

MINUTES

Town of Wappinger Planning Board
July 16, 2012
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappinger Falls, NY

Members Present:

Mr. Fanuele:	Chairman	Mr. Malafonte:	Member
Ms. Leed:	Member	Mr. Valdati:	Member
Ms. Bettina:	Member	Mrs. Smith:	Member
Ms. Visconti:	Member		

Others Present:

Mr. Gray	Engineer to the Town
Mr. Horan	Attorney
Mr. Stolman	F.P Clark
Mrs. Roberti	Zoning Administrator
Mrs. Rose	Zoning Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

NYCDEP Shaft 6	-PH - Closed
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Discussions:

Kaplan Insurance Agency	PH- August 6, 2012
Airport Drive Properties	Resolution Moved
MVK Landscaping (Red Barn Farm and Nursery)	Resolution Moved
Fun Central Child Care	Resolution Moved

Mr. Fanuele: The first item on the agenda is a public hearing for:

11-3224 / NYCDEP Shaft 6 : -To discuss their site plan for the construction of the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT) repair program, an appx. 45 mile section of the Delaware Aqueduct that conveys appx. 50 % of the drinking water for NYC & some upstate communities. The property is located at 195-209 River Road and is identified as Tax Grid No. 6056-01-288977 in the Town of Wappinger. (Canale)(DEIS 12/20/2011 & FEIS 5/18/2012)

Mr. Villari: I'm Chris Villari; I am the outreach lead for the Rondout-West Branch Tunnel. Tonight we have a series of drawings which you all have seen a number of times. Do you want me to review these drawings?

Ms. Smith: I have seen all the drawings.

Mr. Fanuele: Does anyone have any questions?

Mr. Villari: We will be following the guide lines but if there is an incident an incident report will be filed and we will share that information.

Ms. Visconti: David, what is the next process?

Mr. Stolman: We are working on the planning board finding statement and we are working on the resolution of approval that we expect the planning board will adopt.

Ms. Visconti: I move to close the public hearing and authorize the planner to the town to continue with the finding reports and to start a draft on the resolution.

Ms. Smith: I second the motion.

Mr. Fanuele: Roll call vote.

Mrs. Rose:

Connie Smith:	Aye
Marsh Leed:	Aye
Frank Malfronte:	Aye
June Visconti:	Aye
Robert Valdati:	Aye
Angela Bettina:	Aye
Victor Fanuele:	Aye

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

12-3256 Kaplan Insurance Agency: To discuss relocating the entrance to the existing office building from the front yard to the rear in order to facilitate the parking lot of which 4 existing parking spaces will be shifted. This property is .5 acres and is located in an HD zoning district. The property is located at **12 Barrister Row** and is identified as **Tax Grid No 6157-04-627257** in the Town of Wappinger. (Povall)

Mr. Povall: This is an office building on the east side of Route 9 on Barrister Row. We were here at the last meeting with a conceptual. We are looking to make some reservations to the building but still use it as an office. With this site plan, we are looking to make some improvements to the parking area. Mr. Povall explains in detail the proposal and referring to his map and drawings. The applicant is proposing to move the front entrance to the rear of the building. Paul Pilon is the architect and he will explain the changes to the building.

Mr. Pilon: Our plans are to remove the stairs and the sunroom and move the entrance to the rear of the building.

Ms. Visconti: I have a note here from May 7th that Bill was going to check if the site was part of a prior subdivision as no site plans could be found. Did you check it out?

Mr. Povall: I checked with the planning office the best we could do is come up with some photo copies of a portion of a plan. We could not find anything signed. Unfortunately the answer to that is no.

Mr. Valdati: How much black top is in the front of the building?

Mr. Povall: (Pointing to the map) 6 to 8 feet.

Ms. Smith: You're moving the front entrance to the rear to accommodate parking?

Mr. Povall: It allows any costumer to come in park and the entrance is right there.

Ms. Visconti: If those 5 spaces in the front are not acceptable, then what happens because you have only 4 parking spaces in the back? Where else are you going to put the people?

