

MEMORANDUM

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

Date: September 30, 2022

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

As requested, we have prepared the attached **Resolution of Final Subdivision Approval** for your review and consideration.

We look forward to discussing this resolution with you at the Planning Board meeting.

Sarah L. Brown, AICP
Principal Planner

Malcolm M. Simpson
Planner

cc: James Horan, Esq.
Barbara Roberti
Jon Bodendorf, PE
Michael Sheehan
Joseph Berger (Applicant)

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: MYERS RUN SUBDIVISION – RESOLUTION OF FINAL SUBDIVISION PLAT APPROVAL

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 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	_____
Reinaldo Anjos	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

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

WHEREAS, the Town of Wappinger Planning Board received application from Berger Engineering and Surveying (the “Applicant”) for Final Subdivision Plat Approval for a subdivision consisting of twelve (12) single-family residential lots (the “Project” and the “Proposed Action”); and

WHEREAS, subject property is known as Tax Lots 6258-04-976478 & 032492 on the Town of Wappinger Tax Assessment Maps, is approximately 22.9 acres located on Myers Corners Road, and is located within the R-40 zoning district (the “Subject Property” or “Site”); and

WHEREAS, 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 9/12/22:

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, “OTWS Soil Test,”

7. Sheet SH-7, "Water Main Details,"
8. Sheet SH-8, "Erosion Control Details,"
9. Sheet SH-9, "General Site Details,"
10. Sheet SH-10, "Profiles & County Entrance Detail,"
11. Sheet SH-11, "Erosion Control Plan,"
12. Sheet SH-12, "Sight Distance on County Highway,"
13. Sheet SH-13, "County Highway Entrance Plan".

WHEREAS, a duly advertised public hearing on the Preliminary Subdivision Plat was held on September 8, 2021, December 6, 2021, January 19, 2022, February 7, 2022, and March 7, 2022, at which times all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the public hearing on the Final Subdivision Plat was waived at the October 3, 2022 Planning Board meeting as the Final Plat is largely in conformance with the Preliminary Plat; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA) and their intent to serve as Lead Agency for the SEQRA review on June 17, 2021; and

WHEREAS, the proposed subdivision received a Negative Declaration pursuant to the State Environmental Quality Review Act at the March 7, 2022 Planning Board meeting; and

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Town 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 finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Town of Wappinger since, in accordance with the Land Subdivision Regulations, ten (10) additional new building lots will be created within the Town of Wappinger as a result of the twelve (12) lot subdivision, and further, that lands appropriate for reservation for recreational purposes do not exist on Site, and therefore a fee in lieu of the reservation of land for recreational purposes in an amount based on the fee in existence at the time the Planning Board Chairman signs the Final Plat is required as a condition of Final Subdivision Plat approval.
3. The Planning Board hereby grants Final Subdivision Plat Approval to the Project which consists of a subdivision resulting in a total of twelve (12) single-family residential lots, as herein

defined and as shown on the subdivision plat, 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 Owner/Applicant 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 Owner of the Subject Properties shall submit a copy of the current deed(s) to prove its ownership of said properties.
- c. The Applicant shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.
- d. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the subject Property have been paid in full.
- e. The Applicant shall obtain all necessary "outside" agency approvals for the Project, including but not limited to the New York State Department of Environmental Conservation and from the Dutchess County Department of Health.
- f. Agreements and easements regarding the construction, operation, maintenance and enforcement of provisions regarding stormwater management systems and practices shall be subject to the review and approval of the Town Attorney and the Town Engineer.
- g. The Applicant shall address the comments in the review letter from the Town Engineer dated September 16, 2022 to the satisfaction of the Town Engineer:
- h. The applicant shall prepare and submit, to the Town Attorney and the Town Engineer for approval, legal descriptions depicting the newly created lots as approved by the Planning Board. If the lots are not under common ownership the applicant must provide deeds for any portion being transferred between owners.
- i. The owner, its successor and or assigns as their interest may appear shall include the following language on each instrument of conveyance of a lot in the approved subdivision:

This property is subject to stormwater management measures and ongoing maintenance requirements as set forth in a Stormwater Pollution Prevention Plan ("SWPPP") prepared for the subdivision known as Myers Run

Subdivision approved by the Town of Wappinger Planning Board by Resolution dated _____, 2022. The terms of the SWPPP are on file with the Town of Wappinger Building Department.

4. 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.
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 plats 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 Applicant has complied with said conditions of approval and that the Final Plat is authorized for filing with the County Clerk, Division of Land Records. A PDF and a paper copy of the final signed plats 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 4 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 4. This submission, including the narrative and all supporting documentation shall be submitted together at once.
6. 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.
7. Conditional approval of the final plat shall expire six (6) months from the date of this resolution unless a written request for an extension of Final Subdivision Plat Approval is requested at least thirty (30) days prior to the expiration of approval, and this request is granted by the Planning Board. The extension of Final Subdivision Plat Approval shall not to exceed one (1) year for each extension, with a maximum of five (5) years of extensions.
8. 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.

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: _____
Reinaldo Anjos	Voting: _____
Nicholas Maselli	Voting: _____
Markos Peratikos	Voting: _____
Lynne Versaci	Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2022
Wappingers Falls, New York

Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

Date

Michael Lund
Owner

Date

The following endorsement hereby confirms that the Owners/Applicant has fulfilled all of the items in Condition 3 of this Resolution of Preliminary Subdivision Plat Approval and authorizes the filing of the Preliminary Subdivision Plat with the Dutchess County Clerk, Division of Land Records.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date