. Valdati: Second the motion

Roll call: Ms. Leed: Aye.

Mr. Pinto: Aye.

Mr. Kickham: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Mr. Cantor: Thank you.

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
Michael Witkowski - Applicant
Paul Pilon - Architect

Mr. Povall: This is a proposed office building on Old Route 9. We have made changes based on the comment letters we received. There are two main issues here. The first one is the parking and to bring it all outside. We worked the plan and now show all of it outside. The second issue was that the garage was 2 feet off of the property line. We have pulled it forward and now provide 5 feet to the property line. We realize we will need a variance.

Mr. Fanuele: David had questions regarding the wetland and the buffer.

Mr. Povall: There is a drainage ditch that runs along Route 9 from Nissan that runs south. With the location of the ditch we can't provide 100 feet. With the plan next door that we also did, we obtained a disturbance permit from the DEC. We will make application to the DEC for this property as well.

Mr. Fanuele: This is also within the 100 ft. floodplain.

Mr. Povall: The lowest elevation here 152 so this will have no impact on the floodplain.

Mr. Fanuele: David Stolman also spoke to the size of the parking spaces.

Mr. Povall: We are trying to work with the site size as well. We have reduced the spaces from 10 feet to 9 feet to minimize the disturbance.

Mr. Fanuele: The whole building is just this office?

- Mr. Povall: Yes.
- Ms. Leed: Can some of the parking spaces be banked? Also the county asked why this building was not proposed closer to Route 9D.
- Mr. Povall: As discussed last meeting we need to keep the old building there until this is completed and we are working with a lot that is only 55 feet wide.
- Mr. Roberts: Why can't you rent a trailer to put the business in?
- Mr. Povall: That is not possible because of security.
- Ms. Ulker-Kacar: That would take the building out of the buffer and the parking is too low.
- Mr. Povall: I want to talk to David regarding that.
- Ms. Ulker-Kacar: We feel it should be 11 spaces.
- Mr. Kickham: Have you talked to the DEC regarding the impervious surface.
- Mr. Povall: Not yet. We want to know if we are heading in the right direction first.
- Ms. Leed: Re-do the parking. The county's comments are serious.
- Mr. Povall: We have met the code.
- Mr. Pinto: But you're in the 100 foot wetland boundary.
- Mr. Valdati: Does the current building conform to the current zoning code?
- Mr. Roberts: It is pre-existing non-conforming with site plan approval.
- Mr. Valdati: When a building is non-conforming doesn't it have to modify to current zoning?
- Mr. Roberts: There are provisions Robert but I would have to get back to you on that, but quite frankly this should come from the Zoning Administrators office.
- Mr. Valdati: But I notice that there is no one here from the zoning office.
- Mr. Fanuele: It is a religious holiday for her today. Bill, meet with the professionals and then come back.
- Mr. Povall: 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
Eva Nardone - Architect
Michelle Ostrow - Engineer

Mr. Hibbs: We have revised our drawings based on the comment letters from the professionals. We realize there are three major comments from F.P.Clark. Most important is the wetland mitigation. The drainage swale there was placed there by the town to help mitigate water from Van de Water to the creek. We needed to prove that we could demonstrate the parking could be built so that we can bank some of the spaces. The church uses the upstairs at one time and then moves down to the fellowship hall with the same people.

Mr. Fanuele: So you don't want to call it a wetland?

Mr. Hibbs: The church allowed an easement to help the town with the water problems.

Mr. Fanuele: No good deed goes un-punished. David will get back to you on that.

Mr. Hibbs: Another item is that we initially presented a two phase project and now due to financial concerns we are looking at a three phase project. Phase I would be the hall, phase two would be north transept and interior stairs and phase three would be the south transept. This would allow flexibility in these economic times.

Mr. Gray: The PB might not want to approve this without time limits.

Mr. Roberts: The site plan would have three years for completion according to our code. We need David here to answer this.

Father Alex: We were thinking three years for phase one and everything being completed in about seven years.

Mr. Fanuele: You would have to come back for approval for phase three. Seven years is quite a long time.

Mr. Hibbs: So if you approve all three phases and they exceed the time frame then we would have to come back?

