

MINUTES

Town of Wappinger Planning Board
June 6, 2016
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

Mr. Valdati	Chairman	Absent
Ms. Bettina	Acting Chairman	Present
Mr. Flower	Member	Present
Mr. Malafronte	Member	Present
Mr. Marinaccio	Member	Absent
Mr. Pesce:	Member	Present
Ms. Visconti:	Member	Present

Others Present:

Mr. Roberts	Attorney for Town
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Public Hearing:

Randolph School

Resolution approved as prepared by the Town Planner

Ms. Visconti: **Motion to accept the Minutes from the June 6, 2016 meeting.**
Mr. Flower: Second the Motion.
Vote: All present voted Aye.

Discussion:

15-3332 Randolph School: To vote on a resolution on an amended site plan for the construction of a new Library and Arts building on 4.661 acres. The property is located at **2467 Route 9D** in the R-20/40 zoning district and is identified as **Tax Grid No. 6157-01-216814** in the Town of Wappinger. (Berg) (Variance granted 11-10-15) (PH opened & closed 5-16-16)

Present: Chris Berg – Architect
 Ben Miles – Owner
 Kathryn Tomkins – Admissions Coordinator

Ms. Bettina: Good evening.

Mr. Malafronte: Mr. Berg, have you read the resolution?

Mr. Berg: Yes, I have.

Mr. Malafronte: You have no problem with meeting all of the SEQRA goals?

Mr. Berg: No.

Mr. Malafronte: There are a lot of issues here and there are 11 pages so I just want to make sure you are fully aware.

Mr. Berg: Yes, we made most of the changes.

Mr. Flower: Also, we never received the revised drawings. At least the board never did get it. There was a question I brought up about the turning radius down and between the two buildings. You were going to look into that and possibly go ahead and put some area to back into because you are not going to get an adequate area between those two buildings to turn around.

Mr. Berg: Mr. Liebermann looked at it and signed off on it.

Mr. Flower: That's fine that Mr. Liebermann signed off but I wouldn't be inclined to vote tonight on the resolution. There's something else that comes into play. The

state fire code says for fire apparatus stature, there are requirements that have to be met. Something should be addressed. Mr. Stolman stated in his resolution as a clarification of whether or not there was a 40' diameter or 40' radius. A 40' radius will be more than adequate. You haven't shown any tracking for equipment and for a truck to get down there, even a garbage truck if needed.

Mr. Berg: It is currently a roadway and we are not changing that.

Mr. Flower: I understand that they are not making you widen it to 24 feet either.

Mr. Berg: There is adequate space to back in and back up.

Ms. Visconti: No, you said it at the May 2nd meeting to show 3-point turn on map for the fire apparatus.

Mr. Stolman: The resolution doesn't go as far as perhaps it should. This is out of Bob's letter so maybe we should go a little further. What it said is a broken line emergency vehicle turning radius template should be shown overlaid on driveway.

Mr. Gray: If it doesn't fit, it doesn't fit so they have to change it so it does fit.

Ms. Bettina: Safety first so if something needs to change then change it.

Ms. Visconti: It is part of the resolution, is that right?

Ms. Bettina: As far as the resolution goes, is that part of it or should it be more explicit?

Mr. Stolman: As long as the interpretation is that if it doesn't fit, something has to give.

Mr. Gray: The drawing shows the broken line emergency vehicle turning area. The emergency vehicle turning radius template shall be shown overlaid on the driveway. If it doesn't fit, the driveway has to be modified. That's what it says to me and that's the criteria I use when I review it and sign off.

