

MINUTES

Town of Wappinger Planning Board
March 21, 2011
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mr. Malafronte:	Member
Mr. Valdati:	Member	Ms. Bettina:	Member
Mrs. Smith:	Member	Ms. Leed:	Member

Members Absent: Ms. Visconti: Member

Others Present:

Mr. Gray,	Engineer to the Town
Mr. Roberts,	Attorney to the Town
Mr. Stolman,	Planner to Town
Mr. Volkman,	Conflict Attorney
Mr. Bolner,	Conflict Engineer
Mrs. Roberti,	Zoning Administrator
Mrs. Dao,	Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Scorin' (former Van Benschoten Site Plan) - Public Hearing, Discussion 4-18-11.

Discussions:

Adams Fairacre Farms	- Approved resolution as amended.
Chelsea Farm Subdivision	- Resubmit after applying to the Town Board
Hilltop Village at Wappinger	- Voted to approve scoping document as amended.

Executive Session:

Mr. Valdati: **Motion to go into executive session.**
Ms. Bettina: Second the motion.
Vote: All present voted aye.

Mrs. Smith: **Motion to come out of executive session.**
Ms. Leed: Second the motion.
Vote: All present voted aye.

Public Hearing:

10-3218 / Scoring (former Van Benschoten Site Plan) - To discuss their site plan and Special Use Permit for an indoor commercial recreation facility on 3.81 acres in the AI Zoning District. The property is located on **Airport Drive** and is identified as **Tax Grid No. 6259-02-644502** in the Town of Wappinger. (**Gillespie**)

Present Richard Canter Attorney
 Mike Gillespie Engineer

Ms. Bettina: **Motion to open public hearing.**
Mr. Malafronte: Second the motion.
Vote: All present voted aye.

Mr. Fanuele: Are the mailings in order?

Mrs. Dao: Yes they are.

Mr. Canter: My apologies on behalf of my client. Improvements have been made to the building prior to the issuance of a building. A stop work order has been issued. A notice of violation has been filed. My client will have to deal with the consequences. My client has existing approvals and built the shell of the building pursuant to a building permit. We jump started the next level by installing a heating system and netting which shouldn't have been done until we received approvals for amended use. We will straighten it out with the building department and Mrs. Roberti. I'm sure my client will pay a penalty. I'm here with Mr. Van Benschoten, Mr. Mealy and Mr. Gonzalez. For economic reasons my client decided to change the use for a sports facility.

Mr. Fanuele: Is there anyone from the public that would like to make any comments? Seeing no one, Mr. Gillespie you can speak.

Mr. Volkman: I just want to mention I am the attorney representing the town due to Mr. Roberts having a conflict.

- Mr. Gillespie: We were before the board a few weeks ago we spent a lot of time on the traffic issues. We also talked about the parking, proposing to bank 16 spaces in front of the building. We want to enhance the pedestrian traffic. The sidewalks are now proposed on the sides of the building. We do not want to encroach on the wet lands. There will be one way traffic around the perimeter. We shifted parking spots which allowed for a new walkway and standing area outside traffic area for safety. There will be a freestanding sign. (showing the board a photo) The building allows for one sign. It is in conformance with the town code. Landscaping was addressed.
- Mrs. Smith: Was the traffic study done yet?
- Mr. Gillespie: The traffic study was prepared for another use. We took it and compared numbers and tried to justify traffic. Peak evening hours the amount of cars increased to about 15. Peak morning there is nothing because this will not be open on the morning hours. The left hand turn from lane coming out of Airport Drive will be adding 9 more cars making a left.
- Mr. Canter: Last meeting there was substantial talk over traffic. The board last meeting agreed a traffic study wasn't necessary. Mr. Stolman concurred with the information.
- Mr. Stolman: There doesn't have to be a full blown traffic study but there needs to be additional information. We want our traffic engineers will review the study.
- Mr. Canter: Is there anything we haven't addressed yet?
- Mr. Stolman: After we review the next submission, we will see.
- Mr. Canter: Based on what we have, is there anything the board wants us to clarify?
- Mr. Fanuele: There is an issue about moving the refuse enclosure.
- Mr. Stolman: You've responded to many of our issues.
- Mr. Gillespie: We contacted Royal Carting. The pick-up time is 7:00am. Not many cars will be there. We angled the refuse to make it easier.
- Mr. Fanuele: Will the truck go around the building?
- Mr. Gillespie: Yes, we'll get a turning radius to show you.
- Mr. Stolman: We need a new set of plans.
- Mr. Gillespie: Will the board let us have a public hearing?
- Mrs. Smith: We talked about the issue with six signs on the building but now only having one.

