

MINUTES

Town of Wappinger Planning Board
December 5, 2016
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Valdati	Chairman	Present
	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	Town Attorney
Mr. Gray:	Town Engineer
Mr. Stolman:	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Public Hearing:

Alexey Nechaev Subdivision	Reset Public Hearing for January 4, 2017
Sikh Temple	Adjourned Public Hearing to March 6, 2017

Discussion:

Myers Corners Landing Subdivision	Resubmit
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Extension:

Obercreek Subdivision and Lot Line Re-alignment	6 months extension granted
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Mr. Flower:
Ms. Visconti:
Vote:

Motion to accept the Minutes from November 21, 2016.
Second the Motion.
All present voted Aye.

Public Hearing:

16-5180 Alexey Nechaev Subdivision: The Town of Wappinger Planning Board will conduct a Public Hearing on a preliminary layout application to subdivide an existing lot into two (2) residential lots with municipal sewer and an individual well for water supply on 1.45 acres in an R20/40 residential Zoning District located on **Middlebush Road and Cameli Drive** and is identified as **Tax Grid No. 6157-01-438825** in the Town of Wappinger. (Paggi)

Present: Christian Paggi – Engineer

Ms. Bettina: There was a problem with the distribution of the legal document and the date was wrong.

Mr. Roberts: We are going to set another Public Hearing in the beginning of January at a date certain and it will be republished. All the people involved in this will be re-notified of the correct date. Having said that, is there anybody here for the Nechaev subdivision?

Mr. Stinson: Yes.

Mr. Roberts: State your name and address or you want to come back for the Public Hearing in January?

Mr. Patchoros: Paul Patchoros, 7 Cameli Drive. I spoke to the neighbors and everyone is concerned about the project that's supposed to go ahead. There's a problem with the acreage. You are posting 1.46 acres and the Town's record shows 1.3 acres.

Mr. Roberts: What Town's record are you referring to?

Mr. Patchoros: The Assessor's records here as of this morning.

Mr. Roberts: The actual acreage is determined by a survey.

Mr. Patchoros: That number does not exist.

Mr. Roberts: Whatever the surveyor indicates as the property acreage is what we are bound to take. The Assessor's records are only an approximation.

Mr. Patchoros: Did I understand you to say that you are going to reschedule the Public Hearing?

Mr. Roberts: Yes. You can make your comments tonight or you can save it for the official rescheduled hearing.

Mr. Valdati: Anyone else care to comment?

Mr. Stinson: Tim Stinson, 12 Cameli Drive. In the schedule of the dimension regulations you call for 1.15 feet of a lot width, I see only 50 feet a percentage of the lot parcel. Is that a correct statement?

Ms. Bettina: We will take your comments and address them back to you.

Mr. Stinson: I need an answer or should we just wait for the Public Hearing?

Mr. Stolman: We will take the comments and get back to you.

Mr. Stinson: Sir, yes or no is the lot width dimension 1.15 feet minimum?

Mr. Stolman: This is not debate.

Mr. Stinson: It's a question, no or yes?

Mr. Stolman: Please address your comments to the chairman.

Mr. Stinson: Is the lot width of the Town schedule required dimension lot width is a 1.15 minimum? Yes or no?

Mr. Valdati: I don't have the dimension delineation before me but I would like to ask Mr. Stolman.

Ms. Visconti: So your question is you want confirmation on the dimensions?

Mr. Stinson: No, not the dimensions. Zoning requirement for the minimum lot width is 1.15 feet. He has 150 feet from Middlebush Road toward the property.

Mr. Stolman: The definition of lot width is the horizontal distance between the side lot lines taken at the front yard line or principle building line.

Mr. Stolman reads the definition of lot width dimension.

Mr. Stinson: So he can pretty much put the lot width anywhere he wants to put it.

Mr. Paggi: According to that definition the lot width is dependent on the building line? So the front building line between these two lot lines would be the 124 feet that was indicated.

Mr. Stolman: Christian, it can be measured at the front yard.

Mr. Stinson: It's a minimum, correct?

Mr. Stolman: You are interpreting this improperly.

Mr. Stinson: Why do you have 50 feet in the backyard and that's okay?

Mr. Paggi: We show a width that meets the definition within the Town code for lot width.

Mr. Stinson: Is it also for the lot depth?

Mr. Paggi: Yes.

Mr. Stinson: Where's the lot depth?

Mr. Stolman reads the definition of a lot depth.

Mr. Stinson: Could you show me that on the map?

Mr. Paggi: It would be the average of this lot depth to this lot line and from this corner would be the average of those two.

Mr. Stinson: What phase are we in right now in the application procedure?

Mr. Roberts: There are no phases, sir. This is the initial procedure.

Mr. Stinson: According to your code there is.

Mr. Roberts: Not for subdivision.

Mr. Stolman: This is preliminary subdivision.

Mr. Stinson: So we are at Phase 2 then.

Mr. Stolman: Yes.

Mr. Stinson: In Phase 2 you have 5 or 6 titles that should have been completed before this Public Hearing was even considered. Environmental study, water study and several other studies including a site visit. Why wasn't any of that done first?

Mr. Paggi: This is the second time we are before the board. In our initial submission we submitted environmental assessment forms which are a thorough environmental review that's being reviewed by the Town consultants. It's circulated to the State and Dutchess County Health Department for their review and that is ongoing. There have been site visits performed by the engineer consultant.

Mr. Stinson: Did the Planning Board visit at all?

Mr. Valdati: No.

Mr. Stinson: Why didn't you?

Ms. Visconti: It's not mandatory on every site.

Mr. Stinson: I would like you to do that because they are literally building into a hill.

Ms. Bettina: We will take that into consideration.

Mr. Stinson: They are taking a beautiful piece of property and destroying it for greed and squeezing a house in. I hate to see that land turn into what it's being turned into. You do have a provision in the Town Code to stop him even though he has the requirements, I would like you guys to consider that.

Mr. Stolman: Our office is looking at everything.

Mr. Stinson: It's a nice piece of property and the lower house is going to be wetlands because you have to bring in fill. When Mr. Cameli built the development he couldn't build there. There's actually a culvert on that side of the street at the corner of the property.

Mr. Valdati: What's your address sir?

Mr. Stinson: My address is 12 Cameli.

Mr. Roberts: What basis did you make the statement that Mr. Cameli could not build on that portion of the land?

Mr. Stinson: Historic information and some neighbors that lived there.

Mr. Roberts: It's my understanding that this subdivision was constructed many decades ago.

Mr. Stinson: It was built in 1949.

Mr. Roberts: Back then there clearly weren't any wetlands laws in effect.

Mr. Stinson: When the man built the development he had enough spots to build culvert and drains throughout the development.

Mr. Stinson talks about the continued drainage problems on this parcel.

Mr. Valdati: Thank you sir.

Mr. Malafronte: Regarding the wetlands in the back of the property, does it have any easement back there?

Mr. Stinson: It's actually the front of the property, sir.

Mr. Malafronte: Is the easement on the front of the property?

Mr. Stinson: The sewer easement is on the top.

Mr. Malafronte: Did you see the last letter that says the lines are going into it?

Mr. Paggi: The sewer easement is the proposed sewer easement because that's an existing sewer service line from the existing house. We proposed the sewer easement so that existing lines can continue to run where it is. We did get the comments back from the Health Department and we are working with them to figure out whether we can handle that via waiver. If not, we will plan to install a new service line that doesn't require any sewer easement.

Mr. Malafronte: Will that require shifting anything up?

Mr. Paggi: No.

Mr. Malafronte: There are still wetlands?

Mr. Paggi: There are no wetlands on site.

Mr. Malafronte: What's about runoffs back there?

Mr. Stinson: What will be the effect to my well? I have a shallow well.

Mr. Paggi: The proposed well is subject to review and approval by Dutchess County Health Department.

Mr. Stinson: Can you guarantee that my well won't go dry?

Mr. Paggi: There are no guarantees and again, it will be subject to DCHD review and approval to ensure that it meets all of their standards.

Mr. Stinson: Is he proposing to build? Is he going to sell the land under developed or developed? Is he just going to build the house and just have family there?

Mr. Paggi: At this time the application is just for the subdivision and we are showing a proposed house and driveway.

Mr. Stinson: So no building plans have been submitted? Any approval the Planning Board is going to grant will be subject to Health Department approval?

Mr. Paggi: At this time, no.

Mr. Stinson: We are jumping the gun on this Public Hearing. You have no results back.

Mrs. Roberti: When a project comes in it is automatically sent to agencies and in this case, the Health Department. We don't contact them again. It's up to the applicant to move ahead with them to review. We condition this on them getting Health Department approval before the MYLAR will be signed and filed with the County should this get approved.

