

**TOWN OF WASHINGTON
PLANNING BOARD**

March 6, 2007

The monthly meeting and public hearing of the Town of Washington Planning Board was held on March 6, 2007, the Town Hall, 10 Reservoir Drive, Millbrook, New York.

The meeting was called to order by Acting Chairman Thomas Beaumont at 7:31 P.M.

Members Present: Chairman Thomas Beaumont, Robert Alley, Donald Hanson, Matthew Rochfort, James Shequine, Richard Steller, and Consultant Neil Wilson.

Chairman Beaumont expressed that “on February 1st of this year, the Planning Board lost its chairperson upon the sudden and unexpected death of Michele West. Michele was a tireless worker for the Town and demonstrated great qualities of intelligence, leadership, caring, and love for her community. To say that she will be missed is an understatement. She will be succeeded, but never replaced. Our community has suffered a great loss. Please rise for a moment of silent tribute to the honor and memory of Michele.”

Chairman Beaumont read the order of the meeting’s agenda.

The application request of Joand, Inc. Boundary Line Change (Andrew Schor) 174 Jamison Hill Road, is to realign the boundary lines between two adjacent parcels Mr. Schor owns. The two parcels are 10.84 and 24.85 acres respectively. The 10.84 acres are presently landlocked but the new configuration will provide an access strip to Jamison Hill Road. The new changes will increase the 10.84 acre parcel 17.56 acres and decrease the 25.85 acre parcel to 18.13 acres. The property is zoned RL 5.

Andrew Schor, owner and Kevin Cunningham, L.S. appeared before the board.

Chairman Beaumont stated that the board received the modified Declaration of Common Drive on January 27th and Town of Washington Highway Superintendent Brownell’s approval and said that the application/public hearing is a continuation of the January 2, 2007 meeting. **A motion to re-open the Joand Inc. /Schor public hearing was made by board member Shequine, and seconded by board member Hanson. All ayes.**

There were no comments from the public.

A motion to close the Joand Inc./Schor public hearing was made by board member Hanson, and seconded by board member Alley. All ayes.

A review of the revised map and note that was added to the map, by the board, consultant Wilson, Kevin Cunningham and Mr. Schor followed.

A motion to issue the Joand Inc./Schor Lot Line Alteration a Negative Declaration Finding of No Significant Impact to the Environment was made by board member Steller, and seconded by board member Hanson. All ayes.

A motion to grant the Joand Inc./Schor Lot Line Alteration Preliminary Approval was made by board member Steller, and seconded by board member Shequine. All ayes.

A motion to grant the Joand Inc./Schor Lot Line Alteration Final Approval was made by board member Hanson and seconded by board member Rochfort. All ayes.

Chairman Beaumont signed the maps and Mylar.

Fee Status: \$450.00 escrow monies paid

The application request of Sloan Lot Line Alteration (David & Judith Sloan) 211 South Road, is for a lot line change to merge the 8.01 acre portion of Parcel C with the 14.32 acre residence parcel and separate the 15.63 acre portion of Parcel C. After the lot line alteration two (2) lots will remain. The property is zoned RL 5.

Mrs. Judith Sloan appeared before the board.

Consultant Wilson reviewed the current map with Mrs. Sloan and related that he did a mark up of the existing map a month or two ago. Robert Campbell, L.S. had a line on the earlier map that was the existing boundary line; he added a land hook, but took the boundary line out, so the land hook is sort of floating out there. Mr. Campbell should have left the boundary line on the map; the only revision that needs to be made is to put the boundary line back on the subdivision map. The land hook is fine, has the note reference. The only change that the board needs is to have the boundary line put back on the map.

A motion to open the Sloan Lot Line Alteration public hearing was made by board member Shequine, and seconded by board member Alley. All ayes.

There were no comments from the public.

A motion to close the Sloan Lot Line Alteration public hearing was made by board member Hanson, and seconded by board member Rochfort. All ayes.

A motion to issue the Sloan Lot Line Alternation a Negative Declaration Finding of No Significant Impact to the Environment was made by board member Steller, and seconded by board member Alley. All ayes.

