

MINUTES

Town of Wappinger Planning Board
July 18, 2016
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Flower	Member	Present
	Mr. Malafronte	Member	Absent
	Mr. Marinaccio	Member	Present
	Mr. Pesce:	Member	Absent
	Ms. Visconti:	Member	Present

Others Present:

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

SUMMARY

Public Hearing:

Eduardo Lauria Luxury Apartments: Public Hearing adjourned to September 19, 2016

Discussion:

Dutchess Electrical & Data Resubmit

Castle Cadillac, LLC (Amended) Resubmit

(SUP) Gasland Petroleum (233 Myers
Corners Road) Resubmit

Extension:

Chelsea Farm Subdivision Granted 6 months extension

Ms. Visconti: **Motion to accept the Minutes of July 6, 2016.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Public Hearing:

15-3338 – Eduardo Lauria Luxury Apartments: The Town of Wappinger Planning Board will conduct a Public Hearing on a site plan application to construct a 13,200 sf. building consisting of residential units and 450 sf. of commercial space on 1.10 acres in an HB Zoning District. The property is located at **102 Old Post Road** and is identified as **Tax Grid No. 6157-04-625489** in the Town of Wappinger. (Paggi)

Present: Christian Paggi – Engineer

Ms. Visconti: **Motion to open the Public Hearing.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Mr. Paggi: Good evening. My name is Christian Paggi with Paggi Engineering. I'm here on behalf of the applicant, Eddy Lauria. The owner is proposing a little less than 1,300 sf. of new multi-family residences at the subject property. There is also a proposed 450 sf. of commercial and there's going to be a laundromat on the first floor of the new building. It includes 25 new parking spaces off Old Post Road included in the design.

Mr. Paggi continues to give a review of the project.

Mr. Paggi: Bob, you had mentioned that you had some concerns about the width of this aisle back here between the HVAC unit and the retaining wall. Is there anything in particular you were worried about? I was looking for the building code but couldn't find it.

Mr. Gray: You are not required to have access to a vehicular access.

Mr. Paggi: You are required?

Mr. Gray: You are not required. I am really interested in what the Fire Inspector has to say.

Mr. Valdati: Could you elaborate on the laundromat?

Mr. Paggi: It is 450 sf. of building and will be on the first floor of the building. I don't know off-hand how many units will be in the laundromat but it is to be used for public and the residence within the building.

- Ms. Bettina: What would the hours be for the laundromat? Is it 9:00am to 5:00pm? That would be useful.
- Mr. Paggi: I'm sure we've looked at that unfortunately, I do not have that information off the top of my head.
- Ms. Bettina: Will there be a sign in the front advertising that there's a laundromat?
- Mr. Paggi: Yes. I think we submitted this but I could be wrong but it will make future submissions. It would be a simple laundromat sign that will go above the door.
- Ms. Visconti: You are not having anything out on the road?
- Mr. Paggi: No yard sign, just the building sign.
- Ms. Bettina: Will that be lid 24/7?
- Mr. Paggi: The sign will not be illuminated at all.
- Ms. Visconti: Are we having them to go the ZBA? According to my notes, he needs 2 acres and he has 1 acre.
- Mrs. Roberti: As far as the nonconforming lot size, we no longer send them to ZBA on existing lots.
- Mr. Roberts: There are provisions in the code that if they meet, they do not have to go to the ZBA.
- Mrs. Roberti: She's talking about landscape.
- Ms. Visconti: On this they do not need it?
- Mr. Roberts: Nope.
- Ms. Visconti: It says on the lot it needs 2.2 acres he has 1.10 acres and depth he needs 2.18 and he has 194.5.
- Mrs. Roberti: There are provisions now to take care of that.
- Ms. Visconti: Building coverage he supposed to have 25%, he has 13.3% and impervious materials he supposed to have 75%, he has 30%.
- Mr. Paggi: There's no maximum.

