

**TOWN OF WASHINGTON
PLANNING BOARD**

September 4, 2007

The monthly meeting and public hearing of the Town of Washington Planning Board was held on September 4, 2007, the Town Hall, 10 Reservoir Drive, Millbrook, New York.

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

Chairman Beaumont called the meeting to order at 7:32 P.M., and referred to letters sent to Building Inspector, Jim Tyger, and Zoning Administrator, Jack Newbauer, regarding the Millbrook Training Center, Route 44 (Joseph Parrinello) road configuration. The Planning Board has no concern regarding ingress/egress of the driveway on Fowler Road; Town Highway Superintendent, Jim Brownell should be contacted for approval. However, the board has questions regarding the legality of the signage on Route 44 and requests that Zoning Administrator, Newbauer check the signage for compliance. Chairman Beaumont announced that a Town Board meeting will be held on September 13th regarding new legislation for subdivisions, cemeteries, etc.; the town board urges as many planning board members as possible to attend the meeting.

Chairman Beaumont announced that the planning board has requested placing a moratorium for one year with respect to subdivisions that would create more than four lots. This will give the comprehensive plan committee time to update the master plan that is under review by the town board. This item will also be discussed at the September 13th meeting.

Chairman Beaumont next read the order of the applications to be heard.

The application request of Mabbettsville Gas Station & Convenience Store (Sebastian Burnett) 3820 Route 44, Mabbettsville is for continued operation of the gas station and convenience store subsequent to discontinued use as a result of the October '06 fire. The property is zoned HM 1. Sebastian Burnett appeared before the board.

Chairman Beaumont related that he consulted with attorney for the town, John Gifford, regarding his unique problem. It is the board's understanding that there has been considerable difficulty with Mr. Burnett's insurance company. Chairman Beaumont expressed that a special permit is void after one year; since Mr. Burnett has had no control over this discontinued use, the town is allowing Mabbettsville Gas Station & Convenience Store continued operation for one year. Chairman Beaumont stated that since the occurring discontinuation there have been zoning changes; no gas stations are allowed in Mabbettsville for environmental purposes.

Mr. Burnett made a correction regarding the date of the fire as being October, '06 not May, '06 as stated on the agenda.

The application request for LaCasse Site Plan (Joan LaCasse) 38 Route 343, is for the

construction of a 20'x16' rear deck off of the kitchen and rear bedroom. An area variance was granted by the ZBA on 8/21/07. The property is zoned RH 1.

Dutchess County Tax Map Grid No.: 6764-01-303703

Joan LaCasse appeared before the board.

Review of the materials submitted to the board followed. Chairman Beaumont related that the zoning board granted a plus or minus 20 foot relief from the 30 foot standard setback for the RH 1 zone, with the condition that the deck is not to be enclosed or have utilities associated with the deck and is to be used for outdoor recreational purposes only.

A motion to waive site plan review and grant approval to the LaCasse Site Plan was made by board member Alley, and seconded by board member Hanson. 5 ayes, 1 absent.

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, 3 bedroom caretakers cottage, 2 bedroom guest house, and 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. An area variance was granted by the ZBA by Resolution and Record of Findings on 8/21/07 with conditions.

Richard I. Cantor, Esq. Teahan & Constantino, 2780 South Road, Poughkeepsie, NY appeared before the board representing the applicants, also in attendance, Armand DiBiase, DiBiase, Filkoff Architects, Bedford, NY.

Chairman Beaumont stated that the planning board held a coordinated review with the zoning board of appeals; there was a concern by the zoning board about setting a precedent. Chairman Beaumont next read the ZBA Resolution special conditions adopted by the zoning board of appeals on 8/21/07. “ 1. That the accessory apartment for staff may only be occupied by individuals with either a family or direct employment relationship with the property owners; and 2. That the use of the guest house shall be limited to occasional and temporary residential use by friends and family of the property owners for which no rental or other charge is made or received, either directly or indirectly, in cash or in kind of services. For purposes of this variance the word “occasional” is defined as occurring at infrequent intervals or as incidental or as casual; that is, as distinguished from events of a similar nature recurring with some degree of regularity. Failure to comply with the above stated conditions is subject to enforcement pursuant to terms of New York State Law, Section 268.”

A motion to re-open the Assael public hearing was made by board member Hanson, and seconded by board member Alley. 5 ayes, 1 absent.

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No one from the public came forward to comment on this application.

A motion to close the Assael public hearing was made by board member Hanson, and seconded by board member Rochfort. 5 ayes, 1 absent.

