

MINUTES

**Town of Wappinger Planning Board
January 4, 2012
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. Horan,	Attorney to the Town
	Mr. Stolman,	Planner to Town
	Mrs. Roberti,	Zoning Administrator
	Mrs. Gale,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

PUBLIC HEARINGS:

**Oddysey Diner
Villa Borghese**

To vote on Jan. 18, 2012
Neg. Dec Approved

Discussions:

**Calvary Chapel of the Hudson Valley
Chapel of Sacred Mirrors (COSM)
Osborne Square
NYCDEP**

To re-submit

Extension 7-03-12
Discussion – On 1-18-12 Agenda

Miscellaneous:

Spooge, Inc.

Approved

Public Hearing:

11-3241 - The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 of the Town Law on the application of **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)

Motion to Open Public Hearing:

June Visconti – Motioned
Connie Smith – Second
All – Aye

Present: Mike Gillespie
Paul Varanouskas (Architect...)

Mr. Varanouskas: This is the property formally known as the old Pizza Hut located between Rt. 9 & Old Route 9 – municipal boundaries are between Town of Wappinger and the Village of Wappingers . What we proposed is in effect a small increase in foot print of the buildings. It was basically a fast food type restaurant, about 160 sq. ft. addition which encompasses this bump out on the existing building that is why it is before the Planning Board (change in footprint). There are going to be certain upgrades to the exterior of the building, one story building, metal roof, the basic footprint stays the same, what we are proposed to do the addition for the walk in freezer & cooler is in this corner, the seating area is the same as the former Pizza Hut, the kitchen stays the same, bathrooms, etc. The big change the look (aside from the ascetics, inside) is the look on the building on the outside. This is the elevation that would be facing Route 9, you can see the change in the façade of the building, the materials that we are looking to use here are is effis or synthetic stucco, on the portions here in various colors, you have the base color, highlighted color also, and there would be some red stucco as well , an asphalt roof to replace the roof the metal roof system that's there now. To give it a different look, altogether.

This is the north side of building, as you are driving south on Route 9, this is the elevations what you would see. Looking at two (2) signs on both of the those elevations, kind of a trapezoidal design look, we are going to enlarge those to give more light inside the diner, we are looking to put a little shed/roof system over the main entry way and highlight them with some goose neck light fixture to give them some kind of accent light. The same thing hold true on the other two elevations, to give you a look at what you would actually the visual field that you would see as you are driving south on Route 9 as well.

Mr. Gillespie: Going back to the site plan, effectively from the access stand point and layout stand point parking wise, the place doesn't change, cleaning up a little bit, landscaping shielding for lighting , striping, improvement of grease traps, in terms of the layout, itself , it effectively going to be the same.

Mr. Fanuele: Any comments from the audience.

BILL BOSTWICK

Mr. Bostwick: I'm across the street, custom sales, upgrade kitchens, I've been there for many years. Someplace along the way Pizza Hut cut the sign off, (whether it was a zoning thing) on Old Route 9. Many times people drive by and they miss or attempt and miss the entrance for Pizza Hut and there's always jamming on the brakes, backing up in the middle of the road, turning on the grass, U-turning on the street, I don't know why that sign disappeared, a Pizza Hut thing, the Village or the Town, to be made safe, they can put a sign on Old Route 9 as well, if it's a square footage sign, whatever the requirement may be, if you are going to use that entrance there should be a sign of some size, so as they come if their going north, they have a change to put their blinker on so they don't have this chaos that happens, another thing because it's a swamp or wetland down at the bottom end, many times you seen raccoons, or possums, animals other than domestic cats, or dogs, there are some issues, that Pizza Hut just wasn't doing anything with their dumpster, they had a compactor at one time, whether they downsized to save money, they had squirrels, all kinds of funny animals in the dumpster.

Mr. Fanuele: Animals were hanging out at the dumpster?

Mr. Bostwick: There was in the daytime a raccoon – the wetlands are right there, the wild animals are right there.

Mr. Gillespie: There is a freestanding sign, there's a building mounted sign on the north side, terms of signs, I think the requirement is one per site, there may have been we have proposed a building mounted side on the north side and one facing east, in terms of freestanding signs, I think the requirement is one per site. It may have been up and taken down because it was in violation; the question would be in order to avoid that predicament would it possible to install a low standing entry sign to inform drivers not to drive past the site, if they take the right.

Mr. Stolman : The Planning Board has the latitude to allow that.

Mr. Gillespie: The issue in reference with the animals, there is a refuse enclosure that sits up by the building now. We looked at some options in terms of doing some work down through here eliminating some space, for a number of reasons, decided to leave it alone. In terms of trying to keep the animals off the site, this operation is a 24 hour operation, so there's not going to be any down time.

Mr. Bostwick: There's a dumpster site there, as it is now, when they had a compactor there, it went in really easy by now they have to go back and forth to try to get the truck in there.
One of the truck actually banged into the pole

Mr. Gillespie:(inaudible – moving maps and plans).
Can't just go – have to (kind of a swoop), we can take a look, probably the angle, it's a pretty substantial structure now probably purposely enclosed as part of the Pizza Hut plans probably going to have to take a look at.

Mr. Fanuele: Anybody on the Board have any comments?
(No response). I spoke to the Village Chairman, you dropped the print off, but he would like to talk to you, go down and talk to him – maybe he'll waive sidewalks like we did in our piece.

Mr. Gillespie: We have spoken to them – we spoke to MaryAnn, the secretary.

