

MINUTES

Town of Wappinger Planning Board
September 17, 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:	Member	Mrs. Smith:	Member
Ms. Visconti:	Member		

Others Present:

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

SUMMARIZED

PROJECTS DISCUSSED:

OUTCOME

Public Hearing:

Chapel of Sacred Mirrors (COSM)	-PH – Adjourned until Oct 1 st
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Discussions:

Kaplan Insurance Agency	Resolution Approved
Captain's Q Lounge	Application to be submitted
Grace Bible Church Clothing Shed	Application to be submitted
Gas Land (1831 New Hackensack Rd)	Application to be submitted
Cablevision	Amend original resolution

New/Old Business:

Knights of Columbus---Rt 82	Change accepted
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Mr. Fanuele: The next item on the agenda is a public hearing for:

12-4051- The Town of Wappinger Planning Board will conduct a public hearing pursuant to Article IX, Section 240-87 and Section 240-37 of the Town Law, on the application of **Chapel of Sacred Mirrors (COSM)** – To discuss their proposed site plan for an art studio/gallery, including a small addition to their existing Carriage House on 38.74 acres in an R40/80 zoning district. The property is the **former Deer Hill Conference Center located on Wheeler Hill Road** and identified as **Tax Grid No. 6057-02-834604** in the Town of Wappinger. (Cappelli) (LA 8-9-12)

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

Ms. Leed: I second.

Mr. Fanuele: All in favor?

Board: Aye.

Mr. Cappelli: My name is Al Cappelli, I am the architect for COSM and for those of you that are not familiar with COSM I will go over what we are proposing. (Pointing to the map) Mr. Cappelli explains the layout of COSM. He shows what buildings are on the site and where the developments are. There will be improvements to the site besides changing the carriage house to an art gallery. There will be improvements to the parking and widening the driveway, changes to the carriage house to accommodate the new art gallery. The other buildings on the site have a multitude of purposes from a home for Alex Gray, the artist; there is a caretaker's cottage, an administrative building, and the main house. The small little addition will change the use of the building to an art gallery and adding some parking to the north side of the property.

Ms. Leed: Can you explain the hours of the art gallery.

Mr. Cappelli: It will be the art of Alex Gray. The hours have not been established yet. It will not be a seven day operation. It may be four or five days a week and may be from eleven to five or six.

Ms. Leed: It is only for exhibition not for sales, right.

- Mr. Cappelli: Correct, I call it a gallery but it is really an exhibition hall.
- Mr. Fanuele: Any comments from the audience?
- Mr. Mirtuono: My name is Carmine Mirtuono and I live at 13 Bowdoin Lane. What is the occupancy of that building? We are guessing no more than fifty people. What is the meaning of a special use permit?
- Mr. Roberts: A special use permit is a use that is permitted in the zoning district but the Town Board deems there should be extra consideration to make sure the facility is capable of this type of use. There will be a separate determination with respect to the special use permit but it is something permitted in the particular zoning district.
- Mr. Mirtuono: Does that include the special events? Some of the events go way into the night and has caused problems. They keep families awake at night and there are traffic problems. It has been a challenge to the community. I believe the noise ordinance has been exceeded a number. The noise has gone on way past eleven o'clock. There has been fires burning and banging on drums. These seem to happen when there is a full moon.
- Mr. Roberts: Open burning is not permitted and if this is happening we will have to look into this.
- Mr. Mirtuono: Does that fall into the special use permit.
- Mr. Roberts: The special use permit is being proposed for the application. The new noise code is going to be presented to the Town Board. It has taken some time because we had to take into consideration the work that is being done down in Chelsea.
- Mr. Mirtuono: What is the time for the current code?
- Mr. Roberts: It is 10PM but it is difficult to enforce, the new one will be much easier.
- Mr. Mirtuono: How will we know when this new code takes effect?
- Mr. Roberts: It will be published. If you have noise issues or burning issues you need to contact the zoning administrator.
- Mr. Mirtuono: How is this new noise ordinance going to be different than the old one? Will it be easier to enforce?
- Mr. Roberts: There will be certain parameters. There will be certain decimal if coming from a house after 10pm they will be in violation and there is equipment to measure that. There is also another method called Planning Audio Sound.