- Mr. Povall: What I did find on the old plan of this area, and again I don't know if it was approved, what we would entertain is putting parallel parking. My conversation with Graham is that he did not want any parking in the right away.
- Ms. Smith: How many parking spaces are you going to have?
- Mr. Povall: With this plan here we are showing 4 in the back and 5 cars had been parked in the front.
- Ms. Visconti: Then you have a problem if he doesn't let you have that.
- Mr. Povall: Then we would look into parallel parking on the property.
- Mr. Stolman: What we are trying to establish is how many parking spaces are going to be needed.
- Mr. Povall: As Paul got further into the plan after the submission we actually did physical measurements instead of going off the plans. There is 1620 square footage for both floors. So 6 parking spaces are required.
- Mr. Pilon: Explains why the entrance to the building was moved to the back because of the sloping. The handicap accessibility would make it easier. We would like to remove the structure on the front of the building. We would like to change the windows and change the siding. We are trying to give it a more of a cottage style.
- Mr. Valdati: What are you going to do about signage?
- Mr. Pilon: We propose to put up a painted wood sign on the building. The site sign would also be a painted wood sign to match the sign on the building.
- Mr. Malafronte: When you take down the front porch, will it change the grading up there.
- Mr. Pilon: We are not going to alter the grid. It is built on piers so it will not change the grade.
- Mr. Valdati: How about landscaping?
- Mr. Pilon: We will be adding some shrubbery to spruce up the front.
- Mr. Valdati: How about lighting?
- Mr. Pilon: Goose neck lights will come over the sign on the building. There will also be security lighting.

Ms. Visconti: What's the next step?

Mr. Stolman: The next step would be to have Bill revise the plans and resubmit them.

Mr. Povall: Is there any way we can schedule a public hearing?

Ms. Visconti: I move to set the public hearing for August 6th.

Ms. Bettina: I second the motion.

Mr. Fanuele: All in favor? Roll call vote.

Mrs. Rose:

Connie Smith:	Aye
Marsh Leed:	Aye
Frank Malafronte:	Aye
June Visconti:	Aye
Robert Valdati:	Aye
Angela Bettina:	Aye
Victor Fanuele:	Aye

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

Airport Drive Properties - To vote on the amended resolution dated July 11, 2012 with the planning board. The property is located on Airport Drive and is identified as Tax Grid No. 6259-04-667424 (Parcel C) in the Town of Wappinger. (Povall)

Mr. Valdati: I would like to move the resolution.

Mr. Povall: I would like to speak about two of the conditions. Item 5C and 4B talks about the health department requirement. We did submit the approval letter so I would like to take that out and it's already being done. The declaration of easement for the parking has been completed and has been filed in the Dutchess County clerk's office.

Mr. Valdati: So noted that these two items have been completed, I make a motion to move that resolution.

Ms. Visconti: I second the motion.

Mr. Fanuele: All in favor? Roll call vote.

Mrs. Rose:

Connie Smith:	Aye
Marsh Leed:	Aye

Frank Malafronte: **Aye**
June Visconti: **Aye**
Robert Valdati: **Aye**
Angela Bettina: **Aye**
Victor Fanuele: **Aye**

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

12-3257/4050 MVK Landscaping-The Red Barn Farm and Nursery To discuss and vote on amending their Site Plan and Special Use Permit application. The property is in an R-20 residential zoning district on 10.681 acre parcel of property and is located at **125 Myers Corners Road** and is identified at **Tax Grid No. 6258-03-165180** in the Town of Wappinger. (Gillespie) (Privitera)

Mr. Privitera: I understand that tonight you are going to consider voting on the resolution that David drafted. Mike (Gillespie) would like to go over some of the changes he made to the site plan. We have also offered language on a couple of opened issues including signage and burning is already on the site plan. We would like to help the board fill in a couple of blanks and answer any questions you might have.

Mr. Gillespie: I think we have taken care of everything that was in Bob’s (Gray) and a few things in David’s (Stolman) letter. First thing I would like to touch on is signage. What needs to be discussed is the seasonal signs. What we are looking for is a way to address it. What is needed are 5 or 6 times a year is some seasonal signage and that compliments the farm use. I would like to know how to put this on this plan so we can make it a fact of record so we can carry on.

Mr. Privitera: David the way you have it drafted you have it saying the site plan will be revised to the satisfaction of the planning board to have the seasonal signage on site. We had offered on page 2 of my July 9th letter language to be put on the site plan to accommodate that condition because the signs are not always in the same place. So this is the question, from the boards perspective do you want me to draw on the site plan exactly where the banners are going to be?

