

MEMORANDUM

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

Date: March 10, 2021

Subject: **Obercreek Lot Line Realignment**
Tax Lots 6057-02-772763, 847758, 849804, 914890, 948875, 959870 and 987852

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
Practice Lead - Planning

Malcolm Simpson
Planner

cc: Paul Ackermann, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Kyle Ahearn, PE (kahearn@chazencompanies.com)

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: **OBERCREEK SUBDIVISION – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS FOR LOT LINE REALIGNMENT**

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	_____

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

WHEREAS, the Planning Board received the applications of Obercreek LP and Alexander Reese (the “Owners” and “Applicants”) for Preliminary and Final Subdivision Plat Approvals for lot line realignments (the “Project” or “Proposed Action”); and

WHEREAS, the subject properties are known as Tax Lots 6057-02-772763 (2.33 acres), 6057-02-847758 (20.31 acres), 6057-02-849804 (1.52 acres), 6057-02-914890 (7.0 acres), 6057-02-948875 (0.2 acres), 6057-02-959870 (0.67 acres) and 6057-02-987852 (0.82 acres) on the Town of Wappinger Tax Assessment Maps and have frontages on Creek Road, New Hamburg Road and Marlerville Road within an R-80 One-Family Residence District and an R-40/80 One-Family Residence District (the “Subject Properties” or “Site”); and

WHEREAS, the Proposed Action involves the lot line realignments of seven (7) parcels and will result in the same number of tax lots with separate lots for each existing dwelling;

WHEREAS, the Proposed Action also proposes to modernize the sanitary disposal systems and wells;
and

WHEREAS, the Applicant has submitted for review an Application for Subdivision Approval dated 3/22/19; a Short Environmental Assessment Form (Short EAF) dated 3/18/19; and the following plans generally entitled "Obercreek Lot Line Revisions" prepared by Chazen Engineering, Land Surveying, and Landscape Architecture, dated 3/4/19, last revised 11/17/20:

1. Sheet G001, "Title Sheet,"
2. Sheet V100, "Existing Conditions Plan,"
3. Sheet V110, "Lot Line Removal/Subdivision Plan,"
4. Sheet C111, "Preliminary Plat,"
5. Sheet C150, "Grading, Erosion, and Sediment Control Plan,"
6. Sheet C160, "Utility Plan,"
7. Sheet C540, "Sanitary Sewer Details,"
8. Sheet C550, "Site and Erosion and Sediment Control Details."; 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; and

WHEREAS, the Planning Board determined that the subdivision will not result in the creation of any new building lots; 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 a Negative Declaration was adopted by the Planning Board on 11/2/20; and

WHEREAS, the Planning Board waived the Public Hearing on the Project pursuant to Section 217-12.H(2) of Subdivision Regulations, since the Project consists solely of the realignment of a common lot line between adjacent lots.

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 grants Final Subdivision Plat Approval for the Lot Line Realignment to adjust the lot lines of seven (7) parcels, 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 Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owners 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 Applicants shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.
 - c. The Applicants 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 Owners of the Subject Properties shall submit copies of the current deeds to prove their 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.
 - f. The Applicant shall obtain new driveway permits from the Town of Wappinger Highway Department.
 - g. The Applicant shall revise the bulk table to note that the required variances were granted by the Zoning Board of Appeals on 12/8/20 to the satisfaction of the Town Planner.
4. 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 3 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.
5. In accordance with the Town's Schedule of Fees, the Applicants 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 Applicants to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicants 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.

6. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Owners and Applicants 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 3 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 Owners and Applicants 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.

7. 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: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2021
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Obercreek LP
Owner and Applicant

Date

Alexander Reese
Owner and Applicant

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

Date