

# MINUTES

**Town of Wappinger Planning Board**  
**May 1, 2017**  
**Time: 7:00 PM**

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

## Summarized Minutes

### Members:

Mr. Flower	Chairman	Present
Ms. Visconti:	Co-Chair	Present
Ms. Bettina	Member	Present
Mr. Marinaccio	Member	Absent
Mr. Pesce:	Member	Present
Mr. Valdati	Member	Present

### Others Present:

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

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## SUMMARY

BMB Real Estate Corp.  
(restaurant to apartments conversion)

Public Hearing waived  
Resubmit

Lands of Magarelli Subdivision

Public Hearing on June 5, 2017  
Town Planner to prepare resolution for preliminary and  
final approval

Del-Tra Holdings, LLC (amended site plan)

Re-submit

**Ms. June Visconti:**                   **Motion to accept the minutes from April 19, 2017.**  
**Mr. Pesce:**                            Second the Motion.  
**Vote:**                                    All present voted Aye.

**Discussion:**

**16-3353 BMB Real Estate Corp. (Restaurant to Apartments Conversion/Formerly Lilliana’s Restaurant):** To discuss a site plan application for the conversion of four apartments from an existing restaurant space on 2+ acres in a GA Zoning District. The property is located at **1639 Route 376** and is identified as **Tax Grid No. 6259-03-482346** in the Town of Wappinger. (Burns)

Present:                                 Steve Burns – Engineer

Mr. Flower:                             Good evening.

Mr. Burns:                             I’m Steve Burns and I’m here with BMB Real Estate. To familiarize you with the project, it is an existing restaurant and banquet area converting into multiple apartments. There are two apartments in the building already. We are just going to add four more apartments to that building. I have addressed circulation to the site and right now cars cut through the site to the Airport Service Road. I have added some lawn areas to the parking lot and those areas will keep traffic from traveling over the existing well. There’s a shared access agreement and I don’t have a copy of that agreement but it appears on the filed map that I provided copies on my last submission.

Mr. Burns continues his review of the project.

Mr. Flower:                             Al, will have to address that.

Mr. Roberts:                            I know it’s shown on the subdivision map.

Mr. Flower:                             Is it satisfactory?

Mr. Roberts:                            I’m somewhat familiar with the site and many years ago I did look at the title and I’m reasonably confident that what’s shown on the subdivision and that site plan is what the easement shows.

Mr. Flower:                             Wasn’t the office supposed to be part of the zoning?

- Mr. Stolman: It's not an office for taking care of the residential property.
- Mr. Flower: If he's using it like he has on the original plan as a real estate office will that be okay?
- Mr. Stolman: That would be fine. Is this proposed to be a real estate office?
- Mr. Burns: It will be either a professional or business office.
- Mr. Stolman: As long as we are clear that it's not an office for the exclusive use of the residential property.
- Mr. Burns: Regarding the playground, I did some further checking into that and I really don't think that it's a feasible alternative. It opens up that door for a lot of issues. Biggest would be the insurance.
- Mr. Flower: Is that a regulation?
- Mr. Stolman: There's no regulation.
- Mr. Burns: There are three playgrounds within driving distance of the location not including the soccer field on Airport Drive across the street.
- Mr. Flower: What are your feelings about the playground?
- Mrs. Roberti: Do they not want a playground there?
- Mr. Flower: He's proposing no playground.
- Mr. Stolman: It's up to you all.
- Ms. Visconti: Is he going to have 6 apartments? Why would you want a playground?
- Mr. Burns: It will be 9 apartments once we are done.
- Ms. Visconti: There's no requirement for landlord to provide playground.
- Mr. Burns: It's not allowed in the GB Zoning District which we are in.
- Ms. Bettina: It's not necessary.
- Mr. Flower: So we can just move the playground from the plan?
- Ms. Visconti: That would be great.

