

**TOWN OF WASHINGTON
PLANNING BOARD**

July 3, 2007

The monthly meeting and public hearing of the Town of Washington Planning Board was held on July 3, 2007, the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Acting Chairman, Thomas Beaumont, Donald Hanson, Matthew Rochfort, and Richard Steller. Absent: Robert Alley, James Shequine. Consultant Wilson was not in attendance.

Chairman Beaumont called the meeting to order at 7:32 P.M., read the meeting's agenda, and read a Statement Concerning Creation of Master Plan Committee and Its Composition, and requested that the Statement be incorporated into tonight's meeting minutes. Chairman Beaumont expressed that there has been a lot of misinformation, disinformation, wrong information disseminated; he wants to clear the air.

"The following is a statement concerning the Creation of a Mater Plan Committee for the Town of Washington. I will read this statement in its entirety in order that it be included in tonight's meeting minutes."

"Approximately 18 months ago, four residents of the Town of Washington, and Village of Millbrook, Frank Genova, the late Michele West, Neil Wilson and myself, Tom Beaumont, met to discuss steps to preserve the rural character of the Town of Washington. Specifically, our discussion focused on ways to mitigate the potential negative impact of development on the Town. Our goals from the beginning were to control development; preserve agricultural land; preserve water resources, i.e., aquifers; protect slopes; and limit development on gravel roads where traffic bearing ability is limited. It was felt that a further decrease in density, when approximately 3/4 of the Town is in five- or 10-acre zones, would be difficult to sustain legally, if challenged. However, valid environmental concerns may preclude development within the current density guidelines. We reviewed a number of studies regarding the above. It was and remains apparent to us that the Master Plan must be updated in order to support any zoning changes regarding the aforementioned. It is also apparent that much of the material in the Master Plan is outdated. The above information was shared with individual members of the Planning Board and the process to update the Master Plan was begun."

"It has been brought to my attention that certain individuals within the community feel that they influenced this process. I can assure you that at no point in this process did an individual or group influence us."

"Secondly, an individual at a zoning meeting stated that he hoped the Master Plan Committee would not consist of individuals who think alike. Members of the Town Board, Zoning Board of Appeals, Planning Board, Conservation Advisory Commission,

and interested citizens were in attendance at this meeting. The fact of the matter is the community members who are to be named to the Master Plan Committee are individual thinkers with common sense; further, some have expertise in the matters outlined above. Additionally, Committee members have no personal agenda - a very important consideration when working for the common good.”

“Please be advised that a questionnaire regarding the Master Plan will be mailed to each residence in the Town and Village for comment. In addition, public hearings regarding the Master Plan will be held as required by law. Further, it is our intention to coordinate with the Village of Millbrook Master Plan Committee. The Master Plan Committee welcomes **constructive** input from interested parties. The Committee will respect honest, positive suggestions or criticisms of the Plan but will not tolerate denigration of the Committee or its members.”

A motion to accept/approve the June 5, '07 meeting minutes with the following corrections was made by board member Steller, and seconded by board member Rochfort. Page 5, paragraph 2, line 2, correct the name Barker to Barber, page 7, paragraph 1, line 2, add the word not after is, to read, “if Mrs. Drury plans to store the manure it is not to be stored within 250 ft. of any neighboring residence, property line, watercourse, or wetland.”

The application request of Drury Special Permit (Megan, Philip Drury) 1001 Chestnut Ridge Road, Dover Plains, Town of Washington, is for the construction of a 8-12 stall horse barn and small indoor arena for private stable use. The property is zoned RR 10.

Mrs. Megan Drury appeared before the board.

Chairman Beaumont read the published public notice.

Review of the additional information submitted for the special permit by the board followed. Chairman Beaumont explained that the setbacks from the adjacent property line, the size of the 8-12 stall horse barn, size of the indoor ring, location of the proposed structure, vicinity map, and contours are to be placed on the site plan map.

A motion to open the Drury special permit public hearing was made by board member Steller, and seconded by board member Hanson. 4 ayes, 2 absent.

There were no public comments.

