

August 14, 2023

Mr. Bruce Flower, Chairman
Town of Wappinger
Planning Board
20 Middlebush Road
Wappingers Falls, New York 12590

**RE: Obercreek Farm Brewery & Tasting Room Project
Site Plan, Special Use Permit & Wetland Disturbance Permit Applications
81 New Hamburg Road, Wappingers Falls, New York 12590**

Dear Chairman Flower,

The Applicant for the above-referenced project attended the July 17th, 2023 Planning Board meeting to discuss the proposed project. We are in receipt of comment letters from the Board's consultants and County Planning. The plan set has been revised in response to Planning Board feedback and consultant comments a point-by-point response to each of the comments received is provided below:

Dutchess County Department of Planning letter, dated July 7, 2023:

1. *Outdoor seating areas at the brewery are identified on the lighting plan, but it is not clear how patrons will access these or the existing farmstand. A paved accessible parking space(s) and walkways should be considered for these areas. Additionally, the existing gravel parking spaces noted in the parking calculations (9 in total) should be clearly indicated on the plans, as their current location is not apparent. Truck turning diagrams should also be provided.*

Response: No revisions to the existing farmstand are proposed as part of this project. The outdoor seating areas at the tasting room are accessed from either the inside of the building and/or from the concrete pavement at the front (south elevation) of the building. Building entrance/exit locations have been shown on the Site Plan for additional clarity. Truck turning diagrams have also been provided attached.

2. *The visual impact of the proposed building renovations is currently unclear. The applicant should provide architectural elevations if any changes to the exterior facades are proposed.*

Response: Architectural elevations are provided attached.

3. *The landscape plan lacks detail on the proposed plantings, which makes it difficult to assess the visual impact from the road. A planting schedule that includes specific plant species should be provided. Moreover, additional plantings could be considered along the site frontage for screening purposes, and along the paved pedestrian path to provide shading.*

Response: The existing screening is proposed to remain, which greatly limits the visibility of the proposed parking area from New Hamburg Road. Additional information related to the existing vegetation has been added to the landscaping plans and additional proposed



landscaping has also been added on the western side of the site entrance to further screen the proposed parking area. See also the following snapshot from Google Street View showing this existing vegetation looking from New Hamburg Road towards the proposed parking areas (for reference, the existing driveway to remain is seen on the right hand side of the photograph).



4. *The lighting plan includes some areas with light levels exceeding 5 footcandles and all fixtures have a color temperature of 4000K. We recommend a lower more even level of lighting averaging 1 footcandle and a color temperature no higher than 3,000K. All fixtures should also be dark-sky compliant with BUG ratings close to 0/0/0 as possible to reduce unnecessary glare and light pollution.*

Response: The lighting has been revised accordingly. BUG ratings have been provided, fixtures now specify 3000K color temperature, and max lighting levels of 5 footcandles and average lighting of approximately 1 footcandle have been accommodated as best as possible while adhering to the Town's restrictive mounting height limit of only 15 feet, which challenges the ability to provide more even lighting levels and lower maximum lighting levels.

Clark Patterson Lee Review Letter, dated June 29, 2023:

SEORA:

1. *Subject to confirmation from the Town Planner, a Full EAF should be prepared with an EAF Mapper summary report.*

Response: A Full EAF (with EAF Mapper summary report) has been provided attached.



2. *Town Wetland Disturbance Permit should be added as a necessary approval.*

Response: The Town Wetland Disturbance Permit has been added as a necessary approval within the EAF. The Town Wetland Disturbance Permit application has been provided attached.

3. *8.a. With 87 proposed parking spaces an increase in traffic is probable. The box should be checked yes. ITE values for trip generation should be provided. A traffic study showing levels of service for the entrance and exit, as well as the effects on nearest intersections may be necessary (we defer to the Town Planner on this issue).*

Response: The check box has been checked yes and trip generation numbers have been provided in the Full EAF. The Town Planner did not request a traffic study.

4. *12.a, 12.b. As both boxes are checked yes, it is likely that a phase 1A and possibly phase 1B archeological study will be required. Sign off by NYSOPRHP will be necessary.*

Response: Comment noted. NYSOPRHP sign-off will be sought.

5. *15. The threatened or endangered species should be identified.*

Response: Additional information related to threatened and endangered species is provided in the Full EAF.

Plans:

6. *As disturbance is greater than 1 acre a full SWPPP should be prepared.*

Response: A Full SWPPP has been provided attached.

7. *Parking calculations show 87 proposed spaces, but only 73 spaces are shown on the site plan. Please clarify.*

Response: The existing parking spaces have been shown on the Site Plan. Parking calculations have also been revised to show 83 provided spaces (73 proposed and 10 existing) where 81 total are required.

8. *Boulders, or other means acceptable to the Planning Board should be provided to delineate the wetland buffer.*

Response: As the wetland buffer is largely within an existing active farm field, the Applicant requests a waiver from the Planning Board for this requirement as to not interfere with the ongoing farming operations. However, temporary fencing (silt and orange construction fencing) is proposed to delineate the buffer in the vicinity of proposed improvements. See the revised Erosion & Sediment Control Plan for locations.

9. *The applicant should meet with the Hughsonville Fire department to gain approval of the emergency access to the site. Agreement for the location of the fire hydrant should also be coordinated with the Fire Department and Town Water System Operator (CAMO).*



Response: A meeting between the Applicant and the Hughsonville Fire Department has been requested and we hope to have additional information to share at the Planning Board meeting related to emergency access and hydrant location. The Fire Prevention Bureau has reviewed the plans and stated the plans meet their requirements and have no comments. A set of the plans will be sent to CAMO under separate cover for their review of the proposed municipal water connection.

