

## **Resolution Granting Site Plan Approval to Buckingham Property Management Residential Development**

**Name of Project:** Buckingham Property Management Residential Development

**Name of Applicant:** Edward Cohen

**Whereas,** the applicant, Edward Cohen, has submitted an application for Site Plan approval dated October 18, 2016, to the Village of Wappingers Falls Planning Board to construct a residential development consisting of 188 dwelling units—comprising 6 studio apartments, 135 one-bedroom apartments, and 35 two-bedroom apartments (all located within three four-story buildings), together with 12 three-bedroom townhouses located within three buildings—along with 206 off-street parking spaces (and 41 additional land-banked spaces), a clubhouse, and associated improvements (the “Project”) on a ± 13.42-acre parcel (Tax Map No. 134601-6158-13-071325) located on Channingville Road and Nelson Avenue in the Residential Mixed Use (RMU) District in the Village of Wappingers Falls, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Site Plan entitled “Buckingham Property Management” prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. consisting of the following:

Sheets OP-1, EX-1, SP-1.1, SP-1.2, SP-2 to SP-4, PR-1, and D-1 to D-5 dated December 15, 2022, and last revised September 18, 2025

Sheet SP-5 dated February 17, 2024, and last revised September 18, 2025

Sheet LP-1 dated February 1, 2023, and last revised September 18, 2025

Sheets PR-2 and PR-3 dated June 12, 2025, and last revised September 18, 2025

Sheet VM-1 dated August 22, 2023, and last revised September 18, 2025

Sheet D-6 dated February 1, 2023, and last revised September 18, 2025

Sheet D-7 dated August 14, 2025, and revised September 18, 2025; and

**Whereas,** the applicant has submitted Architectural Drawings entitled “Buckingham Properties” prepared by Charles P. May and Associates, P.C. (Sheets CS-1, A-1 to A-12, and AD-1) dated August 14, 2025; and

**Whereas,** on January 11, 2018, the Planning Board classified the proposed Project as a Type I action pursuant to the State Environmental Quality Review Act (SEQRA) and circulated the project application and Full Environmental Assessment Form (EAF) to all Involved and Interested Agencies; and

**Whereas,** on September 6, 2018, due to changes in the project design, the Planning Board determined that the project application and Full EAF should be recirculated to the New York State Department of Environmental Conservation; and

**Whereas**, on June 1, 2023, following further design changes, the Planning Board recirculated again to the Town of Poughkeepsie, and on July 7, 2023, no objections having been received, the Planning Board was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQRA; and

**Whereas**, on April 3, 2025, after reviewing the Full EAF and the “criteria for determining significance” set forth in 6 NYCRR Part 617.7(c), the Planning Board determined that the proposed Project will not result in any significant adverse environmental impact, and therefore issued a Negative Declaration determining that preparation of an Environmental Impact Statement was not required; and

**Whereas**, it was determined that the application required referral to the Village of Wappingers Falls Zoning Board of Appeals for area variances related to driveway width, driveway pull-offs, front yard setbacks for two accessory structures, and the proposed type of sign; and

**Whereas**, on June 3, 2025, the Zoning Board of Appeals granted the required area variances, as reflected in its resolution of findings; and

**Whereas**, the Planning Board consulted with the Wappingers Falls Fire Department regarding emergency access for fire trucks and Fire Chief Jason Enson stated that he had no issues with the proposed access; and

**Whereas**, the Planning Board consulted with the Wappingers Falls Fire Department regarding the proposed slightly raised Belgian block median, and in email correspondence dated July 21, 2025, Fire Chief Jordan Freer confirmed that the slightly raised median was acceptable; and

**Whereas**, the applicant submitted correspondence from the Postmaster, dated September 2, 2025, confirming the Postmaster’s approval of the mail delivery arrangement shown on the Site Plan; and

**Whereas**, the applicant met with representatives of the Wappingers Falls Central School District to determine the appropriate location for the school bus pickup area, and the School District advised that its buses will not travel on private driveways, only on public roads, and therefore the proposed location of the bus shelter adjacent to Nelson Road is appropriate; and

**Whereas**, the Site Plan was referred to the Dutchess County Department of Planning and Development for review pursuant to General Municipal Law § 239-m, and the County Planning Department issued a review letter dated June 30, 2023, recommending that the Planning Board rely upon its own study of the facts in the case with due consideration to the County’s comments; and