Mr. Fanuele: Have you talked to the Chairman?

Mr. Gillespie: When we asked to get on the agenda over there, the response we got was “that's typically something the Town always handles”, there are some water and sewer issues over there, I think there was a letter to that effect.

Ms. Visconti: They asked to be kept in the loop.

Mr. Fanuele: I talked to the Chairman, and he keeps saying you never come down to see them, all you did was prints, I'd go down to see him.

Mr. Gillespie: I have no reason not to see him.

Ms. Visconti to Mr. Fanuele: When did you speak to him?

Mr. Fanuele: Sunday

Ms. Visconti: He keeps saying the same thing, the letter is old.

Mr. Gillespie: Our point of contact is always MaryAnn. If we could possibly get to the Chairman, that would be fine.

Mr. Fanuele: Well, give the chairman a call.

Mr. Gillespie: We can do that.

Mr. Fanuele: If he says he don't want to see you, come down.
Any other questions?

Ms. Visconti: I just have the items we discussed when we did the site inspections.
Are we going to close the public hearing, or did the chairman in the Village – did he
Indicate that he had any problems with the project or did he just want to be notified?

Mr. Fanuele: You've got to get permission to waive the sidewalks, in his portion,
we waived them in our portion, you've got to go back and get the Village.

Mr. Gillespie: We have a formal application with this town, we were told that this was handled
with this particular site, they were involved, initially it was sent to them as part of the circulation
package, when it was first submitted. We can approach them, but we always dealt with the Town.

Mr. Fanuele: We don't make decisions for the Village.

Mr. Gillespie: No, and I wouldn't ask you to, the main issue with regard to sidewalks, was along Route
9. So there's no portion within the Village that's along the main State Route 9.
Regards to the County's recommendations, they focus on Route 9.

Ms. Visconti: It ended on our lanes, they didn't mention the Village, it's not in their notes.

Mr. Gillespie: We want to have a discussion regarding that. One of the things the County had asked
was to take a look at the potential for sidewalks along there, we'd like to clamp that issue down a little
bit, because we did submit a updated print with, it's still an issue that kind of hangs out there. The
sidewalk along Route 9.

Mr. Fanuele: In the Town – not the piece that's in the Village. You should talk to the people in the
Village, get them to give the ok. Talk to them about the whole project, tell them what's going on.

Mr. Gillespie: I want to make it clear - it's not that we've avoided that, we've reach out to them, we're
being told something different tonight, that's not being relayed right, from the Planning Dept. to him,
then that's a problem, we'll have to figure that out.

Mr. Fanuele: The Planning Board is going to let us make a decision for them, let's see, we're going to
want something in writing.

Mr. Roberts: You can't make a decision for them.

Mr. Fanuele: Their going to have to make a decision for themselves.

Ms. Visconti: It says in the letter dated July 8, 2011...(proceeded to read from same letter).

Mr. Roberts: The only comment is – there is a very minor change to the footprint, other than that, the only thing I suggest Mike, is just write a letter explaining what Victor had said.

Mr. Gillespie: We have shown grease traps on the plan, we have talked to the sewer department, we have pursued those approvals with them, we'll get it clarified.

Mr. Fanuele: We have a memo from the Dutchess County Planning....

Ms. Visconti: Recommending that we look into the Town's jurisdiction, whether we wanted sidewalks to nowhere, we did a site visit on December 10th (pointed out who attended the site visit).

Mr. Stolman: Beside the issue about the sidewalks, did anything else come up?

Ms. Visconti: We discussed a little bit about the wetlands down in the ditch, and talking about the parking spaces down there, but we didn't have any notation about it.

Mr. Stolman: So what Victor said, you're waiving the sidewalk?

Ms. Visconti: As far as I'm concerned, I would waive the sidewalk.

Mr. Fanuele: I would like to keep it open, for when they expand Route 9 to three lanes and then put them in. They going to have to put a barrier and fill in some wetlands to make the two lanes into three lanes.

Ms. Visconti: But it should be at their cost, not ours.

Mr. Gillespie: I thought that we as flavor of the Board when we were out there. Because the sidewalk didn't make a lot of sense.

Mr. Valdati: We do have rental properties that are along that area all the way to Main St. There are sidewalks from Main St. to Route 9, moving southward they get up to...?

Ms. Bettina: ... Stops at the Auto Zone.

Mr. Fanuele: Then comes an empty lot, then Odyssey Diner.

Mr. Valdati: I can see a sidewalk going on the Route 9 side, but not on the other side. There are residence that rent, I can see them walking to get to the diner, rather than driving. From a safety standpoint, I'll leave it to our professionals to think about safety for them. There are going to be a

lot of walkers.

Ms. Bettina: but there are no crosswalks, on Route 9 unless you go further north
And that's where they are going to have to cross, your can't cross 9 there, it's suicidal.

Ms. Visconti: Do you have to do a vote of the board, whether there should be a sidewalk there, or not there?

Mr. Fanuele: We're saying they should not be included....

Mr. Valdati: I'm saying, Pizza Hut was one thing, and now it's a diner, I can see people who live in that area, and there are a lot of renters, a lot of apartments, I can see people walking.

Mr. Fanuele: Where do you want to put the sidewalks?

Mr. Valdati: We have sidewalks from Main St. all the way up to where Auto Zone is...

Mr. Fanuele: Then there's an empty lot....

