

February 6, 2025

Planning Board
Village of Fishkill Van Wyck Hall
1095 Main Street
Fishkill, NY 12524

Re: Movil Development Corp.
Subdivision
Repalje Road
Village of Fishkill

Please find the following enclosed:

- Ten (10) copies of the revised subdivision plan set dated 2-4-25
- Ten (10) copies of the cover letter
- Ten (10) copies of the survey 1-12-24
- One (1) flash drive containing an electronic copy of this submission

Dear Planning Board Chair and members:

I offer the following responses to the review comments from Christian Paggi, P.E., from Lawrence J. Paggi, PE, PC dated January 16, 2025:

1. 7/20/2023 Paggi Comment: Available floodplain mapping published by FEMA appears to show the majority of proposed Lot 1 within the 100-year floodplain, SFHA Zone AE. Please show the current flood hazard zones on the Plat. We defer to the Village Attorney and Planner relative to the application of Village Code Section §139-40 Land Subject to Fire, Flood and Other Hazards. At a minimum, if any development within the floodplain is proposed, a Floodplain Development Permit shall be required. Please refer to Article IX of the Village Zoning Code for applicable standards and requirements.
12/30/2024 Applicant Response: *This office along with the Surveyor of Record, Jonathan N. Millen, LLS, submitted a request for a Letter of Map Amendment (LOMA) determination from the Federal Emergency Management Agency (FEMA). On September 19, 2024, a LOMA was issued that removed a large part of the floodplain on proposed lot ##1 of the proposed subdivision. The removal of the floodplain will allow the development of a proposed house and garage on Lot 1 as can be seen on the revised subdivision plan.*

Comment Partially Satisfied: The revised submission clarified the extent of the floodplain, including the recent revision to the floodplain boundary secured by the Applicant. The proposed house and garage are proposed outside of the floodplain boundary. However, we continue to defer to the Village Attorney and Planner relative to the application of Village Code Section §139-40 Land Subject to Fire, Flood and Other Hazards, which states: *“Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living conditions.”*

Response: We await direction from the Village regarding the relevance of the section of Town code that states “Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living conditions.” and if it pertains to this project.

2. 7/20/2023 Paggi Comment: Any existing easements, covenants or other deed restrictions shall be noted on the plan.

Comment Partially Satisfied: No response provided by the Applicant. The submitted property survey does not appear to show any easements, covenants or other deed restrictions on the property. It is assumed that there are none, however we ask that the Applicant simply confirm this in their response.

Response: Per the submitted survey there are no existing easements, covenants or deed restrictions that we are aware of.

3. 7/20/2023 Paggi Comment: Existing and proposed utilities shall be shown on the Plat along with construction details for proposed utility connections. Please refer to Village Code chapters 125 and 165 for applicable standards and requirements. Applicable notes, including those relating to required permits, inspections, testing, etc. shall be added to the Plat. **Comment Remains Pertinent:** No response provided by the Applicant.

Response: Water and sewer details and notes have been added to the plan set, sheet CD.1.

4. 7/20/2023 Paggi Comment: The Plat denotes the right-of-way line as typical; is the ROW deeded or assumed? Please clarify and provide applicable deed references on the Plat. **Comment Satisfied:** *The deed/map references on the*

submitted property survey clarify the ROW.

I offer the following responses to the review comments from Sarah L. Brown, AICP, from H & H, dated January 16, 2025:

1. Section 171-25 of the Zoning Law requires that no more than 25% of the minimum area requirement of a lot may be fulfilled by land which is underwater or subject to periodic flooding. The Applicant should verify that only 25% of the total lot is located within the floodplain. Additionally, Section 171- 25 of the Zoning Law requires all minimum front, side and rear yard requirements to be satisfied by measurement on dry land. We defer to the Zoning Administrator and Planning Board Attorney regarding the proposed setbacks.

Response: Based on the Planning Board meeting, January 16, 2025 it is our understanding the applicant will need to seek a variance as approximately 35% of the property is located in the 100-year floodplain. However, we wish to clearly state that even though this section of the property is in the floodplain it is still in our opinion “dry land” as it is not a standing body of water. We await direction from the Village regarding “Section 171- 25 of the Zoning Law requires all minimum front, side and rear yard requirements to be satisfied by measurement on dry land” and how they would like us to proceed with that matter.

2. Any approval of this subdivision would be subject to a recreation fee for the newly created lot.

Response: Comment acknowledged.

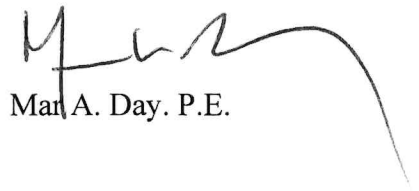
3. In accordance with Section 139-14 of the Subdivision Law, a public hearing is required for the Preliminary Subdivision Plat.

Response: A Public hearing has been set for February 20, 2025.

We respectfully request to be placed on the next available Planning Board agenda.

Should you have any questions, please do not hesitate to call me.

Very truly yours,



Mar A. Day. P.E.