

# MINUTES

Town of Wappinger Planning Board  
May 16, 2016  
Time: 7:00 PM

Town Hall  
20 Middlebush Road  
Wappingers Falls, NY

## Summarized Minutes

<b><u>Members:</u></b>	Mr. Valdati	Chairman	Present
	Ms. Bettina	Acting Chairman	Present
	Mr. Flower	Member	Present
	Mr. Malafronte	Member	Present
	Mr. Marinaccio	Member	Present
	Mr. Pesce:	Member	Present
	Ms. Visconti:	Member	Present

### **Others Present:**

Mr. Horan:	Attorney for Town
Mr. Hobday:	for Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti:	Secretary

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## **SUMMARY**

### **Public Hearing:**

Randolph School	Public Hearing opened & closed. Vote on Resolution June 6, 2016
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### **Discussion:**

Candlelight Landscaping	Resolution approved as amended
Obercreek Subdivision and Lot Line Re-alignment	Authorized Town Planner to prepare Resolution for June 20, 2016
BJs Wholesale Club/Gas Station	Public Hearing schedule for June 20, 2016

### **Extension:**

All Angels Heights Subdivision	Six months extension granted
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### **Conceptual:**

Dutchess Electrical & Data, LLC	Resubmit
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**Ms. Visconti:** **Motion to accept the Minutes from the May 2, 2016 Meeting.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

Mr. Valdati: At this time I would like to ask everyone to please silence their cell phones.

**Public Hearing:**

**15-3332 Randolph School:** The Town of Wappinger Planning Board will conduct a Public Hearing on an amended site plan for the construction of a new Library and Arts building on 4.661 acres. The property is located at **2467 Route 9D** in the R-20/40 zoning district and is identified as **Tax Grid No. 6157-01-216814** in the Town of Wappinger. (Berg) (Variance granted 11-10-15)

Present: Chris Berg – Architect  
Ben Miles – Owner  
Kathryn Tomkins – Admissions Coordinator

**Ms. Visconti:** **Motion to open the Public Hearing.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

Mr. Berg: Good evening. Chris Berg, architect, Ben Miles, director and Kathryn Tomkins, admissions coordinator. Would you like a little introduction of the project?

Mr. Valdati: Please do for the public.

Mr. Berg: Randolph School is undergoing a site expansion of their student body. With their present situation they want to make room for their classes so they would like to build a new art and library pavilion to alleviate overcrowding in the class rooms. The building is approximately 2,000 sf. with the rear campus not seen from the street. The building surrounds their current Amphitheatre.

Mr. Berg continues his review of the project.

Mr. Valdati: What is the name you selected for the road?

Mr. Miles: Randolph Avenue.

Mr. Valdati: Does anyone in the audience have any comments?

**Ms. Visconti:** **Motion to close the Public Hearing.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

**Ms. Visconti:** **Motion to authorize the Town Planner to prepare the resolution.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

**Discussion:**

**16-3347 (Site) 16-4048 (SUP) Candlelight Landscaping:** To vote on a resolution on a site plan application and special use permit to add an additional use of a Motor Vehicle Towing, Repair and Service Facility in an AI Zoning District on 2.56 acres. The property is located at **110 Airport Drive** and is identified as **Tax Grid No. 6259-02-713524** in the Town of Wappinger. (PH opened & closed 5/2/16) (Gillespie)

Present: Mike Gillespie – Engineer

Mr. Gillespie: Good evening, we were before the Planning Board the last meeting and we had a Public Hearing. The Public Hearing closed and you authorized the Town Planner to draft a resolution for your approval which I am in receipt of. It recites the comments that we had at the last meeting. I just want to be absolutely clear with regards to item 6a, the elevations that exists out there (the building).

Mr. Stolman: We are taking that down and we are making two minor changes.

Mr. Cobb: Item 6a is going to be deleted. The EAF will have to be revised. There's one answer that's in error so we will change that and there will be a new revision date on the EAF. We are including the fact that the Planning Board is waiving the Special Use Permit requirement for having the parking be enclosed.

