

MINUTES

Town of Wappinger Planning Board
March 3, 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:	Absent
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
Mrs. Roberti	Zoning Administrator
Ms. Rose	Planning & Zoning Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussion:

Calvary Church of the Hudson Valley	Draft resolution for March 17 th
Durants Tents & Events	Circulate letter for Lead Agency & Public Hearing on April 7 th
Farley Site Plan	Circulate letter for Lead Agency

Conceptual:

J. V. B. Group, LLC	Draft resolution for March 17 th
LMD Property Holdings, LLC	Town Board for extension to Water & Sewer District

Extension:

Brundage	Granted until June 30 th – to submit required permits
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- Mr. Valdati: Please rise for the Pledge Allegiance.
- Mr. Valdati: First item on the agenda is the acceptance of the minutes from January 22, 2014, February 3, 2014, December 2, 2013, November 4, 2013 and November 18, 2013.
- Mr. Valdati: I would like to table this to the end of our meeting. Do I have a second?**
- Mr. Malafronte: Second.**
- Mr. Valdati: Next on the agenda is:
- 10-3199 / Calvary Chapel of the Hudson Valley:** - 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)(PH opened 10-7-13) (PH closed 1-22-14)
- Mr. Cantor: My goal is to hear you say to David to prepare a resolution. There were two comment letters from David's office. There was one on general planning issues and one on traffic. I will turn this over to Joe Berger to help answer some of these questions.
- Mr. Berger: The planning issues revolved around the land banking of the parking lot, making sure the lines were delineated. We did show them on the previous maps and we did agree with the planner to enhance them. We did add additional language to the maps. We have a complete application at DEC and we did supply the town with the report. The only thing left is the Health Department and that should be coming. We did submit the alternative plans from the DOT.
- Mr. Stolman: Have you submitted these new plans to the town yet?
- Mr. Berger: No, we were planning on doing it tomorrow morning just in case there were any suggested changes tonight.
- Mr. Cantor: The last site plan was modified to show two alternatives having to do with access and exiting the property. One if there is no turning lane required; the other if there is a turning lane required by the DOT.
- Mr. Stolman: The alternate is showing one lane in and two lanes out. This is the plan we prefer and recommend. A letter could be sent to the DOT to let them know this is the plan the Planning Board prefers. We have also recommended some warning lights. The applicant should pursue that as well with the DOT.

- Ms. Visconti: Can that be covered with a letter from the Planning Board as a suggestion to the DOT?
- Mr. Stolman: Yes.
- Ms. Visconti: Does it have to be in a resolution or should that be a separate action?
- Mr. Stolman: There should be two things. The resolution should embrace that alternative. I would recommend writing a letter directly to the DOT so the DOT knows the Planning Boards position.
- Mr. Valdati: It would also reflect the applicant's position finding this amendable to using that alternative.
- Mr. Cantor: I am assuming that the Planning Board would consider a resolution considering both alternatives depending on what DOT does.
- Mr. Stolman: It is ultimately up to the DOT. I think the Planning Board should voice their preference. If the DOT does not approve that alternative, the Planning Board may want to have it come back for a discuss in this situation.
- Ms. Visconti: I think our letter should be very strong in saying this is our preference.
- Ms. Leed: Is there enough time between services? A comment letter refers to a service at 9 and another at 11.
- Mr. Cantor: The services last approximately one hour and ten minutes. So there should be no over lapping.
- Mr. Valdati: Do we craft a resolution approving two alternatives or are we going to be more specific?
- Mr. Stolman: We could get in touch with the DOT and find out what they want before approving a resolution.
- Mr. Cantor: Having done all the analysis that you have asked us to do and showing two alternatives our suggestion is whatever DOT approves should be agreeable to you.
- Mr. Valdati: I realize that the DOT is the ultimate authority in determining the approval of this project; however we have to think of the safety of our residents.

