

# MINUTES

**Town of Wappinger Planning Board**  
**July 21, 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. Ciccarelli:	Member
Ms. Visconti:	Member-Absent		

**Others Present:**

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

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## SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

Durants Tents & Events	Both Resolutions Accepted
Clove Creek Dinner Theater	Neg Dec Accepted, Letter to be sent to Town Board, Public Hearing September 3rd
The Golden Dog Grooming, Inc	Public Hearing August 4 <sup>th</sup> , Resolution for August 4 <sup>th</sup>
Corporate Park	Resolution for August 4th
Prestige Mini	Public Hearing September 3 <sup>rd</sup> , Submit Signage Information

**Mr. Valdati:** Can I have a motion to accept the minutes from July 7, 2014?

**Mr. Fanuele:** I make a motion to accept the minutes from July 7, 2014.

**Ms. Bettina:** Second.

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

**Board:** Aye.

**Mr. Malafronte:** No.

Mr. Valdati: The first item on the agenda is an Adjourned Public Hearing:

**13-3289/14-5167 Durants Tents & Events**-To vote on a resolution for the proposal of combining their two lots and removing 1,138 square feet from an existing building and then adding 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: We have two resolutions to vote on. We will do the amended site plan first. Do I have a motion?

Mr. Povall: I would like a change made to the resolution. We did discuss at the last meeting, this project will be done in two phases. The building of the addition will be during phase 2. The septic and the well will have to be moved because where the septic is now; the new addition will be built on it.

Mr. Valdati: We will modify the resolution. Do I have a motion?

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

**Ms. Bettina:** Second.

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

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>William Ciccarelli</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>

**Robert Valdati**                      **Aye**

Mr. Valdati:                      We now have the resolution for the lot merger. Do I have a motion?

**Ms. Bettina:**                      **I make a motion to move this resolution.**

**Mr. Ciccarelli:**                      **Second.**

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

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>William Ciccarelli</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Robert Valdati</b>	<b>Aye</b>

7/21/14 RESOLUTION

TOWN OF WAPPINGER PLANNING BOARD

RE: **DURANTS TENTS AND EVENTS – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS FOR LOT MERGER**

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 \_\_\_\_\_, 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	_____
William Ciccarelli	_____
Victor Fanuele	_____
Francis Malafronte	_____
June Visconti	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_

WHEREAS, the Town of Wappinger Planning Board received applications from Lois Family Partnership, Ltd. (the “Applicant”) on behalf of Glenn Lois (the “Owner”) to dissolve the existing lot line between two adjacent lots identified as tax lot 6157-04-632086 (Parcel A: 1.5 acres in size) and tax lot 6157-04-627103 (Parcel B: 0.31 acres in size) located at 1155 Route 9 and 5 Osborne Hill Road (the “Subject Property”

or “Site”), respectively, within the Highway Business (HB) zoning district (the “Project” or “Proposed Action”) in conjunction with the Durants Tents and Events expansion project; and

WHEREAS, the Applicant is also seeking Amended Site Development Plan Approval to expand the existing retail and storage business known as Durants Tents and Events (the “Proposed Action”); and

WHEREAS, the Applicant has submitted an application form for Preliminary Subdivision Plat Approval, dated 2/4/14; an application form for Final Subdivision Plat Approval, dated 2/4/14; an owner’s consent form, dated 2/4/14; a Full Environmental Assessment Form (EAF) (Parts 1, 2 and 3) dated December 17, 2013, revised 2/3/14; and the following plan entitled “Sheet SD-1 (1 of 1), Durants Tents and Events, Subdivision Plat,” dated 2/3/14 and prepared by Povall Engineering, PLLC (the “Subdivision Plat”); and

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

WHEREAS, the Planning Board has determined that the lot merger will not result in the creation of any new building lots within the Town of Wappinger; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law; and

WHEREAS, the Planning Board assumed the status of Lead Agency in April 2014 after circulating a Notice of Intent to serve in such a capacity and receiving no objections from any of the other Involved Agencies; and

WHEREAS, pursuant to the SEQRA and WEQR regulations, the Planning Board thoroughly analyzed the potential adverse environmental impacts of the Proposed Action and adopted a Negative Declaration on April 7, 2014, thereby finding that the Proposed Action will not have any significant adverse environmental impacts and thereby ending the SEQR process; and

