

Town of Washington Planning Board Minutes

The monthly meeting and public hearing of the Town of Washington Planning Board was held on October 7, 2008, at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Acting Chairman, Donald Hanson, Robert Alley, Steve Lynch, Josh Mackey, Matthew Rochfort, James Shequine, Consultant Neil Wilson.

The meeting was called to order by Acting Chairman, Donald Hanson at 7:30 P.M., extended congratulations to Neil Wilson on his appointment to Director of Municipal Development, Town of Poughkeepsie, next read the September 23rd e-mail from Rod Morrison, Town Engineer, to Shawn P. Farrell re Foxe project, "Attached please find a PDF of the Planning Board Approval, and make note of items 5-7, which re-iterated our field discussions. I consider our field meeting covered under item 6, and please note that our discussion in the field that the erosion control practices that take care of the areas you are disturbing must be in place prior to ground disturbance; our firm will look to verify that prior to earth work. With that said, please notify me once the E& S measures are placed."

Board member Lynch spoke to proposed pending corrections of the September 2, 2008 meeting minutes. Page 6, paragraph 1, line 1, add word "most" to sentence. "Most planning board members would agree that the key issue is maintenance of the on-site septic." Clarification of page 7, paragraph 3, "Chairman Beaumont expressed that the Board of Health has been kept informed and are totally "on board." Approval of the September 2, 2008 meeting minutes was tabled on a motion by board member Shequine, and seconded by board member Mackey. 6 ayes, 1 absent.

The application of Papagapitos Site Plan (Vasos N. Papagapitos) 104 Hoxie Road, request is for approval to construct a 14'x20' kitchen addition to the existing house. The property is zoned RR 10. The Zoning Board of Appeals granted the applicant a 70 ft. front yard variance from setback requirements to allow construction of a 14'x28.5' addition to the existing house on September 16, 2008.

Ruth Samuelson, owner's agent and Linda Fallon, Loedy Architects, 18 Washington Avenue, Millbrook appeared before the board representing the applicant.

Review of the site plan map and application materials by the board, Ms. Samuelson, and Fallon followed. Consultant Wilson noted because of the angle of the house in putting on an addition, it actually falls behind the closest point of the existing house to the front yard, in other words there is 23ft +/- off the corner of the structure. A variance was granted to go to 30 ft. which would be the closest point. The structure is smaller than the amount of variance requested. Ms. Samuelson related that the structure is smaller than the footprint that is shown. At the time they were still developing the design and wanted to have a little leigh way; 14 ft. was shown in the hall of the building, the addition actually goes from the front corner 14ftx20ft.,

wanted to give themselves a little wiggle room in the event the design needed to be adjusted.

A motion to accept the ZBA variance ruling, waive a public hearing and grant site plan approval was made by board member Shequine, and seconded by board member Alley. 6 ayes, 1 absent.

The application of Higher Ground Farms LLC Lot Line Realignment & Amended Special Permit, 1132 Chestnut Ridge Road, Dover Plains, Town of Washington request is for a lot line realignment, installation of a new 6 ft. wide gravel driveway to provide access to the facility and to modify/amend the current special permit to allow board of forty (40) horses. The property is zoned RR 10.

Steve Alex, Vice President of Survey, Chazen Engineering, Land Surveying & Landscape Architecture Co., P.C. appeared before the board representing the applicant.

Steve addressed the board, public, with a map presentation of the Site Plan, said the site is comprised of three (3) tax parcels of approximately 251 acres. The primary purpose of the application is to amend the special use permit for the equestrian facility. The special permit was granted in June, 1981 for the boarding of four (4) horses, not to exceed eight (8). The owner wishes to expand use of the facility for the number of horses on the site, not the barns or stable. The owner wants to separate the commercial equestrian use from the residential use on the site. Steve referred to the yellow highlighted sections on the plan as the three tax parcels. The owner would like to realign the lot line in such a way that will allow them to keep the equestrian facility totally on its own lot, keep the residential uses separate for insurance purposes, and to keep the residence separate from the remainder of the operation.

