

**MEMORANDUM**

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

Date: July 2, 2020

Subject: **Relyea Terrace – Preliminary and Final Subdivision Applications**  
Tax Lot 6256-02-608945

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

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

David H. Stolman, AICP, PP  
Principal

Sarah L. Brown, AICP  
Senior Associate/Planning

cc: Lisa Cobb, Esq.  
Paul Ackermann, Esq.  
Barbara Roberti  
Peter D. Setaro, PE  
Michael Sheehan  
Brian J. Stokosa, PE ([bstokosa@daystokosaeng.com](mailto:bstokosa@daystokosaeng.com))

RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD

**RE: RELYEA SUBDIVISION – RESOLUTION OF PRELIMINARY AND FINAL SUBDIVISION  
PLAT APPROVALS**

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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 \_\_\_\_\_, 2020 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	_____
Robert Ceru	_____
Paul Freno	_____
Ralph Marinaccio	_____
Markos Peratikos	_____
Nicholas Maselli	_____
Robert L. Valdati	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board received applications from Lavish Lifestyle LLC and O'Donnell Residential Construction (the "Owners" and "Applicants") for Preliminary and Final Subdivision Plat Approvals to subdivide one (1) lot into two (2) lots that would be 78,000 square feet and 51,680 square feet in size, respectively (the "Project" and the "Proposed Action"); and

WHEREAS, the subject property is located on Relyea Terrace, is designated as tax lot 6256-02-608945 on the Town of Wappinger tax map, and is located within the R-40 1-Family Zoning District (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted an Applications for Preliminary and Final Subdivision Approval form(s) dated 6/15/20; a Short Environmental Assessment Form (SEAF) dated 3/11/20; and the following set of plans generally entitled, "Relyea Terrace Subdivision," prepared by Day and Stokosa Engineering, last revised 05/28/20:

1. Sheet 1, "Title Sheet;"
2. Sheet 2, "Development Plan;"
3. Sheet 3, "Construction Details;" 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

WHEREAS, a duly advertised public hearing on the Preliminary Subdivision Plat was held on July 6, 2020 at which time all those wishing to be heard were given the opportunity to be heard; 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 the proposal only creates two lots exceeding the minimum lot size requirements and any construction and land disturbance associated with the construction of new home 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, one (1) new building lot will be created within the Town of Wappinger as a result of the two (2)-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 will be required as a condition of Final Subdivision Plat approval.
4. The Planning Board hereby grants Preliminary Subdivision Plat Approval to the Project as herein defined.
5. 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.
6. The Planning Board hereby grants Final Subdivision Plat Approval to the Project which consists of the subdivision of one (1) lot into two (2) lots that would be 78,000 square feet and 51,680 square feet in size, 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 Owners and Applicants 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 Owners of the Subject Property shall submit a copy of the current deeds to prove their ownership of said properties.
  - c. The Applicants shall prepare a final subdivision plat in accordance with Section A-5 of the Town of Wappinger Land Subdivision Regulations.
  - d. The Applicants 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 Applicants shall obtain all necessary "outside" agency approvals for the Project.
  - f. As mentioned above, the recreation fee shall be paid for the creation of one (1) new building lot.
  - g. The Applicant shall address the following items to the satisfaction of the Town Engineer:
    - (1) The aerial shall be removed from the background of the tax map to make it clearer.
    - (2) The monuments, as shown on the subdivision plat, shall be installed.
    - (3) An infiltration trench has been shown for the roof leader discharge for the new house. The roof leaders would flow above ground to the infiltration trench. Given that infiltrators will be used for the septic system, a row of infiltrators shall be provided and the roof leaders shall be piped directly into the chambers and provide an overflow at the downspout in the event the chambers become full during large storms.
7. Conditional approval of the Final Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all of the items in Condition 6 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.

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8. In accordance with the Town's Schedule of Fees, the Applicants 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 Applicants to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicants 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.

9. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. The Owners/Applicants shall also sign a copy of this resolution after it has been initially endorsed by the Chairman acknowledging receipt of a copy of the resolution. When all of the items set forth in Condition 6 above have been satisfied, a copy of the Final Subdivision Plat, 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 Owners/Applicants have complied with said conditions of approval and that the Final Plat is authorized for filing with the Dutchess County Clerk's Office, Division of Land Records.

After said filing, two (2) copies of the Final Plat certified by Dutchess County and six (6) copies of the certified copies of the Final Plat shall be submitted to the Planning Board. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the Town Clerk along with a signed copy of this resolution.

Regarding the six (6) copies of the certified copies of the Final Plat, one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent, the Fire Prevention Bureau, the Dutchess County 911 Addressing Office and the Applicants.

10. 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.

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

Bruce M. Flower	Voting: _____
Robert Ceru	Voting: _____
Paul Freno	Voting: _____
Ralph Marinaccio	Voting: _____
Markos Peratikos	Voting: _____
Nicholas Maselli	Voting: _____
Robert L. Valdati	Voting: _____

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The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2020  
Wappingers Falls, New York

\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lavish Lifestyle LLC  
Owner/Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
O'Donnell Residential Construction  
Owner/Applicant

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Owners/Applicants have fulfilled all of the items in Condition 6 of this Resolution of Preliminary and Final Subdivision Plat Approvals and authorizes the filing of the Final Subdivision Plat with the Dutchess County Clerk, Division of Land Records.

\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

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