

MINUTES

**Town of Wappinger Planning Board
February 4, 2013
Time: 7:00 PM**

**Town Hall
20 Middlebush Road
Wappinger Falls**

Members Present:

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

Others Present:

Mr. Robert Gray	Engineer to the Town
Mr. Al Roberts	Attorney to the Town
Mr. David Stolman	Planner to the Town
Mrs. Barbara Roberti	Zoning Administrator
Ms. Sue Rose	Planning & Zoning Secretary

Summarized

PROJECTS DISCUSSED:

BVA Construction	Adjourn PH till after meeting w/ professionals
Hilltop Village	Draft Resolution
Gas Land 1831 New Hackensack	Draft Resolution contingent on lighting
Wappinger Farms Estate	Contact engineer to come before the board.

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

Mr. Valdati: Can I have a motion to approve the minutes from January 7, 2013.

Ms. Visconti: I make a motion to approve the minutes.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

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

Adjourned Public Hearing:

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.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Burns: Good Evening. My name is Steve Burns and I represent BVA Construction. This is a 2 lot subdivision between Kent Road and Baldwin Drive. It is a 17 acre parcel with wetlands on it. We will be doing minimal wetland disturbance. It will be served with public water and sewer. One driveway will be accessed from Kent Road and the other driveway will be accessed from the cul-de-sac on Baldwin Drive.

Mr. Valdati: Please read the name of the first person that signed in to speak.

Ms. Rose: No one signed in to speak concerning BVA.

Mr. Valdati: At this point does anyone have any comments concerning this project?

Mr. Valdati: Hearing none, I'm going to make a suggestion. It seems there have been many memos sent from our professional staff to the applicant. The professionals have not been completely satisfied to the point that SEQRA has not been concluded. We will adjourn this but not set a date specific. I think you should meet with the professionals because rather than coming back and the plans being insufficient and having to come back over and over again. It seems unfair to your applicant and to the business end here. So again, I will adjourn this Public Hearing with no date specific. It will be advertised again when it takes place again. In the mean time it behooves you and the applicant to meet with our professionals.

Mr. Burns: My question is concerning the wetland delineation. In my letter with the latest submission I asked if the wetlands were alright. There is no mention of the wetlands in the comment letter. Did I satisfy those comments?

Mr. Stolman: Actually, not in comment 2A. We have 3 comments concerning the wetlands.

Mr. Burns: I did show conservation easements. It wasn't my intention not to answer those comments.

Mr. Stolman: I think the chairman's suggestion of getting together with the professionals so we can go over these comments would be a good idea.

Mr. Burns: Ok.

Mr. Valdati: I will leave it to you gentlemen to confer. When we receive word, then we can reschedule a Public Hearing. Do I have a motion to adjourn this Public Hearing?

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

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Next on the agenda is a Public Hearing for Hilltop Village. There will be 3 Public Hearings on Hilltop Village. I am going to ask the board if all could be done at once. All in favor?

Board: Aye.

an examination of all the alternatives and a complete effect to mitigate to the maximum each environment impact that has been identified. The project is located on All Angels Hill Road. It consists of 225 units which are all market rate units and will be all part of an age restricted community where the head of the house hold must be 55 years old or older.

Mr. Povall:

(Pointing to the map) the property is 149 acres which is highlighted here. This is Tor Road to the south and All Angels Hill to the east. The property currently has an existing right away which accesses Flavormatic. This is a commercial/ industrial building that exists on this parcel over here to the north. There is a hill in the center of the property and there are wetlands to the west as well as in the front. With this project as proposed, there are 2 applications and the necessity for a wetland permit. The first application is a subdivision application which will create this road A which will provide access to the land locked parcel known as Flavormatic. The subdivision will realign the property line which we are calling parcel C at the end of Applesauce Lane. Approximately 4 acres will be added to parcel C. That is the subdivision application; the result is that the rest of the parcel will be on a parcel which is for the site plan application know as the Hilltop Village Project as well as an additional lot which will be donated to the town for future considerations. With this project besides road A, the roads within the project are private roads and will be maintained by the HOA. They will be gated and access will be for residence and emergency vehicles. This front portion is for the Town Homes. What we have done with this project is cluster the homes to this area. What this did was to preserve over 51% of the property undisturbed and in its natural state. We were also able to preserve the top of the hill in the center of the property. There will also be a club house which will be utilized for the residents of the community. There will be significant landscaping. We studied the storm water significantly and we designed it in accordance with New York State Regulations. We incorporated storm water management, ponds or basins which are shown here in blue. With the design of this plan, we are able to capture all the storm water that is associated with this project and convey it into each one of these ponds. We are not increasing storm water runoff from the current condition. The rates are not going to be any larger then what was there before. These are located on the outer edges of the development. With this plan preserving open space, we have no wetland disturbance in the rear and no disturbance in the main area. There is a fraction of a percent of disturbances that was necessary to get access to the property which is associated with the emergency access road. There is minimal disturbance to create road A. These are the necessity for the wet land permit as advertised. It is a very water and sewer district.