Mr. Stinson: I don't think this Public Hearing should go forward until we get a lot of these things settled.

Mrs. Roberti: You won't get the Health Department approval before then.

Mr. Stinson: It says it right here in Subsection C. Mr. Stinson reads the subsection.

Mr. Roberts: It's not approved yet.
Mr. Stinson: What's going to happen after this Public Hearing gets adjourned? You are going to ask to go forward with it without all of the information, correct?

Mr. Roberts: We are having another Public Hearing in January. This is an unofficial meeting today.

Mr. Stinson: I understand.

Ms. Visconti: What he's asking is after the Public Hearing is closed, we don't make a decision until all the agencies' information has been received. This Public Hearing is for us to get information from people like yourself that we might not be aware of.

Mr. Stinson: Finally, I have an autistic son and he loves the woods and I'm going to live the next 30 years of questions everyday 6, 7 and 10 times a day.

Ms. Bettina: Anybody else in the audience?

Mr. Settembrino: William Settembrino, 11 Cameli Drive. I live directly across from where the proposed lot is going to be built on. I am very concerned regarding the water as mentioned by Mr. Stinson. There is a culvert that goes under the street into another culvert that runs along my driveway down about 200 feet into that pond to my property. I'm assuming that this house along with the water would have to be disbursed somehow which then would make my water table which is already extremely high on my property even higher. I'm worried about that and the salt that's already in the water as well as the easement. That easement should have been cleaned. When I bought my property, I was told that the Town would clean that easement every 10 or 15 years as needed. It does need to be cleaned. I'm very curious if the Army Corps of Engineers have actually approved that property to be built on. There will be a problem with water because those pipes have been clogged for years and that easement is not working correctly. I would like to know how that would be rectified and what effect it would be on my property. My property is the lowest land in that whole area and my well is a shallow well as it is. There are a lot of environmental issues there.

Mr. Roberts: Could you show us which lot is yours?

Mr. Settembrino: It's 11 Cameli Drive. It's a long driveway and the house is set in the back.

Mr. Gray: Is it the property with the two frontages?

Mr. Settembrino: Correct.

Mr. Gray: I would be glad to go and take a look at it but this shows a highpoint about midway back.

Mr. Settembrino: It flows toward Miller and she gets it by her pool and the other one flow to that culvert.

Mr. Gray: I will go and look at that and talk to the Highway Superintendent about it.

Mr. Valdati: Anything further?

Mr. Coppa: Thomas Coppa, 3 Cameli Drive. I have concerns about my well. This is an R20/40 zoning and I see you need 30,000 sf. to subdivide per lot. This is 1.3 acres and that's 56,600 sf. so splitting that up doesn't conform to the way you have this zoning map at least from what I understand.

Mr. Paggi: The lot is 1.45 acres and was surveyed by a surveyor and that will be certified.

Mr. Coppa: We have these square footages for a reason so you can't drill too close to somebody else. I do share the same concerns about the drainage so any further issues caused by this will be addressed.

Ms. Bettina: Thank you.

Mr. Roberts: We have to reset the Public Hearing to a date certain.

Mr. Stinson: There were a lot of people who didn't come because the date was wrong. They thought it was Saturday.

Mrs. Roberti: The year is wrong but the date itself says December 5th.

Mr. Stinson: I don't know, they said something about leap year.

Ms. Bettina: Unfortunately, it was a human mistake and we all make mistakes so we are going to republish and reschedule this to January 4th or January 18th.

Mr. Paggi: As soon as we can but it's up to you.

Ms. Bettina: We will reschedule this to January 4, 2017 and everybody will be notified by mail with the correct date.

Mrs. Roberti: This will be published in the Southern Dutchess News so I just want to be clear that only the neighbors that abuts this and across the street and all sides will be notified.

Mr. Stinson: The front yard from the street, what is that? County or State highway is 75 feet, center line of other street is 75 feet and you are only showing 40 feet. What's the distance?

Mr. Paggi: Are you asking about the front yard?

Mr. Stinson: Yes, from the center line of the street.

Mr. Paggi: We would be required to show 40 feet and we are showing 60 feet.

Mr. Stolman: From the front property line you need 50 feet and the right-of-way to the road is 50 feet so halfway to the right-of-way is 25 feet. So 25 feet and 50 feet equal 75 feet.

Mr. Stinson: So you don't have 75 feet?

Mr. Paggi: Where is the 50 feet requirement?

Mr. Stolman: The gentleman is pointing out that in this other table it says that in the R20/40 Zoning District you need 50 feet from the front lot line. On a street other than a State or County highway you need 75 feet from the center line.

Mr. Paggi: Okay, we will revise the table.

Mr. Stolman: We seem to have a bit of an internal contradiction. On your table it says that the minimum front yard in the R20 District is 40 feet but this other table says it needs to be 50 feet. So we are going to go with 50 feet.

Mr. Valdati: Mr. Paggi, are you going to resubmit?
Mr. Paggi: Yes but the submission date of January 4th has already passed, I would imagine.

Mrs. Roberti: Can you bring it in by the end of the week?

Mr. Paggi: Yes, we can do that.

Mr. Coppa: Can we have this gentleman tell us what is position his in this whole thing?

Mr. Paggi: My name is Christian Paggi with Paggi Engineering, the consulting engineers for the applicant.

Mr. Stinson: Are you the gentleman that sent us these letters?

Mr. Paggi: Yes, our office did.

Mr. Gray: The existing driveway that comes out at the corner of Cameli Road and Middlebush Road we are going to ask the applicant to eliminate that driveway. That's not a safe spot to bring a driveway out.

Mr. Stinson: When will the survey be ready to obtain a copy of it?

Mrs. Roberti: We have the survey.

Mr. Stinson: No, the new one.

Mrs. Roberti: The survey is not going to change.

Mr. Stinson: I mean the plot plan.

Ms. Bettina: The proposed site plan?

Mr. Stinson: Well, he has to revise the setback to the house.

Mrs. Roberti: He should submit by the end of this week.

Mr. Stinson: Will the driveway be included?

Mr. Gray: That should be handled in a simple note stating that the blacktop will be removed. The proposed house does not have a sight distance issue.

Mr. Stolman: Would the applicant be amendable to solid oak trees along the property lines?

Mr. Paggi: Which property line?

Mr. Stolman: Stinson and Miller?

Mr. Paggi: The last time we were here we talked about delineating some areas to remain not cleared or undisturbed. We can still do that and the applicant wants to clear as little as possible for this house. I'm sure he would be amendable to something along those lines either maintaining some of the screening between the lot lines.

Mr. Stinson: There are no screenings.

Mr. Stolman: There's not much room for screening from the house to the Stinson property line.

Mr. Paggi: He would be amendable to that.

Mr. Stolman: If the adjoining property owner was amendable to the applicant planting on the adjoining property so it could be insurance they could stay.

Mr. Paggi: I can bring that back to the applicant but I'm sure that he would be amendable to that because he wants to be a good neighbor. I can bring that to him and we can address that at the next meeting.

Mr. Valdati: Thank you.

Ms. Visconti: Motion to reset Public Hearing to January 4, 2017.

Ms. Bettina: Second the Motion.

Roll Call Vote:

Mr. Malafronte	AYE
Mr. Pesce	AYE
Ms. Visconti	AYE
Mr. Flower	AYE
Ms. Bettina	AYE
Mr. Valdati	AYE

15-3330 Sikh Temple: The Town of Wappinger Planning Board will conduct a Public Hearing on 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)

Present: Alfred Cappelli – Architect

Mr. Cappelli: My name is Alfred Cappelli and I'm the project architect representing the Sikh Culture Society. We are proposing to construct a new temple on the corner of Old Hopewell Road and All Angels Hill Road. The Sikh Culture Society has been in Dutchess County since 1969 and currently has a facility on Ketchamtown Road. They are a vibrant part of the community. They are expanding congregation and they need to build a new facility. There's no room on the existing site on Ketchamtown Road to expand any further. I have some brochures for anyone interested in knowing a little more about the Sikh religion. It's a 17 acres parcel on the corner of All Angels Hill Road and Old Hopewell Road. It's zoned R40 in a residential Zoning District which allows places of worship. We are looking to construct a 17,000 sf. new temple and related facilities. In this 17,000 sf.

building is a central lobby, the sanctuary to the rear opposite the main lobby and to the left of the main lobby is the Langer Hall where they have lunch after Sunday service. To the right of the lobby and dining hall are some meeting rooms, library, senior citizen room, some offices and accessory phases.

