

# MINUTES

**Town of Wappinger Planning Board**  
**October 1, 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

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SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

**Adjourned Public Hearing:**

Chapel of Sacred Mirrors (COSM)	Draft resolution for discussion on Oct 15th
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**Discussions:**

Birchwood Mobile Home Park	Move to November 5, 2012 for more discussion
Friendly Motorcars	Draft resolution

**Conceptual:**

Matech Storage	To Submit amended site plan application
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**New/Old Business:**

Hill Top

DEC

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Mr. Fanuele: The first item on the agenda is the approval of the minutes from September 5, 2012 and September 17, 2012.

Ms. Smith: I make a motion to accept the minutes.

Ms. Leed: Second.

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

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

**12-4051 / Chapel of Sacred Mirrors (COSM)**- 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 adjourned 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. Mr. Cappelli continues to comment on the informal meeting held between the Gray's, the Town Supervisor and some of the residents. He also explains that the changes to the carriage house have nothing to do with the complaints about noise and traffic.

- Mr. Hamilton: My name is Bruce Hamilton. I live at 26 Bowdoin. You said there is a small change being added but there is a parking lot going in. What is the capacity of the parking lot?
- Mr. Cappelli: About 18 parking spaces; maybe 20. These parking spaces are for the art gallery not for the once a month activities.
- Mr. Hamilton: The information I got was there was going to be 50 parking spaces.
- Mr. Cappelli: There is parking throughout the site. That may add up to 50 parking spaces. I am talking about the parking near the art gallery.
- Mr. Hamilton: What is the frequency of the use for this space? Is it going to be open 7 days a week? How is this going to impact us as far as traffic? We deal with the traffic from the train station and it's overwhelming.
- Mr. Cappelli: The art gallery will be open on limited bases. We are not sure of the hours yet.
- Ms. Leed: What is the square footage of the building?
- Mr. Cappelli: It's approximately 60x70 and about 4200 square feet. (Pointing to the drawings) Mr. Cappelli explains the future art gallery.
- Ms. Gray: This was a church before we bought it. They had retreats there a number of times a year. There would be over 100 people at one time there.
- Ms. Nadeau: My name is Gina Nadeau. I live at 5 Bowdoin Lane. They were brought in by bus. I did not here any noise from last Saturday's event, so the adjustments that you made worked. My concern is the fires and people coming to our doors. The last owners did not have that. It is two totally different things we are talking about. The past and the present.

- Ms. Mirtuono: My name is Kim Mirtuono. I live at 6 Bowdoin. We had a private meeting the other night and we are not questioning the art gallery. We are questioning the place overall.
- Ms. DiMase: My name is Diane DiMase. I live at 7 Cameron Lane. I am concerned about the traffic that is going to be. I have noticed an increase in the last couple of years.
- Ms. Jilinski: My name is Maria Jilinski. I live at 1 Cameron Lane. There is a lot of noise when they have an event. I like to sleep with my windows open and I can't. I am here to voice my concerns about the noise, traffic and our safety.
- Mr. Cappelli: We did not know anything about your concerns until 2 weeks ago. There were never any complaints to the town or to COSM. Since the meeting with the Town Supervisor and the Gray's, there has been concession made.
- Ms. Gray: We have spoken to our guest that when they leave to be considerate to the neighbors. I would also like to tell you this building will be sound proof.
- Ms. Smith: Some of the neighbors had concerns about the fires. I spoke to Mark Lieberman, who is the fire inspector for the Town of Wappinger. He is here tonight and will give a short report.
- Mr. Lieberman: Section 127 of the town code states open burning is not permitted. It does permit permitted fires for religious use, organization such as boy scouts, girl scouts, schools, under controlled conditions. The Gray's obtain the permits. I have a stack of permits here. They even obtained a permit and they did not need one. The fire is contained; they have hoses and other means to put it out. They are not near the structures. I had only one problem, they were issued a ticket. They paid the fine and I have never had a problem with them again.
- Mr. Hamilton: Are you there when they have their fires?
- Mr. Lieberman: Yes I am. If there is a no burning ordinance that is put out by the DEC or if it is windy, they comply.
- Ms. DiMase: Do they have their own well?
- Mr. Lieberman: Yes.
- Ms. Caruso: My name is Clara Caruso. I live at 28 Amherest Lane. I have gone to one of these events. I live on Amherest Lane and I understand the concerns but I am also

excited to have an artist in the neighborhood. I am an artist and I like to explore different media. I also like having something in the area to walk to.

Ms. DiMase: They're making money but what does it do for us. We pay taxes and on their website they are looking to raise 3 million dollars. What are we benefitting out of that?

