

MINUTES

Town of Wappinger Planning Board
January 10, 2024
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

<u>Members:</u>	Mr. Flower	Chairman	Present
	Mr. Barth	Member	Present
	Mr. Freno	Member	Present
	Mr. Glorioso	Member	Present
	Mr. Meehan	Member	Present
	Mr. Peratikos	Member	Present
	Mr. Truss	Member	Present
	Mr. Horan	Planning Board Attorney	
	Mr. Bodendorf	Planning Board Engineer	
	Mr. Simpson	Town Planner	
	Mrs. Roberti	Zoning Administrator	
	Mrs. Ogunti	Secretary	

SUMMARY

Adjourned Public Hearing:

Verizon Wireless – Spook Hill Park	Resolution approved as amended
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Discussion:

Verizon Wireless – Diddell Road	Resolution approved as written
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33 Middlebush Road – Lot Line	Resolution approved as written
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33 Middlebush Road – Site Plan	Resolution approved as written
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Torregrossa Subdivision	Resolution approved as written
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Joey Estates	Resubmit
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Conceptual Review:

Suben, LLC Subdivision	Resubmit
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Extension:

Chelsea Farm Subdivision Resubmit	Extension granted for 90 days
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Myers Run, LLC Subdivision	6 Months +90 days extension granted
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Mr. Freno:

Motion to accept the Minutes from November 20, 2023 and December 4, 2023.

Mr. Peratikos:

Second the Motion.

Roll Call Vote:

Mr. Freno	AYE
Mr. Peratikos	AYE
Mr. Barth	ABSTEEN
Mr. Truss	ABSTEEN
Mr. Glorioso	ABSTEEN
Mr. Meehan	ABSTEEN
Mr. Flower	AYE

Video of the January 10, 2024 Planning Board Meeting:

<https://www.youtube.com/watch?v=Pxv2VN5GtT8&list=PLcCiq2q5NlglET7dXiSaUzTtSP1wGpkSI&index=82>

Adjourned Public Hearing:

23-3478 (Site Plan) and 23-4110 (Special Use Permit) Verizon Wireless – Spook Hill Park Small Wireless Facility: The Town of Wappinger Planning Board will conduct an Adjourned Public Hearing on a Site Plan application and Special Use Permit application. The applicant is proposing to install a 50 foot (Class 2) wooden utility pole with one (1) antenna, equipment and utilities in an R20 Zoning District. The property is located at the corner of **Nancy Aleen Drive and Spook Hill Road** and is identified as **Tax Grid No.: 6157-01353724** in the Town of Wappinger. (Young / Sommer) (Public Hearing opened on July 17, 2023 and adjourned: to September 6, 2023) (Adjourned to October 16, 2023) (Public Hearing adjourned to November 6, 2023) (Public Hearing adjourned to December 4, 2023) (Public Hearing closed: January 10, 2024) (Approved: January 10, 2024)

Present:

Scott Olson – Attorney, Young & Sommer
Bryan Sarchi – Project Manager, Aero Smith

Mr. Peratikos:

Motion to open the Adjourned Public Hearing.

Mr. Freno:

Second the Motion.

Vote:

All present voted Aye.

Mr. Freno:

Motion to close the Adjourned Public Hearing.

Mr. Peratikos:

Second the Motion.

Vote:

All present voted Aye.

Mr. Peratikos:

Mr. Freno:

Roll Call Vote:

Motion to approve the Resolution as amended.

Second the Motion.

Mr. Freno AYE

Mr. Peratikos AYE

Mr. Barth AYE

Mr. Truss ABSTEEN

Mr. Glorioso ABSTEEN

Mr. Meehan ABSTEEN

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MEMORANDUM

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

Date: January 9, 2024

Subject: **Spook Hill Park Small Wireless Facility Application Review– Site Plan and Special Permit**
Tax Lot 6157-01-353724

As requested, we have prepared the attached **Resolution of Site Development Plan and Special Permit Approval** for your review and consideration.