Consultant Wilson suggested that board members briefly review the special permit approval conditions. The special permit approval for the Assael Accessory Residence to be constructed is in accordance with the Site Plan Map Set prepared by DiBiase, Filkoff Architects dated July 13, 2007. The Planning Board approval of the application is conditioned on the following:

- 1) The accessory residences may not be subdivided onto a separate building lot without Planning Board approval.
- 2) the applicant shall obtain all required Health Department approvals for the on-site water supply and sewage disposal systems for each accessory residence.
- 3) The accessory residences shall be constructed in accordance with the plans and specifications that have been reviewed by the Planning Board. Any modification to the location or size of the accessory residences shall be subject to amended site plan approval by the Planning Board.
- 4) Upon completion of construction, and prior to issuance of a Certificate of Occupancy, the applicant shall provide to the Building Inspector/Zoning Administrator, and to the Planning Board, a survey of the property depicting the location of all improvements, including the approximate location of sewage disposal and water supply facilities and distribution lines. The survey shall also depict offsets of on-site structures to nearby property lines.
- 5) The accessory apartment for staff may only be occupied by individuals with either a family or employment relationship with the property owners; and
- 6) The guest house shall be limited to occasional and non-rental residential use.

A motion to grant the Assael site plan and special permit approval was made by board member Alley, and seconded by board member Rochfort. 5 ayes, 1 absent.

Fee Status: \$500.00 additional escrow monies were requested

A check in the amount of \$500.00 was received on 9/10/07.

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., The Chazen Companies, appeared before the board and presented revised materials of the subdivision plat, driveway 1 plan and profile, driveways 1 & 3 plan and profiles, driveway 2 plan & profile, site details, and erosion and sediment control and stormwater details that were reviewed by the board, consultant Wilson, and Mr. Race.

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Mr. Race said that nothing has changed in the lot configuration. Chazen has addressed the four issues made by Bruce Barber, wetlands specialist and biologist, Cornerstone Associates, in his June '07 memorandum: 1) area of proposed crossing at Wetland A situated just north of

the pond; the suggestion was to put in a culvert pipe that would pitch back towards the wetland in the event of a flood; provided are four 15" diameter culvert pipes. In the event of a ten year storm that pond would over top and flow into the wetland. In the stormwater analysis it was determined that the pond does overflow in a storm. By placing the driveway there you are actually forcing the water to go over the weir. There will be no disturbance to that wetland crossing; they are providing two small concrete retaining walls on each end of the driveway.

2) for the next wetland crossing, talked about, was originally placing a box culvert; the engineers placed five (5) 18" ?; the reason they placed those rather than the box culvert was because of construction, it is a concern talked about by Mr. Barber for a bottomless box culvert. Because of the profile of the road, it is very shallow there. Chazen may want to talk to Mr. Barber about that. As far as stabilizing that bank, they proposed hand placing cobbles and concrete.

3) the third area was the actual crossing of the wetland by the pond; Chazen did a stormwater analysis and designed a three-sided box culvert for a one hundred year storm which is way more than is needed. Mr. Race referred to the site details sheet and said what was talked about was the dam failing at some point, designed are two large culverts on each side of the concrete arch. Mr. Race said that he believes calculation was for 100 yr. storm for the water level to be 2 ft. above the spillway. The arch culvert is approximately 4 ft. above that arch which should give one foot leeway in the event of a 100 yr. storm. The culvert has a 30 ft. span that builds the earth back up in that area.

Mr. Race referred to the concern of the actual dam and the April storm. The plan builds the earth back up in that area; a concrete wall is being proposed which would actually wrap around and follow the road bed.

4) Area E of Mr. Barber's report is the area of proposed driveway adjacent to the western edge of Wetland E where the location of the proposed driveway was discussed relative to the wetland buffer and also an extremely large Sycamore tree was found to be desirable to protect. The tree falls within the wetland buffer, the road doesn't impact the tree. They measured a 60 ft. radius around the tree and made sure that the road doesn't impact the tree. Mr. Barber's comment was to try to shed water towards the tree. A level sprinter was provided. A culvert crossing the road would catch the water running off of lots #2 and #3, would shoot the water across the road and spread out over the roots of the Sycamore tree and provide the water that the tree needs.

Mr. Race said that he received an e-mail from the DEC, Alex Chesley, who stated that they will start the wetland permit review.

Mr. Race referred to stormwater as being treated with grass swales along the road.

Consultant Wilson expressed that the board will not get a separate sign-off from DEC regarding stormwater, Alex Chesley won't issue a permit until..... Consultant Wilson said that he will arrange a meeting with Rodney Morrison, P.E.

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Mr. Race said that Mr. Romeo wishes to place the majority of his land in conservation easement with Dutchess Land Conservancy. Talked about today was creating a continuous strip of land around the upper side of the property. The lines that are shown are basically four to five acre lots.