- Ms. Visconti: Up to? So he only has 33.6.
- Mr. Roberts: Just for the record, I think you should issue an opinion on the undersized lot because there is a specific provision in this zoning for pre-existing undersized lots. There are certain dimensions that can be met and they don't have to go to the ZBA. We should clarify that in the record.
- Ms. Bettina: Is there anyone in the audience who would like to speak to this?
- Mr. Stafford: Daniel Stafford from McCabe & Mack, 63 Washington Street, Poughkeepsie, NY. We represent Ahmed Shah who is a neighboring land owner. I have several concerns about the proposal and I've got them outlined in writing for you. The first one is the laundromat and we are uncertain as to how many units will be in the facility and we think that's important. As most of you know there are capacity issues and supply issues within the Town. On a number of occasions my client has attempted to have the district expanded to his land or to create tenancy to allow use. He was told time and time again that's not possible because of supply issues. This seems inconsistent allowing a fairly substantial usage of water to come in right next door when he has been denied that use. The number of per machine gallon per day in the application says 380 and our engineer estimates 580. The application also suggests that there would be approximately 1,760 gallons per day in the units. We think that's more like 1,860. That's something we feel the board should take a look at and require appropriate studies to make sure we are not creating more problems than solutions here.
- The other main concern is the possible runoff and our engineer reviewed the plan and the map and I noticed a possible area behind the retaining walls and are that could create quite a bit of excess runoff. There are a couple of solutions set forth in the engineer's report that we would like you to take a look at and possibly require the developer to include it in his plans.
- Mr. Valdati: Thank you.
- Ms. Bettina: Is there anybody else who would like to speak?
- Ms. McCarthy: Wanda McCarthy, 19 Division Street, New Hamburg, NY. This seems as though this has been in the plans for a while and we are just finding out. We just got a letter last week so I'm curious to know. My dad is one of the neighboring people that's there and why we didn't know about this ahead of time and if this is procedure or not?

- Mr. Roberts: Everything that has happened before this is preliminary and this is the first Public Hearing we've had under the Zoning code you are required to send notices to the adjacent property owners within so many feet. This is the first time there was a legal obligation to notify any of the abutting property owners.
- Ms. McCarthy: Okay. I was just curious because it didn't seem like a lot had been prepared and we didn't know anything about it so I just wanted to know the situation.
- Ms. Bettina: This is the first Public Hearing.
- Ms. McCarthy: Thanks.
- Mr. Roberts: Mr. Shah raised some issues and this is a matter of public record. When this was a continuation of the water and sewer lines that originally went to Adams and then to Mercedes, Mr. Lauria was the previous owner of Aroma Restaurant and they were in dire need of water and sewer. They made arrangements with the Mercedes dealership to tie into their private line. Mr. Lauria at his expense (a considerable expense I would say) constructed an extension of that line to the rear of his two parcels and that's how the water got there. It was a very expensive process plus he had to pay for a buy-in fee. He had to give an easement to the adjacent property owner. This is a private line that Mr. Lauria constructed and he also will have to pay an additional buy-in fee for this particular use as part of the arrangement. When it was proposed, the uses for these properties were relatively nominal. This is an entirely use than is contemplated in the original arrangement with Mr. Lauria and that Town will have to address that.
- Mr. Valdati: Thank you.
- Mr. Shah: Like you said, the neighbor ran the pipeline and it was not the question of how much it would cost when we discussed with the Town. I was told we do not have enough water and that's the problem we had. We never thought it was who would pay for the cost whether it was my neighbor or I would pay for the cost. I was told we do not have water to give you although my water is contaminated with chloride. We had a problem with the Board of Health so I question why I don't have Town water and was told we do not have enough water to give you.
- Mr. Roberts: The uses that were proposed by Mr. Lauria at the time were relatively nominal. There was no multi-family use for this lot that was proposed. This has to be addressed with the board and I believe that parcel was only approved as we stand for about 350 gallons. That's an issue that

has to be addressed between Mr. Lauria and the Town Board. Maybe that should have been addressed before hand. With respect to this gentleman's property, Mr. Lauria constructed a private line and the understanding is when the Town extends a water or sewer main down Old Route 9, he would have to abandon the old line and connect to the new line that's in the back. We are also constraint by our relationship with DEP. There is a certain amount of excess water that's available but there are other commitments that the Town is addressing including servicing of the Chelsea hamlet which just started to come on line. Apparently Tall Trees which is also in major need of a new water supply so there are a number of areas which the Town is considering but there's not enough water to supply everybody that needs water at this point in time. Certainly not until the DEP project is completed somewhere around 2022. That's the background to that. He was told that but until there's a Town wide district expansion, I don't think he would be able to connect to.