A motion to grant the Sloan Lot Line Alteration Preliminary Approval was made by board member Alley, and seconded by board member Hanson. 5 ayes, 1 abstain.

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A motion to grant the Sloan Lot Line Alteration Final Approval with the condition to

revise the Plat to show the location of the boundary line to be removed as part of the merger, was made by board member Hanson, and seconded by board member Rochfort. 5 ayes, 1 abstain.

Mrs. Sloan is to deliver two maps for the Board files and Mylar to Chairman Beaumont for his signature.

Fee Status: paid

The application request of Bos-Haven Farms, Inc. Subdivision (Timothy Marshall) Oak Summit Road is to subdivide the 158.77 acre parcel into three (3) parcels. All the land on the west side of Oak Summit Road will be lot #1 consisting of 33.7 acres. Lot #2 will be 10.00 acres and is located on the east side of the road that includes the existing house. Lot #3, the remaining vacant land on the east side of the road consists of 115.07 acres. The property is in the LC, RL5 and RR 10 zoning district.

Timothy Marshall, owner and Kevin Cunningham, L.S. appeared before the board.

Chairman Beaumont questioned Consultant Wilson if he reviewed the note changes made to the subdivision map? Consultant Wilson expressed that the only change to this map from the previous map reviewed by the board is the DEC and Department of Health signatures; all of the notes, etc. remain the same.

Chairman Beaumont stated that the curb cut approval from Town Highway Superintendent Brownell was received and is on file.

A motion to open the Bos-Haven Farms, Inc. Subdivision public hearing was made by board member Shequine, and seconded by board member Rochfort. All ayes.

Mrs Jane Geisler, Milewood Road, and Historical Society member, addressed the board and referred to the January meeting minutes, said that there was a lot of detail about the driveway, whether to have it on the railroad bed or put it parallel and questioned the final decision. Chairman Beaumont referred to the note on the subdivision map and requested Consultant Wilson to clarify this for Mrs. Geisler. Mrs. Geisler expressed that she is very familiar with the area because she walks this area with the bird club several times a year. Consultant Wilson said the issue with respect to the driveway, was that the board had to make sure that the existing curb cut coming out onto Oak Summit Road, was adequate with respect to the sight line, etc. as well as the railroad crossing itself. Town Highway Superintendent Brownell reviewed those and determined that they are adequate. One of the questions beyond the entryway, is that the farm road comes in and continues on in the direction pointed out on the map; there may be a proposed home site in the future, the logical place to put it is to continue along the existing driveway which cuts through a portion of wetland buffer. The board needs to make sure that

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before a building permit is issued for the home site on parcel #3, the owner of this driveway has to return to the Planning Board for approval. Mrs. Geisler questioned if this section of the

old railroad bed is going to be used as part of the driveway? Mr. Marshall responded negatively and said only the existing section that is being used now will be used. Mrs. Geisler referred to future development of the Town that involve these old railroads that she considers to be old landmarks, and referred to the Town of Warwick Zoning Code called “a designated protection area.” This cannot be disturbed. Mrs. Geisler questioned if historical landmark areas have been considered as designated protection areas for the Town of Washington Zoning Ordinance?

There has been

a lot of research and recording of historical houses, but there are also other historical areas that she considers landmarks/cultural resources. Mrs. Geisler expressed that she would like the Town

to consider future encroachments. Board member Steller remarked that he respects Mrs. Geisler’s intent and idea but an abandoned railroad bed is picked up by the original owner of the trust, it is completely in fee to the Marshall Farm, that becomes a conflict because in comparison to some of these other remaining railroad beds, are still in title of the abandoned railroad. Mrs. Geisler expressed that they would still be in private ownership and said that one would not object if their house was labeled a historic property, it is still privately owned. Mrs. Geisler said that this would be an educational tool for the new owner who would immediately recognize the history of the property. Mrs. Geisler said that the Historical Society has records of those sites. Chairman Beaumont questioned if Mrs. Geisler is proposing that the Town of Washington consider a zoning amendment that would provide protection to railroad beds? The board thought this was a good idea. Chairman Beaumont next questioned if railroad beds from the Town of Washington to the Town of Unionvale have remained intact? Mrs. Geisler responded negatively and said that agriculture has leveled them in the Unionvale section but the Oak Summit railroad bed is pretty much in tact.