Mr. Fitzpatrick:

My name is James Fitzpatrick and I am representing Toll Brothers. I am here to give you a brief description of what the homes will look like. Taking into account the demographic of Dutchess County, we feel there is a real need for Senior Housing. All the attached and detached homes will have first floor master suites. There will be 132 detached single

family homes. They will range from under 1700 square feet to 2500 square feet. There will be 2 to 3 bedrooms. They will all have 2 car garages. There will be 2 ½ baths. There will be 93 town homes. There are options for a one car garage. The recreation facility will be about 7500 square feet. There will be a pool and a fitness center. Given this is an age restricted community, there will be no impact on the school system. We estimate that the tax win from this project will be \$800,000 annually; \$750,000 will benefit the school district. The HOA will be responsible for taking care of the private roads, maintaining the landscaping, plowing and driveways.

Mr. O'Rourke: In studying this carefully during the EIS process the number of residence 55 years old and older in the Town of Wappinger has increased to 5,255 in the year 2000 to 6,953 in 2010 which is an increase of 32%.

Mr. Valdati: I would like to ask our planner if he has any comments concerning SEQRA.

Mr. Stolman: Mr. O'Rourke has given an overview of the SEQRA process. There have been a number of issues studied. I would like to give you an idea of the kind of studies that were done. Geology and soils were studied, topography and steep slopes, vegetation and wildlife, wet lands, community services (police, fire, and ambulance services), visual services, storm water management, traffic, infrastructure and energy utilities and services, sanitary sewer and water, electrical supply, solid waste management. As Mr. O'Rourke mentioned before a variety of alternatives to this project both in land use and design. There has been an extensive amount of studies done on this project.

Mr. Lindstrom: My name is Gary Lindstrom from 52 Kent Road. I am in favor of anything that will move this along. For years I have said Wappinger's needed senior housing. I like what they have shown us. I like the fact that school tax and land tax will be paid by Hilltop and very little services will be used. Experienced builders like Toll know what they are doing and what is needed. I have been to other developments that Toll Brothers have built and they are sold as fast as they are put up. So again, I support this project.

Mr. Grossman: My name is Scott Grossman and I live at 158 Robinson Lane. I am not a Town of Wappinger resident but I do live close. My father is getting a lot older and this is a project that would help him. As we get older, it is harder to maintain the property. The thought that went into this project is useful to the town. I just would like it on record that I do support this project.

Ms. Schmalz: My question is about the wet land permit.

Mr. Valdati: I will ask our planner to address this.

Mr. Stolman: There are designated wet lands on this property. The amount of the disturbance is .06 acres of disturbance in total. There is a very small

amount of wet land disturbance and a very small wet land buffer disturbance. The vast majority of wet lands are being preserved and the development is being built elsewhere. Since there is a small amount of wet land being disturbed, there is need to request a wet land permit.

Mr. Valdati: Next speaker.

Ms. McCormack: My name is Jeane McCormack and I live at 19 Applesauce Lane. (Pointing to the map) the green areas on the end, are those the wetlands? He just explained that .06 acres will be disturbed. Are the green areas on the map the land that will be turned over to the town or does it stay part of the complex?

Mr. Roberts: It is part of the complex and will stay forever green.