- Ms. Visconti: Should we refer this to the Town Board before we go any further with it? Do we know if they are going to allow the thought?
- Mr. Valdati: I think Mr. Paggi should provide us with the amounts of machinery, the amounts of gallons that would be used at the laundromat.
- Mr. Paggi: I'm sure that information was provided in the engineer's support of prior to submission but I just don't have it off-hand.
- Mr. Roberts: You also made a comment about the chloride problem that he has in his water. Route 9 is a State road and it is not Town road and just recently that the Town has taken over the maintenance of Old Post Road but all of the salt has come from maintaining Route 9 which is a State road.
- Ms. Visconti: In my notes of November 2016, your have rental units need 1,500 gallons per day, has 300. That's my notes from November 16th.
- Mr. Paggi: I think the site plan says 1,760.
- Ms. Visconti: This was the conceptual and we didn't have paperwork and that's my notes.
- Mr. Roberts: I don't think the Town Board ever contemplated supplying water to a laundromat at this site. That's an issue that has to be addressed.
- Ms. Bettina: Initially, was it just for the restaurant?

- Mr. Roberts: It was addressed primarily for the restaurant and also water needs for the adjacent tire shop that was next to it. This site was allocated for I believe 350 gallons of water. That has to be readdressed and brought to the Town Board. You are right June this should go to the Town Board in context with the laundromat and the overall needs of the apartments.
- Ms. Bettina: Anybody else in the audience who would like to speak?
- Mr. Roberts: I would keep the Public Hearing open until we get some of these answers.
- Mr. Valdati: We need to have the capacity of all of these machines, the proposed gallons per person that's going to reside there.
- Mr. Paggi: Again, this information was submitted in prior submissions and has been reviewed by the Town's consultants and they have not commented to this effect yet.
- Mr. Roberts: It's up to you to comply with the agreement. I just looked at the agreement and told Bob but the use of the laundromat I assume is going to have a significant increase in the demands for that site. That's an engineering issue that the Town Board has to address.
- Ms. Bettina: Mr. Shah, how far is your residence from this?
- Mr. Shah: It's very close. There's my property line and he is 22 feet from there. The point we are making is we have an emergency problem because of the chloride situation and I understand there's not enough water available. All of a sudden you have sewer available to give him 3,000 gallons of water. I should have priority because I have a need for it.
- Mr. Roberts: This board doesn't solve that. This is not the right place.
- Mr. Shah: Maybe this is not the right place.
- Mr. Valdati: Does anybody else have comments to make?
- Ms. Visconti: Motion to adjourn the Public Hearing to September 19, 2016 pending receipt of further instructions from the Town Board.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

Discussion:

16-3349 Dutchess Electrical & Data, LLC: To discuss a site plan application for the conversion of an existing auto body repair shop building to office and storage space for electrician business. To include new access from Route 9D, driveway and new parking spaces on .099 acres in an HM Zoning District. The property is located at **2340 Route 9D** and is identified as **Tax Grid No. 6157-01-031600** in the Town of Wappinger. (Paggi)

Present: Christian Paggi – Engineer

Mr. Valdati: Good evening Mr. Paggi.

Mr. Paggi: Good evening everyone. Christian Paggi on behalf of the applicant Dutchess Electrical & Data for a proposed site plan at 2340 Route 9D in Hughsonville. We were before the board a few months ago with a conceptual to bring you up to speed with what the applicant was looking at doing and to get the opinion of the board to see if this would be acceptable. We have since submitted a formal application showing the proposed improvements to convert this existing 1-story garage which was previously used as an auto body repair shop to an office type use to run the electrician business. Part of the proposed site plan would include eliminating existing parking rights along Route 9D in the front of the building. We will relocate those parking areas to the rear of the lot with new gravel drive through an existing easement and right-of-way through the adjacent two parcels.

Mr. Paggi continues to give a review of this project.

Mr. Valdati: Mr. Paggi, did you mention that you were going to obtain an easement?

Mr. Paggi: There's an existing easement that allows us this easement. It used to be a building right here and this easement was right in the middle.

Mr. Valdati: Did you suggest that you would be able to go around from Old Hopewell Road to the existing the parking?

Mr. Paggi: There is a gravel driveway in the rear that has access through Old Hopewell Road and there's no easement or agreement between that

owner and applicant to date. The applicant was hoping to utilize the existing easement that was already established.

Ms. Visconti:

Do we have discretion to make a 10 foot driveway where 10 feet is required?

Mr. Roberts:

I think this is a previously existing and is based on the information that's on the filed Map 6663. I don't know if they have the existing DOT curb cut but it appears they would have to supply that.

