

MINUTES

Town of Wappinger Planning Board
May 18, 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	Mrs. Smith:	Member

Others Present:

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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearings:

St. Gregory's Church	-Vote on June 1 st , 2009.
Chelsea Ridge WWTP	-Vote on June 1 st , 2009.

Discussions:

Kidz Town of Wappinger	-Vote on June 1 st , 2009.
Mid Hudson Chinese Church	-Public Hearing on June 15 th , 2009.
Rail Trail	-Public Hearing on June 15 th , 2009.
Villa Borghese	-Discussion on June 15 th , 2009. Site visit on May 30 th .

Conceptual:

Union Square	-To submit a site plan.
Quick Cash	-Public Hearing on June 1 st , 2009.

Mr. Valdati: **Motion to elect Marsha Leed Vice Chairwoman of the planning board.**
Mr. Pinto: Second the motion.
Vote: All present voted aye.

Mr. Valdati: **Motion to approve the minutes for March 16, 2009.**
Mr. Kickham: Second the motion.
Vote: All present voted aye.

Mr. Valdati: **Motion to approve the minutes for April 6, 2009.**
Mr. Kickham: Second the motion.
Vote: All present voted aye.

08-3176 / St. Gregory the Theologian Orthodox Church: To discuss a three 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

Ms. Leed: **Motion to open the public hearing.**
Mr. Kickham: Second the motion
Vote: All present voted aye.

Mrs. Roberti: All the mailings and the legal notice have been properly presented.

Mr. Hibbs: This project is a building expansion that has been proposed by St. Gregory’s Church on Van de Water and Route 376. It’s an existing 6,000 sf church building on 3.27 acres. It has two other structures on the property, a rectory and a classroom building. The church would like to add to the fellowship hall on the east end of the church in the first phase. The second phase would be an addition off of the north end which would be to add more restroom space as well as more worship space upstairs. The third phase would be to create a similar wing on the south side. *Explained the project to the public.*

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

Mr. Plass: Bill Plass, 1500 Route 376. I am concerned with the additional water runoff this might create and the additional traffic. With the additional asphalt there will be runoff of gas and oil. There will be more light as well.

Mr. Hibbs: This will not be additional buildings but rather additions to the existing church.

Mr. Plass: Is this considered a non-conforming use and what about the impact to our wells with the additional bathrooms?

- Mrs. Lukianoff: This use is allowed in this zoning district.
- Mr. Roberts: The federal law allows churches in residential districts.
- Mr. Plass: What about an architectural review of this and is this the only public hearing this will have?
- Mr. Hibbs: We have the elevations here for you to see. *Showed the elevations to the public and the PB.*
- Mr. Plass: What about the environmental concerns?
- Ms. Zerfas: We will be tying into the existing septic system and we don't expect the usage to increase.
- Mr. Plass: What about the stream?
- Mr. Hibbs: This is a protected stream and the PB and the professionals are very protective of it. Measures will be taken to protect the stream. The well is out here near Route 376 and it is currently shallow. We are looking at going deeper or looking at alternative methods.
- Mr. Roberts: We have no jurisdiction over water and septic. That is totally up to the DCHD which is their jurisdiction.
- Mr. Plass: So I can take that up with them?
- Mr. Gray: Yes, you can speak to Peter Marlow at the HD.
- Mr. Roberts: Any approval from this board is contingent upon approval from the DCHD. Without that approval this project cannot move forward.
- Mr. Plass: The legal notice refers to SEQRA, can you explain?
- Mr. Roberts: Those are delegated powers that are transferred to the town and the town analyzes the EAF and makes a determination based on SEQRA.
- Mr. Plass: Thank you.
- Mr. Fanuele: Is there anyone else with a comment or question? Hearing none.
- Ms. Leed: When you resubmit could you please show the neighboring properties.
- Mr. Valdati: Motion to close the public hearing.**
Mr. Pinto: Second the motion
Vote: All present voted aye.
- Mr. Valdati: Motion to authorize the planner to write a resolution for June 1, 2009.**
Mr. Pinto: Second the motion.
Vote: All present voted aye.

Mr. Hibbs: Thank you.

09-3180 / Chelsea Ridge Apartments WWTP Replacement: To discuss the replacement of the old WWTP process tankage and building. The property is located at **One Chelsea Ridge Drive** and is identified as **Tax Grid No. 6056-01-468615** in the Town of Wappinger. (Delaware Engineering)

Present: Brian Suozza Engineer

Mr. Pinto: Motion to open the public hearing.

