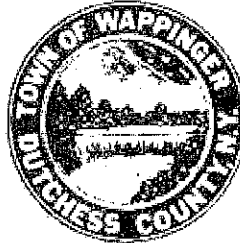


PLANNING BOARD SECRETARY
Bea Ogunti - Ext. 122

ZONING ADMINISTRATOR
Barbara Roberti - Ext. 128

ZONING BOARD of APPEALS
Peter Galotti, Chairman
David Barr
Tom DellaCorte
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Shailesh Shah

TOWN OF WAPPINGER



PLANNING BOARD
ZONING BOARD OF APPEALS
20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH: 845-297-6256
Fax: 845-297-0579

TOWN SUPERVISOR
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March 30, 2023

Received

MAR 31 2023

To: Joseph Paoloni
Town Clerk

Town of Wappinger
Town Clerk

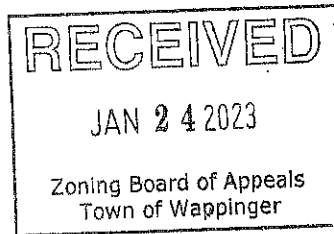
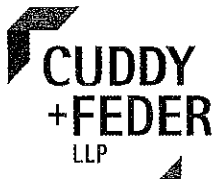
From: Bea Ogunti, Secretary
Town of Wappinger Zoning Board of Appeals

Re: Ketchamtown Land Development, LLC (Dylan Aguado),
Garth Bosman & Kathleen Patrick Decision
Appeal No. 23-7780

Attached you will find the original Application/Decision & Order for Ketchamtown Land Development, LLC (Dylan Aguado), Garth Bosman & Kathleen Patrick, Ketchamtown Land Development, LLC (Dylan Aguado), Garth Bosman & Kathleen Patrick, Wappingers Falls, NY 12590, Tax Grid No.: 6157-03-070275 (34.40 acres) and 6157-03-150311 (2.00 acres). I would appreciate it if you would file these documents.

Attachments

cc: Ketchamtown Land Development, LLC (Dylan Aguado)
Garth Bosman & Kathleen Patrick
Town File
Building File
Planning Board



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddlyfeder.com

Jennifer L. Van Tuyl, Esq.
jvantuyl@cuddlyfeder.com

January 24, 2023

Chairman Peter Galotti and
Members of the Zoning Board of Appeals
Town of Wappinger
20 Middlebush Road
Wappingers Falls, NY 12590

Re: Ketchamtown Land Development, LLC (Dylan Aguado) and Garth Bosman & Kathleen Patrick
Application Seeking Area Variances
Premises: Ketchamtown Road & 86 Ketchamtown Road (Parcel IDs: 6157-03-070275; 6157-03-150311)

Dear Chairman Galotti and Members of the Zoning Board of Appeals:

Enclosed is an application package submitted on behalf of Ketchamtown Land Development, LLC and Garth Bosman & Kathleen Patrick, seeking area variances with respect to the proposed two (2) lot subdivision and lot line realignment related to the above referenced Premises. The package includes:

Exhibit A: Application Form;
Exhibit B: Variance Narrative;
Exhibit C: Short Environmental Assessment Form; and
Exhibit D: Drawings prepared by Povall Engineering, PLLC, dated September 12, 2022, last revised January 23, 2023.

The subdivision and lot line realignment application is presently before the Planning Board, most recently on January 18, 2023 when the Board issued a positive recommendation to the Zoning Board of Appeals for the variance relief requested.

We look forward to introducing the project to the Board at the February 14, 2023 meeting. Should the Board or Town Staff have any questions or comments, please do not hesitate to contact me at 914-582-5234.

Very truly yours,

Jennifer L. Van Tuyl
Enclosures

5554565.v1

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD WAPPINGERS FALLS, NY 12590 PH: 845-297-6256 Fax: 845-297-0579

Application for an Area Variance

Appeal No.: 23-7780 Date: 2-1-23

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I (We), (1) Ketchamtown Land Development, LLC; and (2) Garth Bosman and Kathleen Patrick residing at (1) 264 New Hackensack Rd (2) 86 Ketchamtown Road, Town of Wappinger Wappinger, (phone) (1) 845-705-5049; (2) 646-530-4754, hereby, appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator, dated N/A (referral from the Planning Board), and do hereby apply for an area variance(s).

