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MEMORANDUM

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

Date: March 1, 2023

Subject: **Aguado Subdivision**
Tax Lots 6157-03-070275

As requested, we reviewed the application of Povall Engineering, (the "Applicant") for Subdivision Approval.

The Property

The subject property is known as Tax Lot 6157-03-070275 on the Town of Wappinger Tax Assessment Maps and would be subdivided an existing 35.26 acre lot to create 1 additional lot to be served by a shared driveway off Ketchamtown Road in the Single Family Residential (R-40) zoning district (the "Subject Property" or "Site").

The Proposal

The Applicant is proposing to subdivide one existing lot with a total of 35.26 acres into 2 building lots in the Single Family Residential (R-40) zoning district. The two lots will share a driveway that would connect to Ketchamtown Road. The Subdivision would feature on-site wastewater management facilities on each lot in the form of in ground septic fields and well water. The Proposed Action would include approximately 3.18 acres of disturbance (the "Project" or "Proposed Action").

Submission

The Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 9/19/22; a Short Environmental Assessment Form dated 9/12/22; a comment response memo drafted by Povall Engineering dated 2/6/23; an individual driveway plan (2 sheets) by Povall Engineering dated 11/7/22 last revised 2/6/23; a habitat assessment report prepared by Michael Nowicki and Ecological Solutions, LLC dated 10/10/22; and a 6 sheet subdivision plat entitled "Subdivision Plat for Ketchamntown Land Development, LLC" prepared by Povall Engineering, dated 9/12/22 last revised 2/6/23:

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Shared Driveway.
 - a. The proposed shared driveway will require a maintenance and an access easement. We defer to the Town Attorney and Town Engineer regarding this matter.
 - b. A separate plan has been submitted showing a conceptual plan for separate driveways as per §240-20.A. We defer to the Town Superintendent of Highways in regard to the proposed sight distance plans.
2. Wetlands. The proposed shared driveway is shown to cross a wetland area that would be considered Town, State, and Federal wetlands and will require disturbance permits from all three responsible agencies.
 - a. We defer to the Zoning Administrator as to the suitability of the definition of the boulders to be used along the 100' buffer as it reads in General Note 6 on the plans.
3. Environmental. A habitat assessment report has been submitted by the Applicant detailing the lack of Bald Eagle and Bog Turtle habitat on the Site. The Applicant will also need a wetland permit from the NYSDEC. The Applicant has been in communication with the NYSDEC and has forwarded the email correspondence to the Town as part of the record. This correspondence indicates that the NYSDEC has issued a NOIA (Notice of Incomplete Application) as they are awaiting SWPPP impact numbers from the Applicant and a Determination of Significance from the Planning Board as Lead Agency.
4. Variance. The conveyance of 821.84 SF to the Bosman parcel limits the flag lot access strip down to 36.03 ft. where 50 is required by code. The Applicant is in the process of applying for a variance.
5. Sight Distance. We defer to the Town Superintendent of Highways in regards to the proposed sight distance plans.
6. SEQRA. The Proposed Action is an Unlisted Action with respect to SEQRA. The Planning Board circulated their intent to serve as Lead Agency on October 17th of 2022 and, as no objection has been received, the Planning Board has assumed the role of Lead Agency. The next steps for the Planning Board would be to make a Determination of Significance.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

Malcolm Simpson
Planner

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