

# MINUTES

Town of Wappinger Planning Board  
September 18, 2017  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

<b><u>Members:</u></b>	Mr. Flower	Chairman	Present
	Ms. Visconti:	Co-Chair	Present
	Ms. Bettina	Member	Present
	Mr. Marinaccio	Member	Present
	Mr. Pesce:	Member	Present
	Mr. Valdati	Member	Present

<b><u>Others Present:</u></b>	Mr. Roberts	Town Attorney
	Mr. Gray	Town Engineer
	Mr. Suleiman for	Town Planner
	Mrs. Roberti	Zoning Administrator
	Mrs. Dao for	Mrs. Ogunti (Secretary)

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## SUMMARY

### **Public Hearing:**

Smart Subdivision	Public Hearing opened and closed Approved Amended Resolution
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### **Discussion:**

Myers Corners Landing Subdivision	Preliminary vote on October 16, 2017
Chelsea Ridge Pre-fab Pool	Vote on Resolution on October 2, 2017

### **Conceptual:**

Campground – Smithtown Road	Resubmit
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**Ms. Visconti:** **Motion to accept the minutes from September 6, 2017.**  
Mr. Valdati: Second the Motion.  
Vote: All present voted Aye.

**Public Hearing:**

**15-5172 / Smart Subdivision:** The Town of Wappinger Planning Board will conduct a Public Hearing on a proposed 2-lot subdivision where there is an existing home on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor) (LA January 6, 2017) (PH opened 2/6/17 – closed 3/6/17)) (Neg. Dec. approved 7/17/17)(Variances granted on August 22, 2017) (Second PH opened & closed 9/18/17)

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

Mr. Cantor: Good evening Mr. Chairman, Richard Cantor for the applicant. I am assuming that the members of the board are familiar with the project unless there's someone in the audience who would like to ask a question.

Mr. Flower: Does anyone have any questions?

Ms. Visconti: Nope.

Mr. Flower: Is there anyone in the audience who would like to speak on this project?

Mrs. Roberti: I would like the resolution to be amended on Page 3 of 5 on the bottom Item H states "The applicant shall fund a post-approval escrow account in accordance with...." It's not necessary for one lot so I would like that to be removed. I would like to be added that "recreation fees is due of \$5,000.00 for the one lot and the United Wappinger Water District buy-in fee for \$3,200.00.

- Mr. Cantor: Might I ask that you tell me or Barbara or somebody what the water buy-in language is going to say.
- Mr. Gray: The recreation fee is to be paid before the map can be signed and the same way like the buy-in fee for the water.
- Mr. Cantor: I understand the provision of the recreation fee and I understand if the Town has the buy-in fee to connect to the water that at such time someone asks to build a house they need to pay the Town's fee. As of today nobody is about to build a second house so I don't understand why the fee needs to be paid until someone asks for the service.
- Mr. Gray: Because the property is benefited by being in the water district and therefore they should pay for that. That's my opinion as an engineer and I'm not an accountant.
- Mr. Flower: I'm assuming there's only one water connection now.
- Mr. Bodendorf: There's actually a water line. When they brought the water line to the existing house they installed a water line in the back.
- Mr. Flower: Right, through the front property. It's not separate. This property could end up having two separate owners down the road and that person is relying on that person in the front. They should have their own separate service. We went through the process of showing on the plan to have two separate entrances for that parcel. Where it's being built today or the future it has to be shown on the drawings.
- Mr. Cantor: I am not questioning the right of the Town to ask for buy-in fee when there is a request for a second house to receive water service. My question is at this point nobody is asking for a second connection. I don't understand why the fee would be paid now.
- Ms. Bettina: That makes sense. Why pay for something that's not there. If somebody buys the property and wants that connection then they pay for it.
- Mr. Gray: The property is benefited by being in the water district. The purpose for the buy-in fee is the existing people in the district pay for the water tanks, pay for the new wells and paid for all those years.
- Mr. Cantor: So did Wendy Smart like everybody else.
- Mr. Gray: As a matter of fact she didn't. The older part of the district paid for all of those things. The buy-in fee is for someone that later comes into

the district to pay their share of what those improvements are. We have 150 properties in the Chelsea area in the water district. Every one of them paid a buy-in fee including 5 vacant parcels. There were not questions that those vacant parcels are being benefited by being in the water district.

