



555 Theodore Fremd Ave, Suite C-301  
Rye, NY 10580  
T: 914.967.6540  
[www.hardestyhanover.com](http://www.hardestyhanover.com)

## **MEMORANDUM**

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

Date: March 12, 2025

Subject: **Bank of America Amended Site Plan**  
Tax Lots 6157-02-609919

As requested, we reviewed the application made by Platinum General Services, (the “Applicant”) on behalf of Valentino Zarboutis (the “Owner”) for Amended Site Plan Approval.

### **The Property**

The property is known as tax lot 6157-02-609919 on the Town of Wappinger tax assessment maps and is located at 1469 Route 9. The subject property is 1.07 acres in size and is located within the HB Highway Business District (the “Subject Property” or “Site”).

### **The Proposal**

The Applicant is seeking Amended Site Development Plan Approval for the removal and replacement of all existing lighting fixtures, including nine (9) external canopy mounted fixtures, two (2) wall mounted fixtures, and eight (8) pole mounted fixtures located on the project site, and the installation of one (1) pole mounted light fixtures (20’ mounting height) and one (1) wall mounted fixtures. (12’ mounting height) (the “Project” or “Proposed Action”).

### **Submission**

The Applicant has submitted an Application for Site Plan Approval dated 2/27/25; a Short Environmental Assessment Form (EAF) dated 2/28/25; a project narrative prepared by Kevin Heffernan of Stonefield Engineering and Design dated 2/28/25; and a plan (9 sheets) generally entitled “Bank of America Lighting Upgrade Program” prepared by Stonefield Engineering and Design, last revised 11/9/23:

## **REVIEW COMMENTS**

The Applicant is proposing to replace all existing lighting and add one additional pole mounted lighting fixture. The Applicant has stated their need to comply with New York State Statutes (BNK Banking Article 2-AA - Atm Safety Act 75-C - Security Measures) which requires “Adequate Lighting”. This is further clarified in Banking Article 2-AA - Atm Safety Act 75-B – Definitions. This requires the following;

- With respect to an open and operating automated teller machine facility open to the outdoor air;
  - a. minimum illuminance of five footcandles is maintained on a horizontal plane at a point five feet outward from and five feet above the ground surface from the automated teller machine.
  - b. minimum illuminance of two footcandles is maintained on a horizontal plane at a point thirty feet in all unobstructed directions from the automated teller machine, measured at ground level.
  - c. at sixty feet in all unobstructed directions from the automated teller machine, a minimum illuminance of one footcandle is maintained, measured on a vertical plane at five feet above ground.
- With respect to an open and operating automated teller machine facility located within the interior of a building;
  - a. A minimum illuminance of two footcandles is maintained on a horizontal plane at a point thirty feet in all unobstructed directions from the entrance measured at ground level.
  - b. At sixty feet in all unobstructed directions from the entrance to the automated teller machine facility, a minimum illuminance of one footcandle is maintained, measured on a vertical plane at five feet above ground level.

### 1. Section 240-23 Exterior Lighting.

- a. The Proposed Action proposes lighting levels far exceeding the requirements of Section 240-23 of the Town Zoning Law and far exceeding the requirements of New York State Banking Article 2-AA - Atm Safety Act 75. The lighting plan should be revised to comply with the Town Zoning Law. In instances where New York State Banking Statues requires higher lighting levels than allowed by the Town Zoning Law, the maximum lighting levels per Section 240-23 should be exceeded to comply with the State requirements and not beyond.
- b. The Proposed Action includes a new lighting pole that exceeds the height limitations established in Section 240-23 of the Town Zoning Law. Additionally, the plans do not detail the height of the existing luminaires proposed to be replaced.

Given the topography of the Site in relation to the surrounding area, there is additional concern for glare produced from lighting fixtures from this Site. We recommend the proposed luminaires to replace existing ones comply with the height restrictions of Section 240-23.

- c. The Proposed Action does not appear to comply with the color temperature restrictions of 3000k. The plans should be revised to include luminaires with color temperatures that do not exceed 3000k.
2. SEQRA. The Application is considered a Type II action with regard to SEQRA and no further SEQRA action is required.