

MINUTES

Town of Wappinger Planning Board
October 15, 2012
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

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

Others Present:

Mr. Gray	Engineer to the Town
Mr. Roberts	Attorney to the Town
Ms. Ulker-Kacar	Planner to the Town
Mrs. Roberti	Zoning Administrator
Mrs. Rose	Zoning Secretary
Mr. Horan	Attorney to the Town

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Adjourned Public Hearing:

Discussions:	BVA	Adjourned to November 19, 2012
	Hilltop Village	November 5, 2012
	Chapel of Sacred Mirrors (COSM)	Adjourned to November 5, 2012

Conceptual:

Friendly Motorcars	Resolution Adopted
Jalaj-Smithtown Road	Submit Plans

Extensions:

New Hackensack Professional Building	Six Month Extension Granted
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Miscellaneous:

Andlyn Associates	Six Month Extension Granted
Hudson Valley- Cerebral Palsy	Resolution

Mr. Fanuele: I would to call the Town of Wappinger Planning Board to order.

Ms. Rose: **Connie Smith Here**
Marsha Leed Here
Frank Malafronte Here
June Visconti Here
Robert Valdati Here
Angela Bettina Here
Victor Fanuele Here

Mr. Fanuele: The first item on tonight’s agenda is:

Adjourned Public Hearing:

06-5120/BVA Construction - The Town of Wappinger Planning Board will conduct a public hearing pursuant to Section 276 of the Town Law, on the application of **BVA Construction, is seeking to amend their proposed application for a 3 lot subdivision to a 2 lot subdivision on 17.288 acres in an R-40 Zoning District.** The property is located on **Kent Road** and is identified as **Tax Grid No. 6257-02-513975** in the Town of Wappinger. (Barger)

Ms. Visconti: I move to open the adjourned public hearing.

Mr. Valdati: Second.

Mr. Fanuele: All in favor?

Board: Aye.

Mr. Burns: My name is Steven Burns. I’m a representative of Barger & Miller. I represent BVA Construction. The parcel is a little over 17 acres and is located between 3 roads. (Point to the map) Lake Oniad drive is here, Kent Road is here, and Baldwin Drive is here. Previously we had an application for a 3 lot subdivision with a cul-da-sac, we have amended that to not have to build a road. One house will be facing Baldwin Drive the other Kent Road. It is an R40 zoning which means you only need 40,000 square foot of property to have an individual lot. There are a lot of wet lands on these lots. We have avoided as many of the wet lands as we could. There will be a slight disturbance from this driveway.

Ms. Blohm: My name is Linda Blohm. I live at 34 Lake Oniad Drive. Are you the same builder that tried to bring things in from Kent Road?

Mr. Burns: Yes.

- Ms. Blohm: What happened then?
- Mr. Burns: I'm not the builder, I am the representative. The economy is not what it used to be. Three lots off of a short road way does not make sense anymore.
- Ms. Blohm: In many ways the economy is worse now. I'm not a geologist or anything but that stream have been affected. The Town Board and chemists have come down to that stream over the years. When things started to change, that stream was badly affected and it is on the record. What is going to happen now?
- Mr. Burns: We are going to mitigate any run off we have. We are going to be given a sanitary sewer easement. The easement will come up along this driveway on Baldwin Drive. There is a pump station on Baldwin Drive for the sanitary sewer it would allow for that sanitary sewer for when it is time to be replaced to put in a gravity line so there would be no more maintenance cost. We are going to mitigate any run off we have. We are not going into any of the creeks and we are not in the wet lands.
(Conversation took place while reviewing map)
- Ms. Blohm: I have been there 44 years and I have over 2 acres. At least 1 acre of my property is always wet all year round.
- Mr. Monaco: My name is Steven Monaco. I live at 64 Kent Road. I am right where the road would come in. Under my driveway I have a pipe for runoff water if that road comes in where is the runoff water going to go?
- Mr. Burns: Some will be diverted to a catch basin and some of the water will go in the culvert in this driveway but the water that goes to your culvert now will still exist.
(Conversation took place while reviewing map)
- Mr. Monaco: The runoff will go into my neighbor's yard.
- Mr. Burns: There will be an open area between our driveway and your driveway. Our driveway is a 50 foot strip is 12 feet long. It is closer to the other side of the 50 foot strip because of the wetlands.
(Conversation took place while reviewing map)
- Ms. Wisniewski: My name is Polly Lewis. I live at 60 Kent Road. Will this be a regular driveway or another road added in. If there is an accident on the turn it is in my driveway.

