

MINUTES

Town of Wappinger Planning Board
June 1, 2015
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Pesce:	Member	Present
	Mr. Fenton:	Member	Absent
	Ms. Leed:	Member	Present
	Mr. Malafronte:	Member	Present
	Ms. Visconti:	Member	Present

Others Present:

Mr. Roberts,	Attorney for Town
Mr. Stolman,	Planner to the Town
Mr. Gray,	Engineer to the Town
Mrs. Roberti,	Zoning Administrator
Mrs. Ogunti,	Secretary

SUMMARY

Adjourned Public Hearing:

Dutchess Land Development -Adjourned Public Hearing June 15, 2015

Public Hearing:

The Ridges At Old Hopewell Estates -Close Public Hearing for discussion for June 15, 2015

Discussion:

Cervalis, LLC -Approved Resolution as amended

Randolph School -Resubmit – must submit SUP 240.58 (B)

Monro Muffler Brake -Public Hearing June 15, 2015

DeGarmo Plaza -Public Hearing June 15, 2015

Ms. Visconti: **Motion to accept the minutes for May 18, 2015.**
Mr. Carol Pesce : Second the motion.
Vote: All present voted aye.

09-5151 / Dutchess Land Development Subdivision: The Town of Wappinger Planning Board will conduct a public hearing on preliminary application for a 12 lot subdivision with only 1 lot in the Town of Wappinger on 3.2 acres in an R-80 Zoning District. The balance of the subdivision on 12.41 acres will take place in the Town of Fishkill. The property is located on the **East and West side of Smithtown Road** and is identified as **Tax Grid No. 6256-01-201598/236657 (T/Fishkill) & 6256-01-210678 (T/Wappinger)** in the Town of Wappinger.
(Burns)

Present: Steve Burns – Engineer

Mr. Burns: Good evening, My name is Steve Burns and I represent Dutchess Land Development, LLC. They are proposing a 12 lot subdivision that shadows the Town of Wappinger and Town of Fishkill along Smithtown Road. The project involves cutting off one lot in the Town of Wappinger in the R-80 zone. The rest of the property is in the Town of Fishkill in an R-40 zone. The lot in the Town of Wappinger is served by an individual well and septic system. All in all, this proposal is actually going to make the travel on Smithtown Road safer for everyone. Any questions?

Mr. Valdati: Are there any questions from the audience?

Ms. Bettina: Do you have documentation on who is Lead Agency on this?

Mr. Burns: The Town of Fishkill Planning Board is the Lead Agency.

Ms. Bettina: Do we have documentation that they are Lead Agency?

Mr. Burns: I'm not sure that I provided it to you or not but I can check.

Mr. Stolman: Steve, do you know if the Town of Fishkill Planning Board circulated to become Lead Agency?

Mr. Burns: Yes, and I know they asked me for maps to circulate.

Mr. Stolman: Please get that documentation and send to the town.

Mr. Burns: Okay.

Ms. Bettina: Based on that, I will move that we adjourn the Public Hearing to June 15, 2015.

- Mr. Stolman: Could you please supply that information by then. Thank you.
- Mr. Burns: I will check my files but I know I had to provide the Town of Fishkill Planning Board secretary, Debbie Davis with copies of the map to circulate for Lead Agency.
- Mr. Stolman: She may or may not have sent something out but we really need to know in terms of how we handle it here. It's an unlisted action so it didn't have to have a correlating designation of lead agency, so if they didn't do it, that's okay and if they did it, that's okay but we just need to know which way to go. In one case here the Planning Board says the Town of Fishkill Planning Board is Lead Agency and we do nothing with respect to SEQRA. In that case, the planning board has to issue a negative declaration.
- Mr. Burns: So if I can get the paperwork, will we be able to have the Public Hearing on June 15, 2015.
- Mr. Stolman: If you have the documentations on June 15th and we know definitely what happened in the Town of Fishkill, we can close the Public Hearing and the Planning Board can authorize a resolution. If we don't know and it's still up in the air on June 15th, it would be basically the same place you are right now.
- Ms. Visconti: Motion to close the Public Hearing.**
Mr. Malafronte: Second the motion.
Vote: All present voted Aye.

14-5168 / The Ridges At Old Hopewell Estates: The Town of Wappinger Planning Board will conduct a public hearing on preliminary application for the proposed subdivision of 15.95 acres into 8 additional lots. The existing residence will remain on a 5.9 acre parcel and the remaining 10.05 acres will be divided into 8 building lots of approximately 40,000 square feet each with any necessary improvements. The property is located at **383 Old Hopewell Road** and is identified as **Tax Grid No. 6257-04-616448** in the Town of Wappinger. (Cantor) (Day) (L/A 5/14/14)

Present: Richard Cantor – Attorney for Applicant
Larry Paggi – Conflict Attorney
Dennis Lynch – Engineer
David Stenger – Applicant

Ms. Visconti: Motion to open the Public Hearing.
Mr. Malafronte: Second the motion.
Vote: All present voted aye.

- Mr. Gray: I'm recusing myself. Larry Paggi will sit in.
- Mr. Valdati: Our engineer has recused himself. Mr. Roberts, do you have any thoughts on this?
- Mr. Roberts: If you are bringing up the past Mr. Chair, this was voted on twice and you are trying to impute my integrity and I am a little concerned about that. I originally recused myself from this matter before it even got to the board, and they requested that I stay on. I was independent and I have nothing to do with that. It was then voted on twice by this board to allow me to stay on. Mr. Stenger who is my partner's brother is represented by Richard Cantor on this matter and another matter which was previously approved. Quite frankly, the other matter has gone to conclusion and it was not without disagreement between Mr. Cantor and me as to certain procedural items. In the long run, the proposal I had suggested for the town prevailed and in this case so far, there are no controversial issues. If there's an issue with this board, I want to know about it. You voted twice on me being permitted to represent this board, and the record should so reflect. I have nothing further to say and I have also provided this board with a letter indicating that the attorneys' war between me and any other member of my firm other than Jim Horan.
- Ms. Visconti: It goes back to March 23, 2014.
- Mr. Valdati: It falls down to appearances. To appear that you are going to represent the town in a matter that deals with the public, meanwhile you have vested interest in the firm that is doing this work.
- Mr. Roberts: The firm is not doing this work. Mr. Cantor is doing the work.
- Ms. Visconti: I have a problem with this. This has already been before this board.
- Mr. Valdati: I am not going to have the brother of the attorney of the firm do this work. That is wrong and it does not pass the smell test.
- Ms. Visconti: Maybe you should recuse yourself because we've gone through this for almost two years.
- Mr. Valdati: I should recuse myself?
- Mr. Visconti: Because you are raising an objection when this board voted twice.

