

# MINUTES

**Town of Wappinger Planning Board**  
**March 1, 2010**  
**Time: 7:00 PM**

**Town Hall**  
**20 Middlebush Road**  
**Wappinger Falls, NY**

**Members Present:**

Mr. Fanuele:	Chairman	Mr. Kickham:	Member
Ms. Leed:	Member	Mr. Valdati:	Member

**Members Absent:**

Mrs. Smith:	Member	Mr. Malafronte:	Member
Ms. Bettina:	Member		

**Others Present:**

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

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SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

**Adjourned Public Hearing:**

Friendly Motorcars	-Closed PH, discussion on April 5 <sup>th</sup> .
Alexander – Parcel A	-Closed PH, applicant to resubmit.

**Attorney Client Session:**

**Discussions:**

Osborne Square	-To resubmit. Lead Agency declared.
D. C. Pistol Assoc.	-To resubmit. Sent to TB and ZBA.
WCSD Bus Parking	-Approved 50 bus & 36 employee spaces.

**Extensions:**

United Rentals	-Approved extension to March 17 only.
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**Conceptual:**

WCSD Bus Parking	-To submit site plan.
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**Miscellaneous:**

Re-zone request	-D'Agostino Property.
Re-zone request	-Conrail, LLC Property

**Mr. Kickham:**           **Motion to approve the minutes for January 5, 2010.**  
Mr. Valdati:           Second the motion.  
Vote:                    All present voted aye.

**09-3191/4040** The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 and Article VIII, Section 240-46 of the Town Law on the application of **Friendly Motorcars**. The applicant is seeking approval of 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)(PH opened on 1-20-10)

Present:                Don Swartz            Architect

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

Mr. Swartz:            Gave overview of the project for the board. There are seven concerns that the neighbors have. Went over each concern for the public with their response.

1.           Hours of operation.
2.           Noise.
3.           Delivery trucks and Fire Dept. only two to have keys for gate in the evening.
4.           Site lighting.
5.           Indiana Bats.
6.           Landscaping and screening.

Mr. Stolman:           So you are showing the back completely landscaped?

Mr. Swartz:            Yes. We would like to start the project later this year with a complete time approximately in 12 months. The seventh item would be drainage.

Mr. Kornhaas:        The blue area represents the flow as it exists away from the residents. The peach color drains toward the neighbors. Under the development of the project there would be a significant reduction in the flow.

Mr. Kickham:         What times are the deliveries?

Mr. Swartz:            It depends.

Mr. Fanuele:          So the delivery truck has to back up now?

- Mr. Swartz: Probably.
- Ms. Leed: So that location will remain the same?
- Mr. Swartz: Yes.
- Mr. Zirillo: William Zirillo, 11 Beechwood Circle. Will the fence start at the parking lot?
- Mr. Fanuele: Yes.
- Discussion followed on fence placement and height, including landscaping in rear.*
- Ms. Leed: What is the zoning setback for this.
- Mr. Stolman: Section 240-25, the buffer strip is a 20 ft. minimum.
- Mrs. Zirillo: On the record I don't approve of this.
- Mrs. Pisarek: Barbara Pisarek, 9 Beechwood Circle. Trees at 15 ft. apart serve no purpose. They do nothing for noise or screening.
- Mr. Pisarek: Why not a sound barrier wall. The gap is huge there now between the trees.
- Mrs. Pierson: Fran Pierson, 11 Beechwood Circle. The snow is high now. Come out and help me in the spring when it thaws. They plowed all the snow behind me and this is a worsening problem.
- Mr. Fanuele: This will lessen some of the drainage.
- Mrs. Pierson: Will it improve? What guarantee do I get. Please show me on the map?
- Mr. Swartz: Went over map for Mrs. Pierson.
- Mrs. Pierson: This water dictates my life. I can't leave my home if it's going to rain.
- Mr. Gray: This is over a 50% reduction.
- Mr. Fanuele: We will continue to look at the concerns you have.
- Mr. Valdati: Was the original requirements followed through from the original site plan?
- Mrs. Pierson: Original plan said no trees or mound of dirt to be removed and all were.

Mr. Swartz: A 42,000 sf building was to be erected so the hill had to come down. Can we discuss these issues with the professionals? (Yes.)

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

Ms. Leed: Second the motion.

Vote: All present voted yes.

Mr. Fanuele: We will meet again on the 5<sup>th</sup> of April.

Mr. Swartz: Thank you.

**09-3187 / 4041:** The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Alexander – Parcel A**. The applicant is seeking site plan and SUP approval of the proposed leasing of a portion of an existing contractor yard for the purpose of parking trucks for Bottini Fuel Oil Co.( TOJE Realty ) in a GB zoning district on 6.36 acres. The property is located at **288 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-483156** in the Town of Wappinger. (Barger)(Olson)(PH opened on 2-1-10)

Present: Richard Olsen Attorney  
Steve Burns Engineer  
Rick Bottini Owner

**Ms. Leed: Motion to open the adjourned public hearing.**

Mr. Kickham: Second the motion

Vote: All present voted aye.

