

# MINUTES

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

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

**Members Present:**

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

**Others Present:**

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

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## SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

**Adjourned Public Hearing:**

All Angels Heights Subdivision

Public Hearing Closed  
Resolution to be drafted

Calvary Chapel of the Hudson Valley

Public Hearing Adjourned until November 18<sup>th</sup>

Obercreek Subdivision

Public Hearing Adjourned until November 18<sup>th</sup>

**Discussion:**

Hudson Valley Volkswagen

Public Hearing November 18<sup>th</sup>

Gas Land (1831 New Hackensack Rd)

Resolution Accepted

DCH Service Center & Showroom

Resolution Accepted

Bank of America

Resolution Accepted

Hilltop Village

To Meet With Our Professionals

Durants Tens & Events

To Submit Formal Application

Osborne Inn Restaurant

Site Plan to Be Submitted

Hampton Business Center

Changes to Exterior of Building Accepted

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: Attendance please:

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

Mr. Valdati: The first item on the agenda is the acceptance of the minutes from May 6, 2013, May 20, 2013 and June 3, 2013. Do I have a motion to accept these minutes?

**Ms. Leed: I make a motion to accept these minutes.**

**Ms. Visconti: Second.**

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

**Board: Aye**

Mr. Valdati: The next item on the agenda is an Adjourned Public Hearing:

**09-5152 / All Angels Heights Subdivision** -The Town of Wappinger Planning Board will conduct a public hearing pursuant to Section 276 of the Town Law, on the application of **All Angels Heights Subdivision** to discuss their proposed subdivision of an 8 lot subdivision on a 22.84 acre parcel in an R-40 zoning district. The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid No. 6259-03-410112** in the Town of Wappinger. (Burns)

**Mr. Valdati: Do I have a motion to open the adjourned Public Hearing?**

**Mr. Dao: I make a motion to open the adjourned Public Hearing.**

**Ms. Visconti: Second.**

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

**Board: Aye.**

Mr. Burns: This application is for an eight lot subdivision with individual well and septic.

(Pointing to the map) the road will go here and into a cul-de-sac. This map shows the noise contours from the airport. It also shows the updated flood lines.

Mr. Stolman: The couple that was here some time ago had concerns of trucks going over there front lawn. I don't think it would be much of an expense to have some delineation between their property and where the work is going to take place.

Mr. Valdati: Is there anyone in the audience that would like to speak on this project? Does anyone on the board have any questions?

Ms. Visconti: I want to remind you to have the elevations on the map and supply the owners with their certificate.

**Mr. Valdati: Do I have a motion to close the Public Hearing?**

**Ms. Visconti: I make a motion to close the Public Hearing.**

**Mr. Fanuele: Second.**

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

**Board: Aye.**

**Mr. Valdati: Do I have a motion to have a resolution drafted?**

**Ms. Visconti: I make a motion to have the planner to the town draft a resolution.**

**Ms. Bettina: Second.**

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

**Board: Aye.**

Mr. Valdati: The next item on the agenda is a Public Hearing:

**10-3199 / Calvary Chapel of the Hudson Valley:** - The Town of Wappinger Planning Board will conduct a public hearing pursuant to Article IX, Section 240-87 and 240-57 to discuss a site plan for a place of worship that would consist of 24,000 sq. ft. and 200 parking spaces and 133 proposed parking spaces to be land banked for a total of 333 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 June 1, 2010)(Neg Dec 9-16-13)

**Mr. Valdati: Do I have a motion to open the Public Hearing?**

**Ms. Visconti: I make a motion to open the Public Hearing.**

**Ms. Bettina:**

**Second.**

**Mr. Valdati:**

**All in favor?**

**Board:**

**Aye.**

Mr. Berger:

This is an application for a church/chapel consisting of 24,000 square feet. There is a state wet land on the site. We will be building in the middle of the site. We are proposing a 724 seat chapel. There will be classroom included in that building. We will construct the parking lot with a lot of landscaping. There will be 200 parking spaces. We have done an archeological investigation of the site and have found no concerns. We have been before the DEC and the Army Corp and they gave conceptual approval. We have met with the DOT and have worked with them concerning the entrance. We did alter it to where they wanted it. We do have a conceptual approval from them. We do have a Negative Declaration.

Mr. Valdati:

Is there anyone in the audience that would like to comment on this project?

Ms. Smith:

My name is Connie Smith and I have a question about the parking. You are building more parking spaces then allowed.

Mr. Berger:

We did do a study on the usage.

Ms. Smith:

Will any fund raisers or other events are held there?

Mr. Berger:

There might be but we based our parking calculations on the church services.

Ms. Leed:

Are we allowed to reduce the size of the parking space?

Mr. Stolman:

No not at this time.

