

# MINUTES

**Town of Wappinger Planning Board**  
**January 23, 2013**  
**Time: 7:00 PM**

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

**Members Present:**

Mr. Valdati	Chairman	Mr. Malafronte:	Absent
Ms. Leed:	Member	Mr. Fanuele:	Member
Ms. Bettina:	Member	Mr. Dao	Member
Ms. Visconti:	Member		

**Others Present:**

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
Ms. Richardson	Attorney for Old Troy

Summarized

**PROJECTS DISCUSSED:**

BVA Construction	Adjourned PH-move to February 4th
Mobil Mini Mart	Accept Resolution w/amendments
Gas Land 1831 New Hackensack	Go to ZBA—Parking Spots
Old Troy	PH & Neg Dec
Osborne Square	Extension Granted

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Mr. Valdati: Please rise for the Pledge of Allegiance. .

Mr. Valdati: First on the agenda this evening is an Adjourned Public Hearing on BVA Construction.

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**06-5120/BVA Construction** - The Town of Wappinger Planning Board will conduct an adjourned 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 make a motion to open the Adjourned Public Hearing.**

**Ms. Bettina: Second.**

Mr. Burns: Good Evening. My name is Steve Burns and I represent BVA Construction. This is a 17 acre parcel and will be split into a 2 lot subdivision. It will be served with public water and sewer. We are reserving an area for the town to use as sewer easement. The larger lot will be 10 acres and the small will be 7 acres. There is a lot of wetlands on the site. My hope this evening is that David did review my plans and agrees with my wetland delineation.

Mr. Stolman: I got the copy at the end of last week. Sue was nice enough to forward a copy to me.

Ms. Rose: The original was mailed out and it must have gotten lost so I did forward another set.

Mr. Stolman: We have not had a chance to review them yet but we will.

Mr. Valdati: I have a question for the zoning administrator. Are all the fees up to date?

Mrs. Roberti: Yes.

Mr. Valdati: I would now like to open the meeting to the public. Ms. Rose is there anyone here for BVA?

Ms. Rose: No one is here.

Mr. Valdati: Does anyone in the audience have any comments?

Mr. Valdati: Mr. Stolman, are you still waiting to hear on some information?

Mr. Stolman: We are waiting on the wetland delineation. Our last review letter was back in August and we have not seen a set of plans since then to review. I think this should be adjourned to the next meeting which will give us a chance to review the last set of plans that were set to us.

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Mr. Valdati: Let's adjourn this to a date certain. Would that eliminate another publication?

Mr. Stolman: Yes.

Mr. Valdati: Does February 4<sup>th</sup> give you enough time?

Mr. Stolman: Yes.

**Mr. Valdati: I make a motion to move this to February 4<sup>th</sup>.**

**Ms. Visconti: Second.**

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

**Board: Aye.**

Mr. Valdati: The next Public Hearing is:

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**12-3264/Gas Land 1831 New Hackensack Road-** The Town of Wappinger Planning Board will conduct a public hearing pursuant to Article IX, Section 240-87 of the Town Law, on the application of **Gas Land 1831 New Hackensack Road** to discuss the modification and addition to an existing 1782 square foot 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. Visconti: I make a motion to open the Public Hearing.**

**Ms. Bettina: Second.**

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

**Board: Aye**

Ms. McManus: My name is Margaret McManus and I work for the Chazen Company. My client plans to renovate an existing gas station and change it to a convenience store. The applicant currently owns the gas station and would like to add two small additions which will add approximately 580 square feet. The building has been currently renovated as far as the underground storage tanks. Any contaminated soils were removed and we have a sign off letter from New York State DEC. I moved some of the curb lines and added two additional parking spaces. We will now have 12 parking spaces around the perimeter and 8 under the canopy. The Zoning Administrator provided you with this letter just before the meeting which gives you a determination

that states the parking spaces under the canopy will be allowed to be counted. The client already received a ZBA variance for the front yard setback.