The configuration of the stable, houses, was challenging in the realignment of the lot line. The lot line was drawn in a special way to create the least amount of variances required. Side yard setback variances were granted by the Zoning Board of Appeals in March, 2008.

A new driveway to provide access to the equestrian facility is proposed and was pointed out on the site plan map. Since there will be more traffic with forty horses on the site, a separation from the residence was necessary. The new re-designed driveway is taking into consideration the State wetland that is in the middle of the site that is shown in the shaded area on the map. The driveway was positioned in such a way as to avoid any wetland impact, was kept out of the woods. There was some concern about the quality of the wooded area, rather than to disturb that, they kept the driveway fully out in the field and avoided any potential impacts. The primary improvement to the site is the new proposed driveway. A Dutchess County DPW access permit is to be obtained and is underway.

The only other modification to the site, presently, is the construction of a manure storage facility which is really a concrete pad with walls, large enough to hold two large dumpsters. Currently

Page 2

spreading of horse manure is being implemented at the site. Once the proposed number of horses are on the site, they want to be able to contain the manure and have it carted away.

Board member Lynch questioned if the driveway has been moved out of the woods since the board's site visit about a year ago? Mr. Alex responded affirmatively, pointed out the short stretch, said realignment of the proposed property line is parallel to the driveway. The wetlands and the wooded area are avoided. Board member Lynch commented that the wooded area was the board's main concern one year ago when the board walked the field/site.

A motion to open the Higher Ground Farms LLC public hearing was made by board member Rochfort, and seconded by board member Shequine. 6 ayes, 1 absent.

Barbara S. Meyer, adjoining neighbor, 211 Hammond Hill Road, questioned about the increase in the number of horses, kinds of horses, if this is going to be a commercial operation where persons are given riding lessons, rent the horses? Mr. Alex directed the question to Mike Dignacco, farm manager, said, currently the owner's daughter who is an accomplished rider, trains students/riders, horses; the students usually are with a summer program. Most of the horses go to Florida during the winter months, November through March. Riding lessons are approved and will continue, probably increasing the capacity. Allison Meyer, daughter-in-law, of Barbara Meyer, questioned if the horses are pastured out? Mr. Dignacco said they are pastured out at times, there are several paddocks, also a riding arena is on the site.

Frank Genova, CAC liaison, addressed Mrs. Meyer, reassured her that on his site visit with the Conservation Advisory Commission the operation setup was found to be very impressive that was described. Mr. Genova expressed that there are not going to be forty horses on the site full time, it will vary depending upon the nature of the training. Mr. Genova spoke to manure storage, that spreading, depending upon the cropping situation is acceptable.

A motion to close the Higher Ground Farms LLC public hearing was made by board member Shequine, and seconded by board member Alley. 6 ayes, 1 absent.

A motion to issue the Higher Ground Farms LLC Lot Line Realignment and Amended Special Permit a Negative Declaration Finding of No Significant Impact to the Environment was made by board member Lynch, and seconded by board member Rochfort. 6 ayes, 1 absent.

A motion to grant the Higher Ground Farms LLC Lot Line Realignment approval in accordance with the Plat was made by board member Rochfort, and seconded by board member Alley. 6 ayes, 1 absent.

A motion to grant the Higher Ground Farms LLC amended Special Permit approval of the original special permit was made by board member Mackey, and seconded by board member Rochfort. 6 ayes, 1 absent.

Page 3

Chairman Beaumont is to sign the Mylar at a later date when submitted.

Fee Status: \$250.00 additional escrow monies requested by the board was paid.

The application of Mabbettsville Market Site Plan and Special Permit (L. Associates, LLC) 3809 Route 44, Mabbettsville request is for the proposed use to operate a mixed use facility for a country food market. The property is zoned HM, AQ.

Attorney, Paul M. Quartararo, Quartararo & Quartararo, PLLC, Fishkill, NY and Dennis Lynch, Day Engineering, PC, Wappingers Falls, NY appeared before the board.

