

# MINUTES

**Town of Wappinger Planning Board  
January 6, 2014  
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:	Absent
Ms. Visconti:	Absent		

**Others Present:**

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

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## SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

Calvary Chapel of the Hudson Valley	Adjourned until January 22nd
Stonegate (Alterations for Saz, Inc.)	Resolution moved
St. Gregory's Church	Resolution moved
Greenbaum & Gilhooley's Site Plan	Neg Dec and go to ZBA
Smart Subdivision	Formal Submission

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: First item on the agenda is:

Acceptance of the minutes from June 17, 2013 and August 5, 2013

Mr. Valdati: Do I have a motion to accept the minutes?

Ms. Leed: I make a motion to accept the minutes.

Ms. Bettina: Second.

Mr. Valdati: Next on the agenda is:

**Adjourned Public Hearing:**

**10-3199 / Calvary Chapel of the Hudson Valley:** - The Town of Wappinger Planning Board will conduct an adjourned 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 and adjourn this?

Ms. Malafronte: I make a motion to open and adjourn this until January 22<sup>nd</sup>.

Mr. Bettina: Second.

Mr. Valdati: Next on the agenda is:

**07-3146/Stonegate (Alterations for Saz, Inc.)** – To vote on a resolution for the application of **Stonegate (Alterations for Saz, Inc)** for an Amended Site Plan and for a Special Use Permit of the Town Code for 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) (Neg Dec 9/16/13)

- Mr. Valdati: We have a resolution that has been prepared. Do I have a motion to move this resolution?
- Mr. Fanuele: I make a motion to move this resolution.
- Ms. Bettina: Second.
- Mr. Malafronte: There is a new law in our code concerning the boarding house and it is being presented to the state.
- Mr. Stolman: It is effective now.
- Mr. Roberts: What happens is it is effective upon adoption by the Town Board.
- Mr. Stolman: It was adopted by the Town Board in the middle of November.
- Mr. Malafronte: Have the comment in David's letter concerning the engineer's comments been addressed? Are they still pending?
- Mr. Gray: Some of them are.
- Mr. Stolman: They don't need to be at this time. They are conditions of the approval.
- Mr. Gray: The approval is subject to these conditions.
- Mr. Malafronte: And the Board of Health review?
- Mr. Stolman: This is how the Planning Board normally operates.
- Mr. Malafronte: What is the time frame before you see an approval?
- Mr. Stolman: A resolution has an expiration date. As long as the conditions are fulfilled before the expiration date, the applicant is fine. Basically the applicant has one year to fulfill their obligations.

Mr. Valdati: Can I have a roll call vote?  
Ms. Rose: Victor Fanuele Aye  
Angela Bettina Aye  
Frank Malafronte Aye  
Marsha Leed Aye  
Robert Valdati Aye

Mr. Valdati: Next on the agenda is:

**13-3295 / St. Gregory's Church**-To vote on a resolution for the replacement of an 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. Valdati: Would anyone like to move the resolution?

Ms. Leed: I make a motion to move the resolution.

Ms. Bettina: Second.

Mr. Malafronte: Barbara, you made a couple of changes in the resolution at the last minute. Was that because of SEQRA?

Mrs. Roberti: There were a few places that Al wanted the wording changed.

Mr. Malafronte: They are putting the steeple in the front and they also have a steeple on the roof in the middle of the building. It wasn't there in 2010.

Mrs. Roberti: The steeple may have been part of phase 1.

Fr. Alex: I would like to explain. (Showing the board the model) This is the old church and it had a steeple and an old navy bell here. When the roof was redone, the steeple was removed and the bell was put into storage. That steeple will not return and a new one will be put over the canopy including the bell.

Mr. Valdati: Ms. Leed made a motion to move the resolution and Ms. Bettina seconded it. Roll call vote?

Ms. Rose: Victor Fanuele Aye  
Angela Bettina Aye  
Frank Malafronte Aye  
Marsha Leed Aye  
Robert Valdati Aye

Mr. Valdati: Next on the agenda is:

**13-3279/Greenbaum & Gilhooley's Site Plan**-To discuss the proposed site plan to include the current restaurant, an additional retail building and a standalone bank on 1.89 acres in an HB zoning district. The property is located at **1379 Route 9** and is identified as **Tax Grid No. 6157-02-594684**. (Robert Turner [Tinkelman Architecture])(Neg Dec 9-16-13)

Mr. Valdati: We have reviewed the information we have received from our professionals, DOT, DC Planning and other government agencies. It would seem appropriate that a Negative Declaration be drafted. Do I have a motion?

Ms. Bettina: I make a motion to draft a Negative Declaration.

Mr. Valdati: This needs to be in place so they can go to the ZBA to get approval for their variances. This would give us a leg up on the SEQRA process.

Mr. Roberts: Maybe it would be helpful to see the revised plans first.

