

# MINUTES

**Town of Wappinger Planning Board**  
**April 1, 2013**  
**Time: 7:00 PM**

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

**Members Present:**

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

**Others Present:**

Mr. Gray	Engineer to the Town
Ms. Roberts	Attorney to the Town
Mr. Stolman	Planner to the Town
Mrs. Roberti	Zoning Administrator
Ms. Rose	Planning & Zoning Secretary

---

## SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

Villa Borghese-Permanent Tent	Resolution ---Passed
Odyssey Dinner	Submit Amended Site Plan
Chelsea Yacht Club	Submit Amended Site Plan

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: Next item on the agenda is a discussion on:

**13-3271/Villa Borghese-Permanent Tent**-To vote on the resolution for the installation of a 40 x 40 permanent canopy. The property is located at 70 Widmer Road and is identified as **Tax Grid NO. 6158-02-880530** in the Town of Wappinger. (Porco)

Ms. Visconti: We do have a resolution that we asked our planner to prepare and I move the resolution as prepared.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Gray: David and I spoke earlier and there is an item in there for an as built and we don't need to have that in the resolution.

Ms. Visconti: I amend my resolution to have the as built taken out.

Mr. Malafronte: Why would you need to have that taken out?

Mrs. Roberti: Because it is a canopy.

Mr. Malafronte: Don't we need the design specifications and snow load.

Mr. Gray: It is going to go through building inspections. There will be building comments and a c/o. Nothing will be issued if it is not to spec.

Mr. Malafronte: Wouldn't you want to see that.

Mrs. Roberti: Frank, you will in the building plans. As built means they would have to get a surveyor.

Ms. Visconti: I amended my resolution to have the as built taken out.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

\*\*\*\*\*After meeting Frank Malafronte came to me and wanted his vote changed to Nay\*\*\*\*\*

Mr. Valdati: Next on the agenda is:

**11-3241 Odyssey Diner** – To present modifications and upgrades to the approved site plan for the proposed diner which is 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) (PH opened and closed 1-04-12)(Resolution signed January 18, 2013)

Mr. Gillespie: The construction is ongoing. They do have a valid building permit. The foot print of the building has not changed but during the demolition phase of the project the building was in such bad shape that the walls were crumbling. Once you go past 50% renovation, you are into a new building. You have to apply to a whole different standard. Which isn't a bad thing, you have to make sure the bathrooms are handicap accessible. When they met the standards, back in the day they don't met today's code. The bathrooms get a little bigger internally and we squeezed a little room out of the kitchen area. The problem with this building is it is very tight. What we are proposing is a portion of the building, which is just over 3000 square feet, (pointing to the map) this is the old drawings. One story and a lot of dead space. What is being proposed is over the kitchen, will be an area for storage. The elevations will change slightly to come up a foot and a half to accommodate the storage area. We will be bringing you new elevations maps showing this. The general contractor and I met with Barbara last week to go over the changes.

Mr. Stolman: Please explain why you need more head room.

Mr. Gillespie: What happens is the area up above here (pointing to the map) in the old design had less head room. When you brought things up stairs you would have to duck.

Mr. Stolman: Was there a second floor planned originally? Was the original plan showing that for storage?

Mr. Gillespie: No. The second floor was added in the course of the construction.

Mr. Stolman: You are going to have a 2<sup>nd</sup> habitable floor that you didn't have before.

Mr. Gillespie: This is a 3,000 square foot building and the storage area will be between 800 and 1,000 square feet. It will meet the NYS building code but it will only be used for storage

Mr. Valdati: So this has been constructed without the plans in our hands. Is that fair to say?

Mr. Gillespie: That is fair to say.

Mr. Valdati: Ladies and Gentlemen, is this the first time you are hearing of this?

Mr. Roberts: This is the first time I am hearing of this.

