

MINUTES

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

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mr. Kickham:	Member
Ms. Leed:	Member	Mrs. Smith:	Member
Mr. Valdati:	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 Hearing:

MJD & Sons, Inc.	-Approved final subdivision as written.
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Discussions:

Friendly Motorcars	-Public Hearing on January 5, 2010.
HV Cerebral Palsy	-To resubmit.
Osborne Square	-To resubmit.
Bre-Del Enterprise	-Agreed on wetlands
Del-Tra Holdings	-To resubmit.
Villa Borghese	-To resubmit.

Extensions:

BVA Construction	-Accepted a 6 month extension on closed PH.
DCH Subdivision	-Granted second & final 90-day ext. on final subd.
Kirk Subdivision	-Granted 6 month extension on preliminary approval.

Conceptual:

DC Pistol Assoc.	-To submit amended site plan.
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Mr. Kickham: **Motion to approve the minutes for October 5, 2009 as amended.**
Mr. Valdati: Second the motion.
Vote: All present voted aye.

04-3082 / The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **MJD & Sons**. The applicant is seeking approval of amending their site plan and to add a Phase 1A component for parking of construction equipment. The project is located on **Airport Drive** and is identified as **Tax Grid No. 6259-04-647405** in the Town of Wappinger. (Povall)

Present: Bill Povall Engineer
 Mike DeVitto Applicant

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

Mr. Povall: *Gave overview of the project for the public.* We applied in 2002 for approval to build two buildings. Due to the economy the site has not yet been built. Since then there have been two changes. The Verizon cell tower and a parking area in front of proposed buildings for temporary construction vehicles. This would be called phase 1A.

Mr. Hanson: Bill Hanson, 66 Hackensack Hgts. Where are the houses near this?

Mr. Povall: Pointed out residences nearest the site.

Mr. Fanuele: Anyone else in the audience? Hearing none.

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

Mr. Gray: What about the fuel tanks?

Mr. Povall: The tanks will be put in at a later date.

Mr. Roberts: That will occur during construction?

Mr. Povall: Yes, I will put a note on the map.

Mr. Roberts: That will be fine.

Ms. Leed: **Motion to move the resolution as written.**
Mr. Valdati: Second the motion.

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

Mr. Povall: Thank you

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: Don Swartz Architect

Mr. Swartz: Gave overview of the project for the board. There are two parking spaces for every 3 employees.

Ms. Leed: The County wanted permeable paving.

Mr. Swartz: I think one spot could be the pods. Between the weather here and the high heat that tends to get ripped up.

Mr. Gray: We agree with Don on that. It is very expensive and not much of a benefit.

Mr. Swartz: DC wants the lighting reduced drastically but then the lot would be poorly lit.

Mr. Roberts: How tall are your poles?

Mr. Swartz: 20 ft.

Mr. Lange: What about 15 feet?

Mr. Swartz: We will check. We would like a public hearing for January 5th, 2010.

Mr. Gray: The plan will be ok for the PH.

Mr. Lange: That's fine also.

Mr. Fanuele: Ok, your PH will be Jan. 5th.

Mr. Swartz: Thank you.

09-3183 / 5156 / H.V. Cerebral Palsy Assoc. –(Dutchess Community Living): To discuss a site plan and two lot subdivision on 4.78 acres in an R-20 zoning district. The site plan will consist of 14 one-bedroom units for persons with disabilities and one, one-bedroom unit for a caretaker. The project is located at **150 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-322214** in the Town of Wappinger. (Chazens)

Present: Chris Lapine Engineer
Robert Tulley Architect
Willis Stevens Attorney

Mr. Lapine: This is a group home to allow members to live a productive life. The property is 4.8 acres and we would be subdividing into 2 lots. 2.4 acres for the lodge and 2.4 acres for HVCP. This would have 14 units for members and one caretaker’s cottage. There would be 18 employees with 6 employees covering 3 shifts. Continued to give the PB an outline of plan.

Mr. Roberts: I note that your attorney is here tonight. I see the 15,000 sf project with 15 units is referred to as apartments. This is a single family neighborhood. The Padavan Law refers to family living. Can your attorney address this since this is sounding more like an apartment complex.

Ms. Leed: Does each unit have a kitchen?

Mr. Lapine: Yes.

Mr. Lange: Then that’s an apartment.

Mr. Gray: There are three applications here tonight. A site plan, subdivision and an amended site plan for the lodge.

Mr. Lange: The improvements to the lodge are trivial, they are just losing some parking which we are making up with gravel and an easement.

Mrs. Lukianoff: Then that should be separate.

Mr. Tulley: Went over plans with the PB. We show 14 units that consist of a bedroom, living area, kitchen and bath. The caretaker’s cottage also has an office and community room. Each unit has a ground patio in the front and the back.

Ms. Leed: Is there special zoning consideration for this?

Mr. Roberts: I could find nothing that you could have 15 separate access apartments.

