

TOWN OF WASHINGTON PLANNING BOARD  
August 1, 2017

The monthly meeting of the Town of Washington Planning Board was held on August 1, 2017 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Paul Schwartz, Buffy Arbogast, James Cornell, Donald Hanson, Robert Kulpa, also, planner/consultant Neil Wilson, Al DeBonis, councilman/ planning board liaison and David Greenwood, Conservation Advisory Commission, chair.

Chairman Schwartz opened the meeting with the Pledge of Allegiance at 7:32 P.M., signed the Bos Haven Farms, Inc. Lot Line Revision Mylar submitted by Tim Marshall that was approved April 4, 2017,.

Chairman Schwartz read the email sent to secretary Caul dated July 26, '17 from John Allee, Allee Design, for Lowell Morse LLC, 1045-1057 Chestnut Ridge Road, for a Wetlands Permit, "My client has decided to terminate his application. He has no faith that the whiplash we have experienced so far won't continue and does not want to spend any more money on surveys, engineering, etc. without a (contingent) approval. Thank you for your help all the way, Nikki, you have been a pleasure to work with. "Respectfully, John" Chairman Schwartz stated that he was under the impression that the Board did give him a sense that if he provided what was asked for by consultant Wilson. Consultant Wilson said he was waiting for a response, referred to Steve Marino's June memo recommending relocating the septic system. Consultant Wilson said he never heard anything further after that. Chairman Schwartz questioned if the Board is to respond to the email? Consultant Wilson stated that they have withdrawn the application. The Board accepted the application withdrawal.

The application request of Guardian Angels Day Care Center Site Plan & Special Permit, (Michelle Eddington) 6 Route 343 is for the expansion of the existing day care at that location onto a contiguous vacant parcel. **Dutchess County Tax Map Grid No. 6764-01-226731.**

Attorney Josh Mackey, Mackey, Butts & Wise LLP and Michelle Eddington appeared before the board. Attorney Mackey stated that they represent Michelle Eddington, owner and operator of Guardian Angels Day Care Center located on 6 Route 343 for the issuance of a special permit and site plan approval. Said, his client is in contract to purchase a lot contiguous to the current site of the day care center which is vacant, has been so for many years. At one time it was a tennis court for Bennett College. They are trying to expand the day care to the neighboring parcel. There is a community need that is seen by Michelle, is also seen by himself as a working parent who utilizes

day care facilities. Some of this has to do with the vacuum that developed years ago when Cardinal Hayes was across the road, departed, and some of the other day care facilities in the surrounding area in Salt Point went out of business. There is an increase in the population of young families in the area needing day care. Michelle experiences this first hand, will provide specific, factual, information, it is her plan to expand the day care to the neighboring parcel. She is working with Mike McCormick, architect and Daniel Connolly, engineer to develop a site plan to build the new day care center on this contiguous lot. Jack Neubauer has been to the site, talked with Michelle and Scott Eddington about their plans. New York State has pretty much preempted local zoning from the special permit process for day care facilities. This is case law and statute, people vs Clarkstown. Attorney Mackey said he submitted the application under special permit and site plan because he felt it is the Board's decision, assumes going through some site plan review with the Board. Attorney Mackey questioned if any sketch plans were received, sent by Michael McCormick. No plans were received. A sketch plan is to be submitted to the Board for the September meeting.

Attorney Mackey said they anticipate issues on traffic, lighting. Presently the children are being dropped off on Route 343, cars pull in the driveway on Route 343, the bus pulls along Route 343, the children get off and walk down the driveway. Under the new plan it is contemplated using the lot as an entrance on Halcyon Road. The contiguous vacant lot is on the corner of Halcyon and Route 343. The children would come in on the Halcyon Road side which makes for an easier and safer access. Attorney Mackey said the day care operation is not like school situation where the children are dropped off at a set time and picked up at a set time. They come and go, its staggered.

