

MINUTES

Town of Wappinger Planning Board
March 18, 2013
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

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
Ms. Cobb	Attorney to the Town
Mr. Stolman	Planner to the Town
Mrs. Roberti	Zoning Administrator
Ms. Rose	Planning & Zoning Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Old Troy	Resolution Accepted
NYDEP Shaft 6	Tour Saturday, March 23 rd if possible
Hilltop Village	Resolutions Accepted
Villa Borghese-Permanent Tent	Amend Site Plan
Grace Bible Church—Existing Car Port	Amend Site Plan---meeting with Barbara March 20 th

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: We have minutes to accept. Do I have a motion?

Ms. Visconti: I make a motion to accept the minutes from February 4, 2013.

Mr. Dao: Second.

Mr. Valdati: All in favor?

Board: Aye.

Mr. Valdati: Next item on the agenda is:

12-5165/ Old Troy Corners Subdivision-To vote on the resolution for 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)(PH Opened 1-23-13 and Closed 3-4-13) (Negative Declaration 1-23-13) (Variance Granted 2-12-13)

Mr. Morris: Jason Morris from Day Engineering. I think there is a resolution to be voted on.

Mr. Valdati: Any comments on the resolution?

Mr. Valdati: Do I have a motion?

Ms. Visconti: I make a motion to accept the resolution as prepared by the Town Planner.

Mr. Fanuele: Second.

Mr. Valdati: All in favor?

Board: Aye.

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

11-3224 / NYCDEP Shaft 6 – To discuss a tour of their site on the construction activity associated with the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT) repair program, an approx. 45 mile section of the Delaware Aqueduct that conveys approx. 50 % of the drinking water for NYC & some upstate communities. The property is located at **195-209 River Road** and is identified as **Tax Grid No. 6056-01-288977** in the Town of Wappinger. (Canale)

Mr. Valdati: Do we have any representatives from the DEP?

Mr. Valdati: No, well the Planning Board has decided to attend the site tour on March 23rd at 10am.

Mr. Gray, will you be with us on the tour.

Mr. Gray: I did not know what day was chosen.

Mr. Valdati: We just decided the date tonight.

Mr. Gray: Does DEP know that?

Mr. Valdati: Our secretary will contact their office.

Mr. Gray: I don't know if they are available on Saturday.

Ms. Rose: I will contact Phil Simms and get the name of the person to contact for the tour. It seems Saturday is the best for everyone.

Mr. Valdati: If Saturday is not a good time for them, we will pick a date that is convenient for everyone.

Mr. Valdati: Next item on the agenda is:

10-3204/5157- Hilltop Village at Wappinger: To vote on the resolution of Site Development Plan and Wetlands Permit Approvals and the Resolution of Preliminary and Final Subdivision Plat Approvals 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) (PH Opened and Closed 2/4/13)

Mr. O'Rourke: There have been many correspondences going back and forth making sure that everything is correct. I think this reflects Bob's letter as well as all the conditions we talked about. The major factor here is the loop extension and the timing is so critical to the town. There is a provision made here in the resolution that accommodates what is on the table and allows us to move forward. I think as far as the other comments they have been properly incorporated.

Ms. Visconti: David, is everything in the resolution that we have been discussing?

Mr. Stolman: Yes and you have the second draft of the resolution that I gave you tonight. You had gotten the first draft this past Thursday or Friday. Today Bob, Jim and I worked on the second draft this afternoon. Mr. Chairmen when I spoke to you today there were a few other loose ends that have been corrected. All of the changes relative to the resolution that we have reviewed are double underlined. I can walk you through the changes.

Mr. Valdati: That would be prudent.

Mr. Stolman:

We have one more change from our legal department. The first change of any consequence is on page 5. Beside the little changes to the acreages of disturbance, there is no need for a nationwide permit for the Army Corp of Engineers. We researched that and that was struck out. Similarly, there is no need for Work Quality Certification from New York State Department of Environmental Conservation. We researched that and there is no need for that. That was struck as well. On page 8, we defined the work that would go along with the construction of Road A as the initial phase. At first we thought the construction work permit from the Dutchess County Department of Public Works but because the access at this point is exactly at the same place as the access to the private road going up to Flavormatic there is no need at that point in time for just construction work so we struck that condition associated with the initial phase. The next change is on page 24. This is a new condition. The plan shall show appropriate notes regarding the year round maintenance including snow removal of the entire length of the emergency access road, which is called road E. The gate or type of gate shall meet the specifications of emergency services. In addition, a determination shall be made for a single closed gate. Gates shall be at each end of road E. Right now about half of road E is on Hill Top property and half is in the right away going down to Shamrock. There is one gate in the middle and the whole road is going to be paved. It would be more feasible to have gates at both ends. This way no one drives on it unless they are an emergence vehicle. Moving on to the next page, this is similar to earlier on in the resolution. This is a condition to the Army Corp of Engineers permit which in no longer necessary. Moving on to the next page, the condition originally stated that the DEC wetland certification is going to expire at the end of next year that is should be recertified right now. The DEC had said they will recertify it right now. They will not recertify it until the expiration of the 10 year period. This was changed to read the NYC Department of Environmental Conservation –Wetland Boundary Verification shall be recertified by the DEC within 3 months of its expiration on November 30, 2014. If any modification to the wetland boundaries generates any needed change to the project, it is subject to the review of the Planning Board. The next change is on the following page, there are two additions. It says the applicant shall submit a Draft Condominium Association Documents for review and approval for the Town Attorney and the 13 Hilltop Village final plat shall be filed in the Dutchess County Clerk’s Office and receipt of such filing shall be given to the building department.

