

MINUTES

Town of Wappinger Planning Board
July 6, 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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Hunt Subdivision	-Closed PH, Vote on Prelim & Final approval, August 17 th , 2009.
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Discussions:

Rail Trail	-Granted approval as amended.
Lloyd's Parcel	-Granted approval as amended.
AW Scrap Processors, Inc.	-To discuss on July 20 th , 2009.

Extensions:

Thomas Subdivision	-Granted first 90-day extension for subdivision approval.
Lands of Barry	-Granted first 6 month extension on prelim. approval.
La Fonda Del Sol	-Granted first 6 month extension for final site plan approval.

Conceptual:

Zeller Subdivision	-To submit a subdivision application.
Dutchess Land Dev. Subd.	-To discuss on August 17 th , 2009.

09-5149 / The Town of Wappinger will conduct a Public Hearing pursuant to Article 276 of the Town Law on the application of **Hunt Subdivision**. The applicant is seeking approval for a 2 lot subdivision on 33.94 acres in an R-40 Zoning District. The property is located **1061 Route 376** and is identified by **Tax Grid No. 6358-03-414490** in the Town of Wappinger. (Gillespie)

Present: Michael Gillespie - Engineer

Mr. Pinto: **Motion to open the public hearing.**

Mr. Kickham: Second the motion

Vote: All present voted aye.

Mr. Roberts: Did we get any comments from the county on this?

Mrs. Lukianoff: Barbara called DC Planning and spoke with Nola the senior planner who said they only look at subdivisions if they require a SUP, area variance or a zoning change. Otherwise they have no jurisdiction.

Mr. Roberts: Even on a state road. Mike you may want to clarify so there isn't a cliché here.

Mr. Gillespie: I figured since we were up against the Town of East Fishkill, but we will check it out.
Went over the project for the board.

Mr. Lange: *Went over his review memo regarding rain gardens, etc.*

Mr. Gillespie: I forwarded all of these comments over to Mike Norwicki our wetland specialist today for comment.

Mr. Lange: The FPB mentioned that they would like to see fire access.

Mr. Gillespie: Fine.

Mr. Valdati: **Motion to close the public hearing.**

Mr. Kickham: Second the motion

Vote: All present voted aye.

Mrs. Smith: **Motion to authorize the planner to write the resolution for preliminary and final approval.**

Ms. Leed: Second the motion

Vote: All present voted aye.

Mr. Fanuele: We will place this on the August 17th, 2009 agenda for a vote.

Mr. Gillespie: Thank you.

09-5148 / Rail Trail: To vote on site plan 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) (PH Open & Closed 6-15-09)

Present: Bill Povall - Engineer

Mr. Fanuele: Any comments on this resolution.

Mr. Povall: Can we go through the resolution. On page 3 of 7, item 3 of 7, 3d. Can we have clarification of “amphibian crossing”. This was discussed quite a while ago with the DEC and they are the ones looking to provide this crossing. So I think this is a DEC issue and if they find it acceptable then is it necessary for further review on this and have it in the resolution?

Mr. Lange: We agree to that.

Mr. Povall: So the condition can read that we will provide your office with the proof from the DEC.

Mr. Lange: Yes.

Mr. Povall: On page 4g, the SWM that we are proposing in this area is fixed for a 30 ft. wide road that we were working on earlier in the project so we don’t see that any further work needs to be done on the SWM. So as far as labeling this we don’t feel it’s necessary.

Mr. Lange: That’s acceptable if there will be no further development without coming back.

Mr. Valdati: So we will eliminate that.

Mr. Povall: 4i, we are not proposing any easements at this time.

Mr. Roberts: I don’t think you need an easement agreement until the time occurs but maybe just put a note that “when and if”. There was a TB reference for the pedestrian and utility easement in a TB resolution. I would like you to specifically identify the resolution for those and the date the document was signed in a note on the map.

Mr. Povall: Ok. Lastly, 4j, DC Planning said this was a matter of local concern so this item is not appropriate.

Mr. Gray: You met that condition.

Mr. Fanuele: So we can vote and amend the resolution tonight.

Mr. Valdati: **Motion to approve the resolution as amended.**

Mr. Pinto: Second the motion.

Roll call: Mrs. Smith Aye.

Ms. Leed: Aye.

Mr. Pinto: Aye.

Mr. Kickham: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Mr. Povall: Thank you.

09-3184 / Lloyd's Parcel: To vote on 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: I have a few questions on this also. The planner wrote this with a five foot high fence but our intention is for a six foot high fence. This is in the first paragraph about the fourth line down. I am proposing a six foot high fence. I have changed the plans to reflect that. The rest are general questions. Everything built now is existing on the site and the as-built reflects that.

Discussion followed.

Mr. Lange: So the resolution will be modified that you show an as-built that reflects current conditions.

Mr. Povall: Most of item 3 has been done and shown, we already have the flood plain permit. So we should really be showing the changes only. We made the changes on the current site plan for you.

Mr. Lange: We will modify the resolution to remove those with a note that says as constructed. Is that satisfactory?

Mr. Povall: Yes.

Mr. Lange: Is everything done.

Mr. Povall: I believe everything is done as the plan shows.

Mr. Lange: Ok.

Mrs. Lukianoff: May I add that I have already gone out on an inspection of the as-built and there were only certain items that needed to be addressed.

Mr. Povall: The trees have already been relocated to the back. I believe its pretty much done except for the grass at this point.

Mr. Valdati: Move the resolution as amended.