Premises located at: (1) Ketchamtown Road; (2) 86 Ketchamtown Road

Tax Grid No.: (1) 6157-03-070275; (2) 6157-03-150311

Zoning District: R40

1. Record Owner of Property: Ketchamtown Land Development, LLC

Address: 264 New Hackensack Road, Wappinger Falls, NY 12590

Phone Number: 845-705-5049

Owner Consent dated: 1/24/23 Signature: [Signature]

Print Name: Dylan Aguado

Record Owner of Property: Garth Bosman & Kathleen Patrick

Address: 86 Ketchamtown Road, Wappinger, NY 12590

Phone Number: 646-530-4754

Owner Consent dated: 1/24/23 Signature: [Signature]

Print Name: Garth Bosman & Kathleen Patrick

2. Variance(s) Request:

Variance No. 1

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240-20.B: Access and Required Street Frontage

(Indicate Article, Section, Subsection and Paragraph)

Required: 50' wide flag lot access strip

Applicant(s) can provide: Min. 36'

Thus requesting: 14' Variance

To allow: Proposed subdivision and lot line realignment

Variance No. 2

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240 Attachment 3: Schedule of Dimensional Regulations (Setback)

(Indicate Article, Section, Subsection and Paragraph)

Required: 25' side yard setback

Applicant(s) can provide: 3' side yard setback

Thus requesting: 22' side yard setback variance

To allow: Proposed subdivision and lot line realignment

3. Reason for Appeal *(Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):*

A. If your variance(s) is (are) granted, how will the character of the neighborhood or nearby properties change? Will any of those changes be negative? Please explain your answer in detail.

*** See attached narrative

B. Please explain why you need the variance(s). Is there any way to reach the same result without a variance(s)? Please be specific in your answer.

*** See attached narrative

C. How big is the change from the standards set out in the zoning law? Is the requested area variance(s) substantial? If not, please explain in detail why it is not substantial.

*** See attached narrative

D. If your variance(s) is (are) granted, will the physical environmental conditions in the neighborhood or district be impacted? Please explain in detail why or why not.

*** See attached narrative

E. How did your need for an area variance(s) come about? Is your difficulty self-created? Please explain your answer in detail.

*** See attached narrative

F. Is your property unique in the neighborhood that it needs this type of variance? Please explain your answer in detail.

*** See attached narrative

4. List of attachments (Check applicable information)

() Survey dated: _____, Last revised _____ and
Prepared by: _____

() Plot Plan dated: _____

(X) Photos (see narrative)

(X) Drawings dated: 9/13/23, rev. 1/23/23

(X) Letter of Communication which resulted in application to the ZBA.

(e.g., recommendation from the Planning Board/Zoning Denial)

Letter from: Planning Board Dated: 1/20/23

() Other (Please list): Narrative

5. Signature and Verification

Please be advised that no application can be deemed complete unless signed below.
The applicant hereby states that all information given is accurate as of the date of application.

SIGNATURE: [Signature] DATED: 1/24/23
(Appellant) – Dylan Aguado

SIGNATURE: [Signature] DATED: 1/24/23
(If more than one Appellant) – Garth Bosman & Kathleen Patrick

FOR OFFICE USE ONLY

1. THE REQUESTED VARIANCE(S) () **WILL** / (✓) **WILL NOT** PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.
2. () **YES** / (✓) **NO**, SUBSTANTIAL DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES.
3. THERE () **IS (ARE)** / (✓) **IS (ARE)** NO OTHER FEASIBLE METHODS AVAILABLE FOR YOU TO PURSUE TO ACHIEVE THE BENEFIT YOU SEEK OTHER THAN THE REQUESTED VARIANCE(S).
4. THE REQUESTED AREA VARIANCE(S) (✓) **IS** () **ARE** NOT SUBSTANTIAL
5. THE PROPOSED VARIANCE(S) () **WILL** / (✓) **WILL NOT** HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
6. THE ALLEGED DIFFICULTY () **IS** / (✓) **IS NOT** SELF-CREATED.

