

MINUTES

Town of Wappinger Planning Board
November 16, 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	Present
	Ms. Leed:	Member	Present
	Mr. Malafronte:	Member	Present
	Ms. Visconti:	Member	Present

Others Present:

Mr. Roberts:	Attorney for Town
Mr. Dennis:	for Town Engineer
Mr. Suleiman:	for Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Adjourned Public Hearing:

Chelsea Farm Subdivision - Adjourned Public Hearing to December 7, 2015

Discussion:

Theoseau & Kondzielsaski Subdivision - David Stolman to prepare Resolution for
Subdivision (Lot Line Realignment) December 7, 2015

Extension:

1070-1072 Route 9, LLC - Granted 6 month extension

Conceptual:

Eduardo Lauria Luxury Apartments - Resubmit

Osborne Square Childcare - David Stolman to prepare Resolution for
December 7, 2015

Ms. Visconti: **Motion to accept the minutes from November 5, 2015.**
 Mr. Pesce: Second the Motion.
 Vote: All present voted Aye.

Adjourned Public Hearing:

10-5155 – Chelsea Farm Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on a final subdivision application for Chelsea Farms Subdivision for their proposed 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. This parcel is located on **Chelsea Road (County Route 92) & North River Road** and is identified as **Tax Grid No. 6056-01-138527 (102.7 acres) & 6056-01-190688 (84.1 acres)** in the Town of Wappinger. (Koehler) (LA 4/9/10) (Rec'd preliminary subdivision approval 11-3-14)

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

Ms. Visconti: **Motion to adjourn the Public Hearing to December 7, 2015.**
 Mr. Malafronte: Second the Motion.
 Vote: All present voted Aye.

Discussion:

15-5177 – Theouseau & Kondzielaski Subdivision (Lot Line Realignment): To discuss a preliminary application for a 2 lot, lot line realignment on 10.4 acres in an R-40/80 Zoning District. The property is located at **6 Natures Way** and is identified as **Tax Grid Nos. 6056-01-428983 / 6057-03-406024** in the Town of Wappinger. (Martin)

Present: Ernie Martin – Engineer
 Matthew Theouseau – Applicant

Mr. Martin: Good evening. Ernie Martin, KC Engineering. I'm the engineer for the applicant. Mr. Theouseau owns about 3.3 acres and his neighbor owns about 7.3 acres. They've come to a mutual agreement to take the property line and move it over to increase the size of Theouseau's property by approximately .910 of an acre for a total of 4.2 acres. This is located in the Chelsea area in the Town of Wappinger and off River Road and Nature's Way. This was a previous subdivision that was done numerous years ago and Mr. Theouseau would like to have some additional land to give him a

buffer to an existing building. The new line will be on a stonewall fence and will be somewhat of a natural boundary. So this is a pretty simple application.

Ms. Visconti: According to the Town Planner, he didn't have anything other than justification for lot line.

Mr. Roberts: No justification is needed. The new lot line is on a stonewall and generally a common boundary line anyway.

Ms. Visconti: So the engineer, highway superintendent and fire prevention signed off as well.

Ms. Visconti: Motion to authorize the Town Planner to prepare a Resolution for December 7, 2015, waiving a Public Hearing.

Mr. Fenton: Second the Motion.

Vote: All present voted Aye.

Extension

13-3293 / 1070-1072 Route 9, LLC: Is seeking their third extension to amend the current site plan to include all the current uses present to date and to remedy the encroachment violation into the wetland buffer. This 6 month extension will begin on November 30, 2015 through May 29, 2016. The property is located at **1070-1072 Route 9** and is identified as **Tax Grid No. 6156-02-800910** in the Town of Wappinger. (Day)

Mr. Malafronte: What is the reason for the extension?

Ms. Visconti: It's for an existing approved resolution.

Mr. Malafronte: There is a problem because they are in the buffer area.

Mrs. Roberti: What's the problem? The site plan approval is correcting the problem and putting a site plan in place for future enforcement.

Mr. Roberts: It says to remedy and the resolution is designed to remediate the problem from previous site plan and resolution. They haven't completed what's required of them so they are asking for an extension to complete it.

Mr. Malafronte: To complete it so they can be in compliance?

Mr. Roberts: Yes.