- Mr. Flower: Most engineers use a truck with a 40' overall length as their criteria without getting into any details. Most of them will show on a plan how the truck would be able to get in there and turn around without having to back up.
- Mr. Berg: We show the 40' diameter.
- Mr. Flower: The turning radius of a vehicle is 25' and that's just for the inside radius. Then you are going to need the width of the truck which is 10' that gives you 35'. Now you are up to 70' at that point as a diameter. We are not asking you to give us the turning circle just a place the turn around.
- Mr. Gray: As far as I am concerned, the resolution is clear on what I have to do.
- Mr. Flower: We can vote on that as a condition of the resolution. As long as Bob interprets it to mean if it doesn't fit, something has to give.
- Mr. Stolman: It is a condition already.
- Mr. Flower: We certainly don't want not to have emergency vehicles down there. I don't know what Mark told you but I'm very familiar with vehicle access for emergency vehicles. I just know for a fact that 40' diameter circle is not enough room.
- Mr. Gray: If you can't do a K-turn to get out of there, I'm not signing off.
- Mr. Miles: That's fine. So we need a spot for them to be able to back into.
- Mr. Flower: I thought that was the discussion we had two meetings ago. That's what I thought we were going with this. I had not picked up on it at the last meeting.
- Mr. Miles: I think we went back and forth thinking that Mr. Liebermann's comments were going to be sufficient.

- Mr. Berg: To be clear, this is strictly for turning the vehicle around and not for bringing a vehicle in and fighting a fire .
- Mr. Flower: Most likely they are never going to go there for a fire. They are going to go there for automatic fire alarm. That's always been the history with the property.
- Mr. Gray: I think we are clear on that and there's no need to change the resolution.
- Mr. Flower: As long as we have it in the minutes.
- Mr. Malafronte: Once we approve this resolution, are they going to come back to you for approval?
- Mr. Gray: The plans get modified according to the resolution and we review it and if it's okay, we sign off.
- Mr. Malafronte: So the ownness is not on them, it's on you?
- Mr. Gray: The ownness is on them and some ownness on me to review it and get back to them and let them know if it's okay or not. If it's okay, we will let the Planning/Zoning department know.
- Mr. Malafronte: Is that the legal way we have to do that?
- Mr. Stolman: Yes. We do what is called the compliance review after the resolution has been adopted. Generally there are conditions for me, Al and Bob to be responsible for. We do a compliance review to make sure that the plans comply with the conditions in the resolution.
- Mr. Malafronte: That's why I'm bringing it up to understand what's in this document go back and forth to clarify some of the issues.
- Mr. Gray: Thank you.
- Ms. Visconti:** **Motion to approve the resolution as prepared by the Planner for the Town.**
- Mr. Malafronte: Second the Motion.
- Roll Call Vote: All present voted Aye.

6/6/16

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: RANDOLPH SCHOOL, 2467 ROUTE 9D – RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN AND SPECIAL USE 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 _____ 2016 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	_____
Bruce M. Flower	_____
Francis Malafronte	_____
Ralph Marinaccio	_____
Carlo Pesce	_____
June Visconti	_____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board received the applications of the Randolph School, Inc. (the “Applicant” and “Owner”) for Amended Site Development Plan and Special Use Permit Approvals to construct a 2,000-square foot library and arts pavilion with associated landscaping and improvements on the property (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is known as tax lot 6157-01-216814 on the Town of Wappinger Tax Assessment Maps and is located at 2467 Route 9D within the R-20/40 1-Family Residence zoning district (the “Subject Property” or “Site”); and

WHEREAS, The Applicant submitted a letter to the Planning Board dated 4/4/16; an Application for Site Plan Approval dated 5/11/15; an Owner Consent Form dated 5/11/15; a Short Environmental Assessment Form dated 5/6/15; a survey of the property prepared by Badey & Watson, P.C. dated 10/16/15; and the following plans prepared by Berg + Moss Architects, P.C. generally entitled “Art and Library Pavilion at the Randolph School,” dated 5/4/15 and last revised 2/10/16 unless otherwise noted:

