

# MINUTES

Town of Wappinger Planning Board  
April 19, 2017  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

<b><u>Members:</u></b>	Mr. Flower	Chairman	Present
	Ms. Visconti:	Co-Chair	Absent
	Ms. Bettina	Member	Absent
	Mr. Marinaccio	Member	Present
	Mr. Pesce:	Member	Present
	Mr. Valdati	Member	Present

### **Others Present:**

Mr. Horan for	Town Attorney
Mr. Hobday for	Town Engineer
Mr. Suleiman for	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Discussion:**

Wine on 9 LLC (formerly Better Tan)	Approved as written
G&G Amended Site Plan	Approved as written
Cohen Subdivision	Resubmit, Circulate for Lead Agency
Old Hopewell Commons	Resubmit, Circulate for Lead Agency, Recom. to ZBA
Del-Tra Holdings, LLC	Resubmit

### **Architectural Review:**

Hudson Ribs & Fish Replacement Sign	Approved
Salvation Army Thrift Store	Approved

### **Extension:**

Chelsea Farm Subdivision	One year extension approved
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### **Miscellaneous:**

33 Middlebush Road	Recommendation to ZBA to move on storage facility
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**Mr. Valdati:** **Motion to accept the Minutes from March 20, 2017 and April 3, 2017.**  
**Mr. Pesce:** Second the Motion.  
**Vote:** All present voted Aye.

**Discussion:**

**17-3363 Wine on 9 LLC (formerly Better Tan):** To vote on a site plan application to discontinue the use of a site as tanning salon and change to liquor and wine store in an HB Zoning District. The property is located at **1622 Route 9** and is identified as **Tax Grid No. 6158-04-535308** in the Town of Wappinger (Diesing

**Mr. Pesce:** **Motion to approve the Resolution.**  
**Mr. Marinaccio:** Second the Motion.  
**Vote:** All present voted Aye.

**16-3356 G&G Amended Site Plan (formerly Greenbaum & Gilhooley's):** To vote on an amended site plan with mixed use for three buildings to include retail, bank, office and restaurant. Proposed fast food drive-thru between Building A & Building B to be eliminated. To be replaced with outdoor dining patio, adding 5 new parking spaces, and adding exterior cooler to the north side of Building A on 1.89 acres in an HB Zoning District. The property is located at **1379 Route 9** and is identified as **Tax Grid No. 6157-02-594684** in the Town of Wappinger. (Tinkelman)

**Present:** Steve Tinkelman – Architect  
Robert Turner – Architect

**Mr. Tinkelman:** Good evening. We are here tonight to hopefully have the resolution that was circulated to everyone approved.

**Mr. Flower:** Did you get a copy of the resolution and are the terms acceptable to you?

**Mr. Tinkelman:** Yes, we are fine with it.

**Mr. Flower:** At this point we just need a motion to accept the resolution.

**Mr. Pesce:** **Motion to approve the Resolution as amended.**  
**Mr. Valdati:** Second the Motion.  
**Vote:** All present voted Aye.

**17-5181 Cohen Subdivision:** To discuss an application for a 3-lot subdivision on 4.12 acres in an R40 Zoning District. The Property is at **195 All Angels Hill Road** and is identified as **Tax Grid No. 6258-04-713166** in the Town of Wappinger. (Day)

Present: Dennis Lynch – Engineer  
Mark Day – Engineer

Mr. Lynch: Good evening, Dennis Lynch from M.A. Day Engineering, representing the applicant for Cohen Subdivision, a 4.1 acre existing lot with a single family home. We are proposing to subdivide it with one existing and two proposed lots. We were here at the January 18<sup>th</sup> meeting where we proposed a common driveway and the plan have been revised to show the common driveway. We are in the process of petitioning the Town Board to enter into the water and sewer district.

Mr. Flower: In terms of the driveway issue, Peter did you review the individual driveways?

Mr. Hopday: Yes. We had concerns with the drawings that were submitted and it may have been revised since and it wasn't satisfactory. They didn't show the driveway measuring point 14.5 feet from edge of pavement and they didn't show that there was 2 feet of clearance. It probably can be achieved but at the time of the review it wasn't shown.

Mr. Lynch: We will have that information on the next submission. We have comments from everybody and we are awaiting comments from Dutchess County Department of Public Works.

Mr. Flower: Are you going to go with the individual driveway or common driveway for all three lots?

Mr. Lynch: Right now we are proposing common driveway for all three lots.

Mr. Flower: Have you submitted a road name to the Fire Inspector?

Mr. Lynch: No, we can.

Mr. Flower: I know you are in the process of petitioning the Town Board for water and sewer. These three lots are already listed for sale. It's a little premature prior to getting subdivision.