Originally, we were thinking of phasing the construction of the building in three phases. The Sikh community has decided to build the entire structure of the building along with the infrastructure of the site and finish the interior of the building in phases. We are also looking to build a detached house for the priest. We have 150 parking spaces based on the number of people that are going to attend. As far as sewer and water, at one point we were going to drill our own well and we are currently under negotiations with the Town right now to be made part of the water district. The sewage and disposal is going to be handled by an individual septic system sewage disposal system on site. What you see in blue on this site plan is a series of retention or detention ponds for stormwater. At one time the County was going to allow us to cross All Angels Hill Road because there's a pipe there and a pipe further up Old Hopewell Road. They were going to allow us to connect to. In the County's plans to modify All Angels and Old Hopewell Roads intersection and their dealings with the DEC and other groups, they were told that they couldn't continue this water way and they had to consolidate all their drainage down at the intersection. Which forced us to redo our drainage so it comes down to one location and go across the road as far as stormwater situation goes.

As many churches, it's a one day a week activity center and church is on Sunday mornings around 10:00am or 10:30am, after they have lunch and everybody disburse. We've done a lot of work with the County, traffic study without even being asked because we know a project such as this need those types of things before the Planning Board even asks.

Mr. Cappelli continues his review of the project by showing a rendition of what the project would look like.

Mr. Valdati:

Thank you. Are there any questions from the audience?

Ms. Santamarina:

My name is Tina Santamarina, 21 Carroll Drive. You say they are only going to have Sunday service do they have a bible study on the week night?

Ms. Bettina:

Address your question to the board and we will get back to you with responses. I'm not sure about that but we will get back to you.

Ms. Santamarina:

Also, do they have a vacation bible school during the summer?

Mr. Valdati:

Mr. Cappelli, can you please respond to that.

Mr. Cappelli:

As far as the bible classes, there are small meeting rooms and there will be people coming and going. I don't know if they are going to be organized during the week as oppose to Sunday like a Sunday school. There may be ones a week or twice a week with a small group of people that comes together for meetings on church business. Not 50 or 60 people.

Ms. Santamarina:

How many people attend the church?

Mr. Cappelli: On a normal Sunday we have about 75 cars and 200 people.

Ms. Santamarina: Do they have a bible study during the summer?

Mr. Cappelli: No, they do not have bible school. Just want to add a few things before any other questions. We will have a motorized gate at the entrance and there will be a manual gate off All Angels Hill Road.

Ms. Deresh: My name is Karen Deresh, 37 Carroll Drive. Mr. Cappelli, how many letters went out certified to the neighbors regarding this hearing tonight?

Mr. Cappelli: We received a list from the Town and every single name on that list got sent a certified mail. We bring the receipt back to the Town so they can see who we sent it to. There was a list that was generated that all of the mailings went to.

Ms. Deresh: We never received a certified letter or a notice. I found out from one neighbor on my block that got a notice. I would like to know where this meeting was advertised and I was not aware which gives me very little time to prepare because I found out on Friday.

Mr. Cappelli: It was advertised in the Southern Dutchess News and there's an affidavit of publication and here is a list of the certified mailings of everyone it was sent to.

Mr. Roberts: Your land touches their land?

Ms. Deresh: Yes. With that said, I had very little time to prepare but I came prepared.

Mrs. Ogunti: We have a certified receipt showing it was mailed to 37 Carroll Drive.

Ms. Deresh: I will look at it to see who signed for it because I did not sign for that.

Mr. Cappelli: The Post Office takes it and stamps it and it's out of our hands at that point but we got many of them back. Yours didn't come back for whatever reason. I'm sorry and it's not the first time. It happens quite often.

Ms. Deresh: Like I said I didn't have enough time to prepare but I've been prepared since 2010. Environmentally, that property back there has a habitat for blanding's turtles and I don't know if you are aware of this but I do have an extensive report from Hudsonia that does have a sighting from 1976-1978 and one in 1963. They don't reach maturity until they are 22 and they were female. It seems to suggest that this is a nesting site. Back in 2010, that land was cleared. Was there a permit for that because they took every vegetation down to zero.

Mr. Cappelli: I don't know who cleared it in 2010.

Ms. Deresh: I'm just putting it out there because that is what happened. For the wetlands, we are recommending a regulatory agency to do an assessment on blanding turtle population that may be there. The property is within 500 meters of wetlands that Hudsonia has mapped as a potential core habitat. I have their findings right here with all the maps in our County and that's my backyard. With that said, I did speak with Hudsonia today and they do have the property listed on the NWI which is the National Wetlands

Inventory. So we will need more information on wetland delineation to determine if this is a Town or federally regulated wetlands. Also the US Army Corps Wetlands delineation is needed and has it been done? We see their proposal and I would like to know who the consultant is for the project. As far as the soil, it requires a stormwater application. SEQRA considers this a hard look on impact and Hudsonia has recommendations outlined. Permits should be written to ensure sediment from the work area does not enter the core or associated wetlands habitat. My neighbor and I witnessed bulldozer and I did call the Town and they responded very quickly. Thank you for that. Somebody on the property had a bulldozer filling in the wetlands to act like it was never there. That was halted and somebody came back to dig out the already destroyed pond.

Mr. Roberts:

When was that?

Ms. Deresh:

It was last year and I witnessed it.

Mr. Cappelli:

Yes, and once we found out these guys immediately went out there and dug it out to its original footprint.

Ms. Deresh:

There was no permit.

Mr. Stolman:

Do you have the Hudsonia report?

Ms. Deresh:

Yes, I have the Hudsonia report as well and several emails back and forth with Hudsonia representatives who are associated with Bard College.

Ms. Bettina:

Thank you.

Ms. Petit:

Cynthia Petit, 5 Scott Drive. Is there going to be a traffic light on the left at the All Angels Hill Road exit?

Mr. Cappelli:

There will be no additional traffic lights. When we are leaving All Angels Hill Road it is us that are paying the price if we want to make that left. Nobody driving along is going to be subject to any backups for people leaving on a Sunday making that left.

Ms. Petit:

The All Angels Hill Road traffic is already a nightmare. They just finished the bridge on Route 82 and before that we couldn't move and people were having all sorts of accidents. Are you going to be tapping into the water at Rockingham or where will they be getting their water from?

Mr. Gray:

Some of the members of the Planning Board said that you were told you would have Town water. That is not the case.

Mr. Cappelli:

No, we were not told that we would. We are negotiating for the water.

Mr. Gray:

So we are on the same page.

Mr. Cappelli:

Absolutely.

Mr. Gray:

This applicant has expressed the desire to connect to the United Wappinger Water District which Rockingham is a part of. That's going to be studied, considered and there will be a separate Public Hearing and that will be a Town Board decision. There will be a separate petition to the Town Board. This board will be relying on their decision on the water.

Ms. Bettina: Have you made the application?

Mr. Cappelli: No.

Ms. Cole: Arlene Cole, 4 Scott Drive. My property is not adjacent to this corner property and since I am in the development, I will be impacted by the development of that corner. I feel that every taxpayer in the development should be notified about this project and about the hearing. The Southern Dutchess News has 12 pages of ads and I've tried to glance through them every week. I don't have 8 hours a day to sit there and go blind reading ads. We should be notified of this so we can take the responsibility to cover it and follow when meetings are going to be, etc. I did a little bit of homework yesterday and got the Yellow Pages and I looked up houses of worship. It doesn't matter what denomination they are and that doesn't bother me. I don't care but what bothers me is the development of that corner with more properties being taken off our tax rolls. Here's a couple of statistics for you. Within 1 mile of our development are 7 houses of worship. Within three miles of our development there are 22 houses of worship and within 5 miles there are 50 houses of worship. In Dutchess County there are over 415 houses of worship. I think we have enough and we don't need more. A 17,000 sf. building at that corner is absolutely ridiculous. I don't care what it is whether a department store or firehouse doesn't belong there. You are killing all the vegetation in the area and I don't have deer in my yard anymore. I used to get turtles, foxes, pheasants and rabbits in my yard and I don't have them anymore. I used to have birds but they don't have the flowers to feed on anymore and you are killing them all off. There are plenty of properties in Dutchess County where something of that size can be put that's not going to interfere with traffic patterns. The house next to the mosque on Myers Corners and All Angels Hill Roads is up for sale. That might be something you want to look at. Our houses on average is 1,300 sf. You are talking about putting this monstrous thing there it's going to be an eyesore and we don't want it. That is just the way it is so consider this thumps down.

Mr. Valdati: Thank you.

Ms. Hoffman: Abby Hoffman, 35 Carroll Drive. I did not receive a certified letter and I'm butt up against my neighbor who gave me the information. I'm concerned about the traffic and to avoid that light at Old Hopewell and All Angels Hill Road, cars zoom past Carroll Drive onto Balfour Drive. That traffic is now going to double. We didn't have any tomato this year because there are no bees. All of the bees have been taken away or have been killed due to the plowing down and the loss of vegetation in our backyard. This is affecting everybody and everything from the tiny bees to the wildlife that lives there. I just wanted to express that because it is distasteful.

