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December 4, 2023

VIA EMAIL ONLY

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**Re: Mid-Hudson Development Corp. with Town of Wappinger
Joey Estates
SDG File No. 39130.7906**

Dear Chairman Flowers and Planning Board Members:

MAIN OFFICE
1136 Route 9
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*Please direct all inquiries
to the Main Office*

I have just now read Mr. Bodendorf's letter to the Planning Board in anticipation of the Planning Board's consideration of the Joey Estates application on Monday evening, December 4, 2023. It appears that Mr. Bodendorf may not understand the nature of the task before the Planning Board. If he did understand it, he would have eliminated comments 1 through 8 from his letter.

As you know the Town Board repealed §240.50. In doing so, the Town Board took the position that the interest of the Town was best served by having any proposed cluster design for a subdivision be routed through the process described at Town Code §240.19. That section of the Code requires the Town Board to make a referral to the Planning Board of any application the Town Board wishes to afford the power to the Planning Board to cluster.

As you will also recall, after repealing §240.50, the Town Board took the position that it did not understand the procedure as to how any application before it might be referred to the Planning Board under Town Code §240.19.

On November 14, 2023, Judge Rosa put the Town Board out of its procedural misery. On that date, she issued a Decision which did two things. It reinstated §240.50. It told the Town Board that there was no procedural block to keep it from acting on the requested referral from it by my client under §240.19. I enclose a copy of that Decision for your consideration.

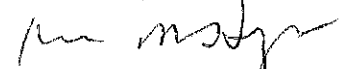
Your Board has been willing to undertake the work of establishing a maximum potential lot count on the site. That has been appreciated by myself and my client. The work needs to be concluded. It does not require the level of detail suggested by Mr. Bodendorf in comments 1 through 8 of his letter. It does require the level of detail set forth at comment 9 of that letter. If I am mistaken, and comments 1 through 8 are needed, I would ask that the comments be waived by the Board and that the application be considered based upon the comments of Mr. Simpson.

I will be present at the Planning Board meeting on the evening of December 4, 2023, for the purpose of discussing these matters with you and your Board directly.

Thank you.

Very truly yours,

STENGER, DIAMOND & GLASS, LLP



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KMS/klg

Enc.

cc: Mid-Hudson Development Corp.