Board member Steller questioned how much of the land is non-buildable? Mr. Race remarked that it is hard to say, there are steep slopes, bedrock. A slope analysis was provided to the board. Soils testing was also done wherever a house was proposed.

Fee Status: \$3,000 additional escrow monies received 9/4/07

The Haven Hill Subdivision (Victor Paolo) 3997-4015 Route 82 request is to construct six (6) new residential building lots on 15.75 contiguous acres of undeveloped land. An approximately 760 linear foot road is proposed to serve the lots with an intersection created at the entrance of 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.

No one appeared before the board.

Consultant Wilson gave a report on what details have transpired since the planning board workshop relative to the road link suggested by the fire department. Consultant Wilson, Rodney Morrison, P.E., Michael Gillespie, engineer representing Mr. Paolo, and Chris Hawks, Fire Chief, held a meeting at the Millbrook Fire Department.

The current plan has the cul-de-sac. Mr. Gillespie brought in a plan with a road reconfiguration for two way access and was asked by consultant Wilson if his client is willing to do that. Mr. Paolo is willing to consider it. There is an access easement of some kind; Mr. Gillespie said that he doesn't know exactly what the easement is, research hasn't been done, it is unknown if there are restrictions/limitations on the use. Fire Chief Hawks was much happier with the road reconfiguration. Engineering regarding the sight lines needs to be done. This concept plan would solve a lot of problems and would also cut the amount of land disturbance. A notation appears on the College Hill subdivision plan.

Mr. Gillespie was concerned about the cost for his client in building the road. Consultant Wilson made known that the board was not looking for a paved road, a gravel driveway is preferred. Consultant Wilson expressed that there is concern about the width of the shoulders, particularly the turns for larger trucks, which all needs to be worked out.

Consultant Wilson said that they are holding off on drilling the test well until the lots are re-configured.

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Chairman Beaumont referred to the quality of the driveway for emergency vehicles. Consultant Wilson said it would not be a road built, that is not used, that would fall into disrepair.

The application request of Pfisterer-Lahey Special Permit (Matthew Pfisterer and Lisa Lahey Pfisterer) 2444 Salt Point Turnpike, Clinton Corners, Town of Washington is for the conversion of an existing garage into an apartment. The property is zoned RL 5.

Matthew Pfisterer and Lisa Lahey Pfisterer appeared before the board.

**Dutchess County Tax Map Grid Nos: Town of Clinton - 656600
Town of Washington - 6566.02**

Chairman Beaumont questioned if the current septic system will service the proposed garage apartment? Mrs. Pfisterer said that she is uncertain; they will probably need to put in another well and septic system.

Consultant Wilson expressed that Mr. and Mrs. Pfisterer are going to need to provide a water supply and sewage treatment for the proposed apartment. It would probably make sense to tie into the existing well assuming the water capacity is adequate. Consultant Wilson suggested that Mr. and Mrs. Pfisterer engage the services of a professional engineer.

Consultant Wilson remarked that the map that was provided shows a subdivision of this property that doesn't show up on any property tax map. Mr. Pfisterer said that there are a number of issues the way the parcel was configured. The '03 map shows a subdivision line was provided. Consultant Wilson said it is known that there is a town line; the map that was provided shows a subdivision line that doesn't show up on the tax parcel record.

Mr. Pfisterer said it is his understanding in the history of the property that the previous owner purchased a parcel from his neighbor, then merged them together.

Board member Hanson expressed that the map the board is reviewing was never filed, Mr. and Mr. Pfisterer will need to talk to the surveyor.

Board member Steller said that there is a filed map that is referenced; mostly likely that is where the surveyor took this from. Board member Steller suggested Mr. and Mrs. Pfisterer call their surveyor and ask if that is the current deed description or from an older map.

Consultant Wilson recommended locating a copy of the original building permit and Certificate of Occupancy after construction.

Fee Status: Application Fee	\$400.00
Escrow Fee	300.00
Total Due	\$700.00

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The application request of Foxe Special Permit (Thomas Timothy Foxe) is for special permit approval for the two-car garage and one-room apartment as an accessory residence. The property is located at 702 Route 343 and is zoned RR 10.

Dutchess County Tax Map Grid No.: 6864-00-955524

Previously submitted to the board were completed Application for Special Permit including Affidavit of Owner appointing the undersigned as his agent, affidavits of agent, Agricultural Data Statement, Short Environmental Assessment Form, owners deed, construction drawings for the guest house, and Site Plan.

Jeffrey A. Giardina, Esq. appeared before the board representing the applicant.