Mr. O'Donnell: Willilam O'Donnell, 6 Balfour Drive. My concern is what's going to happen?

Mr. O'Donnell shows the board pictures he took of the water coming down the hill that affects his property.

Ms. Grover: Madison Peterson Grover, 348 All Angels Hill Road. We are the only house that shares a back view of the temple on All Angels Hill

Road. I would like to know how far that driveway is from our house and are there lights on the driveway going down?

- Mr. Cappelli: The driveway to your house is 270 feet away and almost the length of a football field. Yes, there will be lights on the driveway.
- Ms. Grover: Going down where the driveway is?
- Mr. Cappelli: Yes.
- Ms. Grover: So they will not be shining into our house?
- Mr. Cappelli: Absolutely not.
- Ms. Grover: You said there is going to be some vegetation or fencing around it? I don't see anything around it where we live.
- Mr. Cappelli: That's not unreasonable. That's what we are here for. The gentleman with the drain issues on 6 Balfour Drive, we will take a look at that. Your concern perhaps for some vegetative shrub row or tree row, we will take that into consideration.
- Ms. Grover: Also privacy.
- Mr. Cappelli: Absolutely, that's part of the process. We want to know what you guys think and what makes this work within the confines of the neighborhood.
- Ms. Grover: We are also concerned about the runoff from the blacktop. Right now a lot of the water gets absorbed by the land. That's a large parking lot so what's going to happen to our house and we are right next door. We get a lot of the water from the neighborhood above the storm drain and it comes right down our property. When there's bad weather it's like a river so we would like to make sure that's addressed and the water does not flow onto our property and flood us.
- Mr. Valdati: Thank you and we appreciate your input.
- Mr. Fontana: Michael Fontana, 41 Carroll Drive. I did not receive a letter and I'm a stay-at-home father right now. I would have heard the mailman knock on my door for a certified letter.
- Mrs. Roberti: Bea has all the return receipts stamped by the Post Office on November 15th so it's out of our control.
- Mr. Fontana: Regardless, I did not receive it.
- Mr. Roberts: The return receipts or the green signature card?
- Mrs. Roberti: The return receipts showed it was mailed to you.
- Ms. Grover: That just proves that it was mailed out.
- Mr. Cappelli: I have the green card of what was received so as of today, there were 13 people who did not sign for their letters. So you literally have to sign for the letters they don't just drop it in the mailbox. We were at the Post Office for three hours as they stamp these to 40 or 50 of you guys. I hate to say it but it's out of our control.
- Mr. Fontana: Back there is very wet and when it rains my backyard gets drenched. What's going to happen when they build? Where is all that water going to go?

Mr. Valdati: Part of the package that will come to the Town will be a hydrological study and we will look at it to determine the impact of how the drain works. We do not want to see anyone impacted.

Mr. Fontana: We used to have 7 deer back there every morning in my backyard eating my peaches. My wife hated it but I loved it. We had a beautiful fox that's no longer around. They just put up a 50 and over development on All Angels Hill Road and that was a massive property that's gone. All the animals, gone so what are you guys doing? What are we doing? This is upstate New York where you and your neighbor yell and scream together, now they are right next to you. Do we need another temple? There's already two within three miles. Why do we need a third one? It makes no sense. You don't have 10 Catholic Churches in a row. Just think about what we are doing to our land. I'm against it.

Ms. Bettina: Thank you.

Mr. Deresh: Richard Deresh, 37 Carroll Drive. I want to go over the Minutes from January 20, 2016 regarding this. I'm not too sure who was involved in this.

Mr. Malafronte was talking to Mr. Cappelli and you asked "what about the DEC wetlands and Army Corps of Engineers?"

Mr. Cappelli response is "it is local wetlands and we are filling it in and we are going to submit a wetlands permit and we will take care of it."

Mr. Cottrell commented "you determined that this was a Town regulated wetlands but on the EAF it was identified as Federal waters".

Mr. Cappelli's response was "I will have to double check that. We submitted a report at one time".

Mr. Gray responded "Federal is any size."

Mr. Cappelli responded "Yes, it's a small area anyhow."

My question is did you get the answer that you were looking for as far as to double check whether it's a wetlands and/or not Federal wetlands?

Mr. Malafronte: It is wetlands.

Mr. Cappelli: No, it is not. I have a letter, would you mind if I read it?

Mr. Deresh: My main concern is that you are going to fill in the wetlands. I didn't think you can do that.

Mr. Valdati: Please, let's not have any cross-talking so let's move it along.

Mr. Deresh: So it's a wetlands now what type of wetlands?

Mr. Malafronte: Yes.

Mr. Deresh: What type of wetlands is it?

Mr. Cappelli: It is local wetlands. If you want I can read this.

Mr. Deresh: I'm not done with that because that brings up a whole different spin on things.

Mr. Malafronte: At the last meeting you said you were going to restore it to the original.

Mr. Cappelli: No, I don't think I said that Frank.

Mr. Malafronte: Yes, you did. You are showing it on the plan that you are still putting it back there.

Mr. Cappelli: My building is sitting on top of that wetlands right now. What you see in blue is not where the supposed wetland is.

Mr. Deresh: In our study that we have provided by Hudsonia it has a map that shows those types of things that should be beneficial.

Ms. Deresh: I spoke with Hudsonia personally today for one and a half hour on the phone in regards to this property.

Ms. Visconti: On April 6, 2015 there was a question whether there were wetlands or pond and Mr. Nowicki was to send the letter. Mr. Nowicki is a wetlands person.

Mr. Cappelli: That's correct.

Ms. Visconti: Do you have anything from him?

Mr. Cappelli: Yes, we do. I have the letter right here. Would you like me to read it?

Mr. Valdati: Yes, please do.

Mr. Deresh: Is that the consultant?

Mr. Cappelli: Yes, it is.

Mr. Deresh: Mr. What's his name?

Mr. Cappelli: Mike Nowicki from Ecological Solutions and he works very closely with the Army Corps of Engineers, NYS DEC and many of the Towns.

See Mr. Nowicki's letter below:

November23, 2016

Alfred Cappelli, Jr., Architect
1136Route9
Wappingers Falls, NY 12590

Re: Sikh Temple Parcel
All Angels Hill Road/Old Hopewell Road
Town of Wappinger, Dutchess County, NY



Dear Al:

Ecological Solutions, LLC has completed a wetland assessment and delineation on the parcel and determined that the wetland delineated on the parcel is a man-made pond at the top of the slope with no culvert or overflow observed. Also, there is no New York State Department of Environmental conservation (NYSDEC) wetland or watercourse located on the property,

The pond is not regulated by the LISACE since it is isolated or not connected to the Hudson River via any tributary or drainage system and impacts to the pond will not require federal authorization. The pond is regulated by the Town of Wappinger and functions as a detention pond and was probably excavated for use as a farm pond. Impacts to the pond that cannot be avoided

or minimized will require mitigation.

The installation of two stormwater detention ponds, bioretention areas and the more than 90 trees will replace the function of the man-made pond and will provide appropriate mitigation so that the Stormwater pond functions as habitat for wildlife.

If you need any additional information, please contact me.

Sincerely,

ECOLOGICAL SOLUTIONS, LLC

A handwritten signature in black ink, appearing to read "Michael N. owicki".

Michael N
owicki
Biologist

Mr. Valdati: Thank you.

Mr. Malafronte: That should also address the blanding's turtles.

Mr. Cappelli: We have a separate assessment report that was part of the package submitted 6, 7, 8 months ago. There was nothing about that but I'm going to go back to Mr. Nowicki and certainly bring that to his attention.

Mr. Malafronte: The letter that I have, we did address the blanding's turtles and the bats.

Mr. Cappelli: Absolutely. We are not here to shove anything down anybody's throats. This Public Hearing is going to be held open and have the answers to all of your questions at subsequent meetings. Out of 17 acres, you are going to have 15 acres of grass, vegetated areas that are on the site and will remain on the site that will be added to the site.

Ms. Deresh: The 17 acres were a vegetated area and somebody came in and cleaned everything out and it is a dust zone right now.

Mr. Ortega: Jorge Ortega, 10 Balfour Drive. I have too many things that I want to say. I agree with the concerns of the other people but I have an issue with the study that was done. When you do a project like this you are required a document called environmental impact from the EPA. All four corners out there used to be wetlands. The Town is trying to put all of the wetlands on the opposite side. I have the same water problems that man has comes on my property all the time. My basement gets water all the time and we need a wetland buffer. Every two to three years we get water into the house and all of Balfour Drive has water issues. All of those houses have water running down the street. Do you have the environmental impact from the EPA?