**Ms. Visconti:** **Motion to authorize the Town Planner to revise the resolution as amended.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

5/16/16

**RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD**

**RE: CANDLELIGHT LANDSCAPING, 110 AIRPORT DRIVE – RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN AND SPECIAL USE PERMIT APPROVALS**

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At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the \_\_\_\_ day of \_\_\_\_\_ 2016 at 7:00 P.M.

The meeting was called to order by the Chairman Robert L. Valdati and the Planning Board member attendance was as follows:

Robert L. Valdati	_____
Angela Bettina	_____
Bruce M. Flower	_____
Francis Malafronte	_____
Ralph Marinaccio	_____
Carlo Pesce	_____
June Visconti	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board received the applications of Tree Mover Enterprises, LLC (the “Applicant” and “Owner”) for Amended Site Development Plan and Special Use Permit Approvals to use part of the building on-site for a Motor Vehicle Towing, Repair and Service Facility (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is known as tax lot 135689-625-02-713524 on the Town of Wappinger Tax Assessment Maps and is located at 101 Airport Drive within the Airport Industry (AI) zoning district (the “Subject Property” or “Site”); and

WHEREAS, The Applicant submitted a letter to the Planning Board dated 4/17/16; an Application for Site Plan Approval dated 3/7/16; a Short Environmental Assessment Form dated 3/7/16 and revised 4/17/16; a series of photographs showing existing conditions on the site dated 4/15/16; and a plan generally entitled “Amended Site Plan – Special Use Permit Candlelight Landscaping,” prepared by M. Gillespie & Associates Consulting Engineers, PLLC dated 3/5/16 and last revised 4/17/16; and

WHEREAS, the Proposed Action was referred to Dutchess County Department of Planning and Development who, in a response dated 4/1/16, stated that it judged the matter to be of local concern; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law; and

WHEREAS, on 5/2/16 the Planning Board held a public hearing on the Project at which time all those interested were given an opportunity to be heard; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including the Special Use Permit, Site Development Plan, Parking and Performance standards of Articles VII through XI respectively of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:**

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts because it does not constitute a major increase in the intensity of land use at the Subject Property.
3. The Planning Board hereby adopts this Resolution of Amended Site Development Plan and Special Use Permit Approvals to use part of the building on-site for a Motor Vehicle Towing, Repair and Service Facility, as described above and as shown on the above listed drawings, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:
  - a. The following shall be fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:
    - (1) The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.
    - (2) The above specified Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.

- (3) The Applicant shall submit proof a change in use approval by the Dutchess County Department of Behavioral & Community Health, if applicable.
- (4) The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
- (5) The Applicant shall comply with the following items subject to the review and approval of the Town Engineer:
  - (a) The site plan shall be further detailed to show all previous features, including, for example, the well and septic tanks.
  - (b) The site plan shall be further clarified to show the previously approved and constructed site plan features in gray scale or otherwise clearly distinguished from the current revisions. It appears that only the amended site plan features must be closed out.
  - (c) A turning radius template overlay shall be shown on the site plan to verify that both a tow truck with a towed vehicle (similar to a P vehicle with a trailer), and a flatbed tow truck (SU vehicle with a 23' bed), can negotiate the site without intruding on the existing parking spaces and other features.
- (6) The Applicant shall comply with the following item subject to the review and approval of the Town Planner:

In order to ensure that the project is screened appropriately, the Applicant shall depict the evergreen trees that were planted on the adjacent property to the southeast on the site plan. The proposed Norway Spruce shall be planted so as to complete the screening offered by the evergreens. In addition, the Applicant shall include two shorter growing evergreen trees, such as American Holly (*Ilex opaca*) or similar, to the east of the proposed Norway Spruce to complete the screening offered by existing deciduous trees. The plan shall also bear the following note:

“All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use of the site. All vegetation not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season.”

When all of the sub-conditions set forth in Condition 3.a above have been satisfied, six (6) sets of the above referenced plans, revised as necessary, shall be submitted for endorsement

by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent and Town Fire Inspector.