Mr. Varanouskas: Without major grading, it would only go to maybe a 3rd of the property there... after that, there's a huge amount of grading, changing the land...it's impossible

(Discussion between members, regarding grade being so bad)

Mr. Valdati: My idea is, if people are going to be walking on shoulders of roads rather than on a designated path....from north to south, if it led to an entrance, it doesn't have to go to it's so steep that there's no feasibility.

Mr. Stolman: If there's a compromise.

Mr. Valdati: Just a point where people can travel to the entrance. I leave it to the board to decide.

Mr. Malafronte: If it's non-conforming, is that only addressing the lot? Or is it on the building, also.

Mr. Fanuele: We're not addressing the building, the building is already there.

Mr. Stolman: The Zoning Administrator, had rendered an opinion on that. Barbara wrote a letter, dated 12-5 based upon the fact that it's an existing situation...(read the letter, stating it's non-conforming..)

Mrs. Roberti: According to 240.18F, it met all the requirements.

Mr. Valdati: Theoretically, that it's non-conforming you're not suppose change or expand the size.

Mr. Stolman: There are certain exceptions to that, and this would meet those criteria.

Mr. Gillespie: We provided some information, and one part was granted, and justified meeting criteria. From a layout standpoint, we were fairly squared away on the sidewalk issues when we met out there. There were some building department requirements and notation, we're really geared toward, when a building permit is filed.

Ms. Visconti: We need to close the public hearing.

Roll Call Vote: To close the public hearing

Ms. Bettina: Motion

Ms. Smith: Second

All in Favor: Aye

Ms. Visconti: We want to make an authorization for David to write a Resolution.

Mr. Fanuele: We want to make the resolution subject to the Village approval of us. Something in writing from the Village that they're not interested.

Ms. Visconti: The only thing I had that we had to include in the resolution were

1. The waiver showing the 200' butting uses, we waived that.
2. It was ok the two (2) internally mounted lit signs
3. Ok to waive the requirement to notify
4. We were going to include the freestanding sign on Route 9 so you don't go past (run it past the Zoning Administrator so meet the requirements)
5. The dumpster location, you're going to take a look at (I think you should talk To David....(Mr. Stoleman – yes that will be in the resolution.)

Mr. Varanouskas: Clarification on the sidewalk? On Route 9

Mr. Valdati: If there's any compromise ...to the entrance, would be reasonable.

Ms. Smith: You're proposing a sidewalk from where to where?

Mr. Valdati: Heading south towards the entrance.

(Discussion among members regarding sidewalk to nowhere).

Mr. Gillespie: We did take a look at it, but decided in the field that we're not going to do that...now that we're having that further discussion...

Ms. Visconti: If there's a sidewalk to Auto Zone and it's flatter, wouldn't it be easier for the people to go to Auto Zone then to walk to Route 9 and come in? – because it's much flatter and their not exposed to the Route 9 traffic.

Mr. Malafronte: Is that the shed property?

Mr. Varanouskas: Part the issue along Mr. Shed's property, there's culverts there, there's trees...a lot of issues, kind of similar on the southern portion of our site. It's almost understood in that discussion, that wouldn't ever happen either.

Ms. Visconti: Mr. Chairman, shouldn't we take a roll call vote and let the board decide whether they want a sidewalk or not.

Mr. Fanuele: Robert is the only one who said he didn't want one.

Mr. Valdati: No I said I would like to see something, gearing toward the entrance.

Mr. Fanuele: Nobody said something, so I'm assuming they're in favor.

Ms. Visconti: We'll be able to revisit this, when the state decides to widen the road, they may move stuff, because of eminent domain some of the property to make it wider, it may not be there anyway. It may be mute because whatever sidewalk is there...is going to be gone anyway.

Mr. Malafronte: Then what part of this site will address the Village's requirement, of a sidewalk?

Ms. Visconti: They're not requiring a sidewalk, the Village never said anything
It was only the Dutchess County Department of Planning.

Mr. Malafronte: So even if they said something, where would they put it?

Ms. Visconti: They didn't – nobody addressed it.

Mr. Malafronte: We have to go back to them.

Mr. Fanuele: Go back to the Village, get the Village's ok, because part of it is in the Village. For them to say, ok – do what you want to do there, we approve it. We can't approved it for the Village.

Mr. Gillespie: It just keeping them in the loop...it's a courtesy.

Ms. Visconti: I'll go back to my motion authorizing David to write the Resolution, excluding the request for sidewalks be in the Resolution.

Motion: Ms. Visconti

Mrs. Smith: Second

Roll Call Vote: Ms. Smith – Aye

Mrs. Leed – Aye

Mr. Malafronte – Aye

Ms. Visconti – Aye

Mr. Valdati – Nay

Ms. Bettina – Nay

Mr. Fanuele – Aye

Audience Member: Is that the end of the Public Hearing?

Mr. Fanuele: We closed it.

Audience Member: You opened it, you closed it, you took one question and several people back here had our arms up – and then all of a sudden it was closed.

Mr. Fanuele: Sorry we closed it, did you want to say something?

Audience Member: Yeah, there were lots of questions, and all of sudden it's closed.
Is it back – Opened?

Ms. Visconti: We have to make a motion to open.

Ms. Smith: I make a motion to re-open the public hearing

Mrs. Leed, Ms. Bettina, - Second

Ms. Bettina: What is your name please?

My name is Nancy Bostwick:

Resident continued to address her concerns about Old Route 9 – traffic.

