

# MINUTES

**Town of Wappinger Planning Board**  
**December 5, 2011**  
**Time: 7:00 PM**

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

## Members Present:

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

## Members Absent:

<u>Others Present:</u>	Mr. Gray,	Engineer to the Town
	Mr. Roberts,	Attorney to the Town
	Mr. Stolman,	Planner to Town
	Mrs. Roberti,	Zoning Administrator
	Mrs. Dao,	Secretary

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## SUMMARIZED

### PROJECTS DISCUSSED:

### OUTCOME

#### **Discussions:**

Odyssey Diner	-	Site visit 12/10/11, PH 1/4/12.
Obercreek Subdivision and Lot Line Re-alignment	-	To resubmit & respond to Professional letters.
Villa Borghese (Widmer Inn Restaurant Corp.)	-	PH on 1/4/12, Vote Neg. Dec. 1/4/12

#### **Extensions:**

Wappinger Farm Estates	-	Granted extension to March 7, 2012.
Kirk Subdivision	-	Granted extension to June 28, 2012.
La Fonda Del Sol	-	Granted extension to December 14, 2012.
BVA Construction Subdivision	-	We were granted an extension in public forum

#### **Miscellaneous:**

BVM Builders Inc.	-	Approved change, Submit asbuilts.
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**Discussions:**

**11-3241 / Odyssey Diner** – To discuss amending the approved site plan (formally Pizza Hut) to convert to a proposed diner on 1.22 acres in an HB Zoning District. The property is located at **1515 Route 9** and is identified by **Tax Grid No. 6158-04-572057** in the Town of Wappinger and **Tax Grid No. 6158-19-569062** in the Village of Wappinger (Gillespie)

Present                    Mike Gillespie – Engineer  
                                 Paul Vanoski – Owner

Mr. Gillespie:            About a month ago we were here to talk to you about converting Pizza Hut into a diner. There were discussions about lighting and parking. The existing condition site plan was sub-standard for the parking spots. We have more than enough spots therefore we want to widen the spaces to the current code. Mr. Stolman and Mr. Gray were out to the site and we received a review form the County. A sidewalk is proposed on the southbound lane.

Mr. Stolman:            Stairs or a long ramp would be needed to get to Route 9. It is very steeply sloped.

(Discussion continued on sidewalk issues, signs, and lighting took place)

Mr. Gillespie:            We will install a grease trap. We’ve been working with the Village. We would request a waiver for the setbacks.

Mr. Valdati:            Motion to waive the requirement not to notify within 200 feet.

Ms. Bettina:            Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Ms. Bettina:            We should have a site visit.

Mr. Gray:                There is about a 12 foot drop from the road to the parking lot.

Mr. Fanuele:            We can still schedule a public hearing and have a site visit. Site visit on Saturday, December 10, 2011 at 9:00am.

Mr. Valdati:            I will go on Thursday.

Mr. Fanuele: Schedule the public hearing for Wednesday January 4, 2012.

Mr. Valdati: Motion to have a public hearing on January 4, 2012.

Ms. Visconti: Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Gillespie: Thank you.

**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 Richard Chazen – Engineer  
Jennifer Vantile – Attorney  
Alex Reese – Owner  
Johnathan Churis – DC Water and Waste water.

Ms. Vantile: We were last here on April 4, 2011. Today we want to bring you up to date. We are working on an innovated septic system with DC Water and Waste.

Mr. Churis: Water and Waste Water Authority was created in 1992 to meet the Count’s needs. We have 4,200 customers, 20 staff, and 10 fully licensed engineers.

(Detailed discussion and on his business and the water and waste water system works.)

(Location of systems and prices were discussed.)

(Maps were shown and more discussions took place.)

Mr. Gray: Talk to Graham Foster about common driveways.

Mr. Malafronte: Both Mr. Gray’s and Mr. Stolman’s notes need to be addressed.

Mr. Fanuele: You can resubmit and respond to the professionals letters.

Ms. Vantile: Thank you.

**11-3243 / Villa Borghese (Widmer Inn Restaurant Corp.)** – To discuss amending their site plan to include a 1,580 sq foot reception hall on the second floor. The first floor is 13,275 sf for a total of 14,855 sf. The building footprint is 18,800 square feet. The property is in a NB zoning district on 4.681 acres and is located at **70 Widmer Road** and is identified as **Tax Grid No. 6158-02-880530 / 951382** in the Town of Wappinger. (Paggi)

Present                    Larry Paggi – Engineer  
                                  Christian Ryan Paggi – Engineer

Mr. R. Paggi:            We are here to discuss revisions of changes. The engineer didn't have any more comments with our submission.

