

MINUTES

Town of Wappinger Planning Board
March 20, 2017
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Flower	Chairman	Present
	Ms. Visconti:	Co-Chair	Present
	Ms. Bettina	Member	Present
	Mr. Marinaccio	Member	Present
	Mr. Pesce:	Member	Present
	Mr. Valdati	Member	Absent

Others Present:

Mr. Roberts:	Town Attorney
Mr. Bob Gray:	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti:	Zoning Administrator
Mrs. Ogunti	Secretary

SUMMARY

Discussion:

Bank of America	Resolution approved
Berisha Apartments	Resolution approved
G&G Amended Site Plan (formerly Greenbaum & Gilhooley's)	Resolution approved as amended

Discussion:

16-3352 Bank of America (Amended Site Plan): To vote on a resolution for an amended site plan application for the upgrade of exterior lighting on 1.07 acres in an HB Zoning District. The property is located at **1469 Route 9** and is identified as **Tax Grid No. 6157-02-609919** in the Town of Wappinger. (Silsbe)

- Present: Kerri Silsbe – Bank of America representative
- Mr. Flower: First item on the agenda is the Bank of America amended site plan.
- Ms. Visconti: David, is this plan lighting going to blend in with the area in the pitch of darkness?
- Mr. Stolman: It will and we also have a condition in here No. 4 on Page 3 where the Planning Board is reserving the right of the Town to make field inspections of the site and to require adjustments to the outdoor lighting as necessary to include objectionable glare from adjoining streets and properties.
- Ms. Visconti: Motion to approve the resolution with that caveat.**
- Mr. Pesce: Second the Motion.
- Vote: All present voted Aye.
- Ms. Silsbe: Thank you everybody.

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3/20/17

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: BANK OF AMERICA, 1469 ROUTE 9 – RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL

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 _____ 2017 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 _____

Angela Bettina _____
Ralph Marinaccio _____
Carlo Pesce _____
Robert L. Valdati _____
June Visconti _____

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

WHEREAS, the Town of Wappinger Planning Board received the application of Bank of America (the “Applicant”) on behalf of John Davis (the “Owner”) for Amended Site Development Plan Approval to make changes to the exterior lighting of the existing site (the “Project” or “Proposed Action”); and

WHEREAS, the 1.07-acre property is known as tax lot 6157-02-609919 on the Town of Wappinger Tax Assessment Maps and is located at 1469 Route 9 within the Highway Business (HB) zoning district (the “Subject Property” or “Site”); and

WHEREAS, The Applicant has submitted for review a letter to the Planning Board dated 7/28/16; an Application for Amended Site Plan Approval dated 7/6/16; a Short Environmental Assessment Form (Short EAF) dated 6/27/16; and the following plans generally entitled “Lighting Upgrade Program” prepared by Houser Engineering, LLC dated 5/19/16 and last revised 3/6/17:

1. Sheet 1, “Cover Sheet;”
2. Sheet 2, “Security Lighting Plan;”
3. Sheet 3, “Notes and Overall Lighting Plan;”
4. Sheet 4, “Details;” and

WHEREAS, the plans have been revised to remove four (4) CPY 250 Canopy/Soffit Luminaire lights (canopy lighting) and to replace them with four (4) SFT-228 Soffit Luminaire lights (canopy lighting) to reduce the lighting levels under the canopy; and

WHEREAS, the Project will have a total of nine (9) canopy-mounted lights, six (6) pole mounted lights and four (4) wall-mounted lights; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law and requires no further review to identify any potential environmental impacts; and

WHEREAS, the Project was referred to Dutchess County Department of Planning and Development (DCDPD) who recommended that the Planning Board rely upon its own study of facts with due consideration to the DCDPD’s comments; and

WHEREAS, the Planning Board has given due consideration to the comments of the DCDPD; and

WHEREAS, the Planning Board has determined that the changes to the lighting does not rise to the level of necessitating a public hearing; 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, Site Development Plan, Parking and Performance standards of Articles IX 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 Section 240-88.B of the Zoning Law, the Planning Board hereby waives the public hearing on the Project as the proposed revisions are considered minor in nature.
3. The Planning Board hereby adopts this Resolution of Amended Site Development Plan Approval to complete exterior lighting upgrades to the Site, including a total of nine (9) canopy-mounted lights, six (6) pole mounted lights and four (4) wall-mounted lights, and the above specified drawings shall replace the previously approved lighting plans, in accordance with the provisions of Articles IX through XI of the Zoning Law subject to the following conditions:
 - a. The following conditions 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 Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.
 - (3) The Owner of the Subject Property shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
 - (4) The plan shall bear the following note: "All lighting shown on this plan shall be directed and/or shielded so as to preclude objectionable glare from being observable from adjoining streets and properties."

