

MINUTES

Town of Wappinger Planning Board
October 21, 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
Mr. Horan	Attorney to the Town
Mr. Stolman	Planner to the Town
Ms. Rose	Planning & Zoning Secretary
Mrs. Roberti	Zoning Administrator

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Prestige Mini

Public Hearing Closed
Negative Declaration to be Drafted
Letter to ZBA Recommending the Variance

Discussion:

All Angels Heights Subdivision

Preliminary Resolution Accepted

Osborne Square

Letter to be sent to the Building Department to Issue Permit
For Foundation Work

Extensions:

Andlyn Associates

30 Day Extension – To Fix Escrow Issues

New Hackensack Professional
Building

6 Month Extension

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: Attendance please:

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

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

13-3273/Prestige Mini- the Town of Wappinger Planning Board will conduct a public hearing on the 21st day of October, 2013 at 7:00 p.m. at the Town Hall, 20 Middlebush Road, Wappinger Falls, N. Y., pursuant to Article IX, Section 240-43 (C), 240-87, and Chapter 137 of the Town Code, on the application of **Prestige Mini** to construct an 18,750 square foot Motor Vehicle Sales Establishment on 4.41 acres in a HB zoning district, including their applications for a special permit, site development plan approval, a wetland disturbance permit, and variations of signage requirements pursuant to section 240-29 (B). The property is located at **1162 Route 9** and is identified by **Tax Grid No. 6157-04-674155** in the Town of Wappinger. (Paggi)

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.

Ms. Van Tuyl: We are here for three different permits. A wetland disturbance permit, a special use permit and a site plan permit and a decision on signage, if you choose to make a decision on the signage.

Mr. Paggi: The property is located immediately north of the Valvoline site on Route 9. (Pointing to the map) it is a 4.4 acre site. We are proposing an 18,750 square foot showroom and service center. The majority of the parking will be behind the building. This Mini Dealership is set back 175 feet from Route 9. The topography is the cause of such a setback. There is a slope in the front which we will be using as a storm water basin. The displaying of cars will not be in the front of the dealership because of this. The only display will be a small

structure known as the cube and will display one vehicle. It will need a variance because it will not have enough of a frontage. (Showing pictures of the signage) the signage will be back in this wooded area. We are also looking for a variance for the height of the sign. The sign is just outside the storm water basin. The height of the sign is 19 feet 7 inches. There are two town wet lands on this property.

- Mr. Logan: My name is Fay Login and I am the architect for this building and many of the other Mini Dealerships. This will be a one story building that is 27 feet high. It will have a showroom and sale offices in the front of the building. It will have an enclosed drop off service area. In the back there will be some more office, employee amenities, and a training room; behind that is a ten bay service center. Each of their dealerships must have the cube and in it there sits a Mini Coupe.
- Ms. Visconti: Is that picture the replica of what is going to be built?
- Mr. Login: No, this picture is of the dealership in Ramsey, New Jersey. It is similar to what we would like to build, including the cube.
- Mr. Paggi: We met with the DOT at the site today. The indication that we got was they did review the previous site plan and they will not be changing their comments.
- Mr. Malafronte: Wouldn't the sign be blocking the cube?
- Mr. Paggi: The sign is going to be in front of the berm.
- Ms. Leed: Are the signs on the adjacent buildings the same size? This signs look bigger than the other signs on Route 9.
- Ms. Van Tuyl: The code for signage has become much stricter since those other signs were put in. So the sign size is very restricted, I think the area of the sign...
- Mr. Paggi: We don't have any dimension of the sign; the Volvo sign is a solid sign.
- Ms. Van Tuyl: Much of our sign is blank space. It is a very low keyed sign, especially at night.
- Mr. Nocella: My name is Robert Nocella (Referring to the hand outs) what I have done is given you day and night photos. Black background and white lettering will be the sign on the building. At night the only thing that will light up is the white. The intention of the light is not to cast light on the property. It is only for identification. On the side of the building is a mini font for the service sign. There are three signs to get you around the property. This is the sign that we have been talking about at the road line. You can see it is a simple sign that

does not illuminate the road or property. The height of the sign is 19 feet 7 inches and the width is about 4 feet. The square footage is 89 square feet.