Ms. Visconti:

David, does the Condominium Association Document also have to go to the state?

Mr. Stolman:

Yes, the Attorney General’s Office.

Ms. Visconti:

It is automatic; it does not have to be a condition.

Mr. Stolman:

Yes, we just want to make sure it is consistent with site plan and your approval.

Mr. Stolman:

Next change is page 28, the original timing for the construction of the Meadowood Loop was determined September of last year. I believe the approval was supposed to be granted around January. There have been some timing changes relative to the work Bob has been doing to the approval stage. The new timing would say, the Meadowood Loop shall be constructed by Toll Brothers as part of the offsite improvements no later

than July 2013 or within 6 months of all required approvals permits being secured by the town with the time of the essence. Number 5 on the same page, the basic wording in the zoning law for expiration of site plan approval is if all the work is not done within 3 years. We know this is a multi phase project that is proposed over a six year period. What we built in here is an extension of 3 years which you are granting now. The construction period will be 6 years instead of 3 years. They could come in and ask for an extension above and beyond that.

Ms. Cobb: I have 2 comments. One is on page 26 concerning the recreation fee. I want to delete the words in lieu of reservation of park land. There may be some land that will be given and we don't want the wording to prohibit that.

Mr. Valdati: I don't think the money will be in lieu of but in addition to.

Ms. Cobb: That is why we want that deleted.

Mr. Valdati: It is in addition to.

Ms. Cobb: They are paying a fee and donating land to the town. So it is not in lieu of. On page 27 there is a word missing. It should say "in the amount of".

Mr. Stolman: Those are all the changes to the resolution.

Ms. Visconti: **I would make a motion to move the resolution as presented by the Town Planner.** (Resolution of Site Development Plan and Wetlands Permit Approvals)

Mr. Dao: **Second.**

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

Board: **Aye.**

Mr. Stolman: There is less to go over in this resolution. On the bottom of page 2 we mention that the application was sent to the Dutchess County Planning Department. Emily Dozier informed us that if there is a subdivision involved with a site plan, which they do give advice on, they won't see that as well. We have several paragraphs here that said it went to the Dutchess County Department of Planning and the Dutchess County Department of Planning responded "matter of local concern with comments". We are also striking the paragraph that says "Whereas, the Planning Board determined that the subdivision will not result in the creation of any new building lots". There is the building lot on F lot and the lot up front near All Angels that the town might build on in the future. On page 6, we already struck the recreation fee in lieu of recreation parkland. It will say "in the amount of \$1.125 million as required by the Planning Board's resolution. That is it.

Mr. Valdati: **Do I have a motion to accept the resolution? (Preliminary and Final Subdivision Plat Approvals)**

Ms. Visconti: **So moved.**

Ms. Bettina: **Second.**

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

Board: **Aye.**

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

13-3271/Villa Borghese-Permanent Tent-To discuss the installation of a 40 x 40 permanent canopy. The property is located at 70 Widmer Road and is identified as **Tax Grid NO. 6158-02-880530** in the Town of Wappinger.

Mr. Stolman: Bob and I looked at the plans and there is a terrace shown on the plans that were approved. When calculation parking requirements in the Town of Wappinger Zoning Law it goes by gross floor area. In the definition of gross floor area terraces are excluded. There is no addition parking required for this covered terrace. I would also mention there is more room in the back for parking.

Ms. Visconti: What is the next step? Do we authorize a letter to be included in the plans?

Mrs. Roberti: We could authorize it in the minutes and then they can apply for a building permit.

Mr. Stolman: Do they need to get an amended site plan approval?

Mrs. Roberti: It is up to the board.

Ms. Visconti: With everything that is going on, I think this should be moved along.

Mr. Stolman: We certainly can. I suggest between now and the next meeting I draft a short resolution.

Ms. Visconti: It's not going to cost an arm and a leg. Just one page right.

Mr. Stolman: No it won't. During the same period of time they fill out a form for an amended site plan approval and provide the plan to Barbara and those things can be done simultaneously and we will have the resolution done.

