

MEMORANDUM

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

Date: December 4, 2020

Subject: **Poughkeepsie Nissan – Amended Site Plan Approval**
Tax Lot 6157-02-607850

As requested, we have prepared the attached **Resolution of Amended Site 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

Malcolm Simpson
Junior Planner

cc: Paul Ackermann, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Lawrence J. Paggi, PE (ljpaggi@optonline.net)

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: POUGHKEEPSIE NISSAN – RESOLUTION OF AMENDED SITE 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 _____, 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	_____
Paul Freno	_____
Ralph Marinaccio	_____
Markos Peratikos	_____
Nicholas Maselli	_____
Robert L. Valdati	_____

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

WHEREAS, Maric LLC (the “Owner” and “Applicant”) is seeking Amended Site Plan Approval for changes made with the lot line amendment to convey a 0.039-acre portion of tax lot 6157-02-607850 (Lot 1) to Tax Lot 6157-02-607815 (Lot 2) and convey a 0.320-acre portion of Lot 2 to Lot 1(the “Project” or “Proposed Action); and

WHEREAS, the Proposed Action also includes applications for Preliminary and Final Subdivision Approval for the lot line amendment to convey a 0.039-acre portion of tax lot 6157-02-607850 (Lot 1) to Tax Lot 6157-02-607815 (Lot 2) and convey a 0.320-acre portion of Lot 2 to Lot 1includes and an application for Amended Site Plan Approval to convert an existing used car dealership into a plumbing and HVAC supply store and showroom facility with proposed site improvements including a 3,953 square foot building addition to provide loading docks, a reconfigured parking area, and proposed signage (the “Project” or “Proposed Action); and

WHEREAS, the property is 2.41 acres in size, is located at 1445 Route 9, is designated as tax lots 6157-02-607850 on the Town of Wappinger tax maps, and is located within the HB Highway Business zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 9/10/20; an Application for Site Plan Approval dated 9/16/20; a Short Environmental

**POUGHKEEPSIE NISSAN
RESOLUTION OF AMENDED SITE PLAN APPROVAL**

Assessment Form (Short EAF) dated 9/8/20; and the following plans generally entitled "Poughkeepsie Nissan" prepared by Lawrence J. Paggi, PE, last revised 11/23/20:

1. Sheet 1 of 2, "Cover Sheet,"
2. Sheet 2 of 2, "Lot Line Realignment,"
3. Sheet C-1, "Amended Site Plan;" 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

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 September 28, 2020 which concludes that the Planning Board should rely upon its own study of the facts in the case; and

WHEREAS, on November 2, 2020, in accordance with Section 240-88.B of the Town Zoning Law, the Planning Board waived the Public Hearing on the Amended Site Plan because amendment has been determined to be substantively unchanged from the previously approved site development plan; 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, 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:

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby adopts this Resolution of Amended Site Development Plan Approval to the Project, as herein defined and as shown on the subdivision plat, subject to the following conditions and modifications which must be satisfied prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:
 - 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.

**POUGHKEEPSIE NISSAN
RESOLUTION OF AMENDED SITE PLAN APPROVAL**

- 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 Final Amended Site Plat for the lot line realignment shall be filed in the Dutchess County Clerk's Office, Division of Land Records and evidence of said filing shall be submitted to the Zoning Administrator.
 - e. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
 - f. The easement agreement between Lot 1 and Lot 2 regarding electric service of outdoor light poles and stormwater drainage shall be provided to the satisfaction of the Town Attorney.
 - g. The metes and bounds description for the proposed easements and blanket stormwater drainage easements between Lot 1 and Lot 2 shall be provided to the satisfaction of the Town Engineer.
 - h. A photometric plan shall be provided to the satisfaction of the Town Planner.
3. When all of the sub-conditions set forth in Condition 2 above have been satisfied, nine (9) copies of the above referenced plan, 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 Mylar 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 2 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 2. 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

**POUGHKEEPSIE NISSAN
RESOLUTION OF AMENDED SITE PLAN APPROVAL**

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 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. 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.
7. No Building Permit or Certificate of Compliance 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.
8. The continued validity of any Building Permit 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, 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: _____
Paul Freno	Voting: _____
Ralph Marinaccio	Voting: _____
Markos Peratikos	Voting: _____
Nicholas Maselli	Voting: _____

**POUGHKEEPSIE NISSAN
RESOLUTION OF AMENDED SITE PLAN APPROVAL**

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

Maric LLC
Owner/Applicant

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 2 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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