Mr. James: My name is Brian James. I live at 96 New Hamburg Road. I am the property manager for COSM. In the last 3 1/2 years we have put 1.6 million dollars into renovating the property. How we try to generate income is by these events. This property was zoned for an organization like this. The town did not want to sell it and see it get subdivide and turned into a bunch of condos. As a religious organization, I don't know what else can be done to generate income.

Ms. Visconti: Mr. Chairman, I think at this time we are getting the same questions. I appreciate all of you coming out and letting us know your concerns.

Ms. Smith: I would like to know why you play drums at midnight.

Mr. Gray: I stopped the drums as of this Saturday. I told my congregation that it was a disturbance to our neighbors.

Mr. Malafronte: Did you receive a response back from DEC, Dept. of Health, or the NYS Department of Recreation?

Mr. Cappelli: No.

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

**Ms. Smith: Second.**

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

**Ms. Bettina: I make a motion to have the Planner to the Town draft a resolution including the comments that were made here today and Neg. Dec.**

**Ms. Visconti: Second.**

<b>Ms. Rose:</b>	<b>Connie Smith</b>	<b>Aye</b>
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**Marsha Leed**                    **Aye**  
**Frank Malafronte**           **Aye**  
**June Visconti**                **Aye**  
**Angela Bettina**              **Aye**  
**Victor Fanuele**               **Nay**

Mr. Malafronte:                Based on this draft resolution are we going to discuss the negative declaration too?

Mr. Roberts:                    We are going to incorporate all the comments. We are going to have something to work with in public.

Mr. Malafronte:                I'm looking for some documentation to backup the comments made here today.

Mr. Cappelli:                    Do you want to talk about the exterior of the building? Mr. Cappelli hands out pictures of the building.

Ms. Leed:                        What is it going to be made of?

Mr. Cappelli:                    It is a pre-cast concrete surface.

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

**12- 5164/Birchwood Mobile Home Park-** Is seeking a line realignment to eliminate two encroachments from the Mobil Home Park onto the Residential Parcel located on Smithtown Road. The property is located at **1094 Route 9 and 103 Smithtown Road** and is identified as Tax Grid Nos. **6156-02-779968 and 792998.** (L. Paggi)

Mr. Fanuele:                    Where is this located?

Ms. McNiff:                      It is across from Lawrence Farm Plaza on Route 9.

Ms. McNiff:                      They are looking to remove some trailers along the residence parcel and put them back with the other mobile homes. It's about a 10<sup>th</sup> of an area they will be putting back in the mobile home park. It is pretty straight forward but they are in two separate districts.

Ms. Smith:                        Are you changing the lot lines?

Ms. McNiff:                      The lot line is going to change. (Pointing to the map) Ms. McNiff shows the change.

Ms. Visconti:                    Barbara, do they have to go to the ZBA because of the setback of the garage?

- Mr. Roberts: They are some issues that a formal report needs to be submitted to the board. First, this trailer park is pre-existing the zoning code so we have non-conformity. As stated in the application they want to separate the two parcels. They want to make each one self containing but the reality is they can't make it conforming. They may need some variances.
- Ms. Visconti: They have two means of access right now. After they make a single family home in the park, they will only have one. Are there any problems with the fire department?
- Ms. Roberti: The access for the home was not an access for the mobile home park.
- Mr. Lieberman: There is an entrance off Smithtown that was never used as a fire access. If there was a fire, we would use the access from Route 9.
- Mr. Malafronte: The original file map shows property going onto 125 Smithtown Road which is not shown here which has an access also. It has a driveway and a house.  
(Conversation was taking place as they were viewing map)
- Ms. McNiff: That is a separate lot. That lot is not being touched at all. That file map was to detach that piece from the mobile home park. That lot has nothing to do with this area.  
(Conversation was taking place as they were viewing map)
- Mr. Malafronte: You are showing the whole site. This was lot 2 originally on the file map that goes back. The tax grid shows a big piece of property that is 3.7 which Bob Gray is questioning.  
(Conversation was taking place as they were viewing map)
- Ms. McNiff: Those should have been turned off. They should not have been on. They have nothing to do with the mobile home park.
- Mr. Malafronte: So that part should show a lot line this way?  
(Conversation was taking place as they were viewing map)
- Ms. McNiff: This is the lot line because of the wet land.  
(Conversation was taking place as they were viewing map)
- Mr. Malfronte: This is all federal wet lands. Do they need to show the other site?  
(Conversation was taking place as they were viewing map)

