

MINUTES

Town of Wappinger Planning Board
February 7, 2011
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Ms. Visconti:	Member
Mr. Malafronte:	Member	Mr. Valdati:	Member
Ms. Bettina:	Member		

Members Absent:

Mrs. Smith:	Member
Ms. Leed:	Member

Others Present:

Mr. Gray,	Engineer to the Town
Ms. Cobb,	Attorney to the Town
Ms. Brown,	Planner to Town
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Performance Motors Inc.	- Public Hearing, Vote 3-7-11
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Discussions:

Chelsea Ridge Apartments	- To vote on resolution on 3-7-11.
Brundage Site Plan	- Discussion on 3-7-11.
BVM Builders Inc.	- ZBA for bldg. setback
Tool Rental by Durants	- Vote on resolution 2-7-11
NYCDEP Geo. Investigation	- To vote on resolution on 3-7-11.
WCSD Bus Parking – Phase II	- Approved as amended
H.V. Cerebral Palsy Assoc.	- Approve 3 resolution applications

Extensions:

Meg Tam Subdivision	- Granted extension to May 9, 2011.
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Miscellaneous:

Hilltop Village	- To meet consultants & PB on 2-23-11.
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Conceptual:

Obercreek Subd.& lot line re-alignment	- Discussion.
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New / Old Business:

Plant Depot	-
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Public Hearing:

10-3200 The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Performance Motors Inc.** – They are seeking approval for to amend their site plan to replace an existing structure with a new 30' X 50' garage in an HB zoning district.. The property is located at **1401 Route 9** and is identified as **Tax Grid No. 6157-02-598726** in the Town of Wappinger. (DiNonno)

- Present Phil DiNonno
- Mr. Fanuele: Are all the mailings in order?
- Mrs. Dao: Yes they are.
- Mr. Fanuele:** **Motion to open the public hearing.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.
- Mr. DiNonno: We are proposing to take down a building that is in disrepair and put up a new building. We were required to get some variances which we have. We have satisfied most of the comments.
- Mr. Fanuele: Does anyone from the public have any comments?
- Mr. DiNonno: I think it would say Service on it but we would come back to you for the sign. The plan makes a note to that.
- Mr. Fanuele: Does anyone else have any comments?
- Mr. Fanuele:** **Motion to close the public hearing.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.
- Mr. Fanuele: Let's act on this now.
- Mr. Gray: I spoke with Larry Paggi. We recommend the floor be raised above the flood elevation. Also, The adjacent corner NW of the building by 13feet is in the wetlands. Could it be moved out of the adjacent area by 13 feet south? The other items are small.
- Mr. DiNonno: Do you want us to move it or wait for DEC to tell us to move it?
- Mr. Gray: The permit process would be easier it was not in the wetlands.
- Mr. Fanuele: If you move it and work out the changes, then go to the DEC it could work out better for you. We can approve the location. After DEC they can come back so we can approve the resolution.
- Mr. DiNonno: The DEC doesn't move that fast.
- Mr. Valdati: You want the elevations to be moved to 151 feet and be moved out of the wetlands.

Mr. Fanuele: We can authorize the Planner to draft a resolution with the changes.

Mr. DiNonno: Thank you.

Discussions:

10-3212 / Chelsea Ridge Apartments: Applicant is amending their original application for amended site plan approval to increase the sq. ft. of 33 one-bedroom apartments of 875 sq. ft. into two-bedroom apartments with 1,250 sq. ft. The property is located at **1 Chelsea Ridge Mall** and is identified by the following **Tax Grid Nos.: 6056-01-373534,468615 & 6056-02-558539,590514 (RMF-5) & 6056-02-635539 (NB zone)** in the Town of Wappinger. (Caviglia)(Chazen's)

Present Marco Caviglia Attorney

Mr. Caviglia: Originally this was an application to convert 33 one bedroom apartments to two bedroom apartments. We had addressed all the concerns. It was decided it would be more economically beneficial to turn them into three bedroom apartments rather than two bedroom apartments. (Discussion of the number of parking spaces) The Dutchess County Department of Planning had sent a letter in response of parking spaces. There was a water use calculation of 5,000 gallons increase in water and waste water. Dutchess County Department of Health wants as part of their recommendation to the board, fencing around the old plant. We could have it up by March 31, 201, if we can get conditional approval.