- b. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:
  - (1) The Applicant shall fulfill all of the conditions of, and shall complete all improvements required in accordance with this Resolution of Site Development Plan and Special Use Permit Approvals.
  - (2) The Fire Prevention Bureau and the Fire Inspector shall inspect the premises, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
  - (3) Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator.
4. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Special Use Permit Approval shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.
7. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
8. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Amended Site Development Plan and Special Permit Approvals shall be subject to continued conformance with such Amended Site Development Plan and Special Use Permit Approvals.
9. Except as specifically modified herein, the prior resolutions of approval and any amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Robert L. Valdati, Chairman	Voting: _____
Angela Bettina	Voting: _____
Bruce M. Flower	Voting: _____
Francis Malafronte	Voting: _____
Ralph Marinaccio	Voting: _____
Carlo Pesce	Voting: _____
June Visconti	Voting: _____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2016



Wappingers Falls, New York

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tree Mover Enterprises, LLC  
Owner and Applicant

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3.a of this resolution and that the above mentioned plans may be endorsed by the Planning Board Chairman.

\_\_\_\_\_  
Robert L. Valdati, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

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**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)**(LA April 8, 2011) (Neg Dec 2-3-14) (PH opened 10-7-13) (PH closed 1-22-14) (Preliminary Approval 02-3-14)

Ms. Visconti: Based on the fact that we received those items that we discussed at the May 2<sup>nd</sup> meeting, David said no further comments. We have the Memorandum of Understanding and we have the resolution of the drainage easement. Has that been included in the resolution David?

Mr. Stolman: The drainage easement?

Ms. Visconti: Right, we received the memorandum of intent from Dutchess County. Is that resolved now?

Mr. Horan: With respect to the drainage easements, Al met with Richard Cantor. There's a conceptual agreement. We are in the process of drafting them.

Mr. Stolman: It's my understanding that there's going to be an additional submission from the applicant so Morris & Associates can review so there can be fewer conditions in the resolution as a result.

**Ms. Visconti: Motion to authorize the Town Planner to prepare a resolution for June 20, 2016.**

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

**15-3336 / 4066 BJs Wholesale Club / Gas Station:** To vote on their Neg. Dec. for amended Site Plan and Special Use Permit application for an addition of a gasoline filling station for members on 86.817 acres in an SC Zoning District. The property is located at **1404 Route 9** and is identified as **Tax Grid No. 6157-02-707773** in the Town of Wappinger (Zarin & Steinmetz) (LA 2-10-16)

Present: Jody Cross – Attorney  
Joshua O'Connor – Engineer

Mr. Valdati: Good evening.

Ms. Cross: Good evening. Jody Cross from the law firm of Zarin & Steinmetz and I'm with Joshua O'Connor from Bohler Engineering. We are here on behalf of BJs. The last time we were here at the last meeting, we received some opposition and some comments from the public. We submitted new information about April 22<sup>nd</sup> or so. Almost a month later, again on the day of the meeting get advised that there are additional comments from the neighbors and from the public. First, I just want to say that it's not right that the day of the meeting we are getting letters and comments. We understand that when Keane & Beane wrote to the board and submitted their comments they said they have difficulty getting documents. They know that they could give us a call and we will give them the documents if they ever wanted, so moving forward we are happy to provide documents in a timely fashion so that we are not in this position again. That being said, I don't know if the board has had an opportunity to look at the documents that were sent over. I want to point out a couple of things. The first issue they raised has to do with the circulation to involved agencies. Although the EAF was circulated to the DOH and the DEC, they weren't listed as approval authorities on the EAF itself. It wasn't really clear what EAF was sent because there was a revised EAF in February. The fact of the matter is DOH and DEC are not involved agencies under SEQRA requirement because they only have ministerial approvals. Under SEQRA requirement only involved agency if you have discretionary approvals. In any event, they were given notice and they were provided the EAF regardless whether that

one line was filled out. They were given the application and they were well aware of the application so we think this is a nonissue.