Mr. Ortega continues to speak but I had difficulties understanding what he's trying to say from the back of the room and the cross talking going on.

Ms. Bettina: Thank you.

Mr. Fontana: When I moved into 41 Carroll Drive 10 years ago, it was beautiful back there and there was vegetation everywhere. Like this gentleman is saying, they plowed that down to nothing. On a windy day, the dust is ridiculous. We all try to better ourselves and no one wants a dirty home and when you get 70 mph wind you are constantly cleaning. Look at what they did already by

just flattening that out. Now imagine a 20,000 sf. building, that doesn't belong there and it won't look right. Our homes were built in the 1970s and it's going to look dumbfounded. Most of the people that are on Carroll Drive have sunrooms where we like to enjoy our coffee. Now you are going to see 150 cars out there. Would you like that? Would you like to be drinking your coffee and stirring at something that shouldn't be there?

Mr. Valdati: It's very difficult to impose my tastes and my desires on other people who own property too. You should have the right to your property according to the rules that we have set up. I remember when condos were built off Route 9D and I had one fellow say when I moved here I could see this and now I have to see that.

Mr. Fontana: This is going to turn into Manhattan. Every empty lot they are going to build something. Enough is enough.

Ms. Bettina: Thank you.

Mr. Paternostro: Angelo Paternostro, 5 Meadowood Lane. I live directly across on Old Hopewell Road and I'm concerned about the left hand turn. I know with the new Old Hopewell Road construction it's going to widen everything so if it has to go in, is there going to be a left turn lane? We get a lot of traffic going to the light at Balfour Drive and Meadowood Lane so if you have people making a left turn, you are blocking me. Aren't you supposed to leave the gap there so people can come in and out? Also, there's a storm pipe that runs under the road that runs onto my property to a swale. Are you going to fix that when you do the entire new Old Hopewell Road widening? Is it going to be during that phase that they decide to block it up? All the water will still come through my swale into the wetlands and across and into the road again.

Mr. Valdati: Widening the road is a County endeavor so the Town of Wappinger is not actively involved in that construction.

Mr. Deresh: Can you tell me what state of the SEQRA we are in right now?

Mr. Stolman: This is a Type 1 action which is the larger Type 1 actions and requires a full Environmental Assessment Form that gets circulated to the other involved agencies. That means agencies that have permit or approvals to grant. The Planning Board

received no objections when they circulated the application and the EAF. The Planning Board is now the Lead Agency.

- Mr. Deresh: You said the EAF was what?
- Mr. Stoman: There were no objections when circulated to the involved agencies.
- Mr. Deresh: So there's no declaration and that's why we are here?
- Mr. Stolman: We are working up to that.
- Mr. Deresh: I'm just trying to figure out in case we missed something.
- Mr. Stolman: You didn't miss anything. We are collecting environmental information.
- Mr. Deresh: Thank you.
- Mr. Valdati: Thank you Sir.
- Ms. Day: Christina Day, 347 All Angels Hill Road. What address does that driveway go to?
- Mr. Cappelli: Describe what you are talking about. It appears like maybe it's beyond the third house and I don't see the other driveways.
- Ms. Day: Is it the third house from the white farm house?
- Mr. Cappelli: Yes.
- Ms. Day: That's right in front of my house and coming into my backyard.
- Mr. Cappelli: I don't think so.
- Ms. Day: I already have a swale that overflows at least 5 times a year.
- Mr. Cappelli: That's going to be corrected by the County. Originally we were going to take that and pipe it all the way behind your house but they were told not to. They are taking all that water from going between your property and another property and bringing it down All Angels Hill Road. They will be doing that themselves and there's a crossing there right now that will be eliminated.
- Ms. Day: What's about the actual runoff from the blacktop?

- Mr. Cappelli: That's being caught by a couple of our catch basins and going into the ponds and being piped to this detention pond and going out.
- Ms. Day: Then I will get no water?
- Ms. Cappelli: That's the way it's designed for 100+ years.
- Ms. Day: What happens if I get flooded? Who is going to incur those costs when I have to regrade my in ground pool which I've had to do twice because of the runoff?
- Mr. Cappelli: I'm not going to guarantee there won't be any runoffs and that's the purpose of doing the valued engineering.
- Ms. Day: How tall is the structure?
- Mr. Cappelli: The structure is 30 feet to the orange part.
- Ms. Day: So if I look out my bay window that I put in 13 years ago with my coffee, I have to look at big huge 2-story structure?
- Mr. Cappelli: Depends on how you look at it.
- Ms. Day: The traffic from the Route 82 bridge alone backed my street too much. It takes me 15 minutes every morning just to get out of my driveway and now we are talking about 150 cars.
- Mr. Cappelli: Actually 75 cars.
- Ms. Day: There are 150 spaces.
- Mr. Cappelli: Correct.
- Ms. Day: What's about when they have parties and weddings when they have a full house?
- Mr. Cappelli: We are talking about Sunday when traffic is generally low.
- Ms. Day: I live there and it's not.
- Mr. Cappelli: I don't want to go tit for tat.
- Mr. Valdati: Could we maintain a little order so we can get through this?

- Ms. Day: I have to rearrange my kids' school bus every year because of the traffic there and because my 4 year old almost 10 years ago almost got hit by a car speeding. There's accidents at that corner all the time and it's a very busy intersection. When you widen the road, will I be losing property?
- Mr. Stolman: It's the County that's widening the road.
- Ms. Day: Will you take some of my property?
- Mr. Stolman: If it needs widening, the County would know.
- Ms. Day: So chances are I will lose property?
- Mr. Stolman: I'm not saying that.
- Ms. Day: Are the taxes being paid on that because it's a place of worship?
- Mr. Cappelli: Probably not.
- Ms. Day: So do we absorb their taxes plus the maintenance of this road and everything else that's being built? Our taxes are high enough and now absorb the taxes for another structure.
- Mr. Valdati: Thank you.
- Ms. Metz: Denise Metz, 357 All Angels Hills Road. I just want to say that I agree that the traffic on that road is horrendous. I have two young children and we experience flybys every morning. I'm worried for my life sometimes standing at the bus stop alone. I know he's saying it's on a Sunday but I guarantee people will be getting out of there for other reasons at different times and it's going to cause more traffic. With the bridge traffic, it took me at least four lights before I get out of my driveway. I've seen accidents on a daily basis over there and I've seen cops pulling people over because the way they fly. It's just not an area I believe would be benefited by this massive building. I would be looking out my front window at this driveway diagonally across from my house. It's not something that's warranted in that area.
- Ms. Day: Christina Day, 347 All Angels Hill Road. What's going to happen to the lights? Are they going to be shining or are they going to be blocked? I'm not sure how that's going to be possible because that land is very elevated in comparison to our

homes. These people that I've been looking in the back of their houses for the past 13 years and their lights shine in my front window. It doesn't bother me because I'm used to it but now you are going to multiply that by how many lights are going to be shining into my home or a Sunday or when there's a party. We moved out here to get away from all of that. I commute to work an hour every day and my husband does the same thing. We didn't move out here to look out our window to see that.

Mr. Valdati: Thank you.

Mr. Michelin: Kenneth Michelin, 21 Carroll Drive. Put on the record that I haven't received the letter. Is that farm land or did you change it to residential? When I moved here 35 years ago that was a farm. Was it always farmland or was it residential?

Mrs. Roberti: No, not to our knowledge.

Mr. Valdati: It's not zoned farmland.

Mr. Roberts: There's no designation in our zoning code for farmland and there never has been.

Ms. Day: There was a corn farm there. Why was it planted when it was not allowed there?

Mr. Stolman: We are talking about zoning and designed district and there has not been a farmland zoning district in the Town of Wappinger. It's always been zoned residential.

Ms. Day: So you can farm it if you choose to?

Mr. Stolman: Correct.

Mr. Michelin: You guys know and every knows that they are going to build this just like you guys let Toll Brothers build down the street from us. You couldn't put a school there but Toll Brothers came and put houses there. You guys are wasting our time and you are going to let them build so that's that. I rest my case.

Mr. Valdati: Good night, Sir.

Ms. Cole: Arlene Cole, 4 Scott Drive. I just want to get the clarification on the height of the building. I understand that the gentleman to my left said that it was 30 feet high to the bottom of the dome.