Second resident – John Basher – also expressed his concerns for safety of traffic and Route 9 and also questioned dumpsters-rats, etc.

All members answered questions and/or referred their concerns to the Dept. of Health
And issues of safety for traffic flow.

Motion to close Public Hearing:

Motion: Mr. Valdati

Second: Ms. Visconti

All in Favor: Aye

11-3243 - The Town of Wappinger will conduct a Public Hearing pursuant to Article IX, Section 240-87 and Section 276 of the Town Law on the application of **Villa Borghese (Widmer Inn Restaurant Corp.)** to discuss amending their site plan and lot line realignment between Villa Borghese and Wappingers Re, LLC. for 1.5 acres. 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** (Villa Borghese) & **Tax Grid No. 6158-04-951382** (Wappingers Re, LLC.) in the Town of Wappinger. (Paggi)

Mr. Fanuele: All mailings are in.

Motion to open Public Hearing:

Ms. Visconti: Motion

Second: Ms. Bettina

All in Favor: Aye

Christain Paggi: We're proposing to add additional parking at the Villa Borghese, in the rear of the property. The owner is in contract to purchase 1.5 acre parcel, know as Cranberry Hills property. Their proposing 52 additional spaces to accommodate the volume of cars they have there, currently, which will result in approx. ½ acre of impervious coverage. This will be mitigated with a proposed infiltration basin at the rear of the property line, the proposed overflow, that will discharge to a catch basin at the foot of the property at Widmer Rd.

Audience Member: Thomas Dalbro, 68 Widmer Rd.

Property next to your proposed extension.

Challenging living next to a catering establishment, somewhat concerned when first was make aware of this extension decided to write letter Mr. Fanuele in terms of lighting, also trash onto my property, and 3rd concerned about an area along my driveway, I had done some plantings, I allowed to meet with Chris and Larry Paggi to discuss concerns. I was pleased to see at least one of them of addressed. Inclusion of Colorado Blue Spruce – when grown to height, will mitigate parking area. (Described concerns in letter). Been picking up trash up and down my driveway, people just throw thru the trees. Letter suggests on site plans should be noted, trash receptacles along the parking area, to catch those bottles and cans.

Audience Member: Thomas Dalbro – Cont'd.

Area on which I planted trees, my father and I have been taking care of that area.

20 years ago, I planted several evergreen trees along that area. My request is to leave the trees I planted there and it be so noted.

Mr. Fanuele: Where's your boundary line?

Mr. Dalbro: The boundary line is right on my road.

Mr. Fanuele: So you improved on Cranberry's piece property.

Mr. Valdati: Encroached – a legal point. Unless a structure is constructed or sort of permanent wall or structure, Is there any way that planting trees evoke adverse possession.

Mr. Horan: Described the legal explanation of adverse possession. A lot of issues that goes with this.

Mr. Valdati: At this point, Villa Borghese is in contract to purchase this said acreage and depending the outcome of the Planning Board, they will fulfilled that contract. Does the actual conveyance of that property delineate the line that excludes this planted area that's been cultivated for 30 or 40 years, or does it include that area.

Mr. Paggi: It is part of the purchase.

Mr. Dalbro: I'm not suggesting adverse possession claim, all I'm asking is what I planted there, is not interfering with parking area or drainage area. Just requesting on site plan be indicated that this line of trees remain.

Mr. Valdati: We would have asked them to put even more there if they weren't there, so you're doing the applicant a favor.

Mr. L. Paggi: Starting with the tree concern we did move the infiltration basin, somewhat closer or further away from your property line so we could maintain this buffer line about 20 feet of this buffer line, with that intent – of the tree line. You're looking for a notation that maintain that, doesn't make sense to take trees down. Maintain buffer for

Mr. Dalbro, his driveway is right on the property line. The spruce are proposed to be 7-8' height, 10' on center – 31 trees, significate planting we're proposing.

Mr. C. Paggi: We propped 3 trash containers along the parking lot. (Pointing out where they will be located). You're looking for more, we'll talk to owner.

Mr. L. Paggi: We established a line of sight from Mr. D'Albro's to the proposed parking area. We've done our duty in demo landscaping and screening in those areas. Address concern in relative to trash.

Ms. Smith: Will you be looking at the plan where those are located.

Mr. L. Paggi: We are looking at it.

Mr. Stolman: How many trees are we talking about on your property?

Mr. D'Albro: 7 – I think

Audience Member:

Marie Riccobono – 82 Widmer Rd.

Letter for Mr. Fanuele concern problem – looks nice over there, who is responsible, someone destroyed the eastside of the property. No sound barrier, no sight barrier

Spots lights on all night, 2 houses down – close blinds at night, no noise barrier

Owner's at 80 destruction of eco-system, soil errotated, plastic tarping on ground

If used as parking lot – gasoline and other fluids – troth of mud. Concerns are

What's going on west side – wreaking other side that abuts to 80 – correct mess, set up sound and light barrier.

Mr. Fanuele: Point to area you're talking about?

Ms.Riccobono: (Pointing out on map) Trees are felled. Who de-neuted it? made complaint. Before we add more cars, more noise, more lights.

Mr. Valdati: Mr. Porco proceeded to develop without any approvals, plans, permits and weren't they told to restore things.

Mr. L. Paggi: Part of the conditions – is to restore that. The gravel area.

Ms. Riccobono: Not going to agree to unless restore area.

Mr. L. Paggi: Property owner were sighted for doing work without a permit, part of settlement, fined – restoration bond in place. Bond is in place, about \$100,000.
row of evergreens, going to be used for parking.

