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April 17, 2025

April 21, 2025 Meeting

Town of Wappinger Planning Board
Attn: Bruce Flower, Chairman
20 Middlebush Road
Wappingers Falls, New York 12590

Re: ***Conservation Corners (formerly known as Joey Estates)***
Cedar Hill Road
Tax Map: 6257-03-247036

Dear Chairman Flower and Members of the Board:

We have received the following information prepared for the above referenced project:

- Cover letter, dated December 31, 2024.
- Town Board Resolution Referring Application to Planning Board, 5/13/2024 meeting.
- Planning Board Applications Including Subdivision Checklist, Preliminary Layout Application for Subdivision of Land and Owners Consent Form, dated 8/6/2024.
- Part 1 & Part 2 Full Environmental Assessment Form, dated 12/15/2024.
- Email Correspondence with NYSDEC, dated 8/29/2023 and supportive mapping.
- Wetland Delineation letter, prepared by Ecological Solutions, LLC, dated 12/5/2023, last revised 1/11/2024.
- Threatened and Endangered Species Habitat Suitability Assessment Report, prepared by Ecological Solutions, LLC, dated January 9, 2025.
- Traffic Engineering Evaluation, prepared by Klein Traffic Consulting, LLC, dated November 18, 2024.
- Plan Set (9 Sheets) Including the following:
 - Existing Conditions (SV100), dated 7/15/2022, last revised 12/18/2024.
 - Existing Plat (SV200), dated 7/15/2022, last revised 12/18/2024.
 - Townhouse & Single-Family Dwelling Unit Layout (C130), dated 7/15/2022, last revised 12/18/2024.
 - Single Family Dwelling Unit (C131), dated 7/15/2022, last revised 12/18/2024.
 - Overall Layout (C132), dated 7/15/2022, last revised 12/18/2024.
 - Grading & Drainage Plan (C140), dated 7/15/2022, last revised 12/18/2024.
 - Grading Plan (C141), dated 7/15/2022, last revised 12/18/2024.
 - Utility Plan (C160), dated 7/15/2022, last revised 12/18/2024.
 - Profiles (C161), dated 7/15/2022, last revised 12/18/2024.

The above outlined documents were prepared by Day and Stokosa Engineering P.C., 3 Van Wyck Lane, Wappingers Falls, New York, 12590.

Based upon our review of the information above we offer the following comments.

General Comments

1. 8/29/24 Comment: The submitted materials are part of a Conservation Subdivision application to the Planning Board, which seeks approval under the provisions of the Town of Wappingers Zoning Code Section 240-19.B.(2), which stipulates that “at the written request of the applicant to the Town Board, the Planning Board may be authorized to modify the zoning regulations in one-family residence districts with respect to lot area and dimensions upon such conditions as the Town Board may impose,” and provided that all conditions of 240-19.B.(2) are met. The total number of dwellings previously determined to be permitted on the subject property is sixty-six (66), confirmed in a memorandum from the Planning Board to the Town Board dated March 4, 2024. This item was then discussed at the Town Board Meeting on May 13, 2024, during which the applicant presented a proposal for 66 residential dwelling units consisting of 22 single family dwelling units on individual parcels and 44 dwelling units in 11 townhouse-style buildings on a single parcel, all proposed to be supplied by private water and sewer services. The Town Board then voted to adopt Resolution 2024-128, which authorized referral of the Conservation Subdivision application to the Planning Board for review and completion of SEQRA, and further resolving:
 - a. That the referral to the Planning Board does not imply that the Town Board will authorize the Planning Board to modify the zoning regulations in one-family residence districts with respect to lot area and dimensions as they relate to the lots containing multi-family units; and
 - b. That the Town Board has no present intention to permit a connection to a Town water district and recommends that the Applicant causes the Application to be processed without any proposal for a connection to the Town’s water district; and
 - c. per 240-19B, that the Town Board’s authorization of the Planning Board to modify the zoning regulations in one-family residence districts with respect to lot area and dimensions shall be upon such conditions as the Town Board may impose and that the referral does not imply that the Town Board will authorize the use of 240-19B as they relate to the lots containing detached units; and be processed without any proposal for a connection to the Town’s water district; and
 - d. That because other residential development projects similar in size and scope to the Application have been submitted to the Town for review in the vicinity of the Application, the SEQRA review of the Application should also include the impacts from those other certain projects and vice versa.

The application and plan set received by this office on August 7th is materially different from the plan referred by the Town Board via the above mentioned resolution, in that it proposes 66 residential dwelling units consisting of 3 single family dwelling units on individual parcels and 63 dwelling units in 16 townhouse-style buildings on a single parcel, with the single-family dwelling units proposed to be supplied by private water and sewer

services, and the multi-family dwelling units proposed to be supplied by municipal water and sewer services. Given the language in Resolution 2024-128 above and considering the material changes to the plan, it may be prudent for the Planning Board to request that the Applicant return to the Town Board to obtain a referral for the current layout prior to commencing the SEQR.

