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TOWN OF WAPPINGER



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Joseph D. Cavaccini page 1

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DATE: April 7, 2025

TO: Supervisor, Joseph D. Cavaccini
Councilman, William Beale
Councilwoman, Angela Bettina
Councilman, Al Casella
Councilman, Christopher Phillips

SUBJECT: Acadia Place Report on Appropriateness
Tax Lots 6257-03-430260

As requested, my office has prepared the following draft of a Report on Appropriateness to describe the findings of the Planning Board in their review of the Acadia Place Application submitted by Cedar Hill LLC. Per Section 240-50.E, the Planning Board is tasked with reviewing the preliminary application and issuing a report to the Town Board on the appropriateness of the proposal in the context of the Town Zoning Code (Section 240), Town Development Plan (Comprehensive Plan) and the Official Map (Zoning Map) of the Town. The draft of that report is as follows:

The Planning Board has reviewed the General Land Use and Development Plan and program referred to the Planning Board by the Town Board by Resolution 2024-127 and the revised submission dated January 6, 2025 ("Application" and "Proposal" and "Submission") submitted by Cedar Hill LLC, (the "Applicant" and "Owner"). Per Section 240-50.E, the Planning Board has reviewed the Application in the context of the Town Zoning Code (Section 240), Town Development Plan (Comprehensive Plan) and the Official Map (Zoning Map) of the Town. The Planning Board does not find the Application to be an appropriate use of the Designed Residential Development Special Permit (Section 240-50) on the basis of the following:

Section 240-50.A.1 calls for “The creative use of land so as to establish a more desirable living environment than would be possible through the strict application of other sections of the zoning chapter.”

The Planning Board finds that the Proposal does not create a more desirable living environment than the strict application of the zoning code. Designed Residential Development special permits allow for the creation of diverse housing sizes and densities integrated together with commercial, cultural, spiritual, educational, and recreational amenities into a community. Instead, the Application proposes two cul-de-sacs, one with twelve (12) single family lots and the other with sixty-six (66) apartments in eleven (11) buildings. These residences would depend on a communal HOA to manage the two different resident styles which have different needs. The area of development proposed is bordered closely by utility easements, wetlands, and neighboring lots resulting in tight high density development on a small portion of the lot. The Planning Board does not find this to be a more desirable living environment than would be created using a strict application of the zoning code.

Section 240-50.A.4 calls for “Innovation, flexibility, and variety in the type, design, and layout of residential housing so as to permit greater variety in the choice of housing type, living environment, occupancy tenure, and housing cost.”

The Planning Board finds that the Proposal does not demonstrate innovative or flexible designs, nor does it create variety in type, design, and layout of residential housing to create greater variety in housing type choice. The Application proposes two housing types, twelve (12) single family lots and sixty six (66) apartments in eleven (11) buildings. This provides only two (2) different housing styles within the Designed Residential Development with approximately 85% of the dwelling units being identical multifamily units, which the Planning Board does not find sufficient variety to satisfy the intention of the code.

Section 240-50.A.5 calls for “The maximum provision of community, social, recreational, cultural and other service facilities as integral parts of newly constructed residential communities.”

The Planning Board finds that the Proposal does not demonstrate the maximum provision of community, social, recreational, cultural, or other service facilities proposed as integral parts of the proposed community. None of these elements are included in the Application and the Application proposes only dense residential development. The lack of community, social, recreational, and cultural elements proposed defeats the purpose of the Designed Residential Development as an alternative to a traditional subdivision or rezoning and does not satisfy the intention of the code.

Section 240-50.C.2 identifies the permitted uses in a Designed Residential Development. These uses include one family dwellings, multifamily dwellings, schools, public facilities, places of worship, parish houses, religious schools, private golf and country clubs, general recreational and athletic facilities including but not limited to swimming pools and tennis facilities, community structures and facilities intended for the use of residents, retail businesses, personal service businesses, office spaces, water and sewer utility structures, and storage and maintenances structures.

The Planning Board finds that the Proposal does not include any of the uses allowed in a Designed Residential Community other than the residential dwelling units and therefor does not satisfy the purpose of the Designed Residential Development as an alternative to a traditional subdivision or rezoning and does not satisfy the intention of the code.

Section 240-50.B.1 states that, "...a Designed Residential Development shall be a parcel of land adequate in size to accommodate 100 building lots of at least the minimum lot area normally required for detached one-family dwellings in the district in which it is located, except that where such developments are to be served by public water and sewer systems, the minimum site area need only be adequate to accommodate at least 50 building lots."

The Planning Board finds that the Proposal does not comply with the minimum lot area requirements of Section 240-50.B.1. The Proposal features an on-site wastewater management system on a lot below adequate size to accommodate 100 building lots of the underlying zoning.

For the aforementioned reasons, the Planning Board finds that the Proposal is an inappropriate use of the Design Residential Development special permit (Section 240-50).

Sincerely,

A handwritten signature in blue ink, appearing to read "BF", with a long horizontal flourish extending to the right.

Bruce Flower,
Planning Board Chairman