

MINUTES

Town of Wappinger Planning Board
November 19, 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. Sara Brown	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:

Birchwood Mobile Home Park	Project withdrawn
BVA Construction	Adjourned until December 3, 2012
Gas Land 1831 New Hackensack Road	Resubmit with changes
Hilltop Village at Wappinger	FEIS accepted
Chapel of Sacred Mirrors	Resolution accepted with changes
Old Troy Corners Subdivision	Circulate for Lead Agency
Osborne Square	Update Discussion
Bre-Del Enterprises	One Year Extension Granted.

Mr. Fanuele: I would like to call the 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 the agenda is approval of the minutes.

March 7, 2011 -all in favor

March 19, 2012

-Connie Smith	Aye
Marsha Leed	Aye
Frank Malafronte	Nay
June Visconti	Aye
Robert Valdati	Aye
Angela Bettina	Nay
Victor Fanuele	Aye

February 6, 2012

-Connie Smith	Aye
Marsha Leed	Abstain
Frank Malafronte	Absent
June Visconti	Aye
Robert Valdati	Aye
Angela Bettina	Aye
Victor Fanuele	Aye

March 5, 2012

-Connie Smith	Aye
Marsha Leed	Aye
Frank Malafronte	Absent
June Visconti	Aye
Robert Valdati	Aye
Angela Bettina	Aye
Victor Fanuele	Aye

August 6, 2012

-Connie Smith	Aye
Marsha Leed	Aye
Frank Malafronte	Aye
June Visconti	Aye
Robert Valdati	Abstain

Mr. Valdati: Please let it be noted that someone is looking for that data and we need that data.

Ms. Visconti: I make a motion to adjourn this public hearing until December 3rd.

Ms. Bettina: Second.

Mr. Fanuele: All in favor?

Board: Aye.

Mr. Fanuele: Next on the agenda is:

10-3204/5157- Hilltop Village at Wappinger: To vote on the finding statement 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)(Accepted FEIS as complete 11-5-12)

Mr. O'Rourke: My name is Richard O'Rourke; I am the attorney for this project. We received a draft copy of the finding statement. We found it accurate and there were a couple of calculations that were off by a 10th of an acre or a 100th of an acre and there were adjustments made to it along with some modest corrections.

Ms. Leed: There was a letter from the county concerning the circulation not conforming with the master plan. Has that been looked at?

Mr. O'Rourke: We are prepared to do whatever the town wants us to do as far as the connection with Shamrock. As proposed, it is an emergency access only. That was the considered judgment of the Planning Board and everyone else was ok. The internal road ways are private roads they are not going to be dedicated so they will not be an expense for the town. An alternative for that would be a full gated access. From our perspective, we will do whatever you want us to do.

Ms. Visconti: With the fact that the roads are going to be narrower, you really don't want through traffic. The emergency entrance was the one that was desired.

Ms. Smith: Are you turning the roads over to the town?

Ms. Visconti: No, it's going to be a gated community. They are going to maintain their own roads.

Mr. O'Rourke: Let me clarify, the entrance way off of All Angels. The road will be reconfigured and that will be dedicated to the town. The roads in our

community will be private. As far as Shamrock Hill Subdivision, the road will be connected into Hilltop but is only for emergency access. I think what the county is indicating is a desire for it to be a full access road.

- Mr. Fanuele: The road going into Shamrock will that be maintained by the Home Owners Association?
- Mr. O'Rourke: Yes.
- Mr. Malafronte: The cul de sac on Rich Road is that going to be opened? Is that part of the comprehensive plan?
- Mr. Povall: We did look at that cul de sac it is very close to the entrance so it would serve no purpose. We already have two egresses.
- Mr. Malafronte: One emergency and one main.
- Ms. Smith: The County also addresses the affordable housing but that is our decision.
- Ms. Visconti: Yes.
- Mr. Roberts: When Shamrock was subdivided, at the public hearing there were concerns about the connection of the Shamrock roads would be adjacent to the properties. Prior Town Boards expressed that they were not interested in having the road connect. They would prefer they stay cul de saces. It does show on the subdivision map for future connections it doesn't mean the town has to take it over as a public highway but the town has in the past when two access point are required they do it in connection with emergency service systems to have a gate and a lock box for the fire department, ambulance and police.
- Mr. Malafronte: Nothing in the comprehensive plan states what we are doing in the future with those other roads? One is Rich Road and I think the other is Skylark Road.
- Mr. Roberts: I think she is referring to a generic statement. Many communities like the cul de sac but the appropriate answer is the Town Board is the one that accepts the roads not the Planning Board.
- Mr. Malafronte: I have some questions on David's letter. There are differences in the FEIS and the draft resolution. Their completion form says they have 171 detached and 57 attached. In our resolution it says 132 and 93. Which one do we accept?
- Mr. Povall: The numbers you are talking about are the numbers from the original application and as we moved forward through the process we refined the layout

of the project. So the FEIS does reflect the numbers that are shown in the finding statement. It will be 132 singles and 93 townhouses.