Ms. Visconti:            Are there any problems with the neighbors?

Mr. L. Paggi:            The Neighbor is asking for 50 feet, which is a lot but we will give him appropriate landscaping a tree line.

Mr. Valdati:            The neighbor is squatting on the property by clearing it.

Mr. Gray:                It is 35 feet from the property line.

Mr. L. Paggi:            35 – 50 feet from parking area. We are dealing with the re-zone, site plan and subdivision. We were at the Town Board last week. They introduced a local law to re-zone the property in the back. January 9, 2012 will be a public hearing. We were hoping for this board to set a public hearing and move to the Neg. Dec. on January 4, 2012.

Mr. Roberts:            Amending of the master plan might not be done by January 9, 2012.

Mr. Stolman:            The Lead Agency went out today. Will 30 days lapse by the 4<sup>th</sup> of January 2012? It just makes it. The next PH on lot line realignment and site plan can be on January 4, 2012.

(Discussion of water runoff, 2<sup>nd</sup> floor expansion and enforcement issues took place.)

Mr. Stolman:            SEQRA needs to be completed before referral. Set the PH than after Lead Agency on January 4, 2012.

Mr. Valdati:            The plans at the PH should be updated.

Mrs. Smith:            Motion to have a Public Hearing on January 4, 2012.

Ms. Bettina:            Second the motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.  
Ms. Leed: Aye.  
Mr. Malafronte: Aye.

Ms. Visconti: Motion to have a Public Hearing on January 4, 2012.  
Mrs. Smith: Second the motion.

Roll call:

Mrs. Smith: Aye.  
Ms. Bettina: Aye.  
Ms. Visconti: Aye.  
Mr. Valdati: Aye.  
Mr. Fanuele: Aye.  
Ms. Leed: Aye.  
Mr. Malafronte: Aye.

### **Extensions:**

**05-5110 / Wappinger Farm Estates.** The applicant is requesting their ninth extension on preliminary subdivision approval for 6 months for a 19 lot subdivision on 60.620 acres. The extension would start on January 3, 2012 and expire on July 2, 2012. The property is located on **Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger. (M. White)(PH: 2-6-06 Closed PH 3-19-07 / LA: 9-19-05)(Granted Re-Zone 12-26-07 /Preliminary granted 1-7-08, first extension Jan.2, 2009, second on Feb, 2, 2009 and third July 2, 2009, fourth to January 1, 2010, fifth to July 1, 2010, sixth to January 3, 2011, a seventh extension to July 2, 2011, eighth extension to January 3, 2012, ninth extension to March 7, 2012)

Mr. Valdati: Motion to grant an extension to March 7, 2012.  
Mrs. Smith: Second the Motion.

Roll call:

Mrs. Smith: Aye.  
Ms. Bettina: Aye.  
Ms. Visconti: Aye.  
Mr. Valdati: Aye.  
Mr. Fanuele: Aye.  
Ms. Leed: Aye.  
Mr. Malafronte: Aye.

Mr. Roberts: Come back in on March 5, 2012 agenda.

**06-5122 / Kirk Subdivision** – The applicant is seeking their tenth 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, 2011 and expire on June 28, 2012. 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, sixth to June 30, 2010, a seventh extension to December 30, 2010, eighth extension to June 30, 2011, ninth extension to December 30, 2011.)*

Present Steve Burns - Engineer

Ms. Visconti: Motion to grant an extension to June 28, 2012 as requested.

Mrs. Smith: Second the Motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Roberts: Come back in on January 18, 2012 agenda.

Mr. Burns: The reason for the extension is due to the tree work needing more time.

