

MINUTES

Town of Wappinger Planning Board
August 6, 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:	Absent
Ms. Bettina:	Absent	Mrs. Smith:	Member
Ms. Visconti:	Member		

Others Present:

Mr. Gray	Engineer to the Town
Mr. Roberts	Attorney to the Town
Ms. Stolman	Planner to the Town
Mrs. Roberti	Zoning Administrator
Mrs. Rose	Zoning Secretary

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Kaplan Insurance	PH Closed-Another submission-On September 5 th Agenda
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Discussions

Stonegate	Awaiting new application.
BVA	PH September 5 th
Osborne Square	Complete set of plans-on agenda for September 5 th
NYCDEP Shaft 6	Resolution Moved

Miscellaneous:

Alto Music	Modify original resolution to show changes
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Extension:

Wappinger Farm Estate	Six Month Extension Granted
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Conceptual:

North River Hops & Brewing Brewery & Tasting Room	To make formal submission
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Mr. Fanuele: The first item on the agenda is the approval of the minutes from April 5, 2010, May 3, 2010, May 17, 2010 and June 7, 2012.

Ms. Visconti: I make a motion to accept the minutes from April 5, 2010.

Mr. Malafronte: Second.

Ms. Rose:

Connie Smith	Aye
Marsha Leed	Aye
Frank Malafronte	Aye
June Visconti	Abstain
Victor Fanuele:	Aye

Ms. Visconti: I make a motion to accept the minutes from June 7, 2010.

Ms. Leed: Second.

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

12-3256 Kaplan Insurance Agency: To vote on 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)

Ms. Visconti: I move to open the public hearing.

Mr. Malafronte: Second.

Mr. Fanuele: All in favor?

Board: Aye

Mr. Povall: My name is Bill Povall and I am the engineer for the applicant. We have a ½ acre parcel which is located on the east side of Barrister Row. It is an existing building that Kaplan Insurance is looking to move into. It will continue the use of the building as an office. The main renovations that we are proposing are to remove the front entrance and move the access to the building to the rear. We will also be shifting the parking to the rear to provide better parking. As part of this improvement, we will be providing a handicap ramp. We will also, be providing parallel spaces in the front of the building. We are required by zoning to provide 6 parking space and we will have 6 spaces. With this improvement there will be landscaping.

Mr. Pilon: My name is Paul Pilon and I am the architect for the applicant. We will be using the same foot print of the building. We will be removing the sunroom from the front of the building and the back porch from the building. We will be replacing it with an open air

back porch which will be the entrance into the building. The square footage will not change. It is a two story building and the first floor will be renovated with a handicap bathroom. The second floor will stay the same except we will be changing the windows. The only alteration on the exterior of the building will be changing of the siding and the windows. We will be using vinyl siding that looks like shake and stone on the lower half. As far as signage is concerned, we have a 24.5 square foot sign on the building and one free standing sign in front of the building.

Mr. Fanuele: Is there anyone in the audience have any comments. They are no comments.

Ms. Visconti: I move to close the public hearing.

Ms. Leed: Second.

Ms. Rose: Connie Smith Aye
Marsha Leed Aye
Frank Malafronte Aye
June Visconti Aye
Victor Fanuele Aye

Ms. Visconti: What is the next step?

Mr. Povall: I know we have gotten comments from the professionals. With tonight's meeting, we made the suggested changes. We will now submit it to the board and this will be sent back to the professional for their review. That submission will be in response to the comments.

Ms. Smith: At the last meeting you said you where supplying 9 parking spaces but you are only required 6 and tonight you are only doing 6.

Mr. Povall: We included in the submission the 4 spaces in the back and there were 4 existing in the front. One of the comments from the Town Highway Superintendent is not to have those parking within the towns right away. That is why we now have two parallel spots.

Ms. Visconti: They will make another submission and get on the agenda again.

Mr. Fanuele: Next on the agenda is:

12-3260/Stonegate Site Plan – To amend their existing site plan (1998) for a non-conforming boarding house. The property is located at **Old Post Road** and is identified as Tax Grid No. **6157-02-641504** in the Town of Wappinger. (Berta)

Ms. Visconti: I would like to let the board know the Mr. Shah is a client of mine. I will comment but not vote.

