



555 Theodore Fremd Ave, Suite C-301  
Rye, NY 10580  
T: 914.967.6540  
www.hardestyhanover.com

## MEMORANDUM

<i>To:</i>	Bruce M. Flower, Chairman And the Town of Wappinger Planning Board	<i>Date:</i>	3/15/2023
<i>From:</i>	Malcolm M. Simpson	<i>Project:</i>	33 Middlebush
<i>cc:</i>	James Horan, Barbara Roberti, Bea Ogunti		
<i>Subject:</i>	33 Middlebush Subdivision and Site Plan Tax Lot 6157-01-414840 & 396837		

As requested, we reviewed the application made by John Falvella, (the “Applicant”) for Subdivision and Site Plan Approval.

### The Property

The properties are known as tax lots 6157-01-414840 and 396837 on the Town of Wappinger tax assessment maps and is located at 33 Middlebush Road. The subject properties are located within the R-20/40 1-Family Residence District. A use variance was granted by the Zoning Board of Appeals for the use of the existing building as a contractor storage building in 2017 (the “Subject Property” or “Site”).

### The Proposal

The Applicant is seeking Subdivision and Site Development Plan Approval to consolidate the 2 lots into 1 lot and to demolish the existing building to replace it with a 6,890 SF building for contractor storage (the “Project” or “Proposed Action”).

### Submission

The Applicant has submitted Applications for Preliminary and Final Subdivision Approval dated 3/28/19; an Application for Site Plan Approval dated 3/1/19; a Short Environmental Assessment Form (EAF) dated 3/1/19; a Project Narrative dated 3/12/19; a comment response memo dated 2/10/23; and a set of plans (12 sheets) generally entitled “Proposed Contractor Storage Building, 33 Middlebush LLC,” prepared by TW Engineering, P.C., dated 2/7/23:

### REVIEW COMMENTS

1. Turning Templates. The turning templates should be revised to show the shoulder and center lines of Middlebush Road
2. Wetlands. The National Wetlands Inventory identifies a Federally-regulated wetland on the property. The wetland and the wetland 100' buffer should be shown on the plat. Further, the Applicant should contact the Army Corps of Engineers (ACOE) to verify if the project requires approvals from that agency or other regulating agencies. All correspondence between the Applicant and the ACOE should be sent to the Planning Board for review. The Application will also require a wetland disturbance permit from the Town.
3. Dumpster Enclosure. A dumpster enclosure detail should be added to the plans.
4. Sight Distance. We defer to the Town Superintendent of Highways and the Town Engineer with respect to sight distance measurements at the driveway.
5. Signage. A signage plan should be included in the plan set. The plan should include details for any proposed signage, including location(s), colors, dimensions, typefaces, materials and illumination.
6. Section 240-96-G. The plans should be revised to include a note describing compliance with Section 240-96-G. that states that, "Not more than one light-duty commercially registered vehicle and one trailer may be parked or stored outdoors on any residentially used or residentially zoned lot at any time. For the purposes of this section, a "light-duty commercially registered vehicle" shall exclude vehicles which exceed 9,500 pounds in registered gross vehicle weight. The following expressly prohibited examples include but are not limited to tractors, tractor-trailers, semitrailers, rollers, tractor and truck cranes, power shovels, road-building machines, snowplows, road sweepers, sand spreaders, trailers, excavators, tank trailers, tow trucks and buses, and any other similar vehicle."
7. Sidewalk. The Applicant's response to the Dutchess County Department of Planning comment memo regarding sidewalks along Middlebush Road states that they are not willing to provide a sidewalk along their frontage of Middlebush Road but would be willing to provide an easement for future development of a sidewalk. This easement should be shown on the plans and the landscaping plan should be revised as necessary.
8. Parking.
  - a. The parking calculations show a required 7 parking spaces and a proposed 20 parking spaces. Parking spaces in excess of the requirement would require a waiver from the Planning Board.

- b. We are curious how the parking in the gravel area will be marked, as the lack of a parking space adjacent to the parking space labeled 16 is crucial for the truck turning template. The absence of that parking space is crucial for the trucks movement but also a logical assumption for where a parking space would be if the gravel spaces are not clearly marked.

9. Landscaping.

- a. The following note should be provided on the landscaping plan:  
“All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use of the site. All vegetation not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season.”
- b. There is an error in the proposed size of the Dwarf English Boxwood.

10. Lighting

- a. The lighting plan shows low levels of light trespass at the property line and will either need to be revised or would require a waiver from the Planning Board.
- b. The lighting plan should include the BUG ratings of the proposed light fixtures.

11. SEQRA. The SEQRA process was concluded with the previous approvals, however, if the project has changed substantially the SEQRA process may need to be redone. The Engineer has requested a revised EAF which will assist in this determination.