4/17/2025 Paggi Comment: The revised plans submitted are more in keeping with the original plan referred by the Town Board in that they both now propose 22 single family dwelling units on individual parcels and 44 dwelling units in 11 townhouse-style buildings on a single parcel. We note the following major deviations that exist between the original plan and revised current plan for the Board's reference:

- The current plan has condensed the development into a smaller footprint. The original plan did not indicate a proposed limits of disturbance, but it appears that the current plan would result in roughly half the area of disturbance compared to the original plan.
- The original plan appeared to allocate roughly 75-acres of conserved open space where the current plan appears to allocate roughly 101-acres of conserved open space.
- The original plan proposed 22 single family home lots sized between 1 to 2 acres, all located on a new road within the lot. The current plan proposes 18 single family home lots sized between 0.23-acres to 0.37-acres, plus four additional lots gaining access directly to Cedar Hill Rd or Smithtown Road.
- The original plan included a secondary access road via Smithtown Road. The current plan proposes a 1,500-ft dead-end road with access to Cedar Hill Road.

2. **8/29/24 Comment:** We recommend that the Planning Board entertain a broader discussion regarding process and procedures as they relate to this application, including but not necessarily limited to required SEQR review elements, required outside agency approvals and the timing of such, any conditions specific to this application, etc.

4/17/2025 Paggi Comment: Comment remains pertinent and is left to the discretion of the Planning Board.

3. **New Comment:** We recommend that the application be referred to the Town's Fire Code Official for review of certain items that may impact subdivision or site plan review, including:

- a. Whether a secondary access is required. Section § 217-21.F. of the Town of Wappinger Subdivision Code limits dead-end streets to no more than 1,500-ft – the current road is proposed to be 1,500-ft. However, it appears that NYS Fire Code may still require a secondary access:
 - i. NYS Fire Code Section D103.4 indicates that special approval is required for dead-end fire access roads over 750-ft.
 - ii. NYS Fire Code Section D107.1 indicates that development of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- b. Whether sprinklers are required for any of the proposed buildings. The application currently proposes an on-site water supply. The need for

sprinklers and associated fire storage should be determined now so that those items can be implemented into the plan and regulatory review.

Plan Review Comments

1. 8/29/24 Comment: The preliminary subdivision plans provide a schematic-level of design detail. Detailed plans shall be submitted for review.
12/31/2024 Applicant Response: Noted.
4/17/2025 Paggi Comment: The submitted revised plans include grading information and profiles of the proposed road, roadway infrastructure, and driveways on existing roads. However, a detailed design of the stormwater management area, erosion and sedimentation control plans and details, site construction details, water and sewer details including well pump and pump station designs, etc., have not yet been submitted.
2. 8/29/24 Comment: Any easements, conservation areas, dedication areas or creation of special districts shall be detailed clearly on the Subdivision Plat. The creation of such agreements and/or improvements, including any offers of cession, performance bonds, etc. shall comply with the Town's Subdivision Code.
12/31/2024 Applicant Response: A general easement note has been added to sheet SV1. Detailed easements will be provided prior to final signature of the plans.
4/17/2025 Paggi Comment: Comment remains pertinent.
3. 8/29/24 Comment: The proposed roadway and driveway designs shall conform to the standards and specifications of the Town of Wappinger Highway Department and Department of Public Works. The applicant is encouraged, in particular, to investigate the proposed slopes of the driveways for the single-family lots and to propose stormwater runoff mitigation prior to discharge to the Town road.
12/31/2024 Applicant Response: The proposed road and driveway grades have been added to the driveway profiles. No grades exceed 10%.
4/17/2025 Paggi Comment: Road and driveway grades do not exceed 10%. The approach grade of 6.58% on the proposed side road does not conform with Highway specifications (see Town Code Chapter 214, Figure 14). The proposed road must conform to all requirements of Chapter 214 of the Town of Wappinger Code; refer to Figures 1 through 27 of Chapter 214 for Town Highway design criteria. Driveways must have a slope between 2% and 4% within 25 feet of the edge of the road (or within 35 feet of the center line of the traveled way, whichever is greater) in accordance with Town of Wappinger Code §214-66 and §240-100.
4. 8/29/24 Comment: The stormwater management area design and details shall be expanded upon to provide the following information, including but not limited to; soil testing results, catch basin rims and inverts, detailed infiltration basin design information including water elevations at various storm events, locations of discharge pipes and emergency spillways, maintenance information and so on. It appears that more than 5-acres will be disturbed with the construction of the road and build-out of the individual lots. If this is the case, the project will require coverage under the NYS SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) along with the preparation of a

Stormwater Pollution Prevention Plan (SWPPP) that includes post-construction stormwater practices. The Applicant shall provide ample notice to the Town of any planned soil testing for stormwater practices so that a representative of the Town has the opportunity to witness the testing at the Town's discretion.