Mr. Paggi:

We were showing the driveway going to the property. The reason for that it's not showing as paved but there's existing pavement here. We will be talking to the DOT and we are hoping we can do this without obtaining a permit. We will obviously let them know what's happening and get their feedback. There's no way they can get this conform to a standard curb cut.

Mr. Roberts:

If you are showing that as access on Route 9D, it would appear to me that you would need DOT approval for that access. That has to be demonstrated to this board and if there's a file map in place, it would appear to me that was addressed at the time the map was approved. Perhaps you can dig that information out.

Mr. Otero:

I'm Jose Otero and I'm the applicant. I spoke to the gentleman that owns the property and he said no way.

Ms. Visconti:

No way we would give you access?

Mr. Otero:

Yes, he will not.

Mr. Roberts:

If this is his only access and it's on an approved map, assuming he gets the approval from DOT, I don't see how we could deny him.

Ms. Visconti:

David said that this would fall under the purview of a professional office building and you were going to put it in writing.

Mr. Valdati:

So you need to go to the County.

Mr. Paggi:

No, the DOT. There was also a question about handicap parking?

Mr. Gray:

It's a building code requirement.

Mr. Paggi:

Does it matter the fact that his business is not capable of employing handicap?

- Mr. Gray: It doesn't matter Christian. You should have a conversation with the Building Department but in my experience, you cannot get away from that.
- Ms. Bettina: I thought it was only going to be storage business for electrical stuff, is he going to be selling things in there?
- Mr. Gray: The handicap code requires employees as well as customers.
- Mr. Valdati: It would be in violation of the American Disabilities Act.
- Mr. Gray: I believe it maybe but I think the Building Department can address that.
- Mrs. Roberti: Christian, have you spoken to Capparelli about an easement?
- Mr. Paggi: We have not been able to.
- Mrs. Roberti: You need to contact him because he has come into my office to see if you are building. So if you are proposing any gravel and any improvement and since it's on Mr. Capparelli's property, he going to have a say in it.
- Mr. Roberts: It depends on what's on the easement itself says. You will need to supply the easement and the filed map.
- Ms. Bettina: What are the hours of operation?
- Mr. Otero: It's 6:30am to 5:30pm
- Ms. Visconti: I show 6:30am to 6:00pm Monday through Friday.
- Mr. Gray: For clarification, it's not just Capparelli's property. It's also the property next door. The easement is on two properties so you need to talk to them as well.
- Mr. Paggi: Were there any other major concerns with this so it's really limited to the easement? If we provide that information, would you be willing to set a Public Hearing?
- Mr. Valdati: You mentioned gravel. I don't know that NYS approves gravel.
- Mr. Paggi: The State wouldn't approve a graveled curb cut. If it were to go through the State standards, at least 20 feet in the front would have to be asphalt. So if you transition to gravel, the board would allow it. The reason we are requesting gravel is to blend in with the gravel behind it.

- Mr. Marinaccio: The septic system you show, are you proposing a no parking down there?
- Mr. Paggi: One of the comments Bob had was possibly providing bollards to protect that area. Once we get the exact location of the septic, we can propose bollards as a form of protection for that area.
- Mr. Gray: Will a sign be put out on the road to show where the driveway is?
- Ms. Visconti: You have to have a directional sign going in.
- Mr. Gray: I realize it's only for employees.
- Mr. Marinaccio: If you have two cars and one is coming in and the other going out, is one going to pullover on someone's property?
- Mr. Paggi: There won't be too much room as you are pulling in. It's a tight lot and they will have to make use of what they have.
- Mr. Valdati: Any other comments from the board? Do you need anything from us?
- Mr. Paggi: We are not proposing too many improvements and if you are comfortable with the concept is it out of the question to ask for a Public Hearing to be set for this?
- Mr. Valdati: I would feel comfortable getting the State's take on the entrance and egress from area. As you know, it is a pretty active area in terms of the traffic and it is a State road so there should be some feedback from them. So as soon as you get that back to us we can set a Public Hearing.
- Mr. Paggi: Thank you.

15-3340 – Castle Cadillac, LLC (Amended): To discuss an amended site plan application amending applicant's previous site plan to include outdoor storage, transport trailer, and additional uses. The property is on 5.0 acres in a CC Zoning District located at **1090 Route 376** and is identified as **Tax Grid No. 6358-01-296627** in the Town of Wappinger. (Paggi)

Present: Christian Paggi – Engineer

Mr. Valdati: Good evening Mr. Paggi.