- Mr. Valdati:** **I move that Mr. Roberts recuse himself on this issue so that there are no improprieties whatsoever.**
- Ms. Visconti: I second the motion and I want a roll call vote.
- Roll call vote:
- | | |
|----------------|------------|
| Mr. Malafronte | Yes – Stay |
| Ms. Leed | Yes – Stay |
| Ms. Visconti | Yes – Stay |
| Mr. Pesce | Yes – Stay |
| Mr. Valdati | No – Go |
| Ms. Bettina: | No – Go |
- Mr. Lynch: Good evening, I’m Dennis Lynch of Day Engineering and I’m here to discuss The Ridges at Old Hopewell Estates. The parcel is approximately 15.95 acres and has frontage along Old Hopewell Road and Shamrock Hill Drive. There was a right-of-away that was created that we are using to access the site. Currently, there’s a single family home on the lower half which will remain with approximately 6 acres of property. The remaining property will be subdivided into 8 single family homes.
- Mr. Valdati: Thank you. Are there any questions from the audience?
- Mr. Wynn: I’m Ronald Wynn and I live at 381 Old Hopewell Road. Can you show us on the map where the existing houses are? Thank you.
- Mr. Lynch: There’s the existing house and the rest of the structures will be to the rear of the building.
- Mr. Wynn: You are bringing in water and sewer and there have been issues with us getting water and sewer. We’ve asked many times and never really got an answer. Will that bring water and sewer to the other people on that street?
- Mr. Lynch: There’s an existing water main that runs along Shamrock Hill Drive and we will be connecting to the existing water main. So there will not be anything along Old Hopewell Road.
- Mr. Valdati: Will the district be extended to accommodate them?
- Mr. Cantor: The proposal for the subdivision includes an application to extend both the water and sewer district because you are the Lead Agency, that application is awaiting your action.
- Mr. Valdati: Are you going to extend it so that the properties are included?
- Mr. Cantor: We will be extending it to include the property which we are proposing to subdivide.
- Ms. Economikos: My name is Christy Economikos and I live at 56 Shamrock Hills Drive. I’m going to introduce the owners that live at Old Hopewell Estates. I have a package for the board that we have collected signatures and emails from everybody in the

development. We have some oppositions and I would like to read my letter that represents our community.

Ms. Economikos read the following letter to the board which is attached.

Mr. Valdati:

Thank you.

Mr. Burns:

My name is Don Burns and I live at 186 Shamrock Hills Drive which is near the cul-de-sac down the hill from this development. It is at the end of the electric, water and sewer. Are the wires adequate for adding all these extra houses without starving me of water supply? When they are tapping in, am I going to get a lot of mud and dirt in my water, and is that going to clog up my pipes? Should I be worried about my sewer overflowing? I'm not sure if the board is aware of this but there have been quite a few accidents at Old Hopewell Road and Shamrock Hills Drive.

Ms. Moodie:

My name is Melody Moodie and I live at 189 Shamrock Hills Drive. We as a community did forward paperwork to Michael Leonard, Graham Foster, the County Engineering Department, Susan Dao and Joseph Incarnato. The bottom line, you came and added additional signs at the intersections of Old Hopewell Road and Shamrock Hills Drive, and we thank you for that. However, it's not adequate and we are still having accidents that may not have been reported to you. They did do an analysis to see how many accidents were reported, but not everyone uses your tests. Every intersection on Old Hopewell Road has a lamp post except for Shamrock Hills Drive. You were going to cut down the hill on Old Hopewell Road to increase the visibility and we do not know the status of that. In the end, we need a lamp post and light, or renovate the island so you don't have to make the turn before the hill. As a developer, what are the specifications of your project? You tell us that you are going to build 8 houses but we don't know the footage, how many stories. Are there going to be aluminum siding or brick? Are they going to have fireplaces like our homes? Are they going to be electric or wood burning? The reason we suggest you go with 6 houses is it increases the width of each lot. Right now you have rectangles and it has depth but it doesn't have width, and all of the Old Hopewell Estates homes have width as well as depth. You have to have a minimum standard equal to our minimum standards, but the bottom line is you are using our name. If you are going to use our name, you must have our specifications. Will the developer put a pond, road and landscape outside of those houses? You are very vague and your plans are vague as well. You indicate the type of trees but you don't indicate the height. We have a lot of concerns and we paid a lot of money for our houses, between \$600,000 and over \$1,000,000 so you cannot come here and put \$300,000 to \$400,000 houses there. It's unfair to us and we are paying too much in taxes for you as a board to allow this.

Ms. Bettina:

Thank you.

Mr. Economikos:

My name is Laertis Economikos and I live at 56 Shamrock Hills Drive. Our community brings in more than \$1,000,000 in taxes and our voice is very

important to this project. I will give you an example how other projects similar to this were done. You are probably familiar with Taconic house in Fishkill. That's a community that was probably built 20 years ago. A subdivision similar to this was done 5 years ago and 8 to 10 houses were built and it blends in nicely with the existing homes and it looks like part of the community. So you cannot build houses that cannot meet the standards we have.

Mr. Valdati: Thank you.