Mr. Lynch: I'm not certain that they are for sale and I am not familiar with that.

Mr. Flower: Keep that in mind that they haven't completed the process yet.

- Mr. Horan: Without Planning Board approval, they cannot sell the lot but they can list it for sale and the county clerk will not accept the deed for the parcel.
- Mr. Flower: It was brought up and I had spoken to Al about it. Sammie, do you have any items that need to be addressed?
- Mr. Suleiman: Yes. The application materials note that on Lot 1 there are existing sheds that will remain and we don't believe that they have been adequately indicated on the drawings. The board would want to consider planting for screening purposes be put in along the common lot lines. Easement would be required for utilities and access for the common driveways. As far as SEQRA, this is an unlisted action and the EAF notes that the site may contain animals or associated habitats listed by the State or Federal Government as endangered. That's stuff that needs to be exploded.
- Mr. Flower: Have these items been looked into already?
- Mr. Lynch: We will be providing an easement for the utilities for the driveway. The mapper has considered it as an area that potentially has endangered or threatened species. Right now it's meanly cleared here and for the most part is brush and in our opinion doesn't have any possible habitat.
- Mr. Day: Did you say you wanted landscaping between the lines? Is it necessary since it's a residential lot? Who will maintain it and is it necessary?
- Mr. Suleiman: It's not necessarily a requirement but it's just something we thought the board might want to discuss.
- Mr. Flower: How does the board feel about that?
- Mr. Marinaccio: I don't feel that's necessary. People will buy that lot if they want it so I don't think screening is necessary.
- Mr. Valdati: I think it's nice to have some greenery.
- Mr. Day: The lot owners can plant as they see fit. To encumber the subdivision with trees I don't know why we want to do that.
- Mr. Marinaccio: What kind of trees you are going to put there?
- Mr. Flower: If you could get some answers to the planner's questions then we will address it at that point.
- Mr. Lynch: Okay, will do.

- Mr. Flower: Peter, do you have any other items to be addressed on the driveway?
- Mr. Hobday: We still have to go over the water and sewer. We've been holding off on that until we got confirmation that this will be a 3 lot subdivision.
- Mr. Horan: The EAF for purposes of the Town Board, is this been treated as a coordinated SEQRA review or the Town Board will have to do a separate SEQRA review? I think it would be easier for this board to be lead agency.
- Mrs. Roberti: I don't think a Lead Agency has been authorized to go out.
- Mr. Marinaccio: Motion to circulate for Lead Agency.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.

**16-3348 – Old Hopewell Commons (Formerly La Fonda Del Sol):** To discuss a site plan application to construct a 4,720 sf. office space, 3,000 sf. bank and 6,320 sf. residential unit buildings with 112 parking spaces on 6.45 acres in an HB Zoning District. The property is located at **Old Route 9N and Old Hopewell Road** and is identified as **Tax Grid No. 6157-02-542585** in the Town of Wappinger.  
(Day)

Present: Dennis Lynch – Engineer  
Mark Day – Engineer

Mr. Lynch: Good evening. Dennis Lynch from M. A. Day Engineering here representing the applicant for Old Hopewell Commons and it was the old LaFonda site. It's on 6.4 acres and located in the HB Zoning District. We were last before the board in July 2016 and we have been back and forth with the Town Board. As part of the proposal we are realigning St. Palmateer Way which used to be Old Route 9. We met with the State and County and they are for that. One issue is the ownership dedication of the right away in the back of the property.

Mr. Lynch continues his overview.

Mr. Day: That previous application that Dennis is talking about is the old LaFonda project. We worked with Morris Associates and one of the agreements that we had reached under that application was to utilize that area as a stormwater basin which will alleviate the current problem on Curry Road. This proposal will utilize that same system and in doing so we will need to file wetlands permit with the Town. I believe we are going to need

some waivers on the separation and that's something we will need to work out with the Town.

Mr. Flower: That's to separate the buffer?

Mr. Day: Yes.

Mr. Flower: Was the buffer shown on the plan?

Mr. Day: No.

Mr. Flower: Sammie, do you have any comments?

Mr. Suleiman: Yes. First was the issue of the subdivision whether a subdivision application would be required, we are deferring to Town counsel.

Mr. Flower: I do believe a subdivision would be required for that one.

Mr. Suleiman: We still have some problems with the building on the north eastern property line.

Mr. Day: The 10 feet?

Mr. Suleiman: Yes.

Mr. Day: We read the code that says you have 10 feet from residential and both these parcels are 8 feet. This piece in front of us and the piece to the northwest are residential and the piece to the west is residential and well beyond 20 feet.

Mr. Suleiman: Are there any alternatives that have been explored?

