

# MINUTES

**Town of Wappinger Planning Board**  
**March 17, 2014**  
**Time: 7:00 PM**

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

**Members Present:**

Mr. Valdati:	Chairman	Mr. Malafronte:	Member
Ms. Leed:	Member	Mr. Fanuele:	Absent
Ms. Bettina:	Member	Mr. Dao:	Member
Ms. Visconti:	Member		

**Others Present:**

Mr. Hobbday	Engineer to the Town
Ms. Lisa Cobb	Attorney to the Town
Mr. Stolman	Planner to the Town
Mrs. Roberti	Zoning Administrator
Ms. Rose	Planning & Zoning Secretary

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## SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

**Discussion:**

Greenbaum & Gilhooley's	Public Hearing for April 7 <sup>th</sup>
J. V. B. Group, LLC	Amended Resolution Accepted
Calvary Chapel of Hudson Valley	Amended Resolution Accepted
Farm to Table	Resolution to be Drafted
Prestige Mini	Tree Cutting Accepted with Restoration Bond

**Conceptual:**

Red Oaks Mill-Rawland Site	Formal Application to be Submitted
Myers Corners-Rawland Site	

Mr. Valdati: Please rise for the Pledge Allegiance.

Mr. Valdati: First item on the agenda is the acceptance of the minutes from January 22, 2014, February 3, 2014, March 3, 2014, December 2, 2013, November 4, 2013 and November 18, 2013.

**Ms. Visconti: I make a motion to accept the minutes?**

**Mr. Dao: Second.**

**Mr. Malafronte: No.**

Mr. Valdati: Next on the agenda is:

**13-3279/Greenbaum & Gilhooley's Site Plan**-To discuss the proposed site plan to include the current restaurant, an additional retail building and a standalone bank on 1.89 acres in an HB zoning district. The property is located at **1379 Route 9** and is identified as **Tax Grid No. 6157-02-594684**. (Robert Turner [Tinkelman Architecture])(Neg Dec 1-22-14) (L/A 8-26-13)

Mr. Tinkelman: We have been through the Zoning Board and we have all our variances. We have worked with the professional and the issues are winding down. We will be resubmitting next week for the April meeting. We would like to set the Public Hearing for next month, if you see fit. One of Mr. Gray's comments was the submission of the SWPPP which will be submitted.

Ms. Visconti: Mr. Stolman, you left the signage up to the discretion of the Planning Board?

Mr. Stolman: Yes that is the only thing you have to do. There are two wall mounted signs on the bank building. Only one sign is permitted but the Planning Board does have the discretion to vary to what it says in the code.

Mr. Tinkelman: Our goal would be to have the signs face Old Route 9 and Route 9. We would like a sign facing Old Route 9 because that will be an access to the bank. In

your packet, we are showing signage above the other access doors facing Old Route 9. They would be smaller and more discreet in size.

- Mr. Valdati: Are they illuminated?
- Mr. Tinkelman: Yes and at the next meeting we will have color and materials that are going to be used. We would like to have a pylon sign by the main entrance.
- Ms. Visconti: The signs on the Old Route 9 side, will they be over their door?
- Mr. Tinkelman: We are currently showing signs over the doors but after some discussion, it may deceive and you may think that is the door to come through. We are now thinking of making a directory on the back of the building.
- Mrs. Roberti: You are allowed signage on the front of the building and if it is a corner property, you are allowed one on the side.
- Mr. Tinkelman: We are looking for addition signage on the back.
- Ms. Visconti: Can we review the signage, when it comes in and make it part of the site plan?
- Mr. Stolman: Yes, you have the right to agree to this. I don't think the signs on the back of the building are substantial enough to see.
- Mr. Valdati: I like the fact that there will be signage on both sides of the building. We don't often have a building that has two sides like this.
- Ms. Visconti: I think it's important that there is signage on both sides.
- Mr. Valdati: Does anyone have an objection to having smaller signs on the Old Route 9 side?
- Board: No.
- Mrs. Roberti: Will the bank want its own free standing sign?
- Mr. Tinkelman: We are currently showing it on pylon sign on the Route 9 side and the bank will share it.
- Ms. Visconti: The Fire Prevention Bureau wants confirmation concerning 911 and they want confirmation that the entrance and exit is wide enough for their trucks.
- Mr. Turner: I was in touch with Dutchess County Emergency Response Service and there is a form that needs to be filled out before we go for a building permit. We have

to get that to them before we apply for a building permit. We did a truck circulation study had they are adequate.