CONCLUSION: THEREFORE, IT WAS DETERMINED THE REQUESTED VARIANCE IS
(✓) **GRANTED** () **DENIED**

CONDITIONS / STIPULATIONS: The following conditions and/or stipulations were adopted by the resolution of the Board as part of the action stated above:


The ZBA voted to grant the following variances:

Where 50 feet wide flag lot access strip to street frontage is required, the applicants could provide a minimum of 36 feet for a proposed subdivision and lot line re-alignment, thus a variance of 14 feet was GRANTED.

Where 25 feet to the side yard property line is required, the applicants could provide 3 feet for a proposed subdivision and lot line re-alignment, thus a variance of 22 feet was GRANTED.

DATED: 3-28-23

ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: 
(Chairman)
PRINT: Peter J Gaudin

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD WAPPINGERS FALLS, NY 12590 PH: 845-297-8256 Fax: 845-297-0579

Owner Consent Form

Project No: 23-7780 Date: 2-1-23

Grid No.: 6157-03-070275 Zoning District: R-40

Location of Project:
Ketchamtown Road & 86 Ketchamtown Road

Name of Applicant:

(1) Ketchamtown Land Development, LLC - 845-705-5049; and (2) Garth Bosman and Kathleen Patrick - 646-530-4754

Print name and phone number

Description of
Project:

I Dylan Aguado, owner of the above land/site/building
hereby give permission for the Town of Wappinger to approve or deny the above application in
accordance with local and state codes and ordinances.

Date 2/1/24/23

845-705-5049
Owner's Telephone Number

[Signature]
Owner's Signature
Dylan Aguado
Print Name and Title ***

*** If this is a Corporation or LLC, please provide documentation of authority to sign.

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD WAPPINGERS FALLS, NY 12590 PH: 845-297-6256 Fax: 845-297-0579

Owner Consent Form

Project No: 23-7780 Date: 2-1-23

Grid No.: 6157-03-150311 Zoning District: R-40

Location of Project:

Ketchamtown Road & 86 Ketchamtown Road

Name of Applicant:

(1) Ketchamtown Land Development, LLC - 845-705-5049; and (2) Garth Bosman and Kathleen Patrick - 646-530-4754

Print name and phone number

Description of
Project:

I Garth Bosman & Kathleen Patrick, owner of the above land/site/building hereby give permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances.

1/24/23
Date

646-530-4754
Owner's Telephone Number

Kathleen Patrick
Owner's Signature
Garth Bosman & Kathleen Patrick
Print Name and Title ***

*** If this is a Corporation or LLC, please provide documentation of authority to sign.

Ketchamtown Land Development LLC. 264 New Hackensack Rd
Wappingers Falls, NY 12590
845-297-4807

1/24/2023

Dylan Aguado has permission to sign all documents and represent Ketchamtown Land Development as an Owner of the LLC. If there are any questions, please contact Dylan at 845-705-5049 or Dylan@aguadolandscaping.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan Aguado', with a stylized flourish at the end.

Dylan Aguado
Owner, Ketchamtown Land Development LLC

PLANNING BOARD SECRETARY
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ZONING ADMINISTRATOR
Barbara Roberti - Ext. 128

ZONING BOARD of APPEALS
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TOWN OF WAPPINGER



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ZONING BOARD OF APPEALS
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Nicholas Maselli
Markos Peratikos
Lynne Versaci

