

Town of Washington Planning Board  
September 5, 2017

The monthly meeting and public hearing of the Town of Washington Planning Board was held on September 5, 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, Bob Kulpa, Ed Jorgensen, also, planner/consultant Neil Wilson, David Greenwood, Conservation Advisory Commission, chair and Mike Herzog, VOM.

Chairman Schwartz opened the meeting with the Pledge of Allegiance at 7:30 P.M., announced the first agenda item.

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. **Dutchess County Tax Map Grid No. 573263.**

**A motion to open the Little Rest Stables Public Hearing was made by board member Jorgensen, seconded by board member Cornell, 6 ayes, 1 absent.**

Michael DiValentino, owner, appeared before the board, gave a brief summary of the proposal requested by chairman Schwartz, specifically addressed the water issue since the property sits above the Village aquifer. Two years ago he started the restoration project on the horse farm. The purpose and goal was to have a place for he and his son to ride horses. His son is a young, upcoming polo player, active fifteen year old, so it's a place for them to practice. Mr. DiValentino said he grew up in Highland, has spent twenty years in the military, is about to retire. He loves the Millbrook area, is a horse person from his station in Little Rock, Arkansas, where he was stationed as a horse person. Mr. DiValentino was originally looking for a place to build a house in this area and hopefully have a place to ride together with his son, practice polo, have a horse stable farm/ranch. He looked at the Little Rest Stables property several times. He is a Jag in the military, also owns an engineering, construction, company. The military has been his public service, his living is made through his engineering, construction/building, company.

Two years ago he started the restoration of the building which was the right thing because the roof failed before a year and would have damaged the roof truss. The building is about 95% restored, the apartments are in the process of being renovated. He first started with the exterior, wanted to make the property look nice for the neighbors. Driving by one

will see that the property looks tremendously different, is quite proud how the place looks now. The neighbors are quite happy with the way it looks.

He and his son currently have four polo horses that they would like to move to the stables soon. Having a private arena will allow he and his friends to practice and play.. There are a number of polo facilities in the area that they would like to join, His son would like to attend school in Millbrook, can live in the apartment. The goal is to build a house on the back of the property or buy one very close to the property to live in. Mr. DiValentino said he has hired local contractors from Millbrook to do the work. The apartments will be completed by October 15<sup>th</sup>. He will continue with the landscaping.

Consultant Wilson spoke in terms of the Village water supply, he is in zone 2. The Village water supply is zone 1 where the actual intake gallons are. He is located in Zone 2 area which is where the recharge aquifer area is, zone 3 is the area which combines the rest of the watershed. Years ago when the Village adopted the watershed rules and regulations also asked the State Health Department to adopt them for the Town. These rules prescribe the standards for things like septic systems, prohibit certain activities from the standpoint of keeping a watch on the watershed. The Village representative is here tonight, is keeping a watch on the watershed. His concern is about the septic installation, manure storage that is being proposed, is looking for information about this because from this standpoint it is about the water quality and water supply.

Mr. DiValentino said the easiest way to address that is to pull out the site plan, show the Board where he is with the site plan. Chairman Schwartz remarked that the last time Mr. DiValentino appeared before the Board he really had not addressed the septic, questioned if he has gone to the Board of Health with a septic plan? Mr. DiValentino said he has a stamped plan. Spoke to the Board of Health. Since there was a preexisting leech field there, as long as he meets his setback the Board of Health said he doesn't have to submit the entire plan, he is only changing the location. He is still going to submit the plan, he started the construction on it based on that discussion because he has a tight time line. There was a leech field, he found it. Chairman Schwartz questioned if it is in the north or the south paddock? Mr. DiValentino said, "neither, its under the driveway." Its near what was the storm drain, said he is guessing there may have been some type of activity there that caused them problems, he abandoned that, is going with a pump up system that he discussed at the last meeting that meets the setback requirements both from his well and from the wetland. This has all been surveyed, laid out, now staked out.