Ms. McCormack: (Pointing to the map) over here is Applesauce Lane; on Applesauce Lane is Applesauce Pond. It was a pond that was built there by the town. As the area was build up, the water flow to it was restricted. Now it is only feed by underground springs. We maintain it thanks to us guys because if we don't it becomes stagnate and it becomes a swamp. The little green area here is where it flows over. If you leave Applesauce Pond, when the rain waters are high or in the spring the water runs into here and it does not go into another body of water. My question is, is this going to stay this way?

Mr. Povall: The answer is no. (Pointing to the map) this drainage course or the overflow that runs through this area will be maintained. They were talking about up grading the culvert crossing which would be under road A. It would be a benefit because it would take away the flow to that property.

Ms. McCormack: It is not necessarily the flow of a stream it is more of a flow and then dissipates.

Mr. Valdati: Is it fair to say that this project will not impact Applesauce Pond.

Mr. Povall: That is correct.

Ms. McCormack: The drainage pond around the facility shows water areas. How is that maintained? Are they going to be chlorinated? What happens to that water, does it just sit there until it evaporates?

Mr. Povall: Those ponds are designed to capture water and retain them. There will be infiltration into the soils as well as during higher flows there will be some releases. Those storm water ponds are designed to collect storm water and provide water quality treatment as well as water quantity treatment.

Ms. McCormack: As water sits, are you going to have air raiders in it. They look pretty big to me.

Mr. Povall: (Pointing to the map) these are relatively shallow and because their drainage they will be turned over. There is no chlorination. The HOA will be required to maintain the ponds and as part of the plans we have outlined the whole maintenance program that would have to be followed. If there are any situations that need to be followed, the HOA would be responsible.

Ms. McCormack: If anyone in the area notices anything abnormal or an odor, who would we notify?

Mr. Valdati: You would notify the town. We would make sure the proper enforcement would take place.

Ms. McCormack: The properties have to be age restricted but what happens if a grandparent adopts their grandchild or even if their older child moves in because of divorce. Are provisions being made of those situations?

Mr. Fitzpatrick: As part of the DEIS.

Ms. McCormack: What is a DEIS.

Mr. Fitzpatrick: Draft Environmental Impact Statement. There will be a legal document that will be filed with New York State called a Condominium Offering Plan. There are deed restrictions by laws within the plan. There will be rules how to deal with the age restriction.

Ms. McCormack: Even if they own the property and the house, there still will be a rule on the age restriction?

Mr. Fitzpatrick: Yes.

Ms. McCormack: What happens if the homeowner passes away and it is left to their children?

Mr. Stolman: At the last meeting it was said, that if a homeowner passed away and there was a younger spouse or a child over 18 there would be a 6 month time period to move out.

Ms. McCormack: What would happen to the property?

Mr. Roberts: It would have to be sold to someone who can comply with the bylaws.

Ms. McCormack: What are the prices of the homes?

Mr. Fitzpatrick: Our pricing is based on market value. We don't build on speculation and we don't build it until we have buyers.

Ms. McCormack: When will the project begin and how long do they think it will take to complete since they are building to suit?

Mr. Fitzpatrick: We outlined what we thought would be best guess at this point and there will be 7 construction phases. It may be 4 to 5 years and then that depends on the market.

Ms. McCormack: When will this start?

Mr. Valdati: Resolutions need to be prepared, construction seasons are taken into consideration.

Mr. Fitzpatrick: If we had the green light today, it would take about 3 months to mobilize and start. Then after that it would be 6 to 9 months for sale.

Mr. Wydro: My name is Robert Wydro and I am the lake administrator for Lake Oneida Lake Association. Our concern is the impact of stripping all the trees exposing all the soils which are on about a 50 foot elevation. This runs all the way down into the valley and as a result entering all of the creeks that feed Lake Oneida. We have experience major problems in the past with Toll Brothers before when they built the other subdivision of about 65 acres. As a result we have the same scope at our door step. In fact it is right above us. With the change of weather conditions, for example global warming, my basement is flooding. The ground water is rising where my son dug a hole in my backyard at my house on Fox hill Road. If they think the ponds are going to remediate any solution as far as capturing water, they are mistaking unless they are lined. If they dig a hole, it will fill up with water. I was here at the last meeting about 2 years ago and I spoke to all of you. There is a major pond inside that green area (pointing to the map) that is not depicted in the drawing. It is still not in the drawing. I doubt the validity that pond exists it and that an environmental study was done on it. You can look in your records and I spoke to you all. I didn't see it then and I don't see it now.