- Mr. Stolman: We did review the turning radius and we find it satisfactory.
- Mr. Malafronte: What about outdoor seating?
- Mr. Turner: We did have it on our site plan and it will also be on the next submission.
- Mr. Malafronte: How many outdoor seatings are you proposing?
- Mr. Turner: Sixteen.
- Mr. Tinkelman: We don't have a commitment from any of our tenants yet, this is just in case someone wants outdoor seating.
- Ms. Visconti: Motion to set the Public Hearing for April 7<sup>th</sup>.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**
- Mr. Valdati: The next item on the agenda is:

**14-3299/J. V. B Group, LLC**- To vote on a resolution for the proposed installation of 2 air conditioning units on the rear of the building. This proposed installation of these units would eliminate 4 parking spaces. The property is on 3.81 acres and is located at **85 Airport Drive** and is identified as **Tax Grid No. 6259-02-644502** in the Town of Wappinger. (Gillespie)

- Mr. Stolman: There are just a couple of changes to this resolution.
- Ms. Visconti: I make a motion to accept the amended resolution.**
- Ms. Bettina: Second.**
- Mr. Valdati: Roll call vote.**
- Ms. Rose: Frank Malafronte Aye**  
**Marsha Leed Aye**

<b>Max Dao</b>	<b>Aye</b>
<b>June Visconti</b>	<b>Aye</b>
<b>Angela Bettina</b>	<b>Aye</b>
<b>Robert Valdati</b>	<b>Aye</b>

3/17/14

**RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD**

**RE: J.V.B. GROUP, LLC –  
RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL**

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the seventeenth day of March 2014 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati	_____
Angela Bettina	_____
Max Dao	_____
Victor Fanuele	_____
Marsha Leed	_____
Francis Malafronte	_____
June Visconti	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board has received the applications of J.V.B. Group, LLC (the “Applicant” and “Owner”) for Amended Site Plan Approval for the installation of two (2) air conditioning units in the rear of the existing building (the “Project” or “Proposed Action”); and

WHEREAS, the Project also includes the removal of a total of four (4) parking spaces to accommodate the air conditioning units; and

WHEREAS, the Subject Property currently holds Site Development Plan and Wetlands Permit approvals for a 14,000-square foot contractor’s storage and office building with associated parking, and

WHEREAS, the Subject Property also holds Amended Site Development Plan and Special Use Permit approvals for an indoor commercial recreation facility; and

WHEREAS, as part of the approval for the above mentioned indoor commercial recreation facility, the Planning Board waived the initial construction of 16 parking spaces in accordance with Section 240-96.F of the Zoning Law; and

WHEREAS, the Applicant is seeking an approval from the Planning Board to land-bank the above mentioned four parking spaces that would be removed to accommodate the air conditioning units; and

WHEREAS, the ±3.8-acre site is known as tax lot 6259-02-644502 and is located at 85 Airport Drive on the north side of Airport Drive approximately 2,000 feet east of New Hackensack Road, and is within the AI (Airport Industrial) District in the Town of Wappinger (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted the following plan entitled “Amended Site Plan – Special Use Permit, J.V.B. Group, LLC, Revision to VanBenschoten Site Plan, Town of Wappinger, Dutchess County, New York,” dated February 4, 2014, revised March 4, 2014 and prepared by M. Gillespie and Associates (this above listed drawing constitutes the “Amended Site Plan”); and

WHEREAS, the Proposed Action is an Unlisted action in accordance with the State Environmental Quality Review Law and the Wappinger Environmental Quality Review Law; and

WHEREAS, the Planning Board has determined that the proposed modifications to the site plan do not rise to the level of necessitating a public hearing; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including the provisions for Site Development Plan, Parking and Performance Standards of Articles IX through XI respectively of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.

