

May 4, 2026

Mr. Bruce Flower
Town of Wappinger Planning Board Chair, and
Members of the Planning Board
20 Middlebush Road
Wappingers Falls, New York 12590

Re: **Aura Realty Corp
 Amended Site Plan for Performance Auto
 1401 Route 9
 Tax Map No. 135689-6157-02-598726**

Please find the following enclosed:

- 18 Copies of the Amended Site Plan
- 18 Copies of the response letter

The applicant has a meeting with the Town Supervisor regarding the site. Based upon their discussions the site plan has been revised to shown 4 display car areas directly Infront of the existing showroom. 10 display areas are shown on the asphalt hill area. Cars are shown along Route 9 as per site plan review by the Supervisor. We look forward to a meeting with the Supervisor, Town Planning Board Chair and consultants prior to the next Planning Board meeting.

This office is in receipt of a comment memo dated April 16, 2026, from Malcolm Simpson, we offer the following responses:

1. Site History.

- a. In 2002, the Site received Subdivision, Site Plan, and Special Permit approval. At that time, the Site was two tax lots which were combined. The northern lot was an existing, non-conforming motor vehicle sales establishment and approval was granted for the current 1-acre site (where §240-67 of the Zoning Law requires 3 acres for motor vehicle sales) on the basis that the proposal was considered to be a reduction in the non-conforming nature of the existing use pursuant to §240-16(F) of the Zoning Law. At that time, the Project was approved to have 50 vehicles on Site, with 25% impervious cover and 25.36% landscaped open space.

Response: We concur with the Site Plan history for the site.

- b. In the 2002 Approval, a number of existing issues with the motor vehicle sales establishment were identified in the site plan review performed by the Planning Board and by the Dutchess County Department of Planning , including "...overall lighting levels, visibility of vehicles displayed and stored on site, and inadequate landscaping, particularly in the parking areas."

Response: We understand the issues with the site plan and will continue to work with the Board to their satisfaction.

- c. The 2002 Approval Resolution states that, "in acknowledgement of the Applicant's stated plan for a second phase of the project which would entail significant changes to the configuration and layout of the site, the Planning Board allowed the Applicant to forgo the remedying of the aforementioned issues at the present time, with the exception of lighting, with the understanding that such issues will be addressed and remedied to the satisfaction of the Planning Board at such time that the Applicant submits an application for the Phase II site plan."

The 2002 Approval Resolution goes on to state that, "in order to ensure that the Applicant returns to the Planning Board with a Phase II proposal and that existing outstanding issues are addressed and remedied within a reasonable timeframe, the Planning Board set a 24-month deadline for the Resolution of Subdivision, Special Permit and Site Development Plan Approval, after which deadline the approval expires if the Applicant has not returned with a proposed Phase II site plan.

Based on our review of the Town files, it does not appear that these issues were addressed within the allotted time frame outlined in the 2002 Approval Resolution. There was an additional site plan amendment application in 2011 that dealt with the demolition of a building and the erection of a new, prefabricated building. The 2011 site plan does not appear to address these issues or propose any changes to the site beyond the replacement of an existing building with the steel frame garage. The existing conditions survey submitted as part of the current application shows these issues have not been addressed and have increased in severity. The Proposed Action shows an increase of vehicles on Site from 50 to 100 and a reduction in the 2002 landscaping plan from 25.6% to 19% of landscaped open space.

Response: Comment acknowledged

2. Section 240-67 Motor Vehicle Sales Establishment Special Permit

- a. The minimum lot area of Motor Vehicle Sales Establishment is 3 acres. The Property is 1.01 acres in size and was approved by Town Board resolution on April 26, 2002 pursuant to 240-16(F) of the Zoning Code of Wappinger which permits the Town Board to issue a special permit for the improvement of the dimensional nonconformity.

Response: Comment acknowledged.

- b. The minimum parking requirement for Motor Vehicle Sales Establishment is 10 visitor spaces, plus 2 spaces for every 3 employees. The plans show 12 visitor spaces and 10 flex spaces. The 2002 Site Plan - the most recent site plan regarding parking layout - shows 4 employee parking spaces and 13 visitor parking spaces. The Planning Board does not have the ability to waive the employee and visitor parking requirements of §240-67 and deviation from this requirement would require a variance.
 - i. The Applicant should clarify the number of employees on Site and provide a parking calculation.
 - ii. The south-western most parking space, labeled as Flex Space, does not appear dimensionally complete. The Applicant should address this.
 - iii. Chapter 240-67 Note B. states that there are 10 visitor and 12 flex spaces while the plans show 12 visitor and 10 flex spaces. This should be corrected.