Michelle Eddington gave a description of the proposal, said she has been operating the day care for almost eighteen years. During the last three years has received many calls, has turned away so many parents, calls for an increase in the number of children she services. She has done research on this because it is such a large undertaking, researched on what is needed. Just from the time that she has been working with parents hearing what they need, has made phone calls to other day care centers, visited other day care centers. Said, not only does she want it to be a center but wants it to be peaceful for the three and four year olds.

There is a need for day care, however, parents are looking for safety and their children to be happy. They are looking for a place that is not going to deplete their paychecks. They are looking for a place if they sent their children to preschool they are not going to be told, we go by the school schedule, are off for a week in December. Said, she wants it to be unique in that way, wants to give this community something that they

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need, something that is going to be stable, that is going to open to them, that is not going to be closing for those reasons and charging them, wants to be different. Said, she hasn't found any day care like that. You cannot satisfy everyone, but from the

research that she has done, what she plans on doing, thinks she can meet all she anticipates. The proposed day care will create jobs, nine people will be employed,

Michelle spoke to the amount of proposed traffic, there are currently school buses driving up and down Halcyon Road during that time in the morning so there is already a good amount of traffic.

Michelle said she wants to do this because there is a need, is not going to do something that she feels is going to collapse, there is a lot invested in this operation, feels it is worth it.

Attorney Mackey said there are no wetlands on the vacant parcel that they are aware. Brian Houston has been there recently to survey the parcel, is a very level, flat, surface, once housing tennis courts. The intent is not to remove all trees, there are a couple of very old Maples that Michelle would like to keep. There are two houses, two lots, that are vacant on Halcyon south, derelict, just sitting there. Mrs. Eddington will need to drill her own well, and septic, are already doing soil tests. The sewer and water are located across the road, the Village will not make a deal with her to expand the sewer and water. Daniel Connolly, P.E. has been working on that, has contacted the Department of Health and received a good schedule from them.

Chairman Schwartz questioned if Michelle needs to get a license from the State to to have pre-school children? Michelle said she just needs a CDA Certified Teachers. Chairman Schwartz remarked if she needs CDA Certified Teachers then she is considered an educational institution, not a day care, which is good because educational institution is a permitted use in that zone. Michelle said she currently has seventy one enrolled, would like to increase forty eight or fifty, doubling the amount of children.

Board member Cornell question if she proposes to put another building on the vacant lot? Yes, the size of the proposed building is 40X80, would house five classrooms, an office, a break room and a small apartment for her son. Attorney Mackey said Michelle lives next door with her family, currently this is an in home day care. Board member Cornell questioned if this is replacing what she already has? Michelle said this is expanding what she already has, she is not going to use the existing day care facility, she is replacing the current day care. Attorney Mackey said they will have a site plan available for the next meeting. Michelle is hoping for a January '18 day care opening. The County and BOH may slow things down.

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Consultant Wilson related that the major points of concern will be the points of pickup and drop off, is not a large volume generator but is the manner in which cars get to the site, drop off the children, then leave, need to make sure there are no pedestrian and vehicle conflicts. The layout for the driveway and the points of drop off and pickup

at the building are going to be things that are most important.

Attorney Mackey questioned if the Board is in agreement with him relative to the special permit? Consultant Wilson said he thinks the Board should focus on the site plan. It is pretty clear that the State is basically occupying the field, encourages these types of uses. The authority of the Planning Board relative to the special permit approval are very limited. The Board is talking about the site plan itself, the function of the site, arrival and departing, all of the things that the Board is normally concerned about a site plan. Not the use per say.

Howard Schuman referred to the Zoning Board map displayed, shows this property to be in an R1 and R 2 district. The Comprehensive Plan refers to a change to use. Chairman Schwartz remarked that it appears to be a State issue. Attorney Mackey said he will see some commentary where the general counsel to the State Department talks about how municipalities should be cautious of including restrictions on day care in their Comprehensive Plan. Howard stated that the zoning is incorrect, there is some type of error with the County data, the assessors office is aware of this, there are some other parcels affected. The official Town Map that the assessors use is the R 1 zone. There is some sort of a mix up with the County data, in the Parcel Access data page, it shows as R 2 but its not. The Town Board has never changed any zoning since the map was created. Consultant Wilson remarked, anyone looking at the zoning information in Parcel Access don't believe what you see, you need to go to the official map. Howard remarked that looking at that then the Town Code doesn't apply. Consultant Wilson said yes, that it correct, the Board will be conducting a site plan review, that is the approval that the Board will be issuing as opposed to a special permit. Howard spoke to the Comprehensive Plan saying there is no commercial use in the Town except Mabbettsville, applies in his case. Consultant Wilson said he doesn't believe it does.