**05-3116/ La Fonda Del Sol** – Seeking their sixth, extension for one year for final site plan approval for a revised site plan for a restaurant, retail space and a stand alone bank totaling 27,225 sf in an HB zoning district.. This extension would begin on December 15, 2011 and run through December 14, 2012. The property is located on the corner of **Old Hopewell Road & Old Route 9** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. **(Day)** (PH: 2-6-06 / LA: 1-17-06)(Closed PH 3-3-08, received an extension from the applicant to November 5, 2008.)(Received final site plan approval on July 21, 2008. First 6 month extension granted to January 15, 2010, second granted to June 14, 2010, third granted to December 14, 2010, fourth granted to June 14, 2011 fifth granted to December 14, 2011)

Mr. Roberts: In 2002 the Town Board adopted a resolution authorizing the water and sewer districts to pay 30% on the O and M. Now with the new changes there is a specific amount that the TB has adopted. When the site plan is granted they have to pay for the buy in fee.

Ms. Visconti: Motion to grant an extension to December 14, 2012.

Ms. Bettina: Second the Motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Gray: They need to submit an amended site pan anyway.

**06-5120 / BVA Construction Subdivision** - The applicant is seeking a thirteenth extension for six months on the closed Public Hearing for a 3 lot subdivision on 17.288 acres in an R-40 Zoning District. This extension would begin on December 11, 2011 and run through June 8, 2012. 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, a seventh extension to June 11, 2009, eighth extension to December 10, 2009, ninth extension to June 10, 2010, tenth to December 10, 2010, eleventh extension to June 10, 2011 twelfth to December 10, 2011 .*

Present Steve Burns – Engineer

Mr. Burns: The sewage pump station on Baldwin Road and an easement where the storm sewer is on. We asked the TB to bypass the gravity line and decommission the pump station line.

Mr. Gray: There is a two lot subdivision. Will the Town be able to tie into it?

Mr. Burns: Yes there will be a place to tie in.

Mr. Roberts: Mike Tremper is in agreement.

Mr. Gray: The TB agreed to get an easement.

Mr. Roberts: Since it went past 60 days they are granting us the extension in public forum.

### **Miscellaneous:**

**11-6030PP / BVM Builders Inc.:** To discuss a proposed basement for mechanicals in the approved professional office building approved on September 9, 2009, located 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. (Rob Macho)

Present Steve Burns – Engineer  
Rob Macho – Owner

Mr. Burns: We are proposing only a small extension of 9' by 21' for a mechanical room in the basement.

Mr. Macho: The only change is adding a bilco door to gain access.

Mr. Gray: There is no change in the site plan.

Ms. Visconti: Motion to authorize mechanical room in basement to reflect in asbuilts.

Mr. Valdati: Second the Motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Burns: Thank you.

Mrs. Roberti: Verizon has two towers. They want to take down the antenna panels and replace them. Nothing else will change at the site. At Baxter Town Road they have six 8 foot panels, four 5 foot panels, and two 6 foot panels. They want to make them all 6 foot. This is minor changes. On the Airport Drive one they have 6 that are 96 inches, four that are 47 inches, and two that are 51 inches. They will change the six smaller ones to 69 inches. Do you want to see this?

Ms. Visconti: Can you get this in writing with the details?

Ms. Bettina: Have them come in as a conceptual.

Mr. Valdati: Tell them we want to talk to them about radiation.

### **RFP's: Discussion**

(Discussion on RFPs and all aspects of professionals including fees and interviews took place.)

Mr. Valdati: Motion to vote to see who wants to interview all candidates.

Mr. Malafronte: Second the Motion.

Roll call:

Mrs. Smith: Nay.

Ms. Bettina: Aye.

Ms. Visconti: Nay.

Mr. Valdati: Aye.

Mr. Fanuele: Nay.

Ms. Leed: Aye.

Mr. Malafronte: Nay.

**Vote is Nay**

Ms. Visconti: Motion to send to the TB a recommendation for the current professionals be appointed at the reorganization meeting.



Mrs. Smith: Second the Motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Ms. Visconti: Motion to send all applicants a letter thanking them.

Ms. Bettina: Second the Motion.

Roll call:

Mrs. Smith: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Aye.

Mr. Valdati: Aye.

Mr. Fanuele: Aye.

Ms. Leed: Aye.

Mr. Malafronte: Aye.

Mr. Fanuele: Announcement that Susan Dao is leaving to go back to the job of Code Enforcement Officer and Michelle Gale is to replace her.

**Ms. Visconti: Motion to adjourn.**

Ms. Bettina: Second the motion.

Vote: All present voted aye.

The meeting ended at 9:45 p.m.

Respectfully submitted,

Susan Dao, Secretary  
Town of Wappinger Planning Board