- Mr. Valdati: Our code says 25 square feet.
- Mr. Nocella: Our thought of using a large sign is because of the shape of the property and the curve in the road on Route 9.
- Ms. Leed: I think this sign is a bit much and could be scaled down some.
- Mr. Valdati: I think this is a fair trade off because I never liked dealerships that had a lot of cars up front and the only way to know that a dealership is there will be the sign.
- Ms. Visconti: I also think you are correct in the fact that people won't know where the dealership is until they are right on it. You don't want people backing up to get into the driveway.
- Mr. Valdati: Would anyone on the board like to weigh in on the signage instead of sending it to the ZBA?
- Ms. Visconti: I would agree with you, this seems very reasonable.
- Mr. Valdati: Is there anyone in the audience that would like to speak on this application?
- Mr. Malafronte: Is this going to set precedence because of the site size and setback?
- Mr. Horan: It will as far as a site being geographically challenged.
- Ms. Leed: My concern is going to 89 square feet instead of the required 25 square feet. That is such a big difference.
- Mr. Stolman: I don't think a 25 square foot sign on Route 9 is appropriate for a building on Route 9 We are working on signage regulations now.
- Mr. Valdati: Are we, the board, able to take care of the signage instead of sending it to the ZBA?**
- Mr. Valdati: All in favor?**
- Board: Yes**
Victor Fanuele -- No.

- Mr. Valdati:** **Can I have a straw poll; are we in favor granting what we see here in front of us?**
- Mr. Valdati:** **All in favor?**
- Board:** **Yes.**
Victor Fanuele—No.
- Mr. Paggi: Starting with the town engineers comments; the water and sewage disposal system needs county approval. We have been in touch with the county and have submitted plans. We have met with the DOT; we did send them a copy of the SWPPP. Their primary concern is drainage. They want to make sure they know where the property is draining to. David's comments had to do with parking. We are proposing 9 feet by 19 wide spaces where your code state 9 feet spaces are only allowed for employee parking. We are providing 10 foot wide spaces for the number of customer spaces required by your code; we are also providing this for the required amount of employee parking space. These will be referred to as employee controlled spaces. This will be an area that an employee may park or a vehicle that is having service done to it.
- Mr. Malafronte: How many parking spaces total?
- Mr. Logan: 17 customer spaces, 31 employee spaces, and 110 display spaces.
- Mr. Paggi: Mr. Stolman also has comments concerning emergency vehicles coming on and leaving the site. The emergency vehicle will be able to stay within the incoming lane another vehicle would be able to pass on the way out. Lighting has been another issue and I think we are on board with all of his concerns. Another concern was the color of the dumpster enclosures, which we have addressed. Snow storage will be at the rear of the site.
- Ms. Leed: Can you explain the pervious pavement?
- Mr. Paggi: It is special mixes of asphalt that will allow as much water you put on it go through. There is a structure below it of stone, sand and piping to allow the water to continue to be stored and discharged at a slower rate.
- Ms. Leed: It is being used on every area?
- Mr. Paggi: Where we a proposing it under new car inventory only.
- Ms. Van Tuyl: I would like to discuss the lighting. The level of lighting is very low. There is something in your code that addresses lighting after business hours. All we are

asking for is to have our sign lit the same hours that HV Volkswagen and we will check to see what those times are.

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

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

Ms. Visconti: **Second.**

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

Board: **Aye.**

Mr. Valdati: **Do I have a motion for a Negative Declaration to be drafted?**

Ms. Visconti: **So moved.**

Ms. Bettina: **Second.**

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

Board: **Aye.**

Mr. Valdati: Are you going to the ZBA anytime soon?

Ms. Van Tuyl: Yes we have a Public Hearing on November 12th for the cube.

Mr. Valdati: **Do I have a motion to send a letter to the ZBA**

Ms. Visconti: **I make a motion to send a letter to the ZBA recommending this variance.**

Ms. Visconti: **Second.**

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

Board: **Aye.**
Victor Fanuele---No.

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

09-5152 / All Angels Heights Subdivision –To vote on a resolution of preliminary application for **All Angels Heights Subdivision** for 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) (PH 8-8-3) (Preliminary Granted 10-21-13)

Mr. Valdati: We have a preliminary resolution for this 8 lot subdivision. What is the pleasure of the board?

Ms. Visconti: **I make a motion to accept the resolution as written by our professional.**

Mr. Fanuele: **Second.**

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

Board: **Aye.**

10/21/13

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

**RE: ALL ANGELS HEIGHTS SUBDIVISION–
RESOLUTION OF PRELIMINARY SUBDIVISION PLAT 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 received an application from RJA Holdings Inc. (the “Applicant” and “Owner”) for Subdivision Plat Approval for the subdivision of one ± 23-acre parcel of land

into eight lots ranging in size from ±0.97 acres (Lot 1) to ±4.65 acres (Lot 5) (“Project” or “Proposed Action”); and

