

# MINUTES

**Town of Wappinger Planning Board**  
**December 2, 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. 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**

Obercreek Subdivision	Adjourned until January 22 <sup>nd</sup> .
Hudson Valley Volkswagen	Resolution Granted
Stonegate	Resolution to be prepared for January 6 <sup>th</sup>
Regency at Wappinger	Resolution Granted
Smart Subdivision	Moved to January 6 <sup>th</sup>
St. Gregory's Church	Resolution to be prepared for January 6 <sup>th</sup>
Vedanta Health & Fitness Center	Formal application to be submitted
La Fonda Del Sol	Extension granted
Bre-Del Enterprises	Extension granted

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: Can I have a moment of silence for those who have fell victim to the train crash; some of which are local residents.

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 Adjourned Public Hearing:

**11-5159 / Obercreek Subdivision and Lot Line Re-alignment:** 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)

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

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

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: At the request of the applicant, they have requested to be moved to January 22<sup>nd</sup>.  
Do I have a motion to adjourn this until then?

Ms. Visconti: I make a motion to move this until January 22<sup>nd</sup>.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

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

**13-3280/Hudson Valley Volkswagen-** The Town of Wappinger Planning Board will conduct a public hearing pursuant to Article IX, Section 240-87 for an Amended Site Plan and Article VIII, Section 240-46 for an amended Special Use Permit of the Town Code, on the application of **Hudson Valley Volkswagen** to discuss the modifications to the site plan and special use permit. The property is 4.57 acres in a HB zone and is located at **1148 Route 9** and is identified by **Tax Grid No. 6157-04-690127** in the Town of Wappinger

- Mr. Valdati: Do I have a motion to open this Public Hearing?
- Ms. Visconti: I make a motion to open the Public Hearing.
- Ms. Bettina: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Lynch: My name is Dennis Lynch and I am with Day Engineering. The project is on the north side of Route 9. There is the existing Hudson Valley Volkswagen and the Volvo dealership. There is parking along the front and in the rear. (Pointing to the map) there is a retention pond back here. What we are proposing to do is to install a storm water basin and convert this to parking in the rear. We are proposing 134 parking spaces.
- Mr. Valdati: Is there anyone in the audience that would like to speak concerning this project?
- Mr. Valdati: Hearing none, can I have a motion to close the Public Hearing?
- Ms. Visconti: I make a motion to close the Public Hearing.
- Mr. Dao: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Valdati: We do have a resolution prepared.
- Ms. Visconti: I move the resolution.
- Mr. Dao: Second.
- Mr. Gray: On page 3 of the resolution, comment 4 a, b, and c have been satisfied stated in my letter dated November 27<sup>th</sup>.

- Ms. Visconti: I would amend the resolution of approval for the site plan and the special use permit deleting those items that have been accepted by the engineer.
- Mr. Dao: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Valdati: Any opposed? So carried.
- Mr. Valdati: The next item on the agenda is a Public Hearing on:

**07-3146/Stonegate (Alterations for Saz, Inc.)** -The Town of Wappinger Planning Board will conduct a public hearing pursuant to Article IX, Section 240-87 for an Amended Site Plan and Article VIII, Section 240.81.5 for a Special Use Permit of the Town Code, on the application of **Stonegate(Saz, Inc.)** to discuss the modifications to the site plan. The property is 2.86 acres in a HB zone and is located at **1316 Route 9** and is identified by **Tax Grid No. 6157-02-641504** in the Town of Wappinger. (Berta)

- Mr. Valdati: Can 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. Berta: My name is Michael Berta and I am the architect for the applicant. We are here for site plan approval and special use permit. It is an existing boarding house facility that has been in existence for a little over 50 years. There are minor changes. We are adding more parking, moving the septic system and adding some landscaping. There will be no new buildings being added.
- Mr. Valdati: Is there anyone in the audience that would like to speak? Hearing none, can I have a motion to close the Public Hearing?
- Ms. Bettina: I make a motion to close the Public Hearing.
- Ms. Leed: Second.
- Mr. Valdati: All in favor?

Ms. Visconti: I recuse myself. Mr. Shah is a client of mine.

Mr. Valdati: Roll call vote.

Ms. Rose:	Frank Malafronte	No
	Marsha Leed	Aye
	Max Dao	Aye
	June Visconti	Recuse
	Victor Fanuele	Aye
	Angela Bettina	Aye
	Robert Valdati	Aye

Mr. Valdati: Can I have a motion to have a resolution drafted for our January 6<sup>th</sup> meeting?

Ms. Bettina: I make a motion to have a resolution drafted for our January 6<sup>th</sup> meeting

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye, except June Visconti because she recuses herself.

Mr. Valdati: Roll call vote?

