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February 3, 2023

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Chairperson Peter Galotti and
Members of the Zoning Board of Appeals
Town of Wappinger
20 Middlebush Road
Wappingers Falls, NY 12590

RE: Dakota Partners, Inc. & DP 123 LLC
ZBA Appeal No. 22-7772
Application: Area Variances for Multifamily Workforce Housing
Premises: 1404 Route 9, Town of Wappinger
Parcel ID: 135689-6157-02-707773-0000
Lot Area: 86.818 acres
Property Owner: DP 123 LLC
Zoning District: Shopping Center "SC" District

Dear Chairperson Galotti and Members of the Zoning Board of Appeals:

This letter is respectfully submitted on behalf of Dakota Partners, Inc. ("Dakota") & Diamond Properties through its business affiliate DP 123 LLC (collectively, the "Applicants") in furtherance of their application for area variances to construct a multifamily workforce housing development (the "Project") within the Alpine Commons Shopping Center ("Alpine Commons") located at 1404 Route 9 in the Town of Wappinger, consisting of approximately 86.818 acres, classified in the SC (Shopping Center) zoning district, and bearing a tax parcel identification of 135689-6157-02-707773-0000.

In particular, the Applicants seek Area Variances from (i) the Density standard set forth in the Supplementary Special Permit Use Regulations for Mixed Uses in Section 240-81.7 of the Town of Wappinger Zoning Code ("Zoning Code"), (ii) the Maximum building height (stories/feet) codified in the Schedule of Dimensional Regulations for Nonresidential Districts for the SC zoning district; and (iii) the Schedule of Off-Street Parking Requirements for Multifamily dwellings established in Section 240-97 in order to develop multifamily workforce housing along with related amenities and parking facilities within Alpine Commons.



February 3, 2023

Page 2

The Proposed Workforce Housing Project

On November 14, 2022, the Applicants submitted the instant Area Variance Application seeking to develop five (5) residential buildings and related amenities within the southern, undeveloped portion of Alpine Commons. The Applicants intend to convert Alpine Commons from a retail shopping center to Mixed Uses per Town Zoning Code Section 240-81.7. The smallest of the 5 buildings will have 24 multifamily units and the largest will have 36 multifamily units. The proposed workforce housing will complement the existing, approximately 107,000 square foot space tenanted by BJ's Wholesale Club, and the approximately 102,000 square foot former AC Moore/Stop N Shop space currently re-tenanted by Hudson Valley Office Furniture (37,000 square feet) and Fun Max Adventure Park (65,000 square feet of Commercial Recreation Facility per Section 240-72).

The Project will be accessed *via* a spur off an existing internal road within Alpine Commons. The residential buildings are currently envisioned as three-story walk-ups. The mix of apartment units contemplated is 48 one-bedroom units, 60 two-bedroom units, and 36 three-bedroom units, for a total of 144 units. Each building will be highly energy efficient in order to meet the Tier 3 NYSEERDA Multifamily home requirements. There will be a total of 238 at-grade, parking spaces (i.e., 226 standard spaces plus 12 ADA spaces, or alternatively the equivalent of 1.65 parking spaces per dwelling unit).

The Project also includes development of an approximately 2,500 square foot clubhouse, which will feature a large community room with kitchenette, a fitness facility, offices for a community manager and leasing agent, maintenance space, and outdoor patio space. It is anticipated that rents will range from \$632 to \$1889 per month. Dakota will ground lease the residential portion of the Mixed Use project from Diamond. No subdivision is contemplated.

The ZBA's Area Variance Application Review

Subsequent to the submission of the Area Variance Application, the Applicants appeared before the ZBA on December 13, 2022. During the course of the discussion, the ZBA asked the Applicants to provide additional information as to both the visibility of the Project from the vicinity and the limit of disturbance associated with the Project. Additionally, the Applicants were provided with a copy of the Dutchess County Department of Planning and Development's NY General Municipal Law Section 239 referral review determination that this Application constituted a "Matter of Local Concern". Further, the Zoning Board of Appeals adopted a



February 3, 2023

Page 3

Resolution that night to Circulate Notice of the ZBA's Intent to Serve as the Lead Agency under the New York State Environmental Quality Review Act ("SEQRA") in the Coordinated Review of this Project classified as an Unlisted Action.¹ Town Staff thereafter circulated the SEQRA Notice of Intent to the identified Interested and Involved Agencies on or about January 31, 2023.

