

**MEMORANDUM**

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

Date: November 16, 2022

Subject: **K-9 Clippers – Special Permit**  
Tax Lot 6056-03-347470

As requested, we have prepared the attached **Resolution of Special Permit Approvals** for your review and consideration.

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

Malcolm Simpson  
Planner

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

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

RE: **K9 CLIPPERS – RESOLUTION OF SPECIAL PERMIT APPROVALS**

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

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

WHEREAS, the Planning Board received the applications of Anniel Balaker (the “Applicant”) for Special Permit Approval for a home occupation (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is known as Tax Lots 6056-03-347470 on the Town of Wappinger Tax Assessment Maps and is located at 102 Chelsea Road within the 1 Family Residence (R-20) zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Proposed Action includes approval for a home occupation to operate a dog groomers studio in their home. The dog groomer would be used to provide services to 2-3 dogs per day between the hours of 8am-4pm, Wednesday-Saturday (the “Project” or “Proposed Action”); and

WHEREAS, the Applicant has submitted for review an Application for Special Use Permit dated 9/25/22; a Short Environmental Assessment Form (SEAF) dated 9/25/22; and a project narrative dated 9/23/22; 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 Project is a Type II Action with respect to the New York State Environmental Quality Review Act (SEQRA) and no further SEQRA action is required; and

WHEREAS, the Planning Board conducted the Public Hearing at the 11/7/22 Planning Board Meeting, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including provisions relating to Special Permit Standards of Article VII of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

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 Special Permit Approval for the Home Occupation as defined above, in accordance with the provisions of Article VII of the Zoning Law, subject to the following conditions and modifications:
  - 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 submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Properties have been paid in full.
  - c. The Owners of the Subject Properties shall submit copies of the current deeds to prove their ownership of said properties.
  - d. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
  - e. The home occupation shall service no more than seven (7) animals daily.
  - f. The home occupation shall comply with all elements of the §240-5 definition for 'HOME OCCUPATION' including a limit of one (1) employee, excluding the owner.
  - g. The Certificate of Operation for the home occupation shall be dependent on the home occupation opening and closing a plumbing permit with the Town of Wappinger Building Department for a hair trap.
5. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Special Use Permit Approval shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan

Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.

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 Approval of the Special Permit.
7. Except as specifically modified herein, the prior resolutions of approval and any amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.
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	_____
Robert Ceru	_____
Paul Freno	_____
Reinaldo Anjos	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2022

Wappingers Falls, New York

\_\_\_\_\_  
Beatrice Ogunti, Secretary  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anniel Balaker  
Applicant & Owner

\_\_\_\_\_  
Date

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.

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Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

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Date