2. The Planning Board hereby approves the land-banking of four (4) additional parking spaces in accordance with Section 240-96.F of the Zoning Law.
3. Pursuant to State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts since the installation of two air conditioning units is considered minor disturbance.
4. The Planning Board hereby grants Amended Site Development Plan Approval to the Project for the installation of two (2) air conditioning units in the rear of the existing building, as shown on the Amended Site Plan and as defined above, on the Subject Property in accordance with the provisions of Articles IX through XI respectively of the Zoning Law, subject to the following conditions and modifications:
  - a. The following shall be fulfilled prior to the issuance of a Building Permit in conjunction with this Project:
    - (1) The Property Owner and Applicant shall endorse and submit a copy of this Resolution to the Zoning Administrator for filing.
    - (2) The Owner of the Subject Property shall submit a copy of the current deed to prove his ownership of said property.
    - (3) The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
    - (4) The following shall be addressed to the satisfaction of the Town Planner:
      - (a) The Applicant shall submit a Short Environmental Assessment Form.
      - (b) The plan shall be revised to include a detail for the proposed bollards.
      - (c) The “Amended Site Plan” note located in the bubble above the “Site Specific Notes” on the plan shall be revised to correct the number of previously land-banked parking spaces from fifteen (15) spaces to sixteen (16) spaces. The reference to the total number of parking spaces in the note shall be changed to twenty (20) parking spaces.
      - (d) The plan entitled “Amended Site Plan – Special Use Permit, J.V.B. Group, LLC, Revision to VanBenschoten Site Plan, Town of Wappinger, Dutchess

County, New York,” shall be revised to eliminate the “Special Use Permit” from the title.

- b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:
  - (1) The Applicant shall fulfill all of the conditions of, and shall complete all improvements required in accordance with this Resolution of Amended Site Development Plan Approval.
  - (2) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
5. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
6. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this resolution if construction in conformance with the approved Amended Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of site plan approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.
7. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the Project shall be subject to continued conformance with such approved Amended Site Development Plan Approval.



8. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging his receipt of a copy of the resolution. When all of the conditions set forth in the conditions above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the applicant has complied with the above conditions of approval and that the issuance of a building permit is authorized for the improvement set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

9. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this Resolution of Approval are subsequently desired.

10. Except as specifically modified herein, the Resolutions of Site Plan, Special Use Permit and Wetlands Permit Approvals and any amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
Max Dao	Voting: _____
Victor Fanuele	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: March 17, 2014  
Wappingers Falls, New York

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

Mr. Valdati: The next item on the agenda is:

**10-3199 / Calvary Chapel of the Hudson Valley:** - To vote on a resolution for the proposed site plan for a place of worship that would consist of 24,000 sq. ft. and 200 parking spaces and 133 proposed parking spaces to be land banked for a total of 333 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. (Berger)(LA June 1, 2010)(Neg Dec 9-16-13)(PH opened 10-7-13) (PH closed 1-22-14)

Mr. Stolman: I would like to go over some of the changes to the resolution. The entrance will have two lanes going out and one going in and on Route 376 there would be turning lanes.

**Ms. Visconti: I move the resolution as amended by Mr. Stolman.**

**Mr. Dao: Second.**

**Mr. Valdati: Roll call vote.**

<b>Ms. Rose:</b>	<b>Frank Malafronte</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>Max Dao</b>	<b>Aye</b>
	<b>June Visconti</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Robert Valdati</b>	<b>Aye</b>

3/17/14

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

RE: **CALVARY CHAPEL OF THE HUDSON VALLEY - RESOLUTION OF SITE DEVELOPMENT PLAN AND WETLANDS PERMIT APPROVALS**

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the \_\_\_\_ day of \_\_\_\_\_, 2014 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati	_____
Angela Bettina	_____
Max Dao	_____
Victor Fanuele	_____
Marsha Leed	_____
Francis Malafronte	_____
June Visconti	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board has received an application of Calvary Chapel of the Hudson Valley (the “Applicant” and “Owner”) for Site Development Plan and Wetlands Permit Approvals for construction of a 24,000-square foot building with a 724-seat capacity which includes a Sanctuary, Fellowship Hall with kitchen, classrooms, offices and coffee bar area, and associated parking facilities (the “Project” or “Proposed Action”); and

WHEREAS, the Project also involves 333 parking spaces of which 133 are proposed to be land-banked in accordance with Section 240-96.F of the Zoning Law; and

