

# MINUTES

Town of Wappinger Planning Board  
August 07, 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	Present
Mr. Pesce:	Member	Present
Mr. Valdati	Member	Present

### Others Present:

Mr. Horan	Town Attorney
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Dao	for Mrs. Ogunti (Secretary)

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## SUMMARY

### Discussion:

Grace Bible Church Amended Site Plan	Resubmit
DeGarmo Plaza – Dunkin Donuts	Resubmit
Quick Cash of Wappingers	Public Hearing on September 6, 2017

**Ms. Visconti:** **Motion to accept the minutes from July 17, 2017.**  
**Mr. Marinaccio:** Second the Motion.  
**Vote:** All present voted Aye.

**Discussion:**

**17-3369 Grace Bible Church Amended Site Plan:** To discuss an amended site plan application for a two phase project in an R20 Zoning District on 7 acres as follows: Phase 1 to include a 923 sf. building addition, 30' x 24' portico and 24' x 30' garage with 5 asphalt parking spaces. Phase 2 to be completed at a future date to include 4,800 sf. addition and 48 parking spaces. The property is located at **158 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-393242** in the Town of Wappinger. (LRC Group)

**Present:** Nicole Patti – LRC Group  
Ken Casamento – LRC Group

**Ms. Patti:** Nicole Patti from the LRC Group. I'm going to give you a brief description of the project. It's a two phase project. Phase 1 will be the construction of a 720 sf. garage and children's play area and the conversion on an existing shed to covered bench area. As well as a 712 sf. garage portico and a proposed ball field area. Phase 2 will include a 4,800 sf. addition, new parking areas around the building. We are looking to do SEQRA for the project as a whole and site approval for the separate phases. We received comments from our previous submission and are currently working to address those comments.

**Mr. Flower:** Are there any questions from the board?

**Ms. Visconti:** Is a variance needed? The setback is 75 feet and they are proposing 89.8 feet.

**Mr. Stolman:** It is 89.8 feet to the center of the roadway but the front yard setback is from the front property line. Yes, they do need a variance.

**Ms. Visconti:** Okay so we will do a referral for that. Barbara, is the ballfield a permitted accessory use?

**Mrs. Roberti:** Yes, it's just for recreation.

- Ms. Patti: According to the zoning code Attachment 3, the minimum setback from a county or state highway is 75 feet and this is a county road so we went 89.8 feet.
- Mr. Stolman: That measurement is to the center of the roadway.
- Ms. Patti: The second option is from the center line of the other street.
- Mr. Stolman: The way you read that is as if you are measuring from the county or state roadway you only have one option. If you are measuring from another kind of street on a town road, then you have the other options.
- Mr. Casamento: Okay, it's just that we read it as from the center of the street is 75 feet. If that's the interpretation of the board then that's fine we just wanted to understand.
- Ms. Visconti: So you need to go to the ZBA for a variance.
- Mr. Casamento: Okay.
- Ms. Visconti: David, you also pointed out sensitive areas, endangered species.
- Mr. Stolman: If you could follow up on that.
- Ms. Patti: I did actually follow up on that. I have letters here and I have copies if you would like I can pass them out.
- Ms. Roberti: Just give them to Sue and we will bulk it out tomorrow.
- Mr. Casamento: Okay.
- Ms. Patti: There's a letter indicating that there is no impact as well as the mapper from the DEC and the NWY mapper that shows there is no wetlands.
- Mr. Stolman: We'll have time to go through all of that. If the Planning Board so desires to declare its intent to be Lead Agency we will draft that letter and Bea can get it out soon.
- Ms. Visconti: Okay. The only other thing is you say you need the construction management plan as part of the condition if they don't furnish it here?
- Mr. Stolman: Right. They've said that they are going to abide by the construction hours in the code and there won't be any parishioners outside at the same time. I think it would be fine to have as a conditional approval should you grant an approval that a construction management plan be

submitted and meet the satisfaction of the Building Department prior to construction.

Mr. Casamento: Their real reason behind that is that we don't have a contractor on board. In Bob's and David's letter were the comment of having wheel stops for identifying the gravel parking lot. We spoke to the church and they are concerned about doing that because of the plowing in the gravel and when it does snow they would be wiped up and have to be replaced. He does remark them every week so everyone stays in their spot prior to service. We are hoping that would be okay with the board since this is the way it has been for a long time but they said if the board really feels they need them they will work through the board.