- Mr. Valdati: I would like to open this to the public. Does anyone have any comments?
- Ms. Rose: No.
- Mr. Valdati: Do you have everything you need for this submission?
- Mr. Stolman: There has been a resent submission which was received tonight.
- Mr. Valdati: So you have not had time to review it.
- Mr. Stolman: No.
- Mr. Valdati: We will adjourn this to a date certain so the professionals have time to review it.
- Ms. Visconti: Is there any reason why we cannot close the public hearing? I thought the only thing in contention is the parking spaces under the canopy.
- Ms. McManus: There were a couple of comments in the letters that we addressed and the answers were only submitted yesterday.
- Mr. Gray: We have comments on the turning radius.
- Ms. Visconti: Does this affect the public hearing?
- Mr. Stolman: We had comments on lighting and signage but I think the bulk has been taken care of. I would not be opposed to closing the public hearing given that fact that the variance was granted for the front yard setback and there are no issues with the parking spaces anymore.
- Mr. Valdati: Do I have a motion to close the public hearing?**
- Ms. Visconti: I make a motion.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye**
- Mr. Valdati: Public Hearing closed and we will get additional comments from our professionals.
- Ms. McManus: Has this been circulated to the county?

Ms. Rose: Yes.

Mr. Valdati: The next Public Hearing is:

**12-5165/ Old Troy Corners Subdivision**-The Town of Wappinger Planning Board will conduct a public hearing pursuant to Section 276 of the Town Law, on the application of **Old Troy Corners Subdivision** to discuss their proposed subdivision of a two lot subdivision on a 3.725 acre parcel which will be turned 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)(LA 01-07-13)

**Mr. Valdati: Motion to open the Public Hearing?**

**Ms. Visconti: I make a motion to open the Public Hearing.**

**Ms. Bettina: Second.**

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

**Board: Aye.**

Mr. Morris: My name is Jason Morris and I am from Day Engineering representing Craig O'Donnell. This is a two lot subdivision on 3.725 acres of land in an R-80 zone. It is located on Wheeler Hill Road and Old Troy Road. The subdivision will have their own sewer and well systems which will need approval from Dutchess County Dept of Health. The strip provides land that will be dedicated to the town from proposed Lot 2 because of this land dedication we had to go before the ZBA for an area variance. The purpose of the land dedication is to give right away dedication to the Town for the installation of the NYC water main.

Mr. Valdati: Is there anyone here that would like to speak on this subject?

Ms. Wagman: My name is Marcy Wagman and I live at 50 Old Troy Road. Without the deeded land to the Town of Wappinger because of the NYC water project, would this have conformed? Is that the reason it is a non-conforming lot?

Mr. Stolman: Yes.

Ms. Richardson: The answer is the lot would be conforming without the dedication.

Ms. Wagman: The other question is this is the outline of the buildings, when we agree to that is that now the foot print and the outline that will be developed?

Mr. Morris: When the owner goes in for a building permit, he has to submit a plot plan which will show the exact location and orientation of the building. You don't know the exact footprint of the building until there are building plans for each house. This is the rough approval of the homes. There is not a lot of leeway here because of some of the wells and septs and they cannot be changed.

Ms Wagman: What is concerning me is the two buildings on that lot. Trying to add more would change the character of the neighborhood. With this being called a subdivision, they can be sold separately

Mr. Morris: This cannot be subdivided more than what is shown here.

Ms. Wagman: One or two of those lots could be sold and be different than what is show here today, I could buy that lot? Will I then have to go into the building department?

Mr. Stolman: You would need to supply a plot plan to prove where you would want the house.

Ms. Wagman: Would the public then have an opportunity to come in at that time to comment and view my design?

Mr. Stolman: This is the opportunity for the public to come in and express their opinion on the subdivision.

Ms. Wagman: I'm not comfortable with what is going to be built on Old Troy Road; taking in the history, the greenway path, and closeness to the river. Having this property being split into two, makes me concerned.

Ms. Visconti: What makes you concerned?

Ms. Wagman: The size of the building and the new buildings would change the nature of the being.

Ms. Visconti: Is there a particular theme to the neighborhood? Are they all farm houses or contemporary?

Ms. Wagman: It's all a mix and they have a historical history.

Mr. Valdati: We have a Negative Declaration for this subdivision through the eyes of SEQRA to see if there would be any environmental disturbance. It appears that there aren't any problems with the environment. It doesn't infringe on any historic nature. It seem to satisfy all requirements under the NYD quality review, so at this time this evening we are prepared to declare a Negative Declaration. We have

taken a very hard look at all the different criteria's. Is it possible that Ms. Wagman can get a copy of the Negative Declaration?

Ms. Visconti: I have an extra copy.