They raised an issue that your board has not been coordinating properly with involved agencies. We respectfully disagree with that. The SEQRA require that your board provide the EAF and the application. You don't even have to provide the whole application and there's nothing in the requirement that says you have to provide every single piece of paper that comes into your board that needs to get submitted to the involved agencies. So again, we believe that your board and your staff have done what they need to do and have complied with SEQRA.

The last issue or deficiencies in EAF and unfortunately there are many of them and I don't want to go one by one through them but I can tell you and I'm sure your staff can also tell you that this is a lot about nothing.

Again, we are here and at the last minute they are obviously seeking to delay their application. We ask that the board adopt a Neg. Dec. and we ask that the board set us a Public Hearing at the June 20<sup>th</sup> meeting.

Mr. Valdati:

Anything else?

Mr. Horan:

In the interest of an abundance of caution and because the issues have been raised and I don't necessarily disagree with anything that Ms. Cross has stated. I think it would be prudent to make some minor changes to the EAF. The ones that we've noted were with respect to D2a, discussion about excavation. The underground tanks would be put into a trench cover so there would be some excavation with respect to the removal of the existing paved area. Those will be removed and taken off the site during the construction process. In the EAF, this question basically deals with the impact of construction traffic. For the public purpose, we address the amount of fill that would be removed from the hole. In essence how much material that's either going to be distributed on site or will it be removed on site. It's something that has potential impact so that quantity of that impact should be reviewed by this board. It's probably going to be of consequence to any of the other agencies which are noted. With respect to the DOH approval, maybe Mr. Hobday can speak to that. For the public, there is no sewage pump station that's being proposed for this site. Is there DOH approval for that?

Mr. O'Connor:

For any sewage disposal system, there is a DOH review and approval as the standard process. We are going to provide a pump station calculation per their requirement. Any sewer pump that pump station that implication being that it's a large disposal system. This is a small

compact self-contained sewer disposal system that's utilized in residential applications. This is for a single toilet and a single wash sink and it's in the employee kiosk rest area. We expect 4 to 5 flushing a day and the hand washing that goes with that. That's the scope of the design and this is not a significant pump station.

Mr. Horan:

So it's correct that it is little to no impact but for purposes of the public, that should be noted on the EAF. There was a question in D and it talks about noncommercial structures being placed on the property. So the kiosk fuel dispenser canopy structures would be structures that are of options so the EAF should include those structures. There have been frequent discussions in some of the other documents regarding the change in parking spaces here. We should note this in the EAF and the hours of operation regarding holidays.

Mr. Horan continues to make comments.

Because of the nature of this application, there's a variance required from the ZBA so delaying the Neg Dec. to the next meeting will stop you from taking the other steps going forward.

Mr. Valdati:

Would it be fair to say that you are asking for a Public Hearing and also a Neg. Dec?

Ms. Cross:

Yes.

Mr. Valdati:

As far as a Neg. Dec, I think that would be premature on our part without listening to the public's comments on this project. The public is going to be affected so they should certainly comment and we should listen. So that will not occur this evening as far as I'm concerned no Neg. Dec.

Ms. Visconti:

Is this a change in procedure? We usually do a Neg. Dec. and then have a Public Hearing.

Mr. Stolman:

We don't usually do that. Generally, we've been known to roll the Neg. Dec. into the resolution. In which time we've done a Neg. Dec. in advance is usually when we need the ZBA to take action before the Planning Board can. At some point in the future we might be issuing Neg. Dec. and the ZBA can act with respect to the variance and if they get the variance, they will be coming back.

Ms. Visconti:

So they don't have to go concurrent to the ZBA?

Mr. Stolman:

They can and they are not barred from doing that. The ZBA cannot act until you finish the SEQRA process as Lead Agency.