- Mr. Paggi: Good evening. Good to see you all again. Christian Paggi, on behalf of the applicant Castle Cadillac, we were here back in January for a conceptual trying to resolve a few issues. There are several violations and some encroachments on the neighboring property that I believe you are aware of. It was left that we were willing to correct some of these issues by working with the neighboring property owner, JAI and Central Hudson.
- Mr. Paggi continues his review of the project.
- Mr. Valdati: Do you have permission to sell vehicles on that property?
- Mr. Paggi: He has a license from the State to sell vehicles.
- Mrs. Roberti: Outdoor sales of vehicles are not permitted in a CC zone.
- Mr. Paggi: There are a few issues, the reason why we came with a conceptual.
- Mr. Valdati: Before we would consider your request, we would have to make sure there are no violations. Has the parking for all of those vehicles been approved?
- Mrs. Roberti: It's not approved in the zone.
- Mr. Valdati: So there are a couple of stumbling blocks.
- Mr. Paggi: Correct.
- Mr. Stolman: You may want to refer to my memo which lays out the history. In 1996, a special use permit was adopted by the Planning Board that allows auto restoration on the property. Since that time all automotive uses have been taken out of the CC zone. Which means that the auto restoration use is an existing legally nonconforming use. To the best of our assembled knowledge, there's never been an approval from the Town or Planning Board for automotive sale on the property. That's the use that is in violation of zoning right now. There's never been an approval for the use of the parking lot or the storage of vehicles. As a matter of fact in 1996 there was a letter from the applicant's attorney attached to the resolution that says there will be no outdoor display of vehicles for sale and all vehicle storage related to maintenance shall be indoors. The outdoor storage that exists on the property now has never been approved by the Town Planning Board either. The Planning Board cannot approve these two uses at this point in time because they no longer exist. This has to go to the ZBA to seek use variances which are very hard to get. It is our assembled recommendation is that until that

happens and is favorably received by the ZBA, the additional uses to the site not be entertained by the Planning Board.

- Mr. Paggi: We understand that there are violations on the site that's why the applicant is here to correct these issues. We agree with everything you have laid out and we are not trying to hide anything. We are here just to seek your advice as to how we can continue to have his business which is a good business to continue in the Town of Wappinger to operate. So if that's the only way to do that is to go to the ZBA to try to get these variances, then we will but if there's any latitude that the Planning Board has to permit something like this.
- Mr. Valdati: No, I don't think we do. You have to go the ZBA.
- Mr. Paggi: Okay. Is there any way that we can allow the applicant to move forward with correcting the issue with the storage by constructing the storage tent to begin to get some of the materials off the neighboring site?
- Mr. Roberts: As I read the paper, you want up to 5 years to relocate the vehicles and other materials on the adjacent sites into that tent or whatever you are proposing?
- Mr. Paggi: Five years was thrown out there because they will have to get rid of some inventory and all of these storage containers are full with equipment.
- Mr. Stolman: Nothing is stopping the applicant from getting rid of the inventory. That would actually be a gesture of good faith on the applicant's part. Before the Planning Board could even entertain the storage unit it has to be shown and the papers don't actually show what it will look like.
- Mr. Paggi: We will provide more architectural rendering if needed.
- Mr. Roberts: The problem is this site has operated and in violation of the County code in a decade. In order to use the adjacent site, those property owners would have to be made part of the site plan application. You are asking us to give you a permit while the site is demonstrably in violation of the existing code and in violation of your earlier approvals. It was a different business in 1996 when they got the appropriate approvals and they also got amendments to the site plan to allow other businesses. You unilaterally went out there and used your parking lot for a storage facility without any approvals. You have to demonstrate something very dramatic to get this site to conformance. First start is to get the equipment and materials off the adjacent site as quickly possible as and get to the ZBA to determine whether or not you can continue the existing

uses on that site. If you don't get the variance then this whole project is basically dead in the water.