Board member Kulpa requested Mr. DiValentino to explain, describe, the pump up system. Mr. DiValentino pointed out the location of the three tanks, pump up operation, the leech field, on the site plan, this places him one hundred fifty feet from the wetland, and meets the setbacks. Chairman Schwartz remarked that this is the furthest from the

stream that runs from the pool going west. Mr. DiValentino pointed out the building, the three tanks, the pump up system up into the leech field, the redundancy leech field, the one hundred foot buffer from the wetland that is going to be the well location, then the abandoned well, both are maintaining the one hundred feet.. This is how he is managing his septic system. When his workers were pit testing they found the leech field in this area, totally abandoned that, pointed out where the workers are starting to do the construction.

Board member Jorgensen questioned, if he is not using the existing leech field what was his discussion with the Board of Health? Mr. DiValentino said about abandoning one leech field, that system has been there forever, is just changing it, putting in a new leech field. The BOH said, he is an agricultural exemption, is not putting in a whole new system, has the building permit, can submit it but he is not required to. Mr. DiValentino said he is going to submit the plan anyway, that was the discussion.

Mr. DiValentino referred to the pump up system not being a home owner system, it's a commercial pump up system. This is feeding two apartments, one bathroom downstairs, a wash stall, you are not pushing manure into that, you are washing off the horse after they play. This is where the former owner had the manure storage. They had a concrete slab with a concrete retaining wall; is proposing to bring in a twenty or thirty yard dumpster, then put the manure in the dumpster. Thinks, by law, this is all that he is required to do, What he wants to do is put together different designs of what is needed, a covered system that will tie in a cover over the manure which would be in a dumpster, a cover system that ties into where he would store his tractor. Board member Jorgensen remarked that means that he is drying the manure and trucking it off site. Mr. DiValentino said he doesn't think its drying the manure, you put it in the dumpster, when it gets full, will take it off site, he is not processing the manure off site. Said, he plans to submit the new plan to the BOH so he has it on record for resale if he ever decides to sell the property.

Board member Jorgensen stated that if the board references that he will be getting BOH approval that is accurate. Mr. DiValentino said this is accurate. Chairman Schwartz said this is irrelevant because he has collection tanks, he doesn't need to put in a septic, he can utilize his collection tanks. The Permit would go forward regardless of what he puts in. Chairman Schwartz asked consultant Wilson to verify.

Board member Kulpa questioned if the pump up system has processing beyond that of a commercial checked system, is it any different than a holding tank that gets pumped up into a pipe, the affluent goes somewhere else? Mr. DiValentino said the only difference is that it does pump it up from the holding tank, then goes into a grinder building, anything that goes through it would just grind it up, would get carted away, then

put out to a distribution box, then out to the laterals.

Mr, DiValentino said there are currently twenty four stables, he will probably have from four to twelve horses, is not going to limit the number of horses for purposes of the private stable permit, wants to be able have twenty four horses, has plenty of acres for pasture, one acre per horse, doesn't want to limit himself on the twenty four horses, is applying for a private stable giving him the ability for twenty four horses. Mike Herzog questioned about the twenty four houses in the pasture area, how close do they get to the wetland? Mr. Di Valentino pointed out the wetland, pasture areas, the one hundred foot buffer, on the survey map, the fenced areas, pointed out the only pasture where the horses could walk within the buffer, all of the other pastures are outside the buffer.

Mike Herzog referred to the Law itself relative to the animal waste storage. If any manure is going to be generated, that it is collected and is not going to seep into a stream or wetlands area. Said twenty horses in a pasture if they are in a wetlands area, the Law states they don't want seepage or runoff into ground water to reverse the quality of ground water. Said he would not want twenty horses without manure collection and other means continuously sitting in an area that is leached out. If Mr. DiValentino has pastures that are fenced, that are far enough from the buffer, it wont be an issue, is good. Chairman Schwartz remarked that by putting on the cover he prevents the rain flow through which would leech out.