Mr. Stolman: Comments in our memo, responded to and complied with by the applicant...says existing gravel parking area is shown to be verified seeded and mulched
As planting plan should be provided....continued read from memo.

Ms. Smith: They already had about 2 years and they've done nothing.

Discussion between several of water running down old road

Ms. Riccobono: We don't want any more noise more, more lights and we don't want it unless there's going to be a barrier... making it worse.

Mr. Paggi: We're moving some parking away from that area.

Ms. Smith: I think we should have them stop all work until they correct the problems that they created. It's been 2 years – I was there, looked ... they've done nothing.

Mr. Valdati: Town needs to be specific as to what we would like to see there – we need to be upfront where they illegally incurred into that property and did work. We should come up with a plan and let Mr. Porco know this is what we want.

Mr. Fanuele: Do you want to go out and take a site visit?

Ms. Visconti: David, they're also before the Town Board for re-zoning under the Master Plan to Neighborhood Business. Were they given any direction from the TB to do nothing until everything was formalized as to what the zoning would be, and then present plans?

Mr. Stolman: I don't believe so, I agree with Robert, instead of restore, there needs to be a plan in place.

Mr. Valdati: We should come up with a plan, and let Mr. Porco know this is what we want.

Mr. L. Paggi: It would be appropriate as to have whatever that restoration plan be, approved by the PB and part and parcel, the site....we're not going to act on this application until they restore the property – they have to go thru the site plan properly to restore the property.

Ms. Visconti: They need to provide new plans, to include landscaping, restoration and lighting plan to be attached to this request.

Mr. Stolman: They're going to take their site plan – supplement and show a restoration plan for that area.

Mr. Valdati: Here is what you need to do?

Ms. Leed: We're not designers, we're reviewers.

Mr. L. Paggi: I think we're pretty good at giving you what you're asking for.

Mr. Fanuele: Want to do a site visit?
Ms. Bettina – Haven't see it – would like to see it.
Scheduled for Saturday 1-7-12.

Mr. L. Paggi: This is a complicated procedure...described all processes we need to close PH, tonight, ask to consider Neg Dec – not an approval of the site plan, leave all that out there, review restoration, approved restoration plan make sure lighting is done...need Neg Dec to be in place in order to have TB be able to move forward with consideration, the Comp Plan amendments and the re-zoning applications.

Mr. Fanuele: I disagree, I think we should adjourn, not close it – see some action
Mr. Porco is going to do-if that solves some of problems.

Mr. L. Paggi: The application before, show you everything to reconcile some of issues from past, including recent issue, Mr. D'Albro, buffering. We recognizing other problems, obligated to address them. You have authority to recuse any approvals until those are addressed.

Ms. Visconti: David, does what Larry said about Neg Dec. impact the TB's ability to do anything on Jan. 9th?

Mr. Stolman: On Jan. 9th they're hold those public hearing about the Zoning Map Change and the Comp Plan Amendment they can hold those public hearings, they can close those public hearings but they can't take action until a Neg Dec is issued, you're the Lead Agency with respect to the SEQR process, if a Neg Dec is not issued tonight, the TB will have to wait until the second meeting of the month, or the first meeting of the next month, in order to accomplish those other things. Having said that, you can't issue site plan approval, until they make those changes, perhaps at the next meeting you can authorize a resolution. You do have a Neg Dec, based on what you've heard tonight, and what you're going to do with that.

Mr. Valdati: We've had our public hearing, we've listened to the concerns of the public as a board and our professionals, we're going to be assuring that Mr. Porco do what they have to do to make this acceptable.

Mr. Fanuele: I disagree, I don't see any plan to restore that site, there's a bond, but no plan. So it's a Positive Declaration, come forth – how are you going to solve the problem.

Mr. Stolman: If the applicant were to commit tonight, to include that restoration, to restore that area to your satisfaction, and to include the lighting issue to include that as part of the project and were committed to doing that, would be enough to let you issue the Neg Dec.

Ms. Smith: They told us that before and they didn't do that.

Mr. L. Paggi: You have the final say.

Mr. Fanuele: We adjourn the public hearing for a month or so, and have Mr. Porco come back with the restoration plan, that he's going to include that in his plan.

Mr. Fanuele: I make a Motion that we adjourn the public hearing

Mr. Valdati: I'll second that for discussion. In looking at the SEQR process, says we're at Step 5 – determining the significance of this project to be neg or positive as this point. What are the criteria that this would be a Pos Dec, what would trigger the Pos Dec at this point? With what we've learned at this point, would that be enough to trigger a Pos Dec?

Mr. Stolman: No, I don't believe so. By issuing the POS DEC, would be saying that this project, may result in significant adverse impact upon the environment, you would then be by virtue, by issuing a Pos Dec be required to prepare a Draft Environment Impact Statement for this project, for the extension of this parking area and restoration of the parking area. We sent out to you a draft Neg Dec. which has all the reasoning in it, for issuing a Neg Dec, finding there will be no significant impact on the environment. Beyond what we submitted to the Planning Board, a couple of issues have arisen, tonight. I think the applicant is permitted to say – they will deal with the restoration plan, to your satisfaction, and they will deal with the lighting issue along that side as well. I think that would justify the issuance of a Neg Dec.

Mr. L. Paggi: (Spoke of the ramification of issuing a Pos Dec – not going to see a Zoning change by the TB, on 1-5, make re-application to...)

