

# MINUTES

**Town of Wappinger Planning Board**  
**March 21, 2016**  
**Time: 7:00 PM**

**Town Hall**  
**20 Middlebush Road**  
**Wappingers Falls, NY**

## Summarized Minutes

### Members:

Mr. Valdati	Chairman	Absent
Ms. Bettina	Member	Present
Mr. Pesce:	Member	Present
Mr. Malafronte:	Member	Present
Ms. Visconti:	Member	Present

### Others Present:

Mr. Roberts:	Attorney for Town
Mr. Bob Gray:	Town Engineer
Mr. Chace Cottrell:	for Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## SUMMARY

### Discussion:

DC Sports NY (Formerly Fun Central) Amended Site Plan	Final Site Plan Approved as written
BJs Wholesale Club / Gas Station	Neg. Dec. vote on April 4, 2016
Hudson Valley Volvo (Amended)	Public Hearing on April 4, 2016
Southside Plaza (Formerly Hark Plaza)	Approved Option "B" of Plan
Dunkin Donuts / Route 9D	Public Hearing on April 4, 2016
Regency at Wappinger (Hilltop)	Site Visit on March 28, 2016 Resubmit on April 4, 2016

### Extension:

Dutchess Land Development	Six months Extension Granted
South View Knolls Subdivision	Six months Extension Granted



Is there a David Gordon present? Is there someone representing Keane & Beane? Will you identify yourself, sir?

Mr. Phillips: Israel Phillips from the law offices of Keane & Beane in White Plains. Good evening everyone.

Mr. Roberts: You and I had a brief conversation and I asked you to disclose who the concerned individuals were and you indicated to me that you were not in the position to disclose who the concerned individuals were. Is that correct?

Mr. Phillips: That's correct, Mr. Roberts.

Mr. Roberts: When it comes to zoning and land use, there's concept of standing and at this point we can only take these letters under advisement but will report to the board at the next meeting.

Ms. Visconti: Is that enough to hold up the Negative Declaration?

Mr. Roberts: It's about the Negative Declaration and we might be able to move on it next week after we've reviewed and commented on these letters.

Mr. Phillips: I would like to thank Mr. Roberts and the board for putting this over because quite frankly, a lot of the information we are seeing concerning the application, we are only seeing today for the first time. So hitting the pause button on this makes lots of sense. It will give the board the opportunity to review the concerns Mr. Parish, our consultant raised in his letter. It will also give us the opportunity to review the Negative Declaration itself which we had not seen until 4:00pm this evening and some of the other documents that you received from your consultants.

Mr. Malafronte: Do we have to suspend the discussion and come back to review everything?

Ms. Bettina: Yes.

Mr. Roberts: Frank, if you have any comments, you can make them now.

Mr. Malafronate: What they are addressing here, will we have time to review all three of these before we make any comments?

Mr. Roberts? We are going to try to if they get it in before the April 4<sup>th</sup> meeting.

Ms. Visconti: As far as I'm concerned, I want to know what the content of the pause button is being pushed for.

**Mr. Malafronte:** **Motion to suspend this discussion to the next Planning Board meeting on April 4, 2016 so we can review all of the documents and get back to you.**

Ms. Visconti: Second the Motion.  
Vote: All present voted Aye.

Mr. O'Connor: I'm going to drive back to Albany. It would have been nice to know.

**16-3345 (Site) 16-4067 (SUP) Hudson Valley Volvo (Amended):** To discuss amending their site plan application and special use permit approval for an automobile dealership to add a 108 sf entry portal and a 440 sf canopy extension to the existing service drop-off area. The site sits on 4.6 acres in an HB Zoning District and is located at **1148-1152 Route 9** and is identified as **Tax Grid No. 6157-04-690127** in the Town of Wappinger. (Day)

Present: Mark Day – Engineering

Mr. Day: Good evening. Mark Day, engineer representing Hudson Valley Volvo. We are presenting tonight some minor changes that are going to be made on the Volvo side. As you know, the site is one site but it serves Hudson Valley Volkswagen as well as Hudson Valley Volvo. The changes that are going to be proposed is the portal in the front of the Volvo building and a minor addition to the service area on the South side of the Volvo structure. We are going to reconfigure the parking lot in the front of the building as well as some landscaping changes that we are proposing. With me tonight is the architect, Phil Clark with some elevations he wants to go over.

Mr. Clark: My name is Phil Clark and I'm a licensed architect in the State of New York with Claris Construction whose home office is in Newtown, CT. We are proposing to put a new fascia on the building. It's the Volvo standard, a little similar to what Toyota does with illuminated panels. We are also expanding the service area and enclosing it. The interior renovations are the main part of the project.

Ms. Visconti: Illuminating outside panel?