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

Malcolm Simpson
Planner

Received

JAN 24 2024

Town of Wappinger
Town Clerk

Attachments

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

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: SPOOK HILL PARK SMALL WIRELESS FACILITY – RESOLUTION OF SITE DEVELOPMENT PLAN AND SPECIAL PERMIT

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 10 day of Jan, 2024 at 7:00 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	<u>PRESENT</u>
Paul Freno	<u>PRESENT</u>
Markos Peratikos	<u>PRESENT</u>
Thomas Truss Jr.	<u>PRESENT</u>
James Glorioso	<u>PRESENT</u>
Richard Barth	<u>PRESENT</u>
Robert Meahan	<u>PRESENT</u>

The following resolution was moved by MARKOS PERATIKOS and seconded by PAUL FRENO.

WHEREAS, the Town of Wappinger Planning Board received an application from Verizon Wireless (the "Applicant") for Site Plan and Special Permit Approval to construct a new 50-foot wooden utility pole and antenna at the top thereof, with related cables and related equipment (the "Project" or "Proposed Action"); and

WHEREAS, the subject property is in the public Right-Of-Way on Spook Hill Road at the corner of Nancy Aleen Drive, identified as Tax Lot 6157-01-353724, and is located within the R-20 Residential District (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted for review an Application for Site Plan Approval form dated 5/3/23; an Application for Special Permit Approval dated 5/3/23; a project narrative prepared by Scott Olson dated 5/3/23; an RF Analysis dated 4/3/23; a Full Environmental Statement form dated 4/14/23; a real estate site selection report, including visual impact analysis, dated April 2023; a Site Compliance Report dated 3/9/23; and the following site plan (6 sheets) generally entitled "Spook Hill Park Micro" prepared by Tectonic last revised 11/13/23; 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 decided to pursue an uncoordinated review of the Application; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter of May 24, 2023 which concludes that the Proposed Action is a matter of No Jurisdiction; and

WHEREAS, in accordance with Section 240-88 of the Town Zoning Law, the public hearing on the Amended Site Plan and Special Permit was held at the July 17, 2023 Planning Board meeting and adjourned to the September 6, 2023 Planning Board Meeting; the October 16, 2023 Planning Board Meeting; the November 6 Planning Board Meeting; and the closed on the January 10, 2024 Planning Board Meeting; and

WHEREAS, the Town Planning Board had the application reviewed by a radio frequency analyst and the application was deemed to be in compliance with section 240-81 of the Town zoning ordinance; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates as findings and determinations 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 adopts this Resolution of Site Development Plan and Special Permit to construct a wireless telecommunications facility consisting of a new 50-foot wooden utility pole and antenna at the top thereof, with related cables and related equipment as described above and as shown on the above drawing, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:

- 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 and Applicant 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 Applicant shall obtain a license agreement from the Town Board of Wappinger for the Application and use of the Town Right-Of-Way.
- c. The Applicant shall obtain approval from the Town Superintendent of Highways regarding the sight distances as shown on the plans.
- d. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
- e. The Applicant shall amend the plans to comply with the June 13, 2023 Town Engineer letter to the satisfaction of the Town Engineer.
- f. The Applicant shall provide the metes and bounds for the proposed license agreement for the use of the Town Right-Of-Way to the satisfaction of the Town Attorney.

When all of the items set forth in Condition 3 above have been satisfied, nine (9) copies of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans 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 issuance of a Building Permit is authorized for the improvements set forth in this Project. A PDF and a paper copy of the final signed plans 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.

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 the 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 therefore 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 only made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.
6. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, the Special Use Permit Approvals shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.
7. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
8. No Building Permit or Certificate of Compliance shall be issued for the Project except in accordance with the approved Site Development Plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
9. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Site Development Plan Approval shall be subject to continued conformance with such Site Development Plan Approval.
10. The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

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

Bruce M. Flower	<u>AYE</u>
Paul Freno	<u>AYE</u>
Markos Peratikos	<u>AYE</u>
Thomas Truss Jr.	<u>AYE</u>

James Glorioso
Richard Barth
Robert Meahan

AYE
AYE
AYE

The resolution is hereby duly declared adopted.