MEMORANDUM

January 20, 2023

TO: Chairman Peter Galotti & ZBA Members

FROM: Bea Ogunti
Secretary, Town of Wappinger Planning Board

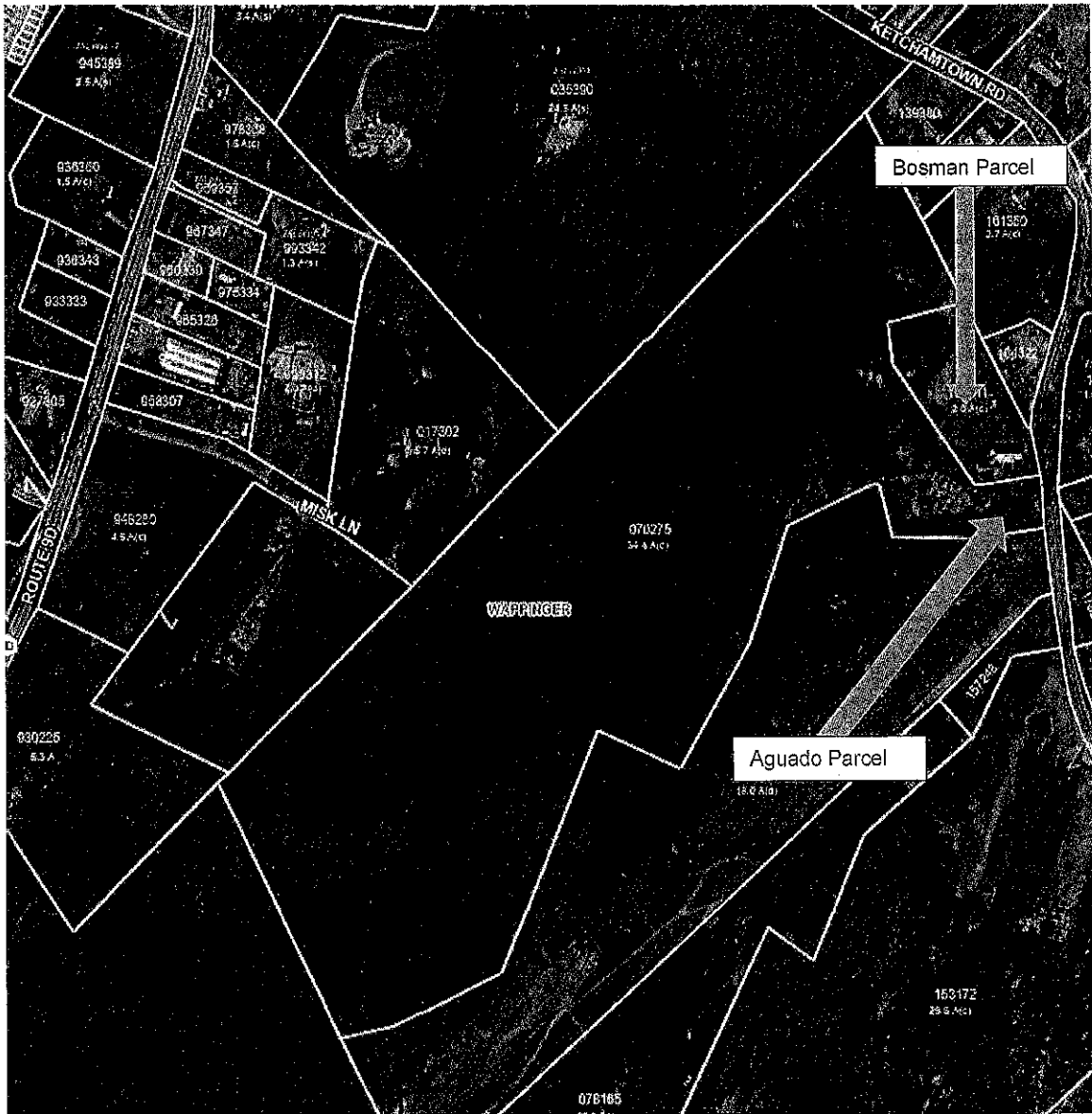
SUBJECT: Aguado Subdivision

At the Planning Board meeting held on January 18, 2023, the Board voted and authorized that I send you this memorandum. The Planning Board is looking at this project in a favorable light and sends their recommendation.

Thank you.