Mr. Privitera: What we offered is this language “This approval allows seasonal signage as typical in the farming agricultural industries up to 6 seasonal signs are permitted in addition to the existing permanent Red Barn Farm sign, which Mike already pointed out is already up there, none of the 6 should be placed any closer to the road than the permanent sign. The signs should be displayed in areas that do not inhibit lines of sight for drivers traveling on the road or entry. Drivers traveling on Myers Corners Road or entering or exiting Red Barn Farm. Each of the 6 permitted signs should be typical banner signs that are no larger than 45 square feet. What most farmers and Red Barn Farm use is off the shelve

banners. They shall not be displayed as permanent signs nor shall they be neon or illuminated in nature. All seasonal signage shall be maintained, secured, and in good condition and shall not be displayed for more than 45 days.” That is the enforceable language we came up with. We are open for suggestions but we are trying to give you something enforceable that is fair to farmers and consistent with what Red Barn does.

- Ms. Visconti: Do you have any problems with that?
- Mr. Stolman: I don't have a problem with the note but it may be good to supplement it with a diagram as well but it seems to me that and I don't know how much signage you have up at one time, but it seems to be a lot of signage.
- Mrs. Visconti: These aren't solid signs. There banners.
- Mr. Roberts: Are you asking 6 banners or 6 times a year?
- Mr. Gillespie: What happens is the code is void of addressing seasonal signs. We are not talking about 6 or 7 signs hanging outside Red Barn. We are talking about temporary sign that come out during a season.
- Mr. Van Kirk: It's not typically one.
- Ms. Visconti: What have you done in the past?
- Mr. Van Kirk: Using the map he shows where the seasonal signs typically are. We are not talking about lining up 6 additional signs down the road, which is typical in the farming industry. The banners are 3 x 15.
- Mr. Stolman: I think a banner is more acceptable than signs that are larger than sheets of plywood.
- Ms. Visconti: I have no problem with banner material.
- Mr. Roberts: The signs in the interior of the property are different than the exterior of the property. I just want to point this out; this is going to be precedence setting.
- Mr. Van Kirk: Our wreath sign is smaller (3x5) than our Christmas tree sign which is the standard 3 x 15. I don't think I ever had 6 sign up at once.
- Mr. Stolman: Let me read from the guide lines from Agra Markets. Mr. Stolman reads the guide lines.

- Mr. Valdati: It also says that a main road needs less signage than a farm on a side road. We need to have language that nails down the amount of signs and the square footage.
- Mr. Privitera: We have no problem with that. We have one permanent 20 foot square sign and we proposed 6 banners because we almost always have 4 to get people in.
- Mr. Van Kirk: The amounts of signs are not for one product. When there is more than one product in season there may be more signs of smaller sizes. Our barn is very close to the road and it shields a good amount of our products in the rear. Even though the speed limit is 40 miles per hour, people do not go 40 miles per hour down that road. I heard this many times that people say I didn't even know you were back here until they see the sign. This is a problem.
- Mr. Stolman: So far in terms of the seasonal signs, perhaps we are talking about 4 banners near the road no closer than the permanent sign. The signage should be no bigger than 3 x 15 and some smaller ones.
- Mr. Priviteri: This is acceptable, David, as you describe it.
- Mr. Roberts: To put this into perspective the ARGA Market guidelines are for farming operations as described under AGRA Market law. Then again this is a hybrid situation. Where we have ARGA Market and then again a nursery as permitted under the town code and with respect to the signage and off premises signage that is generally governed by different provisions and are not permitted in our town. The guidance provided by ARGA Market would apply to those narrated as part of a farm operation as opposed to products brought in such as Christmas trees which would be under the town portion. I can only suggest that what you establish here is only going to set the bases for other similar properties.
- Mr. Priviteri: That is generating confusion. Let me explain how the two laws work together. The state laws says that this town may regulate the selling of Christmas trees at a nursery; you can make a decision in your own town code that 80% or 70% products sold at Red Barn Farm be grown on site. However, this town has decided to define nursery to include things that are grown off site and you have put no limit on the number of things that can be grown off site in your own definition of nursery. Therefore everything we do is protected by state law because we are a farm. There is nothing in the town code that allows the limit of Christmas trees because the definition of nursery says things grown off site are part of a nursery.
- Mr. Fanuele: Can you put two products on one seasonal sign? Put two products on one sign and you'll solve your problem. You could Christmas trees on one side and Mums on the other.