Mr. Olsen: At the last meeting we talked about utilizing the west side of the property but the Airport raised concerns. So now we have moved the project outside the protected zone. We are looking at a small amount of office space and 30 spaces for trucks. The entrance will be constructed subject to DPW approval. We feel this is a simple plan. We also show the dumpster on the west end. This is an existing site with an existing berm.

Mr. Fanuele: Anyone in the audience with a question.

Mr. Arnhold: William Arnhold, 17 Stonewall Drive. What if any of these trucks spring a leak as all trucks leak. Will our wells be affected?

Mr. Olsen: The truck will be empty.

Mr. Fanuele: These are legitimate concerns. Some may be empty and some may be full.

Mr. Burns: They fill the trucks in the morning in New Hamburg.

- Mr. Bottini: Explained how the business works and when and how the trucks fuel up.
- Mr. Fanuele: There will be an oil/water separator in place.
- Mr. Arnhold: Can you guarantee they won't leak into the ground?
- Mr. Bottini: I surely don't want to clean up the spill and I would be responsible.
- Mrs. Arnhold: There is a stream behind us and there have been a lot of trucks out there. This site is in terrible shape and now you want to bring in oil trucks.
- Mr. Fanuele: What's there now is not part of this project.
- Mr. Olsen: There will be no washing or fixing of the trucks and they will be empty when parked at this site.
- Mrs. Manz: Rose Manz, 8 Stonewall Drive. The fence there is falling apart. Will you be fixing that?
- Mr. Olsen: DC Planning wants the fence improved and the DPW wants it locked.
- Mr. Stolman: The PB can ask for a new fence.
- Mr. Fanuele: Any other questions? Hearing none.
- Discussed parking and movement for the PB.*
- Ms. Leed: Is 30 trucks your max. number?
- Mr. Bottini: This site will only have fuel trucks, no tractor trailers.
- Mr. Arnhold: You mentioned canisters? Can you explain that.
- Mr. Olsen: They are just empty fuel tanks for storage. They are filled only before they are delivered.
- Mrs. Artwich: Joann Artwick, 1 Glenbrook Road. I'm hearing gravel and I'm worried about my health.
- Mr. Burns: It is Item 4 that has been driven over for years. The soil is clay and hard to penetrate.
- Mr. Teller: Joe Teller, 10 Stonewall Drive. Our stream for our water is right behind this site. Item 4 is pervious.
- Mrs. Czarnecki: Ismay Czarnecki, Third Ward Councilwomen. This whole site looks dilapidated.

Mr. Olsen: This is a contractor's yard.

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

Mr. Kickham: Second the motion.

Vote: All present voted yes.

Mr. Burns: We will get our report out to Bob Gray next week.

Mr. Gray: Consult with the airport as to what they allow in regards to height of the fence.

Mr. Olsen: Thank you.

### **Attorney Client Session**

**Ms. Leed: Motion to go into Executive Session.**

Mr. Valdati: Second the motion.

Vote: All present voted yes.

**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)(LA sent 1-26-10)

Present: Kevin Lund Applicant  
Jason Morse Engineer

Mr. Lund: Would the PB give some flexibility as to the size and placement of the entrance. We met with the DPW and they are in favor of the entrance and we should a letter for the next meeting. We are looking to sit with David and Bob to firm up details.

Mr. Stolman: This board is now Lead Agency. We can set up a meeting.

Mr. Lund: Thank you.

**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 **49 St. Nicholas Road** and is identified as **Tax Grid No. 6258-01-290900** in the Town of Wappinger. (Barger)

Present: Nick DeLuccia Applicant  
Steve Burns Engineer

Mr. Burns: This is an existing range. You must physically walk outside to shot now and this proposed structure will allow the members to shot from under a covered range. Normally you

cannot see the range house from the road. The Pistol Assoc. owns to across the road so that puts some of our parking in the roadway.

Mr. Roberts: This is a highway by use.

Mr. Gray: Does the PB want a road dedication within 25 ft. of the centerline of the road?

Mr. Fanuele: Then his property will be smaller.

Mr. Roberts: Yes.

Mr. Stolman: The deeds should be to the PB.

Mr. Fanuele: Once you are making changes the site needs to be brought up to specs.

Mr. Stolman: This will need a SUP to be granted by the TB and you will need a variance from the ZBA.

Mr. Burns: Can we have a recommendation to go to the ZBA.

*Discussed history of the gun club.*

Mr. Tierney: I will have to discuss this with our members.

Mr. Burns: Thank you.