Response: Parking has been revised and labeled with visitor and inventory parking. We now show spaces for visitors and other as operations may dictate in proximity to the sale building.

- c. The maximum vehicles per acre is 70 for Motor Vehicle Sales Establishment (§240-67(D)). This includes employee/customer parking, display, inventory, and repair. The Applicant is proposing 70 total spaces on the 1- acre lot, increasing from 50 total spaces approved in 2002. The 70 vehicle maximum prescribed in §240-67(D) cannot be exceeded and this density of vehicles per acre can be granted by the Planning Board only if the Planning Board finds that the site can accommodate such densities without resulting in adverse visual impact; the site characteristics to be evaluated in this regard include but are not limited to the size and shape of the lot, the size and shape of the building, existing and proposed vegetation and the site's topography. The Site is exposed to both Route 9 and Sergeant Palmateer due to topography and a lack of vegetation. The buildings are not positioned to screen the parking areas from the Site frontages. The Applicant has provided no narrative basis or visual impact analysis to support their request. The Applicant is proposing decorative plantings but no landscape screening.

The Proposed Action includes 8 boxwoods proposed to be planted 15 feet apart along approximately half the Site frontage of Route 9 and 7 34-gallon concrete planters of perennial flowers are proposed between the proposed inventory spaces and display spaces on the asphalt mound. No planting is proposed along the frontage of Sergeant Palmateer. Areas of landscaping along Sergeant Palmateer on the 2002 approved site plan have been replaced with parking areas. Due to the proposed species, spacing, and topography, the plantings proposed along Route 9 and in the concrete planters in the

interior of the Site would be considered more ornamental than effective vegetation screening. The Applicant has proposed a phasing plan for landscaping and lighting which will be discussed further in comment 5 of this memo.

Response: The site has been revised to depict a total of 72 spaces onsite.

- d. The density of vehicles parked, stored, or displayed along the Site frontage is 1 vehicle per 40 feet of frontage for Motor Vehicle Sales Establishment (§240-67(D)). The Bulk Table lists the site frontage as being 559 ($559 / 40 = 13.9$). In these instances, as a fraction of a vehicle is not possible, the Planning Board and Zoning Administrator have historically rounded down, which would result in 13 vehicles. The Site Plan shows 14 spaces identified as Display Car, however, some of these are 60 feet or more from the property line and would not be considered “along the Site frontage”. The plans should show a setback line of 20 feet from the Site frontage, as has been the interpretation of §240-67(D) by the Planning Board and Zoning Administrator in the past, to clearly show the density of vehicles parked, stored, or displayed along the Site frontage.

The 1 vehicle per 40 ft vehicle maximum prescribed in §240-67(D) cannot be exceeded and this density of vehicles can be granted by the Planning Board only if the Planning Board finds that the Site can accommodate such densities without resulting in adverse visual impact; the site characteristics to be evaluated in this regard include but are not limited to the size and shape of the lot, the size and shape of the building, existing and proposed vegetation and the site's topography. The Planning Board shall also have the authority to require berming and/or substantial year-round vegetative screening along the site's frontage(s) where the Board deems that a sufficient display of vehicles is achieved. The Site is exposed to both Route 9 and Sergeant Palmateer due to topography and a lack of vegetation.

Response: The reduction of the number of spaces provided now includes 14 labeled for display purposes based on frontage. We would seek to differ permanent landscaping to a separate phase 2 application given the site constraints and challenges.

3. Traffic, Parking, & Circulation.

- a. The Applicant should provide turning templates into and out of the Site for delivery trucks, car carrier trucks, and garbage trucks showing how these vehicles will access and exit the Site.

Response: Turning templates have been provided on the plans for review.

- b. The plans should be revised to remove the row of 9 compact parking spaces

in the southeast corner of the Site. The drive aisle width is too narrow, even for employee controlled compact parking. Additionally, the note on the plans identifying this row as existing parking should be removed from the plans as this area was not included in the 2002 or 2011 approved site plan.

