

MEMORANDUM

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

Date: March 2, 2022

Subject: **Myers Run Subdivision**
Tax Lots 6258-04-976478 & 032492

As requested, we reviewed the application of Berger Engineering and Surveying, (the "Applicant") for Subdivision and Site Development Plan Approval.

The Property

The subject property is known as Tax Lots 6258-04-976478 & 032492 on the Town of Wappinger Tax Assessment Maps and would create 12 additional lots on a new proposed road leading off Myers Corner Road in the Single Family Residential (R-40) zoning district (the "Subject Property" or "Site").

The Proposal

The Applicant is proposing to subdivide two existing lots with a combined total of 22.9 acres into 12 building lots in the R-40 Single Family Residential district. A new road would be constructed connecting to Myers Corner Road. This new road would connect to 10 new lots. Two (2) lots will share a driveway that would connect to Myers Corner Road and 10 lots will have their own driveways that would connect to the newly created road. The Subdivision is within the water district and will connect to Town water but would feature on-site wastewater management facilities on each lot in the form of in ground septic fields (the "Project" or "Proposed Action").

Submission

The Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 1/27/21; a Full Environmental Assessment Form (Full EAF) dated 7/19/21; a project narrative dated 1/25/21 last revised 5/3/21; a comment response memo dated 2/7/22; a response letter from the United States Department of the Interior dated 1/26/21; A Threatened and Endangered Species Habitat Suitability Assessment Report dated 1/26/21; and the following subdivision plans generally entitled "Myers Run" prepared by Berger Engineering and Surveying, dated 1/25/21 last revised 2/7/22:

1. Sheet SH-1, "Title Sheet,"
2. Sheet SH-2, "Existing Conditions,"
3. Sheet SH-3, "Subdivision Grading Plan,"
4. Sheet SH-4, "Subdivision Plat,"
5. Sheet SH-5, "OWTS Details,"

6. Sheet SH-6, "Water Details,"
7. Sheet SH-7, "Erosion Control Details,"
8. Sheet SH-8, "General Site Details,"
9. Sheet SH-9, "Profiles & County Entrance Detail,"
10. Sheet SH-10, "Erosion Control Plan".

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Subdivision.

- a. As previously discussed, §240-20 states that all lots must demonstrate independent access across their frontage, even in the event of a proposed shared driveway. The Applicant now shows the proposed driveways for Lots 11 & 12 as both separate until they join to reach the road as a common curb cut and independent driveways.
- b. We defer to the Town Attorney regarding any necessary access, utility, or maintenance easements required for the Proposed Action.

2. SEQRA.

- a. The Proposed Action is considered an Unlisted action pursuant to SEQRA. The Planning Board circulated its intent to serve as Lead Agency on June 17, 2021. The next SEQRA item for the Planning Board to consider would be a Determination of Significance.
- b. The US Department of Interior has identified the Indiana Bat (endangered) and the Bog Turtle (threatened) as being potentially present on the Project Site. The Applicant has submitted a Threatened and Endangered Species Habitat Suitability Assessment Report dated 1/26/21 detailing the conclusion that it is unlikely either animal has core or nesting habitats on the Project Site.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

Sarah L. Brown, AICP
Principle Planner

Malcolm Simpson
Planner

cc: Paul Ackermann, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Joseph Berger (Applicant)