

# MINUTES

**Town of Wappinger Planning Board**  
**September 16, 2013**  
**Time: 7:00 PM**

**Town Hall**  
**20 Middlebush Road**  
**Wappinger Falls, NY**

**Members Present:**

Mr. Valdati:	Chairman-Absent	Mr. Malafronte:	Member
Ms. Leed:	Member-Absent	Mr. Fanuele:	Member
Ms. Bettina:	Member-Acting Chair	Mr. Dao:	Member
Ms. Visconti:	Member		

**Others Present:**

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

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## SUMMARIZED

**PROJECTS DISCUSSED:**

**OUTCOME**

Obercreek Subdivison	Public Hearing October 7 <sup>th</sup>
Prestige Mini	Circulate for L/A – Public Hearing October 21 <sup>st</sup>
Greenbaum & Gilhooley’s	November 4 <sup>th</sup> Next Meeting—Application to ZBA
Calvary Chapel	Negative Declaration Approved
NTCDEP/Shaft 6	Field Changes Approved
Stonegate	Negative Declaration Approved
DCH	Draft Resolution
Gas Land	Draft Resolution
Red Cedar	Submit Amended Site Plan
Thurston Residence	Submit Formal Application
Farm to Table	Professionals to Review Plans

Mr. Bettina: Please rise for the Pledge Allegiance.

Mr. Bettina: Attendance please:

Ms. Rose:	Robert Valdati	Absent
	Frank Malafronte	Here
	Marsha Leed	Absent
	Max Dao	Here
	June Visconti	Here
	Victor Fanuele	Here
	Angela Bettina	Here

Ms. Bettina: First item on the agenda is:

**11-5159 / Obercreek Subdivision and Lot Line Re-alignment:** To discuss a proposed 14 lot subdivision and lot line re-alignment on 32.95 acres in an R-40/80 zoning district. The property is located on **New Hamburg Road & Marlerville Road** and is identified as **Tax Grid No. 6057-02-997768/ 6157-01-030738** in the Town of Wappinger. (Chazen)

Mr. Chazen: My name is Richard Chazen from the Chazen Company. (Pointing to the map) This is our 14 lot subdivision. The lay out has really not changed since the first time we showed you. There were 3 outstanding issues the last time we were here. The first was the Indiana Bat Study. We completed the study and submitted it to the DEC and to the Fish and Wildlife Agency. We have received a response from them and you should have a copy of it. We have closure on that issue. The 2<sup>nd</sup> issue was archeology and I provided you with a map and the 3<sup>rd</sup> was a tree survey. We completed that survey and 99 trees on the property that were surveyed and found that 5 of the trees were unique. Those unique trees will not be harmed with the proposed subdivision. They are outside of the proposed building. We think we now have closure on all the environmental issues. Your engineer shared some comments that came from some board members. There were some concerns about common driveways. We have 3 of them and they are permitted in your code. Another question was the certification of the sewer disposal system. We have been working with Dutchess County water and waste agency to build a common community water and disposal system. That system will be owned and operated by the Dutchess County Water and Waste Agency. Alex will be responsible for the construction. Another question was the use of water softeners.

Mr. Malafronte: Can the water and waste system handle it?

Mr. Chazen: The answer is yes it can handle it.

Ms. Visconti: Parcel A is the septic system?

Mr. Chazen: (Pointing to the map) this parcel right over here.

Ms. Visconti: Parcel B is that the rest of Obercreek?

- Mr. Chazen: Yes.
- Ms. Visconti: What is parcel C?
- Mr. Chazen: It is an existing lot. It already has a house on it and it will remain. It has its own system and we will let it be.
- Ms. Visconti: Lot 6 is where the farming will be.
- Mr. Chazen: Yes.
- Ms. Bettina: Does any of the professionals have any questions?
- Ms. Bettina: Do I have a motion to schedule a public hearing?
- Ms. Visconti: I make a motion to schedule a public hearing.
- Mr. Dao: Second.
- Ms. Bettina: This should be scheduled for our next meeting which will be October 7<sup>th</sup>. All in favor?
- Board: Aye.
- Ms. Bettina: Next on the agenda is:

**13-3273/Prestige Mini**-To discuss the construction of an 18,750 square foot automobile dealership with a service center on 4.41 acres in a HB zoning district. The property is located at **1162 Route 9** and is identified by **Tax Grid No. 6157-04-674155** in the Town of Wappinger. (Paggi)(L/A sent 9-16-13)

- Mr. Paggi: We are back because the last time we met Prestige Mini was just a conceptual. The Planning Board was very encouraging at that time. We did meet with the professionals and I feel we have made a clean application. We meet with the town planner and the town engineer and I believe we are on the same page. They did have some concerns having to do with storm water and I think we have alleviated it. The balance of their concerns is us continuing to provide more information. We did address parking and landscaping. Our goal tonight is to ask the board to schedule a public hearing for October 21<sup>st</sup>.
- Ms. Visconti: I have a big problem with lights after business hours. It should be subdued lighting. What I have read, it is going to be very bright. You also need to address the signage.
- Mr. Paggi: We are going to be talking to you in detail about the signs. I think there is a good argument for the signage. The building will be back further than the neighboring buildings. The travelers will come upon the property quickly and we want to give them enough time to locate the building. This property is on a slight curve.

- Mr. Stolman: It could be good if you look at the elevation because when you see the size of the building and the signs they are proposing; I don't think the signs are out of scale at all.
- Ms. Van Tuyl: Your board granted the Planning Board to take jurisdiction for signage.
- Mr. Stolman: We did in a memo think that the signage is appropriate to the size of the building. When you look at the elevation, there is not too much signage.
- Ms. Visconti: How far back are they off of Route 9?
- Mr. Stolman: Pretty far back.
- Mr. Paggi: We are about 65 feet behind Volvo.
- Mr. Logan: (Reviewing hand out with the board) it is an 18,750 square foot building. The showroom will be a two story space. The back of the building is the service area. There will be 10 service bays. The building is designed for the elevation. Mini requires all there showrooms to be consistent; requiring the same colors, signage and shape of the building.
- Ms. Visconti: What about the cube because Dutchess County Planning has some concerns about the cube.
- Mr. Logan: It is being considered a structure.
- Ms. Van Tuyl: The decision on the cube is nothing this board can vote on. The code gives you the authority on signage but not structures. The reason it is considered a structure is because it is being built on a concrete pier and a platform. Because it is a structure, it is bound by the setbacks and it will need a variance.
- Mr. Nocella: (Pointing to pictures) this sign as you can see has a day time and night time example. Day time it is clear to see and night time the only thing illuminated is the letters of the dealership's name. It is not casting light out onto the property. It is only illuminated to read the name. The sign over the service area is the same as the other; only illuminated to read the name, there is no spillage. The mini identification sign and you can see that the only nighttime illumination is the lettering. Again, there is no spillage. The pillion sign, which is in the front of the dealership, we are showing a larger sign because we want people to see it.
- Ms. Van Tuyl: Dutchess County Planning did not have copies of the pictures; we will be sending them to them in response to their original comments. What I request is that you circulate for Lead Agency and set a Public Hearing.
- Ms. Visconti: Do we have enough information to schedule a Public Hearing?
- Mr. Stolman: I believe we do. We did have a meeting with Bob, Al and myself and we have a complete application and we do have comments but I do believe we have enough

information for a Public Hearing. The applicant plans on making another submission next week addressing these comments.