Mr. Kickham: Second the motion

Vote: All present voted aye.

Mrs. Roberti: All the mailings and the legal notice have been properly presented.

Mr. Suozza: We are here proposing a new sewer plant in the center of the property at Chelsea Ridge. *Showed the public where this would be placed and where the apartments are. Explained the procedures to erect new sewer and de-commission old one to the public.* We will be planting shrubs around the new plant and this new process is ¼ the size of the existing system.

Mr. Fanuele: Is there anyone in the audience with a question or comment? Hearing none.

Mr. Valdati: Motion to close the public hearing.

Mr. Kickham: Second the motion

Vote: All present voted aye.

Mr. Valdati: Motion to authorize the planner to write a resolution for June 1, 2009.

Mr. Pinto: Second the motion.

Vote: All present voted aye.

Mr. Suozza: Thank you.

09-3185 / Kidz Town of Dutchess: To discuss a proposal for a children’s daycare facility consisting of 2,200 sq. ft. of existing office space in Hark Plaza, Building 3 and including a proposed 25’ X 40’ fenced in playground. The property is located at **1299 Route 9** and is identified as **Tax Grid No. 6157-04-567483** in the Town of Wappinger. (Day)

Present: Mark Day Engineer
Danielle & Brian Canero Applicants

Mr. Day: We are looking to construct a playground that would be 40’ X 25’ on the side of the Hark Plaza building. We have shifted the playground toward the parking lot and have added bollards. There is an existing walkway and we will add a gate to the playground. We intend to move the refuse container onto a pad with a 6’ high stockade fence. The existing well has been abandoned in the easement when water was brought to Indian Village. The easements have been abandoned as well. The planner had comments regarding the survey and we had an alter survey. Per the code we need 105 spaces and we show 6 spaces for 6 employees. This existing parking was approved using the old code with 1 space for every 300 of sq. ft. This parking lot is almost always empty.

- Mr. Fanuele: How will traffic flow for the drop offs?
- Mrs. Canero: The staff comes out and greets the parents and receives the child and has the child ready for pick up at the end of the day.
- Mr. Roberts: What is the maximum number of children you will have?
- Mrs. Canero: Between 28 and 30 children.
- Mr. Fanuele: Your getting state approval for this?
- Mrs. Canero: Yes once I have a CO and DCHD approval.
- Mr. Day: It's sort of a catch-22 for them. Both want the other done first.
- Mr. Fanuele: Does the sidewalk exist?
- Mr. Day: We will be extending it.
- Mr. Valdati: The safety issues seem to be addressed.
- Ms. Leed: Is the parking conformance ok?
- Mr. Day: I believe so. This is shared parking between the other parcels for the site.
- Mr. Gray: If this was for an office or no playground was proposed they wouldn't even be here.
- Mr. Fanuele: If the parking lot is full how do the parents turn around?
- Mr. Canero: The aisle is wide enough to turn around.
- Mr. Day: The work will be done within a weekend. We will put comments on the plan and we will modify the fence detail.
- Mr. Gray: Dedicate some parking in the front of this for the daycare.
- Mr. Day: At the last meeting you said you would waive the public hearing.
- Mr. Valdati: The public hearing is not required for this. I move the resolution to be prepared for June 1st and add the NYS license agreement to the resolution.**
- Mr. Kickham: Second the motion
Vote: All present voted aye.
- Mr. Valdati: I move that a letter go to the TB to extinguish the easements there if they are not already done.**
- Mr. Kickham: Second the motion
Vote: All present voted aye.

Mr. Day: Thank you.

08-3166 / Mid Hudson Chinese Christian Church – To discuss a proposal for a new two-story 5,600 sf building which would be 2,400 sf for a gymnasium and 3,200 sf for classrooms/office in an R-40 zoning district on 4.04 acres. The property is located at **306 All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-966715** in the Town of Wappinger. (Bodendorf)

Present: Michael Bodendorf - Engineer

Mr. Bodendorf: We have received our variance for the side yard setback from the ZBA. Our neighbor Mr. Trosie would like additional screening and the land banking of some of the spaces that abut him. We have added 14 additional Alberta Blue Spruce. Mr. Stolman wanted white pine but I believe the spruce is thicker and provides better screening.

Mr. Lange: That's fine.

Mr. Bodendorf: David also wanted more trees behind the dumpster and we have no problem providing that as well. The engineer's comments were with the drainage and the sheet flow. We will add more grading to the existing swale.

