

DRAFT

MINUTES

Town of Wappinger Planning Board
May 2, 2011
Time: 6:30 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mrs. Smith:	Member
Ms. Leed:	Member	Ms. Bettina:	Member
Ms. Visconti:	Member	Mr. Valdati:	Member

Members Absent:

Mr. Malafronte: Member

Others Present:

Mr. Roberts,	Attorney to the Town
Mr. Stolman,	Planner to Town
Mr. Takacs,	Acting Engineer to the Town
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Silver Fox Estates - Closed Public Hearing, Vote 5-16-11

Discussions:

Shamrock Hills	- Discussion of grading.
Cablevision	- Public Hearing on June 6, 2011.
H.V. Cerebral Palsy Assoc.	- Resolution Approved as amended
Hackensack Professional Building	- Resolution Approved
Andlyn Associates Inc	- Resolution Approved
Brundage Site Plan	- Public Hearing on June 6, 2011.
Farm to Table Bistro	- To vote on resolution on 5-16-11.
St. Gregory Orthodox Church	- To vote on amending resolution on 5-16-11.
Nathans Famous Outdoor Seating	- To vote on resolution on 5-16-11.

Conceptual:

Don Bosco Blvd	- To resubmit.
Alto Music / Renovation	- To resubmit.

Miscellaneous:

Friendly Motor Cars - To vote on amending resolution on 5-16-11.

New / Old Business:

Aroma Restaurant	- Discussion water & sewer line.
CAC	- Advisory role is to Town Board.
NYCDEP	- Fish house – site plan not necessary.
Nature Preserve	- PB approved decks at 109-111 Old Hopewell Road.

Public Hearings:

11-5160 / The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **Silver Fox Estates**. The applicant is seeking approval for a proposed 6 lot subdivision in an R-40 Zoning District on 10.89 acres. The property is located at **Scotse Road and Losee Road** and is identified as **Tax Grid No. 6157-02-892694** in the Town of Wappinger. (Paggi)

Present: Lawrence Paggi Engineer

Mrs. Smith: **Motion to open the public hearing.**

Mr. Valdati: Second the motion.

Vote: All present voted aye.

Mr. Paggi: This is a proposed Silver Fox Subdivision. 6 Lot residential lots. The construction will be on an extension by way of Scotse Road. There is a cul-de-sack 500' off of Scotse Rd. The homes will be supplied with sewer service and individually drilled wells. The total acre is nearly 11 acres; minimum lot size is 40,000 sq. ft. All requirements have been met, and don't require any variances. The project received final approval in December 2008 which expired. We are asking for you to grant the same approval.

Mr. Piccoli: My name is Rich Piccoli and I live at 10 Scotse Road. There is an incline going down the hill. I was wondering if a speed bump can be put there.

Mr. Roberts: We can't put speed bumps on any town road.

Mr. Piccoli: It's dangerous coming down the road.

Mr. Paggi: This is a cul de sac, not an access road. It's still a dead end road.

Mr. Fanuele: The people going down that road are the people that live there.

Mr. Gannon: My name is William Gannon I live at 24 Sachson Place. We have a problem in our development. There is a NASCAR situation from the cul de sac to the main access road on to Kent Rd. The children are in danger.

Mr. Roberts: That is an enforcement issue.

Mr. Paggi: We are talking about a 500' road.

Mr. Fanuele: Are you talking about the cul de sac?

- Ms. Visconti: Sachson Place.
- Mr. Gannon: Kids will get killed from racing cars.
- Mr. Fanuele: Does the problem exist on the proposed road they would be extending?
- Ms. Visconti: He is talking about Sachson Place.
- Mr. Haupath: I am Ed Haupath and live at 25 Sachson Place. Can signs be put up with a 10 MPH speed limit. I almost got hit.
- Mr. Valdati: That is a Town Board Issue
- Mr. Haupath: How do we get signs?
- Mr. Roberts: It's a Town Board issue. Speed is a State Law. This is a public hearing on a subdivision not Sachson Place.
- Mrs. Smith: You can suggest to Town Board and plead your case.
- Mr. Piccoli: My name is Rich Piccoli from 10 Scotse Road. There are wetlands at the end of road. How do you alleviate the storm sewer?
- Mr. Paggi: The wetlands are the like it was three (3) years ago. The pipe will be plugged, sealed off, and buried. It will be an improvement.
- Mr. Fanuele: Does anyone have comments?
- Ms. Visconti: Motion to close the public hearing.**
- Ms. Bettina: Second the motion.
- Vote: All present voted aye.