- Ms. Visconti: Should I make a motion to include both.
- Mr. Stolman: That is up to you.
- Mr. Malafronte: Will all the environmental issues be addressed?
- Mr. Gray: We did meet with Larry's office today and we had some major issues. They were all addressed at the meeting today. This site, along with the Calvary Church, is implementing a lot of green infrastructure.
- Mr. Malafronte: Are you going to address the wet lands.
- Ms. Van Tuyl: They are off the property and the applicant is showing mitigation planting in the buffer.
- Mr. Paggi: Our application shows the mitigation planting and we have had biologist out there to confirm this.
- Ms. Visconti: I make a motion to circulate for Lead Agency and to schedule a Public Hearing for October 21<sup>st</sup>.
- Mr. Fanuele: Second.
- Ms. Visconti: All in favor?
- Board: Aye.
- Ms. Van Tuyl: Will the board be making a decision on the signage?
- Mr. Stolman: If they are comfortable with the signage, they will make the decision.
- Mr. Paggi: One of the questions I would like a little direction on, the last time we were here we had questions on landscaping and raised islands that are in the code. David and I met this afternoon and discussed that the Planning Board does have the power to give us flexibility with raised islands and landscaping. (Pointing to the map) this is going to be left wooded and at the last meeting the board requested I bring in the landscaping plans for their approval. I just wanted to know if this is still the plan. We are trying to keep the landscaping up front.
- Mr. Stolman: I think Larry is looking for some latitude when it comes to our code and I would like to sit with Larry and go over this.
- Ms. Visconti: I think that would be a good idea.
- Ms. Bettina: Next on the agenda is:

**13-3279/Greenbaum & Gilhooley’s Site Plan**-To discuss the proposed site plan to include the current restaurant, an additional retail building and a standalone bank on 1.89 acres in an HB zoning district. The property is located at **1379 Route 9** and is identified as **Tax Grid No. 6157-02-594684**. (Robert Turner [Tinkelman Architecture])(Neg Dec 9-16-13)

Mr. Tinkelman: My name is Steven Tinkelman. I am the architect for this project. We are here tonight to advance the project that we have had before you.

Mr. Stolman: We did circulate for lead agency.

Mr. Tinkelman: The project includes the three buildings. We also have a number of variances we will need. We have gotten good feedback from the state with the idea of selling us the parcel in front. Which is the section that runs in this whole area here (pointing to the map). We should have that finalized in a week or so. What this does is take this project’s variances and brings them down to four of them.

Ms. Visconti: What is the square footage of that?

Mr. Tinkelman: Approximately 10,000 square feet.

Ms. Visconti: Will Greenbaum & Gilhooley’s stay there?

Mr. Tinkelman: We will be restyling it and we will be presenting that tonight. The old structure is 4,343 square feet and the new structure will be 8,376 square feet. The bank will be 2,774. There is a meeting out at the site and we will be talking about the curb cuts.

Ms. Visconti: My concern is there are a lot of buildings on that lot. I have met an architect that had a 3 d image of a project that he is working on. Can you do that?

Mr. Tinkelman: We have that already. We have an image that we are going to show you tonight. We are trying to stay with the Hudson Valley architecture with a sense it is 2013. We are still trying to stay with the green technology.

Ms. Visconti: I like the design of the buildings but it is very busy looking.

Mr. Tinkelman: We are using the Greenbaum & Gilhooley’s restaurant but taking the front off because we want to make it a little bit taller. The other building could hold one tenant or 5 tenants.

Ms. Visconti: Will it be a 2 story bank?

Mr. Tinkelman: No 1 story. We have a comprehensive landscaping plan I would like to show you. As soon as we get the ok from the DOT, we will sit with the professionals. We will also need a variance because the lot size is less than 2 acres. The lot depth is 200 feet we need 175 feet.

Mr. Roberts: I think to simplify this project is to have Mr. Tinkelman and the professionals meet.  
Mr. Tinkelman: That would be very productive.

- Mrs. Roberti: Just for the record, Old Route 9 is sometimes looked at as the front yard on other sites. We are holding them to the same standard as DCH.
- Mr. Fanuele: Is the entrance in the front and the back.
- Mr. Tinkelman: The exit and entrance. What we are trying to do is make sure this doesn't turn into a cut through. This will help elevate some the traffic when you make a left and go to the stop sign and then make a left onto Route 9. Since this is moving along, we would like to be on the November 4<sup>th</sup> meeting. I would also like to submit an application to the ZBA. At what point should we submit it.
- Mr. Roberts: I think we should get to a point where the Planning Board feels comfortable with this project.
- Mr. Tinkelman: Will this board make a recommendation to the Zoning Board?
- Ms. Visconti: We will have to discuss that because there has been a policy in the past regarding that.
- Mr. Roberts: This was discussed at the meeting you were not at. The two boards should be talking. Victor has a different view but that is not the law or the recommendation. The Planning Board is designed to implement the zoning code. The Zoning Board in designed to adjust the very hard features of the zoning code as it applies to circumstances.
- Mr. Tinkelman: We will meet with the professionals.
- Ms. Bettina: The next item on the agenda is:

**10-3199 / Calvary Chapel of the Hudson Valley:** - To vote on a Negative Declaration for the site plan for a place of worship that would consist of 24,000 sq. ft. and 333 parking spaces on 48.86 acres in a CC & R-40 Zoning District. The property is located on **Route 376 and Diddell Road** and is identified as **Tax Grid No. 6359-03-176082** in the Town of Wappinger. (Berger)(LA June 1, 2010)(Neg Dec 9-16-13)

- Mr. Cantor: When we were here last the board asked Mr. Stolman to prepare a Negative Declaration. I believe the draft is before you. Is that draft appropriate?
- Ms. Visconti: I am concerned about the parking spaces. That is a New York State road, is there a trigger point or a thresh old for the number of cars coming out. Can a light be installed by an applicant?
- Mr. Cantor: The phrase of does this warrant a light is the question. The DOT makes the determination. It will be a judgment by DOT and here DOT has approved the access and has not warranted a traffic control device.
- Ms. Visconti: If time passes and DOT then feels the traffic warrants a light, then it would not be your problem.
- Mr. Cantor: Do you mean would the church be responsible for having to put in the light?

- Ms. Visconti: Yes.
- Mr. Cantor: No they would not be responsible for putting it in. The state may put in a traffic control device. It would not be on the shoulders of the applicant.
- Mr. Gray: From my understanding, the DOT in their permits reserves the right to review the operating conditions and impose anything that is necessary over time and that would be the applicant not the DOT.
- Ms. Visconti: You have 2 lanes of traffic coming out?
- Ms. Zervas: We have a right turn and a left turn lane coming out.
- Ms. Visconti: Dutchess County Planning doesn't like that either.
- Ms. Zervas: The DOT has approved that conceptual and they agree with the 2 lanes. They even suggested that we put in a little stripping.
- Mr. Stolman: I believe there is an e-mail from the DOT saying it is going to take those comments from the county and review them.
- Ms. Zervas: I believe they already did this.
- Mr. Visconti: This is a recent e-mail dated September 6<sup>th</sup>.
- Mr. Stolman: Now that the DOT is aware of the Dutchess County Planning's response, they will reevaluate.
- Ms. Visconti: I make a motion to approve the Negative Declaration.
- Mr. Dao: Second.
- Ms. Bettina: Roll call vote.
- Ms. Rose:
- |                  |     |
|------------------|-----|
| Frank Malafronte | No  |
| Max Dao          | Yes |
| June Visconti    | Yes |
| Victor Fanuele   | Yes |
| Angela Bettina   | Yes |
- Mr. Cantor: I believe the Public Hearing will be October 7<sup>th</sup>
- Ms. Visconti: Yes, we will see you then.

Ms. Bettina: The next item on the agenda is:  
**11-3224 / NYCDEP Shaft 6** – To discuss minor modifications to the site plan, including a new underground water supply vault and other minor field changes 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. Simmons: My name is Phi Simmons and I am with the NYC Environmental Protection. We are here today to discuss some minor field changes. The most significant change is a water vault we would like to install so that we can connect to the recently completed town water line on River Road. (Pointing to the drawings) the water vault will be at the corner of the site near River Road so it can connect to the water line on River Road. From the vault there will be piping throughout the site so water can be provided. We have added some tree protection details and some changes to our parking lot. The parking lot will stay but the change house will be moved to where our offices will be (pointing to the drawings). There will also be minor grading changes. We do have approval from the Health Department for the water vault.

Ms. Visconti: I make a motion approve the field changes as presented to us this evening.

Mr. Fanuele: Second.

Ms. Bettina: All in favor?

Board: Aye.

