

MINUTES

Town of Wappinger Planning Board
April 19, 2010
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

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| Mr. Fanuele: | Chairman | Ms. Leed: | Member |
| Ms. Bettina: | Member | Mr. Valdati: | Member |
| Mr. Malafronte | Member | Mrs. Smith: | Member |
| Mr. Kickham: | Member | | |

Others Present:

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|---------------|----------------------|
| Mr. Gray, | Engineer to the Town |
| Mr. Roberts, | Attorney to the Town |
| Mr. Stolman, | Planner to Town |
| Mrs. Roberti, | Secretary |

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Discussions:

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| Calvary Chapel of the HV | -Declared L.A. To resubmit. |
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Miscellaneous:

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| United Rental Site Plan | -Project signed, Mr. Roberts to write to their Attorney for time frame of work. |
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Extensions:

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| Friendly Motorcars | -Granted extension to June 14, 2010. |
| Alexander – Parcel A | -Granted extension to July 15, 2010. |

10-3199 / Calvary Chapel of the Hudson Valley: - To discuss a site plan for a place of worship that would consist of 24,000 sq. ft. and 362 parking spaces on 48.86 acres in a CC & R-40 Zoning District. The property is located on **Route 376 and Diddell Road** and is identified as **Tax Grid No. 6359-03-176082** in the Town of Wappinger.

Present: Bill Kashmir Building team captain
Joe Berger Engineer
Barbara Kendall Engineer

Mr. Kashmir: Robert Hargrave is the pastor of this church with a congregation of about 600 people, The site is 49 acres and was acquired 8 years ago. It is located on Route 376 near Diddell Road.

Mr. Berger: *Described slide presentation for the PB.* Of the 49 acres, 29 are in the CC zoning district and the remaining 20 are in the R-40 district. We are looking to build a church with a capacity for 724 people. We are also proposing a fellowship hall, kitchen, classrooms, offices and a coffee bar. *Described sewerage disposal system for the PB.* We have walked the site with the Town Engineer. We have received comments from the town’s professionals and we will be answering their comments and questions.

Ms. Leed: What percentage of the asphalt is of a porous design?

Mr. Berger: Only in the red areas on this map. Explains the map for the PB.

Mr. Fanuele: How often will you use the auxiliary parking?

Mr. Kashmir: For larger events.

Mr. Fanuele: How will you get from the parking lot to the church?

Mr. Kashmir: With a walkway through the wetlands on raised walkways.

Mr. Fanuele: Can you move the parking lot closer to the church?

Mr. Kashmir: This is where the DEC wants the parking and they are pretty locked in.

Mr. Valdati: This is a Type I action under SEQRA.

Mr. Kickham: Motion to declare this PB Lead Agency.

Mrs. Smith: Second the motion.

Mr. Stolman: You declare LA 30 days from when the letter goes out.

Mr. Berger: Can we interact with the professionals?

- Mr. Fanuele: Yes.
- Mr. Valdati: When do we do a scoping session?
- Mr. Stolman: Once you declare a Pos. Dec.
- Mr. Berger: Thank you.

08-3149/4034 - United Rental Site Plan: Applicant to appear to give a time table for start and completion of work at site. Also resolution and maps are to be signed. The property is located at **1344 Route 9** and is identified as **Tax Grid No. 6157-02-624589/627012** in the Town of Wappinger. (Gillespie) (PH closed on January 5, 2009.)(Final granted on 3-2-09)

- Mr. Roberts: The number of items on the site plan are proposed to cost \$400,000.00. I received a letter from Allan Roberts their attorney and they can't afford the costs at this time.
- Mr. Stolman: I approved the site plan and it has been signed.
- Mr. Roberts: I will respond to their attorney.
- Mr. Gray: I estimate about \$75,000.00 to actually fix the violations. It's the site work that is important. The landscaping and the fencing.
- Mr. Roberts: I would like that in writing Bob so I can respond to their attorney. This is an enforcement issue at this time.
- Mrs. Smith: Then why is this on the agenda?
- Mr. Stolman: We wanted a commitment from United Rentals as to when they would complete the work.

09-3191/4040 / Friendly Motorcars: Granting their first 90-day extension for the closed public hearing which was closed on March 1, 2010. This extension will begin on May 1, 2010 and extend through August 1, 2010. The applicant is seeking approval of amending their site plan for an 18,171 sf addition, 44 additional parking spaces and renovations to the existing dealership which is located on 5 acres in an HB Zoning District. The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger. (Swartz)(PH opened on 1-20-10, closed on 3-1-2010.)

- Mr. Valdati: Motion to accept extension to August 1, 2010.**
- Mr. Kickham: Second the motion.
- Vote: All present voted aye.