- Mr. Cappelli: No, not from the bottom of the dome.
- Mr. Valdati: Mr. Cappelli, could you clarify that please.
- Mr. Cappelli: To the orange section it is 30 feet.
- Ms. Cole: It doesn't matter knowing how many stories it is we want to know how high the whole thing is going to be.
- Mr. Cappelli: To the bottom of the dome?
- Ms. Cole: Yes, when somebody asks me how high my house is I don't give them from the bottom to the roof.
- Mr. Cappelli: The definition of the height of a building doesn't go to the ridge of everybody's home. Most people don't understand that because you are a lay person. The height as defined by all of the zoning ordinances is the average between the soffit, fascia and peak. That average is the height you must stay within to meet the zoning restrictions. When you have a flat roof you can exceed the maximum so there is no question as to what the average is.
- Ms. Cole: So what's the height to the top?
- Mr. Cappelli: The height of my dome is about 42 feet.
- Ms. Cole: That's bigger than the building.
- Mr. Cappelli: Absolutely, to the top of the building.
- Ms. Cole: No, the height of the dome itself.
- Mr. Cappelli: No, to the top of the dome.
- Ms. Cole: I'm a lay person so to the very top of the dome is 40 feet?
- Mr. Cappelli: Absolutely, about 42 feet.
- Ms. Cole: That's a very high piece of property so putting a building on top of that will be such an eyesore.
- Ms. Bettina: Thank you.

- Ms. Petit: Cindy Petit, 5 Scott Drive. How is that building zoned? I know Rockingham is zoned R40 so that's residential.
- Mr. Stolman: This is R40 as well.
- Mr. Roberts: It's a residential use and a permitted use in a residential zone.
- Mr. Cappelli: It's a place of worship in a residential zone.
- Ms. Petit: Thank you.
- Ms. Senebrino(?): Tina Senebrino(?) 21 Carroll Drive. You mentioned that there's going to be a gate in the front?
- Mr. Cappelli: Yes.
- Ms. Senebrino(?): Can you show me where that gate is going to be?
- Mr. Cappelli: It's going to be a motorized gate and everything is opened during the day and closed at night.
- Ms. Senebrino(?): How far from the street is the gate?
- Mr. Cappelli: The gate is probably 50 feet from the street.
- Ms. Senebrino(?): Will it be open?
- Mr. Cappelli: Opened during the day and closed at night for security reasons.
- Ms. Senebrino(?): How high is that gate?
- Mr. Cappelli: The fence and the gate maybe 5 feet. It's black, picket fence type of arrangement.
- Ms. Senebrino(?): Is it metal or picket?
- Mr. Cappelli: Metal.
- Ms. Senebrino(?): Did you say there will be a metal gate around the property?
- Mr. Cappelli: No, metal fence. We are proposing but we don't know what's going to get installed in Phase 1 or in Phase 2 but there's a gate here and a physical gate down at the bottom.

- Ms. Senebrino(?): Is that going to affect any traffic coming in?
- Mr. Cappelli: If 5 people wanted to come in at one time and the gate is locked, sure. It is 60 feet from edge of pavement to gate. The gate could be moved in if it's a concern.
- Mr. Valdati: Thank you.
- Mr. O'Donnell: William O'Donnell, 6 Balfour Drive. What is this on your plan?
- Mr. Cappelli: They are trees.
- Mr. O'Donnell: What types of trees are they?
- Mr. Cappelli: Pine trees.
Mr. O'Donnell: How tall are they?
- Mr. Cappelli: They are 6 to 8 feet.
- Mr. O'Donnell: How far back are they set from the wall? Do you touch the wall?
- Mr. Cappelli: No, it's about 30 feet away from the property line staggered.
- Mr. O'Donnell: Is this the water basin here?
- Mr. Cappelli: Yes, there is no standing water.
- Mr. O'Donnell: Like I said, I'm here and you see those pictures where that water runs down.
- Mr. Cappelli: I think our engineer took that into consideration and we did talk about that but I'll bring it to his attention. I appreciate you bringing that up so we will take an extra careful look at that and we certainly don't want any water affecting any neighbors. Maybe in the future we can try to remedy that.
- Mr. O'Donnell: Is this all fenced in?
- Mr. Cappelli: Yes, it's gated.
- Ms. Grover: Marian Grover, 348 All Angels Hill Road. You said that Phase 1 will be the building, driveways and gates?

- Mr. Cappelli: Yes, everything you see here is going to be built.
- Ms. Grover: Phase 2 is the fencing?
- Mr. Cappelli: This is going to be a multi-year project.
- Ms. Grover: How many years in between when you build the buffer?
- Mr. Cappelli: The buffer probably will be a requirement of the board before they give us the CO. We are not going to be able to use the building until we fulfil everything on the drawings here in terms of landscaping or otherwise.
- Ms. Grover: So when will Phase 2 be done?
- Mr. Cappelli: Phase 2 has to be done before we occupy it.
Ms. Grover: I'm not concerned about that, I'm concerned about the buffer and the trees.
- Mr. Cappelli: I think they are going to mandate all parts and parcels of everything up front. Everything is in up front and it's a major expense.
- Mr. Roberts: All of these questions have to be answered in writing to the board by the applicant. We should just get the questions so that the next time he's here it can be presented to the board and public so that we can have an orderly progression of these Public Hearings.
- Mr. Cappelli: I apologize.
- Mr. Valdati: Thank you Mr. Roberts.
- Ms. Day: Christina Day, 347 All Angels Hill Road. Thirteen years ago when I built my house I was forced to put a shared driveway in. The Town didn't want multiple driveways coming out of that development. Since we are a free for all now, am I allowed to separate my driveway and put a circular right-of-way since we can build whatever we want? Has anybody considered the value implications to our homes? Has anybody thought about the fact that our property value will drop to \$15,000 - \$75,000. If it's zoned that we can do farms but she was told she can't have chickens on her property. I know this seems trivial and maybe meaningless to you but these are our homes. My husband and I put our lifesavings

to build our home and moved up here. As trivial as it seems to you, these homes are supposed to be left for our children. You guys will have to consider all of these things. You have all these people here telling you how they feel and what they invested in their homes. It just seems like everyone's faces is just blank and no one really cares.

- Ms. Bettina: I hope you understand that we are residents of this community also. This is giving you an opportunity to tell us what is on your mind. If you say our faces are blank, we are listening to you and that is what this is for to gather information from the community. Is there anyone else that would like to speak?
- Ms. Cole: Arlene Cole, 4 Scott Drive. How many signatures would you require in order to shoot this project down?
- Ms. Bettina: We will get back with you.
- Mr. Stolman: This is not a popularity contest.
- Mr. Roberts: This is not a popularity contest and that's not what controls the decision.
- Ms. Cole: What I'm saying is that if 100% of the residents in Rockingham and the big mansions across the street there and on All Angels Hill say that they do not want this building built, will you side with us?
- Mr. Valdati: I think that's the stuff lawsuits are made of.
- Ms. Cole: Now you tell me I got to sue?
- Mr. Valdati: No, I'm saying if you did that you would be sued.
- Ms. Cole: Wait, I need some clarification here.
- Ms. Bettina: We will address all of your concerns.
- Ms. Cole: I need him to answer me.
- Mr. Valdati: We are here to follow the rules of the zoning.
- Ms. Cole: Answer my question. You said I would be sued and I want to know why?

- Mr. Valdati: If you go around to deliberately say I don't want this and I don't want that, those are the things lawsuits are made of.
- Ms. Cole: Did I say that, Sir? I said if I were to get 100% of signatures from all the residents in the area and they say that they don't want this filth in here, will you side with us and shoot this project down?
- Mr. Valdati: No, we can't do that. That would be a violation of rights.
- Ms. Cole: Why are we here for?
- Mr. Valdati: To give us your concerns.
- Ms. Cole: You don't care about our concerns and that is every evident.
- Ms. Visconti: Excuse me.
- Ms. Cole: No, June.
- Ms. Visconti: As Ms. Bettina said we get the information and we as a Planning Board we have the ultimate decision on approval. At this point in time it's still American and people are still entitled to their land. We ask the people who are living here to give us input. Many times we get better ideas for the applicant to make a better presentation from the community like you.
- Ms. Cole: I'm talking to him.
- Ms. Visconti: You say you are going to get a petition, that's not going to happen.
- Ms. Bettina: That's not the reason for this meeting. You don't understand. You are here to provide input so we can discuss things.
- Ms. Cole: I'm trying to give input and get information from you and when I asked a question I get told that I would be sued.
- Mr. Valdati: If we do as you are suggesting there would be a lawsuit.
- Mr. Stolman: He didn't say that you would be sued. If the board were to make this a popularity contest, they would get sued. It's not one of the criteria.