Mr. Valdati: Did you attend the public hearing had by the Town Board to the rezoning of that district. Did you make this information know to them? I have here a statement of findings from the Town Board. The post development run off will not increase so then will not impact the 2 water shed creeks from this development and as storm water runoffs will continue to run over land as in the same direction as in predevelopment . The collected storm water will be conveyed by a closed pipe network or via grass swales to stone water management facilities for treatment. The treated storm water will be released in a controlled manner to the onsite wet lands prior to entering the northwestern and eastern streams. The storm water will be released from the site at rate equal to or less then which existed prior to the development of the property. This has been based upon the SEQRA review and the SEQRA findings. Mr. Stolman is there anything else you would like to add to that?

Mr. Stolman: The pond that exists is entirely enclosed in this open spaced area.

Mr. Wydro: There is a stream that runs through my back yard.

Mr. Stolman: What I am trying to say is if you look at that green area (pointing to the map) it is entirely encompassed within an area that is not going to be disturbed at all.

Mr. Wydro: That pond or whatever you want to call it has a creek that runs through it and goes across my property on both sides and goes directly into Lake Oneida at the point where Fox Hill on the southern side is around the lake. It is not totally enclosed because there is a runoff. A major runoff, in fact, when we had our last big storm in August the culvert could not even stand the water. It overflowed the banks and my neighbor had water up to her driveway. The water situation has gotten so bad maybe because of global warmer or the changes in the environment, the town had to rebuild the road on Kent Road because that particular culvert was actually a bridge that was destroyed. Did you know about it?

Mr. Valdati: I will have to check with the superintendent of the highway department.

Mr. Wydro: That road was closed because it collapsed. I think there are enough witnesses here that can show that the runoff comes from the back. There are three streams that serve it. One from the point where the 17 acres are, one from the west where the culvert is. That overflows. The one on Fox Hill Road completely overflows. It overflows over the road and everywhere. If they say they are going to build 2 ponds that are going to fill up with water by just digging in the soil, I don't believe it. There has to be more mitigation to those aspects I presented. This problem needs to be remediated. We have suffered before where Toll Brothers have built structures to retain waters and they did absolutely nothing and as a result there were major changes to the construction process. It is not so much how much the runoff is after. The damage happens during the construction. I did calculations the last time I was here. For every 1/8 inch of soil run off from those 72 acres there is going to be about 10 pump trucks in our lake.

Mr. Valdati: Mr. Stolman, those documents that you have there for the SEQRA process, are those going to be in the Town Clerk's office?

Mr. Stolman: They will definitely be in the Planning Board Office.

Mr. Valdati: I am going to take your comments seriously and under advisement. Those will be made available to you and anyone who would like to look at the specifics. It deals with drainage and runoff in accordance with New York State SEQRA Law.

Mr. Wydro: In the advent that we go through a crisis in our lake where the runoff is contaminating our lake, what is the town going to do. Are they going to stop the construction? What is going to happen to prevent a five year on going, open soil erosion process that is going to be dumping soil into our lake?

Mr. Valdati: Specifically this project and any other project under construction there are inspections that are continually done. It is not you start and we will

come back when you are done. It will be monitored constantly. There is a seriously amount of work that needs to be done and vigilantes is the key. We will have our department out there to make sure they adhere to the plan that has been approved. If this does not happen, a stop work order will be issued and fines will be levied. There is consist oversight.

Mr. Wydro: I am an engineer but I am not a lawyer. Are there grounds for suing in the particular case?

Mr. Roberts: There are always grounds for a law suit. If you can prove there was an injury to you.

Mr. Wydro: I am not here to stop the project.

Mr. Gray: I am the town engineering and I have regular hours at the town hall. I would be happy to sit down with you and talk to you about the design as well as the engineer for the project, Mr. Povall. I think you will find the storm water regulations in place today are different from when the first Toll Brother's project was constructed. The monitoring of the storm water pollution and prevention plan is monitored continually. There are inspections made all the time. Projects can and will be shut right down if each and every lot is not in compliance. Each lot has to be maintained in such a way to limit run off and downstream silt ration before the water gets to these larger ponds. There are a lot of safe guards in place today that were not in place with the project you are referring to. I can go over all the details with you.

