

# MINUTES

**Town of Wappinger Planning Board**  
**July 05, 2017**  
**Time: 7:00 PM**

**Town Hall**  
**20 Middlebush Road**  
**Wappingers Falls, NY**

## Summarized Minutes

### **Members:**

Mr. Flower	Chairman	Present
Ms. Visconti:	Co-Chair	Present
Ms. Bettina	Member	Present
Mr. Marinaccio	Member	Present
Mr. Pesce:	Member	Absent
Mr. Valdati	Member	Present

### **Others Present:**

Mr. Roberts	Town Attorney
Mr. Lindars	Counsel
Ms. Valk:	Conflict Attorney
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Discussion:**

Smart Subdivision	Town Planner to Amend Negative Declaration
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Sikh Temple	Negative Declaration adopted
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### **Extension:**

Obercreek Subdivision and Lot Line Re-alignment	Two 90 days Extensions granted
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**Motion to accept the Minutes of June 19, 2017.**

Second the Motion.

All present voted Aye.

### Discussion:

**15-5172 / Smart Subdivision:** To discuss 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. 3/6/17)

Richard Cantor – Attorney  
Mike Bodendorf – Engineer

Good evening Mr. Cantor.

Good evening Mr. Chairman and members of the board. We were here some months ago and this board in its wisdom adopted a Negative Declaration on this 2-lot subdivision. We went off to the ZBA to ask for a variance. After about two or three meeting at the Zoning Board they indicated a preference and they haven't acted on them pending variance request. They indicated the preference was somewhat different layout which will require three area variances. There's no substantial difference and Mike Bodendorf will explain shortly. Response to the ZBA is if the Planning Board is okay with this slightly revised plat then the applicant is okay going with the three variances of the plat. I'll have Mike explain the small differences between the negative declaration and the current proposed plat that seems to be favorite by the Zoning Board of course if it meets with your approval. If conceptually the three variances plat seems acceptable to you then we would ask that you have Mr. Stolman prepare for your consideration for the next meeting an amended Negative Declaration. The Zoning Board cannot act until you have acted on the SEQRA. With that let me turn it over to Mike if you have questions.

- Mr. Bodendorf: Good evening Mike Bodendorf of Hudson Land Design here on behalf of the applicant. I'm going to explain briefly the three variances we are going after.  
Variance No. 1: Is for the reduced lot width for Lot 1.  
Variance No. 2: Is for the flag pole width and that's the reason for the variance on Lot 1.  
Variance No. 3: Is for a front setback on Lot 2 because as a result of pushing this lot in it pushed this lot line out to keep our lot line above 40,000 sf.
- So we are asking for a front setback variance of 15 ft. and less than 50 ft. required at 35 ft. I will just note that the front house they are separated by a pretty good distance. That's pretty much the changes that we made. We can discuss comments from the consultants and I've already made changes to the plan in response to those comments.
- Mr. Flower: You've already addressed those?
- Mr. Bodendorf: Yes.
- Mr. Stolman: We are good if Michael is good with our comments. We are conceptually okay with the three variances.
- Ms. Visconti: Is the ZBA waiting for recommendation in writing from us?
- Mr. Stolman: I don't know that they are waiting for recommendation from us.
- Ms. Valk: They haven't asked for that. They went over a number of alternatives at the ZBA that addressed some of their concerns obviously.
- Ms. Visconti: What action are we supposed to take tonight?
- Mr. Stolman: You need to ask me to amend the Negative Declaration for the next meeting.
- Mr. Flower: Bob, any comments?
- Mr. Gray: Assuming that Mike made the changes to the elevation.
- Mr. Bodendorf: Just real short the elevation was the same as the garage. I raised the elevation 14", two steps plus grading on the south side of the house.
- Mr. Gray: We made a comment that the garage and the first floor were at the same level.