- Mr. Canter: Yes, there is only one sign.
- Mrs. Smith: How big is the sign?
- Mr. Gillespie: The free standing sign is 72 feet by 48 feet, about 24 square feet. Building mounted sign is 18 feet by 3 feet, about 54 square feet.
- Mr. Canter: The applicant and owner should be JVB Group LLC., not Scorin. Can we be placed on the agenda on April 18, 2011? Thank you.
- Mrs. Smith: Motion to open public hearing.**
- Mr. Malafronte: Second the motion.
- Vote: All present voted aye.
- Ms. Bettina: I prefer Mr. Stolman be present when Scorin comes in to town board.
- Mr. Fanuele: If we don't like what we hear or have issues, we don't have to make a decision.

Discussions:

10-6016PP / Adams Fairacre Farms – To vote on draft resolution for amending their approved site plan. The property is located at 12.84 acres in an HB/HD Zoning District. The property is located at **152, 154 & 158 Old Post Road** and is identified as **Tax Grid Nos. 6157-04-649374/614375/649335** in the Town of Wappinger.
(Tinkelman)

Present	Robert Turner	Architect/Engineer
	Mike Augello	Construction Manager

- Mr. Turner: First I'd like to go over the changes to the building. Referring to the maps, Red lines are things taken out. Blue lines are additions made to the floor plan. The footprint was made smaller. Adams added offices and a conference room on the second floor, which has increased the square footage. We base our parking lot calculations on the overall use area to a total of 337.3 parking spaces. The second floor is 2,657 square feet.
- Mr. Valdati: What is the designated use for the second floor?
- Mr. Turner: Those are spaces for the future if we need to expand.
- Mr. Valdati: If you anticipate an expansion you should also anticipate the parking.
- Mr. Turner: With trusses it can't be used as rooms. 2,281 square feet would be added. We do not want to go for a variance. Right now the owner doesn't see a need for the space. An elevator would be a great expense.

- Ms. Leed: Is there an elevator?
- Mr. Augello: No elevator at this time. Without spending extra money we can put in the extra floor plan.
- Mr. Turner: The parking area is highlighted on the map.
- Mr. Stolman: How would you normally construct the second floor? Poured concrete floor?
- Mr. Augello: Yes corrugated steel with poured concrete.
- Mr. Turner: The second floor is entirely poured slab, weather you use it or not.
- Mr. Stolman: How will the planning board know if you will start to use the space?
- Mr. Turner: If an elevator were to be put in, they would have to come back to the planning board.
- Mrs. Smith: Where is the gift shop?
- Mr. Turner: No gift shop. There will be a floral/gift area and maybe classes upstairs.
- Mr. Valdati: On October 19, 2009 we adopted amended site plan. Now there are changes. There are so many issues in the resolution this should not have happened. You are causing the project to be delayed. We must ask how would we know about the second floor?
- Mr. Turner: I understand we let it slip.
- Mr. Malafronte: What type of elevator would you install?
- Mr. Turner: At this time an elevator has not been looked into.
- Mr. Malafronte: What is the means of egress for the second floor?
- Mr. Augello: Stairs.
- Mrs. Smith: Are you pouring for the proposed elevator?
- Mr. Turner: There is a joint built in for easy access for the proposed elevator.
- Mr. Augello: We were not trying to be sneaky. Since we did have building permits we didn't think we were doing anything wrong.
- Mr. Fanuele: Where did you want to go from here?