- Mr. Stolman: I would like to get in touch with the DOT before the next Planning Board meeting.
- Mr. Cantor: It is my understanding that the DOT will not take a position until after there is a highway work permit and they analysis the position.
- Mr. Grealy: Typically DOT will not give their final determination until all the permits are submitted and all the approvals granted. Conceptually you may get an agreement with what the town is recommending but until you get final review approval and I have seen them change their position.
- Mr. Stolman: We are not looking for a permit; we are not looking to submit detailed engineering drawings. We are still in the conceptual stage.
- Mr. Roberts: If we approve the site layout the way the Planning Board wants, I find it hard to believe they would reject that outlet. It is up to you and Joe to convince them to justify the layout. You have the support data to justify the layout.
- Mr. Grealy: With the support data from the town, they will take it seriously.
- Mr. Cantor: We the applicant is not joining David's view that the turn lanes are necessary or required. We are saying we will do whatever is required to do; and to that we are asking the Planning Board to adopt a site plan with two alternatives.
- Ms. Leed: Are you submitting two maps to the DOT?
- Mr. Grealy: Two plans were submitted.
- Mr. Malafronte: The last letter we got from the DOT said the only thing they will accept is when we make a final decision of the site plan. So it is really up to the Planning Board to make the decision how the egresses will be. So they will accept what we submit?
- Mr. Grealy: That is not always the case.
- Ms. Visconti: What happens if you draft a resolution with how we want the turning lanes and send it up to the DOT, then what? Does the DOT have the right to say no or could they say the town likes it this way and then they approve it.
- Mr. Stolman: Yes.
- Ms. Visconti: If we send a letter with our approval of what we want, that should have some weight.

- Mr. Cantor: What I am trying to avoid is finding out what you approved and what the DOT wants is not the same and then having to come back in a couple of months.
- Mr. Valdati: Mr. Stolman, what is your recommendation on what kind of resolution we can craft.
- Mr. Stolman: Given what I have said and what Phil had said; conceptually approving the lanes. It would be good to try to find out what the DOT will accept and then base our resolution on that.
- Mr. Valdati: Then we will hold off on the resolution.
- Mr. Stolman: We can draft a resolution based on this and if I find out they want something else, I would bring that information back to you and we will go from there.
- Mr. Cantor: That sticks us out another month.
- Ms. Visconti: Do you think you would have some information by our next meeting which is the 17th? We will draft a resolution stating the turning lanes as we want them and if something comes back different from the DOT we would go from there. That will only put you out two weeks.
- Mr. Malafronte: I make a motion to have the planner draft a resolution to include the exit and entrance to be what the board has suggested.**
- Mr. Dao: Second.**
- Mr. Valdati: Roll call.**
- Ms. Rose:**
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|-------------------------|------------|
| June Visconti | Aye |
| Angela Bettina | Aye |
| Frank Malafronte | Aye |
| Marsha Leed | Aye |
| Max Dao | Aye |
| Robert Valdati | Aye |
- Mr. Valdati: The next item on the agenda is:

13-3289/14-5167Durants 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. Valdati: The Planning Board did do a site visit.
- Mr. Povall: We did make some changes to the plan and we did submit a subdivision application so the two parcels can be combined. We addressed the display area (pointing to the map). We will be grading this area to make it more visible.
- Ms. Visconti: When we did our site visit, I didn't think the display area would be a distraction on Route 9 because it is lower.
- Mr. Povall: Right now Route 9 is eight to ten feet higher than the display area. We are looking to raise the ground about two feet.
- Ms. Leed: Is there lighting in the display area?
- Mr. Povall: No because the items in the display area are deflated and put away.
- Mr. Valdati: There will be a number attached to the amount of items that can be displayed.
- Mr. Malafronte: Does the DOT have to weigh in on this?
- Mr. Povall: This is not on the DOT right away. In David's memo, it said the display area will be paved. It is not going to be paved and it is noted on the new submission. There are trees here (pointing to the map), as far as putting trees in the front for this type of business visibility is important. There will also be landscaping up front.
- Ms. Visconti: Do they still need to go to the ZBA?
- Mrs. Roberti: Yes.
- Mr. Malafronte: Are there any green issues we have to address because of the subdivision?
- Mr. Stolman: The subdivision is only to dissolve a lot line.
- Ms. Visconti: Is the display area considered a sign?

- Mr. Stolman: The display area is for advertising.
- Mr. Valdati: What is our next step?
- Mr. Stolman: We can draft a Lead Agency letter. At some point we will need to schedule a Public Hearing for the subdivision and site plan.
- Mr. Povall: When do we go to the ZBA?
- Mrs. Roberti: You can start now.
- Mr. Valdati: Do I have a motion to circulate a letter for Lead Agency.**
- Ms. Visconti: I make a motion to circulate a letter for Lead Agency.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Ms. Visconti: I make a motion to schedule a Public Hearing for April 7th.**
- Ms. Bettina: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Valdati: The next item on the agenda is:

14-3298/Farley Site Plan-To discuss the proposed site plan for an office company. The building is approximately 2,600 square feet. The property is in an R-20 zone and is in front of the Town Board for a zoning change. The property is located at **26 Myers Corners Road** and is identified at **Tax Grid No. 6157-02-787923** in the Town of Wappinger. (Dan Koehler)

- Mr. Kohler: My name is Dan Kohler and this is Patrick Farley, the applicant. The property is located on the southwest corner of Losee Road and Myers Corners Road. We have approached the Town Board asking if they would rezone this from R-20(One Family Residential District) to CC (Conservation Commercial District). They have looked at it positively. Mr. Farley's business is strictly administrative office use. There are no cars coming in and out except for his employees. There are no deliveries. There are four full time employees and three part time

employees. We do have an existing area for seven cars which is what we need. The code would require nine spaces because of the square footage of the office building. We are asking relief from the board for those two parking spaces. What I would like to ask tonight, if the board could circulate for Lead Agency and looking to set a Public Hearing for the April 7th meeting.

Mr. Valdati: Does the Board of Health need to weigh in on this since it is going from residential to commercial.

Mr. Gray: I think they would.

Mr. Malafronte: Will you be using the same entrance?

Mr. Farley: I will leave it as is.

Ms. Leed: Was that built like a home?

Mr. Farley: Yes and sat vacant for years.

Ms. Leed: Will any part be used as residential?

Mr. Farley: No strictly commercial.

Mr. Valdati: Do I have a motion to circulate for Lead Agency?

Ms. Visconti: I make a motion to circulate for Lead Agency.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

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

Mr. Stolman: Usually when an application is in front of the Town Board for a zoning change, we wait until the zoning change has been made before we have a Public Hearing.

Mr. Valdati: We will have a Negative Declaration for the meeting on the 7th. They will then go to the Town Board and back to us for a Public Hearing.

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

14-3299/J. V. B Group, LLC- To discuss the proposed installation of 2 air conditioning units on the rear of the building. This proposed installation of these units would eliminate 4 parking spaces. The property is on 3.81 acres and is located at **85 Airport Drive** and is identified as Tax Grid No. **6259-02-644502** in the Town of Wappinger. (Gillespie)

Mr. Gillespie: My name is Mike Gillespie and this was before the board approximately two years ago for site plan approval. It is an indoor recreation facility. This proposal tonight is for large air conditioning units. (Pointing to the map) these would be located on the back of the building. There is parking around the perimeter of the building. We were required to have seventy-five parking spaces. We did bank sixteen spaces along the front here (Pointing to the map); so fifty nine spaces were constructed. With this proposal, we are looking to eliminate an additional four. There has been no parking issues; even during peak hours. (Pointing to the map) the entrance to the building is here and the parking spaces that we would like to eliminate are in the back here.

Mr. Stolman: I think the solution is to land bank four more spaces.

Ms. Visconti: What is next?

Mr. Stolman: First a formal application needs to be submitted. I think a resolution could be ready at the next meeting and a Public Hearing is not needed.

Ms. Visconti: I make a motion to authorize the planner to have a resolution for the March 17th meeting.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Malafronte: No.

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

14-5168/The Ridges At Old Hopewell Estates-To discuss the proposed subdivision of 15.95 acres into 9 lots. The existing residence will remain on a 5.9 acre parcel and the remaining 10.05 acres will be divided into 8

building lots of approximately 40,000 square feet each with any necessary improvements. The property is located at **838 Old Hopewell Road** and is identified as **Tax Grid No. 6257-04-616448** in the Town of Wappinger. (David Stenger) (Day)

- Mr. Cantor: This conceptual identifies David Stenger as the applicant. I did submit a letter to Barbara and there is an assignment of the contract. David Stenger is there as a contract vendee. That contract vendee was assigned to a Limited Liability Company, LMD Property Holding, LLC. In which, David Stenger is a member and a minority owner. This is a proposed 9 lot subdivision. One of the lots would include this existing home (Pointing to the map). The other lots would be new construction. We have asked to be on the Town Board agenda for March 10th to ask the Town Board to start the process of considering an extension of the water and sewer district.
- Mr. Hausle My name is Tom Hausle with LMD Holdings. (Pointing to the map) this is one piece of the Farfaro property and it joins Road C which is connected to Old Hopewell Estates. The intent is to make use of the paper street and to connect to the existing town road. We would like to subdivide these eight building lots.
- Ms. Visconti: Is Road C coming off of Shamrock Hills Drive?
- Mr. Hausle I believe so.
- Ms. Visconti: Is the Farfaro residence on Old Hopewell Road?
- Mr. Hausle: It is here. (Pointing to the map) Road C is on the back of their property.
- Mr. Malafronte: Is there a house there now?
- Mr. Lynch: There is a house on either side.
- Mr. Roberts: When Shamrock was being built, that was shown before this board as a paper road. Kahara previously owned it. They were contemplating developing the property and they asked if that road could be included. I believe one of the Kahara got sick and died and the property was sold. It is now being brought back to the board.
- Mrs. Roberti: This has come up a few times. The people that are in Lots 55 and 56 may not like it but they don't own that right away.