- Mr. Malafronte: On all of your findings and draft resolution you say will not impact. I would like it to be changed to should not impact on all the statements. You tell everybody it will not impact the environment and the wildlife it should say should not. We do not know how the contractors are going to work or the developers.
- Mr. Roberts: You are suppose to make a finding based on the criteria and evidence submitted that it is not going to have an impact. Should is more speculative.
- Mr. Malafronte: Based on all the requirements that they are doing on the soil disturbance they are going from 5 acres to 12 acres in the first three years. So will it be could not, should not, or will not.
- Mr. Roberts: David is the one that prepared this and this is consistent with SEQRA regulations. You have to make a finding under SEQRA based on the evidence and criteria submitted to you as a Planning Board. If they follow all the protocols that has been submitted, then it's not going to have an impact. If there is a potential of an impact, then you have to back to the drawing board.
- Mr. Malafronte: In David's letter you are already addressing that MS4 they are going to come back and ask for a request to disturb more than 5 acres so when they do that they have to go back to DEC and the town.
- Mr. Roberts: I think you are mixing up MS4 regulation.
- Mr. Malafronte: In the rules you are saying will not. If I have to keep coming back saying they will because they are adding more disturbance.
- Mr. Roberts: There are two different processes and two different sets of regulations. What you are addressing here at the planning board are concerns with a potential impact caused by the development of the site. Identify the potential impact then set forth all the issues in a draft environmental impact statement you have a public hearing then you finalize the impact statement. That is what the FEIS is. What you are saying based on all the material and all the evidence submitted that this is not going to have a material impact on the environment. If you are saying should not, you are stopping this project dead in its tracks.
- Mr. Malafronte: If you look at page 48, there are potential impacts maybe later on. long term or short term.

Mr. Roberts: SEQRA regulations require that they are mitigated to the maximum extent practical.

Ms. Visconti: **I make a motion to accept the finding statement.**

Ms. Smith: **Second.**

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

Mr. Fanuele: I want to know why Frank said no.

Mr. Malafronte: There is too much disturbance going on. They consolidated it down to 7 years. There is going to be 12 acres that are being disturbed. Who is going to monitor the disturbance? They are supposed to notify the town and DEC. I would like to see DEC and another professional over see it.

Mr. Gray: The process is there is an inspection ever 7 days and in between that every day. As a matter of fact when Shamrock was being built all that construction was shut down when the erosion controls were not in place. The town has significant authority during the construction phase whether it is 5 acres or 7 acres.

Mr. Malafronte: Does SEQRA change when it is more than 10 acres or 12 acres?

Mr. Gray: The variance to go from 5 to 12 cannot be granted until the controls are in place. There was a least two occasions where construction was shut down and people were sent home because the erosion controls were not put into place.

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

12-3264/Gas Land 1831 New Hackensack Road-To discuss the modifications and addition to an existing 1782 sf service/gas station for a total of 2552 square foot convenience store/gas station. The property is located at **1831 New Hackensack Road** and is identified as Tax Grid No. **6259-02-524833**. (Chazen)

Ms. McManus: My name is Margaret McManus and I work for the Chazen Company. The site is existing with an existing canopy and an existing building. (Pointing to the map) The owner would like to fill out this part of the building with an addition and add on to the back. This will be for additional storage in the building. The

tanks at the site have recently been replaced and the area has been paved. This area has been excavated when the contaminated soils needed to be moved from the site and we plan on landscaping this area. There will be a dumpster enclosure here.

- Ms. Visconti: Will they have to go to the ZBA for the addition?
- Ms. McManus: Yes.
- Mr. Valdati: I have a question about item 9, outdoor seating.
- Ms. McManus: (Pointing to the map) this area we plan to put outdoor seating.
- Mr. Valdati: What is the dimension of that?
- Ms. McManus: Approximately 15x45.
- Mr. Valdati: Will there be any outdoor storage?
- Ms. McManus: He is not proposing any outdoor storage.
- Mr. Valdati: The request from our planning is how many seats will the outdoor seating area have?
- Ms. McManus: We will address all the comments.
- Ms. McManus: (Pointing to the map) this is the new facade for the building. This will be stone and stucco.
- Ms. Visconti: Are you counting the parking spaces by the pumps as part of the 18 spots?
- Ms. McManus: Yes. We have a couple things to address.
- Mr. Valdati: We are looking forward to your next submittal.
- Mr. Fanuele: The next item on the agenda is:

12-4051/ Chapel of Sacred Mirrors (COSM) –To discuss the draft resolution on 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)(Close PH 10-1-12)