Mr. Wydro: Thank you and I appreciate it.

Mr. McGowan: My name is Walter McGowan and I live at 25 Fox Hill Road. I am the president of the Lake Oneida Lot Owners Association. Our biggest concern is what Mr. Wydro discussed; the capture of soil. We as the association spend \$6,000 every year to keep that lake clean. We have a private contractor come in to take care of our weed problem and algae problem. Our concern is that we want water. We are not going to stop you from us getting water but we need it controlled and clean. We are looking for a commitment from Toll Brother's which sound like you have. We will take you on your word. The first Toll Brother's project we had issues with and had the DEC there. They did stop the project until they redesigned their water ponds. Our concerns again is to keep our lakes clean, it is an asset to the town.

Mr. Valdati: Thank you sir. We will keep an eye on it.

Mr. Gray. This will be going on for at least 5 years. You are most vulnerable during construction. Please come and see us during that process. There will be certified storm water inspectors and other inspectors there.

Mr. McGowan: You will be our contact person?

Mr. Gray: Myself or Barbara Roberti.

- Mr. Valdati: Next person to speak.
- Mr. Deiney: My name is Scott Deiney and I live at 302 Myers Corners Road. I have lived here for 14 years and I am the Little League Field Director and a member of the executive board. My wife and I support this project. As a board member of the Wappinger Little League we know the tax burden that has put a crunch on the Town of Wappinger. We think this project will help with this tax burden. I know the family that owns this property and they are good to the community. They are good to the Little League and we do support this project.
- Ms. Birrittella: I live at 5 Bridgewater Way, Poughkeepsie, NY. I have lived in this community for many years. My grandchildren live at 3 Crabapple Court. I spoke to the Town Board in favor of this project and I would like to reiterate what I said. I think it would be wonderful to have an upscale senior property. There are a lot of these types of communities in the Carolinas and in Florida. I am a widow and the thought of me having a nice home and being in a gated community is very appealing.
- Mr. Valdati: This is the last call, is there anyone in the audience that would like to speak.
- Mr. Fanuele: You mentioned that Wappinger is aging fast. If the people that age from Wappinger, they have to sell their own home. This means it will affect the school system. I cannot accept the fact that this will not bring kids into the school system. Did you say that if I buy a home there the property surrounding my house is not owned by me?
- Mr. Fitzpatrick: It is condominium ownership. Everyone would own an equal percentage. There are areas that are known as common areas. If you have a detached house, you have a limited amount of space in the back and front of your house and your driveway. That space is for the owner of the home. There will be a management company that oversees the HOA rules.
- Mr. Fanuele: We talked about the water. What is the rate of water versus the volume of water?
- Mr. Povall: We did a very detailed study of the storm water runoff that is associated with this project. What we do is take a design point, for example where it goes through the water land and leaves out towards the north of Lake Oneida. We study it and create a model of what runoff would be leaving the site at that point before the project. Then based on the roads, the homes, and the impermeable surfaces we create another model with the proposed runoff. That will tell us how much extra water is being generated from the project which will end up going off the property to the north. We then design these holding ponds to hold the extra water so that it is released at a rate that is not higher than the rate that was previously discharging from the site. Over a course of a storm there would be some additional volume but the rate at which it is released

would not increase. This is in compliance with general engineering practices as well as NYS DEC Storm Water Management Regulations.

Mr. Fanuele:

What if the volume increases just from the normal volume?

Mr. Povall:

It has a lot to do with the increased rate. If you have a lot of water all in one shot, the flood waters rise. If you control that rate at a lower rate, it does not rise.

Mr. McGowan:

As mentioned before the culvert over Kent road did wash out. Graham had to close that road down and direct all the traffic around the lake. When they rebuilt it, they did an excellent job; they also increased the volume of water that can be released into the lake. We can control our lake. There is a valve to lower the lake and we also have a spill way. The spill way has now been enhanced because of what Graham did by putting in the extra culvert and then it ends up in the Wappinger Creek. Our concern is that we want the water and need the water but in a controlled fashion.

Mr. Wydro:

This is a valley and all the water comes down to the lake.