Ms. Visconti: I don't know if that's an option.

Mr. Flower: I don't know if that's an option to paint lines every week.

Mr. Gray: They are doing chalk on there. They are not painting, they are proposing chalk.

Mr. Flower: It's nothing permanent so the wheel stop can be put in that's the general idea.

Mr. Casamento: No doubt about that but we were trying to work with the costs in that. If the board strongly feels they would like to see them, the applicant said they would move forward.

Mr. Flower: It has been past practice to have them.

Mr. Casamento: Okay.

Mr. Flower: David, do you have anything else?

Mr. Stolman: They have the whole list and they can use it has a checklist.

Mr. Flower: Bob, you have everything?

Mr. Gray: No but if you have any questions just call me.

Mr. Stolman: Same here.

Mr. Flower: So we have determined that you need a variance to move forward. I guess we need to circulate for Lead Agency?

**Ms. Visconti: Motion to declare our intent to circulate for Lead Agency.**

- Mr. Valdati: Second the Motion.  
Vote: All present voted Aye.
- Mr. Stolman: Don't let the ZBA grant you a variance until they declare Lead Agency.
- Mr. Casamento: That was my next question. When would be the appropriate time for us to submit to the ZBA?
- Mr. Stolman: This will take 30 days to resolve.
- Mr. Casamento: I apologize because I have never been before the ZBA. Is there a public hearing that evening?
- Mrs. Roberti: The problem is even with the Lead Agency 30 days, I don't know how long it's going to take here to get a Neg. Dec. They do two meetings a month. The second one is held up until you can get the Neg. Dec. from this board.
- Mr. Stolman: It's my understanding that the ZBA hasn't wanted to do it that way.
- Mr. Horan: It would be a Type 2 action.
- Mr. Stolman: Even if it's uncoordinated, it's still one action. I don't know what the ZBA's pleasure is.
- Mr. Roberti: They will want to have the discussion.
- Mr. Stolman: It has to be done in an uncoordinated way if the ZBA wants to issue its own Neg. Dec.
- Ms. Visconti: Doesn't the ZBA want some guidance from us whether we are in agreement or not?
- Mr. Stolman: These are two separate things. You can make the recommendation and if the ZBA is comfortable processing this in accordance with SEQRA by itself, this can be done in an uncoordinated fashion.
- Ms. Visconti: How much of a variance is needed? I know 75 feet is needed. How much do they have?
- Mr. Casamento: We have 39.4 feet.
- Ms. Visconti: How do you feel about that?
- Ms. Bettina: They can go without. It's not a show stopper?

- Ms. Visconti: I just don't want them held up.
- Mr. Stolman: If the ZBA is comfortable doing its own Neg. Dec. you would not do a coordinated.
- Mr. Casamento: I think those are the only two approvals we are talking about, right?
- Ms. Visconti: Yes.
- Mr. Horan: If there were other parties involved it would make sense for coordinated.
- Mr. Flower: So it's up to the ZBA if they want to go that route?
- Mr. Stolman: It would be nice to know based upon whether you should do a coordinated Lead Agency procedure or not. If you leave it to the ZBA and you don't do anything tonight you will have to wait until September to find out what the ZBA said then start a coordinated review.
- Mr. Horan: For the purposes of the ZBA review, are we just talking about the portico? So we are just talking about the entranceway?
- Mr. Casamento: It may touch the addition.
- Mr. Stolman: What do you think? Do you think the ZBA is okay issuing its own Neg. Dec?
- Ms. Visconti: Yes.
- Mr. Stolman: If it's okay for the ZBA to be issuing its own Neg. Dec. then you should begin Lead Agency procedure. Did you pass that resolution?
- Mr. Flower: We already made a motion on that.
- Mr. Stolman: You should rescind it then.
- Ms. Visconti: Motion to rescind our intent to circulate for Lead Agency.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.
- Mr. Horan: The benefit to that is if the ZBA for whatever reason declines to grant the variance then they'll know about it soon rather than later and they can go ahead and make whatever changes they need to make.

- Mr. Casamento: We will submit to the ZBA and then come back to the Planning Board to finalize our plans.
- Ms. Visconti: Yes.
- Mr. Casamento: Thank you everyone.