- Mr. Burns: There's a water drainage that runs on the north side of the property and it drains the large area that was cleared for the airport. It drains under the road and it's about 6-8 feet wide.
- Ms. Visconti: David, is it deemed wetland?
- Mr. Stolman: It's questionable.
- Mr. Burns: We are not proposing to work near it.
- Mr. Stolman: You are very far away from it.
- Mr. Burns: We are over 100 feet from it.
- Ms. Visconti: Did the Dutchess County Airport weigh in on everything you are doing?
- Mr. Burns: I haven't heard anything from the Dutchess County Airport.
- Ms. Visconti: Did we determine that a sprinkler system is not needed because Mark Lieberman said it needs a fire alarm and sprinkler system.
- Mr. Burns: Multi-family housing has residential sprinkler system.
- Ms. Visconti: Is it going to be ADA compliant?
- Mr. Burns: Yes, that's the reason the office was moved from the main building to the motel building. I also show two handicap parking spots.
- Mr. Flower: Do you plan on hooking up to the County water line?
- Mr. Burns: If and when it becomes feasible. At this point I don't know what the County is proposing.
- Mr. Gray: They are crossing the road.
- Mr. Burns: The problem is the water course.
- Mr. Flower: Is it definitely a DEC wetlands?
- Mr. Burns: It shows as a water course on DEC maps.
- Mr. Gray: They are not building that water main until it's dried. If you would like I can call them for you.
- Mr. Burns: I got an email from Bridget Barclay but if you want to call you can.

- Mr. Gray: What did she say?
- Mr. Burns: She said that they were going to build it and it would be across the street from our project and it would require going underneath the highway.
- Mr. Gray: Did she give you an idea on the timing?
- Mr. Burns: She basically gave me an open ended idea that the contract was out for bid at the time.
- Mr. Gray: It has since been awarded.
- Mr. Burns: I'll reach out to her again.
- Mr. Gray: I'll be glad to talk to her.
- Mr. Burns: Okay.
- Mr. Gray: I'll let you know but I think it would be wise to put a service in so you'll have it there if and when you need it. Where does the water come in the building?
- Mr. Olah: The well is right where your new proposed landscaping is and it goes to the left into the building.
- Mr. Burns: Is it to the front or the side of the building?
- Mr. Olah: It is to the side of the building.
- Ms. Visconti: Will the existing service remain?
- Mr. Burns: The existing was put there after 2005 after the applicant purchased the property. They put a significant investment into the property and there's a significant amount of electricity at the property.
- Ms. Visconti: So it's going to stay the way it is now.
- Mr. Flower: It won't be worth the expense of putting it in the ground. Are there any other questions for the applicant?
- Mr. Burns: Since we are not really developing the site any further, is there any hope of maybe waiving the public hearing for this site plan?
- Ms. Visconti: Most of the neighbors are already aware of what's there.

- Mr. Flower: There's really no change to the site.
- Ms. Visconti:** **Motion to waive the Public Hearing.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.
- Mr. Burns: So the next thing will be working on getting some approvals.
- Mr. Stolman: It comes down to how many items that were outstanding.
- Mr. Burns: It's the health department, electrical service and fire inspector.
- Mr. Gray: I have already weighed in. Have you had any conversations with the Board of Health? Does the water system have disinfection and chlorination?
- Mr. Burns: I haven't. Everything there is a working deli so it's a commercial site with individuals.
- Mr. Olah: It was just updated two years ago and it cost \$20,000.00.
- Mr. Gray: You should have been operating that way because of the deli and food service. Just get something from the health department that there's no issue or change in use. Actually there were apartments there before.
- Mr. Burns: Yes, there were apartments there 2000.
- Mr. Gray: The public water supplies are in two categories, community and non-community. This was a non-community but it also had apartments in the back.
- Mr. Burns: There are two apartments in the main building.
- Mr. Gray: You should easily be able to get a letter from them.
- Mr. Stolman: So you want that before the resolution?
- Mr. Gray: Yes, I think we should to make sure everything is in order.
- Mr. Stolman: I'm going to wait for you to clean up the site plan.
- Mr. Burns: Okay, I can do that. I'll get that letter and come back to talk to you guys. Thank you.