VARIANCE REQUEST EXPLANATION

This is an application for two area variances that have been referred to the Zoning Board of Appeals (ZBA) by the Town Planning Board. The Planning Board is presently reviewing an application by Dylan Aguado for a two lot subdivision of his parcel on Ketchamtown Road (Parcel ID: 6157-03-070275) ("Aguado Parcel") into two flag lots with access on Ketchamtown Road. The Aguado application also proposes a lot line realignment of the boundary line shared with the neighboring Bosman parcel (Parcel ID: 6157-03-150311) ("Bosman Parcel"). The purpose of the lot line realignment is to allow Aguado to transfer to Bosman an 821 SF area of land which is presently the site of a garage used by Bosmans.

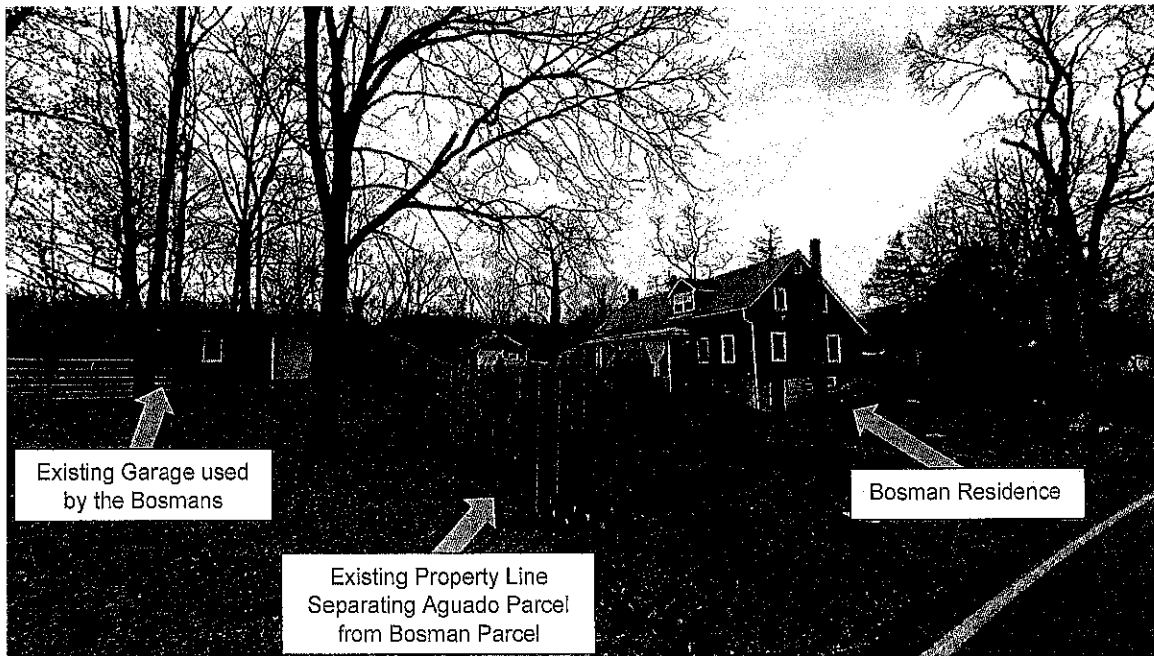


BACKGROUND LEADING TO THE VARIANCE APPLICATION:

The picture below depicts the location of the Bosman house on the Bosman parcel, the present property line between Bosman and Aguado, and the existing garage that is proposed to be transferred to Bosman pursuant to the lot line realignment.

The real property situation has a long history. The Bosman Parcel was originally created out of the Aguado parcel, many decades ago, and long before Mr. Aguado took title. Before he acquired the property, the Bosmans began an action to quiet title/adverse possession against the prior owner. The litigation was settled in 2016 by the filing of an agreement, recorded in the Dutchess County Clerk's office on November 15, 2016 as Document # 02-2016 7882 ("Agreement"), providing an easement to the Bosmans for future access to the garage, and providing to the Bosmans the right to acquire title to the lands underlying the garage and a 3' setback around the garage, at the time the Aguado Parcel was developed.