- Mr. Flower: Yes, we saw the letter and he revised it so that's fine. I guess at this point if everyone is satisfied we will go ahead and make a motion.
- Ms. Visconti: Motion to authorize the Town Planner to amend the Negative Declaration per the feedback intolerance of the ZBA.**
- Mr. Marinaccio: Second the Motion.  
Vote: All present voted Aye.
- Mr. Valdati: Is the existing house that's on the property contrary to zoning?
- Mr. Stolman: No. Richard, do you want to take a shot at responding?
- Mr. Cantor: The existing house is a legal nonconforming 3-family house and that's already been determined.
- Mr. Valdati: I believe we had some issues with the nonconformity of that 3-family house. There were some revisions that had to be made to the plan.
- Mr. Cantor: The issue was litigated and concluded with the determination that it is a legal nonconforming 3-family house.
- Mr. Stolman: Even though the zoning now calls for three times the lot area the minimum lot area for a 3-family home, this project is grandfathered. The amendment to the zoning law doesn't apply to this.
- Mr. Flower: Robert, is your vote Aye on this also?
- Mr. Valdati: Sure.
- Mr. Flower: Let the record show that all voted Aye and we will vote on this at the July 17<sup>th</sup> meeting.
- Mr. Cantor: I was wondering if I could ask for as a small courtesy to move No. 3 on the agenda hopefully it won't take you more than a minute or two, the Reese extension.
- Mr. Flower: You are representing Obercreek Farm? That's fine it actually works out.
- Mr. Cantor: As long as I was standing up I thought I would just do this.
- Mr. Flower: We need to approve this as the third and fourth 90 day extension.
- Mrs. Ogunti: Oh, okay.

Mr. Flower: Originally it was given the two 90 day extension the first time and now we are going to give them another two 90 day extension. Let the record reflect that.

**15-3330 Sikh Temple:** To discuss a site plan application for construction of a new Sikh Temple consisting of 20,000 sf. The property is located at the corner of **Old Hopewell Road & All Angels Hill Road** in the R-40 Zoning District and is identified as **Tax Grid No. 6257-04-919433** in the Town of Wappinger. (Cappelli) (PH opened 12/5/2016) (LA 2/4/16) (Amended LA 5/9/17) (PH closed 06/19/17)

Present: Alfred Cappelli – Architect

Mr. Flower: At this time we are going to take a 10 minute recess. We were just given some information today that we need to read before we move on to the Sikh Temple. Once we finish reading this then we will go back into session.

We are starting the session again and we are back to the Sikh Temple.

Mr. Cappelli: Good evening everyone. I don't think there's anything new to review and I think everybody is familiar with the project with where we are and where we've been. There may or may not be some minor outstanding items that will need to be satisfied as far as the design the consultants have concerns that we are working on. Other than that unless the board has any particular questions for me there really is nothing more to say.

Mr. Flower: You are basically on the agenda for a negative declaration for the project, correct?

Mr. Cappelli: Correct.

Mr. Flower: We just finished reading the copy we just got. At this point I will leave it to the board members if they are ready to go ahead and get a motion on this.

**Ms. Visconti: Motion to adopt the revised Negative Declaration prepared by the Town Planner.**

Mr. Marinaccio: Second the Motion.

Vote: All present voted Aye.

Mrs. Olivieri: Is this a continuation of a public hearing?

Mr. Flower: No. We closed the public hearing at the last meeting.

- Mrs. Olivieri: You closed the public hearing? So what is this meeting for?
- Mr. Flower: This is to vote on a negative declaration.
- Mrs. Olivieri: This was just for you to vote? The public hearing should not have been closed if you are having another meeting about this.
- Mr. Flower: The public hearing was to get input from the public and we've taken three nights of the public hearing. We had the original public hearing we adjourned it for two other meetings and at the last meeting we closed the public hearing.
- Mrs. Olivieri: At the last meeting were people here and they knew about it? I went online on the computer to see what was on the agenda tonight and there was nothing on the agenda about a continuation. Now you have forms here that the people could pick up that weren't available at the last meeting. You have no right to close the public hearing until we get all of the information. I want to know who puts the stuff online because you have it printed here but when I went online there was nothing about the temple. Who is in charge of putting it online so the public can read it and they get paid because it wasn't Bea.
- Mr. Flower: I don't know who puts it online.
- Mrs. Olivieri: I want to know who is responsible to put it online I want the name of the person.
- Ms. Visconti: It's the IT people.
- Mr. Roberts: The IT people don't put that on the agenda. It goes through the Town.
- Mrs. Olivieri: Don't tell me something you don't know. I want to know the name of the person who supposed to put that on the computer. Are they getting paid?
- Mr. Flower: I don't have a person and I don't know who does it. I know who produces the agenda but I don't know who puts it on.
- Mrs. Olivieri: How do you expect the public to come in and check these things? These people that are here they don't know that the meeting was closed.
- Ms. Visconti: On June 19<sup>th</sup> I made the motion very loud and very clear that the adjourned public hearing was closed that night.