Ms. Rose:	Frank Malafronte	No
	Marsha Leed	Aye
	Max Dao	Aye
	June Visconti	Recuse
	Victor Fanuele	Aye
	Angela Bettina	Aye
	Robert Valdati	Aye

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

**13-3288/Hilltop Village at Wappinger**-The application of **Regency at Wappinger (Formerly Hilltop Village) – Preliminary Subdivision Plat** pursuant to Section 276 of the Town Law, to discuss their proposed 4 lot subdivision of Parcel 1 of the Filed Map #11070B, subdividing a 141.613 acre lot into 3 condominium parcels comprising of living units, and one recreation parcel comprising of the club house, recreational amenities and open space area. The subdivision will result in no physical changes to the site plan as previously approved by the Town of Wappinger. The property is located on **All Angels Hill Road** and is in an **RMF-3 Zoning District** and is identified as **Tax Grid No. 6257-02-630770** in the Town of Wappinger.  
(Povall)

- Mr. Fitzpatrick: My name is James Fitzpatrick and I am the vice president of Toll Brothers. The purpose of our application is to subdivide Hilltop Village which is now known as Regency at Wappinger.
- Mr. Valdati: Do I have a motion to open the Public Hearing?
- Ms. Visconti: I make a motion to open the Public Hearing.
- Mr. Dao: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Fitzpatrick: Nothing has changed with this project. It still going to be 225 units; what we have done is subdivided the parcel. We have taken one parcel and divided it into 4 smaller parcels. That is the reason for this application.
- Mr. Zammiello: My name is Tim Zammiello and I live at 9 Rich Drive. What section will you be building first?
- Mr. Fitzpatrick: We split it so if the market demands more town houses we can start here or if there is more demands for single family home we can start here. (Pointing to the map)
- Mr. Hayes: My name is William Hayes and I live at 44 Tor Road. What are you planning to change?
- Mr. Fitzpatrick: Nothing from the original site plan.
- Mr. Hayes: My main concern is what is happening to the neighbors. I know Toll Brothers put in some of the homes off of Old Hopewell and I was disgusted that there was no buffer placed. I just want to make sure there will be a buffer with this project. Are the condominiums 2 story or 3 stories?
- Mr. Fitzpatrick: These homes are much smaller. They will be anywhere from 1400 square feet to 2400 square feet. The town homes are small. They are mostly 2 stories but there are a few 3 stories.
- Mr. Valdati: The Planning Board has taken special care to see that this project takes into consideration the conservation of the area and they will follow the plan and they are being monitored. Is there anyone else in the audience that would like to speak? Hearing none, do I have a motion?

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

Ms. Bettina: Second.

Mr. Valdati: We do have a resolution, do I have a motion?

Ms. Visconti: I make a motion to accept the resolution.

Mr. Dao: Second.

Mr. Valdati: Roll call vote.

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

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

**13-3293 / 1070-1072 Route 9, LLC**-To amend the current site plan to include all the current uses present to date and to remedy the encroachment violation into the wetland buffer. The property is located at **1070-1072 Route 9** and is identified as **Tax Grid No. 6156-02-800910** in the Town of Wappinger. (Day)

Mr. Lynch: It is an existing lot along Route 9 with an existing 2 story building located in the front. There is also an existing building in the back which is occupied by a landscaper and Herring Sanitation. We have met with the town on several occasions about some outstanding issues. At this time the applicant is cleaning them up. We are here for an amended site plan and a special use permit. (Pointing to the map) there are wet lands along here. The existing building in the rear here and this gravel area that they were using for storage for the port-a-potties is within the 100 foot buffer. We are here tonight to ask respectfully if the town would waive the town buffer of 100 feet. This area has been used for storage for the last 30 plus years. We can put some kind of barrier here to show we are not going any further into the wetlands but we would like to keep it as storage.

Mr. Valdati: Was there burning of port-a- potties on the property?

Mr. Lynch: I know there was a fire but I don't know how it was started.

Mr. Valdati: Was there a berm constructed by Tassoni Realty.

- Mr. Lynch: It has been removed.
- Mr. Valdati: Is there approval for Herring Sanitation to be in that area?
- Mrs. Roberti: In the memo I gave you, the last time there was an amended site plan was in 1973. Since then there has been a lot of companies brought in.
- Mr. Valdati: We are going to need a listing of all the businesses back there and the use of the property back there. If there are things in the buffer zone, that needs to be listed.
- Mr. Stolman: We need to know what materials and equipment are being stored on site.
- Mr. Valdati: This can be on the next agenda which is January 6<sup>th</sup>.
- Mr. Valdati: The next item on the agenda is:

**13-3194 / Smart Subdivision-** To discuss a proposed 2-lot subdivision where the existing home will remain on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design)

- Mr. Valdati: No one is here for this; we will move it to January 6<sup>th</sup>.
- Mr. Valdati: The next item on the agenda is:

**13-3295 / St. Gregory's Church-**To discuss the replacement of existing open stairs with terraced steps and landing, covered by an open canopy structure. The property is located at **1500 Route 376** and is identified as **Tax Grid No. 6259-04-715115** in the Town of Wappinger.