- Ms. Cole: I'm not talking about a popularity contest. I'm talking about what people in the area want in their neighborhood. We pay for the taxes and we pay for the roads so we don't want a 20,000 sf. building out there.
- Mr. Stolman: This board is not allowed to do what you are asking.
- Ms. Bettina: We can't do that.
- Ms. Cole: Then who can?
- Ms. Bettina: Nobody can.
- Ms. Cole: Well, then it should be shot down.
- Ms. Bettina: This is the United States.
- Ms. Cole: It doesn't feel like it these days.
- Ms. Bettina: This is America. People have their own preconceived ideas but this is still the United States. We have laws and regulations just like you had laws and regulations when you built your house. You bought the land and you had to conform to whatever the laws and regulations of the community. We are here to gather information. We have the applicant here and the community here, we are going to work together. This isn't a debate. It's not how many people like something and you have 100 people and you have 50 people that don't like it. That's not how America works and I'm sorry to tell you that but that's it.
- Ms. Cole: I know how America works and it doesn't seem to be working.
- Ms. Bettina: Great, so don't come to this board and ask us to do something like that. Thank you.
- Ms. Cole: It was a simple truce on a petition and I didn't ask you why you why you favorite anything else.
- Ms. Bettina: There's no such thing as a petition with pros and cons. There are laws and regulations that all of us need to adhere to.
- Ms. Cole: Damn to taxpayer.
- Ms. Bettina: I am a taxpayer also.

- Ms. Cole: You don't live in our neighborhood, do you?
- Ms. Bettina: I still pay taxes in this Town. Thank you.
- Mr. Valdati: Who has not had an opportunity to speak?
- Ms. Senebrino(?): Tina Senebrino(?), 21 Carroll Drive. When I went to church, it started like 12:00pm or 9:00am or whatever time it starts. Does their church start at one time or is it gradual times?
- Mr. Cappelli: Yes, one time. There's not an 8:00am mass, a 9:00am mass and no 10:00am mass.
- Ms. Senebrino(?): It starts at one time?
Mr. Cappelli: Yes, at one time.
- Ms. Senebrino(?): So you are going to have 75 cars entering that property at that one time?
- Mr. Cappelli: They are not all coming in at one time but yes.
- Ms. Senebrino(?): What does not mean they are not all coming at one time?
- Mr. Cappelli: There are people who are going to be serving lunch so there will be a handful there before. There are elders that are there before so it's not like 75 people coming and going all at the same time.
- Ms. Senebrino(?): So when does the main population come and how many of that 75 would be coming in at a particular time.
- Mr. Cappelli: I can't answer that.
- Mr. Valdati: Thank you.
- Mr. Ortega: Jorge Ortega, 10 Balfour Drive. I have a few more questions regarding the environmental impact. According to the EPA rumors before construction you have to have the environmental impact. Do you have that report or not? How are you going to build if you don't have that report? Everything you have destroyed would be a violation of the DEC and EPA.

- Mr. Stolman: We are gathering that information now to make that determination.
- Mr. Ortega: So does that mean you are not going to start since you don't have a determination?
- Mr. Stolman: The architect talked about there's a traffic study that exists now, there's a wildlife and habitat study that exists now, there's some wetlands works that exists now. We are going to be getting information from Hudsonia. We will be gathering all of this information and the board will make a determination at some point in the future.
- Mr. Ortega: I just want to know what date that will be?
- Mr. Stolman: We don't know yet.
- Mr. Ortega: Also, that lady has the right to get people to sign a petition.
- Ms. Bettina: Thank you.
- Mr. Deresh: Richard Deresh, 37 Carroll Drive. Back to the wetland, I'm just concerned with the answer. The proposed site for the temple was on the National Wetlands Inventory and now it's not a wetland anymore. How does that come off the wetlands inventory list? The consultant that did this on the wetlands, is he used in Wappingers Falls as the contact?
- Mr. Cappelli: I think he's a very well respected professional.
- Mr. Deresh: For Wappingers Falls?
- Mr. Cappelli: No, not just for Wappingers Falls.
- Mr. Deresh: What I'm asking is do we use him quite frequently in Wappingers Falls?
- Ms. Bettina: We have used him before in other projects.
- Mr. Deresh: Do we use him for more than one project? Besides the work that he does is he working with Army Corps of Engineers or does he do separate testing? I'm looking to be educated on this as far as the wetlands.
- Ms. Bettina: We will get back to you and answer that question.

- Mr. Roberts: He's a good consultant and his work is generally verified by the Town planner's office.
- Mr. Stolman: His work is also verified sometimes by the DEC and the Army Corps.
- Mr. Deresh: How can we be on the list and then come off? I'm just curious as to how that happens?
- Mr. Roberts: The list is basically an inventory and not what's on site. This is done by an actual site investigation.
- Mr. Stolman: The NWL maps are actually USGS maps, it's a gross approximation of things and you really have to get boots on the ground to see what's out there.
- Ms. Deresh: That was what I was told today that this wetland is probably larger than what's currently seen.
- Mr. Roberts: That's not what the information that's been supplied to us says.
- Ms. Deresh: I have it right here.
- Mr. Stolman: Good, we will look forward to reading that.
- Mr. Roberts: Let's adjourn this to a date certain.
- Mr. Cappelli: We could do March 6, 2017.
- Ms. Visconti:** **Motion to adjourn the Public Hearing to March 6, 2017.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.
- Mr. Roberts: I just want to make a comment about the mailings. The applicant is obligated to mail it to the last known address that the Town has on their files. They are not obligated to make sure it's received that's why they sent it certified mail return receipt. The certified receipt shows that it was deposited to the postal service and it's up to the postal service to get it to you. There were a number of people that were mailed copies and for whatever reason did not sign the certified card. There is not going to be another mailing again.
- Ms. Deresh: Where was it listed for the Public Hearing?

- Mr. Roberts: Are these posted on the Town’s website? If not, they should be.
- Mrs. Roberti: No, we don’t have a spot.
- Mr. Roberts: We are going to arrange for a spot on the Town’s website. The Southern Dutchess News is the official newspaper for the Town. I know most people get their information via the media now but the laws are the laws so the Southern Dutchess News is where it is published.
- Ms. Deresh: We looked for it.
- Mr. Roberts: There’s a whole section of legal notices. You are here and you’ve been notified that it’s on March 6, 2017. It will be reopened on that day and hopefully we will have a lot more information for you. A lot of the questions that have been raised will be answered by the applicant’s architect.
- Mr. Deresh: Does this get listed under the ENB or not yet?
- Mr. Roberts: ENB, that’s a separate step.
- Mr. Stolman: Not yet.

Extension

11-5159/Obercreek Subdivision and Lot Line Re-alignment: Seeking their first 6 months 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 December 19, 2016 through June 18, 2017. 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)

- Mr. Reese: I’m here for a request for a 90 day extension for the subdivision and we have detailed work that we are handing with the Town’s consultants. I’m here to answer any questions you might have.
- Ms. Visconti: The reason for the extension is you are still having some paperwork problems?
- Mr. Reese: Not problems, just an ongoing conversation.

Mr. Roberts: There are a lot of details to work out with respect to the nature of the subdivision. I think he's going to be the prototype for the waste water authority for the septic system. It should be done within the next two to three months.

Ms. Visconti: **Motion to grant a 6 months extension.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

Discussion:

16-5179 Myers Corners Landing Subdivision: To discuss an application for a 10-lot subdivision on a total of 6.10 acres on two parcels in an R-20 Zoning District. The property is located on **Myers Corners Road** and is identified as **Tax Grid No. 6158-04-894014 (5.84 acres) and 6157-02-899988 (0.26 acres)** in the Town of Wappinger. (Povall)

Present: Billy Povall – Engineer

Mr. Valdati: Good evening.

Mr. Povall: Good evening. We are back with the 5.8 acres subdivision on Myers Corners Road. We were here a few months ago with a conceptual plan. What you have before you is a preliminary subdivision plan application for the subdivision. We are proposing a road to put and 9 houses in the R20 zone. Each of the lots will conform to the R20 zone. We did include the existing lot that fronts on Myers Corners Road.

Ms. Visconti: He has an office there, right?

Mr. Povall: Yes. We included that parcel as part of the subdivision application.

Mr. Gray: It's going to be converted to a house.

Mr. Povall: It's going to be converted to a house and now we are thinking about just taking that down and pushing the house back to make it more conforming to the zoning.

Ms. Visconti: How big is that building in the front next to Regina Pace?

Mr. Macho: It's about 35' x 56'.