Mr. Stolman: Modify the plan, resubmission, turn it around quickly, could be on the Planning Board's next meeting to receive any comments from you regarding the restoration and for the PB to entertain a Neg Dec.

Ms. Visconti: Motion – to close Public Hearing

Ms. Bettina: Second

Roll Call Vote: Ms. Smith – Nay

Ms. Leed – Aye

Mr. Malafronte – Aye

Ms. Visconti – Aye

Mr. Valdati: - Aye

Ms. Bettina – Aye

Mr. Fanuele – Nay

Ms. Visconti: Motion for Planning Board to issue a Neg Dec

Mr. Valdati: Second

Roll Call Vote: Ms. Smith – Nay

Ms. Leed – Aye

Mr. Malafronte – Aye

Ms. Visconti – Aye

Mr. Valdati: - Aye

Ms. Bettina – Aye

Mr. Fanuele – Nay

Discussions:

10-3199 / Calvary Chapel of the Hudson Valley:- To discuss a site plan for a place of worship that would consist of 24,000 sq. ft. and 362 parking spaces on 48.86 acres in a CC & R-40 Zoning District. The property is located on **Route 376 and Diddell Road** and is identified as **Tax Grid No. 6359-03-176082** in the Town of Wappinger. (Berger)(LA sent June 1, 2010)

Mr. Richard Cantor: Turn over to Mr. Berber, our agenda does two things:

1. Brief you on what we've been doing and what we believe we continue to have to do
2. Obtain your concurrence for us to meet after this evening and prior to the next time you consider this, with Mr. Stolmen, Mr. Roberts....to work thru in detail, submitting efficient way to do it, if not all, most are resolved.

Mr. Jos. Berger – Berger Engineering
& Michelle (Eng.)
& Carol Knaff – Wetland & Wildlife Biologist

Mr. Berger – Working with different agencies, DEC, DOH, Army Corp.... and had meeting with DEC along with your planner on Oct. 24th – walked thru all wetlands – 3 different wetlands on site. All at same wetland but, at different definition of boundaries. Army Corp. has no buffer but DEC & town do have buffer – to protect wetland. Working with both your planner and Army Corp. and DEC to provide restoration – connects 2 wetlands, which were separated when railroad went through. That's the main restoration, to remove a portion of the railroad bollards and connect the 2 wetlands, so there's one wetland. The DEC thinks it's a great idea, our project is to construct the church on this side, parking lot and overflow parking here. This is in a raised area, the wetland surrounds it, go thru buffer portion of Army Corp. to get to it. Sewerage disposal system ..(pointing out on map "way over here" and out of the higher area") Walk the site with Army Corp 11-17-11 to see how they have any input. They are basically on board, we shared with them the DEC has asked for – resubmitted back to them. Been in

contact with DOT, walked site with them – where entrance is – moved the entrance to where the DOT wants to it. Looking at site on right is small town wetland, at the left is the beginning is the DEC wetland. The DOT has give it's conceptual letter of approval are awaiting what will be called working drawings which will come, once we get SEQR from this board. Meeting w/DOH – Dutchess Co. oversees septic system, our water supply which will be a well. Met w/them – done percolation test for the rest of the areas and best was over here and they give us a acceptance conceptually of what we're proposing. They need SEQR to move forward, on site is to provide green practices to treat our storm water, 84% of the site will be left un-disturbed, green area, are encroaching for wetlands, driveway, parking lot, buffers will be restored by restoring the wetlands.

Ms. Visconti: When we did the site visit addressed all volume of water going down Diddelle Rd. under the culvert. Those bio-retention plans are going to take care what you are disturbing. You said something about that culver being too small?

Mr. Berger: We're not solving what goes on down there, we're going to be reducing what our impact is currently storm water regulations require you have reduction of volume as well as peak. This culvert here is not large enough for a 100 year storm.

Ms. Visconti: Who's problem is that?

Mr. Berger: The state and Diddell.

Mr. Canter: We're partially medigating – we're not eliminating it, but partial medigating it by reducing the amount of water that goes in that direction.

Mr. Berger: The flooding that's going on here – we're not even touching, so we reducing some of the runoff that's eventually going down there.

Mr. Fanuele: It is wetlands surrounding it, where does that water go?

Mr. Berger: It fills up and eventually goes thru the stream – goes back and forth under Route 376.

Mr. Fanuele: You're putting areas in that are going to accept water, to go into the ground, if surrounded by wetlands – how is it going to go into the ground?

Mr. Berger: Because it stops at the same elevation – walk up to large plateau area, the wetlands are low areas. On top goes down into a valley, did soil test, have nice soil – high up and will filter in.

Ms. Knaff: This is the formal elevated railroad bed, nothing comes in this area, been blasted through the

rock, is dry most of time – most of water going thru culverts.

Ms. Visconti: During hurricane Irene and tropical storm Lee, that water was running so fast, and so high it breached the ditch and going into her house.

Ms. Knaff: Most of what's happening over here is coming down from stream from Diddell Rd. – permanent stream, water running over bedrock – constantly flowing, comes into wetland, most all of it coming from this direction.

Mr. Malafrente: This that coming from the Rail Trail?

Mr. Berger: Yes – also coming down from slope.

Ms. Visconti: Addressing David Stolman – how many parking spots, based the square footage of the building - is the minimum that they are supposed to have? Their proposing 364.