A motion to close the Bos-Haven Farms, Inc. Subdivision public hearing was made by board member Steller, and seconded by board member Hanson. All ayes.

A motion to issue the Bos-Haven Farms, Inc. Subdivision a Negative Declaration Finding of No Significant Impact to the Environment was made by board member Hanson, and seconded by board member Shequine. All ayes.

A motion to grant the Bos-Haven Farms, Inc. Subdivision Preliminary Approval was made by board member Alley, and seconded by board member Rochfort. All ayes.

A motion to grant Bos-Haven Farms, Inc. Subdivision Final Approval was made by board member Steller, and seconded by board member Rochfort. All ayes.

Chairman Beaumont signed the maps and Mylar.

Fee Status: \$4,000 recreation fees paid

construct six (6) new residential building lots on 15.75 contiguous acres of undeveloped land. An approximately 760 lf road is proposed to serve the lots, with an intersection created at the entrance on NYS and Old Route 82. Individual wells, septic, are proposed for water and sewage services and a network of stormwater drains and a detention pond will be constructed for stormwater management. The property is zoned RM 2.

Jonathan E. Vitolo, Gillespie and Associates, Consulting Engineer PLLC, Hopewell Junction, New York appeared before the board representing the applicant.

Review of the previously submitted map by the board, Consultant Wilson, and Mr. Vitolo followed.

Board member Steller questioned Mr. Vitolo if he has the Town and County Road Standards? Mr. Vitolo said he has a copy of the current Town Road specifications that are used. Board member Steller questioned Mr. Vitolo if he remembers being asked to submit a copy of these standards at an earlier meeting; if the set is the '67 or '76 series? Mr. Vitolo said the set is the '75-'76 series.

Consultant Wilson related that the board met with Mr. Vitolo and his client at their January meeting. The February meeting was cancelled. He asked Mr. Vitolo to provide him with additional copies of the Environmental Assessment Form and the maps because the circulation for Lead Agency would have commenced at the February meeting. Consultant Wilson said Mr. Vitolo submitted these copies but sat in his mail box for almost two weeks before he was able to send them out February 21st and apologized for the delay. At this point the board is in the middle of the thirty day circulation period for Lead Agency. The board received two returns, one from Dutchess County Public Works, and the Town of Washington Zoning Board of Appeals under the signature of Chairman Brad Roeller. There are still other returns to be submitted to the board.

Consultant Wilson distributed a copy of his memorandum dated March 6, 2007 that is a composite review of the subdivision that incorporates Rodney Morrison, P.E., engineering comments as well as his comments regarding some minor items on the Environmental Assessment Form. There are questions about some of the larger environmental issues. Consultant Wilson recommends that Mr. Vitolo, his client, and Rodney Morrison, P.E., meet in Mr. Vitolo's office, where all the maps are available, and sort through these issues. Rodney Morrison has more detailed comments than he could express in the memorandum regarding some of the grading.

Consultant Wilson expressed that the baseline concern from the planning standpoint is the amount of the cut, potential truck trips and other impacts that flow from creation of the road. Also, what needs to be discussed is that the original design was based on the Town Road specifications, in conversations with Town Highway Superintendent Brownell, he indicated that he is not in favor of the Town accepting a dead end road like this. The thought then

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converted to a private road. Allowing the creation establishment of a private road is solely at the discretion of the Planning Board, which means that the board needs to be satisfied with the

private road concept, that the private road itself could be constructed in a way that minimizes environmental impacts, would be safe, passable, etc. The Planning Board needs to work through those particular issues assuming that Mr. Vitolo's client still wishes to go through with a private road concept. Mr. Vitolo said this was Mr. Paolo's original intent.