Acting Chairman, Hanson reminded the applicant's representatives that \$1,300 escrow monies are outstanding that covers the current fees, an additional \$1,000 escrow monies are being requested in going forward with the application. Attorney Quartararo expressed that he will telephone Mr. Serechek relative to the monies due.

Acting Chairman, Hanson questioned Mr. Lynch and attorney Quartararo about their meeting with the Zoning Board of Appeals? Secretary, Caul interjected that Mabbettsville Market didn't meet with the ZBA; those board members met with this board at the September 30th workshop meeting. Chairman, Hanson said Mabbettsville Market was to meet with the ZBA separately to review and obtain their determination of consultant Wilson's September 2, 2008 memorandum. Attorney Quartararo expressed that there was sort of a mix up as to who was going to contact the ZBA. Acting Chairman, Hanson referred to the planning board meeting minutes that said Chairman Beaumont was to contact ZBA Chairman, Brad Roeller to inform him of the pending meeting and expressed that the planning board cannot approve this application until a determination is made by the ZBA. Attorney Quartararo spoke to the issue being about the pre-existing structures. Chairman, Hanson expressed that this is outlined in the memorandum. Consultant Wilson remarked that the ZBA's final decision may be that all of the structures are legal, nonconforming structures, said that the location of the existing freestanding sign on Route 44 that is located outside of the property boundaries, that is non-conforming as to its location as shown on the Site Plan Map remains an issue, said this needs to be dealt with in some way and is outlined in his memorandum.

Acting Chairman, Hanson referred to the memorandum item D, f, "the location of all freestanding and wall mounted light fixtures should be shown on the Site Plan Map"; Mabbettsville Market has stated that it is to be included in the future submission. Mr. Lynch spoke to the detail for the freestanding sign location of the light fixtures for the freestanding wall mounted sign and also location of the site lights, said, a decision by the owner as to exactly what the sign will look like or what lighting he will choose will be forthcoming. Chairman, Hanson expressed that the board expects a "complete package" rather than segmenting the memorandum, said that the board has moved quickly as possible on this application, issues such as this hold up the application process in going forward. Mr. Lynch said in future submissions he will make

Page 4

sure that everything is included. Consultant Wilson expressed that if something like a design of the sign that is unsettled or unknown at the time of a submission, a notation should be made; the location of the sign that is shown on the site plan is something that was called out and needed to be dealt with. It is things like this that should be taken care of, to relocate the sign, or get

permission from the DOT to locate the sign within the right-of-way. There were some aspects of Mabbettsville Market's September 23rd response, page 1, D.b "not all the 11 employees would be on-site at the any one time. Also, additional parking space may be leased from an adjacent parcel for employee parking." Consultant Wilson said, one of the things talked about in the meeting and outlined in the memo is that it would be very helpful if Mabbettsville Market referenced parking on-site, generation of parking rates, set forth in publications by the Urban Land Institute or the Institute of Traffic Engineers, referencing those publications to see what the observed parking demand based on case studies is for this style of market, then the board has the ability to modify or agree about the amount of parking. This suggestion in the memorandum had no response.

Chairman, Hanson remarked that the board requested that a note be placed on the Site Plan Map stating the frequency at which the on-site septic system would be pumped out and the grease trap cleaned out. Mr. Lynch expressed that a note was added to the Site Plan Map, pointed out the third note on the plan, said, it is to be pumped out every six months or as necessary. Consultant Wilson remarked that this should be with an overflow alarm. Mr. Lynch read from the plan that the overflow alarm system shall be Chairman, Hanson referred to memorandum E item e, "the system will be examined by a qualified licensed New York State professional for structural integrity and functionality." Consultant Wilson remarked that this item received a response but should be elaborated upon. Mr. Lynch remarked if the board is requesting to have a licensed engineer come to the site, inspect the existing system for structural integrity and functionality, the only way to do that would be to dig up part of the system to actually check the infiltrator chambers of the system which once are put in, are not to really "mess around, or piece meal, them back together because it is designed to work with the system, and will be disrupting that system." With the other precautions such as the pumping of the system every six months or as necessary, on the overflow that the applicant agreed to a flow meter on the water coming in to monitor the flow going out, Mr. Lynch thinks that all of these by themselves give a really good interpretation of how the system is working and will give them an idea if there is something wrong without having to disrupt the system. Mr. Lynch feels that this is a waste of the applicant's time and money to dig up a system that is working perfectly fine. Chairman, Hanson questioned who determines that the system is working perfectly fine, said when the project first started everyone on this board stated that this is an environmentally sensitive area; this concern will be the issue throughout this whole process. This is why the board is asking for some sort of assurance that the system having been driven over by trucks, etc. is still a functional system.

