

MEMORANDUM

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

Date: April 27, 2022

Subject: **Cooper Road - Lot Line Realignment**
Tax Lots 6156-02-869803 and 6156-02-852826

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.

Sarah Brown, AICP
Principal Planner

Malcolm Simpson
Planner

cc: James Horan, Esq.
Barbara Roberti
Jon Bodendorf, PE
Michael Sheehan
Amy Bombardieri, PE (amy@daystokosaeng.com)

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: **COOPER ROAD LOT LINE REALIGNMENT – 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 _____ 2022 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, the Planning Board received the application submitted by John Goetz (the “Applicant” and “Owner”) for Preliminary and Final Subdivision Plat Approvals for a lot line realignment (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is known as Tax Lots 6156-02-869803 and 6156-02-852826 on the Town of Wappinger Tax Assessment Maps and they are located on Cooper Road within the 1 Family Residence (R-20) zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant is proposing to realign lots 1 and 3 of filed map 9132 by shifting lot 1 to the north-east and rerouting the long drive of lot 3 around. The purpose of this is to allow the sewage disposal system on lot 1 to shift and comply with separation requirements from water supply (the “Project” or “Proposed Action”); and

WHEREAS, the Applicant has submitted for review an Application for Subdivision Plat Approval dated 1/12/22; a Short Environmental Assessment Form (Short EAF) with no date; a narrative prepared by Day Stokosa Engineering dated 3/9/22; a comment response memo prepared by Day and Stakosa Engineering with no date; and a 2 sheet subdivision plat entitled “Lot Line Realignment Filed Map 9132 Lots 1 & 3” prepared by Day Stakosa Engineering, dated 1/11/22 last revised 3/9/22; 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 a Type 2 Action with respect to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, at the 2/17/22 Planning Board meeting, 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; 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. 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 two (2) 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 demonstrate compliance with the Town Planners comment letter dated 4/13/22 and the Town Engineer letter dated 4/12/22 to the satisfaction of the Town Planner and Town Engineer.
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. Nine (9) copies of the above referenced plat, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plat complies with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below. A PDF and a Mylar copy of the final signed plat 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 3 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 3. This submission, including the narrative and all supporting documentation shall be submitted together at once.
6. 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.
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: _____
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

John Goetz
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