WHEREAS, the ±48.86-acre property is known as tax lot 6359-03-176082 and is located on the east side of Route 376, south of Diddell Road within both the R-40 zoning district and the Conservation Commercial (CC) zoning district (the “Subject Property” or “Site”); and

WHEREAS, the eastern boundary of the property adjoins lands of the Dutchess County Rail Trail system; and

WHEREAS, there are U.S. Army Corps of Engineers (ACOE), New York State Department of Environmental Conservation (NYSDEC) and Town of Wappinger regulated wetlands on the property; and

WHEREAS, the Proposed Action will result in a 0.08-acre disturbance to wetlands as well as a 0.74-acre disturbance in the NYSDEC regulated wetlands buffer and 1.02-acre disturbance in the Town regulated wetlands buffer; and

WHEREAS, the above mentioned disturbances will be offset by the creation of 0.24 acres of wetlands, which will restore the connection between two undisturbed wetlands that are currently separated by existing fill; and

WHEREAS, the Applicant has submitted an Application form for Site Plan Approval, dated March 22, 2010, an Owner's Consent form dated March 22, 2010; an application form for Wetland Disturbance Permit, dated August 16, 2011; a Full Environmental Assessment Form (Parts 1, 2 and 3), dated July 15, 2010, revised December 5, 2011; an *Ecological Assessment* report dated July 2011 and prepared by Aspen Environmental; a *Wetland Functional Evaluation* report dated January 9, 2008 and prepared by Ecological Solutions, LLC; a Mitigation Monitoring Plan, no date; *Phase 1A Archeological Sensitivity Assessment and Phase 1B Archeological Field Reconnaissance*, dated May 2013, prepared by Hartgen Archeological Associates, Inc., Rensselaer, New York; and the following sheets of plans generally entitled "Calvary Chapel of the Hudson Valley Site Plan" dated 03/22/10, last revised 2/27/14 unless otherwise stated and prepared by Berger Engineering and Land Surveying, Poughkeepsie, New York:

1. Sheet 1, Title Page;
2. Sheet 2, Site, Landscape, Truck Turn Plan;
3. Sheet 3, Grading and Utility Plan;
4. Sheet 4, Erosion and Sediment Control Plan;
5. Sheet 5, Wetland Section Map, dated 02/23/11, last revised 1/29/14;
6. Sheet 6, Site, Landscape and Drainage Details, last revised 1/29/14;
7. Sheet 7, Drainage and Erosion and Sediment Control Details, last revised 1/29/14;
8. Sheet 8, Sanitary Sewage Disposal and Well Details, last revised 1/29/14;
9. Sheet ALT-1, Route 376 Alternate Entrance Plan, dated 07/23/10, last revised 2/7/14;
10. Sheet ALT-2, Route 376 Alternate Improvement Sight Distance Plan, dated 02/23/11, last revised 2/7/14;
11. Sheet 11, Landscape Plan – A – Entrance, last revised 1/29/14;
12. Sheet 12, Landscape Plan – B – Central, last revised 1/29/14;
13. Sheet 13, Landscape Plan – C – East, last revised 1/29/14;
14. Sheet 14, Landscape Plan – D – Drive, last revised 1/29/14;
15. Sheet 15, Landscape Plan – E – Auxiliary Parking, last revised 1/29/14;
16. Sheet 16, Landscape Plan – F – Mitigation, last revised 1/29/14;
17. Sheet 17, Lighting Plan, dated 05/23/12 and prepared by RAB Lighting; and
18. Sheet 18, Lighting Plan Details, dated 05/23/12 and prepared by RAB Lighting; and

WHEREAS, the Applicant also submitted the following 4 sheets of wetlands maps generally entitled "Calvary Chapel of the Hudson Valley Site Plan" dated 06/22/10, last revised 12/05/11 unless otherwise stated and prepared by Berger Engineering and Land Surveying, Poughkeepsie, New York:

19. Sheet 1 of 4, Wetland Map;

20. Sheet 2 of 4, Wetland Map – DEC Disturbance, dated 02/27/10, revised 12/05/11;
21. Sheet 3 of 4, Wetland Map – ACOE and Town Disturbance; and
22. Sheet 4 of 4, Wetland Section Map, dated 02/27/10, revised 12/05/11; and