Ms. Wagman: Our concern is not what Mr. O'Donnell will build but what if the other subdivision is sold.

Mr. Valdati: Anyone else?

Mr. Pratt: My name is James Pratt and I live at 21 Old Troy Road. It was our understanding that when Craig started this he was going to build a house and the other property would have been a guest house for his in-laws.

Mr. Morris: He still has that intent. He may not build that house now but will do so in the future.

Mr. Pratt: Our other concern is our well, which seems to be ok. We are suppose to get a document from the county on that.

Mr. Morris: Craig's attorney is drafting a document which will be reviewed by the Health Department. They will approve it and then he will be able to sign it.

Mr. Glembosky: My name is Martin Glembotsky and I live at 647 Wheeler Hill Road. Is Craig restricted to the size of the house he can put there?

Mr. Valdati: As long as it conforms to the zoning laws at that time.

Mr. Glembosky: I'm also concerned about Jim's well. There are 3 streams that feed that well. Is there going to be a change in any of the streams?

Mr. Morris: (Pointing to the map) Are you referring to this one.

Mr. Glembosky: Yes.

Mr. Morris: There are no changes.

Mr. Valdati: Does anyone else care to speak? There are a couple of things to wrap up here. One being the Negative Declaration; does anyone care to move this Negative Declaration?

**Ms. Visconti: Motion to accept the Negative Declaration that was prepared by the planner.**

**Mr. Dao: Second.**

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

**Board: Aye.**

Mr. Valdati: We are waiting for a variance to be granted by the ZBA. At this point in time, why don't we adjourn this to a date certain?

Mrs. Roberti: The next ZBA meeting is February 12<sup>th</sup>.

**Mr. Valdati: The next Planning Board meeting is March 4<sup>th</sup> and since we have a date certain, we don't have to advertise again.**

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

**Board: Aye.**

Mr. Valdati: Next on the agenda is:

**10-3204/5157- Hilltop Village at Wappinger:** To discuss the site plan and subdivision approval and to request a Public Hearing for age restricted housing components on 149.35 acres. 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)(Accepted Finding Statement 11-19-12) (TB approval for rezone 1/14/13)

Mr. Povall: I just want to bring the board up to speed after the acceptance of the finding statement in November. We proceeded with the Town Board and a week ago Monday the Town Board adopted the rezone which is necessary for the proposed project. We have received engineering comments and planning comments which is detailed oriented and we are working on right now. The next step in the process is to set up a public hearing on the subdivision application and the site plan application. We are here before the board to request those dates so we can move ahead with the project.

Mr. Fanuele: Is the recreation all settled? Are you giving us land or money?

Mr. Povall: All the details for recreation and water improvements are outlined in the finding statement which was adopted by this board.

Mr. Valdati: Let's go ahead and schedule a Public Hearing. Is February 4<sup>th</sup> good for you?

Mr. Povall: Can the wetland permit also be advertised.

Mr. Stolman: It certainly could. You can have a Public Hearing for all three.

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

**10-5155 – Chelsea Farm Subdivision:** To discuss accepting construction material from the DEP project for the 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)

Mr. Koehler: My name is Dan Koehler from Hudson Land Design. I am sure you are all familiar with the NYC Water Project. Our subdivision is also on River Road North. It has been a while since we have been before the board because we are waiting for the Fish and Wildlife Service. This idea was presented to us by the General Contractor who is working on the Shaft Project. They are digging 600 plus feet into the ground to construct the shaft. There are approximately 70 some odd feet of soil before they hit rock. The contractor asked us if we had additional soil for our site and we do for the bottom two lots. (Pointing to the map) We have provided a road on the subdivision map, which you have not seen yet. There is a connection of a driveway now so this driveway will serve this lot as well. If there is a flooding condition there, they will be able to come out here. They can come out this driveway because the flood line does not come up to this point. We incorporated that into our plans so that we can take some of their disposal. The reason for the disposal is it is a benefit to us because we do need some soil down here to level some areas out. There is a benefit to the DEP and the contractor because now they have a place to get rid of that soil. Also, we feel it is a benefit to the town and the residents because this soil has to go somewhere. We are a ½ mile away and we will be able to take the traffic away from the original route and divert it to our site.

Ms. Visconti: How much soil is it?

Mr. Koehler: There is 12,000 yards that the contractor is estimating. We are also willing to take some of the rock but not all of the rock.

