

Town of Washington
Planning Board Minutes
April 6th, 2010

The monthly meeting of the Town of Washington Planning Board was held on April 6, 2010 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Josh Mackey, Robert Alley, Thomas Beaumont, Matthew Rochfort, James Shequine, consultant Neil Wilson. Absent: Donald Hanson.

Chairman, Mackey opened the meeting at 7:30 P.M. with the Pledge of Allegiance, next read the meeting's agenda.

A motion to approve the March 2, 2010 meeting minutes as submitted was made by board member Shequine, and seconded by board member Alley. 5 ayes, 1 absent.

The application request of Shultz Special Permit (Michael A. Shultz) 3815 Route 44, property of David B. Hammond, DVM, is for placement of a 24'x24' pre-built shed for storage, no water or electric is included. The property is zoned HM, AQ.

The applicant previously submitted completed Planning Board Combined Application Form, Short Environmental Assessment Form, photo of the proposed shed, and a survey map.

Michael Shultz appeared before the board, submitted a 8 ½ x 11 ariel map dated 2007, showing the location of wetlands on the property obtained from Dutchess County Soil and Water Department.

Chairman, Mackey related that the board discussed the application at the workshop meeting, has questions on the survey map that has been submitted, a more updated map is needed. Since Dr. Hammond is the property owner the board feels that the application needs to be updated to include his name and/or authorization.

Chairman, Mackey referred to the map submitted by Mr. Shultz prepared in 1984. Mr. Shultz remarked that this is the most recent map that he obtained from Brian Houston, Bly & Houston, LLP. Said, nothing has been changed to the property since 1984 when Mr. Taylor subdivided his property. The placement of the proposed shed is nowhere near the wetlands that are shown on the ariel map he presented.

The board discussed the property as being in the Aquifer District Zone 2. Consultant Wilson spoke to the zones that are for the Village of Millbrook Watershed Protection. Zone 1 is the actual one hundred seventeen acres the Village owns where they have their facilities, then spreads out to Zone 2 which includes the application area, Zone 3, ends in a portion of the Town of Stanford, then southward down toward Chestnut Ridge that is part of the landfill area. The Aquifer Overlay District is something different. Consultant Wilson presented copies of the

Aquifer Overlay District large scale maps according to soils specifics, said portions of this application area are part of Map Zone 2, where the Village Supply Water Protection is located. Next pointed out the Hammond site, located in the middle of the map of the Aquifer area. Said, the overlay zone imposes additional siting criteria, superimposes them on whatever the underlying zoning is, which in this case is the Hamlet zone. The Hamlet zone only cuts across a portion of lands within Crescent Road, but does include the Hammond site. Any improvements on Dr. Hammond's property would be subject to site plan approval. An updated survey would be needed showing the location of the proposed improvements in relationship to the boundary line, and to the existing improvements.

The ariel photograph submitted by Mr. Shultz was compared against the 1984 drawing, there have clearly been improvements made to the building that are not reflected on the survey that was presented. Consultant Wilson said, one of the things that are required of all applicants is to provide an updated survey showing the existing onsite conditions. Once the updated survey has been prepared, the board asks to have the proposed location of any new improvements actually shown on the drawing, showing offsets, property lines, in compliance with the zoning. Board member Beaumont interjected, "also the distance from the wetlands." Consultant Wilson remarked that in this case the board could ask to actually have the wetlands flagged. These are federal wetlands under the jurisdiction of the Army Corp of Engineers. If it is also found to have a State Wetland there is the additional 100 foot buffer to be considered. Review of the Aquifer Overlay District Map and Hamlet Zone Map submitted by consultant Wilson was reviewed by the board. Consultant Wilson remarked that it is information that needs to be shown on an updated survey map. Board member Beaumont remarked that the DEC may possibly become involved.

Chairman, Mackey addressed Mr. Shultz, said since there is a great deal of information that he needs to obtain for the application, the amount of expense involved, recommends placement of the shed somewhere else on the property or elsewhere. Mr. Shultz said he will place the shed anywhere on the property that the board approves. Chairman Mackey remarked when taking the one hundred foot buffer into consideration it doesn't leave much space for the shed placement. Board member Shequine mentioned that Schuyler Woods, former applicant, has a current map of this area that he submitted for his approval.

Chairman, Mackey questioned Mr. Shultz what he plans to store in the shed since there are strict requirements for storage of liquid chemicals, etc. Mr. Shultz said he plans to store wire and boxes in the shed. Consultant Wilson questioned if the shed is to be heated? Mr. Shultz's response was negative, said it is a building on skids, a mobile shed, that can be hauled away after use. He feels that this will not have a large impact on the environment or Village water source when there is a gas station across the road that is in the same zone. Mr. Shultz said that it is not that important to him if it is going involve the DEC, planning board lengthy application process, and much more expense. Said, he will look for another place.