Discussions:

Shamrock Hills: To discuss grading plan that was implemented in approved subdivision for 63 lots. The property is located off of **Old Hopewell Road, East of Cedar Hill Road** in the Town of Wappinger.

Present Mr. Bolner, Conflict Engineer to the Town
 Mr. Tremper, Sewer and Water Operator

Mr. Foster, Highway Superintendent

- Mr. Roberts: Changes were made to the grading which made it harder to get to portions of the sewer lines. Drawings have to be amended.
- Mrs. Smith: Were the changes made without authorization?
- Mr. Roberts: The changes that were made were approved by Jay Paggi's office after the map was filed. The grading doesn't match what is there now.
- Mr. Foster: There are some severe grading issues. An idea to bring in a hose to blacktop the sewer plant road was discussed. Toll Brothers has offered additional 400 feet of hose for the truck.
- Mr. Tremper: The easements are still there. We can still get in to maintain the easements and get trucks in there for repairs if we have to. It's harder, but doable.
- Mr. Foster: The roads should be taken over by the town probably this year.
- Mr. Roberts: Since the map is filed at the City Clerk's Office, this should be amended and filed at the County.

10-3208 / Cablevision: Seeking an amended site plan for the construction of an 1830 sf. addition for a proposed data center on 6.25 acres in an HB Zoning District. The property is located at **719 Old Route 9N** and is identified as **Tax Grid No. 6157-02-539850** in the Town of Wappinger. (JRS Architects)

Present Nick Williamson JM Architect

- Mr. Williamson: We received comments and responded to the comments. We made all the improvements on the revised drawings.
- Ms. Visconti: Dutchess County Planning letter of April 27th mentioned screening of coolers on the building. Can you give us specifications of the color, style, etc.
- Mr. Williamson: The lights are shielded and the dumpster is relocated with a chain link fence and evergreen landscaping.
- Mrs. Smith: Are you doing anything about the noise of the generator?
- Mr. Williamson: The noise is at 75 decibels for 20-30 minutes once a week.

- Mr. Stolman: That is not very loud. It's similar to a lawnmower.
- Mr. Valdati: Is there any screening visible by the neighbors?
- Mrs. Smith: We wanted a buffer from the site and noise.
- Mr. Williamson: We are within code.
- Mr. Valdati: Can you provide greenery? Mr. Stolman, do you recommend any planting?
- Mr. Stolman: Specify the type of evergreens.
- Ms. Visconti: Mr. Stolman, if you can't move out of wetland is the buffer is it a problem?
- Mr. Stolman: No it is not a problem. It is not a DEC wetland.
- Mr. Valdati: Do you have a submittal to review?
- Mr. Williamson: I can send out more copies
- Ms. Visconti: Mr. Stolman, are you reviewing the submittals now?
- Mr. Stolman: Each submission they submit we review.
- Mr. Fanuele: We will wait to get Mr. Stolman's comments after the applicant submits.

Public Hearing Scheduled for June 6, 2011.

Mr. Williamson: Thank you.

09-3183 / 5156 / H.V. Cerebral Palsy Assoc. –(Dutchess Community Living): To vote on amending their site plan, approved on February 7, 2011, located on 4.87 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)(Approved on 2-7-11)

Present Mr. Stevens Attorney
 Howard Yeager HVCP

Mrs. Roberti: Questions changing landings from 6' X 8' to 3' X 4'. Wouldn't that create a Hardship?