Mr. Valdati: How much are you willing to accept?

Mr. Koehler: About 2,500 yards of rock.

Mr. Fanuele: Where are you putting the rock?

Mr. Koehler: (Pointing to the map) it is going into the stock pile here. There are two different options on how we are going to take care of the soil. The rock will go into this area here and we expect the rock to be 6 to 8 feet high. The elevation on the road is about 6,

there is a rock pile that is now 27 feet high and then it drops back down. The rock would be hidden behind that. The driveway for lot 18 besides having a flood plain issue it also had a site line issue to the left. What we are proposing is the trucks come in through that driveway, dispose the rock or soil, and then come back out here. There is a good line of site and the road will have one way signage.

Ms. Leed: This isn't top soil. This is the soil from the digging of the tunnel?

Mr. Koehler: They did geotechnical base line report. We are excepting some sandy gravelly material.

Ms. Leed: Is there clay?

Mr. Koehler: There are some fractions of clay but it is mainly a sandy gravelly material. The rock is a silt stone or shale.

Ms. Visconti: How many trucks will there be?

Mr. Koehler: You get about 12 yards in a truck.

Ms. Visconti: So we will cut down on trucks going other places.

Mr. Koehler: What they said was that if they had the opportunity to get to this site they would be able to do 5 trucks continually in an 8 hour loop and they think 1 truck can get 3 trips an hour. It would be less than 10 business days to get rid of the soil.

Mr. Valdati: I think we would have to do some SEQRA research and you would have to change you EAF.

Mr. Koehler: I did reach out to Barbara when this project came up.

Mr. Valdati: We would also need some insurance of quality that is being brought out. I don't know if that comes from DEP or you as the applicant.

Mr. Koehler: The DEC has what is called the beneficial use determination. This isn't that type of operation where we would find any type of major issues. I would have to ask the contractor if any soil contamination test done.

Mr. Valdati: You would be receiving a hard copy?

Mr. Koehler: A lot of the information that I have been receiving is verbal.

Mr. Valdati: We would need something in writing. We should have a say of what is in that material and what it is comprised of. There must be some reports on sediment and erosion control.

Mr. Koehler: We will be lining silt fence in the downstream area as a curtain around them. We will also be mulching and seeding.

Mr. Stolman: We will need a grading plan and then you need to apply for a grading permit. You would also need a wetland permit.

Mr. Koehler: There is an 800 square foot buffer at this driveway (Pointing to the map). It is the buffer from the wetland across the road. I'm not trying to down play the buffer there but if the area is already been developed as part of the road, I believe it would be marginal.

Mr. Stolman: The sediment and erosion control plan and the signage plan to make sure the trucks know which way to go and you would need a grading permit and a wetland permit. The environmental assessment form needs to be modified.

Mr. Koehler: That would be the subdivision environmental assessment form?

Mr. Stolman: It would be on environmental assessment form for the whole thing including the subdivision so the one you submitted would need to be modified.

Mr. Koehler: For the subdivision, I don't think a public hearing was opened on that. The time line for this is a little tight. They want to start in April. That would leave us to set the site up in March or so. I would have to resubmit the subdivision application again which is all right because we are only waiting for one more piece of information.

Mr. Stolman: I'm not suggesting you submit the subdivision plans again unless they are going to change.

Mr. Koehler: Are we going to be able to make a SEQRA determination without the public hearing closed?

Mr. Roberts: Yes.

Mr. Stolman: Just like tonight we approved a Negative Declaration for Old Troy so they can go in front of the ZBA. We would issue a Negative Declaration before the grading permit and the wetland permit being issued. Then we can hold a public hearing later on.

Ms. Leed: Is this going to be stocked piled or spread out?

Mr. Koehler: One option is (Pointing to the map) we are going to have one stock pile in the valley over here. That one is about 4600 cubic yards of material. The other option is to come up at a 25 foot slope then level it out.

Mr. Valdati: We did come up with certain times for the trucks with the DEP as far as transporting.

Mr. Koehler: Yes 8am to 4pm and it is a week day operation.

Mr. Fanuele: How long is the new driveway?

Mr. Koehler: (Pointing to the map) this one is 600 and this one 650. It is approximately 485 to the preparation site we would need.

Mr. Valdati: Will there be any prep to those driveways?

Mr. Koehler: We will be doing all the prep beforehand. We will be grading out these driveways.