1. Sheet T-000.00, “Cover Sheet;”

2. Sheet SP-000.00, “Survey;”
3. Sheet SP-001.00, “Existing Site Plan;”
4. Sheet SP-002.00, “Proposed Site Plan;”
5. Sheet SP-003.00, “Existing Site Plan Detail;”
6. Sheet SP-004.00, “Proposed Site Plan Detail;”
7. Sheet SP-005.00, “Existing Site Plan Detail;”
8. Sheet LS-001.00, “Landscape Plan & Details;”
9. Sheet C-100.00, “Grading Plan, Details & Notes” dated 2/12/16;
10. Sheet C-200.00, “Utility Plan, Details & Notes” dated 2/12/16;
11. Sheet C-001.00, “Building Code Notes;”
12. Sheet C-002.00, “Riser Diagram & ADA Diagrams;”
13. Sheet C-003.00, “ADA Diagrams;”
14. Sheet C-004.00, “Survey;”
15. Sheet C-005.00, “Rendering View From South East;”
16. Sheet C-006.00, “Rendering View From South West;”
17. Sheet C-007.00, “Rendering View From East;”
18. Sheet APPX. A-1, “First Floor Plan;”
19. Sheet APPX. A-2, “Elevations;”
20. Sheet APPX. A-3, “Exterior Details;”
21. Sheet APPX. A-4, “Exterior Details;”
22. Sheet APPX. A-5, “Finishes & Products;”
23. Sheet APPX. A-6, “Renderings View From South West;” and

WHEREAS, the Proposed Action was referred to Dutchess County Department of Planning and Development who, in a response dated 5/29/15, deemed the project a matter of local concern and had no further comments at that time; and

WHEREAS, on 11/10/15 the Zoning Board of Appeals granted variances to allow placement of the proposed building 52’-8” from the rear property line, an existing shed to remain 12’-11” from the side property line, an existing shed to remain 54’-6” from the rear property line and the existing 2-story school building to remain 60’ from the rear property line; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law; and

WHEREAS, on 5/16/16 the Planning Board held a public hearing on the Project at which time all those interested were given an 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 Special Use Permit, Site

Development Plan, Parking and Performance standards of Articles VII 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. 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 because the Proposed Action does not constitute a major increase in the intensity of land use at the Subject Property, and because drainage and erosion controls will be in place throughout the duration of construction.
3. The Planning Board hereby adopts this Resolution of Amended Site Development Plan and Special Use Permit Approvals to construct a 2,000-square foot library and arts pavilion with associated landscaping and improvements on the property, as described above and as shown on the above listed drawings, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:
 - a. The following shall be fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:
 - (1) The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.
 - (2) The Owner of the Subject Property shall submit a copy of the current deed to prove its 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 Applicant shall comply with the following items subject to the review and approval of the Town Engineer:
 - (a) A consistent property boundary delineation shall be prepared and used for all drawings.
 - (b) Drawing SP-000.00 appears to be a surveyor's plat.

- i. The drawing has a note about topo, but does not show any topo except in the inset Detail B. 2' topo shall be provided in the area of the proposed new construction (e.g. drawings SP-002.00 and SP-004.00), or the viewer could be directed to drawing C-100, in which case the topo on sheet C-100 shall be certified by the surveyor who prepared it.
 - ii. The lot area shall be resolved. On Sheet 1 the tax map area is stated as 4.38 and the Zoning Analysis is based on an area of 4.661 acres. Sheet 2 states the area is 4.395 acres.
 - iii. The boundaries and area of Parcel I and Parcel II shall be defined, or the references shall be removed if the holdings have been combined into one parcel as implied by only one tax map number.
 - iv. All other plan sheets that show a portion of the parcel boundary shall match the boundary information on Drawing SP-000.00 the plat.
 - v. The drawing shall include the signed DEC wetland boundary certification.
- (c) Drawing SP-001.00 shall be revised and clarified.
- i. The drawing shall show the boundary to match the property outline on drawing SP-000.00 and reference setbacks to the true property line, not an approximation as shown.
 - ii. The drawing and Drawing SP-000.00 shall be coordinated to show all wells and wastewater disposal facilities on the site. The full extent of the leach field outline shall be shown.
 - iii. The drawing shall clarify how the parking layout on the gravel surface was determined and if it is in fact marked on the ground, both on the gravel areas and the paved area.
 - iv. The lot coverage shall be calculated based on the lot area per resolution of comment (b)ii above.
- (d) The plan set shall include only one proposed site plan and details. Either the architect's SP series drawings shall be revised to show the same information as the engineer's C series, or only the engineer's proposed site plan

drawings shall be used and supplemented as needed to match the architect's drawings. The architect's existing conditions drawings could be retained.