Mr. Fanuele: Why does the DCH want the fence up?

Mr. Caviglia: It is a safety concern.

Ms. Visconti: Are the parking spaces stripped and numbered?

Mr. Caviglia: They are all general spaces except for handicap spaces.

Ms. Visconti: Motion to authorize the planner to prepare a resolution for the next meeting.

Mr. Malafrente: Second the motion.

Vote: All present voted aye.

Mr. Caviglia: Thank you.

10-3216 / Brundage Site Plan - To discuss their site plan and SUP to legalize two houses, one for rental income, one for their primary residence and a retail business on 1.76 acres in the NB Zoning District. The property is located at **2088 Route 9D** and is identified as **Tax Grid No. 6057-04-847098** in the Town of Wappinger. (Day)

Present Jason Morris Day Engineering

Mr. Morris: We are still waiting for approval from the DC Health Department.

Mr. Fanuele: You are still making progress.

Mr. Valdati: Let's discuss the monument sign.

- Mr. Fanuele: How far from the roadway?
- Mr. Valdati: How far from the property line.
- Mr. Morris: About one to two feet. Any further back, it wouldn't be seen from the road.
- Ms. Visconti: You will need a variance.
- Mr. Valdati: Mr. Clark indicated the building sign should be on the plans.
- Mrs. Roberti: The sign code says nothing about waving the placement and it needs to be on the plans.
- Ms. Visconti: What is the size of the bounce house?
- Mr. Morris: It is 20 feet by 20 feet and 8-10 feet high. It will be 10 feet from the property line and 40 feet from the road.
- Mr. Morris: I will submit to the board a picture and show it on the plans. Thank you.

07-3136 / BVM Builders Inc.: To discuss changes to amend the 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 Bodendorf	Hudson Land Design
	John Mirabello	Owner

- Mr. Bodendorf: The buildings foundation was installed 5 feet to the east. That created two small areas to be pushed into the wetland buffer. We altered the foundation plans to reduce it by 25 sq. ft. Those areas of the foundation are completely out of the buffer area now. We added more plantings in the front of the building. We need a referral from this board to go to the ZBA for the front yard setback. We will request a four foot variance.
- Mr. Gray: Do you still have the overhang?
- Mr. Bodendorf: No, we eliminated it.
- Ms. Bettina: Will you restore the disturbed wetlands?
- Mr. Bodendorf: Yes and we will request a letter from the DEC stating there are no permanent modifications required. Also we will have the Health Department sign the plan.

Ms. Visconti: Motion to send a positive recommendation to the ZBA.

Ms. Bettina: Second the motion.

Vote: All present voted aye.

11-3224 / Tool Rental by Durants: To discuss amending their site plan for a change of use from storage of heavy construction equipment to an equipment rental business. The property is on 3.83 acres and is in a GB zone. The property

is located on **274 New Hackensack Rd** and is identified as **Tax Grid No. 6259-03-386151** in the Town of Wappinger. (Povall)

Present Bill Povall Engineer
 Glen Lois Prior Owner

Mr. Povall: 274 New Hackensack Road prior Mr. Lois was the prior owner of the building. Before that was Nelson Holdings with a special use permit to change tool rental to a contractor yard. We are back before the PB to change the use back to the use of tool rental.

Mr. Fanuele: Tool rental is also small equipment?

Mr. Povall: Yes, This will be the same type of Handy Rental as Route 9. Dc Planning requested a smaller sign. 4' X 20' verses 2½' X 40'.

(Discussion took place as to size of building, setback from the road, and sign size.)

Mr. Valdati: Mark Liebermann would need to authorize a permit for the propane.

Mrs. Dao: I will send out to the PB the letter from Mark Liebermann.