**10-3197 / WCSD Centralized School Bus Parking – Phase I**– To discuss an amended site plan to centralize the school bus parking for WCSD with 50 school buses used to transport students on a 23.97 acre parcel in the AI zoning district. The property is located at **160 Airport Drive**. and is identified as **Tax Grid No. 6259-04-815490** in the Town of Wappinger. (Povall)

Present: Bill Povall Engineer

Mr. Povall: The plan submitted was not the latest plan. I have the latest with me tonight. This site was originally for Ramp Transportation. Tonight we are here for Phase One. There will be 36 employees and 50 buses. It is currently approved for 17 employees. This will be a minor change and we are proposing 8 spaces here and 28 spaces here. We start at 5:30 am and ultimately will move into Phase II.

Mr. Fanuele: So this minor change is for employee parking?

Mr. Valdati: This is not exactly the same use. I need to be satisfied with air quality. Not all environmental issues are construction related.

Mr. Fanuele: So the question is can we approve these 50 buses and then study the site with the larger plan.

**Mr. Fanuele: Move to grant the 50 buses and 36 employee spaces.**

Mr. Valdati: Second the motion.

Roll Call: Ms. Leed: Aye.  
Mr. Kickham: Aye.  
Mr. Valdati: Aye.  
Mr. Fanuele: Aye.

Mr. Povall: Thank you.

**08-3149/4034 - United Rental Site Plan:** Seeking their first 6 month extension on final site plan approval. The site plan was approved on March 2, 2009. This extension would begin on March 1, 2010 and run through September 1, 2010. The property is located at **1344 Route 9** and is identified as **Tax Grid No. 6157-02-624589/627012** in the Town of Wappinger. (Gillespie) (PH closed on January 5, 2009.) (Final granted on 3-2-09)

**Re-zone Request:** The Town Board has referred a request for a re-zone for **Mr. G. D'Agostino**. The applicant is requesting to re-zone his 63.295 acres to a zone for senior citizen/assisted care living. The property is currently in the R-40 zoning district. The property is on **Route 9D** and is identified as **Tax Grid No. 6057-04-964107** in the Town of Wappinger.

Present: Steve Burns Engineer

Mr. Burns: We have been here many times with the subdivision application. Now Mr. D'Agostino is looking to rezone this parcel for senior housing. He would like to do the same as Wappinger Gardens next door.

Mr. Roberts: This is premature without a site plan and a proposal. This site has considerable wetlands and Wappinger Gardens has submitted a formal proposal. You need to make a formal application and submit the appropriate fees.

Mr. Stolman: You will also need an environmental impact statement.

Mr. Burns: Thank you.

**Re-zone Request:** The Town Board has referred a request for a re-zone for **Conrail, LLC**. The applicant is requesting to re-zone his 149.35 acres to a RMF-3 zoning district with age targeted & workforce housing components. The property is currently in the R-40 & COP zoning district. The property is on **All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-630770** in the Town of Wappinger.



- Mr. O'Rourke: We filed this in 2008 and last September we filed an amended petition. I believe you were given the original date and I have the new amended petition for you tonight. In January of 2008 the petition called for RMF-5, age targeted housing for 247 units. We amended our proposal to RMF-3 for 228 units of mixed housing and age restricted to age 55.
- Mr. Gibbons: ESC Consultants. This property contains a one story building on 149 acres. The ridge runs north to south in the center with a public ROW into Old Hopewell Acres. Our proposal is for 171 single family homes and 57 town homes in a gated community. *Described project in detail for the PB.*
- Mr. Fanuele: Can you define age restricted?
- Mr. O'Rourke: 85% must be 55 years or older and the federal gov. allows this under the fair housing act.
- Ms. Leed: Are there other gated communities in the area?
- Mr. Zelinski: I'm from Toll Bros and we have one in Fishkill. It prevents people from just wandering into the community.
- Ms. Leed: Is the affordable housing lumped together and what is it in numbers?
- Mr. Zelinski: It's mixed. It will look the same but have less upgrades. It is 80% of the medium housing market for Dutchess County.
- Mr. O'Rourke: Right now we are here for a recommendation to the TB. We will then submit to the PB to go over the details.
- Mr. Stolman: This strikes me as close to the Wappinger Gardens which we are looking for submittal of application and PB fees and escrow at which time we will circulate for Lead Agency.
- Mr. O'Rourke: We would like to get started with that. The code allows this PB an advisory role. We would like to move forward with the circulation of Lead Agency. Your code states 45 days for you to respond to the TB.
- Mr. Roberts: The TB members want this board to take the lead and then report back to them.
- Mr. O'Rourke: Then we request LA to be sent out and a advisory report to the TB.
- Mr. Roberts: That means an application and fees.
- Mr. Stolman: They are asking for RMF-3 which would allow over 400 units. We could craft a zone that includes age restrictions.
- Mr. Roberts: As soon as the fees are received we will circulate for LA.

Mr. O'Rourke: Thank you.

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

**Ms. Leed:** **Motion to come out of executive session.**  
Mr. Valdati: Second the motion.  
Vote: All members present voted yes.

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

The meeting ended at 11:15 p.m.

Respectfully submitted,

Barbara Roberti, Secretary  
Town of Wappinger Planning Board