- Mrs. Roberti: They just came to my office the end of last week. I felt that since this is happening in the now I felt they needed to come before the board. Mr. Gillespie said it would be a week or so before he could get you plans. Some of these changes are large and I wanted you to know as they were occurring before they continue on with this building.
- Ms. Leed: What did the building plans say that space was going to be?
- Mrs. Roberti: I didn't see the building plans.
- Mr. Gillespie: The upper portions of the floor were trusses on the old plans. This is now free framed.
- Ms. Visconti: Another word because you stick built it; it is going to be taller than if you had used premade trusses.
- Mr. Gillespie: They could have stick built it to the original height. It does go back to the demolition of the building. In addition to losing space below, because of having to meet the requirements of the new bathroom, we also needed to put in a sprinkler system. We are tying into the village water for the water for the sprinkler. There was other thing we needed to add because of the condition of the building.
- Ms. Leed: How is the storage area accessed?
- Mr. Gillespie: There will be a proposed interior stairs.
- Ms. Leed: Interior?
- Mr. Gillespie: Nothing is changing on the exterior.
- Mr. Dao: How much kitchen are you losing?
- Mr. Gillespie: I would say after the handicap bathrooms and the addition of the stairs we would lost about 20%.
- Mr. Dellaportis: My name is Nick Dellaportis and I am the contractor. The overall height of the building has not changed. We did raise the tower a foot on the outside because if you would have taken the scale of the inside wall of the tower and tried to build it the tower on the outside would have been 30 feet high. That is something that is not in the plan but in reality in doing it you would have seen it would have never worked out. The remaining of the building is the same. What I did is the portion of the storage area is 6 feet 1 inch because we don't have the room to put in electrical switches because code says you need 6 feet 6 inches. We added a couple of window for natural light to come in and for cross ventilation. One of the windows will have a fan. We were forced to do something because this building was on optical illusion to the engineers.
- Mr. Valdati: The point is that these things have been done. This is a little backwards in the configuration. The board here is not in the habit of having work done then getting

approval. We have input from our professional and input from the board. The changes that you have made are not changes we would deny.

- Mr. Dellaportis: You are correct.
- Mr. Valdati: We try to be consistent and we do thing professionally.
- Mrs. Roberti: Did you bring in new construction plans that show these changes?
- Mr. Dellaportis: We submitted plans to the Building Department.
- Mrs. Roberti: With these changes, the second floor and the windows?
- Mr. Dellaportis: Not yet. Mike is doing the plans.
- Mr. Roberts: Were there any inspections done by the Building Department?
- Mr. Dellaportis: We are not at that stage that requires an inspection.
- Mrs. Roberti: You mean you have not had an inspection.
- Mr. Dellaportis: We did have footing inspections for the addition we built. We also had an inspection for the middle column.
- Mr. Stolman: Correct me if I am wrong. This was a one story structure before.
- Mr. Dellaportis: Correct.
- Mr. Stolman: There was no discussion about a second floor.
- Mr. Gillespie: Never.
- Mr. Dellaportis: We are utilizing the space as an attic.
- Mr. Stolman: Previously there was no access to the second floor.
- Mr. Dellaportis: There were pull down stairs.
- Mr. Stolman: When we calculate parking for a restaurant we base it on a number of seats also the gross floor area. Whatever gives the greater number that is the one we go with. The question is; is there more gross floor area with the second floor? The numbers of seats are staying the same. We need to make a new calculation adding the additional floor space to see if additional parking is needed.
- Mr. Gray: What is the height of the attic?
- Mr. Dellaportis: 7'1".

- Mr. Valdati: Not to exceed 7 feet.
- Mr. Stolman: How much floor area is in the 7' 1"?"  
Mr. Dellaportis: I would say the area is 20 x 15.
- Mr. Stolman: It's a small area, 300 square feet.
- Mr. Gillespie: Looking at the approved site plan, there were 46 parking spaces needed. The total amounts of parking spaces are 62.
- Ms. Leed: I think this is concerning that you are building a building without plans that are signed and sealed by a professional. Unless you have them and you didn't turn them in. The footings that were inspected was for a one story structure.
- Mr. Gillespie: The first floor is of record. We did show the increase in the bathroom and that is there. I will tell you we have been monitoring it. We were out there last week measuring everything. From a structural stand point and the NYS Building Code perspective we are satisfied but it has to be on paper.
- Ms. Leed: It should have been put on paper before they started hammering.
- Mr. Gillespie: I'm not disagreeing with you.
- Mr. Valdati: It's like having the fox watch the hen house. You are the engineer and you are saying everything is up to code but that is up to us to determine. We do have certain mechanism in place when this happens. Mrs. Roberti what do you recommend here?
- Mrs. Roberti: This is why I brought them here. When they first came to me concerning the shape of the building because it couldn't be renovated, I called David. Sal brought Nick to me. They talked about 30% or 40% of the building and we were comfortable with that. The building was in terrible shape and it came down. Two or Three days later on a Friday they said the more and more they work they are finding the building is rotted. More than 50% of the building was down and that is when I e-mailed all of you to inform you of this. I was told that the building would be in the exact same footprint. It was Wednesday or Thursday of last week, I went by and noticed windows in the back. I explained to them that they needed to come before you and explain all the changes even though Mike would not have plans ready for all of you.
- Mr. Valdati: They should have been here when they first noticed the changes. I don't know why the work couldn't stop until the approvals were given. I am not pleased with the project now.
- Mr. Gray: I don't think the building department could have made a framing inspection without plans. Sal Morello, our building inspector, would need a set of plans to follow for the framing inspection. It's framed and we don't have plans. Now we have a building that does not comply with the site plan. I believe it would now be an amended site plan.

