TOWN OF WAPPINGER
PLANNING BOARD

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SIGNED RESOLUTION & PLAN

PROJECT TITLE: 20 MacFarlane Warehouse & Storage Amended Site Plan

May 28, 2020

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_____ VILLAGE OR TOWN

****updated 5/13/19**

ORIGINAL

Beatrice Ogunti

From:	David Stolman <dstolman@hardestyhanover.com>
Sent:	Thursday, October 24, 2019 11:58 AM
To:	Beatrice Ogunti
Cc:	Bruce Flowers (BRUCE130@AOL.COM); Barbara Roberti
Subject:	20 MacFarlane Road
Attachments:	20 MacFarland SP Amendment 920.29 (2019) prn final.dhs.pdf

Dear Bea –

Attached is the final version of the resolution regarding the above captioned matter which is ready for Bruce to sign.

I would appreciate it if you would reply that you received this. Thanks.

Best regards, David

David H. Stolman, AICP, PP
Principal

PLEASE NOTE THE CHANGE OF STREET AND EMAIL ADDRESSES

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office: 914.967.6540

FREDERICK P. CLARK ASSOCIATES
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
a Hardesty & Hanover company

ORIGINAL

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: 20 MACFARLANE WAREHOUSE & STORAGE - RESOLUTION OF AMENDED SITE DEVELOPMENT PLAN AND WETLANDS DISTURBANCE PERMIT APPROVALS

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the 21st day of Oct., 2019 at 7:30 P.M.

The meeting was called to order by the Chairman Bruce M. Flower and the Planning Board member attendance was as follows:

Bruce M. Flower	PRESENT
Robert Ceru	PRESENT
Paul Freno	ABSENT
Ralph Marinaccio	PRESENT
Markos Peratikos	PRESENT
Carlo Pesce	PRESENT
Robert L. Valdati	PRESENT

The following resolution was moved by RALPH MARINACCIO and seconded by CARLO PESCE.

WHEREAS, the Planning Board received the applications of Carlos Espinoza (the "Applicant") on behalf of E&C Espicoz Properties, LLC (the "Owner") for Amended Site Development Plan and Wetlands Disturbance Permit Approvals; and

WHEREAS, the Applicant is proposing to add a partial second floor to the existing 2,811-square foot building, enclose the existing concrete pad located adjacent to the existing building and is also proposing to raze the existing 474-square foot garage and replace it with a 2-story, 4-bay garage for the operation of a warehouse for a cleaning and maintenance business (the "Project" or "Proposed Action")

WHEREAS, the Project also includes grading within the Town-regulated 100-foot wide wetland buffer; and

WHEREAS, the 2.275-acre lot is located at 20 MacFarlane Road, is designated as lot 6157-04-720271 on the Town of Wappinger tax maps, and is located within an R-20 1-Family Residence District (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted an Application for Site Plan Approval form dated 7/18/19; a Short Environmental Assessment Form (SEAF) dated 12/21/18; an Application for Wetland Disturbance Permit form dated 9/23/19; exterior elevations prepared by Alfred A. Cappelli Jr., AIA, dated 4/8/19; and the following plans generally entitled, "E&C Espicoz Properties LLC," prepared by Badey & Watson, dated 10/15/19:

1. Sheet 1 of 3, "Site Plan;"
2. Sheet 2 of 3, "E.S.C. & Details;"
3. Sheet 3 of 3, "E.S.C. & Details;" and

WHEREAS, on April 24, 2018, the Zoning Board of Appeals granted a use variance to permit a warehouse (not self-storage) on the Site; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, a duly advertised public hearing on the Project was held on September 16, 2019 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including the provisions relating to Site Development Plan Standards of Article IX of the Zoning Law and Chapter 137 of the Town Code as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.

2. Pursuant to the State Environmental Quality Review Act regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts because the site plan will result in no net change to impervious surfaces.

3. The Planning Board hereby adopts this Resolution of Amended Site Development and Wetland Disturbance Permit Approvals for the construction of a partial second floor on the existing 2,811-square foot building, enclosing the existing concrete pad located adjacent to the existing building and razing the existing 474-square foot garage and for the construction of a 2-story, 4-bay garage, as described above and as shown on the above listed drawings, in accordance with the provisions of Article IX of the Zoning Law and Chapter 137 of the Town Code subject to the following being fulfilled prior to the Planning Board Chairman endorsing the Site Development Plan drawings:

a. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution and shall submit the signed copy to the Zoning Administrator for filing.

b. The Owner of the Subject Property shall submit a copy of the current deed to prove its ownership of said property.

c. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.

d. The Applicants shall obtain all necessary "outside" agency approvals for the Project, including Dutchess County Department of Behavioral and Community Health approval for the proposed sewer disposal system and well.

e. The site plan shall be revised to the satisfaction of the Town Planner so as to show the specific location of the refuse enclosure.

When all of the sub-conditions set forth in Condition 3 above have been satisfied, six (6) copies of the above referenced plan, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) copy of the endorsed plan will be returned to the Applicant, one (1) copy will be retained by the Planning Board, and one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent, and the Fire Prevention Bureau.

4. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Amended Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this resolution if an application for a

Building Permit, if required, has not been made, or three (3) years from the date of the adoption of this resolution if construction in conformance with the approved Amended Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Amended Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. No Building Permit or Certificate of Occupancy shall be issued for the Project except in accordance with the approved amended site development plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.

7. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Amended Site Development Plan Approval shall be subject to continued conformance with such Amended Site Development Plan Approval.

8. Except as specifically modified herein, any prior resolutions of approval and any amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Bruce M. Flower	Voting: AYE
Robert Ceru	Voting: AYE
Paul Freno	Voting: N/A
Ralph Marinaccio	Voting: AYE
Markos Peratikos	Voting: AYE
Carlo Pesce	Voting: AYE
Robert L. Valdati	Voting: AYE

The resolution is hereby duly declared adopted.

Dated: October 21, 2019
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

11/4/19
Date

Carlos Espinoza Applicant	5.12.20 Date
E&C Espicoz Properties, LLC Owner	5.12.20 Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3 of this resolution and that the above-mentioned drawings may be endorsed by the Planning Board Chairman.

Bruce M. Flower, Chairman Town of Wappinger Planning Board	5/28/2020 Date

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