- Mr. Gray: The only sites they have to show are the properties that the lot lines that are changing and we ask for a simple table pre realignment and post realignment.
- Ms. McNiff: I'm taking that off. It is the septic for the other house.
- Mr. Malfronte: The only problem with that is there is a house in this area and it has been zoned RF3.
- Mr. Gray: That property is not being changed.
- Mr. Malfronte: It was changed in the original file map.
- Mr. Roberts: I'm not following you. The zoning is set by the town board.
- Mr. Gray: Are you talking about Henzler's lot?
- Mr. Malafronte: Yes.
- Mr. Gray: You are saying that Henzler's lot is different now than it was originally filed. That there was already a lot line changed.
- Mr. Malafronte: Yes.
- Mr. Gray: He is trying to say the boundaries on the original plans are different than the file map. We can check that.  
(Conversation took place while reviewing map)
- Ms. McNiff: We did that lot line and this is how it was. The zoning changed after we did that. Is it a zoning issue or a lot line issue?
- Mr. Malafronte: All that property is still in RMF3.  
(Conversation took place while reviewing map)
- Ms. McNiff: It is shown there. This was all R40 when we did the lot line.  
(Conversation took place while reviewing map)
- Mr. Malafronte: On the old one it doesn't show that either.
- Mr. Roberts: Subdivision change. This property is currently zoned RMF3.
- Mr. Malafronte: The whole thing?
- Mr. Roberts: Where the trailer park is.



- Mr. Fanuele: What is the difference if a single family home is in an RMF3?
- Mr. Malafronte: You change the density.
- Mr. Fanuele: The house was built way back.
- Ms. Visconti: You're not changing the density because it is already done.
- Mr. Roberts: He is raising a point that has not been addressed. The application has a lot of issues.
- Mr. Gray: The property that is going to the single family lot to the trailer park is zoned R40. So now the mobile home park has some property that is RMF3 and a little that is R40. The mobile home park is getting larger.
- Mr. Roberts: It is to accommodate the existing trailer park lay out. It is to separate the mobile home park and the private residence. It is now creating other issues. The zoning because you have one parcel that is single family residence and the other is RMF3.
- Ms. Smith: Aren't they grandfathered?
- Mr. Roberts: The trailer park is grandfathered but not the zoning. We have a number of issues here.
- Ms. Visconti: These need to be fixed legally.
- Mr. Gray: Nothing physically is going to change.
- Mr. Roberts: The proposal may create more issues than it is trying to resolve.
- Ms. Visconti: (Speaking to Al Roberts and David Stolman). You guys need to tell us how to fix it. We will put this back on the agenda for November 5<sup>th</sup>.
- Mr. Fanuele: Next item on the agenda is:

**12-4052/12-3263 Friendly Motorcars:** To vote on the resolution for the construction of an addition to their existing dealership. The addition would increase the existing 30,268 square feet dealership/sales & service to 34,304 square feet with a minor expansion of pavement. This property is 5 acres and is located in an HB district. The property is located at **134 Old Post Road** and is identified as **Tax Grid No. 6157-04-633403** in the Town of Wappinger. (Artel Engineering)

- Mr. Kornhaas: My name is Mark Kornhaas. I'm with Artel Engineering. Our application involves an addition to the building. We are proposing a 4,036 sq foot addition on

the southeast side of the building. We were in front of the board 2 years ago with an addition and this proposed addition for the future. All the drainage was taken care of keeping in mind that down the road we would build this addition. So here we are looking to now build the addition we planned for.

Ms. Visconti: Dutchess County Planning signed off with matter of local concern. My question is the snow storage, where are they going to be located?

Mr. Kornhass: We relocated it over here. (Pointing to the map). It is the same amount of space just relocated.

Mr. Gray: We had a few comments which Mark has addressed.

Ms. Visconti: What needs to be done now?

Ms. Brown: It is up to the board.

Mr. Roberts: The board has the right to waive the public hearing if they deem the change a minor change.

**Ms. Visconti: I make a motion for the planner to make a resolution waiving the public hearing and approve the addition to the building.**

**Ms. Bettina: Second.**

<b>Ms. Rose:</b>	<b>Connie Smith</b>	<b>Aye</b>
	<b>Marsha Leed</b>	<b>Aye</b>
	<b>Frank Malafronte</b>	<b>Abstain</b>
	<b>June Visconti</b>	<b>Aye</b>
	<b>Angela Bettina</b>	<b>Aye</b>
	<b>Victor Fanuele</b>	<b>Aye</b>

Mr. Fanuele: Next item on the agenda is:

**12-3266/Matech Storage-**To discuss a proposed 24 foot X 30 foot (720 sq ft) addition to the existing 6,300 sq ft building. The proposed addition will be constructed over the area currently occupied by two existing parking spaces. The property is located at **22 Bill Horton Way** and is identified as Tax Grid No. **6259-03-126067** in the **Town of Wappinger**. (Day)

Mr. Morse: My name is Jason Morse from Day Engineering. Matech Storage is located 22 Bill Horton Way just south of Dutchess County Airport. They are looking to add a 720 square foot addition on the north side of the existing building. The addition will be built over two existing parking spaces. It is to accommodate additional storage space.