Mr. Clark: It's not really illuminated. It's basically a sign that glows.

Ms. Visconti: It doesn't send any beams out?

Mr. Clark: No, it doesn't add any photo metrics. It just adds a glow to it.

Ms. Bettina: Will it be illuminated 24/7?

- Mr. Clark: No, it will be on a timeline.
- Mr. Gray: Just want you to make it clear as to what's staying and not. What about the pond? Is it going to remain a pond?
- Mr. Clark: That was originally approved to be filled in so we will be doing that as well.
- Mr. Gray: We want to eliminate the old site plan and keep the amended site plan.
- Mr. Day: Correct.
- Mr. Roberts: Is there a current asbuilt for what has been done under the old plan?
- Mr. Day: What was originally approved was never installed but it will be installed as part of this site plan.
- Ms. Visconti: So it was approved for construction but it never happened.
- Mr. Roberts: Mark, we weren't quite sure what was done and wasn't. I think we need a current as-built.
- Mr. Gray: The as-built is the original plan. Not this plan.
- Mr. Day: We did revise the survey but obviously this work wasn't done. It was approved under the last site plan and was amended. We are showing it here.
- Mr. Gray: If you can have pretty much everything on there, it would clear up what is existing and what's proposed then I think we'll be good to go. Let's not make a big deal out of it.
- Mr. Cottrell: The external panels that you are proposing, we would like to see the details on that.
- Mr. Day: It's just a big white panel.
- Mr. Cottrell: We would still like to see the details.
- Mr. Day: It's mounted on the building and it's like a cloud fluorescent light. It doesn't throw any light on the ground or on anything. I'm sure we have details on it.

- Ms. Visconti: Dutchess County Department of Planning and Development signed off as a matter of local concern. DOT states onsite improvements will have very little, if any, impacts to the state highway system, but landscape work depicted with the state highway boundary.
- Mr. Day: He did pull that out and originally the plan you saw had the landscaping out on Route 9 and we have revised it so it's no longer on Route 9.
- Ms. Visconti: We will schedule the Public Hearing for April 4, 2016.
- Mr. Day: Thank you.

**16-3343 Southside Plaza (Formerly Hark Plaza):** To discuss their Architectural Review application to change signage on the building and paint the building. The property is in an HB Zoning District on 4+ acres and is located at **1299 & 1315 Hark Plaza (Buildings 2&3)** and is identified as **Tax Grid No. 6157-02-567518 / 6157-04-567483** in the Town of Wappinger. (Cappelletti)

- Mr. Cappelletti: Good evening. Vince Cappelletti, new owner of Southside Plaza. I was here before you the last regarding the painting and signage. There were questions brought up about the type of signage and a little more traditional signage. So I went to the sign people asking for something traditional on a modern building. There wasn't really much out there but we came up with something. The size of the sign that we are installing is actually smaller than the box sign that exists now.
- Mr. Cottrell: I think with the signage that you have there I think there may be a way to get some internal consistency.
- Mr. Cappelletti: We talked about maybe making them all one color. We are going to have the franchises use that color.
- Mr. Cottrell: I'm just worried the way it is now you won't be able to fit.
- Ms. Visconti: Also, when they are going that fast on Route 9 and identifying them once they are in the plaza.
- Mr. Roberts: Will the sign on the road say Southside Plaza or just the number?
- Mr. Cappelletti: No, we are only putting the numbers.
- Ms. Visconti: Barbara is this just a request and we can approve by a motion?

Mrs. Roberti: This is the new minor architectural review. There's a sheet in the application that Bea will fill out and sign that this was your Motion and it will be in the Minutes.

**Ms. Visconti: Motion to approve Option B of the signage as presented by the applicant.**

Mr. Malafronte: Second the Motion.

Vote: All present voted Aye.

**14-3307/Dunkin Donuts, Route 9D:** To discuss the construction of a 3,000 sf Dunkin Donuts with a drive-thru on vacant commercial land. It is in a CC Zoning District and is on 11.34 acres. The property is located at **2026 Route 9D** and is identified as **Tax Grid No. 6056-02-746856** in the Town of Wappinger. (Diesing) (LA 3/23/15)

Present: Ernie Martin – KC Engineering

Mr. Martin: At our last meeting we asked that the developer/applicant could drop those trees that would be affected by the development of this project. The board at that time said it would develop a plan showing the amount of the area that would be disturbed naming an approximate tree count. We've done that and forwarded to the Town Engineer and he was going to prepare a bond. As you are aware, Mr. Gray prepared that and you have it before you.

**Ms. Visconti: Motion to accept the Restoration Bond in the amount of \$17,500.00 and to utilize the trees that are identified to be taken down.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Mr. Malafronte: That's only the trees on the far side that needed clearing.