- Ms. Visconti: So we have to wait for the Neg. Dec.?
- Mr. Horan: You have to make a determination of significance one way or the other.
- Ms. Visconti: Before they can go to the ZBA?
- Mr. Stolman: No, they can go to the ZBA and they can go for a variance with the ZBA. The ZBA is barred from acting on the variance until the SEQRA process has been completed. Until you end the SEQRA process, the ZBA cannot act on the variance.
- Ms. Bettina: So we can set a Public Hearing?
- Mr. Stolman: Sure.
- Mr. Valdati: This Public Hearing should be set at a time that sits on its own merits and there's enough time for everyone to speak and be heard. Mrs. Roberti, is there a good timeframe?
- Mrs. Roberti: We were looking at June 20<sup>th</sup> but there's no way of knowing how many applications we will have. So it's either that night or we could do a separate night.
- Ms. Cross: In order to get our sign approved, we think we might need to get an amendment to the existing sign so we wanted to just get an idea. Is this still something at least in the board's opinion we should be proceeding with? If we do need a variance for increasing the size of the sign we can go ahead and get that with our ZBA application.
- Mr. Valdati: Will that require a variance, Mrs. Roberti?
- Mrs. Roberti: They could either go for a variance as we have many times in the past. Either way, it will require a variance.
- Ms. Bettina: I think it looks nice and it's a big improvement.
- Ms. Cross: If this board is going to take the position that they can waive it, then we won't include it in our variance application.
- Mr. Valdati: Motion to set a Public Hearing on June 20, 2016.**
- Ms. Bettina: Second the Motion.
- Roll Call Vote: All present voted Aye.

**Extension**

**09-5152 / All Angels Heights Subdivision:** Is seeking their third extension for a proposed subdivision of 8 lots on a 22.84 acre parcel in an R-40 zoning district. The project received preliminary & final subdivision approval on November 17, 2014. This 6 month extension will begin on May 16, 2016 through November 15, 2016. This time will allow the Town professionals to review the conditions of the resolution and that they have been met to their satisfaction and for the chairman to sign the plat. The property is located on the west side of **All Angels Hill Road** and is identified as **Tax Grid No. 6259-03-410112** in the Town of Wappinger. (Burns) (PH 8-8-13) (Preliminary Granted 10-21-13) (Final Granted 11-17-14) (First extension May 16, 2015 thru November 15, 2015)

Mrs. Roberti: All Angels Heights is very close to getting ready to file the map so they just needed a couple of extra weeks so we thought an extension would give them that lead way.

**Ms. Visconti:** **Motion to grant a 6 months extension.**  
Ms. Bettina: Second the Motion.  
Vote: All present voted Aye.

**Conceptual:**

**16-3349 Dutchess Electrical & Data, LLC:** To discuss the conversion of an existing auto body repair shop building to office and storage space for electrician business. To include new access from Route 9D, driveway and new parking spaces on .099 acres in an HM Zoning District. The property is located at **2340 Route 9D** and is identified as **Tax Grid No. 6157-01-031600** in the Town of Wappinger.  
(Paggi)

Present: Christian Paggi – Engineer

Ms. Bettina: Good evening.

Mr. Paggi: Good evening. I'm Christian Paggi with Paggi Engineering on behalf of the applicant, Dutchess Electrical & Data. There's a conceptual application before you and the property is located at 2340 Route 9D right in Hughsonville across the street from the pink basket shop. It was formerly an auto body repair shop. The applicant is looking to convert the current building which was used for the auto body repair for office and storage space for an electrician business. It's located in the Hamlet District which does not specifically permit contractor's offices. Our stance is that this proposed use is more in line with a professional office. There aren't going to be any outdoor storage or large equipment outdoors and there won't be any significant amount of traffic generated to and from the site. The employees will be going to the site in the morning, parking their cars and taking the work vans out to the sites for the duration of the day. Then coming back to fill out paperwork and load

their vans. There really won't be too much activity at this site. To accommodate the parking for the 4 or 5 employees, they would need some additional parking space which would be proposed in the rear of the lot. It's a small lot, only .10 of an acre. The access to the rear of this lot this lot would be an existing access easement.

Mr. Paggi continues his review of the project.