**Whereas**, the Planning Board fully considered each of the County’s comments and the applicant revised the plans to: include a playground; add a second trail connection at the southeast corner of the site; install several EV charging stations throughout the site; include wiring for EV chargers in the townhouses; provide long-term bicycle storage in the

storage area of each apartment building as well as exterior covered bicycle parking and bicycle racks for short-term bike parking; include signage details for all signs on site; provide dark-sky compliant lighting fixtures with a maximum color temperature of 2700K; and verified the location of the school bus pick-up area with the School District—all as recommended by the County Planning Department; and

**Whereas**, the Planning Board reviewed and considered the County’s remaining comments and determined that fronting the buildings on the central green with parking located behind the buildings would have greater visual impacts on public viewsheds and was therefore less desirable; that stormwater will be managed so as to avoid impacts on the adjacent Greenway Trail; and that, as the emergency access configuration was subsequently revised, the discussion of gating the access through Oak Tree Gardens was no longer relevant; and

**Whereas**, the proposed access to the property was subsequently modified, and the Planning Board referred the revised Site Plan to the Dutchess County Department of Planning and Development for review pursuant to General Municipal Law § 239-m, and the County Planning Department issued a review letter dated August 5, 2025, recommending that the Planning Board rely upon its own study of the facts in the case with due consideration to the County’s comments; and

**Whereas**, the Planning Board fully considered each of the County’s comments, and the applicant revised the plans to replace the surfacing of the trail connections from wood chips to compacted dirt in order to match the surface of the existing Greenway Trail and better accommodate bicycle use; and the Planning Board noted that the Fire Chief required 12-foot travel lanes for the entrance drive and that the proposed loop bike rack was satisfactory; and

**Whereas**, the Planning Board notified the Clerk of the Town of Poughkeepsie of the public hearing on the Site Plan application pursuant to General Municipal Law § 239-nn; and

**Whereas**, on July 5, 2023, the Planning Board opened a duly noticed public hearing on the Site Plan, which Public Hearing was continued on August 3, 2023; August 16, 2023; September 7, 2023; October 5, 2023; November 2, 2023; December 7, 2023; January 4, 2024; February 1, 2024; March 7, 2024; April 4, 2024; May 2, 2024; June 6, 2024; July 11, 2024; August 1, 2024; and September 5, 2024, at which time all interested persons were given the opportunity to speak; and

**Whereas**, the Planning Board closed the Public Hearing on September 5, 2024; and

**Whereas**, the applicant agreed to extend the time frame for the Planning Board to render a decision on the Site Plan following the closing of the Public Hearing through October 9, 2025; and

**Whereas**, the Planning Board has fully deliberated on the application and all the matters before it.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board finds that the project will create a need for recreational land and facilities due to the anticipated generation of approximately 350 new residents of the Village, including 24 new school-age children (based on multipliers provided by Rutgers University, Center for Urban Policy Research *Residential Demographic Multipliers*). When considering the cumulative demands of all recently approved and pending subdivision and site plan applications on Village recreational facilities, the Board finds that an expansion of such facilities may be required in the near future as a result of this and other developments. The applicant proposes various on-site recreational facilities, as well as the construction of an off-site sidewalk along Nelson Avenue extending from the project site to 71 Nelson Avenue to provide a pedestrian connection to other areas of the Village. The Board has determined that these facilities will satisfy a portion of the Project's need for expanded recreational facilities. Accordingly, the applicant shall make a recreational fee payment in the amount of \$ [REDACTED] to the Village of Wappingers Falls to meet the remaining portion of that need.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby grants Site Plan approval to Edward Cohen for the proposed Project in accordance with the plans and specifications heretofore submitted subject to the following conditions and modifications:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Site Plan upon the applicant's compliance with the following conditions:
- (1) The applicant shall revise the Site Plan as follows:
    - (a) The reference to a "flush" Belgian block median on Sheet SP-1.1 shall be revised to "slightly elevated Belgian block median."
    - (b) The typographical error on Sheet SP-1.1 referring to "propose Belgian block median shall not be removed or paved over" shall be corrected to refer to "proposed Belgian block median shall not be removed or paved over."
    - (c) Average lighting levels on the balconies shall be recalculated using the lowest lighting level rather than zero; such lighting levels shall not exceed an average of one (1) footcandle.
    - (d) Average lighting levels for the entrances to the clubhouse and the water pump booster building shall be added to the Statistics Table on Sheet LP-1; such lighting levels shall not exceed an average of one (1) footcandle.
    - (e) The footnote to the Sign Data Table on Sheet SP-1.1 shall be revised to refer to Signs 6a and 6b, and the locations of these signs shall be shown on the plan.
    - (f) A note shall be included on the Site Plan stating that the owner of record shall maintain the proposed foot path trail connections to the Greenway Trail throughout the duration of the use.
    - (g) A note shall be added to Sheet CS-1 of the Architectural Drawings stating that all sides of the proposed buildings shall have the same siding treatment (*i.e.*, full brick facades).
    - (h) A note shall be included on Sheet SP-1.1 under the heading "Electric Vehicle Charging Notes" stating that the EV charging stations shall comply with the design criteria of § 151-68F(2) of the Zoning Law.
    - (i) All sheets of the Site Plan and the Architectural Drawings shall include a signature block for the Planning Board endorsement.