A motion to adjourn the Drury special permit public hearing to August 7, 2007 was made by board member Rochfort, and seconded by board member Hanson. 4 ayes, 2 absent.

for review.

Mrs. Drury was given a copy of the site plan map submitted earlier, and was assisted by board member Steller, who wrote in the required information.

Board member Hanson questioned Mrs. Drury how much land clearing she proposes? Mrs. Drury said that over time she will need a master plan, but to begin, the land area that she chose is the clearest on the property which would not take very much clearing. Board member Hanson remarked that the board would be concerned about how much tree cutting would be done. Board member Steller said concerns about clear cutting, etc. would be covered under the new DEC Permit. Mrs. Drury remarked that she wants to do what is appropriate.

Chairman Beaumont questioned Mrs. Drury if she has any renderings of the stable and/or the riding ring? Mrs. Drury said she can bring in a standard drawing but would not want to be held to this drawing.

Fee Status: Application and Escrow fees paid

Chairman Beaumont presented a copy of the East Fishkill, Beekman, Master Plan Committee's comments and Rhinebeck Master Plan to Frank Genova for his perusal, also, to forward to Tim Marshall for the meeting scheduled next Wednesday, and commented that the Rhinebeck Master Plan is a good guide.

The application request of Assael Site Plan and Special Permit (Salvador J. & E. Christina Lang Assael) 4449 Route 44 is for special use permits for 3 accessory residential housing units, three (3) bedroom caretakers cottage, two (2) bedroom guest house, and four (4) bedroom accessory apartment above garage; related site plan approval and area variances to allow more than one accessory residential housing unit. The property is zoned RR 10.

Mark Graminski, P.E., L.S., Red Hook, NY appeared before the board representing the applicants.

Chairman Beaumont read the published public notice and explained that for this application, one (1) accessory structure is allowed under the current Zoning Code, which would be for the caretakers cottage. The bulk of this property is in the Dutchess Land Conservancy; there is no ability to enlarge the existing residence due to the Dutchess Land Conservancy easement. The application is to create two structures next to the main house; one apartment for the staff above the garage, and a guest house. A swimming pool that is already in existence would be relocated.

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Chairman Beaumont stated that a coordinated review with the Zoning Board of Appeals that was adopted at the June 5th meeting will take place. All of the requests are on the table to be

reviewed so that any issue of segmentation is dismissed.

Chairman Beaumont explained that the public hearing will be opened, remain open until such time that the Zoning Board of Appeals reviews the application and concludes with a determination. Chairman Beaumont mentioned that ZBA Chairman, Brad Roeller is in attendance tonight to gain insight on this application. The application and public hearing of the Zoning Board of Appeals is scheduled for July 17, 2007 at 7:30 P.M.

A motion to open the Assael Site Plan and Special Permit public hearing was made by board member Steller, and seconded by board member Rochfort. 4 ayes, 2 absent.

A unidentified person from the public questioned if there is a fence around the existing swimming pool? Chairman Beaumont expressed that this is required by law. Mark Graminski said when the swimming pool is relocated it will be fenced.

Mark Graminski presented the reproduced color photos taken and vicinity map for the Viewshed Plan which was an attachment to the application packet submitted to the board. Mr. Graminski gave an introduction to the project and said the property is located on the west side of Route 44, between Shunpike and Millbrook School Road. The parcel of land that is in application with the Planning Board and also the Zoning Board of Appeals is the eighty acres parcel. All of the improvements that are proposed are on this parcel. The purpose in preparation of this particular plan was to try to give the board the sense of the project as related to the neighborhood and surrounding area. Mr. Graminski said that he took photographs from various locations around the property. The existing structure, although difficult to see on this photo because of the enlargement, was pointed out by Mr. Graminski. Mr. Graminski said that he tried to take photographs from various locations around the area and explained that it is very difficult to see, the property is well screened, there is an existing road, vegetation, that was pointed out on the viewshed plan. There is also vegetation along Route 44. The driveway is on the south end of the property, the driveway actually enters, loops around, then comes into where the existing residence is located. That same driveway will be utilized for all of the structures that are proposed.

