

Town of Washington Planning Board
Nov 7 2017

The monthly meeting of the Town of Washington Planning Board was held on November 7, 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, Jim Shequine, also, planner/consultant Neil Wilson, Al DeBonis, councilman/planning board liaison.

Board member Hanson opened the meeting at 7:30 P.M. with the Pledge of Allegiance, announced the first agenda item. Chairman Schwartz entered the meeting at 7:32 P.M.,

Edward Donnelly, 3795 Route 44, Tax Map Grid No. 6865-00-602501 appeared before the board, presented a floor plan of his house, Mr. Donnelly has a two family house in Mabbetsville that he is trying to refinance. During the appraisal process found a problem that his house is a legal two family residence with a third unit in the back that has no approval. This unit was an old finished porch with heat, electricity. The house was built in 1952, the addition was built in 1963. Mr. Donnelly wants his house designated as a three family residence. He needs to do more repairs on this unit, is seeking guidance from the Board on how to proceed.

Consultant Wilson questioned Mr. Donnelly as having a two family legal dwelling, and a third unit that has no approval? Mr., Donnelly said he is trying to bring it into compliance, inherited the house, if he decides to sell the house in the future he won't have any problems.

Chairman Schwartz questioned how long the house has been in existence? Mr. Donnelly pointed out section of the house on the floor plan that was built in 1963. Chairman Schwartz commented that this predates the 1989 Zoning Law.

Mr. Donnelly said the bank is giving him a hard time in refinancing due to how the dwelling is shown on the tax roll, shows a two family residence. Consultant Wilson felt this should be brought to the Zoning Board of Appeals for an interpretation based on the evidence that he shows them, that this residence has been in existence since 1963, that it has been used. was lawful at that time when the third unit was added. The argument is that it predates the 1989 Zoning Law. Mr. Donnelly would need to show evidence that it was rented, used as a separate unit, that building permits were obtained. Mr. Donnelly should try to locate permits that should have been applied for, there were building code requirements, doesn't know at what point the Town started requiring CO's. Councilman DeBonis commented back then its pretty sketchy.

Consultant Wilson suggested Mr. Donnelly confer with the Building Inspector to see what he has in his file; his file may contain something that the assessor doesn't have. Based upon whatever information he has Mr. Donnelly can begin building the case that he has a legal three family residence. This should be presented to the ZBA, based on that information that should satisfy the bank.

Mr. Donnelly questioned what he would need to do to update to the current standards? Consultant Wilson said he would need a Use Variance from the ZBA which is difficult to obtain, this is why he is suggesting to obtain the proper information, including records he may have since he inherited the structure, there may be a file on the old records. Mr. Donnelly said this was his grandparents house, his mother bought from the estate, gave it to him.

Chairman Schwartz questioned Mr. Donnelly if the unit has a separate meter? Yes, a separate meter. Chairman Schwartz suggested going to Central Hudson, that meter met the Code, would not have turned it on, somewhere, there exists an electrical permit, that they had to be notified. The paperwork may not exist anymore but the argument is if he has Central Hudson service they wouldn't have turned it on without it being approved, means it was approved. Consultant Wilson remarked, in the absence of a building permit, there may be an old electrical permit, something that shows that the Town knew about it. Taking the ZBA route applying for a Use Variance is highly unlikely to be obtained.

Chairman Schwartz said if Central Hudson turned on the electrical meter, there had to be a legal meter, had to be an approved service. Consultant Wilson said yes to the approved service from Central Hudson, doesn't mean the Town knew about it, doesn't mean it was lawful at the time that it was put in according to the Town. Chairman Schwartz questioned how could one get, without an electrician getting a permit, get an approved service from Central Hudson? Consultant Wilson said, "today you couldn't, we are talking about 1960."

Consultant Wilson suggested to begin with the Building Inspector, see what he is able to find in his records as a starting point, then talk with Central Hudson about having a record. Chairman Schwartz said Mr. Donnelly may find on the electrical board that there is a sticker, has an old house from 1932 with a written approved signature on it. He suggested to follow up on this possibility,.

6 Route 343, is for the expansion of the existing daycare at that location onto a contiguous vacant parcel. **Dutchess County Tax Map Grid No. 6764-01-226731.**

Attorney Josh Mackey, Mackey, Butts & Wise LLP, Joel Chase, P.E., Connolly Engineering, and Keith Scofield, R.A., Liscum, McCormack, Van Voorhis appeared before the Board.