- Mr. Stevens: It meets requirements of ADA.
- Mrs. Roberti: The original proposal was 6' X 8'.
- Mr. Stolman: How does the door swing?
- Mrs. Roberti: If the door swings out, the residents would have to stop off the platform.
- Mr. Valdati: Is this material of concrete cost saving?
- Mr. Stevens: Yes it is cost savings.
- Mr. Valdati: It's more comfortable to extend 4' X 6', concrete not costly.
- Mr. Stevens: We discussed and it to find ways to save money.
- Ms. Visconti: I think we should defer voting and have your people talk to Mr. Stolman about this issue.
- Mrs. Roberti: You are even cutting shutters?
- Ms. Bettina: There are other items we need to discuss.
- Mr. Roberts: Shutters not expensive and fit into the residential area. We want this to blend into the residential zone.
- Mr. Yeager: This is a HUD project. We are looking at cost. They won't pay for extras. We would have to fund raise for more.
- Mr. Stevens: The local building code show the size of the landing is ok. It doesn't require 6' X 8'.
- Mr. Yeager: A larger deck makes more sense. The cost gets cut each meeting.
- Mr. Valdati: Can you do the front of the building with shutters? The facade should have as much curb appeal as it can.
- Ms. Visconti: I motion to change the landing size to 4' x 6' amend resolution and add shutters on the front of the building.
- Ms. Visconti: Motion to approve resolution as amended.**
- Mr. Valdati: Second motion.
- Vote: All present vote aye.

08-3170 / Hackensack Professional Building: To vote on a proposed 11,981 sf office building on 2 acres in a GB Zoning District. The property is located on **New Hackensack Road** and is identified as **Tax Grid No. 6259-03-101039** in the Town of Wappinger. (Gillespie) (PH opened and closed on 4-4-11)

Present Mike Gillespie Engineer

Mr. Gillespie: I am here to address the signage of a free mounted sign and show what the view shed will look like.

A discussion took place with all viewing the view shed map with parking and landscaping. There was a comment to add more trees in rear. Deciduous Trees.

Ms. Visconti: Motion to approve resolution.

Mrs. Smith: Second the motion.

Vote: All present voted aye.

11-3225 / Andlyn Associates Inc.: To vote on a proposed relocation of the existing entrance onto New Hackensack Road. This parcel is .873 acres in a GB Zoning District. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-107069** in the Town of Wappinger. (Gillespie)(PH opened and closed on 4-4-11)

Present Mike Gillespie Engineer

Ms. Visconti: Motion to approve resolution.

Mr. Valdati: Second the motion.

Vote: All present voted aye.

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 Engineer
 Martian Brundage Applicant

Mr. Morris: We have an update on the submittal for the wetlands analysis from F. P. Clark and we will be responding. Can we set a public hearing?

Mr. Roberts: Yes, you should have public hearing. June 6, 2011.

Ms. Visconti: When you are at the planning board, you can't use the property until the resolution is approved.

Mr. Roberts: Testing is ok but no use is allowed.

Mr. Morris: Thank you.

11-3232 / Farm to Table Bistro – To discuss a change of use to include restaurants for a proposed bakery - restaurant in an existing 3,810 sq. ft. building on 9.91 acres in a HB Zoning District. The property is located at **1083 Route 9** and is identified by **Tax Grid No. 6156-02-710924** in the Town of Wappinger. (Lawrence)(Paggi)

Present Larry Paggi Engineer
 John Lawrence Applicant

Ms. Visconti: For the record, I have dealings with the Lawrence family.

Mr. Lawrence: I'm here for a change of use for a restaurant.

Mr. Stolman: This is not a major item, if John Lawrence submitted all that was requested.

Mr. Lawrence: Can you wave the public hearing?

Mr. Valdati: Motion to wave the public hearing.

Ms. Bettina: Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Leed: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Ms. Visconti: Recused herself.