- Mr. Alpert: My name is Shannon Alpert and I live a 7 Bowdoin Lane. I have a question about the water usage. Do they fall under the Tall Trees District? We are always told to conserve water.
- Mr. Cappelli: We have our own wells and septic system.
- Mr. Alpert: Is there a special use permit for that property now?
- Mr. Roberts: Not to my knowledge.
- Mr. Alpert: The traffic that you are planning to develop with people coming in to see the art gallery will they be using the main driveway?
- Mr. Cappelli: Our only access is off of Wheeler Hill Road.
- Mr. Mirtuono: Since they do not have a special use permit, that means they are in violation.
- Mr. Cappelli: We are here tonight to get a approval for this building.
- Mr. Mirtuono: What about the current activity?
- Mr. Cappelli: They are in their rights to do everything that they are currently doing on their property except for turning that building into an art gallery.
- Mr. Alpert: Does that house date back to the same age as the main house? You had said that the main house was 100 years old.
- Mr. Cappelli: Yes it does.
- Mr. Alpert: Is the work allowed to be done on that building because of its age? It doesn't fall into a historical district.
- Mr. Cappelli: The plans have been forwarded to the state and their findings were there would be no significant effect to the neighborhood or the environment or anything like that.
- Mr. Mirtuono: On two occasions I have had people come on my property and I had to call the authorities. One time it was four in the morning and the person was on drugs. Some of my concerns are that there are going to be more activities and more people. People park on our street and walk through our property to get there.
- Ms. Visconti: Did you call the police?

- Mr. Mirtuono: Yes.
- Mr. Reese: My name is Alex Reese and I live at 89 New Hamburg Road. My property abuts the COSM property. We have a rental farm house that is close to the boarder. I think COSM has done a very good job taking care of the buildings on the property up till now. I have nothing against them putting an art gallery but I would like to see some adequate screening along the property line to insure that whatever happens at the new art gallery cannot be seen from the house next door or from the agricultural fields.
- Ms. DiMase: My name is Diane DiMase and I live at 7 Amherst Lane. My concerns are the traffic and commotion in our quiet community. In the last couple of years I have seen a lot. I am worried about the events and the gallery. It will be a lot more traffic for our quiet little community and the events they do have run very late.
- Mr. Cappelli: The traffic we are talking about for this gallery will be minimal. Alex has a gallery in Manhattan and there were a hand full of people.
- Mr. Mirtuono: Cars accumulate waiting for the gates to open for an event. That is our main road. There is no other way in or out for us.
- Mr. Cappelli: Those events have nothing to do with my art gallery. The events currently exist and will continue to exist.
- Mr. Mirtuono: It will generate more people.
- Mr. Cappelli: The gallery is opened in the day and the events are at night.
- Ms. Leed: Can you explain the parking on the side of the road.
- Mr. Cappelli: One of the concerns the Planning Board had was during the full moon events. We are widening and improving both driveways and along with that we have allowed 100 parking spaces and that is not counting the fields. This is the first time I'm hearing there is parking off site.
- Mr. Alpert: You say you are putting in addition parking, is that strictly a parking lot.
- Mr. Cappelli: The parking behind the carriage house and next to the office takes care of the day to day operation and visitors. The overflow parking is alongside the driveway during the once a month events.
- Ms. Smith: Are they saying there is parking on Wheeler Hill Road?
- Mr. Mirtuono: While they are waiting to get in.

