

# MINUTES

Town of Wappinger Planning Board  
October 3, 2016  
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. Flower	Member	Present
	Mr. Malafronte	Member	Present
	Mr. Marinaccio	Member	Absent
	Mr. Pesce:	Member	Absent
	Ms. Visconti:	Member	Present

**Others Present:**

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

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## **SUMMARY**

**Adjourned Public Hearing:**

Eduardo Lauria Luxury Apartments	Adjourned to October 17, 2016
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**Discussion:**

Southside Plaza (Amended Site Plan)	Resubmit
ACURA 1070/1072 Route 9	Public Hearing on October 17, 2016

**Extension:**

Dutchess Land Development	Granted 6 months extension
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**Ms. Visconti:**                               **Motion to accept the Minutes of September 19, 2016.**  
**Ms. Bettina:**                               Second the Motion.  
**Vote:**                                       All present voted Aye.

**Adjourned Public Hearing**

**15-3338 – Eduardo Lauria Luxury Apartments:** The Town of Wappinger Planning Board will conduct an Adjourned 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)

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

**Ms. Bettina:**                               **Motion to adjourn the Adjourned Public Hearing to October 17, 2016.**  
**Ms. Visconti:**                               Second the Motion.  
**Vote:**                                       All present voted Aye.

**Discussion:**

**16-3343 Southside Plaza (Amended Site Plan):** To discuss an amended site plan application to construct two additions to an existing building. The first addition will be 2-stories (2,642 sf.) on the south end of the building and the second addition will be 2-stories (6,414 sf.) on the north end on 2.48 acres in an HB Zoning District. The property is located at **1315 Route 9** and is identified as **Tax Grid No. 6157-02-567518** in the Town of Wappinger. (Day)

**Present:**                                    Brian Watts – Engineer  
  Vincent Cappelletti – Applicant

**Mr. Watts:**                                Good evening. Brian Watts from M.A. Day Engineering, I am here on behalf of Southside Plaza. We are here with a proposal to expand the Hark Plaza, formerly Building 2 with a larger northern addition. The proposed project is approximately 6,400 sf. footprint two stories and a southern addition just over 2,600 sf. which will also be two stories. With that expansion, we are seeking to expand the current entrance making that an in and out with one direction heading south.

Mr. Watts continues to discuss the project.

**Mr. Valdati:**                                Do you have any examples of the elevations?

- Mr. Watts: This is the elevations you will see of just the additions that you will see from Route 9. This would be the northern larger addition and this will be the smaller southern and this abuts the existing buildings on each side. This molding will extend all the way.
- Ms. Visconti: Are you going to be doing the façade and taking care of the rooftop air conditioners?
- Mr. Cappelletti: We will try to raise the façade so it will kill most of the view of the air conditioning on the top.
- Ms. Visconti: That would be perfect. I went by there on Saturday and it is not pleasant to look at.
- Mr. Cappelletti: That's why we raised the façade so high on both sides and in the center and will definitely take the eye off it.
- Ms. Visconti: The Fire Prevention Bureau says you need sprinklers.
- Mr. Watts: Yes, we got that.
- Mr. Valdati: Could you give a little more detail about the façade work?
- Mr. Cappelletti: The façade is going to be similar to what's out there now but we are going to raise it and a lot more detailed with different levels coming out. We will have uniformed signs. Did everybody see the signs that are out there now?
- Ms. Visconti: I saw some but they are still individualized.
- Mr. Cappelletti: There are three more that I have to change but most of the older tenants did away with the old signs.
- Ms. Visconti: As you get new tenants will you ask them to conform?
- Mr. Cappelletti: There are really only two tenants and when their lease is up they will have to comply with the new signs. We will basically stay with the same colors the light yellow with white trim. The elevations is going to be raised up a little bit and what you see there is a railing system and we plan on using stainless steel with the wire in it. So this will not block the store front.
- Mr. Malafronte: What's the height of the wall that you are installing?