Response: The spaces have been removed.

- c. The plans should include a Do Not Enter sign to restrict vehicles from Sergeant Palmateer from using the one-way westbound section next to the building.

Response: We have proposed striping to indicate one way traffic do not enter to eliminate new signs.

- d. The 90-degree parking in front of the building has a 16.4' drive aisle where 24' drive aisle is required. This parking is also proposed to be both visitor parking, as it includes an ADA space, and compact parking spaces for inventory that are not proposed to be valet controlled. These parking spaces are located on the one-way westbound drive aisle in front of the building. The Applicant should consider moving the ADA space and consider angled parking stalls along the narrow drive aisle to meet minimum width requirements.

Response: The spaces have been revised to be angled, and the ADA has been relocated to the vicinity of the original approval. This will allow use of the existing asphalt ramp to the sidewalk around the building and use of the front door.

- e. The Applicant should consider relocating the auto-hauler loading zone from the proposed location as it obstructs the visitor parking and the only accessible egress from the Site. An alternative location could be near the steel frame garage off the northern Sergeant Palmateer entrance.

Response: The area has been relocated. Typically, during deliveries there is more space than indicated and a driver may utilize a different maneuver than depicted.

- f. We recommend that the northern section of the Site that has no visitor parking and only shows compact valet parking be restricted, either by gate or signage or both, at the northern Sergeant Palmateer entrance and at the internal entrance to this area just past the Route 9 entrance.

Response: As per the last meeting, gates will not be installed at this time

4. Wetlands

- a. The plans show Town, NYSDEC, and ACOE regulated wetlands on the adjacent property to the north. The Town wetland buffer and 100-year flood plain also extend into the Site. There are 13 parking spaces located within

the Town wetland buffer as well as a portion of the steel frame garage. The Application will require a wetland disturbance permit as proposed, pursuant to Section 137-7 of the Town Code. The Application form has been submitted but is missing other elements as required by Section 137-7. The disturbance appears to be remediation, but a narrative describing the nature and need of the work proposed in the area should be submitted with future plans. Site Plan Modification note #5 is does not satisfy the requirements of Section 137-7. The plans also reference correspondence with the NYSDEC which should be submitted for the Planning Board's review.

Response: With the revisions, disturbance is no longer proposed with this application.

- b. The Applicant has initiated contact with the New York State Department of Environmental Conservation for a jurisdictional determination for surrounding wetlands. The Applicant should forward all correspondence with the NYSDEC to the Planning Board for the record.

Response: Correspondence with the NYSDEC will be forwarded to the Planning Board for their records once received.

5. Landscaping. The Table of Dimensional Regulations shows that the proposed impervious surface is 81% where 75% is the permitted maximum and the proposed landscaped open space is 19% where 25% is the required minimum. The plans identify this with an asterisk./ The plans should be revised to note what the asterisk represents. Typically, an asterisk would identify a pre-existing non-conformance or a previously granted approval; however, that would not be the case for these two requirements. The approved plans in 2002 show 25.36% landscaped open space provided and the 2011 plan shows 16% landscaped open space as an existing condition. The 2002 plan shows 25% impervious surface coverage and the 2011 plan shows 34% impervious surface coverage. It does not appear that a variance for landscaped area or impervious cover was ever granted for the Site; therefore, as proposed, the Project would require variances.

Response: The plan has been provided with landscape planters as the site is impervious and has areas of rock that prevent planting.

6. Curbing and Delineation. The plans should be revised to show the location and a detail of the curbing proposed for the parking areas. Per Section 240-96, off-street parking areas are required to be curbed. Given the use of the Site and the proximity of the Site to wetlands, streams, and flood plains, curbing or other forms of delineation of parking areas should be proposed.

Response Curbing is not proposed

7. Refuse Enclosure. The refuse enclosure has been moved since the most recent approved site plan on which it was shown. The Applicant should provide a detail of the refuse enclosure and turning templates showing garbage truck access to the refuse enclosure.

Response: We would include any enclosure as part of the future landscaping application. The garbage has been moved to be out of the wetland and floodplain areas.