Mr. Giardina explained that the Foxe main house is under construction and is expected to be completed in October or November '07. The main house will have its own well, septic system, and garage. There is 900' between the main house and the accessory residence apartment. The lot size is 44.51 acres, double than what is required in the RR 10 zone. Mr. Giardina said that Mr. Foxe maintains an apartment in New York City.

Board member Hanson questioned about the use of the apartment. Mr. Giradina said it will most likely be for occasional use for guests, friends, family members. Mr. Giardina said the apartment is one-room, contains a built-in bed, a stove, refrigerator, bathroom.

Board member Hanson questioned Mr. Giardina if he heard the restrictions/conditions placed on the Assael special permit by the Zoning Board of Appeals? Chairman Beaumont questioned if the same restrictions placed on the Foxe Special Permit would be acceptable to the applicant? Mr. Giardina said that it is okay to have the same restrictions placed on the Foxe special permit.

Better information regarding the well and septic location needs to be shown on the site plan map. Presently it is only shown as an X, is to be shown anything other than an X, a rectangle symbol. It is recommended that Kirk Horton, L.S. be contacted to show this information. Mr. Giardina said that he has paper work on Ron Friedman's work, information on water supply, sewage disposal. Consultant Wilson recommended that this information be sketched out from Mr. Friedmans map and shown on the site plan map. Board member Hanson suggested that Mr. Giardina write down the information that the board is requesting. The board requested the following: location of the septic system and well, yield capacity of the well, and location of the utilities.

Board member Steller remarked that a note/legend should be placed on the site plan that this particular driveway that is proposed does not exceed the ten percent- twelve percent grade standards.

Board member Hanson pointed out a discrepancy on the map, information showing New York State, Route 343, Town of Red Hook which should be corrected.

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Revised materials are due September 25th for the planning board workshop.

A public hearing is scheduled for October 2, 2007.

Fee Status: Application Fee	\$400.00
Escrow Fee	300.00

Total Due \$700.00

Steven Alex, The Chazen Companies, appeared before the board for a pre-application discussion on a proposed subdivision, Higher Ground Farms, LLC, Chestnut Ridge Road and presented a 2004 Orthophoto of Higher Ground Farms, LLC, dated July '07, 8 ½ x11 Identification Map, USGS Topographic Map, Wetlands Map, Soils Map, and Conservation Easement Map for the board's review.

Mr. Alex related that the property is Higher Ground Farms, LLC currently comprised of three (3) tax parcels. There is a dwelling, guest house, barn. The owner would like to do a series of lot line realignments to separate the dwelling in the residential area of the property from the equestrian area. Lot #1 is the main parcel that contains the residential dwelling and the barn, Lot #2 is the equestrian lot, bigger in size, and is a mostly wooded area, Lot #3 is the larger lot located on the north end with frontage on Route 343.

Mr. Alex reiterated that the primary reason for the proposed lot lines is to separate the residential from the equestrian area.

Consultant Wilson questioned if a part of the property contains a recorded easement? Mr. Alex responded affirmatively.

Mr. Alex stated that other than what may have to be done to facilitate the equestrian, there will be no physical changes to the site.

Consultant Wilson questioned if the small private stable was previously approved by the board? Mr. Alex questions if there is a special use permit that was approved earlier on. Consultant Wilson remarked that this is the original Rosenfeld subdivision. If a special use permit exists a straight forward lot line adjustment would be proposed. Consultant Wilson indicated that once a special permit is issued, if there is a change to the site plan, only an amended site plan approval would be required, unless there is a significant change in the operation. Consultant Wilson remarked that research for the special permit is immediate. Secretary Caul is to research the files for a special permit. Consultant Wilson referred Mr. Alex to Mark Graminski, P.E., who worked on the driveway specifications and may be able to help him with the information he needs.

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Mr. Alex said there is existing farm land and a State wetland which they will avoid disturbing.

Board members questioned if the manure would be hauled away? The board would rather see spreading the manure vs storing and hauling away; this could avoid a variance for setbacks. A side and rear yard variance for relief from setback requirements may be needed.

Consultant Wilson remarked about the planning board arrangement with Dutchess Land

Conservancy.

Secretary Caul is to research the files and possibly locate the special permit approved earlier on. Consultant Wilson suggested that Mr. Alex research the property deed for this information. It is unknown if the name of the Record Owner, Rosenfeld, was the applicant for the special permit or was applied for under a business name.

An initial application is forthcoming.

There being no further applications on the agenda, a **motion to adjourn the meeting was made by board member Hanson, and seconded by board member Alley. 5 ayes, 1 absent.**

The meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Nikki Caul, secretary