Mr. Roberts: On the east side.

Ms. Bettina: They are not being cleared. They are being cut.

Mr. Martin: Only the ones affected by this project.

Mr. Malafronte: By the March 31<sup>st</sup> deadline. We are still waiting for DEC and Army Corps to give you the go ahead.

Mr. Martin: Correct. We actually have Army Corps permit.

Mr. Roberts: Ernie, in addition they will need a restoration bond be restored instead of an agreement if this doesn't go through.

- Mr. Martin: So is that something you do?
- Mr. Roberts: Not that I do. Their attorney does.
- Mr. Malafronte: Al, the letter we received today from the Army Corp of Engineers, will be a part of the resolution that affects the project?
- Mr. Roberts: It's not part of this Frank it would be part of the final resolution of approval.
- Mr. Gray: In the interest of time, this needs an agreement between the attorney and the town. What we want to do if everyone understands is that check or cash be delivered to the Building Department and they'll be able to go forward but they'll be in agreement following that. You don't want to wait for the agreement since we only have a couple of days. We want to get that check in the office allowing you to go forward. I think the Town Board has to do a Resolution.
- Mr. Roberts: As long as the bond is in he can go ahead with the work.
- Ms. Bettina: Does everybody understand that?
- Mr. Malafronte: Yes.
- Mr. Malafronte: Motion to accept the amount of money for the bond so they can proceed to cut down the trees. The final resolution will address the issue of the Army Corp of Engineers.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.
- Mr. Roberts: That's correct. They are going to post the \$17,500.00 either in the form of a bank bond or letter of credit or cash bond. Your attorney is going to prepare a short performance agreement within the bond or whatever you post cash, letter of credit or surety bond will be used to secure that performance agreement.
- Mr. Martin: So if I dropped it off tomorrow that should be good.
- Mrs. Roberti: If they approve you.
- Mr. Malafronte: We are voting on the performance bond and once we get the check, they can proceed.

**14-3317 Regency at Wappinger (Hilltop)**: To discuss grading and landscaping revisions for the previously approved site plan dated March 18, 2013. The parcel is in a RMF-3 Zoning District on 141.613 acres and is located at **All Angels Hill Road & Brentwood Drive** and is identified as **Tax Grid No. 6257-02-630770** in the Town of Wappinger. (Toll Brothers)

- Present: Brian Stacy – Toll Brothers
- Mr. Stacy: Good evening. I'm Brian Stacey with Toll Brothers and we are here for two reasons. One is to change the size of the caliper of the street trees along the project roads from 4" to 2.1/2" and also to raise the front grade by approximately 2 feet.
- Mr. Malafronte: The proposed site where you have the townhouses built, you raise it by 2-3 feet. I would suggest that we do a site visit so everybody can look at it. If you raise it by 2-3 feet, you will have an elevation looking down at All Angels Hill Road.
- Ms. Visconti: That sounds good to me because that's what we require at Robinson Lane because of the flood plain.
- Mr. Malafronte: Then you will be flooding the roadways.
- Mr. Stacy: We are actually 3-6 feet lower than All Angels Hill Road.
- Ms. Bettina: Anyone of our professionals have any question?
- Mr. Gray: I don't think you can even he difference from what was approved and what's being proposed.
- Mr. Malafronte: Right now, do you have to raise all the piping system? They are sticking out by 2 feet and the drainage lines are up.
- Mr. Gray: I don't know what you are talking about.
- Mr. Malafronte: You have construction trailers there on the site you want to fill out? So to the right of the trailer is the site that you want to fill in?
- Mr. Stacy: We are looking to raise the portion immediately behind the construction trailer.
- Mr. Malafronte: I was there today and you are doing construction. Are you taking that dirt mount away?

- Mr. Stacy: The whole site plan calls for about 400,000 yards of dirt to be moved between jobs so we are talking about 15,000 yards difference which is about 3 1/2% of the whole job.
- Mr. Gray: You are not proposing any changes over there as a result of this?
- Mr. Stacy: No.
- Mr. Gray: That's being built as approved. That section is being elevated at maximum of 2 feet.
- Ms. Bettina: You are talking about using smaller trees but small trees can grow and get larger.
- Mr. Stacy: Yes, it's going to grow eventually. We also use different trees. You can't really get the 4 feet in without getting to the utility line because the root is too big.
- Ms. Bettina: I understand that but you are just delaying the problem.
- Mr. Stacy: A smaller root ball you can actually groom.
- Mr. Cottrell: We had our landscape architect look over these plans and couldn't technically see why you couldn't fit a 4 foot tree in those areas. Also, you said you will change some of the trees on the plan?
- Mr. Stacy: Yes.
- Mr. Cottrell: Some of the changes you made, they are more shrubs than trees.
- Mr. Stacy: Again, these are private roads and there are virtually no front yards especially after landscaping that comes off the house.
- Mr. Malafronte: Referencing Frederick P. Clark Associate, Chace Cottrell's letter, you have to build the berm 5 to 6 feet along All Angels Hill Road. Where is that berm going to be when you create it?
- Mr. Stacy: I'm not sure that we are going to go that much higher but we are going to pile on it.
- Mr. Cottrell: Didn't you propose grading that berm 2 feet than what it is now?
- Mr. Gray: If there's going to be a change in the grading, will it rise to a level where you will need an amended plan or you just take this up in the asbuilt.

