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MEMORANDUM

Received
FEB 05 2025
Town of Wappinger
Town Clerk

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

Date: January 21, 2025

Subject: **Horbar & Hochweiss Lot Consolidation Review**
Tax Lots 6057-02-970725 & 978713

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: Kyle Barnett, Esq.
Barbara Roberti
Lawrence Paggi, PE

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: HORBAR & HOCHWEISS – 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 3rd day of February 2025 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	PRESENT
Paul Freno	PRESENT
Markos Peratikos	PRESENT
Thomas Truss Jr.	PRESENT
James Glorioso	PRESENT
Richard Barth	PRESENT
Robert Meahan	PRESENT

The following resolution was moved by MARKOS PERATIKOS and seconded by JAMES GLORIOSO.

WHEREAS, the Town of Wappinger Planning Board received application from Sharon Hochweiss and Gary Horbar (the "Applicant") for Preliminary and Final Subdivision Plat Approval to consolidate two (2) existing tax parcels (0.923 acres & 1.093 acres) to create one (1) lot proposed to be 2.016 acres in size (the "Project" and the "Proposed Action"); and

WHEREAS, the subject properties are known as tax lots 6057-02-970725 & 9787137 on the Town of Wappinger tax assessment maps and can be identified as Lots 3 and 4 in the Obercreek subdivision on New Hamburg Road in the R-40/80 single family zoning district (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted an Application for Lot Line Realignment dated 7/11/24; and a 1 sheet subdivision plat entitled "Lot Merger Map Prepared for Sharon Hochweiss" prepared by Robert F. Oicle, dated 8/15/24;

WHEREAS, in accordance with Section 217-12.H of the Town Subdivision Law, the Planning Board waived the public hearing on Preliminary Subdivision on January 6, 2025 as the application consists of the consolidation of two lots adjacent lots under common ownership; and

WHEREAS, the public hearing on the Final Subdivision Plat was waived at the January 6, 2025 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 a Type II Action with respect to the New York State Environmental Quality Review Act (SEQRA) and no further SEQRA action is required; 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. 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 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 submit the proposed deed(s) and the meets and bounds description as schedule "A", in a form acceptable to the Planning Board Attorney, along with TP-584 and RP-5217 and final mylar. The Applicant shall record with the Dutchess County clerk with return to the Planning Board Attorney's office.

    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 Behavioral and Community Health.

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 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.

4. 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 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.

5. 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.

6. 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	AYE
Paul Freno	AYE
Markos Peratikos	AYE
Thomas Truss Jr.	AYE
James Glorioso	AYE
Richard Barth	AYE
Robert Meahan	AYE

The resolution is hereby duly declared adopted.

Dated: February 3, 2025
Wappingers Falls, New York

Beatrice Ogunti, Secretary
Town of Wappinger Planning Board

2/5/25
Date

Sharon Hochweiss/Gary Horbar
Owner/Applicant

6/6/26
Date

The following endorsement hereby confirms that the Owners/Applicant has fulfilled all of the items in Condition 2 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