- Mr. Priviteri: I don't think they would fit on the sign.
- Mr. Malafronte: How many signs does Meadowbrook Farms have?
- Ms. Smith: Plenty
- Mr. Malafronte: They have about 4. When they have their Christmas trees, how big is that sign?
- Ms. Smith: It's pretty big.
- Mr. Fanuele: Is signage the only open issue we have?
- Mr. Malafronte: I don't have an issue with it.
- Ms. Visconti: I have no problem with the sign.
- Ms. Smith: Either do I.
- Mr. Stolman: There are a few other issues.
- Ms. Visconti: The thing is, David, you have stated that you are in the process of redoing the entire town signs. We have all discussed that this is a unique farm/nursery. I can't think right off the bat of anyplace else with these conditions. So, yes you are right to say we will be setting precedence. We are working hard to get this done. My question to you is, in the past you had these kinds of banners out there.
- Mr. Van Kirk: Yes.
- Ms. Visconti: In the recent past.
- Mr. Van Kirk: Yes.
- Ms. Visconti: I would state that we had a public hearing and no one carried on about the signs. So maybe we could come up with a solution.
- Ms. Bettina: You don't have to have so many signs, there has to be a way to combine the products to limit the amount of signs. I'm not going to be happy driving down Myers Corners and seeing a lot of signs.
- Mr. Fanuele: Are we going to deal with the signs in the zoning ordinance?
- Mr. Stolman: Someday.

- Mr. Fanuele: Then let's put off the signs.
- Ms. Visconti: No, we are getting this done.
- Mr. Valdati: We couldn't ask a business to do that. It would be condemning their business to a deficit.
- Mrs. Roberti: I would like you to put a time limit on each.
- Ms. Visconti: We already said 45 days.
- Mrs. Roberti: That's 270 days a year for signage just in case someone complains.
- Mr. Valdati: We have to define what a season is, how many signs, and how many feet each sign will be. This way we wouldn't have 6 signs every single season. This has to be clearly delineated. We are supposed to be a precise and exact operation and we do these proceedings to make sure things are documented so that we can operate with enforcement and confidence.
- Mr. Priviteri: If we look at this language and let's try to work with it. We could add a sentence that says no more than 4 of the signs shall be displayed in a manner that they are visible from the road.
- Mr. Van Kirk: We could say that no more than 4 of signs will be 3 x 15.
- Mr. Priviteri: That's enforceable.
- Ms. Visconti: You'll have a sign by the in and out and over by the permanent. So actually you would have 3 signs on the road.
- Mr. Malafrente: That is seasonal signs.
- Mr. Priviteri: Actually 4.
- Ms Visconti: There will be 4 signs on the road. No more than 3 x 15.
- Mr. Priviteri: I think David is more comfortable with saying no taller than 3 feet and no longer than 15 feet.
- Ms. Visconti: Let's address the other issues because you have the flavor of what we want.

- Mr. Stolman: No more than 4 seasonal signs near the road. No more than 45 square feet per sign. Then there would be 2 smaller signs back off of the road. Two would be 3x5.
- Mr. Valdati: Are those placed on the main sign?
- Mr. Van Kirk: They are placed on the Barn. They are not along the road.
- Ms. Bettina: This in addition to the other signs?
- Mr. Van Kirk: Yes.
- Mr. Priviteri: The 45 day limit is because some people buy Christmas trees right after Thanksgiving.
- Mr. Stolman: Would it be 45 days and a 3 day gap?
- Mr. Van Kirk: There usually isn't a 3 day gap between seasons.
- Ms. Smith: He has been doing this all these years and no one complained. They don't look that bad I have passed there many times.
- Mr. Malafronte: Meadowbrook has the big signs up when the apples are ready. There signs in the fields on the side of the road. There are Christmas tree signs. There are about 7 signs.
- Ms. Visconti: I have no problems with the one permanent and the six seasonal signs.
- Mr. Stolman: I think we are passed that and now we are up to the timing.
- Ms. Visconti: Define season.
- Mr. Stolman: What John (Priteri) said that no seasonal sign shall be display more than 45 days and only when crops are in season.
- Mr. Van Kirk: So if it's a 15 day season for sweet corn the sign cannot stay up for 45 days.
- Mr. Fanuele: Can we table this and have a meeting with you?
- Mr. Valdati: We are under a decree to complete this.
- Ms. Visconti: Does anybody have a problem with this.
- Mr. Fanuele: Yes