Mrs. Cole: We didn't hear it.

Ms. Visconti: It was the adjourned public hearing and it was the third time that it had been adjourned and we closed the public hearing. I keep very good notes people.

Mrs. Cole: We heard the lady at the end say if you want to find anything out in Wappinger you have to go to the public channel on TV or your computer.

Mrs. Olivieri: Did you say that's how we are supposed to get information? Meanwhile they are not giving us information.

Ms. Visconti: Excuse me first of all you were not here. Mrs. Cole and the rest of the people were here and they heard very clearly when I closed the adjourned public hearing.

Mrs. Olivieri: Then why is she saying she didn't hear it.

Ms. Visconti: The public hearing has been closed and it is done.

Mrs. Olivieri: You have no right to close the public hearing. This should have been on the computer and I want to know who is paid to put it on the computer. I want a name.

Ms. Visconti: What exactly do you want on the computer?

Mrs. Olivieri: I want on the computer that it was a continuation of this. It is not online.

Ms. Visconti: It's on this agenda for tonight.

Mrs. Olivieri: It's on here but it is not on the computer.

Ms. Visconti: That I have no control over.

Mrs. Olivieri: How am I supposed to do that.

Ms. Visconti: You have to go find out.

Mrs. Olivieri: So I have to go find out. Why don't you go find out?

Mr. Flower: That's enough.

Mrs. Cole: Am I allowed to say something?

- Mrs. Olivieri: They just put they water map out tonight. How can you close the hearing when you did not have that?
- Mr. Flower: Enough of this.
- Mrs. Olivieri: That's what he wants to talk about.
- Mr. Flower: Tonight there's no debating on the public hearing. It was closed, we voted on it at the last meeting.
- Ms. Packer: Who is held accountable if I get flooded because the last time FEMA had to come in. I just want to know who is held accountable when my house gets flooded when they change the terrain on the hill and there's no other place for the water to go and the drainage is ineffective.
- Mrs. Olivieri: Do you have the FEMA report? Did you put that water map out the last time?
- Mr. Flower: No.
- Mrs. Oliveri: Thank you. So you didn't inform the public. You should have never closed the public hearing. You have to continue the public hearing.
- Mr. Flower: It's been closed, enough I'm done. At this point let's have a motion to go into executive session.
- Ms. Visconti:** **Motion to go into Executive Session for legal advice.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.
- Ms. Bettina:** **Motion to come out of Executive Session.**  
Ms. Visconti: Second the Motion.  
Vote: All present voted Aye.
- Mr. Flower: Mrs. Olivieri, please stand up and give your name and address for the record and state your concerns so we can have it read into the Minutes.
- Mrs. Olivieri: Concetta Olivieri, 207 Old Hopewell Road. I would like to know why this meeting was closed and the people are so confused and it's not funny. You have that gentleman in the blue shirt is going to read your words to you that's why they didn't know the meeting was closed when you closed it. That's why I'm suggesting that you reopen it. I want the public to be heard. If these people have problem with flooding you are responsible. When did you get the CO for this building?