11-6025PP / St. Gregory the Theologian Orthodox Church. To discuss a change to their approved site plan, to make revisions to the building design and project phasing, of a one story Fellowship Hall. The property sits on 3.27 acres in an R-40 zoning district and is located at **1500 Route 376** and identified as **Tax Grid No. 6259-04-715115** in the Town of Wappinger. (Hibbs) (Public hearing opened and closed May 18, 2009.)(Final approval granted on June 1, 2009)

Present Jay Hibbs Architect

Mr. Hibbs: Contractor bids were received. The description of the changes being proposed.

- Mrs. Visconti: What is your time frame? Is it a multiyear project?
- Mr. Hibbs: This is depending on funding.
- Mr. Fanuele: The changes are minor.
- Mr. Stolman: It is good if not better. There are no issues, which is refreshing.
- Mr. Valdati: Motion to have Mr. Stolman amend the resolution.**
- Ms. Bettina: Second the motion.
- Vote: All present voted aye.

11-3229 / Nathans Famous Outdoor Seating: To discuss a change to an approved on 8-19-02 site plan for Arby's Restaurant to add outdoor seating. This parcel is 1.32 acres in a HB Zoning District. The property is located at **1491 Route Road** and is identified as **Tax Grid No. 6157-02-600971** in the Town of Wappinger. (LaBarbera)

- Present Steven LaBarbera Applicant
- Mr. LaBarbera: We are looking to amend out site plan to add outdoor seating.
- Ms. Visconti: Mr. Stolman, do they need to go to the ZBA?
- Mr. Roberts: This is not a conforming lot. It's not a non conforming use. It's always been a fast food business. In executive session it was discussed about outdoor seating in all restaurants.
- Mr. Stolman: You don't need to go to the ZBA.
- Mr. Valdati: There is no expansion of use, just putting tables out.
- Ms. Visconti: The planning board may wave the public hearing.
- Mr. Valdati: How does this effect parking?
- Mr. Valdati: There is a formula for parking spots. The calculation may need to be checked.
- Mr. Roberts: Dutchess County Planning is in favor of the seating and the landscaping was looked at.
- Ms. Visconti: Mr. LaBarbera, send parking info and come back to the planning board on May 16, 2011.

Ms. Visconti: **Motion to have Mr. Stolman draft a resolution.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.

Conceptuals:

11-3227 / Don Bosco Blvd. – To discuss amending the approved site plan (MJD & Sons) to add a proposed 2,400 sq. ft. office building and additional truck parking, eliminating Phase I and Phase 2, on 33.44 acres in an AI Zoning District. The property is located at **62 Airport Drive** and is identified by **Tax Grid No. 6259-04-647405** in the Town of Wappinger. (Povall)

Present Bill Povall Engineer
 Richard Canter Attorney

Mr. Povall: Originally this property was approved last year with an amended site plan approval. The use proposed eliminates buildings and expand parking.

Mr. Canter: We would like to begin the process to allow expanding parking & small building. This is

Mrs. Roberti: Discussed approved parking that was approved in November 2010.

Mr. Canter: We are not storing oil. The tanks are empty.

Mr. Valdati: What are the trucks used for.

Mr. Canter: The use is the same as the approved resolution in November 2010.

Ms. Visconti: Airport drive is supposed to be for industrial use.

Mr. Povall: They will have minor maintenance.

Ms. Visconti: Minor maintenance could be pan oil change. I would like to see what is the minor things you would do.

Mr. Canter: Are there any comments at this conceptual level.

Mr. Visconti: Minor repairs – will be furnished to the Planning Board. Resubmit.

11-3233 / Alto Music / Renovation – To discuss amending the previously approved (Gateway) site plan on 1.674 acres in a HD Zoning District. The property is located at **1676 Route 9** and is identified by **Tax Grid No.**

6158-04-530446 in the Town of Wappinger. (Brodie)

Present Kevin Brodie Architect

Mr. Brodie: Presently we are located across the street. The building will be used all by himself.
A contractor took down Australian spruce trees. Mrs. Roberti told us we have to put back trees. We want to soften up entryway with landscaping.

Discussion of proposed changes took place.

Mr. Valdati: We look forward to seeing your submittal.

Mr. Brodie: Thank you.