- Mr. Stolman: It cannot go to the permit stage. I believe they submit an application for an amended site plan approval. They should get together construction plans that don't exist yet and submit them all as soon as possible.
- Mr. Fanuele: I agree with that. You should not go ahead with the project. The plans need to be reviewed and make sure they are ok. How are you going to get up to the second floor?
- Mr. Dellaportis: There are a set of stairs.
- Mr. Fanuele: On the outside?
- Mr. Dellaportis: No only on the inside.
- Mr. Stolman: Where are the new windows?
- Mr. Dellaportis: They are on the second floor.
- Mr. Stolman: The elevations need to be modified as well. There need to be a lot of drawings done.
- Mr. Gillespie: Yes, that is why you don't have them tonight.
- Ms. Leed: Then they should not be building. It is not in the public's interest to have a building built that has not been properly designed.
- Mr. Valdati: What I am hearing from my colleagues is work should stop and an amended site plan be brought to the town. They should be given to our professionals and board members. I will leave it to our building department to determine or not that the modifications that have already been done meet our standards.
- Mr. Gray: I would say that without the site plan matching, we will not issue a building permit until this process is done.
- Mr. Valdati: I will leave it to you, Mrs. Roberti, that punitive actions are taken. Whatever is customary for this town?
- Mrs. Roberti: I will take care of it.
- Mr. Gray: Looking ahead. There is plywood on the roof and you would like to cover it. You cannot get that until you get a satisfactory framing inspection. This is to the board. Should we allow them to put building pads on the roof to protect the plywood? I know you said, stop work, but maybe we could take some steps to protect what is there.
- Ms. Visconti: I think it is reasonable to protect what is there. It is feasible that it is usable in the future.
- Mr. Valdati: I will leave it up to Mrs. Roberti and her office. I have no problem covering it with the paper but again this would not have happened if they followed the rules. All documentation must be complete before another nail is put into that building.

- Mr. Fanuele: I don't feel the weather is going to destroy this building in a couple of days.
- Mr. Gray: An amended site plan will take at least a month.
- Mr. Stolman: It does seem reasonable to let them secure what is already done but any additional investment is at their own risk. The labor and material that is going to go into securing the roof is at their own risk.
- Mr. Valdati: Do we have an understanding?
- Mr. Dellaportis: Thank you.
- Mr. Valdati: Next on the agenda is a conceptual for:

**13-3272 Chelsea Yacht Club-Awning**-To discuss the installation of a 16' x 34' permanent awning at the Chelsea Yacht Club Clubhouse. The property is located at **22 Front Street** and is identified as **Tax Grid No. 5956-12-938659** in the Town of Wappinger. (Serge Cryoff)

- Mr. Cryoff: Good evening, my name is Serge Cryoff. I am a trustee of the Chelsea Yacht Club. We have every year on the southwest side of our club house a temporary canvas awning which we take down every year. The canvas awning does deteriorate. What we would like to do is replace this temporary arrangement with a permanent structure. It will be constructed with lumber and have a metal roof. It will not be closed in. The foot print will be approximately 16 x 34. It does match the temporary awning. We are looking for permission to proceed with it.
- Mr. Valdati: It does sound like a reasonable request but something of that nature requires an amended site plan to the Chelsea Yacht Club.
- Mr. Cryoff: We have submitted all the required paper work.
- Mr. Gray: This sound similar to the Villa Borghese.
- Mr. Stolman: Also to the Grace Bible Church.
- Mrs. Roberti: I have a question for Al. They have 27 feet to their property line but they have rights into the water. Does that count?
- Mr. Cryoff: We have an underwater license from New York State that is renewable. It is a 10 year license. We do not own it but we have the rights to it.
- Mr. Valdati: The resolution will ultimately have to take into account this particular right to use it. It seems that it is not permanent and could change. If it does change, you have a permanent structure that does not support the proper setback that is required. I will leave it up to our Planning and Legal Department.

