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MEMORANDUM

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

Date: August 14, 2026

Subject: **Performance Auto – Special Permit and Amended Site Plan**
Tax Lots 6157-02-598726

As requested, we reviewed the application of Aura Realty Corp, (the “Applicant”) for Amended Site Plan Approvals.

The Property

The subject property is known as Tax Lot 6157-02-598726 on the Town of Wappinger Tax Assessment Maps. The property is located at 1401 Route 9. The subject property is 1.01 acres in size. The property is in the Highway Business (HB) zoning district (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing the reconfiguration and expansion of the parking lot from 50 spaces to 100 parking spaces (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted an Application for Site Plan Approval dated 10/20/25; a Full Environmental assessment Form dated 3/13/26; a narrative dated 10/20/25 prepared by Mark Day; a comment response memo dated 7/13/26; and a plan (4 pages) general titled Aura Realty Group dated 8/4/2025, last revised 7/13/26.

REVIEW COMMENTS

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.

- 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."
- 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 70 and a reduction in the 2002 landscaping plan from 25.6% to 19% of landscaped open space.

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.
- b. The minimum parking requirement for Motor Vehicle Sales Establishment is 10 visitor spaces, plus 2 spaces for every 3 employees. 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. Note B. under Chapter 240-67 on the plans and the comment response memo should be corrected. The plans show three employee parking spaces, while the code requires two spaces for every three employees and the comment response memo states there will be three employees on the Site.
- 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 proposed a landscaping plan for the Planning Boards consideration.
 - i. The proposed landscaping plan includes Juniper, Zebra Grass, and Fountain Grass. These species are non-native and some are considered invasive. All three species should be replaced with native plant species.
 - ii. The proposed landscaping along Route 9 will include 3 Red Maple and the rest are proposed to be shrubs and ornamental grasses. These plantings will create a low lying visual as there is a drop of 6'-10' between the plantings and the edge of pavement on Route 9.
 - iii. The proposed landscaping plan should be revised to include the number of each species being proposed.
- 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 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. The plans 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, with approximately 8 vehicles in this setback area.

- i. Note D under Chapter 240-67 on the plans should be revised to include these calculations.

3. Traffic, Parking, & Circulation.

- a. The plans show an asphalt mound with 10 Display Car spaces. It is our understanding that this area was paved in 2017 without site plan and special permit approvals and that a stop work order and violations were issued by the Town. The Applicant is now proposing to formalize this work, however, the access drive to this mound is outside the Project Site in the Sergeant Palmateer Way ROW. This access drive is now proposed to be removed and reseeded with an alternative access proposed from the visitor parking area.
- b. Applicant should show double yellow centerline on Sergeant Palmateer Way and lane striping/center median on Route 9 on all vehicle maneuvering templates.
- c. Plan Sheet 3 shows a car hauler entering the site using the Route 9 driveway and exiting from the southern Sergeant Palmateer Way driveway – Applicant should indicate where the car hauler will unload in this instance.
- d. The Applicant should confirm that the scale used for the firetruck turning template is 1:30.

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 plans show an area on the neighboring parcel in the Town and NYSDEC wetland buffer area and FEMA 100 year flood plain that had been converted into a gravel

parking area by the Applicant previously without permits or approvals. These areas are proposed to be removed and remediated with top soil, mulch, and reseeded. This will require Town and NYSDEC wetland disturbance permits.

5. Landscaping & Lighting.

- a. 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.
 - i. The plans identify this with an asterisk but provide two different explanations of what those asterisks represent.
 - ii. 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.
 - b. 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.
 - i. The 2002 Approval state that 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." The Applicant agreed at that time to return to address these issues and it does not appear that this was done.
6. Curbing and Delineation. The existing asphalt and gravel parking areas on adjacent parcels were created by the Applicant without site plan and special permit approvals and have been used for parking by the Applicant. They are now proposed to be removed and remediated. Some form of physical delineation is recommended to indicate the edge of the parking area and edge of the property.
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. The comment response memo states that details of the refuse enclosure would be included in future phases but it does not appear that a phasing plan is being proposed.

8. Variances.

- a. 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.
 - b. The EAF form indicated the Application is applying for variances. The Applicant should clarify for the Planning Board what variances are being proposed.
9. SEQRA. The Application is considered to be an Unlisted Action with respect to SEQRA. The Town Planning Board should consider if they would like to pursue a coordinated or uncoordinated review of the Application.

If you have any questions with respect to the above, please let us know.

Malcolm Simpson, AICP
Planner

cc:
Kyle Barnett, Esq.
Barbara Roberti
Christian Paggi, PE.