- Ms. Bettina: I think we will need to see it on the plan.
- Mr. Gray: Do you want to see a new plan before approval or you want to handle it in the asbuilt?
- Ms. Bettina: Let's do the site visit and then we can decide when you come back. We will schedule the site visit for Monday, March 28<sup>th</sup> at 5:45pm.
- Mr. Stacy: Are we talking about the trees that are inside that are private on the maintained road? These are private roads and not town roads.
- Mr. Gray: Do you have the proposed road in the townhouse section staked out?
- Mr. Stacy: No.
- Mr. Gray: I think for the site visit it would be good to stake out.
- Mr. Stacy: Okay.
- Ms. Bettina: We will see you back here on April 4<sup>th</sup>.
- Mr. Stacy: So that's going to be for the grading and the trees?
- Ms. Visconti: We will be looking at everything.

### **Extension**

**09-5151 / Dutchess Land Development Subdivision:** Seeking their first 6 months extension on 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 applicant is requesting this extension while they work with the Dutchess County Department of Health for the water supply and sewage approvals. The extension would begin on April 3, 2016 through October 2, 2016. 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) (ADJ PH opened & closed 09/21/15) (Final Approval granted 10/5/15)

- Ms. Visconti:** **Motion to grant a 6 months Extension.**  
**Mr. Pesce:** Second the Motion.  
**Vote:** All present voted Aye.

**15-5173 - South View Knolls Subdivision:** Seeing their first 90 day extension on amending the final subdivision approval granted on March 19, 2007. The amendment is for lot line realignment between lots 3 and 4 of the previously approved subdivision FM # 12125 and will involve lots 2, 3 and 4. The applicant is requesting this extension while they work to finalize the plans and final legal issues. The extension would begin on March 21, 2016 through June 19, 2016. 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) (Original app. 3-19-07) (Opened & closed PH 9/21/15) (New amended app. 9-21-15)

**Ms. Visconti:** **Motion to grant a 90 day Extension.**  
**Mr. Malafronte:** Second the Motion.  
**Vote:** All present voted Aye.

**New & Old Business:**

**Local Law and Text Amendment**

**Mrs. Roberti:** Medical: If you look at our schedule under uses of medical, it was hospital, clinics and vets. We didn't have doctor's office, dental labs and medical labs. The code is if it's not there, it's not allowed. So we want it user friendly and those are the things we want in Wappinger.

**Mr. Roberts:** Quite frankly, I just happen to notice tonight that the building on the corner Middlebush and Route 9 on the south west corner is all medical. So this clears that up and there's also the X-ray lab in the back of Hark Plaza. The way our code was drafted, it was hit or miss with uses that had been approved at least for the medical.

**Mrs. Roberti:** So we just need to send a one or two page that you agree with it to the Town Board.

**Ms. Visconti:** **Motion to have a letter sent to the Town Board recommending the adoption of the change to the medical uses to Local Law 1 of 2016.**  
**Ms. Bettina:** Second the Motion.  
**Vote:** All present voted Aye.

**Earth Angels Veterinary Hospital**

**Mrs. Roberti:** Earth Angels is the veterinary hospital that was approved on St. Nicholas recently. When the plans came in for the way the building would look was stripped down so I denied it. The owner's husband came in today and he said that was a mistake but there are a couple of changes. They ran into some financials situation. The floors were put down with asbestos glue. Now they have to be removed properly and it's going to be in upwards of

\$50,000.00. This is the plan that was approved and this is the one where he wants to build. If you look at it quickly, you almost cannot see the difference. Where there are four windows, he's proposing two doubles, two together and one double. These two windows he wants to add at the bottom. By the way, he was vandalized recently so they are trying to install cameras and they had the Police out there. They caught children who took what looked like a fire extinguishers and broke through the doors and cost a lot of damage in there.

Ms. Bettina: So everybody okay with the colors?

Mr. Malafronte: It's set back so far.

**Ms. Visconti: Motion to accept the new rendering presented by the Zoning Administrator.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 7:50pm

Bea Ogunti  
Secretary  
Planning Board / Zoning Board of Appeals