- Ms. Visconti: What is the actual square footage of the building?
- Mr. Paggi: It is 1,400 sf.
- Ms. Visconti: One story?
- Mr. Paggi: Correct.
- Ms. Bettina: What would the hours of operation be?
- Mr. Paggi: It's 6:00am to 6:00pm Monday through Friday.
- Ms. Bettina: Is there going to be lighting in the back?
- Mr. Paggi: Currently there's nothing in the back, just brush.
- Ms. Visconti: How many other people use that back lot? Is it just exclusive to your business?
- Mr. Paggi: There's nothing there right now but it will only be exclusive to the owner and his electrician business. There's a large graveled lot back there and it looks like it's shared between the few businesses along Route 9D.
- Ms. Visconti: It sounds like it's very small.
- Mr. Flower: There's not much going on there. It's going to keep the same front of the garage door? You are not going to get any parking in the front?
- Ms. Visconti: This will go to Barbara for completion if we are so inclined.
- Mrs. Roberti: It needs a site plan.
- Ms. Visconti: Like an as built?
- Mr. Stolman: It's a change of use so you have to grant site plan approval or amended site plan.

- Mrs. Roberti: So we have something to go by but keep in mind that it has been a repair garage that has been a major enforcement issue for us because the different tenants would park their cars along Route 9D. It was really a major problem.
- Mr. Valdati: So you will provide us with a site plan and we will act on that. Have you been doing any work on the site?
- Mr. Paggi: There is a “Stop Work Order” issued. There were some clearing done and some tree cutting. He has since stopped and filled out the application, that’s when he called us. We got involved and he’s on the right path now and wants to move forward and get the site plan approval.
- Mr. Valdati: Barbara, to lift the “Stop Work Order” we need to make a resolution on that or what?
- Mrs. Roberti: Well, he has to go ahead with the site plan but what he wanted to ask is since he started without realizing he needed approvals to clear it. It’s a lot of broken down brush and I believe he just wants authority if you are so inclined to let them finish cleaning out the garage.
- Ms. Bettina: That’s fine.
- Mr. Valdati: Go ahead and get that cleaned up and get the site plan to us so we can proceed.
- Mr. Paggi: One more question about zoning. This site has not conformed with respect to any frontage setbacks. To make it legal, do we have to get variances for those?
- Mr. Stolman: The position we have taken more recently is that there’s no need to get a variance with respect to any existing noncompliant situation but if there’s a proposal to create any new noncompliant situation that can be a variance.
- Mrs. Roberti: The fact that we have had trouble over the years with parking in the front, I would ask that that’s a condition and it’s put on the map that there is no parking so that if this gentleman sells it that condition is there for enforcement purposes.
- Ms. Bettina: I agree with that.
- Mr. Paggi: I don’t see any notes.



Mr. Horan: This has been an issue in the past where exactly Route 9D right-of-way ends. For your purposes, that was an enforcement issue so I think if you can get the right-of-way data on that and I think it is somewhat unclear because those are such old buildings. I know DOT did a taken there at some point probably in the '80s. I'm not sure in that particular area what they did. That would be useful for the Town purposes to see where exactly the right-of-way is with respect to the front of that building. The other thing is the applicant should just have a letter of submittal to Barbara basically describing the use as you just noted with respect to it as a professional office rather than a contractor's office. The Zoning Administrator makes a determination as to whether or not a use is permitted in that zone. We should have a written determination from Barbara as to what exactly the proposed is because we agree with your statement that it's not a contractor's yard.

Mr. Paggi: Barbara, would you need a separate narrative describing the use?

Mrs. Roberti: Yes, just send me a narrative and I will make my determination.

Mr. Paggi: Great. Thank you.

Mr. Valdati: Thank you very much.

**Ms. Bettina:** **Motion to adjourn.**  
**Mr. Visconti:** Second the Motion.  
**Vote:** All present voted Aye.

Respectfully Submitted,

Adjourned:

7:38 pm

Bea Ogunti  
Secretary  
Planning Board / Zoning Board of Appeals