Mr. Gray:

There are a number of storm water issues that need to be discussed between the applicant's attorney and the town's attorney. If they don't take care of the storm water and the town has to, the town will bill their taxes for this. This will have to be worked out between the two attorneys. There are items that are more housekeeping items that need to be addressed, such as permits and seals.

Mr. Stolman:

We have a comment on the memo dated August 28<sup>th</sup>, it was suggested that the archeological be sent to NYS Office of Parks, Recreation and Historic Preservation. I don't know if it was?

Mr. Berger:

We just heard back from them yesterday.

- Mr. Stolman: We have wet land comments, grading comments, and elevations for the building need to be submitted; as well as trash enclosures, and signage.
- Mr. Valdati: I would recommend that the Public Hearing not be closed until all items are addressed. The Public Hearing will be adjourned until November 18<sup>th</sup>. Do I have a motion?
- Ms. Visconti: I make a motion to adjourn the Public Hearing until November 18<sup>th</sup>.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Strally: My name is Charles Strally and where is the entrance going to be? Is it on the turn? If it is, it is stupid. I have lived here all my life and I have seen many accidents there. That is the worst spot to have the entrance and exit.
- Mr. Berger: The location was picked by the DOT.
- Mr. Valdati: Can I have a motion to reopen the Public Hearing?**
- Ms. Visconti: I make a motion to open the Public Hearing.**
- Ms. Bettina: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Strally: I have lived here 72 years and I have seen many accidents on that turn. To have 200 cars coming and going, it is going to be very congested.
- Ms. Leed: Was another location for the exit and entrance considered by the state?
- Mr. Berger: They did look up and down and they did move our location about 20 feet.
- Mr. Gray: I would like to meet with the DOT along with the planner and the applicant's engineer.
- Mr. Valdati: What does the board think?
- Board: Aye.

Mr. Benaway: My name is Howard Benaway and I have walked that property many times as a kid. Are you going near the stone wall?

Mr. Berger: (Pointing to the map) the stone wall is down here.

Mr. Benaway: I think you are putting the septic in the wrong area. I have been putting in septic systems my whole life.

Mr. Berger: We have Board of Health approval to have the septic system there.

Mr. Valdati: Does anyone else have any comments? Hearing none, do I have a motion to adjourn the Public Hearing?

**Ms. Bettina: I make a motion to adjourn this meeting until November 18<sup>th</sup>.**

**Ms. Visconti: Second.**

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

**Board: Aye.**

Mr. Valdati: The next item on the agenda is a Public Hearing:

**11-5159 / Obercreek Subdivision and Lot Line Re-alignment:** The Town of Wappinger Planning Board will conduct a public hearing pursuant to Section 276 to discuss a proposed 14 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)**(LA April 8, 2011)

**Ms. Visconti: I make a motion to open the Public Hearing.**

**Ms. Bettina: Second.**

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

**Board: Aye.**

Mr. Ahern: My name is Kyle Ahern and I represent Alex Reese the owner. This lot will be a 14 lot subdivision. (Pointing to the map) this is the house where Alex Reese lives and there is another house on this property. That house will also be brought into the new subdivision septic system. We have worked with the Department of Health and they are satisfied with the septic system. There will also be a storm water plan with this subdivision. A SWPPP will be prepared

and filed. We have done a tree study and we are keeping the stone wall that is here (pointing to the map).

- Mr. Valdati: Is there anyone in the audience with any questions?
- Ms. Van Tassel: My name is Jean Van Tassel and I live on Hamilton Road. Is this a community septic system and a community well?
- Mr. Ahern: Each house will have their own well so it is just community sewerage.
- Ms. Van Tassel: Have these wells already been drilled?
- Mr. Ahern: No they have not.
- Ms. Van Tassel: There was some drilling of wells prior to this and I had to end up putting a filter on my well because of the sediment. That was on the other side of Marlerville.
- Mr. Gray: A number of years ago there was some exploration work done for a public water supply, that is what you may be referring to.
- Ms. Van Tassel: There going to drill 14 more wells and I am concerned about my water supply.
- Mr. Gray: How far away was the drilling from your house?
- Ms. Van Tassel: About a mile and this drilling will be closer.
- Mr. Gray: How deep is your well?
- Ms. Van Tassel: It is about 100 feet deep.
- Mr. Gray: You are certain that the drilling of those wells caused a problem with your well.
- Ms. Van Tassel: Yes, even my neighbors had to have filters put on their wells. My other concern is the sewerage. My well is below that. What kind of system is this?
- Mr. Ahern: Bio pods; it is treated then released into the ground.
- Ms. Van Tassel: How many access roads will go out to Marlerville Road?
- Mr. Ahern: There will be six driveways.
- Ms. Van Tassel: Each house has a least two cars and this will increase our traffic.
- Mr. Valdati: We did receive a letter from the county and it does not exceed reasonable

traffic. The county will be in charge of the septic system.