Mr. Rashid: My name is Tahir Rashid and I live at 9 Doolin Court. As others have mentioned, we pay a lot in taxes and there's not enough room to build these houses. Is there another way they can make an entrance somewhere else and they won't have anything to do with us? We are already established and for them to come in there and do whatever they want is not right. We cannot handle the traffic so you guys should go somewhere else.

Mr. Valdati: Thank you.

Mr. Kobak: My name is Sari Kobak and I live at 100 Shamrock Hills Drive. I'm concerned about the safety on Old Hopewell Road. I would like someone from the Planning Board to come there in the evening or night time to see how hard it is to make a left turn from Old Hopewell Road coming from Route 9. There's a hill so if anyone is turning, there's a blind spot and you cannot see, so please do not approve this project.

Mr. Valdati: Thank you.

Mr. Burns: My name is Don Burns and I live at 186 Shamrock Hills Drive. You are going to be building these houses and you are going to need major equipment coming down Shamrock Hills Drive. Are they going to be parked on Shamrock Hills Drive and are they going to block access? The road is not very wide and you trying to come through there and the school buses coming from the other direction, you have to almost head for the bushes. With the construction equipment there, there will be damage to the road, so is there a bond that's going to be issued to repair Shamrock Hills Road?

Ms. Estabrook: My name is Dorothy Estabrook and I reside at 403 Old Hopewell Road. I was concerned when I received the notification and I would like to know the name of the surveyor that surveyed the property. Mr. Lynch, do you know who that is?

Mr. Lynch: The surveyor is Robert Oswald.

Ms. Estabrook: I have 13 acres before the proposed development and I have concerns about a fence or post into a stone wall. There is no stone wall on that part of my property and it is way on the other side. There is no straight line, and it goes up. I would like know what's going to transpire regarding additional homes going in. What's going to happen with the water now that we are having problems nationwide? I know you cannot guarantee that but how are we going to get enough water? How

adequate is this development that's going in? These people are going to have new homes, are they going to live here, it is a great area to live. I also want to know more about the property line and what's going to happen to the property adjacent to my property.

Mr. Vadalti: Thank you.

Mr. Wynn: I'm Ronald Wynn and I live at 381 Old Hopewell Road. We live right next to her on the other side. The issues with the traffic are insane and someone was killed in front of my house a few years ago. The traffic has gotten really bad and has gotten worse as Old Hopewell Estates and developments have been built. I've been here for 35 years. The water issue is another one and we have approached the Town Board about this. The developers are bringing the water in right next door to us, and we were given the insane number of \$900,000 to bring water to several people who didn't have water. They are bringing all these developments in and congesting the area and taking away all the things that we moved here for. Now we are being told we cannot have any water, so the whole idea of this development is crazy and insane.

Mr. Vadalti: Thank you Sir.

Ms. Moodie: Melody Moodie, 189 Shamrock Hills Drive. Going along with this gentleman's statement, we are concerned about the green environment as well. Toll Brothers came in and took down all of those trees in our development and they did not even try to preserve any of it. They are developing in Westchester County and they went inside the trees and left the landscape. So what this gentleman is proposing, is he going to rip everything or is he going to try and leave what he can retain and as many trees? It is sad because we came here for that same reason and as Toll Brothers developd more and more, they tear down everything. I think you should go after Toll Brothers, they came in a planted these crappy trees and half of them are dead. When I look at the aerial view of what this place used to be, it's so sad. I moved here from Queens for that same reason.

Mr. Valdati: Thank you.

Mr. Kemball: My name is Wayne Kemball and I live at 403 Old Hopewell Road. I have a question for the developer. How can you put that piece of paper up there? It's not correct, the lines are not even correct. What is the outcome of all of this when it's done? You say the stone wall is there and it's not even there, and the property line marker is not there. This is not true.

Mr. Valdati: Mr. Lynch, you care to respond?

Mr. Lynch: The survey was done by a licensed surveyor and we will look into the comments. To the best of our knowledge, the professionals will be signing plans and we will be signing plans as well to make sure everything is as accurate as we can get. The survey is done by a licensed surveyor and stamped. The plans we are

preparing are going to be signed and stamped by a New York State licensed engineer.

Mr. Valdati: Thank you.

Mr. Economikos: Laertis Economikos, 56 Shamrock Hills Drive. One of the issues we noticed in the layout is one of the houses does not have trees. So during the winter when there are no trees and cars go through the driveway, the light will shine directly into my living room. So the layout is completely unacceptable.

Mr. Valdati: Thank you.

Mr. Kobak: My name is Sari Kobak and I live at 100 Shamrock Hills Drive. Is it possible to make another entry way for this development?

Mr. Valdati: Thank you. Mr. Lynch, could you please respond.

Mr. Lynch: There's an existing wetland that goes along the middle of the property and also along the southern line of the property to the grade chain between here and there. Also going through the wetlands, so there is no other access other than the existing right-of-way.

Mr. Moodie: Melody Moodie, 189 Shamrock Hills Driver. Are you going to tell us about the size of the houses?

Mr. Lynch: Right now there are generic houses and we don't build them until the developers are told they have a buyer and as to what specifications and footages. Right now we do not know.

Mr. Burns: Don Burns, 186 Shamrock Hills Drive. Regarding the generic houses, are these going to be multiple housing sizes if they decide they cannot sell single family homes? Are they going to be townhouses or maybe a couple of modular homes just to sell the land? There's no size restriction on what they are going to build. Are you going to buy a pig in the poke? I'm sorry, that sounds awful to me. We paid a lot of money for our house to have our property value lowered.

Mr. Frawley: John Frawley and I live at 157 Shamrock Hills Drive. As far as an access road, can 838 Old Hopewell Road be knocked down and make that the access road to the development there?

Ms. Bettina: Thank you.

Mr. Valdati: Are there any other comments?

Ms. Wynn: Maryann Wynn and I live at 831 Old Hopewell Road. I know it's an old story, a tree hugger story, but where are the deer going to go now? They ate all our foliage over the winter and I feel sorry for them because they are starving. Where

are the birds going to go, and are we allowed to have on patch of land left on Old Hopewell Road or you we have to develop every piece of empty land?

