

MINUTES

Town of Wappinger Planning Board
November 5, 2012
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

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

Others Present:

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| Mr. Gray | Engineer to the Town |
| Mr. Roberts | Attorney to the Town |
| Mr. Stolman | Planner to the Town |
| Mrs. Roberti | Zoning Administrator |
| Mrs. Rose | Zoning Secretary |
| Mr. Horan | Attorney to the Town |
| Mr. Volkman | Attorney for Old Troy Corners Subdivision |

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

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|------------------------------|-----------------------|
| Birchwood Mobile Home Park | PH-November 19, 2012 |
| Mobil Mini Mart Route 9 | Resubmit with changes |
| Hilltop Village at Wappinger | FEIS accepted |
| Old Troy Corners Subdivision | Resubmit with changes |
| 2013 Meeting Dates | Accepted with change |

Ms. Visconti: I make a motion to go into executive session.

Ms. Bettina: Second.

Mr. Fanuele: All in favor?

Board: Aye.

Ms. Visconti: I make a motion to come out of executive session.

Mr. Malafronte: Second.

Mr. Fanuele: All in favor?

Board: Aye.

Mr. Fanuele: First item on the agenda is the approval of the minutes from January 4, 2012, January 18, 2012, October 1, 2012, and October 15, 2012.

Ms. Visconti: Move to accept.

Mr. Bettina: Second.

Mr. Fanuele: All in favor?

Board: Aye.

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

12- 5164/Birchwood Mobile Home Park- Is seeking a line realignment to eliminate two encroachments from the Mobil Home Park onto the Residential Parcel located on Smithtown Road. The property is located at **1094 Route 9 and 103 Smithtown Road** and is identified as Tax Grid Nos. **6156-02-779968 and 792998.** (L. Paggi)

Ms. McNiff: I am Jamie McNiff from Larry Paggi's office. We have been here before and the concern was the zoning boundaries.

Mr. Roberts: We have discussed those issues internally and David is going to make a statement but the realignment of the two parcels will make the adjacent sites more conforming. The two minor pieces are going to be in variance with zoning and not going to impact the site and will not require a rezoning at this time.

Ms. Visconti: Do we have to do anything about the 50 foot setback?

Mr. Roberts: It is pre-existing.

Mr. Stolman: The setback that we mentioned in our memo is not a rear yard setback but a side yard setback. The Planning Board at the appropriate time would decide if they want a public hearing or not on the subdivision.

Ms. Visconti: Do we have to?

Mr. Stolman: When it comes to lot alignments you don't have to.

Ms. Visconti: What is the recommendation?

Mr. Roberts: I would think it appropriate to have a public hearing and a resolution prepared for the same night. If there are no major objections, it can all be concluded that night.

Mr. Valdati: Move to schedule the public hearing to November 19th. So authorize the planner to prepare the resolution for that meeting.

Ms. Visconti: Second.

Mr. Malafronte: The access to the second item on your letter, we address that by doing this.

Mr. Stolman: Yes, I did the measuring myself. It is 300 feet and no problem with the access.

Ms. Rose:

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| Marsha Leed | Aye |
| Frank Malafronte | Aye |
| June Visconti | Aye |
| Robert Valdati | Aye |
| Angela Bettina | Aye |
| Victor Fanuele | Aye |

Mr. Fanuele: Next item on the agenda is:

11-3240/4049/Mobil Mini Mart Route 9: To discuss amending their site plan and SUP to convert the repair shop of 1,039 square feet into a mini-mart. The property is in an HB zoning district on .96 acres and is located at **1468 Route 9** and is identified as **Tax Grid No. 6157-02-648928** in the Town of Wappinger. (Green)

Mr. Green: We have gone over this property for some time and we have a problem with the interconnect with the Wappinger Shopping Center.

Mr. Fanuele: What kind of problems are you having?

Mr. Green: The CPD is not moving fast, which is Getty. They are not going to give up on the interconnect but they are losing about \$6,000.00 a month. They will continue to pursue it but it is holding up the whole project.

Mr. Roberts: I think we can address this by them simply committing to pursuing it when the adjacent property owner consent.

- Ms. Visconti: That sounds reasonable.
- Mr. Malafronte: Does that mean addressing it in the resolution?
- Mr. Roberts: It will be noted on the site plan and when and if the owner consents we can go ahead with the paperwork.
- Mr. Valdati: Since the county has requested this, do we have to have a super majority vote?
- Mr. Roberts: We will have David call the county. We are making provisions for it. I don't think we need a super majority vote but we will get back to you on this.
- Mr. Green: We will have to take into consideration the grade and the elimination of some parking spaces on the Wappinger Shopping Center side. It really depends on how the shopping center wants to come through.
- Ms. Visconti: At this time nobody is talking and we will address it when everybody is ready to talk.
- Mr. Green: The sign is maximum height which is 10 feet high.
- Mr. Fanuele: (Pointing to the picture of the sign). I look at this being the sign not the whole structure.
- Mr. Stolman: You can't build a building and say this is the sign. I think what the chairman is saying is that the structure is out of proportion with the sign.
- Mr. Green: I will be narrowing the structure.
- Mr. Fanuele: We don't have to address the sign right now.
- Mr. Green: I will be making it a little narrower to be in compliance.
- Mr. Valdati: As the chairman pointed out we have a 24 square foot sign but the rest of the structure is 120 square feet. That seems out of proportion and I think there needs to be more of a revision.
- Mr. Stolman: Instead of coming back to the board with the revision, why don't you find out from the board what they want?
- Mr. Green: In reducing it by a foot, it will be in compliance.
- Mr. Stolman: I don't think that is what they are talking about.
- Mr. Valdati: Let's come up with a thought that we would like to see for the structure itself. We have 10 x 12 for the structure.