- (e) Drawing SP-002.00 shall be revised to address the following items.
 - i. Clarify the wetland boundary information, including who delineated it and when, and that it has a valid DEC wetland certification.
 - ii. State the source of the topo and the topo datum.
 - iii. State the BFE and show the floodplain for the adjacent Hunter Brook. Note that the site topo and the BFE shall be on the same datum.
 - iv. Identify that the lower parking lot is proposed (see Drawing SP-003.00).
 - v. Clarify what parts of the existing parking are being revised (compare to Drawing C-004.00).
 - vi. Note that all survey related information must be signed and sealed by a surveyor, not the architect.
 - vii. The drawing shall show the complete limits of all disturbances on site. A drainage report and SWPPP shall be prepared. The SWPPP may be a basic SWPPP if less than one (1) acre of total site disturbance is proposed.
- (f) Drawing SP-004.00 shall be revised to address the following items.
 - i. The drawing shows a broken line emergency vehicle turning area. An emergency vehicle turning radius template shall be shown overlaid on the driveway.
 - ii. The turning area shall be approved by the Fire Inspector.
 - iii. The drawing shall clarify if the circle is 40' radius or 40' diameter.
- (g) Drawing SP-005.00 shall be clarified. The plan shows parking delineated on gravel areas and paved areas.
 - i. The plan shall label the parking space dimensions.

- ii. The plan shall clarify how the parking spaces on gravel are or will be defined.
- (h) Drawing C-100 shall be revised.
 - i. The drawing shall show the proposed spot elevations for the covered walkway on the westerly side of the new building.
 - ii. The drawing shall show a fully re-graded 138 contour.
 - iii. The drawing shall show the wetland buffer and the floodplain limit.
 - iv. The drawing shall show the location of all proposed ESC measures.
- (i) Drawing C-200 shall be revised.
 - i. The engineer shall confirm that no pretreatment is required for the wastewater from the arts classrooms and studios. It appears that potential contaminants such as paints, solvents and clays would adversely affect the onsite sewage disposal system.
 - ii. The engineer shall confirm that no backflow prevention is required for the water supply connection to the arts building.
 - iii. The engineer shall confirm that the existing water system can provide adequate flow and pressure for the new building and the rest of the site.
 - iv. The sanitary cleanout details shall be corrected to eliminate the vertical pipe extension into the horizontal run. The details shall be further revised to eliminate the sanitary tee on its back (not permitted by the NYS sanitary code) and to show an acceptable wye and 1/8 bend instead.
 - v. The revised and relocated water and sewer utilities and details shall be approved by the DCHD.
- (5) The Applicant shall comply with the following items subject to the review and approval of the Town Planner:
 - (a) The Applicant shall submit an application for a Special Use Permit.

- (b) The Drawing List on the cover sheet does not match the drawing titles, and the revision dates do not seem to be current. This shall be revised.
- (c) All drawings shall have the a legible scale.

When all of the sub-conditions set forth in Condition 3.a 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 said conditions of approval and that the issuance of a Building Permit is authorized for the improvements 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.

- 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 and Special Use Permit Approvals.
 - (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.
 - (3) Certified "as-built" drawing(s) 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 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 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 Development 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. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Special Use Permit Approval shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.
7. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
8. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Amended Site Development Plan and Special Permit Approvals shall be subject to continued conformance with such Amended Site Development Plan and Special Use Permit Approvals.
9. Except as specifically modified herein, the prior resolutions of approval 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	_____
Angela Bettina	_____
Bruce M. Flower	_____
Francis Malafronte	_____
Ralph Marinaccio	_____

Carlo Pesce
June Visconti

The resolution is hereby duly declared adopted.

Dated: _____, 2016
Wappingers Falls, New York

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

Randolph School, Inc.
Owner and Applicant

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3.a of this resolution and that the above mentioned plans may be endorsed by the Planning Board Chairman.

Robert L. Valdati, Chairman
Town of Wappinger Planning Board

Date

J:\DOCS2\500\Wappinger\Randolph 885 amended SDP SUP Final prn.clc.docx

New & Old Business:

RADD Automotive:

Ms. Bettina:

Barbara, do you have a question with regards to RADD?

Mr. Gray:

They are working on that new building.