10. *Even though most of the parking areas and access roads will be stone it is likely that this will be less permeable than the existing surfaces. Stormwater management practices should be designed accordingly.*

Response: A Full SWPPP has been prepared for the site. The gravel areas have been calculated as impervious when determining water quality requirements and have been given a curve number of 96 within the hydraulic models when determining stormwater runoff quantities and detention/infiltration requirements.

11. *Site distance for the exit and for an east bound vehicle turning into the entrance should be shown.*

Response: Site distances for the County highway (New Hamburg Road, County Route 28) have been reviewed and approved by DCDPW and have been added to the Site Plan.

12. *Rim elevations of CBs should be shown. Invert elevations should be shown. Elevations of outlet and inlet end sections should be shown. It appears that there is an end section inlet within the entrance drive west of the farmstand. Please clarify.*

Response: Rim and invert elevations have been added to the Grading & Drainage Plan. Additional information related to the referenced end section has been added. It is an existing daylight outlet pipe and will be extended to proposed CB1.

13. *Turning movements for the largest fire department vehicle and delivery vehicles should be shown.*

Response: Truck maneuvering plans have been added for fire apparatus, delivery vehicles and garbage trucks.

14. *CAMO pollution control approval of the water connection and piping details will be required.*

Response: Submission will be made to CAMO Pollution Control under separate cover.

15. *Clarification of the method of crossing New Hamburg Road should be shown.*

Response: The New Hamburg Road crossing is proposed to be direction drilled, as was required by the County DPW during their review and approval of the crossing. Additional callouts have been added to sheet C161.



Hardesty & Hanover review letter, dated June 28, 2023:

Review Comments:

1. Section 240-55. *The Applicant has applied for Special Use Permit Approval under Section 240-55 for a brewery and tasting room to process and sell agricultural produce. 240-55.F authorizes the Planning Board to determine whether the proposed products for sale comply with the Special Permit.*

Response: Comment noted.

2. Turning Templates. *The turning templates for the largest emergency response equipment and the largest delivery equipment should be shown on the plans. Ultimately, we defer to the Fire Prevention Bureau regarding turning templates and access for fire safety equipment.*

Response: Truck maneuvering plans have been provided attached.

3. Wetlands. *The Plans show several Town Wetlands on the Site*
 - a. *We defer to the Zoning Administrator as to whether it will be required that boulders be placed in the field demarking the 100-foot wetland buffer boundary line.*

Response: As the wetland buffer is largely within an existing active farm field, the Applicant requests a waiver from the Planning Board for this requirement as to not interfere with the ongoing farming operations. However, temporary fencing (silt and orange construction fencing) is proposed to delineate the buffer in the vicinity of proposed improvements. See the revised Erosion & Sediment Control Plan for locations.

- b. *It appears the Proposed Action will infringe upon the 100-foot wetland buffer boundary line. A Town Wetland Disturbance Permit will be required.*

Response: A Town Wetland Disturbance Permit has been provided attached for the proposed Town buffer disturbances.

4. Dumpster Enclosure. *Is a dumpster being proposed as part of the Application? If so, the location of the dumpster should be added to the plans and a dumpster enclosure detail should be added to the plans.*

Response: A dumpster enclosure location and detail have been added to the site plans.

5. Sight Distance. *Sight Distance should be shown for the proposed exit. We defer to the Town Superintendent of Highways and the Town Engineer with respect to sight distance measurements at the driveway.*

Response: As the site exit is located on a County highway, the site entrance & exit driveways and sight distances have been reviewed & approved by the Dutchess County DPW. The sight distances have been added to the Site Plan for reference.

6. Parking. *The parking calculations should be clarified. The table shows a required 81 spaces and a proposed 87 spaces, including 15 spaces proposed to be land banked and 14 existing spaces. However, analysis of the Site Plan only shows 73 spaces, including the*



15 land banked spaces, and it is unclear where the existing spaces are located.

Response: The existing spaces have been shown on the Site Plan. The new parking calculation table shows 81 spaces required and 83 spaces provided.

7. Landscaping

- a. *The following note should be provided on the landscaping plan:
“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.”*

Response: The referenced note has been added to the landscaping plan.

- b. *The Landscaping Plan does not show proposed species or size at the time of planting. The Applicant should address this.*

Response: A planting schedule has been added to the landscaping plan designating species and size information for the proposed plantings

8. Lighting. *The lighting plan is not in conformance with Local Law No. 5 of the year 2022 which amended Section 240-23 Exterior Lighting.*

- a. *The lighting plan shows a few minor examples of lighting levels exceeding 5 footcandles in certain hotspots, reaching levels as high as 6.4.*

Response: The lighting plan has been revised accordingly. The pedestrian path has been provided with lighted bollards that exceed the 5 footcandles maximum level due to dark sky compliance and low mounting height. The applicant seeks a waiver of this requirement for these affected bollards.

- b. *The lighting plan should include the BUG ratings of the proposed light fixtures.*

Response: The BUG ratings for the proposed light fixtures have been provided within the lighting schedule.

- c. *The lighting plan shows pole heights exceeding 15 feet in height which is the maximum permitted.*

Response: The pole heights have been reduced to 15 feet.

- d. *The lighting plan shows proposed luminaires to be 4000k in color temperature when 3000k is the maximum permitted.*

Response: The color temperature for the proposed fixtures has been revised to 3000K.



Please put this item on the agenda for the September 18, 2023, meeting. If you have any questions or need anything further, please contact me at kahearn@labellapc.com or 845-454-3980.

Respectfully submitted,

Kyle Ahearn, PE
Senior Civil Engineer, Project Manager

Encl: Site Plan set, last revised 8/14/23
Full SWPPP, dated 8/14/23
Full EAF, dated 8/14/23
Architectural Elevations, dated 8/7/23
Wetland Disturbance Permit application, dated 8/14/23