Accordingly, the Aguado and Bosman owners are cooperatively seeking to implement the agreement made by a past owner, in a cooperative manner. Implementing the agreement requires that two area variances be granted. Accordingly, the Planning Board has referred the matter to the ZBA for consideration of the variances. The subdivision and lot line realignment is on the Planning Board agenda on March 6, 2023

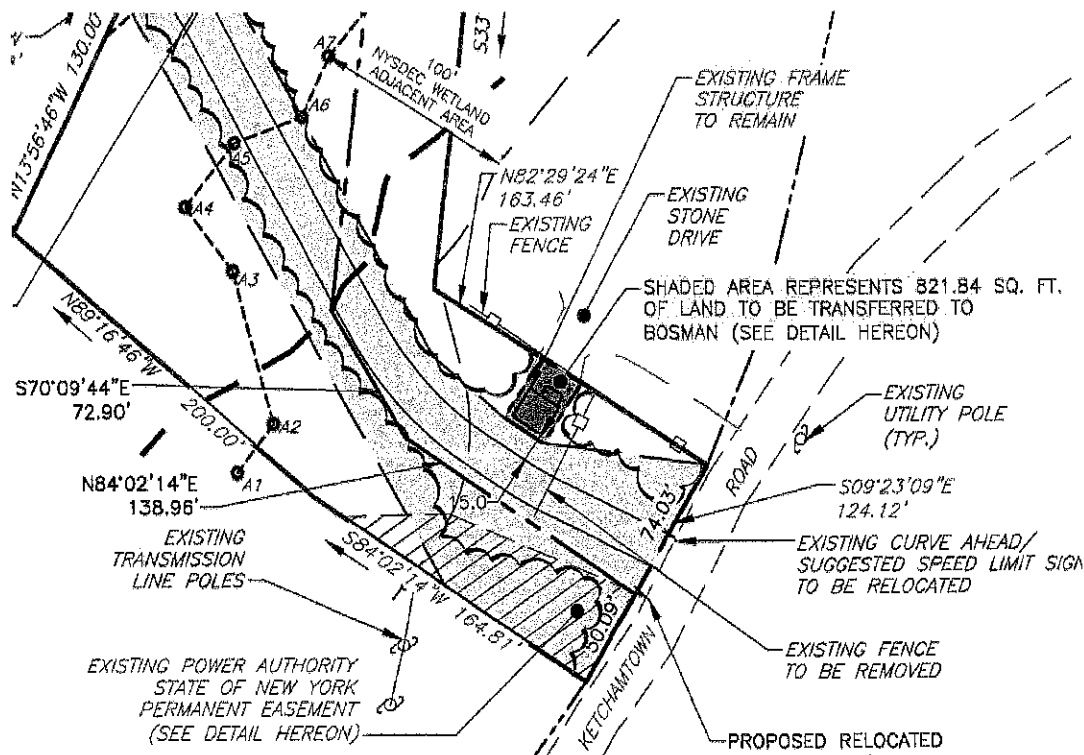


AREA VARIANCE # 1 (ACCESSORY BUILDING SIDE YARD SETBACK):

AREA VARIANCE # 2 (FLAG LOT ACCESS STRIP):

DESCRIPTION OF PROPOSED ACTIVITY:

The project involves Ketchamtown Land Development, LLC (Dylan Aguado)'s pending application before the Planning Board for a two lot subdivision on the Aguado Parcel and a lot line realignment of the boundary between the Aguado and Bosman Parcels. The lot line realignment will redraw the southern boundary of the Bosman Parcel to include 821.84 square feet of land that is currently improved with a garage connected to the Bosman driveway. The realignment will result in a 36' wide flag lot access strip along the width of the garage, with the remainder (i.e., the vast majority of the length of the driveway) meeting the 50' requirement. An excerpt of the subdivision plat showing the proposed lot line realignment is included below:



The subdivision application also includes a proposed shared driveway between the two lots accessing Ketchamtown Road pursuant to Town Code Section 240-20.A. A declaration providing for this shared access and location away from the garage will be recorded as a condition of the Planning Board's approval.