WHEREAS, the Applicant also provided the following sheets of architectural drawings generally entitled “Calvary Chapel of the Hudson Valley Site Plan” prepared by Barden Building Systems:

23. Sheet A-1, Front and Side Elevations, dated 12/28/2007, last revised 1/27/2014;
24. Sheet A-2, Rear and Side Elevation, dated 12/28/2007, last revised 1/27/2014;
25. Sheet A-2, “Floor Plan,” dated 11/13/07, last revised 06/17/08 (the twenty-five (25) above mentioned drawings constitute the “Site Plan Drawings”); and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject Site Development Plan and Wetlands Permit applications to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above mentioned referral in its form letters dated April 19, 2010 and September 6, 2013 which the latter concluded that the Proposed Action was a “Matter of Local Concern with Comments;” and

WHEREAS, the Planning Board has considered the comments from the DCDPD; and

WHEREAS, the Proposed Action is a Type I action in accordance with the State Environmental Quality Review (SEQR) and the Wappinger Environmental Quality Review (WEQR) Law; and

WHEREAS, the Planning Board assumed the status of Lead Agency after circulating a Notice of Intent on June 1, 2010 to serve in such a capacity and received no objections from any of the other Involved Agencies; and

WHEREAS, pursuant to State Environmental Quality Review regulations, the Planning Board thoroughly analyzed the potential adverse environmental impacts of the Project and adopted a Negative Declaration on September 16, 2013, thereby finding that the Proposed Action will not have any significant adverse environmental impacts and thereby ending the SEQR process; and

WHEREAS, a duly advertised public hearing on the Project application was opened on October 7, 2013 and continued on November 18, 2013, January 6, 2014 and January 22, 2014 and closed on the latest date, at which times all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including the provisions relating to Site

Development Plan, Parking and Performance Standards of Articles IX through XI of the Zoning Law, and Chapter 137, Freshwater Wetland, Waterbody and Watercourse Protection of the Town Code as well as other applicable laws and regulations subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning hereby waives the initial construction of 133 parking spaces in accordance with Section 240-96.F of the Zoning Law.
3. The Planning Board hereby grants Site Development Plan and Wetlands Permit Approvals to the Project for the construction of a 24,000-square foot building with a 724-seat capacity which includes a Sanctuary, Fellowship Hall with kitchen, classrooms, offices and coffee bar area, and associated parking facilities, as defined above and as shown on Site Plan Drawings, on the Subject Property in accordance with the provisions of Articles IX through XI of the Zoning Law and Chapter 137, Freshwater Wetland, Waterbody and Watercourse Protection, of the Town Code subject to the following conditions and modifications:
  - a. The following shall be fulfilled prior to the issuance of a Building Permit in conjunction with this Project:
    - (1) The Property Owner and Applicant shall endorse and submit a copy of this Resolution to the Zoning Administrator for filing.
    - (2) The Owner of the Subject Property shall submit a copy of the current deed to prove his ownership of said property.
    - (3) The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
    - (4) The following comments contained in the Town Engineer's letter to the Planning Board dated February 11, 2014, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the Town Engineer:
      - (a) All required signatures and seals (owner, engineer, surveyor) shall be shown on the Site Plan.
      - (b) Evidence of all required permits shall be provided from the:

- i. New York State Department of Transportation;
  - ii. New York State Department of Environmental Conservation (SPDES and wetland disturbance permit);
  - iii. Army Corps of Engineers; and
  - iv. Dutchess County Health Department (water supply and sewage disposal).
- (c) The final Stormwater Pollution Prevention Plan shall be signed and sealed by a New York State Licensed Professional Engineer.
- (5) The following comments contained in the Town Planner’s letter to the Planning Board dated February 11, 2014, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the Town Planner:
  - (a) The elevation drawings shall be revised to change the color of the roof to a light color to improve the energy efficiency of the building.
  - (b) The following statement shall be added to the grading plan (Sheet 3) and the phasing plan (Sheet 4) as a note in all areas of land-banked parking that will not be graded: “This area of land-banked parking shall not be cleared, graded or disturbed in any way until such time as the land-banked parking is determined to be necessary and Phase 3 of the construction is authorized by the Planning Board.”
  - (c) The site plan should include details for proposed sign(s) as per Section 240-29.F of the Zoning Law, including size(s), materials, colors, illumination and typefaces including wall-mounted and/or free-standing sign(s).
  - (d) The Applicant shall address all comments contained in the Town Planner’s Site Access/Traffic Impact Study memorandum dated February 26, 2014.
  - (e) CURVE WARNING signs with flashing beacons which shall operate at all times shall be shown on Sheets ALT-1 and ALT-2 listed above.
  - (f) Sheets 1 through 3 of the drawings listed on page 2 above shall be revised by means of adding a note which states: “See Sheets ALT-1 and ALT-2 for required and approved traffic improvements including the clearing needed to achieve sight distances on Sheet ALT-2.”

