

# MINUTES

**Town of Wappinger Planning Board**  
**August 17, 2009**  
**Time: 7:00 PM**

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

## Members Present:

Mr. Fanuele:	Chairman	Mr. Kickham:	Member
Mr. Pinto:	Member	Ms. Leed:	Member
Mrs. Smith:	Member	Mr. Valdati:	Member

## Others Present:

Mr. Gray,	Engineer to the Town
Mr. Roberts,	Attorney to the Town
Mr. Landler,	Acting Planner to Town
Mrs. Lukianoff,	Zoning Administrator
Mrs. Roberti,	Secretary

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## SUMMARIZED

### PROJECTS DISCUSSED:

### OUTCOME

## **Discussions:**

Hunt Subdivision	-Granted final subdivision approval as amended.
Mid Hudson Chinese Church	-September 21 <sup>st</sup> , 2009 to vote on site plan.
MegTam Subdivision	-To resubmit.
BVM Builders Inc.	-September 9, 2009 to vote on site plan.
Spooge, Inc.	-Public hearing on September 9, 2009.
Zeller Subdivision	-Public Hearing on September 9, 2009.

## **Extensions:**

Mid Hudson Chinese Church	-Accepted a 90-day extension on their closed PH.
Henshaw Subdivision	-Granted first 90-day extension on final subdivision approval.
Baisley Site Plan	-Granted one year extension on signed site plan.
Van Benschoten Site Plan	-Granted one year extension on signed site plan.

## **Conceptual:**

Swenson Subdivision	-To submit a formal subdivision & study SW.
Hughsonville Fire Dist.	-To re-submit site plan.

**Mr. Valdati:**           **Motion to approve the minutes for July 6, 2009.**  
**Mr. Kickham:**        Second the motion.  
**Vote:**                 All present voted aye.

**09-5149 / Hunt Subdivision.** To vote on preliminary and final approval for a 2 lot subdivision on 33.94 acres in an R-40 Zoning District. The property is located **1061 Route 376** and is identified by **Tax Grid No. 6358-03-414490** in the Town of Wappinger. (Gillespie)

Present:                Amy Bombardieri:   Engineer

Ms. Bombardieri:     This is a 2 lot subdivision where we are breaking off 2.5 acres and leaving 31 acres for the main house. There are DEC wetlands on one side with a small portion of ACOE wetlands. *Explained on the map where wetlands were located.*

Mr. Gray:             There is a small piece of land not owned by anyone, its unclaimed land.  
  
Discussion followed.

Mr. Fanuele:         There seems to be a lot of comments left still.

Mr. Gray:             The DCHD has some minor comments left.

Ms. Bombardieri:     Balance of comments will be taken care of before plat is signed.

**Ms. Leed:**           **Motion to approve the resolution as written.**

Mr. Valdati:         Second the motion

Roll call:             Mrs. Smith           Aye.  
                          Ms. Leed:            Aye.  
                          Mr. Pinto:           Aye.  
                          Mr. Kickham:        Aye.  
                          Mr. Valdati:         Aye.  
                          Mr. Fanuele:         Aye.

Ms. Bombardieri:     Thank you.

**08-3166 / Mid Hudson Chinese Christian Church** – To discuss a proposal for a new two-story 5,600 sf building which would be 2,400 sf for a gymnasium and 3,200 sf for classrooms/office in an R-40 zoning district on 4.04 acres. The property is located at **306 All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-966715** in the Town of Wappinger. (Bodendorf)

Present:                Jon Bodendorf        Engineer

Mr. Bodendorf:       We are just about there in accordance with the review letter. David is not satisfied with the plantings along All Angels Hill Road. This is a church and to put 12 shrubs between trees is a lot. It totals 72 shrubs.

- Ms. Leed: I think 12 shrubs total will be enough.
- Mr. Bodendorf: Thank you that's great.
- Mr. Gray: I have spoken with the neighbors and the situation on the hillside and find that it is not coming from the church. I have gone out twice during the recent heavy rains.
- Mr. Kickham: The FPB has questions about the width between the buildings.
- Mr. Bodendorf: We will follow up with the FPB and we will also address one of the county's comments. They want us to stripe the lot so we will look into that.
- Mr. Gray: Where do you stand with the DCHD?
- Mr. Bodendorf: That still needs to be done. On page 3 of 4 of the county's comments regarding parking spaces, we are land banking 22 spaces and providing 118 now.
- Mr. Fanuele: Are we close to a resolution of approval?
- Mr. Gray: We need a strong letter from the HD before an approval.
- Mr. Valdati: We authorize a resolution of approval to be written.**
- Mrs. Smith: Second the motion.
- Vote: All present voted aye.
- Mr. Bodendorf: Thank you. We will be back September 21, 2009.