- Mr. Cappelletti: To the center it's probably about 4 feet and to the right about another 6 feet. The steps at the top will really stand out as a nice detail.
- Ms. Visconti: It will definitely be an improvement.
- Mr. Cappelletti: The color was definitely a big improvement.
- Ms. Visconti: That Dutchess County Planning wants sidewalks.
- Ms. Bettina: Did you see this letter from the County?
- Mr. Cappelletti: No, and I didn't see the Fire Inspector's letter either.
- Ms. Bettina: You have this property and the property across the street?
- Mr. Cappelletti: Yes.
- Ms. Bettina: Can you share with us what you plan on doing with that property?
- Mr. Roberts: The Town Board is very interested in how you are going to improve that.
- Mr. Cappelletti: To improve it we will have to get a renter.
- Mr. Roberts: You can still pave it or do something.
- Mr. Cappelletti: It's going to be torn down.
- Mr. Roberts: You can tear it down and keep the foundation there and keep the same footprint.
- Mr. Cappelletti: I plan on tearing it down.
- Mr. Roberts: Can I report that to the Town Board?
- Mr. Cappelletti: Yes. Once I start digging here, I will send the machine across the street to tear down the building.
- Mr. Roberts: I don't want you to lose the foundation.
- Mr. Cappelletti: I've had so many people at that property and recently I've negotiated with several others. They say they are ready and they want it but that's where it ends. It's a key property on Route 9 but the only problem is it's very small.

- Mr. Roberts: Vinny, it really would help if you just took it down. We are not looking to stop you from developing.
- Mr. Cappelletti: I want to development it.
- Ms. Bettina: The other thing is the County wants sidewalk.
- Mr. Cappelletti: I will argue that. Why would I need sidewalk?
- Ms. Bettina: What's about landscaping and trees?
- Mr. Cappelletti: We could look into the landscaping. The bushes are all coming out. Somebody planted the trees 30 years ago. We will plant something on both sides of the front entry. Besides that the landscape along Route 9 is actually nice.
- Ms. Bettina: Did you get a chance to see David Stolman's letter? He addresses the landscaping and parking.
- Mr. Cappelletti: Yes, we did. We just wanted to come in tonight to get a feel from you about the project.
- Mr. Cottrell: What's the square footage of floor space you actually have? Is both of the additions 2-stories? Is it going to be 2-stories of floor space or is it going to be retail on the bottom and you just do façade work on the top?
- Mr. Cappelletti: The rear will not really be retail space but different type of users.
- Mr. Roberts: Would it be like the medical building next to you in the back where upstairs they have x-rays and other things?
- Mr. Cappelletti: Yes, we have spaces in the back already. There's the karate school, dance school and there are people who need inexpensive large space. We have great tenants with really good businesses and they are all doing relatively well.
- Ms. Bettina: That's nice to hear.
- Mr. Cottrell: Going back to my original question. How much total floor space you have?
- Mr. Watts: About 1,800 square feet.
- Mr. Cottrell: Given that you are proposing that much space, it's going to be a Type 1 action under WEQRA so we will need a Lead Agency circulation.

- Mr. Cappelletti: The DOT was already out there. For 40 years it's been one way in and there's really no benefit for me to lengthen but it does make a lot of sense and convenience. Also the DOT action will really open the door because it's going to lead a lot of traffic in.
- Ms. Bettina: I think so without a doubt. I've used your businesses getting in. You can get in but you can't get out.
- Mr. Cappelletti: Yes, you have to go all the way around.
- Ms. Visconti: On your EAF on Page 2 you marked "no" to an answer but then it said "yes" I need DOT approval. So you need to fix that.
- Mr. Watts: I think we found a couple of mistakes that we are going to address.
- Ms. Visconti: Chace, is there any problem with it being over the primary aquifer?
- Mr. Cottrell: It's similar use.
- Ms. Visconti: Since it is similar use there's no problem.
- Mr. Roberts: Getting back to your façade, do you have an architectural color rendering on that?
- Mr. Watts: We are going to work on additional elevations and we can address that with a color rendering.
- Ms. Bettina: I definitely want to see the colors and details.
- Mr. Cottrell: It should be for the entire project and not just the additions.
- Mr. Valdati: Have you changed the square footage and the parking requirements?
- Mr. Cottrell: That's something we need to look at in your next submission so we will need to talk about this.
- Mr. Cappelletti: There's a lot of parking there and I couldn't understand why they have so much parking but it was designed to back into septic.
- Ms. Visconti: You plan on asking for land banking space and I think it's a good idea to be green instead of blacktop.
- Ms. Bettina: Unfortunately, I know the County is real big on sidewalks.