Mr. Day: There is none. We wouldn't be able to develop the site without holding the code.

Mr. Suleiman: There's the issue about the structure within 200 feet that needs to be shown on this drawing.

Mr. Day: We talked to the surveyor and they have a heavy workload and it's going to take a while. Is it possible to waiver on that and this application has been before the Town a number of times so is it possible to get a waiver on the 200 feet for the buildings that are around us?

Mr. Flower: What's the timeframe you think you can have it? Can a surveyor get there within a month?

- Mr. Day: We think we can make that work.
- Mr. Suleiman: You need to indicate that there's a vegetated buffer.
- Mr. Day: As I mentioned that area is going to be cleared to accommodate for that basin.
- Mr. Suleiman: We just need you to show it on the condition drawings. I believe there are two dates for the delineations.
- Mr. Day: Yes, it was updated.
- Mr. Suleiman: I believe you have 2012.
- Mr. Day: It's 2013.
- Mr. Suleiman: The wetlands condition requires a functionality analysis should be submitted.
- Mr. Day: We have a copy we received from Mike Norwicki so we will submit that.
- Mr. Suleiman: Revision on EAF is required. The remainder of our comments includes the emergency vehicles and those are things we know you guys have forthcoming.
- Mr. Day: What is frontage? I believe Peter brought that comment up. Based on what we read in the code, since we have multiple frontages for some of these, we would like to be able to pick what we've shown is what our setback would be. Does the board decide that? That's a comment that we need to resolve.
- Mrs. Roberti: Mark, you can have more than one front like a corner lot and since this is creating in a sense a corner lot so they would both be fronts.
- Mr. Day: That's not what the code says. The code says the owner gets to pick one which is our frontage.
- Mrs. Roberti: They still have to meet the setbacks for the two fronts. You have to pick a side and a rear.
- Mr. Day: I don't know if it says that.
- Mr. Hobday: Setbacks are the same. One is the front yard and the other is the side yard.

- Mrs. Roberti: Right, it's a designated site but you still have to meet the front yard setbacks.
- Mr. Day: So why wouldn't it be two fronts? That comment came up and I just wanted to be clear.
- Mr. Horan: So of the four sides of the lot you had two fronts and then you had a side and a rear and you get to pick which is the side and which is the rear.
- Mr. Day: As we have it we think we are okay. Peter do you agree?
- Mr. Hobday: The way you are showing it on the plan, yes you are showing the setback line.
- Mr. Horan: There would be two fronts on that.
- Mr. Day: Correct.
- Mr. Horan: The question is you pick it as a side instead of a rear yard setback.
- Mrs. Roberti: So that building that's very close to the line you want that to be your side and that would have your smallest setback.
- Mr. Day: Correct. While we are talking about this, can we be referred to the ZBA for the variance?
- Mrs. Roberti: You will also need to circulate for Lead Agency and that should be done tonight.
- Mr. Day: Okay.
- Mrs. Roberti: If the board is in favor they can give a recommendation to the ZBA for that.
- Mr. Horan: You also have to circulate to the Town Highway Superintendent and the Town Board for the abandonment. Mark, speaking of the abandonment, where is the state jurisdiction and does it go onto that road?
- Mr. Day: There is a strip about 173 feet of Sgt. Palmateer Way was supposed to be transferred to the Town. To our knowledge and based on discussions the County and State, there was 173 feet that was never deeded back or never conveyed to the Town.
- Mr. Horan: Was it abandoned?



- Mr. Day: There's paperwork that said it was but no one can find it.  
Mr. Horan: Is that the 69 paperwork?
- Mr. Day: Yes it is and there is a plat on it but no one can find the conveyance.
- Mr. Horan: There might not be a conveyance from the State. The way the statute is written the order gets sent to the Town Clerk and County Clerk so the order is effective in the conveyance. The other issue is Old Post Road and I don't think title is ever in the County and that road predates the State of New York.
- Mr. Day: Our last meeting was with Greg Bentley, Robert Belkind and others. The way it was left is that Robert Belkind will petition the State through Greg Bentley to release it to the County and the County releases it to the Town. That's the process we are following now.
- Mr. Horan: We need to get the approval from the State and County and Highway Superintendent issues an order discontinuing the highway because it's being moved. We've done this before so you are not a guinea pig.
- Mr. Flower: Peter, do you have any comments?
- Mr. Hobday: No, it's too early in the game to have any detailed issues.
- Mr. Horan: The intent is to convey the new road to the Town?
- Mr. Day: Correct. We are currently working on the Southside Plaza and I just want the board to know there used to be a slip lane that directed you off of Route 9 into that. The only way out of Hark Plaza was to come to this exit. We've now gotten approval for a slip lane to the south.
- Mr. Valdati: Would it be fair to say we will see a map with all of these changes?
- Mr. Day: For this project, yes.
- Mr. Marinaccio: Motion to circulate for Lead Agency.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.
- Mr. Flower: We propose a positive recommendation to the ZBA for the east side of the building for the project.
- Mr. Valdati: Jim, would it be appropriate to wait for some of the items to come in to us before we make a determination to the ZBA?

