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MEMORANDUM

<i>To:</i>	Bruce M. Flower, Chairman And the Town of Wappinger Planning Board	<i>Date:</i>	12/4/2023
<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 79 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 80 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 7/3/23; a Full Environmental Assessment Form Parts 1 and 2 dated 11/7/23 prepared by John Goetz with an attached supportive narrative; a narrative dated 11/6/23 prepared by Amy Bombardieri; and a subdivision plat entitled “Joey Estates” prepared by Day Stokosa, last revised 11/5/23:

REVIEW COMMENTS

1. Endangered or Threatened Species. The EAF identifies the Blanding’s Turtle and the Indiana Bat as an endangered species with potential habitat on the Project Site. The NYSDEC has stated in an email dated 8/29/23 that there is no anticipated Blanding’s Turtle habitat on the Site but that a habitat impact analysis regarding the Indiana Bat is required for the Proposed Action as there is more than 10 acres of tree removal proposed. It is our understanding that this habitat impact analysis would be required for both a standard or a conservation subdivision.
2. Bulk Table. A bulk table for the proposed 79 lots has been provided, however, it should be revised to demonstrate that the proposed lots comply with Section 240-18.D.(2), which 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 by providing the calculations of each lot total area and the total area of lands encumbered to demonstrate their minimum lot area calculations.
3. Wetlands. The narrative states that the existing wetlands on the Site were flagged, however, a wetland report was requested in a previous memo and it does not appear in the submission.
 - a. There is an area labeled as an “isolated 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. Without a wetland report, this area will be assumed to be a Town regulated wetland.
 - 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 or a wetlands report demonstrating their absence should be provided.
 - c. The EAF identifies Federal wetlands and stream 857-20 class C as being on the Site but they do not appear or are not labeled as such on the plat.
4. Subdivision Layout. Section 240-19.B states that, “The permitted number of dwelling units in no case exceeds the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to all the normally applicable requirements of

this chapter, the Land Subdivision Regulations, the Dutchess County Department of Health Regulations and all other applicable standards.” It is our recommendation that the ‘normal applicable requirements’ of a standard subdivision does not include the disturbance of wetland areas or the wetland buffer.

- a. The proposed parcels 54-63 are shown to be accessed with a crossing over a NYSDEC and Town regulated wetland. The subdivision layout should be revised to avoid disturbance to this wetland and the wetland buffer.
- b. The entrance drive is shown to cross a wetland, the subdivision layout should be revised to avoid this wetland area and the wetland buffer.

5. Parcel Layout.

- a. A number of the lots shown along the NYSDEC and Town regulated wetland show proposed building sites that would provide small back or rear yard between the home and the wetland buffer. In past subdivision applications, the Planning Board has described this area as the “usable yard” and required subdivisions that propose such small usable yards to be revised to increase the usable space a house would have between the building and the wetland buffer.
- b. The proposed flag or radial lots should demonstrate their compliance with Section 240-20.B.

6. 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. Once the following corrections to the EAF are made, the Planning Board can circulate for Lead Agency if they choose.

- a. EAF Section B should be revised to include the wetland disturbance permits required.
- b. EAF Section D.2.r has not been filled out.
- c. EAF Section E.1.a and E.1.b do not reflect the wetlands present on the Site.
- d. EAF Section E.2.h does not include the NYSDEC regulated or Town regulated wetlands on the Site and does not include the size of the wetlands on the Site.

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