Attorney Mackey addressed the Board, spoke to the last meeting to which the Site Plan was discussed. This was reviewed by consultant Wilson and an email of his November 7, 2017 Memorandum to the Board was received. Joel Chase is prepared to review the Site Plan again tonight based upon some of those comments and Board feedback. Attorney Mackey referred to the draft color elevations presented by Keith Scofield at the last meeting, that there were suggestions on color choice.

Chairman Schwartz questioned if a copy of the Millbrook Fire Department letter was received, suggested that the response be included in the presentation tonight. Joel Chase gave his presentation from a large scale Site Plan poster, said he received the letter last month, the Fire Department suggestions are reflected in this revised Site Plan. The first comment in the letter refers to the width of the driveway, the width of the driveway was increased from 20ft to 24 ft. The fire chief's concern was also about the turning radius around the one way parking which has been increased. The last comment was regarding the privacy fence along the adjacent parcel, they pulled it back a little to increase the sight distance for exiting vehicles.

The issue that was discussed with the Planning Board was about providing a sidewalk path, a safe path for the children to walk off the bus drop and follow the path, cross walks have been provided all the way to the building. Mr. Chase said he received the memorandum from consultant Wilson, knows that he needs to provide a landscaping plan and more lighting information. Consultant Wilson spoke to his memorandum, that the plan should include a table showing the number of plants to be installed by species, the size or height at the time of planting. Notes should be added to the site plan indicating which trees that are to remain. Compliance with the lighting standards of Section 485(5)(d) is required. Light fixtures may be mounted no higher than 15 ft. above the ground and lighting at the property line may not exceed 0.02 footcandles. A detail of all freestanding and wall mounted light fixtures should be included in the Site Plan. Said, he and the Board are interested in the landscape plan, there was no plan included in the plan, assumes one is forthcoming, this will be part of the final approval.

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Chairman Schwartz questioned if the applicant's proposal conforms to the definition of a Group Family Day Care? Consultant Wilson stated that at the last meeting he requested

attorney Mackey to provide him with a copy of their license, which he did. Chairman Schwartz read from the Code, “No rule or regulation shall prohibit the restricted use of a one or two family dwelling or multiple family dwelling”, questioned if this is a one or two family dwelling? Consultant Wilson said there is also a living unit so it conforms with the State. Chairman Schwartz addressed Howard Schuman, said this answers the question relative to what he has, if he has any other questions regarding that to put it in writing and submit it to the Board and attorney Mackey.

Consultant Wilson said the operating license that they have, will be issued a new license for the new location, is for a family daycare with a living unit in there, meets the standard that allows the State preemption, this is why he provided the Board with the salutatory language that says that.

Keith Scofield presented revised color elevations, the metal roof color has been changed from red to brown. Material samples of the roof, paint color, were distributed for board perusal.

A Public Hearing is scheduled for December 5, 2017.

David Magid, YSG Solar, Westbury, L.I., Fred Merritt, Cary Institute of Ecosystem Studies Manager, and Carney Rhinevault, L.S., Hyde Park, NY appeared before the Board for continued discussion on the solar installation for the Institute.

David presented a large scale color Parcel Access Map with the solar image depicted on the proposed location of the solar panels. Board member Hanson questioned if this location is an open field? David said it is a vacant field that would require some clearing to accommodate the solar panels, thinks that there is added value in having a visual natural buffer for the equipment itself. One item they propose is any wiring to be done to connect to the actual meter on the Central Hudson pole will all be underground.

Board member Hanson remarked that the trees don’t have any leaves on them. David said, what is typically proposed, done in the past, is to do a rendering of what the equipment would look like once it is installed so one is able to see the visual impact.

Also, prepare the visual assessments to see what the equipment is going to look like and to make sure there are appropriate esthetics in locating the buffer for the community.

Board member Hanson doesn't want to see that many solar panels, is not saying it's a bad project. David said they want to make sure that they have a plan to accommodate that. Chairman Schwartz questioned the elevation of the road coming down grade, how high above the road grade is the first panel? Presently looking at the grade it appears YSG will need to start with forty foot trees. David said they will create a plan that will satisfy covering the visual impact. Chairman Schwartz questioned about a building that is shown on the map if it's a neighbor? If so, has this neighbor been notified about the project? No neighbors have been notified about this project yet.