Mr. Valdati: This is not a public hearing but we have the Councilman from Ward 2 here and he has some interesting comments.

Mr. Bettina: I would like you to strongly consider this. It will minimize the impact to the residents on Chelsea Road. The plan provided meets the environmental concerns and approval of our consultants. This will minimize the impact to the residents in the area. Those heavy trucks really cause a problem.

Mr. Valdati: It is critical that it is under the original trucking plan.

Mr. Koehler: I am assuming there will be rock that will need to be moved other than what we are going to take. I think this will be a big benefit and cut into their time.

Mr. Gray: If they don't do this, they will be trucking material into this area. You mentioned you are having a problem with Fish and Wildlife.

Mr. Koehler: It's an issue of getting a response from them.

Mr. Gray: If this board is going to issue a Negative Declaration, we are going to need that response.

Mr. Fanuele: What is the hold up?

Mr. Koehler: Lack of a response from them.

Mr. Gray: I think it will be a show stopper if we don't get it.

Mr. Koehler: I'll do my best to get something from them.

Mr. Gray: In addition to the grading permit you will need a flood plain development permit. I think there were many test bores done by DEP on the property. We can get those records and see what the quality was.

Mr. Koehler: Are you talking about a contamination view point?

Mr. Gray: Contamination and quality.

Mr. Koehler: I have this report from them. This is a geotechnical base line report and they did a number of borings into the rock. Shaft 6B there is gravely sand, silt and some clay to ground surface to 15 feet. It is all Dutchess County glacier type.

Mr. Gray: I know the board was concerned with the quality.

Mr. Valdati: Since we are going to be the recipient of these deposits we need to know what it consists of.

Mr. Valdati: Next on the agenda is:

**12-4051/ Chapel of Sacred Mirrors (COSM)** –To discuss the relocation of the barn that was previously removed in June of 2012. The property is the **former Deer Hill Conference Center located on Wheeler Hill Road** which sits on 38.74 acres in an R40/80 zoning district. It is 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. Cappelli: My name is Alfred Cappelli and I am the architect for COSM. As part of our approved sited plan I believed we showed a relocation of a barn which was adjacent to the carriage house that we are turning into an art gallery. Where the parking lot is the barn is going there. About 100 yards east of the replica of that barn, we need it for storage. We are here to tell you we are waiting to hear from the Health Dept and the DEC. We don't have that yet to sign off on the site plan. Should we wait to start building the new garage, I'm here this evening to request that. We are having storage issues. We would like to start building the garage prior to us signing off on the site plan.

Mr. Stolman: Are any of the permits you are waiting for have anything to do with the barn or the barn location?

Mr. Cappelli: No, no water or sewer. It will have electric.

Mr. Stolman: The barn was part of the approval?

Mr. Cappelli: Yes.

Mr. Stolman: The resolution wasn't drafted that the barn could be built before the other permits were obtained. It could have been drafted that way but it wasn't.

Mr. Valdati: Is the barn going to be non-conforming?

Mr. Cappelli: No.

Mr. Fanuele: What are you going to keep in it?

Mr. Cappelli: Lawn mowers and things to that nature.

Mr. Valdati: Mrs. Roberti is it fair to say all he needs is a building permit?

Mrs. Roberti: Yes and with your permission. If he wasn't involved with a site plan, this was on the site plan and the site plan was approved. Since the site plan was not signed, I felt it was more prudent to have him come in.

Ms. Visconti: David, can we make an amendment to the site plan?

Mr. Stolman: We certainly can. For the next meeting, we can have an amended site plan. It would say that the barn/garage can be built but the rest of the project is on hold until all the permits are received.

Mr. Visconti: I make a motion to have the town planner write the necessary amendment to the site plan.

Mrs. Roberti: How big is this?

Mr. Cappelli: 25 X 40.

Ms. Leed: Are you moving the other building to this spot?

Mr. Cappelli: No, it was in such disarray. We are just going to build a stick built barn.

Mrs. Roberti: We changed the code last January that anything over 600 square feet for an assessor building needs a variance.

Ms. Visconti: We will see you at the next meeting.

Mr. Stolman: Let me do some research and I'll have an amended site plan ready for the next meeting.