- Mr. Roberts: I am not sure where the deed line ends. What I can piece together, it does not go out into the water. It does appear that a variance may be required.
- Mr. Valdati: We will have to determine that. Mr. Stolman, will parking recalculations have to be required?
- Mr. Stolman: I don't believe so. As in Villa Borghese, terraces are not included in parking calculations. They are excluded.
- Ms. Bettina: There are people going to be sitting underneath there for events.
- Mr. Stolman: Just as people sitting there at Villa Borghese. We base parking on floor area.
- Mr. Valdati: Plans have to be submitted concerning snow load and such.
- Mrs. Roberti: That would be part of the building permit.
- Mr. Valdati: We need an amended site plan and I suggest you stay in touch with Mrs. Roberti's office.
- Mr. Valdati: Does anyone have any unfinished business?
- Mr. Fanuele: We received a letter concerning Wappinger Farms Estate. I don't think anyone on this board was here when this was approved. I think this should be resubmitted.
- Mr. Gray: Their engineer called me last week. To put drainage in the road network and it needs to be above the 100 year flood elevation. They would not be able to do this unless there is a tremendous amount of fill that went in. It makes the project questionable in terms of investment. I don't think we will see a project there with roads.
- Ms. Leed: They did not know that?
- Mr. Gray: I guess with the changes to the FEMA map. To bring them in right now, they may not know what they are going to do.
- Ms. Visconti: Does this make the original now a void?
- Mr. Roberts: Under our code, it expires in 5 years.
- Ms. Visconti: It has been more than 5 years.
- Mr. Gray: He has been in for renewals.
- Mr. Stolman: What the subdivision regulation says, in no case no subdivision plat plan shall be extended past 5 years from the date of the original approval.
- Ms. Visconti: Can we send out a letter saying it has been more the 5 years?

- Mr. Gray: If I remember correctly, the regulation says if you make an application for final approval.
- Mr. Stolman: They haven't.
- Mr. Roberts: It has been over 5 years.
- Mr. Gray: They have made submissions towards final.
- Mr. Roberts: When?
- Mr. Gray: The review I did. That project received preliminary approval before I got here. I had made a number of comments and I could not believe it got preliminary in the first place.
- Mr. Valdati: It seems like what we have gathered that they are not in compliance with the 5 year rule.
- Mr. Roberts: I think we better get our facts straight and report back at the next board meeting.
- Ms. Visconti: Can we discuss this at the May meeting since I will not be at the next meeting?
- Mr. Malafrente: The Shaft 6 visit?
- Ms. Rose: I was going to discuss that. Saturday they are not there but if that is the only day that everyone can make it they will make arrangements.
- Mr. Valdati: They did say the 5:00, 6:00 or 7:00.
- Ms. Rose: Yes, during the week.
- Ms. Bettina: I think 7:00 would be good.
- Mr. Valdati: Mr. Dao availability is May 1, 2, and 3.
- Mr. Valdati: Is May 2<sup>nd</sup> at 6:00 good for everyone?
- Ms. Rose: I will check with Mr. Michaud and e-mail all of you.
- Mr. Malafrente: What are these invoices for?
- Ms. Rose: These are the vouchers that we spoke about a couple of weeks ago. You wanted to review them. I attached the vouchers from the professionals and attached them to the project and a copy of their escrow.
- Ms. Visconti: That is how I would like to see them.

