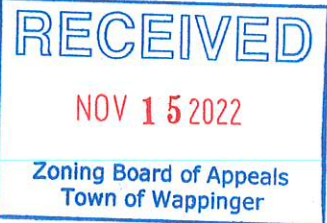


TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH: 845-297-6256
Fax: 845-297-0579

Application for an Area Variance

Appeal No.: 22-7772

Date: 11/11/2022

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I (We), Brian Donato on behalf of Dakota Partners residing at 235 Bear Hill Road, Suite 400
Waltham, MA 02451, (phone) 781-899-4002, hereby,
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
dated N/A, and do hereby apply for an area variance(s).

Premises located at: 1404 Route 9

Tax Grid No.: 135689-6157-02-707773-0000

Zoning District: Shopping Center

1. Record Owner of Property:

DP 123, LLC

Address: 333 North Bedford Rd, Suite 145, Mount Kisco, NY 10549

Phone Number: 914-773-6249

Owner Consent dated: 11/11/22

Signature: See Owner Consent

Print Name: _____

2. Variance(s) Request:

Variance No. 1

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following
requirements of the Zoning Code.

240-81.7

(Indicate Article, Section, Subsection and Paragraph)

Required: A maximum of 93 dwelling units

Applicant(s) can provide: 144 dwelling units

Thus requesting: an increase in the density for Mixed Uses

To allow: 51 additional dwelling units to be constructed

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance
Appeal No.: 22-7772

Variance No. 2

Variance No. 3

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240 Attachment 4 Maximum Building Height

240-97 Schedule of Off-Street Parking

(Indicate Article, Section, Subsection and Paragraph)

Required:	2.5 stories or 35 feet	282 spaces are required
Applicant(s) can provide:	3 stories and 50 feet	238 spaces are provided
Thus requesting:	increase to maximum building height	decrease in off-street parking
To allow:	an increase of 1 story and 15 feet	approximately 44 less spaces than required

3. Reason for Appeal *(Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):*

A. If your variance(s) is (are) granted, how will the character of the neighborhood or nearby properties change? Will any of those changes be negative? Please explain your answer in detail.

The requested variances will have not negative impact on the character of the neighborhood. The proposed development is physically isolated from the surrounding properties. Furthermore the overall property is over 80 acres and the proposed development will only impact approximately 9 acrea. See cover letter for further detail.

B. Please explain why you need the variance(s). Is there any way to reach the same result without a variance(s)? Please be specific in your answer.

Developing workforce multifamily housing entails significant fixed costs that must be incurred regardless of the project size. In order to achieve a financial viable project there is a minimum number of units that must be built, and that number is greater than what is allowed under the zoning. Please see the cover letter for further detail.

C. How big is the change from the standards set out in the zoning law? Is the requested area variance(s) substantial? If not, please explain in detail why it is not substantial.

The requested changes are not significant changes from the underlying zoning when considering the size of the overall parcel in question. Please see the cover letter for further detail.

D. If your variance(s) is (are) granted, will the physical environmental conditions in the neighborhood or district be impacted? Please explain in detail why or why not.

The physical environmental conditions will not be impacted by the proposed development. The proposed project only cover a small area of a much larger parcel much of which is open space. Please see cover letter for further detail.

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance
Appeal No.: 21-7772

E. How did your need for an area variance(s) come about? Is your difficulty self-created?
Please explain your answer in detail.

The variances are needed do to the extremely conservative zoning requirements that do not allow for feasible, cost effective development of multifamily housing. See cover letter for further detail

F. Is your property unique in the neighborhood that it needs this type of variance? Please explain your answer in detail.

There are only three properties in the Town of Wappinger zoned SC and Alpine Commons is the largest

4. List of attachments (*Check applicable information*)

- (X) Survey dated: 11/22/2019, Last revised 11/7/2019 and
Prepared by: Republic National
- () Plot Plan dated: _____
- () Photos Schematic Drawings Dated 7/1/22 Grading Plan - No Date
 Building C Elevation Dated 10/19/22
 Typical Elevations Dated 10/14/22
- (X) Drawings dated: Civil Materials and Layout Plan - No Date
- () Letter of Communication which resulted in application to the ZBA.
(e.g., recommendation from the Planning Board/Zoning Denial)
Letter from: _____ Dated: _____
- (X) Other (*Please list*): Cover letter, parking analysis, elevation memo

5. Signature and Verification

Please be advised that no application can be deemed complete unless signed below. The applicant hereby states that all information given is accurate as of the date of application.

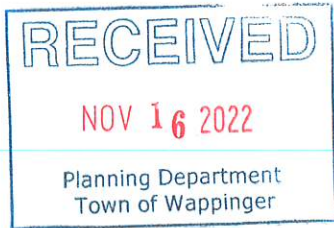
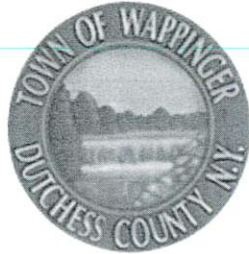
SIGNATURE: Brian J. Davis
(Appellant)

DATED: 11/13/22

SIGNATURE: _____
(If more than one Appellant)

DATED: _____

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH: 845-297-6256
Fax: 845-297-0579

Owner Consent Form

Project No: 22-7772

Date: 11/11/2022

Grid No.: 6157-02-707773

Zoning District: Shopping Center

Location of Project:

1404 Route 9 Parcel ID 135689-6157-02-707773-0000

Name of Applicant:

Dakota Partners, Inc by Brian J. Donato 585-233-9120

Print name and phone number

Description of

Project: The Applicants seek to develop within an approximately 9 acre limit of disturbance area, five (5) residential buildings totaling 144 multifamily, workforce apartment units and related amenities in the southern, undeveloped portion of Alpine Commons

I JAMES DIAMOND, owner of the above land/site/building hereby give permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances.

11/11/2022
Date

[Signature]
Owner's Signature

9147736220
Owner's Telephone Number

JAMES DIAMOND MANAGER
Print Name and Title ***

*** If this is a Corporation or LLC, please provide documentation of authority to sign.

If this is a subdivision application, please provide a copy of the dead.

FOR OFFICE USE ONLY

1. THE REQUESTED VARIANCE(S) ☐ **WILL** / ☐ **WILL NOT** PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.
2. ☐ **YES** / ☐ **NO**, SUBSTANTIAL DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES.
3. THERE ☐ **IS (ARE)** / ☐ **IS (ARE)** NO OTHER FEASIBLE METHODS AVAILABLE FOR YOU TO PURSUE TO ACHIEVE THE BENEFIT YOU SEEK OTHER THAN THE REQUESTED VARIANCE(S).
4. THE REQUESTED AREA VARIANCE(S) ☐ **IS** / ☐ **ARE** NOT SUBSTANTIAL.
5. THE PROPOSED VARIANCE(S) ☐ **WILL** / ☐ **WILL NOT** HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
6. THE ALLEGED DIFFICULTY ☐ **IS** / ☐ **IS NOT** SELF-CREATED.

CONCLUSION: THEREFORE, IT WAS DETERMINED THE REQUESTED VARIANCE IS
☐ **GRANTED** ☐ **DENIED**

CONDITIONS / STIPULATIONS: The following conditions and/or stipulations were adopted by the resolution of the Board as part of the action stated above:

☐ **FINDINGS & FACTS ATTACHED.**

DATED: _____

ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: _____
(Chairman)

PRINT: _____

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Date

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Owner's Signature

914 773 6220
Owner's Telephone Number

JAMES DIAMOND MANAGER
Print Name and Title ***

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If this is a subdivision application, please provide a copy of the deed.