- (6) The following items shall be submitted by the Applicant and are subject to the review and approval of the Town Attorney:
  - (a) Agreements and easements regarding the construction, operation, maintenance and enforcement of provisions regarding stormwater management systems.
  - (b) The long-term Operation and Maintenance Plan agreement for the post-construction stormwater management practices.
- (7) Pursuant to Section 240-96.F of the Zoning Law, “written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such [parking] spaces which may have been waived, the guarantees must provide that these spaces must be constructed by the property owner within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary and must be constructed.”
- (8) The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:

- (1) The Applicant shall fulfill all of the conditions of, and shall complete all improvements in accordance with this Resolution of Site Development Plan and Wetlands Permit Approvals.
- (2) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.
- (3) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.

4. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only made in accordance with the



provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of site plan approval shall be made by the applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with the approved Site Development Plan and Wetlands Permit shall be subject to continued conformance with such approved Site Development Plan and Wetlands Permit.
7. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging his receipt of a copy of the resolution. When all of the conditions set forth in the conditions above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with the above conditions of approval and that the issuance of a Building Permit is authorized for the improvement set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

8. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this Resolution of Approval are subsequently desired.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
Max Dao	Voting: _____
Victor Fanuele	Voting: _____
Marsha Leed	Voting: _____
Francis Malafronte	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2014  
Wappingers Falls, New York

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Calvary Chapel of the Hudson Valley  
Applicant and Owner

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the conditions of this resolution of the Site Development Plan and Wetlands Permit Approvals necessary for the issuance of a Building Permit.

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

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Mr. Valdati: The next item on the agenda is:

**13-3282/Farm to Table Bistro(Outdoor Dining)**- To discuss expanding outdoor dining into the parking lot. The property is located at **1083 Route 9** and is identified by **Tax Grid No. 6156-02-710924.** (Chris O'Brien)

Mr. O'Brien: I have reviewed the comments made by Mr. Stolman. He mentions a sidewalk in the back of the building. There is no continuous sidewalk in the back of the building. The town engineer is satisfied with the plans.

Mr. Stolman: We want to make sure that there are planters and bollards in the back.

Mr. Valdati: There is a truck in the back.

Mr. O'Brien: It is stationary.

Mr. Valdati: I think some bollards should be placed there also. Would you be having music out there?

Mr. O'Brien: As of now, there are no plans for music. We are just trying to increase the outdoor seating.

Mr. Valdati: You requested your hours to be until 11PM.

Mr. O'Brien: Yes but my business is winding down by 11PM and that includes Friday and Saturday.

Mr. Valdati: You are concerned to get the front developed asap and not the rear.

Mr. O'Brien: The back is more of a financial commitment right now.

- Mr. Valdati: What is the time frame?
- Mr. O'Brien: This fall or maybe next spring.
- Mr. Valdati: We are looking at it to be phased because the clock starts as soon the resolution is signed.
- Mr. Stolman: Phasing it would be to your benefit because you would have to finish the back before you can use the front.
- Mr. O'Brien: That is fine with us.
- Mr. Valdati: How does the board feel about the hours of operation?
- Ms. Visconti: It is fine with me.
- Mr. Valdati: How about music?
- Ms. Visconti: I don't have a problem with music.
- Ms. Bettina: I don't have a problem with music as long as it is reasonable.
- Mr. Stolman: The Town Board is likely going to adopt a local law concerning noise, if you had outside music you would need a special use permit.
- Mr. Valdati: Let's prepare a resolution with the thought of having music.
- Ms. Visconti: I make a motion to have Mr. Stolman draft a resolution including music.**
- Mr. Malafrente: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**