- Mr. Cantor: I think the point has been made so proceed however you see fit.
- Ms. Visconti: I think we should have the fees paid now because 5 or 10 years down the line someone wants to build on that property, it might get lost in the paperwork that it wasn't paid. It's been our practice all along when a subdivision is being approved.
- Ms. Bettina: When were they put in the water district?
- Mr. Gray: About three years ago I'm guessing.
- Ms. Bettina: So you have been paying for three years?
- Ms. Smart: No. We've been paying a year or maybe two years.
- Mr. Roberts: There's a gap between when the district was created and the time and the benefit assessment was applied.
- Ms. Visconti: To your knowledge Bob, have we always done it this way?
- Mr. Gray: Yes, we have always done it this way because it wouldn't be fair to the people that are already in the district for somebody else to bring a property in and not pay their share.
- Mr. Flower: They are buying in today as oppose to 10 years from now and that fee could rise.
- Mr. Gray: There's no guarantee.
- Mr. Cantor: I don't mean to beat this to death but the two comments that Barbara made in this two lot subdivision tonight is \$8,200.00 of fees in addition to everything else to create this two lot subdivision. It doesn't sound reasonable to me but if it sounds reasonable to you please proceed.
- Mr. Flower: I know the recreation fee is to create a lot and it's always been in there.
- Mr. Cantor: That's only if this board is of the opinion that this two lot subdivision will require more recreation facilities in the Town. I don't think anyone on

this board feels that this second lot will create the need for more recreation facilities in this Town.

- Mr. Gray: The \$3,200.00 buy-in to be in the water district is money well spent. The alternative is to drill a well.
- Mr. Cantor: Again, I am not questioning the need to buy-in when you want to use the system. We understand and I would ask respectfully that you proceed.
- Mr. Flower: What's everybody's opinion on the board?
- Ms. Visconti: Unfortunately, we've been doing this to everybody else we should just continue because we don't want to set a precedent.
- Ms. Bettina: We've done this throughout the Town always.
- Mr. Gray: We've done it for Toll Brothers and whether it's vacant or not.
- Ms. Bettina: It's documented that we have done this for as long as there's been a water district in every area in the Town. It hasn't been deviated from ever?
- Mr. Gray: No.
- Ms. Bettina: That's all I'm asking. Barbara, to your knowledge have we ever deviated from this?
- Mrs. Roberti: No, we have always required recreation fees paid before a map gets filed.
- Mr. Marinaccio: How do we determine the amount?
- Mrs. Roberti: It's a flat \$5,000.00.
- Mr. Roberts: There's a provision in subdivision regulations where the Town Board accepts the fee. I haven't read the resolution but normally there's a statement in the resolution of subdivision approval indicating that the Town Board has made a determination. Somebody else has to check that.
- Ms. Bettina: If more people decide to hook up into this water district, will the fee go down?

Mr. Gray: I don't know why it would. In terms of water, the average design house is 320 gallons a day. It cost about \$10.00 per gallon per day to build the water plant.

Ms. Bettina: I can understand that but if you have a senior living in the house that takes one shower versus a family of three that takes three showers and three washing machine loads of clothes, there's a difference. I'm trying to figure out where does it become equal and fair?

Mr. Gray: They do pay a lower water bill so their fee would be less presumably.

Ms. Bettina: The hookup is still the same.

Mr. Gray: Sewer is \$15.00 per gallon so if we are talking about sewer it will be a \$4,800.00 charge.

**Ms. Visconti: Motion to close the Public Hearing.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

Mr. Flower: For the resolution we have two amendments so we will be voting on the amended approval.

**Ms. Visconti: Motion to approve the amended Resolution to include the recreation fees, water buy-in fees and remove the escrow provision.**

Mr. Valdati: Second the Motion.

Vote: All present voted Aye.