Mr. Green: It has to be 9 feet maximum wide. I will probably take the base off, dropping the sign down and narrowing the base. The sign area itself will be the same.

Mr. Valdati: I have no objection to the 10 feet in height. We have taken 3 feet off the length and 10 feet is within the parameters. I like the design and it fits with the building. I make a motion to allow as proposed being 10 feet high by 9 feet long and everything else stays the same.

Ms. Bettina: Second.

Mr. Valdati: Roll call vote.

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

Mr. Green: I will make the changes and get it back to you soon.

Mr. Fanuele: 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: We are in receipt of the review letters from the professionals and we have answered most of the questions. We are looking forward to the acceptance of the FEIS.

Mr. Valdati: I would like to make a motion that we accept the FEIS as complete.

Ms. Visconti: Second.

Mr. Stolman: You would authorize a filing of the FEIS and the notice of completion and Bill will supply you of proof of mailings.

Mr. Valdati: I will amend my motion to include comments stated by our planner.

Ms. Visconti: Second.

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

Mr. Stolman: The next step would be the Planning Board would authorize us to draft a finding statement.

Ms. Visconti: I move to authorize the planner to draft a finding statement.

Mr. Valdati: Second.

Mr. Malafronte: Did we address the culvert?

Mr. O'Rourke: Yes.

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

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

12-5165/ Old Troy Corners Subdivision-To discuss the subdivision of a vacant 3.725 acre parcel into two residential lots in an R-80 zoning district. The property is located on **Wheeler Hill Road (Along the southwest side of Old Troy Road and near the intersection of Wheeler Hill Road)** and is identified as **Tax Grid No. 6057-04-589487** in the Town of Wappinger. (Day)

Mr. Horan: For the record, Mr. O'Donnell is a client of ours so Mr. Volkman will be the attorney.

Mr. Morris: My name is Jason Morris of Day Engineering. Old Troy Corners Subdivision is a two lot subdivision. They will have their own well and septic. In reading the two comment letters there seem to be an issue with the DEP water line running along Wheeler Hill Road. (Pointing to the map) from what I understand, there will be an easement in front of the property.

Ms. Visconti: Am I correct, if they give us the easement for the water main line. It is now non-conforming and they would have to go to the ZBA.

- Mr. Volkman: The easement would not make them non-conforming but the dedication of the road front would. There are two separate issues being considered here. As it stands now the dedication of the road front would make it non-conforming.
- Mr. Stolman: In talking to Graham Foster, the highway superintendent, he is not looking for road right away of property for Old Troy Road. The upper most lot would not be non-conforming. That lot could give up about 1300 square feet to the lower lot but would still be non-conforming by about 6%.
- Ms. Visconti: They would need a recommendation from this board to go to the ZBA.
- Mr. Gray: I had a meeting with Graham today. (Pointing to the map) the yellow is the pavement for Wheeler Hill Road and this is Old Troy Road. Graham is not interested in the right away on Old Troy Road. He is interested in the right away on Wheeler Hill Road. Old Troy Road is a one lane road because of the sight limitations and the curves he doesn't ever see it being expanded. What we are trying to do with this project is keep the pipe for the DEC water project behind the stone wall. Mr. Gray continues reviewing the map with the applicant.
- Mr. O'Donnell: Right from the beginning it was to provide an easement for the water main. The road is actually crossing my property. Pointing to the map, Mr. O'Donnell explains his plan.
- Mr. Gray: The town doesn't own Wheeler Hill Road. It is known as a road by use. We are filing a map in the clerk's office.
- Mr. Malafrente: On a subdivision for residential, do we have to have 300 feet from any water access? For example as a septic.
- Mr. Gray: Septic system has to be 100 feet. The only distant concern here is the septic to the water main and that has to be 10 feet.
- Ms. Bettina: Only 10?
- Mr. Gray: That is because the water main is under pressure.
- Mr. Malafrente: I thought it had something to do with the Greenway Connection?
- Mr. Gray: I'll check for you.
- Mr. Valdati: We have a SEQRA process to in act since this is a Type 1 action and a lead agency has to be declared.

- Mr. Stolman: We will provide Sue with a lead agency letter where you will declare your intent to be lead agency.
- Mr. Malafronte: When we assume lead agency, we have to send copies to the other agencies?
- Mr. Valdati: All the interested agencies.
- Mr. Stolman: What you do is send them a letter declaring your intent to be lead agency, part 1 of the EAF and the application. If they don't object within 30 days, you become lead agency. This should not hold up the applicant from going to the ZBA but Jason I think it would be good to show the right away that will go to the town, the easement and move that common lot line.
- Ms. Visconti: Can they go to the ZBA simultaneously?
- Mr. Valdati: When we get the new map we will then make recommendation to the ZBA for a variance.
- Mr. Morris: When is the next meeting I can on the agenda?
- Ms. Rose: November 19
- Mr. Fanuele: Next on the agenda is:

The acceptance of the 2013 Planning Board meeting dates.
- Mr. Valdati: I make a motion to accept the dates.**
- Ms. Visconti: Second.**
- Mr. Malafronte: Can we change one date? September 4, 2013 can we make it a Friday?
- Ms. Visconti: No Fridays. We can make it September 3, 2013.
- Ms. Rose: **Marsha Leed Aye**
Frank Malafronte Aye
June Visconti Aye
Robert Valdati Aye
Angela Bettina Aye
Victor Fanuele Aye
- Ms. Visconti: I move to adjourn.**
- Mr. Valdati: Second.**

Respectfully,

Sue Rose, Secretary
Planning Board