- Mr. Roberts: If you receive approval we can accommodate most of your needs but not out to seven years. David cannot recall any phased projects so we should study the impact of three phases. If you don't complete it then it expires on the incomplete phase.
- Mr. Valdati: I would like to see all things answered and complete before we set a public hearing. We should not be setting public hearings until we have all questions answered.
- Mr. Roberts: I agree with you.
- Mr. Gray: The status of the wetland needs to be resolved as well. You will need a permit to disturb it.
- Ms. Ulker-Kacar: Most of our comments are minor except for the wetlands.
- Mr. Hibbs: That's fine then, I'll resubmit. Thank you.

09-3183 / Dutchess Community Living (H.V. Cerebral Palsy): To discuss a proposed facility consisting of 14 apartments and one caretaker/manager apartment in a one-story residence of 13,312 sq. ft with a partial basement of 3,000 sq. ft. for individuals who experience disabilities. The project is located at **150 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-322214** in the Town of Wappinger.(Yager)

- Present: Howard Yager - Applicant
Will Stevens - Attorney
Robert Amatuli - Tecton Architects
- Mr. Stevens: We are looking to develop a 14 unit housing development for people with disabilities. We are looking at the flat side of land between the Mason's and Myers Corners Elementary School on Myers Corners Road. We have presented our proposal before the Town Board in 2007 and in 2008. We are here for your conceptual review.
- Mr. Amatuli: This would be a 2.27 acre subdivision with the ground sloping toward Myers Corners Road. *Gave overview of the proposed project.*
- Mr. Stevens: This application will be for a subdivision and a site plan.
- Mr. Amatuli: We are proposing a two lane drive up to a circular driveway with 24 parking spaces. The code requires 17 spaces and so we are in excess. We show a residential look and we find no wetlands on the site. *Continued to describe the site and showed elevations of the proposed building to the PB.*
- Mr. Fanuele: Where would the caretaker's cottage be?
- Mr. Amatuli: Explained to the board.

- Ms. Leed: What about screening to the school?
- Mr. Amatuli: There would be heavy screening and there is a 4 foot fence there now.
- Mr. Roberts: How do you expect to comply with the current zoning of this property? Are you claiming an exemption?
- Mr. Amatuli: We are considered a single family residence under the Padaban law. We have gone through the proceedings with the town and as a matter of fact this has been endorsed by the Town Board as a project under the mental hygiene law.
- Mr. Roberts: When were you before the TB?
- Mr. Amatuli: On March 20, 2008.
- Mr. Gray: Is this in the water and sewer district?
- Mr. Amatuli: I'm not sure.
- Mr. Gray: Are you aware that we have our own wetland law?
- Mr. Roberts: Look at the previous projects for this site. This is an ambitious project for this site. There are drainage and soil concerns on this parcel. The Astor school also looked at this site.
- Mr. Amatuli: Thank you.

09-3184 / Lloyd's Parcel: To discuss amending the June 13, 2006 site plan approval to remove the sidewalk from the plan, to include a stockade fence and to relocate proposed trees. The project is located **between Old Route 9 and Route 9** and is identified as **Tax Grid No. 6157-02-604765** in the Town of Wappinger. (Povall)

- Present: Bill Povall - Engineer
- Mr. Povall: We are here to talk about amending the site plan for Lloyd's Elgen. The building is almost complete and we are here to talk about the sidewalks that were approved in the site plan. We would like to remove the sidewalks since they go nowhere. *Discussion followed regarding the removal of the sidewalks, adding a fence and relocating some of the landscaping.*
- Mr. Fanuele: We would need to talk to David about this.
- Mr. Roberts: The County raised this issue with the Spooge project.

- Mr. Povall: The owner is willing to add a note that they can be put in at a later date if necessary.
- Mr. Fanuele: I suggest we do a site visit to this site and the street in general. We will go Thursday, April 23rd at 9 am.
- Mr. Gray: Would a public hearing be required?
- Mr. Roberts: This would be just a material change.
- Mr. Povall: Thank you.

Hudsonia: Presentation on the habitats of the Blanding’s Turtles in Wappinger and the surrounding area.

Mr. Eric Kvitek and Tanessa Hartwig gave a presentation on the Blanding’s Turtle for the planning board.

- Mr. Valdati:** **Motion to go into executive session.**
Mr. Pinto: Second the motion
Vote: All present voted aye.
- Mr. Valdati:** **Motion to come out of executive session.**
Ms. Leed: Second the motion
Vote: All present voted aye.
- Mr. Pinto:** **Motion to adjourn.**
Mr. 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