Mrs. Smith: Second the motion

Roll call: Mrs. Smith Aye.
Ms. Leed: Aye.
Mr. Pinto: Aye.
Mr. Kickham: Aye.
Mr. Valdati: Aye.
Mr. Fanuele: Aye.

Mr. Povall: Thank you.

09-3188 / AW Scrap Processors, Inc.: To discuss their site plan for the processing of second hand materials for recycling and the sale of used auto parts. The property is in an R-80 zoning district on 26.423 acres and is located at 1980 Route 9D and is identified as **Tax Grid No. 6056-02-688723** in the Town of Wappinger. (Barger)

Mr. Fanuele: AW Scrap has been pulled.

Mrs. Lukianoff: I received a phone call from Mr. John Sarcone who indicated to me that after a discussion with Al Roberts and David Stolman that it was recommended that the meeting that they would next appear at would be July 20th, 2009. It seems the professionals have not had enough time to review this.

Mr. Roberts: David did not get the maps until Tuesday of last week and the report needed to be out by Thursday and that wasn't enough time.

Mr. Fanuele: The PB has no problem with putting this onto the July 20th agenda.

08-5141 / Thomas Subdivision. Seeking their first 90-day extension on final subdivision approval for a 2 lot subdivision on 22.1 acres in an R-40 Zoning District. This extension would start on July 21, 2009 and run through October 19, 2009. The property is located at **197 Riverview Drive** and is identified as **Tax Grid No. 6056-02-706819** in the Town of Wappinger. (Bodendorf)(Final subdivision approval was granted on January 21, 2009.)

Mr. Kickham: Motion to grant their first 90-day extension for subdivision approval.

Mr. Valdati: Second the motion

Vote: All present voted aye.

08-5143 / Lands of Stephen & Kim Barry Subdivision. Seeking their first 6 month extension on preliminary subdivision approval for a 3 lot subdivision and lot line realignment on 6.88 acres in an R-20/40 Zoning District. This extension would start on July 21, 2009 and run through October 19, 2009. The property is located at **2486 Route 9D** and is identified as **Tax Grid No. 6157-01-283844 & 266833** in the Town of Wappinger. (Barger)(Preliminary approval granted on January 21, 2009.)

Mr. Kickham: Motion to grant their first 6 month extension for preliminary subdivision approval.
Mr. Valdati: Second the motion
Vote: All present voted aye.

05-3116/ La Fonda Del Sol –Seeking their first six month extension for final site plan approval for a revised site plan for a restaurant, retail space and a stand alone bank totaling 27,225 sf in an HB zoning district.. This extension would begin on July 21, 2009 and run through January 15, 2010. The property is located on the corner of **Old Hopewell Road & Old Route 9** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (PH: 2-6-06 / LA: 1-17-06)(Closed PH 3-3-08, received an extension from the applicant to November 5, 2008.)(Received final site plan approval on July 21, 2008.)

Mr. Pinto: Motion to grant their first 6 month extension on final site plan approval.
Mr. Kickham: Second the motion
Vote: All present voted aye.

09-5150/ Zeller Subdivision: To discuss a 3 lot subdivision on 16.124 acres in an R-40 Zoning District. The property is located on the **NE – NW side of Maloney Road** and is identified as **Tax Grid No. 6259-02-840815** in the Town of Wappinger. (Barger)

Present: Richard Barger - Engineer

Mr. Barger: This is a 3 lot parcel on 16 acres of land on the intersection of Maloney and Daley Road. There exists on this property three existing houses with their own wells and septic. The owner would like to separate each one so that he can sell them.

Mr. Fanuele: So right now there are three houses on one parcel?

Mr. Barger: Correct.

Mr. Fanuele: How will you get access?

Mr. Barger: They all have their own driveways now. I met with DCHD and they will consent to file once I have preliminary approval from the town.

Mr. Valdati: Our Zoning Administrator states that the three lots do not meet the front yard setback requirements.

Mrs. Lukianoff: But they are pre-existing, that was just for your information.

Mr. Fanuele: I think we are all in favor of a formal application.

Mr. Barger: Thank you.

09-5151/ Dutchess Land Development Subdivision: To discuss a 12 lot subdivision with only 1 lot in the Town of Wappinger on 3.2 acres in an R-80 Zoning District, the balance of the subdivision on 12.41 acres will take place in the Town of Fishkill. The property is located on the **East and West side of Smithtown Road** and is identified as **Tax Grid No. 6256-01-201598/236657 (T/Fishkill) & 6256-01-210678 (T/Wappinger)** in the Town of Wappinger. (Barger)

Present: Richard Barger - Engineer

Mr. Barger: This is a 12 lot subdivision with one lot in Wappingers and 11 lots in Fishkill. We have already been in front of the PB in Fishkill and we have received preliminary on the 11 lots. The maps are at the DCHD at this time. The Fishkill PB has sent us here to receive your approval for the remaining 3.2 acres lot. These will have central sewer with individual wells. I have to have the signatures of both boards to file this map.

Mr. Roberts: I think in the past when this has occurred both boards looked at this. Here the lot is entirely within the boundaries of our town. You are not doing anything but confirming the boundary line of the Town of Wappinger and the Town of Fishkill.

Discussion followed regarding procedures. Bob Gray and David Stolman to discuss and review previous application and any review letters.

Mr. Barger: Thank you.

Mr. Valdati: Motion to adjourn.

Mr. Kickham: Second the motion.

Vote: All present voted aye.

The meeting ended at 8:05 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board