**17-3370 DeGarmo Plaza – Dunkin Donuts:** To discuss an amended site plan and consolidation subdivision application for the conversion of a former bank building into a new Dunkin Donuts restaurant with drive-thru in an SC Zoning District on 5.05 acres. The existing bank is 1,980 sf., the proposed restaurant is 2,132 sf. and 75 parking spaces. The property is located at **235-237 Myers Corners Road** and is identified as **Tax Grid No. 6258-02-759569** (Parcel 1 - 3.948 acres) and 6258-02-781586 (Parcel 2 – 1.106 acres) in the Town of Wappinger. (Scofield)

- Present: Don Petricola – Architect  
Nasser Aqeel – Applicant

Mr. Petricola: Hello, I'm Don Petrocola with Liscum, McCormack, Vanvoorhis of Poughkeepsie representing the application for DeGarmo Plaza – Dunkin Donuts, a subdivision and amended plan review. We are proposing to consolidate two existing lots into one and amend the site plan to convert a former bank building into a Dunkin Donuts. We are proposing 25 parking spaces and we meet zoning requirements on that. We have submitted a full set of drawings, short form EAF, zone change has been approved already and information on signage.

Mr. Petricola continues to give an overview of the project.

Mr. Flower: We have questions regarding signage.

Mr. Stolman: One of the comments we made regarding signage is we got a package that had 17 sheets and there were alternatives but I think the choice was made and the signage hasn't been shown on the plan the way they are actually going to be located. This applicant can use our checklist. There are a number of instances where the sign that's being proposed doesn't comply with the zoning code.

Ms. Visconti: You guys did a great job on the façade. I really love it and I go by there all the time. He has that ugly old sign that he didn't want to give up because it had some benefits.

Mr. Stolman: He came in to do a façade renovation and he didn't want a full job with that. During that process he was encouraged to modify existing

freestanding sign. I think we would like to revisit that because this is going to be a good looking shopping center except for that sign.

- Mr. Aqeel: Excuse me, my name is Nasser Aqeel and I'm the owner of the property. Initially I wanted to change the sign but the new zoning law allowed me 25 sf. for the sign and the existing sign is almost double. It won't be beneficial to any existing tenants that don't want 2" lettering on the sign. I was okay lowering the existing sign which is about 15' down to 10' but compromise in terms of using the square footage for the signage for the tenants. We never reached a compromise in terms of how many square feet I was allowed.
- Ms. Visconti: I was there all the time and truthfully because the building is so close to the road and without my glasses on I can see who is in there. Then I see this ugly 15' sign that you put white paper on.
- Mr. Aqeel: I tried to fix it.
- Ms. Visconti: It just doesn't belong there after the beautiful job you did with the façade.
- Mr. Aqeel: I wish you would tell that to the tenants. If the tenants agree and it's in their leases I'll be more than happy to accommodate.
- Ms. Visconti: You will really need signage for the Dunkin Donuts.
- Mr. Aqeel: I agree and I'm willing to compromise with the Planning Board to change the sign as long as all parties are happy including you guys.
- Ms. Visconti: You did a great job. You have to talk to the professionals to come up with something decent.
- Mr. Aqeel: I submitted a rendering of what the new sign will look like. I think it will look 10 times better but we just have to agree on the square footage allowed.
- Ms. Visconti: You should resubmit it. I think you did a really great job on the plaza and it looks nice. The landscaping on the entranceway looks lovely.
- Mr. Aqeel: Thank you so much.
- Ms. Visconti: I think you are going to do really well with the Dunkin Donuts in that building.
- Mr. Aqeel: I'll be more than happy to resubmit the new signage application for the building and the Dunkin Donuts as well.