- Mr. Horan: Do you have the variances noted that you would be requesting?
- Mr. Day: Basically it would be sides and setbacks we don't know yet because we will come back to this board with a site plan at that point. Right now we are assuming a building is going to go there and don't know what side. Right now we would get a variance for the sides of the lot and then we come back to this board for site plan approval for the lot.
- Mr. Horan: Do you have deed work for the boundary line for the property across the street? It's my understanding that they are willing to waive their half of the road you.
- Mr. Day: We did meet with Lee Burns at Toyota and we showed it to him and he said he had no interest in it. We still feel we need a variance even if we had that strip of property. If we get the strip it's less of a variance that we would need but I believe it's prudent to ask for it so we can at least move forward with it.
- Mr. Horan: For purposes of a subdivision application, right?
- Mr. Day: Correct.
- Mr. Marinaccio: Motion for a positive recommendation to the ZBA.**  
Mr. Pesce: Second the Motion.  
Roll Call Vote: Mr. Marinaccio YES  
Mr. Pesce YES  
Mr. Valdati NO  
Mr. Flower YES
- Mr. Flower: The vote failed so you will need to come back with more information.
- Mr. Horan: Whether or not anything goes on that lot you will need a variance.
- Mr. Day: To create that lot you will need a variance.
- Mr. Flower: I understand that so you need to make some other revisions and come back to the board.
- Mr. Valdati: Jim, is it reasonable to get something in writing from Lee Burns that he's not interested in that?
- Mr. Horan: At this stage of the game and unless the County and State agrees to it that would be an all or nothing deal probably. Maybe Lee could put something in writing like a letter.

- Mr. Day: We could try.
- Mr. Horan: The issue is for the road to be moved from where it currently exists a new lot has to be created. That new lot would be substandard under our zoning code. They need the authority to create the substandard lot in order to go forward with the project.
- Mr. Valdati: Barbara, what are your thoughts in creating this substandard lot?
- Mrs. Roberti: For what they are proposing in that they are realigning that road for the safety of the Town it's in the Town's best interest to let them subdivide this. That lot substandard as it maybe by the code is not that unusual to allow other lots in there.
- Mr. Day: We just want to go to the ZBA because we feel that we should do it concurrently with this board. Our only alternative is not to propose the road and I don't think that serves anybody's purpose.
- Mr. Flower: Everybody has been in agreement that moving the road is the beneficial thing for the Town.
- Mr. Valdati: Do we require anything from the Highway Superintendent?
- Mr. Flower: We already received a letter from the Highway Superintendent that he was in favor of it.
- Mr. Horan: We also received something from the County as well.
- Mr. Flower: The State also weighed in on this.
- Mr. Valdati: I wish to withdraw my objection and send this to the ZBA.
- Mr. Flower:** **Motion for a positive recommendation to the ZBA.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.
- Mr. Day: Thank you very much.

**17-3364 / Del-Tra Holdings, LLC (Amended Site Plan):** To discuss an amended site plan for an existing 2,970 sf. office building to a 2,970 day care facility inclusive of a 40' x 70' fenced in play area in an NB Zoning District on .678 acres. The property is located at **210 New Hackensack Road** and is identified as **Tax Grid No. 6259-02-508806** in the Town of Wappinger. (Day)

- Present: Mark Day – Engineer  
Dennis Lynch – Engineer  
Nick DeLuccia
- Mr. Day: Good evening. This project known as Del-Tra Holdings is located on Route 376 near Maloney Road. The applicant is proposing a daycare and a play area to the south and there are just 10 parking spaces on the site. There's going to be approximately 6 people employed and we would like to dedicate these three parking areas here as drop off. That's what we are here to present and get input from the board.
- Mr. Flower: Are there going to be any buses dropping kids off for after school programs?
- Mr. DeLuccia: No, that's going to be basically up through kindergarten.
- Mr. Flower: Sammie, do you have any questions?
- Mr. Suleiman: The biggest issue is still parking because daycare use doesn't have a specific requirement in the code. Some of those questions have been addressed regarding the number of parking. The fence detail for the play area should be shown on the drawings. Also, the play area intersects the tree line so you need to clarify if any trees need to be removed in the process.
- Mr. DeLuccia: We will be part owners in this so we are just not renting the place out.
- Mr. Marinaccio: How many kids are going to be in this school?
- Mr. DeLuccia: Anywhere from 20-30 kids.
- Mr. Marinaccio: How many spots do you have?
- Mr. Day: We did the project over at Hark Plaza and it's pretty similar. The age when they are younger and not in kindergarten, the parents drop off is more sporadic than when you are in school. So you are able to get in and get out and you are not all getting there at once.
- Mr. Marinaccio: There's no guarantee that.