Ms. Visconti: **Motion to grant a six months extension.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Conceptual:

15-3338 – Eduardo Lauria Luxury Apartments: To discuss a conceptual application to construct a 13,200 sf. building consisting of residential units and 500 sf. of retail space on 1.10 acres in an HB Zoning District. The property is located at **102 Old Post Road** and is identified as **Tax Grid No. 6157-04-625489** in the Town of Wappinger. (Paggi)

Present: Larry Paggi – Engineer
Eduardo Lauria – Applicant

Mr. Paggi: Hello everybody. We are here to present a concept and this is the property that's adjacent to the Aroma on Old Post Road. It's the site of a former house that was recently raised. Eddy's intention is to construct a new building using the mixed used zoning which would allow residential and commercial. The intention is to have 14 one bedroom studio apartments and 500 sf. of personal service business. The intention is to have a laundromat on site to service the building owners and we understand that may be open to the general public. We are an undersized lot and the zoning requires 2 acres, we provide 1.1 acres and the lot depth is slightly less than the requirement of 200 feet. It is 194.5 feet but we exceed all of the setbacks, coverage, landscape requirements and we are able to provide onsite stormwater. You may or may not remember that we recently extended water and sewer service to this property in conjunction to providing it to the restaurant. We will have to request additional capacity in conjunction with this application but the infrastructure exists to this property. So we are here tonight to walk away with any directions to proceed with this site plan application.

Ms. Visconti: Larry, you say according to ZBA your lot is undersize and according to your map, for building coverage percentage 25 is expected and you have 13.3 and impervious percentage and you supposed to have 75 and you have 33.6?

Mr. Paggi: The maximum impervious is 75 and we are only proposing 33 percent.

Ms. Visconti: Okay, I misread it.

- Mr. Roberts: Larry, you are going to need permission from Tri Municipal for the sewer and additional permission from the Town Board.
- Mr. Paggi: Right, that will be included in conjunction with the site plan application.
- Ms. Visconti: What will the square footage for these studios be?
- Mr. Lauria: About 900 sf.
- Ms. Bettina: That's going to be two floors?
- Mr. Paggi: The building is two stories but each apartment is on one floor.
- Mr. Malafronte: How many variances are you going to need?
- Mr. Paggi: I don't know that we need any. It's an existing and we are not creating a lot.
- Mrs. Roberti: It is 5.5 feet short.
- Mr. Paggi: Again, we are not creating a lot, it's existing.
- Mr. Roberts: You have to check the code for the depth and width but check with Barbara.
- Mrs. Roberti: You will need a variance because you are short on the lot area and short on the lot depth.
- Mr. Malafronte: If you go to a laundromat, won't that change the requirement?
- Mr. Roberts: It's a mixed use permitted in HB Zone.
- Mr. Fenton: It's a preexisting nonconforming lot so if you alter in any way you will need an area variance.
- Mr. Paggi: But we are not altering the lot itself so I guess I'm a little confused. We are building on it but if we have to go for a variance, we will go for a variance if that's the policy.
- Mr. Malafronte: Won't that be based on how much utilization you have on the lot?
- Mr. Paggi: Regardless of the size and we cannot go over the 75 percent coverage, we have to have a certain amount of landscape area, a certain setback requirement and we are meeting all of those standards.

- Mr. Fenton: It's not a self-created hardship so you shouldn't have a problem getting an area variance.
- Mr. Valdati: Looks like two variances are required.
- Ms. Visconti: They will need to check the capacity with Tri Municipal.
- Mr. Paggi: Right, we have an approved capacity of 320 gallons per day for the house that was there. So with 14 one bedroom apartments, it's going to go to 1,540 gallons per day. I have to look to see what the laundromat will add to that. We will coordinate that with Morris Associates because the apartments won't have laundry facilities in them.
- Mr. Malafronte: With the laundromat, what will you use as a retention pond? Will you use a separate system?
- Mr. Paggi: Laundromats don't go to your sewer.
- Mr. Dennis: Are you going to have a lint trap?
- Mr. Paggi: We are going to have a tank and we are going to have pumps and we are just going to pump gray water. We will coordinate that with your office and we will have a tank that these guys have to maintain.
- Mr. Roberts: The variance that you will need is Section is 240-18 (f) with three subsections. That addresses preexisting dimensional nonconforming parcels.
- Mr. Paggi: That's the requirement for the variance.
- Ms. Visconti: So these are going to be rentals and not condos or ownerships.
- Mr. Paggi: Right.
- Mr. Valdati: So you have everything you need from us?
- Mr. Paggi: We do. If you are giving us direction that we can proceed with this then we can come back to you with a rendering of what we expect the building to look like and we will go for a variance and to the Town Board and get this in gear.

15-3339 – Osborne Square Childcare: To discuss a conceptual application to add the use for a childcare center on 2.13 acres in an HB Zoning District. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Lund)

Present: Kevin Lund – Applicant

Mr. Lund: I have a potential tenant for a childcare facility in our new building and we don't have that as one of the approved uses in our resolution. I'm here to discuss with the board to see if you would consider adding the use to our approval. I provided a site plan and not too many changes. There's an addition of a small playground in the rear and other than that, the building conforms.

Ms. Visconti: Do we have to add these as a use and not a right on the zone?