- Mr. Flower: Do you have any other questions?
- Mr. Stolman: No show stoppers, list covered.
- Mr. Gray: Are you using the existing septic system?
- Mr. Aqeel: We are using the existing septic and the Board of Health gave me preliminary approval pending town approval and external grease trap. I had to put \$1,500.00 down for external grease trap.
- Mr. Gray: For Dunkin Donuts?
- Mr. Aqeel: Yes. I think it sounds excessive.
- Mr. Gray: It's a paper plate service and they are not cleaning dishes there. I really want to see something from the Health Department saying that they are okay with the septic system for this use.
- Mr. Aqeel: Yes, I'll speak to Mike McCormack.
- Mr. Flower: We have a couple of Dunkin Donuts now in our area. The one on Route 9D is a little different and it fits more in the residential neighborhood. Has the applicant thought about changing things just to fit in with everything around it?
- Mr. Aqeel: Carl is in charge of the construction and he is the best person to answer that question.
- Mr. Cruz: Hello, my name is Carl Cruz and I work with Dunkin Brands. The reason we went with this design is it's our national design and we like to have all brand images included in the design. The building lends itself to our design. If we were to modify the building to look more like what you see on Route 9D, just the costs would be a problem in developing this project.
- Ms. Bettina: Yes, I understand that but we have a lot of Dunkin Donuts in this county and not many of them are like this. We have quite a few in Hyde Park, Poughkeepsie and one in the Village of Wappinger. This is Dutchess County and this is something you would see in Manhattan. Other owners have changed to conform to the area. So I don't know what kind of costs constraints you are working out.
- Mr. Cruz: This is going to be a corporately developed site.

- Ms. Bettina: I understand that, you have a brand. Again, brands have changed.
- Mr. Stolman: If I remember correctly, the one on Route 9 was retrofitted with some nice detail.
- Mr. Cruz: There's one in Wappinger that looks exactly like this one.
- Mrs. Roberti: This looks like the one in the village.
- Ms. Bettina: No, they did the one in the village over.
- Mr. Flower: That's the Village of Wappinger and that's a different area.
- Mr. Cruz: Just as a reference point, this particular store even though it's not in this town is almost exactly to what this store is going to look like.
- Mr. Flower: That's also surrounded by other commercial properties. It's on Route 9 and every other property that borders it is a commercial property and not residential.
- Ms. Bettina: This isn't Paramus, that's what I'm trying to say.
- Mr. Flower: That's right.
- Ms. Bettina: I'm being really serious. A lot of people that are coming in talking about their brands and what they want to bring in, we are trying to keep a certain look.
- Mr. Cruz: We have high profile towns like Princeton that we have these stores.
- Ms. Bettina: We have profile towns too like Rhinebeck.
- Mr. Petricola: If it says Dunkin Donuts on it everybody knows what it is regardless of what it looks like. People are going to go to it because they need Dunkin Donuts.
- Mr. Cruz: One thing that's very important to Dunkin is the brand image and it is nationally recognized. The one we just referred to has very limited details. So what we would like to do is incorporate our image to compromise to what you are looking for. There's also a cost impact to retrofit the existing vent and keep and maintain that footprint.
- Ms. Visconti: Since that plaza is already looking so nice, why can't you at least put façade on that bank facing Myers Corners Road? You are not going to see the sides since you are going to be putting buffering between the

Jenson's house and the bank. You could also incorporate some on the roofline from the existing plaza. That shouldn't be problematic since you are retrofitting the building anyway. What kind of roof is it?

- Mr. Cruz: It's a flat roof. Because the store is set back, it needs to have visual image for people to see it.
- Ms. Visconti: My original thought look at it was it looks like a UPS Store.
- Ms. Bettina: This is not going to blend.
- Mr. Cruz: So the takeaway is you want the roofline changed but the colors can remain.
- Ms. Visconti: That's your signature color so I understand because I'm in business and you pay a lot of money to get that branding.
- Ms. Bettina: Is this the color you use for all your Dunkin Donuts?
- Mr. Cruz: Yes.
- Ms. Bettina: The one on Route 9D is yellow.
- Mr. Cruz: Correct.
- Ms. Bettina: So how did that happen?
- Mr. Cruz: Good question. That should not have happened. These are our colors.
- Ms. Bettina: How did that change?
- Mr. Cruz: That may have been a compromise at one of the planning meetings with the franchisee and he may have agreed to do that without our permission. I think he overstepped a little on that?
- Conversation continues.
- Ms. Bettina: You said something about the air filter on the top. That's very important because the one on Route 9D put theirs on afterward and it's not attractive.
- Mr. Cruz: Is that the new location they are building on Route 9D?
- Ms. Bettina: Yes, it's the yellow building and you can see it a mile away and that's not attractive.

- Mr. Cruz: Okay, we will make those adjustments and come to the next meeting.
- Mr. Stolman: This could conceivably go to the ZBA for some signage variances but we don't know that yet.
- Mr. Flower: Okay so you need to resubmit to the board.
- Mr. Cruz: Thank you.