Ms. Bettina:

Thank you.

Mr. Kohli:

My name is Meenu Kohli and I live at 177 Shamrock Drive. They don't know the size of the houses and we should be concerned. I'm sure the town can approve to put a minimum size requirement so that the value of the homes doesn't go down.

Mr. Valdati:

Sir, the Planning Board sits on these issues and we will meet and decide what is best in terms of size, traffic, safety and of these concerns.

Mr. Rashid:

My name is Tahir Rashid and I live at 9 Doolin Court. I believe these guys can go somewhere else. They are trying to use our development, Old Hopewell Estates as a basis for increasing some of the prices on some of their properties. They are literally tapping into our development for no other reason than take advantage of our value and what we paid for our homes. This is just not right.

Mr. Valdati:

Thank you.

Ms. Wynn:

Maryann Wynn and I live at 831 Old Hopewell Road. Are these developers connected with Toll Brothers at all? I cannot understand how one company could allow somebody else to make a road through their development.

Mr. Economikos:

Laertis Economikos, 56 Shamrock Hills Drive. I was wondering why Toll Brothers did not buy this property to build the houses, and now we have this problem. Again, the houses have to meet the standards. Our community is very strong and we are going to oppose those houses.

Mr. Valdati:

Thank you.

Mr. Cantor:

In a moment, Dave Stenger is going to tell you what his business plans are for these houses. I believe all of the board members understand that the issues of the size of the house or the materials on the façade are not subdivision issues. They are beyond the issue of subdivision. There is no connection between the applicant and Toll Brothers. The applicant reached out to the owner of the property and the entered into an agreement to purchase the property. It's a compliant subdivision plan and the road is a paper road which this applicant upon approval, will build out to the road standards of the town. If the road standards require planting, then they will be planted. If the road standards require street lightings, there will be street lightings. Everything about this project is in compliance with the applicable rules. With that understanding, Dave will be happy to tell you what his hopes and intentions are.

Ms. Bettina:

Thank you.

Mr. Stenger:

I'm David Stenger and I can imagine how everybody is feeling but I would like to say a couple of things. I've been here for 59 years and I was born and raised in the towns of East Fishkill and Wappingers Falls. I've built nearly a thousand homes in this area. We were the Legends at Beekman Country Club when Toll Brothers started building Old Hopewell Estates. There are 252 houses there that we built over an 8 year span and that project was very successful. I'm sure at the time you looked on buying a home, maybe you didn't but a lot of people looked at the Legends and Old Hopewell Estates. It was basically the same competition, same size homes, 3,500 to 5,500 square feet was the range and maybe 8 to 10 different models. I think Toll Brothers had 6 to 7 different models and we pretty much competed with each other. What I will say is that we were able to get a lot of sales because of my local roots here and because I wasn't a Toll Brother. So many did come in and strip the land and left after they got done building it. I live in this community, I was born in this community and I'm going to stay in this community. All of the homes that I've built are my neighbors and are my people in this area. I just do Southern Dutchess, a little bit across the river and in Westchester County but predominantly in this area. Irma Farfaro who owns that property, could not come to an agreement at the time. I understand that Toll Brothers put a paper street in there and it says for future road. When you bought in there, you saw the road on that subdivision map. There is a right-of-way that the town now owns. So that was there before I even entered into looking at anything. Irma Farfaro originally wanted to do a 2-lotter so she put her original home on Old Hopewell Road and built one house on top. The Planning Board at that time wouldn't allow it because they wanted to put a driveway over the town right-of-way and that was not acceptable. I've known Irma Farfaro's husband for years and he contacted me, I looked at the property and I said the only way it's going to work with the right-of-way is to put a road in. You cannot do one lot and put a road in. There has to be a town road because it's a town right-of-way. He came to me knowing the projects I've done in the past. I know you think that I'm tapping into your community which I'm not because it's all relative. You buy the property relative to what's there. If they are all road houses, then I will pay "x" amount of dollars for it. Am I paying a lot more for this property here? Yes I am, no question about it. Mr. Farfaro also knows who I am and the projects that I have developed over the years. Can I give you square footage today? No. Is it going to brick front, stone? I don't know yet. Everybody knows everything has been turned upside down the last 4 or 5 years but it's slowly coming back. Everybody is hurt here as well as the people at the Legends and it's the market. The best part about this is that it's very small and we want to make it very prestigious because it is small. Is it a part of Old Hopewell Estates? Yes, it's the only way that I can come in and there is no other way that I can come in. There are wetlands over there, you've got grade issues coming onto Old Hopewell Road and it doesn't work. The only thing I can say coming here tonight is that I didn't create that right-of-way and I didn't have that future road in there. That was there from the beginning. Bottom line is I'm looking at the property and there are questions about lights going into somebody's living room and size of the house is too small. The Planning Board will tell you that you have to show that a house cannot fit on a lot. This just demonstrates that it can be built and it's not saying what's going to

be built. That's all that I can really tell you, and the developer is not going anywhere because he's lived here his whole life. So that's not going to happen.