12/31/2024 Applicant Response: Detailed drainage will be provided in future submissions.

4/17/2025 Paggi Comment: Comment remains pertinent. According to the submitted Full EAF, the project will disturb up to 25 acres and create 4.5 acres of impervious surface (please see comments in the "Application and EAF Review" section below for more information); the project will require coverage under the new NYS SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). Please prepare and submit a detailed stormwater design and a full SWPPP as outlined above.

5. 8/29/24 Comment: Approvals from the Dutchess County Department of Health for the proposed sewer connection and any on-site sewage disposal systems shall be provided. The plan shall locate and describe in detail the proposed sewer services, sewer main in the proposed road, and connection to the existing sewer manhole on Cedar Hill Road.

12/31/2024 Applicant Response: Submission to the HD and NYSDEC for the water and sewer systems is forthcoming. The Town will be copied on these submissions.

4/17/2025 Paggi Comment: Comment remains pertinent. It is noted that the plans propose an onsite sewer treatment plant with force main discharge to the existing wetland.

6. 8/29/24 Comment: Approvals from the Dutchess County Department of Health for the proposed water connection and any on-site wells shall be provided. Any connection to the Town water system shall also require demonstration that authorization to connect has been obtained by the Town Board.

12/31/2024 Applicant Response: Submission to the HD and NYSDEC for the water and sewer systems is forthcoming. The Town will be copied on these submissions.

4/17/2025 Paggi Comment: Comment remains pertinent. It is noted that the plans propose an onsite public water supply system.

7. 8/29/24 Comment: Conceptual building, grading and utility locations for the proposed lots and buildings shall be detailed in full in subsequent submissions.

12/31/2024 Applicant Response: Noted

4/17/2025 Paggi Comment: Conceptual building locations, grading and utilities are shown on Sheet C160. The original comment remains pertinent. A review of the detailed design of these items will be performed once the plans are brought to a greater level of detail.

Application and EAF Review Comments

1. 8/29/24 Comment: The Application and EAF submitted as a part of this submission package are unclear in their representation of total acreage on the property (or properties) and total acreage to be disturbed. The applicant is requested to clarify these values on subsequent submissions.

12/31/2024 Applicant Response: The application and EAF are updated and included herein.

4/17/2025 Paggi Comment: The revised application notes that the subject property is 139 acres and is located in the R-40 and R-80 zones. Please refer to the comments below on the submitted Full EAF Part 1:

- a. Section C.3.a. – Please specify the zoning classification(s) and district(s).
- b. Section D.2.e.i. – The response to this question indicates that 4.5 acres of impervious surface will be created as a result of the project. The plans and EAF should clearly state that 4.5 acres of impervious surface is created over the entire project area, which includes the road development (3.7 acres) and the single-family dwellings on existing roads (0.8 acres).
- c. Section D.2.m.i – The grading plan indicates that as many as 10-12 feet of cuts to the existing grade are being made to accommodate buildings and pavement in the project area. Please clarify if any blasting is proposed and address any mitigation that may be required for blasting or significant earth works.
- d. Section E.2.m – Please note that the EAF Mapper Summary indicates the potential presence of Blanding’s Turtle and Indiana Bat on the property. A Habitat Suitability Assessment Report, performed by Michael Nowicki of Ecological Solutions, LLC, was also included in this submission. Feedback from the NYSDEC is required to determine any necessary mitigation measures to address these items.

2. 8/29/24 Comment: The applicant shall provide an analysis of change in percentage of forest cover and indirect impacts to the Indiana Bat species as noted in the provided NYSDEC correspondence from August 2023. The EAF shall be revised to denote the impact on bat habitat.

12/31/2024 Applicant Response: Bat impacts are included. Our biologist is preparing an impact analysis. It will be forwarded to the Board upon receipt.

4/17/2025 Paggi Comment: The Habitat Suitability Assessment Report, performed by Michael Nowicki of Ecological Solutions, LLC, has been submitted. See comment 1.d. above.

3. 8/29/24 Comment: The applicant shall provide an updated EAF following discussions with relevant boards and agencies regarding stormwater, water and utility services, consistency with community plans and character, and environmental mapping including existing wetlands and habitat of endangered species.

12/31/2024 Applicant Response: Noted.

4/17/2025 Paggi Comment: Comment remains pertinent.

4. **New Comment:** The applicant submitted a completed draft of the EAF Part 2, but did not provide any supplemental information justifying their responses to this part. Furthermore, most of the project design and associated environmental evaluation that the Board would use to make any determinations outlined in the Part 2 has yet to be completed/submitted for review.

Our office will continue our review upon submission of detailed responses to the above comments. As additional information is provided, additional comments may be generated.

Please do not hesitate to contact our office with any questions or concerns relative to the above.

Sincerely,

Christian R. Paggi, P.E.
Principal

cc (via email): Barbara Roberti, Director of Strategic Planning & Municipal Codes
Malcolm Simpson, Planner
Kyle Barnett, Esq.