Consultant Wilson said that one of things he will focus on is if there is another way for private access to these lots aside from creating a large road with this amount of disturbance; if there is another scheme using a combination of private or common driveways. Mr. Vitolo said he could have a scenario where there would be two or three common driveways but there is the same problem with frontage along Route 82, it is a steep cut. Mr. Vitolo pointed out the two possible cuts on the subdivision map. Mr. Vitolo referred to conceptual approval from State of New York Department of Transportation to which Chairman Beaumont related that the board received a copy that is on file. Mr. Vitolo said he doesn't know if the DOT will be in favor of multiple access points when the intersection is created with Route 82, feels DOT would have a problem with this. Consultant Wilson suggested alternate access plans including eliminating the private road in favor of common and private driveways.

Consultant Wilson expressed that someone informed Chairwoman West that there may have been some right-of-way granted through some of the lots that are coming off of College Lane. Chairman Beaumont offered the name of Rosemary Whiteford, who is Andy Lalli's sister. Review of the access points coming off of College Lane were reviewed by the board, Consultant Wilson and Mr. Vitolo. Consultant Wilson commented that it is unknown if the alternative access actually exists; this is information that Chairwoman West had been given, but the board did not get the opportunity to explore it last month. Chairman Beaumont expressed the best way to handle this would be to contact Andy Lalli directly. Consultant Wilson will telephone Andy Lalli.

Board member Hanson questioned Mr. Vitolo about the area map numbers not corresponding with the filed map, lot 9? Mr. Vitolo said this is lot #9 from the College Hill filed map and pointed out the corresponding numbers with what is listed. The numbers board member Hanson questioned are just individual numbers from a College Hill filed map. Board member Hanson questioned why they don't match? Mr. Vitolo said there is no reason why they would have to match.

Consultant Wilson remarked that Mr. Vitolo is trying to maintain a ten percent grade for the road. Mr. Vitolo expressed that if they go with a private road concept the grade of the slope could get steeper, up to twelve percent. Rock will probably be encountered so they will need to go to a steeper cut and a narrower road with limited disturbance. Mr. Vitolo said that Rodney Morrison's suggestion was to show plans for installation of catch basins and drainage pipe along the road to go with an open drainage system down the shoulder of the road. Mr. Vitolo referred to the Route 343 subdivision that was suggested he review; he went to the site but the property was chained and not accessible. Consultant Wilson commented that he will see about access to

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the property.

Board member Shequine remarked that the Town does not want culdesacs, there are reasons

for that. Whether it is a private road or a public road the same problem exists about a culdesac. There may be some alternatives how Mr. Vitolo designs the culdesac. Mr. Vitolo would have the same problem that the Town would have if it were a public road. Mr. Vitolo said that in the Code the minimum requirements for a culdesac are specified, these are based upon those requirements.

Mr. Vitolo referred to Department of Health approved test well locations and said that before this can happen Preliminary Approval has to be granted by the board. Mr. Vitolo said that for their knowledge the plan is to dig test wells when the weather permits.

A brief discussion with regard to snow plowing difficulty on a culdesac between board members Steller, Shequine, and Mr. Vitolo followed. Mr. Vitolo remarked that the Town will not be maintaining the road. Board member Shequine expressed that Mr. Vitolo is missing the point; the board is not trying to regulate him. When you remove snow, you have to put it somewhere. Often times it is appropriate to carve out a piece of the lot, make it available to push the snow. Mr. Vitolo said that they have an easement written in the deed and pointed out two areas on the map. Mr. Vitolo expressed that it will be the home owners responsibility to remove/move the snow. Board member Shequine remarked that the road is a common drive. Mr. Vitolo said it is a private road. Board member Shequine questioned who maintains the road? Mr. Vitolo said the home owners. Board member Shequine asserted then it's a common drive, any homeowner will object to snow being dumped on his property. If Mr. Vitolo provides for this to start, the problem will be solved in advance. Mr. Vitolo expressed that they are not going to provide a special place for the snow, there is an easement written into the deed.

Mr. Vitolo is to return to the April 3rd meeting.