The applicant is placed on the September 5<sup>th</sup> agenda.

Fee Status: Site Plan \$400.00 application fee paid  
Special Permit \$400.00 application fee paid

The application request of Little Rest Stables special permit (Michael DiValentino), 228 Little Rest Road is to restore the stables and horse farm to private use. **Dut. Co. Tax Map Grid No. 573263.**

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Michael DiValentino, owner, appeared before the board, gave a description of the stables operation, said the stables should be restored by September 1<sup>st</sup>, the two apartments will be restored by the end of October, believes his neighbors are happy with the restoration. Dutchess Land Conservation has asked to hold one of their events in the arena. Chairman

Schwartz questioned if he plans to put in a septic or will use the pump house? Mr. DiValentino said he telephoned Dut.Co. Health Department, has a stamped design plan submitted by Lou DuBois which will be a pump up into a grinder. The two apartments and stables were built in 1965 for George Morris, he opened up the wash stall, has a plan for the pump up into the south field, had a local surveyor delineate the wetlands, keeping away from the Town of Washington buffer which are Federal Wetlands. Mr. DeValentino said he plans to bring the property back, a little nicer, when it was built in 1965. His plan down the road is to put a walker on the property, has enough acreage to pasture.

Chairman Schwartz questioned if the application is subject to Agricultural vs Special Permit? Consultant Wilson said it is still subject to the Town Special Permit requirements. The manner the Board handles it because the Commissioner of Ag and Markets doesn't like to subject the stables to special permit, the Board just looks at the basics, not the operation itself as a stable, how the horses are being taken care. The Board will very much focus on the site plan and the basics, the well, septic field sited, how the manure will be handled, where stored. This should all be laid out on the plan. Mr. DeValentino said this is all laid out on the plan, kept the manure concrete area that was set aside where you bring the dumpster in which is still there. Next year he plans on adding a cover to tie into an equipment shed, which will prevent anything coming down into that area, plans to use a dumpster like a lot of people do around here.

Chairman Schwartz questioned if the stables are going to be one hundred percent private or will Mr. DiValentino lease stalls? Presently the stables will be one hundred percent private, if there is to be any leasing of stalls it will be for friends of his over the weekends. Said, he is not sure where the line between private and public officially is. Questioned if he does make the stables public it would be only to drive some revenue for the guys who want to keep their polo horses there, play with his son. Most of the players are adults, some players are around fifteen years old, are in the USPA Association. They would pay as part of the horse operation, then play, questioned if he would need the stables as a public use for that? He is not doing shows, not having public events, though USPA would like to see him do Millbrook interscholastic polo group events. Interscholastic is owned by USPA for kids up to eighteen years of age who are in middle school and high school. This past year the nationals were held in Cornell, they compete against other clubs, not schools, because they are club days not school days, they compete

around the country. Said, he is thinking about starting a Millbrook Interscholastic Club, put together a team. Presently his son plays for Gardiner Town Farms that is a Newburgh

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team. As of today, the stables are private but can see down the road the opportunity to turn this into a operation whereby they do polo. Plans to bring some pros up from Argentina next year to train his son, they may want to train others where they are giving some lessons. Doesn't plan on doing big shows where there would be a lot

of traffic but would like to build a polo relationship.

Chairman Schwartz referred to a Winley Farm issue relative to public vs private stables, questioned about the summary. Consultant Wilson said there is a definition for a private stable and a public stable. The private stable is “an accessory building in which horses are kept for private use and not for hire, remuneration, or sale.” “A public stable is a building in which horses are kept for remuneration, hire, or sale.” The Board, over the years, has given out a number of special permits for private stables, is not taking an inventory. If a stable owner has a friend who asks to stable his horse there for a couple of months, will pay him the cost, works out a private arrangement, that is between the stable owner and the friend.

