

MINUTES

Town of Wappinger Planning Board
November 21, 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	Absent
	Mr. Flower	Member	Present
	Mr. Malafronte	Member	Absent
	Mr. Marinaccio	Member	Absent
	Mr. Pesce:	Member	Present
	Ms. Visconti:	Member	Present

Others Present:

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

SUMMARY

Discussion:

Castle Cadillac, LLC (Amended)	Resubmit
Alexey Nechaev Subdivision	Public Hearing on December 5, 2016
Southside Plaza (Amended Site Plan)	Resubmit on January 4, 2017 Public Hearing on January 18, 2017

- Mr. Gray: The driveway is on the corner which is unusual and it is dangerous if you think about all of the traffic movements.. Let's discuss the two driveways.
- Mr. Paggi: We can do that.
- Mr. Stolman: That would not be permitted now with a brand new proposal.
- Ms. Visconti: On the EAF, you have "yes" on the archeological, wetlands and animals.
- Mr. Paggi: We did reach out to the DEC and they acknowledged that there are no endangered species on the site but they did not comment on any archeological sensitive areas. It came up on the EAF but we are pretty sure it's because of the Junior High across the street.
- Ms. Visconti: So should we change from "yes" to "no"?
- Mr. Stolman: The EAF mapper is pretty generalized and if the letter from the DEC is specific, I will go with the DEC.
- Mr. Paggi: We will provide that in the next submission.
- Mr. Valdati: I believe we should set a public hearing for this project.
- Mr. Roberts: I believe the title is in Mr. Nechaev's and his wife's name as the owners according to the deed that you submitted so you should get her signature on the owners' consent form. We also need both signatures on the subdivision plat.
- Mr. Paggi: We will submit revisions on everything with both signatures.
- Ms. Visconti: Motion to set the public hearing to December 5, 2016.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

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
Dennis Lynch – Engineer
Vincent Cappelletti – Applicant

- Mr. Watts: Brian Watts and Dennis Lynch from M. A. Day Engineering on behalf of Southside Plaza. Since our last submission we have addressed as many and hopefully all of the comments from the consultants. We have expanded the site plan to include the proposed utilities for stormwater and sewer.
- Mr. Watts continues his review of the project.
- Mr. Roberts: Barbara, do we have the old site plans in the Town files?
- Mrs. Roberti: There might be one in there.
- Mr. Watts: We reached out to Bea Ogunti and Mr. Stolman's office and did not receive a response whether they have the old plans.
- Mr. Cappelletti: I also did a foil on it and we were unable to find anything in the file.
- Mr. Gray: Did anybody ask Jimmy Klein? I bet he has one.
- Mrs. Roberti: I have an excel program that can tell me whether I have it and if it's at Carnwath.
- Ms. Visconti: If there's no ability to get the original site plan, would we need to waive the original?
- Mr. Stolman: We will do the best that we can base on the existing conditions with the appropriate notes.
- Ms. Visconti: So you have an as-built of what's there now and you will reference it on the amended plan.
- Mr. Roberts: We don't have an as-built.
- Mr. Stolman: It's more or less an as-built with additions to the building so we will do the very best that we can.
- Mrs. Roberti: Does anybody know what the name of the site plan was when it was constructed in the 1970s?
- Mr. Roberts: I thought it was Hark Plaza?
- Mrs. Roberti: Has it always been that name?

- Mr. Roberts: It has always been Hark Plaza.
Ms. Visconti: On the EAF you say “yes”, to Indiana bats, “yes” to the archeological sensitive areas. Do we have a DEC letter on that?
- Mr. Stolman: As you heard me say before the environmental mapper is very general.
- Ms. Visconti: Do we need anything from DEC in writing?
- Mr. Stolman: We have to put a condition in the resolution stating that during the construction if any archeological artifacts are revealed.
- Mr. Watts: It’s all rocks and there’s top soil on it and there’s not going to be any fossils.
- Ms. Visconti: The Fire Prevention Bureau said you need sprinkles.
- Mr. Watts: Our interpretation of the code is that it won’t be required if there’s a firewall if there are two separate buildings.
- Mr. Roberts: I don’t think this is a matter for the Planning Board. It’s for the Building Department.
- Ms. Visconti: What’s about the landscaping?
- Mr. Stolman: What we are essentially saying it that this doesn’t comply right now and you are more than doubling the size of the building and you are taking trees out for vegetation anyways. I am recommending that certain amount of landscaping be inserted into the parking area.
- Mr. Cappelletti: I have no problem with landscaping but it won’t really work in the parking area. We have plenty spots for landscaping in the front which was installed but never maintained.
- Ms. Visconti: I do understand but when I go by that parking lot, it’s all blacktop.
- Mr. Stolman: If you could show the number of trees and put them on the site in a nice way, it would soften the parking area.
- Mr. Cappelletti: We can do that so it does not block the view of the stores. When we resubmit, we will provide you with a color rendering.
- Mr. Watts: Are you flexible on the number of trees?
- Mr. Stolman: Come up with a proposal and we will review it. If it’s attractive and the board likes it, they can approve.