- Ms. Visconti: Do you have people directing traffic when they get in there?
Mr. Cappelli: Brian, who is the project manager, has a staff working at these functions to show where people should park.
- Ms. Visconti: Wasn't there a sign when it was Deer Hill Conference Center?
- Mr. Roberts: I remember there being a sign.
- Mr. Cappelli: There is a sign that says COSM right as you go in.
- Mr. Albert: How do we address the noise after 10 PM?
- Ms. Roberti: To date I have never gotten a noise complaint about COSM. I will ask the fire inspector about the open burning.
- Mr. Mirtuono: Well you are getting them tonight. Do these count?
- Ms. Roberti: Yes, I've been taking notes. If it's after a certain hour, you can call the police. The police have not contacted me concerning any problems on the weekend.
- Mr. Alpert: Do you need the State Police, Sheriff's Dept, or the Village Police to call you every time there is a complaint?
- Ms. Roberti: It would be helpful, I don't know if they will.
- Diane DiMase: You said before that you would look into the burn permit, a couple of years ago I was so scared with all the smoke coming at me. I called them and they said they had a burn permit.
- Mrs. Roberti: I am under the impression that they had fire permits and I will check with the fire inspector.
- Mr. Cappelli: When you have a problem with a neighbor you knock on their door and speak to them. Has anybody contacted the Grays?
- Mr. Roberts: I agree with Mr. Cappelli. I think if you have a problem you should speak to the Grays.
- Ms. Visconti: This is why we had this public meeting so you could all express your opinion. We need to document the complaints so please call Barbara Roberti.
- Mr. Alpert: The plans for the addition to the carriage house as well as the addition to the parking area, does all of it have to be approved before it can commence?

- Mr. Fanuele: Yes.
- Ms. Roberti: No building permits can be issued so work cannot be done on this building until the Planning Board approves it.
- Mr. Cappelli: I believe I can add on if I kept it a carriage house. As a non-art gallery, I could add on with a building permit.
- Mr. Alpert: That was my question. Can you make it larger compared to what it is? Can you double the size?
- Mr. Cappelli: We cannot double the size. We need a side yard variance, so you will be getting another letter concerning a public hearing notice because we are too close to the property line. My additions are extending non-conformity.
- Ms. Visconti: The variance that they are requesting is because they need 40 feet and they only have 14.6 feet and it's on the back of the building.
- Mr. Alpert: On what side?
- Mr. Cappelli: On Wheeler Hill and what I call the east side. We are putting an addition on the Wheeler Hill side and a lobby on the east side of the carriage house.
- Mr. Alpert: I have looked at the plans in the back and those plans are to change the existing carriage house into art gallery.
- Mr. Fanuele: You have brought up a lot of good points that don't deal with the carriage house. You know if these issues happen again what you have to do.
- Ms. DiMase: Early you asked about proof concerning the noise and the fire. Should we take pictures of these issues?
- Ms. Roberti: It is not necessary.
- Ms. Weaver: My name is Esther Weaver and I live in Highland, NY. I am not from around here; I live about ½ hour away in Ulster County. I would regularly go into the city to the Chapel of Sacred Mirrors to see Alex Gray's work. He is international known. I am not an artist and I go to appreciate his art. They would have exhibits of other visionary artists. I think this would be wonderful for the whole Hudson Valley. I understand your concerns about noise but this would be such a positive addition for artists and art lovers to have this place. I would go to the city for events and to his gallery since this place has been up here I go the location up here. It is an extraordinary experience.