- Mr. Burns: It will be a driveway, 12 feet wide.
- Mr. Dhaliwal: My name is Gurcharan Dhaliwal. I live at 50 Lake Oniad Drive. Where are you getting the electric and gas?
- Mr. Burns: The electric will come from Kent Road and also Baldwin Drive. I don't know if there is gas in the area.
- Ms. Smith: Have you showed the wet lands on the plans.
- Mr. Burns: Yes. The final report on the tree survey came in last week so I will be making a submission on that.
- Ms. Blohm: I have an additional question since you mentioned culverts. There use to be one pipe there then they added two culverts and at times the water goes over the top. Those two culverts are not efficient now.
- Mr. Burns: Any additional runoff will be mitigated.
- Mr. Malafrente: By the time you are done, you will address everything David Stolman suggests.
- Mr. Burns: Yes.
- Ms. Visconti: Can we close the public hearing?
- Mr. Gray: This is a subdivision. Once you close the public hearing, the clock starts.
- Ms. Visconti: We will adjourn the public hearing.
- Mr. Burns: What do we have in November?
- Ms. Rose: November 5th and 19th.
- Mr. Burns: November 19th.
- Ms. Visconti: I make a motion to move the adjourned public hearing to November 19th.**
- Ms. Smith: Second.**
- Ms. Rose:**
- | | |
|-------------------------|------------|
| Connie Smith | Aye |
| Marsha Leed | Aye |
| Frank Malafrente | Aye |
| June Visconti | Aye |

Robert Valadati **Aye**
Angela Bettina **Aye**
Victor Fanuele **Aye**

Mr. Fanuele: The next item on the agenda is:

12-4051/Chapel of Scared Mirrors- The Town of Wappinger Planning Board will conduct a public hearing pursuant to Article IX, Section 240-87 and Section 240-37 of the Town Law, on the application of **Chapel of Sacred Mirrors (COSM)** – To discuss their proposed site plan for an art studio/gallery, including a small addition to their existing Carriage House on 38.74 acres in an R40/80 zoning district. The property is the **former Deer Hill Conference Center located on Wheeler Hill Road** and identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (Cappelli) (LA 8-9-12)(PH Open 9/17/12)

Ms. Visconti:: On September 5th we had addressed the letters from DEC and The Office of Historic Preservation. They feel that changing to the carriage house into an art gallery would not change the historical value. They were both addressed.

Mr. Malafrente: No they weren't that is why I called David. They didn't address it, they sent a packet but no response yet.

Mr. Cappelli: We haven't gotten anything and just because we haven't gotten anything it doesn't mean they are going to respond. They may feel the original letter is sufficient. We have sent up additional information.

Ms.Visconti: The letter said needs additional documentation for complete review. That was from Historic Preservation. DEC said permits may be needed.

Ms. Visconti: There are two phases. We do the negative declaration first.

Ms. Ulker-Kacar: We spoke to Al today concerning the traffic. We feel there are enough parking spaces and sufficient room for emergency vehicles to turn around.

Ms. Visconti: Are all the items in the negative declaration satisfied?

Ms. Ulker-Kacar: I feel the use is really not going to be any different than it is.

Ms. Visconti: So actually we could adopt the negative declaration now because we have a resolution.

Mr. Malafrente: Did you add the items from the last meeting concerning the noise levels because if you read through these there are total changes.

Ms. Ulker-Kacar: We tried to comment on everything that came up. There were two meetings that brought up the concerns of the traffic and noise. The town is entertaining a new noise law and they said they would stop the drumming. We can add these all to the plans.

Ms. Visconti: Right now we are just concerned about the negative declaration.

Ms. Ulker-Kacar: Yes.

Mr. Valdati: I move that we accept the negative declaration as prepared without the traffic study.

Ms. Visconti: Second.

Ms. Rose:	Connie Smith	Aye
	Marsha Leed	Aye
	Frank Malafronte	Aye
	June Visconti	Aye
	Robert Valdati	Aye
	Angela Bettina	Aye
	Victor Fanuele	Aye

Ms. Visconti: There are open items. Do you need us to address them or has everything been resolved?

Ms. Ulker-Kacar: The draft resolution you mean?