DETAILED DESCRIPTION AND EVALUATION OF EACH VARIANCE:

5-PART TEST ANALYSIS (TOWN LAW 267-b(3)(b); TOWN CODE 240-107.A(2)(b)(2)(a):

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The requested area variances will not change the character of the neighborhood. The garage has been accessed, used, and maintained by the owners of the Bosman Parcel for decades. The setback variance will permit an existing condition and not change the current appearance or usage of the garage by the Bosmans to any passerby. Similarly, the access width variance will not create an undesirable change in the surrounding area. The shared driveway agreement will be formally recorded in a covenant permanently locating the driveway away from the garage.

2. Whether the benefit sought by the applicants can be achieved by some method feasible for the applicant to pursue, other than an area variance.

The applicants have no alternative to the area variance relief to effectuate the terms of the recorded Agreement based on the Town's interpretation of the zoning law section relating to the 50 foot width of a flag lot driveway. This is, however, a unique situation, since two flag lots adjoin each other, with the driveway centrally located, and subject to a shared driveway agreement.

3. Whether the requested area variance is substantial.

The requested area variance relief permits 3' setbacks around the garage, where 25' is required and a minimum 36' wide flag lot where 50' is required. Yet, substantiality of a variance is not judged in purely mathematical terms but relates to the substantiality of the actual impact of the proposed use on the neighborhood. The following factors indicate the requested variances are not substantial: The garage has been used in its current state for several decades. The flag lot meets and exceeds the minimum width for flag lots except for the minor portion along the rear of the garage. The common driveway minimizes disturbance and maintains adequate distance to abutting parcels.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

There is no physical or environmental adverse effect of granting the variance relief. Granting area variances for single-family residences have been determined not to have a significant impact on the environment. 6 NYCRR § 617.5(a), (c)(17). Nonetheless, the Short Environmental Assessment Form prepared for the Planning Board is enclosed.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The difficulty is not really self-created, since it arises out of title issues that arose many decades ago, long before zoning was enacted. However, even if considered self-created, this is not alone a reason to deny an area variance. Based on the other factors and overall balancing test, this is a reasonable request.

IS THIS THE APPROPRIATE MINIMUM VARIANCE (TOWN LAW 267-b(3)(c); TOWN CODE 240-107.A(2)(b)(2)(b))?

Yes. The two variances combine to minimize each other. The limited setback being provided for the garage allows the maximum possible compliance with the lot width. At the same time, the fact

that the flag lots provide so much width along the vast majority of their length provides enough open space that the effect of the 3 foot setback is minimized. The applicants have already assured that there is no adverse impact by its design and proposed dimensions of the flag lots. The proposal does not create adverse impacts that require minimization of size as mitigation.

Overall Balancing Test

Taking into consideration the benefit to the applicant of the variance as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, should the variance be granted, and, if so, should any conditions be imposed?

Both the applicants believe that the proposed setbacks and flag lot access strip width are consistent with the existing conditions on the Aguado and Bosman Parcels, and do not create a detriment to the neighborhood or community.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Subdivision Plat for Ketchamtown Land Development, LLC			
Project Location (describe, and attach a location map): Ketchamtown Road (see location map on Subdivision Plat)			
Brief Description of Proposed Action: The owner/applicant is proposing to subdivide this vacant 35.26 acre parcel on Ketchamtown Road into two (2) individual building lots. The parcel is located in the R-40. 1-Family Residence Zoning District. The proposed lots will each be served by an individual well and subsurface sewage disposal system. The lots will also be served by a common driveway.			
Name of Applicant or Sponsor: Ketchamtown Land Development, LLC (Dylan Aguado)		Telephone: 845-705-5049 E-Mail: Dylan@aguadolandscaping.com	
Address: 264 New Hackensack Road			
City/PO: Wappingers Falls		State: NY	Zip Code: 12590
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC Wetland Disturbance Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		35.26 acres	
b. Total acreage to be physically disturbed?		3.18 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		35.26 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?			NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? *see attached SHPO letter dated August 25, 2022		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ The common driveway will require 3,856 sq. ft. be filled in NYSDEC Wetland WF-28 to gain access to the buildable area on the lot. _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Bald Eagle, Indiana Bat	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-left: 20px;"> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> If Yes, briefly describe: <u>Grassed swales will direct stormwater runoff to maintain existing drainage patterns.</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE <div style="text-align: right;">Revised:</div> Applicant/sponsor/name: <u>Dylan Aguado, Ketchikan Land Development</u> Date: <u>9/12/2022</u> Signature: <u>[Signature]</u> Title: <u>Owner</u>		