- Mr. Day: No, you are right.
- Mr. Marinaccio: You don't want cars waiting on the road waiting for parents to pull in while others are pulling out to drop kids off.
- Mr. DeLuccia: It could happen I'm not lying to you. We have a wide shoulder there in case something like this happens there's somewhere for them to pull over.
- Mr. Day: There is a signal on Maloney Road so you will get a gap.
- Mr. Valdati: This project has to meet a lot of NYS requirements, right?
- Mr. Day: Correct. We are already in review for that.
- Mr. Valdati: So we will receive copies?
- Mr. Day: Yes, you will.
- Mr. Marinaccio: Is that all the parking you have over there?
- Mr. Day: This is what we are showing but we could expand and if the board wishes we can land bank it.
- Mr. Marinaccio: I just don't think it's enough parking for that period of the day for dropping and picking up.
- Mr. Horan: Can you stack the employee parking?
- Mr. Day: I don't know what the right number of spaces is. It could be an experiment the first month and find out what we need to do to put people where. You just don't know.
- Mr. Horan: Is the entrance of the building protected like having bollards or something? Who issues the permit?
- Mrs. Roberti: We issue the CO but they still need State approval.
- Mr. Day: There's a curb line and the building is pretty well protected.
- Mr. DeLuccia: We have someone who will be running the daily operations and she's working on State approvals.
- Mr. Flower: Barbara, do you have a question.

- Mrs. Roberti: My question has already been answered. I was going to recommend bollards since they come off Route 376 to protect the kids.
- Mr. Day: The nice part about this property is that the playground is well protected and off the road. I don't know what the proper parking is.
- Mr. Marinaccio: I would like to see some land bank parking.
- Mr. Day: How many would you like to see Ralph?
- Mr. Marinaccio: I don't know I just don't want to see 25 cars dropping off kids and I just don't want to see cars on the road waiting to pull in while someone is trying to figure out how to get out.
- Mr. Valdati: Could the planner come up with a parking recommendation?
- Mr. Suleiman: We could certainly look into that once we receive the full breath of information requested to determine how much will be needed.
- Mr. Day: Does the board have any idea on doing a valet where we can back up here? We could create more space that way.
- Mr. Marinaccio: For safety purposes nobody wants to see anybody get hurt.
- Mr. DeLuccia: The advantage of this place is that they have a huge shoulder and sight distance.
- Mr. Flower: You want us to authorize the planner to provide some calculations?
- Mr. Marinaccio: Yes.
- Mr. Flower: We will need that information provided to us.
- Mr. Pesce: Do they have any handicap spots?
- Mr. Flower: Yes, they have it shown on the plan.
- Mr. Marinaccio: All in all I think it's a pretty good idea.
- Mr. Flower: Do you feel they need to put land bank parking in the resolution just in case parking becomes an issue?
- Mr. Marinaccio: I would like to see the stacked parking and then let's see how it goes but I think we should have a provision in there for that.

- Mr. Flower: We need to come up with a reasonable number of parking spaces. What would be a required number for this type of establishment?
- Mr. Valdati: Sammie, do you know what we require?
- Mr. Suleiman: Yes, the number of parking spaces required.
- Mr. Day: Is that something you can send to us at your earliest convenience? This way we can get back on the agenda.
- Mr. Suleiman: I'll send it to you once I get the calculations.
- Mr. Flower: At this point once we get the parking analysis and you resubmit then we will review and move forward.
- Mr. Day: Thank you.

**Architectural Review:**

**17-3366 Hudson's Ribs & Fish Replacement Sign:** To discuss the replacement of an existing 11'9" sign pole for a new 10' sign pole in an HB Zoning District. The property is located at **1099 Route 9** and is identified as **Tax Grid No. 6156-02-690971** in the Town of Wappinger. (Bei)

- Present: Sam Bei – Applicant
- Mr. Flower: Next item is Hudson's Ribs & Fish. I assume that everyone has looked at this application and it looks like it's just to change the sign. They are looking to go from the 24 sf. sign they have now to a 32 sf. sign. It is pretty much the same location as the previous one. What's everyone's feeling?
- Mrs. Roberti: For the board's information, the original sign was 11' 9" and this new sign will be 10 feet so they are coming in conformance with the height. The difference between 24 sf. and 32 sf. while it's a little larger, it's not that much bigger for a sign on Route 9 for a building of this size.
- Mr. Marinaccio: I don't see anything wrong with it.
- Mr. Flower: Okay, we should make a motion.
- Mr. Marinaccio: Motion to approve the new sign.**
- Mr. Valdati: Second the Motion.
- Vote: All present voted Aye.

