

## **Town of Washington Planning Board**

April 1, 2008

The monthly meeting and public hearing of the Town of Washington Planning Board was held on April 1, 2008 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

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

The meeting was called to order by chairman Beaumont at 7:30 P.M., paid tribute to Town of Washington Transfer Station employee, Ken Lilley, and asked for a "Moment of Silence" to honor Ken.

The application request of Higher Ground Farms LLC Lot Line Realignment and Special Permit, 1132 Chestnut Ridge Road, Dover Plains, Town of Washington, is for a lot line realignment, installation of a new 16 ft. wide gravel driveway to provide access to the facility, and to modify/amend the current special permit to allow boarding of forty (40) horses. The property is zoned RR 10.

Chairman Beaumont spoke to the site visit conducted on Saturday, March 29<sup>th</sup> that included Brad Roeller, Steve Lynch, James Shequine, Frank Genova, Neil Wilson, and himself.

Steve Alex, Vice President of Survey, The Chazen Companies, appeared before the board representing the applicant, submitted a copy of the current Conservation Easements for the main body of the property, approximately 200 acres, and the smaller tax parcel on Route 343, said these are two separate easements. The property map that is displayed shows the easements that cover the entire property and the areas where additional residential building is allowed. The areas where building is prohibited are shown in the taxed areas, the clear areas are where additional residential dwellings are allowed. The area around the existing dwellings is also for residential use. Mr. Alex pointed out the barns, the center of the property, the south side where the driveway is proposed, new lot three (3), and the no build zone by Route 343. Mr. Alex expressed that the owner/applicant is in the process of reviewing the plan before the board with Dutchess Land Conservancy.

Chairman Beaumont requested direct input from consultant Wilson, and ZBA chairman, Brad Roeller relative to moving the proposed driveway from the wet areas. Mr. Alex asked for an assessment of the site visit that was conducted, if it differs from what Chazen has observed. Consultant Wilson expressed that the proposed location follows what appears to be an old gravel driveway which is fine, then it heads into the woods, roughly along the line of a trail or road that was cut in a number of years ago, then continues on in the direction of forested areas that would have to be disturbed to make way for the road. Consultant Wilson suggested bringing the road through the tree line within the field as opposed to cutting it through the forest and down..

Mr. Alex said the way the driveway is graded is nearly on grade, there is very little surface area, some trees are to come down. It is the owner/applicant's desire to put the driveway in the woods; their perception is that they will see the equestrian traffic from the residence that they do not want to see. The proximity of the driveway to what is being called the isolated wetland, is further where it is proposed than it would be if it were on the edge of the field. This would be part of the validation from the DEC if it were to be connected somehow; the driveway outside the buffer would have to be considerably further out in the field. For the time being, unless there are legitimate reasons for moving the road it should remain where proposed. Mr. Alex expressed that he will return to the applicant/owner and review the board's suggested driveway move with him. Consultant Wilson remarked that the legitimate reasons are about the disturbance of the woods and the perceived alternative of bringing it back out into the field. Bringing the driveway along the tree line would be more visible than in the back, the stretch of the road would be visible; the road is equally visible across the field as well. Consultant Wilson expressed that he understands the reasoning that the owner does not want to see cars/trailers coming in an out, however this is an equestrian operation and is to be expected. There is not a lot of grading necessary to go through the woods, but the removal of some standing trees in that area is a concern. Mr. Alex said what is proposed is a six feet running surface with two feet shoulders which on a gravel surface with grass over it will end up with a six feet running surface. The ditches that are to be constructed will be grass swales, grass lined. Mr. Alex referred to the biotic connection term that has been expressed, said, they are not going to stop deer from crossing the road. Mr. Alex reiterated that he will return to the owner/applicant with the board's suggested driveway move.

Board member Lynch questioned Mr. Alex if the easement he described is in place, that the applicant is discussing the plan with DLC? Mr. Alex said that the easement is in place, Dutchess Land Conservancy wants to make sure that rearranging the lot line doesn't in some way impact the intent of the easement, what has been seen so far, it does not. Chairman Beaumont remarked that the DLC became involved with the prior owner.