- Ms. Estabrook: My name is Dorothy Estabrook and I reside at 403 Old Hopewell Road. Sir, I too have lived here all my life. My concern is that I'm the property in front of the proposed development. That has been in my family since the 1800s and I have lived on the property since 1967. I have been on the property since I was three or four years old so I am very familiar with the property. You say that the market sucks and that you cannot get the price range to accommodate.
- Mr. Stenger: I didn't say that.
- Ms. Estabrook: I'm just saying, if you can take back what I said, then why don't you hold this project in **advance / a variance?** until you can get the money in a nice chunk.
- Mr. Stenger: We might do that but we can't do that until we get the approval.
- Ms. Estabrook: Then why don't you plan to get your approval when you have more factual information.
- Mr. Stenger: Things change, regulations change and it's not that easy.
- Ms. Estabrook: Of course it changes, life changes.
- Mr. Valdati: Thank you.
- Mr. Frawley: John Frawley, and I live at 157 Shamrock Hills Drive. I'm going to read from the minutes dated May 5, 2014, and it says The Ridges at Old Hopewell Estates and then it goes on to say this property is located at 838 Old Hopewell Road and it gives you your tax grid number. If it's at that address, why can't it be knocked down to facilitate the houses you are proposing?
- Mrs. Roberti: It might have been a typo.
- Mr. Valdati: Thank you. As far as requiring a person to tear down their structure on their property, I would not like to read that in my memo. I think that's unkindly and we don't operate that way.
- Mr. Burns: Don Burns, 186 Shamrock Hills Drive. I understand that this is going to be called the Ridges at Shamrock Hills Estates?
- Mr. Stenger: No, the Ridges at Old Hopewell Estates.
- Mr. Burns: Excuse me, I get confused. They are using our name but they don't want to use our standards. You want to use our name and lower our values and you say you don't know what you are going to build there. That's wonderful that's why you get a pig in a poke. You are asking us to trust you, I'm sorry I don't know you and I don't trust anybody. I believe in contracts and I believe in people I know and I

don't know you. Sorry sir, don't take it personally, I just don't know you. I know you are a business man and as a business man, you like to eat and that means you like to sell, which means you want to build something. I moved here from California and I watched the value turn from cattle and crops to 40,000 houses in 15 years. I know what it's like to rake a property and turn it into tiki tak shacks, and I don't want that. That's why I bought what I bought. Thank you.

Mr. Valdati: Let me assure you that the Planning Board is at the helm of these discussions. We made sure that we set the standards and they are founded or they don't come to being. We will make sure that they are doing what they should be doing in terms of the size, the safety issues, the infrastructure of the water and sewer, we will do all of that.

Ms. Moodie: Melody Moodie, 189 Shamrock Hills Drive. You mentioned infrastructure, so when I think of that, I think of Toll Brothers' over 55 new development and they are planning to build 200 plus homes. Then you have two lanes on All Angels Hill Road and then you have a 2-lane Old Hopewell Road. Together with that development and our development from Route 9, you are sending the traffic to Old Hopewell Road. They built a massive development on Merrick Parkway and they have a 4-lane road. So where is the planning for that Toll Brothers development, our development and now his development? God only knows what other development is in the pike as far as going to Route 9. I go on Old Hopewell Road about 5 o'clock and that traffic is backed up past the tire shop and Losee Road.

Mr. Valdati: The matter has been presented to the Planning Board and we will look at it very carefully and we will get advice from our planner, engineer and our attorney before we make a determination.

Mr. Economikos: Laertis Economikos, 56 Shamrock Hills Drive. The gentleman over here said he's trying to build houses as good as the Legend. The fact is two of the houses are very close to the property line and meets the standards of the community, but they don't match the standards of Old Hopewell Estates.

Mr. Burns: Don Burns, I live at 186 Shamrock Hills Drive. What is the frontage on each one of these lots? They look very narrow and deep.

Mr. Lynch: The minimum is 125 linear feet across the frontage, and the smallest that we are proposing is 120 linear feet which is Lot 6. The other ones range from 140 to 180 linear feet.

Mr. Valdati: Thank you.

Mr. Hessari: Vahid Hessari, I live at 95 Shamrock Hills Road. It appears that most of our concerns are about the valuation of our homes in the future after the new builder comes in. It should be your concerns as well because if the property taxes are affected by the value of the houses and when it drops down, it will affect the intake of the taxes that you receive.

- Mr. Valdati: We will have our secretary type the minutes of this meeting and they will be forwarded to all of the professionals and the members of the board. We will read it and we will talk about it and formulate ideas based upon what you had to say. What you've said is critical and we will take that into account and that will be our mantra of deliberations.
- Mr. Stolman: We can certainly take them under advisement.
- Ms. Winfrey: Ariana Winfrey, 81 Old Hopewell Road. Has the sale of the land already happened?
- Mr. Cantor: There's an executed contract of the purchase of the land binding between the buyer and the seller.
- Mr. Economikos: Laertis Economikos, 56 Shamrock Hills Drive. We heard from the engineer that did the subdivision, and the only way to get to that development is through Shamrock Hills Drive. Of course, we don't have a way to challenge that so we are asking the board to look into any other possible way to get into that location through Old Hopewell Road.
- Mr. Valdati: The applicant can come up with an alternative plan to accomplish some of these things.
- Mr. Winfrey: Ronald Winfrey, 81 Old Hopewell Road. This gentleman was reading from a minutes and he brought up 838 Old Hopewell Road. That can't be right, the numbers must be reversed. It is 383 which is the driveway of the owner of the property, Farfaro property. I know the history of the property because I bought the piece of land I own from his father. That driveway was built and then it was allowed to be extended for a second house that's in the back which they rent. What he's referring to is the lengthening of that driveway or making it into a town road or whatever the stipulation needs to be but I'm not sure of the legalities. So that's just a misprint and it should be 383 Old Hopewell Road and there's no 838 near where we are talking about.
- Mr. Valdati: Thank you for the clarity.
- Mr. Burns: Don Burns, 186 Shamrock Hills Drive. This property is all one piece of property and there are no quick claims being filed on adjacent properties to maybe extend the borders?
- Mr. Stenger: I'm not going to answer that.
- Ms. Visconti:** **Motion to close the Public Hearing.**
Ms. Bettina: I second the motion.
Vote: All present voted aye.

