

**MEMORANDUM**

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

Date: April 30, 2020

Subject: **33 Middlebush Road – Subdivision and Site Development Plan**  
Tax Lots 6157-01-414840 and 396837

As requested, we have prepared the attached **Resolution of Preliminary and Final Subdivision Approvals** 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

Sarah L. Brown, AICP  
Senior Associate/Planning

cc: Lisa Cobb, Esq.  
Barbara Roberti  
Peter D. Setaro, PE  
Michael Sheehan  
Alfred A. Cappelli Jr., AIA ([ACappe2102@aol.com](mailto:ACappe2102@aol.com))

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

RE: **33 MIDDLEBUSH LLC – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS FOR LOT CONSOLIDATION**

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	_____
Carlo Pesce	_____
Robert L. Valdati	_____

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

WHEREAS, the Planning Board received the applications of John Falvella (the “Owner” and “Applicant”) for Preliminary and Final Subdivision Plat Approvals for a lot consolidation to convert two (2) lots into one (1) lot (the “Project” or “Proposed Action”); and

WHEREAS, the subject properties are located at 33 Middlebush Road, are designated as tax lots 6157-01-414840 and 396837 on the Town of Wappinger tax maps, and are located within the 1-Family Residence (R-20/40) zoning district (the “Subject Properties” or “Site”); and

WHEREAS, the Proposed Action also includes an application for Site Development Plan Approval for the conversion of the existing building to a facility for contractor storage; and

WHEREAS, the Applicant has submitted for review an Application for Preliminary Subdivision Approval form dated 3/28/19; a Short Environmental Assessment Form (SEAF) dated 3/1/19; a Project Narrative dated 3/12/19; a Wetlands Assessment prepared by Ecological Solutions, LLC, dated 12/24/16; and a plat entitled, “Survey of Property Lot Merger Prepared for 33 Middlebush LLC,” prepared by Oicle Land Survey, PC, updated 2/19/20; 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 January 15, 2019 which concludes that the Planning Board should rely upon its own study of the facts in the case with due consideration of the comments made by DCDPD; and

WHEREAS, the Planning Board has given due consideration to the comments from the DCDPD; and

WHEREAS, the Planning Board determined that the Project 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 Preliminary Subdivision Plat was held on March 2, 2020 and May 4, 2020 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board determined that the subdivision (lot consolidation) will not result in the creation of any new building lots; and

WHEREAS, the Planning Board is familiar with the Subject Properties and their surroundings and has reviewed the Project in accordance with the standards for approval contained in the Zoning Law and the 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. 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 since any construction and land disturbance associated with the development will be controlled and will be mitigated through proper drainage and erosion control.
3. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project as herein defined.
4. The Planning Board hereby grants Final Subdivision Plat Approval for the lot consolidation to convert two (2) lots into one (1) lots, as shown on the Subdivision Plat and as defined above, subject to the following conditions and modifications which must be satisfied prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

- a. The survey plat shall exhibit all the required elements of a subdivision plat (e.g., signature blocks etc.) in accordance with Appendix A of the Town Subdivision Regulations.
  - b. 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 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 Applicant shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.
  - c. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Properties have been paid in full.
  - d. The Owner of the Subject Properties shall submit copies of the current deeds to prove its ownership of said properties.
  - 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 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 and 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 this resolution in the space provided below, certifying that the Owner and Applicant has 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 six (6) 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.

Regarding the six (6) copies of the certified copies of the Final Plat, one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent, the Fire Prevention Bureau, the Dutchess County 911 Addressing Office and the Applicant.

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: _____
Carlo Pesce	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

\_\_\_\_\_  
John Falvella  
Owner/Applicant

\_\_\_\_\_  
Date

**33 MIDDLEBUSH LLC**  
**RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS**

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The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 4 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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