Ms. Bettina: The next item on the agenda is:

**07-3146 Stonegate (Alterations for Saz, Inc.)**-To vote on the Negative Declaration for the changes to the boarding house in a HB Zoning District. The property is located at 92-96 Old Post Road and is identified as **Tax Grid No. 6157-02-641504** in the Town of Wappinger. (Berta)(Cantor)(LA sent 7/18/13)(Negative Declaration 9/16/13)

Mr. Cantor: The last time we were here the board requested a Negative Declaration be drafted. If and when the Negative Declaration is granted, our next step would be to go to the Board to approve a zoning amendment. If and when the Town Board approves a zoning change, then we will be back to this board.

Ms. Visconti: I would have to recues myself. Mr. Shay is a client of mine.

Mr. Malafronte: The only changes were the septic tanks in the back?

Mr. Stolman: This is Stonegate. The building exists and they would like to make use of the rooms they have constructed.

Mr. Malafronte: This is the boarding house.

- Mr. Cantor: Yes.
- Mr. Stolman: Yes, the Negative Declaration would allow the Town Board to move forward and adopt the zoning amendments that was drafted to add the boarding house be used in a HB zone. To the best of my knowledge, that is what the Town Board plans to do. The Town Board cannot move forward without this Negative Declaration.
- Mr. Roberts: The building that we are primarily discussing was involved in a fire. There was some misunderstanding what could be reconstructed. There was a stop work order issued. Those issues have since been resolved. We are now getting this site in compliance with the proposed code.
- Mr. Fanuele: Does this Neg Dec have anything having to do with water and sewer?
- Mr. Roberts: No it has to do with the layout of the site.
- Mr. Malafronte: Are we addressing the sprinkler system in Building B and what about a sprinkler system in Building C?
- Mr. Berta: There is a fire wall between the two buildings.
- Mr. Malafronte: So if there is a fire wall you don't need a sprinkler system in Building C.
- Mr. Berta: Correct.
- Mr. Gray: I'm glad you brought it up. I will check with the Building Dept.
- Mr. Berta: I have spoken to Mark (Lieberman) about this and this is the only thing that is required by the Fire Bureau under their interpretation.
- Mr. Malafronte: I make a motion to accept the Negative Declaration.
- Ms. Bettina: Second.
- Ms. Bettina: All in favor?
- Board: Aye.
- Ms. Bettina: Roll call vote.
- Ms. Rose: Victor Fanuele Aye  
Frank Malafronte Aye  
Max Dao Aye  
Angel Bettina Aye  
June Visconti Recues
- Ms. Bettina: The next item on the agenda is:

**13-3286/DCH Service Center & Showroom**-To discuss the proposed changes to their approved site plan which include reducing the proposed two-story service center to a single story structure. They are also eliminating one overhead door facing Old Route 9. This submission also shows the addition of the proposed Sgt. Mark C. Palmateer Memorial at the south end of the site. The property is located at **1349 Route 9 & Old Route 9 North** and is identified as **Tax Grid No. 6157-02-585606/589645** in the Town of Wappinger. (Paggi)

- Mr. Paggi: Since we have seen you last, we have received comments from Bob and David's office. We also appeared in front of the ZBA. The new proposal will eliminate the basement under this section of the building (Pointing to the map). The access of the building was formally on the Old Route 9 side. The over head door has been eliminated and the access will now be here. The other change is that DCH has agreed to allow the town to construct the Sgt. Mark Palmateer Memorial at the south end of the property. In doing that DCH lost 3 display spots on the south end and the Planning Board indicated that it would not find it objectionable to relocate those 3 spaces to the frontage. We appeared before the ZBA because the town's regulation is 40 foot spacing for display spots along the frontage and when we appeared we were advised that a variance was not required because of the law. The law states that one display space is allowed every 40 feet of frontage. We received you Zoning Administrator's determination letter and that a variance was not required. We are here tonight to tell you we have seen David's comments and will address them. There has been a reduction in landscaping because of the memorial. Four or five trees has been removed and the memorial will be landscaped by the firm doing that park.
- Mr. Stolman: Make sure you have the landscaping that is required by the zoning.
- Mr. Roberts: Basically you are downsizing?
- Mr. Paggi: Yes. What we are asking the board is to direct David to prepare a resolution for the next meeting.
- Mr. Malafronte: Mark Lieberman requested exits for emergency vehicles.
- Mr. Paggi: That was addressed in our prior set plan.
- Ms. Visconti: I make a motion to have David draft a resolution.
- Mr. Dao: Second.
- Ms. Bettina: All in favor?
- Board: Aye.
- Ms. Bettina: Next on the agenda is:

**12-3264/Gas Land 1831 New Hackensack Road-** To discuss amending their site plan and the wetland disturbance permit to an existing 1782 square foot service/gas station for a total of 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)(Originally Approved on March 4, 2013)

- Ms. Mc Manus: Chris Lipine from my office and meet with Bob Gray and went over some of the historical records of the adjacent property and the design of our septic. We have made some minor changes and because we have a pump station we are allowed to have our laterals longer than 60 feet. We have consolidated them into 3 runs of 80 feet each which keeps us within the setback requirements.
- Mr. Gray: I have reviewed the plans and this is the best we can do in terms of the setbacks because of the creeks. The other property couldn't help at all. We our elongating the system and eliminating lines.
- Mr. Roberts: What are you trying to do?
- Ms. Mc Manus: We are making no changes to the site plan. The change is to the septic plan and the application to the wetland has not change.
- Mr. Stolman: There has not been a new submission since the last one except to Bob. Bob has reviewed this and thinks this is the best location. We are to the point to draft a resolution.
- Mr. Roberts: As far as I am concerned, the legal questions have been answered to my satisfaction and they can move forward.
- Ms. Visconti: I make a motion to have David draft a resolution.
- Mr. Dao: Second.
- Ms. Bettina: All in favor?
- Board: Aye.
- Ms. Bettina: Next on the agenda is:

**13-3290/Red Cedar Arborists & Landscapers, Inc-**To discuss the proposed revisions including reconfiguring the parking lot to provide 32 spaces and relocation the refuse enclosure, installing two fuel tanks and providing fencing and landscaping along the adjacent property. The property is located at **28 Bill Horton Way** and is identified as **Tax Grid No. 6259-03-118051** in the Town of Wappinger. (Paggi)

- Mrs. Roberti: The reason they are here before us is because this site was done in the early 2000's.

At this time Red Cedar is very successful but unfortunately the way the site was designed they started to spread out on other property. They were found in violation and this is a result of that. They are now trying to come into compliance and amend their site plan to accommodate their changes.

Mr. Paggi: We are here with a conceptual application to get your feedback. The initial direction that Red Cedar took was to try to obtain a piece of property or an easement from the adjacent property and after many months it did not happen. They realize they are going to be restricted to the confines of their property. We have come up with a plan because they want to get as many vehicles on their property as they can. The majority of their employees drive their own vehicles and take Red Cedar trucks out. We came up with a plan that meets the bulk requirements. If the board is in favor, we will submit a formal application. The one aspect that was critical for us is that when Bill Horton Way was developed, each site was developed where a certain amount of storm water can be generated because of offsite storm water facilities in conjunction with a subdivision. The most interest to this board is this area up in here (pointing to the map), there was a landscape buffer up here and this is the area where he expanded his operations. To make this work the landscape buffer will no longer work there. He would need to install a fence. It would be a fence that is broken; it would have 3 feet breaks in them. He will be planting maple tree where the break is in the fence.

Ms. Bettina: Are you installing two fuel tanks?

Mr. Paggi: They are above ground self contained units. (Pointing to the map) we are proposing putting them here near the garbage enclosure.

Ms. Visconti: How many truck and how many employees?

Mr. Paggi: He has 17 trucks and they would stay there overnight.

Ms. Visconti: This is an industrial area.

Ms. Bettina: Sounds good, make an amended site plan.