WHEREAS, a duly advertised public hearing on the Proposed Action was opened on June 16, 2014, and continued and closed on July 7, 2014 in the Wappinger Town Hall, 20 Middlebush Road, Wappingers Falls, New York, at which times 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. The Planning Board hereby finds that a proper case does not exist for requiring that additional parklands be suitably located for playground and other recreational purposes within the Town, since the Project is a lot merger, since no new building lots will be created, and no new homes will result from the subdivision, and therefore, a fee in lieu of the reservation of land for recreational purposes will not be required as a condition of Final Subdivision Plat approval.
3. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project as herein defined.
4. The Planning Board hereby waives the Public Hearing on the Final Subdivision Plat because the Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat.
5. The Planning Board hereby grants Final Subdivision Plat Approval to the Project for a lot merger to combine Parcel A (1.5 acres in size) and Parcel B (0.31 acres in size) into one ±1.81-acre lot, as herein defined and as shown on the Subdivision Plat, subject to the following conditions and modifications which must be satisfied prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:
  - a. The Applicant and Owner shall endorse a copy of this resolution and submit it to the Planning Board for its files.
  - b. The Applicant shall prepare a final subdivision plat in accordance with Section A-5 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 in full.
  - d. The Owner of the Subject Property shall submit copies of the current deeds to prove his ownership of the lots.
  - e. All required signatures and seals (owner, engineer, surveyor) shall be shown on the Final Subdivision Plat to the satisfaction of the Town Engineer.
6. Conditional approval of the final plat shall expire one hundred eighty (180) days from the date of this resolution unless all requirements have been certified as completed. However, the Planning Board may extend for periods of ninety (90) days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension(s) is/are warranted by the particular circumstances.
7. 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 applications will not be made until six (6) months after the filing of the subdivision plat.

8. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Owner and Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging receipt of a copy of the resolution. When all of the conditions set forth in the conditions above have been satisfied, a copy of the final 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 Owner and/or Applicant have complied with the above conditions of approval and that the Final Plat is authorized for filing with the County Clerk, Division of Land Records.

After said filing, two (2) copies of the Final Plat certified by Dutchess County and six (6) copies of the certified copies of the Final Plat shall be submitted to the Planning Board. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the Town Clerk along with a signed copy of this resolution.

Regarding the six (6) copies of the certified copies of the Final Plat, one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Planner, Town Highway Superintendent, Town Zoning Enforcement Officer and the Dutchess County 911 Addressing Office.

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: _____
William Ciccarelli	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

Lois Family Partnership, Ltd.  
Applicant

Date

\_\_\_\_\_  
Glenn Lois  
Owner

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Owner and/or Applicant have fulfilled all of the conditions of this Resolution of Preliminary and Final Subdivision Plat Approvals for Lot Merger and authorizes the filing of the Final Subdivision Plat with the County Clerk, Division of Land Records.

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

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RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

RE: **DURANTS TENTS AND EVENTS –**  
**RESOLUTION OF AMENDED 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 of \_\_\_\_\_, 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	_____
William Ciccarelli	_____
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 an application from Lois Family Partnership, Ltd. (the “Applicant”) on behalf of Glenn Lois (the “Owner”) for Amended Site Development Plan Approval to expand the existing retail and storage business known as Durants Tents and Events (the “Proposed Action” or “Project”); and

WHEREAS, the Project consists of two phases with Phase 2 being the construction of the proposed 3,600-square foot building addition, the relocation of the sewage disposal system and the development of a new individual well, and Phase 1 being the remainder of the Project as described below; and

WHEREAS, the Project specifically involves the following:

1. Expansion and modification of the existing 9,585-square foot building to be 12,047 square feet in size in total (4,799 square feet of retail use and 7,248 square feet of storage for the retail component);
2. Conversion of 1,659 square feet of an existing 5,037 square feet of storage to retail (Phase 1);
3. Removal of 1,138 square feet of storage and replacement of a portion of said area with additional parking spaces (Phase 1);
4. Construction of a 3,600-square foot (50 feet by 72 feet) building addition for storage (Phase 2);
5. Relocation of the sewage disposal system (Phase 2);
6. Development of a new individual well (Phase 2);
7. Modification to building lighting and facades (Phase 1);
8. Reconfiguration of the parking area to provide forty (40) parking spaces of which nine (9) are proposed to be land-banked (Phase 1); and
9. Installation of a party equipment display area (Phase 1); and

WHEREAS, the subject property consists of two parcels of land identified as 6157-04-632086 (Parcel A: 1.5 acres in size) and 6157-04-627103 (Parcel B: 0.31 acres in size) on the Town of Wappinger tax assessment maps and located at 1155 Route 9 and 5 Osborne Hill Road, respectively, within the Highway Business (HB) zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant is also seeking Preliminary and Final Subdivision Plat Approval for a lot merger to combine Parcels A and B; and

WHEREAS, the Project does not involve any outdoor storage of construction vehicles or construction equipment on the Site; and

WHEREAS, the Applicant has submitted an application form for Site Plan Approval dated December 17, 2013; an owner’s consent form, dated 2/4/14; a project narrative with two attachments; a) photos of sample equipment to be displayed, and b) building elevation drawing and sample building colors, prepared by Povall Engineering, PLLC., dated 12/30/13, revised 2/3/14; a Full Environmental Assessment Form (EAF) (Parts 1, 2 and 3) dated December 17, 2013, revised 2/3/14; a proposed phasing table, dated 5/14/14; a photo showing the largest equipment to be displayed; and the following sheets of plans generally entitled “Durants Tents and Events” and prepared by Povall Engineering, PLLC:

1. Sheet SP-1 (1 of 2), Amended Site Plan, dated 12/30/13, last revised 5/1/14; and
2. Sheet D-1 (2 of 2), Details, dated 12/30/13, last revised 3/18/14 (these two (2) sheets of drawings constitute the “Site Plan Drawings”); and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject Amended 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 its form letters dated 1/17/2014 and 2/27/2014, which conclude that the Project is a “Matter of Local Concern with Comments;” and

WHEREAS, the Planning Board has considered the comments from the DCDPD; and

WHEREAS, the Project was granted the following three variances from the Zoning Board of Appeals on April 22, 2014 with an Appeal #14-7518:

1. Minimum lot size: A 0.19-acre lot size variance was granted (where a minimum of 2 acres is required, the Subject Property is 1.81 acres in size);

2. Minimum front yard setback from a County/State highway: A 37.3-foot front yard setback variance from Osborne Hill Road/CR35 was granted (where a 75-foot front yard setback is required, the Applicant is providing 37.7 feet); and
3. Minimum front yard setback from a County/State highway: A 12.4-foot front yard setback variance from U.S. Route 9 was granted (where a 75-foot front yard setback is required, the Applicant is providing 62.6 feet); and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law; and

WHEREAS, the Planning Board assumed the status of Lead Agency in April 2014 after circulating a Notice of Intent to serve in such a capacity and receiving no objections from any of the other Involved Agencies; and

WHEREAS, pursuant to the SEQRA and WEQR regulations, the Planning Board thoroughly analyzed the potential adverse environmental impacts of the Proposed Action and adopted a Negative Declaration on April 7, 2014; thereby finding that the Proposed Action will not have any significant adverse environmental impacts and thereby ending the SEQR process; and

WHEREAS, a duly advertised public hearing on the Proposed Action was opened on June 16, 2014, and continued and closed on July 7, 2014 in the Wappinger Town Hall, 20 Middlebush Road, Wappingers Falls, New York, at which times all those wishing to be heard were given the opportunity to be heard; 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 the provisions relating to Site Development Plan, Parking and Performance Standards of Articles IX through XI 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 hereby waives the initial construction of nine (9) parking spaces in accordance with Section 240-96.F of the Zoning Law.
3. The Planning Board hereby grants Amended Site Development Plan Approval to the Project to expand the existing retail and storage business known as Durants Tents and Events, as defined above and as shown on Site Plan Drawings, 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 Planning Board Chairman signing the Site Plan drawings as per Condition 7 herein, prior to any Site work being conducted, and prior to the issuance of a Building Permit for the Project:
  1. The Property Owner and Applicant shall endorse and submit a copy of this Resolution to the Zoning Administrator for filing.
  2. 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.
  3. The Owner of the Subject Property shall submit copies of the current deeds to prove his ownership of the lots.
  4. The following comments contained in the Town Engineer's letter to the Planning Board, dated May 21, 2014, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the Town Engineer:
    - (a) Provisions for water supply and sewage disposal, and the proposed well abandonment shall be reviewed and approved by the Dutchess County Health Department (DCHD).
    - (b) The drainage off-site at the Route 9 and Osborne Hill Road intersection shall be clarified:
      - i. The CB rim is noted at elevation 242.6 and the outlet of the 12" pipe is also noted at elevation 242.6. It appears water may pond in the depression.
      - ii. The CB rim is noted at elevation 242.6 and the 4" pipe invert is noted at elevation 242.2. It appears the pipe and catch basin top slab or frame cannot both occupy the same vertical space, and better information and a detail shall be shown.
  5. The Applicant shall fulfill the following matters to the satisfaction of the Town Planner:
    - (a) The Applicant shall provide a landscape plan which shows and indicates that there will be a hedge between Route 9 and the land-banked parking area if/when the land-banked parking spaces are built.
    - (b) The Applicant shall revise the plan to indicate and identify the proposed phases for the Project.

- (c) The Applicant shall revise the plan to include a note indicating that “all display items shall be properly anchored to the ground and that there shall be no moving display items.”
  - (d) The Applicant shall revise the plan to list all items, including the phrase “or equivalent items as determined by the Town Zoning Administrator,” to be displayed.
  - (e) The Applicant shall revise the plan to include the following note: “There shall not be more than two (2) inflatable party equipment items OR not more than one (1) inflatable party equipment item plus one (1) tent with a table and up to ten (10) chairs under the tent, displayed at any one time.”
- (6) Pursuant to Section 240-96.F of the Zoning Law, “written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such [parking] spaces which may have been waived, the guarantees must provide that these spaces must be constructed by the property owner within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary and must be constructed.”
- (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 Certificates of Occupancy for the Project, and the Zoning Administrator is hereby authorized to issue a separate Certificate of Occupancy for each of the two phases of the Project:
- (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.
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 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.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended 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 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.

6. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the approved site plan shall be subject to continued conformance with such approved Amended Site Development Plan Approval.
7. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Owner and Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging receipt of a copy of the resolution. When all of the conditions set forth in Condition 3.a 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.

8. 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.

9. Except as specifically modified herein, the Resolution of Site Development Approval and all amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

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: _____
William Ciccarelli	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

\_\_\_\_\_  
Lois Family Partnership, Ltd.  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Glenn Lois  
Owner

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3.a of this resolution of the Amended Site Development Plan Approval necessary for site improvements for the Project and the issuance of a Building Permit for the Project.

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Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

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Date

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

**14-3309/Clove Creek Dinner Theater**-To discuss the proposed conversion of part of an existing office building into a 290 seat dinner theater for evening and weekend shows. The property is in a COP zoning district and is located at **169 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-278358** in the Town of Wappinger. (J. Van Tuyl, Pilon) (LA 6-16-14)

Mr. Paggi:                   My name is Larry Paggi and I represent the applicant. We were before the board before. We have done a parking analysis and found we have sufficient parking for current and future needs. We are in front of the Town Board to amend the zoning code to allow entertainment in this district. We are asking the board to adopt a Nec Dec so we can go back to the Town Board. We would like a positive recommendation to the Town Board from this board. We would also like a Public Hearing set. There has been some confusion about the seating; we originally stated that there would be 280 to 315 people. It are 312 seats and that is what the parking analysis was based on.

Mr. Valdati:                   At the last meeting there was a discussion concerning the lighting in the parking lot. How is the lighting?

Mr. Paggi:                   There seems to be sufficient lighting.

Mr. Valdati:                   We will make the lighting a condition in the resolution. Mr. Lieberman, our fire inspector, asked about a fire pump.

Mr. Pilon:                   We did ask the building manager and he said there never was a fire pump there.

Mr. Paggi:                   We will have the building manager talk directly to Mr. Lieberman.

Mr. Valdati:                   Dutchess County Planning would like a formal submission to review concerning the signage.

Mr. Paggi:                   We believe we found a spot. It will need to be elevated because of the vegetation but we will make a formal submission.

Mr. Valdati:                   We have a Negative Declaration before us.

Mr. Malafronte: They will have their Public Hearing before the Town Board on August 11<sup>th</sup>; we should have ours on September 3<sup>rd</sup>.

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

**Mr. Malafronte: I make a motion to accept the Negative Declaration.**

**Mr. Fanuele: Second.**

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

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>William Ciccarelli</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Robert Valdati</b>	<b>Aye</b>

Mr. Valdati: We need to send a letter to the Town Board stating the Planning Board is recommending the adoption of the proposed Local Law which will permit a dinner theater in a COP District subject to a special use permit.

**Mr. Malafronte: I make a motion to have a letter sent to the Town Board.**

**Ms. Leed: Second.**

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

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>William Ciccarelli</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Robert Valdati</b>	<b>Aye</b>

Mr. Valdati: We will set a Public Hearing for September 3<sup>rd</sup> and have a resolution ready to be voted on for that meeting.

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

**14-3312/The Golden Dog Grooming, Inc-**To discuss the proposed conversion of an existing building into a doggie daycare/grooming business. The property is in a CC (Commercial Conservation) zoning district and is located at **1090 Route 376** on a 5 acre parcel and is identified as **Tax Grid No. 6358-01-296627** in the Town of Wappinger.

**(Gillespie)**

Mr. Stokosa: My name is Brian Stokosa and I represent the owner Jean Balducci. This will be a grooming and day care center. It is in the old castle building. There will be internal modifications to the building. It will be approximately a 5,000 square feet. (Pointing to the map) it is this area here. There will be a maximum of 8 employees at one time. The hours of operation will be Monday thru Saturday, 8:00 to 5:30. There will be no runs; the dogs will be walked on a leash in this area (Pointing to the map) and they will be brought back inside. The existing lighting and landscaping will stay the same. There is a sign at the entrance that the owner of the building is working with Barbara to update the sign.

Mr. Lang: You said the maximum of employees would be 8. How many dogs would be there?

Ms. Balducci: Right now we see 15 to 20 dogs on a daily basis. We are hoping to double that.

Mr. Roberts: Will they be there overnight?

Ms. Balducci: Only during the day.

Mr. Valdati: We should have a Public Hearing scheduled for the next meeting and to have a resolution ready for that meeting also.

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

**13-3273/14-3304-Corporate Park-** To discuss the following changes to the Corporate Park Site. Building #3 is seeking a change in use from 18,000 square feet of office space to 12,000 square feet of office space and 6, 000 square feet of retail. Building #2 is to approve additional offices in the rear of the building. The property is in a HB zone and is located at **1285 Route 9** and is identified as Tax Grid No. **6157-04-555439** in the Town of Wappinger. (Josh Podell/Kevin Lund)

Mr. Lund: I have been in contact with the planner's office and did make some modifications to the site plan. I believe we addressed everything.

Mr. Valdati: Does anyone have any comments? Hearing none I don't see why we cannot have a resolution ready for the next meeting.

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

**14-3313(Site Plan & Wetland)/14-4058(SUP)/14-5170(Subdivision)**

**Prestige Mini-** To discuss the proposal of combining their two lots to develop one 6.32 acres lot. The property is in an HB zone and is located at **1162-1176 Route 9** and is identified as **Tax Grid No. 6157-04-674155/659168** in the Town of Wappinger. (Paggi/VanTuyl)