Dated: January 10, 2024
Wappingers Falls, New York

Beatrice Ogunti
Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

1-12-24
Date

Scott Olsen
Applicant

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3 of this resolution and that the above mentioned drawings may be endorsed by the Planning Board Chairman.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Discussion:

23-3470 (Site Plan) and 23-4107 (Special Use Permit) Verizon Wireless Communications Facility – Diddell Road: To vote on a Site Plan application and Special Use Permit application. The applicant is proposing to install 124 foot height monopole and operate a wireless service facility in an R-40/80 and R-3A Zoning Districts. The property is located off **Diddell Road** and is identified as **Tax Grid No.: 6359-01-480600** in the Town of Wappinger. (Young / Sommer) (Public Hearing opened on July 17, 2023 and adjourned: to September 6, 2023) (Public Hearing adjourned to October 16, 2023) (Public Hearing adjourned to November 6, 2023) (Public Hearing closed: November 6, 2023) (Approved: January 10, 2024)

Present: Scott Olson – Attorney, Young & Sommer
Bryan Sarchi – Project Manager, Aero Smith

Mr. Peratikos:	Motion to approve the Resolution as written.	
Mr. Barth:	Second the Motion.	
Roll Call Vote:	Mr. Freno	AYE
	Mr. Peratikos	AYE
	Mr. Barth	AYE
	Mr. Truss	ABSTEEN
	Mr. Glorioso	ABSTEEN
	Mr. Meehan	ABSTEEN
	Mr. Flower	AYE

[illegible]



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MEMORANDUM

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

Date: January 9, 2024

Subject: **Verizon Wireless Communications Facility at Diddell Road – Site Plan and Special Permit**
Tax Lot 6359-01-480600

As requested, we have prepared the attached **Resolution of Site Development Plan** for your review and consideration.

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

Malcolm Simpson
Planner

Received

JAN 24 2024

Town of Wappinger
Town Clerk

Attachments

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

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: VERIZON WIRELESS COMMUNICATIONS FACILITY AT DIDDELL ROAD – RESOLUTION OF SITE DEVELOPMENT PLAN AND SPECIAL PERMIT

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 10 day of Jan, 2024 at 7:00 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	<u>PRESENT</u>
Paul Freno	<u>PRESENT</u>
Markos Peratikos	<u>PRESENT</u>
Thomas Truss Jr.	<u>PRESENT</u>
James Glorioso	<u>PRESENT</u>
Richard Barth	<u>PRESENT</u>
Robert Meahan	<u>PRESENT</u>

The following resolution was moved by MARKOS PERATIKOS and seconded by RICHARD BARTH.

WHEREAS, the Town of Wappinger Planning Board received an application from Verizon Wireless (the "Applicant") for Site Plan and Special Permit Approval to construct a wireless telecommunications facility consisting of a 124-foot monopole and associated unmanned transmission equipment within a fenced compound (the "Project" or "Proposed Action"); and

WHEREAS, the subject property is approximately 54.77 acres, is located on Diddell Road, is identified only as Tax Lot 6359-01-480600, and is in the R-40/80 and R-3A zoning districts. (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted an application for special use permit dated 1/10/23; an application for site plan approval dated 1/10/23; a project narrative and site selection analysis dated 2/5/23; a statement of intent dated 2/7/23; a Full Environmental Assessment Form Part 1 dated 2/3/23; an engineering necessity case dated 1/23/23; a site compliance report prepared by SiteSafe

dated 2/2/23; a comment response memo prepared by Tectonic and dated 5/11/23; a Visual Resource Evaluation prepared by Tectonic dated 5/9/23; and a set of plans (18 sheets) prepared by Tectonic dated 2/3/23, last revised 8/21//2; 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 decided to pursue an uncoordinated review of the Application; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter of March 21, 2023 which concludes that the Proposed Action is an matter of local concern and the Planning Board should rely on their own findings; and

WHEREAS, in accordance with Section 240-88 of the Town Zoning Law, the public hearing on the Site Plan and Special Permit was held at the July 17, 2023 Planning Board Meeting and adjourned to the September 6, 2023 Planning Board Meeting, and adjourned to the October 16 2023 Planning Board Meeting, and adjourned to the November 6, 2023 Planning Board Meeting, and closed at the November 6 Planning Board Meeting; and

WHEREAS, the Town Planning Board had the application reviewed by a radio frequency analyst and the application was deemed to be in compliance with section 240-81 of the Town zoning ordinance; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates as findings and determinations 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 adopts this Resolution of Site Development Plan and Special Permit to construct a wireless telecommunications facility consisting of a 124-foot monopole and

associated unmanned transmission equipment within a fenced compound as described above and as shown on the above drawing, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:

- 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 and Applicant 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 Property shall submit a copy of the current deed(s) to prove its ownership of said property.
- c. 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.
- d. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
- e. The Application shall comply with all special permit requirements as stipulated in Sections 240-44 and 240-81 of the Town of Wappinger Zoning Law.
- f. The Applicant shall amend the plans to comply with the August 17, 2023 Town Engineer letter to the satisfaction of the Town Engineer.

