

MINUTES

Town of Wappinger Planning Board
December 3, 2012
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

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

Others Present:

Mr. Gray	Engineer to the Town
Mr. Roberts	Attorney to the Town
Ms. Sara Brown	Planner to the Town
Mrs. Roberti	Zoning Administrator
Mrs. Rose	Zoning Secretary
Mr. Horan	Attorney to the Town
Mr. Volkman	Attorney for Old Troy Corners Subdivision

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

BVA Construction	Adjourned until January 7, 2013
Mobil Mini Mart (Rte 9)	Prepare Resolution
Hilltop Village at Wappinger	FEIS accepted
La Fonda Del Sol	6 month extension-granted
Kirk Subdivision	6 month extension-granted
Osborne Square	1 month extension-letter needed
Brundage	6 month extension-granted
JK Power	Continue Discussion January 7, 2013

Mr. Fanuele: I would like to call the Planning Board to order.

Ms. Rose:	Connie Smith	Absent
	Marsha Leed	Here
	Frank Malafronte	Here
	June Visconti	Absent
	Robert Valdati	Here
	Angela Bettina	Absent
	Victor Fanuele	Here

Mr. Fanuele: Next on the agenda is an adjourned public hearing on:

06-5120/BVA Construction - The Town of Wappinger Planning Board will conduct an adjourned public hearing pursuant to Section 276 of the Town Law, on the application of **BVA Construction, is seeking to amend their proposed application for a 3 lot subdivision to a 2 lot subdivision on 17.288 acres in an R-40 Zoning District.** The property is located on **Kent Road** and is identified as **Tax Grid No. 6257-02-513975** in the Town of Wappinger. (Barger)

Ms. Rose: At 3pm today I received a letter from Steve Burns requesting that the adjourned public hearing for BVA be adjourned again and be put on the January 7, 2013 agenda.

Ms. Leed: **I move to open the public hearing.**

Mr. Malafronte: **Second**

Mr. Fanuele: **Is there anyone in the audience that would like to comment on BVA.**

Mr. Valdati: **At the request of the applicant I move to reschedule this adjourned public hearing until January 7, 2013.**

Mr. Malafronte: **Second.**

Mr. Fanuele: **All in favor?**

Board: **Aye.**

11-3240/4049/Mobil Mini Mart Route 9: To discuss amending their site plan and SUP to convert the repair shop of 1,039 square feet into a mini-mart. The property is in an HB zoning district on .96 acres and is located at **1468 Route 9** and is identified as **Tax Grid No. 6157-02-648928** in the Town of Wappinger. (Green)

- Mr. Green: I redesigned the sign and modified it a little bit. There were a few questions the planner and I discussed. One being the size of the lettering, the size of the pump pricing is the standard size that was sent to me by Mobil. It is 6 wide by 9 inches high. That is what will be installed on the sign. I don't think there were any other issues.
- Ms. Roberti: A long the top will be the digital sale items.
- Mr. Green: Yes. The size will be the same.
- Ms. Roberti: The owner needs to know that the sign cannot be moving.
- Mr. Green: I did tell him that it cannot scroll and he understands that.
- Mr. Valdati: What else is outstanding from the professional point of view?
- Mr. Gray: The engineering is good. I asked for a bollard for the propane tank in the back.
- Mr. Valdati: Mr. Stolman, anything from your office?
- Mr. Stolman: Nothing really, you did get our memo from the 28th of November. We need a letter stating the other sign will be removed. We need a note concerning the access to Wappinger Plaza and how that is going to be arranged. This is the first time you have entertained lettering across the top. The sign before only had digital letters for the gas.
- Mr. Green: This will prevent hanging signs in the windows. This is much cleaner and neater.
- Ms. Leed: Are those letterings going to be big enough?
- Mr. Green: We are not getting the guy speeding up the road. We are getting the guy who is stopped at the light.
- Mr. Valdati: This isn't our usual marquee sign. We may be setting a prescience.
- Mr. Fanuele: Is this going to be lower than the overhang?
- Mr. Green: Yes.

- Mr. Valdati: I'm not happy with the advertising on the sign.
- Mr. Stolman: We will stipulate that it cannot be animated and it cannot scroll. It should also be noted on the map.
- Mr. Valdati: I make a motion that a resolution be prepared and stipulating the above. This should be presented at the January meeting.**
- Ms. Leed: Second.**
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| Ms. Rose: | Mr. Valdati: | Aye |
| | Ms. Leed | Aye |
| | Mr. Malafrente | Aye |
| | Mr. Fanuele | Aye |

The next item on the agenda is:

10-3204/5157- Hilltop Village at Wappinger: To vote on the finding statement for site plan and subdivision approval for age restricted housing components on 149.35 acres that are currently in the R-40 & COP zoning district and are seeking re-zoning to RMF-3. The property is on **All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-630770** in the Town of Wappinger. (Povall) (LA 5-18-2010)(PH 5-7-12)(Accepted FEIS as complete 11-5-12)

- Mr. Povall: We are here tonight to receive comments from the professionals on moving forward with the site plan and the subdivision.
- Mr. Valdati: Mr. Stolman, do you have anything to add?
- Mr. Stolman: I have nothing to add.
- Mr. Valdati: Anything from our engineer?
- Mr. Gray: I discussed the comments with Bill and we are on the same page.
- Mr. Roberts: It looks like the Town Board will be holding a public hearing on the rezoning. I believe it will be January 14th.
- Mr. Stolman: The SEQRA process has been concluded because you adopted a finding statement. The Town Board also adopted a finding statement. At the Town Boards last meeting; they introduced a resolution to adopt the local law. They set the public hearing for January 14th. The Town Board will see how the public hearing goes. They could conceivably adopt the zoning that night but they will probably wait to see how the public hearing goes. When we draft a packet for the Town Board; an introductory resolution, a public hearing notice, and an

adoption resolution is prepared for them. They have all that. We do not have any additional comments tonight. We will have additional comments to you and the applicant at the next meeting.