- Mr. Flower: If you improve that area, landscape it and come back with a plan, I know we will be happy with that. It doesn't make sense to chop out an island in the parking lot to plant. There's plenty of space there to work it.
- Mr. Valdati: Does your plan take into consideration the additional parking spaces that would be required?
- Mr. Watts: We have land bank spaces in the back. We are not proposing new parking spaces right now in terms of the total. The parking lot is underutilized right now. There's more parking spaces than is actually required even by current code for this building. The County was pleased to see that there was land bank parking in the back that's underutilized.
- Mr. Gray: The parking in front of the addition on the north side is 10% grade and I realize there's a parking lot there now and that's pretty steep also. Is there something you can do about that?
- Mr. Watts: If we make this a hatched area, we will lose 12 spots.
- Mr. Stolman: The code says the maximum slope in a parking area shall not exceed 5%.
- Mr. Cappelletti: We will look at that.
- Mrs. Roberti: Do you have dumpsters detail?
- Mr. Watts: It's in the construction notes we are just proposing a slab with a PVC fence around it.
- Mr. Gray: You could also put bollards inside to protect the fence from Royal Carting trucks.
- Mr. Watts: I will put that detail on the plan.
- Mrs. Roberti: Do you have anything from the DOT on the entrance?
- Mr. Watts: I talked to Mr. Albert DiNigro and he said he received the notification on October 28th for SEQRA and that he was going to review it but I have not heard anything yet. At that discussion I gathered that he did not have any major objections or comments.
- Mr. Valdati: Is there some sort of an agreement with the County?

Mr. Roberts: I'm not sure what you are referring to but off hand I don't know. There might have been a landscaping agreement included into the right-of-way. We can find out if it's on record. Do you have a form of cross-easement between the parcels?

Mr. Cappelletti: Yes, we have easements.

Mr. Roberts: If you could just send us a copy of the easement agreement so we have that on record.

Mr. Watts: Is there a possibility of considering a public hearing at this time?

Mr. Stolman: It would be nice to have the landscaping plan before the public hearing. I don't know how long it's going to take you to do that.

Mr. Watts: We could resubmit in January.

Mrs. Roberti: If you resubmitted within the next two weeks, we could put you on the January 4th agenda. If the board is happy, they can set the public hearing for January 18th.

Mr. Watts: Thank you very much.

Mr. Valdati: Motion to go into Executive Session.

Ms. Visconti: Second the Motion.

Vote: All present voted Aye.

Ms. Visconti: Motion to come out of Executive Session.

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

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
Frank & Sondra Nicodemus – Applicant/Owner

Al Roberts addresses the legal issues regarding this project and asked that the board discuss these issues.

- Ms. Visconti: We recognize we would like your company to be in our Town and we know you are a business person interested in making money. The original intent of your business was the restoration of classic vehicles. I have had the opportunity to see some of your vehicles and it was wonderful. Things have changed and based on the situation right now and what Mr. Roberts has pointed out, we have an obligation to not only take care of your situation but setting precedence. The agreement was the restoration to be done in the building. There's the question of the number of cars and parts stored outside. There shall be no cars in the parking lot.
- Ms. Visconti continues to outline several violations and concerns on the site.
- Mr. Paggi: Regarding the cars in the parking lot, we discussed that this is a unique situation and I know the board is concerned with setting a precedent. We spoke with the consultants and we talked about how we could have some of the storage out front. Without these cars in the front of the building, business cannot continue.
- Mr. Stolman: Why is that?
- Mr. Paggi: They have an additional 20,000 sf. building so adding an additional building to the site is not the answer.
- Mr. Roberts: This means you have storage inside.
- Mr. Paggi: It's a matter of opinion. Have you been in the building?
- Mr. Roberts: Yes, many times. It's my understanding from the presentations that they do 4 to 6 cars a year in restoration. Is that accurate?
- Mr. Nicodemus: We build 4 cars a year.
- Mr. Roberts: If you have 24 cars in the lot now, you have 6 years of inventory. Mr. Pesce wanted to know if these cars were registered.
- Mr. Nicodemus: No, not all of them.
- Mr. Roberts: We don't allow more than one unregistered car any place. We recognize that you are an internationally known business and we are grateful for that and we want you to succeed. You succeeded before without having too many cars outside.