Mr. Tinkelman: Since we were here last, we have spent a great amount of time talking to your professionals and working on the weaknesses of this project. The project is a little smaller than you saw last time. The bank has been rotated. This way the front line landscaping is consistent. It has made the circulation of parking better. When we first started we were looking at 10 variances, with some of these new changes we were able to now only need 4. The site is 1.89 acres and the ordinance requires a minimum of 2 acres. David Stolman picked up any restaurant in this area has to have 2 acres.

- Mr. Stolman: Let me clarify that, any restaurant with a drive thru or a fast food restaurant.
- Mr. Tinkelman: There was a piece of property that we were going to try to buy from the state. The state has agreed to give us a license to it. The reason they didn't want to sell the piece is because they have some drainage in front of the site. We did get the ability to landscape it. We also got tentative approval for the curb cuts. The second variance has to do with lot depth which is 200 feet and we have only 175 feet. In rotating the bank you can see the façade in a nice way and we are able to take the parking here (pointing to the map) and create a more normal parking field; in doing so the canopy will need a variance. We will need to come back to you for signage. We would like to put signage in the back of this because there is traffic on both sides of the building.
- Mr. Stolman: The Planning Board has the authority to modify to vary from specific requirements that are in the signage provisions.
- Mr. Tinkelman: I don't have any signage plans with me tonight but I will come back to the board with plans.
- Mr. Valdati: We don't have any objection to that and this is something we did that with the old Pizza Hut location.
- Mr. Fanuele: If the tenants vary, do the parking spaces vary?
- Mr. Stolman: It depends on the total kinds of land use. If the total amount of the restaurant does not exceed 5,000 square feet it doesn't really matter where it is necessarily or how many restaurants there are.
- Mr. Tinkelman: Your ordinance allows the board to consider a shared parking. We have asked Phillip Grealy to do a parking study for us. The project would require 120 spaces. If these would be 10 x 20 spaces, there would be 100 spaces. We understand there is consideration in front of the Town Board to reduce the parking space size to 9 X 8. That would raise the count to 110; so right now our short fall is 10.

- Mr. Grealy: Besides being asked to do a traffic study, we were also asked to do a parking study. We have referenced studies that have recommend share parking. At different times of the day, there would be peaking. To avoid over parking areas, it recommends looking at the individual uses and look how they would be used over the course of the day and to see what benefit there would be with shared parking. The other study was the space size. Currently the size is 10 x 20 but the industry standard now is 9 x 18. There would be a benefit going to the 9 X 18. We came up with 95 spaces needed at the maximum time; with this study we feel that shared parking is the way to go. This is consistent with the county's recommendation.
- Mr. Fanuele: Suppose you don't put a bank there, would the parking spaces change?
- Mr. Grealy: If a bank doesn't go there, what would that space be used for? Something would have to go there and parking would be needed.
- Ms. Leed: What concerns me is not meeting the landscaping requirements. It doesn't seem like a large percentage.
- Mr. Grealy: I think if the town goes with the 9 x 18 space sizing and we would be able to pick up those additional 10. Then some of those 10 could be land banked and used for landscaping.
- Mr. Malafrente: Are you putting an additional fast food in there or is Greenbaum & Gilhooley's going to be the only fast food restaurant in there.
- Mr. Tinkelman: There are no leases signed currently. The only thing that is solid and confirmed is the bank.
- Mr. Malafrente: So the retail can vary? If you have two, they would have different peak times and that would change the patterns.
- Mr. Grealy: From traffic and parking stand points, at a high end of traffic generation I think there would be more traffic in and out. In terms of

the parking requirements, would it be higher, I don't think so because there would be quicker trips in and out. I think it is two separate issues.

Ms. Leed: Do the 9 x 18 parking spots need a variance?

Mr. Stolman: Al and I are working on a local law having to do with this.

Mr. Tinkelman: With your permission and with our risk, we would like to submit with the 9 x 18 parking spaces and if it is not passed it would be on us to go back and resubmit.

Board: Ok

Mr. Malafronte: I know the county addressed sidewalks on the Old Route 9 side; are putting sidewalks back there?

Mr. Tinkelman: We have cross walks that we are proposing.

Mr. Malafronte: David, has everything been addressed.

Mr. Stolman: To the point where a Neg Dec can be drafted.

Mr. Malafronte: Will the retail area have a basement?

Mr. Tinkelman: There will be no basements.

Mr. Valdati: Do I have a motion to draft a Negative Declaration?

Mr. Malafronte: I make a motion to draft a Negative Declaration.

Ms. Bettina: Second.

Mr. Valdati: Roll call vote.