Mr. Cappelletti: Someone will have to convince me the need for sidewalk on Route 9. I would love sidewalk if you had the contiguous on Old Route 9. It's a great idea if you are going somewhere with the sidewalk.

**Ms. Visconti: Motion to authorize the Town Planner to prepare SEQRA Declaration of Intent to be Lead Agency.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

**16-3354 ACURA 1070/1072 Route 9 (Amended Site Plan)**: To discuss an amended site plan for a 1,500 sf office space for an Internet Sales Office with an accessory use of parking space for storage of 85 cars on 5.02 acres in an HB Zoning District. The property is located at **1070/1072 Route 9** and is identified as **Tax Grid No. 6156-02-800910** in the Town of Wappinger. (Day)

Present: Brian Watts – M. A. Day Engineering  
Ulysse Ajram – Applicant

Mr. Watts: Since our last meeting we had a couple of requests to show the septic which we have shown the existing septic location. We were also asked to show a vehicle movement plan. We show the north side of Route 9 pull in and there is adequate room to maneuver multiple trailers. So there will be no need to have large vehicles on the shoulder on Route 9.

Ms. Visconti: The 1,500 sf. offices will already be in the 2-story building?

Mr. Watts: Yes.

Ms. Bettina: Are you saying storage of 85 cars?

Mr. Watts: I believe it was 85.

Mr. Cottrell: With that amount of proposed parking, it would be a Type 1 action under WEQRA and we would have to do a Lead Agency notice. The way the regulation reads any facility over 80 parking spots or more. If it's 79 it's not a Type 1 so I will leave that to the board and the applicant.

Mr. Watts: I will revise the plans and get them back to the board.

Ms. Visconti: If there are no other changes, do we want to authorize a resolution?

Mr. Roberts: This is a Type 1 action so I would assume there would be a Public Hearing.

- Ms. Visconti: Is it still a Type 1 at 79?
- Mr. Roberts: It's up to you whether you consider this a material change to the site plan or not. I don't know of the impact it going to have on engineering or drainage. You are going to have to defer to the two consultants on either side of you. The question is whether you want to have a Public Hearing. I think you need the import from these two whether there's going to be a significant change to the site.
- Mr. Ajram: This existing area is still currently graveled and we are not changing that. This is just showing the space here for these cars. There won't be any physical changes.
- Mr. Roberts: I didn't recall that being graveled.
- Ms. Bettina: I don't think it's a bad thing to do a Public Hearing. I think people should come out and hear what you have to say since they are going to be your neighbors. It's a win, win for everybody.
- Mr. Ajram: Keep in mind there is going to be no tractor trailers. We are going to be driving the cars back and forth.
- Mr. Roberts: Wasn't this the area that was originally under DEC control and then they announced that they weren't going to enforce it?
- Mr. Cottrell: It was the degradation of the wetlands.
- Ms. Bettina: I think that would be a good thing.
- Mr. Roberts: I'm going to defer to the engineer and the planner.
- Ms. Visconti: So they are going to resubmit and we want a Public Hearing. Can we set a Public Hearing tonight or do we have to wait for them to submit?
- Mr. Roberts: I think they need a submission. I don't want you to think that I am against this proposal but I think it's needed for ACURA and the Town.
- Ms. Bettina: Can you be ready to submit tomorrow? That should give you enough time to have the Public Hearing on October 17<sup>th</sup>.
- Mr. Watts: What time do you want the plan by?
- Mrs. Roberti: We can do the Public Hearing for October 17<sup>th</sup> and you can submit by Wednesday and Bea can send it out to give Chace time to get the review together for October 17<sup>th</sup>.

- Mr. Watts: With the revised EAF as well?
- Ms. Bettina: Yes.
- Mrs. Roberti: How are you getting the vehicles there?
- Mr. Ajram: I will have my staff driving it back and forth.
- Mrs. Roberti: Could you put that on the plan.
- Mr. Ajram: There will be no cars parked along Route 9 whatsoever. The more cars we sell, the less we have to transport across the street.
- Mr. Cottrell: I was at the site today and the landscaper had trucks and different vehicles parked out there. Has there been any discussion with the business owner?
- Mr. Ajram: Yes, he's on board with this and as we move forward he will comply.
- Ms. Visconti: So we want to set a Public Hearing for October 17<sup>th</sup> and they are to resubmit by Wednesday then we will move forward.
- Mr. Malafronte: So there's only going to be storage of the vehicles and no other operations and requirements? What else will you do to the vehicles when you park them there?
- Mr. Watts: He's going to have an office there.
- Mr. Malafronte: Are you going to do anything on the vehicles?
- Mr. Ajram: No. These are brand new cars.
- Ms. Bettina: Are you going to sell from that place also?
- Mr. Ajram: It will be an internet office.
- Ms. Bettina: So there will be no sales there only to bring the cars back and forth?
- Mr. Ajram: Correct.
- Ms. Visconti: Motion to set the Public Hearing for October 17<sup>th</sup>.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

