

**MEMORANDUM**

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

Date: April 30, 2020

Subject: **Elgen Associates – Amended Site Development Plan Approval**  
Tax Lot 6157-02-580777

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

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

David H. Stolman, AICP, PP  
Principal

Sarah L. Brown, AICP  
Senior Associate/Planning

cc: Lisa Cobb, Esq.  
Barbara Roberti  
Peter D. Setaro, PE  
Michael Sheehan  
William H. Povall, PE ([whp@povallengineering.com](mailto:whp@povallengineering.com))

**RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD**

**RE: ELGEN ASSOCIATES - RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN APPROVAL**

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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 \_\_\_\_\_, 2020 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	_____
Ralph Marinaccio	_____
Carlo Pesce	_____
Christopher Phillips	_____
Robert L. Valdati	_____

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

WHEREAS, the Planning Board received the application of Elgen Associates (the "Applicant" and "Owner") for Amended Site Development Plan Approval to alter a previous approval for the renovation of an existing two story 2,120 square foot building (1,060-square foot on each floor) for retail use and instead renovate it as a one-family dwelling and reduce the previously approved parking, (the "Project" or "Proposed Action"); and

WHEREAS, the 1.78-acre lot is located at 561-563 Old State Road E, is designated as tax lot 6056-02-580777 on the Town of Wappinger tax maps and is 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 3/6/20 and a project narrative dated 2/3/20 both prepared by Povall Engineering, PLLC; an Application for Amended Site Plan Approval dated 1/31/20; a Short Environmental Assessment Form (SEAF) dated 1/31/20; and the following plans generally entitled "Amended Site Plan for Elgen Associates," also prepared by Povall Engineering, PLLC, dated 2/3/20 last revised 3/6/20:

1. Sheet 1 of 2, "Amended Site Plan;"
2. Sheet 2 of 2, "Details;" 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 February 19, 2020 which concludes that the Planning Board should rely upon its own study of the facts in the case with due consideration of the comments made by DCDPD; and

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

WHEREAS, a duly advertised public hearing on the Project was held on January 17, 2018 at which time all those wishing to be heard were given the 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 provisions relating to Site Development Plan review and approval in Article IX 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 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 plantings have been provided for additional screening.
3. The Planning Board hereby adopts this Resolution of Amended Site Development Approval to alter a previous approval for the renovation of an existing two story 2,120 square foot building (1,060-square foot on each floor) for retail use and instead renovate it as a one-family dwelling and reduce the previously approved parking, as described above and as shown on the above listed drawings, in accordance with the provisions of Article IX of the Zoning Law subject to the following being fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan drawings:
  - 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/

- 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 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 comply with the following items subject to the review and approval of the Town Engineer:
    - (1) A driveway permit shall be required for the new driveway.
    - (2) Additional drainage improvements or grading in the area south of Building #1, between the proposed parking lot and Sargent Palmetteer Way shall be required to avoid runoff from being blocked by the proposed entry drive and being directed toward the Town Road.
  - e. Details of the proposed light fixtures shall be included in the plan set to the satisfaction of the Town Planner.

When all of the sub-conditions set forth in Condition 3 above have been satisfied, six (6) 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.

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

- 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 Amended 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 Amended 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. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved amended 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.
7. 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.
8. Except as specifically modified herein, any 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:

Bruce M. Flower	Voting: _____
Robert Ceru	Voting: _____
Ralph Marinaccio	Voting: _____
Carlo Pesce	Voting: _____
Christopher Phillips	Voting: _____
Robert L. Valdati	Voting: _____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2020  
Wappingers Falls, New York

\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eugene Lois  
Elgen Associates  
Owner/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

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