Chairman Schwartz questioned if YSG will consider putting sufficient screening between those houses and the location of the panels? David said one hundred percent, they want to be good neighbors. Chairman Schwartz remarked, which means Pines, Pines are now suffering from fungi, that means maintaining the Pines with whatever spray is appropriate. David said they have a landscaping plan that they prepare, will present this at the time of application. A security plan and an operation and maintenance plan is appropriate so that everyone has comfort about these types of systems. Chairman Schwartz questioned what type of fence is being considered? A chain and link fence, some jurisdictions require a six foot fence, other jurisdictions not that high, just a barrier around the equipment. Personally thinks that a six foot fence is a little much, however, they are open for comments.

Consultant Wilson remarked that there are no standards yet for these facilities, questioned if the fencing is going to be topped with barbed wire? No. Consultant Wilson said the biggest question that still needs to be addressed when the formal application is submitted, the setback is 100 ft. off the two property lines but are still clearing out some of the distance to the south, east and west, what is happening particular for the neighbor to the east, they are losing a substantial amount of trees. There are the solar panels, the dark line for the fence can be seen, then there is another limit of clearing that extends out. YSG is probably going to be taking trees out as close as fifty feet to that property line. If they are going to provide true screening that has to be made up in some way. David said this is something that can be discussed, screening can be extended so that there is true coverage, worked out for everyone, can move it over, they are not set in an exact location.

Board member Hanson referred to possible deer damage to the solar panels, they can clear a six foot fence easily. Consultant Wilson said their screening plan needs to include the type of trees, beyond trees it's the loss of the understory, need to provide a lot of screening, when starting to take out the trees, clearing under the trees that will remain, that's really what is providing a lot of the visual buffer for the neighbors to the east. YSG is going to have to provide some real buffering for that.

Chairman Schwartz questioned if there are any step up or step down fence associated with this? David said there is a transformer that is going to be on this side of the road because they are not physically wiring it across the road at all. Chairman Schwartz questioned the location of the transformer facility? The equipment will be located right past the road that was pointed out on the map, there will be the transformer, there is a little box attached to each of the rows with the solar panels which is the inverter. It won't be housed. Consultant Wilson questioned if they are connecting to a pole back on the main campus site on the other side? No, the pole that is there ejects voltage from the main utility line, will not be running any wire across there. There will be a new meter, new service from Central Hudson. Board member Cornell questioned how many acres would be cleared total? About three and one half acres total.

Consultant Wilson questioned how the stormwater will be handled? They will be grading, are going to have a landscaping plan that will be able to address the stormwater. They will submit a SWEPPS.

Board member Cornell questioned what type of fencing in terms of being esthetically do they have? Wooden fences are what YSG Solar prefers to use. What is the height of the panel of grade? Its below ten feet, the max height, most of the regulations allow this, probably a six foot fence. Chairman Schwartz remarked that it will be above the fence, David concurred.

David Magid said he knows about the Town Board Public Hearing relative to the proposed Moratorium on Thursday, November 9th, 7:00PM. Questioned, in regards to the Moratorium to be able to address, develop the planning and zoning laws, will share some information of other towns, has the Board had a chance to review any of the Solar Laws that he emailed? Councilman DeBonis said he has distributed this to the Committee, the information was forwarded to him by secretary Caul. David said he plans to attend the Public Hearing, will offer assistance.

Carney Rhinevault, L.S., presented a large scale Site Plan map to the Board for review. Consultant Wilson spoke to needed grading one doesn't see that part of the site from the road. Board member Cornell questioned why this location was selected? One of the original applications to Central Hudson had the area map, had the pole indicated, the application was approved by them. Central Hudson is completely okay with this location, YSG has the ability to maneuver the actual panels on the parcel. Fred Merritt said they did a lot of research, felt this was the best location, also Central Hudson said there did not need to be any upgrades to the infrastructure. Board member Cornell questioned about the flexibility of the solar panels? Can a different arrangement be made relative to the proximity closeness to a neighbor. David said he doesn't

think there is an issue to the technical aspect, they have solar panel flexibility. Board

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member Cornell thinks with this type of solar panel flexibility could accommodate anyone's concerns.

Chairman Schwartz suggested that David come to the public hearing with large blow ups of the site that are as detailed as possible so it can be seen from afar. Because there are neighbors in proximity to this project, the further that they are able to see, the less are the issues. The sooner the neighbors are contacted the better he will be, if he takes into account their concerns, questions, incorporated them so he wont have to go down the road and change anything which will be costly. David thanked the Board for their feedback,

The application of Wings Over Water Millbrook Site Plan & Special Permit, 2647 Route 44, (formerly Millbrook Training Center) Dut Co Tax Map Grid No. 6664-00-056922, request is for the operation of Wings Over Water commercial business.

