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MEMORANDUM

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

Date: March 27, 2024

Subject: **Tyburczy, Hundley & Carpenter Lot Line Re-alignment**
Tax Lot 6056-03-227366 & 223388

As requested, we have amended the **Resolution of Preliminary and Final Subdivision Plat Approvals** for your review and consideration.

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

Malcolm Simpson
Planner

Attachments

cc: Kyle Barnett, Esq.
Barbara Roberti
Lawrence Paggi, PE
Michael Sheehan

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: TYBURCZY, HUNDLEY, & CARPENTER LOT LINE REALIGNMENT – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS

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 _____, 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	_____
Paul Freno	_____
Markos Peratikos	_____
Thomas Truss Jr.	_____
James Glorioso	_____
Richard Barth	_____
Robert Meahan	_____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Town of Wappinger Planning Board received an application from Kim Ashcraft (the “Owner and Applicant”) for Preliminary and Final Subdivision Plat Approvals to convey 6,000 square feet from lot 6056-03-227366 to lot 6056-03-223388 (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is known as Tax Lots 6056-03-227366 to lot 6056-03-223388 on the Town of Wappinger Tax Assessment Maps and they are located at 109 Caroline Drive and 15 Thorn Acres Drive in the R-20 single family zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant has submitted for review an Application for Lot Line Realignment dated 1/12/24; and a 1 sheet subdivision plat entitled “Lot Line Re-Alignment of Lands of Tyburczy of Lands of Hundley/Carpenter” prepared by John J Post, Jr., dated 10/10/23 last revised 3/3/24; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II Action with respect to the New York State Environmental Quality Review Act (SEQRA) which requires no further environmental review; and

WHEREAS, in accordance with Section 217-12.H of the Town Subdivision Law, the Planning Board waived the public hearing on the Preliminary Subdivision at the March 18, 2024 Planning Board Meeting because the application consists solely of the realignment of a common lot line between two adjacent lots; and

WHEREAS, no recreation fee is required because the lot line realignment will not result in additional building lots; 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 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. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project which consists of the conveyance of 3,103 square feet from lot 6257-02-664553 to lot 6257-02-668542, as herein defined and as shown on the Preliminary Subdivision Plat Drawing.
3. The Planning Board hereby waives the Public Hearing on the Final Subdivision Plat because the Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat.
4. The Planning Board hereby grants Final Subdivision Plat Approval to the Project which consists of the conveyance of 6,000 square feet from lot 6056-03-227366 to lot 6056-03-223388, as herein defined and as shown on the Final Subdivision Plat Drawing, 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 Applicant and Owner shall endorse a copy of this resolution and submit it to the Planning Board for its files.
 - b. The Applicant shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.

- 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 submit the proposed deed(s) and the new deed schedule "A" description with TP-584 and RP-5217, including legal description and final mylar.
 - e. The Owner of the Subject Property shall submit a copy of the current deed(s) to prove its ownership of said property.
 - g. The Applicant shall obtain all necessary "outside" agency approvals.
5. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all of the items in Condition 4 above have been certified as completed. However, the Planning Board may extend for periods of ninety (90) days each, the time in which a conditionally approved Final Plat must be submitted for signature if, in the Planning Board's opinion, such extension(s) is/are warranted by the particular circumstances.
 6. 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 application will not be made until six (6) months after the filing of the Final Subdivision Plat.
 7. 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.

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

Bruce M. Flower	_____
Paul Freno	_____
Markos Peratikos	_____
Thomas Truss Jr.	_____
James Glorioso	_____
Richard Barth	_____
Robert Meahan	_____

The resolution is hereby duly declared adopted.

Dated: _____, 2024
Wappingers Falls, New York

_____ Beatrice Ogunti, Secretary Town of Wappinger Planning Board	_____ Date
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_____ Nicholas Tyburchy Applicant and Owner	_____ Date
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_____ Matt Carpenter Applicant and Owner	_____ Date
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_____ Sharon Hundley Applicant and Owner	_____ Date
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The following endorsement hereby confirms that the Owner and Applicant have fulfilled all of the items in Condition 4 of this resolution and authorizes the filing of the Final Subdivision Plat with the County Clerk, Division of Land Records.

_____ Bruce M. Flower, Chairman	_____ Date
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Town of Wappinger Planning Board