- Mr. Turner: A new re-submission to address issues. If we meet all the requirements of the resolution, we ask for a vote and approve the changes that were made.
- Mr. Fanuele: When do you want to do this?
- Mr. Turner: By the end of the week, if possible and come back to the board by 4-4-11.
- Mr. Stolman: If plans come in this week, we can put them on the agenda for 4-4-11.
- Mr. Augello: If we are able to install utilities under slab we can continue the project while all work is being brought to the planning board. It doesn't affect the items on the list.
- Mr. Stolman: I brought that up to the planning board earlier. Page 8 it says ...all conditions being fulfilled before a building permit is issued. We are thinking of adding...except for utilities under slab. You are asking the planning board to change the resolution on page 9, referencing not needing a variance for the number of parking spots due to the addition of the second floor.
- Mr. Roberts: If they don't go to the ZBA than how will the issue be addressed?
- Mr. Stolman: If they are not using the space and if they decide to use it than they can discuss the additional parking and going to the ZBA.
- Mr. Bolner: Is it reasonable to have a partition wall separating the space?
- Mr. Turner: We can do that with a wall and no access.
- Mr. Valdati: Will there be adequate parking for the added 2000 sq. feet?
- Mr. Stolman: That has been demonstrated. There is another issue regarding the sign on page 10. The pylon sign location. You might need a variance.
- Mr. Augello: If the DOT approves then we will need a variance.
- Mr. Fanuele: Do you want to make the sign closer to Route 9?
- Mr. Turner: We will the sign back so it doesn't hold us up. When the DOT gives us a permit we will come back o the planning board.
- Mr. Stolman: On page 3, a place to fill in for a gate elevation is needed.
- Mr. Turner: For the lighting, one pole will get shielded and away from the property line. It will be more energy effective lighting.

Mrs. Smith: Motion to approve the resolution as amended.

Ms. Leed: Second the motion.

Vote Roll call:

Mrs. Smith: Aye.

Ms. Leed: Aye.

Mr. Valdati: Aye.

Mr. Malafronte: Aye.

Mr. Fanuele: Aye.

Ms. Bettina: Aye.

Ms. Visconti: Absent.

Mr. Turner: Thank you.

10-5155 – Chelsea Farm Subdivision: To discuss a proposed 18 lot subdivision in an R-40/80 zoning district on 186.8 acres. 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)

Present	Dan Koehler	Architect/Engineer
	Dave Silver	Applicant

Mr. Koehler: She last time we were here we added a lot of detail to the plan including a DEIS, a storm water pollution prevention plan and associated storm water features.

Mr. Fanuele: Have you addressed the comments?

Mr. Koehler: Yes we have 18 proposed building lots. 13 proposed building lots, 3 off of Chelsea Road, and 2 off of River Road North. We proposed 2 recreation parcels which abuts the town existing town recreation lots. Boat and trailer parking that would be dedicated to the town.

Ms. Leed: 98 acres is for the building lot.

Mr. Koehler: Yes, one lot.

Mr. Silver: I want to try to explain why the change was made. This abuts the town property park. To give as a gift and get the benefit. The IRS deems a gift no write off.

Mrs. Smith: There are steep hills.

Mr. Silver: Yes, very steep.

Mr. Koehler: (Discussion showing map of property slopes and hills.)