Board member Jorgensen questioned if there is a proposed resolution? Consultant Wilson said Mr. DiValentino has done it, the way his site is laid out, he doesn't have any animals going into the wetland. Board member Jorgensen questioned what action is expected by the Board? Consultant Wilson said the Board doesn't need to do anything, this is a site plan that indicates where the paddocks are, the limits where the animals are allowed to roam, has a collection system that is collecting and coming out into the barn, not out in the fields, feels the standards have been met based on the site plan that the Board has.

Board member Jorgensen remarked that in some jurisdictions the board would require an undertaking that the operation of the project indicated on the site plan be in conformance ongoing with the requirements of the Local Law. Consultant Wilson stated that the Watershed Rules and Regulations operate differently than the Zoning Code. The Village does an annual inspection of all the properties that are in the watershed, all of the three zones, if they see a violation they noted it, contact the owner, give him an opportunity to correct the violation, if he doesn't they take law enforcement action. The ultimate enforcement is coming from the Public Health Department in

Albany. When those Watershed Rules and Regulations were adopted one of the things that happened was, there was an inventory of all the land uses within the watershed area because if you had a prohibited land use activity according to the Watershed Rules and Regulations the moment those were adopted that use had to cease. Had to understand what all of the activities were that were going on at the time of the adoption in the 80's, Consultant Wilson stated that he wrote the Regulations for the Village so he knows what they say. All of the agricultural activities which included at the time beef cattle in some of the farms in Little Rest along Mabettsville Road. They were allowed agricultural activities. What the Village tried to do was encourage the owners that their cattle, horses, were not going in or near the streams, criss-crossing and feeding into what ultimately becomes the Village water supply, that's the primary concern. From the standpoint of the protections to make sure that the Town is cooperatively with the Village, is not approving something that is going to result in contravention of the Watershed Rules and Regulations. The way Little Rest Stables site plan is laid out, the revision for the manure storage, the location of the paddocks, satisfies the request.

Howard Schuman referred to the Dutchess County Soil and Water personnel who suggested a maintenance plan. Questioned if Mr. DeValentino has a maintenance plan that he can include in the application? Dut Co Soil and Water has a heavy use section that they recommend to be followed. Said he noticed that there are structural materials on the site, can forward the heavy use section to Mr, DiValentino to review, is voluntary. Mr. DiValentino said Dut Co Soil and Water visited the site, would be happy to continue to integrate into the operation, they were helpful into getting him to this point, he will integrate a maintenance plan,. Howard expressed that the CAC feels that he is doing a good job.

There being no further discussion, comments, **a motion to close the Little Rest Stables Public Hearing was made by board Hanson, seconded by board member Kulpa. 6 ayes, 1 absent.**

Consultant Wilson stated that this application is a Type II Action because this is an agricultural use, the Board is just approving the Special Permit and Site Plan.

**A motion to grant Little Rest Stables Special Permit and Site Plan Approval was made by board member Kulpa, seconded by board member Hanson. 6 ayes, 1 absent.**

Fee Status: \$1,300 paid 9/13/17

The application of Guardian Angels Day Care Center (Michele 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, Michele and Scott Eddington, Joel Chase, PE Connolly Engineering PLLC 36 Grist Mill Lane, Pleasant Valley, NY and Route 44, Millbrook, NY and Keith Scofield, Wiscomb & McCormack, appeared before the board. ,

Attorney Mackey gave a brief description of the proposal, said, applicant Michele Eddington has her current Guardian Angels Day Care Center on the draft site prepared which is the corner of Route 343 and Route 82. Michele currently operates a day care at that location, also worked at the Dwyer Day Care which was across the road on Halcyon, in a house currently owned by Bob Nelson, Cardinal Hayes being on the opposite side of the road which was also a day care facility at one point in time. Michele occupies the house where her day care operation exists today with her husband Scott. Her intention is to discontinue the current day care operation that exists in her residence and move it over to the parcel that is a plot of land formerly the tennis court for Bennett College. This is depicted on the site plan shown that has been prepared. Joel Chase, PE Project Engineer, Connolly Engineering has been retained by the applicant, also Keith Scofield, Wiscomb & McCormack.