Mr. Lange: I will supply the Padavan Law.

- Mr. Stevens: What information do you want?
- Mr. Roberts: You can continue with the project but this needs clarification. We have nothing like this in the town.
- Mr. Lange: According to the bulk table, there should be 24 spaces for the lodge and 3- for the lodge, but you only show 18 spaces.
- Mr. Lapine: We will show them in the next submission.
- Mr. Lange: You will need to show on site mitigation for the SWM.
- Mr. Gray: Did the FPB weigh in on this?
- Mr. Fanuele: They want a street number, sprinkler system and a fire alarm system.
- Mr. Lange: Drainage is going to be important here.
- Mrs. Lukianoff: The Masonic Lodge should be a separate application to keep the record keeping clean.
- Ms. Leed: Are the residents going to be local residents?
- Mr. Yeager: They will be from the Taconic region which is Dutchess and Putnam. They are high functioning individuals. Some will have jobs and need less structure.
- Mrs. Smith: So this is like a group home?
- Mr. Stevens: Explained the Padavan Law. The Town Board approved this.
- Mr. Gray: There are a couple of big issues here. For the wetlands get with F.P. Clark. The attorneys will look at the Padavan Law and we will look at the drainage and SWM.
- Mr. Lapine: Thank you.

08-3162 / Osborne Square (Formally Bank Plaza): To discuss two new commercial buildings for a total of 16,228 sf on 2.138 acres located in an HO Zoning District. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day)

Present: Kevin Lund Applicant

Mr. Lund: Our site plan hasn't changed much since March. I have dealt with the ACOE. Mike Norwicki and the ACOE met in July and we received no response yet. We have submitted two versions to the DOT and they prefer the pipe on our property. The last time I was

here I requested a PH. I'm in the process of addressing the comments from David Stolman.

- Mr. Fanuele: The site on Osborne Hill Road should be taken care of before a PH. (All members agreed we should wait.)
- Mr. Roberts: Did you do a report for the bog and Blandings turtles?
- Mr. Lund: Yes and the Indiana Bat survey too. I sent the maps and because it is 2.3 acres I was told that 10 acres is the minimum they look at. Robin Niger's sent an email which I forwarded to the town.
- Mr. Fanuele: The feelings of this board are to clear up the outstanding issues before the PH.
- Mr. Lange: Also clarify the parking spaces and which are to be land banked.
- Mr. Lund: Thank you.

08-3160 / Bre-Del Enterprises (Ciraolo): To discuss and receive clarification on the final resolution of site plan approval for the construction of a one/two story office building in an NB zoning district on .678 acres. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-02-508806** in the Town of Wappinger. (Barger)(Lead Agency sent out on September 19, 2008.)(Opened & Closed PH 12-1-08, Final Approval on January 21, 2009.)

Present: Richard Barger Engineer
Nick DeLuccia Applicant

- Mr. Barger: I'm looking for clarification on the wetland. I received a letter from the DEC and I don't believe we need either item now.
- Mr. Lange: You are within 28 feet of the Wappinger Creek.
- Mr. Barger: You all received the same complete set of maps and they also did a site visit.
- Mr. Lange: Then that's fine.
- Mr. Fanuele: Is this office and retail?
- Mr. Barger: This is just office now. We will come back if we want retail. Thank you.

09-3193 – Del-Tra Holdings, LLC: To discuss a proposed office building comprised of 4,200 sq. ft. of office space and 9,640 sq. ft. of warehouse space for a total of 13,840 sq. ft. in a GB zoning district on 1.27 acres. This property was part of the recently filed map for Airport View Commons subdivision. This parcel is located at **280 New Hackensack Road** and is identified as **Tax Grid No. 6259-04-519321** in the Town of Wappinger. (Barger)

Present: Richard Barger Engineer
Nick DeLuccia Applicant

Mr. Barger: This is 1.27 acres and there are no trees there now. We are looking at this for office and warehouse. It will have 24 spaces and the DOT has approved the entrance. We have not done all the engineering yet.

Mr. Lange: This is an unlisted action.

Mr. Gray: Change the direction of truck traffic to go around from the right side.

Mr. Lange: Anything within 200 feet of the site should be shown.

Mr. Barger: Thank you.

08-3153 / Villa Borghese – To discuss amended site plan and employee parking on current gravel area shown on map dated November 3, 2009. 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
Lou Fiorese Architect
Jon Adams Attorney
Stanley Porco Owner

Mr. Adams: We received approval in 1987 and I have that map here. We spent months looking at the emergency exit and spoke with Graham, Tania and Mark about it. By not doing it we can introduce the drainage into the front.

Mr. Learn: We will go with standard pavement and catch basins. We reduced from 161 spaces to 158 spaces and we still exceed the requirement. As to sewerage disposal, the existing is aging and our soils won't support a standard system. So we are proposing a chamber with reduced flow with the balance hauled away. The DCHD promised comments this week.

