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MEMORANDUM

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

Date: November 30, 2023

Subject: **33 Middlebush – Lot Consolidation**
Tax Lot 6157-01-414840 & 396837

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

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

Malcolm M. Simpson
Planner

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

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: LICARI – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT 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 _____, 2023 at 7 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 application from John Falvella (the “Applicant”) for Preliminary and Final Subdivision Plat Approval to consolidate two (2) existing lots into one (1) lot in connection with Site Development Plan Approvals for the development of the 1.77 acre site with a 6,890 square foot building for contractor storage (the “Project” and the “Proposed Action”); and

WHEREAS, the subject properties are known as tax lots 6157-01-414840 and 396837 on the Town of Wappinger tax assessment maps and are located at 33 Middlebush Road. The subject properties are located within the R-20/40 1-Family Residence District. (the “Subject Property” or “Site”); and

WHEREAS, 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 Full Environmental Assessment Form (EAF) dated 5/17/23; a Project Narrative dated 9/12/19; a comment response memo dated 10/16/23; and a set of plans (13 sheets) generally entitled “Proposed Contractor Storage Building, 33 Middlebush LLC,” prepared by TW Engineering, P.C., dated 2/7/23, last revised 10/14/23;

WHEREAS, the Application requested variance appeal no. 23-7798 for relief from Section 240-37 of the Zoning Code where 75 feet of minimum front yard setback (County Road) is required and the Applicant can provide 29 feet and the variance for a 46 foot front yard setback reduction was granted April 25, 2023; and

WHEREAS, the Application requested variance appeal no. 23-7798 for relief from Section 240-37 of the Zoning Code where 50 feet of rear yard setback is required and the Applicant can provide 39 feet and the variance for a 11 foot reduction in rear lot setback was granted on April 25, 2023; and

WHEREAS, the Application requested variance appeal no. 16-7598 for relief from Section 240-13 of the Zoning Code to allow for a contractors storage facility use in a residential zone, and this use variance was granted on August 22, 2017; and

WHEREAS, the Application requested a Wetlands Disturbance Permit dated August 28, 2023 for site work proposed within the wetlands and buffers including the reconstruction of an existing building, parking, utilities, and stormwater management. The disturbance includes 3,190 square feet of wetlands and 31,000 square feet of wetland buffer; and

WHEREAS, a duly advertised public hearing on the Preliminary Subdivision Plat was held on November 20, 2023 at which times all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the public hearing on the Final Subdivision Plat was waived at the November 20, 2023 Planning Board meeting as the Final Plat is largely in conformance with the Preliminary Plat; 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 the Planning Board proceeded with an uncoordinated review of the Application with regard to SEQRA; and

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 the Land Subdivision Regulations.

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 Final Subdivision Plat Approval to the Project which consists of a subdivision to consolidate two (2) existing lots into one (1) lot in connection with Site Development Plan Approvals for the development of the 1.77 acre site with a 6,890 square foot building for contractor storage, and as shown on the Subdivision Plat, 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 Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner/Applicants for the subdivision and lot line realignment 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 Properties shall submit a copy of the current deed(s) to prove its ownership of said properties.
 - c. The Applicant shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.
 - d. 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.
 - e. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
 - f. The Applicant shall comply with the comments in the review letter from the Town Engineer dated November 16, 2023 to the satisfaction of the Town Engineer.
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 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 applications will not be made until six (6) months after the filing of the final subdivision plat.
5. 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 3 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 3. This submission, including the narrative and all supporting documentation shall be submitted together at once.

6. Within five (5) business days following the date of the adoption of this resolution, a copy of this resolution shall be filed with the Town Clerk.
7. Conditional approval of the final plat shall expire six (6) months from the date of this resolution unless a written request for an extension of Final Subdivision Plat Approval is requested at least thirty (30) days prior to the expiration of approval, and this request is granted by the Planning Board. The extension of Final Subdivision Plat Approval shall not to exceed one (1) year for each extension, with a maximum of five (5) years of extensions.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Bruce M. Flower	Voting: _____
Robert Ceru	Voting: _____
Paul Freno	Voting: _____
Reinaldo Anjos	Voting: _____
Nicholas Maselli	Voting: _____
Markos Peratikos	Voting: _____
Lynne Versaci	Voting: _____

The resolution is hereby duly declared adopted.

Dated: _____, 2023
Wappingers Falls, New York

Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

Date

John Falvella
Owner/Applicant

Date

The following endorsement hereby confirms that the Owners/Applicant has fulfilled all of the items in Condition 3 of this Resolution of Preliminary and Final Subdivision Plat Approval and authorizes the filing of the Preliminary Subdivision Plat with the Dutchess County Clerk, Division of Land Records.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date