**17-3367 Salvation Army Thrift Store (Alpine Commons):** To discuss the replacement of circular windows with rectangular windows/expanded rear loading platform/rear doors on 86.8 acres in an SC Zoning District. The property is located at **1357-1404 Route 9** and is identified as **Tax Grid No. 6157-02-707773** in the Town of Wappinger. (Diesing)

- Present: Brandt Cortrillo – Mauri Architects
- Mr. Cortrillo: Good evening. Brandt Cortrillo, Mauri Architects. I'm here for Alpine Commons for a new proposed Salvation Army tenant space. Currently the building has two circular windows which unfortunately are leaking. So part of this application is to replace those windows with two standard store front windows that match the existing. The other part of this application is the expansion of the rear loading to allow trucks to access and load for the Salvation Army.
- Mr. Valdati: Which business is this actually going to take over?
- Mr. Cortrillo: There is currently no one in this space. It's between the craft store and TOPs.
- Mr. Valdati: Okay.
- Mr. Flower: It used to be the old Pay Half store. I don't think there were any comments from the planner or the engineer on this one.
- Mrs. Roberti: This is an architectural review.
- Mr. Cortrillo: We did receive one comment from the Fire Inspector no exiting from the dock area. This is an existing tenant space and it already has two exits, the side and the front. It will not be a required egress there.
- Mr. Flower: As long as those comments are going to be addressed so it's basically us voting on the approval for the change.
- Mr. Pesce:** **Motion to approve the change.**  
Mr. Marinaccio: Second the Motion.  
Vote: All present voted Aye.
- Mr. Valdati: When do you plan on opening this business?
- Mr. Cortrillo: I don't know the exact date unfortunately but I do know that DLC Management is trying to get in as soon as possible.
- Mrs. Roberti: They will need building permits.



Mr. Cortrillo: Right, we will get building permits.

**Extension:**

**10-5155 – Chelsea Farm Subdivision:** Seeking their first one year retroactive extension for final subdivision approval dated 02-01-16 for a 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. This extension is retroactive from February 1, 2017 through January 31, 2018. The reason for this extension 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) (Final subdivision approval 02-01-16)

Present: Dan Koehler – Engineer

Mr. Koehler: Good evening, I'm Dan Koehler of Hudson Land Design we are the engineers for the applicant. This project had received final subdivision approval last year and we are asking for a retroactive extension of that approval while we continue to work on the final and legal documents associated with the conditions of that approval.

Mr. Flower: This time you are looking to get an extension through January 31, 2018?

Mr. Koehler: That's correct.

Mr. Flower: So you think by that time you should have everything in order?

Mr. Koehler: We think so. As it is we have Indiana Bat restrictions for clearing so we won't be able to put anything in the ground anyway for the next 6.5 months.

Mr. Flower: Does anybody have any questions on this?

Mr. Marinaccio: Is this just for approving the extension?

Mr. Flower: Yes, all we are doing is approving the extension.

**Mr. Marinaccio: Motion to approve a one year extension.**

Mr. Pesce: Second the Motion.

Vote: All present voted Aye.

**Miscellaneous:**

**33 Middlebush Road / recommendation**

**Appeal No. 16-7598 (Use Variance)**

**33 Middlebush Road:** Seeking use variance Section 240-37 of District Regulations in an R20/40 Zoning District.

-The applicant intends to utilize the existing 6,766 sf. commercial structure as a contractor's storage facility with accessory offices on 1.75 acres in a Residential Zoning District. The applicant intends to combine the two lots into one to extinguish the property line between parcels. The property was originally purchased with the building on it to renovate and use as a church. The building has been in existence since the 1950s.

The property is located at **33 Middlebush Road** and is identified as **Tax Grid Nos. 6157-01-414840 (.88 acres) and 6157-01-396837 (.87 acres)** in the Town of Wappinger. (Cappelli)

Mr. Flower: The last item here is 33 Middlebush Road. The ZBA is looking for a recommendation from the Planning Board for the variance which is being proposed. Have you guys had an opportunity to look at the application?

Mr. Marinaccio: No, I haven't.

Mr. Flower: Jim, you want to go ahead and tell us about this?