- Mr. Flower: This is of no relevance.
- Mrs. Olivieri: I want that gentleman heard. I want to hear his words.
- Mr. Flower: Mrs. Olivieri, please sit down. Thank you. We need others to be heard. Please come up and state your name and address for the record.
- Mr. Packer: Lynn Packer, 56 Carroll Drive. I've lived there for 40 years. Initially when we moved and they built there was a plan in place. The board approved and they built the development and we started getting flooded. It was because of inadequate storm drainage.
- Mr. Flower: Those concerns have been addressed on the site plan. There is a stormwater plan that's incorporated into the plan and it addresses all of the runoff on your property and how they are going to manage it.
- Mr. Packer: Does it get reviewed?
- Mr. Flower: It does get reviewed by our planner and engineer. If you have any concerns feel free to contact him during normal business hours here at Town Hall. Mr. Gray will go over everything with you and address your concerns.
- Mr. Packer: In the event of flooding, who would be accountable? Is it the Town or the consulting firm?
- Mr. Flower: Wherever the source of the flooding is coming from. He'll address that with you. He will go through the whole process with you. It's all been addressed within the site plan.
- Mr. Packer: Thank you.
- Mr. Flower: At this time we've closed the public hearing.
- Mr. Deresh: Richard Deresh, 37 Carroll Drive. I'm not throwing Mr. Cappelli under the bus and I don't have that kind of relationship with him to do that. I'm just reading what he had to say through the Minutes when I had a chance to read through this as soon as I got here today. Going from Page 3 right through Page 8 where the last words were "...Mr. Flower says so that being said, I'll leave it up to any other questions that the public may have. Then Mr. Fontana speaks and everybody else speaks through....
- Mr. Flower: That was the beginning of the public hearing, correct?

- Mr. Deresh: Right, that's the beginning. I'm not done talking. You can talk when I'm done. When I finish reading your words you can speak.
- Mr. Flower: I think then maybe we are done talking.
- Mr. Deresh: All I'm saying is....
- Mr. Flower: Excuse me I'm giving you the courtesy to speak even though we do not have a public hearing.
- Mr. Deresh: I'm not going to cut you off and I'm not trying to be rude but you are cutting me off. I'm almost done. So we get back to Mr. Flower on Page 89: All members have voted aye in terms of closing the public hearing. Okay. At this time we're going to review our information. I think before we make a negative declaration I think we need to go back and make sure we've answered all our questions. That said, the questions that were asked that night previous to what you've said here have not been answered because we do not have those. To be fair if those questions have not been answered in the other meeting they should be answered. Those are your words. I'm not making this up.
- Mr. Flower: They have been answered and it was information submitted to the Town professionals and we've reviewed it.
- Mr. Deresh: We don't have it though. At this time we should have that. Again, I'm reading your words and I'm not making it up. To be fair to the public we need the answers.
- Mr. Flower: We reviewed it and that's the end of the process.
- Mr. Stolman: We are of no obligation to provide the public with this. You said you were going to look into the questions and get the answers and revise the Neg. Dec.
- Mr. Flower: The majority of the questions that were asked were redundant from the prior two meetings.
- Mr. Deresh: So there are not any new questions that have been asked since the last two meetings?
- Mr. Flower: No, there's nothing new that was brought up at that last meeting.
- Mr. Deresh: Okay.

Mr. Flower: We are done.

### **Extension**

**11-5159/Obercreek Subdivision and Lot Line Re-alignment:** Seeking their second 90 day extension on their resolution of Preliminary and Final Subdivision and lot-line re-alignment approval granted on June 20, 2016. This project sits on 32.95 acres in an R-40/80 zoning district. The extension would begin on June 18, 2017 through December 17, 2017. This extension is requested in order to satisfy the remainder of the conditions of the preliminary and final subdivision approval. They have approvals from DCDOH, DCDPW and a majority of the consultants' comments have been satisfied. The property is located on **New Hamburg Road & Marlerville Road** and is identified as **Tax Grid No. 6057-02-997768/ 6157-01-030738** in the Town of Wappinger. **(Chazen)**. (Two 90 day extensions granted from June 19, 2017 through December 17, 2017)

Present: Ricard Cantor – Attorney  
Alex Reese – Applicant

**Ms. Bettina:** **Motion to grant the third and fourth 90 day extension beginning June 19, 2017 through December 18, 2017.**

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

Mr. Cantor: Thank you for the courtesy for taking me out of order.

Mr. Flower: You are welcome. Have a good evening.

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

Adjourned: 8:00 pm

Respectfully submitted,

Bea Ogunti, Secretary  
Town of Wappinger Planning Board