- Ms. Visconti: We understand your views and the town does have an art gallery in their code, it's just that the people here have to feel comfortable with the situation.
- Ms. Weaver: I would like it on record that to some of us it is important.
- Ms. Visconti: Should we adjourn or close the public hearing?
- Mr. Roberts: I think the public hearing should be left open so we can have the record clear and the fire inspector report and the noise report.
- Ms. Visconti: October 1st or October 15th?
- Ms. Roberti: October 1st is fine.
- Mr. Malafronte: Before I vote on the declaration, do I need supporting documentation?
- Mr. Roberts: Yes, that is why it has to be scrutinized and may have to be amended due to the comments here. It is premature to accept a vote.
- Ms. Visconti: I make a motion to adjourn the public hearing and revisit it on October 1st.**
- Ms. Smith: Second.**
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| Ms. Rose: | Connie Smith | Aye |
| | Marsha Leed | Aye |
| | Frank Malafronte | Aye |
| | June Visconti | Aye |
| | Robert Valdati | Absent |
| | Angela Bettina | Aye |
| | Victor Fanuele | Aye |
- Mr. Cappelli: What is going to happen between now and then that has to do with my project?
- Mr. Roberts: It has to do with the special permit.
- Mr. Malafronte: Do we need a narrative with the special use permit?
- Mr. Roberts: We will be discussing this with David. There will be findings that will be included in the resolution.
- Ms. Bettina: (To the audience) all of your questions and comments will be addressed.
- Ms. DiMase: You said the new noise ordinance may go into effect October 9th.

Mr. Roberts: No I didn't say that. I said it would be introduced.

Mr. Malafronte: If you want more information, you can go on our website. The zoning code is on our website.

Ms. Roberti: As soon as a law is updated and it goes to the state. It is then updated in E-Codes. The new noise ordinance will not be there because it has not been adopted yet by the Town Board. When you open up E-Codes, there is a search, just type in noise ordinance.

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

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) (PH opened & closed August 6, 2012)(Resolution approved 9-17-12)

Ms. Smith: Was a note added about the four foot high wall?

Mr. Gray: It will be in the resolution.

Mr. Povall: It will be part of the conditions.

Mr. Gray: It is just a minor condition and it will be part of the resolution.

Mr. Povall: The only thing I saw in the resolution is that a correction is needed on the first page. The existing square footage to remain is 1,620 that is with the two floors.

Ms. Visconti: I make a motion to except the resolution with the amended change.

Ms. Smith: Second.

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

Mr. Fanuele: Next on the agenda is:

12-5165/Captain's Q-Lounge-To discuss a proposed Billiard Parlor with a restaurant/kitchen, and a small pro shop. The property is located at **1 Stage Door Road** and is identified as Tax Grid No. **6156-02-777824 in the Town of Wappinger.** (Johnson)

Mr. Hamilton: My name is Wayne Hamilton and with me tonight are Walter Sadowski and Elisa Bruno-Midili who are helping me with project. I would like to open a billiard parlor where the old Stage Door Furniture Store was. I would like to put in the nicest pool hall in the north east region. I would like to bring in tournaments. We also have a Phase II and a Phase III but I don't want to go there right now. Right now I'm talking about Phase I which will have about 30 tables. I noticed that in the conceptual that it says restaurant but it isn't a restaurant. It will have a full bar and with a NY State liquor license. NY State requires that we serve food so there will be a kitchen in the back to serve a bar and grill type food. It will not be a sit down restaurant.

Mr. Fanuele: I have questions about the parking.

Mr. Hamilton: The parking right now according to code will be an issue. There is an area that is currently excavated and flat on the east side of the building which we could make up to 50 spaces. Right now we have about 27.

Ms. Smith: You are only going to use part of the building?

Mr. Hamilton: Right now we are only going to use part of the building and the rest will be for storage. The extra tables will be stored back there because we do switch out tables. We are working closely with the American Pool Association and trying to put this together. We will be drawing leagues from Northern Pennsylvania and the Northeast corridor. I have a billiard parlor in Yorktown Height for the last 8 years and never had a police call. We have families and boy scouts that visit this parlor.

Mr. Gray: I have two concerns. The parking is a big issue and the property next door has limitations to it. There are a lot of wet lands on it and it is not all usable for parking. The other limitation is the septic system that is why it was a warehouse. There were very few employees in Stage Door Furniture so the need for water was minimal. If you are going to have 100 people there and 15 employees, you are looking in the neighborhood of 1500 gallons per day. That is much more than Stage Door used. The whole street is that way.

