

# MINUTES

Town of Wappinger Planning Board  
May 4, 2015  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappinger Falls, NY

## Summarized Minutes

<b><u>Members:</u></b>	Ms. Bettina:	Chairman	Present
	Mr. Ciccarelli:	Member	Present
	Mr. Fenton:	Member	Present
	Ms. Leed:	Member	Present
	Mr. Malafronte:	Member	Present
	Ms. Visconti:	Member	Present

### **Others Present:**

Mr. Roberts,	Attorney for Town
Mr. Stolman,	Planner to the Town
Mr. Hobday,	Acting Engineer to the Town
Mrs. Roberti,	Zoning Administrator
Mrs. Ogunti,	Secretary

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## **SUMMARY**

### **Public Hearing:**

Dutchess Land Development Subdivision - Public Hearing June 1, 2015

### **Extension:**

All Angels Heights Subdivision - Granted six months Extension

Corporate Park Signage - Granted three months Extension

Hannaford To Go - Granted 12 months extension

**Ms. Visconti:**                   **Motion to accept the minutes for May 4, 2015.**  
**Mr. Ciccarelli:**               Second the motion.  
**Vote:**                           All present voted aye, except Mr. Malafronte.

**09-5151 / Dutchess Land Development Subdivision:** To discuss a 12 lot subdivision with only 1 lot in the Town of Wappinger on 3.2 acres in an R-80 Zoning District, the balance of the subdivision on 12.41 acres will take place in the Town of Fishkill. The property is located on the **East and West side of Smithtown Road** and is identified as **Tax Grid No. 6256-01-201598/236657 (T/Fishkill) & 6256-01-210678 ( T/Wappinger)** in the (Town of Wappinger). (Burns)

**Ms. Visconti:**               **Motion to open the Public Hearing.**  
**Mr. Fenton:**                Second the motion.  
**Vote:**                        All present voted aye.

**Present:**                    Steve Burns – Engineer

**Mr. Burns:**                I represent Dutchess Land Development, a 12 lot subdivision that shadows the Town of Wappinger and Town of Fishkill along Smithtown Road. The project involves cutting off one lot in the Town of Wappinger in the R-80 zone. The rest of the property is in the Town of Fishkill in an R-40 zone. The lot in the Town of Wappinger is served by an individual well and sewage disposal system and just about 3 acres.

**Ms. Bettina:**                Anybody in the audience would like to speak?

**Mr. Lattanzio:**            My name is Anthony Lattanzio and I live at 32 Hoose Blvd., in Fishkill. The issue you have with the town and the intersection, does not concern me. My concern is the sewer line that’s going through the Fishkill section. Is it going to remain septic or sewer?

**Mr. Burns:**                It will remain septic.

**Ms. Hilaire:**                My name is Sue Hilaire, I live at 3 Pepper Lane in Fishkill. I have a question regarding the Legal Notice I received. It states “the Planning Board has made a determination of significance pursuant to the Environmental Conservation Law.” What does that mean?

**Mr. Stolman:**              It’s a typographical error and it should say ‘has not’. The determination has not been made, so that should have said “has not” made a determination...”

**Ms. Bove:**                 When will that be made? Will we get another letter?

Mr. Stolman: No, you got a letter because we have to have a Public Hearing and you are within a certain distance of the subdivision. The Planning Board is likely going to make a determination of significance as part of this resolution to either approve or deny the application.

Ms. Bove: So, that's why the majority of us are here. We want to know what that means.

Mr. Stolman: I think what the Planning Board is probably going to do is adjourn this Public Hearing to a date certain. So you could come back on that date.

Ms. Bove: Will you have the answer by then?

Mr. Stolman: Probably not. We have one lot in our jurisdiction and there's no need to write an environmental impact statement about that one lot. The determination of significance would likely be a negative declaration, which is a finding that there will be no significant adverse impact on the environment as a result of that one lot.

Ms. Bove: We thought you found something significant and it would affect the project so we decided to come there.

Ms. Bettina: There are a lot of questions between Bob's and David's memos that have not been answered.

Mr. Burns: I was just waiting until tonight to make those changes. I will have a submission next week.

Ms. Bettina: There are not changes, but we need a date when you are going to answer these questions?

**Ms. Visconti: Motion to adjourn the Public Hearing to June 1, 2015.**

Mr. Fenton: Second the motion.

Vote: All present voted aye.

**09-5152 / All Angels Heights Subdivision** – Is seeking their second extension for a proposed subdivision of 8 lots on a 22.84 acre parcel in an R-40 zoning district. The project received preliminary approval on October 21, 2013. This 6 months extension will begin on May 17, 2015 through November 16, 2015. The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid No. 6259-03-410112** in the Town of Wappinger. (Burns) (PH 8-8-13) (Preliminary Granted 10-21-13)

**Ms. Visconti:**           **Motion to grant extension for 6 months.**  
**Mr. Fenton:**           Second the motion.  
**Vote:**                   All present voted aye.

**14-3305/ Corporate Park-Signage-** Is seeking their first extension on a resolution for additional mounted sign to an existing building. The sign will be 2' X 10'. This 6 months extension will begin on May 4, 2015 through November 3, 2015. The property is located at **1289 Route 9** and is identified as **Tax Grid No. 6157-04-573456** in the Town of Wappinger. (Lund)

**Ms. Bettina:**           Corporate Park is asking for 6 months extension. I would like to change that to 30 days.

**Mr. Fenton:**           I think we need to look into this a little more. Did you see my email?

**Mr. Stolman:**           This was previously approved and it's my recollection that they are breaking up one store front in two, and they are looking for one additional sign. We looked at an elevation as to how they would look, and it looks fine. The Planning Board has a lot of latitude when it comes to signage, so it doesn't have to send people to the Zoning Board of Appeals. For example, there's a section where the Planning Board as part of site plan approvals can modification signage regulations. If you don't want to grant the enlargement of the sign, you can say no and send them to the Zoning Board of Appeals. In this case, the Planning Board found it appropriate to have one additional sign and granted the approval. It's my understanding that there were certain conditions with the approvals which has not taken place. That's what this is being extended.

**Mr. Malafronte:**       Angela, maybe we should make a motion to table this. I don't think we approved that. I thought we only approved the signage in front and not the one on the roof. It says it right here, we want to put a 2x10 sf., sign on top of the roof.

**Mr. Stolman:**           This is an extension. Unfortunately the wording on the agenda was not right. These are three extensions of prior approvals. There's the All Angels Heights

subdivision, Corporate Park signage and Hannaford-To-Go. These are three projects and all you would be doing is granting an extension.

- Mrs. Roberti: On All Angels Heights, you gave them preliminary approval on October 21, 2013, so they get a certain number of times to ask for an extension. They can continue to ask for extensions for 5 years and then they lose preliminary approval.
- Mr. Stolman: This is just an extension so that he can pay his fees.
- Ms. Bettina: There are typos unfortunately, however they are asking for 6 months and I would like to change it to 30 days.
- Ms. Roberti: The only thing that's holding this up from last year are the taxes on the building that are in arrears. Our code says that if they cannot pay their taxes, they cannot get the resolution signed. There's going to be another resolution you approved last June or July that's coming up soon and that was when you legalized the back offices, and gave retail use to the building in the back. That also hasn't been signed only because the taxes weren't paid on the front building. Once those taxes are paid, there isn't anything holding any of those resolutions to be signed.
- Ms. Visconti: Why do you want to wait 30 days?
- Ms. Bettina: Rather than 6 months? Because I want to know why he can't get his taxes paid in 30 days.
- Ms. Visconti: Sometimes there's a cash flow problem.
- Mr. Fenton: Maybe not 30 days, maybe 3 months.
- Ms. Visconti: Motion to extend 3 months.**  
Mr. Ciccarelli: Second the motion.  
Vote: All present voted aye.

**14-3303/Hannaford To Go-** Is seeking their first extension for the construction of a drive aisle where a call box and small canopy to make a grocery pickup station. This one year extension will begin on July 29, 2015 through July 28, 2016. The property located at **1490 Route 9** and is identified as **Tax Grid No. 6157-02-653974** in the Town of Wappinger.

- Ms. Visconti: Motion to an extension based on their request.**  
Mr. Ciccarelli: Second the motion.  
Vote: All present voted aye.

**Mr. Fenton:**           **Motion to adjourn at 7:33 pm**  
Mr. Ciccarelli:       Second  
Vote:                   All present voted Aye

Adjourned: 7:33 pm.

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board