

Town of Washington
Planning Board

The monthly meeting and public hearing of the Town of Washington Planning Board was held on February 8, 2011 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Josh Mackey, Donald Hanson, Lisa Schwartz, Paul Schwartz, consultant Neil Wilson. Absent: Ted Jorgensen, James Shequine.

Chairman, Mackey opened the meeting at 7:30 P.M., with the Pledge of Allegiance.

A motion to approve the December 7, 2010 and January 4, 2011 meeting minutes as submitted was made by board member Hanson, and seconded by board member Lisa Schwartz. 4 ayes, 2 absent.

The application request of John Bretti, 1233 Route 343, Dover Plains, NY, Town of Washington is for proposal to reconfigure the division line between the north and south parcel. The north parcel will decrease by 10.70 acres, the south parcel will increase by the same amount. This change will give the smaller parcel more options for future house location. The property is zoned RR 10.

Kevin Cunningham, L.S., Bangall, NY appeared before the board representing the applicant, submitted a revised survey map showing location of Sprint cell tower as requested by the board at the last meeting. Review of the revised map by the board, consultant Wilson and Kevin Cunningham followed.

A motion to open the Bretti public hearing was made by board member Hanson, seconded by board member Paul Schwartz. 4 ayes, 2 absent.

There were no public comments.

A motion to close the Bretti public hearing was made by board member Hanson, seconded by board member Paul Schwartz. 4 ayes, 2 absent.

A motion to issue the Bretti Lot Line Revision a Negative Declaration Notice of Determination of No Significance was made by board member Paul Schwartz, seconded by board member Donald Hanson. 4 ayes, 2 absent.

A motion to grant the Bretti Lot Line Revision Preliminary Subdivision Approval was made by board member Lisa Schwartz, seconded by board member Hanson. 4 ayes, 2 absent.

A motion to grant the Bretti Lot Line Revision Final Subdivision Approval as amended on the 1/18/11 survey map was made by board member Paul Schwartz, seconded by board member Donald Hanson. 4 ayes, 2 absent.

Chairman, Mackey signed the Mylar and two copies of the survey map.

The application request of Anstu Farm LLC, 409 Overlook Road, is to change the lot line between Parcel A & Parcel B, Parcel B to convey 19.83 acres to Parcel A. The property is zoned RR 10.

Dutchess County Tax map Grid Nos: 6863-00-066775, 6863-00-134794, 6763-00-930671, 6763-00-845927

Previously submitted to the board were completed Town of Washington Combined Application Form for Lot Line Revision, Short Environmental Assessment Form, Deed, Survey Map, List of adjacent property owners.

Robert V. Oswald, L.S., Robert V. Oswald, Jr. - Land Surveying PLLC, 175 Walsh Road, Lagrangeville, NY appeared before the board representing the applicant.

Survey map review by the board, consultant Wilson, and Mr. Oswald followed. Mr. Oswald said Anstu Farm owns three (3) parcels totaling approximately 330.47 acres, pointed out the small parcel of 9.56 acres, the proposed large parcel will contain 276.06 acres, the owner is proposing to take 19 acres from the 65 acre parcel, include in the 256 acre parcel totaling 276.06 acres, reducing the 65 acre parcel to 45 acres, pointed out the new lot line. Mr. Oswald said it is his understanding that the owner is selling the horse farm, the new owner wants extra land for additional buffer. Said the new property line will go between two corrals, the lot count doesn't change, the change is an interior lot line change.

Consultant Wilson remarked that the wells are shown on the survey map, questioned the location of the septic fields? Mr. Oswald said the septic fields are located near the house.

Frank Genova questioned if the horse farm will be maintained as a horse farm operation? Mr. Oswald said he believes it will be maintained as a horse farm.

Mr. John Bruno, Oak Summit Vineyard Inc., adjoining neighbor, approached the board, requested to view the survey map, review of survey map followed. Mr. Oswald pointed out the underground pole line, underground passage line, said an easement is not shown. Mr. Bruno said he has a four page written easement, gave easement description along the existing pole line. The board requested Mr. Oswald to show the easement on the survey map, existing pole line per filed map number.

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A public hearing is scheduled for March 1, 2011.

Fee Status: Lot Line Change Application fee for 16 lots or more \$750.00
Escrow fee

500.00

Total Paid

\$1,250.00

Tim Race, L.S., Chazen Engineering & Land Surveying Co. appeared before the board for discussion on previously approved Bancroft Farm Subdivision-Ron Romeo driveway change.

Review of the approved subdivision plan by the board, consultant Wilson, and Tim Race followed. Mr. Race said Mr. Romeo proposes to change the driveway entrance on Verbank Road, built a stone gateway at the driveway location pointed out on the map, wants to use the stone gateway and portion of the driveway, reconnect the driveway to the location pointed out on the map. The portion of the driveway that was built would be removed, turned back into pasture and field, the stone wall that is being built along the road would extend across what was the driveway, would plant trees along there as a screen.

