

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: HUDSON VALLEY LIGHTING - RESOLUTION OF AMENDED SITE PLAN APPROVAL

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 _____, 2021 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	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, Jaleli LLC/Hudson Valley Lighting (the "Owner" and "Applicant") is seeking Amended Site Plan Approval to expand the existing warehouse on the Subject Property with an additional 142,500 square feet of floor area bringing the total warehouse size to 386,893 square feet on tax lot 6259-02-841673; and

WHEREAS, the property is 67 acres in size, is located at 151 Airport Drive, designated as tax lot 6259-02-841673 on the Town of Wappinger tax maps, and is located within the AI Airport Industrial zoning district (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted for review an Application for Amended Site Plan Approval dated 6/9/20; a Full Environmental Assessment Form (Full EAF) dated 6/9/20; a Wetlands Assessment Report dated 1/13/21; and the following plans generally entitled, "Hudson Valley Lighting," prepared by Day Stokosa Engineering P.C., dated 3/9/20 most recently revised 3/12/21:

1. Sheet TB-1, "Cover Sheet,"
2. Sheet EC-1, "Existing Conditions,"
3. Sheet SP.1, "Site Plan,"
4. Sheet SP.2, "Overall Site Plan,"
5. Sheet ESC.1, "Erosion and Sediment Control Plan,"

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- 6.Sheet GD.1, "Grading and Drainage Plan,"
- 7.Sheet UP.1, "Utility Plan,"
- 8.Sheet LSP.1 "Landscaping Plan,"
- 9.Sheet LP.1, "Lighting Plan,"
- 10.Sheet VM.1, "Vehicle Maneuvering Plan,"
- 11.Sheet TCP.1, "Tree Clearing Plan,"
- 12.Sheet D.1, "Detail Sheet,"
- 13.Sheet D.2, "Detail Sheet;" and

WHEREAS, the Planning Board determined that the Proposed Action is a Type I action with respect to the New York State Environmental Quality Review Act (SEQRA) adopted a Negative Declaration on March 1, 2021; 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 July 1, 2020 which concludes that the Planning Board should rely upon its own study of the facts in the case; and

WHEREAS, a duly advertised public hearing on the Amended Site Plan was held on September 9, 2020, at which time all those wishing to be heard were given the opportunity to speak; 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, Parking and Performance Standards of Articles VII through XI of the Zoning Law, 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. The Planning Board hereby adopts this Resolution of Amended Site Development Plan Approval to expand the existing warehouse on the Subject Property with an additional 142,500 square feet of floor area bringing the total warehouse size to 386,893 square feet on tax lot 6259-02-841673, in accordance with the provisions of Article VII and XI of the Zoning Law, subject to the following being fulfilled prior to the Planning Board Chairman endorsing the Amended Site Development Plan:

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- 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(s) 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 Applicant shall submit revised plans that demonstrate compliance with the following conditions to the satisfaction of the Town Engineer.
 - (1) The Applicant shall submit a hardcopy of the correspondences with NYSDEC.
 - (2) The details of the retaining walls are noted, if the wall is over 4' high, then a note shall be placed on the plans stating that retaining walls over 4' high shall be designed by a New York State Licensed Professional Engineer and plans shall be submitted as part of the building permit application. During the building permit application, the Applicant will include the calculations with their submission.
 - (3) Per previous comment, upon final design the Applicant shall address the following comments to the Sheet GD.1:
 - i. Provide construction details for all stormwater management features.
 - ii. Provide protection around the infiltration basin throughout the duration of construction. Please add a note to the plans that states the infiltration basin is not to be compacted during construction and that it shall be protected by orange construction fencing.
 - iii. Please label the proposed roof leader locations for clarity.
 - (4) The plans state the amount of disturbance from the project to be 7.41 acres. This does not match what is stated in the SWPPP, 6.40 acres. This disturbance shall be listed consistently.
 - (5) Per previous comment, "The existing facility is currently connected to the DCWWA water line in Airport Drive for potable water. The existing on-site well is used to supply fire protection to the facility. Show the existing DCWWA main line and the service connection location. The EAF should be revised accordingly. If the fire protection storage is located outside, does the tank need to be enlarged to accommodate the building expansion?" Your response was that a revised EAF was attached, however the EAF was not received. The Applicant shall address if the tank needs to be enlarged.
3. Nine (9) 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

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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. A PDF and a paper 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 2 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 2. This submission, including the narrative and all supporting documentation shall be submitted together at once.

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 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. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
7. No Building Permit or Certificate of Compliance 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.

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8. 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.
9. 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: _____
Robert Ceru	Voting: _____
Paul Freno	Voting: _____
Ralph Marinaccio	Voting: _____
Nicholas Maselli	Voting: _____
Markos Peratikos	Voting: _____
Lynne Versaci	Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2021
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Jalei, LLC – David Littman
Applicant/Owner

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 2 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

Date

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[https://d.docs.live.net/7f22debf506cdb6f/Documents/Subaru Amended Site Plan prn draft.mms.docx](https://d.docs.live.net/7f22debf506cdb6f/Documents/Subaru%20Amended%20Site%20Plan%20prn%20draft.mms.docx)