Mrs. Roberti:

I'm going to drive by and check it out. I don't think they have the CO on the new building yet.

- Mr. Flower: They have three big doors on it.
- Mrs. Roberti: Sal brought that up and I checked on it. That was what you approved on the plan.
- Mr. Gray: It's supposed to be for storage.
- Mr. Roberts: It would appear to me that they would store vehicles inside but they will not work on them.
- Mrs. Roberti: Both Sal and I will do randomly check and will cite him if we find anything.
- Mr. Gray: I've been there to check the foundation and the height.
- Ms. Bettina: Did they plant the trees for the buffer yet?
- Mrs. Roberti: Probably not because usually with the construction going on they won't do the planting. This time of year is not a good time to plant trees until the Fall. I can't enforce that until they are ready for CO and then everything has to be checked.
- Ms. Bettina: Thank you.

BJs Wholesale Club Public Hearing:

- Ms. Bettina: The other thing is the public hearing coming up on June 20th.
- Ms. Visconti: We are anticipating there will be a lot of people here.
- Ms. Bettina: On that note, what can we do if things get out of hand?
- Mrs. Roberti: You will have a gavel in front of you and you will need to be firm.
- Ms. Bettina: Can we have people removed?
- Ms. Visconti: Would it be appropriate to have law enforcement here?
- Mr. Roberts: I was going to suggest that and I thought it was mentioned to Lori.

- Ms. Bettina: We should have Bea send a letter to the superintendent that we have adequate law enforcement present during the public hearing. I do believe that it could become contentious.
- Mr. Roberts: If it exceeds the maximum occupancy, we will have to make arrangements to have it at the school. We will have to adjourn and move it.
- Mr. Gray: You adjourn to a date certain. So we have to find out when the school is available.
- Ms. Bettina: Why don't we move it there now?
- Mrs. Roberti: You have to realize that a lot of people say a lot, they call us and they don't show up when they say they would. So you have this outcry and you really don't know if you will have 15 or 50.
- Ms. Bettina: I know there will be at least two that will be very vocal and disruptive. I do not want to see that and I do not think anyone on this board should have to tolerate that.
- Mr. Roberts: BJs was really smart. They've got their own crowd. We are just going to step aside and listen. We are going to ask them for their name, address and limit it to two minutes each for a statement. Lori happened to call me at 6:00pm and she had a Meet the Supervisor event and somebody put go meet the supervisor and voice your objection to BJs.
- Ms. Visconti: Did they put it on Facebook?
- Mr. Roberts: It was on some social media page.
- Mrs. Roberti: Some people received mailer that claims the gas station will be sitting on an aquifer that will affect their water. What has to be put to bed by BJs is to let them know that the way these gas stations are built, they don't leak and they are not going to affect their water and put that to bed.
- Ms. Bettina: That's understandable. From my perspective, BJs is to present their case and we are here to ensure that their "t's" are crossed and the "l's" are dotted.

- Mr. Roberts: We listen to them and we do nothing, take everything under advisement and thank the people for their comments. Don't get involved in cross-dialogue.
- Mr. Gray: They need to include in their discussion what is required and what the law is so everybody understands it and do that at the beginning and that sets the tone.
- Ms. Bettina: I would like to see that.
- Mr. Malafronte: Did we receive any new submittals from BJs?
- Mr. Gray: I have.
- Mr. Malafronte: With the drainage?
- Mr. Gray: Yes, we got it and we reissued another letter with a few comments.
- Mr. Malafronte: With the tanks installation and wetlands?
- Mr. Gray: There are no wetlands.
- Mr. Roberts: No wetlands on site but adjacent to the site there are wetlands.
- Mr. Malafronte: What's the proximity?
- Mr. Stolman: They are not in any wetlands buffer.
- Mr. Malafronte: We have to tell the people that they are not within any wetlands buffer and they are 300 feet away. They are upstream not downstream and not on a slope.
- Ms. Bettina: That's not up to us.
- Mr. Stolman: We are not coaching them and we are not defending the proposal. This thing is going to go to court and we are not going on the record coaching them, helping them or defending the proposal.
- Mr. Roberts: I thought I sent a letter to the attorneys and I copied the board indicating that there will be no private conversations.