Applicant Shultz decided not to go forward and withdrew the application.

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The application request of Taylor Oil Site Plan (George M. Taylor & Son, Inc.) 28 Tinkertown Road, Dover Plains, NY Town of Washington is for installation of 2-30,000 gallon underground propane tanks. The property is zoned RH 1. The ZBA granted Special Permit on March 16th with condition of instructions for developing inspection procedure for the installation with

Building Inspector/Zoning Administrator, Jack Neubauer.

Chairman, Mackey indicated that board member and Millbrook Fire Company President, Matt Rochfort has submitted a letter from the Millbrook Fire Department. Next read the letter dated February 16, 2010 under the signature of Chris Hawks, Chief into the record that states, "a letter was received from Taylor Oil proposing the installation of propane storage tanks. He is sure they will follow all State and Federal laws and would like a site map of where and how big the tanks will be." Board member Rochfort expressed that Fire Chief Hawks has received a copy of the site map.

Kevin Taylor, owner and John T. Hart, Duck Harbor Energy Consultants, LLC appeared before the board, submitted a revised site plan map in accordance with the Wilson & Coons, March 11, 2010 Memorandum and was reviewed by the board, consultant Wilson, Kevin Taylor and Mr. Hart. Consultant Wilson expressed that the requested corrections, various notes, and the details for showing location of the Bobtail trucks fill up and transports are shown. A question from consultant Wilson was about the one way arrow showing traffic into the site; he understood that the traffic was still entering in the same location with a turn around or back up. Kevin Taylor confirmed the traffic location which was accepted by consultant Wilson. Consultant Wilson related that the additional details about the bollards, piping detail, guide rail, detail for the protection of the tanks, and the piping and fixtures are shown as requested.

Board member Beaumont spoke to the ZBA meeting minutes as being very thorough, with questions by the board members and presentation of input by Mr. Hart and Kevin Taylor. According to his calculation all of the safety concerns have been addressed, and Brian Coons, consultant was also satisfied with the input. Since Mr. Coons worked on the Negative Declaration with consultant Wilson, asked if a letter for the file was received. Consultant Wilson expressed that the ZBA Memorandum was put together by himself and Brian Coons. Secretary Caul said a copy of the Memorandum is in the planning board files. Board member Beaumont remarked about the ZBA 239M Referral Form that was submitted along with application materials to the Dutchess County Department of Planning, questioned if the planning board also needs to submit again for this application? Consultant Wilson responded affirmatively, said these are separate approvals, the ZBA checked off approval for Special Permit. The process mandates County Planning sign off for Site Plan approval. Consultant Wilson will submit the 239M Referral and application materials to Dutchess County Planning Department.

Chairman, Mackey polled board members about holding a public hearing for the Taylor Oil Site Plan application. **A motion to hold a public hearing on the Taylor Oil Site Plan Application was made by board member Beaumont, and seconded by board member Alley. 5 ayes, 1 absent. A public hearing is scheduled for May 4, 2010.**

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Mr. Hart questioned about the difference between the two applications, special permit and site plan? Consultant Wilson said it is strictly procedural. Chairman, Beaumont remarked that the planning board also has other concerns such as lighting, ingress, egress, to the site.

Chairman, Mackey presented a Planning Board Fee Schedule to Kevin Taylor that includes

the site visit made by the board, consultant Wilson and Brian Coons, and various report fees that the applicant is responsible for.

Fee Status: Site Plan Application Fee	\$ 400.00
Escrow Fee	1,500.00
Total Due	\$1,900.00

Mr. Hart remarked about the planning board public hearing being the last hurdle, the cost of steel is rising, the tank manufacturer has been holding the tanks since December, is getting nasty about the time of delivery. Board member Beaumont said, yes, only if during the public hearing something comes up that affects the approval then the board has no recourse.

Chairman, Mackey questioned if anyone has talked to Jack Neubauer about the inspection plan conditioned by the ZBA? Mr. Hart said he talked about this with Building Inspector, Neubauer, submitted a four page document that references the standards he gave to Chairman, Mackey. He plans to review the material with Building Inspector, Neubauer, said this will be done in increments when the tanks are at different periods, when the tanks are being set, when the piping is completed, when the electricity is turned on and the pumps are run, then, a final walk through of the entire facility for the signage leak test is done, said, there are four different points. He next submitted the New Jersey plant annual inspection sheet, uses this because it sites all of the section of the pamphlet that applies to what is included. Mr. Hart said he will work with Building Inspector, Neubauer. A number of digital pictures will be taken as the tanks are being set for the file as reference. A digital record of the entire installation will be taken, so if Building Inspector, Neubauer misses one phase, gets rained out, he will have a record.

There being no further discussion, a motion to adjourn the meeting was made by board member Beaumont, and seconded by board member Alley. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Nikki Caul, secretary