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.

4. The Planning Board reserves the right of the Town to make field inspections of the Site and to require adjustments to the outdoor lighting, as necessary to preclude objectionable glare from being observable from adjoining streets and properties.
5. 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 therefor 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.
6. 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 if:
 - a. An application for a Building Permit has not been made within one (1) year of the date of the adoption of this resolution; or
 - b. All construction in conformance with the approved site plan has not been completed within three (3) years of the date of the adoption of this resolution; or
 - c. Construction in accordance with the site plan substantially ceases for any reason, prior to completion, for a period of one (1) year or more after commencement of construction; or
 - d. 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.

7. No Building Permit, Certificate of Compliance 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, Certificate of Compliance or Certificate of Occupancy issued in accordance with this Resolution of Amended Site Development Plan Approval shall be subject to continued conformance with such Amended Site Development Plan Approval.
9. Except as specifically modified herein, all prior Resolutions of Site Development Plan Approval and all 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:

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

The resolution is hereby duly declared adopted.

Dated: _____, 2017
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Bank of America
Applicant

Date

John Davis
Owner

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.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

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17-3362 Berisha Apartments: To vote on a resolution to memorialize their site plan for 12 apartments, one single-family dwelling and the addition of a 10' x 12' shed in a R-20 Zoning District. The property is located at **2-6 Kent Road** and is identified as **Tax Grid No. 6258-03-207143** in the Town of Wappinger. (Bodendorf)

Present: Mike Bodendorf – Architect

Mr. Stolman: There are a couple of changes to the resolution that you got early last week. At the bottom of Page 1 and the next to last word, whereas is actually eight 1-bedroom apartments and four 2-bedroom apartments. So we will make those changes on Pages 1 & 2, and the last whereas on Page 1 is an addition which says the two existing buildings which contain the apartments pre-existing zoning and were used as apartments/boarding house prior to the zoning of the property. Everything else is as you saw when you got this last week.

Ms. Visconti: Wasn't there a question about the barn?

Mr. Bodendorf: That had to do with the Fire Prevention Bureau comments which had to do with putting the numbering on the buildings which I've added notes onto the plan. I will respond to that as part of the resolution and make sure I get that in there as well.

Ms. Visconti: Is that duly noted, David?

Mr. Stolman: We have a Condition D1 on Page 2 which says Site Specific Note 1 pertains to the use of the respective buildings. The note shall be converted into a table which clearly specifies the buildings and number of dwelling units in each building. As part of that the buildings will be numbered.

Mr. Bodendorf: We have our numbers on the site plan but we also have the 911 address numbers now. We are stipulating that they have to mark each of those buildings with the corresponding 911 address.

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

Ms. Visconti: **Motion to go into Executive Session.**
Mr. Pesce: Second the Motion.
Vote: All present voted Aye.

Mr. Visconti: **Motion to come out of Execution Session.**
Ms. Bettina: Second the Motion.
Vote: All present voted Aye.

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3/20/17

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: BERISHA APARTMENTS, 2-6 KENT ROAD – RESOLUTION OF SITE DEVELOPMENT PLAN APPROVAL

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 _____ 2017 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 _____
Angela Bettina _____
Ralph Marinaccio _____
Carlo Pesce _____
Robert L. Valdati _____
June Visconti _____

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

WHEREAS, the Town of Wappinger Planning Board received the application of Kent Road Associates, LLC (the “Applicant” and the “Owner”) for Site Development Plan Approval to resolve zoning and Building Department issues (the “Project” or “Proposed Action”); and

