



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>	8/2/2023
<i>From:</i>	Malcolm M. Simpson	<i>Project:</i>	Joey Estates Subdivision
<i>cc:</i>	James Horan, Barbara Roberti, Bea Ogunti		
<i>Subject:</i>	Joey Estates Subdivision Review Tax Lot 6257-03-247036		

As requested, we reviewed the application of Mid-Hudson Development Corp., (the “Applicant”) to establish a conventional subdivision lot count for the purposes of pursuing a Conservation Subdivision as per the Town of Wappinger Code Section 240-19.B. As such, our review is limited to concerns and issues that would assist in the establishment of a conventional subdivision lot count.

The Property

The subject property is known as Tax Lots 6257-03-247036 on the Town of Wappinger Tax Assessment Maps and is located on Cedar Hill Road. The subject property is located with both the Single Family Residential (R-40) and the Single Family Residential (R-80) zoning district (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing a standard subdivision of a 139-acre parcel into 88 single family residential lots in the R40 and R80 zoning districts with 1 lot being used for the purposes of water supply, for a total of 89 parcels. The Applicant also seeks to establish a lot count for a standard subdivision so that, with Town Board approval, they can pursue a Conservation Subdivision under §240-19.B (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 10/8/19; a Short Environmental Assessment Form dated 10/8/19; a comment response memo dated 6/5/23; and a 3-sheet subdivision plat entitled “Bertero” prepared by M. Gillespie and Associates, dated 10/3/19 last revised 6/5/23:

REVIEW COMMENTS

1. Endangered or Threatened Species. The EAF identifies the Blanding’s Turtle as an endangered species with potential habitat on the Project Site. In the past, habitat remediation and mitigation efforts have resulted in areas of subdivisions being put aside as Blanding’s Turtle habitat. The Applicant should contact the New York State Department of Environmental Conservation to determine what protective or mitigation measures are required, as this could have implications to proposed layout and lot count.
2. Bulk Table. A bulk table for the proposed 88 lots should be provided to demonstrate that the proposed lots comply with the dimensional requirements of the zoning district they are within (R40 or R80).
3. Wetlands.
 - a. There is an area labeled as an “intermittent wet area” towards the northeast of the Site. The Applicant should address if this area is considered a Town Wetland, as the proposed layout directs the main road through this area.
 - i. There is another example of the same hatch symbology identifying areas that are not labeled. The Applicant should comment on the status of this area.
 - b. Dutchess County Parcel Access shows an area of Federally regulated wetland near the northern property line. This area of wetlands should be shown on the plat.
 - c. Section 240-18.D.(2) states that “...no more than 10% of the minimum area requirement of a lot may be fulfilled by federal or state wetlands, land which is under water, subject to periodic flooding, or within the one-hundred-year floodplain.” The Applicant should demonstrate that all lots comply with this section.
 - d. The Applicant should have a wetlands specialist prepare a report on the property to determine if there are Town wetlands on the Site.

4. SEQRA. The Proposed Action is a Type 1 Action with respect to SEQRA as the Proposed Action is not proposed to connect to an existing community or public water system and proposes more than 50 residential units. The Planning Board should determine if they would like to pursue a coordinated review and, if so, if the Planning Board intends to serve as Lead Agency.

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