- (j) The plans shall be revised to address all comments contained in the J. Robert Folchetti & Associates, LLC memos dated September 2, 2025 and October 6, 2025, to the satisfaction of the Village Engineer.
- (k) **Additional conditions, if applicable...**
- (2) The applicant shall submit engineered plans for the ADA-compliant sidewalk extension on Nelson Road from the project site to the existing sidewalk at 71 Nelson Avenue.
- (3) The applicant shall submit a legal agreement, in form, substance, and manner of execution satisfactory to the Village Attorney and the Planning Board Attorney, to be filed with the Dutchess County Clerk's office, ensuring that the land-banked parking spaces will be maintained as landscaped open space until such time as their construction is required by the Planning Board. The agreement shall also require that some or all of the spaces shall be constructed upon written determination by the Planning Board.
- (4) The applicant shall obtain approval from the Village Department of Public Works Superintendent for the proposed curb cut on Nelson Avenue.
- (5) The applicant shall obtain approval from the Village of Wappingers Falls Water Board for potable water service connection.
- (6) The applicant shall obtain approval from the Village of Wappingers Falls Board of Trustees for sewer service connection.
- (7) The applicant shall obtain approval from the Dutchess County Department of Health for both sewer and potable water connection.
- (8) The applicant shall submit a Notice of Intent to the NYSDEC for a stormwater permit and shall submit a Notice of Acceptance from the NYSDEC to the Planning Board.
- (9) All required approvals, permits, and documentation of compliance shall be submitted in writing to the Village prior to the Chair's endorsement of the Site Plan.
- (10) The applicant shall revise references to GP-0-20-001 to GP-0-25-001 in the Stormwater Pollution Prevention Plan and on the Site Plan.
- (11) The applicant shall make a recreational fee payment of \$ [REDACTED] to the Village of Wappingers Falls.
- (12) The applicant shall pay to the Village of Wappingers Falls any outstanding fees due and owing for the review of this application.
- (13) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (14) The applicant shall submit Site Plan drawings for stamping and signing in the number and form specified under the Village's Zoning Law, including all required P.E. stamps and signatures.
- (15) The applicant shall sign a copy of this resolution and file it with the Planning Board for the purpose of indicating familiarity with the provisions of this resolution and acknowledging receipt of a copy thereof.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for endorsement by the Planning Board Chairman or his designee. One (1) set will be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Village Engineer.

Changes to the endorsed Site Plan shall require the approval of the Planning Board.

- B. The following conditions shall be fulfilled prior to the commencement of construction:
- (1) Construction of the Project shall not commence until a “will serve” letter from the Tri-Municipal Sewer District has been submitted to the Village. If the applicant directs effluent through the Village sewer system instead of through the Town of Poughkeepsie sewer system, the applicant shall assess the condition of the Village sewer mains and shall remedy such mains as needed to serve the Project.
  - (2) Trees over 5 inches in diameter at breast height (DBH) shall only be cleared between November 1 and March 31, when bats would not be resident on the site, and on-site stormwater ponds shall be maintained without the use of chemicals that might adversely affect bats or insect populations on which they may feed.
  - (3) During construction, the applicant shall maintain the site access drive and Nelson Avenue in a clean and safe condition, including daily sweeping as necessary.
  - (4) The applicant shall establish and maintain a performance bond, in an amount satisfactory to the Village Engineer, to ensure repair of Nelson Avenue if roadway integrity is compromised as a result of construction activities.
  - (5) The applicant shall post an inspection escrow with the Village, in an amount to be determined by the Village Engineer, for engineering inspections of all improvements during construction, as enumerated in § 151-90 of the Village Code, and to monitor inspections before, during, and after any blasting operations. The applicant shall maintain any required escrow for such inspections, and any excess funds shall be returned to the applicant upon completion of construction.
  - (6) The applicant shall submit the proposed specifications and model information for the electric vehicle charging stations for review and approval by the Planning Board Chair prior to purchase. In addition, the Building Inspector shall review the charging stations prior to purchase for ADA compliance.
- C. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO) for any building:
- (1) Connection of the Project to the municipal water supply shall not be completed until the Village’s water treatment capacity issues have been resolved.
  - (2) Prior to issuance of the first CO, the owner of record for the Buckingham project property shall prune and clear existing vegetation along Nelson Avenue in the vicinity of the proposed site access; prune the existing tree at the southwest corner of the Clinton Street/ NYS Route 9D intersection; and prune existing vegetation at the northwest and southwest corners of the Reed Avenue approach to the Channingville Road/Main Street and Reed Avenue intersection, all to improve sight distances and operation of the intersections.
  - (3) Prior to issuance of the first CO, the owner of record shall coordinate with the Village to arrange, at the owner’s expense, for the striping by the Village of a stop bar on the Clinton Street approach to its intersection with Nelson Avenue to improve traffic control.
  - (4) Prior to issuance of the first CO, the owner of record shall provide the Village with two (2) “Intersection Ahead” signs for posting on Nelson Avenue as shown on the approved Site Plan.
  - (5) All proposed improvements shall have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of improvements that cannot be completed due to seasonal constraints—such as