WHEREAS, the subject property is known as 6259-03-410112 on the Town of Wappinger Tax Assessment Maps and is located on the northwesterly side of All Angels Hill Road within an R-40 One-Family Residence District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant submitted an application form for Preliminary Subdivision Plat Approval, dated November 5, 2012; an Owner Consent Form, dated June 30, 2009; a Full Environmental Assessment Form (EAF) (Parts 1, 2 and 3), dated January 21, 2013, revised April 5, 2013; a Wetlands Functions and Values Assessment Report, dated December 4, 2007, Natural Resources Survey, dated March 27, 2008, A Wetlands Delineation Report dated May 8, 2013, an Indiana Bat/Bog Turtle Habitat Suitability Assessment Report dated May 8, 2013, all prepared by Michael Nowicki of Ecological Solutions, LLC; and the following plans generally entitled *All Angels Heights Subdivision, Town of Wappinger, New York*, prepared by Barger & Miller, Engineering and Land Surveying, PC, dated September 15, 2008, last revised September 24, 2013:

1. **Sheet 1 of 9, Title Page;**
2. **Sheet 2 of 9, Subdivision Plat;**
3. **Sheet 3 of 9, Grading Plan;**
4. Sheet 4 of 9, Road Profile;
5. **Sheet 5 of 9, Storm Sewer;**
6. **Sheet 6 of 9, Details;**
7. **Sheet 7 of 9, Erosion Control Plan;**
8. **Sheet 8 of 9, Road Entrance and Sight Distance; and**
9. Sheet 9 of 9, Wetlands Disturbance Map and Tree Survey; and

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the project in accordance with the recommendations of the Town Comprehensive Plan, the standards for approval contained in the Zoning Law and the Land Subdivision Regulations; and

WHEREAS, the Proposed Action is an Unlisted action with respect to both State Environmental Quality Review Act and Wappinger Environmental Quality Review; and

WHEREAS, a duly advertised public hearing on the Project application was opened on August 1, 2013 and continued on August 5, 2013, September 3, 2013 and October 7, 2013 and closed on the latest date, at which time all those wishing to be heard were given the opportunity to be heard.

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. 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 environmental impacts since any construction and land disturbance associated with the development of the lots will be controlled and mitigated through proper drainage and erosion control; since the proposed wetland and regulated wetland buffer disturbances are minimized to the extent possible; and since the protection of the endangered Indiana Bat species that may be located on or in the vicinity of the Subject Property will be ensured.
3. The Planning Board hereby grants Preliminary Subdivision Plat Approval for an eight-lot subdivision as herein defined subject to the following conditions and modifications which must be satisfied prior to submitting an application for Final Subdivision Plat Approval and the signing of the Preliminary Plat by the Chairman of the Planning Board:
 - a. The Owner shall endorse a copy of this resolution and submit it to the Planning Board for its files.
 - b. The Applicant shall prepare a preliminary subdivision plat in accordance with Section A-1 of the Town of Wappinger Land Subdivision Regulations.
 - 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.
 - d. The Owner of the Subject Property shall submit a copy of the current deed to prove his ownership of said property.
 - e. The subdivision drawings shall be revised to the satisfaction of the Town Planner as follows:
 - (1) The note on Sheet 3 of 9 shall be revised to read as follows: “Woody debris that has been placed in the watercourse near the stormwater basin shall be removed during construction of the stormwater basin.”
 - (2) Note #1 on Sheet 3 of 9 shall be revised to change the tree clearing time frame to October 31st to March 31st of each year.
 - (3) The following note shall be added to the plans: “There shall be no tree cutting at all within the wetlands and 100-foot regulated wetlands buffer areas except for the proposed road crossings.”

- (4) The plans shall be revised to show a fence along the front of the Vecchio property during construction.
- f. The following comments contained in the Town Engineer's letter to the Planning Board dated October 1, 2013, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the Town Engineer:
- (1) The Plat shall be revised to resolve the following:
 - (a) The Plat shall consistently show all of the bearings and distances along the proposed roadway right-of-way and lot boundary lines in black (not in gray) for improved legibility.
 - (b) All boundary data shall be shown legibly, and clear of all other lettering, line work, and other symbols.
 - (2) The plans shall be revised to address following matters:
 - (a) The drawings shall be 'cleaned up' to improve text and number legibility to clearly show the drainage proposal, contour intervals, and other construction information.
 - (b) Property bearings and distances shall be omitted on all but the Plat to improve clarity.
 - (c) On Sheet 8, the drainage revisions at the County Road entrance shall be clearly shown. A note shall be added to state that a maintenance and protection of traffic plan shall be provided if required by the Dutchess County Department of Public Works for a work permit.
4. 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 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 therefor 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 application will not be made until six (6) months after the filing of the subdivision plat.

- 5. 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 as set forth in Conditions 3 and 4 above have been satisfied, a copy of the preliminary subdivision plat, 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 Preliminary Plat Approval.