- Mr. Fanuele: We have a resolution; does anyone have any comments on the resolution?
- Mr. Cappelli: There were some items that were listed on this resolution that already has been addressed. All the engineering items have been taken care of. We submitted a copy of the deep and the current paid tax bill. We also submitted the architectural exterior elevations.
- Ms. Brown: Those are standard conditions. We keep these in the resolution so the town has a record to show that everything has been submitted.
- Mr. Valdati: What about item E?
- Mr. Cappelli: That is the only thing that has not been satisfied.
- Mr. Valdati: That is a large item. We need Dept of Health approval.
- Mr. Cappelli: It has been submitted and it is pending.
- Mr. Gray: Item C and D can be removed. Speaking with the Town Attorney we prefer A to stay in to make sure it is compatible with Highway. From an engineering point of view, B can be removed along with C and D. We want to leave A and E.
- Mr. Cappelli: There was no one from COSOM here the last time to talk about exhibition hall verses gallery. The paper work suggests art gallery. Mr. Alex Gray wants to make it clear that an art gallery includes sales. There will be no sale just viewing. There was a request to be put on the plans concerning the drumming. On the Neg Dec there is a reference to the new noise ordinance and the noise level will be kept to that level.
- Ms. Brown: There is a reference on the resolution concerning the drumming.
- Ms. Visconti: We can take out drumming and put in just noise and you must conform to the noise ordinance. This can be one of the conditions in the resolution.
- Ms. Visconti: **I move a motion to add the above items we discussed.**

Ms. Smith: **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: 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. Morris: I am Jason Morris from Day Engineering. We were here at the last meeting. Old Troy Corners Subdivision is a two lot subdivision on the corner of Wheeler Hill Road and Old Troy Road. It will be two lots and have their own well and septic. At the last meeting the board had ask us to put on a taking and an easement for the NYSDEP for the water line. In doing so, one of the lots become none conforming. We do have an application in front of the ZBA for an area variance. We would like to move forward with the SEQRA.

Ms. Brown: We did review the project today and your request changes were made so it would be OK for them to go through the SEQRA project.

Mr. Gray: We were very close at the last meeting but we need to know the exact area of what the lot would be.

Ms. Visconti: I make a motion to make an intent for the Planning Board to become lead agency and to circulate for lead agency.

Ms. Leed: **Second.**

Ms. Rose: **Connie Smite Aye**
Marsha Leed Aye
Mr. Malafronte: Don't we need David to review this first.

Mr. Valdati: Ms. Brown said they reviewed it and they have no problem with it. They reviewed the changes that came in and there were no issues. We now just need to circulate for lead agency and get a variance. We will also complete SEQRA.

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

Ms. Leed: Bob, this lot is steep. Do we need extra drainage needed for low impact development or is this just understood.

Mr. Gray: Fill pads, grading for septic system and erosion control things like that.

Mr. Malafronte: Is this a site in a historical district? Do we have to address all those issues again?

Mr. Gray: That is why it is a Type 1 action.

Ms. Visconti: I make a motion that the planning board send a letter to the ZBA.

Ms. Visconti: Motion dies because of no second.

Mr. Fanuele: Next on the agenda is:

08-3162 / Osborne Square: To discuss drainage work in the DOT right away. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day)(Approved on January 5, 2011)

Mr. Lund: I'm really just here to update you on our progress. After a very long time negotiating the easement property with the DOT, the easement was transferred back to us. In the next day or two they will be issuing the permit so I will be able to put in the drainage line. I thought it would be appropriate to come before the board and give you an update. Kevin now reviews the map with the board. There will be large pieces of equipment there and I didn't want the board getting phone calls because the resolution is not yet complete.

Ms. Smith: Is this on Route 9?

Mr. Lund: Yes.

Mr. Valdati: We appreciate you coming in and updated us.

Mr. Fanuele: Next on the agenda is an extension for:

08-3160 / Bre-Del Enterprises (Ciraolo): The applicant is requesting their second extension for an approved signed site plan dated December 6, 2010 for the construction of a one/two story office building in an NB zoning district on .678 acres. This extension would begin on December 6, 2012 and expire on December 5, 2013. Due to economic conditions the applicant needs the one year extension to be able to apply for a building permit. The property is located at **Route 376** and is identified as **Tax Grid No. 6259-02-508806** in the Town of Wappinger. (**Barger**)(Lead Agency sent out on September 19, 2008.)(Opened & Closed PH 12-1-08)(Final Site Plan approval granted on January 21, 2009), (first one year extension granted to December 5, 2012)

Ms. Visconti: I make a motion to grant the extension.

Ms. Leed: Second.

Mr. Fanuele: All in favor?

Board: Aye.

Mr. Valdati: We brought this up before. We need to get the mailings prior to the meeting if the project is on the next agenda. We should get the mailings the Thursday before the meeting.

Mr. Malafronte: On this comprehensive plan on Hill Top that was approved August 2010. Do you address this during all the development that is going on?

Mr. Gray: The zoning was adopted.

Mr. Roberts: The comprehensive plan is a general formula for future development. It is not site specific. It forms the basis for zoning amendments which in a large part was adopted. There were a couple of subchapters that were not adopted but that are just a concept. If there is a major deviation from the master plan to what gets adopted in a zoning ordinance, then the master plan has to be amended. So far to my knowledge, the zoning amendments that were adopted are consistent with the master plan. What controls are the specific words in the zoning code. The comprehensive plan is a guide.

Mr. Malafronte: Are there still questions that need to be answered by resolution?

Mr. Roberts: Zoning has been completed and changed except for the overlay zones.

Ms. Visconti: **I make a motion to adjourn.**

Mr. Valdati: **Second.**

Mr. Fanuele: **All in favor?**

Board: **Aye.**

Respectfully,

Sue Rose, Secretary
Planning Board