The Code states that the owner can only access three lots on a common driveway, there is an existing driveway that services the cottage which is to be removed, it is thought to take the existing driveway extend it over to the house, one driveway would service the house, the new driveway would service the lot in the rear. The idea is to create a gatehouse. Tim explained that a portion of the driveway would connect to the barn, the house and the barn would be serviced off the driveway that was pointed out on the map, the three lots would be serviced through the gate. The owner wants to put in a gate to keep people from driving down there.

Consultant Wilson remarked that there is a description of Metes & Bounds. Tim questioned if he needs to file for subdivision, what needs to be done to change the driveway and driveway easement? Consultant Wilson said the lot line is not being changed, the driveway easement is being changed. Tim said the thought is to amend the approved subdivision map, file a new map. The four deeds would be updated, A Declaration of Private Road Easement & Maintenance Agreement with an attachment of Metes & Bounds was submitted to the board.

Tim remarked that he checked the driveway sight distance, is actually better, related that Mr. Romeo's son-in-law wants to build a house on the lot that was pointed out on the map, said Mr. Romeo is not selling any of the lots, the intent is to have a family compound. Mr. Romeo would live in the gatehouse, which will be refurbished because it is in pretty bad shape. Chairman, Mackey questioned what material type of driveway is being planned? Tim said the same gravel substance that was used on the other driveways.

Tim questioned if he needs to go through the subdivision application process? Consultant Wilson said the previously approved subdivision map will need to be amended to change

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the location of a shared driveway and driveway easement. A formal application needs to be submitted, the application is subject to a public hearing, the subdivision plat needs to be amended, the Declaration of Private Road Easement and Maintenance Agreement is to be

revised, an amended subdivision plan will need to be refiled. Consultant Wilson expressed that the common driveway was part and parcel with the overall plan in the development of the subdivision, would be subject to a public hearing. Said, in the public hearing notice description it is important to state that it is an amended location for the common driveway, no new lots are being created, no new changes in the boundaries.

An application was submitted to amend the previously approved subdivision plat to change the shared driveway location and driveway easement by Tim Race, L.S.

A public hearing is scheduled for March 1, 2011.

Brian Houston, L.S., Bly & Houston, appeared before the board for discussion on a potential lot line adjustment and/or subdivision on Valley Farm Road, presented tax map photo for board review. Said, buyer Richard Crow, developer, is looking to purchase the four (4) tax parcels. There are four existing lots, new owner may want to do a subdivision, lot line change, of property. The Town has an '07 four lot Moratorium, if a subdivision was requested can he subdivide more than four lots, if so, how much can be subdivided? The property contains 18 acres of land, is zoned 2 acres. There is an existing brick house located near the road, the remainder of the land is vacant land that was an apple orchard.

Board member Hanson spoke to the '07 Moratorium, said the owner can only have four lots, cannot do a nine lot subdivision on the eighteen acres of land that is zoned 2 acres. Brian said the owner would not be looking for a nine lot subdivision, questions if he can increase the lots? Board member Hanson expressed that he could do a lot line adjustment, keeping the lots to four lots but cannot increase the density. Consultant Wilson in agreement, said he hasn't looked at the language of the '07 Moratorium in awhile.

Brian presented a copy of the '07 Moratorium for the board's review. Consultant Wilson read, "the planning board shall not accept for review, continue review, hold a hearing on continuing hearing on or making any decision upon the application for residential subdivision containing more than four (4) lots whether the subdivision issuance submitted prior to or after the effective date of this law."

Brian read from the waiver section of the '07 Moratorium, "no instance shall more than four (4) building lots be obtained from any lot or parcel."

Brian expressed that one acre of the property is in the Village of Millbrook, the bulk of the land is in the Town of Washington. The lots are under the same ownership, (Ciferri) the first lot was purchased in 1962, the last lot was purchased in 1983.

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Consultant Wilson expressed that the '07 Moratorium talks about subdivision of a lot to no more than four lots, doesn't say if have multiple contiguous lot that there is a limitation on that.

Brian commented that attorney Alan Rappleyea's opinion was that the Moratorium would not

prohibit this from being further subdivided.

Board member Hanson suggested tabling the issue, further review in depth since the board is not in a position to give a definitive answer.

Consultant Wilson is to contact Attorney for the Town, Rebecca Valk, perhaps to address the board. Brian Houston to return to the February 22nd workshop.

A motion to adjourn the meeting was made by board member Hanson, seconded by board member Paul Schwartz. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Nikki Caul, secretary

