

MINUTES

**Town of Wappinger
Zoning Board of Appeals
July 23, 2019
Time: 7:00PM**

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

Summarized Minutes

Members:

Mr. Casella	Chairman	Present
Mr. DellaCorte	Member	Present
Mr. Galotti	Member	Present
Mr. Haas	Member	Present
Mr. Shah	Member	Absent

Others Present:

Ms. Cobb	Town Attorney
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Adjourned Public Hearing:

NERP Holding Tractor Supply
Company & Retail Store

Public Hearing opened & closed

Discussion:

James & Laura Scampoli

No Show – Moved to August 13, 2019

Mrs. Roberti: Mr. Chairman, Mr. Horan just sent me a text that he is going to be 20 minutes late and that we move the discussion up if you desire.

Mr. Casella: We apologize for the delay but we will need 10 minutes and we are also having technical issues.

Good evening, I would like to call to order the Town of Wappinger Zoning Board of Appeals. Has everyone read the Minutes from the May 28th and June 11th meetings?

Mr. Haas: I have one minor change to the Minutes of May 28th. On Page 15 at the bottom it should say Mrs. Roberti instead of Mr. Roberti.

Mr. Casella: Any other changes besides that?

Mr. Galotti: Motion to accept the Minutes as amended from May 28, 2019.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Galotti: Motion to accept the Minutes from June 11, 2019.

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Adjourned Public Hearing:

Appeal No. 19-7670 (Variance)

NERP Holding Tractor Supply Company & Retail Store: Seeking an area variance Sections 240-96(F) and 240-97(B) of the District Regulations in an HB Zoning District.

-Where it is required that undeveloped parking area be maintained as additional landscaped area, the applicant can provide banked parking area to be asphalt, thus requesting a variance of landscaping requirement to allow undeveloped parking area to be used as fenced outdoor display area.

-Where **128 parking spaces** are required, the applicant can provide **77 parking spaces**, thus requesting a reduction of spaces under 240-96(F) to allow for a reduction of **51 spaces**.

The property is located on **Route 9** and is identified as **Tax Grid No. 6157-04-539374** in the Town of Wappinger.

Present: Mr. Cassidy – Engineer
Mr. Alexander – Attorney
Mr. Gladd – Attorney

Mr. Galotti: **Motion to open the Adjourned Public Hearing.**
Mr. Haas: Second the Motion.
Vote: All present voted Aye.

Mr. Casella: There are a number of things that we need to talk about tonight. We do recognize you guys did get the Neg. Dec. from the Planning Board. That's good news and that was one of the questions we had for you tonight. For the record we also know that there are a couple of items we need to discuss. First of all is there anyone in the audience who would like to speak for or against this variance? Please come up and state your name for the record.

Ms. Eckerman: My name is Caitlin Eckerman, I live at 10 Fowlerhouse Road. I think the development is too big for this property and too close to my home. The whole reason the applicant is asking for a variance is because the development is too big for both the store and parking to fit. I looked at this Board's Minutes from February 26th and it seems that this Board share these same concerns. On Page 9 of those Minutes, the Board asked about the size of the store and outdoor display area. Mr. Cassidy replied that the typical building is 19,097 sf. and 15,000 sf. is required floor area, 3,000 sf. for sidewalk space and another 3,000 sf. for trailers and they must have all of those things for Tractor Supply to use the site. On Page 11 of those Minutes the Board specifically asked for the potential for reducing the outdoor display area from 15,000 sf. to 12,000 sf. Mr. Cassidy replied that they wouldn't come here because it doesn't meet the model. I would like to understand the source or support for statements by Mr. Cassidy.

Mr. Casella: I'm just going to cut you off for a second so you know that we are here specifically to talk about the variance of the number of parking spaces. If you have any other issues it needs to be brought up with the Planning Board not ZBA. I'll let you go ahead and continue reading.

Ms. Eckerman: I'm getting to the parking spaces.

Mr. Casella: Is that the letter that Christine sent us?

Ms. Eckerman: Yes, they are on vacation so they sent me.

Mr. Casella: We all have a copy of the 12 pages that they sent and we've already gone through it ourselves.

Ms. Eckerman: No, they asked me to read it so if you already have it and read it.

Mr. Casella: Barbara and Bea sent it to us. What I'm trying to say is we got the letter from Brian and Christine. We read all 12 pages and I'm not going to read all 12 pages. I want to make sure it is entered in the records because you have some concerns. Is there anything else you would like to add differently?

Ms. Eckerman: That's okay and that was it.

Mr. Casella: Thank you. Is there anyone else in the audience who would like to speak?

Mr. Peiffer: Dwight Peiffer, 4 Fowlerhouse Road. I've mentioned this before at the Planning Board and I think this is relevant to what you are doing with the variance. I'm concerned about the size of the store and the property and what they are doing to make it fit. Historically, there have been issues with getting the Zoning Board or Planning Board to approve certain things. There's a CBD type of store down the road from me and that was supposed to be for pharmaceutical purposes only. I saw on TV a presentation by the company and they are now approaching you to use it for recreational purposes. There've been times when the Board had been approached for one particular purpose and later on things have changed. In this particular instance Tractor Supply did mention about moving at some point. To me that raises a red flag for looking at this on the principle of being Tractor Supply versus some other type of store moving in that might not be appropriate for that site.