- Mr. Pesce: You speak about museum and shows and you are in the business of restoration. I've been in the automotive business for 15 years and you don't leave cars outside for 6 years.
- Mr. Nicodemus: I don't leave cars outside for 6 years.
- Mr. Pesce: You say you have 6 years of inventory there.
- Mr. Nicodemus explains why he has 6 years of inventory.
- Mr. Roberts: Frank, could you repeat what you said about the tent.
- Mr. Nicodemus: I sent you information regarding the company that makes these tents that will be used to store the trailer and parts.
- Mrs. Nicodemus: That would be the answer to everything and we were told we couldn't do that either so we were trying to come up with other solutions.
- Mr. Roberts: Frank, could this be constructed to the rear of the building?
- Mr. Nicodemus: Yes.
- Mr. Roberts: Would that fit all of your cars?
- Mrs. Nicodemus: Yes.
- Mr. Pesce: I'm a little confused. If the cars can be moved to the back of the building with the tent, why can't they be moved to the back of the building without a tent?
- Mrs. Nicodemus: We were told that we could not get that tent at all and that the board would not be happy with it so that's the reason why.
- Mr. Nicodemus: We were told it was more for an agricultural site.
- Mr. Paggi: There's not enough rear yard setback for the cars in the back. The tent is 50 feet wide.
- Mrs. Roberti: When you proposed this tent, was that to put all the parts that are in the cargo containers? That was why the board did not want to see another structure just for the parts. You have now found a way to put all of the parts in the building over the next year.
- Mrs. Nicodemus: Not all of the parts and some we are going to salvage.

- Mrs. Roberti: According to this, you are going to remove all of the parts from the side of the building that are encroaching your neighbor's property.
- Mr. Nicodemus: Correct.
- Ms. Visconti: So that tent will be able to hold all of those cars in the back?
- Mr. Nicodemus: Correct.
- Mr. Paggi: Would the board be okay with the tent on the side where we were proposing it before? The way the building is angled, I don't know if it will fit in the back.
- Mr. Gray: If that rock were to be taken down, it would create a flat area in the back and a lot of storage. You will need to get a 30 feet setback variance.
- Mr. Stolman: One of the reasons why it's a major concern is the existing policy of the Town when it comes to motor vehicle sales establishment and repair garages, that all cars that are in disrepair has to be screened from plain view. Could you address the sales of cars?
- Mr. Nicodemus: A segment of my business requires sale.
- Ms. Visconti: Does the license restrict only classic vehicles to be sold?
- Mr. Nicodemus: No.
- Ms. Visconti: That's a problem.
- Mr. Stolman: We can craft a zoning amendment where the sale of antique vehicles isn't an accessory use and not a primary use to the restoration of antique vehicles. You will have more control then. How many cars are you looking to sell a year?
- Mr. Nicodemus: About 10 cars a year.
- Mr. Stolman: The last time we talked it was 6 cars.
- Mr. Nicodemus: The DOT license requires that I sell at least two cars a year to keep the dealer license in existence.
- Ms. Visconti: Would these be cars that you have restored and will restore and/or client cars that you have restored, and they want you to sell it for them?
- Mrs. Nicodemus: Both.

- Mr. Stolman: Are there any antique cars you haven't restored and clients brought you to sell?
- Mrs. Nicodemus: Right now, just one.
- Ms. Visconti: If we go forward with this, you will have to take your chances with the Town Board on the text amendment. We don't have any control over that.
- Mr. Paggi: Do we need to write a letter and petition the Town?
- Mr. Roberts: I think we need a recommendation from the Planning Board first.
- Mr. Stolman: I think it would be important for you to make an overture with the Town Board and see if you get a warm reception from them. You can draft a zoning text amendment and you will come to the Planning Board for their recommendation as part of this process.
- Mr. Roberts: Why don't you draft up the petition for rezoning the way we discussed it tonight and present it to the Planning Board. If they are satisfied, they will recommend to the Town Board for their approval.
- Mr. Paggi: Does the Town Board petition go through SEQRA?
- Mr. Roberts: That is subject to SEQRA and it may need a master plan in it. It's not an easy process.
- Ms. Visconti: Do they have to worry about the antique store?
- Mr. Stolman: The antique store for the antique furniture and other memorabilia is a permitted use.
- Ms. Visconti: Also no food truck on site.
- Mrs. Nicodemus: It doesn't make sense to me because it will be a high end and not a hotdog vendor at the end of the road.
- Ms. Visconti: I'm familiar with an auction house and they actually have food inside.
- Mrs. Nicodemus: That's not what this is about. It's not going to be close to the driveway and it's off enough from Route 376, why can't a high end food truck be there during the seasonal months?
- Mr. Stolman: Once you get the approval, it could be a high end truck or it could be a low end truck that's why we can't have it.