15-3327 Cervalis, LLC: To vote on a resolution for approval for their amended site plan for the use of an office and data center in a COP zoning district. The area is currently vacant and consisting of 223,150 square feet. The property is located at **169 Myers Corners Road** and is identified as **Tax Grid No. 135689-6258-03-278358** in the Town of Wappinger. (Day)

- Present: Mark Day – Engineer
- Mr. Day: Going through the resolution, there are two points we wanted to address, one is under Section 3A5 (B). Section 3A5 (B) states the applicant shall confirm that the domestic water and fire water mains originating at the water booster station are entirely privately owned and not part of the municipal water system. The applicant has reached out to CAMO to confirm that it is private.
- Mr. Gray: I had a meeting with Mike Tremper and we went over the whole project and those lines are not owned by the town so there are no issues. You can scratch that clause.
- Mr. Stolman: We can scratch that.
- Mr. Day: The second one is Section 3A5 (A), the fire suppression and it states there should be an approval at time of the issuance of a building permit. Does that mean that A should go away or it is part of 6A? We do have a correspondence from the fire inspector stating that he has no objections to what we are proposing. Obviously, we need to submit the calculations and plans for approval but that shouldn't have any bearing on the site plan approval. So that should be under Part 6.
- Mrs. Roberti: You should have an email from Mark and it states that it should be a part of the building permit process.
- Mr. Day: Which is stated in Part 6, so I don't know if (A) is redundant or if it should just be part of the site plan approval or the Building Permit?
- Ms. Visconti: Do you want to amend that David?
- Mr. Stolman: Part 6 states that the Fire Prevention Bureau Reports to the Planning Board, a permit will be sought after supplying the Fire Inspector with plans for the fire suppression. All comments in any subsequent letter issued, shall be fulfilled to the satisfaction of the Fire Prevention Bureau. It doesn't talk about building permit there.
- Mr. Day: It says permit so I'm assuming it means Building Permit?
- Mrs. Roberti: I will not be able to get this signed unless Mark approves that. Mark won't get to see plans unless this gets signed. So we have to moves this before issuance of a Certificate of Occupancy.
- Mr. Day: Yes.

- Mr. Stolman: Okay, so it will go under Part B?
- Mr. Day: It will go before the Building Permit and not the Certificate of Occupancy.
- Mr. Stolman: Okay, so on Page 3 of 6, Part 5A is going to be prior to a Building Permit and we are striking Part 5B all together and those are the two changes we are making. What about Part 6?
- Mr. Day: Part 6 and 5A aren't they the same thing?
- Mr. Stolman: Are we striking Part 6 then?
- Mrs. Roberti: Either strike it or put it prior to the Building Permit.
- Mr. Stolman: Then Part 6 has to move because Part 6 is under 3A which has to be done prior to signing the drawing. So Part 6 has to move prior to the Building Permit?
- Mr. Gray: Yes.
- Mr. Stolman: So we are striking Part 5 all together and Part 6 will be prior to the Building Permit. So someone can move the resolution as amended.
- Ms. Visconti:** **Motion to move the resolution as amended.**
- Mr. Pesce: Second the motion.
- Vote: All present voted Aye.
- Roll Call:
- | | |
|--------------|-----|
| Ms. Bettina | Aye |
| Mr. Valdati | Aye |
| Ms. Leed | Aye |
| Mr. Pesce | Aye |
| Mr. Fenton | Aye |
| Ms. Visconti | Aye |

15-3332 / Randolph School: To discuss a preliminary Site Plan for the construction of a new Library and Arts building on 4.661 acres. The property is located at **2467 Route 9D** in the R-20/40 zoning district and is identified as **Tax Grid No. 6157-01-216814** in the Town of Wappinger. (Berg)

- Present: Chris Berg – Architect
Ben Miles – Director
Kathryn Tomkins – Admissions Coordinator
- Mr. Berg: I'm Chris Berg from Berg & Moss Architects and I am retained by the Randolph School. We came in last month to open our conversation about opening our school from 63 to 80 students. We've looked at a number of expansion options ranging from expanding the main building a modular unit. The school and others feel that the most appropriate response is to their expansion needs would be to build a new building to accommodate a library and an art studio.

Given some of the site requirements, we decided to put the building in the rear to the north of the amphitheater. We are in receipt of comments from engineers retained by the town and we will address all of those items when we get the property survey with Povall's delineation. We have the wetlands already mapped and we just need to get those finalized. Do you want me to explain the building at this point or do you want me to go through the comments? How do you want me to proceed?

Mr. Valdati:

Let's go through the comments first.

Mr. Berg:

The building is going to be 2,000 square feet. This is an old farm estate and the style will be built on that and treating this pavilion like a barn structure. It will have heavy timber construction, slope roofs and it will be two studios approximately 1,000 sq. ft. each. One would be for the art classes and the other for the library that will make the school more assessable as well as all the facilities that are not assessable. It will now be handicapped assessable as well as in the amphitheater

Ms. Visconti:

The rendering you provided is very nice.

Ms. Bettina:

I disagree with you on that. It looks like a stable for somewhere I would put my horse and it doesn't have any connection to the main house. It doesn't tie in historically into that and it looks like something I could bring my thoroughbred to and board her.

Ms. Leed:

It might help to look at both buildings in one rendering.

Mr. Berg:

First of all, the school is not an Ivy League school.

Ms. Bettina:

I never said it was.

Mr. Berg:

Brick is a material.

Ms. Bettina:

I didn't say brick either. What I said was it does not match the architecture at all. It looks like a stall where I would put my horse.

Mr. Miles:

I believe the intent is to give a feeling of an estate that would exist there what the actual type of building would be like there if I built an additional building there not to mimic the buildings that are currently there. What we currently have is a school that currently feels like a home, and the carriage house feels like an extension of that but definitely a carriage house.

Ms. Bettina:

Is this a rendition of your carriage house?

Mr. Miles:

No, I didn't mean to say that. We have a carriage house, what we are trying to do is add into the community what it would feel like to be a continuation of it. If this were someone's home, what kinds of buildings would actually exist and what kind of home area would this be.