- Ms. Visconti: It's right on the road and there's no setback.
- Mr. Povall: The entire parking area around the structure that's there now will become mostly lawn. This plan shows the preliminary design road access to Myers Corners Road to an existing flag pole to the existing lot. We have had conversations with the County regarding location and conceptually they are standing by previous acceptance of the location. We are proposing an access with the approval and we are in contact with the County regarding the new subdivision that we have before you tonight.
- Ms. Visconti: I see the 9 houses are off that road, what are you going to do with the other parcel?
- Mr. Povall: I'm just going to have access to the existing driveway. There are actually two entrances right now.
- Ms. Visconti: I didn't realize that. There's no setback from that building to the road. Are you going to keep that building?
- Mr. Povall: No, we are proposing tearing it down and pushing it back and putting a new house to provide the proper setback.
- Ms. Visconti: Okay, that's good.
- Mr. Povall: If you are looking at the property from Myers Corners Road, it slopes from front to back. There is an existing easement which permits us to run the sewer, water connection and stormwater through that easement. With the layout we will be designing a stormwater basin along the back that will capture all of the runoff from the road and the homes. We won't be increasing any of the stormwater from the project onto the neighboring properties.
- Ms. Visconti: Does it slope back to Roberts Road?
- Mr. Povall: Yes, the drain falls from the front to the back. The drain now runs naturally to the north towards Pattie Place. We will be capturing all of that stormwater to a detention basin. By proposing and installing these stormwater basins would actually improve stormwater and runoff to the back of these homes. We will be capturing all of the water in the basin before it leaks.
- Mr. Gray: Right off there there's a stormwater management district to maintain the detention pond. A small subdivision like this gets very expensive per lot basis. I was just discussing this with Al and we really need to figure out how we are going to handle this. There will have to be an easement of those ponds to the Town. It's just whether it will be maintained by a separate district or by the Town's Highway Department.

- Ms. Bettina: That definitely has to be discussed because this will be an added expense.
- Mr. Roberts: On the flip, there is no easy solution to all of the financial issues and the burden really has to be on the lot owners. I have recused myself but we've had issues with developing these small drainage districts. Bob was right to raise it and we have to find a way to figure this out.
- Ms. Bettina: In the past the people that own the land paid for it?
- Mr. Roberts: Yes.
- Mr. Povall: That's essentially what we are proposing.
Mr. Malafronte: Street requirements, school bus access, do you have enough space?
- Mr. Povall: Yes, this is going to be a Town road and proposed to be dedicated to the Town. The road is going to be designed to meet all of the highway design criteria. The cul-de-sac is designed and layout according with the highway specs and I believe it is 85 feet outside diameter on the pavement. This allows trucks, fire trucks and buses to turn around.
- Ms. Visconti: Do you have any area for snow piling up on the cul de sac? It's always been a big problem.
- Mr. Malafronte: Do you have 1,500 sf. on the turnaround?
- Mr. Povall: The cul de sac is about 600 ft. so we are far shorter than the 1,500 ft. maximum requirement per limitation.
- Ms. Visconti: Fire Prevention will need the names of the private road.
- Mr. Povall: We are not proposing a private road.
- Mr. Flower: You need to petition the Town Board to get them to approve a name to submit to the County for a 911 address.
- Mr. Povall: Typically, in the past we leave the road name for last until we have a project.
- Mr. Gray: It is a private road until it's taken over. Even though it's not a Town road, it has to be designated to 911 for addresses.
- Mr. Malafronte: What's the minimum lot requirement?
- Mr. Stolman: We checked all of that and he has a detailed table right there.

- Mr. Povall: All of the lots that we are proposing meet the minimum zoning requirements of the subdivision. Lot 10 is undersized and it's pre-existing. With this application we are proposing to increase it by adding 20 feet so we are actually improving that condition as well.
- Mr. Malafronte: Behind it is a little storage shed, is that coming down?
- Mr. Macho: Yes, it's coming down.
- Ms. Bettina: Then you can move the house back there.
- Mr. Stolman: I'm not sure you can do that because the lot tapers.
- Mr. Povall: We should be able to move it back a little now that we are adding 20 ft.
- Ms. Bettina: Are there going to be street lights?
- Mr. Povall: We are not proposing any street lights.
- Mr. Stolman: There's a map on the back of our memo which shows the adjacent property along Myers Corners Road and Bob said that piece of property might be fairly wet. Could you look into whether this shrubbery should be extended?
- Mr. Povall: As part of this application we are not proposing to extend the road beyond where we have it and it would impact the lot count that the applicant is entitled to. The two lots that were mentioned in the letter already are built and there is a house on it.
- Mr. Stolman: It's very underdeveloped for this zoning district.
- Mr. Stolman: I think it should be explored a little bit to ensure whether that property should be accessed through this property or whether it should have its own roadway going into it.
- Ms. Visconti: Are you talking about the 858982 .9 acres one?
- Ms. Bettina: Yes.
- Ms. Visconti: He owns that?
- Mr. Stolman: No, he doesn't own that property but the Planning Board in laying out roadways in the Town and is supposed to look at adjacent properties to see the best way of accessing that property is.
- Ms. Visconti: So you are saying if it's ever developed you don't want it coming off Myers Corners.

- Mr. Stolman: That would be one way of doing it. I'm saying that it needs a little bit of exploring as oppose to just writing it off.
- Mr. Macho: That property you are talking about will never get subdivided because it doesn't have sight distance in order to get an entrance in there. The driveway they have in there they are having trouble getting in and out of there let alone put another entrance in there.
- Mr. Stolman: At some point in time someone is going to come and say I got 3 acres and I want to subdivide my property or I want to try to put an entrance in here.
- Mr. Povall: I can understand if you have a vacant piece of property that was going to be developed in the future. This is a 2.9 acres parcel so with the house on it and there isn't a lot of other zoning within the Town that requires a minimum of 3 acres.
- Ms. Bettina: This one does.
- Mr. Stolman: I don't want to press this too much but I wanted to bring it up to you just to have a discussion. This is not a great big piece of property but if this roadway was extended to the property line then the 2.9 acres piece of property would have an opportunity to extend this road out into their property. If this roadway is left this way you can't do that ever.
- Mr. Povall: Our point is the applicant owns this property now and has to create a benefit for adjacent property. He would have to give up a lot so the neighbors can get lots and I don't see how that would be fair.
- Ms. Visconti: That's not fair.
- Mr. Macho: The 2.9 acres lot is mostly wet.
- Mr. Gray: I will have to look at it but my recollection is the back part of the Jiava property is wet going towards Route 9 and I think it's the same thing happening here.
- Ms. Bettina: Bob, is the 2.5 acres property at the bottom is that wet?
- Mr. Gray: I believe it is but I need to look at it.
- Mr. Flower: It sounds like it's really not a developable piece of property for somebody and I don't see any reason why he should make an extension.
- Mr. Stolman: I wasn't recommending a definite extension.

- Mr. Flower: You were just saying to look at it in terms of the possibility. If it was a 10 acres lot and a buyable lot, but 2.9 acres that looks like it's mostly water in the back right now. I don't think we should burden them with having to extend the road.
- Mr. Gray: There are other issues like the Town water.
- Ms. Bettina: You don't have Town water over there.
- Mr. Povall: No, we went before the Town Board for a discussion to include this property in the district and my general feeling is they felt that this property was an isolated property. It's surrounded by properties in the district and they led us to believe that it was something they would consider. My personal take was they seemed positive that this property should be included. We are preparing a formal petition to submit to the Town Board making that request.
- Mr. Macho: This access will make it assessable to three other homes adjacent to us adding water to also.
- Ms. Bettina: They have Town water now?
- Mr. Macho: No, they don't. They will be included. There are three separate homes sitting there that don't have water.
- Ms. Bettina: Which three homes?
- Mr. Macho: Pace, Macho and Nicholas don't have water.
- Ms. Bettina: Does Lori have water?
- Mr. Macho: Yes, Lori is on Pattie Place and they have water.
- Mr. Povall: That's where we are proposing to connect to.
- Mr. Malafrente: Did you submit the long form?
- Mr. Povall: Yes, we submitted that with the application.
- Mr. Gray: How far did we get regarding Town water? Do we want to send them back to the Town Board and come back?
- Ms. Bettina: They have to do an application. We are not going to do anything until he puts the application in.
- Mr. Roberts: In the past the applicant would apply to the Town Board but they wouldn't finalize it until they came back to you and you granted a conditional approval. The Town Board would like to know exactly how

many lots you approved so he can start to proceed because he's not going to finalize it until you are done.

Mr. Gray: So we can move this review along on the presumption that the Town Board will approve it.

Mr. Roberts: It's a petition.

Mr. Gray: I just want to clarify that.

Ms. Bettina: Where do we go from here?

Mr. Stolman: I would think another iteration of the plan. Respond to my comments and some of Bob's comments and we go from there.

Mr. Povall: Can we establish a Lead Agency and circulate?

Mr. Stolman: If you want to but since this is an unlisted action you don't have to do that.

Mr. Povall: Okay.

Mr. Stolman: It's not a requirement it's for a Type 1 action so there's no need.

Mr. Roberts: SEQRA has changed.

Mr. Povall: We are going to go back and do some more homework and resubmit. Thank you.

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

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

Respectfully Submitted

Adjourned: 9:44 pm Bea Ogunti
Secretary
Planning Board / Zoning Board of Appeals