The footprint rendering of the guest house and staff housing was reviewed by the board and ZBA, Chairman Roeller. Also pointed out on the curve is the proposed caretakers cottage. The existing Assael Main House residence, the existing swimming pool, the proposed guest house on the west side, the proposed staff quarters above the proposed garage that are on the right side of the parking, re-location of the swimming pool was also pointed out, with additional structures related to the pool and guest house.

Chairman Roeller said he understands that the property is held in a conservation easement with the Dutchess Land Conservancy and questioned if this precludes further subdivision of this property and enlargement of the existing building? Mr. Graminski responded affirmatively.

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Chairman Roeller questioned if there have been any attempts by legal advisors to revise or terminate the existing easement? Mr. Graminski said he has knowledge that there has been

conversation with Dutchess Land Conservancy regarding revision or modifications to the existing easement on the property. Chairman Roeller questioned if DLC has been brought into this process regarding the review because their standards and original intent with the former owner might influence the development of this property? Mr. Graminski said that Art Collins, DLC has been to the site and was confirmed by Chairman Beaumont. Chairman Roeller questioned if the current restrictions are no expansion of the building and no subdivision? Mr. Graminski responded affirmatively.

Board member Steller suggested that a letter from Dutchess Land Conservancy be extracted through the office of Attorney Richard Cantor that DLC is satisfied with the proposed plan. Chairman Roeller suggested that the letter from the Dutchess Land Conservancy outline the easement conditions and be submitted to the Planning Board. Mr. Graminski said that he will contact Mr. Collins, DLC since attorney Cantor is on vacation this week. Chairman Roeller questioned if attorney for the Town, John Gifford, has knowledge of this application? Chairman Beaumont expressed that attorney Gifford knows of this application but the planning board has not asked him for any input.

Chairman Roeller questioned if the conservation easement was originated with the previous owner, Mora, and at that time was a residence constructed? Mr. Graminski said that the original residence was existing. Chairman Roeller questioned if DLC modified the conditions of the easement from the previous owner to the present owner? Mr. Graminski said that the easement was not modified for Mr. and Mrs. Assael.

Mr. Graminski questioned if the planning board has been determined lead agency for this application? Chairman Beaumont and secretary Caul confirmed that the planning board is the lead agency. Materials for lead agency circulation were mailed and responses received from: Department of Planning and Development, State of New York Department of Transportation, Dutchess County Department of Health, Dutchess County Department of Public Works, Town of Washington Zoning Board of Appeals, and New York State Office of Park, Recreation & Historic Preservation. No response was received from the Department of Environmental Conservation Region 3 Office. The Planning Board is declared Lead Agency for this application.

Mr. Graminski questioned if the 239M Form has been submitted to the Dutchess County Planning Department? He attempted to contact Neil Wilson before vacationing but was unable to do this. Mr. Graminski said he will follow up. Secretary Caul remarked that consultant Wilson submits the 239M Form to the County on all required applications..

A motion to continue the Assael Site Plan and Special Permit Public Hearing on August 7th was made by board member Steller, and seconded by board member, Hanson. 4 ayes, 2 absent.

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The Bancroft Farm Subdivision (Ron Romeo) westerly side of Verbank Road, north of Milewood Road, request for a proposed four (4) lot subdivision, one (1) common driveway and wetland crossing was reviewed at the workshop on June 26th with Tim Race, L.S., Mr.

Romeo, owner, and son-in-law present, and was not scheduled to be heard at this meeting. Chairman Beaumont reviewed the Bruce Barber, wetlands specialist and biologist, Cornerstone Associates, Memorandum dated June 23, 2007 for the benefit of board members who were not in attendance at the workshop.

