

MINUTES

Town of Wappinger Planning Board
November 2, 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. Stolman,	Planner to Town
Mrs. Lukianoff,	Zoning Administrator
Mrs. Roberti,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

BAC Properties	-Discussion November 16, 2009.
MJD & Sons, Inc.	-To resubmit.
MegTam Subdivision	-To vote on November 16, 2009.

Extensions:

Spooge, Inc.	-Granted 90-day extension on closed public hearing.
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Miscellaneous:

Riverbend @ WF	-To discuss signage on Myers Corners Road.
Mr. & Mrs. Smart:	-To discuss re-zone of property.

Ms. Leed: **Motion to approve the minutes for October 19, 2009.**
Mr. Valdati: Second the motion.
Vote: All present voted aye.

09-3181 / BAC Properties, LLC: To discuss a full build-out of the existing site. The applicant is proposing a 19,440 sq. ft. building for office, equipment rental and a display area on 10 acres in an AI Zoning District. The property is located at **30 Airport Drive** and is identified as **Tax Grid No. 6259-04-578332** in the Town of Wappinger. (Povall)

Present: Bill Povall Engineer
 B. Ciccone Applicant

Mr. Povall: This is the former Dutchess Landscaping. They were approved for a two phase site plan for two buildings but they never built phase two which has since expired. In 2008 BAC came in for an amended site plan and took over the site. (*Went over the amended site plan for BAC for the PB.*) Now we are here to apply to build that second building similar to the one approved originally. We have made changes to the loading dock and condensed the front parking lot. The grading for phase two was completed during the original phase one of the project. We show the town wetland buffer with this new application which will need your approval. The building we are proposing will be 90' X 216'.

Ms. Leed: Do they have a tenant for this?

Mr. Povall: Not yet.

Ms. Leed: What is in the buffer?

Mr. Povall: Just parking. We are proposing a four bay for treatment of drainage.

Mr. Stolman: Are you ok with our review comments?

Mr. Povall: Regarding the screening around the parking lot, we don't want too much because we want visibility since this is commercial.

Mr. Stolman: We are only looking for town code requirements.

Mr. Povall: This is consistent with the original plan.

Mr. Stolman: So maybe the PB will ask you to modify it.

Mr. Povall: Can we have a public hearing?

Discussion took place regarding plans to be shaped up before offering to the public.

Mr. Stolman: Come back November 16th with the changes and we can set the PH for December 7th.

Mr. Povall: Thank you.

04-3082 / MJD & Sons: - To discuss 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. Povall: This site has had a discrepancy with the driveway for Verizon. The entire site plan for phase 1 & 2 hasn't changed except for the Verizon driveway. We are here to re-align the drive to the Verizon site around the SWM basin. There were concerns over paving but as of today it's paved wherever the grade is over 4%. We are here tonight to have the MJD site plan re-approved and we are now proposing a Phase 1A. This is in order to park his vehicles since he is not in a position to build right now for at least a year. Phase 1A will then be removed completely.

Mr. Fanuele: Where will the parking be once the building goes up?

Mr. Povall: After the site gets built they will park at the new Phase I site.

Mr. Stolman: Will the driveway be paved in its entirety?

Mr. Povall: Yes. The primary features have not changed.

Mr. Stolman: Mark Liebermann has sent a letter and any fuel storage will need to be approved by his office.

Ms. Leed: What happens to the gravel area then?

Mr. Povall: It will be covered with fill and then becomes a grass slope.

Mr. Stolman: We only have a few minor comments.

Mr. Fanuele: When would you start the parking area?

Mr. Povall: Once approved.

Mr. Kickham: Will the site be protected from any fuel spill or grease?

Mr. Povall: There will not be servicing of any vehicles here.

Mr. Fanuele: How long is temporary? What if there were another delay?

Mr. Gray: It could very well be there a long time. You need to look at the runoff. Look at drainage and runoff, oil collectors and separators.

- Mr. DeVitto: This was approved at one time. What about all the buses around me? I am paying large taxes for over 5 years and I haven't been able to park my trucks yet.
- Mr. Roberts: What is your plan for the next 3 years?
- Mr. DeVitto: I can't be sure. I used to have 50 pieces of equipment and now I am down to half of that.
- Mr. Gray: It could be there a long time and you can't give us assurances. 14 to 16 feet of fill will be going there.
- Mr. Povall: We will put this together and come back. Thank you.