Ms. Visconti: What kind of plan?

- Mr. Stolman: A plan showing the tent.
- Mr. Valdati: It should be formally documented. From a conceptual point of view, this is a go. You should go to Ms. Roberti's office and follow the procedure and it should move along.
- Mr. Porco: Those plans that I provided for you are those ok or do you need up dated plans?
- Mrs. Roberti: Those are sufficient but we will need more.
- Mr. Valdati: The next item on the agenda is another conceptual:

13-3270/Grace Bible Church-Existing Car Port-To discuss the existing car port. The property is located at **158 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-393242** in the Town of Wappinger.

- Mr. Ryan: My name is Randal Ryan and I am representing Grace Bible Church. There are several things we need to straighten out on the premises and this carport being one of them. We put the carport up a couple of years ago. We got a building permit, poured a concrete slab and put the carport up for our snowplow. We never did any other paperwork. Through our committees we built a wall in the back of the carport and electric was put in the carport. There were some people concerned with the school next door and kids seeing the truck it might invite them over. It fills up with snow when it was windy. It weathers much better being a 3 sided building. I am here to straighten everything out.
- Mr. Valdati: We all looked at the conceptual drawings. It seems to be a reasonable request. Does anyone have any comments on this?
- Mr. Fanuele: This has 3 sides?
- Mr. Ryan: It actually is an aluminum carport. It was a drive through style. We put a wall with a door on the back side and the front we want to keep open.
- Mr. Valdati: The wall and the electric were put up without a permit.
- Mr. Ryan: Yes.
- Mr. Valdati: I will refer you to Mrs. Roberti.
- Mrs. Roberti: What happened is one of the building inspectors saw it had sides.
- Mr. Ryan: It always had sides.

- Mrs. Roberti: Whoever was in charge at the time and when they came in for the building permit never sent this to the Planning Board. They said as long as it is a canopy, 4 poles and a roof. The building permit specifically says no sides and no electric. It is a structure and it should have come here but it didn't. Meanwhile, it went up and the building inspector of record at that time felt there was no problem. Over the years electric was added and sides.
- Mr. Ryan: Just the back. I know the building permit said no sides but that meant no front and back. It is a one piece building. The building inspector came out and inspected it when it was up and it was fine. When it said no sides it meant no front and back. We did add the back.
- Mrs. Roberti: At the time someone went out and inspected it. To what extent I can't tell you.
- Ms. Leed: Was it inspected for structural safety?
- Mrs. Roberti: I can't say. They just signed off on it.
- Mr. Valdati: According to the Town Code today, a structure like that should have come in front of the Planning Board.
- Mrs. Roberti: Any structure on a commercial site needs to come here.
- Mr. Valdati: You need to abide by the rules and Mrs. Roberti will be able to help you and take into account when this took place. She will be able to provide a proper solution. The board has no problem conceptually and it seems ok to us but you must abide by the rules.
- Mrs. Roberti: That is why he is here. I wanted to make sure you do not have a problem with it. To make sure you are ok with it and where it is located on the site. Then we can move ahead with the electrical.
- Mr. Valdati: Are there fines associated with this?
- Mrs. Roberti: There is a retro fee.
- Mr. Valdati: I will leave that up to you. Do you have any questions of us?
- Mr. Ryan: I have an appointment on Wednesday to talk to Mrs. Roberti.
- Mr. Fanuele: Where does the front of this face?
- Mr. Ryan: The front of this faces the parking area so the truck can pull in and out of it.

- Mr. Fanuele: Does it face the road way.
- Mr. Ryan: No, it is in the middle of our property. We have 7 acres. The building is in the middle of the property and right on the edge of our property is where the structure is. This way the truck can just pull out and start plowing our parking lot. When it is done plowing it just backs into the carport.
- Mr. Fanuele: Are there plans to close it in?
- Mr. Ryan: We don't want to close it in because it gives little children a place to hide and we can't see them.
- Mrs. Roberti: Do you want an amended site plan because this is not shown on any site plan.
- Mr. Valdati: This is a structure and it should be shown on a site plan. Mrs. Roberti will help you with the amended site plan.
- Mr. Ryan: Ok and I'll see you on Wednesday.
- Mr. Valdati: Does anyone have any new business?
- Mr. Fanuele: At the last meeting we had vouchers to go over. The legal vouchers included things that should not have come to us. Taking out what wasn't ours the pile decreased. Are we still going to go over the vouchers?
- Mr. Valdati: I reported to the supervisor that there wasn't a consensus among the Planning Board as a whole. Ms. Bettina and I will work with the supervisor.
- Mr. Valdati: Can I have a motion to adjourn this meeting?**
- Ms. Bettina: I make a motion to adjourn this meeting.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**

Respectfully,

Sue Rose, Secretary
Planning Board