Mr. Horan: This has had various configurations over time and has had various commercial uses over the years. The current owner of the property bought it to put a church in there but for whatever reason the approval was unsuitable for that use. That use is permitted in a residential district. The property is zoned residential. There are other commercial properties in the area and it backs up on the junior high school property. The applicant has made an application for a use variance and because it has been out of use for a period of time it is no longer considered to be a nonconforming use. The prior commercial uses had expired so under the code what would be permitted would be church use, governmental use or residence. In order to grant the use variance the applicant has to determine that they are unable to make a reasonable return on the property for any use that would be permitted in the zone. The applicant submitted to the ZBA how much it would cost to construct a house on the property. One of the issues on that site is septic. It's very difficult to get septic and for all of those reasons it's not a very good site for residential purposes. The applicant is before the ZBA to make some changes to the existing use of the building. There's no proposal to expand the footprint of the building. I believe they will remove the roof and make some changes to the roof of the building. What's proposed is taking the garage door that's currently towards Middlebush Road and removing that and putting the garage door on the side of the building. Any approvals by the ZBA granting the use variance would

require the applicant to then come to the Planning Board for site plan approval.

Mr. Horan continues his overview.

- Mrs. Roberti: This is an enforcement nightmare and this is a residential neighborhood. It is on a busy road and no outdoor storage including trucks would be permitted and it is 6,766 sf.
- Mr. Flower: They are looking for a recommendation from us on how we feel about having three contractors there.
- Mr. Horan: One of things that I think would be difficult for the Town would be restrictions on tenants.
- Mr. Flower: The concern that I would have would be the size of the space. Again, it's a residential area and no one wants to see all of their equipment outside so it has to be kept inside.
- Mr. Horan: The use that was proposed was for contractor storage and no overnight parking would be permitted.
- Mr. Marinaccio: Are they going to have retail sales.
- Mr. Horan: No retail sales. The concern with respect to retail sales was the parking would be too small.
- Mr. Marinaccio: Is that why he's picking up the two lots?
- Mr. Horan: No, he's getting the two lots because it's all or nothing.
- Mr. Marinaccio: We really can't make a decision now until we know what he wants to do.
- Mr. Horan: Right. What's before the ZBA right now is to grant a use variance subject to certain conditions.
- Mr. Flower: If it's for a storage use I don't see the problem with them giving a recommendation. If they want to do it for that then we are okay with it and the subsequent thing was they have to come back to this board to get approval to do whatever they want to do anyway.
- Mr. Marinaccio: Is it going to be called contractor storage? I know every contractor will want to put someone in there with an office.
- Mr. Horan: There would be an office associated with each one.

- Mr. Marinaccio: So he's proposing 5 spots?
- Mrs. Roberti: He says he needs a minimum of three to make this financially viable for his client.
- Mr. Marinaccio: Okay, I understand.
- Mr. Horan: Right now I don't think he's got anybody lined up.
- Mr. Marinaccio: I don't think the septic system will be adequate for 5 businesses.
- Mr. Horan: Ultimately all of those issues will be based on site plan approval.
- Mr. Flower: Right now he's taking his chances at this point and we are just saying that if he wants to get the variance for storage for the building.
- Mr. Marinaccio: I think it has good site distance.
- Mr. Horan: It's my understanding that the County just put in new curb cuts to where they want it.
- Mr. Marinaccio: Barbara, do you know anything about what zoning has to say about the restrictions?
- Mrs. Roberti: I would like restrictions put on from the ZBA before we come here where they can't have unending multiples. It is a big building.
- Mr. Flower: I don't have a problem with it. Does anybody else have an issue with it?
- Mr. Valdati: It's smack dead in the middle of a residential district so it has to conform.
- Mr. Flower: They are before the ZBA to allow the use and it's been allowed in the past but it lost its conformity because the building has been empty.
- Mr. Valdati: They have to coexist with the neighbors and whatever we decide has to have the colors of fitting in.
- Mr. Flower: If everybody is okay with giving recommendation to the ZBA for this then we should put to a vote.
- Mr. Marinaccio: I'm fine with it.
- Mr. Flower: Let the record how that everyone is in favor of the use variance.
- Mr. Horan: This is scheduled for a public hearing on May 9<sup>th</sup> then we will hear what their comments are.