Edith Flood, owner, Laura Nash, attorney and design builder appeared before the Board. A series of large scale drawings of proposed design plans was presented for Board review.

The first phase plan is to leave the original Cottonwood Inn building as it stands, do the restoration, complete it with two single apartments upstairs, the downstairs will be for offices, accessory retail, remove the pool. Some of the surrounding structures that have deteriorated will be removed. The first floor will be for commercial use space, offices, accessory retail, or heath/nutritional product sales or services. The plan is to build a separate building for the Aquatic & Wellness Center. The parking lot will remain as is. The existing well and septic system will be utilized, no changes. In phase two, will add more wells. The attic area will be used for mechanical use.

Chairman Schwartz questioned about the front elevation. No elevations have been done yet, will provide the Board with elevations, also a landscape and lighting plan. Chairman Schwartz questioned about the procedure since the former Millbrook Training Center has not been in operation for over two years. Consultant Wilson said the applicant needs to go to the Zoning Board of Appeals for a Use Variance, this is how it was done for the Training Center in '96. There is a lot of uniqueness about this property, in the original Use Variance they made use of the existing building, expanded on it, but also kept the original facade which the Town had a high interest in seeing it kept. It has been a long time since the original Use Variance was granted, thinks there are factors about this property and this use, particularly from the standpoint what else are they going to do with

it, which has always been the problem.

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The building sat vacant for years before Joe Parrinello turned it into the gym. The applicant will need to build their case again and go to the Zoning Board of Appeals. Consultant Wilson said before the applicant travels too far down the road developing plans they need to seek approval from the Zoning Board of Appeals. They need to concentrate on the application, present what they are trying to do with the property. Consultant Wilson suggested reviewing the original '96 Resolution of the board to understand the rationale, the reason why the board supported that. Think what they can expect is that the board will try to grant as narrow an approval as possible, still allowing what they want to do, but they really need to know what the intended uses are, the range of uses, that will be built into the Resolution. Review the '96 Resolution, understand the rationale, logic as to why the Zoning Board voted for the original application, will help them build their application.

Board member Cornell questioned what the second phase is? Ms. Flood said it is to actually put in an indoor pool. An indoor facility, a nice looking building, 12,000 sq. ft. Is not sure about the location on the property, may be going towards the front of the property, might be towards the middle of the property, it will be a concrete pool, it will be for swimming lessons for children, will be a warm water pool about eighty nine degrees, will be for seniors, physical therapy, exercise, and lap swimming. Ms. Flood said her existing pools, are 60x25, has one in Brewster, feels very strongly about providing safety in the water.

The Wings Over Water Corporation and her business will be twenty five years old in April 2018. The pool will not be attached to the existing building, wants to keep the beauty of that building, has already started to do some landscaping. The for sale sign will be removed this week, will be using some of the sign, but not that height which will say future home of Wings Over Water and rental space available. The property contains 5.5 acres.

Chairman Schwartz referred to Bill Bremiller still being interested? Yes, in his established business, physical water therapy, especially with the water being warm, is now extremely important in rehab. They are ready to come in. They would like to bring in a wellness and physical therapy group and a wellness facility for seniors.

Board member Arbogast questioned if Wings Over Water will be open to the public? It will be by membership at \$50.00/yr and paying for whatever program you go to, similar to her current Wings Over Water, doesn't want just anybody walking in and using the facility.

Ms. Flood spoke to the reasons she is taking down the existing pool because it cannot

be saved, there is so much damage to it, is a maize of ruins, was not vented properly,

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The decision was made to take the current pool down. Phasing it is what they need to do. She would like to put a pool in now but they need to take their time, get grant money, to build a pool is very expensive and expensive to maintain. Said, is considering building a cold water pool too.

Board member Arborgast questioned about the timing of each phase? Ms. Flood said she is hoping to get ZBA approvals to do the demo and start on the building being able to rent it out, hoping by June or July. In the meantime would need to investigate how she would get the financing for the pool. "It's a very big project." Said, this is her passion, believes in rehab and wellness of individuals in this area and safety of the children.

The design builder questioned if it is possible to obtain a Building Permit to do demolition of some of the surrounding deteriorated structures, get the shell of the Cottonwood Inn secure while they go to the ZBA for approval? Consultant Wilson suggested talking to Building Inspector Tom Fiore.

The applicant was referred to the Zoning Board of Appeals for a Use Variance before returning to this board.

There being no further discussion, comments, a motion to adjourn the meeting was made by board member Hanson, seconded by board member Cornell. The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Nikki Caul, secretary

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