

Town of Washington Planning Board  
May 1, 2018

The monthly meeting of the Town of Washington Planning Board was held on May 1, 2018 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Paul Schwartz, Ed Jorgensen, Tara Kelly, Don Hanson, Bob Kulpa also Howard Schuman, Conservation Advisory Commission and John Parisi, ZBA Chairman.

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

Virgil Shook, Dutchess Day School, 415 Route 343, Director of Buildings and Grounds appeared before the Board to discuss changes to the June 5, '17 approved Site Plan addition of three (3) tennis courts at the southeast corner of the existing athletic fields. Mr. Shook gave a brief review of the approved plan of June '17, said they would like to amend the Site Plan to remove the mechanical catch net that was designed. They believe that it will be an eyesore, based on the design, location, of the tennis courts is not a functioning factor.

The manner in which the tennis courts are now set up are off the road approximately 100 ft. from the rear line to the edge of the road. The previous soccer fields were closer than this distance and never had a problem. Review of the June '17 approved Site Plan followed by the board with Mr. Shook, pointed out were the old soccer fields and the parking lot. Chairman Schwartz questioned the distance of the current fence from the edge of the road? Mr. Shook said the edge of the fence to the road is eighty feet. The two courts that were pointed out as they sit are in the hedgerow as preexisting along Route 343.

As proposed, they are putting in White Pines, 2ft-5ft apart. In addition to these they are going to add 42 Green Giant Arborvitae. Their height begin at 6 ft. Chairman Schwartz questioned the height of the approved fence? Mr. Shook said according to the plan is 15 ft. high, however based on this design the fence will be higher. Chairman Schwartz questioned if the two tree lines are going to be disbursed and are covering the holes? Mr. Shook said there will be a gap, there will be one set of trees along the fence, the others can be offset to create a buffer with the trees, Board member Jorgensen remarked that is one end of the tennis court, they are going to want a solid green surface anyhow otherwise they are going to lose the ball.

Mr. Shook said they are in contract with Oval Sports to put up a net on the back of the fence which is about nine feet high. A green screen will be placed on the court. In addition to the White Pines they are going to add River Birch. Chairman Schwartz remarked that the point is to block the balls coming over into the cars which can cause an accident? If they can cover with trees rather than a fence thinks is much better. Board member Kulpa said White Pine is a very poor tree for fencing because it gets very sparse from the bottom up, is really not a very good tree. Mr. Shook said his intent is to keep the top cut, that will keep them sturdy. Ultra Pine and White Pine are both deer magnets. Chairman Schwartz said Hedgeside Juniper causes the deer tongues to swell so they will need to spray or put up netting. Regardless of what is put in there is nothing that the deer won't eat.

Board member Jorgensen questioned the distance from the court fence to the street? Is 82 ft. The Board was in favor to remove the mechanical ball catch, replacing it with 2 rows Arborvitae trees of five or six feet. Chairman Schwartz commented if they are willing to put up Arborvitae trees they will shield the children from the passing cars.

Mr. Shook said his ultimate goal is to put plantings in making it look mature and consistent with the roadside plantings. Chairman Schwartz suggested checking with the person who is to do the planting what the optimum spacing is so that they have root filling without crowding.

Board member Jorgensen questioned if the June '17 approved Site Plan contained the screening element? Mr. Shook said it was designed and is on the Site Plan. Board member Jorgensen said the resolution should say to use appropriate natural screening. The Board felt that since the Site Plan was being modified they should have a resolution.

Chairman Schwartz directed secretary Caul to contact attorney Blass to write a modification of the Site Plan dated 4/20/17 prepared by Clark, