

# MINUTES

Town of Wappinger Planning Board  
August 3, 2015  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

<b><u>Members:</u></b>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Pesce:	Member	Present
	Mr. Fenton:	Member	Absent
	Ms. Leed:	Member	Present
	Mr. Malafronte:	Member	Present
	Ms. Visconti:	Member	Absent

### **Others Present:**

Mr. Roberts:	Attorney for Town
Mr. Stolman:	Planner to the Town
Mr. Gray:	Engineer to the Town
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Discussion:**

South View Knolls Subdivision -Public Hearing on September 9, 2015

Earth Angel Veterinary Hospital -Public Hearing on September 9, 2015

### **Extension:**

Corporate Park-Signage -40 Days Extension to September 9, 2015

Corporate Park -40 Days Extension to September 9, 2015

**Mr. Valdati:** **Motion to accept the minutes for July 20, 2015.**  
**Ms. Bettina:** Second the motion.  
**Vote:** All present voted aye.

**15-5173 / South View Knolls Subdivision:** To discuss a preliminary subdivision approval for a lot line realignment between lots 3 and 4 of the previously approved subdivision FM # 12125 and will involve lots 2, 3 and 4. The property is located at **348-350 Maloney Road** in the R-40 zoning district and is identified as **Tax Grid No. 6359-01-007799 / 6359-01-039787** in the Town of Wappinger (Burns)

**Present:** Steve Burns – Engineer  
Hugh Ross – Applicant

**Mr. Valdati:** Hello Mr. Burns.

**Mr. Burns:** Good evening, I'm Steve Burns and I represent the applicant. South View Knolls is a subdivision that was filed around 2008 or 2009. What the applicant would like to do is take lot 3 and give it an individual driveway. The original filed map configuration has lots 2 and 3 with a shared driveway. There is a large graded retention area in the front of lot 3, so what we've done is reduce the size of lot 3 and moved the septic to where the retention area was going to be and where the town wetlands buffer is. We are actually doing a lot of disturbance in the town wetlands buffer. It is a far more saleable configuration than what was previously approved.

**Mr. Valdati:** Any comments?

**Mr. Malafronte:** If you made the lot smaller and put the driveway on the right side, would it do the same thing?

**Mr. Burns:** There's an uphill grading and as you get over onto this side, you would have to cross that grade.

**Mr. Malafronte:** When you get to lot 4 and change the lot line, are you making it an R-3A with the increase in density?

**Mr. Burns:** Yes, lot 4 is zoned 3 acres differently than the other two parcels.

**Mr. Malafronte:** Do you have approval to resolve that?

**Mr. Stolman:** They have nothing to do with the zoning.

**Mr. Malafronte:** But it's R-3A and the other one is R-40.

- Mr. Stolman: The zoning district boundary that's there has nothing to do with the location of the zoning district boundary. So lot 4 is zoned 3 acres and the other part of the property is zoned 3 acres in an R-80 zoning district.
- Mr. Malafronte: Why not put the driveway on the other side?
- Mr. Burns: There's sight distance and also grading issues.
- Mr. Malafronte: Is there sight distance issue on Maloney Road itself?
- Mr. Burns: Yes.
- Mr. Malafronte: Then you still have two easements.
- Mr. Burns: There are not easements. We are actually going to take this easement away and it will allow for a standard driveway.
- Mr. Malafronte: Are you going to go through wetlands and buffer?
- Mr. Burns: I think it is well over an acre of wetlands disturbance. Basically the front area and all of the grading between the two lots, we are going to wipe out all of the existing trees to where they were. By splitting the driveway, we actually do less than have the disturbance area I believe.
- Mr. Stolman: There's only 984 sf of wetlands disturbance and at the Planning Board meeting maybe a month ago, we jointly looked at the wetlands functional evaluation and it's not a very important wetlands at all. It's a very small amount of wetlands disturbance and buffer disturbance as well.
- Ms. Bettina: The wetland I believe was created because of a faulty pipe and I understand has since been fixed and is working now so there really isn't a wetland.
- Mr. Burns: When they set the culvert pipe for the road crossing, they set it a couple of inches higher so it held that little bit of water.
- Ms. Bettina: So it really isn't a wetland anymore, is it?
- Mr. Burns: It's still as much of a wetland as it was called a wetland in the Wetlands Functional Analysis.
- Mr. Stolman: It's of minimal importance.
- Mr. Malafronte: Is there any involvement with FEMA in those locations?
- Mr. Burns: The flood plain is actually further on the other side of the road somewhere in the middle of the field is where the flood plain stops.
- Mr. Malafronte: Does it begin on the other side?

- Mr. Burns: This project goes uphill and there are no wetlands and this is a right-of-way for Dutchess County to get to some navigational towers that are on that hill for the airport.
- Mr. Valdati: There are airport clearance up there and no towers.
- Mr. Burns: Okay, airport clearance, I'm sorry.
- Mr. Valdati: Any other comments?
- Mr. Gray: Our comments are very minor.
- Mr. Stolman: So are ours.
- Ms. Bettina: Motion to set a Public Hearing on September 9, 2015 and to authorize David Stolman to draft a Resolution to include extinguishing the filed easement.**
- Mr. Pesce: Second the motion.
- Vote: All present voted Aye.

**15-3326 / 15-4064 / Earth Angel Veterinary Hospital:** To discuss a Special Use Permit and Site Plan for a proposed veterinary hospital in an R-20 zoning district. The property previously had been used as a winery. The property is located at **44 St. Nicholas Road** and is identified as **Tax Grid No. 6258-01-200871** in the Town of Wappinger. (Gillespie)

- Present: Mike Gillespie – Engineer  
Robert Codacovi – Applicant
- Mr. Valdati: Good evening.
- Mr. Gillespie: Good evening, I'm here with Rob Codacovi, we were here two weeks ago and we are here today to provide some clarification on some items that you had question about. I was away and I appreciate the fact that you let us back on without a formal resubmission. We did make a couple of modifications and they have not been seen by the guys here yet but provide some clarifications. That will all be made part of our next submission assuming that we move forward. Tonight I have an informational packet and want to go over some of these things for the record.
- Mr. Stolman: We have the mini horse sheets.
- Mr. Gillespie: There are two other items in there which I included an aerial of the site itself in relations to adjoining houses that's going to be important when we start talking about the paddock and so forth. What you have here (points to map) is a

slightly revised plan and what you have before you on this sheet is what you have here. I want to follow the outline that was provided in David's letter dated July 28, 2015.

- Mr. Stolman: Mike, I wouldn't go through that whole thing. What we are looking for is that being used as an outline for resubmitting and I can even provide that document in Microsoft Word and it will be helpful. I have your email address so I will email it to you.
- Mr. Gillespie: I just want to hit on highlights and it's pretty good to bring up the talking points tonight. This is a veterinary hospital but as part of the overall scope of the applicants and what they are doing within the hospital holistically. There's a proposal to have miniature horses on the parcel. Originally, we showed the portion that had the 100 feet buffer so what we did was we took this back to the edge of the paddock along the edge of the buffer to keep that out of the 100 feet buffer. We then calculated the area here and between the parking area and buffer we have half acre. We provided the outline relative to the miniature horses and what's involved and how much area it will need and we need an acre for two horses.
- Mr. Stolman: Mike, are you talking about the dog waste?
- Mr. Gillespie: I'm talking about both.
- Mr. Stolman: So the manure will also get put out in the garbage?
- Mr. Codacovi: Most likely with the manure, again we have an employee that has a farm and raises these horses and because it's organic, she actually sells it to people. She bags it, takes it outside and she has someone that comes to get it.
- Mr. Roberts: Mike, for the first time tonight I'm seeing this letter and it's not signed, not dated and it does not have the details that were expressed. The whole point of submitting this is that it should be addressed to the Planning Board in furtherance of the site plan and detailed how your plan exactly for the paddock. For instance "2 miniature horses would produce less than a 5 gallon bucket of manure in one day. It can be collected in a covered container and sold as compost or fertilizer for gardens". It doesn't say what you are going to do and I think this has to be redone, readdressed, signed by the applicant, dated and addressed to the board. So that all the information you are stating there will be made part of the application and then of course the essential part will be listed on the site plan. That was the whole purpose of getting this information to the board.
- Mr. Gillespie: I can appreciate that and as soon as we received this from Rob, we tried to push it along. The board deserves much more detail relative to what I just talked about. Part of tonight is giving you an overview so you understand how this works and make sure you are comfortable with it. Ultimately what we are looking for next is a Public Hearing and it's important that the board is

comfortable with that information and we need to back it up on the plan, as well as a more detailed narrative.

- Mr. Roberts: I just wanted it very clear so the board can act.
- Mr. Gillespie: Relative to the miniature horses, do you have any question?
- Ms. Leed: Describe the paddock exactly. Are they each fenced separately or together? There's a sentence here that says they need an acre divided by two. Is that your preference or is that a standard thing and will it be two parcels or just because you have two separate parcels?
- Mr. Codacovi: It's actually done, because ultimately you would like to get an acre for these two horses because you don't want them to over grace one or the other so you rotate between the two. Even if we had one acre by the pond, we would have had to split it. So you will have one of them in the paddock for a while and then you move them back and forth. It's always done with grazing animals like that, you don't want to grace it down and make it into dust. We are going to be managing this responsibly in terms of how they are going to be graced.
- Ms. Leed: Is the fence going to be like one of those horse fences?
- Mr. Codacovi: Yes, it's going to be like a horse fence. Again, we want our clients to bring their pets and don't feel stressed and see the beauty of the parcel. The fence will be a big part of it as well.
- Mr. Gillespie: Yes, it is two separate areas and I think that's important so we will provide a detail of the fence and what it's going to look like.
- Mrs. Roberti: Where are you going to put the shed for the horses?
- Mr. Gillespie: We got the ZBA approval to allow for accessory structure to the front of the primary structure. We actually talked about that specifically because there's a slight shift and we didn't want to be bound to an amount off the footing. There has been a slight shift so the pole is back.
- Mrs. Roberti: You are still watching the setback to the back?
- Mr. Gillespie: Absolutely, setback or not.
- Ms. Bettina: Is there going to be storage, hay and food in there also in addition to the shelter for the animals?
- Mr. Codacovi: Yes, the shed will have a door that closes for the horses and there's going to be a separate room with a locked door that will be for storage of food and also for the container to pick up the waste as well.
- Mr. Gillespie: The size of the container has not changed from the last map that you saw.

- Mr. Stolman: So it's still 10 x 22 sf?
- Mr. Malafronte: Does the site town water?
- Mr. Gillespie: It's well.
- Mr. Malafronte: Where is the well located?
- Mr. Gillespie: It's effectively in the front of the existing building in the planting area between the building and the parking area.
- Mr. Malafronte: Are you guys still going to be using that?
- Mr. Gillespie: That's the plan.
- Mr. Malafronte: Another thing did you submit anything to Dutchess County Planning?
- Mr. Gillespie: The gentleman who is working up the building plan was here two weeks ago and they are working on the internal layout in terms of how many rooms and they haven't gotten that finalized yet. It's important because it establishes use and in terms of employee count, we are looking at 5- 6, we have not made the formal submission to them yet. I do have a meeting on Wednesday morning with Marie to talk through this.
- Mr. Malafronte: Being a veterinary hospital, are you going to use any medicine for the animals and any toxicants?
- Mr. Codacovi: You mean flushing anything toxicant down the drains? No, we don't , in fact waste disposals is highly regulated as in the human industry and I see the bills every month that we pay to get anything that's toxicant managed.
- Mr. Malafronte: Is that for the smaller animals and not the horses or is it for all of them?
- Mr. Codacovi: Yes, it would be across the board even with the two mini horses. We wouldn't be treating the mini horses there because we are not an equine facility, we do the basic things. If something were to happen, they would be taken to a proper equine facility.
- Mr. Malafronte: No steroids or anything like that?
- Mr. Codacovi: No.
- Mr. Gillespie: That is very important and as we are adding this difference of use under a veterinary hospital, I want to make it clear that this is not for horse training. This is just for the purpose of a holistic experience.
- Mr. Malafronte: Dutchess County Planning will ask you the same questions.

- Ms. Bettina: Is it only for two horses and you are not going to be boarding any other horses?
- Mr. Codacovi: No. We are not a horse facility and like someone said a couple of weeks ago, they will be use as props.
- Ms. Bettina: I thought I heard that you would consider boarding dogs at the facility?
- Mr. Codacovi: Yes, we will be boarding dogs.
- Ms. Bettina: I don't want people thinking since they have two miniature horses, could I possibly board my horse here too? I just want to make sure that's the understanding that it's just for dogs and cats.
- Mr. Gillespie: Dogs and cats only. No horse boarding at all.
- Mr. Roberts: I think what we are saying is extremely important and Mike you need to make sure that's in the presentation.
- Ms. Bettina: I just don't want people to get the wrong idea.
- Mr. Malafronte: Are the dogs and cats going to be in the back?
- Mr. Codacovi: The dog rooms will be towards the back and the cattery will be towards the front within the building.
- Mr. Valdati: Could you show me where the turning radius is for the expected deliveries and so forth?
- Mr. Gillespie: On the plan you have, we show the maximum size fire truck the town of Wappinger has and it can actual come in, back up and turn around in this area here. We will provide that as part of our comprehensive submission but we do show it can work.
- Mr. Malafronte: When the ZBA approved your changes, did they send a copy to the Planning Board and Dutchess County Planning?
- Mr. Gillespie: They did not approve changes they granted us a number of variances.
- Mr. Malafronte: Did that go to them?
- Mr. Gillespie: I think the referral during the course of obtaining the variances went to Dutchess County Planning and I even saw a letter. That's part of the site plan application.
- Mrs. Roberti: This probably didn't go to Dutchess County Planning because it's on our county road. It went to the Planning Board.

- Mr. Malafronte: Does that mean you didn't send it to them? They did request it?
- Mrs. Roberti: Bea, did the variance application or decision to go the Dutchess County Planning?
- Mr. Malafronte: The letter was dated April 13, 2015 and the approval was April 28, 2015.
- Mrs. Ogunti: I'm sure it did but I'm checking the file now.
- Mr. Malafronte: If you did, it would have been after April 13, 2015.
- Mr. Gillespie: I'd be very surprised if it didn't go to them and I'm not sure if it was even required but it may have been sent just to be sure. I got a call from the DOT asking me to send them a copy of this plan because they got a referral.
- Mrs. Roberti: Frank, we will check and if we have it we will make sure it gets sent tomorrow morning.
- Mrs. Ogunti: I see a note here in the file indicating that the variance was sent to Dutchess County Planning on April 14, 2015.
- Mr. Malafronte: April 14, 2015 was before the approved the variance.
- Mrs. Roberti: Yes, that was their answer saying it's a matter of local concern.
- Mr. Gillespie: We got an 18 sf variance for the sign and we provided that as the previous submission and that hasn't changed. I would like to talk about the location of the sign. Barbara, I know there was a modification in the sign ordinance, has that happened?
- Mrs. Roberti: The 25 feet from the road happened but it has not been approved.
- Mr. Roberts: It was approved and is in effect.
- Mr. Stolman: On private property, the sign has to be no closer than 15 feet to the pavement.
- Mr. Gillespie: We will check that and obviously we want to get the sign as close as we can but as far enough that it meets the current provision.
- Ms. Bettina: Are you going to address the lighting?
- Mr. Gillespie: I actually have a lighting plan but I really didn't want to get into that tonight but I will provide a full illumination plan as part of our submission.
- Mr. Pesce: Do you have a pest management plan?

- Mr. Codacovi: We didn't go that far but I can ask my expert on my staff because she does have a farm where she raises these as well as other farm animals. It is going to be an enclosed room.
- Mr. Valdati: If an animal does become very ill and expires, is there going to be any interments on the property or will it be offsite?
- Mr. Codacovi: Are you talking about the dogs and cats?
- Mr. Valdati: Any animal.
- Mr. Codacovi: What's done now when clients come and an animal euthanized and if they want us to cremate the animal, it is bagged in a special cadaver bag and put in the freezer and we have somebody come on a weekly basis and pick it up. No interment in the ground.
- Mr. Valdati: So cremation will be offsite?
- Mr. Codacovi: Yes.
- Ms. Bettina: We could set a public hearing. Will you be ready?
- Mr. Gillespie: I have to look at the submission deadlines but ultimately, that's what we would like to do. The first week in September would give us enough time to put it together.
- Mrs. Roberti: To have a public hearing with the type of resubmission you have to do and if you don't get the resubmission in within two weeks, there won't be enough turnaround time to get it to our professionals.
- Mr. Gillespie: I think we are okay with the submission time.
- Mr. Gray: Mike, get it in the two weeks?
- Mr. Gillespie: Yes, I will.
- Mr. Stolman: So we need you to do a resubmission and we would also like all of the blanks filled in in terms of the questions. Did I provide you with a copy of that? I can send it to you via Word.
- Mr. Gillespie: Yes, I do have them.
- Mr. Codacovi: We will give you a detailed submission.
- Ms. Bettina: If you provide it to them in Word, you can just fill in everything right there and it would be easier instead of doing it over again.
- Mrs. Roberti: Michael, we need your resubmission in here by August 17<sup>th</sup>.

- Mr. Valdati: Are you anticipating any patronage from children?
- Mr. Codacovi: You mean onsite? We have clients who will bring their children. Currently, we have an area for the kids to play within the building.
- Mr. Valdati: Do you have to abide by NYS teacher/student requirements?
- Mr. Codacovi: I'm not quite sure what teacher/student requirement you are referring to.
- Mr. Valdati: Is anyone especially licensed to deal with children?
- Mr. Codacovi: You mean on our staff? No, they are not it's like going to the doctor's office and you have an area for them to play.
- Mr. Gillespie: It's like a floor area where you let them entertain themselves while they wait.
- Ms. Bettina: Thank you.
- Mr. Gillespie: I appreciate you letting us back on such short notice.
- Ms. Bettina: Motion to set a Public Hearing on September 9, 2015.**  
Mr. Pesce: Second the motion.  
Vote: All present voted Aye.

**14-3305/ Corporate Park-Signage:** Is seeking their second extension on a resolution for additional roof mounted sign to an existing building. The sign will be 2' X 10'. This 6 months extension will begin on August 3, 2015 through February 2, 2016. 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: Motion to grant a 40 day extension to September 9, 2015.**  
Mr. Malafronte: Second the motion.  
Vote: All present voted Aye.

**13-3273/14-3304-Corporate Park:** Is seeking their first extension a resolution for 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. This extension will begin on August 3, 2015 through February 2, 2016. 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. Malafronte: Motion to grant a 40 day extension to September 9, 2015.**  
Ms. Bettina: Second the motion.  
Vote: All present voted Aye.

**New & Old Business:**

**Village of Wappingers Falls Smart Code:**

- Ms. Bettina: Are there any new/old business to discuss?
- Mrs. Roberti: There's a package from the village that just came last Wednesday or Thursday. It's their smart code and if we have any concerns, questions or comments, we need to get it to them within 30 days so that's the end of August. If you could look through this an email Bea or myself with any comments, concerns or questions we can get that to the Village. If we don't hear from you, we will assume that you are okay with this and we move forward.
- Mr. Valdati: We were having some discussions earlier about alternate types of energy use and I think they should address some of the things we had concerns about.
- Mr. Stolman: This is a bit out of the ordinary and this was sent to the Town Clerk here because there's an obligation to do that. We've gotten lots of proposed local laws, zoning amendments from the Town of Poughkeepsie and other communities. This is the first time that I can recall that Planning Board is being asked to comment on something like this when the town gets these all the time.
- Mrs. Roberti: It's just to make you aware of what they are doing.
- Mr. Roberts: What they are doing is changing their zoning code and whenever you change your zoning code, you notify all of the adjoining communities of which we are one.
- Mr. Stolman: What I'm saying is that this has happened with the Village of Wappinger, the Town of Poughkeepsie and the Town of LaGrange 100 times over the last 20 years. This is the first time that I can recall that the Planning Board has been asked to review the amendments.
- Mr. Roberts: Technically David, every time you get notice of it you are supposed to review it.
- Mr. Stolman: We haven't done that and that's the only point that I'm making.
- Mr. Roberts: The only point is the village is a sister community and there has been some issues about overlapping zoning.
- Mr. Stolman: I'm not saying that they shouldn't do it. I'm trying to explain that this has happened 100 times over the past 20 years and to the best of my recollection this is the first time the Planning Board has been asked to review their regulations. That's all I'm saying, I not saying they shouldn't do it.

- Ms. Bettina: Is this substantially different than what we have in place?
- Mr. Stolman: It is and some of these things have to do with back when Joe Rogerio was supervisor, we put together a photographic design guideline document that eventually went nowhere.
- Mr. Roberts: This looks like a comprehensive change to their building code. There may be somethings in here that might be of significance to us so you might want to look at it.
- Mr. Stolman: You miss my point there Al.
- Mr. Roberts: I got it.
- Mr. Stolman: If anybody has a question in mind why after 20 years they are being asked to do something like this, it's different and unusual and you should look at it. You might learn something.
- Ms. Bettina: It's interesting that you say that. Remember when we were talking about the diner that has not opened yet?
- Mr. Stolman: Odyssey Diner?
- Ms. Bettina: Yes, the Odyssey Diner. We were talking about bike paths and in here they talk about mobility through the district but who is going to pay for it? As an example where that diner is and it adjoins their property and they want to make sure that there's sidewalks and bike paths, are they going to pay for it or are we going to pay for it?
- Mr. Roberts: They do not have jurisdiction over our property.
- Ms. Bettina: Let's say it adjoins theirs, are you going to stop it right there? How do we address something like that?
- Mr. Roberts: One of the things that I felt was somewhat poor planning are the apartments on Myers Corners Road. Our area there are single family residential and they have high density multi-family. So if there are changes or suggestions, this is the time to comment on it. The village rarely makes changes to its zoning codes and their code is antique. I have not read this yet but they do not even have subdivision regulations.
- Mr. Stolman: These look like wholesale changes. If you look at the front cover, it looks like an attorney, a consultant and design firm worked on this. I think it would be a very good idea to take a look at what they are proposing. I'm going to resurrect the design guidelines we worked on years ago, they may be useful and you might find it interesting and you may want to recommend them or some version of them to the Town Board.

- Ms. Bettina: I just think that anytime we deal with the village we really need to look at everything that they send us to make sure all of the “t’s” are crossed and the “i’s” are dotted because of past history.
- Mr. Stolman: This might have an adverse effect on the town.
- Ms. Bettina: I think this could really affect our town so we need to comment.
- Mrs. Roberti: Keep in mind that there’s a 30 day clock so if there’s any comments from the town, they have to have it by August 30<sup>th</sup>.
- Mr. Valdati: I’m going to ask that David Stolman reviews this and make any recommendations that he feels would be to our benefit.
- Mr. Stolman: I won’t spend a tremendous amount of time on this so don’t worry about that. Bob is mentioning that there’s no Planning Board meeting before the 30 day clock expires. So I will do a review and email it to you in the meantime.
- Ms. Leed: Look at the signage, is it comparable to what we are changing ours to?
- Ms. Bettina: It says here each project will be permitted a total of three signs and they are not to exceed 16 sf. in the area. I think we should stipulate in there that all signs should remain in English and not Spanish, Japanese or Korean.

**Mr. Malafrente:**

Ms. Bettina:

Vote:

**Motion to adjourn.**

Second the motion.

All present voted Aye.

Adjourned: 8:00 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board