Ms. Bettina: Next on the agenda is:

**13-3291/Thurston Residence**-To discuss the construction of a new 2-1/2 story, wood framed single family residence in the Wheeler Hill Historic District. The area of the proposed structure will be approximately 7,500 square feet total on two floors (4,200 square feet on the first floor and 3,300 square feet on the second. The property is located at **600 Wheeler Hill Road** and is identified as **Tax Grid No. 6057-02-619533** in the Town of Wappinger. (Hibbs)

Mr. Hibbs: My name is Jay Hibbs and I am the architect for this project. This is a new house going into the Wheeler Hill Historic District. It is replacing a house that was in dangerous structural shape and needed to be removed. What our intention is to replace it with a house that is in keeping in a Hudson Valley Historic style and also fitting into the architect of the district. We are trying to

keep with the feel of the house that was there before. The material will be similar to what was on the other house and we will be using some of the material from the old house. They were able to save the mantel, stairs and other material. We are here tonight to get your take on this.

- Ms. Visconti: I think this is fine. Is there anything else we need to do on this?
- Mr. Stolman: The Town Board recently had made zoning changes to the Zoning Law. It has given you approval authority instead of advisory authority in respect to buildings in Historic Districts. You have approval over the architecture in this district.
- Mr. Malafronte: This doesn't have to go to SHIPPO anymore? This building was built in 1860 and you are going to try to reproduce the appearance.
- Mr. Hibbs: The original building was built in 4 stages. There was an error. The house was not built then.
- Mrs. Roberti: The original house did not have historic preservation. The district does.
- Mr. Stolman: You would need to ask for a formal application.
- Mr. Roberts: We should have a formal resolution. We can have them on the agenda for the next meeting.
- Ms. Bettina: Next on the agenda is:
- 13-3282/Farm to Table Bistro(Outdoor Dining)-** To discuss expanding outdoor dining into the parking lot. The property is located at **1083 Route 9** and is identified by **Tax Grid No. 6156-02-710924.**
- Mr. O'Brien: My name is Chris O'Brien and I am here with Bridget. I have spoken to Barbara, Bob Gray and John Lawrence concerning the changes to Farm to Table.
- Ms. Visconti: On July 1<sup>st</sup> when you were here, you wanted 184 square feet of outdoor seating. You also wanted a retractable awning.
- Mr. O'Brien: We would keep to the decor we already have.
- Ms. Bettina: Did our professionals see your plans?
- Mrs. Roberti: No, it just came in on Friday.

- Ms. Bettina: That is key. I would like them to review this. Does anyone have any comments?
- Ms. Visconti: I think this is a good idea.
- Mr. Roberts: I think the outdoor sitting is in vogue these days and I don't find any legal objection.
- Mr. Bettina: I am the councilman for this area and I think this is a good idea and good for our town.
- Mr. Gray: This site plan also addresses Joe's Italian Market, which has outdoor seating without approval.
- Mr. Bettina: I think this is a great idea and I would like David Stolman to receive the plans and review them.
- Mr. Gray: Farm to Table has addressed the safety aspect but that is not how it is in the other place.
- Ms. Visconti: David, is there anything in the code that addresses outdoor dining?
- Mr. Stolman: The town should address this because there is nothing in the zoning law.
- Ms. Visconti: I would like to make a motion to have the acting chair to send a letter to the Town Board concerning outdoor dining.
- Mr. Bettina: I will take this under advisement.
- Mr. Stolman: Let me clarify. There are provisions for outdoor dining but none that is in a parking area. This should be on the next agenda.
- Ms. Bettina: Our attorney has asked for a brief discussion.
- Mr. Roberts: I would like to clear the air on this issue on the Zoning Board and the Planning Board. I know Victor has strong feeling about this but we have to get this straight. The Zoning Board should know if the Planning Board approves the overall concept. It may be you have no opinion, which is equally good to send them. It may be you feel there are too many requested variances or you do recommend it. The Zoning Board should know this.
- Ms. Bettina: Do I have a motion to adjourn this meeting?
- Ms. Visconti: I make a motion to adjourn this meeting.
- Ms. Bettina: Second. All in favor?
- Board: Aye.

Respectfully,

Sue Rose, Secretary  
Planning Board