Mr. Gray: Clarify that on the plans and show the drainage.

Mr. Bodendorf: The county letter refers to sidewalks and abandoning additional parking spaces.

Discussion took place regarding sidewalks and PS.

Mr. Fanuele: Put extra details on the map and send it back to DCP.

Mr. Bodendorf: I have the building elevations here and we are looking to match what already exists. We are showing brick and vinyl siding. The applicant would also like to add some rock and we can bring in some samples to show you.

Mr. Fanuele: Yes bring some samples in.

Mr. Bodendorf: We'll show 2 or so renderings.

Mr. Pinto: Motion to set the public hearing for June 15, 2009.

Mr. Valdati: Second the motion

Vote: All present voted aye.

Mr. Bodendorf: Thank you.

09-5148 / Rail Trail: Seeking approval for a commercial driveway to gain access to their usable property. The location is at the **end of Airport Drive** and is identified as **Tax Grid No. 6259-04-908414** in the Town of Wappinger. (Povall)

Present: Bill Povall - Engineer
Frank Buyakowski - Applicant

Mr. Gray: We had a meeting about three months ago and we discussed what to show as to future development.

Mr. Povall: In 2004 we had an application to subdivide in order to extend Airport Drive. We received final approval contingent on receiving DEC & ACOE approval. We applied to both and it took a very long time to do the studies required. In that time the subdivision approval lapsed. In the fall of 2008 we reapplied with the road width reduced from 36 ft. to 24 ft. because of the DEC. We had hoped to get a waiver from the town but according to the letter from AL Roberts the requirements cannot be waived and the DEC is fighting us on that. Of the 40 plus acres, 11.5 acres is useable land so now we are looking for a commercial driveway. The DEC recognizes that there is a lot of useable land there.

Mr. Roberts: The DEC won't allow more than 24 feet width for a single user. They might allow 36 feet in the future if for more than two users.

Mr. Buyakowski: The DEC will allow 2 or 3 users but at this point I can't even get in there to present the property.

Mr. Valdati: If at some time in the future you have two or three users will 24 feet suffice?

Mr. Roberts: It depends on what the uses would be. They would need to come in with site plans.

Mr. Gray: 24 feet will handle the traffic.

Mr. Povall: Route 52 is only 24 feet wide. To gain access we need to go through the wetland and we need a driveway to get approval from the DEC.

Mr. Roberts: We should get together to discuss this and try to get more research on this for the June meeting and then we can set the public hearing to close all the loopholes.

Mr. Lange: How many feet are you proposing for the cul de sac?

Mr. Povall: 100 feet.

Mr. Valdati: Motion to set the public hearing for June 15th, 2009.

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Povall: Thank you.

09-3186 / Union Square – To discuss a proposed bank and office/retail buildings on 19.56 acres in a PI zoning district. The property is located at **16 Myers Corners Road** and is identified as **Tax Grid No. 6157-02-715890 & 682906** in the Town of Wappinger. (Lund/Day)

- Present: Bill Povall - Engineer
- Mr. Lund: This is a conceptual plan set on two parcels. One parcel of 2.89 acres would house a bank and the other 16.67 acres would be for retail, office. We have received a letter from Mrs. Lukianoff that retail is not allowed in a PI zoning district so we may have to change that. There are a lot of wetlands here and we are proposing an entrance opposite the Hollowbrook entrance where there is a light already in place. Chase Bank has already contacted us about hooking up with sewer that we have access too. This is a difficult site and we are aware of that.
- Mrs. Lukianoff: Retail is not allowed and the code does not support a SUP for this either. It's not allowed period.
- Mr. Lund: Is this set to be rezoned?
- Mr. Roberts: You would need to wait for the master plan to be approved.
- Mr. Fanuele: Why do you have the ATM window in the rear?
- Mr. Lund: It is at the bank's request. Can I make this all office for now and land bank some parking spaces and then come back at a later time for the retail use?
- Mr. Roberts: If the PI zone goes to either HB or HD it would be possible. It would depend on what's approved. You should contact the TB regarding this.
- Mr. Gray: Your biggest hurdles will be the DEC & ACOE.
- Mr. Lund: We have already submitted to them and the DEC has already addressed this.
- Mr. Fanuele: Did you submit to the DPW yet?
- Mr. Lund: Yes but have received no response yet.
- Mr. Fanuele: Does the board have any major concerns with this?
- Mr. Kickham: The buffer encroachment.
- Mr. Valdati: This sounds like a decent project.
- Mr. Fanuele: On the next maps, show us the entrances.
- Mr. Lund: Hopefully I'll hear from the DCDPW & ACOE soon. Thank you.