Mr. Valdati: Next on the agenda is:

**12-3254 / Mid Hudson Sikh Cultural Society:** - To ask permission to meet with the town's consultants to discuss the town wetlands on their property before submitting a complete site plan and subdivision application. The site plan will be for a place of worship on 5 acres to be carved out of a 17 acre parcel in an R-40 Zoning District. The balance of the property would be a

residential subdivision of an undetermined number of lots at this time. The property is located on **the corner of Old Hopewell and All Angels Hill Road** and is identified as **Tax Grid No. 6257-04-919433** in the Town of Wappinger. (Cappelli)

- Mr. Cappelli: On that property there are 17 acres and 5 acres are being donated to the Mid Hudson Sikh Cultural Society for a new temple. Jason Morris is the engineer for this project and has flagged the wetlands and did the survey. There seems to be a problem with Federal Wetlands and how it relates to the town's buffer. I will let Jason explain because we do not want to submit an application without talking to the professionals.
- Mr. Morris: We have some wetlands on the site and this is the buffer (Pointing to the map). We have a couple of ideas and we would like to discuss these with the professionals.
- Mr. Fanuele: How big is the subdivision going to be?
- Mr. Morris: About 7 or 8 lots. One of those lots will be a 5 acre lot will be the Sikh Temple. There is a 5 acre parcel that will be cut out and be a subdivision lot for the temple.
- Mr. Cappelli: In total there is 17 acres.
- Mr. Valdati: So basically you want clarity before you get into a hard copy.
- Mr. Morris: Yes.
- Mr. Valdati: As long as you gentlemen just give some guidance.
- Mr. Stolman: No policy. That is your job.
- Mr. Cappelli: Does that make sense, Bob?
- Mr. Gray: What is the attendance at the temple?
- Ms. Visconti: There will be approximately 250 families.
- Mr. Gray: What I'm getting at is there enough room for the septic tanks? Because that is as important as the wetland situation.
- Mr. Valdati: Does anyone have any problems with them talking to the professionals?
- Mr. Cappelli: Let me know the cost for sitting with the professionals and I will get you a check.
- Mr. Valdati: There are a couple of issues I would like to go over before we go into executive session.

Mr. Valdati: I was talking to the supervisor that it may be prudent if the Planning Board reviews the vouchers that are submitted by our professionals.

Mr. Fanuele: Is someone going to review this with us?

Ms. Leed: We would look at the project and then the bills. Example, how many hours they reviewed the project.

Ms. Visconti: I asked for this a long time ago.

Ms. Leed: Will it be hours or dollar amounts?

Ms. Gutzler: The Town Board has a policy of reviewing all the vouchers because we don't have a town comptroller. We have an accountant. After our meeting, we review the bills that have been approved by me. We have to have two signatures on the bills. Board members will take a packet and review them. We receive a lot of vouchers from our professionals having to do with Planning Board work. What I suggested to Mr. Valdati was if the Planning Board has a system of check and balance.

Mr. Valdati: When do you think we can start that?

Ms. Gutzler: If you are in agreement, February 4<sup>th</sup> meeting. I would be more than happy to sit with you and go over the vouchers. I can show you how the vouchers are reviewed. I would need you to review what is on the bills match the vouchers. Everything always does but it is our legal obligation and the State Comptroller office, when they had the audit last year, one of the major things they were looking at was the approval of the vouchers.

Mr. Valdati: I make a motion that we avail ourselves to this process.

Ms. Leed: Are we looking for judgments on to many or too few or are we just checking to see they match?

Ms. Gutzler: You are not passing judgment. You just need to make sure they match.

Mr. Valdati: While we have everyone here, it has come to my attention that some things have been erected without our approval. A commercial property was constructed without permits and without any zoning. The fines in court are not nearly enough. Residents feel that the court fine is a nominal fee. There are a lot of ramifications. As such, the safety issue. I don't know if the assessor's office has been notified. Is there something we can do to build a finance deterrent?

Mr. Bettina: I would have to ask the attorney because I am the one that sets the fines.

Mr. Valdati: You set the fines?

Mr. Bettina: Yes.

Mr. Roberts: You have a maximum under Town Code for criminal violations. You can set civil penalties.

Mr. Bettina: What is the maximum because some people have been abusive? People look to the board and say you are not enforcing the law or your Planning Board is looking the other way. If we have the ability to levy the fine or set a fine that the zoning administration can enforce, they will think twice before doing it. Is there a maximum AI?