WHEREAS, the 2.08-acre lot located at 2-6 Kent Road, and is designated as tax lot 6258-03-207143 on the Town of Wappinger tax maps and located within the R-20 1-Family Residence District (the “Subject Property” or “Site”); and

WHEREAS, on the Subject Property are three (3) existing buildings, two (2) of which are multifamily (eight (8) one-bedroom apartments in one building and four (4) two-bedroom apartments in the other) and the third building is a single-family dwelling; and

WHEREAS, the two (2) existing buildings which contain the apartments pre-existed zoning and were used as apartments/boarding house prior to the zoning of the property; and

WHEREAS, the Applicant has submitted for review an Application for Site Plan Approval form dated 2/3/17; a Short Environmental Assessment Form (Short EAF) dated 2/3/17; and a plan entitled, “Site Plan Kent Road Apartments,” prepared by Hudson Land Design dated 1/31/17; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II action with respect to the New York State Environmental Quality Review Act (SEQRA) and the Town of Wappinger Environmental Quality Review (WEQR) law and requires no further review to identify any potential environmental impacts; and

WHEREAS, the Planning Board received comments by way of correspondence dated February 13, 2017 from the Town of Wappinger Fire Prevention Bureau who had no comments and stated that the project met their approval; and

WHEREAS, the Planning Board has determined that the application does not rise to the level of necessitating a public hearing; 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 Site Development Plan, Parking and Performance standards of Articles IX 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:

10. 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.

11. Pursuant to Section 240-88.B of the Zoning Law, the Planning Board hereby waives the public hearing on the Project as the proposal is considered minor in nature.
12. The Planning Board hereby grants Site Development Plan Approval to the Site, on which are located three (3) existing buildings, two (2) of which are multifamily (eight (8) one-bedroom apartments in one building and four (4) two-bedroom apartments in the other) and the third building is a single-family dwelling, as shown on the above specified plans, in accordance with the provisions of Articles IX through XI of the Zoning Law of the Town Code subject to the following conditions and modifications:
 - b. 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.
 - c. The Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.
 - d. The Owner of the Subject Property shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.
 - e. The following conditions shall be fulfilled to the satisfaction of the Town Planner:
 - (1) Site Specific Note 1 pertains to the use of the respective buildings. The note shall be converted into a table which clearly specifies the buildings, numbers the buildings, and provides the number and type of dwelling units in each building.

Further, the Applicant shall apply for and obtain street addresses for the buildings on-Site from the Dutchess County 911 Addressing Office, and shall submit evidence of same to the Planning Board.
 - (2) The existing easement between the Subject Property and the parcel to the south (N/F Rotger) that grants mutual access along the common blacktop driveway shall be shown on the site plan.
 - f. The floodplain shall be shown on the site plan to the satisfaction of the Town Engineer.
 - g. The existing easement between the subject parcel and the parcel to the south (N/F Rotger) that grants mutual access along the common blacktop driveway shall be submitted to the Town Attorney for his review and approval.

When all of the sub-conditions set forth in Condition 3 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.

13. 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.

14. 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 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.

15. 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.

16. 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.

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

Bruce M. Flower, Chairman	Voting: _____
Angela Bettina	Voting: _____
Ralph Marinaccio	Voting: _____

Carlo Pesce
Robert L. Valdati
June Visconti

Voting: ____
Voting: ____
Voting: ____

The resolution is hereby duly declared adopted.

Dated: _____, 2017
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Elmi Berisha, Kent Road Associates, LLC
Applicant and Owner

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 plans may be endorsed by the Planning Board Chairman.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

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16-3356 G&G Amended Site Plan (formerly Greenbaum & Gilhooley's): To vote on a resolution for an amended site plan with mixed use for three buildings to include retail, bank, office and restaurant. Proposed fast food drive-thru between Building A & Building B to be eliminated. To be replaced with outdoor dining patio, adding 5 new parking spaces, and adding exterior cooler to the north side of Building A 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** in the Town of Wappinger. (Tinkelman)

Present: Robert Turner – Architect

Mr. Flower: We got some of the stuff you submitted to us through email.

Mr. Turner: Correct. I was aware that there really wasn't a need to do a submission after the last meeting. Because there were a lot of concerns about the use of the second floor and how it was being divided up and how that would affect the parking on the site. I wanted to make it very clear and that was one of the main reasons for making that submission was to put that description in that letter and provide you with a floor plan that shows that breakout. In addition to doing that I was picking up a lot of miscellaneous things that were identified at the previous meeting as concerns and also what was outlined in the resolution. The main purpose of that submission was for us to clarify so that way everyone fully understands the use of that second floor. They weren't going to be taking over other spaces just that one space is going to be for dining and the rest is for storage.

Mr. Flower: The board members all feel there is still issue with the parking overall for the entire site. We understand that the restaurant will be moving along and we have no problems with what's going on there. We believe the site as it stands right now leaves no concerns with them opening and the parking should be okay. We are hoping they do well and fill the parking lot every night of the week. With respect to the second building, we don't know what's going to happen with the parking since there are no tenants now. We don't know whether it's a business or retail type store and without those hard numbers we don't know where the parking will end up. We will go ahead and approve the changes we currently have for the restaurant. Prior to Building B, we are going to need a revised parking study and it should reflect the scenario of what is going on while the restaurant is open. I don't think the peak time for the entire plaza will be between 1pm and 2pm and I think it is closer between 5pm and 8pm when the restaurant is busy and the bank is closing.

Mr. Flower continues his overview of the board's concerns.

If we go ahead and approve it with that stipulation and possibly if they do very well then maybe Building B might have to become a little smaller.

Mr. Turner: I think that's very fair because I know Steve doesn't want to build Building B unless he knows he has a tenant and someone has signed a letter of intent. At that point in time we will know what the use was going to be so it would be much easier to provide you with a very legitimate parking analysis.

Mr. Flower: That's what we discussed and that's what we feel would be a fair option. We need to get the planner to amend the resolution to include that in there.

Ms. Visconti: Did we approve this as amended per this conversation?

Mr. Stolman: Yes, we outlined the concept and Al and I are just going to work on the texts.

Ms. Visconti: Motion to approve the resolution based on conversation between the applicant and members of Planning Board this evening. We also authorize the Town Planner and the Town Attorney to amend the language.

Ms. Bettina: Second the Motion.

Vote: All present voted Aye.

Mr. Roberts: Steve, you agree?

Mr. Turner: I agree. I think it is fair.

Mr. Roberts: I apologize, Robert.

Mr. Turner: No problem, I've been called Steve many times.

Mr. Stolman: Robert, just so you understand that Building A (the restaurant) has to be up and running when the new parking analysis is done.

Mr. Turner: Correct, that I understand. Thank you.

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3/20/17

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: 1379 ROUTE 9 (FORMERLY KNOWN AS GREENBAUM AND GILHOOLEY'S) RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN AND SPECIAL PERMIT APPROVALS

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 _____, 2017 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 _____
Angela Bettina _____
Ralph Marinaccio _____
Carlo Pesce _____
Robert L. Valdati _____
June Visconti _____

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

WHEREAS, on May 19, 2014 the Planning Board adopted a resolution (the “Original Resolution”) approving an application from Tinkelman Architecture, PLLC (the “Applicant”) on behalf of Michael Leonard (the “Former Owner”) for Amended Site Development Plan Approval for the renovation of the existing two-story building (Building A) to be ±6,354 square feet, the construction of a new ±7,112-square foot mixed-use building (Building B) and a new ±3,167-square foot bank building (Building C), as well as other site improvements including parking, sidewalks, plazas, loading areas, refuse enclosures and landscaping (the “Project” or “Proposed Action); and

WHEREAS, the ±1.89-acre property is known as tax lot 6157-02-594684 and is located at 1379 Route 9 within a HB Highway Business District (the “Subject Property” or “Site”); and

WHEREAS, on July 20, 2015 the Planning Board adopted a resolution approving an application from Tinkelman Architecture, PLLC on behalf of NSN 1379, LLC (the “Owner”) for Amended Site Development Plan Approval to phase the Project with Phase 1 including the bank building (Building C) and associated parking and improvements, and Phase 2 including the other buildings (Buildings A and B) and associated parking and improvements; and to modify the elevations for Building A to reflect minor changes made to Project architecture; and