ZBA Chair, Brad Roeller spoke to his belief that the whole area is sensitive, is filled with vernal pools and small wetlands. There seems to be connections between them. He is not sure if there is a wetland off the property that the buffer may come into play in the area he pointed out on the display map. Since this is going to be a commercial operation he assumes that there will be heavy large trucks, tractor trailers, coming in, that is a low area. The disturbance, the base and clearing is going to have to be made even though the described 16 foot wide gravel road is going to be substantial. By routing the road along the hedgerow it is down gradient of the wetland, as far as the impact for that long narrow wetland, it would be less of an impact. Even if you had to go within a buffer of that area, it would be less of any impact by going in the field side rather than going through the wooded area.

Mr. Alex remarked that there are two fields at the edge of the woods adjacent to the property with a hedgerow running down the location pointed out on the display map. It appears that the fields are mowed. The State wetland continues straight down to the south, then gets quite narrow, then there is another field on the other side. Chazen has not observed any wetland

adjacent to the site, south.

Mr. Alex said that the owner/applicant is in the process of setting up a meeting with DEC for the validation of the proposed driveway. He will notify the board when this takes place.

Chairman Beaumont suggested Mr. Alex acquaint the owner/applicant with the board's suggested driveway move to the west.

Consultant Wilson questioned Mr. Alex if he will have the DEC validation, at least the field work done by the Planning Board workshop? Mr. Alex said it is difficult to say, they are just beginning to do the field work. It is possible that he will miss a month's appearance before the board.

Board member Lynch referred to the site visit, said when walking from the road east, got half way to where the proposed road goes into the woodland, stopped, looked to see how visible that east/west new road would be to the residences. He doesn't think you can see the residences from the proposed driveway. Mr. Alex said when he gets an opportunity he will check this.

Frank Genova questioned the length of the proposed driveway? Mr. Alex said 2,600 feet. Mr. Genova suggested avoiding the wetlands, woodlands, to go along the field, said that this property is in the Millbrook stream watershed. Any time one can avoid disturbing the woodland and the wetland it should be done. Consultant Wilson expressed that the break in the watershed runs through the property, he recalls this from the map. Mr. Alex expressed that the wetland has been avoided.

Mr. Alex said that he will walk the proposed road with DEC, validate it, will discuss this with his client/applicant and will notify the board..

Board member Hanson questioned if the traffic study/evaluation that was mentioned at the last meeting has been completed? Mr. Alex said this hasn't been done.

Consultant Wilson remarked that the property is on a County road, referral to the County needs to be made; he would like to have an updated map that includes DEC validation.

Chairman Beaumont questioned how this application references the AG and Markets standards? Consultant Wilson expressed that the board is focused on the basics, questions on the driveway. Remainder of the inquiry is usually limited to location of wells, septic, manure storage. AG and Markets does not like the fact that the board has a special permit review for these kinds of operations. The board focuses on the things that go to the heart of public health, safety, water, septic, manure storage, that are well within the purview of the planning board to ask questions. The proposed driveway in this application is a concern as well. In terms of the overall operation, if a lot time is spent relative to the barn expansion, the board may have the commissioner start asking questions about what the board is doing in their review.

The application request of Buchheit Site Plan (Lee C. Buchheit) 345 Woodstock Road, is for the addition to an existing sunroom, addition of a porch, and a walkout terrace. The property is zoned RL 5. An area variance was granted by the ZBA on 3/18/08.

**Dutchess County Tax Map Grid No.: 6666-00-624043**

Jim Crisp, Crisp Architects, appeared before the board.

Chairman Beaumont stated that the application materials were reviewed at the workshop; the board has determined to waive the public hearing and grant site plan approval.

**A motion to waive the public hearing and grant site plan approval was made by board member Rochfort, and seconded by board member Hanson. All ayes.**

The application request of Millbrook Winery Warehouse Site Plan (John Dyson) 26 Wing Road, is to construct additional warehouse space for finished goods storage. The property is in the Agricultural District.

