

AMENDED MINUTES

Town of Wappinger Planning Board
January 22, 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:	Member		

Others Present:

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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Adjourned Public Hearing:

Obercreek Subdivision

Public Hearing closed
Negative Declaration to be drafted

Calvary Chapel

Public Hearing closed
Next meeting discussion of tree cutting

Discussion:

Greenbaum & Gilhooley's

Negative Declaration accepted

Durants Tents & Events

Board to make site visit January 25th
Update survey

Osborne Inn Restaurant

Resolution accepted

Prestige Mini

Discussed the possible purchase of the adjacent property

- Mr. Valdati: Please rise for the Pledge Allegiance.
- Mr. Valdati: First item on the agenda is the acceptance of the minutes from January 6, 2014.
- Mr. Valdati: Do I have a motion to accept the minutes?**
- Ms. Visconti: I make a motion to accept the minutes.**
- Ms. Bettina: Second.**
- Mr. Valdati: Next on the agenda is an adjourned Public Hearing:

11-5159/Obercreek Subdivision and Lot Line Re-alignment: The Town of Wappinger Planning Board will conduct an adjourned 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 & Marlorville Road** and is identified as **Tax Grid No. 6057-02-997768/ 6157-01-030738** in the Town of Wappinger. (Chazen)(LA April 8, 2011)

- 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. Cantor: I believe all the questions have been answered. I hope you will see fit to have David Stolman prepare a Negative Declaration and preliminary subdivision approval.
- Mr. Valdati: Is there anyone in the audience or on the board that would like to speak on this application?
- Ms. Visconti: David, has everything been addressed?
- Mr. Stolman: In a memo dated November 13th, we have stated that all our comments have been satisfied.
- Mr. Valdati: Do I have a motion to close the Public Hearing?**

- Ms. Visconti:** So moved.
- Ms. Leed:** Second.
- Mr. Valdati:** All in favor?
- Board:** Aye.
- Mr. Valdati:** Do I have a motion to have Mr. Stolman draft a Negative Declaration and preliminary approval?
- Ms. Visconti:** I make a motion to have Mr. Stolman draft a Negative Declaration and preliminary approval.
- Ms. Bettina:** Second.
- Mr. Valdati:** All in favor?
- Board:** Aye.
- Mr. Valdati: The next item on the agenda is an 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)

- Ms. Visconti:** Move to open the adjourned Public Hearing.
- Mr. Malafronte:** Second.
- Mr. Valdati:** All in favor?
- Board:** Aye.
- Mr. Cantor: There was a meeting on site with the town's representatives, DOT representatives and traffic experts on behave of the applicant. After the meeting it was decided that the access point is going to be moved 10 or 15 feet. A traffic report was submitted by Mr. Grealy. I understand that the professionals have

some additional questions. There are trees on the property that need to be cut and these need to be cut before March 31st due to the roosting of the Indiana Bats.

- Mr. Valdati: Is there anyone in the audience that would like to comment on this project?
- Mr. Valdati: Hearing none, does anyone on the board have any questions?
- Ms. Leed: Do you have a map showing the old location and the new location?
- Ms. Zerfas: (Pointing to the map) explains locations.
- Mr. Grealy: We did collect speed and traffic data at that site. We looked at it during the day and on the weekend. Mr. Grealy discusses his finding in the report.
- Mr. Cantor: DOT does agree with this plan.
- Mr. Valdati: I think the DOT was premature in agreeing with this.
- Ms. Visconti: My concern is going in and leaving. Coming around the turn and having a line of cars waiting to enter, the driver may not be able to stop and will rear end the cars in the line.
- Mr. Grealy: Reads his report concerning speed data. (Reports available upon request)
- Mr. Valdati: One moment of hesitation and an accident can happen. We are going to review this very carefully.
- Ms. Leed: Has a traffic light or warning lights been considered?
- Mr. Grealy: A traffic light would not be warranted here. To get a traffic light you would need a certain amount of traffic during certain periods of the day. The warning beacons may be a condition that the DOT gives us.
- Ms. Visconti: Will DOT take into consideration our concerns?
- Mr. Roberts: The DOT has the authority to approve or disapprove any improvements to a state road. That also includes any intersection on a state road.
- Mr. Stolman: We did send them a letter stating our concerns with their conceptual approval of this site. We will be reviewing the traffic study.