When all of the items set forth in Condition 3 above have been satisfied, nine (9) copies of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans 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 issuance of a Building Permit is authorized for the improvements set forth in this Project. A PDF and a paper copy of the final signed plans 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.

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 the 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 therefore 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 only made

in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.

5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.
6. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, the Special Use Permit Approvals shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.
7. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
8. No Building Permit or Certificate of Compliance shall be issued for the Project except in accordance with the approved Site Development Plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
9. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Site Development Plan Approval shall be subject to continued conformance with such Site Development Plan Approval.
10. The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

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

Bruce M. Flower	<u>AYE</u>
Paul Freno	<u>AYE</u>
Markos Peratikos	<u>AYE</u>
Thomas Truss Jr.	<u>AYE</u>
James Glorioso	<u>AYE</u>
Richard Barth	<u>AYE</u>
Robert Meahan	<u>AYE</u>

The resolution is hereby duly declared adopted.

Dated: January 10, 2024
Wappingers Falls, New York

Beatrice Ogunti
Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

1-12-24
Date

Scott Olson
Applicant

Date

Patricia H. Mcddaugh
Corbin Trust
Owner

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3 of this resolution and that the above mentioned drawings may be endorsed by the Planning Board Chairman.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

22-3454 - 33 Middlebush Road (Site Plan) and 19-5201 (Lot Line Consolidation):

To vote on a site plan application to convert the existing building for contractor storage and combining both lots dissolving the property line between the parcels by creating one lot. A Use Variance was granted on August 22, 2017 by the Zoning Board of Appeals for contractor storage on 1.75 acres in an R20/40 Zoning District. The property is located at **33 Middlebush Road** and is identified as **Tax Grid Nos.: 6157-01-414840** (0.88) and **6157-01-396837** (0.87) in the Town of Wappinger. (Use Variance granted: August 22, 2017) (Wojciekofsky) (Variances granted: August 22, 2023) (Public Hearing closed: November 20, 2023) (Approved: January 10, 2024)

Present: Troy Wojciekofsky – Engineer
John Favella – Applicant

Mr. Freno: **Motion to approve the Resolution as written.**

Mr. Peratikos: Second the Motion.

Roll Call Vote:	Mr. Freno	AYE
	Mr. Peratikos	AYE
	Mr. Barth	AYE
	Mr. Truss	ABSTEEN
	Mr. Glorioso	ABSTEEN
	Mr. Meehan	ABSTEEN
	Mr. Flower	AYE

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MEMORANDUM

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

Date: January 9, 2024

Subject: **33 Middlebush Road Site Plan Review**
Tax Lots 6157-01-414840 and 396837

Received

JAN 24 2024

Town of Wappinger
Town Clerk

As requested, we have prepared the attached **Resolution of Site Development Plan** for your review and consideration.

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

Malcolm Simpson
Planner

Attachments

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

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: 33 MIDDLEBUSH – RESOLUTION OF SITE DEVELOPMENT PLAN

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 10 day of Jan, 2024 at 7:00 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	<u>PRESENT</u>
Paul Freno	<u>PRESENT</u>
Markos Peratikos	<u>PRESENT</u>
Thomas Truss Jr.	<u>PRESENT</u>
James Gioroso	<u>PRESENT</u>
Richard Barth	<u>PRESENT</u>
Robert Meahan	<u>PRESENT</u>

The following resolution was moved by PAUL FRENO and seconded by MARKOS PERATIKOS.