Mr. Valdati:

From a planning and engineering stand point, it is fine. These plans follow NYS guide lines and the SEQRA guide lines. The object is now to make sure it is built according to these guide lines. Oversight is the key and the Town of Wappinger will have inspectors and professionals there. If there is a problem, the project will be stopped until they are corrected. Work order stopped and or fines. The project is being done in fazes and each faze must be done carefully. You can anytime come in and talk to our professional about your concerns.

Mr. Lindstrom:

Lake Oneida is a manmade lake. The Kent Road problem was not due to a water problem it was because the road was collapsing into where the original culvert was. They did improve it when they put the new one in.

Mr. Wydro:

I live and drive over that road and there was nothing wrong with the road way. The water over flowed the entire bank and there was thousands of gallons of water per second and in a span of 200 feet. It was running right into the road and undermined the integrity of the road.

Mr. O'Rourke:

I would like to ask if the planning board members have any questions. If not, I respectfully request that the public hearing be closed.

Mr. Valdati:

Do I have a motion to close the Public Hearing?

Ms. Visconti:

I make a motion to close the Public Hearing.

Mr. Dao:

Second.

Mr. Valdati:

All in favor?

Board:

Aye.

Mr. Valdati: I would like to reiterate that all three Public Hearings are closed. Do I have a motion?

Ms. Visconti: I make a motion that all three Public Hearings are closed.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Next on the agenda is:

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. 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. My client is also planning an addition to the existing building. We have gotten the new elevations from the architect. The owner has decided to make some changes to the building by changing the roof line and by changing the windows.

Mr. Valdati: These are dated February 1st.

Ms. McManus: Yes, these just came in on Friday.

Mr. Valdati: Mr. Stolman, did you have time to review these?

Mr. Stolman: Not yet but I believe this is an improvement to the last set of elevations.

Ms. McManus: They are using the same footprint.

Mr. Stolman: We just got them tonight and they appear to be attractive. We will take a look as soon as we can.

Mr. Fanuele: I think the building will attract more cars to come in there and we don't have enough parking.

Mr. Valdati: Mrs. Roberti has sent a statement of finding to us. Mrs. Roberti would you like to reiterate the statement to us.

Mrs. Roberti: With the convenience store, unlike a deli or a grocery store most people that are going there are getting gas. I think with 12 additional parking spaces I don't think you are going to get more than 12 cars at a time and you have 8 pumps. I believe there is more than enough parking on that site.

Mr. Fanuele: The building is being made more attractive and more people will come.

Ms. Visconti: If I need gas, I stopping if the building is attractive or not.

Ms. McManus: The building will have the same square footage so the items to purchase have not increased.

Ms. Visconti: My note reflexs questions concerning lighting. The letter we received from Chazen states the owner does not intend to change the existing lighting under the canopy because there have been no complaints. That is not the point. Our professionals have stated this is going to be a problem for the neighborhood.

Ms. McManus: The statement before you are reading is we model the photo metrics with the lighting we can put into the model. It may not necessarily exactly match what is there. There is existing lighting there under the canopy and those lights are old. We cannot get that light fixture to put into the model. We did put light fixtures in that were similar.

Ms. Visconti: What about the foot candle? Will it go out further than what was requested?

Ms. McManus: If I put nothing under the canopy and modeled it, it would not be a good judgment of what is existing for the whole site. I have to pick a fixture that will give me something under the canopy so when it sheds beyond the canopy and it adds into the other lighting fixtures I get a model that is similar in nature.

Mr. Stolman: The numbers you are coming up with on the plan they are exceeding.

Ms. McManus: They are not higher than other sites we design.

Mr. Roberts: Is it in compliance with our code?

Ms. McManus: Your code is to the property line.

Mr. Stolman: This is 3 times as bright as you have at an ATM.

Ms. McManus: I can do research and find an existing light that I can put into the photo metric plan.

Mr. Stolman: Maybe you can go out with a meter. I understand you cannot model it correctly but before the Planning Board can approve a plan with numbers that are 3 times as bright at an ATM there needs to be corrections.

Ms. McManus: I don't think you want the light that you have at an ATM the same if you are standing and pumping gas. I don't think they are comparable. I can and I will look for a fixture that is in line with what is here. I will put a light meter under it and see what it is reading.

