

MEMORANDUM

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

Date: June 3, 2021

Subject: **Myers Run Subdivision**
Tax Lots 6258-04-976478 & 032492

As requested, we reviewed the application of Berger Engineering and Surveying, (the "Applicant") for Subdivision and Site Development Plan Approval.

The Property

The subject property is known as Tax Lots 6258-04-976478 & 032492 on the Town of Wappinger Tax Assessment Maps and would create 12 additional lots on a new proposed road leading off Myers Corner Road in the Single Family Residential (R-40) zoning district (the "Subject Property" or "Site").

The Proposal

The Applicant is proposing to subdivide two existing lots with a combined total of 30.9 acres into 12 building lots in the R-40 Single Family Residential district. A new road would be constructed connecting to Myers Corner Road. This new road would connect to the 12 new lots. Of these 12 lots, 2 lots will share a driveway and 10 lots will have their own driveways. The Subdivision is within the water district and will connect to Town water but would feature on-site wastewater management facilities on each lot in the form of in ground septic fields (the "Project" or "Proposed Action").

Submission

The Applicant has submitted for review an Application for Preliminary Subdivision Approval dated 1/27/21; a Full Environmental Assessment Form (Full EAF) dated 5/3/21; a project narrative dated 1/25/21 last revised 5/3/21; a response letter from the United States Department of the Interior dated 1/26/21; A Threatened and Endangered Species Habitat Suitability Assessment Report dated 1/26/21; and the following subdivision plans generally entitled "Myers Run" prepared by Berger Engineering and Surveying, dated 1/25/21 last revised 5/3/21:

1. Sheet SH-1, "Title Sheet,"
2. Sheet SH-2, "Existing Conditions,"
3. Sheet SH-3, "Subdivision Grading Plan,"
4. Sheet SH-4, "Subdivision Plat,"
5. Sheet SH-5, "OWTS Details,"

6. Sheet SH-6, "Water Details,"
7. Sheet SH-7, "Erosion Control Details,"
8. Sheet SH-8, "General Site Details,"
9. Sheet SH-9, "Profiles & County Entrance Detail,"
10. Sheet SH-10, "Erosion Control Plan".

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Subdivision.
 - a. There was previously proposed a shared driveway providing access to the two most western proposed lots (Lots 11&12). §240-20 states that all lots must demonstrate independent access across their frontage, even in the event of a proposed shared driveway. The Applicant shows the proposed driveways for Lots 11 & 12 as separate until they join to reach the road as a common curb cut. We are curious if this is an engineering limitation or a limitation associated with requiring additional curb cuts on Myers Corners Road. The Applicant should show separate driveways on a conceptual plan to demonstrate their feasibility, even if they choose to pursue a common curb cut at Myers Corners Road.
 - b. We defer to the Town Attorney regarding any necessary access, utility, or maintenance easements required for the Proposed Action.
2. Landscaping. The plans propose considerable clearing of open space currently forested. The Planning Board could, under §240-19.C, request that the Town Board require the applicant to provide an open space subdivision proposal so that the Planning Board could evaluate it's merits in achieving the goals of limiting disturbance of open spaces. The Proposed Action would create lots of varying sizes, from 40,000 to over 100,000 SF, with some lots heavily encumbered and some homes adjacent to the wetland buffer. A clustered subdivision could potentially alleviate access concerns to certain lots and reduce disturbances around ecologically sensitive areas.
3. SEQRA.
 - a. The Proposed Action is considered an Unlisted action pursuant to SEQRA. The Planning Board should consider if the project should move forward as a coordinated or uncoordinated review and their own intentions to serve as Lead Agency.
 - b. The US Department of Interior has identified the Indiana Bat (endangered) and the Bog Turtle (threatened) as being potentially present on the Project Site. The Applicant

has submitted a Threatened and Endangered Species Habitat Suitability Assessment Report dated 1/26/21 detailing the conclusion that it is unlikely either animal has core or nesting habitats on the Project Site. The Applicant should confirm that the tree clearing restrictions proposed in their narrative are included as a note on the plans. Any future correspondence with the NYSDEC should be included with future submissions.

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

David H. Stolman, AICP, PP
Practice Lead - Planning

Malcolm Simpson
Planner

cc: Paul Ackermann, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Joseph Berger (Applicant)

Y:\Shared\Offices\NYR\Data\Documents\DOCS2\500\Wappinger\Myers Run Sub pme.mms.docx