WHEREAS, the Applicant currently proposes to change to the mix of uses in the project including the renovation of all of Building A into a restaurant, to eliminate the drive thru between Buildings A and B and to replace the drive thru with an outdoor dining area, and to install ambient outdoor music for the outdoor dining on the Site (the “Project” or “Proposed Action); and

WHEREAS, the Applicant has submitted a narrative detailing the changes dated October 26, 2016, a narrative detailing the amendments to the electrical room for Building ‘A’ dated December 13, 2016 and prepared by Tinkelman Architecture, PLLC, a full Environmental Assessment Form, dated October 17, 2016, an as-built survey entitled, “NSN 1379 – Ulster Savings Bank, Greenbaum Square,” dated January 11, 2016, an application for Special Permit Use dated January 30, 2017, and the following plan sheets generally entitled “New Commercial Development (Former Greenbaum & Gilhooley’s) Amended Site Plan – Building A, 1379 Route 9,” last revised 1/30/17, prepared by Tinkelman Architecture, PLLC:

1. Sheet AZ-01, “Cover Sheet,” last revised 1/30/17;

2. Sheet PZ-04.1, "Site Development Plan," last revised 1/30/17;
3. Sheet PZ-05, "Landscaping Plan," last revised 1/30/17;
4. Sheet PZ-06, "Preliminary Floor Plans," last revised 1/30/17;
5. Sheet PZ-07, "Exterior Elevations," last revised 1/30/17;
6. Sheet PZ-7.1, "Alternate Exterior Elevations, last revised 1/30/17;
7. Sheet PZ-08, "Exterior Building Elevations," last revised 1/30/17;
8. Sheet PZ-09, "Building 'B' Elevations," last revised 1/30/17;
9. Sheet PZ-10, "Traffic Circulation Plan," last revised 1/30/17;
10. Sheet PZ-10.1, "Photometric Site Plan & Information," last revised 1/30/17;
11. Sheet PZ-11, "Site Details," last revised 1/30/17;
12. Sheet PZ-12, "Site Details," last revised 1/30/17;
13. Sheet PZ-12.1 "Site Details," last revised 1/30/17;
14. Sheet PZ-12.2 "Site & Lighting Details & Info.," last revised 1/30/17; and

WHEREAS, the following plan sheets generally entitled "USB – Wappingers Branch, 1379 Route 9, Wappingers Falls, NY," dated 4/18/2014 and prepared by Degraw and Dehaan Architects:

1. Sheet PZ-13, "Schematic Renderings;"
2. Sheet PZ-14, "Schematic Floor Plan;"
3. Sheet PZ-15, "Schematic Elevations;"
4. Sheet PZ-16, "Schematic Elevations;"
5. Sheet PZ-17, "Building Signage and Lighting;"
6. Sheet PZ-18, "Site Signage;" and

WHEREAS, the following plan sheets generally entitled "Construction Documents New Commercial Development (Former Greenbaum & Gilhooley's) 1379 Route 9, Wappinger, NY," prepared by the LRC Group:

1. Sheet EC-1, "Erosion and Sedimentation Control Plan," last revised 1/13/17;
2. Sheet SG-1, "Site Grading Plan," last revised 1/13/17;
3. Sheet SD-1, "Site Drainage Plan," last revised 1/13/17;
4. Sheet UT-1, "Utilities Plan," last revised 1/13/17;
5. Sheet DN-1, "Detail Sheet," last revised 1/13/17;
6. Sheet DN-2, "Detail Sheet," last revised 1/13/17; and

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

WHEREAS, the Planning Board received comments by way of correspondence dated January 4, 2017 from the DCDPD who recommended that the Planning Board rely upon its own study of facts with due consideration to the DCDPD's comments; and

WHEREAS, the Planning Board has given due consideration to the comments from the DCDPD; and

WHEREAS, the proposed outdoor ambient music for the outdoor dining area requires Special Permit Approval from the Planning Board; 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 provisions relating to Special Permit, Site Development Plan, Parking and Performance Standards of Articles VII through XI of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