- Mr. Marinaccio: Don't we have to do a site plan on this?
- Mrs. Roberti: Yes, we will have a whole full blown site plan on this.
- Mr. Horan: There was never a site plan on the site.
- Mrs. Roberti: No, because it predates zoning.
- Mr. Flower: I guess that's it then.
- Mrs. Roberti: One more thing. The Town Board has asked that we consider moving our May 15<sup>th</sup> meeting from that Monday because Ms. Jiava is going to give a State of the Town address and wants this room. Unfortunately, when the Town Board picks Mondays to do meetings it causes our consultants to be required to be at their meetings.
- Mrs. Ogunti: We have the Sikh Temple Adjourned Public Hearing on May 15<sup>th</sup> just so you know.
- Mrs. Roberti: This is the one where we fill up the room so everyone knows the date to come back.
- Mr. Marinaccio: So we are going to do it a week later?
- Mrs. Roberti: No, there's no way to reach out to everybody. We could do this in the courthouse and set tables along the inside wall but I just think we might have an overflow of people and we cannot have so many chairs in there. The only thing we could do is put an adjourned public hearing notice in the paper and possibly mail something out to everyone. The work involved in that is quite extensive. Those are your options.
- Mr. Horan: Is there a meeting between now and then?
- Mrs. Roberti: Yes, May 1<sup>st</sup>.
- Mr. Horan: Why don't we talk to the powers-to-be?
- Mrs. Roberti: She will not change the State of the Town.
- Mr. Horan: The other option would be to move the time.
- Mrs. Roberti: They don't start until 7:30pm.
- Mr. Flower: That's going to make it more difficult.

- Mrs. Roberti: This is actually the second time in a month that they have done this. This Monday and now May 15<sup>th</sup>. I'm not sure if the Town Board is not cognizant that our meetings are on Mondays? Maybe a plea to them that if they are going to have another meeting they should pick another day of the week rather than pick a Monday because we are here. It's happening quite frequently that they rent it out on Tuesday to condo boards and blood drives and the ZBA has to go to the senior center. It's hard when you are dealing with subjects that are complex to sit at round tables. It's not set up professionally. It diminishes your authority to be down there.
- Mr. Horan: Peter has just suggested for May 15<sup>th</sup> to do it at the Junior High School across the street which would be the way to go. Technically if it's a full house you can move it.
- Mr. Flower: We never exceeded the limit of the room.
- Mrs. Roberti: We have many years ago. I can ask Lori to check with the school district to see if it's available for May 15<sup>th</sup>.
- Mr. Flower: I will reach out to Lori and speak to her about this.
- Mrs. Roberti: I am going to recommend to the ZBA that they send a letter to the Town Clerk to be cognizant of Tuesday nights.
- Mr. Horan: This room is also used on Tuesday for the court people.
- Mrs. Roberti: Yes, they use this room for overflow people from 5pm-7pm which causes quite a traffic jam with people.
- Mrs. Ogunti: So how are we leaving this?
- Mr. Flower: I will call Lori tomorrow. If there's nothing else let's adjourn.
- Mrs. Roberti: Do you want to spend 5 minutes on 228 Myers Corner Road?
- Mr. Flower: I see it was taken off the agenda.
- Mrs. Roberti: He couldn't come today so we moved it. I just want to give a quick overview. Don Walsh will be here on May 1<sup>st</sup>. So 228 Myers Corner Road is right across from the gas station next to Pete's Deli. They came in a few years ago and this property has a long history. They have an approved site plan and it took them a long time to get that. The bottom line is they are supposed to move the entrance and line it up with DeGarmo Hills Road. Once that's done they are supposed to move their sign and put landscaping along the front. So Don Walsh goes to the DPW and puts

quite a lot of money down in escrow to get his work permit to give them what they wanted. They tell him they are working on a plan and they probably are going to want easement. A couple of years go by and the ownership changes and he keeps going to the County and the County says we are going to give the other guy his money back. Then they say we don't know what we want to do now we are going to take land now but we don't have any money to do it so maybe in 2019. Don is coming in because he doesn't know what to do and wants to end this site plan and bring it to closure. Do you want to give him yearly extensions until the County decides what they want to do or do you want him to keep the driveway where it is now?

Mr. Flower: Maybe give him yearly extensions.

Mr. Marinaccio: He should leave it where it is right now. The County could drag on for 5 years.

Mrs. Roberti: It could never happen. At this point if you let him finish you will have to amend it and you can get landscaping done in the front.

Mr. Flower: Assuming everyone is in agreement we can let him do everything but that and he can do a re-alignment later on.

Mr. Horan: What you would have to do is do an amendment now to show what's there. In essence this existing drawing will be the amended site plan.

Mr. Flower: We want to do it now in case it gets sold and the new owner's says I don't know anything about this.

**Mr. Pesce:** **Motion to adjourn.**

Mr. Marinaccio: Second the Motion.

Vote: All present voted Aye.

**Mr. Pesce:**

Mr. Marinaccio:

Vote:

**Motion to Adjourn.**

Second the Motion.

All present voted Aye.

Adjourned: 8:45 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board