Mr. DiValentino said it may generate ten thousand dollars per year, the stables are in the AG District, wants the AG exemption. Does the fact that he applies for a tax exemption place him in public use? The main purpose for the stables is a private club for he and his son for polo and to build their polo relationships, maybe even bring some of the interscholastic events. Consultant Wilson stated that Mr. DiValentino needs a special permit and site plan approval whether the stables are for public or private use. A public stable references to things like traffic generation, weekend events with a large number of people attending. Mr. DiValentino said this is not what he is looking to do, Dutchess Land Conservancy has approached him to use the arena for their big event in the Fall. Consultant Wilson stated that he feels the Board should process this as a private stable. If Mr. DiValentino gets to the point where he wants to expand the operation, where people are coming in, wants to hire the premises, or stable horses there who are available for hire, he is going to be placed into a different category.

Mr. DiValentino questioned if it is leasing a stall for private use that changes the category, or leasing a stall using those horses for lessons change the category? Consultant Wilson said leasing a stall for horses for lessons, its not just leasing the stall, he is leasing the stall but the horses are for private use so this doesn't place him in the other category. Mr. DiValentino said the use of the arena would be donated for local people who ask to use it. Mr. DiValentino questioned what the next step is? Consultant Wilson said the Board needs to set a public hearing for the application. Secretary Caul stated that the Board has the application for a special permit but doesn't have a site plan/survey map. Mr. DiValentino questioned if secretary Caul received the electronic submission? The electronic submission was received, is on file and was forwarded to Howard Schuman, CAC.

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Mr. DiValentino said the property has been surveyed, the wetland line is shown as WL. Howard Schuman said his only question is to be sure what he is doing is one hundred feet away from the wetland buffer as was delineated. Mr. DiValentino said he thinks the biggest question will be what is preexisting. Howard said he noticed that. Mr. DiValentino said it makes no sense to take that and move it closer to any of

the neighbors, move it on the other side of the building when it is already grandfathered. These are the issues, it has a wetland which doesn't have a buffer. the Town of Washington drives this, is not New York DEC, it is already built of concrete, has been used as a manure holder, it is not a pit, its where you put the roll off. His plan is to cover it, put a building over top of it so when he rolls his roll off in that will roll off, the roll off is actually covered. He wants to use the existing concrete pit where they have the retaining wall which is about fifty feet to the wetland, he is looking to keep it there, its the only area where there might be a problem or an issue. He will be placing the manure in a dumpster and trucking it away. Chairman Schwartz felt it does not make sense to move it, is not putting anything in there that is a negative issue, it makes sense to leave it there, it will be covered so there will be no flow through.

The Board requested three large scale survey maps for the public hearing, one copy was presented to consultant Wilson for his review, a fee schedule was presented to the applicant.

Mr. DiValentino said he plans to move into one of the apartments, is undecided about building a house on the property. Chairman Schwartz questioned the location of the well. Mr. DiValentino said the well is a one hundred foot setback pointed out the location on the site plan. Chairman Schwartz recalled that there are two wells on the property, one is an older well on the property, pointed out the two locations on the map, requested that the wells are shown on the map.

A Public Hearing is scheduled for September 5 2017.

Board members briefly discussed the VanBueren property, Stanford Road, nothing has been done to the property, The owners are in residence only two weeks in the year.

Board members and Councilman DeBonis discussed the issue of Solar Farm Moratorium, it was felt that this would only last for so long. The Town Board has asked for suggestions, some type of law that can be implemented, needs more time since there is a lot to consider. Consultant Wilson spoke to the tax exemption which would not be subject to property taxes unless the Town opts out from the exemption program.

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There being no further discussion, comments, a motion to adjourn the meeting was made by Chairman Schwartz, seconded by board member Hanson. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Nikki Caul, secretary