Miscellaneous:

Friendly Motor Cars – To discuss changes to the approved site plan.

Present Larry Paggi Engineer
Mike Ostrow Owner

Mr. Ostrow: We changed the door on the building. We did not do it wrongfully and didn't change the footprint of the building. (Showed pictures of what the Connecticut store looks like).

Mr. Roberts: Your contractor said he never saw the actual plans that were approved by the board. Different plans submitted and approved. You constructed a building that wasn't approved.

Mrs. Roberti: The doors, windows and light polls were changed. The highlighted in yellow shows the changes.

Mrs. Smith: It makes it look better.

Mr. Ostrow: Claris Construction was hired and changes were brought in. We got a building permit. The building was built and we are waiting for the last BP to be issued.

Mr. Roberts: Adopt an amended resolution.

- Mr. Ostrow: We what to get this done before June or it will cost \$600,000.00 more. The rear of the property is done.
- Mr. Valdati: I commend you for what you did for the neighbor. She is happy.
- Mr. Roberts: Mr. Ostrow went out of his way to make the neighbors happy.
- Mrs. Roberti: Mrs. Zirrillo came in to say she is happy.
- Mr. Valdati: Motion to prepare a resolution to accept all the changes that were made.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.

New / Old Business:

Aroma Restaurant - Discussion water & sewer line.

- | | | |
|---------|-------------|----------|
| Present | Larry Paggi | Engineer |
| | Mr. Loria | Owner |
- Mr. Paggi: Mr. Loria wants to secure easements through the neighbors to install water and sewer.
- Mr. Roberts: They have to formally petition a request with the Town Board to have a public hearing, then he will be able to connect.
- Mr. Valdati: Mr. Loria will be a member not a tenant of the water district.
- Mr. Roberti: The Town Board requested the number of properties to connect to the water district.
- Mr. Valdati: This looks like a worth wild thing to do.
- Mr. Ostrow: I'm going let Mr. Loria to put piping through my property.

Silver Fox Estates -

- Mr. Paggi: I would like to request that the Planning Board authorize to draft a resolution.
- Mr. Stolman: This is just a re-approval.

Mr. Valdati: I motion to authorize Mr. Stolman to draft a resolution.
Ms. Visconti: Second the motion.
Vote: All present voted aye.

Nature Preserve - PB approved decks at 109-111 Old Hopewell Road

Mrs. Roberti: Capaloni property in the rear of the building originally there was one complete deck, now it is two separate decks. I just want the board to be aware of that.

NYCDEP - Fish house – site plan not necessary

Mrs. Roberti: I also wanted to ask the board a question about the NYCDEP property. They are replacing the fish house (11' X 19') down by the river. Small building in the 1970's was a concrete building that started to fall from the disrepair. It was removed and replaced with a temporary structure which now is in disrepair. Now, they want to bring in a new solid unit concrete structure. Since it is the same footprint do they need an amended site plan?

The board discussed and agreed an amended site plan was not needed.

CAC - Advisory role is to Town Board

Mr. Valdati: Asking Mr. Roberts. What is the role of the CAC?

Mr. Lafko: I would like to know.

Mr. Roberts: The CAC is for environmental issues, Inventory and news letters. The CAC's responsibility is to the Town Board. There no requirement of reviewing of anything in front of the Planning Board.

Mr. Lafko: I don't need plans sent to me.

(Discussion of the CAC as to where they are needed)

Ms. Visconti: We appreciate you volunteering.

Nathans Famous

Mr. Roberts: Mrs. Roberti has a problem with outdoor seating. The sidewalk can become a trip hazard. If it impacts parking or safety they should go to the Planning Board.

(Discussion of different ideas of outdoor seating)

Mrs. Smith: Susan can you make copies of Planning Board Basics to give to the Planning Board.

Ms. Visconti: Motion to adjourn.

Ms. Bettina: Second the motion.

Vote: All present voted aye.

The meeting ended at 9:15 p.m.

Respectfully submitted,

Susan Dao, Secretary
Town of Wappinger Planning Board