04-5093 / Meg Tam Subdivision – To discuss final approval for a 8 lot subdivision on 90 acres in an R-80 zoning district. The property is located between **Smithtown Road** and **Cooper Road** is identified as **Tax Grid No. 6156-02-978818** in the Town of Wappinger. (Povall) (PH: 1-19-05)(Closed PH 3-17-08)(Preliminary Approval granted on 4-21-08)

Present: Bill Povall Engineer
Richard Cantor Attorney

- Mr. Cantor: We are hoping that you're ready to say this is fine, go ahead.
- Mr. Fanuele: David, on you review letter, comment 2, what does fescues mean?
- Mr. Stolman: I'm not really sure but I will check it for you.
- Mr. Povall: We have increased the size of the turn around. *Showed the PB on the map.* Only one lot has a 300 ft. driveway. The rest of the lots are much shorter.
- Mr. Fanuele: When the lots are sold do they show sharing maintenance?
- Mr. Roberts: We are already in agreement on that with Mr. Cantor.
- Mr. Valdati: It seems that we are ready for a resolution so I move that we authorize the planner to have one ready for November 16th.**
- Mrs. Smith: Second the motion
- Vote: All present voted aye.
- Mr. Povall: Thank you.

09-3178 / Spooze, Inc.: The applicant is granting a 90-day extension on the closed public hearing that took place on September 9, 2009. This extension would begin on November 10, 2009 and end on February 9, 2010. The applicant is seeking 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)

Mr. Valdati: **Motion to accept the 90-day extension for the closed public hearing.**
Mr. Kickham: Second the motion
Vote: All present voted aye.

Mr. Valdati: **Motion to go into executive session.**
Mr. Kickham: Second the motion
Vote: All present voted aye.

Mr. Kickham: **Motion to come out of executive session.**
Mr. Valdati: Second the motion
Vote: All present voted aye.

Mr. & Mrs. Smart: Follow up to previous discussion regarding their River Road property and their request to have it rezoned.

Mrs. Lukianoff: At the October 5th meeting Al Roberts said this was a 3 unit multi family. We found that it was bought in 1968 and the deed shows this as a two family. I spoke with Mrs. Smart and told her to get in tough with the previous owners for verification. This property was inspected by George Kolb and Susan Dao and there is an existing cabana and other related items that need to be legalized. Today Mrs. Smart came in and filed for a building permit.

Mr. Roberts: Mrs. Smart called me and she has located the previous owner. I told her to retain an attorney to clarify this issue and an architect to clear up the violations.

Mr. Fanuele: We should maybe see if a subdivision is possible before we recommend a re-zone.

Mr. Stolman: Another issue is that with a 2 or 3 family on a small parcel it increases its non-conformity. Our zoning law doesn't specifically say you can't so we are looking at that further.

Mr. Fanuele: Who will speak to Mrs. Smart to have her engineer draw up subdivision maps?

Mrs. Lukianoff: I will certainly relay that to her. She is finding some of the costs daunting.

Mr. Fanuele: We cannot send a recommendation unless we are sure she can subdivide this.

Mr. Stolman: Surely these questions need to be answered. The TB wants as much information as possible and not just a thumbs up or down.

Mr. Valdati: Since the applicant has not provided a plan then at this time we are only concerned with the violations.

Mrs. Lukianoff: I'll get back to her.

08-3164/Riverbend II – To discuss signage placed on Myers Corners Road.

- Present: John Furst - Cuddy and Feder
- Mr. Roberts: After a discussion with the PB they concur that you will need to go to the ZBA for a variance. The PB application will be subject to that variance.
- Mr. Furst: The PB has the authority to waive many conditions.
- Mr. Stolman: 240-29(a) and 240-29(c) speaks to the requirements for the sign. *Read from the code for the PB.*
- Mr. Furst: This property is up from the site on Marshall Road. This is similar to billboards.
- Mr. Roberts: Billboards in the town are pre-existing non-conformities.
- Mr. Fanuele: I believe this is almost 50 s.f. and for a solid sign from top to bottom they need to go to the ZBA.
- Mrs. Lukianoff: This is only 20.5 s.f. Explained signage separately from the monument.
- Mr. Fanuele: I'm looking at the sign.
- Mr. Valdati: This changes everything. Now we should have a site plan.
Discussion took place regarding the panel below the sign and the lighting.
- Mrs. Roberti: Should this go to the DC Planning office?
- Mr. Stolman: Yes.
- Mrs. Roberti: What will the fee be?
- Mr. Furst: As to the application fee, we are asking that it be waived.
- Mr. Fanuele: I'm not paying your bill. You will need escrow.
- Mr. Roberts: Get in touch with me Wednesday. You will need an application fee, escrow and we'll buck this out to everyone. We will then see you on November 16th, 2010.
- Mr. Furst: Thank you.

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

The meeting ended at 9:05 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board