- Mr. Stolman: This right away was left by the Planning Board for the purpose to provide access to the property we are talking about.
- Ms. Leed: Do these homes have the proper setbacks if a road goes in?
- Mr. Roberts: It is an unimproved paper road.
- Mr. Stolman: There are two legal lots on either side of this.
- Mr. Gray: When Kahara came before us, there was the ability to build a road. The question then was they wanted to build a driveway. That was the sticking point; if someone can build a driveway in a town right away.
- Mr. Roberts: Graham disapproved of it. If they are going to build, they will have to hold to town specifications.
- Mr. Malafronte: Does that easement have enough of a turning radius to go into their property; in between those two houses?
- Mr. Stolman: No, that is not what is being proposed.
- Ms. Visconti: It is a full road going into a cul-de-sac.
- Mr. Hausle: We do not want to buy this property. We just want to develop it to town specifications.
- Mr. Valdati: What are the thoughts of the Planning Board?
- Mr. Malafronte: As long as they meet the town specifications.
- Mr. Cantor: There was a question if Al should recues himself from this project. From the applicant's point of view, we hope you will see fit to have him participate. There is no one in Al's firm who has any interest in this application.
- Ms. Visconti: I don't have a problem.
- Mr. Cantor: While it is your business and I don't want to overstep my bounds, from the applicant's point of view it would be much easier, with Al's history of the property, that he could participate. Thanks

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

10-3216 / Brundage: The applicant is seeking their fourth extension for three months on their approved site plan and SUP to legalizing two houses, one for rental income, one for their primary residence and a retail business on 1.76 acres in the NB Zoning District. This extension will begin on January 1, 2014 through March 30, 2014. The property is located at **2088 Route 9D** and is identified as **Tax Grid No. 6057-04-847098** in the Town of Wappinger. (Day) (*PH opened and closed 6-6-11. Resolution Approved July 6, 2011*) (*First extension granted July 5, 2012 thru January 3, 2013, second thru July 5, 2013, third July 1, 2013 thru January 1, 2014.*)

Mr. Brundage: My name is Martin Brundage and I am here to request an extension. Mrs. Roberti and I had a meeting last week. She was kind enough to guide me through what needs to be done to get this resolution closed. She did notice that the site plans were not signed by the Health Department. I did have a meeting with Peter Marlow, from the Health Department. I did give him all six copies of the map. He said they were signed in the beginning and he gave me the copy; so were the engineering plans signed. I will provide Mrs. Roberti with these copies and this should complete everything and the resolution can be signed.

Mrs. Roberti: Mr. Brundage received his approval some time ago. He has been getting extension to try to meet all the conditions. The only thing outstanding is the DEC permit. The permit expired; it expired in December 2012. That will have to be extended. I am asking the board to extend this application until March 30th.

Ms. Visconti: I would authorize the extension be granted.

Ms. Bettina: Second.

Mr. Roberts: I don't think March 30th would give him a long time.

Ms. Visconti: I would authorize an extension until June 30, 2014.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: We did postpone the acceptance of the minutes. Did everyone receive the open meeting law from Mr. Roberts?
Discussion of the law pursued

- Mr. Valdati:** **Can I have a motion to go into executive session?**
- Ms. Visconti:** **I make a motion to go into executive session.**
- Ms. Bettina:** **Second.**
- Mr. Valdati:** **Can I have a motion to come out of executive session?**
- Mr. Dao:** **I make a motion to come out of executive session.**
- Ms. Bettina:** **Second.**
- Mr. Valdati:** **Can I have a motion to adjourn this meeting?**
- Ms. Bettina:** **I make a motion to come out of executive session.**
- Mr. Malafrente:** **Second.**
- Mr. Valdati:** **All in favor?**
- Board:** **Aye.**

Respectfully,

Sue Rose, Secretary
Planning Board

The meeting ended at 9:45PM