Ms. Visconti: Yes.

Ms. Ulker-Kacar: The applicant needs to go back to the zoning board for a variance so the resolution cannot be adopted.

Mr. Fanuele: Let’s wait for the ZBA’s answer.

Mr. Gray: This is a long resolution there are a lot of conditions in here that are relatively easy to meet. Your approval won’t take effect for sometime because you need a DEC permit. I would like to see some of these conditions taken care of to make a shorter resolution.

Mr. Cappelli: OK I’ll see you on November 5th.

Mr. Fanuele: Next item on agenda is:

12-4052/12-3263 Friendly Motorcars: To vote on the resolution for the construction of an addition to their existing dealership. The addition would increase the existing 30,268 square feet dealership/sales & service to 34,304 square feet with a minor expansion of pavement. This property is 5 acres and is located in an HB district. The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger. (Artel Engineering)

Mr. Fanuele: Have you seen the resolution?

Mr. Kornhaas: Yes.

Mr. Fanuele: Do you have any comments on it?

Mr. Kornhaas: I have no objections to it.

Ms. Visconti: I make a motion to accept the resolution that was prepared by the planner to the town.

Ms. Smith: Second.

Ms. Rose:	Connie Smith	Aye
	Marsha Leed	Aye
	Frank Malafronte	Abstain
	June Visconti	Aye
	Robert Valdati	Aye
	Angela Bettina	Aye
	Victor Fanuele	Aye

Mr. Fanuele: The next items on the agenda will be the extensions. First is New Hackensack Professional Building.

Ms. Visconti: I move to grant the extension.

Mr. Valdati: Second.

Ms. Smith: A six month extension.

Ms. Visconti: Yes.

Ms. Rose:	Connie Smith	Aye
	Marsha Leed	Aye
	Frank Malafronte	Aye
	June Visconti	Aye
	Robert Valdati	Aye
	Angela Bettina	Aye
	Victor Fanuele	Aye

Mr. Fanuele: The second extension is for Andlyn Associates, Inc.

Ms. Smith: I move to grant a six month extension.

Ms. Visconti: Second.

Ms. Rose:
Connie Smith **Aye**
Marsha Leed **Aye**
Frank Malafronte: **Aye**
June Visconti **Aye**
Robert Valdati **Aye**
Angela Bettina **Aye**
Victor Fanuele **Aye**

Mr. Fanuele: Next on the agenda is a conceptual:

12-3267/Jalaj-Smithtown Road/Route 9-To discuss a proposed construction of an approximate 3,000 square foot one-story bank building with a 23 car parking lot with circulation drives. The property is located at **84-88 Smithtown Road** and is identified as Tax Grid No. **6157-04-708045** in the Town of Wappinger. (Tinkleman)

Mr. Tinkleman: My name is Steven Tinkleman. I have been working on this site for awhile. It is a complicated parcel. It is on the northeast corner of Smithtown Road and Route 9. The site is about 2 acers and is wet on about 2/3. There have been many attempts to get value to the property. We have had many meetings concerning this property with Barbara Roberti and the town engineer. The other problem with this property is a drainage issue. Some of the pipes on the property have been fixed and the drainage issue seems to have been fixed. First on this project is to make sure the drainage issue has been fixed.

Mr. Malafronte: The access going in will be on the other side because B&B is on the other side. They have a parking cage or an egress into their property. Their drainage runs along the other side.

Mr. Tinkleman: This is good because it lines up. My approach here tonight is to get a feedback from the board. Ever project is expensive to do and the site is limited. The soil is horrible, some of the wetlands are due to run off and some is natural and has been on the site forever. What we have determined is there is a small area on that corner that we can develop with a bit of work. A restaurant cannot be put there because of the quality of the soil and a big septic cannot be put there. We can use a light business like a bank or some retail use that doesn't use much water. We have spoken to some banks. (Conversation now taking place pointing to a map) We have submitted a plan for a bank with 3,000 square feet. Mr. Tinkleman shows the board a number of plans. We can make a nice gateway that leads into the town. We can make an attractive building but it

needs a waiver from this board because of the wetland ordinance. We need to get your feeling for consideration before we continue with this project.

