

**MEMORANDUM**

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

Date: December 2, 2022

Subject: **Cooper Road Conversion of Existing Residential Structure to Multi-family Dwelling– Amended Site Plan and Special Permit**  
Tax Lot 6156-02-872849

As requested, we have amended the attached **Resolution of Site Development Plan and Special Permit** 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  
Amy Bombardieri

**RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD**

**RE: COOPER ROAD CONVERSION OF EXISTING RESIDENTIAL STRUCTURE TO MULTI-FAMILY DWELLING – RESOLUTION OF SITE DEVELOPMENT PLAN AND SPECIAL 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 \_\_\_\_\_, 2022 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 John Goetz of the Mid-Hudson Development Corp. (the “Applicant”) for Site Development Plan and Special Permit Approvals to convert an existing 1920 residence of over 4,000 sf. to a multi-family dwelling with 4 units (2 bedrooms each). The conversion will also require upgrades to the existing driveway and sewage system, a water storage tank, and an expansion of the existing parking area from 3 spaces to 11 (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is a 3.62-acre lot located at 135 Cooper Road, is designated as tax lot 6156-02-872849 on the Town of Wappinger tax maps and is located within the R-20 Single Family Zoning District (the “Subject Property” or “Site”); and

WHEREAS, Applicant has submitted for review an Application for Site Plan Approval form dated 6/20/22; an Application for Special Permit Approval form dated 6/20/22; A Full EAF form prepared by John Goetz dated 6/20/22; and a site plan (2 sheets) entitled “Conversion of Existing Residential Structure to Multifamily Dwelling” prepared by Day and Stokosa and dated 6/2/22 last revised 11/21/22; 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 no further SEQRA action was required; 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) on 6/27/22 and received no response; and

WHEREAS, in accordance with Section 240-88 of the Town Zoning Law, the public hearing on the Amended Site Plan and Special Permit was held at the September 17, 2022 Planning Board Meeting and at that time all those with intent were given the opportunity to speak; 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. The Planning Board hereby finds that the grant of a Special Permit for the conversion of an existing 1920 residence of over 4,000 square feet to a multi-family dwelling with 4 units (2 bedrooms each) as described above and as shown on the above drawing, in accordance with the provisions of Articles VII through XI of the Zoning Law is appropriate and the Planning Board makes the following findings under § 240-44 and § 240-56:
  - a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
  - c. Operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, illumination or other characteristics, than would be the operations of any permitted use not requiring a special permit.
  - d. The parking areas are of adequate size for the particular use, and are properly located and suitably screened from adjoining residential uses and the entrance and exit drives are laid out so as to achieve maximum safety.

- e. The residential structure being converted was built prior to 1962 and is more than 3,000 square feet of gross floor area.
  - f. There is to be no increase in the number of permitted dwelling units resulting from additions made after 1962.
  - g. The minimum lot area exceeds 40,000 square feet.
  - h. There is no more than one dwelling unit for each 20,000 square feet of lot area, and only 4 units are proposed which does not exceed the maximum of six dwelling units permitted by § 240-56.
  - i. Each dwelling unit is proposed to contain at least 800 square feet of gross floor area.
  - j. Each dwelling unit is proposed to have a separate entrance, and not more than two separate entrances are proposed on the front facade.
  - k. Dutchess County Health Department approval of the water and sewer service shall be required prior to the issuance of any permit.
  - l. Parking is proposed be provided as set forth in Article X and as required by the Planning Board.
  - m. The existing structure complies with all other requirements of this chapter 240 of the Town zoning law.
3. The Planning Board hereby adopts this Resolution of Site Development Plan and Special Permit to convert an existing 1920 residence of over 4,000 sf. to a multi-family dwelling with 4 units (2 bedrooms each) 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.
  - e. The Applicant shall demonstrate compliance with the Town Engineer letter dated 11/21/22 to the satisfaction of the Town Engineer.

When all of the items set forth in Condition 2 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 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 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: \_\_\_\_\_, 2022  
Wappingers Falls, New York

\_\_\_\_\_  
Beatrice Ogunti, Secretary  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
John Goetz  
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.

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Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

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Date