

MEMORANDUM

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

Date: November 16, 2022

Subject: **Mid-Hudson Islamic Association – Site Plan & Lot Line Realignment**
Tax Lots 6258-02-628535, 6258-04-664485, 6258-02-647552, & 6258-02-640551

As requested, we have prepared the attached **Resolution of Preliminary and Final Subdivision Plat Approvals** and the attached **Resolution of Site Development Plan Approval** for your review and consideration.

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

Malcolm Simpson
Planner

Attachments

cc: James Horan, Esq.
Barbara Roberti
Jon Bodendorf, PE
Michael Sheehan

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: **MID HUDSON ISLAMIC ACCOSIATION LOT CONSOLIDATION – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT 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 Town of Wappinger Planning Board received an application from the Mid Hudson Islamic Association (the “Applicant”) for Preliminary and Final Subdivision Plat Approvals to consolidate four (4) lots into one (1) lot in connection with Site Development Plan Approval for minor improvements to the existing site including a gravel overflow parking area, a basketball court, and a 100’x120’ pavilion over an existing paved area (the “Project” or “Proposed Action”); and

WHEREAS, the subject properties are located at 125 All Angels Road, 133 All Angels Road, and 218 Myers Corners Road, are designated as tax lots 6258-02-628535, 6258-04-664485, 6258-02-647552, & 6258-02-640551 on the Town of Wappinger tax maps and are located within the R-40 1 Family Zoning District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted an Application for Lot Consolidation Approval dated 9/2/22; an Owner Consent form dated 9/2/22; a project narrative dated 10/10/22; a Short Environmental Assessment Form dated 10/10/22; two sheets of architectural demonstrations of the proposed pavilion; a 1 sheet site plan entitled “Mid-Hudson Islamic Association Site Plan” prepared by RSA Engineering, dated 10/10/22; and a 1 sheet subdivision plat entitled “Mid-Hudson Islamic Association Lot Consolidation Plat” prepared by RSA Engineering, dated 10/10/22; 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 has pursued an uncoordinated review; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter dated 9/28/22 which concludes that the application is an issue of local concern and provided no additional comments; and

WHEREAS, a duly advertised public hearing on the Preliminary Subdivision was held 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, a waiver was granted by the Planning Board at the 11/7/22 Planning Board meeting for the 2-foot contour requirement.

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 Land Subdivision Regulations; and

WHEREAS, no recreation fee is required because the lot consolidation will not result in additional building lots; and

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. Pursuant to the State Environmental Quality Review Act regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts since any construction and land disturbance associated with the development will be controlled and will be mitigated through proper drainage and erosion control.
3. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project which consists of consolidating four (4) lots into one (1) lot that is 17.176 acres in size, as herein defined and as shown on the Preliminary Subdivision Plat Drawing.

4. The Planning Board hereby waives the Public Hearing on the Final Subdivision Plat because the Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat.
5. The Planning Board hereby grants Final Subdivision Plat Approval to the Project which consists of consolidating four (4) lots into one (1) lot that is 17.176 acres in size, as herein defined and as shown on the Final Subdivision Plat Drawings, 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 Applicant and Owner shall endorse a copy of this resolution and submit it to the Planning Board for its files.
 - b. The Applicant shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.
 - c. 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.
 - d. The Owner of the Subject Property shall submit a copy of the current deed(s) to prove its ownership of said property.
 - e. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
6. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all of the items in Condition 5 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 Final Plat must be submitted for signature if, in the Planning Board's opinion, such extension(s) is/are warranted by the particular circumstances.
7. 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 application will not be made until six (6) months after the filing of the Final Subdivision Plat.
8. 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 5 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 5. This submission, including the narrative and all supporting documentation shall be submitted together at once.

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

Ahmed S. Shah
Applicant and Owner

Date

The following endorsement hereby confirms that the Owner and Applicant have fulfilled all of the items in Condition 5 of this resolution and authorizes the filing of the Final Subdivision Plat with the County Clerk, Division of Land Records.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: MID HUDSON ISLAMIC ASSOCIATION – RESOLUTION OF SITE DEVELOPMENT PLAN 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 7:00 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 Town of Wappinger Planning Board received an application from Ahmed S. Shah (the “Applicant”) for Preliminary and Final Subdivision Plat Approvals to consolidate four (4) lots into one (1) lot in connection with Site Development Plan Approval for minor improvements to the existing site including a gravel overflow parking area, a basketball court, and a 100’x120’ pavilion over an existing paved area(the “Project” or “Proposed Action”); and

WHEREAS, the Proposed Action also consists of the consolidation of four (4) lots in connection with the Project; and

WHEREAS, the subject properties are located at 125 All Angels Road, 133 All Angels Road, and 218 Myers Corners Road, are designated as tax lots 6258-02-628535, 6258-04-664485, 6258-02-647552, & 6258-02-640551 on the Town of Wappinger tax maps and are located within the R-40 1 Family Zoning District (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted an Application for Lot Consolidation Approval dated 9/2/22; an Owner Consent form dated 9/2/22; a project narrative dated 10/10/22; a Short Environmental Assessment Form dated 10/10/22; two sheets of architectural demonstrations of the proposed pavilion; a 1 sheet site plan entitled “Mid-Hudson Islamic Association Site Plan” prepared

by RSA Engineering, dated 10/10/22; and a 1 sheet subdivision plat entitled "Mid-Hudson Islamic Association Lot Consolidation Plat" prepared by RSA Engineering, dated 10/10/22; 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 pursued an uncoordinated review; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter dated 9/28/22 which concludes that the application is an issue of local concern and provided no additional comments; and

WHEREAS, a duly advertised public hearing on the Preliminary Subdivision was held on 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, a waiver was granted by the Planning Board at the 11/7/22 Planning Board meeting for the 2-foot contour requirement.

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 the provisions relating to Special Permits, Site Development Plan, and Parking and Performance Standards of Articles VII through XI 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 as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to the State Environmental Quality Review Act regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts since any construction and land disturbance associated with the development will be controlled and will be mitigated through proper drainage and erosion control.
3. The Planning Board hereby adopts this Resolution of Site Development Plan Approval for the development of minor improvements to the existing site including a gravel overflow parking area, a basketball court, and a 100'x120' pavilion over an existing paved area of the Site as described above and as shown on the above listed drawings, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:

- 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 and 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 Property shall submit a copy of the current deed(s) to prove its ownership of said property.
- c. 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.
- d. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
- e. The Applicant shall comply with the following items subject to the review and approval of the Town Engineer and the Town Planner:
 - i. The Site Plan shall be amended to include a note stating that any tree clearing related to the Proposed Action will be conducted within the NYSDEC Indiana Bat tree clearing window of November 1st through March 31st.
 - ii. The Plat and Plan shall be revised to conform with the Town Engineer letter dated 11/4/22.

When all of the items set forth in Condition 3 above have been satisfied, nine (9) copies of the above referenced plans, 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 Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project. A PDF and a paper copy of the final signed plans 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 2 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 2. This submission, including the narrative and all supporting documentation shall be submitted together at once.

- 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 the 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 therefore 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 only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.
6. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
7. No Building Permit or Certificate of Compliance shall be issued for the Project except in accordance with the approved Site Development Plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
8. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Site Development Plan Approval shall be subject to continued conformance with such Site Development Plan Approval.
9. The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

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

Ahmed S. Shah
Applicant and Owner

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