**17-5182 Lands of Magarelli Subdivision:** To discuss an application for a 1-lot subdivision on 9.67 acres in an R80 Zoning District. The Property is at **233 Smithtown Road** and is identified as **Tax Grid No. 6256-01-114830** in the Town of Wappinger. (Day)

Present: Dennis Lynch – Engineer

Mr. Lynch: Good evening, Dennis Lynch representing the Lands of Magarelli Subdivision. The applicant is proposing to combine three existing lots, Lots 2, 3 and 4. They plan on dissolving the two lot lines creating one large parcel approximately 9.6 acres. As part of the original subdivision approval, there was a location of the driveway. We are shifting that slightly to the south and we did do a sight distance measurement from the proposed location. The speed limit in that area is 30 mph which is required 300 and 350 feet. We are almost twice that in both directions. We are proposing the same location for the well and septic that was approved as part of the original subdivision. We did get comments from the Town Engineer, Highway Department and from the County. The Highway Department had no additional comments and it's not on a County road so they had no comments. So Bob we can go over some of your comments.

Mr. Gray: We would like you to just verify that the septic works for the massive as the elevation. Make sure the fire inspector is happy with the driveway configuration of the sharp curve.

Mr. Lynch: We are in the process of revising the plan to reflect that.

Mr. Gray: Is it a smoother curve?

Mr. Lynch: Yes, it is.

Ms. Visconti: How long is that driveway?

Mr. Lynch: It's just under 500 linear feet. We are showing a pull off area and I believe 500 feet is the cutoff so we are providing it. This is smaller with little disturbance and it is a little steeper.

Ms. Visconti: I see that the Highway Superintendent signed off but he say there seem as though work has been started.

Mr. Lynch: Initially the applicant did submit to the Building Department and there were some initial clearing. Once we were informed we had to come to the Planning Board, we did.

Ms. Visconti: So work was stopped once you came to us?

- Mr. Lynch: Yes. The driveway was cut in and they were trying to locate where the bedrock was to put the foundation but since then there hasn't been any more work done.
- Mr. Gray: What I'm also looking from DPW is what's required and what's proposed in terms of sight distance like a chart or table.
- Mr. Lynch: I'm not on a County road but there was a table on the plan for the sight distance.
- Mr. Gray: Okay I see it. How about the SWPPP?
- Mr. Lynch: Originally it was approved for three lots but we are proposing one.
- Mr. Gray: How much disturbance do you have?
- Mr. Lynch: Don't know off the top of my head.
- Mr. Gray: We can talk about it no sense holding the board up. Just go over our letter. There are no show stoppers.
- Mr. Lynch: We are now showing a shorter driveway than what we were proposing.
- Mr. Gray: With the cross easement, this is a better situation.
- Mr. Stolman: That will need to be distinguished. Dennis, did you see our letter?
- Mr. Lynch: No.
- Mr. Stolman: I'll give this to you. There's nothing earth shattering in our letter. They are all minor things. We are conferencing on whether the public hearing on preliminary plot approval is required for this kind of consolidation.
- Mr. Flower: Do you feel it's necessary?
- Mr. Stolman: Generally a public hearing on preliminary is required and the Planning Board can waive the public hearing on the final since the final plot is substantial with the preliminary plot.
- Mr. Flower: So no matter what there is still a requirement to have a public hearing for this?
- Mr. Stolman: We probably should. It's better to err on the side of caution and I don't think anyone is going to come out for the consolidation of three lots. We can do a resolution and not lose any time that way.



Mr. Flower: We will go ahead and do a public hearing. In the meantime, you still have some corrections to make to the plan. Did you want him to address the areas of disturbance?

Mr. Stolman: Yes, but they are minor things to do.

**Ms. Visconti: Motion to schedule a Public Hearing for June 5, 2017 and authorize the Town Planner to prepare a resolution for preliminary and final approval.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

**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: Dennis Lynch – Engineer  
Ray Travis –

Mr. Lynch: Good evening. Thanks you for placing us back on the agenda for an informal review of the plan. Since the last meeting we did make some revisions to the plan as per some feedback from the board. We did stack the employee parking on this area and we are showing 7 land bank parking stalls so we are providing 5 drop off areas.