Mr. Fanuele: Do we need a Public Hearing for this?

Ms. Cobb: We don't need a PH.

Mr. Gray: The Town Fire Inspector should sign off.

Mrs. Roberti: Mr. Liebermann will go out and make a site inspection.

Ms. Visconti: Motion to waive a Public Hearing.

Mr. Malafronte: Second the motion.

Vote: All present voted aye.

Ms. Visconti: Motion to authorize to draft a resolution.

Mr. Malafronte: Second the motion.

Vote: All present voted aye.

10-3214 / NYCDEP Geotechnical Investigation – To discuss amending their site plan to include borings located on the Shaft 6 property. The property is located at **203 River Road North** and is identified as **Tax Grid No. 6056-01-288977** in the Town of Wappinger. (Malcolm Pirnie) (PH opened and closed on 1-19-11)

Present James Canalli NYCDEP

Mr. Canalli: We are here to discuss amending our site plan to add 3 boring holes and 10 – 15 intermural holes for the tunnel project. The larger issue is the noise. We went over the noise monitor plan. Today we received comments from the Army Corp of Engineers.

- Mr. Valdati: Who will do the noise monitoring?
- Mr. Canelli: It will be done weekly by Malcolm Pierne Engineering.
- Mrs. Roberti: The weekly reports will go to the office then it will be forwarded to the PB.
- Ms. Brown: There should be a note on the resolution referencing the noise reports.
- Ms. Visconti: Motion to authorize Planner to draft a resolution.**
- Mr. Valdati: Second the motion.
- Vote: All present voted aye.

10-3197 / WCSD Centralized School Bus Parking – Phase II– To vote on amending the approved site plan for the WCSD Phase II, to centralize the school bus parking for WCSD with 160 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
Dan Patigrow Attorney

- Mr. Povall: We do not need a Short Environmental form.
- Mr. Patigrow: It was never a condition of underground wires. This is a slight modification on how the plan will be implemented, it showed poles or underground. It would be a significant savings to the taxpayers if we had poles. Upon vacancy, the poles would be removed. The lighting is the same as the resolution. A new application is not necessary.
- Mr. Povall: The plan submitted was approved and never signed.
- Ms.r Valdati: Motion to authorize a resolution with corrections as amended.**
- Ms. Visconti:** Second the motion.
- Vote: All present voted aye.

09-3183 / 5156 / H.V. Cerebral Palsy Assoc. & Malcolm R. Hunter Post #53 of Masonic War Veterans of New York
To vote on a draft resolution on the proposal to subdivide the Masonic Lodge parcel into two building lots and to obtain Site Development Plan Approval for separate uses on each of the lots. On one lot the Masonic Lodge is seeking Amended Site Plan Approval to maintain the existing Masonic Lodge. On the second lot, the H.V. Cerebral Palsy Association is seeking Site Plan Approval to construct a 15 unit residential facility which will consist of 14 one bedroom units for persons will disabilities and one, one bedroom unit for a caretaker. The property contains Town of Wappinger regulated wetlands and the applicants are also requesting a Town of Wappinger Wetland Permit for impervious surface coverage within the 100-foot regulated wetlands buffer on 4.87 acres in an R-20 zoning district. 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) (LA Sent Oct.7, 2010)(PH opened and closed on 11-15-10)

Present Chris Lapine Chazen Company

- Mr. Lapine: I'm here to discuss a couple of comments that were brought up by the PB. Due to the number of handicap spaces we made modifications to the sidewalk. The sidewalk is flush with the pavement.

We received some dialogue from DC Planning about the sidewalk. It is a study that is still on going. We worked with Emily Dozier and Jeff Ackerman. An agreement was made of 8 feet wide easement. We moved the light to have ½ candle light. The meter pit is eliminated as per Camo Pollution. The DEC had an outstanding issue of Indian Bats that are 2 miles from the site. There is no known forging or habitat on the site. That is the major obstacles we addressed.

Mr. Fanuele: Did you read the resolution?