- Mr. Paggi: With all due respect when we left here in January we were told to work with the property owners next door to see how we can continue to use their property until they are able to remove all that equipment.
- Mr. Roberts: That was part one.
- Mr. Paggi: Which is what we have done and we have an agreement with the adjacent property owner and it was approved by Central Hudson.
- Mr. Roberts: That's part of your packet.
- Mr. Paggi: When we were here in January, we were asking to keep these storage containers.
- Mr. Roberts: That's not an approval and the use of your parking lot for the sale of motor vehicles which is no longer permitted on this site is in clear violation of the zoning code. It was never approved in 1996, it wasn't approved when the project when up in 1978 when it was a fitness club. Five years is a long time to keep a violation going.
- Mrs. Nicodemus: My name is Sandra Nicodemus. I just want to make a statement why Frank had applied and received a dealer's permit. Initially he was given the zoning for auto body sales.
- Mr. Roberts: That was never granted.
- Mrs. Nicodemus: We were given the permission.
- Mr. Roberts: By whom?
- Mrs. Nicodemus: By Mark Lieberman.
- Mr. Roberts: He can't give you permission.
- Mrs. Nicodemus: We didn't just wake up one day and said let's just go and get this dealer license. It had nothing to do with that and I certainly don't want anyone here to think there was any pretention to do so.
- Mr. Roberts: Can you supply what Mr. Liebermann gave you?
- Mr. Paggi: Yes, and it includes auto sales. It may have been issued in error.

- Mrs. Roberti: How many years have you been getting an operational permit? What year did you get your first one?
- Mrs. Nicodemus: It was 2014.
- Mrs. Roberti: So this just occurred when the Cadillac showed up outside?
- Mrs. Nicodemus: I don't understand Barbara.
- Mrs. Roberti: When I first did violations you didn't have the Cadillac in the parking lot, you just had the parts behind the fence. Since that, it acerbated now you have the cars in the parking lot. I'm just trying to find out what year Mr. Liebermann gave you permission.
- Mrs. Nicodemus: It was 2014.
- Mrs. Roberti: Okay, we are just trying to tie one here.
- Mrs. Nicodemus: I just wanted everyone here to be made aware that it took literally one full year to contact JAI and we were not successful. We had to go to Central Hudson and they helped us. It was not an easy task to do but once we finally did open up the lines of communication, everything went very well. It was just a matter of getting in touch with them that's why it took so long. The situation in regards to the trailers and containers being emptied out, we need to put the cart before the horse. In order to empty out the trailers, they have to go somewhere else. We will need to go through the inventory and there are going to be some scraps and obviously items that's going to be kept, where do you want him to put them?
- Mrs. Nicodemus continues to make her case.
- Mr. Roberts: I understand your difficulties. I know that site has evolved over the years and I happen to know that Frank's work is exemplary for the restoration of Cadillacs. Going from a Cadillac restoration business to the sale of vehicles that is no longer permitted is a different project. All we are suggesting is that this whole process has to be accelerated but the code has changed. We have eliminated automotive uses in conservation commercial properties which you are. You did that without compliance with the code. The only way you can make that happen is to go to the ZBA and get an appropriate variance. You probably have outgrown that site is what you are telling us. What was in 1996 when you got your first approvals and what you have evolved into now are two different things. This may not be the appropriate site for this type of business that's all I'm suggesting.

- Ms. Visconti: I know it originally started as a world renowned Cadillac restoration business. In your notes you say you probably do three to four restorations a year. We are talking about all this storage, are all those parts needed for three or four cars and are you also supplying worldwide Cadillac parts? Is that what's in storage?
- Mr. Nicodemus: Yes. They are all parts of Cadillacs that I sell.
- Ms. Visconti: Were these parts from your business in 1996?
- Mr. Nicodemus: Yes.
- Ms. Visconti: So you became a supplier of worldwide Cadillac parts. Was that the original approvals? What was the original approval for?
- Mr. Stolman: There was to be no vehicle storage related to maintenance outdoors.
- Mr. Paggi: Auto parts sale was part of that.
- Mr. Stolman: Not all the storage outside has parts.
- Ms. Visconti: So his original business was restoring three or four cars a year and having all those parts not only for restoration but for sale outside of his business.
- Mr. Stolman: Not outside the building.
- Ms. Visconti: If you are restoring three or four Cadillacs a year for private people, where did all of these other cars you are going to sell come from?
- Mr. Nicodemus: The cars that we restore are cars from the '30s up to the '70s. These parts are not available and you can't find them so you have to purchase a car to salvage the parts and to store them. In those trailers are parts needed to fix cars.
- Ms. Visconti: So your original business was that?
- Mr. Nicodemus: Yes and there was a point when we sold these parts which is very minimal at this point. There's not enough to sell and we need them to use.
- Ms. Visconti: Are the cars that are sitting in the parking lot now in some form of dismantlement?