Ms. Visconti: I apologize that I wasn't here for the original meeting but I have read my stuff and it happens that when I was away I took my two year old granddaughter to daycare. So I'm very familiar with pick up and drop off because I did it every day for 10 days. I really have a concern with this property. You are going to have 30 children at a daycare facility on Route 376. That's not going to work because I see this to be a very dangerous situation with people going to work. Daycare is for working people so they are going to be dropping off in the middle of rush hour or before rush hour. What is happening to the daycare she goes to is you drive up with your kid in the car and two people come out in a gated access to the school. They take the kid out of the car with her backpack, you sign on a tablet with the code so they can identify whether you are really mom, dad or grandmother before they take the kid. The cars are lined up so I'm not sure where you are going to put them and for 30 kids in one lot. This is a real concern. Do understanding that I'm absolutely for daycare because I was a single mom. You have to come up with a better idea of the pickup and delivery of the children.

- Mr. Pesce: There's no way you can guarantee you are not going to have 10 people coming at ones.
- Ms. Visconti: That site is small and it is not the case that you can drive through.
- Mr. Lynch: It is close to the signal lights and an intersection so we do have breaks where you can go in and out.
- Ms. Visconti: There are just small windows of opportunity.
- Mr. Flower: Was the proposal just a land bank?
- Mr. Lynch: We are showing some land bank parking and stacked parking for employees. Before it was 4 for drop off and we gained 1 additional drop off parking spot. It's our understanding that your office was going to get some possible numbers for parking and I don't know if you had a chance to do that.
- Mr. Stolman: We looked at the IT manual but I think this is lower in priority to what June was talking about.
- Ms. Visconti: What are the hours of the facility?
- Mr. Travis: The hours are 7:00am to 5:00pm.
- Ms. Visconti: Do you have most of the children signed up?
- Mr. Travis: No, we haven't even done that yet pending this approval.
- Ms. Visconti: Most people who will be doing this will have 9am-5pm jobs or 7am-3pm jobs. The amount of time to park the car, take the kid out because some of them will be in car seats. What age group will you have?
- Ms. Visconti: So mom and dad who might have 9am-5pm jobs you will have at least 5 to 6 cars coming in at ones in the site.
- Mr. Travis: We have additional spots plus spaces for them to pull in.
- Mr. Pesce: There's also no guarantee that people are going to conform to the rules of parking.
- Ms. Visconti: This is a safety issue.
- Mr. Pesce: You could create an exit and entrance.

- Ms. Visconti: They have one.
- Mr. Travis: Could we create a loop inside?
- Ms. Bettina: You could have someone come out and take the child so the parent can just leave this way safety is met.
- Ms. Visconti: If your staff unloads the kids so you keep it moving and there will be no backup on Route 376. It's a great thing you are doing and parents need to know that their child is in good hands for the period of time they have to work. I think it's wonderful and I'm a big proponent of that but the site is a problem.
- Mr. Stolman: We've been working on the design.
- Mr. Flower: So you have the numbers from the design manual?
- Mr. Stolman: We were actually talking about moving that curb and having a drive-thru and the southerly curb cut as well with a nice drop off area.
- Mr. Gray: How many employees are you going to have?
- Mr. Travis: About 6 employees.
- Mr. Flower: I think you have some good feedback enough to work with right now.
- Mr. Lynch: Thank you. We will resubmit.

**Miscellaneous:**

**228 Myers Corner Road**

To discuss their approved site plan and issues related to Dutchess County DPW

- Present: Don Walsh
- Mr. Flower: Good evening.
- Mr. Walsh: Good evening, Don Walsh, Development Strategy, White Plains. This is an informal discussion and we've run into a wall. Most likely a letter was submitted to you that I sent to Barbara. I know Mr. Roberts has had discussions with Barbara regarding this matter. When we originally came in with the site plan application, the DPW requested that all of the driveways on Myers Corners Road to line up across the way. DeGarmo