17. 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.
18. Pursuant to State Environmental Quality Review regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the changes proposed are minor in nature and will not create any adverse environmental impacts.
19. Pursuant to Section 240-88.B of the Zoning Law, the Planning Board hereby waives the public hearing on the Project as the proposed revisions are considered minor in nature.
20. The Planning Board hereby grants Amended Site Development Plan and Special Permit Approvals to change the mix of uses in the Project including the renovation of all of Building A into a restaurant, to eliminate the drive thru between Buildings A and B and to replace the drive thru with an outdoor dining area, and to install ambient outdoor music for the outdoor dining on the Site as defined above and as shown on the above specified plans in accordance with the provisions of Articles VII through XI of the Zoning Law of the Town Code subject to the following conditions and modifications:
 - 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 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.
 - c. The Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.

- d. Sheet PZ-06, Preliminary Floor Plans, shall be revised to the satisfaction of the Town Planner so as to clearly provide the respective floor areas of all first and second floor spaces of Building A. All drawings which are submitted to governmental agencies regarding this Project shall show the layout and usage of the first and second floors of Building A as depicted on Sheet PZ-06, as revised. Further, the title of said Sheet shall be modified by removal of the word “Preliminary” so as to read “Floor Plans.” In addition, the narrative regarding this Project shall be revised to the satisfaction of the Town Planner so as to be entirely consistent with Sheet PZ-06, as revised.
- e. The following conditions shall be fulfilled to the satisfaction of the Town Planner:
 - (1)The Project includes the installation of outdoor speakers for ambient music for the outdoor dining area. The partial site plan sheets attached to the application, which show the speaker locations and distances from residences, shall be included in the plan set.
 - (2)The narrative provided by the Applicant notes that the outdoor dining area will be accessed through sliding doors. The elevations shall be revised to show the sliding doors that are proposed.
 - (3)The locations of the planters proposed around the dining area have been shown on the Landscaping Plan (Sheet PZ-05). The location of the planters shall also be shown on the Site Development Plan (Sheet PZ-04.1). In addition, the planters are required to be concrete or plastic, accompanied by metal bollards. A detail of the containers, which also notes the material that they are made from, shall be included in the plans.

When all of the sub-conditions set forth in Condition 4 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.

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.

- 5. The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy for each phase of the Project:
 - a. The Applicant shall fulfill all of the conditions of, and shall complete all improvements required in accordance with this Resolution of Amended Site Development Plan and Special Permit Approvals for said respective phase.

- b. The Fire Prevention Bureau and the Fire Inspector shall inspect the premises of said respective phase, and evidence of their satisfaction shall be submitted to the Town Zoning Administrator.
 - c. Certified "as-built" drawing(s) shall be submitted to the Town Zoning Administrator for Phase 1 and for the whole Project.
6. 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.
 7. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Special 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 approval use.
 8. During the phasing and construction of this Project the Applicant shall comply in all respects with the requirements of the New York State Department of Transportation (NYSDOT) and shall be limited and governed by the permissions and permits issued by the NYSDOT as this Project is constructed to completion, to the satisfaction of the Engineer to the Town and/or the Town Building Department.
 9. 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 therefor 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.
 10. The Applicant must return for approval from the Planning Board if any changes to the endorsed plan(s) and/or any resolution of approval are subsequently desired.
 11. The Resolutions of Amended Site Development Plan Approval adopted by the Planning Board on May 19, 2014 and July 20, 2015 all prior approvals granted by the Planning Board regarding this Project shall remain valid and intact except with respect to the changes approved herein.
 12. In conjunction with the Applicant's shared parking analysis, portions of the second floor of Building A have been proposed to be restricted to use as storage rather than restaurant floor area, and the conclusion in the

shared parking analysis that there will be sufficient parking for the Project is dependent upon restricting the use of the second floor as proposed. The layout and usage of the second floor of the Building A shall be as it is depicted on Sheet PZ-06, Preliminary Floor Plans, listed above.

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

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

The resolution is hereby duly declared adopted.

Dated: _____, 2017
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Tinkelman Architecture, PLLC
Applicant

Date

NSN 1379, LLC
Owner

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 4 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

Mr. Flower:
Ms. Bettina:
Vote:

Motion to adjourn.
Second the Motion.
All present voted Aye.

Adjourned: 7:30 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board