The application request of Bancroft Farm Subdivision (Ron Romeo) westerly side of Verbank Road, north of Milewood Road is for a proposed four (4) lot subdivision, one (1) common driveway and wetland crossing. The property is zoned RL 5.

Tim Race, L.S. Chazen Engineering & Land Surveying Co., P.C. appeared before the board representing the applicant. Mr. Race related that some preliminary engineering for the common driveway for the four lot concept was completed.

Chairman Beaumont and board member Hanson questioned Mr. Race why Mr. Romeo first presented an application for an eight (8) lot subdivision when the contract called for a four (4) lot subdivision? Mr. Race expressed that Mr. Romeo tried to get eight lots into the subdivision. Board member Hanson questioned if Mr. Romeo was aware of the contract? Mr. Race responded affirmatively, but said that he is unable to answer the board's question.

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Mr. Race prompted discussion on subdivision impacts, however, Consultant Wilson related that this evening the board will only be discussing the circulation for lead agency. The board has asked for the Long Form EAF Part I since November or December that has now been submitted.

It is too early to talk about the impacts. Consultant Wilson said that he has drafted a Lead Agency Coordination Letter Request for Immediate Response and Attachment "A" Identified Involved & Interested Agencies. Consultant Wilson stated that the Dutchess Land Conservancy, Route 44, is to be added to the List of Agencies. Consultant Wilson requested Mr. Race to do the circulation. Consultant Wilson stated that the board needs to declare its intent to be lead agency, then to authorize Mr. Race/Chazen Engineering and Land Surveying Co. to send out the EAF along with the plan set to the agencies that are listed on Schedule A.

Mr. Race referred to the board's request to have Chazen use the Hudsonia Report with their Environmental Assessment Report. Chazen's wetland biologist, today, told Mr. Race that there is a document missing from this report, the significant habitat in the Town of Washington. Chazen has the addendum to that report but does not have the actual report itself. The biologist telephoned Town Clerk, Mary Alex who was unable to locate the document. Consultant Wilson gave Mr. Race a copy of the missing document of significant habitat in the Town of Washington.

Mr. Race questioned Chairman Beaumont if the letter dated February 17, 2007 under the signature of Ann Gifford, Counsellor at Law, regarding the Contract of Sale was satisfactory? Chairman Beaumont responded affirmatively.

A motion to declare itself (Planning Board) as Lead Agency and designate Chazen Engineering and Land Surveying Co., P.C. to circulate for lead agency status, and add Dutchess Land Conservancy to the list of Identified Involve & Interested Agencies was made by board member Steller, and seconded by board member Hanson. All ayes.

Mr. Race is to return to the April 3rd meeting.

The application request of Place-Curley Lot Line Revision, 377 North Tower Hill Road, is for a lot line revision transferring 5.00 acres to become part and parcel with lands of Curley, resulting after the lot line change with Place property containing 5.91 acres of Curley property containing 12.79 acres. An area variance with conditions was granted by the Zoning Board of Appeals on 2/20/07. The property is zoned RR 10.

Brian Houston, L.S., Bly & Houston, LLP appeared before the board representing the applicant.

Review of the subdivision map and Zoning Board February 20th meeting minutes by the board, consultant Wilson, and Mr. Houston followed.

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Mr. Houston said that the application is for a lot line change between Mr. Place and the Curley property on North Tower Hill Road. Mr. Place currently has 10.9 acres, Mr. Curley has 7.79 acres and want to swap five acres of land. The five acres will be applied to the Curley property. Mr. Houston said at present the Curley property is nonconforming; the nonconformity is being

switched. The Place property becomes nonconforming, the Curley property becomes conforming.

Chairman Beaumont read from the Zoning Board February 20th meeting minutes that say at issue was the proximity of the sheds and that the stone wall is to become the natural boundary line. Mr. Houston said that the two smaller sheds are located by the driveway, the ZBA has allowed them to stay in their present location. Once the sheds have deteriorated to the point of being demolished they are not to be replaced. The ZBA granted a variance of 54 ft for one shed, and an area variance. Board member Steller asked if anyone questioned why they didn't take 2.31 acres to the ten acres conforming lot and minimize the damage? Mr. Houston said there was one ZBA nay vote for this very reason. Chairman Beaumont expressed that nothing really changes, it is just a technicality.