### **Discussion:**

**16-5179 Myers Corners Landing Subdivision:** To vote on a Negative Declaration on a total of 6.10 acres on two parcels in an R-20 Zoning District. The property is located on **Myers Corners Road** and is identified as **Tax Grid No. 6158-04-894014 (5.84 acres) and 6157-02-899988 (0.26 acres)** in the Town of Wappinger. (Povall) LA 6-20-17 (opened PH 7-17-17)(closed PH 9-6-17)

Present: Bill Povall – Engineer

Mr. Flower: Tonight we are voting on the Negative Declaration.

Mr. Povall: At the last meeting one of the residents mentioned a letter about the buffer. Did you get that letter?

Mr. Flower: We were never provided a copy of the letter.

- Mr. Gray: I called Mrs. Camacho the next day and we talked about it and I said we really need the letter but she didn't have it.
- Ms. Visconti: So that's a non-item at this point.
- Mr. Gray: In her defense she said she couldn't find it.
- Mr. Flower: So the item seems to be a mute issue at this point. Before we approve the Negative Declaration, we have one amendment on No. 13 the traffic. So Sami you are going to make the changes?
- Mr. Suleiman: Yes, I just want to make sure that I have the changes exact.
- Mr. Flower: So you are just going to add the information from the traffic study that's provided.
- Mr. Suleiman: Right it doesn't change anything.
- Mr. Flower: Right, just more details.
- Mr. Suleiman: Yes, just to specify what standards were used.
- Mr. Flower: So that's the only change we have.
- Ms. Visconti: Motion to accept the Negative Declaration as amended this evening regarding Item 13 prepared by the Town Planner.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.
- Mr. Flower: So I guess the next thing is you are going to be looking for preliminary approvals. It seems like we have everything in order.
- Mr. Povall: We've addressed all of the concerns of the board and the professionals' comments. The plan is very complete and we've provided all of the necessary information to move forward if the board chooses to do so.
- Ms. Visconti: Is the stormwater going to be addressed in this particular item but as a general item for the entire Town? Is that going to be sent over to the Town Board?
- Mr. Gray: The attorney's understanding is that it applies to all subdivisions.

- Ms. Visconti: In view of that information, the Planning Board is to include if there's a need the stormwater district will be a part the resolution.
- Mr. Roberts: That has been the practice for approximately 10 years. If you look back you've approved subdivisions requiring drainage system.
- Ms. Visconti: So the Planner should know to include in every resolution.
- Mr. Roberts: He knows that and it's based on design material.
- Ms. Visconti: Motion to authorize the Town Planner to draft a resolution.**  
Mr. Valdati: Second the Motion.  
Vote: All present voted Aye.
- Mr. Flower: We will put you on the agenda for October 16<sup>th</sup> to vote on the resolution.
- Mr. Povall: Isn't there an earlier meeting in October?
- Mr. Flower: Yes, but we have a full agenda on October 2<sup>nd</sup>. Do you have any questions and/or concerns for us?
- Mr. Povall: Nope.

**17-3374 Chelsea Ridge Pre-fab Pool Shed:** To discuss a site plan application for the installation of a 12' x 24' pre-fab shed to store pool equipment onto pre-existing concrete slab on 31.64 acres in an RMF5 Zoning District. The property is located at **1 Chelsea Ridge Mall** and is identified as **Tax Grid No. 6056-01-373534** in the Town of Wappinger.

- Present: Elia DeRiggi – Dorn Homes
- Mr. Flower: Is there anyone here for Chelsea Ridge?
- Mr. DeRiggi: My name is Elia DeRiggi and I'm with a company called Dorn Homes on Route 9D in Wappingers Falls. We are on a property and we have a pool for the residents and it's roughly 35-40 years old. It's an old metal pool and the age is showing. We are working with the Dutchess County Board of Health and gave them plans to have it redone. We are here before you tonight for approval for a 12' x 24' pre-fab shed to be built on an existing concrete slab. It will be for storage to keep all of the supplies in once the shed is built.
- Mr. Flower: Does anyone on the board have any questions?