- Mr. Centorani: My name is Nick Centorani and I live at 19 Marlorville. Will there be farm land in the center?
- Mr. Valdati: There will be farm land.
- Mr. Centorani: Will the storm water be connected to Marlorville Road because I think there is an old pipe there and when it rains it dumps on to my property. I would work with you to help fix this issue because it benefits me as well as you.
- Ms. Van Tassel: How big are these lots?
- Mr. Ahern: The majority of them are over an acre.
- Mr. Gray: The main thing that I would like to bring up is that the condition of Lot 6 be made very clear. It is not clear to me who would benefit from Lot 6. Is it the entire subdivision? This need to be made clearer.
- Mr. Stolman: The new plans will be revised to show the changes. We also had comments concerning Lot 6. What constitutes agriculture so later on someone doesn't say horse breeding or something like that?
- Mr. Valdati: Any further comments from the public?
- Mr. Roberts: I would like permission from the board to meet with the attorney, for this project, in advance and report back to this board.
- Ms. Visconti: Back in May, I have a note, is a variance required because of an undersized lot?
- Mr. Ahern: We did go back and revised it.
- Mr. Valdati: I think it would be reasonable to adjourn to a date certain until the issues are resolved.
- Ms. Visconti: I make a motion to adjourn until November 18<sup>th</sup>.**
- Ms. Bettina: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Valdati: The next item on the agenda is:



**13-3280/Hudson Valley Volkswagen-**To discuss modification to the Hudson Valley Volkswagen site plan and Special Use Permit. The property is located at **1148 Route 9** and is identified as **Tax Grid No. 6157-04-690127** in the Town of Wappinger. (Day)

- Mr. Lynch: My name is Dennis Lynch with Day Engineering. Since the last meeting we have reduced the parking in the back area. (Pointing to the map) we did lose one row of parking. I believe we address all of Mr. Stolman’s comments.
- Mr. Stolman: If you could label the tree line boundary?
- Mr. Gray: I have six comments on the drainage.
- Mr. Ahern: I have addressed them. I will show where the hot spot will be but most of the work on the vehicles is in the service area. Can we set the Public Hearing for the second meeting in November?
- Mr. Valdati: No because some issues need to be addressed.
- Mr. Valdati: The next item on the agenda is:

**12-3264/Gas Land 1831 New Hackensack Road-** To vote on a resolution to amend their site plan and the wetland disturbance permit to an existing 1782 square foot service/gas station for a total of 2552 square foot convenience store/gas station. The property is located at **1831 New Hackensack Road** and is identified as Tax Grid No. **6259-02-524833**. (Chazen)(Originally Approved on March 4, 2013)

- Ms. McManus: My name is Margaret McManus from the Chazen Company. I believe we have satisfied all the outstanding conditions.
- Mr. Valdati: We are in a position to consider a resolution. Does anyone on the board have a question? Do I have a motion to move the resolution that was prepared by our planner?
- Ms. Visconti: I make a motion to move the resolution that was prepared by our planner.**
- Ms. Bettina: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**

10/07/13

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

**RE: GASLAND PETROLEUM, INC. (1831 NEW HACKENSACK ROAD) - RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN, SPECIAL USE PERMIT AND WETLANDS PERMIT APPROVALS**

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the \_\_\_\_ day of \_\_\_\_\_, 2013 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

- Robert L. Valdati \_\_\_\_\_
- Angela Bettina \_\_\_\_\_
- Max Dao \_\_\_\_\_
- Victor Fanuele \_\_\_\_\_
- Marsha Leed \_\_\_\_\_
- Francis Malafronte \_\_\_\_\_
- June Visconti \_\_\_\_\_

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, on February 27, 2013, the Town of Wappinger Planning Board adopted a Resolution of Site Development Plan and Special Use Permit Approvals to the application of Gasland Petroleum, Inc. (the “Applicant” and “Owner”) to eliminate the existing auto repair service, to remove an existing shed and trailer, and to expand the existing gas station/convenience mart along with associated parking improvements (the “Original Project”); and

WHEREAS, the Original Project also involved two additions to the existing building that total 581 square feet, for a total floor area of 2,364 square feet as well as a 364-square foot outdoor patio; and

WHEREAS, the Original Project did not include any wall-mounted signage; and

WHEREAS, as an amendment to the Original Project, the Applicant is currently proposing to install a new septic system and related structures to replace the existing substandard system which are proposed to be located within the 100-foot wide Town regulated watercourse buffer (the “Project” or “Proposed Action”); and

WHEREAS, the ±0.9-acre property is designated as 6259-02-524833 and is located at 1831 New Hackensack Road within the Neighborhood Business (NB) zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Subject Property is located along the Wappinger Creek and contains Federally and Town regulated wetlands and floodplains; and