Mr. Roberts: The resolution specifies particular uses and what he's asking is that the permitted uses be expanded to include daycare which I believe is permitted in that district.

Ms. Visconti: We made specific requirements on this plan.

Mrs. Roberti: Remember Kids Town came in from Harks Plaza and very similar to this. They were approved for service, retail and office. So when Kids Town came in, we added that use. They have a little playground on the side and the rear.

Ms. Visconti: I think it's really needed in the town.

Ms. Bettina: I think it's really good and a great location. It's good for working parents and your hours of operations will meet the community's needs.

Ms. Visconti: So we can do this by resolution and amend?

Mr. Roberts: He doesn't own that piece where he's going to put the playground.

Mr. Lund: I believe I said in the letter that I'm in the process of getting a Lease.

Mr. Roberts: Forget the letter and explain to them what you want to do.

Mr. Lund: The small parcel that I outlined is outside of our property lines. I do have an agreement with the adjacent property owner that there's a Lease to be signed. I was not doing anything until I talked to you about it. As I said in my letter, if I get approved for this playground it would be subject to a Lease.

- Mr. Roberts: You are going to have to have a site plan amendment with the length of your Lease. Are both pieces zoned HB?
- Mr. Lund: Yes, they are.
- Ms. Visconti: Motion to authorize the Town Planner to amended the Resolution to include the new use and subject to the signing of the Lease Agreement for the playground.**
- Ms. Bettina: Second the Motion.
- Vote: All present voted Aye.

New & Old Business

Eduardo Lauria Luxury Apartments:

- Ms. Bettina: I have something I want to talk about. Eddy came in for his apartments and you notice how it said 500 sf of retail space, I think as we move forward we should amend that to be at a minimum at 1500 sf.
- Mr. Roberts: We have had this issue before and it's gone unresolved. I forget the gentleman's name that had the daycare in the back of Nissan on Old Route 9. He came in proposing a number of lots and that was the first time and then the Old Post Mall. The project came through and the same thing was addressed. Apparently the way the code is drafted, your site is going to be limited so if they can comply with many conditions as you intend. I personally think that should be revisited.
- Ms. Bettina: If he right now has all of his "t's" crossed and "i's" dotted, we can turn around and tell him that's too many apartments?
- Mr. Roberts: You have to see the total layout as well as parking. Taking this one out of the equation, we have been authorized by the board to address a number of zoning issues with David. This is one that I would like to add to the list and if you recall we are doing solar panels and we adopted a moratorium on that. The other one is the cell towers, which is out of whack and there are others.
- Mrs. Roberti: We made quite a list.
- Ms. Visconti: I have a client who is a trucker and he said he saw a 30 x 50 feet panel, 3 feet off the ground on school property. I told him to take a picture of it.

- Ms. Bettina: They did have pictures of that in NYC at different businesses and municipalities that had the solar panels. Not to get off the subject but we as a board, need to look at this. Going forward we have the ability to shape what the community looks like.
- Mrs. Roberti: This came up with LaFonda Del Sol so if that was a residential zone, we wouldn't have entertained that density. Because if was a commercial aspect, it met the code.
- Mr. Valdati: I think that was Mr. Lund involved in that project.
- Mr. Roberts: No, it was Mr. Stenger.
- Ms. Bettina: I'm really interested in what these will look like and if it's not something we are happy with, we can challenge it.
- Ms. Visconti: I would like to see a rendering of the inside a 900 sf. luxury one bedroom apartment. If he's doing this project he should have a model of what it looks like.
- Ms. Bettina: I'm sure he already has that and maybe it's really nice.

DC Referral Exemptions:

- Mrs. Roberti: Dutchess County Referrals are trying to streamline their referral process. Right now everything goes up there so in that package, you will see what they are looking to exempt. If you are in agreement with them, the town has to become a partner in a sense with them for the next year and it will be on a yearly basis.
- Ms. Bettina: Is there a fee?
- Ms. Leed: No, it's just giving them less work.
- Ms. Roberti: I would like you to look at it and on December 7th I will have it on the agenda again and if you feel you would like to participate, maybe you can put a motion in the form of a letter that goes to the Town asking to become a partner with the county.

Mini Prestige:

Ms. Bettina: Barbara, there's a car missing.

Mrs. Roberti: I've been asked to return their \$50,000 bond. As of today, the fourth car apparently is still not there. The bushes they put there are so excessive and I don't think the way the bushes are they can get a car in there.

Ms. Bettina: That's not our problem.

Christmas Party:

Mrs. Roberti: I have a couple of calls in to four different restaurants and it is Monday so I just didn't get a lot of answers back. I will email you where's it's going to be.

Ms. Visconti: Also what it is going to cost.

Ms. Bettina: Happy Thanksgiving to everybody!!

Ms. Visconti: Motion to Adjourn.
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Adjourned: 7:35 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board