- Mr. Fanuele: Part of the lot will be forever wild.
- Mr. Stolman: Ralph Holt doesn't make decision, the town board does.
- Mr. Silver: We want a positive feedback from the planning board to see if we should even go to the town board. If not we will incorporate land back into the properties.
- Mrs. Smith: So the land being given to the town is wet lands and hills.
- Mr. Fanuele: How many boats and trailers will fit?
- Mr. Koehler: About 20.
- Mr. Silver: A lot of land doesn't necessarily need to be buildable. They could have trails.
- Mrs. Smith: It still is not usable.
- Mr. Fanuele: The town board would have to make the decision.
- Mrs. Smith: How many acres would be given to the town?
- Mr. Koehler: The wet lands is about 20 aces for a total of 31 ½ acres.
- Ms. Bettina: The middle part couldn't be used.
- Mr. Koehler: Wet lands are not all bad. Agricultural, animals and ecology are good uses. If it all stayed wooded it would be good.
- Mr. Valdati: Motion we recommend to the town board that this property be added to open space and forever green. Take land in lieu of money.**
- Mrs. Smith: Second the motion.
- Mr. Fanuele: If we don't take the land it's going to be forever wild anyway because we can't build on wet lands and steep slopes.
- Mr. Koehler: We tried to limit the environmental impact. We are looking at one lot for every ten acres.
- Mr. Silver: We did get good feedback from the Parks Department.
- Mr. Valdati: Motion we recommend to the town board that this property be added to open space and forever green. Take land in lieu of money.**
- Mrs. Smith: Second the motion.
- Vote Roll call:
- Mrs. Smith: Aye.

- Ms. Leed: Aye.
Mr. Valdati: Aye.
Mr. Malafronte: Nay.
Mr. Fanuele: Nay.
Ms. Bettina: Aye.
Ms. Visconti: Absent.
- Mr. Gray: There are 2 issues to talk about. The ownership of River Road could be owned by Conrail not by the town. We will talk to the surveyor and get backup information. The other issue is the flood plan for Hudson River. The southern driveway is going to be in 5-6 feet of water at the road. When there is a 100 year storm, I have an issue with not having access to the house.
- Mr. Koehler: There is a base study of the flood elevations that FEMA did.
- Mr. Malafronte: Did this go to the Army Corp. of Engineer?
- Mr. Koehler: No we are not at that level. The closest we came is 60 feet so it's not required.
- Mr. Gray: All is based on the FEMA study.
- Mr. Silver: We should move the driveway because you probably won't grant me approval if the driveway is under 5 feet of water. Richard Canter, my attorney, explained to me the deed doesn't say my property runs along the Metro North property. The deed says it runs along River Road. Mr. Canter is saying it is called "road by user". There is only 1-2 feet between the blacktop and my property.
- Mr. Gray: The map isn't clear on where the property line is.
- Mr. Roberts: You probably have to search the deed records of River Road. The question is if River Road predates the rail road. That might give you some guidance as to where the property line is. I'd like to discuss this with Richard Canter.
- Mr. Koehler: The past few years I've never seen 5 feet of water on River Road. The surveyor will have to research this.
- Mr. Silver: I consider this to be a cluster.
- Mr. Stolman: It is fine and is a cluster.
- Mr. Koehler: There is a limited envelope as to where to put the house. The Board of Health wants an area set aside in case the first septic fails. The septic system is close to the wetland buffer.
- Mr. Stolman: A new septic with a smaller system will be farther from the buffer.

- Ms. Leed: Is that approved by the Board of Health?
- Mr. Koehler: Yes.
- Mr. Silver: We can mitigate this issue.
- Mr. Gray: make the laterals longer.
- Mr. Silver: They want all the water to stay on the property.
- Mr. Gray: When ever there are ponds they need to maintain them.
- Mr. Roberts: You're responsible for 5 years than the town takes over.
- Mr. Koehler: In reference to the Indiana Bats, we will be at least 400 feet from the bats. We provided traffic info. For the driveway of lot 18 there is adequate site distance.
- Mr. Stolman: I will get you info.
- Mr. Koehler: We will get the location of street trees. We will try to keep the trees. It will be provided towards the end after we get a tree survey. Thank you.