WHEREAS, the Applicant has submitted an application form for Site Plan Approval, dated June 20, 2013; an application form for approval of a Wetland Disturbance Permit, dated June 12, 2013; Part 1 of a Full Environmental Assessment Form (“EAF) verified August 16, 2013; a Special Use Permit Application with Addendum, dated August 7, 2013; a wetland memorandum dated March 13, 2012 prepared by The Chazen Companies; ; a copy of the National Flood Insurance Program Flood Insurance Rate Map, effective May 2, 2012 for the property location; and the following plans generally entitled “*Site Plan – Gas Land Petroleum, Inc., NYS Route 376 (a.k.a. New Hackensack Road)*,” Town of Wappinger, Dutchess County, New York; dated October 22, 2012, last revised September 13, 2013 unless otherwise noted, and prepared by the Chazen Companies:

1. Sheet T1 (1 of 12), Title Page;
2. Sheet SP1 (2 of 12), Existing Conditions and Demolition Plan last revised 8/12/13;
3. Sheet SP2 (3 of 12), Site, Grading and Landscape Plan;
4. Sheet SP3 (4 of 12), Utility, Sediment and Erosion Control Plan;
5. Sheet LT1 (5 of 12), Photometric Lighting Plan, last revised 4/11/13;
6. Sheet FT1 (6 of 12), Demonstrative Vehicle Turning Plan, last revised 1/11/13;
7. Sheet SD1A (7 of 12), Site Details, revised 12/10/12;
8. Sheet SD1B (8 of 12), Site Details, revised 1/11/13;
9. Sheet SD2 (9 of 12), Sanitary Sewer Disposal System and Water Details;
10. Sheet SD3 (10 of 12), Erosion and Sediment Control Details and Notes, revised 12/10/12;
11. Sheet SD4 (11 of 12), Landscaping Details and Notes, revised 12/10/12; and
12. Sheet SD5 (12 of 12), Pump Station Details, dated 5/23/13, revised 8/12/13; and

WHEREAS, the Original Project was granted a variance for the minimum front yard setback requirement by the Zoning Board of Appeals on November 19, 2012 (a 70-foot front yard setback provided where a 75-foot front yard setback is required); and

WHEREAS, the Applicant obtained a sign permit from the Planning Board for the free-standing Shell and gas price sign with a Resolution of Amended Site Development Plan Approval for Signage on June 4, 2012; and

WHEREAS, the above mentioned free-standing sign is proposed to remain the same; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject Amended Site Development Plan and Special Use Permit application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above mentioned referral in its form letter dated November 15, 2012 which concludes that the Proposed Action was a “Matter of Local Concern with Comments;” and

WHEREAS, the Planning Board has considered the comments from the DCDPD; and

WHEREAS, the Planning Board determined that the Project is an Unlisted action with respect to SEQR and WEQR; and

WHEREAS, a duly advertised public hearing on the Original Project application was held on January 23, 2013 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, as per Section 240-88.B of the Zoning Law, the Planning Board waived the public hearing on the Project; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including without limitation the provisions relating to Special Permit Uses, Supplemental Special Permit Use Regulations, Site Development Plan, Parking and Performance Standards of Articles VII through XI respectively of the Zoning Law, and Chapter 137, Freshwater Wetland, Waterbody and Watercourse Protection of the Town Code as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby makes the findings regarding the general standards for Special Permit Approval in Section 240-44 of the Zoning Law.
3. Pursuant to State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts because (a) there is no feasible alternate location for the new septic system on the Site; (b) the septic system must be approved by the Dutchess County Department of Health; and (c) the proposed installation and land disturbance associated with the

Project will be controlled and mitigated through proper drainage and erosion control and by provision of additional trees and shrubs within the regulated buffer.

4. The Planning Board hereby grants Site Development Plan, Special Use Permit and Wetlands Permit Approvals to the Project, including the installation of a new septic system and related structures to replace the existing substandard system, as defined above on the Subject Property in accordance with the provisions of Articles VII through XI of the Zoning Law and Chapter 137, Freshwater Wetland, Waterbody and Watercourse Protection, of the Town Code subject to the following conditions and modifications:
  - a. The following shall be fulfilled prior to the issuance of a Building Permit in conjunction with this Project:
    - (1) The Property Owner and Applicant shall endorse and submit a copy of this Resolution to the Zoning Administrator for filing.
    - (2) The Owner of the Subject Property shall submit a copy of the current deed to prove his ownership of said property.
    - (3) The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
    - (4) The Applicant shall revise the plans to provide new trees and shrubs in the 100-foot wide regulated buffer area to mitigate the loss of the seven (7) existing trees that will be removed to install the new septic system, to the satisfaction of the Town Planner.
  - b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:
    - (1) The Applicant shall fulfill all of the conditions of, and shall complete all improvements in accordance with this Resolution of Amended Site Development Plan, Special Use Permit and Wetlands Permit Approvals.
    - (2) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.
    - (3) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
5. The Zoning Administrator shall have the authority to have the Applicant adjust the light intensity under the canopy where the gas pumps are located if the light is deemed by the Zoning Administrator to be too bright at any time.

6. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
7. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this resolution if construction in conformance with the approved Amended Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of site plan approval shall be made by the applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

8. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Special Use Permit Approval shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Amended Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approval use.
9. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the approved Amended Site Development Plan, Special Use Permit and Wetlands Permit shall be subject to continued conformance with such approved Amended Site Development Plan, Special Use Permit and Wetlands Permit.
10. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging his receipt of a copy of the resolution. When all of the conditions set forth in the conditions above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has

complied with the above conditions of approval and that the issuance of a Building Permit is authorized for the improvement set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

11. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this Resolution of Approval are subsequently desired.
12. The Applicant must return for approval from the Planning Board if/when wall-mounted signage is proposed.
13. Except as specifically modified herein, the Resolution of Site Plan, Special Use Permit and Wetlands Permit Approvals and all amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect unless otherwise modified herein.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:





the proposed Sgt. Mark C. Palmateer Memorial at the south end of the site. The property is located at **1349 Route 9 & Old Route 9 North** and is identified as **Tax Grid No. 6157-02-585606/589645** in the Town of Wappinger. (Paggi)

Mr. Paggi: My name is Larry Paggi and I am representing DCH.

Mr. Valdati: We are familiar with this project and all our questions have been answered. Do I have a motion to move this resolution that was prepared by the planner?

**Ms. Visconti: I make a motion to move the resolution prepared by the planner.**

**Ms. Bettina: Second.**

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

**Board: Aye.**

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

RE: **DCH AUTO GROUP SERVICE CENTER AND SHOWROOM** – AMENDMENT TO AMENDED RESOLUTION OF SITE DEVELOPMENT PLAN, SPECIAL USE PERMIT AND WETLANDS PERMIT APPROVALS

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the \_\_\_\_ of \_\_\_\_\_ 2013 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati	_____
Angela Bettina	_____
Max Dao	_____
Victor Fanuele	_____
Marsha Leed	_____
Francis Malafronte	_____
June Visconti	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board recently received the application of DCH Investments, Inc. (the “Applicant”) on behalf of Greer Nine Realty Corporation and Schunzel, Inc. (the “Owners”) for amended site plan approval for building and site alterations (the “Project” or “Proposed Action”); and

WHEREAS, the Planning Board adopted a Resolution of an Amended Site Development Plan, Special Use Permit and Wetlands Permit Approvals (the “Original Resolution”) for the subject property on March 19, 2012 to construct a 52,848-square foot building to include an automobile service center, showroom and office space; and associated improvements on two adjacent parcels on Route 9; and to improve employee and inventory parking areas on two adjacent parcels on the west side of Old Route 9; and

WHEREAS, the Applicant was also granted a variance for six overhead garage doors (four to be facing Old Route 9 and two to be facing Route 9) from the Zoning Board of Appeals; and

WHEREAS, the above mentioned improvements have not yet been constructed; and  
WHEREAS, the Project now involves the following changes to the plans:

1. Reduction of the building to a single story height with the same footprint;
2. Elimination of one of the overhead doors facing Old Route 9;
3. Revision of the paved driveway and parking area at the north end of the building to accommodate a ramp into the service center;
4. Adjustment of the stormwater collections system; and
5. Elimination of six (not required) parking spaces; and

**WHEREAS, the Applicant has submitted an application form for Amended Site Plan Approval, dated August 29, 2013; a letter to the Planning Board dated August 29, 2013 from Larry J. Paggi, PE; one plan sheet for *Sgt. Mark C. Palmateer Memorial*, dated July 12, 2012 and prepared by Lehigh Lawns and Landscaping; and one sheet of plan entitled *DCH Wappingers Falls Toyota, Amended Site Plan for Service Center and Showroom*, dated August 27, 2013, and prepared by Lawrence J. Paggi, PE, PC.; and**

**WHEREAS, the Applicant also submitted the following architectural drawings generally entitled *Wappinger Falls Toyota Proposed Showroom and Service Facility*, prepared by Wiedmann – Zelig Group, LLC:**

1. Sheet A-1, “Proposed Floor Plans,” dated 09/05/2008, last revised 08/28/2013;
2. Sheet A-2, “Proposed Elevations,” dated 09/05/2008, last revised 08/28/2013;
3. Sheet A-3, “Signage Layout,” dated 09/05/2008, last revised 08/28/2013; and
4. Sheet L-1, “Landscape Plan,” dated 11/04/2008, last revised 08/28/2013; and