8. Lighting.

- a. No lighting plan has been provided and no information on the existing lighting is provided apart from the location of some of the lighting poles. The locations of wall mounted lights should be included in the plans as well as a photometric plan showing the footcandles of the existing Site lighting.

Response: As all of the lighting was given a CO previously, no lighting improvements are proposed.

- b. The 2002 approved site plan includes a note that states that a proposed lighting plan would be submitted for Planning Board approval prior to obtaining a C.O.. There is no additional information regarding lighting on the 2011 site plan. It appears that modifications have been made to the Site lighting since these plans were prepared as none of them include the wall mounted lights.

Response: To our knowledge no recent changes to lighting has been made since all previous CO's had been granted.

9. Variances. There are a number of existing variances for the Site identified on the 2002 and 2011 site plans. These variances and their status should be listed on the proposed plans.

Response: Asterisks are one the bulk reg table with preexisting.

10. SEQRA. The Application is considered to be an Unlisted Action with respect to SEQRA. The Applicant should submit a full EAF form with the EAF Mapper attachment. The Town Planning Board should consider if they would like to pursue a coordinated or uncoordinated review of the Application.

Response: A Full Environmental Assessment Form has been provided with this submission.

This office is in receipt of a comment memo dated February 27, 2026, from Christian Paggi, P.E., Lawrence J. Paggi, PE, PC, we offer the following responses:

1. 11/17/2025 Paggi Comment: The project involves reconfiguration of existing parking area to accommodate an increase in allowable parking stalls. The Applicant also proposes to remove existing off-site gravel area and restore the area to lawn. This work is proposed within a regulated NYS

and Town wetland buffer area. No increase in impervious area or disturbance other than the gravel restoration area appears to be proposed. Any comments would therefore appear to be planning/zoning related and are likely captured in the Board's Planning Consultant memo. Certain items we feel are appropriate to highlight include:

- a. 11/17/2025 Paggi Comment: The plans reference a parking lease agreement with the adjacent parcel to allow for off-site parking. This agreement should be provided to the Town for review by the Planning Board Attorney and our office. Also, it appears that the adjacent property/property owner should be added to the Application if the intent is to seek approval for improvements on both properties. 2/2/2026 Applicant Response: *No written response provided.*

Response: The neighboring property has been non-responsive to the applicant attempts at communication. We are seeking to proceed sans any parking or disturbance over the property line . The gravel will be abandoned in place and allowed to be reclaimed by nature.

2/11/2026 Paggi Comment: The plans no longer show a leased parking area, and instead indicate the existing gravel area to be seeded and mulched. An agreement with the Owner is also still referenced on the plans as being required. A copy of any proposed agreements should be provided to the Town for review.

- i. We recommend that the plans specify appropriate soil restoration/amendment for any gravel/paved areas that are proposed to be returned to lawn.

Response: The attempt to gain permission to restore the gravel have not been successful. We will allow the gravel to be reclaimed.

- ii. The Applicant should clarify if all impervious/paved area currently on adjacent property is proposed to be removed. Currently, the plans only appear to specify the restoration of the gravel area, which would leave a large area of pavement remaining on adjacent properties. We recommend that the Board consider whether removal of the paved areas on adjacent properties should be required, or alternatively, if measures to delineate the property line and associated parking areas is necessary.

Response: We can seek to provide permanent vegetative measures as part of a future landscaping plan application and approval

- b. 11/17/2025 Paggi Comment: The Applicant shall provide the necessary information required under Section 137-7 of the Town Code relative to the Application for Wetland Disturbance Permit to the satisfaction of the Planning Board's Planning Consultant. We recommend that all special requirements or conditions related to any Wetland Disturbance Permit Approval be listed on the plans and in any resolution of approval.

2/2/2026 Applicant Response: No written response provided.

2/11/2026 Paggi Comment: Review of the wetland disturbance permit materials is deferred to the Town Planner. We continue to recommend that all special requirements or conditions related to any Wetland Disturbance Permit Approval be listed on the plans and in any resolution of approval.

Response: With this revision, we are no longer disturbing the wetland buffer.

Trusting this is sufficient, however, if you have any additional questions or concerns, please do not hesitate to call this office. Thank you.

Very truly yours,



Brian J. Stokosa, P.E.

c: file