Mr. Stolman: 181

Ms. Visconti: When we were doing site inspection – where the DOT is to put the entrance, the speed of the cars coming around that corner. Calls for 180 cars, I have a problem allowing 364 parking spaces, I'd rather have the owners come back – based on the amount of people you have coming to church – double the amount.

Mr. Stolman: I'm looking for more information to justify the amount.

Mr. Cantor: We have two (2) issues – is there adequate site distance – to get safely in and out and The other is the appropriate number of parking spaces? Need to provide further document to you, we began the process explaining the actual counts we did – typical number of people per car to attend the current facility – I think adequate parking is a lynch pin of critical element site plan – assuming we have working meeting with consultants – will review – review documentation we should provide. You the board to weight in what we're saying is reasonable or not.

Mr. Berger: Look at the church – it's current use – it created how many we need – we studied the parking, get survey, look at land – we designed the parking lot based on that. The number came to us through that – we looked at 2.2 people per car, rounded to average of 2.

Ms. Visconti: how many parishioners do you have? You have 1,500 parishioners?

Mr. Berger/Michelle (Engr.) No – when counts are taken, there are about 100-200, but that's a much smaller church.

This one is going to have 724 seats – their counts, took what we want the church to grow to. Build to

bigger, use ratio – do updated counts.

Mr. Fanuele: I have a problem with water – if our engineers give us the ok on the water going to the ground and you're not creating additional water problems.

Mr. Berger: DEC does take that as a approved practice – we'll work with your engineer.

Mr. Fanuele: Any questions?

Mr. Malafronte: Addressed all items they wrote down – based on parking requirements, couple ways to calculate that?

Mr. Stolman: The applicant with your permission would like to go over that.

Mr. Cantor: Asking to over that with your consultants.

Mr. Malafronte: Questioned the Indiana bats & turtles

Mr. Berger: We discussed with the Army Corp and the DEC on that issue, they are wanted a medigation plan which we offered, removal of trees, identify any trees.

Ms Knaff: All the invaded species or threatened species stated have that addressed, an ecological assessment submitted with the Army Corp Engineers permit and is under review with Fish and Wildlife spoke to – waiting for a response from Fish and Wildlife.

Mr. Malafronte: There's 9 classes, are they going to be full?

Mr. Berger: Only children will be in there, going to be used on Sunday.

Ms. Visconti: What about summer time, are they going to do something then?

Mr. Berger: Vacation bible school – 1 or 2 weeks, no other summer program, no daycare.

Ms. Smith: You'll have Sunday and Wednesday night.

(Discussion continued on septic/sewer issued, Dept. of Health)

Mr. Fanuele: Continue with our professional, and come back.

Conceptuals:

11-3247 / Chapel of Sacred Mirrors (COSM) – To discuss site plan approval for an art studio/gallery, including a small addition to the Carriage House on 38.74 acres in an R40/80 zoning district. The property is the **former Deer Hill Conference Center located on Wheeler Hill Road** and identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (Cappelli)

Mr. Cappelli: Many of you have taken tour we had last summer, discuss project with you – now have direction for carriage house – converted into art gallery. Art gallery proposed as a use, proposing several additions to carriage – need to go to Zoning Board, meeting with your consultants to move process along. Submitted narrative, want to discuss – parking requirements for art gallery – nothing in Zoning to show how many parking spaces are required. Researched a dozen or so other towns or cities around the country that had art galleries as a use and their parking requirement, came up with a number – make sure what we’re doing on the site enlargement of those impervious areas, important that we establish as a number. Talk about, or differ what we’re proposing is the existing carriage house minus the area illustrated in pink, and northeast corner fill in make a tower for elevator – emergency set of stairs. Property line is parallel to carriage house about 20’ – I need 40’ – like referral to allow us to continue building line along northeast side with vestibule and for vertical circulation area that we’re looking to add to the gallery to use the existing carriage house in its entirety, two stories for gallery space. Need referral to the Zoning Board to allow us to go before them. (Showing blow up of lot, describing the area, carriage house, classroom, main Sherwin house, office area.) We wanted to keep commercial or people from entering the site, describing driveway to add small parking area.

Ms. Visconti: Are you anticipating the art gallery will be a destination for people to wander through, have auctions.

Mr. Cappelli: No, actually the owner has suggested we don’t call it a gallery, that it be call an exhibition hall, it’s going to be for stationary painting, no sales of paintings, of his or anybody else’s, a permanent display there.

Ms. Visconti: Would he be having someone else’s are displayed, i.e. the Vanderbilts for viewing?

Mr. Cappelli: The size of the building does not suggest that. Originally that’s what he wanted to do, we had a much larger addition like NYC, but this doesn’t allow for that. All 5 rooms that are going have exhibits earmarked for Alex Gray paintings.

Ms. Leed: Like a museum – do we have museum parking in our code?

Mr. Stolman: No – but we can come up with something.

Mr. Cappelli: Researched, suggest everything from 1 space per 200 sq ft. to 1 space per every 400 sq. ft. I took 1 per 250 sq. ft. – bldg. 250 sq. ft. – require 21 spaces for art gallery. I provided 40 parking spaces.

Ms. Leed: How many people will attend the events at the main house?

Mr. Cappelli: When he has those – more than 40 people.
(Discussion regarding other events and parking available).

Ms. Leed: Where do they park?

Mr. Cappelli: They work something out with Mark Liebermann and local fire dept., plan in place where they should/shouldn't park. Hire people to direct cars for those events.

Ms. Visconti: What are the fire rules for those events – how many people?