- Ms. Visconti: This is a letter from Ms. Roberti stating that with the addition and the removal of the parking spaces the parking requirements are meet.
- Ms. Visconti: I don't have a problem with this.
- Mr. Fanuele: Either do I.
- Ms. Visconti: What needs to be done?
- Ms. Roberti: They need to make an amended site plan application.
- Mr. Morse: I will get it in this week.
- Mr. Fanuele: I have a question under new and old business. I received two letters from Hilltop. One is a corrected letter. The rec fee is a given. Why is he putting the rec fee in the letter when it is a given.
- Mr. Roberts: He is just confirming everything he is offering to the town. You are right it is a given and he is just confirming.
- Ms. Smith: They can only use it for recreation and parks, right?
- Mr. Roberts: They can only use it for capital improvements for recreation. Also you waived the public hearing for Friendly Motors which you had the right to do but remember you have to be consistent.
- Mr. Malafronte: I would like to address one other thing. I would like to reconfigure this dais. I would like to face the public.
- Ms. Bettina: Why can't we sit up there where the town board sits? We just have to add two chairs.
- Ms. Visconti: I make the motion to reconfigure the dais.**
- Mr. Malafronte: Second.**
- Ms. Rose:**
- |                         |            |
|-------------------------|------------|
| <b>Connie Smith</b>     | <b>Aye</b> |
| <b>Marsha Leed</b>      | <b>Aye</b> |
| <b>Frank Malafronte</b> | <b>Aye</b> |
| <b>June Visconti</b>    | <b>Aye</b> |
| <b>Angela Bettina</b>   | <b>Aye</b> |
| <b>Victor Fanuele</b>   | <b>Aye</b> |

- Mr. Gray: We are getting near the end of designing the water main project. I asked Barbara is there a planning board approval needed for something like that. I thought as the planning board I would review it.
- Mr. Fanuele: Are they digging up the road?
- Mr. Gray: Most of it is off road. We did get easements from all the properties on Wheeler Hill Road. There is going to be about the last 300 yards before we get to Carnwarth will be in the road. Then the water main will proceed through Carnwarth and come out at the power lines. It will go down the power lines to River Road to DEP. Immediately after this we will go to Phase 2 which will be a project from the DEP site. It will go down River Road into Chelsea and the feeder streets off of River Road.
- Ms. Smith: That's not going to happen for a while, right?
- Mr. Gray: Within two years. Are intergovernmental agreement, between the Town of Wappinger and New York, requires it be done in two years, the Chelsea portion.
- Ms. Leed: Where does it start?
- Mr. Gray: Do you remember where La Fonda Del Sol was. It starts right there. It is going entirely down the north side of Old Hopewell Road. There will be a boring under Route 9D there will also be a boring just east of the Nature Preserve. The boring under 9D is because the state won't let you cut a state road. It will then continue along New Hamburg Road. We will be providing service connections to each property along the north side of Old Hopewell Road, up to the property line. When down the road, the town wants to service those properties with water the connections are already there. The continuations through the town and will eventually pass Tall Trees and in time we can provide those residents with water.
- Mr. Fanuele: Tall Trees has to wait 10 years.
- Mr. Gray: Tall Trees will have to wait but the hamlet of Chelsea does not. When the DEP is done and when the town decides to use the aqueduct there is a feed and we can use New York City water. It will require a filter plant. In New York State if you use reservoir water you have to filter the water.
- Ms. Smith: Do the people have to provide their own connection?
- Mr. Gray: Yes, from their house to the curb.
- Mr. Roberts: The town board is going to have to form a water district.

- Mr. Fanuele: I would like to change the subject. I have gotten a couple of call concerning Hill Top. These people were not aware of Hill Top going in and they are interested in it.
- Ms. Visconti: They have had 8 or 10 meetings. They have been diligent in promoting this.
- Mr. Roberts: If they don't follow what is going on through the town website or newspaper, you can't cure that. There will be another public hearing to approve the site plan. The Town Board is going to have a public hearing to approve zoning. There will be a lot of activity.
- Ms. Bettina: I make a motion to close the meeting.**
- Mr. Malafrente: Second.**
- Mr. Fanuele: All in favor?**
- Board: Aye**

Respectfully,

Sue Rose, Secretary  
Planning Board