WHEREAS, the Town of Wappinger Planning Board received an application from 33 Middlebush, LLC (the "Applicant") for Site Development Plan Approvals for the development of the 1.77 acre site with a 6,890 square foot building for contractor storage (Proposal or 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; and

WHEREAS, the Application for Site Plan is associated with an Application for Preliminary and Final Subdivision Approval to consolidate two (2) existing lots into one (1) lot; and

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, a duly advertised public hearing on the Site Plan 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 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, pursuant to the State Environmental Quality Review Act regulations, the Planning Board adopted 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; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter of February 14, 2023, which concludes that the Proposed Action is a matter of local concern, and the Planning Board should rely on their own findings; 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 3,770 square feet of wetlands and 31,000 square feet of wetland buffer; and

WHEREAS, the Application required a Wetlands Disturbance Permit and was granted a Wetlands Disturbance Permit dated 9/15/23; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby adopts this Resolution of Site Development Plan for the development of the 1.77 acre site with a 6,890 square foot building for contractor storage as described above and as shown on the above drawing, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:
 - 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 and Applicant 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 Property shall submit a copy of the current deed(s) to prove its ownership of said property.
 - c. 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.
 - d. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
 - e. The Applicant shall demonstrate compliance with the Town Engineer letter dated 11/16/23 to the satisfaction of the Town Engineer.

When all of the items set forth in Condition 2 above have been satisfied, nine (9) copies of the above referenced plans, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans 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 issuance of a Building Permit is authorized for the improvements set forth in this Project. A PDF and a paper copy of the final signed plans 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 2 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 2. This submission, including the narrative and all supporting documentation shall be submitted together at once.

3. 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 the 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 therefore 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 only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
4. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.
5. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, the Special Use Permit Approvals shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
7. No Building Permit or Certificate of Compliance shall be issued for the Project except in accordance with the approved Site Development Plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.

Bruce M. Flower	<u>AYE</u>
Paul Freno	<u>AYE</u>
Markos Peratikos	<u>AYE</u>
Thomas Truss Jr.	<u>AYE</u>
James Glorioso	<u>AYE</u>
Richard Barth	<u>AYE</u>
Robert Meahan	<u>AYE</u>

The resolution is hereby duly declared adopted.

Dated: January 10, 2024
Wappingers Falls, New York

Beatrice Ogunti
Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

1-12-24
Date

Scott Olson
Applicant

Date

Patricia H. Mcddaugh
Corbin Trust
Owner

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3 of this resolution and that the above mentioned drawings may be endorsed by the Planning Board Chairman.

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date



555 Theodore Fremd Ave, Suite C-301
Rye, NY 10580
T: 914.967.6540
www.hardestyhanover.com

MEMORANDUM

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

Date: January 9, 2024

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

Received

JAN 24 2024

Town of Wappinger
Town Clerk

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
Troy Wojciekofsky, PE

**RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD**

RE: 33 MIDDLEBUSH – 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 10 day of Jan, 2024 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	<u>PRESENT</u>
Paul Freno	<u>PRESENT</u>
Markos Peratikos	<u>PRESENT</u>
Thomas Truss Jr.	<u>PRESENT</u>
James Glorioso	<u>PRESENT</u>
Richard Barth	<u>PRESENT</u>
Robert Meahan	<u>PRESENT</u>

The following resolution was moved by MARKOS PERATIKOS and seconded by PAUL FRENO.

WHEREAS, the Town of Wappinger Planning Board received application from 33 Middlebush, LLC (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 3,770 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	<u>AYE</u>
Paul Freno	<u>AYE</u>
Markos Peratikos	<u>AYE</u>
Thomas Truss Jr.	<u>AYE</u>
James Glorioso	<u>AYE</u>
Richard Barth	<u>AYE</u>
Robert Meahan	<u>AYE</u>

The resolution is hereby duly declared adopted.