**Extension:**

**09-5151 / Dutchess Land Development Subdivision:** Seeking their second 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 October 3, 2016 through April 2, 2017. 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.**  
**Ms. Bettina:** Second the Motion.  
**Vote:** All present voted Aye.

**Miscellaneous:**

Redl property: Route 9 and scenic Drive

**Mrs. Roberti:** In front of you I put a plan of a parcel that Frank Redl would like to clear. The property is on Route 9 on the south corner of Alto Music and Scenic Drive that goes up to Woodhill Green Condos. They would like to market the property but as it stands now it's hard to see how deep it goes back. It's mostly grub because it's been cleared in the past so it's just weeds and small trees that keep growing up. They have an easement of off Scenic Drive that when they come in with the project, they are going to have an entrance and exit there.

Mrs. Roberti continues her review of the proposal.

**Mr. Valdati:** Are there any comment?

**Mr. Malafronte:** Do you have the location of this property by the grid number?

**Mrs. Roberti:** I don't have it off the top of my head. Do you know what piece I'm talking about?

**Mr. Malafronte:** No.

**Mrs. Roberti:** Do you know where Fun Central is?

**Mr. Malafronte:** Yes.

- Mrs. Roberti: It's next to it there's Guardian Self Storage and then an empty lot. That's it.
- Mr. Malafronte: So what's the yellow mark?
- Mrs. Roberti: The yellow part is what they want to clear. They want to get rid of the weeds and the trees so people can see what this lot will look like.
- Discussion continues.
- Mr. Valdati: Any other comments?
- Mrs. Roberti: How do you feel about this?
- Ms. Visconti: I think that's okay for him to clear for someone to look at it to see whether they want to build something and that's good for the Town.
- Mr. Malafronte: They cleared it before and leveled it.
- Ms. Bettina: Yes, they did.
- Mr. Malafronte: This was within the last 8 years.
- Ms. Visconti: They are trying to sell it.
- Mr. Flower: They are trying to make it presentable somewhat to possibly make the investment there.
- Mr. Valdati: I think it's appropriate to do this work. Again, I don't want that graveled easement to be a nuisance for people that pull up on Route 9.
- Mrs. Roberti: I will ask Frank to put that in writing how he's going to protect that from becoming something of a safety issue.
- Mr. Valdati: Yes, for safety reasons.
- Ms. Bettina: I agree.
- NOTE: Planning Board approved the grubbing.

**Other Miscellaneous:**

Southside Plaza

- Mr. Roberts: Were you satisfied with the redesign of the plaza?

Ms. Visconti: Yes, I am.

Ms. Bettina: I would like to see the color. I must say I was the bad one that brought it up.

Mrs. Roberti: He did say he was willing to take it down.

Mr. Malafronte: Isn't he supposed to come back with more details about the sidewalk?

Mr. Flower: That's something that would be up to the board if you want to do that.

Mr. Roberts: I heard him say that he would deal with the County.

Ms. Bettina: The County is the one that's pushing the sidewalk.

Mr. Roberts: They said to rely on your own judgement so you don't use super authority.

Mr. Valdati: If we don't do this now, we will never get to do it. That's the bottom line.

Ms. Visconti: Chace, roughly how much does it cost to add sidewalks?

Mr. Cottrell: I have no idea.

Ms. Visconti: Can you let us know next week?

Mr. Cottrell: I can. Is there a similar thing in the area?

Mr. Roberts: June, in fairness there is no place to put a sidewalk.

Ms. Malafronte: If you have access to bus like we did in front of Dunkin Donuts.

Mr. Cottrell: A bus stop is a whole different thing.

Discussion continues.

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

Adjourned:

7:46 pm

Respectfully Submitted  
Bea Ogunti

Secretary  
Planning Board / Zoning Board of Appeals