10-3204/5157 / Hilltop Village at Wappinger – To discuss revising their scoping document for age restricted housing components on 149.35 acres that are currently in the R-40 & COP zoning district and are seeking re-zoning to RMF-3. The property is on **All Angels Hill Road** and is identified as **Tax Grid No. 6257-02-630770** in the Town of Wappinger. (Povall) (LA 5-18-2010)

Present Bill Povall Engineer
Richard O'Rourke Attorney

- Mr. Povall: I received the draft version of the mark-up of the revisions of the scoping document as discussed in the previous meeting. Did the board have a chance to look at them?
- Mr. Fanuele: Did we look at them? Do you have any questions?
- Mr. Povall: If you can go to now D3 it was D6 redesigned village green. I want to further discuss and get clarification. With the preferred plan proposed, the intention is to have the landscaped clubhouse to be the focal point as you drive in. The town homes create open space in the back.
- Mr. Stolman: Emily Dozier of DC Planning wanted green.

- Mr. O'Rourke: The view shed, when you come in, taking the asphalt parking and put behind the club house. You don't see blacktop. If you put the town houses around green you would have to move a lot of other areas. An alternative is to bulk up the density in the front and do away with village green which we don't want to do.
- Mr. Fanuele: I have no problem leaving it as it is. (Members agree). What are you going to do with the small piece of property off of All Angels Hill Road?
- Mr. Povall: Maybe the town can use it for something.
- Mr. Stolman: You might want to state what that piece of property is on the plan.
- Mr. Fanuele: You did change and incorporate a lot of the features. Ms. Leed, you wanted a total on the gate.
- Mr. Stolman: There are 3 total gates, one of which is for emergency access only.
- Mr. Fanuele: Yes, one is not for the residence use.
- Mr. Stolman: Do you want to adopt a resolution to eliminate item D3 on page 33?
- Ms. Leed: Motion to adopt amended resolution.**
- Ms. Bettina: Second the motion.
- Vote Roll call:
- Mrs. Smith: Aye.
- Ms. Leed: Aye.
- Mr. Valdati: Aye.
- Mr. Malafronte: Aye.
- Mr. Fanuele: Aye.
- Ms. Bettina: Aye.
- Ms. Visconti: Absent.
- Mr. Povall: Thank you.
- Mr. Fanuele: Does anyone disagree with rezoning for this piece of property? Right now it is zoned COP and R-40.
- Mrs. Smith: I don't have a problem with it.
- Mr. Stolman: It is already developed.
- Mr. Gray: It's better to have houses.
- Mr. Fanuele: It should be a town road and commensurate Flavormatic on it.

- Mr. Gray: I spoke with Graham Foster and he didn't have a problem with it.
- Mr. Stolman: Their proposal is to become a town road.
- Mr. Roberts: Flavormatic is entitled to the town road.
- Mr. Stolman: The town would decide to take the road or not.
- Mr. Fanuele: The road to Flavormatic is private.
- Ms. Bettina: Why incur the cost?
- Mr. Fanuele: COP zone without rezoning if commercial comes in it could be a town road.
- Mr. Valdati: How long is the road?
- Mr. Gray: It's about 1000 feet long.
- Mr. Valdati: No children, no school busses.

(Discussion took place about the Flavormatic road.)

New / Old Business:

- Mrs. Roberti: The Town Board wants to put a changeable word sign to replace the sign near the flag pole. Would you like to see that?
- Ms. Bettina: Would we incur an expense?
- Mrs. Roberti: Yes and no. If we get it from the fire department it will be free.
- Mr. Fanuele: You can add the supervisor's name on the bottom. The changeable letters are on both sides.
- Ms. Bettina: I trust Mrs. Roberti's judgment.
- Mrs. Smith: I second that opinion.
- Mrs. Roberti: Can I issue a generator on commercial site? The code states, anything that requires a building permit needs to come to the planning board. That could add 15 more items on the agenda.
- Mr. Stolman: You can have an example of generators that are a certain size or making doors or windows larger can come to the planning board.

Mr. Valdati: What about sheds?

Mr. Stolman: I could come up with something like a memo of what should be looked at by the board.

Ms. Bettina: A checklist you can send us would be very helpful.

Mr. Fanuele: Motion to adjourn.

Ms. Leed: Second the motion.

Vote: All present voted aye.

The meeting ended at 9:30 p.m.

Respectfully submitted,

Susan Dao, Secretary
Town of Wappinger Planning Board