- Ms. Leed: Do you have to fill in the wetlands?
- Mr. Tinkleman: We may want to raise it up a little because it is down.
- Ms. Smith: Do you have any banks that are interested?
- Mr. Tinkleman: Yes.
- Ms. Smith: Does this board have the authority to waive anything to do with the wetlands?
- Ms. Visconti: The town attorney said yes.
- Mr. Malafronte: Do you see any problems with conflicting with Osborne Square? The drainage and run off.
- Mr. Gray: We are preserving the wetlands for storm water mitigation. I think this is the concept here. We can improve the situation upstream and downstream by being creative with the wetlands with correct planting and ponds. We can create a higher use of the wetlands. As Steven said it is low so with the improvements we can make it better. This area is known for chlorides in the water. A number of residents in that area treat their water. Early on in the process testing needs to be done.
- Mr. Tinkleman: We are in the process of testing the water and if it comes back with an issue there may not be a project here.
- Ms. Visconti: I would like to go on record to say I am interested in this project.
- Mr. Valdati: Are we talking about rezoning or a special use permit?
- Mr. Horan: It is a preexisting lot so we need to look at it a little more.
- Mr. Malafronte: There were two houses there and one was taken down. Is that a zoning change?
- Mr. Horan: The houses are non-conforming.
- Mr. Tinkleman: Thank you for letting me come here and present this. As you know these projects are costly and we really wanted to get a feeling from you.
- Mr. Malafronte: Are there people still living in the house.

Mr. Tinklman: We are being respectful of them and we will give them time to find another place.

Mr. Fanuele: Next on the agenda is:

11-3245/Hudson Valley Cerebral Palsy- To discuss possible change to Central Hudson connection.

Mr. Stevens: My name is Will Stevens and I am the attorney for Hudson Valley Cerebral Palsy. The project is at 150 Myers Corners Road. In the course of our construction it has come to the point where we need to get power to the site. We had a discussion with Central Hudson. Their power lines are on the other side of the road. They are refusing to put them under the street. We have put in an application to the county to get approval for an overhead crossing to a pole in the right of way. We will then run the wires underground and into our building. We have had discussions with the engineer to the town and he thought this change should be brought to the planning board before we do anything further.

Mr. Fanuele: Central Hudson didn't want to dig up the road?

Mr. Stevens: They will dig for gas but electric.

Mr. Gray: If you remember, this happened with Spooge on Route 9.

Mr. Fanuele: Will it be high enough?

Mr Stevens: That will be a requirement of Dutchess County because it's their right of way. There are also pole requirements which will dictate the height of the wires. We will follow the guide lines that the county requires.

Ms. Visconti: Do you have to have an amended resolution?

Mr. Gray: I think we did with Spooge.

Ms. Visconti: They can use the existing map. They would just amend it showing the change and the pole. We need to authorize the planner to the town to put an amended resolution together for signature by the chairman. I make this as a motion.

Mr. Valdati: Second.

Mr. Gray: Keep in mind that an as built is required.

Ms. Visconti: To my motion I would like to add the amendment to the as built.

- Mr. Gray: I think Jim would like to say something.
- Mr. Horan: Based on the circumstances it would be wise to have an oral motion. To say the planning board authorizes that the site plan to be amended to say they approve an over head crossing over Myers Corners Road. It will be reflected in the as built.
- Mr. Malafronte: Shouldn't we have something that says they would or would not do it?
- Ms. Bettina: Do you have documentation?
- Mr. Stevens: I believe Mr. Gray was at the meeting where they indicated that they were going to put the lines over.
- Mr. Gray: It was Mike Tackus, he works with me.
- Mr. Horan: The same thing happened when I was the attorney in Hyde Park
- Mr. Malafronte: Did Central Hudson put it in writing?
- Mr. Horan: It took us some time to get something in writing. It was not the easiest thing to get it from them in writing.
- Ms. Visconti: You want this as a verbal.
- Mr. Horan: It will be noted in the minutes and on the as built.
- Ms. Visconti: I have a problem with that. I would rather have a resolution and use all the paperwork we already have. We need documentation in case anything comes back to bite us.
- Mr. Gray: Give us a plan where the holes are going to be.
- Ms. Visconti: You can write on the existing plan and submit it the Barbara or Bob. Evren will make a resolution stating that the planning board, for our approval and the chairman can sign it and it will be reflected on the as built.**
- Mr. Valdati: Second.**
- Ms. Visconti: You don't even have to come back. As soon as the resolution is written and signed; my resolution is that Victor can sign it.