Chairman Beaumont reviewed the planning board's concerns, and said that last month consultant Neil Wilson, Bruce Barber, Mr. Tompkins, Chazen engineer, and Tim Race, L.S., visited the site. A report from Bruce Barber's site inspection of the property, who reviewed and analyzed the specific areas of proposed wetland and wetland buffer disturbance was noted and submitted to the planning board. Chairman Beaumont referred to the memorandum, A. Inspection Locations:

B. Comments: Area A.: This area was discussed as a possible location for wetland mitigation. The existing farm road bisects this wetland and was found to be overgrown with both native and invasive vegetation. Wetland hydrology has stabilized over time and the area to the north of the road was found to be a shrub-scrub wetland and the area to the south has vernal pool characteristics. Mr. Barber's recommendation is that utilization of this area as access may disturb the existing stable conditions and large scale mitigation is not recommended. Removal of debris (including an old post and wire fence) as well as invasive species removal is desirable.

Area B: Area B is the location of the proposed new access driveway. There is an existing managed "lawn" area between the pond and the wetland located to the north. The proposed area of disturbance and grading will be only several feet away from the existing wetland and pond. There was discussion pertaining to potential driveway flooding, and how driveway sediment will be controlled. Chairman Beaumont pointed out the washed out area on the subdivision map, also the culvert is in bad condition. Work needs to be done in this area.

Area C: The wetland in this area is located immediately adjacent and runs roughly parallel to the existing/proposed driveway. The wetland forms a watercourse which was previously piped under the existing farm road. Evidence of substantial flow in the form of erosion and cross-over pipe damage was observed. The size of the cross over pipe, and the potential for driveway flooding and instability/erosion was discussed. Concern about the use of deicing chemicals proximal to the wetlands was raised. The Applicant's consultants will provide engineering analysis of the flow at this design point and review the pipe sizing. In addition, stabilization of the watercourse embankments and the use of alternative pervious driveway materials will be reviewed. Chairman Beaumont remarked that this may need to be raised entirely.

Area D. Chairman Beaumont remarked that this area of the proposed NYSDEC wetland crossing immediately to the north of the large farm pond, prompted a telephone call from consultant Wilson, who was very surprised that the whole area on the west side of the concrete dam, was all eroded due to the April 16th storm. Sediment was found to extend past the concrete dam with berm overflow and subsequent erosion to the wetland area to the north (area of proposed crossing) was noted. Some possible leaking of the dam was observed.

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Chairman Beaumont expressed that this needs to be DEC approved; is the major problem of the entire project. Board member Steller suggested that a copy of this report be sent to DEC. Chairman Beaumont said this was sent to DEC but there has been no response. The condition

of the dam as well as the area in which the berm is eroding was found to be of substantial concern. The origin of the introduction of the sediment bar into the pond could not be fully determined but it is possibly caused by substantial existing farm road erosion. It was felt that the location of the proposed crossing and abutments could not be fully analyzed until issues with the pond, proposed driveway and dam were reviewed. Engineering analysis of the pond/dam as well as the existing farm road stability will be conducted by the applicant's consultant.

Chairman Beaumont related that he gave a copy of Mr. Barber's report and Chazen's statements that were generated to Frank Genova, Conservation Advisory Commission (CAC) for review.

Discussion followed between chairman Roeller, board members and Frank Genova regarding flood plains, the number, length, turnouts, of the driveways. Board member Hanson expressed that the Fire Department, and Town Highway Department have not given their input. Chairman Roeller questioned if the maximum grades of the driveways have been reviewed? Chairman Beaumont said Rodney Morrison, P.E., is to review the driveways. Frank Genova spoke to the flood plains, said, geologically, these are oxbow lakes, and meandering streams, that in times of heavy rainfall, they will flow fast and erode, but every once in awhile they will overshoot their basin and take a different tour. They are called oxbow lakes because they look like a hook and eventually close right up.

Chairman Roeller questioned if the building envelopes have been placed on the plan? Chairman Beaumont responded negatively, said that an indication of the building areas have been given.

A copy of the Bruce Barber, Cornerstone Associates, review and analysis memorandum dated June 23, 2007 is on file.

A motion to adjourn the meeting was made by board member Hanson, and seconded by board member Rochfort. 4 ayes, 2 absent. The meeting was adjourned at 8:31 P.M.

Respectfully submitted,

Nikki Caul, secretary