Hills Road is across the road and they want our driveway to line up with that. We changed the plan April 2013 to incorporate that and fully redesigned it. When Mr. Valdati signed the plan we were going to get a highway work permit and we applied for that permit with this board and we didn't hear anything. Fifteen months later we got a request back from the DPW saying they want us to come up with \$11,000.00 which we did and paid that to the DPW. They said they would get back to us with design specs and at that time they were talking about very slight takings along the road to widen it up. In 2015, they told us they changed their minds and they weren't going to take anymore but they were going to do temporary easements all the way up and down the road. They didn't have a map then so they couldn't tell us where we were going. At that point, we did have an offer and we asked to transfer the work permit but they didn't want to do that because they didn't know what the escrow would be. So they gave the escrow back to us and kept application fees. Our concern is we don't want anything to expire. Barbara suggested that I come to tell the board that so it doesn't look like we were falling behind. We've done everything required by the site plan. Mark wants to inspect the last landscaping as soon as it comes in within a month or so. This part we can't do yet with moving the entrance.

Mr. Walsh continues his review of the project.

- Mr. Stolman: What's within the Planning Board's purview regarding the expiration?
- Mr. Walsh: Barbara believes the permit would expire in July 2017 so what we should do is tell the board that right now.
- Mr. Gray: Who is the gentleman you mentioned?
- Mr. Walsh: Jim DeLauria, I have his phone number and email.
- Mr. Gray: I will call him.
- Mr. Walsh: I was wondering if we could consider a two year extension because I don't know what else to do. I'll be happy to work with the board in any way, shape or form.
- Mr. Flower: Nothing has been delivered to us from the County. Maybe you need something from the County saying we are not allowing this work to go on. Have they denied the permit in writing?
- Mr. Walsh: Not at all. The first permit we applied for in 2013 we heard back from them a year and a half later when they asked for the escrow. A year and a half after that they gave us back the escrow by saying we are not ready yet.

- Mr. Flower: Did they give it back because the work has started?
- Mr. Walsh: It was given back because they didn't know that they had to take along the road.
- Mr. Gray: I will look into this and get back to the board.
- Mr. Walsh: Thank you.

**May 15<sup>th</sup> Planning Board Meeting:**

- Mr. Flower: The Town Supervisor has asked that we move our meeting scheduled on May 15<sup>th</sup> due to the State of the Town Address. We are going to be without an engineer, attorney and planner.
- Mr. Roberts: I plan on being here at 7:00pm.
- Mr. Flower: You plan on being here for the first half hour and going over?
- Mr. Roberts: Then I'll have Ian stay for the rest of the meeting. I think Bob and I have to be here for the Sikh Temple adjourned public hearing.
- Mr. Flower: Now we need to see if we should move it.
- Ms. Bettina: I don't think it's a good idea to move it.
- Mr. Gray: There might be some people who won't get the word that it's moved.
- Mr. Roberts: I think there are some other implications to be addressed but I think we should go into executive session for legal advice.

**Ms. Visconti: Motion to go into Executive Session for legal advice.**  
Mr. Pesce: 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.

- Mr. Flower: So we discussed moving the Myers Corners Landing Subdivision from the May 15<sup>th</sup> agenda to the June 5<sup>th</sup> agenda.

**Ms. Visconti:** **Motion to remove the Myers Corners Landing Subdivision and the Smart Subdivision projects from the May 15<sup>th</sup> agenda to the June 5<sup>th</sup> agenda.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

Mr. Flower: Another item we would like to discuss is for the Town Supervisor to provide us with police presence for the Sikh Temple public hearing on May 15<sup>th</sup>.  
Bea, please look into that.

Mr. Valdati: Will it intimidate them having a police officer here?

Mr. Flower: It's just a matter of keeping them under control in case something does happen. Bea, have you heard from Al Cappelli on the questions that were asked the last time?

Mrs. Ogunti: He is working on that. He stopped by today and he's working on it.

Ms. Bettina: Wasn't he supposed to give us feedback from other areas where these temples do exist? Didn't we suggest that he contacts other municipalities where these temples are to get favorable feedback?

Ms. Visconti: I think we asked him to fill the room with positive people.

Ms. Bettina: I know he was supposed to provide us with something.

Mrs. Ogunti: I will call him tomorrow to remind him to have the neighbors come in to speak in favor of the project.

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

Adjourned: 8:30 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board