Ms. Rose: Victor Fanuele           Aye  
Angela Bettina           Aye  
Frank Malafronte        Aye



Marsha Leed                   Aye  
Robert Valdati               Aye

Mr. Valdati:               Do I have a motion to have a letter drafted to the Zoning Board of Appeals informing them that we have reviewed this project and we give our approval for this project and a Negative Declaration is also being drafted.

Ms. Bettina:               I make a motion.

Mr. Malafronte:           Second.

Mr. Fanuele:              I vote no. The ZBA should make their own decision.

Mr. Valdati:              Let the record reflex Mr. Fanuele's decision.

Mr. Tinkelman:           We will not start the engineering process until we know we have the variances. I would like to introduce the architect for the bank.

Mr. De Graw:             My name is Jeff De Graw. I think there were some concerns at the last meeting but since the building was rotated I think your concerns have been met. (Distributed drawings of bank) There are also drawings of the interior of the bank.

Mr. Valdati:              Thank you. Does anyone have any questions?

Mr. Horan:                The encroachment should also be included in the variance so it will become conforming instead of staying nonconforming.

Mr. Malafronte:         If you don't get anything from the DOT, which way are you going?

Mr. Tinkelman:         They already got approval.

Mr. Valdati:              The plans look good and contact Ms. Rose when you want to be put on the agenda.

Mr. Valdati:              Next 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. Koehler: My name is Dan Koehler and I am with Hudson Land Design. The subdivision calls for 2 lots. One new building lot and one with the existing structure on it. (Pointing to the map) this over here is the DEC property. With the description of the wells, as town water makes its way here it would be our discretion to connect to it. We will have sewer disposal systems. We did do soil testing at the sites and they are suitable for septic. We did site distant calculations and we met the site distance along River Road which is posted at 40 miles per hour. We did show a secondary driveway for the rear lot in the event there was an issue with shared driveways. We are here for comments on this conceptual application.

Mrs. Roberti: A question came up to the nonconformity of the front house having 3 units in it. Each unit should have 20,000 square feet. It has that with 2 acres but split this in half and leaves approximately 40,000 square feet for the existing home it would increase the nonconformity.

Mr. Koehler: As I understand it, they have an operational permit from the town as it is; so the existing use as a 3 family is has a permit.

Mrs. Roberti: On 2 acres but now being subdivided you are increasing the nonconformity.

Mr. Koehler: 240-56, article 8 of your zoning code, supplementary specialty use regulations and those only apply to special use permits which we are not asking for. We are asking for a subdivision.

- Mr. Stolman: What Barbara is saying is a legally non-conforming situation. There are roughly 3 dwelling units on 2 acres. By asking to put 3 dwellings on 40,000 square feet increases the non-conformity. That is the position Barbara is taking and she is the Zoning Administrator. Barbara is offering 240-56 as a way of subdividing the property without needing a variance.
- Mr. Koehler: We wouldn't be proposing a variance. We have treated this as a non-conforming use.
- Mr. Stolman: With all due respect, Barbara is the Zoning Administrator and she is the person in the town to make that determination if you need a variance or not. The position that she has taken is that you would need a variance.
- Mrs. Roberti: I will put it in writing and you can appeal to the ZBA.
- Mr. Koehler: What if we could work out a deed restriction, where the back lot can only be a single family lot.
- Mr. Stolman: I don't think it is a matter of negotiation. What the Zoning Administrator is trying to say it is not in the Planning Board's purview or authority to put that 3 family dwelling on a 40,000 square foot lot.
- Mr. Koehler: I look at the code that as a special use permit and that is not what we are asking for. If we have to go to the ZBA, we can do that too.
- Mr. Stolman: You have two choices. One is going to the Zoning Board of Appeals.
- Mr. Horan: What would the variance be?
- Mr. Stolman: We had a conversation this afternoon and Al is going to recuse himself from this project.
- Mr. Horan: You can ask for an interpretation and ask if Barbara's interpretation of the code is correct.

- Mr. Stolman: The other is that you can ask for a special permit.
- Mr. Valdati: Would the Planning Board give their recommendation to the ZBA or should we wait.
- Mrs. Roberti: I think you should wait for me to write my letter of determination and a formal application.
- Mrs. Roberti: 1070-1072 Route 9 pulled themselves from the agenda tonight. I did print up some pictures. Mark Day could not get his clients in compliance. December 27<sup>th</sup> was the date they were supposed to clear up the violations. They were told that if the dead line is not met I would start issuing tickets. They were informed that the port a potties were to be moved and they have not been moved.
- Mr. Valdati: Can I have a motion to go into executive session.
- Ms. Bettina: I make a motion to go into executive session.
- Mr. Malafrente: Second.
- Mr. Valdati: Can I have a motion to adjourn this meeting?
- Ms. Bettina: I make a motion to adjourn this meeting.
- Ms. Leed: Second.
- Mr. Valdati: All in favor?
- Board: Aye.

Respectfully,

Sue Rose, Secretary  
Planning Board