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|---|--|----------------------|---------|------|------|
| Dutchess County Department of Planning and Development | | Fax Info Only | To | Date | #pgs |
| | | Co./Dept. | From | | |
| | | Fax # | Phone # | | |

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| 239 Planning/Zoning Referral - Exemption Communities | |
| Municipality: Town of Wappinger | |
| Referring Agency: Planning Board | |
| Tax Parcel Numbers(s): 6099190000 | |
| Project Name: Bank of America (Exterior Lighting) Amended Site Plan | |
| Applicant: Platinum General Services | |
| Address of Property: 1469 Route 9, Wappinger, NY 12590 | |

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☒ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☒ State Road: **Route 9**
- ☒ County Road: **Middlebush Road**
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **3/17/2025**
 Entered By: **Ogunti, Beatrice**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

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| For County Office Use Only | | | |
| Response From Dutchess County Department of Planning and Development | | | |
| <p>No Comments:</p> <p><input type="checkbox"/> Matter of Local Concern</p> <p><input type="checkbox"/> No Jurisdiction</p> <p><input type="checkbox"/> No Authority</p> <p><input type="checkbox"/> Withdrawn</p> <p><input type="checkbox"/> Incomplete - municipality must resubmit to County</p> <p><input type="checkbox"/> Exempt from 239 Review</p> <p><input type="checkbox"/> None</p> | | <p>Comments Attached:</p> <p><input type="checkbox"/> Local Concern with Comments</p> <p><input checked="" type="checkbox"/> Conditional</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Incomplete with Comments- municipality must resubmit to County</p> <p><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</p> | |
| Date Submitted: 3/17/2025 | Notes: | | <input type="checkbox"/> Major Project |
| Date Received: 3/17/2025 | | | Referral #: ZR25-061 |
| Date Requested: 3/17/2025 | | | |
| Date Required: 4/15/2025 | | | |
| Date Transmitted: 3/24/2025 | <input type="checkbox"/> Also mailed hard copy | Reviewer: | |



DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

March 24, 2025

To: Planning Board, Town of Wappinger
Re: **ZR25-061, Bank of America Exterior Lighting – Amended Site Plan**
Lot: 609919, Route 9

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The applicant is seeking amended site plan approval to update exterior lighting to meet the requirements of the New York State ATM Safety Act and to improve energy efficiency.

COMMENTS

The proposed lighting for this site exceeds the recommended levels established in both the New York State ATM Safety Act and the Town of Wappinger Code (§ 240-23E). A comparison of the proposed lighting against these standards is outlined below:

1. The New York State ATM Safety Act (NY Banking Law §75-B 4.(b)) establishes the following minimum lighting requirements:

- 5.0 footcandles at a distance of five (5) feet from the ATM (five feet above ground level).
- 2.0 footcandles at a distance of thirty (30) feet from the ATM (ground level).
- 1.0 footcandle at a distance of sixty (60) feet from the ATM (five feet above ground level).

The proposed site plan includes lighting levels across the site that substantially exceed the minimum requirements of the ATM Safety Act. Within five feet, maximum levels between 52.7 to 114.3 footcandles are as much as 20 times higher than the required 5.0 footcandles. Within thirty feet, the 25.9 footcandle maximum is 13 times higher than the required 2.0 footcandles. Within sixty feet, lighting levels exceed the required 1.0 footcandle in all locations, reaching up to 58.8 footcandles at the front of the site which faces Route 9. These excessive levels go beyond what is necessary for ATM safety and could contribute to glare and diminished visibility for users adjusting to different lighting levels.

2. The Town of Wappinger Code § 240-23E sets forth the following limits for lighting intensity:

- Property line: No illumination beyond the property line may exceed 0.0 footcandles.
- Parking lots: Average lighting levels must not exceed 1.0 footcandle.
- High-security areas: Lighting levels should be within the range of 2.0 to 5.0 footcandles, and levels exceeding 5.0 footcandles are considered excessive and should be avoided.

The proposed at-grade maximum of 25.8 footcandles near the ATMs and the range of 5 to 15 footcandles in surrounding areas are well above the recommended high-security threshold of 5.0 footcandles. Lighting levels beyond the property line, ranging from 0.1 to 2.6 footcandles, exceed the allowable limit of 0.0 footcandles. The proposed site-wide average of 1.9 footcandles also exceeds the parking lot average limit of 1.0 footcandle.

To align with both the New York State ATM Safety Act and the Town of Wappinger Code, the applicant should reduce the overall lighting levels, particularly near the ATMs and along the property line. Maintaining lighting levels within the recommended range will enhance safety and visibility while minimizing glare and light pollution. Compliance with these standards will also reduce the likelihood of adverse visual impacts on neighboring properties.

RECOMMENDATION

The Department recommends that the Board **condition its approval** of this project on the submission of a lighting plan in accordance with the standards set forth in the Town of Wappinger Code § 240-23E.

Voting and Reporting Requirements: If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision.

Eoin Wrafter, AICP, Commissioner
By

A handwritten signature in cursive script, reading "Tara Grogan".

Tara Grogan
Senior Planner