- Ms. Bettina: Do you have a picture of the shed?
- Mr. DeRiggi: I supplied it with the paperwork I brought in. Do you guys have the paperwork? If not, I have some here.
- Ms. Bettina: I have it but I'm talking about the shed itself.
- Mr. DeRiggi: The color is going to match what's existing on the property. This is just the brochure.
- Ms. Bettina: So it matches the house that's there now?
- Mr. DeRiggi: This is the existing pool house, restroom and showers.
- Ms. Bettina: That's not going to be updated, right?
- Mr. DeRiggi: The only thing that's going to be touched is the pool.
- Ms. Bettina: So next to that you are going to build the shed.
- Mr. DeRiggi: Yes. This used to be an old BBQ area. We will be redoing the pool with the same footprint. The original pool's shallow end was 3 feet and went out 9 feet and nobody has those anymore due to the liability factors. We have a 9 foot pool and we have signs all over for no diving. The new pool is going to be 3-4 1/2 feet long and leveled off a bit.
- Ms. Bettina: It says 4 feet here.
- Mr. DeRiggi: I got word that the BOH might make a decision sometime this week. Once we get that we have to file with the Town to get a building permit.
- Ms. Visconti: Based on the words of wisdom from the attorney can we just authorize a resolution be prepared?
- Mr. Flower: First we need to waive the public hearing.
- Ms. Visconti: Is that part of the resolution?
- Mr. Roberts: No, you have to make a determination that it's an insignificant change in the site plan.
- Ms. Visconti: So do we want to make a motion to waive the public hearing based on its insignificance to the project.

Ms. Bettina: This is all going to be contingent on what the BOH says.  
Mr. DeRiggi: Yes.

Mr. Flower: His application is only for the shed to be addressed tonight. As long as everyone agrees that this is insignificant to the project and that we waive the public hearing.

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

**Ms. Visconti:** **Motion to authorize the Town Planner to prepare a resolution.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.

**Conceptual Review:**

**17-3376 Campground – Smithtown Road:** To discuss a conceptual application to amend their SPU to include 35 campsites, 35 parking spaces and an accessory use of a movie drive-in on 33 acres in an R80 Zoning District. The property is located at **124 Smithtown Road** and is identified as **Tax Grid No. 6157-04-901055** in the Town of Wappinger. (Santiago)

Mr. Flower: Good evening.

Ms. Santiago: Good evening, I'm Jeanine Santiago. I live at 124 Smithtown Road. I own 33 acres and I have a stable with horses for many years. I would like to have people come over to camp on the property. That's what I did my whole life growing up and there's really no place in Wappinger to do that. I feel it will be a great addition to the Town. I've lived on all this acreage all these years so I feel why not let others enjoy it as well.

Ms. Visconti: According to your narrative you have 5 employees or you intend to have 5 employees?

Ms. Santiago: I might have to hire employees but I'm not sure.

Mr. Visconti: It says you have 35 existing parking spaces?

Ms. Santiago: Yes.

- Ms. Visconti: In your narrative you say you are going to have one parking space to each campsite. Is that sufficient?
- Ms. Santiago: I know I have 35 parking spaces existing. I can provide more if I need to.
- Mr. Flower: Will you be providing parking at each campsite?
- Ms. Santiago: There will be designated parking lots.
- Mr. Flower: It's really confusing and it's not shown on your plan.
- Mr. Santiago: It says parking on there. It's the shaded area.
- Conversation continues.
- Mr. Flower: So the parking you are showing was previously for the riding stables?
- Ms. Santiago: Yes, we certainly have the room and that's not an issue.
- Mr. Flower: Are you going to run these two simultaneously?
- Ms. Santiago: Yes.
- Mr. Marinaccio: Is it legal on this site?
- Ms. Visconti: I have no idea. It's in the R80 zoning district. Are campsites allowed in that district?
- Ms. Santiago: Yes, it is allowed.
- Mrs. Roberti: We don't have any in the Town but according to the code it is allowed with a special use permit on a minimum lot area of 20 acres.
- Mrs. Roberti reads the code.
- Mr. Roberts: Doesn't the Health Department have regulations on that?
- Mr. Flower: The plan shows very minimal information and the general idea. Department of Health has regulations on campgrounds which have to be met. I'll give you a copy so you can review it and it sets minimal size area for each campsite. Also in there it shows shower, bathroom facilities, etc. I don't know if you plan on providing food service facilities.

