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MEMORANDUM

To: Bruce M. Flower, Chairman, and the Town of Wappinger Planning Board

Date: November 16, 2023

Subject: **Obercreek Farm Brewery & Tasting Room Special Permit, Site Plan & Wetland Disturbance Permit**
Tax Lots 6057-02-847758

As requested, we have prepared the attached **Resolution of Special Permit and Site Development Plan** for your review and consideration.

We look forward to discussing this resolution with you at the Planning Board meeting.

Malcolm Simpson
Planner

Attachments

cc: James Horan, Esq.
Barbara Roberti
Jon Bodendorf, PE
Michael Sheehan

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: OBERCREEK FARM BREWERY & TASTING ROOM – RESOLUTION OF SPECIAL PERMIT, SITE DEVELOPMENT PLAN & WETLAND DISTURBANCE PERMIT

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 _____, 2023 at 7:00 P.M.

The meeting was called to order by the Chairman Bruce M. Flower and the Planning Board member attendance was as follows:

Bruce M. Flower	_____
Robert Ceru	_____
Paul Freno	_____
Reinaldo Anjos	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board received an application from Alexander Reese (the “Applicant”) for Site Development Plan and Special Permit Approvals per *Section 240-55 Farm Uses* to renovate and expand two existing barns into a tasting room and brewery for the processing and sales of farm produce; and

WHEREAS, the site currently contains three existing buildings, including two former dairy barns and a farm stand. The northern, 1-story with loft, dairy barn (6,029 SF) will be converted to a tasting room comprising 5,337 SF, with a catering kitchen and 187 seats. The southern, 1-story with loft, dairy barn (7,371 SF) will be converted to a brewery, with an 814 SF addition for a total of 8,185. There is no change proposed to the 1,250 SF farm stand; and

WHEREAS, the Applicant is also seeking minor modifications to the existing driveway, a new egress onto New Hamburg Road, sewage disposal system, connection to municipal water for public use, drilling of a well for brewery operations, and the expansion of the existing 10 parking spaces to a proposed total of 83 parking spaces with associated lighting, landscaping, pedestrian walkways, and drainage improvements (“Proposal” or “Proposed Action”); and

WHEREAS, the subject property is known as tax lot 6057-02-847758 on the Town of Wappinger tax assessment maps, is located at 81 New Hamburg Road and is within the R-80 1-Family Residence District (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted an Application for Special Use Permit Approval dated 6/19/23; an Application for Site Plan Approval dated 6/6/23; a Full Environmental Assessment Form (EAF) dated 8/14/23; a comment response memo dated 10/16/23; Architectural Elevations dated 8/7/23; a Wetland Disturbance Permit Application dated 8/14/23; and a set of plans (19 sheets) generally entitled "Obercreek Brewery & Tasting Room," prepared by LaBelle Engineering, P.C., dated 8/14/23 last revised 10/4/23; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type 1 Action with regard to SEQRA as it proposes the expansion of existing nonresidential facilities and includes the rehabilitation and reuse of two buildings in the Wheeler Hill Historic District; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter of July 7, 2023, which concludes that the Proposed Action is an matter of local concern and the Planning Board should rely on their own findings; and

WHEREAS, in accordance with Section 240-88 of the Town Zoning Law, the public hearing on the Amended Site Plan was held at the October 23, 2023 Planning Board Meeting and again at the November 6, 2023 Planning Board Meeting at the Planning Boards discretion; and

WHEREAS, the Application requires a Wetlands Disturbance Permit for improvements to the parking areas within the Town regulated wetland buffer; and

WHEREAS, the Application requested a parking waiver to landbank 15 of the proposed 83 parking spaces and was granted a parking waiver to landbank 15 of the proposed 83 parking spaces at the 11/6/23 Planning Board Meeting; and

WHEREAS, the Project Site is currently in final lot line adjustment approval review as a part of another application and the submitted plans are designed with the assumption of that approval and any approval of the Proposed Action shall be conditioned on the approval of that lot line adjustment or the submitted plans shall be revised; 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 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 the State Environmental Quality Review Act 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 since any construction and land disturbance associated with the development will be controlled and will be mitigated through proper drainage and erosion control, and the Application is undergoing a review process with the New York State Office of Parks, Recreation, and Historic Preservation regarding archeological investigations and the historical architectural preservation of the existing buildings and an approval from the OPRHP will be a condition of Site Plan and Special Permit Approval.
3. The Planning Board hereby adopts this Resolution of Site Development Plan, Wetlands Disturbance Permit and Special Permit per Section 240-55 Farm Uses to renovate and expand two existing barns into a tasting room and brewery for the processing and sales of farm produce. The Applicant is also seeking minor modifications to the existing driveway, a new egress onto New Hamburg Road, sewage disposal system, connection to municipal water for public use, drilling of a well for brewery operations, and the expansion of the existing 10 parking spaces to a proposed total of 83 parking spaces with associated lighting, landscaping, pedestrian walkways, and drainage improvements. The site currently contains three existing buildings, including two former dairy barns and a farm stand. The northern, 1-story with loft, dairy barn (6,029 SF) will be converted to a tasting room comprising 5,337 SF, with a catering kitchen and 187 seats. The southern, 1-story with loft, dairy barn (7,371 SF) will be converted to a brewery, with an 814 SF addition for a total of 8,185. There is no change proposed to the 1,250 SF farm stand. as described above and as shown on the above drawing, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:
 - a. 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.
 - b. The Owner of the Subject Property shall submit a copy of the current deed(s) to prove its ownership of said property.
 - c. 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.
 - d. The Applicant shall obtain all necessary "outside" agency approvals for the Project including but not limited to approvals from the New York State Office of Parks,

Recreation, and Historical Preservation regarding both archaeological sensitivities and historical and architectural character.

- e. The Application shall receive a wetland disturbance permit from the Town of Wappinger.
- f. The Applicant shall demonstrate compliance with the Town Engineer letter dated 11/2/23 to the satisfaction of the Town Engineer.

When all of the items set forth in Condition 3 above have been satisfied, nine (9) copies 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. A PDF and a paper copy of the final signed plans shall be submitted to the Planning Board as part of the record. This submission shall include all supporting documentation verifying the sub-conditions set forth in Condition 3 have been met and this submission should include a narrative detailing what elements are included in this submission and in what way these elements address the sub-conditions set forth in Condition 3. This submission, including the narrative and all supporting documentation shall be submitted together at once.

- 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 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 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.
- 6. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, the Special Use Permit Approvals 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.

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.

7. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
8. No Building Permit or Certificate of Compliance 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.
9. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Site Development Plan Approval shall be subject to continued conformance with such Site Development Plan Approval.
10. The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

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

Bruce M. Flower	_____
Robert Ceru	_____
Paul Freno	_____
Reinaldo Anjos	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

The resolution is hereby duly declared adopted.

Dated: _____, 2023
Wappingers Falls, New York

Beatrice Ogunti, Secretary

Date

Town of Wappinger Planning Board

Alexander Reese
Applicant

Date

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

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date