09-3187 / 4041 / Alexander – Parcel A : Granting their first 90-day extension for the closed public hearing which was closed on March 1, 2010. This extension will begin on May 1, 2010 and extend through August 1, 2010. The applicant is seeking site plan and SUP approval of the proposed leasing of a portion of an existing contractor yard for the purpose of parking trucks for Bottini Fuel Oil Co.(TOJE Realty) in a GB zoning district on 6.36 acres. The property is located at **288 New Hackensack Road** and is identified as **Tax Grid No. 6259-03-483156** in the Town of Wappinger. (Barger)(Olson)(PH opened on 2-1-10, closed on 3-1-2010.)

Mrs. Smith: **Motion to accept extension to August 1, 2010.**

Mr. Kickham: Second the motion.

Vote: All present voted aye.

Mr. Fanuele: With the Degnan project, is it feasible to put this on the slope out there?

Mr. Stolman: They may need some cross sections through the site so you can see what is happening.

Mr. Gray: The last plan you saw proposed a PVC fence on the top and I suggested guardrails as well.

Mr. Valdati: I have issues with regard to blasting. Woodhill Green has unstable foundations from what I remember hearing.

Mr. Roberts: All blaster's are subject to complete liability.

Mr. Fanuele: What do we do with all the sites that have propane tank sales on them?

Mr. Roberts: That's handled though enforcement. Please apprise us of the items you would like to discuss in advance so we can be prepared.

Mr. Valdati: With the Adams project, there was a conflict with the engineer. With Wappinger Gardens is there a conflict with the attorney for any of you?

Mr. Roberts: I reported this to the Town Board. My partner represented Mike Barnett on a similar project in the Town of Lloyd.

Mr.Valdati: I think we should discuss this in executive session. We were not informed of that. We also have correspondence from George Kolb and maybe this should be discussed as well in executive session.

- Mr. Roberts: Kevin Lund is here tonight. *Went over memo regarding drainage issues of which Graham concurred that drainage was an issue.*
- Mr. Valdati: Mr. Kolb referenced the Fish & Wildlife letter attached here.
- Mr. Roberts: I'm not sure which letter he refers too. This letter is from USF & W of March 19th. This must have been what he was referring too.
- Mr. Valdati: So I think it's explicit that an approval should have been given.
- Mr. Roberts: Section 240-83 and 206A states, no site disturbance without site plan approval first.
- Mr. Valdati: When was the last time Kevin was here? Fair to say in March?
- Mr. Lund: Yes.
- Mr. Valdati: Is it fair to say you could have asked us?
- Mr. Lund: On March 18th, 12 days before the end of the month the USF&W said the cutting line should be put on the map.
- Mr. Valdati: Mr. Colsey did you have any contact about this?
- Mr. Colsey: No emails or contact at all.
- Mr. Lund: Went over his approvals from the ACOE and other agencies for the board. So many surveys were sent to the USF&W and we never received a reply. I came into town hall and was told yes I could cut the trees.
- Mr. Valdati: Only the PB could give you permission.
- Mrs. Smith: We on the PB know what's allowed to be approved.
- Mr. Valdati: Kevin is a professional and he knows the process here.
- Mr. Fanuele: I met with George Kolb. We don't have a Zoning Administrator and I believed George was acting as the ZA as well. I gave my opinion not my approval.
- Mr. Kickham: I've given my opinion which was mistaken as an approval. I no longer give an opinion.
- Mr. Valdati: Can you speak with Sal and see what he knows about this AI? Graham didn't even think trees had to come down.
- Mr. Roberts: Kevin spoke about a map. Vic do you remember a map?

- Mr. Fanuele: No.
- Mr. Valdati: We can't let things like this happen again. Rules have to be followed and this should be the very last time something like this happens.
- Mrs. Smith: So what is the solution?
- Mr. Kickham: As Al said in his letter a Performance Bond should be put up.
- Mr. Roberts: The maximum fine is \$250.00 under state law. The Villa Borghese just paid a fine. At least Kevin inquired to get approval. This should have stopped at the building department.
- Mr. Fanuele: This should have been handled internally.
- Mr. Valdati: But it's out there on Route 9.
- Mr. Lund: I have never done anything to disrespect this board.
- Mr. Valdati: It's easier to ask for forgiveness than permission. You are a professional sir. This should be the last time anything like this happens. This is an embarrassment for the town.
- Mr. Roberts: The trees are down so a Performance Bond for \$18,000.00 should be given to replace the trees on the site should the site not get developed.
- Ms. Bettina: How do you stop this from ever happening again?
- Mr. Roberts: You can't stop this from happening ever again.
- Ms. Bettina: Then a reminder letter to the building department as to our procedures should be sent.

Ms. Smith: Motion to adjourn.
Ms. Leed: Second the motion.
Vote: All present voted aye.

The meeting ended at 9:15 p.m.

Respectfully submitted,

Barbara Roberti, Secretary
Town of Wappinger Planning Board