- Mr. Flower: It's hard to regulate.
- Mrs. Nicodemus: I think you are concerned whether or not our judgment is going to be correct.
- Mr. Flower: It's just the sales in general and it has nothing to do with whether it's a high end or a low end. If you do it for one you will have to do it everywhere.
- Mrs. Nicodemus: If a car is registered and needs work done on it, is that okay?
- Mr. Stolman: Cars that are in any disrepair would not be allowed to be up front in the parking lot.
- Mr. Roberts: All of your inventory for work to be done should be contained in that enclosure in the rear of the building.
- Mr. Stolman: The code says vehicles awaiting repairs shall be located in an area that is screened from public view. There's a similar paragraph that has to do with repair garage. It's not that we are singling you out it's the policy of the Town for cars that are waiting for repairs not to be in public view.
- Mrs. Nicodemus: Is that for the motor vehicle dealer?
- Mr. Stolman: There are two uses: motor vehicle sales establishments and repair garages.
- Mr. Nicodemus: With the tent you can store all 26 cars and you won't see them from the road and they can even put a green roof on it. We are hoping that would be the answer to our problem.
- Mr. Stolman: You can show the Planning Board the colors and they also have architectural review as well.
- Mr. Gray: The shed could be done with a steel frame and not the slope roof. I just see a dome and I see snow and rain coming down the side and half the roof is going to drain into your building.
- Ms. Visconti: Do you want the vehicle displayed in the front of the building?
- Mr. Nicodemus: Yes.
- Ms. Visconti: How many cars will you be selling?

- Mr. Nicodemus: I'm required to sell two cars to maintain the license. If I can sell 10 cars a year, I'll be happy. If I can only sell 6, I'll sell 6.
- Ms. Visconti: How do you intend to display the vehicles to get attention?
- Mr. Nicodemus: Having it outside would be the attraction because people driving by would have no idea what's going on inside the building.
- Ms. Visconti: You will have to take the vehicles in every night. You cannot leave them out there. Is that feasible in that zone?
- Mr. Pesce: I think we have the problem with unregistered vehicles.
- Mrs. Roberti: What Christian is going to draft a text amendment for is not only the sales of antique vehicles but also to allow the storage of antique vehicles that are in association with his business.
- Mr. Stolman: We are also talking about the display in front of the building. What state would those cars be in?
- Mr. Nicodemus: They would be what our finished product looks like.
- Mr. Stolman: Just wanted to clarify that. Now we are talking about the number of cars. Are these fully restored cars?
- Mrs. Nicodemus: These are showcase cars.
- Mr. Pesce: Driving by at 50 mph and just because you see pretty cars doesn't mean that people are going to stop. Are you proposing to put a sign on the vehicles?
- Mrs. Nicodemus: We don't need people pouring in, we are three years booked. He just wanted to make it look pretty on the outside.
- Ms. Visconti: In 1955, the Rolling Stones used it in one of their productions.
- Mr. Roberts: When you make your proposal make sure it stipulates that the cars will be returned to the interior of the building.
- Ms. Visconti: You need to include putting some landscaping by the door and remove the old chairs from there.
- Mr. Nicodemus: Those are rod iron chairs that people asked us to repair.

Mr. Paggi: Did we settle on the number of cars to be displayed outside that we can propose?

Ms. Visconti: I think 4 cars would be reasonable.
Mr. Nicodemus: Thank you.

New & Old Business:

Christmas Party December 8, 2016 at 6:00pm at Longobardi.

2017 Planning Board Meeting Schedule:

Ms. Visconti: Motion to accept the 2017 Planning Board Meeting Schedule.
Mr. Flower: Second the Motion.
Vote: All present voted Aye.

Mr. Pesce: Motion to adjourn.
Ms. Visconti: Second the Motion.
Vote: All present voted Aye.

Respectfully Submitted

Adjourned: 8:55 pm Bea Ogunti
Secretary
Planning Board / Zoning Board of Appeals