- Mr. Nicodemus: They are cars for people who think the restoration is costly and don't want the cars anymore and for us to sell the cars.
- Ms. Visconti: So that's the brand new operation that was not back in 1996.
- Mr. Nicodemus: It was always my business. The only thing that changed is I don't sell these parts to the outside market.
- Ms. Visconti: It sounds like what Al said, you've outgrown that site.
- Mr. Nicodemus: I was not present at that site for a while. I'm back at the site and have incurred a lot of problems that existed prior and were allowed to continue. I was confronted with all of the violations in January and immediately went into action to do what I can to correct them and find resolutions.
- Mr. Nicodemus continues to make his case.
- Ms. Visconti: Frank, you do beautiful work and I am a personal witness to it from when the Rolling Stones rented your car for their tour and I am aware of the write ups that you had in various magazines. The problem is that we need all of these violations fixed. That site might not be the site that's best for you.
- Mr. Nicodemus: The site might accommodate by the erection of this tent. It will take care of all of the parts that are in the trailers and containers.
- Ms. Visconti: You are going to have to go the ZBA to see if they are going to grant you the variances. If it's not going to be approved, then the site no longer is going to work for you.
- Mrs. Nicodemus: What are we going to the ZBA for? Are you talking about the sale of cars?
- Mr. Roberts: We are talking about the storage of cars. You will have to go back to your 1996 approval. That is the only thing that is authorized as far as your business is concerned. I was not aware that you were selling vehicles. The sale of cars, the storage out there and David's memo enumerates everything that is not consistent with your earlier approval. Unfortunately, your business has evolved in the last 20 years. In order to proceed with this, you are going to need several variances or you are not going to be able to go any further.
- Mrs. Nicodemus: I just want to double check with you. It's the storage and the sale of cars.

- Mr. Stolman: What we need to do is to compare the approval you were granted in 1996 to what you are doing right now. I'm not sure that we can orally tell you where it is at the moment but certainly it's the sale of motor vehicles, the storage of all of those motor vehicles in the parking lot in front of the building, at least those two things.
- Mrs. Nicodemus: As Mr. Roberts mentioned that the acceleration with regards to breaking down the cars and having them removed. Am I correct?
- Mr. Paggi: If we were to remove all of the vehicles from the lot that are currently stored and displayed in the parking lot and relinquish the ability to sell cars, would it be in conformance to their site plan?
- Mr. Stolman: Were any storage units shown on the original site plan in 1996?
- Mr. Paggi: No, we are obviously getting rid of those.
- Mr. Stolman: So those storage units were never approved to be out there.
- Mrs. Nicodemus: We know that and we realize it.
- Mr. Paggi: So if we were to remove all outdoor storage including the four storage trailers, all of the vehicles that are currently displayed and the sale of motor vehicles, that should do it.
- Ms. Visconti: That brings it back to what it was and then you have to see about going to the ZBA to see if they are going to allow the uses once you are violation free. You got to get the site back to what it was in 1996 then go to the ZBA.
- Mr. Stolman: No, we are not talking about removing all the violations and then going to the ZBA, we are saying going to the ZBA and asking if you can continue what you are doing and easing violations.
- Mrs. Nicodemus: What if we took care of the issues that are here, we won't have to go to the ZBA.
- Ms. Visconti: Then you are going to the business you had in 1996 which was the restoration of vehicles.
- Ms. Paggi: That's why we are asking.
- Mrs. Roberti: Correct me if I'm wrong. You just said if I get rid of the vehicles and stop the sale, the storage of the vehicles in the parking lot and remove them, can you move forward? Was that what you were saying?

- Mrs. Nicodemus: Yes, unregistered vehicles because there are a lot of registered vehicles that belong to customers.
- Mrs. Roberti: If they are drivable and registered, can they?
- Mr. Roberts: Are they for sale?
- Mrs. Nicodemus: No. There are only maybe 5 cars with this issue, the rest of them are customers cars.
- Mr. Roberts: Waiting for repairs?
- Mrs. Nicodemus: Yes and they are registered.
- Mr. Roberts: Yes, I think they are permitted. This is evolving as we are talking.
- Ms. Visconti: May I make a suggestion? How about Christian sits down with you guys and makes a list and then goes back to them with what needs to be done.
- Mr. Roberts: I agree.
- Mrs. Roberti: We would like Frank there as well.