**04-5093 / Meg Tam Subdivision** – To discuss final approval for a 8 lot subdivision on 90 acres in an R-80 zoning district The property is located between **Smithtown Road** and **Cooper Road** is identified as **Tax Grid No. 6156-02-978818** in the Town of Wappinger. (Povall ) (PH: 1-19-05)(Closed PH 3-17-08)(Preliminary Approval granted on 4-21-08)

- Present: Bill Povall - Engineer
- Mr. Povall: We received the preliminary approval from the HD as that was our big hurdle. We did test holes on lots 1,2 & 6 and achieved 5 gallons per minute. Our tests show no significant impact so we are here requesting final approval.
- Mr. Kickham: Did you do a test hole down here?
- Mr. Povall: This is not our lot. We tested across from lot 1 which is just 60 feet and we did ok.
- Mr. Fanuele: Are the driveways 18 feet wide?
- Mr. Povall: During review with the board I thought we decided on 16 feet wide. I have plenty of room to increase the driveways.

- Mr. Roberts: The PB can't waive that Bill. They must be 18 feet wide.
- Mr. Fanuele: Where do they put their garbage?
- Mr. Povall: Down on Smithtown Road.
- Mr. Valdati: I'm satisfied as long as the driveways are changed to 18 feet wide.
- Mr. Gray: I think we should wait to hear from David regarding the trees before we move forward. He wanted them tagged.
- Mr. Fanuele: Ok we will wait for David. In the meantime resubmit the driveways at 18 feet wide.
- Mr. Povall: Thank you.

**07-3136 / BVM Builders Inc.:** The applicant is seeking approval for the construction of a professional office building on 5.07 acres in a CC zone. The property is located on **9D (next to Stewart's)** and is identified as **Tax Grid No. 6056-02-783920** in the Town of Wappinger. (Bodendorf)

- Present: Jon Bodendorf - Engineer  
John Mirabillio - Applicant
- Mr. Bodendorf: We feel we are ready for a resolution of final approval at this point. The HD is ready to sign off and we have our approval from the DOT. David wants the US Fish and Wildlife Service to sign off on Bog Turtles. They have referred us to their website due to under staffing. If David likes we can put some notes on the map. David wants screening but you can't see this property from the side.
- Mr. Fanuele: Put some plants in though.
- Mr. Kickham: What about signage?
- Mr. Bodendorf: My client doesn't have a tenant yet.
- Mr. Landler: Then put a note that he will need to come back for the sign.
- Mr. Valdati: Motion to authorize the planner to write a resolution of approval.**
- Mr. Pinto: Second the motion
- Vote: All present voted aye.

**09-3178 / Spooge, Inc.:** To discuss construction of an office building totaling 3,168 sf. The building will be a two-story office building consisting of 1,152 sf on each floor and an attached garage that will be 864 sf and used for office and storage space. The lot is in the HB zoning district and the acreage is .27. This is located at **684 Old Route 9No.** and is identified as **Tax Grid No. 6157-02-602780** in the Town of Wappinger. (Povall)

- Present: Bill Povall - Engineer  
Paul Pilon - Architect  
Michael Witkowski - Owner

- Mr. Povall: We have submitted a full plan and we have obtained a variance for the lot width and side yard setback. We have presented a number of layouts and this is the one the PB seems to prefer.
- Mr. Pilon: The building elevation is 29 feet to the mean of the roof. The building will be hardy plank and the lower level will be finished in cultured stone.
- Mr. Fanuele: What about the antenna?
- Mr. Pilon: There is an exterior cutout for buffering and we will show it to you at the next meeting.
- Mr. Fanuele: Did you see David Stolman's comments?
- Mr. Pilon: Just a few minutes ago.
- Mr. Gray: I believe the next step is a public hearing.
- Mr. Povall: Since we have shown that we can fit all the parking spaces, can we land bank a few? This is a security company so they don't have walk-ins and traffic is very minimal.
- Mr. Fanuele: Land bank one or two.
- Mr. Gray: Just the one up front.
- Mr. Fanuele: Is everyone ok with that? (Yes.) We will schedule your public hearing for September 9, 2009.**
- Mrs. Smith: So moved.
- Mr. Valdati: Second the motion
- Vote: All present voted aye.

**09-5150/ Zellar Subdivision:** To discuss a 3 lot subdivision on 16.124 acres in an R-40 Zoning District. The property is located on the **NE – NW side of Maloney Road** and is identified as **Tax Grid No. 6259-02-840815** in the Town of Wappinger. (Barger)

- Present: Steve Burns - Engineer
- Mr. Burns: This parcel has three existing homes on 16.124 acres. The applicant would like to subdivide these lots but none of them meet current front yard setbacks.
- Mr. Fanuele: Do they need variances?
- Mrs. Lukianoff: All the homes have CO's and are legal.
- Mrs. Smith: Because they don't meet zoning are these grandfathered?
- Mrs. Lukianoff: I wrote a letter regarding that at the conceptual stage.
- Mr. Landler: Will the PB require a note that no further subdividing will be allowed on the larger 9.9 acre lot?