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

August 25, 2022

Wendy Przetakiewicz
Project Manager
Povall Engineering, PLLC
3 Nancy Court, Suite 4
Wappingers Falls, NY 12590

Re: DEC
Conceptual Subdivision Plan for Tax Grid No. 6157-03-070275
86 Ketchamtown Rd, Wappingers Falls, NY 12590
22PR06081
Job No. 2212

Dear Wendy Przetakiewicz:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

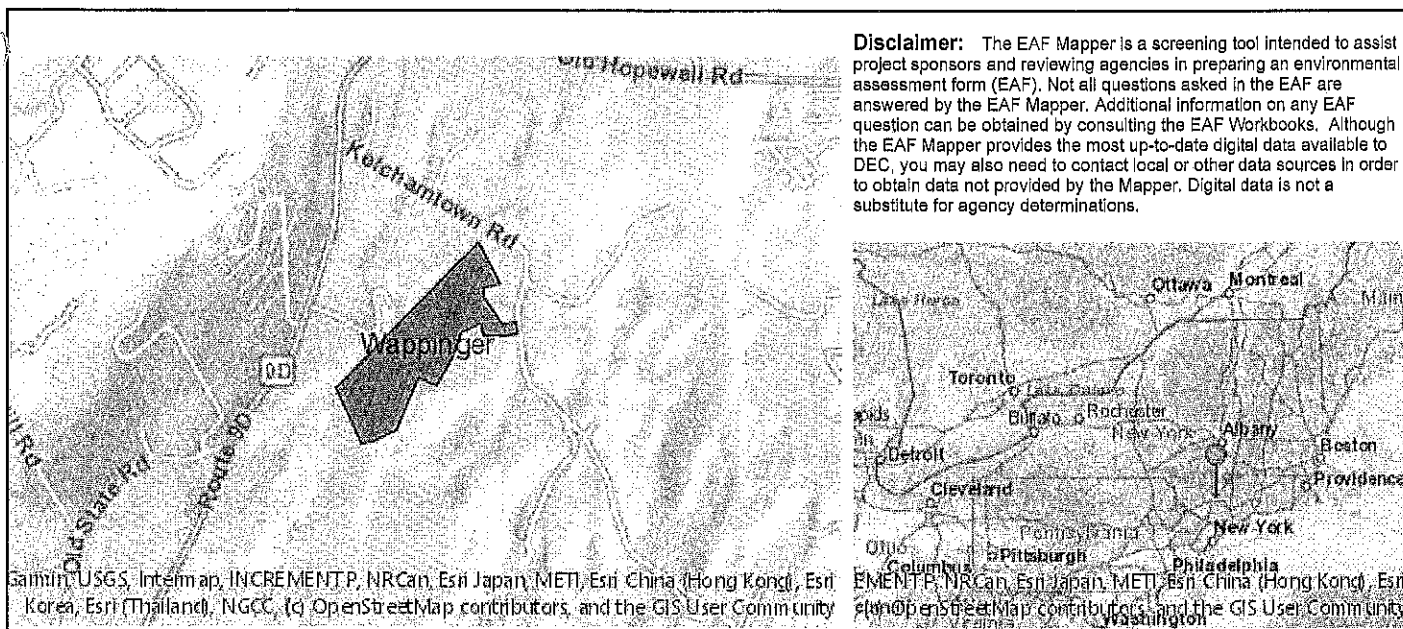
Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No