14-3321 (Site)/14-4061 (SUP) Gasland Petroleum (233 Myers Corners Road): To discuss the modifications to an existing gas station which will include the elimination of an existing car wash and expansion of the existing convenience store to include a Dunkin Donuts. The project includes two additions to the existing building for a total building floor area of 2,688 square feet. The property is located at **233 Myers Corners Road** and is in a NB district and is identified by **Tax Grid No. 6258-02-730572** in the Town of Wappinger. (Chazen) (LA 12/7/15) (Opened & closed APH 02/01/16) (Neg. Dec. 02/01/16)

Present: Kyle Ahern – Engineer

Mr. Ahern: Good evening everyone. I'm Kyle Ahern from the Chazen Companies. Margaret Magmanus was not able to make it tonight so I'm stepping in for her. I'm here for the applicant, Gasland Petroleum and we were last here in February. At that time the Public Hearing was closed and a Negative Declaration was given. Since that time, the plan itself hasn't changed much. We received the SPEDES permit for the discharge of sewer and we also had dialogue with the Town Highway Superintendent for that discharge which is in the right of DeGarmo Hills Road. We have a confirmation letter from the Department of Health for the sewer and we

are expecting and we are expecting approval from them shortly. We are here tonight to request that a resolution is prepared for conditional final approval being that we received the DOH approval. There was one issue with the Town Highway Superintendent that has not been resolved yet but it's essentially landscaping within the right-of-way whether they will approve that or not.

Mr. Roberts:

Who?

Mr. Ahern:

The Town Highway Superintendent. If they don't want the planting, we can just take it off the plan.

Mr. Roberts:

I live right around the corner and I go by there 4 to 8 times a day. Those plantings are not maintained and you might want to tell the owner that it would be a big improvement to the neighborhood if it was cleaned up.

Ms. Bettina:

I got to be honest with you I came to the meeting today and received your letter. I have not had a chance to read this letter as well as the people on the board. So thank you for your update right now but I need to understand what's in this memo.

Mr. Ahern:

Thank you. The plan itself hasn't changed since February and from the Planning Board standpoint, we've been coordinating with other agencies.

Ms. Visconti:

You are saying that the Town Highway Superintendent discussed these items, we haven't seen them either. Is it your understanding that he was going to send the Planning Board these documents?

Mr. Ahern:

I'm not sure if he was planning to send the Planning Board anything but he was okay with the landscape.

Ms. Visconti:

The last submission was received on January 1, 2016 that Highway Superintendent says okay but we need signoff from him.

Ms. Bettina:

Like I said, everybody on the board just received this and we have not had a chance to go over it.

Mr. Valdati:

In a nutshell, you are asking for a Dunkin Donuts and a filling station to be there? What else?

Mr. Ahern:

It's a convenience store, Dunkin Donuts and the pumps outside.

Ms. Visconti:

You are leaving the carwash part out?

Mr. Ahern:

That's correct.

Mr. Gray: Did you get approval from the County for the driveway?
Mr. Ahern: I believe so but I will have to ask Margaret.
Ms. Bettina: Thank you.
Mr. Ahern: Thank you.

Extension

10-5155 – Chelsea Farm Subdivision: Seeking their first 6 months extension for final approval on a subdivision application for Chelsea Farms Subdivision for their proposed 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. The extension would begin July 31, 2016 through January 30, 2017. The reason for the extension request is due to finalizing dedication of various easements to the Town, creation of drainage districts, and maintenance agreements. This parcel is located on **Chelsea Road (County Route 92) & North River Road** and is identified as **Tax Grid No. 6056-01-138527 (102.7 acres) & 6056-01-190688 (84.1 acres)** in the Town of Wappinger. (Koehler) (LA 4/9/10) (Rec'd preliminary subdivision approval 11-3-14) (Opened & closed PH 1/20/16)

Ms. Visconti: Motion to grant 6 months extension.
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Executive Session:

Ms. Visconti: Motion to go into Executive Session.
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Ms. Visconti: Motion to come out of Executive Session.
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

New & Old Business:

Executive Session: Legal Issues (BJs)
Oddyssey Diner
1070-1072 Route 9
Henshaw Subdivision

Ms. Visconti: **Motion to adjourn.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Adjourned: 7:35pm

Respectfully Submitted,
Bea Ogunti
Secretary
Planning Board / Zoning Board of Appeals