- Mr. Anania: My name is Steve Anania and I am here to show you this model of the church and what we are proposing to do. (Pointing to the model) the existing front of the church ends here and we want to add this new canopy and enhance the stairway.
- Mr. Valdati: Mr. Stolman and Mr. Gray do these plan satisfy your requirements?
- Mr. Stolman: Yes.
- Mr. Valdati: We need to get architectural review of this.
- Mr. Stolman: We need a resolution and then they can get their building permit.



- Ms. Visconti: I make a motion to have Barbara Roberti draft a resolution for our next meeting.
- Mr. Dao: Second.
- Mr. Valdati: All in favor?
- Board: Aye.
- Mr. Valdati: The next item on the agenda is:

**13-3296 / Vedanta Health & Fitness Center**-To discuss the additional use of a health and wellness center. The use will include office space, an exercise area and a lecture and seminar space for a total of 6402 square feet in the existing building. The property currently has 50 parking spaces and is located in an HB zoning district. The property is located at **10 Stage Door** and is identified as **Tax Grid No. 6156-02-826836** in the Town of Wappinger.

- Mr. Spidal: My name is Dave Spidal and I am the owner of 10 Stage Door. It is a 30,000 square foot building with 12,000 square feet of offices on the upstairs and 18,000 square feet down stairs that holds three tenants. My intension is to move one of my tenants upstairs and to let Vedanta Health into that space. Barbara's concern when we brought it to her was the parking. I did do a count of parking and I have 52 spaces.
- Mr. Valdati: What would be the amount of parking spaces for that building that the town would require?
- Mr. Stolman: It would depend on the square footage per use and I'm thinking more than 52 parking spaces. It appears that this board cannot grant what you are asking for because of insufficient information. We would need more information on the tenants and their usage to be able to calculate how many parking spaces would be needed.
- Ms. Visconti: This isn't going to be like a gym membership.
- Dr. Malhotra: My name is Dr. Suraj Malhotra and this is a business for prevented health. There will be seminars held by physicians and there is a fitness center, which will only be 1/3 of the business.
- Ms. Visconti: This board does not like seeing blacktop, after the calculation you could land bank some spaces until needed.
- Mr. Spidal: I cannot add anymore spaces. What do I do to move forward with this?

Mr. Roberts: You need to submit a formal application with each particular use of each space so the parking can be calculated.

Mr. Gray: We also want to look at water usage and the septic system. You have an onsite well, we would also need to look at water usage.

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

**05-3116/ La Fonda Del Sol** – Seeking their ninth extension for six month for final site plan approval for a revised site plan for a restaurant, retail space and a standalone bank totaling 27,225 square feet in an HB zoning district. This extension would begin on December 14, 2013 and run through June 13, 2014. The property is located on the corner of **Old Hopewell Road & Old Route 9** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger. (Day) (PH: 2-6-06 / LA: 1-17-06)(Closed PH 3-3-08, received an extension from the applicant to November 5, 2008.) (Received final site plan approval on July 21, 2008). First 6 month extension granted to January 15, 2010, second granted to June 14, 2010, third granted to December 14, 2010, fourth granted to June 14, 2011, fifth granted to December 14, 2011, sixth granted to December 14, 2012, seventh granted to June 13, 2013, eighth granted to December 13, 2013.)

Ms. Visconti: I make a motion the grant the extension.

Mr. Malafronte: Second.

Mr. Valdati: Roll call vote.

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

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

**08-3160 / Bre-Del Enterprises (Ciraolo):** The applicant is requesting their third extension for an approved signed site plan dated December 6, 2010 for the construction of a one/two story office building in an NB zoning district on .678 acres. This extension would begin on December 6, 2013 and expire on December 5, 2014. Due to economic conditions the applicant needs the one year extension to be able to apply for a building permit. The property is located at **Route 376** and is identified as **Tax Grid No. 6259-02-508806** in the Town of Wappinger. (Barger)(Lead Agency sent out on September 19, 2008.)(Opened & Closed PH 12-1-08)(Final Site Plan approval granted on January 21, 2009), (first one year extension granted to December 5, 2012) (second one year extension granted to December 5, 2013)

Ms. Visconti: I make a motion to grant the extension.

Ms. Bettina: Second.

Mr. Valdati: Roll call vote.

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

Mr. Valdati: Can I have a motion to go into executive session for legal advice?

Ms. Visconti: I make a motion to go into executive session for legal advice.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Can I have a motion to come out of executive session?

Ms. Visconti: I make a motion to come out of executive session.

Mr. Dao: Second.

Mr. Valdati: Can I have a motion to adjourn this meeting?

Ms. Visconti: I make a motion to adjourn this meeting.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Respectfully,

Sue Rose, Secretary  
Planning Board