Attorney Quartararo questioned if there is a way to determine this without having to dig up the system? Mr. Lynch responded that the system that was approved by the Board of Health is H2O loaded which is a high rating loading that is designed to basically be on a highway for heavy trucks weighing 32,000 lbs.

Page 5

Chairman, Hanson questioned Mr. Lynch if he can obtain documentation on this. Consultant Wilson interjected that the board needs documentation similar to the breakdown of water usage that was provided. Mr. Lynch said the system that was put in that was designed, and installed will accommodate what is being proposed and is designed for H2O loading. Consultant Wilson remarked that the board needs a breakdown of what those terms mean so that the board has a

reference point. Chairman Hanson expressed the board needs assurance that the system is functioning the way it was designed

Consultant, Wilson referred to the overflow alarm system plus the water meter, said he did not see any reference on either the Site Plan or Mabbettsville Market's response about installation of a water meter which was discussed at the last meeting. The board agreed that it was a good idea in knowing what is coming out of the ground and exactly what the volumes are in terms of the water usage.

Chairman, Hanson spoke to previous discussion about an independent contracting firm to monitor the water and the septic on a frequent basis. Attorney Quartararo stated that the Board of Health does that routinely. Chairman Hanson emphasized that an independent contracting firm is to monitor the water and the septic, the Board of Health will only make an inspection once. Consultant Wilson expressed that the Board of Health isn't going to go to the site to check it monthly, whatever it happens to be, to check and see what the water flows are. Mabbettsville Market needs to think about how to evaluate and keep track of the water usage as well as keeping track of the on-going maintenance of the periodic pump-out of the septic system, and needs to establish a record keeping system so that when the Code enforcement person goes out to the site he can see it to make sure Mabbettsville Market complies to the Site Plan. Attorney Quartararo questioned if there is a frequency that the board would like to see. Consultant Wilson said the note that was added to the plans states the frequency at which the on-site septic system will be pumped and the grease trap cleaned out is 6 mos. or as necessary, and leaves it up to the design engineer to say whether this is a decent interval. Mr. Lynch expressed that the septic system will be pumped out every 6 mos. or as necessary, but if the applicant realizes that it needs to be more than that, then they can adjust this timetable. Chairman Hanson expressed that the Building Inspector will also inform them.

Chairman, Hanson referred to the board's request for a letter identifying the LLC members. Attorney Quartararo questioned secretary Caul if she received this information, who responded that she has not received the letter, but in today's telephone conversation with Mr. Serechek said, he will submit the letter with the monies due.

Mr. Lynch questioned if the board is scheduling a November public hearing. Chairman Hanson responded negatively. Consultant Wilson expressed that a much more complete submission, not only one for the board to say yes, or no to a public hearing, but a 239M needs to be sent to the County Planning Department because the property is on the State highway. When that point is reached the board will request a complete package of everything so that can be sent to County Planning.

Page 6

Mr. Lynch commented that they will approach the ZBA before the next meeting. Secretary Caul expressed that she gave the next ZBA meeting date October 21st, to attorney Quartararo so he can telephone Chairman Roeller for agenda placement.

Chairman, Hanson reminded Mr. Lynch that their submission needs to be submitted for the planning board workshop on October 28th.

The applicant is to return to the November 4th meeting.

Fee Status: \$1,300.00 plus \$1,000.00 additional escrow monies are due

A motion to adjourn the meeting was made by board member Alley, and seconded by board member Mackey. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Nikki Caul, secretary