09-4039 / Quick Cash – To discuss a proposed pawn shop requiring a Special Use Permit located in a HD zoning district. The property is located at **1708 Route 9** and is identified as **Tax Grid No. 6158-02-543530** in the Town of Wappinger. (Degnan)

Present: John Degnan - Owner of building
Joe Di Candido - Applicant

Mr. Degnan: We have just received approval for the Pawn Shop from the TB and now we need a SUP.

Mr. DiCandido: We follow all the banking rules and we are licensed by Dutchess County to buy gold. This will be our 13th outlet. We work with local law enforcement for over 30 years. We photograph everyone we do business with which also includes photo ID. In this economic environment we are finding a need for our services.

Mr. Fanuele: Has the local law been filed?

Mr. Roberts: I will have to check with the Town Clerk if it has been sent to Albany yet. This requires a license from the town. You will need to submit a map of the sq. ft. usage and then we can schedule your PH.

Mr. Degnan: Joe has been delayed already 3 months, is there any way to fast track this?

Mr. Fanuele: We will discuss this in executive session.

Ms. Leed: How much space will you be using?

Mr. Degnan: 1200 sq. ft.

Mr. Roberts: The license should be issued shortly and this board needs to grant a SUP.

Mr. Pinto: 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. Kickham: Second the motion

Vote: All present voted aye.

Mr. Roberts: If the license is not issued by June 1, 2009 then the resolution would have that included as a condition.

Mr. Valdati: Motion to set the public hearing for June 1, 2009 and authorize a resolution to be written for June 1, 2009 as well.

Mr. Pinto: Second the motion

Vote: All present voted aye.

Mr. Degnan: Thank you.

Mr. Valdati: **Motion to go into executive session.**
Mr. Kickham: 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. Kickham: **Motion for a resolution to allow the professionals to update and review existing forms.**
Mr. Valdati: Second the motion
Vote: All present voted aye.

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: Andy Learn - Engineer
 Gino Porco - Applicant
 Jon Adams - Attorney
 Lou Fiorese - Architect

Mr. Roberts: Villa Borghese has pled guilty in court and they agreed to a \$28,000 restoration bond.

Mr. Adams: The bond should be less since they did not remove top soil and the fabric is just crushed stone.

Mr. Gray: The top soil should have been removed since it decomposes under blacktop. This would be a bond for restoration of the site just in case this site plan is not approved.

Mr. Roberts: They altered the site without an approval which is why they paid a fine and the proposal was to post a bond to restore the site subject to PB approval.

Mr. Valdati: Mr. Gray, did your office look at what a reasonable cost for restoration would be?

Mr. Gray: Yes, it's \$28,000.00.

Mr. Adams: We disagree with that.

Mr. Porco: There were only trees there and it took only one week to complete that work.

Mr. Roberts: Gino the PB cannot entertain this site plan with any violations there. This is a nominal sum for a Surety Bond. The bottom line is that we want to get from point A to point B and go forward. Jon I do have a question. I note that in Dave Stolman's review letter it refers to Stanley Porco as the owner.

Mr. Adams: The owner is Widmer Inn Corp.

- Mr. Porco: Stanley is the president and I am the vice-president of the corp.
- Mr. Learn: We propose to add 40 parking spaces along the north side and to landscape the property along Widmer Road. This site plan would also include lighting and general site improvements.
- Mr. Valdati: How many p.s. are required?
- Mr. Adams: 159 p.s. are required and we will provide 161 p.s.
- Mr. Gray: What was approved in the 1980's?
- Mr. Adams: 161 p.s.
- Discussion followed at the PB table.*
- Mr. Fanuele: Why can't we take today's plan and figure out what's needed and approve that.
- Mr. Roberts: We still need to know what was approved in 1987 in order to move forward.
- Mr. Fanuele: There is a mention of a retaining wall. How high would that be?
- Mr. Learn: No more than 5 feet.
- Mr. Fanuele: We should go out and do a site visit.
- Mr. Valdati: I would also like to see the maps and the site.
- Mr. Fanuele: We will have a site meeting on May 30th, 2009 at 9:00 am and we will put you on the June 15th, 2009 agenda.
- Mr. Valdati: Motion to adjourn.**
- Mr. Pinto: Second the motion.
- Vote: All present voted aye.

The meeting ended at 10:15 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board