



555 Theodore Fremd Ave, Suite C-301  
Rye, NY 10580  
T: 914.967.6540  
[www.hardestyhanover.com](http://www.hardestyhanover.com)

## **MEMORANDUM**

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

Date: May 15, 2024

Subject: **Heinemann Caretakers Cottage Special Permit & Site Plan**  
Tax Lot 6358-01-205670

As requested, we have prepared the attached **Resolution of Special Permit and Site Development Plan** for your review and consideration.

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

Malcolm Simpson  
Planner

### Attachments

cc: Kyle Barnett, Esq.  
Barbara Roberti  
Lawrence Paggi, PE  
Michael Sheehan

**RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD**

**RE:    HEINEMANN CARETAKERS COTTAGE – RESOLUTION OF SPECIAL PERMIT & SITE DEVELOPMENT PLAN**

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 \_\_\_\_\_, 2024 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	_____
Paul Freno	_____
Markos Peratikos	_____
Thomas Truss Jr.	_____
James Glorioso	_____
Richard Barth	_____
Robert Meahan	_____

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

WHEREAS, the Town of Wappinger Planning Board received an application from Sarah Ryan (the “Applicant”) on behalf of Michelle Heinemann (the “Owner”) for Site Plan and Special Use Permit Approvals per *Section 240-61 Guest Cottages and Caretaker Dwellings* to legalize and expand an existing caretakers cottage; and

WHEREAS, the property is approximately 21.28 acres in size and located at 1109-1111 Route 376. It is designated as tax lot 6358-01-205670 on the Town of Wappinger tax maps and is within the R-80 zoning district (the “Subject Property” or “Site”); and

WHEREAS, the Applicant is proposing the legalization and expansion of an existing 677 sf. accessory structure to a 931 sf. caretaker’s residence (the “Project” or “Proposed Action”); and

WHEREAS, the Applicant has submitted an Application for Site Plan Approval dated 2/5/24; an Application for Special Use Permit dated 2/5/24, a Short Environmental Assessment Form (EAF) dated 2/2/24; a comment response memo dated 4/15/24; architectural plans dated 4/10/23; a subdivision viability plan dated 3/4/24; and a plan set (4 sheets) generally entitled “Amended Site Plan and Special Use Permit for Heinemann,” prepared by Day Stokosa Engineering, dated 1/31/24, last revised 4/15/24; and

WHEREAS, the Planning Board determined that the Proposed Action is a Type II Action with regard to SEQRA and requires no further action; and

WHEREAS, in accordance with Sections 239-l and m of the New York State General Municipal Law, the Planning Board referred the subject application to the Dutchess County Department of Planning and Development (DCDPD); and

WHEREAS, the DCDPD responded to the above-mentioned referral in its letter of February 21, 2024, which concludes that the Proposed Action is an matter of local concern and the Planning Board should rely on their own findings; and

WHEREAS, in accordance with Section 240-88 of the Town Zoning Law, the public hearing on the Amended Site Plan was held at the April 1, 2024 Planning Board Meeting and again at the May 6, 2024 Planning Board Meeting at which times all those who wished to speak on the matter had the opportunity to do so; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:**

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby adopts this Resolution of Site Development Plan and Special Permit per Section 240-61 Guest Cottages and Caretakers Dwellings for the legalization and expansion of an existing 677 sf. accessory structure to an 931 sf. caretaker's residence as described above and as shown on the above drawing, in accordance with the provisions of Articles VII through XI of the Zoning Law subject to the following conditions:
  - 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 and Applicant 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 Property shall submit a copy of the current deed(s) to prove its ownership of said property.
  - c. 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.

- d. The Applicant shall obtain all necessary “outside” agency approvals for the Project including but not limited to approvals from the Dutchess County Department of Human and Behavioral Health.
- e. The Application shall submit a cross access easement for the existing driveway that currently serves the Site from Route 376 and crosses the adjacent Tax Lot 6358-01-219740, to the satisfaction of the Planning Board Attorney.
- f. The Applicant shall submit revised subdivision viability plans showing compliance with required lot line setbacks to the satisfaction of the Town Planner.
- g. The Applicant shall submit revised plans showing the proposed caretakers residence correctly labeled as 931 sf to the satisfaction of the Town Planner.
- h. The Applicant shall demonstrate compliance with the Town Engineer letter dated 5/6/24 to the satisfaction of the Town Engineer.

When all of the items set forth in Condition 2 above have been satisfied, nine (9) copies of the above referenced plans, 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 Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project. A PDF and a paper copy of the final signed plans 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.

- 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 the 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 therefore 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 only made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
- 4. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become

void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

5. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, the Special Use Permit Approvals shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Occupancy or Certificate of Compliance, as applicable.
7. No Building Permit or Certificate of Compliance shall be issued for the Project except in accordance with the approved Site Development Plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
8. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Site Development Plan Approval shall be subject to continued conformance with such Site Development Plan Approval.
9. The Applicant shall fund a post-approval escrow account in accordance with Section 122-16 of the Town Code.

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

Bruce M. Flower	_____
Paul Freno	_____
Markos Peratikos	_____
Thomas Truss Jr.	_____
James Glorioso	_____
Richard Barth	_____
Robert Meahan	_____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2024  
Wappingers Falls, New York

\_\_\_\_\_  
Beatrice Ogunti, Secretary  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sarah Ryan  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michelle Heinemann  
Owner

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 2 of this resolution and that the above-mentioned drawings may be endorsed by the Planning Board Chairman.

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

\_\_\_\_\_  
Date