- landscaping or final asphalt paving—the applicant shall establish and place with the Village a performance guarantee or other security instrument, in form and amount satisfactory to the Village Attorney, Planning Board Attorney, and Village Engineer, in accordance with the § 7-725-a of NYS Village Law and § 151-89 of the Village Code, to ensure completion of such improvements in accordance with the approved Site Plan.
- (6) No CO shall be issued until a member of the Planning Board has conducted a site inspection and verified that all required improvements have been completed in accordance with the approved Site Plan, and has provided their opinion of compliance to the Building Department, including the implementation of all measures set forth in the Determination of Non-Significance (Negative Declaration).
- D. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
- (1) The New York State Department of Transportation (NYSDOT) will monitor the intersection of NYS Route 9D and Delavergne Avenue following completion of Project construction to determine whether signal timing adjustments are warranted. The owner of record for the Buckingham project property shall coordinate with the NYSDOT to implement the most efficient signal timing plan and to consider additional improvements, such as enhanced vehicle detection, at this location.
  - (2) NYSDOT will monitor the intersection of NYS Route 9D and Clinton Street beginning six (6) months after the Project reaches ninety percent (90%) occupancy, to determine whether installation of a traffic signal is warranted based on actual traffic volumes generated by the Project. The owner of record shall coordinate with NYSDOT and shall be responsible for the cost of any signalization improvements determined necessary as a result of this monitoring. To ensure the availability of such funds, the owner of record shall establish and maintain a bond or escrow account, in an amount and form satisfactory to the Village Engineer and Village Attorney, sufficient to cover the estimated cost of signalization improvements if required by NYSDOT.
  - (3) The owner of record shall maintain the areas of the right-of-way in the vicinity of the proposed site access on Nelson Avenue, and at the northwest and southwest corners of the Reed Avenue approach to the Channingville Road/Main Street and Reed Avenue intersections, as outlined in the Traffic Improvement Notes on Sheet OP-1 of the Site Plan, throughout the duration of the use, to ensure that vegetation does not adversely impact sight distances or intersection operations.
  - (4) The emergency generator associated with the water pump building shall be tested (exercised) once per week, for a short duration and during mid-day hours, in accordance with manufacturer specifications and to the satisfaction of the Village Engineer, so as to avoid impacts on normal sleeping hours.
  - (5) The applicant shall comply at all times with the conditions and requirements imposed by all involved or interested agencies in their respective permits and approvals.

**BE IT FURTHER RESOLVED**, that this conditional Site Plan Approval shall expire if the Site Plan is not submitted to the Planning Board Chair or his authorized

designee for signature within three (3) years from the date of adoption of this Resolution of Approval. This provision shall supersede § 151-91A of the Village Zoning Law.

**BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of this Resolution, the Chair, or other duly authorized member of the Planning Board, shall cause a copy of this Resolution to be filed with the Village Clerk, and a copy sent to the applicant.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and vote of

Roll Call Vote:

|                             |     |     |        |         |
|-----------------------------|-----|-----|--------|---------|
| Chair Thomas E. Morris Jr.  | Aye | Nay | Absent | Abstain |
| Deputy Chair James Williams | Aye | Nay | Absent | Abstain |
| Member Rachelle Louis       | Aye | Nay | Absent | Abstain |
| Member Robert McDonough     | Aye | Nay | Absent | Abstain |
| Member Joseph Rivera-Ramos  | Aye | Nay | Absent | Abstain |

Resolution declared: \_\_\_\_\_ on \_\_\_\_\_.

Resolution Certified, Filed with the Village Clerk and Mailed to the Applicant

\_\_\_\_\_  
Theresa Vallone, Planning Board Secretary

\_\_\_\_\_  
Date