- 6. In accordance with Section 217-12J [of the Town’s Subdivision Regulations](#), approval of the preliminary plat shall expire six months from the date of the adoption of this resolution if no application for final approval is submitted within such period. However, the time limit specified above may be extended by the Planning Board for good cause shown upon the written request of the owner of the property or a duly authorized agent made at least 30 days before the expiration of approval. Extensions of preliminary subdivision plat approval shall not exceed one year for each extension. In no case shall Preliminary Plat Approval be extended beyond five years from the date of original approval.

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

Corp has given them any guidance even after trying to contact them after several occasions.

Ms. Visconti:

Does that mean we stop because they don't respond? What do we do Mr. Horan?

Mr. Horan:

If it was covered under the Nation Wide Permit, there is very little documentation...

Mr. Stolman:

Originally it was covered under the Nation Wide Permit. That is no longer the case. Kevin, the plan that came under the Nation Wide Permit had an area in the northeast corner?

Mr. Lund:

We were not creating that area, it already existed. The DOT said they would go to the Army Corp and take full responsibility for the changes and get the permit. It took me over four months, since they got the application before they came back and said we are ready to issue the permit.

Mr. Valdati:

Is the wetlands larger than the original plan?

Mr. Stolman:

It appears to be.

Mr. Valdati:

Does it exceed the threshold that is covered under the Nation Wide Permit?

Mr. Stolman:

Yes.

Mr. Valdati:

Will a new permit need to be issued from the Army Corp of Engineer's?

Mr. Stolman:

That is what usually happens.

Mr. Horan:

DOT could not issue a work permit until they went through the process with the Army Corp.. I think this would validate any changes to the project.

Mr. Valdati:

Could the town grant permission so the foundation could go in?

Mr. Horan:

I don't think we have jurisdiction having to do with the drainage work. DOT has directed to have some changes made. I believe the DOT supersedes us when it comes to their right away.

Ms. Visconti:

I feel this applicant has been held hostage because of this process.

Ms. Bettina:

I agree with you.

Mr. Valdati:

Would it be fair to do a partial permitting of just the foundation work?

- Mr. Horan: One of my concerns would be if there is a change to the SHPPP.
- Mr. Gray: No.
- Mr. Horan: I think a letter from the Planning Board saying the Planning Board authorizes site work to commence and foundation work. It would be sent to the Building Department. A building permit can be issued for those limited events.
- Ms. Visconti: I authorize a letter from the Planning Board to the Building Department authorizing that it has approved Mr. Lund to do the site work and foundation.
- Mr. Lund: Originally the pipe was on my property. The DOT approached me after the storm and asked me to run the pipe on their right away. I thought I was doing the right thing by saying yes. I have paid a financial price for this.
- Ms. Visconti: I make a motion to have a letter sent from the Planning Board to the Building Department to issue a permit for foundation work and Mr. Stolman will review the signage for this project.**
- Ms. Bettina: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Valdati: The next item on the agenda is an extension for:
- 11-3225/Andlyn Associates Inc.:** Seeking their fourth six month extension on final site plan approval for the proposed relocation of the existing entrance onto New Hackensack Road. This parcel is .873 acres in a GB Zoning District. This extension would begin November 2, 2013 and run through December 1, 2013. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-107069** in the Town of Wappinger. (Gillespie)
(PH April 4, 2011) (Resolution Approved May 2, 2011) (First Extension May 3, 2012 to November 1, 2012)(Second-November 2, 2012 to May 1, 2013)(Third-May 2, 2013 to November 1, 2013)
- Ms. Visconti: I make a motion for a 30 day extension be granted because of escrow issues.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**

08-3170 /New Hackensack Professional Building: Seeking their fourth six month extension on final site plan approval for an 11,981 office building on 2 acres in a GB Zoning District that was approved on May 2, 2011. This extension would begin November 2, 2013 and run through May 1, 2014. The property is located on **New Hackensack Road** and is identified as **Tax Grid No. 6259-03-101039** in the Town of Wappinger. (Gillespie) *(PH April 4, 2011) (Resolution Approved May 2, 2011) (First Extension- May 3, 2012 to November 1, 2012) (Second Extension- November 2, 2012 to May 1, 2013)(Third Extension- May 2, 2013 to November 1, 2013)*

Ms. Visconti: **I make a motion for a six month extension.**

Ms. Bettina: **Second.**

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

Board: **Aye.**

Mr. Valdati: Any old or new business?

Mr. Fanuele: I would like to discuss the signage for Prestige Mini and Osborne Square.
Discuss takes place.

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

Ms. Bettina: **I make a motion to adjourn this meeting.**

Ms. Visconti: **Second.**

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

Board: **Aye.**

Respectfully,

Meeting ended: 8:55PM

Sue Rose, Secretary
Planning Board