Mr. Peiffer continues.

Mr. Casella: Thank you. Is there anyone else who would like to speak for or against this variance?

Mr. Galotti: **Motion to close the Public Hearing.**

Mr. Haas: Second the Motion.

Vote: All present voted Aye.

Mr. Alexander: Good evening. I would like to say something and I appreciate what you are doing. My name is Neil Alexander and I'm a

partner at Cuddy & Feder and we are here on behalf of Tractor Supply. Thank you for acknowledging that the Negative Declaration is granted and closing the public hearing. In looking at the way the variance is put we just want to make sure we were clear on the aspect. We were looking into the reduction in the number of parking spaces to do the plan as shown or in the alternative the Planning Board has a land banking option of waiver of land banking. If you go that route what we would like to do is instead of land banking on a landscaped area which is the way the code is written to allow the Planning Board to waive up to 50 percent. We would like to actually do that in the back rear corner where that stormwater basin is. Some of the materials of discussion haven't really focused on as much as that so we prefer than doing it on top of our outdoor storage space. If you are going to go that route.

Mr. Casella: What we are going to rule on tonight is the 51 spaces.

Mr. Haas: There are two variances here tonight.

Mr. Cassidy: The plan we are presenting for land banking would take the concrete pad and few of the display area to convert to parking spaces. If we were approved for land banking what we are looking to do will be right here.

Mr. Alexander: We would convert the stormwater basin. What we are saying is that if you do not want to go with just the outright variance for a reduction in the number of parking spaces and we can just build it as shown. This is the rendering, this is the Neg. Dec. as shown on that plan. We would reduce the number of parking spaces we need to provide this way it is nice and clean. For whatever reason you didn't want to give us a variance as to the total number of parking spaces. That's why we ask for in the alternative. Maybe I'm making it more complicated but if you are ready to go that way we will stop.

Mr. Casella: You are making it a lot more complicated than you need to.

Discussion continues.

Mr. Alexander: Our fear was if at a future date there was a need to provide some of that parking, we would need a transition time because we are selling from that outdoor area in order to come back to figure out a new solution but not to have a stop order on our outdoor selling area so long we are working in good faith to

come up with that solution. That was something that just came up when we saw a draft of the decision that was circulating.

Mr. Casella: So in order words the 51 parking spaces reduction that you wanted wasn't going to work and you wanted a backup plan?

Mr. Alexander: No, if you saw the variance we asked for was for two sections that actually oppose each other. So if you give us an outright variance that is the cleanest and easiest way for us and we will just build it that way. As you know the Planning Board has the right to waive up to 50 percent of the parking as long as it is land banked. In the area of land banking it says the area has to be landscaped. We were asking for relief from that word "landscaped".

Mr. Casella: Thanks. Are there any other comments?

Mr. Alexander: I'm sorry, I think I just made it far more complicated.

Mr. Galotti: Yes, I think you did.

Mr. Casella: Okay, so we are looking for a motion to either grant or deny the variances.

Mr. DellaCorte: I just want to acknowledge the residents that attended the meeting tonight and spoken out, we all understand but we are only here as the Chairman said to discuss the variance for the parking.

Mr. Casella: Just because the variance is either granted tonight you still have recourse back to the Planning Board. This is not the final end just so you know that.

Mr. Haas:

Motion to grant the applicant the Variances as follows:
NOW THEREFORE, the Zoning Board of Appeals hereby grants the requested area variances to permit the use of the outdoor storage area as banked parking:

- A) The site plan must be approved by the Planning Board; and**
- B) The applicant shall provide written guaranties required by Section 240-96(F) that the outdoor storage area shall be converted into parking spaces within six months.**
- C) If the applicant wishes to convert another area of the site to outdoor storage when parking is required it must reapply to the Planning Board for a site plan amendment.**

Mr. Galotti: Second the Motion.
Roll Call Vote: Mr. Galotti YES
Mr. DellaCorte YES
Mr. Haas YES
Mr. Casella YES

Discussion:

Appeal No. 19-7681 (Variance)

James & Laura Scampoli: Seeking an area variance Section 240-37 of the District Regulations in an R40 Zoning District.

-Where **25 feet** is required to the side property line, the applicant can provide **15 feet**, thus requesting a variance of **10 feet** for the installation of a 12' x 24' shed.

The property is located at **74 Pye Lane** and is identified as **Tax Grid No. 6358-03-207123** in the Town of Wappinger.

Mr. Casella: Since the applicants are not here we will put them on the August 13th agenda.

Mr. DellaCorte: **Motion to adjourn.**
Mr. Galotti: Second the Motion.
Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 7:27 pm

Bea Ogunti
Secretary
Zoning Board of Appeal