Supplemental Materials Submitted in Support of This Application

Consistent with the ZBA's request during the December 13, 2022 meeting, the Applicants hereby enclose with this letter 8 sets of the following materials in furtherance of this Application for Area Variances pursuant to Zoning Code Section 240-107B(2)(b)[2] and New York State Town Law Section 267-b(3):

Exhibit A: Site Sections relative to the visibility of the Project from the surrounding neighborhoods, prepared by Thriven Design.

Exhibit B: A Limit of Disturbance Analysis for the Project & Comparison with a Zoning Compliant Density, prepared by Thriven Design.

Reference to the Site Sections reveals that there is significant intervening topography and vegetation between the Project and publicly accessible areas. In the case of Route 9, the closest building is in excess of 1100 lineal feet away (i.e., greater than 0.2 miles) and it is blocked by 2 successive ridgelines in addition to vegetation. Additionally, the Sections from Old Hopewell Road and Losee Road document a lineal distance of approximately 1000 feet with substantial intervening vegetation. Similarly, the Sucich Place Section is approximately 750 lineal feet away with dense vegetation in between. The Tree Heights for these Sections were calculated using Global Ecosystem Dynamics Investigation (GEDI) DATA and exceed forty feet (40') in this area. Consequently, it is respectfully submitted that granting the area variances requested as to the Maximum building height (stories/feet) codified in the Schedule of Dimensional Regulations for Nonresidential Districts for the SC zoning district will not result in any significant adverse environmental impact and do not pose a detriment to the health, safety and welfare of the neighborhood or community.

Similarly, it is worth noting that reducing the Project's density from the proposed 144 workforce multifamily dwelling units to 93 zoning complaint, market rate multifamily units will not necessarily reduce the limits of land disturbance. The reduction in Density requires

¹ See <https://townofwappingerny.gov/wp-content/uploads/2023/01/ZBA-2022-Minutes-12-13-2022.pdf>



February 3, 2023

Page 4

modifications as to the Type of multifamily units, including the introduction of some townhouses, and the increase in dwelling unit Size in total square footage and total numbers of bedrooms as well as an associated increase in the number of parking spaces per unit given the larger dwelling units with more square footage and bedrooms. Indeed, it is reasonable to anticipate that market rate units here would be 10-25 percent larger and would not appreciably reduce the total number of bedrooms given the need to favor three-bedroom dwelling units over one-bedroom and two-bedroom dwelling units. As such, it is respectfully submitted that approving these variances relative to the Density standard set forth in the Supplementary Special Permit Use Regulations for Mixed Uses in Section 240-81.7 of the Zoning Code and the Schedule of Off-Street Parking Requirements will not result in any significant adverse environmental impact and do not pose a detriment to the health, safety and welfare of the neighborhood or community, particularly given the documented and pronounced need for workforce housing in the State of New York, County of Dutchess, and Town of Wappinger per numerous housing needs assessments.

Conclusion

The Applicants look forward to appearing before the Zoning Board of Appeals on February 28, 2023. Should the Zoning Board of Appeals, its consultants, or Town Staff have any questions or comments in the interim, please feel free to contact me. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,

A handwritten signature in blue ink that reads 'Neil J. Alexander'.

Neil J. Alexander

Enclosures

cc: Barbara Roberti, CEO
James Horan, Esq., Town Attorney
Malcolm Simpson, Town Planner
Timothy Moot, PG, and Jon Bodendorf, PE, Town Engineer
Ted Grogan, Vice President of Leasing, Diamond Properties
Brian Donato, Vice President of Real Estate Development, Dakota Partners



February 3, 2023

Page 5

Brenden Lloyd, Project Manager, Dakota Partners
Steve Schoch, AIA, LEED AP, Principal, Kitchen & Associates
Will Walter, PE, Civil/Site Group Manager, Benesch