Mr. Malafronte: So at the last meeting we approved the finding statement.

Mr. Stolman: You adopted the finding statement. To recap the finding statement is just what is drafted in the Draft Environmental Impact Statement. There was nothing new in the finding statement that you hadn't seen before but SEQRA requires that it be boiled down to the essentials and that is what the finding statement is.

Mr. Valdati: Thank you.

Mr. Fanuele: Next on the agenda are extensions:

05-3116/ La Fonda Del Sol – Seeking their seventh, extension for one year for final site plan approval for a revised site plan for a restaurant, retail space and a standalone bank totaling 27,225 square feet in an HB zoning district.. This extension would begin on December 15, 2012 and run through December 14, 2013. 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, sixth granted to December 14, 2012)

Mr. Valdati: **I make a motion to grant the extension.**

Ms. Leed: **Second.**

06-5122 / Kirk Subdivision – The applicant is seeking their twelfth 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 begin on December 30, 2012 through August 1, 2013. The property is located at **97-99 Pve 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, tenth extension expires on June 28, 2012, eleventh expires December 29, 2012*)

Mr. Valdati: **I make a motion to grant the extension.**

Ms. Leed: **Second.**

08-3162 / Osborne Square (Formally Bank Plaza): Applicant is seeking their third 6 month extension on their site plan that was approved on January 5, 2011. This extension would begin January 3, 2013 through July 2, 2013. 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) *(The public hearing was closed on July 19, 2010; final approval was received on January 5, 2011. First extension granted January 5, 2012, second granted July 18, 2012)*

Ms. Rose: **Victor, I have left numerous phone calls for them and even spoke to Jason Morris. I still have not received a letter of request.**

Mr. Valdati: **Can we grant the extension pending the receipt of the letter of request.**

Mr. Gray: **He was in today and we spoke about his DOT permit.**

Mr. Roberts: **We can extend it until the 7th and at that time we should have his letter.**

Mr. Valdati: **So moved.**

Ms. Leed: **Second.**

10-3216/Brundage., The applicant is seeking their second extension for six months on their approved site plan and SUP to legalizing two houses, one for rental income, one for their primary residence and a retail business on 1.76 acres in the NB Zoning District. This extension will begin on January 4, 2013 through July 5, 2013. The property is located at **2088 Route 9D** and is identified as **Tax Grid No. 6057-04-847098** in the Town of Wappinger. (Day) *(PH opened and closed 6-6-11. Resolution Approved July 6, 2011) (First extension granted July 5, 2012 thru January 3, 2013)*

Ms. Leed: **I make a motion to grant the extension.**

Mr. Valdati: **Second.**

Mr. Fanuele: Next on the agenda is:

12-3268/JK Power: To discuss the placing of machines such as Lawnmowers, ATV'S and Z Riders in front of building. The property is located at **767 Old Route 9N** and is identified as **Tax Grid No. 6157-02-524976** in the Town of Wappinger.

Mr. Kunzar: My name is Jonathan Kunzar and this is Michael Sinclair. We had them around the road and I guess there was an issue. We then moved them up on the hill. The board reviews the pictures that were submitted. We don't get any business if the machines are not out there. When the machines are out there we do get a flow of traffic.

Mr. Fanuele: Do you have both floors?

- Mr. Kunzar: When the down stair's tenant leaves we hope to take over the first floor. The agreement we have with the tenant is I will take care of the parking lot and the grounds as long as he doesn't have a problem with me putting the machines out front. He was fine with that.
- Mr. Valdati: Do use service and sell the machines?
- Mr. Kunzar: Yes.
- Ms. Leed: Barbara, do we have regulations about this?
- Ms. Roberti: First, I don't know if that is all your property.
- Ms. Leed: When the property line is determined, is there a number that can be displayed outside.
- Ms. Roberti: In general, we do not allow outdoor storage.
- Mr. Kunzar: My definition of outdoor storage is something that is left outside all the time. I put these machines out in the morning and come in at night. These are \$10,000 machines and I will not leave them out all night.
- Mr. Stolman: I think it is a matter of degree. It is up to the planning board to determine the appropriate number of machines for an outdoor display.
- Mr. Valdati: What is the zoning along that road?
- Mr. Stolman: I believe it is highway business.
- Ms. Leed: Do you know the frontage size or length?
- Ms. Roberti: It is 279 feet. Barbara reviews map with board.
- Mr. Stolman: We need to establish where the front property line is and if there is room for the equipment on the private property.
- Ms. Roberti: I had them come here to see how you felt about it.
- Mr. Valdati: I seem to work in that area. The highway department is there and there are a few other businesses there. I know you need to advertise for your business. We just need something from the zoning administrator on how many pieces of equipment is appropriate for that location. So this just needs to be tweaked..
- Mr. Fanuele: Mr. Foster (Highway Superintendent) do you have any statements?

- Mr. Foster: He had his equipment out there and it has not been a problem for us. If his equipment is not out there, his customers will not find him.
- Ms. Roberti: I would like to bring them back January 7th.
- Mr. Gray: This week Barbara and I will visit the site and make a determination on how many can be displayed.
- Mr. Valdati: Meanwhile, can we come up with a number; maybe 4 or 5.
- Mr. Valdati: I move to adjourn tonight's meeting.**
- Mr. Malafronte: Second.**
- Mr. Fanuele: All in favor?**
- Board: Aye.**

Respectfully,

Sue Rose, Secretary
Planning Board