- Ms. Visconti: Let's do a roll call vote to find out what the majority of the board wants to do. Let's see if the definition of season works.
- Ms. Visconti: I make a motion to accept the definition of season as just read by the town planner and it should be included in the resolution.
- Mr. Malafronte: I second it.
- Ms. Visconti: Roll call vote.
- | | | |
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| Mrs. Rose: | Connie Smith | Aye |
| | Marsha Leed | Aye |
| | Frank Malafronte | Aye |
| | June Visconti | Aye |
| | Robert Valdati | Aye |
| | Angela Bettina | Nay |
| | Victor Fanuele | Nay |
- Mr. Stolman: Reviews with the board the rest of the resolution. Mr. Stolman reviews the burning regulations.
- Mr. Valdati: Will notification be given to the Fire inspector when there will be a burning?
- Mr. Priviteri: Yes and that is on the site plan as enforceable.
- Mr. Van Kirk: Explains the entrance to the farm and the DOT's response.
- Mr. Roberts: Questions who should comment on the entrance since this is a county road. Mark (Van Kirk) needs to get the entrance situation resolved. Dutchess County of Public Works must be satisfied with the access.
- Mr. Priviteri: Does this mean the resolution will not be finalized?
- Mr. Stolman: It will be signed by the chairman and Mark (Van Kirk) and before the site plan gets signed and the second signature on the resolution.
- Mr. Gillispie: There is no hesitation just a time issue.
- Mr. Stolman: Based on the conversation with the attorney to the town this afternoon under signage the site plan will be revised with the following note.
Mr. Stolman reads: Pursuant to stipulation 240.55 of the town zoning code.....

Mr. Valdati: I make a motion to move the resolution.

Ms. Visconti: I second it.

Ms Smith: Roll call vote.

Mrs. Rose:	Connie Smith	Aye
	Marsha Leed	Aye
	Frank Malafronte	Aye
	June Visconti	Aye
	Robert Valdati	Aye
	Angela Bettina	Aye
	Victor Fanuele	Abstain

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

12-3259-Fun Central Child Care: To discuss and vote on amending the applicant's site plan to include daycare for an after school program as an accessory use. The property is in an HD district on 2.95 acres and is located at **1630 Route 9** and is identified as **Tax Grid 6158-04-551329** in the Town of Wappinger (Redl)

Ms. Visconti: Do we have a resolution?

Mr. Stolman: We do. Mr. Stolman discusses some of the changes that will be made.

Ms. Jennifer Van Tuyl: This resolution does not authorize any access of buses to this site from Route 9. That way we are making it clear that we are implicating the states jurisdiction.

Mr. Roberts: Do you ever use Route 9.

Ms. Lawrence: Never. I had 15 buses there today.

Mr. Stolman: The question is you have a curb cut out.

Ms. Lawrence: Yes, but you cannot get a bus in that way.

Mr. Stolman: What we are trying to do is set jurisdiction.

Ms. Lawrence: I don't think it was designed for a bus.

Mr. Roberts: Two things. First we are not authorizing any bus entrance on Route 9 and second you will comply with any jurisdiction or mandate from NYSDOT.

Ms. Jennifer Van Tuyl: That's fine.

Mr. Fanuele: Do they leave on Route 9.

Ms. Lawrence: No.

Mr. Fanuele: Let it say no buses enter or leave on Route 9

Mr. Valdati: I would like to move the resolution.

Ms. Bettina: I second it.

Ms. Visconti: Roll call vote.

Mrs. Rose:

Connie Smith:	Aye
Marsha Leed	Aye
Frank Malafronte	Aye
June Visconti	Aye
Robert Valdati	Aye
Angelia Bettina	Aye
Victor Fanuele	Aye

Ms. Bettina: I make a motion to adjourn our meeting.

Ms. Visconti: I second.

Respectfully Submitted,

Sue Rose, Secretary
Planning Board