WHEREAS, the above listed sheets of plans will replace the corresponding plans listed in the above mentioned Original Resolution adopted by the Planning Board on March 19, 2012; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including without limitation the provisions relating to Special Permit Uses, Supplemental Special Permit Use Regulations, Site Development Plan, Parking and Performance Standards of Articles VII through XI respectively of the Zoning Law, and Chapter 137, Freshwater Wetland, Waterbody and Watercourse Protection of the Town Code as well as other applicable laws and regulations subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:**

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to Section 240-88.B of the Zoning Law, the Planning Board hereby waives the public hearing on the Project as the Project is considered a minor change.
3. Pursuant to State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts since any construction and land disturbance associated with the Project will be controlled and mitigated through proper drainage and erosion control.
4. The Planning Board hereby grants this Amendment to the Amended Resolution of Site Development Plan, Special Use Permit and Wetlands Permit Approvals to the Project to construct a 52,848-square foot building to include an automobile service center, showroom and office space; and associated improvements on two adjacent parcels on Route 9; and to improve employee and inventory parking areas on two adjacent parcels on the west side of Old Route 9, as described above, in accordance with the provisions of Articles VII through XI of the Zoning Law and Chapter 137, Freshwater Wetland, Waterbody and Watercourse Protection, of the Town Code subject to the following conditions and modifications:
  - a. The planting schedule provided on the current plan shows fewer trees and shrubs than the previously approved site plan. The Applicant shall provide the same number of trees and shrubs to the satisfaction of the Town Planner.
  - b. The site plan shall indicate who will maintain the memorial area to the satisfaction of the Town Planner.
  - c. The Applicant shall provide an emergency vehicle access plan and shall show the location of the fire department connection to the satisfaction of the Town Fire Inspector.

- 5. The Resolution of Amended Site Development Plan, Special Use Permit and Wetlands Permit Approvals adopted by the Planning Board on March 19, 2012 shall remain valid and intact except with respect to the changes approved herein.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
Max Dao	Voting: _____
Victor Fanuele	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2013  
Wappingers Falls, New York

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
DCH Investments, Inc.  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Greer Nine Realty Corporation  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Schunzel, Inc.  
Owner

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the conditions of this resolution of the Amended Site Development Plan, Special Use Permit and Wetlands Permit Approvals necessary for permission for site improvements for the Project.

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

J:\DOCS2\500\Wappinger\DCH auto group 570.786 amended prn (sp+sup+wetlands). amendment 10-07-13.euk.doc

Mr. Valdati: The next item on the agenda is:

**13-3269/Bank of America-Free Standing Sign**-To discuss the installation of a free standing Bank of America sign. The property is located at **1469 Route 9** and is identified as **Tax Grid No. 6157-02-609919** in the Town of Wappinger. (Variance granted July 9, 2013)

Ms. Chapel: My name is Kerry Chapel and I am with Project Expeditors. I am authorized to be here by the owner.

Mrs. Roberti: They came in close to a year ago with a conceptual. The bank was built in the '70 and a sign was never put in. Each bank that has come in over the decades, decided not to put in a sign. When Bank of America decided to put in a sign, they needed a variance.

Mr. Valdati: Please explain the setback on a county road.

Mrs. Roberti: They needed 25 feet and they only had 10 feet. They did receive a variance for 15 feet.

Mr. Valdati: What is the pleasure of the board?

**Ms. Visconti: I make a motion to move the resolution prepared by our planner.**

**Mr. Dao: Second.**

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

**Board: Aye.**

10/7/13

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

RE: **BANK OF AMERICA – FREE-STANDING SIGN**  
**RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL**

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the \_\_\_\_ day of \_\_\_\_\_, 2013 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

- Robert L. Valdati \_\_\_\_\_
- Angela Bettina \_\_\_\_\_
- Max Dao \_\_\_\_\_
- Victor Fanuele \_\_\_\_\_
- Marsha Leed \_\_\_\_\_
- Francis Malafronte \_\_\_\_\_
- June Visconti \_\_\_\_\_

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board has received the application of Project Expeditors, Inc. (the “Applicant”) on behalf of John Davis (the “Owner”) for Amended Site Plan Approval for the installation of a free-standing monument sign (the “Project” or “Proposed Action); and

WHEREAS, the property is known as Tax Lot 6157-02-609919 on the Town of Wappinger Tax Map and is located at 1469 Route 9 in the HB zoning district (the “Site” or “Subject Property”); and

**WHEREAS, the Applicant has submitted an Application for Amended Site Plan Approval, dated 10/1/2013, an Owner Consent form, dated 9/30/2013; a Short Environmental Assessment Form, dated 9/30/2013; and two 11 by 17-inch sheets containing an aerial location map and details for the proposed free-standing monument sign; and**