- Mr. Valdati: My recommendation would be to review these to get an idea of what is going on with the escrow. It is good business to know what is going on within your own board.
- Ms. Bettina: DEP was going to move dirt to Chelsea Farms, why are they not putting it on the site.
- Mr. Gray: The people I spoke to at the DEP said that is what they are going to do. My contact at DEP said they did not know anything about it.
- Mr. Valdati: Mr. Kohler said there was a hand shake concerning this.
- Mr. Gray: The details were not worked out and it must have been an informal conversation they had.
- Mr. Valdati: Is it fair to say they are going to approach this with a traditional site plan?
- Mr. Malafronte: Wouldn't you want an analysis done of the dirt that is being removed and before it goes to another site?
- Ms. Bettina: They are already supposed to be doing that.
- Mr. Gray: There were borings done in that material. There was a whole Geo project done on that material; not only the rock but also the soil.
- Mr. Malafronte: That will be on their site plan if they do so.
- Ms. Bettina: It is not contaminated or anything like that; it's going to be used on that site.
- Mr. Malafronte: On their own site? I thought being transferred to Chelsea.
- Mr. Valdati: That is no longer.
- Mr. Fanuele: They are going to keep it themselves?
- Mr. Gray: Yes, it will be used for grading on their site. This is what they told me two weeks ago.
- Mr. Malafronte: How many RFP's have you received?
- Mr. Valdati: I received 1 and we have a close out date of the 4<sup>th</sup>.
- Ms. Rose: We have received a number of requests but I have only received 1 packet.
- Mr. Valdati: What I would like to do is on the close of business of the 4<sup>th</sup> is see how many we have and schedule interviews. If we could keep the agenda to a tolerable level, we can have the interviews after the next meeting.
- Mr. Fanuele: I have a question concerning the agenda for the Village of Wappinger Falls.
- Mr. Valdati: I believe they changed the date to the 11<sup>th</sup>.

- Mr. Fanuele: That doesn't tell us what they are doing. They are talking about a subdivision on Franklin Avenue and a sign for cigarettes.
- Mr. Valdati: Is anyone planning on attending it?
- Mr. Gray: The supervisor may be going.
- Mr. Valdati: Is this about the building on Myers Corners Road?
- Mr. Gray: No this is the apartments across from the pump station.
- Ms. Bettina: It will also be discussing the pump station so this also has to do with us.
- Mr. Roberts: We were told the only thing they were going to discuss is shrubbery.
- Ms. Bettina: This seems a little more than shrubbery and since this has something to do with our town we should be there.
- Mr. Roberts: I was told that Hollowbrook didn't have a Public Hearing. They just authorized the change. I think there should be better communication between the village and the town. The law requires notice of a Public Hearing. If they don't have a Public Hearing and they approve things without one, we will never know of a project.
- Mr. Valdati: Isn't that a violation of a municipal law?
- Ms. Bettina: The law says we have to?
- Mr. Roberts: Not necessarily. We wave Public Hearings.
- Ms. Bettina: Do we have to publish that.
- Mr. Roberts: No. That is why I am saying things are off the track and we have to get them back on the track.
- Ms. Visconti: Didn't at one time we had a liaison from the town to the village?
- Mr. Valdati: Yes it was called Ward 1 council person. They actually cover the village this side of the bridge. Part of the responsibility is to go to the meetings and report anything that would affect the town or the village.
- Mr. Fanuele: This does not only affect the village but any adjacent town.
- Mr. Valdati: As long as we are notified of a Public Hearing.
- Mr. Gray: Should we have review comments on these two projects?
- Mr. Stolman: The village did comment on the Odyssey Diner project, even the part in the town.

- Mr. Valdati: Is the Town Board sending a liaison for the Tri Municipal or is the supervisor going?
- Mr. Gray: I believe the supervisor is going.
- Mr. Stolman: What is being asked if it is worth getting copies of the applications? We then review them and make comments to the village since those projects effect the town.
- Mr. Valdati: Would that be the Planning Board or is this from the Administration?
- Ms. Visconti: In view of the facts of the comments the supervisor made last week, I think we should be asking her.
- Mr. Stolman: The money would not come out of an escrow account. It would come out of a general fund.
- Mr. Valdati: I will make a suggestion to present this question to the supervisor. She would like an open dialogue between her administration and the village administration.
- Mr. Gray: It seems to me that it is a planning issue. It is not because the town's involvement with Tri Municipal but because it is near the town line.
- Mr. Valdati: I will talk to Barbara Gutzler.
- Mr. Valdati: Can I have a motion to end this meeting.
- Ms. Visconti: I make a motion.
- Mr. Dao: Second.
- Mr. Valdati: All in favor?
- Board: Aye

Respectfully,

Sue Rose, Secretary  
Planning Board