- Mr. Cantor: My name is Richard Cantor; I am the attorney for Mr. Shah. We are here for discussion not the application. The owner of this project is here to discuss the modification of the multi-family improvements and to this is intending to approach the Town Board to make some minor zoning amendments. At the request of the professional, they thought it would be helpful if we explained what we were thinking about so when we approach the Town Board and when the Town Board refers the matter to you, you would have the benefit of some brief discussion.
- Mr. Berta: My name is Michael Berta and I am the architect for this project. What we have is an existing boarding facility that at some time ago had a fire. (Pointing to the map) The fire was in building B we went through and renovated. It was a non-conforming use we increased the non-conformity and what we are asking for is to get the non-conformity approved. We are talking to the professionals about it. There has been conversion about rezoning and the moving of the line. (Pointing to the map) What we have here is the existing building here. We will be leaving the façade as is. We will be adding a little parking in the back. We will be converting a small shed into an office that will operate 2 hours a day. Down the road, there will be landscaping
- Ms. Smith: You are non-conforming now?
- Mr. Berta: As it stands right now, I believe so. We are working with the town to get this in line.
- Mr. Roberts: Please explain exactly what you are doing?
- Mr. Berta: The fire was in the caretaker's apartment, Building B. What we did was take the existing space and make additional boarding rooms. We added 8 additional rooms into the existing building. We didn't add any additional square footage. We just reconfigured and added additional rooms. That was the increase to the non conformity. What we are looking for is to have the owner use it.
- Mr. Roberts: This property has a long history. There was a trailer park to the interior and the trailer park was removed many years ago. There were many renovations done to the existing building. The building contained boarding rooms and one apartment. In around 1999 they came to the board and a resolution was adopted to identify the various uses as existed back in 1999. After the fire there was some confusion on what could be done and not done. There were some buildings permits issued and then revoked. The matter was addressed by the Town Board when they adopted the latest revision to the comprehensive plan. The intent here is to identify certain areas within the town where boarding houses would be permitted. It is to legalize this particular use which has been a long standing boarding house for the last 30 or 40 years and what you are being presented with is an understanding, if it goes there, what the Town Board adopts the zoning amendment and if the plan goes through.
- Mr. Berta: (Pointing to the map) currently the line goes through HB and the R right here and we are looking for the line to go back here. So the front of the property will be in the HB zone.

- Mr. Stolman: I don't think that is exactly the case.
- Mr. Berta: According to the map I have, the line goes right through the property here.
- Mr. Roberts: The current zoning not the prior zoning.
- Mr. Berta: The prior zoning also. That was part of the issue.
- Mr. Cantor: The effort is to work cooperatively with the town consultants and then to approach the Town Board so we can hopefully go forward with a conforming project that will allow a limited amount of rooming units.
- Ms. Leed: Is the property occupied now?
- Mr. Berta: The rooms that are allowed to be occupied now are occupied. There are 5 or 6 rooms that we are not using.
- Ms. Smith: How many units are there?
- Mr. Berta: We are proposing 5 studios and 37 boarding rooms and 1 caretaker's apartment.
- Mr. Stolman: If you turn to the back of the memo, if you look at the columns on the right side of the chart that is what this proposal is. It provides information building by building.
- Mr. Malafrente: This is going to be a boarding house?
- Mr. Berta: Yes.
- Mr. Malafrente: Then the requirements for the 10 acres are because it's non-conforming? At looking at the drawing you got all these rooms and they have kitchenettes in them if you go boarding room it says you cannot have kitchenettes. You are suppose to have 10 acres but you only have 2 ½ acres.
- Mr. Stolman: What says you need 10 acres?
- Mr. Malafrente: Your boarding room site.
- Mr. Stolman: We don't have zoning for boarding room sites. This facility has been a non-conforming use. Prior the comprehensive plan and the zoning change the entire property was an R-20. If you look at the older zoning maps, the entire property was a R-20. The intention of the comprehensive plan and the current zoning map it shows that the existing buildings on this site are in the HB zoning district. The rear half of the property is still R-20. The intention is to allow this kind of use under zoning under certain density and certain density is being shown on this plan. The Town Board in establishing zoning to legitimize this from taking this from non-conforming to conforming will sign a certain density to this project.