- Ms. Bettina: I would like you to go into the theme of the main house.
- Ms. Leed: This is quite smaller than the main house. It's a very tiny building and it looks huge here because it's not in relation with anything else.
- Ms. Tomkins: It's meant to blend into the environment and to compliment what's there.
- Mr. Valdati: This seems like a unique opportunity to do something very special, to recreate that place and to add to it so it could truly become a jewel. People will want to go there because it looks like that.
- Mr. Stolman: If we are talking about architecture, I have one item in my memo that I have to retract that says it wouldn't be too hard to comply with these things except for the setback. But Section 240-58.A doesn't apply and it was an amendment to the Zoning Law. That does not apply so you can strike that.
- Mr. Berg: We do have an issue with the setback, Item C still applies?
- Mr. Stolman: Yes, Item C still applies. Did you submit a large scale of the drawings?
- Mr. Berg: No, we only have an 11 x 17 so we will submit a larger set.
- Mr. Gray: When you came in for your conceptual and I did ask you about the driveway. I understand that there's a budget issues, but the ideal thing would be to have an ingress and egress right across from Middlebush Road. You guys need to address that because we have a SEQRA document before us and as part of that or somewhere on your application you need to address that. If you cannot change what you have then the board needs to be satisfied because there's a safety issue out there.
- Mr. Stolman: I know when the county was studying the road that came up and not sure exactly how that was resolved. In the meantime, we will look into that.
- Mr. Miles: We have documents in our office from that study and I know they were looking at different areas within the county. We are unclear what the findings of the county were.
- Mr. Gray: There was a feasibility study from sidewalks to the end of the county road and from Route 376 all the way to Route 9D. At the hearing, I think there were discussions about if that entrance could be moved.
- Mr. Stolman: I think they actually drew some alternatives for that intersection where you are and how your driveway could be configured.
- Mr. Valdati: Do we have any other comments?

Mr. Gray: My last comment and I know you will address is to use green building products and the use of solar. The Planning Board has made that an important item to consider.

Mrs. Roberti: You just need to submit a Special Use Permit .

Mr. Berg: Thank you.

15-3323 / 4062 –Monro Muffler Brake - To discuss an amended site plan and Special Use Permit for the relocation of a Monro Muffler Brake auto repair facility on 2.0 acres in the HB Zoning District. The property is located at **1344 Route 9** and is identified as **Tax Grid No. 66157-02-624589** in the Town of Wappinger. (Gillespie)

Present: Mike Gillespie – Engineer
George Jerard – Representative from Monro Muffler Brake

Mr. Gillespie: We are back tonight with Monro Muffler and we were before you about a month ago relative to the red barn at the corner of Route 9 and Old Hopewell Road. What we have is a very interesting building and there's not going to be many alterations to the site because it has its access and the building is not going to change. We are certainly going to clean it up and we have some landscaping going on in the front. We are taking out some propane tanks that were left there by the previous owner. We are going to change the façade of the building and the last time we were here we provided some drawings but you wanted more. What I have here is our latest proposal because in the original proposal was the corporate colors of Monro, banana yellow and blue. What we've done is soften those tones and provided some stone in the front, and hopefully those meet with your approval. We had some comments from the planner and engineer and we incorporated some of those changes on the plan set. What I have before you is an existing condition plan and a proposed condition plan. The last time we were before the board, we discussed solar. Mr. Jerard from Monro Muffler is here and he can respond to that.

Mr. Jerard: It's not cost effective for the size structure we have and the power we consume. I check it every 6 months.

Mr. Stolman: Unless Bob disagrees, it's time to schedule a Public Hearing.

Ms. Visconti: I make a motion to set the Public Hearing for June 15, 2015.

Ms. Bettina: I second the motion.

Vote: All present voted Aye.

15-3329 / DeGarmo Plaza: To discuss renovations to the existing shopping center to include a new canopy and façade, sidewalks and new signage. The property is located at: **235-237 Myers Corners Road** in a NB zoning district. The property is identified by **Tax Grid No. 6258-02-759569** in the Town of Wappinger. (McCormack)

Present: Keith Scofield – Architect
Dr. Aqeel – Applicant

Mr. Scofield: I'm Keith Scofield and I'm here with Dr. Aqeel. We were here in March and Mark McCormack from Liscum, McCormack & VanVoorhis represented Dr. Aqeel. I will give you a brief overview from that time period. I have included the photo of the original view of what is existing on the property and our conceptual of what Dr. Aqeel is looking to bring the plaza forward. We have a series of hardie plank siding and shakes. There's an existing brick façade that we are going to try to match on our new columns and we are going to go with slate like shingles, fypon corbels and the storefront will be anod bronze. The existing signage about 15 feet high and Dr. Aqeel was looking to come in with a new pedestal sign and we know if does not meet the height and size requirements. We are looking to see if this is something the town would consider as part of dressing up what's currently there.

Ms. Bettina: Are there different colors for each business?

Mr. Scofield: Yes. There are sign boxes right now with signs on them.

Ms. Bettina: What if someone came in with a hot pink color, that's not going to blend with the community.

Dr. Aqeel: As the owner, I can just choose primary colors.

Ms. Bettina: That has to be part of the lease.

Dr. Aqeel: Any signage or anything has to go through me for my approval.

Mr. Stolman: Somehow we need to memorialize that.

Ms. Visconti: That can be put in the resolution.

Mrs. Roberti: Since I do the signage, we have a piece of property on Airport Drive. It was one piece of property and it was subdivided and two family members each built a building. On one building you specified that the signs would all have to be in the color scheme of the building materials. The other one, the color would be up to the people and that became a problem out there. Unless there's something specific in the resolution and/or on the plan, and there's nothing in our code to stop somebody with a yellow sign and the other one coming in with a purple sign.