- Mr. Burns: 80% of that lot is out of the floodplain and could possibly be 4 lots.
- Mr. Roberts: You have the right to have them show you how they plan to subdivide.
- Mrs. Lukianoff: I noticed on notes of older maps that notes have been placed without PB approval.
- Mr. Fanuele: You don't have to show future subdivisions now. Are we ready for a PH?
- Mr. Landler: Yes.
- Mr. Fanuele: We will set your PH for September 9, 2009.
- Mr. Burns: Thank you.

**08-3166 / Mid Hudson Chinese Christian Church.** The applicant is granting a 90-day extension on the closed public hearing that took place on June 15, 2009. This extension would begin on August 17<sup>th</sup>, 2009 and end on November 15, 2009. The applicant is seeking approval of a proposal for a new two-story 5,600 sf building which would be 2,400 sf for a gymnasium and 3,200 sf for classrooms/office in an R-40 zoning district on 4.04 acres. The property is located at **306 All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-966715** in the Town of Wappinger. (Bodendorf) (PH open & Closed on June 15<sup>th</sup>, 2009)

- Mr. Kickham: Motion to accept their 90-day extension for the closed public hearing.**
- Mr. Valdati: Second the motion
- Vote: All present voted aye.

**07-5128 / Henshaw Subdivision** – Asking for their first 90-day extension on final subdivision approval on a 3 lot subdivision on 19.4 acres in an R-40 Zoning District. This extension would run from September 1, 2009 through November 30, 2009. The property is located at **425 All Angels Hill Road** and is identified as **Tax Grid No. 6357-03-088161** in the Town of Wappinger. (Bodendorf) (The public hearing opened and closed on May 21, 2007 and Preliminary Subdivision approval was granted on June 4, 2007, Final approval on May 19, 2008. Received amended final approval on February 2, 2009.)

- Mr. Kickham: Motion to grant their first 90-day extension on final subdivision approval.**
- Mr. Valdati: Second the motion
- Vote: All present voted aye.

**03-3076 / Baisley Site Plan** – Requesting their first one year extension – final site plan approval that would run from September 2, 2009 through September 1, 2010. The property is located at **110 Airport Drive** and is identified as **Tax Grid No. 6258-02-654522** in the Town of Wappinger. (Gillespie) (This project was signed by the Chairman on September 2, 2008.)

- Mrs. Smith: Motion to grant their first 1 year extension on final site plan approval.**
- Mr. Kickham: Second the motion
- Vote: All present voted aye.

**03-3075 / Van Benschoten Site Plan** -- Requesting their first one year extension on final site plan approval that would run from September 2, 2009 through September 1, 2010. The property is located at **110 Airport Drive** and is identified as **Tax Grid No. 6258-02-644502** in the Town of Wappinger. (*Gillespie*) (*This project was signed by the Chairman on September 2, 2008.*)

**Mr. Kickham:** Motion to grant their first 1 year extension on final site plan approval.

Mr. Valdati: Second the motion

Vote: All present voted aye.

**09-5151 – Swenson Subdivision:** To discuss an nine lot subdivision on 7.56 acres in an R-20 Zoning District. The property is located on New Hackensack Road and is identified as Tax Grid No. 6158-02-948876 in the Town of Wappinger. (*Spectra*)

Present: Andrew Learn - Engineer

Mr. Learn: I believe this was Kabloui the last time.

Mr. Roberts: Yes back in the 80's it was contingent on easements.

Mr. Learn: They have the fundamental right to discharge across properties.

Mr. Roberts: You do not have that right.

Mr. Fanuele: Back in the 80's they could not get HD approval for the septic.

Mr. Learn: We realize we may lose one lot. We are looking to put in a detention pond on the lot next door as all these lots are owned by Mr. Swenson.

*Discussion followed.*

Mr. Fanuele: From a conceptual point of view study the drainage.

Mr. Gray: The SW needs to be studied as well.

Mr. Fanuele: Take the next step in the process.

Mr. Learn: Thank you.

**09-3192 / Hughsonville Fire Department** – To discuss a proposed four-bay storage building for the Fire District's equipment. The property is located at **88 Old Hopewell Road** and is identified as **Tax Grid No. 6157-01-075577** in the Town of Wappinger.

Present: Wade Silkworth - Engineer  
Bruce Flowers - Hughsonville member

- Mr. Silkworth: This is a fairly simple garage project. The fire house is looking for a four bay building for their equipment. There will be no impact on water or sewer and this is located on Old Hopewell Road in an R-20 zone. The lot will lose 10 spaces and the doors will face the existing parking lot.
- Mr. Fanuele: The next step will be a site plan and public hearing.
- Mr. Gray: Did you talk to the health dept. regarding a sand filter? Get there early on because they didn't allow Chase Bank to use a sand filter.
- Mr. Silkworth: The sand filter was removed in the 70's to a new septic. I will show that on the next plan. Thank you.
- Mr. Kickham: Motion to adjourn.**  
Mr. Pinto: Second the motion.  
Vote: All present voted aye.

The meeting ended at 9:10 p.m.

Respectfully submitted,

Barbara Roberti, Secretary  
Town of Wappinger Planning Board