- Mr. Cantor: May I ask for you to close the Public Hearing and we can take this project in pieces? Also, can you have David draft a resolution for the next meeting for preliminary approval if he receives the information he needs?
- Mr. Stolman: It would be too much to accomplish in 2 weeks. There were a number of issues in our last memo that were supposed to be resolved after the Negative Declaration. I believe there has not been another submission since our last memo last November.
- Ms. Zerfas: Not of the site plan just the DOT information.
- Mr. Stolman: I think a resubmission of the site plan is needed. It needs to address Bob's comments and my comments.
- Mr. Valdati: Can I have a motion to close the Public Hearing?**
- Mr. Malafronte: I make a motion to close the Public Hearing.**
- Ms. Visconti: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Valdati: Now about the trees. Would it be alright to have them cut down the trees while this project is still open?
- Mr. Stolman: You have done this before with a restoration bond.
- Mr. Cantor: Why would you need a restoration bond? If for some reason the project does not go through, the cutting of the trees impact no one.
- Ms. Visconti: How many trees are we talking about?
- Mr. Cantor: I don't know.
- Mr. Roberts: If the project doesn't go through, there needs to be replanting.
- Ms. Zerfas: (Pointing to the map) it will be these trees.
- Mr. Cantor: Can the Planning Board make a motion saying that the board has no objection in the trees being cut subject to the advice of the consultants?
- Mr. Stolman: I think the board should make the decision.

Mr. Valdati: I make a motion that we hold this until we get a recommendation from Mr. Stolman and Mr. Roberts as to the issue of the cutting of the trees and what is required. I would like this on the next agenda.

Mr. Malafronte: Second.

Mr. Valdati: All in favor?

Board: Aye.

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

13-3279/Greenbaum & Gilhooley’s Site Plan-To vote on a Negative Declaration for 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])(LA 8/26/13) (Neg Dec 1/22/14)

Mr. Tinkelman: We have nothing new to show you having to do with the drawings. We did meet with the ZBA and had a site visit.

Ms. Visconti: I make a motion to accept the Negative Declaration.

Ms. Bettina: Second.

Mr. Valdati: Roll call vote

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

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 were here before you about 2 month ago with a conceptual application. (Pointing to the map) this is the building for Durants Tents & Events. This is Rt. 9 southbound and this is Osborne Hill Road. There are 2 parcels. Parcel A and the smaller Parcel B. There was a house on Parcel B that burnt and was taken down for safety reasons. We are looking to square off the building. It will be a 3600 square foot addition that will be used for storage. We are proposing to extend the parking lot and we are required to add 18 new parking spaces because of this new addition and we are proposing land banking half of them. The fenced in area will remain for some storage and their delivery trucks. (Pointing to the map) there will be a display area in this front corner. There will be low landscaping along the perimeter. We will have to relocate the septic with this new plan. We would need a variance for this addition. By combining these two parcels it will get us closer to our 2 acre minimum.
- Mr. Valdati: I would like to see photos of the display area.
- Mr. Malafronte: Do you have tractor trailers in the back?
- Mr. Lois: No.
- Mr. Valdati: Would the board like to do a site visit?
- Board: Yes.
- Mr. Valdati: This Saturday, January 25th at 10am.
- Mr. Gray: You would need to update the survey and we need a subdivision application to combine the lands.
- Mr. Fanuele: Will the exit be out to Osborne Hill Road?
- Mr. Lois: No, it will be Rte. 9.
- Mr. Valdati: The next item on the agenda is:

13-3287 / Osborne Inn Restaurant- To vote on a resolution concerning the 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.

Mr. Valdati: We do have a resolution, what is the pleasure of the board?

Mr. Fanuele: **I make a motion to move the resolution.**

Ms. Bettina: **Second.**

Mr. Valdati: **Roll call vote.**

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

1/22/14

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

**RE: OSBORNE INN –
RESOLUTION OF 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 _____ 2014 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 Phoenix Refurbishing, Inc. (the “Applicant” and “Owner”) for Site Plan Approval for modification to the existing restaurant (Building #1 on the site plan) as well as other site improvements including landscaping, signage and parking reconfiguration (the “Project” or “Proposed Action”); and

WHEREAS, the Project includes the following:

1. A new ±632-square foot deck;
2. A 56-square foot addition to the existing restaurant to be used to relocate an existing walk-in cooler;
3. A new walkway around the relocated cooler;
4. A new free-standing sign with indirect lighting;
5. A new deck porch for Building #2;
6. A new front covered porch for Building #3; and
7. New trees and shrubs along Osborne Hill Road; and

WHEREAS, there are no lighting fixtures proposed as part of the Proposed Action; and

WHEREAS, the subject property is known as Tax Lot 6156-01-485668 on the Town of Wappinger tax assessment maps and is located at 146-150 Osborne Hill Road within the Neighborhood Business (NB) zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted an Application for Site Plan Approval dated October 18, 2013; a Short Environmental Assessment Form (Part 1) dated October 18, 2013; and the following sheets of plans generally entitled “Proposed Improvements at the Osborne Inn, Osborne Hill Road, Town of Wappinger, NY” and prepared by Donald L. Zeller, Architect, PLLC:

1. Sheet SP1, Site Plan, dated 11/20/13, revised 12/30/13;
2. Sheet SK1, Plans and Elevations, dated 10/7/13; and
3. Sheet A-1, Floor Plan, dated 6/10/13, preparer not indicated (the three (3) above mentioned drawings constitute the “Site Plan Drawings”); and

WHEREAS, the Proposed Action is a Type II action in accordance with the State Environmental Quality Review Law and the Wappinger Environmental Quality Review Law; and

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

WHEREAS, the DCDPD responded to the above mentioned referral in a letter dated November 15, 2013 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 has determined that the proposed modifications to the existing restaurant do 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 Site Development Plan, Parking and Performance Standards of Articles IX, X and XI respectively of the Zoning Law, 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. The Planning Board hereby grants Site Development Plan Approval to the Project for modification to the existing restaurant (Building #1 on the site plan) as well as other site improvements including landscaping, signage and parking reconfiguration, as shown on the Site Plan Drawings and as defined above, on the Subject Property in accordance with the provisions of Articles IX, X and XI of the Zoning Law 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 following comments contained in the Town Engineer's letter to the Planning Board dated October 24, 2013, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the Town Engineer:
 - (a) The water supply and sewage disposal facilities shall be shown on the plans.
 - (b) The plans shall clearly indicate if the existing facilities will be reused or if new facilities will be constructed.
 - (5) The following comments contained in the Town Planner's letter to the Planning Board dated November 13, 2013, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the Town Planner:
 - (a) Sheet SK1 includes the front and left elevations for the restaurant building and the proposed deck area. Rear and right elevations shall also be provided. All elevations shall indicate colors and materials.
 - (b) The business hours for the proposed restaurant and outdoor deck area shall be included on the plan.
 - (6) Trees and shrubs are proposed to be located within the right-of-way of Osborne Hill Road which is a County road (CR 35). If the Planning Board desires the installation of these trees and shrubs, approval from the Dutchess County Department of Public Works will be required.
 - (7) The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

- 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 required in accordance with this Resolution of Amended Site Development Plan Approval.
 - (2) 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.
 - (3) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.
3. 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.
4. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this 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 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.
5. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the Project shall be subject to continued conformance with such approved Site Development Plan Approval.

6. 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 provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

7. 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.

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: _____, 2014
Wappingers Falls, New York

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

Phoenix Refurbishing, Inc.
Applicant and Owner

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the conditions of this resolution of the Site Development Plan Approval necessary for the issuance of a Building Permit.

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

J:\DOCS2\500\Wappinger\Osborne Inn.861.prn (amended sp).euk.doc

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

13-3273/Prestige Mini- Project Update. 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. Paggi: We did receive site plan approval from this board. We were making our final adjustment to our plan when the owner in Ramsey asked us to come down. The owner advised us that he had just negotiated an option to purchase the property to the north. This is fine but it stops everything in the track because we have to let the town know what is going on. They are in negotiation and we will continue with the prior site plan. If they do secure the property, we would come in for an amended site plan. We are here to keep you posted.

Mr. Valdati: The one thing I noticed about Prestige Mini is the bulk of their vehicles are not in the front of the dealership. What is your intent with this property?

Mr. Paggi: I really don't know as of yet but I do know that the site plan we submitted for this property will have the bulk of their inventory away from the front of the showroom.

- Mr. Malafronte: Are there wet lands on the new property and how are you going to deal with drainage?
- Mr. Valdati: We can deal with the engineering accepts at a different time. Thank you for coming in.
- Mr. Valdati: Any old or new business?
- Mr. Valdati: I would like to focus on the agenda. I would like to receive the agenda the Thursday before our meeting anything after that nothing should be put on the agenda. We should make this policy.
- Mr. Roberts: The Town Board is changing their policy. When they adopt the policy, I will send you a copy. Their board has different powers but you can use it as an example.
- Mr. Valdati: Now the minutes.
- Mr. Roberts: The only thing that needs to be identified in the minutes is any motion or a resolution to be prepared by one of the professionals. That is what has to be in the minutes within 2 weeks. A verbatim transcript is not required.
- Mr. Valdati: I would like to receive a synopsis of the minutes and the audio sent to the clerk's office. Included should be the resolutions that were passed that evening. The following changes shall be made:
- Agenda must be received the Thursday before the meeting.
Conceptual must be received the Monday before the meeting.
New applications/formal submissions must be submitted 4 weeks prior to meeting.
Resubmissions will be on a case by case basis.
Outside government agency documents can be put on the dais if it pertains to what is on the agenda.
No material from the applicant is to be placed on the agenda if not received in proper time.
Mrs. Roberti (Zoning Administrator) will decide what is miscellaneous/minor.
- 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?**

Respectfully,

Sue Rose, Secretary
Planning Board

Meeting ended at 9:20 PM