**WHEREAS, the proposed internally illuminated free-standing monument sign is 5'6" tall and ±26.82 square feet in size; and**

WHEREAS, the proposed free-standing sign does not comply with the 25-foot setback required in Section 240-29.F(2)(a) of the Zoning Law as it is setback 10 feet from the property line; and

WHEREAS, the proposed free-standing sign was granted a 15-foot front yard setback variance from the Zoning Board of Appeals on July 9, 2013 with an Appeal #13-7488; and

WHEREAS, the proposed free-standing sign exceed the maximum sign area of 25 square feet in Section 240-29.F(2)(a) of the Zoning Law; and

WHEREAS, the Planning Board, pursuant to Section 240-29.B may, in the interest of good design, authorize variation from the aforementioned sign requirement; and

WHEREAS, the Planning Board waived the maximum sign area requirement in the interest of good design, based on the fact that the proposed free-standing sign is only slightly larger than the maximum size allowed; and

WHEREAS, the Planning Board determined that the Project is an Unlisted Action with respect to SEQR and WEQR; and

WHEREAS, the Planning Board has determined that the installation of a free-standing sign does not rise to the level of necessitating a public hearing; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including without limitation the Signs, Site Development Plan, Parking and Performance standards of Articles V, IX, X and XI of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

14. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
15. The Planning Board hereby grants an Amended Site Development Plan Approval to the Project, for the installation of an internally illuminated free-standing monument sign that is 5'6" tall and ±26.82 square feet in size, as defined above, on the Subject Property in accordance with the

provisions of Articles V, IX, X and XI of the Zoning Law subject to the following conditions and modifications:

- a. The Property Owner and Applicant shall endorse and submit a copy of this Resolution to the Zoning Administrator for filing.
- b. The Owner of the Subject Property shall submit a copy of the current deed to prove his ownership of said property.
- c. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
- d. The Applicant shall revise the sign detail sheet to include a note as follows:  
 “Pursuant to Section 240-29.F(6) of the Zoning Law, this free-standing monument sign shall be illuminated during business hours only, provided that such illumination shall not be twinkling, flashing, intermittent or of changing degrees of intensity... and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located.”

3. Except as specifically modified herein, the Resolution of Site Plan Approval and all amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
Max Dao	Voting: _____
Victor Fanuele	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.





town houses. In New York State to make your condominiums effective you need to sell 15 % of those units. In creating multiple condominiums it allows you to create a homeowners association. The homeowners association takes on all the maintenance.

- Mr. Roberts: I wish you would have disclosed this when you were going through the process. There are some technical problems. In our subdivision code you are suppose to have frontage on a town road. (Pointing to the map) do you see where the red is and the piece across the street is hooked into the gray. You are going to have to contact Dutchess County Real Property Tax because I don't know if they are going to give it the same grid number.
- Mr. Fitzpatrick: (Pointing to the map) our club house and recreation facility is up here, these pieces of property will get their own parcel. These two pieces will be owned by the homeowners association.
- Mr. Roberts: The interior piece does not have access to a town road.
- Mr. Stolman: I think to solve a lot of issues is to talk to the assessor.
- Mr. Valdati: You need to meet with our professionals and come to an understanding of what is needed and come back to this board at the next meeting.
- Mr. Valdati: The next item on the agenda is:

**13-3289/Durants Tents & Events**-To discuss the proposal of combining their two lots and removing 1,138 square feet from an existing building to add a 3,600 square foot addition to the northwest corner. With the proposed modification/addition, the building will contain 4,799 square feet of retail and 7,248 square feet of storage. In addition 4 additional parking spaces will be added. The property is located at **5 Osborne Hill and 1155 Route 9** and is identified by **Tax Grid No. 6157-04-632086(Route 9) and 6157-04-627103(Osborne Hill Road)** in the Town of Wappinger. (Povall)

- Mr. Povall: We are here to discuss and addition and modifications to the current building. (Pointing to the map) right now the property is two parcels. What we are calling Parcel A is the actual store front and Parcel B is where the home was that was taken down. This is an L shaped building and we are looking to square off the building. (Pointing to the map) this is a gravel loading area with two overhead doors in the back. We would be squaring this off to make additional storage in the building. This part of the building would be removed to accommodate additional parking in the front. Right now the building is 9,585 square feet. When this is completed, it will be over 12,000 square feet. We will be moving the loading area so all the loading can be done in the back of the building. We would maintain the existing yard area in the back. We would be adding 18 parking spaces. In the front here we will be showing a display area. The septic system is in the back and will be relocated to Parcel B

where the house was. We are also looking to combine both parcels and make it one. There are some preexisting non conforming frontages to Osborne Hill Road and Route 9.