- Ms. Smith: So it's always been non-conforming. I thought if you changed anything you had to bring it into conformity?
- Mr. Roberts: That is correct.
- Mr. Berta: That is where the confusion started years ago. It was a miss understanding after we submitted the application after the fire.
- Ms. Visconti: That is why they are going to the town board. They want a formal rezoning to bring it into compliance.
- Mr. Roberts: The town zoning code defines a boarding house but did not define where the board house could be located. The purpose here is to straighten all this non-conforming and make it a conforming use. We need to get an appropriate site plan and appropriate number of units.
- Mr. Malafronte: Does this require a caretaker?
- Mr. Stolman: It depends.
- Mr. Malafronte: It depends on the Town Board. They will have to modify to make this fit.
- Ms. Visconti: That's their job.
- Ms. Smith: They will have to get a rezone?
- Ms. Visconti: Correct. They will have to go there before coming back here.
- Mr. Roberts: They have to come back with an approved site plan and then they can go forward with the reservations.
- Ms. Smith: If they get a rezone, will they be in compliance?
- Mr. Roberts: They have to get the rezone from the Town Board.
- Mr. Stolman: They will be getting a zoning amendment.
- Mr. Cantor: We are trying to clean this up to make it conforming.
- Mr. Malafronte: Is Old Post Road a county or a state road?
- Mr. Roberts: It was a state road. The maintenance was given to the Town of Fishkill due to an error and now the maintenance belongs to the Town of Wappinger.
- Mr. Cantor: We hope to see you shortly with an application that you will be able to approve.

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

06-5120 / BVA Construction – To discuss amending their subdivision application from a proposed three lot subdivision to a two lot subdivision on 17.288 acres in an R-40 zoning district. The property is located on **Kent Road** and is identified as **Tax Grid No. 6257-02-513975** in the Town of Wappinger. (Barger) (PH closed on July 17, 2007)

Mr. Burns: My name is Steven Burns and I am the engineer on this project. Since I was here the last time I have updated the plans a little bit but I don't have the changes with me. There are some changes David and I need to iron out. There are some wetland comments from previous memos that need to be addressed. I did not submit before I respond to those comments.

Ms. Visconti: What are you doing here tonight?

Mr. Burns: I was put on the agenda for my first submission and after I submitted the 2 lot subdivision concept I received comments and that is why I'm here.

Mr. Stolman: With respect to the wetland comment, Steve and I had a conversation. I'm going to go back and go over my notes to see if Steve and I are on the same page because the wetland comments are the largest part of our report. We have to see if those comments are valid or not. Are we going to need a new public hearing on this matter?

Mr. Burns: We have lower our lots and made a different access.

Mr. Roberts: I would have a public hearing because of the reconfiguration and any impact on the adjoining property owners.

Ms. Visconti: Can we plan a public hearing tonight without the submission?

Mr. Stolman: Yes, a public hearing for the next meeting.

Ms. Visconti: Sue, when is the next meeting?

Ms. Rose: September 5th.

Ms. Visconti: I move to set the public hearing for September 5th.

Mr. Stolman: There are a number of things that need to be responded to if you could make the submission before now and the next meeting.

Mr. Malafronte: When there is a modification to a site plan don't you need to submit a whole site plan addressing the issues.

Mr. Roberts: It's not a site plan it's a subdivision and the answer is yes. There will be new engineering that is why we are having a new public hearing.

Mr. Fanuele: The next item on the agenda:

08-3162 / Osborne Square (Formally Bank Plaza): To discuss amending their approved site plan that includes two new commercial buildings for a total of 16,205 sq ft on 2.138 acres located in an HB Zoning District. The property is located at **1145 Route 9** and is identified as **Tax Grid No. 6157-04-649068** in the Town of Wappinger. (Day)(Approved on January 5, 2011)

Mr. Lund: My name is Kevin Lund owner and my project engineer Jason Morris. I am here to discuss some modification to Osborne Square. We had original approval. (Pointing to a map) The building is smaller than the one originally approved. We took the square footage that you approved for the other site and added it to the second floor of this retail office building. I have met with Bob Gray and David Stolman. The county granted us full access on to Osborne Hill Road. We did add a drive around the building for easy access. Mr. Lund hands out maps with color changes on it. Mr. Lund continues to use the map as a focal point as he explains Osborne Square.

Ms. Visconti: How many offices are you going to have on the second floor?

Mr. Lund: Approximately 5 spaces and that is flexibly.

Ms. Visconti: What do we need to do now?

Mr. Stolman: Bob and I have reviewed this. I don't want to speak for Bob but we can revise the resolution for approval. The footprint is basically staying the same so I think we can modify the resolution. The Planning Board can entertain that and any changes between now and then Bob and I can identify and add them to the resolution.

Mr. Fanuele: A second floor is being added, that is not a big enough change?

Mr. Stolman: You could hold a public hearing but there is nothing much more than that.

Ms. Visconti: I don't have a problem with this.

Mr. Roberts: If you determine this is a significant change, than you can have a public hearing.

Ms. Smith: I don't have a problem with it.