**Dutchess County Tax Map Grid No.: 6767-00-728034**

Previously submitted to the board were completed Application, Agricultural Data Statement, Short Form EAF, Property Deed, Affidavit completed by applicant/owner, Site Plan, Lighting & Aerial Map, and Elevations.

David H. Bova, Vice President, Millbrook Winery, Inc., and Heather Anderson, Loedy Architecture, P.C., appeared before the board.

Consultant Wilson expressed that the application is a Type II Action due to the size of the proposed addition being under 4,000 sq. ft., is not subject to SEQRA environmental review, is a project with demolition involved that falls within the AG and Markets question. At the workshop the board reviewed the application materials and talked about waiving site plan review.

Mr. Bova said that the winery uses a public warehouse in New Jersey, originally sized the winery storage for about 5,000 cases of wine, the business has grown, now uses 10,000 cases, pays monthly storage and trucks wine, finished goods, down to New Jersey, and back up to Millbrook. This is quite expensive; with the increase in the price of gas it is getting more expensive. Mr. Bova said the addition will be an exact duplicate of what is existing.

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**A motion to waive site plan review was made by board member Alley, and seconded by board member Rochfort. All ayes.**

Consultant Wilson gave the latest update on the Thomas Timothy Foxe, 702 Route 343, Special Permit listed on the agenda for this evening. He and Rodney Morrison, P.E., were scheduled to meet with the applicant's engineer in the field yesterday, Monday, March 31<sup>st</sup>, at 12:30 P.M., at 11:30 A.M. received a telephone call from the engineer saying that he was tied up in a meeting and needed to cancel. The site visit is rescheduled for Friday, April 4th at 9:00 A.M. Consultant Wilson expressed that regardless of the weather conditions, the site visit will take place so that this application can move forward.

Harry J. Bly, L.S., Bly and Houston, LLP and Mr. Andre V. Starrett, Starview Associates, general partner, appeared before the board for a pre-application discussion for a lot line change. The property is located at 783 Shunpike, in the RR 10 zone.

A survey map was presented for review. Mr. Starrett expressed that he needs the board's guidance on moving forward. In his original appearance before the board he talked about his plan to build a little house, pointed out that there are two plots, one plot is not in conformity because the road is too close; the intent is to move the lot line back to square off the two plots in a way that makes sense. When engaging Mr. Bly for the survey, it was pointed out that the new house is not in conformity; the house is a nonconforming structure, and focused on the fact that it is 64 ft. Mr. Starrett explained that he doesn't know how this came about, it was not necessary because there is plenty of acreage that is all under easement.

The Building Permit is dated January '08, the error was not picked up and the house was built. The Bulk Requirements for the RR 10 zone are 100 ft. side yard setback, 75 ft. rear yard setback.

Mr. Bly stated that if the proposed lot line is approved there will be a shared driveway, an easement was drawn up for that. The parcel frontage would be on Bangall Road, it is not contemplated at the present time to ever build a driveway there. Mr. Bly pointed out the wetland that should be avoided.

The lot line change would be between the two existing tax parcels- 50.57 acres parcel to become 35.06 acres, and the 22.34 acres parcel would become 37.85 acres.

Consultant Wilson expressed that the planning board can moved forward in their application for a lot line alteration which is straight forward, recommends that the applicant appear before the zoning board for a variance grant to clear up the nonconformity for the nonconforming structure. It would be much more significant to have a notation on the map indicating that a variance was granted, and the date, said this board can move forward with the lot line application approval.

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Chairman Beaumont questioned if the sale of the house relative to title, insurance, could come into play if this is not cleared up. Consultant Wilson responded affirmatively, said clearly there was a Town error in issuing a building permit, and a Certificate of Occupancy,

but this type of error does not prevent the Town from later on revoking the Certificate of Occupancy, because an error was made.

Mr. Starrett expressed that he intends to apply to the zoning board for a variance for their next meeting.

A public hearing for the lot line alteration application is scheduled for May 6, 2008.

There being no other business, a motion to adjourn the meeting was made by board member Hanson, and seconded by board member Rochfort. All ayes. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Nikki Caul, secretary