Mr. Adams: Our object is to get to a PH and to work on the drainage pond sooner rather than later. The area is gravel now and we would like to use it during the application on a temporary basis. It is about 20 spaces.

Mr. Fanuele: Where does the water go now?

- Mr. Learn: Along Widmer Road. The volume will increase but the flow rate we will match flows NE and ends up in the pond across the street.
- Mr. Fanuele: So you will be increasing the water into Wildwood Development?
- Mr. Adams: In a controlled release.
- Mr. Fanuele: How can I sit here and allow you to put more water into a development.
- Mrs. Smith: You will be putting your water onto someone else's property.
- Mr. Gray: There is an increase since this parking lot was put in 8 months ago. The volume will increase and we looked at the different mitigations and we like this one best.
- Mr. Valdati: You met with the DCHD last week?
- Mr. Adams: Yes, written comments are forthcoming.
- Mr. Gray: Are you going to meet with the DEC?
- Mr. Learn: We don't meet the threshold for a permit.
- Mr. Gray: But you need 2 permits so we are interested with your filings with the DEC. Sewerage issues must be answered.
- Mr. Learn: It will be roughly a 10,000 gallon tank with an alarm.
- Discussion followed.
- Mr. Adams: We will address all the comments and come back. Thank you.

06-5120 / BVA Construction Subdivision - The applicant is granting a 6 month extension on the closed Public Hearing before the planning board to run from December 10, 2009 through June 10, 2010. The property is located on **Kent Road** and is identified as **Tax Grid No. 6257-02-513975** in the Town of Wappinger. (Barger) *(The Public Hearing was closed on July 16, 2007 and the 62 day clock expired on September 16, 2007. The applicant granted an extension from September 17, 2007 through December 15, 2007, second extension to March 15, 2008, third extension to June 14, 2008, fourth to September 14, 2008 and a fifth extension to December 13, 2008, sixth extension to March 12, 2009 and a seventh extension to June 11, 2009, eighth extension to December 10, 2009.*

- Mr. Valdati: Motion to accept the extension for 6 months.**
- Mrs. Smith: Second the motion.
- Vote: All members voted aye.

08-3163 / DCH Auto Group Service Center & Showroom –Asking for their Second and Final 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. This second extension would begin on December 15, 2009 and run through March 11, 2010. 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. First extension granted on September 9th, 2009.)

Mr. Kickham: **Granted final 90 days extension for subdivision approval.**
Mr. Valdati: Second the motion.
Vote: All members voted aye.

06-5122 / Kirk Subdivision – The applicant is seeking their sixth extension for six months on amended preliminary subdivision approval for a 3 lot subdivision on 4.4 acres in an R-40 zoning district. The extension would start on December 31, 2009 and expire on June 30, 2010. The property is located at **97-99 Pye Lane** and is identified as **Tax Grid Number 6358-03-240218** in the Town of Wappinger. (Barger) *(The public hearing was closed on January 3, 2007 and they received preliminary approval on March 5, 2007. Amended preliminary approval on January 7, 2008, first extension until October 5, 2008, second extension to Jan. 3, 2009, third to April 1, 2009 & their fourth to July 1, 2009, Fifth extension to December 21, 2009.)*

Mr. Valdati: **Granted sixth extension on preliminary subdivision approval.**
Mr. Kickham: Second the motion.
Vote: All members voted aye.

09-3195 / Dutchess County Pistol Assoc.: To discuss a new 162 ft. X 62 ft. building to cover the existing pistol range for use in inclement weather on 14.26 acres in an R-40 zoning district. The property is located at **47 St. Nicholas Road** and is identified as **Tax Grid No. 6258-01-290900** in the Town of Wappinger. (Barger)

Present: Richard Barger Engineer
 Vince Tierney President of Assoc.

Mr. Barger: This is a 14.2 acre parcel. It has a high berm with 8 ft. fence on top. We are planning a 62 ft. by 162 ft. building. The front will be enclosed and the rest will be open for shooting. This is a permitted use in the R-40 zone.

Mr. Tierney: *Explained to the board the shooting shed.*

Mr. Fanuele: Will this increase the noise?

Mr. Tierney: No it will actually decrease the noise.

Mr. Fanuele: Submit an amended site plan.

Mr. Lange: Thank you.

Mrs. Smith: **Motion to have a letter go to the Town Board recommending Victor Fanuele to remain as chairman.**

Mr. Valdati: Second the motion

Vote: All present voted aye.

Mrs. Smith: **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.

Mrs. Smith: **Motion to send a letter to the Town Board informing them that we re-appoint Victor Fanuele, Chairman, Barbara Roberti, Secretary, Robert Gray, Engineer to the PB, David Stolman, Planner to the PB and Al Roberts, Attorney to the PB.**

Mr. Valdati: Second the motion

Vote: All present voted aye.

Ms. Leed: **Motion to adjourn.**

Mrs. Smith: Second the motion.

Vote: All present voted aye.

The meeting ended at 10:45 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board