

# MINUTES

**Town of Wappinger Planning Board**  
**September 9, 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
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**Others Present:**

Mr. Gray,	Engineer to the Town
Mr. Roberts,	Attorney to the Town
Mr. Stolman,	Planner to Town
Mrs. Roberti,	Secretary

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SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

**Public Hearings:**

Spooge, Inc.	-Closed public hearing, to resubmit with changes.
Zeller Subdivision	-Adjourned Public Hearing to October 5, 2009.

**Discussions:**

Friendly Motorcars	-To resubmit.
BVM Builders, Inc.	-Approved resolution as written.
Hughsonville Fire District	-Public Hearing on September 21 <sup>st</sup> .

**Extension:**

DCH Auto Group	-Granted first 90-day extension on final subdivision approval.
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**Miscellaneous:**

HV Cerebral Palsy	-Approved Town Engineer to write letter to DCDPW.
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**Mr. Kickham:**           **Motion to approve the minutes for June 1, 2009.**  
Mr. Valdati:           Second the motion.  
Vote:                   All present voted aye.

**Mr. Kickham:**           **Motion to approve the minutes for July 20, 2009.**  
Mr. Valdati:           Second the motion.  
Vote:                   All present voted aye.

**09-3178** The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Spooge, Inc.**: The applicant is seeking approval 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  
                          Paul Pilon           - Architect  
                          Mike Witkowski   - Applicant

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

Mr. Povall:           We are proposing a 2-story office building to replace an existing building on a ¼ acre lot. We have revised the parking plan and have made the parking spaces 10 ft. wide.  
*Explained balance of the site to the public.*

Mr. Pilon:            We have created an alcove on the side of the building to buffer and hide the tower.

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

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

Mr. Povall:           I will resubmit with changes from the professional's comments. Thank you.

**09-5150** / The Town of Wappinger will conduct a Public Hearing pursuant to Article 276 of the Town Law on the application of **Zeller Subdivision**. The applicant is seeking approval for 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: Dick Barger - Engineer
- Mr. Kickham:** **Motion to open the public hearing.**
- Mrs. Smith: Second the motion.
- Vote: All present voted aye.
- Mr. Fanuele: A question came up that you may need a variance.
- Mr. Barger: For what?
- Mr. Fanuele: That you don't have enough dry land for the lots.
- Mr. Stolman: Dick I think you sort of acknowledge in your letter that the minimum yards are in the flood plain, some of them. So you will need a variance in respect to that.
- Mr. Barger: This is an R-40 zone so I need 36,000 sq. ft. of dry land which I have.
- Mr. Stolman: There are two different sections of the code. One section says that the required yards have to be dry and the other section talks about only 10% of the required lot area is allowed to be flood plain or wetlands. So you're talking about the second section, right? (Yes.) So you need a variance to the first section of the code.
- Mr. Barger: There is no way you're going to get a variance. This is existing.
- Mr. Stolman: Section 240-18 (d)(3), read section for the board.
- Mr. Roberts: Don't the three homes already exist? (Yes.) How can you impose that when the houses pre-date zoning. The Zoning Administrator has to issue an interpretation.
- Mr. Stolman: Fine. Our specialist went out and took issue with the delineation of Mike Norwicki. So we need to get that straight.
- Mr. Roberts: Richard, all the houses were built in the 40's? (Yes.) Tania won't be back until September 24<sup>th</sup> and to move forward you will need her determination.
- Mr. Gray: These homes existed before anyone ever even looked at wetlands.
- Mr. Barger: I pay a wetland specialist to flag the wetlands and David's office never agrees and so I'm paying two people. Why can't David's office just do it.
- Mr. Stolman: Mike Norwicki always says that the ACOE and the T/Wetlands are one in the same.
- Mr. Roberts: Maybe Mike Norwicki should familiarize himself with our wetland law.

**Mr. Kickham:** Motion to adjourn the public hearing to October 5<sup>th</sup>, 2009.  
**Mr. Valdati:** Second the motion  
**Vote:** All present voted aye.

**09-3191/4040 / Friendly Motorcars:** To discuss amending their site plan for a 18,171 sf addition, 44 additional parking spaces and renovations to the existing dealership which is located on 5 acres in an HB Zoning District. The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger. (Swartz)

**Present:** Mike Cornhouse - Engineer  
Don Swartz - Architect  
Mike Ostrow - Applicant

**Mr. Swartz:** We did just receive in the last few days the consultant's comments and have not had a chance to go through them.

**Mr. Roberts:** Maybe we should have a consultant meeting regarding the use of Old Post Road. There seems to be a number of issues here. I know you wanted to use a portion of the town ROW. The county still owns the road and defers maintenance to us. We all thought this was town property until the Adams property came along.

*Discussion took place regarding the ROW and Old Post Road.*

**Mr. Swartz:** We are on the T/B agenda for September 28<sup>th</sup> for discussion. What is the status of the Adam's project?

**Mr. Roberts:** We keep being told they are close.

**Mr. Stolman:** They are back to have their site plan amended and it will be contingent on outside agency approval.

**Mr. Ostrow:** We would like to jump on this with Adams to clean this area up.

**Mr. Fanuele:** Are there questions from the PB?

**Mrs. Smith:** Will the overhead doors face the street?

**Mr. Swartz:** According to Section 240-67C - Overhead doors, It refers to repairs. Basically this area will be a finished space for intake and delivery of service vehicles. It is wide open all the way through. The repairs are done over here.