- Mr. Paggi: We have submitted a fair amount of material and have gotten responses from the professionals. We have developed this plan to where we know the drainage works. The original site was approved and the purchase of the additional lot is for overflow inventory parking. A concern of the Planning Board was parking inventory vehicles to close to the road and we think we came up with a plan that will make you happy. A berm will be constructed in the front and will display vehicles and the inventory will be behind that. I would now turn this over to Fay Logan the architect.
- Mr. Logan: (Passes out pictures) these hand outs explain the new plan and the changes to the building that was approved. The berm will be constructed with attractive landscaping. The inventory will be behind it. Four Mini Coups will be displayed on the berm.
- Mr. Valdati: This layout is very attractive and the Zoning Administrator is working with other dealerships to not to display as many vehicles as they have there now.
- Mr. Logan: We would like to change some of the branding of the logo that was approved for the last site plan. We would like to rearrange the color banding. We are going to eliminate the concrete structural bridge for the cube and going to place it on a berm form.
- Mr. Valdati: Mr. Roberts and Mr. Lang, will these changes to the original site plan need another application for amending?
- Mr. Roberts: I think it will need an architectural review and approval.
- Ms. Leed: Do you know how much more blacktop you are adding?
- Mr. Logan: Our impervious coverage is lower. We are allowed 75% and we are providing 51.4 %.
- Mr. Paggi: We will be maintaining some storm water ponds in the front of the site. We will be doing some plantings around the wetlands. We also need to obtain a permit from the Army Corp of Engineers. We wanted to get the ok from the town, and then we will submit to the Army Corp. We also

are requesting that you declare yourself as Lead Agency for SEQRA review.

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

**Mr. Ciccarelli: I make a motion to circulate for Lead Agency.**

**Ms. Bettina: Second.**

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

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>No</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>William Ciccarelli</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Robert Valdati</b>	<b>Aye</b>

Mr. Paggi: We would request that this board set a date for a Public Hearing. We would like September 3<sup>rd</sup> so it would give the required time from hearing back for Lead Agency.

Mr. Valdati: There are a number of things that you need to address before coming back to us.

Mr. Roberts: We can have the Public Hearing and adjourn it if all the information is not back.

**Mr. Valdati: Do I have a motion to set a Public Hearing for September 3rd?**

**Ms. Bettina: I make a motion to set the Public Hearing for September 3<sup>rd</sup>.**

**Mr. Ciccarelli: Second.**

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

**Board: Aye.**

Mr. Valdati: Hearing no one opposed; the Public Hearing will be set for September 3<sup>rd</sup>.

Mr. Paggi: I know this board has the option to approve the signage without sending us to the Zoning Board of Appeals. I would ask that you consider taking on the responsibility.

Mr. Valdati: We have used our discretion before. We can consider it. Do I have a motion to make a decision on the signage that is being considered with this application?

**Ms. Leed: I make a motion to consider the signage that is being considered with this application.**

**Ms. Bettina: Second.**

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

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>William Ciccarelli</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Robert Valdati</b>	<b>Aye</b>

Mr. Malafronte: Are you requesting additional parking?

Mr. Paggi: This property was acquired for inventory.

Mrs. Roberti: Larry and I have spoken about stock piling the dirt on the other site.

Mr. Paggi: The main site is under construction and they are processing material that will be valuable for use on the other site. It is starting to get in the way on the existing site. They would like to stock pile it on the other site; understanding that the erosion and all the sediment control are in place.

Mr. Lang: Can you show us on the map where it will be?

Mr. Paggi: Points to the survey.

Mrs. Roberti: If the board is so inclined, we would have a meeting with Walter Artus.

Mr. Valdati: What is the pleasure of the board?

**Ms. Bettina: I make a motion to allow the stockpiling of the soil and to have it approved of by Walter Artus.**

**Mr. Ciccarelli: Second.**

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

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

Mrs. Roberti:                      I did make a determination on the gas station on Route 9. Mr. Capparelli did come in and we requested that he remove the building. He has no obligation to do that. His concern is that if he took it down, would he be able to build it in the same foot print. I did review everything having to do with that site; even going back to the sixties. The building does meet the zoning requirements having to do with an HB zone. I sent him my determination with the hopes to get that building down.

Ms. Bettina:                      Are the roads in Chelsea being inspected going to the Shaft 6 site.

Mr. Gray:                      Regularly.

Ms. Bettina:                      I don't think so.

Mr. Gray:                      I will look into it.

Mr. Valdati:                      I did meet with the Village of Wappingers Falls; we were welcomed by the board and have come to an understanding that we both are to share information concerning projects that our close to our borders.

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

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

**Mr. Fanuele:**                      **Second.**

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

**Board:**                      **Aye.**                      Respectfully,

Meeting Adjourn:      8:30PM

Sue Rose, Secretary  
Planning Board