- Ms. Santiago: Does it have all of that mentioned in here?
- Mr. Flower: It's all in there the food service is not required but if you do there are requirements for that also. The bathrooms are in there as something for you to think about.
- Ms. Santiago: I'm really familiar with camping growing up we had porta potty.
- Mr. Flower: We don't regulate those requirements. If for some reason you have questions you can reach out to the Department of Health. I don't know if porta potty is allowed.
- Mr. Gray: They have a district in Beacon. They are in the phone book so call them up and tell them what you want to do and they will explain their regulations. I think they are going to require a temporary residence permit similar to a mobile home park. They have inspections and permits.
- Mr. Flower: They will have some type of operating permit through the Health Department that you would have to renew every year. That's separate from us.
- Mr. Gray: The County Health Department is going to implement what the State regulations are.
- Ms. Santiago: All I want to do is get tents on an existing piece of ground and camp.
- Ms. Bettina: Unfortunately, it's not that simple.
- Mr. Flower: I think you need to sit with them and go over what they require and you will need to provide us with a little better plan or get an engineer involved. You will probably need a little more parking if you are running the stables and the camp ground simultaneously. The current 35 parking spaces won't be able to facilitate if you are 100% of the campground.
- Ms. Santiago: Another thing I want to do is project movies on the side of my barn.
- Ms. Visconti: That's a service since they are all there and you are projecting on the side of the barn.
- Mr. Flower: That would be something you would also want to show on the plan.

- Ms. Visconti: You don't want the projector shining in someone else's house and bedroom and they put a claim against you so they are going to want to know all of those details. With 33 acres there should be no problem.
- Ms. Santiago: I don't have any neighbors. I don't see anybody at all.
- Ms. Visconti: Good luck and see if it's really worth it for you.
- Ms. Santiago: I'll see what they say because they are going to be the only issue. So if they say there's not that much I have to do, what do I do next?
- Mr. Flower: They next thing is to come back with a plan. I would suggest that you employ an engineer who can provide you with a site plan and have them help you through the process.
- Ms. Santiago: Do I have to go through a whole amended site plan?
- Mr. Flower: Yes.
- Mrs. Roberti: That's why they are recommending you go to the Health Department and maybe you might have to drill another well. This could be very expensive.
- Mr. Flower: Explore those options first to see how much you will need and work with a budget within your means to go forward.
- Mr. Marinaccio: Would she be able to phase that if she cannot afford it?
- Mr. Flower: It all depends on what the Health Department says.
- Ms. Santiago: So what were you thinking Mr. Marinaccio?
- Mr. Marinaccio: About drilling the well doing it later than sooner but the Board of Health will determine that.
- Ms. Santiago: Us campers, we don't need a whole lot.
- Ms. Visconti: So you are talking about the rustic camper. You are talking about the ones that get down and dirty.
- Ms. Santiago: You want to ride a horse or go watch a movie?
- Ms. Bettina: It sounds very simple but sometimes the simple things can get complicated.

Mr. Flower: Read through that first. I google the other night just looking for some requirements and I came across that curiously because I had never done a campground before. I said to myself this is interesting.

Ms. Santiago: I never thought about that before because I've been doing this for the last 20 years on the same property and I figure other people would have fun doing it. Okay thank you and I'll figure this all out.

Ms. Visconti: Good luck.

Ms. Santiago: Good bye.

**New and Old Business:**

Heart Kia Project

Mr. Flower: After our last meeting I did go to the Village of Wappinger Planning Board meeting to discuss the Heart Kia project. I did speak to the chairman about the issue about the parking overflowing in some areas. I explained the issue we are having with car dealership within our municipality basically violates their current site plan. We asked them for some cooperation to ask these people to find a legal spot for the overflows. No matter what they are going to have overflow cars. If it's a location within the village or outside the village is fine as long as they do it legally. He said he will keep us in the loop with everything.

**Ms. Bettina:** **Motion to Adjourn.**  
Mr. Pesce: Second the Motion.  
Vote: All present voted Aye.

Adjourned: 7:55 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board