Mr. Cappelli: Don't have code review.

Ms. Visconti: Will there be an event for a school bus – children in school bus?

Mr. Cappelli: That's a distinct possibility – yes (referred to Deer Hill Conference center) did discuss that.

Mr. Valdati: This R40/R80 – is it grandfathered back to allow guests to stay at the house, does have bed and breakfast designation.

Ms. Roberti: I believe Tania's determination was continuation of like and same type of use.
(Discussion Al Roberts) – formal opinion on this.

Mr. Fanuele: The problem I have is the boulevard up there, if reviewed it with the fire department, you should get a letter to us, that is adequate or will be, the care keeper's house, never get anything up there.

Mr. Cappelli: Had no intent to paving or creating anything going up there, what's there a gravel driveway.

Mr. Fanuele: Just a comment – road too narrow.

Mr. Cappelli: I am going to widen these main roads up to that point – at some point I'm going to come back to you on this.

Mr. Fanuele: Why can't you give us that information, now before you finish the rest of the project not that you have to build it now but it's something that we could see. Then we would see the problem is being addresses.

Mr. Fanuele: You're adding three building up there, you're putting the gallery up there.
(Discussions about the building being the barn)

Mr. Cappelli: No – there were 3 bays there, upstairs used as a rec room, basketball hoop, play basketball used a recreation building there.

Mr. Valdati: Some issues there, driveway, lighting might be an issue, along the driveway, if you brought us information here is what we want to do – kick off a thought process – we don't know numbers.

Mr. Cappelli: My narrative says “we're going to be widening the driveway to the site.

Mr. Stolman: This is a conceptual – just at that stage – Al going to follow up with additional drawings.

Mr. Cappelli: I need a variance, I need to go to the Zoning Board I rather go sooner rather than later.

Mr. Stolman: At some point the applicant has to go the ZBA – you can send him tonight, you could wait until the actual submission is made for site plan approval.

Mr. Cappelli: For my little addition – little stairwell

Mr. Stolman: This building has a non-conforming setback, and in order to continue existing line of bldg further, needs to get variance for ZBA.

Mr. Fanuele: Looking for additional parking – making change of site.

Extensions:

08-3162 / Osborne Square (Formally Bank Plaza): Applicant is seeking their first 6 month extension on their site plan that was approved on January 5, 2011. This extension would begin January 5, 2012 and run through July 3, 2012. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day) (Site plan approved 1-5-11)

Extension approved to 7-3-12

Miscellaneous:

09-3178 / Spooge, Inc.: To discuss amending the approved site plan regarding landscaping and two rear lights. This is located at **684 Old Route 9No.** and is identified as **Tax Grid No. 6157-02-602780** in the Town of Wappinger. (Witkowski)

Tom Strickner – Builder:

Here for some minor landscaping and lighting changes moved exterior lights on rear of building, owner doesn't want to hang signs at this time so removed two lights, replaced with 5 soffit lights, 1 exterior light for door. Landscape change lack of area for snow removal – moved plants on rear side and placed in the area (border Poughkeepsie Nissan) added larger maple tree as well as pine. Would like to seek acceptance of this removal of plants on island, to be able to place snow (describing area to place snow heavy vegetation)

(Discussion continued with other planting options, between Mrs. Roberti, Board & Mr. Stolman)

Mr. Stolman: Take a look at that, to provide area for the snow.

Ms. Visconti: Can we make a motion to authorize David to take a look out there and see what can be done.

Mr. Strickner: There are wetlands.

(Discussion between members continued regarding what kind of plants can be used.)

Ms. Visconti: Mr. Stolman will provide a recommendation.

Mrs. Roberti: They are looking for a CO, the gentleman has moved in. Would the Board have any problem if they put up an escrow for plantings that would be for Mr. Stolman's approval?

Mr. Valdati – Motioned for escrow

Ms. Bettina: Second
All - Aye

11-3224 / NYCDEP Shaft 6 : -To review the draft EIS in regards to their site plan for construction activity associated with the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT) repair program, an appx. 45 mile section of the Delaware Aqueduct that conveys appx. 50 % of the drinking water for NYC & some upstate communities. The property is located at **195-209 River Road** and is identified as **Tax Grid No. 6056-01-288977** in the Town of Wappinger.(Canale)

Mr. Villari & Mr. Page – Presented to the Board a slide presentation and jump start review of the project, questions were asked by residents concerning noise and hours of traffic flow. Issued EIS and hearing was set with residents at Wappingers Junior High for January 24, 2012.

Bridget Anderson: Spoke to the board about the neighborhood character project 10 years and the economic effect to the area.

Ms. Bettina: Questioned the traffic on Chelsea Rd. – 40 mile speed limit – trucks going through.

D. Stolman: Process DEIS – to review comments for the Planning Board. Project going forward Will address appropriate migration measures.

A. Roberts: Post public hearing on website and Town Clerk.

Discussion of noise studies – 70 dec. max/ both way with concrete trucks
12 truck per hour.

Ms. Bettina: Impact to entire community?

Mr. Valdati: Discussion - questioned the property values/purchase homes.

Mrs. Anderson: Addressed and questioned the noise ordinance.

(Include for January 18th Agenda)

Ms. Visconti: **Motion to adjourn.**
Ms. Smith: Second the motion.
Vote: All present voted aye.

The meeting ended at 10:45p.m.

Respectfully submitted,

Michelle Gale, Secretary
Town of Wappinger Planning Board