Mr. Roberts: Is there an impact on traffic or drainage?

Mr. Gray: I think it is an improvement.

Mr. Malafronte: Do you have all the permits?

Mr. Lund: We have the county and the state. The only one we held off on is DEC because we did not know the calculations.

Mr. Gray: The condition of the site plan needs the same approvals as the previous site plans.

Mr. Malafronte: Is it set back enough from the highway? Does it meet all the setbacks?

Mr. Gray: We had a meeting last week and they were more than half way through showing the grading on the engineering plans. What they showed was an architectural drawing just showing the changes in concept.

Mr. Malafronte: Is the last thing the public works?

Mr. Lund: We have done that. We had to go to the neighbor to get a site plan easement. They are now reviewing the legal language for the easement.

Mr. Fanuele: How about parking?

Mr. Lund: We are already land banking 4 of the spots. We have no parking in the rear of the building where the retail stores will be. (Pointing to the map, Mr. Lund shows the parking areas and the landscaping).

Ms. Visconti: I make a motion to authorize David to amend the resolution as discussed and waive the public hearing.

Ms. Leed: Second.

Ms. Rose: Connie Smith Aye
Marsha Leed Aye
Frank Malafronte Aye
June Visconti Aye
Victor Fanuele Aye

Mr. Stolman: I will need a complete set of drawings.

Ms. Visconti: You will be on the agenda for September 5th.

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

05-5110 / Wappinger Farm Estates. The applicant is requesting their eleventh extension on preliminary subdivision approval for 6 months for a 19 lot subdivision on 60.620 acres. The extension would start on September 3, 2012 and expire on March 3, 2013. The property is located on **Robinson Lane** and is identified as **Tax Grid No. 6459-03-110235** in the Town of Wappinger.(M. White)(PH: 2-6-06 Closed PH 3-19-07 / LA: 9-19-05)(Granted Re-Zone 12-26-07 /Preliminary granted 1-7-08, first extension Jan.2, 2009, second on Feb, 2, 2009 and third July 2, 2009, fourth to January 1, 2010, fifth to July 1, 2010, sixth to January 3, 2011, a seventh extension to July 2, 2011, eighth extension to January 3, 2012, ninth extension to March 7, 2011, tenth extension to September 2, 2012).

Mr. Morse: My name is Jason Morse from Day Engineering. We took over this project when Spectra closed their doors. The original surveyor was from Spectra and they are not willing to do anymore surveying on the project. So we had to hire a new surveyor to resurvey and to stamp the drawings. As soon as I get the drawings back from the surveyor, I can than address the comments from Morris and Associates.

Mr. Roberts: When do you think they will be coming in?

Mr. Morse: He just finished the survey last week and is now compiling the data. I expect it in the next two weeks.

Mr. Roberts: Are you looking to proceed to conclusion quickly because the piece closest to the creek where the proposed dedication is going needs drainage work to be put in before the dedication. It is my understanding that the drainage work is going to improve the drainage in that whole area. This is way behind schedule. What date are you looking at for final approval?

Mr. Morse: To be honest I don't know. The survey was just done.

Mr. Roberts: Has anything been submitted to the health department?

Mr. Morse: No because the septics depend on the new plans.

Ms. Visconti: I make a motion to grant the extension for six months.

Ms. Smith: Second.

Mr. Malafronte: Do all the code requirements have to be met up to date?

Mr. Gray: Yes.

Mr. Roberts: The property was rezoned to accommodate this project.

Mr. Malafronte: Based on the changes, do we have to have another public hearing to address the changes?

Mr. Roberts: If they're not substantial changes, the answer is no.

Mr. Gray: Frank, this plan has preliminary approval.

Ms. Rose: Connie Smith Aye
Marsha Leed Aye
Frank Malafronte Aye
June Visconti Aye
Victor Fanuele Aye

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

11-3246/Alto Music – To discuss windows that were installed different from approved site plan. Applicant would like to have escrow for windows refunded. The property is located at **1676 Route 9** and is identified as Tax Grid No. 6158-04-530446

Mr. Hirsch: My name is Paul Hirsch. We made a change in the exterior windows. Originally we had proposed flat aluminum panels with silver bars. I had a number of contractors trying to do this and it never worked out. It then looked like prison bars and it never achieved what I wanted. Using the same material, we went with the graphics. (Referring to pictures of the building, Mr. Hirsch explains the changes in detail).

Ms. Visconti: Why did you make the change without coming back to us?