Mr. Hamilton: I hired a site engineer and I have met with him on site to look into the septic system. I have also contacted an environmental friendly system developer from New Hampshire that is now working somewhere in Dutchess County. It is for commercial use. It has a smaller foot print and it doesn't require fields.

Mr. Gray: Just make sure that the Dutchess County Dept of Health is on board before you make commitments to this property.

- Ms. Roberti: I asked the fire inspector to weigh in on this. Please be aware that the occupancy classification is A2 occupancy and this occupancy will require a sprinkler system. He also stated that since there no municipal water system to this area you would need to supply a water source, tank, a fire pump and a pump house. A fire alarm system will be required. Fire extinguishers will need to be added. The north side exit door shows it opening into the storage area. This will not comply with NYS fire code.
- Mr. Bettina: I am the councilman that takes care of that area. Are you going to have any entertainment there?
- Mr. Hamilton: We have no plans for entertainment at this time.
- Mr. Malafronte: What is the time of operation?
- Mr. Hamilton: Noon till two in the morning and the bulk of the business will be from 7pm till 2am.
- Mr. Malafronte: Wasn't a little church going on that road?
- Ms. Roberti: It didn't happen.
- Ms. Visconti: Good Luck.
- Mr. Fanuele: The next item on the agenda is:

12-5166/Grace Bible Church Clothing Shed-To discuss adding an 8' X 16' free standing, prefab shed for the purpose of collecting clothing donations. The property is located at **158-160 Myers Corners Road** and is identified as **Tax Grid No. 6258-03-393242 in the Town of Wappinger.** (Hillis)

- Mr. Hillis: My name is Alex Hillis.
- Ms. Smith: Is this shed going to be in the front or back?
- Mr. Fanuele: Let's discuss the use and then we can discuss the location.
- Mr. Hillis: I work for a company called St. Pauly Textile. We are different because we set up a very nice shed. We maintain these throughout the year. We only work with non-profit. The church is responsible for keeping it clean. We are working with a Boy Scout group. They are responsible for cleaning out the shed a couple times a week.

- Ms. Visconti: Will it be opened 24-7 because it is in the back of the building?
- Mr. Hillis: Pastor Scott wanted me to come in and see if we need a variance because it will be in front of the church.
- Ms. Roberti: Town Code states that no accessory building shall be in the front yard.
- Mr. Hillis: Pastor Scott does not want to apply for a variance so I have other plans. These plans will put the shed behind the church.
- Mr. Fanuele: I think putting it in the front of the church because they will keep it neat.
- Ms. Visconti: You don't want to go for a variance so it will have to go in the back.
- Ms. Roberti: June, he may have to get a variance because we don't allow two accessory buildings and there are a few buildings on the property.
- Ms. Visconti: If we think it's a good idea, you are going have to get a variance.
- Ms. Roberti: You need a variance regardless. One other issue that I would like the board to know there is a violation on the property. Until it is cleared we cannot move forward.
- Ms. Bettina: Does the parking lot have lighting?
- Mr. Hillis: I am not sure. I can find out.
- Ms. Visconti: You need to go to the ZBA to get your variance but you need to clean everything else up.
- Mr. Fanuele: The next item on the agenda is:

12-3264/Gas Land 1831 New Hackensack Road-To discuss the modifications to an existing 1782 square foot service/gas station to a 2552 square foot convenience store/gas station. The property is located at **1831 New Hackensack Road** and is identified as Tax Grid No. **6259-02-524833**. (Chazen)

- Mr. Levine: My name is Chris Levine and I represent the applicant. What he would like to do is square off the southern side of the building and extend the western side about 5 feet which will accommodate extra coolers on either side. He would like to eliminate some pavement and get a more define parking area and a define refuge

enclosed area. The site currently has 18 parking spaces. The current building is 1782 square feet and he is looking to increase it to 2552 square feet.

