



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: April 18, 2025

Subject: **Conservation Corners (Formerly Joey Estates) Subdivision Review**
Tax Lots 6257-03-247036

As requested, we reviewed the application of Mid-Hudson Development Corp., (the “Applicant”) for Conservation Subdivision as per the Town of Wappinger Code Section 240-19.B. The Applicant represents that on March 4, 2024, the Town Board of Wappinger referred this project to the Planning Board based on a 66 dwelling unit count, which had been review and determined by the Planning Board previously.

The Property

The subject property is known as Tax Lots 6257-03-247036 on the Town of Wappinger Tax Assessment Maps and is located on Cedar Hill Road. The subject property is located within both the Single Family Residential (R-40) and the Single Family Residential (R-80) zoning district (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing a Conservation Subdivision as per the Town of Wappinger Code Section 240-19.B. The proposed configuration includes 44 multifamily dwelling units in townhomes on a common parcel and 22 single family dwelling units on individual lots. Three single family dwellings will have their own access to existing roads (2 lots on Cedar Hill Road and 1 lot on Osborn Hill Road) with the remaining 19 single family lots and the 44 multifamily dwellings on a newly constructed cul-de-sac connecting to Cedar Hill Road that is proposed to be approximately 1550 feet long. The proposed configuration includes 3 single family lots with private well and septic systems and the remaining 19 single family lots and the 44 multifamily dwellings using a communal on site water supply well field and on site sewer treatment and infiltration system. The narrative had described a proposed “Dedicated/Deed Restricted 115 Acres of Undisturbed Open Space” previously and this

now appears to be one open space lot of 93.33 acres and another open space lot of 8.63 acres for a total of approximately 102 acres of deed restricted open space (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 8/6/24; a Full Environmental Assessment Form Parts 1 dated 12/15/24 prepared by John Goetz with; a wetland delineation report dated 1/11/24; a traffic engineering evaluation dated 11/18/24; a narrative dated 1/19/24 prepared by Amy Bombardieri; a comment response memo dated 12/31/24; and a subdivision plat (9 sheets) entitled “Conservation Corners” prepared by Day Stokosa, last revised 12/18/24:

REVIEW COMMENTS

1. Endangered or Threatened Species. The EAF identifies the Blanding’s Turtle and the Indiana Bat as an endangered species with potential habitat on the Project Site. The NYSDEC has stated in an email dated 8/29/23 that there is no anticipated Blanding’s Turtle habitat on the Site but that a habitat impact analysis regarding the Indiana Bat is required for the Proposed Action as there is more than 10 acres of tree removal proposed. The Applicant should address the status of this habitat impact analysis.
2. Bulk Table and Layout. The Conservation Subdivision (240-19.B) states that the Planning Board may be authorized (by the Town Board) 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...The Town Board has referred the application to the Planning Board for Conservation Subdivision and SEQRA review by Town Board Resolution 2024-128. This resolution identifies the Application by unit number and composition (66 dwelling units, 22 single family and 44 townhouse) but specifies that the Town Board and Planning Board are not beholden to the unit count or composition. The Town Board also states in this resolution that, “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”.
 - a. The proposed layout includes lots that deviate from the requirements of the underlying zoning districts. Modification from the underlying zoning regulations is authorized by Town Board resolution 2024-128 pursuant to Section 240-19.B (Conservation Subdivisions) of the Town zoning regulations. The degree of these modifications is at the discretion of the Planning Board so long as “Such modifications

result in design and development which promote the most appropriate use of the land, facilitate the adequate and economical provision of streets and utilities and preserve the natural and scenic qualities of open lands.” (Section 240-19.B(1))

- i. The Planning Board should consider requesting alternatives that could include a mix of building types, an alternative that avoids dead end streets, an alternative that reduces the impacts to steep slopes that are proposed, and an alternative that diminishes visual impact by setting proposed buildings back further from Cedar Hill Road and/or setting the proposed buildings further from one another and maintaining existing vegetation between Cedar Hill Road and the townhouse buildings and maintaining existing vegetation between proposed townhouse buildings and one another.

3. Open Space. Section 240-19.B(5) states that, “In the event that some part of said subdivision plat includes land to be devoted to park, recreation or open space, the Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use and maintenance of such lands as deemed necessary by the Planning Board and such conditions shall be approved by the Town Board.”

- a. The Planning Board should consider what conditions may be desirable for the ownership, use, and maintenance of lands proposed as ‘Open Space’ in the Application.

4. SEQRA.

- a. As the Application has been revised to not propose municipal water and sewer connection, this action would be considered a Type 1 Action with respect to SEQRA.
- b. Given the scale and number of involved agencies, we recommend a coordinated review under SEQRA. The Planning Board should consider the issue of Lead Agency.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

Malcolm Simpson,
Planner

cc:
Kyle Barnett, Esq.
Barbara Roberti
Christian Paggi, PE
Michael Sheehan
Amy Bombardieri