- Ms. Bettina: We will specify primary colors and we will narrow it down to three colors.
- Ms. Visconti: I don't see the need for this pylon sign unless there's going to be some improvements to the parking area like putting up trees. If it stays the way it is, I can see who is there.
- Mr. Aqeel: I'm addressing some of the concerns the tenants have because the existing sign is very old and not pleasing
- Ms. Visconti: I own a business so I can understand but, it is not adding any ambiance to the plaza and there's no reason for it to be there. It's a huge ugly sign and it's going to be a huge pylon sign.
- Mr. Aqeel: As a business owner, signage is very important. From a business point of view if they can have redundancy in terms signage, why not if it can enhance their business. The last thing I want is another business going out of business.
- Mr. Schofield: As the cars are going down the road, I think it's easier for them to see the sign closest to the road rather than turning their head far to the right or to the left and losing track of what is going in front of them.
- Ms. Bettina: I understand that signage is important and that's the first thing someone sees to form an opinion. However, this sign is large and this is not on Route 9, this is a two lane residential road.
- Mr. Aqeel: The current sign is about 15 feet high and I did lower it to about 3 feet and the proposed sign is about 12 feet high.
- Mr. Stolman: I think the point that's being made is that the signage is redundant and it's taller than the codes permits and it's larger than the code permits. If it's going to be a redundant signage, perhaps it should comply with the code
- Mr. Aqeel: What happens if you bring it down to 10 feet instead of 12 feet?
- Ms. Bettina: If you keep a 2 foot base and make the sign 8 feet that would be good.
- Mr. Aqeel: I can make a 2 foot base and an 8 foot signage if the Planning Board likes that idea.
- Ms. Bettina: You can do so much with the letters to make it attractive and if it's eye level and the letters are big.
- Mr. Stolman: What size is the signage that's there now?

- Mr. Scofield: It is 84" x 148", so it's about 12 feet x 7 feet high but we can come down another 2 feet.
- Mr. Gray: You want to be 8 feet x 7 feet, so the sign itself would be 56 feet.
- Ms. Visconti: Bob, what did you say the size of the sign was?
- Mr. Gray: The proposed sign is 7 feet wide so if you leave that as 8 feet high that's 56 sf ft.
- Mr. Stolman: Which is a bit more than is permitted. Given that the Planning Board has so much latitude when it comes to signage, we need to think about consistency. We've looked at Corporate Park and Executive Park signs at the last Planning Board meeting. You might want to develop some consistency between these signs and you don't want to make this sign any larger than what is on Route 9. You might want to look at what you've approved recently so you can have a way to judge because it would be going against what you are trying to achieve if this sign would be larger than the one on Route 9.
- Mr. Aqeel: My point is that there's an existing 15 feet sign so I know compromise and consistency is great. I can leave the existing 15 feet ugly sign or I could put a beautiful 10 feet sign.
- Mr. Stolman: The sign that's there now is 84" x 98" so it is 7 feet x 8 feet which is 56 sf ft.
- Mr. Aqeel: The total signage with the base is about 12 feet, so I'm going to make that 10 feet so the total structure can be reduced by 2 feet high.
- Mr. Stolman: So it's going from 8 feet to 6 feet? I think we need to get on the same page.
- Mrs. Roberti: I know the existing sign is 12 feet high but how big is the sign on the pole?
- Mr. Aqeel: The actual sign and not including the pole, is about 56 sf ft.
- Mrs. Roberti: Keith, could you make sure we get that measurement?
- Mr. Roberts: There are a couple of variances, one was in 1975 and the other I think in 1986 and we are having difficulties locating some of the other records. We can debate all we want but we have to have some consistency and some basis for our decision. There has to be a reduction unless he can establish

that he has approval for that oversize signage, we are going to be obligated to go by the standards we've set.

Ms. Leed: We should gather previous signage that we approved.

Mr. Stolman: This is not a criticism by any means but I'm having difficulty remembering all the different signage we've approved. The Town of Wappinger is the only town that I have worked that the Planning Board has this much latitude. Which is great in a way but we have no consistency from project to project, and this is no criticism.

Ms. Bettina: Yes, there are inconsistencies but we also want to be helpful to you as business owner but in this case, your sign is ugly and we all agree on that and we need to change it.

Mr. Aqeel: There are a potential 10 storefronts, if it was just one storefront, I can see myself putting a 25 feet sign and make everybody happy. There are 10 storefronts so it's difficult to put 10 storefronts on 25 feet, it just won't be worth it.

Mr. Roberts: He's come up with a very appropriate solution to put the names of the businesses right on the façade of the building.

Mr. Valdati: Bea, can I prevail upon you to make a list for us of the most recent signage and dimensions that have been created in the town. Barbara will help you with the names and that will help us in deciding. Thank you.

Ms. Bettina: We just approved Nick DeLucia's place with the names over the doors with a very attractive gooseneck shining on the sign. That's one way to do it and just have a nice sign that says the name of your plaza.

Mr. Aqeel: There's a deli within this plaza called Roma Deli. His primary concern and his biggest competition is the guy across the street, it's called Pete's Deli. Pete has a sign on the building and a sign on the road and he wants to know how come we can't have a sign like that. I'm trying to be the liaison between the business owners and the Planning Board to see if I can do something to help the existing business owners there.

Mr. Roberts: The difference is there's a single business user at Pete's Deli as oppose to your storefront. I've been to both and I don't know if they necessarily compete with each other and they are entirely two different styles of deli.

Mr. Aqeel: So I want to understand what you want me to do. You want me to put DeGarmo Plaza on the sign without the storefront names?

- Ms. Bettina: You can put the names but they are going to be small because you are going to capitalize the names across the building.
- Mr. Aqeel: It's not going to be economically feasible. I want the businesses there to be successful and the last thing I want is for a business to close down. I will do whatever the Planning Board suggests, I'm willing to work with them.
- Mrs. Roberti: I wrote down what you seem to have agreed on before. By reducing the height down to 10 feet high will give you a 2 foot base and the rest of the sign is 8 feet x 7 feet is 56 sf. plus the sign post is 55 sf. So they've already doubled if they still agree to give you that.
- Mr. Aqeel: I'll be happy.
- Ms. Visconti:** **Motion to set a Public Hearing for June 15, 2015.**
Mr. Valdati: Second the motion.
- Ms. Bettina:** **Motion to adjourn.**
Ms. Visconti: Second
Vote: All present voted Aye
- Adjourned: 9:05 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board