Mr. Hirsch: Please forgive me but after working with a number of contractors and being told the original cannot be done and after two months of trying to find someone to get it done it and I found someone to make a professional and neat product.

Mr. Stolman: We can take the old resolution and amend it showing the new windows. Also you have a drawing on file that isn't correct anymore so we need a new drawing showing the change.

Ms. Visconti: I make a motion to authorize the planner to modify the resolution showing the changes in the exterior windows.

Ms. Smith: Second

Ms. Rose: Connie Smith Aye
Marsha Leed Aye
Frank Malafronte Aye
June Visconti Aye
Victor Fanuele Aye

Mr. Fanuele: Next on the agenda is:

12-3261/North River Hops and Brewing Brewery & Tasting Room – To discuss a wholesale brewery, tasting room and sale of promotional items. The property is located at **110 Airport Drive, Suite A** and is identified as **Tax Grid No. 6259-02-680540** in the Town of Wappinger

Ms. Stabell: My name is Nicole Stabell and this is my mother Felicia Fischetti. We are here because we are interested in opening a brewery on Airport Drive. My husband has been home brewing beer for a number of years. The zoning says we can have a brewery but we need to have a tasting room so people can taste our product. This is where there is a problem. We are not opening a bar or a restaurant. We would like people to come in tour our brewery and buy some beer to go.

Ms. Visconti: I have no problem with the brewery part of it and I understand the tasting bar. I also assume that people will want to purchase tee shirts and posters. What is a growler?

Ms. Stabell: It is a glass container that you have draft beer put into and it's capped. It is then technically a closed container. They can then take it home and drink it but they are not legally allowed to drink it on our property.

Ms. Visconti: How many people are you anticipating for a tasting?

Ms. Stabell: People will not have to make appointments; there will be scheduled hours for tasting.

Ms. Visconti: On an annual basis, how many kegs are you going to be brewing?

Ms. Stabell: We are starting off small. There will be three or four different beers. We have the capacity to have eleven tanks.

Ms. Visconti: The problem I am having is the public coming to an industrial park.

Mr. Roberts: What would your hours of operation be?

- Ms. Stabell: We are looking at Friday 4pm to 10pm, Saturday 12pm to 10pm, and Sunday 12pm to 6pm. We would like to close at 8pm but if needed we would go to 10pm.
- Mr. Roberts: One of the concerns is they do not want to turn it into a night spot because it is not zoned for that.
- Ms. Stabell: We have family and that is not what we want and we are flexible with the hours you want. We are not going to be licensed to be a bar.
- Ms. Leed: Are you selling other peoples products?
- Ms. Stabell: No.
- Mr. Roberts: Where are you getting your water from?
- Ms. Stabell: There is a well on site.
- Ms. Visconti: I think it's a good idea. You just need to get the hours straight because I don't want it to turn into a night spot. The next step is that they would need to make a formal submission?
- Mr. Stolman: Yes.
- Mr. Fanuele: The item on the agenda is:

11-3224 / NYCDEP Shaft 6 – To accept findings statement and vote on site plan approval for the NYCDEP on River Road in conjunction with the construction activity associated with the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT) repair program, an approx. 45 mile section of the Delaware Aqueduct that conveys approx. 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)

- Mr. Villari: My name is Chris Villari.
- Ms. Visconti: We have a resolution and an amended site plan development plan.
- Mr. Stolman: There is the finding statement that was sent to you last week and a resolution of an amended site plan approval and on your desk are revised versions. The changes are double underlined. We will go over the finding statement first.
- Mr. Malafrente: Were the variances granted?
- Mr. Stolman: They were granted last Tuesday night. The resolution addresses the variances.

- Mr. Stolman: Goes over the changes in the finding statement.
- Ms. Visconti: Do we need to vote on the changes.
- Mr. Stolman: The adoption of this document is in the resolution.
- Mr. Stolman: Next are the changes in the resolution amended site plan approval.
Mr. Stolman explains the changes.
- Ms. Visconti: I noticed that you are going to have a liaison through 2021.
- Ms. Visconti: I move the resolution as presented by the planner with the SERQA findings with corrections.
- Ms. Smith: Second.
- Ms. Rose:
- | | |
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| Connie Smith | Aye |
| Marsha Leed | Abstain |
| Frank Malafronte | Aye |
| June Visconti | Aye |
| Victor Fanuele | Aye |
- Ms. Visconti: I make a motion to close the meeting.
- Ms. Smith: Second.
- Mr. Fanuele: All in favor?
- Board: Aye.

Respectfully,

Sue Rose, Secretary
Planning Board