- Mr. Gray: Who owns the property between Village Crest and the sewer plant?
- Mr. Levine: He does, he bought it. He also will eliminate the garages and converting it to a convenience store.
- Ms. Visconti: There will be no more mechanical bays.
- Mr. Levine: No.
- Ms. Leed: The area of the spill, is it adjacent?.
- Mr. Levine: The area that had been contaminated is on the property. Mr. Levine points to the map and shows where the contaminated area was. It was 20 to 25 feet to the rear of the building going towards the creek.
- Ms. Visconti: Did the DEC approve the removal.
- Mr. Levine: They approved the field work but the actual report has not been received as of yet.
- Ms. Visconti: Did the zoning administrator advise you that you need a variance from the ZBA for the front yard setback?
- Mr. Levine: The front yard setback is not going to be modified.
- Ms. Roberti: You are adding to the front yard setback.
- Mr. Roberts: You are showing plank road boundaries and I believe that is the boundary of the road.
- Mr. Gray: You are going to match the existing setbacks and conditions. The point is we think it is a little less than 69 1/2. It should be measured from the plank road.
- Ms. Visconti: He still will have to go to the ZBA.
- Mr. Levine: If we just fill in 3 feet to the rear, we wouldn't need to, is that correct?
- Mr. Gay: If the addition met the required setback, that would be correct.
- Mr. Levine: If I put a jog in the building and instead of it being 69 1/2 and this new addition is 72 I'm not increasing the non-conformity.

- Mr. Roberts: You're increasing the non-conformity by extending the building south.
- Mr. Gray: When you get to the point of an application, you so be ready to discuss the intention of what he is going to do with the other parcel.
- Mr. Levine: That other parcel has deeded rights to the waste water treatment plant. We have attempted to contact the owner for three months. No one has responded or tried to contact us about that parcel.
- Mr. Gray: Mike Smith and I have his number.
- Mr. Levine: That would great. We want him to understand what the setbacks are and what the limitations of the waste water treatment plant are. In talking to the Health Department there are a number of them. We don't want to get involved in funding that so and we would like to keep it as an open parcel.
- Mr. Fanuele: Next on the agenda is:

11-6029PP/Cablevision- To discuss minor changes in the location of a transformer. The original amended site plan was approved on June 20, 2011. The property is located at **719 Old Route 9N** and is identified as **Tax Grid No. 6517-02-539850**. (BBV Engineers)

- Mr. Sliker: My name is Kenneth Sliker, I am the area manager for cablevision. We are seeking approval to relocate the transformer. I am trying to reduce the length of the secondary power feed. This was recommended by our electrical engineer. Also, Central Hudson thought it was a good idea. We are going to relocate it closer to the addition.
- Ms. Visconti: Bob, do we have any real concerns?
- Mr. Fanuele: Where is it now and where is it going?
- Mr. Sliker: Pointing to the map, Mr. Sliker explains where it is.
- Ms. Visconti: I move to approve that David is to write the amendment that is being requested of Cablevision to move the transformer to be placed as in the final as built.**
- Ms. Bettina: Second.**
- Ms. Rose: Connie Smith Aye**
Marsha Leed Aye

Frank Malafronte **Aye**
June Visconti **Aye**
Angela Bettina **Aye**
Victor Fanuele **Aye**

Ms. Visconti: **I amend my motion to include that we waive the public hearing.**

Ms. Roberti: Do you remember our Boy Scout with the Knights of Columbus? The Knights of Columbus were requesting the flag pole on this side (showing picture). The young man came in today and because of the telephone pole here they don't want a flag pole near the electric. He wants to do exactly what you approved but on the other side.

Ms. Visconti: **I make a motion that the Planning Board has approved the flag pole being moved to the other side with the same configurations.**

Ms. Bettina: **Second.**

Ms. Visconti: **I make a motion to go into executive session.**

Ms Bettina: **Second.**

Ms. Visconti: **I make a motion to come out of executive session.**

Ms. Smith: **I make a motion to adjourn.**

Ms. Bettina: **Second.**

Board: **All in favor. Aye.**

Respectfully,

Sue Rose, Secretary
Planning Board