Dated: January 10, 2024
Wappingers Falls, New York


Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

1-12-24
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

Applicant to resubmit



555 Theodore Fremd Ave, Suite C-301
Rye, NY 10580
T: 914.967.6540
www.hardestyhanover.com

MEMORANDUM

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

Date: January 9, 2024

Subject: **Torregrossa- Subdivision**
Tax Lot 6257-02-986805

Received

JAN 24 2024

Town of Wappinger
Town Clerk

As requested, we have amended 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
Mark Day

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: TORREGROSSA – 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 10 day of Jan, 2024 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	<u>PRESENT</u>
Paul Freno	<u>PRESENT</u>
Markos Peratikos	<u>PRESENT</u>
Thomas Truss Jr.	<u>PRESENT</u>
James Glorioso	<u>PRESENT</u>
Richard Barth	<u>PRESENT</u>
Robert Meahan	<u>PRESENT</u>

The following resolution was moved by MARKOS PERATIKOS and seconded by PAUL FRENO.

WHEREAS, the Town of Wappinger Planning Board received application from Edward Torregrossa (the "Applicant") for Preliminary and Final Subdivision Plat Approval for a subdivision consisting of one existing lot with a total of 5.67 acres into 3 lots, one with the existing residence and two (2) building lots in the Single Family Residential (R-40) zoning district. The two building lots will connect to All Angels Hill Road. The Subdivision would feature on-site wastewater management facilities on each lot in the form of in ground septic fields and connect to Town water (the "Project" or "Proposed Action).and

WHEREAS, the subject property is an existing 5.67 acre lot, known as Tax Lot 6257-02-986805 on the Town of Wappinger Tax Assessment Maps, and would be subdivided as to create two (2) additional lots for a total of three (3) lots accessed at 271 All Angels Hill Road in the Single Family Residential (R-40) zoning district (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 12/19/22; a Short Environmental Assessment Form dated 11/30/22; a comment response memo dated 6/7/23; a submission memo dated 10/25/23; and a subdivision plat (7 pages) prepared by Day and Stokosa dated 11/22/22 last revised 5/7/23;

WHEREAS, a duly advertised public hearing on the Preliminary Subdivision Plat was held and closed on March 6, 2023, at which time 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 March 6, 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 circulated for Lead Agency on January 24, 2023; 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 finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Town of Wappinger since, in accordance with the Land Subdivision Regulations, two (2) additional new building lot will be created within the Town of Wappinger as a result of the three (3) lot subdivision, and further, that lands appropriate for reservation for recreational purposes do not exist on Site, and therefore a fee in lieu of the reservation of land for recreational purposes in an amount based on the fee in existence at the time the Planning Board Chairman signs the Final Plat is required as a condition of Final Subdivision Plat approval.
4. The Planning Board hereby grants Final Subdivision Plat Approval to the Project which consists of a subdivision resulting in a total of three (3) single-family residential lots, as herein defined 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, including but not limited to the Dutchess County Department of Health and the Dutchess County Department of Public Works.
 - f. The plans shall be revised to comply with the comment letter from the Town Engineer dated November 16, 2023 to the satisfaction of the Town Engineer.
 - g. The plans shall be revised to incorporate the mitigation measures recommended by the New York State Department of Environmental Conservation in the October 19, 2023 correspondence from Lisa Masi to the satisfaction of the Town Planner, the Town Engineer, and the Town Zoning Administrator.
 5. 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.
 6. 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 4 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 4. This submission, including the narrative and all supporting documentation shall be submitted together at once.

7. 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.
8. 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	<u>AYE</u>
Paul Freno	<u>AYE</u>
Markos Peratikos	<u>AYE</u>
Thomas Truss Jr.	<u>AYE</u>
James Glorioso	<u>AYE</u>
Richard Barth	<u>AYE</u>
Robert Meahan	<u>ABSTEEN</u>

The resolution is hereby duly declared adopted.

Dated: January 10, 2024
Wappingers Falls, New York

Beatrice Ogunti
Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

1-12-24
Date

Edward Torregrossa

Date

Owner

The following endorsement hereby confirms that the Owners/Applicant has fulfilled all of the items in Condition 4 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

Conceptual Review:

23-5228 – Suben, LLC Subdivision: To discuss a Conceptual Review application. The applicant is proposing to subdivide two (2) residential lots on 3.1 acres in an R-20 Zoning District. The property is located at the corner of **New Hackensack Road and Widmer Road** and is identified as **Tax Grid No.: 6158-04-632426** in the Town of Wappinger. (Hudson Land Design)

Present: Michael Bodendorf – Engineer, Hudson Land Design
Applicant to resubmit

Extension:

10-5155 – Chelsea Farm Subdivision: Seeking their eighth extension granted for a total of 90 days on a final subdivision approval for Chelsea Farm Subdivision for their proposed 17 lot subdivision in an R-40/80 Zoning District on 186.8 acres. This extension is being requested as we have made progress in satisfying the conditions of the resolution. We are in the process of circulating plans for final review by the Town Engineer and Planner and the County Health Department. If granted, this extension would begin on January 29, 2024 through April 28, 2024. This parcel is located on **Chelsea Road (County Route 92) & North River Road** and is identified as **Tax Grid No. 6056-01-138527 (102.7 acres) & 6056-01-190688 (84.1 acres)** in the Town of Wappinger. (Koehler) (LA 4/9/10) (Rec'd preliminary subdivision approval 11-3-14) (Opened & closed PH 1/20/16) (Final subdivision approval 02-01-16)

Mr. Peratikos:	Motion to grant a 90-day extension from January 29, 2024 through April 28, 2024.														
Mr. Freno:	Second the Motion.														
Roll Call Vote:	<table border="0"> <tr> <td>Mr. Freno</td> <td>AYE</td> </tr> <tr> <td>Mr. Peratikos</td> <td>AYE</td> </tr> <tr> <td>Mr. Barth</td> <td>ABSTEEN</td> </tr> <tr> <td>Mr. Truss</td> <td>ABSTEEN</td> </tr> <tr> <td>Mr. Glorioso</td> <td>ABSTEEN</td> </tr> <tr> <td>Mr. Meehan</td> <td>ABSTEEN</td> </tr> <tr> <td>Mr. Flower</td> <td>AYE</td> </tr> </table>	Mr. Freno	AYE	Mr. Peratikos	AYE	Mr. Barth	ABSTEEN	Mr. Truss	ABSTEEN	Mr. Glorioso	ABSTEEN	Mr. Meehan	ABSTEEN	Mr. Flower	AYE
Mr. Freno	AYE														
Mr. Peratikos	AYE														
Mr. Barth	ABSTEEN														
Mr. Truss	ABSTEEN														
Mr. Glorioso	ABSTEEN														
Mr. Meehan	ABSTEEN														
Mr. Flower	AYE														

21-5212 – Myers Run, LLC Subdivision: Seeking their third 6 months plus 90 days extension on a Final Subdivision application. The applicant is proposing a 12-lot single family subdivision on two existing undeveloped lots totaling 22.9 acres in an R40 Zoning District. The applicant is requesting this extension to allow time for the finalization of the various permitting and legal agreements of the project. If granted, this extension would begin retroactively September 1, 2023 through May 31, 2024. The property is located on **Myers Corners Road** and is identified as **Tax Grid No.: 6258-04-976478 (15 acres)**

& 6258-04-032492 (7.9 acres) in the Town of Wappinger. (Berger) (Lead Agency: June 17, 2021) (Public Hearing opened September 8, 2021) (Public Hearing adjourned to December 6, 2021) (Public Hearing adjourned to January 19, 2022) (Public Hearing adjourned to February 7, 2022) (Adjourned to March 7, 2022) (Neg. Dec. approved: March 7, 2022) Preliminary Subdivision approved: March 7, 2022) (Felling of trees approved: March 7, 2022) (October 3, 2022: Final Subdivision approved)

Mr. Freno: **Motion to grant the applicant the extension retroactively from September 1, 2023 through May 31, 2024.**

Mr. Peratikos: Second the Motion.

Roll Call Vote:

Mr. Freno	AYE
Mr. Peratikos	AYE
Mr. Barth	ABSTEEN
Mr. Truss	ABSTEEN
Mr. Glorioso	ABSTEEN
Mr. Meehan	ABSTEEN
Mr. Flower	AYE

Miscellaneous:

Workshop

Mr. Peratikos: **Motion to conduct a Workshop on January 25, 2025.**

Mr. Truss: Second the Motion.

Vote: All present voted Aye.

Mr. Peratikos: **Motion to adjourn.**

Mr. Freno: Second the Motion.

Vote: All present voted Aye.

Respectfully Submitted,

Adjourned: 9:05 pm

Bea Ogunti
Secretary
Planning Board & Zoning Board of Appeals