

**MEMORANDUM**

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

Date: December 4, 2020

Subject: **Poughkeepsie Nissan – Subdivision Plat Approval**  
Tax Lots 6157-02-607850 & 6157-02-607815

As requested, we have prepared the attached **Resolution of Preliminary and Final Subdivision Plat Approval** for your review and consideration.

We look forward to discussing this resolution with you at the Planning Board meeting.

David H. Stolman, AICP, PP  
Principal

Malcolm Simpson  
Junior Planner

cc: Paul Ackermann, Esq.  
Barbara Roberti  
Peter D. Setaro, PE  
Michael Sheehan  
Lawrence J. Paggi, PE ([ljpaggi@optonline.net](mailto:ljpaggi@optonline.net))

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

**RE: POUGHKEEPSIE NISSAN – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS**

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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 \_\_\_\_ day of \_\_\_\_\_, 2020 at 7:00 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   | _____ |
| Robert Ceru       | _____ |
| Paul Freno        | _____ |
| Ralph Marinaccio  | _____ |
| Markos Peratikos  | _____ |
| Nicholas Maselli  | _____ |
| Robert L. Valdati | _____ |

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, Maric LLC (the “Owner” and “Applicant”) is seeking Preliminary and Final Subdivision Approval for a lot line amendment to convey a 0.039-acre portion of tax lot 6157-02-607850 (Lot 1) to Tax Lot 6157-02-607815 (Lot 2) and convey a 0.320-acre portion of Lot 2 to Lot 1(the “Project” or “Proposed Action); and

WHEREAS, the Proposed Action also includes an application for Amended Site Plan Approvals to convert an existing used car dealership into a plumbing and HVAC supply store and showroom facility with proposed site improvements including a 3,953 square foot building addition to provide loading docks, a reconfigured parking area, and proposed signage; and

WHEREAS, the properties are a total of 5.7 acres in size, are located at 1429 & 1445 Route 9, are designated as tax lots 6157-02-607850 (Lot 1) and 6157-02-607815 (Lot 2) on the Town of Wappinger tax maps, and are located within the HB Highway Business zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 9/10/20; an Application for Site Plan Approval dated 9/16/20; a Short Environmental

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Assessment Form (Short EAF) dated 9/8/20; and the following plans generally entitled “Poughkeepsie Nissan” prepared by Lawrence J. Paggi, PE, last revised 11/23/20:

1. Sheet 1 of 2, “Cover Sheet,”
2. Sheet 2 of 2, “Lot Line Realignment,”
3. Sheet C-1, “Amended Site Plan.”

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

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter of September 28, 2020 which concludes that the Planning Board should rely upon its own study of the facts in the case; and

WHEREAS, on November 2, 2020, in accordance with Section 217-12.H(2) of the Town Subdivision Law, the Planning Board waived the Public Hearing on the Preliminary Plat because the Subdivision Application consists solely of the realignment of a common lot line between two adjacent lots; and

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Town Land Subdivision Regulations.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project as herein defined.
3. The Planning Board hereby waives the Public Hearing on the Final Subdivision Plat because the Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat.
4. The Planning Board hereby grants Final Subdivision Plat Approval to the Project which consists of the realignment of lot lines to convey a 0.039-acre portion of Lot 1 (6157-02-607850) to Lot 2 (6157-02-607815) and convey a 0.320-acre portion of Lot 2 to Lot 1, as herein defined and as shown on the subdivision plat, subject to the following conditions and

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modifications which must be satisfied prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

- 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/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(s) to prove its ownership of said property.
  - c. The Applicant shall prepare and submit a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations which is prepared by a Licensed Land Surveyor(s) and which meets the satisfaction of the Town Engineer.
  - d. 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.
  - e. The Applicant shall obtain all necessary "outside" agency approvals for the Project including but not limited to the Dutchess County Department of Health.
5. Conditional approval of the Final Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all of the items in Condition 4 above have been certified as completed. However, the Planning Board may extend for periods of ninety (90) days each, the time in which a conditionally approved final plat must be submitted for signature if, in the Planning Board's opinion, such extension(s) is/are warranted by the particular circumstances.
6. 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 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 therefor 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 not be made until six (6) months after the filing of the final subdivision plat.
7. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Owner/Applicant shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging receipt of a copy of the resolution. When all of the items set forth in Condition 4 above have been satisfied, a copy of the Final Subdivision Plat, 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

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this resolution in the space provided below, certifying that the Owners/Applicants have complied with said conditions of approval and that the Final Plat is authorized for filing with the Dutchess County Clerk's Office, Division of Land Records.

After said filing, two (2) copies of the Final Plat certified by Dutchess County and seven (7) copies of the certified copies of the Final Plat shall be submitted to the Planning Board. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the Town Clerk along with a signed copy of this resolution. A PDF and a Mylar copy of the final signed plans shall be submitted to the Planning Board as part of the record. This submission shall include all supporting documentation verifying the sub-conditions set forth in Condition 4 have been met and this submission should include a narrative detailing what elements are included in this submission and in what way these elements address the sub-conditions set forth in Condition 4. This submission, including the narrative and all supporting documentation shall be submitted together at once.

8. Within five (5) business days following the date of the adoption of this resolution, a copy of this resolution shall be filed with the Town Clerk.

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: _____ |
| Robert Ceru       | Voting: _____ |
| Paul Freno        | Voting: _____ |
| Ralph Marinaccio  | Voting: _____ |
| Markos Peratikos  | Voting: _____ |
| Nicholas Maselli  | Voting: _____ |
| Robert L. Valdati | Voting: _____ |

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2020  
Wappingers Falls, New York

\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Maric LLC  
Owner/Applicant

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Owner/Applicant have fulfilled all of the items in Condition 4 of this Resolution of Preliminary and Final Subdivision Plat Approvals and authorizes the filing of the Final Subdivision Plat with the Dutchess County Clerk, Division of Land Records.

\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

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