Mr. Stolman: I heard you say that the numbers you are putting on the plans are brighter than it actual is.

Ms. McManus: The light fixtures that we can get now that can be put into the model are all LED and those are not LED.

Mr. Stolman: So, the numbers are not accurate?

Ms. McManus: They are the best we can get at this point. I can model it with fewer lights that are there.

Mr. Stolman: I am confident that this can be worked out.

Mr. Valdati: Can we draft a resolution contingent on the lighting.

Mr. Stolman: Yes.

Mr. Valdati: Do I have a motion to have the planner draft a resolution.

Ms. Visconti: I make a motion to have the planner draft a resolution contingent on the lighting.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Stolman: We will have it worked out ahead of time or there will be a condition.

Mr. Valdati: Next on the agenda is:

09-5152 All Angels Heights Subdivision - - To discuss an 8 lot subdivision on 22.84 acres in an R-40 Zoning District The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid Nos. 6259-03-410112** in the Town of Wappinger. (Barger)

Mr. Burns: This subdivision was in front of you some time ago. I have taken the maps and redrafted them. It was proposed as an 8 lot subdivision. The entrance is off of All Angels Hill Road. The access to the parcel originally was from Myers Corners Road. There were Public Hearings had for this subdivision and the lot line realignment and most of the environmental concerns were covered with that. At that time there were comments on the wet

land delineation and since then we scheduled a tree survey conducted on the property. At that time they will be resetting the wetland delineation flags so that Clark Associates can validate the wetlands.

Mr. Valdati: I'm looking at the January 31st memo from Frederick Clark Associates to your firm. Do you have this?

Mr. Burns: Yes.

Mr. Valdati: A lot of outstanding issues have not been met. What seems to be happening is you want to be on the agenda but you are not close enough to get to a resolution. It might make sense from your perspective and the town's if you get clarity from the two professionals so when you do come back on an agenda we can knock it off and it will be done properly.

Mr. Stolman: I think it would be efficient if we get together and meet. Where my comments are down to a minimum and Bob's comments are down to a minimum and then this could be put on an agenda at that time.

Mr. Valdati: Contact the Planning & Zoning Department and let them know of your progress and then you can get on an agenda. Does this sound reasonable to you?

Mr. Burns: Yes.

Ms. Visconti: As everyone is aware of flooding, I noticed that lots 3 thru 5 are affected by the 100 year flood plain. On the map we have here it shows a flood zone and I would like to know how much fill you will be using. We had a similar problem at Black Watch Farms.

Mr. Burns: The flood plains have been delineated.

Ms. Visconti: You can delineate all you want but I was involved with a flood and I know what is going on with FEMA. These people need to have a lot of fill in there so are they raised above any flood plain. Also, as part of this I would like the applicant to furnish each of these residents with an elevation certificate for flood insurance. This will be the only way to prevent the home owner from paying 2 to \$5,000 a year for flood insurance.

Mr. Gray: June and I have spoken about this earlier this evening before the meeting started. These lots 3, 4, and 5 look to me that the houses are proposed to be 14 feet higher in elevation than the flood plain is shown. If we can determine that this is the base flood elevation, I am happy with a first floor elevation being 14 feet higher. I don't know if we have to go much further than that.

Ms. Visconti: If they have an elevation certificate with the deed, they will have no problem.

Mr. Gray: As part of the final plot plan we can make that as part of the final as built.

Mr. Malafronte: Will the FEMA map make any changes to the whole site?

Mr. Gray: I don't think they are going to raise it higher than 14 feet but then we have to verify it.

Mr. Burns: The data now is showing this.

Mr. Malafronte: Will you require another storm water retention pond on the far end because of those changes?

Mr. Burns: The elevations are all ready 14 feet.

Mr. Gray: I would be a lot more concerned if they were 2 feet.

Mr. Burns: I was under the impression from Mr. Barger that I was going to be allowed to put a storm water pond in the town wet land buffer here (Pointing to the map). One of the comments from David was that I cannot have that wet land pond. It is the best location for it and I can provide mitigation for it. If I have to move it, it may be an issue.

Mr. Stolman: I think providing mitigation would go a long way toward showing it should be there. I can talk to Bob about being near the buffer as well.