**17-3371 / 17-4075 Quick Cash of Wappingers:** To discuss a Special Use Permit application for a pawn shop business in an HB Zoning District on 2 acres. The property is located at **1315 Route 9** and is identified as **Tax Grid No. 6157-04-567483** in the Town of Wappinger. (Bouninfante)

- Present: Paul Sassano – Quick Cash of Wappingers
- Mr. Sassano: Good evening. My name is Paul Sassano from Quick Cash of Wappingers. We are moving from our current location to the new location.
- Ms. Visconti: What is the special use permit for?
- Mr. Stolman: This is a use which in this zone requires a special use permit.
- Mr. Flower: It's basically a formality at this point and it's just the way the zoning code is written. According to the zoning code, we have to have a public hearing. We can schedule that for September 6<sup>th</sup>.
- Ms. Bettina: Can we waive it?
- Mr. Flower: We looked into waiving before the meeting and unfortunately we cannot. There's no exception. If it was a site plan approval, we could waive it but because it's a special use permit we cannot waive it.
- Ms. Visconti: Is there anything else we need to do besides setting the public hearing?
- Mr. Stolman: No.
- Ms. Visconti: Motion to set the Public Hearing on September 6<sup>th</sup> and authorize the Town Planning to prepare a resolution.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

- Mr. Cruz: We cannot move forward with anything else until then?
- Mr. Flower: No you cannot. Unfortunately, you have to wait. We will hold the public hearing on September 6<sup>th</sup> and assuming there is no issue at that time we will authorize the resolution to be signed.
- Mr. Cruz: Okay. Thank you.

**Miscellaneous Discussion:**

Dunkin Donuts

- Mr. Stolman: I thought the color was going to be brown?
- Ms. Bettina: I don't remember approving yellow.
- Mrs. Roberti: I will check the plans tomorrow.
- Ms. Bettina: Honestly, people have said to me why is it yellow?
- Mr. Flower: It stands out.
- Ms. Bettina: Why do they have all that grass there?
- Mrs. Roberti: There were a lot of wetlands so they moved some away and the whole site got turned over and they had to replant the grass and stabilize it. A lot of landscaping has to be done. They don't have their DOT permit yet and they can't open until that right hand turning lane is done and approve.
- Ms. Bettina: I was very curious how that turned from tan to yellow.
- Mr. Stolman: I think the approved elevations were brownish tan.
- Ms. Bettina: They kept that color.
- Mr. Flower: They have to change the color to whatever it was approved for. Why we are on the subject Bob, what's going on with the highway work? Have you heard anything?
- Mr. Gray: It has not been finalized. We issued a building permit. Normally, we would have a letter from DOT stating they are going to issue a permit. We didn't have it so we made the applicant sign something that said they would be building at their own risks.

- Mrs. Roberti: Because they had conceptual permit.
- Mr. Gray: A CO will not be considered without having DOT signoff.
- Mrs. Roberti: I saw a sign on the Dunkin Donuts here on Route 9 that they are hiring in May. You are hiring people and you are not ready to open. I reminded the owner of the property that we will not issue a CO until DOT signs off.
- Mr. Flower: I know that's the only holdup on it.
- Mrs. Robert: The owner was in my office the other day and he said they denied the plans that were there and that the engineer was working on a revision.
- Mr. Sassano: Excuse me, do you have to do anything for the public hearing?
- Mrs. Roberti: Yes, tomorrow have someone call Bea, our secretary. We don't normally prepare the public hearing because we don't know what they are going to say in advance.
- Mr. Sassano: Okay, I will have somebody call tomorrow. Good night.
- Mr. Gray: We are trying not to do that during school. The idea is to not do that when the school is open and the buses are on the road. It's bad enough on Route 9D.
- Ms. Bettina: I have a question, I went by Mini today and there's a cover over the car that's black.
- Mrs. Roberti: I saw that the other day.
- Ms. Bettina: They haven't had four cars out there either.
- Mrs. Roberti: They have at times because I've been watching it. I called them up because sometimes the car is there for 5 days and the next time it's gone. The car that goes in and out is a sellable car.
- Ms. Bettina: That's not our problem.
- Mrs. Roberti: I know.
- Mr. Flower: Anything else?

**Ms. Visconti:**

Ms. Bettina:

Vote:

**Motion to Adjourn.**

Second the Motion.

All present voted Aye.

Adjourned: 7:50 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board