Mr. Valdati: The next item on the agenda is:

**13-3283/Prestige Mini-** To discuss the cutting of trees prior to March 31, 2014. The property is located at **1162 Route 9** and is identified by **Tax Grid 6157-04-674155**. (Paggi)

Mr. Paggi: We are here to discuss the cutting of trees prior to March 31<sup>st</sup>. The applicant wants to start building as soon as possible because he would like to be open by this fall. There will be a restoration bond of \$4,640. We would also like to chip the tree instead of just leaving them there. It will make the site more presentable. There will be no land disturbance. The stumps will stay as is.

**Ms. Visconti: I make a motion to allow the trees to be cut down and chipped with the stumps staying in place.**

**Ms. Bettina: Second.**

**Mr. Valdati: All in favor?**

**Board: Aye.**

Mr. Valdati: The next item on the agenda is a conceptual:

**14-3300/Red Oaks Mill-Rawland Site-**To discuss the proposed construction of a 150’ stealth cell phone tower (“tree tower”) to be housed within a 60’ by 60’ fenced in compound. The compound will also house a 12’ by 20’ AT&T equipment shelter and generator. The property is on **Diddell Road** and is identified by **Tax Grid No. 6359-01-480600**.

**14-3301/Myers Corners-Rawland Site -**To discuss the proposed construction of a 150’ stealth cell phone tower (“tree tower”) to be housed within a 60’ by 60’ fenced in compound. The compound will also house a 12’ by 20’ AT&T equipment shelter and generator. The property is on **Myers Corners Road** and is identified by **Tax Grid No. 6258-03-376432**.

Ms. Jaworski: My name is Myriah Jaworski along with my colleagues we are from Phillips Lytle we represent AT&T.

- Mr. Walters: My name is Adam Walters and I am an attorney for Phillips Lytle. With the increase of smart devices, the industry is requiring more coverage. Additional signal strength is necessary. Signal strength has changed over the years and coverage has changed. We did not supply you with RF maps since this is in the conceptual stage. (Pointing to the map) this area here is lacking coverage. The new tower will help to provide lacking coverage. There will be a balloon test which will take about four hours. They float a balloon and drive around the area taking pictures to see the visibility of where the tower will be. We would notify the residents of the balloon test.
- Mr. Valdati: In the past we have had an RF engineer of our choice, which you will have to provide. It also appears variances will be needed. The town of La Grange will need to be notified for the Diddell Road tower.
- Ms. Jaworski: If we could schedule the balloon test, this would be a good season to do this. I know a public notice will need to be published. If you could propose a date, the end of March or the beginning of April would be good.
- Ms. Leed: How big is the balloon and what color is it?
- Mr. Armsby: My name is Parker Armsby and I am from Airosmith Development. We will work with your code and I believe it is 36 inches in diameter. They are an off white color. It is usually done on a weekend. From that balloon test, we develop a computer scale and they would be available at the Public Hearing.
- Mr. Valdati: Since this is a conceptual and the applicant has not made a formal application, can we grant permission for the balloon test.
- Ms. Cobb: I believe we can do the balloon test at this phase because it is preliminary to the application. I don't see a problem scheduling it at this point.
- Mr. Walters: We like to give you a complete application and this information we find helpful.
- Ms. Jaworski: We would also have an aerial shot.
- Mr. Malafronte: There are other antennas on a nearby building on the Myers Corners site. Will there be interference?
- Mr. Walters: The FCC has guide lines and frowns on interference with other providers.
- Ms. Jaworski: There will be mailings sent to the residence informing them of the balloon test. In respect to the RF engineer, do you have one in mind?

- Mr. Valdati: We have used Mr. Musso in the past. Do we have to circulate for Lead Agency?
- Mr. Stolman: Yes.
- Mr. Valdati: Does anyone else have any questions? Hearing none, we will wait for your formal application.
- Mr. Valdati: Do I have a motion to adjourn this meeting.**
- Ms. Visconti: I make a motion to adjourn this meeting.**
- Mr. Dao: Second.**
- Mr. Valdati: All in favor?**
- Board: Aye.**

Meeting Ended: 8:25PM

Respectfully,

Sue Rose, Secretary  
Planning Board