Mr. Macho: I have a question about the Public Hearing. I thought when we had the Public Hearing it was opened and closed? We have to go through that process again? If you read the minutes, it said for the lot line realignment and subdivision.

Mrs. Roberti: I believe it was for the lot line realignment.

Mr. Stolman: We will have to go back and look.

Mr. Malafronte: Do we need to address the different changes in the environmental study for over the course of a couple of years.

Mr. Stolman: The most current EAF still has items that need to be addressed.

Mr. Burns: I am handing them over to Michael to take care of the environmental study.

Ms. Visconti: Is Army Corp of Engineers, DEC, Fish and Wild Life, and Indiana Bat Study required? In the Barger report it stated that sediment needs to be removed every 5 years. Who removes it?

Mr. Gray: This will be most likely a storm water management district.

Mr. Valdati: I will leave this to you gentlemen to concur.

Mr. Valdati:

Next on the agenda is:

05-5110 / Wappinger Farm Estates. The applicant is requesting their twelfth extension on preliminary subdivision approval for 6 months for a 19 lot subdivision on 60.620 acres. The extension would start on March 3, 2013 and expire on September 2, 2013. The property is located on **Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger. (M. White)(PH: 2-6-06 Closed PH 3-19-07 / LA: 9-19-05)(Granted Re-Zone 12-26-07 /Preliminary granted 1-7-08, first extension Jan.2, 2009, second on Feb, 2, 2009 and third July 2, 2009, fourth to January 1, 2010, fifth to July 1, 2010, sixth to January 3, 2011, a seventh extension to July 2, 2011, eighth extension to January 3, 2012, ninth extension to March 7, 2011, tenth extension to September 2, 2012, eleventh September 3, 2012 thru March 2, 2013.)

Mr. Valdati:

There have been a lot of extensions.

Ms. Visconti:

I would like to see these people in here.

Mr. Fanuele:

I agree with June. This has been going on too long. I don't think anyone on this board knows what this subdivision looks like. Most of these members were not on the board at this time and he should come back.

Mr. Valdati:

That sounds reasonable.

Ms. Visconti:

I would like the engineer to the town to look at the changes in flood zones and that is a flood zone. We should look at the entire project and see if it is viable.

Mr. Gray:

When we did the review, I was surprised that it had preliminary approval. Mike White, who represents the owners, was here maybe 6 months ago. Since then, I have not received any information. We gave a lengthy review back then.

Mr. Valdati:

Let's contact them and put them on an agenda. All in favor?

Board:

Aye.

Mr. Valdati:

Anyone have new or old business?

Mr. Valdati:

No old business but I have new business. The Town Board has gone for RFP's for all professionals to the town. To be consistent with the town board I think the Planning Board should do the same. I make a motion to go to RFP's.

Mr. Fanuele:

If we pick different professionals than the Town Board picks, it will not work.

Mr. Valdati:

Why not?

Mr. Fanuele: It will cost the tax payers more money because the Town Board professionals and the Planning Board professional will need to resolve their differences. I would say whatever the Town Board comes up with we accept it.

Mr. Valdati: We make our own decisions on this board. I think it would be unreasonable not to review the RFP's and make our own decision. I put out a motion, would anyone like to second it.

Mr. Dao: Second.

Mr. Valdati: All in favor and a roll call vote please.

Ms. Rose:	June Visconti	Aye
	Victor Fanuele	No
	Angela Bettina	Aye
	Frank Malafronte	Abstain
	Max Dao	Aye
	Robert Valdati	Aye

Mr. Malafronte: This should have been discussed behind closed doors.

Mr. Valdati: Does something like this need to be discussed in executive session?

Mr. Roberts: No it does not. You could not have passed a motion like this in executive session.

Mr. Gray: Will the timing for the proposals for the Planning Board; will they be the same as the Town Board?

Mr. Valdati: I would like them to be concurrent.

Mr. Fanuele: I think we should go back to the table. We have two small chairs we need two more swivel chairs.

Mr. Valdati: I think we will stay up here. Do I have a motion to close?

Mr. Dao: I make a motion to close the meeting.

Ms. Bettina: Second.

Mr. Valdati: All in favor?

Board: Aye.

Respectfully,

Sue Rose, Secretary
Planning Board

