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# TOWN OF WAPPINGER



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To: Town of Wappinger Zoning Board of Appeals  
From: Town of Wappinger Planning Board  
Date: February 22, 2023  
Subject: Alpine Commons - SEQRA

The Planning Board of Wappinger has received the Notice of Intent to be Lead Agency sent by the Town of Wappinger Zoning Board of Appeals and has no objection to the Zoning Board of Appeals serving as Lead Agency for the Alpine Common application before them, however, the Planning Board is concerned with the requested variance that would increase density and establish precedent for future density variance requests. The Planning Board would stress that in their consideration of the project the Zoning Board of Appeals be cognizant of and pay special attention to the following issues:

**Potential Subdivision.** There is concern that the area of the site proposed to host 144 multi-family units will be subdivided off of the larger lot at some point in the future. This suspicion is based on multiple elements of the Application materials submitted to the Zoning Board of Appeals and based on statements made by the Applicant when they appeared before the Town Board.

The Alpine Commons application originally appeared before the Town Board and at that time the Applicant made it clear that, for funding purposes, the Application would require the inclusion of a 'Development Zone' which would constitute an Open Development Area in accordance with New York State Town Law Section 280-a(4) for purposes of access, ingress, and egress such that permits may be issued for the erection of structures to which access is given by right of way or easement as suitably improved, instead of requiring each tax lot to have direct frontage on a street or highway with sufficient frontage to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles. This 'Development Site' would have separated the area proposed for the 144 units legally without a subdivision and it was stressed by the Applicant at the time that this was required for the funding of the project. Without the use of a 'Development Site'

there is a concern that this area would need to be subdivided into a separate lot at some point in the future.

In the submission to the Zoning Board of Appeals, something similar is alluded to three times. On page 36 of the pdf submission packet, Sheet C2.0 entitled 'Materials & Layout (Overall) Plan' the preliminary zoning table identifies the lot area as 429,714.4 SF or 9.865 acres. This table also includes calculations assuming RMF-5 when the density permitted under the Mixed-Use Special Permit being applied for is RMF-3. On page 37 of the pdf submission the parcel area is also identified as 9.865 acres. On page 31 of the pdf submission, an area that roughly equates to 9.865 acres is highlighted in a site survey and shows the area proposed to be developed with 144 multi-family dwelling units with additional area connecting to Route 9.

If the area hosting the proposed 144 units of multifamily were to be subdivided to create a separate lot at some point in the future, it would significantly increase the requested density variance and defy the mixed-use special permitted use. The 144 units proposed on an area of 9.865 acres is 14.6 units per acre. If a density variance were to be considered, we would urge the Zoning Board of Appeals to condition that variance such that the parcel is precluded from future subdivision.

**Density.** The requested density variance, an increase of 54.8% from 93 to 144, goes far beyond the existing densities allowed by code and could set a precedent for future density variances. A density variance of this size would significantly impact community character and existing zoning and land use and could have impacts beyond this project.

Additionally, the Special Use Permit requested is for Mixed-Use, however, there are several elements in the submitted materials that suggest the proposed development to be on a discrete and separate area that could be subdivided in the future but that would operate as a separate entity located on 9.865 acres which would mean a functional density of 14.6 units per acre. This density, either actual or functional, far exceeds what is allowed by code and could establish precedent for future density variances requests in the future.

**Parking.** The parking variance requested also goes significantly beyond what is allowed by code. It would set a precedent for future development elsewhere in the Town. The parking variance requested would also constrain the Planning Board in regard to the parking waiver usually within the purview of the Planning Board.

**Height.** The building stories variance and the height variance requested goes far beyond what is currently permitted by code and would set a precedent for future development within the Town. It would have significantly impact on community character, existing zoning and land use, visual and aesthetic value, and could have impacts beyond this project by the setting of precedent.

**Visual Impact.** The increases in building stories and density could have a significant impact on the aesthetic value to the surrounding community and a hard look should be paid towards the visual impact of the project. The Zoning Board of Appeals may consider expanding the visual impact

analysis from public rights of way to include views taken from the backyards of adjacent property owners who are willing to comply with the Applicant's visual impact analysis.

**Light.** The increases in building stories and density could have a significant impact on light pollution to adjacent properties as the top stories of the proposed buildings could now be seen above the tree line.

**Noise.** The increases in density requested could cause a significant impact to noise pollution created by this Site.

**Blasting.** The proposed development rests on top of high shelf with shallow bedrock and there is a strong possibility that blasting would be required in construction. The Zoning Board of Appeals should take a hard look at what the impact of that blasting would be to the surrounding community.

**Transit Access.** The requested density variance would create 144 units of multifamily with poor access to public transportation. The Zoning Board of Appeals should take a hard look at what the impact would be to public transportation systems.

**Pedestrian Access.** The requested density variance and the requested parking variance would create 144 units of multi-family with little to no pedestrian access to Route 9 and the neighboring Shopping Center. The Zoning Board of Appeals should take a hard look at the impact of creating a community with increased density, a decreased parking requirement, and little to no pedestrian access and amenity.

**Cut and Fill.** The requested height and density variance could be exacerbated by an effort to keep the project cut and fill at net zero. Using the cut material to regrade the building sites could increase the elevation of those building sites and increase the true height of the proposed buildings. The Zoning Board of Appeals should take a hard look at how the grading of the site will impact the true height of the proposed buildings.

Should you have any questions, please contact us.

A handwritten signature in blue ink that reads "Bruce Flower / bbo". The signature is written in a cursive, flowing style.

Bruce Flower, Planning Board Chairman