The proposed building is a one level structure, the intent is to drill a well, install a septic system, since she is unable to be connected with the Village water supply across the road because a moratorium is in place. The large scale Site Layout Plan shown gives an idea of what the proposed structure will look like. Aesthetically it will fit in with the neighborhood. The site plan describes the traffic flow, the site of the building, the site of a playground which accompanies the operation, the septic field.

Joel Chase gave his presentation from a large scale sketch site plan poster, referred to the one curb cut on Halcyon Road, said the driveway is wide enough for two way traffic, are also proposing that the traffic flow be simple, allow persons to go around the parking lot, then go back out. Said in addition to the day care building there is also a one bedroom apartment in the back.

Also proposed is a public water supply well, which adds to constraints to the setbacks. They are conscious that they will have to mitigate drainage, are symbolically showing an area on the site plan for an infiltration base, maybe a rain garden. The fenced in playground area is being looked at to relocate it closer to the day care facility. The site of the playground area is governed by regulations that Michele is subject to in

her day care license, has to be contiguous to the main building that the day care operates from. It will be next to the building which will be on the north side. Chairman Schwartz remarked that the radius look pretty tight, questioned if they are planning to get fire department review on that? Mr. Chase said this will be subject to fire department review as well, if it needs a larger radius will implement it.

Chairman Schwartz said “the elephant in the room” is a definition of what they are going to use, how many students, how many children, whether it fits within the regulations or the interpretation that was forwarded to the Board. Consultant Wilson said in terms of the numbers of students, that is going to be driven by her license. The State occupies the field, if she has a license from the State she has to amend it to cover this facility if she has more children than what she is currently covering now. The numbers of children is being driven by the State. The Board needs to focus on the site plan itself, the business operation is really more of the licensing side that the State takes care of, The use is allowed per the information that attorney Mackey has provided, Thinks from the Board standpoint focusing on the site plan, making sure that you don’t have pedestrian and equal conflicts understanding of drop off and pick up times. There will probably be children of all ages from infants up to an after school program. Children are being dropped off as early as 6:30a,m, 7:00 a.m. Michele said they come in at different times, is not like a rush at one time. Consultant Wilson commented its not like a number of school busses showing up, parents are dropping children off periodically, he assumes picking up in mid afternoon. Michele said 3:30pm to 5:30pm, the pick up span is two hours.

Consultant Wilson spoke to the location of the proposed driveway off the State Highway, as being a good location understanding the traffic flow. Attorney Mackey forwarded him a copy so he was able to do a small review. The fire department needs to be consulted, brought into the conversation, making sure that they have the turning radius, the room that is needed. The critical points are getting into the site, then the drop offs at the building, making sure where those drop offs and pick ups are occurring.

Chairman Schwartz remarked that the materials that attorney Mackey forwarded clearly defined the different components of day care, family day care. Questioned if consultant Wilson is saying that they don’t need to comply with the limitation? Consultant Wilson said they are going to comply with whatever the limitations are in terms of the numbers of students based on what the State is licensing her to have. This is the operation aspect. Chairman Schwartz said his question is about the material that attorney Mackey forwarded, removes the local jurisdiction from overview other than the things talked about, if it doesn’t fall within that definition is there still this separation of oversight? The laws that were in put place between ‘72 and the last year give three or four definitions. Under those definitions limited anything in the local jurisdiction, if it

doesn't fall within those definitions is the State going to give her a license that exceeds those definitions, is that still the case? Consultant Wilson said the State is going to license her within one or more of those definitions. Chairman Schwartz said his question is if consultant Wilson's anticipation is that she will fall within one of those definitions? Michele's response was, "definitely." Chairman Schwartz said he thought at the last meeting she said something like thirty or more students. Michele said presently she has twenty four children enrolled, knows they will come with her, they are all staggered, she is only allowed to have sixteen at one time. Chairman Schwartz remarked that is the question, that is exactly what he wants her to address. Michele said that is usually what happens in situations with day care centers. Chairman Schwartz commented what it does is takes the whole remainder of the discussion, pushes it off the table. There is no other discussion because she is falling within the rules of the license. Consultant Wilson remarked that he is assuming that she has verified that this is what she is doing, what is left for the Board, once the question of the use is taken off the table because the State preempts the field, is the site plan itself.