**Mr. Stolman:** I agree that it will be fine.

**Mrs. Smith:** Regarding the signage, even if you move it, it is still oversized.

- Mr. Swartz: I will look into it.
- Mr. Ostrow: I don't believe it will be an issue.
- Ms. Leed: With the parking space issues, you will be working on that?
- Mr. Ostrow: We know what we need so we will work it out. We have been here for 20 years.
- Mr. Fanuele: So we will wait until you meet with the consultants and straighten out the ROW with the county.
- Mr. Gray: Our issues can be straightened out in a phone call.
- Mr. Roberts: I think it will be difficult to achieve the ROW with the county.
- Mr. Swartz: Can we circulate for Lead Agency?
- Mr. Stolman: I will give that to Barbara.
- Mr. Fanuele: Resubmit when you are ready to come back.
- Mr. Swartz: Thank you.

**07-3136 / BVM Builders Inc.:** The vote on final site plan approval for the construction of a professional office building on 5.07 acres in a CC zone. The property is located on **9D (next to Stewart's)** and is identified as **Tax Grid No. 6056-02-783920** in the Town of Wappinger. (Bodendorf)

- Present: John Miribilio - Applicant
- Mr. Mirabilio: I have brought samples of the materials that we will be using for the building. (*Showed the PB samples of rock that will be used for the piers and bottom ledge.*)
- Mr. Fanuele: We have a resolution before us tonight, are there any questions?
- Mrs. Smith: I make a motion to move the resolution as written.**
- Mr. Kickham: Second the motion
- Roll call: Mrs. Smith: Aye.  
Ms. Leed: Aye.  
Mr. Kickham: Aye.  
Mr. Valdati: Aye.  
Mr. Fanuele: Aye.

Mr. Mirabilio: Thank you.

**09-3192 / Hughsonville Fire Department** – To discuss a proposed 3,575 sf four-bay storage building for the Fire District’s equipment. The property is located at **88 Old Hopewell Road** and is identified as **Tax Grid No. 6157-01-075577** in the Town of Wappinger. (Silkworth)

Present: Wade Silkworth - Engineer  
Bruce Flowers - Fire District Official

Mr. Silkworth: We are proposing a 55’ X 65’ storage building for the fire house equipment. Portions of the pavement will be removed to accommodate this. On Mr. Gray’s comment, #4 he wants contours and we ask for a waiver on that item due to time constraints.

Mr. Gray: Are you proposing SWM.

Mr. Silkworth: There is a ditch that runs around the property here.

Mr. Gray: You will have to address that because its hard without contours. A flat site is sometimes harder to maintain.

Mr. Silkworth: There is a French drain that we would utilize.

Mr. Gray: We need some additional data; the elevation of the proposed building with spot elevation of one foot contours would be more valuable. Also I need to see SWM to evaluate the impact.

Mr. Roberts: You need to comply with MS-4 regulations from the state.

Mr. Silkworth: As for the curb cut, well and septic, these already exist on the site and are functioning properly. I don’t believe the new construction will impact the function of these.

Mr. Gray: This is a non-community water supply. You can talk to me before final. Talk to Peter Marlow and have him sign off and I’m happy.

Mr. Stolman: I need the long form EAF that refers to this project. We are looking at erosion control and the hours of construction.

Mr. Silkworth: No additional landscaping is proposed since most of the site is already buffered. No signage is proposed for this and there will be no impact to the fire house during construction.

Mr. Fanuele: We will set your public hearing for September 21, 2009.

Mr. Silkworth: Thank you.

**08-3163 / DCH Auto Group Service Center & Showroom** –Asking for their first 90-day extension on their subdivision application combining the two existing parcels into 1 conforming lot. They received final subdivision approval on March 16, 2009 and this first extension would begin on September 16, 2009 and run through December 15, 2009. The property is located at **1349 Route 9** and is identified as **Tax Grid Nos. 6157-02-585606/589645** in the Town of Wappinger. (Paggi) (LA sent 10-9-08)(Opened PH 1-21-09/Closed PH 2-2-09)

**Mr. Kickham: Motion to grant their first extension for 90-days for final subdivision approval.**  
Mr. Valdati: Second the motion  
Vote: All present voted aye.

**09-3183 / Dutchess Community Living (H.V. Cerebral Palsy):** Applicant requests Town Engineer to send letter to DCDPW outlining water improvements required of HBCPA. The project is located at **150 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-322214** in the Town of Wappinger. (Lapine)

Mr. Fanuele: They would like Bob Gray to send a letter to the DCDPW for them.

**Mrs. Smith: Motion to authorize the Town Engineer to send a letter to the DCDPW.**  
Mr. Kickham: Second the motion  
Vote: All present voted aye.

**Mr. Valdati: Motion to adjourn.**  
Mrs. Smith: Second the motion.  
Vote: All present voted aye.

The meeting ended at 8:10 p.m.

Respectfully submitted,

Barbara Roberti, Secretary  
Town of Wappinger Planning Board