Mr. Lapine: There is only one issue I had, installing a sidewalk on Myers Corners Road.

Ms. Brown: Page 9, the site development lands are in the site plan not the subdivision.

Ms. Visconti: Page 9 (E) on the top.

Mr. Lapine: We felt we met the conditions.

Mr. Fanuele: We don't require him to put a sidewalk in.

Ms. Brown: The Easement or a note says they will provide a sidewalk.

Mr. Lapine: The County is agreeing on that.

Mr. Roberts: Al Roberts letter to Mr. Stevens Esq.

Mr. Stevens: We will work out the details.

Mr. Roberts: The Engineer will work out the numbers for the bond.

Mr. Gray: We gave an amount and in the resolution, escrow, inspections, etc.

Mr. Fanuele: Should we start with the Subdivision resolution?

Mr. Valdati: Motion to waive the Subdivision Public Hearing.

Ms. Visconti: Second the motion.

Vote:

Mr. Fanuele: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Ms. Bettina: Aye.

Mr. Malafronte: Nay.

Mr. Valdati: Motion to approve Site Plan Development and Wet land approvals for Hudson Valley Cerebral Palsy as amended.

Ms. Visconti: Second the motion.

Vote:

Mr. Fanuele: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Ms. Bettina: Aye.
Mr. Malafronte: Nay.

Mr. Valdati: Motion to approve Site Plan Development approval for Masonic War Veterans of New York.

Ms. Visconti: Second the motion.

Vote:

Mr. Fanuele: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Ms. Bettina: Aye.

Mr. Malafronte: Aye.

Mr. Lapine: Thank you.

Extensions:

04-5093 / MegTam Subdivision: Applicant is seeking a 90 day extension on final subdivision approval. This project received final subdivision approval on November 16, 2009. They are waiting on DCHD approval in order to have the mylar signed. The extension would begin on February 8, 2011 and expire on May 9, 2011. 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, final approval granted on November 16, 2009.)

Ms. Visconti: Motion to approve extension.

Mr. Malafronte: Second the motion.

Vote: All present voted aye.

Miscellaneous:

Hilltop Village – The applicant is seeking PB approval to have a meeting with the consultants prior to a re-submission. (Povall)

Present Bill Povall Engineer
 Richard O'Rourke Attorney

Mr. O'Rourke: We have revised the alternatives based on past discussions. We came up with a "Preferred Plan". We want to meet with the consultants to bang out and issues. The DEIS's are better understood if we meet with the consultants.

Mr. Povall: There have been some plan changes working with the alternatives and addressing items 3 out of 4 alternatives. We will mix in the town houses with single family homes. We incorporating D4 alternative. We eliminated and removed cul-de-sacs and make no dead ends. We redesigned the Village Green. The old club house and parking is in a new location. We worked with existing conditions and parking in the rear to create an entrance to the community with a club house. We reduced grading and increased open space, from 94 acres to 113 acres of open space. We eliminated the free standing single homes and added town houses. The gated area is connected to Shamrock.

Mr. Fanuele: Are the roads up to Town standards?

Mr. Povall: Private roads are not dedicated to the Town.

(Discussion took place over the emergency gate.)

Mr. O'Rourke: We still need to meet with the consultants to make more sense of this preferred plan.

Mr. Valdati: How many employees are in Flavormatic?

Mr. Buyakowski: About 10 employees.

Discussion took place over the reasons of meeting with the consultants.

Mr. Povall: Thank you.

Conceptual:

11-5159 / Obercreek Subdivision and Lot Line Re-alignment: To discuss a proposed 13 lot subdivision and lot line re-alignment on 32.95 acres in an R-40/80 zoning district. The property is located on **New Hamburg Road & Marlerville Road** and is identified as **Tax Grid No. 6057-02-997768/ 6157-01-030738** in the Town of Wappinger. (Chazen)

Present	Jennifer Vantile	Attorney
	Chris Viebrock	Chazen
	Alex Reese	Owner

Ms. Vantile: This subdivision is located west of Route 9D, on New Hamburg Road & Marlerville Road. We are looking for a lot line re-alignment and create 13 lots. We want to reserve the green areas for agriculture. 12 New homes, 1 existing home and the rest will be open space. There will be individual wells and tri-municipal septic. The Planning Board has the ability to allow shared driveways.