A public hearing is scheduled for April 3rd.

Fee Status: Application Fee \$300.00 paid 3/21
Escrow Fee 300.00 paid 3/21

The application request for Lobel Site Plan (Adele R. and Sheldon Lobel, 37 Knotta Road is for the construction of a master bedroom addition to the existing one-family dwelling. The property is zoned RL 5. An area variance was granted by the Zoning Board of Appeals on 2/20/07.

Chairman Beaumont related that Mr. and Mrs. Lobel wish to build an 897 sq. ft addition to the existing 3,700 sq ft house. Mr. and Mrs. Lobel are somewhat physically impaired; Mr. Lobel has had heart by-pass surgery and Mrs. Lobel suffers from back problems. The addition is for a master bedroom so that they do not have to use the second floor since climbing stairs for them has become quite burdensome. The Zoning Board of Appeals granted a 22.2 ft. variance relief from the 75 ft. required setback. ZBA Chairman Roeller visited the site and evaluated that the only place on the property to attach the addition to the house is the proposed location because of the steep slope and contour of the land.

Review of the site plan map followed. From the ZBA meeting minutes an issue of concern about the propane gas line was recognized. Chairman Beaumont expressed that his concern is about the location of the line leading to the propane tank, not the tank itself. Board member Steller said that it would make sense to take the line to the house, heat the pool from the basement of the house, and pump it out to the pool and have it return to circulate and heat the water rather than building another structure to heat the water in and run some sort of a propane heater out in the

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pool yard. It would make sense to have the line coming to the house basement, heat the water for the pool from the house basement, and pump it out, then the line wouldn't be under the proposed addition.

Chairman Beaumont related that he spoke with Mr. Lobel, who telephone him last evening, and

told him that the board is primarily concerned about the location of the line leading to the propane tank. In a Facsimile dated March 6th, Mr. Lobel stated 1) that the 500 gallon tank was installed by Star Gas Company, Poughkeepsie, NY which has been in business since 1971. Star Gas Company selected the location of the tank and are aware of any regulations which pertain to propane tanks. 2) that the only pertinent New York State regulation is that same should be located ten feet away from a structure. The tank is at least 20 feet away from the Lobel house. The proposed enlargement is more distant than the existing house. 3) The tank was installed about six or seven years ago when the pool was built. All necessary permits were secured from the Building Department and a signoff was received from the Town that all work was in conformance with all regulations. 4) Mr. Lobel spoke to John McCain of Shelly Hill, Inc. the swimming pool contractor, who advised him that he has installed many pools in the Town and that there has never been any issue about the location of a propane tank. He relies on the expertise of Star Gas Company for the installation of propane tanks. Star Gas also takes into account the location of the tank in relation to where the building is and the distance from their delivery truck to the tanks. 5) Mr. Lobel has spoken to Building Inspector, Tom Fiore, who advised him that he sees no issue about the propane tank at his property.

Chairman Beaumont said Mr. Lobel told him that he tried to get in touch with the Star Gas Representative who was on vacation in Florida. He also called John McCain of Shelly Hills, Inc. who also was on vacation.

Consultant Wilson questioned the disposition of the telephone conversation since Mr. Lobel is not in attendance this evening? Chairman Beaumont indicated that Mr. Lobel questioned him if he needed to appear before the board which would be quite late. Since he is not well, due to his being last on the agenda, was told that he did not need to appear, that Chairman Beaumont would present his application to the board, and would telephone him on the following evening. Chairman Beaumont questioned consultant Wilson for confirmation to what is needed on the site plan map showing the location of the line. Consultant Wilson expressed that someone needs to locate the line, show it on the drawing to submit to the board, then the board can waive the public hearing.

A motion to adjourn the meeting was made by board member Rochfort, and seconded by board member Shequine. All ayes. The meeting was adjourned at 9:12 P.M.

Respectfully submitted,

Nikki Caul, secretary

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