Ms. Rose:
Connie Smith **Aye**
Marsha Leed **Aye**
Frank Malafronte **Aye**
June Visconti **Aye**
Robert Valadti **Aye**
Angela Bettina **Aye**
Victor Fanuele **Aye**

Mr. Fanuele: The next item on the agenda is:

10-3204/5157- Hilltop Village at Wappinger: To discuss the FEIS for site plan and subdivision approval 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)(PH 5-7-12)

Mr. O’Rourke: My name is Richard O’Rourke. This is an application you are all very familiar with. We have gone through some correspondence and the first order was submitted in 2005 and we have come a long way in the process. We have gone through much discussion and then went through the Environmental Draft Impact Statement. We had to compile all the questions. We have now submitted our Final Environmental Impact Statement which we are thankful for the responses from Morris and Associates and Frederick & Clark. We quickly responded to those comments. Like all application going through the SEQRA process, the application over time has to respond to a lot of comments. What we have now is an application that is reflective the capacity of the land. Through that process that has taken a lot of time, we have also discovered that town’s needs change over time. One of the things that became evident is the need for an upgrade to key the water districts. With respect to the Meadowwood Loop the infrastructure would benefit. The plan has evolved to make a commitment to that loop. We have recognized with that expense and the benefit coming from us rather than the residence paying for it the affordable housing component of this project will not be part of this project.

Mr. Povall: My name is Bill Povall. The project as a whole as stayed the same. There has been some minor engineering changes as far as some grading. One change that I would like to point out. We have changed the club house configuration. We have doubled the size of the club house by making it two floors.

- Mr. Malafronte: We have Bob's letter and David's letter. Did you address everything?
- Mr. O'Rourke: We have gone through it and we are getting ready for our draft responses. We hope to get them to you by the end of this week or the beginning of the next.
- Mr. Malafronte: One of the biggest things was the market analysis.
- Mr. O'Rourke: We addressed a lot of that in the DEIS and one of the reasons Toll Brothers is successful is because they know the market.
- Mr. Malafronte: Will there be something for seniors? If you look at Fishkill they range from \$200,000 some \$300,000 and some \$400,000. Are you going to keep the same range?
- Mr. Povall: That depends on the market.
- Ms. Visconti: That is not our problem. If they didn't price these correctly because of the market it is not our fault. If they are empty, they still have to pay taxes.
- Mr. Fanuele: The whole community is gated?
- Mr. O'Rourke: Yes. By gated, that means those internal roads are not dedicated to the town. The town does not pay for them.
- Ms. Smith: What is going to happen to the snow?
- Mr. O'Rourke: DEIS has addressed those. We have two plans.
- Mr. Povall: Mr. Povall reviews map with Connie Smith.
- Ms. Visconti: You want to be on the November 5th agenda.
- Mr. O'Rourke: Yes.
- Mr. Fanuele: The emergency exits are you going to keep them clean from snow because they are not on your property?
- Mr. O'Rourke: Bill can respond to that but in the FEIS the commitment has been made with respect to the emergency exits. It will be the responsibility of the home owners association to keep those areas free from snow.
- Ms. Smith: Homeowner Associations are known to fold.

- Mr. Horan: In my experience it has been the smaller Homeowners Associations that folded. At this level they pretty much take care of themselves. The Homeowner Association must be approved by the Attorney General's office.
- Mr. Fanuele: If I want an event, can I use my neighbor's property?
- Mr. Salinski: It will be written into the bylaws. It will be called a written common element. There will be a management company that will police situations.
- Ms. Bettina: Are people aloud to have pets?
- Mr. Salinski: Yes.
- Ms. Schmalz: This is no benefit to the seniors in this town. I hope you went to the Dutchess County about the traffic. Ms. Schmalz continues to express her displeasure with this project.
- Ms. Visconti: Mary this is not a public hearing.
- Ms. Bettina: Any new or old business?
- Mr. Fanuele: No.
- Mr. Valdati: I move to adjourn.
- Ms. Visconti: Second.
- Mr. Fanuele: All in favor?
- Board: Aye.
- Ms. Rose: Connie Smith Aye
Marsha Leed Aye
Frank Malafronte Aye
June Visconti Aye
Robert Valdati Aye
Angela Bettina Aye
Victor Fanuele Aye

Respectfully,

Sue Rose, Secretary
Planning Board