Chairman Mackey requested consultant Wilson to give some feedback on the site plan. Consultant Wilson said he quickly reviewed it, has a couple of thoughts, questioned if this is an interim plan, that the driveway is to feed the traffic flow. Mr. Chase said they talked about adding a private access that comes back to the rear. Consultant Wilson questioned if the Board will get an updated plan supplementing this plan? Mr. Chase said he will submit an updated plan. Consultant Wilson spoke to the location of the well being really close to the State Highway, there are questions of protection from salts, chlorides, whatever is coming off the road during the winter, the location looks really close, particularly from the standpoint of the water supply. Mr. Chase said he needs to review this with the Department of Health, there are also other constraints that they have to abide by like septic location.

Consultant Wilson next referred to the proposed apartment in the back, questioned if this is the best location since Mr. Chase needs to place the play area closer to the building, suggests to make it a little away. Michele said her son and his family will be the tenants. Consultant Wilson next questioned about lighting, assumes will need some lighting particularly along the front, the drop off and pick up areas, questioned if there is to be lighting elsewhere on the site, the parking lot?

Chairman Schwartz remarked about the buffer between the site and Route 343, doesn't see a lot of trees, currently there is a lot of woods. Michele said she wants to leave this as much as possible. Mr. Chase said there will be screening. Chairman Schwartz requested this to be placed on the site plan. Consultant Wilson referred to screening from their neighbors, Mr. Chase may want to provide something for them. Mr. Eddington said some stockade fencing is proposed. Consultant Wilson next spoke

to the location of the free standing sign, also, testing needs to be done for the well. Consultant Wilson suggested talking to the local bus company, show the plan and visit the site.

Applicant is placed on October 3, 2017 agenda.

Frank Marinaro, telephoned secretary Caul to be placed on the agenda tonight as an inquiry to purchase the former Millbrook Training Center but was a no show. Chairman Schwartz gave an update on a phone call he received relative to the former Millbrook Training Center being purchased, was asked about a Bed & Breakfast, gave an explanation on limited number of rooms. Having spoken to the Town Board and Chairman Parisi gave suggestion of an Inn. Chairman Schwartz said that the Town would be willing to try to work with them to produce something that rescues the property and would create some employment opportunities in consistent with the area.

The application request of Lang-Assael Subdivision, 4449 Route 44 (Christina and Sophia Lang-Assael) is to subdivide off 20.94 acres from a 141.9 acres parcel that previously existed as shown on filed map 10702B (old Stepan, Route 44 property)  
**Dutchess County Tax Map Grid No. 6966-00-515955**

Brian Houston, L.S. appeared before the board, presented application materials, gave a description of the subdivision. Said the property location is on Route 44 and Millbrook School Road. Sophia and Christina own a 141.9 acres parcel. They bought two lots from different subdivision maps, then acquired this lot that the Board did a site plan review by Mark Graminski about three years ago. In 2014 they combined all three parcels into one piece of property of 141.9 acres. They are now proposing subdividing out exactly the way the Stepan property used to be, keeping the remainder of the property as a combined two lots from a subdivision by conveyance. They now want to subdivide back out the three lots, put the Stepan property back to its normal existence. They are not selling any land, no development on the property. They are reestablishing the property line the way it originally was. They have an agricultural exemption on the property,

A public hearing is scheduled for October 3, 2017.

Fee Status: escrow fee \$300.00 paid

application fee lot line change up to 15.9 acres \$500.00 paid

There being no further business, a motion to adjourn the meeting was made by board member Hanson, seconded by board member Kulpa. The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