Mr. Roberts: Under the zoning law the maximum is \$750.00. When you have a repeating violation you want some teeth so the individual will stop doing what he is doing. This court does not have equity power to force someone to do something this has been an ongoing issue. The Association of Towns is trying to get the local courts to do something. Part two, Town Boards do have the ability to impose civil fines for lesser standards. To my knowledge there is no maximum you can set, but any fine has to be balanced against the ill sought to be protected. I believe, \$5,000 is the highest we have brought to a civil case.

Mr. Bettina: You're saying the statute speaks to a limit. There is a ceiling what a town can impose.

Mr. Roberts: Yes and it hasn't been changed in decades.

Mr. Bettina: It's \$750.00?

Mr. Roberts: Yes, it's \$750.00. Each week there could be a violation. You would have to go through the enforcement proceeding. You need to have someone out there every week and do the paper work and it has to be pleaded each time.

Mr. Valdati: Does the town have the right to have illegally installed infrastructure, plumbing, electric removed if it was done without a permit and without approval?

Mr. Roberts: The only place where you can force removal would be in the Supreme Court.

Mr. Bettina: If something is illegally done and something isn't inspected and it's a danger to our residence, the certificate of occupancy tag can be removed.

Mr. Roberts: The answer to Robert's question is yes but you have to do it in Supreme Court not in the local courts. The answer to Vinny's question is yes it can be revoked.

Mr. Valdati: If a building is constructed and then an addendum is added, you can remove the C/O for the entire building.

Mr. Bettina: If the use of that building has been modified such and not inspected the answer is yes.

Mr. Roberts: We are talking about two different things. If you have a building that has been constructed and it was built within the code, the plans have been approved and the C/O issued, then you put on an addition that doesn't meet the code to the extent that the first building stays in tact you cannot pull the C/O from the first building.

Mr. Valdati: What if the interior of the building has been modified and the basement is made into an office where there once was storage. There was clearly no C/O for that.

Ms. Visconti: How many cases are we talking about?

Mr. Valdati: Well there was the Villa Borghese.

Ms. Leed: That was years ago.

Mrs. Roberti: Corporate Park. It appears two additional offices were added down stairs.

Mr. Valdati: I believe parking spaces were added. We had one fellow build an entire house. Mr. Brundage built something for storage then it was a full blown house. Villa Borghese built an entire parking lot. We have had trees cut down on Route 9 without permits. It seems that there is no deterrent. Can the town work on their fee structure?

Mr. Roberts: The building you are referring to where the offices were put in is subject to a civil fine. An order to remedy needs to be issued. We have to give them reasonable time to correct it and if they don't correct it you have to hit them with a violation each week and each week is a continued violation which is incremental. It will start at \$250 then \$500.

Mr. Valdati: That is not the planning board that does this.

Mr. Roberts: It is through Code Enforcement.

Ms. Visconti: Barbara, what has other town done with situations like this?

Ms. Gutzler: It hasn't come up in any discussions but I would think other towns have these problems and they follow their Town Code and the law. What I am hearing now and what was brought to my attention whatever we need to do to revise the code.

Ms. Visconti: I think if we got the Association of Towns involved that they may be able to have some legislation action taken to allow higher fines than

\$750.00. I think then you would have uniformity and they can be implemented without our building inspectors going out there and being in court.

Mr. Bettina: The Association of Towns has looked at this and they have not been able to get a raise. They have said early that this has been going on through out the state.

Ms. Gutzler: We have our Town Supervisor's and Mayor's meeting in two weeks and I'll send off a request to the president to put this on the agenda. In this particular case, we know the area was given the C/O for storage.

Mrs. Roberti: I did meet with the current owner who claims these offices were put in legally and under a different owner. He is looking through his paper work because he believes he will be able to come up with the paper work that these were done legally.

Mr. Bettina: It's not the \$750.00 fine it's the improvements and the things that were installed illegally have to be removed.

Mr. Valdati: One last thing, I would like to nominate Angela Bettina as Deputy Planning Board Chairman. I would like to move to go into Executive Session.

**Ms. Bettina: Second.**

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

**Board: Aye.**

**Mr. Valdati: I make a motion to come out of executive session.**

**Ms. Bettina: Second.**

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

**Board: Aye.**

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

**Ms. Bettina: Second.**

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

**Board: Aye.**

Respectfully,

Sue Rose, Secretary  
Planning Board