Ms. Leed: Are there regulations having to do with what can be displayed?

Mrs. Roberti: Under signage, nothing should be moving or waving.

Ms. Visconti: This is just for Durant's, there will there be other retail in there.

Mr. Lois: We will be bringing down the party goods retail that is now up on Route 9.

Mr. Gray: It seems like a lot of parking.

Mr. Povall: There is currently 22 existing parking spaces.

Mr. Valdati: How many employees do you have?

Mr. Lois: Maybe 12.

Mr. Povall: Under the current zoning, we would be required to have 40 spaces.

Mr. Valdati: You can submit a formal application.

Mr. Valdati: The next item on the agenda is:

**13-3287 / Osborne Inn Restaurant**- To discuss architectural changes to the south side of the existing restaurant. The applicant has constructed a small addition to the south side and is proposing on enlarging the original outside deck for dining. The property is located at **146-150 Osborne Hill Road** and is identified as **Tax Grid No. 6156-01-485668** in the Town of Wappinger.

Mrs. Roberti: Mr. Guzijan started working on the interior. When I passed last week I noticed that he was putting on a vestibule in the front and we did bring him before the board. You did give him approval for that. Since that time, he has put a bump out on the side and he is looking to increase the deck that was originally there, which would hold a lot more seating. With all the changes being done out there, I have asked him to come back to the board.

Mr. Valdati: Please explain the bump out.

Mrs. Roberti: Shows the board the before and after picture.

Mr. Guzijan: That is where the bathrooms are going. It is 8 x 5 in size.

- Mr. Roberts: There was never a formal site plan because this was treated as a non-conforming preexisting use. The way our code reads a building permit cannot be issued unless there is a site plan in place. We made an internal decision since the zoning had gotten through; as long as they were keeping the same building foot print they could get building permits to do interior renovation. I think what Barbara is saying, that since they are changing the footprint they need to bring the site plan in and get approval.
- Mrs. Roberti: They did come in for building permits for the interior renovations but I think there was a miscommunication as to what should have been done. I just want to clarify, he did have permits.
- Mr. Guzijan: At the last meeting, I showed all the elevations. In the same application I proposed and showed you, the little bump out and the increase of the deck. (Pointing to the photo) I didn't think I violated anything since it was shown in the original application. The foot print never changed.
- Mr. Valdati: Does it increase the floor area?
- Mr. Guzijan: Yes.
- Mr. Stolman: I think what Mr. Guzijan is saying, it was a misunderstanding. Site plan approval is required. I believe at the last meeting we talked about architectural elevations. We didn't talk about this specific plan.
- Mr. Guzijan: But it was attached to the original plans.
- Mr. Stolman: The other issue is the expanded deck; the expanded seating for the restaurant.
- Mr. Valdati: What is the pleasure of the board?
- Ms. Visconti: We need to know what is there and what he is making changes to. I believe we need a site plan.
- Board: Agrees with Mr. Valdati.
- Mr. Roberts: Can this be expedited since he is under construction and now this is conforming?
- Mr. Stolman: Do you know how many parking spaces you have?
- Mr. Guzijan: 38 spaces but can go up to 40 or 41.
- Mr. Stolman: We need a parking calculation. How much floor area is there; interior and exterior?

- Mr. Guzijan: Approximately 1200 square feet.
- Mr. Stolman: We need to know the exact number and how many seats.
- Mr. Guzijan: The occupancy is 100.
- Mr. Stolman: That would be 33 spaces needed. Just submit the site plan with the parking calculation; also showing the bump out and exterior seating.
- Mr. Valdati: How fast can we take care of this?
- Mrs. Roberti: As soon as we get everything.
- Mr. Stolman: This will not require a Public Hearing. It was a restaurant and is staying a restaurant. If we get everything and Bob, Al and I review the plans, we could have a resolution for the next meeting.
- Mr. Valdati: The next item on the agenda is:
- Hampton Business Center, Century 21-** Would like to add color to stripe in center of building to match their awning. The property is located at **1136 Route 9** and is identified as **Tax Grid No. 6157-04-704073** in the Town of Wappinger.
- Mrs. Roberti: (Showing pictures to the board) this is the awning on the building. On the stucco there is a stripe; what they would like to do is take this dark blue with the beige and continue it along the stripe. The blue would be in the center and the beige above and below it.
- Ms. Visconti: I make a motion that the stripe is good.**
- Ms. Bettina: Second.**
- Mr. Valdati: Discusses with the board concerning the timing of projects being received.
- Mr. Valdati: Do I have a motion to adjourn this meeting?**
- Ms. Bettina: I make a motion to adjourn this meeting.**
- Ms. Visconti: Second.**

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

**Board:**                         **Aye.**

Respectfully,

Sue Rose, Secretary  
Planning Board

Meeting Ended 9:15PM