Mr. Viebrock: The code allows 3 shared driveways to minimize pavement.

Mrs. Roberti: You need to show that they can stand alone.

Ms. Vantile: We want to have your general sense so it can go in the right direction. We want feedback of average density.

Mr. Fanuele: I do not like the average density.

Ms. Vantile: We think the average density works well.

Mr. Fanuele: Who would own the green area?

Mr. Reese: Obercreek LLC would own the green area. The deed would say it can't be developed.

Ms. Bettina: If it is open space it is ok, if not it should be given to the Town of Wappinger.

Mr. Fanuele: How do you access the Parcel 14?

Mr. Reese: Through my property.

Mr. Fanuele: Common driveways can be a disaster. The houses are too close.

Ms. Vantile: The houses are grouped to give the appearance of grouped farm houses.

(Discussion continued about the subdivision)

Ms. Vantile: Thank you for your comments. Do we have permission to contact the Zoning Administrator directly?

Mr. Fanuele along with the Planning Board said yes.

New / Old Business

Plant Depot – Regarding a letter to the PB from the applicant.

Mr. Fanuele: Everyone received a letter from the owner. Do we agree or disagree with it.

Mrs. Roberti: Lou Riggotto was approved for a contractor yard many years ago. Now he has two contractors. He was found to be in violation. Last year he came to the PB and used the used approved site plan to show what he wanted. At that time he got an amended site plan. Eric Gardell didn't have the right to add to the plan because he didn't originally draw it. To do a new full site plan is very costly. Mr. Stolman wants the entire site plan with the change. Would you accept a drawing showing only the changes with notes or do you want a totally new site plan showing everything?

Mr. Fanuele: I would let him do it. He is not changing the use.

Mr. Valdati: I'm against it. Mr. Stolman's protocol should be followed. We need the complete document to look at.

Ms. Cobb: The PB it is within your rights to ask for the full site plan.

Ms. Brown: Mr. Stolman feels that in 10 years it could become a problem.

Ms. Bettina: As a business person I know it would be a hardship in these times.

Mrs. Roberti: He was taken to court and paid a fine.

Ms. Visconti: I move to wait and not act on this now until we get a legal opinion.

Mr. Fanuele: We can't act on this now anyway. Put it on the agenda for March 7, 2011.

MJD

Mr. Valdati: Are they allowed to dig?

Mrs. Roberti: (Handout to the PB information) this is where they were approved to work by the PB. See the first map. Note#13 except for Phase 1A. No work is to be done. Grading is allowed. Mr. Kolb issued site work permit for Phase 1A on January 5, 2011. Mr. Kolb did a site inspection and took pictures. Friday I received a call from a resident. I immediately went out and work was stopped. I told them to stabilize with hay. With Mr. Gray I went back out, which is usual and customary. That is what the post planning escrow is for.

Mr. Gray: It was clear that they were working outside Phase 1A.

Mrs. Roberti: I issued a ticket for court tomorrow. I required a Restoration bond for \$12,000 and they are to come back to the PB and amend their site plan to do a berm.

Mr. Valdati: What is the maximum fine they are subject to?

Mrs. Roberti: \$350.00. There are several pictures for the Phase 1A. Today's pictures show it restored with hay for stabilization. The Stop Work Order is not lifted.

Mr. Valdati: Thank you. You have been very thorough.

(Discussion about swivel chairs)

Mr. Fanuele: Next meeting let's come in at 6:30pm to set up chairs and tables.

Ms. Visconti: Motion to adjourn.

Ms. Bettina: Second the motion.

Vote: All present voted aye.

The meeting ended at 10:35 p.m.

Respectfully submitted,

Susan Dao, Secretary
Town of Wappinger Planning Board