- Mr. Stolman: We are not talking about the applicant behind the scenes. The applicant should be presenting to the public and the public should make all their comments to you, the chair.
- Mr. Gray: We've been interacting with the applicant's engineer to address our review comments.
- Ms. Bettina: It's business as usual.
- Mr. Stolman: A little lesson, Al told us not to be talking to the applicant.
- Mr. Roberts: Just so you know, we brought a motion to dismiss the lawsuit. The lawsuit was brought to set aside the local law. Remember we did the quick the fixes? They actually started in 2014 and by the time they got adopted, it was January 2015. Their objection was that the EAF was not transmitted to the Dutchess County Planning Department. Our research reveals that there's a formal statute of limitation and they potentially should have named everybody that may have had an approval that was impacted by the 2015 legislation. More importantly, it's our position that if there were any objections they should have come from Dutchess County Planning. There's a checkbox on their transmittal form stating incomplete application that was left blank. They gave us an opinion and we just pointed that out to the board. The only reason that I'm bringing this up is somebody is paying a lot of money to have this thing litigated. They are going to litigate everything they can until it goes to the Court of Appeals.
- Ms. Visconti: Could you give us the process that we should be following with regard to the opening of the public hearing?
- Mr. Roberts: For the public hearing, anybody who wants to speak will have to state their name and address.
- Ms. Visconti: Are they going to come up to the podium?
- Mrs. Roberti: I'm going to bring the podium up. They need to come up and clearly state their name and address and if Bea's not sure she got it, she can ask them to spell it. Do not allow anyone to speak from the audience.
- Ms. Visconti: Are going to allow them no more than three minutes to speak?

- Mr. Roberts: The applicant is going to make their presentation first.
- Ms. Visconti: Should the public be limited
- Mr. Roberts: We may have to let the other attorneys make their case equally. Regarding the comments, if it gets out-of-hands, we will tell them that it's limited to three minutes unless you have something new to say or just indicate whether you are for or against the project.
- Ms. Visconti: Are we going to look to you guys whether we are going to adjourn it to a date certain?
- Mr. Gray: The opposition attorney is going to want to adjourn it.
- Ms. Visconti: We are going to look to you for adjournment based on the flavor.
- Mr. Roberts: It depends on the information and if there are a lot of unanswered questions, we can adjourn it to a date certain.
- Ms. Visconti: I just want everybody to know what we are going to do. At the public hearing, are we going to have a stenographer here?
- Mr. Roberts: I assume one of them will have a stenographer but I can get a letter out.
- Mr. Stolman: We can find out if one or the other party is going to have a stenographer and if they do, they will give us a copy.
- Mr. Roberts: I fully expect one of these attorneys to have one.
- Mrs. Ogunti: Should we reach out to them first to find out?
- Ms. Bettina: Bea, make sure there's a stenographer from one of them.
- Mr. Malafronte: Should we be talking to any newspapers?
- Ms. Visconti: Absolutely not, especially if there's going to be an Article 78. Keep your mouth shut.
- Mrs. Ogunti: So when you say I should reach out to them, you mean Keane & Beane or David Gordon?

- Mr. Roberts: Yes, but let it come through me.
- Mr. Stolman: It's likely they will want to adjourn it.
- Ms. Bettina: Bea, please send a note to all of the board members a week before that if they are not going to attend this meeting for whatever reason they are to let me and Robert know.
- Ms. Visconti: If we are going to adjourn to a date certain, we should make sure that everyone is here.
- Ms. Bettina: We should look at a couple of dates now.
- Mrs. Roberti: We have July 6th which is a Wednesday and July 18th.
- Mr. Gray: We could look at the two dates in July.
- Mr. Roberts: You could call a special meeting.
- Ms. Bettina: I don't want to push it too far.
- Mr. Gray: If there are 120 people on June 20th, we really need to adjourn it.
- Ms. Bettina: We could move it to the school.
- Mrs. Roberti: Bea, in the letter to Lori about law enforcement also ask her if the junior high is available on those dates.

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

Respectfully Submitted,

Adjourned: 7:40pm
Bea Ogunti
Secretary
Planning Board / Zoning Board of Appeals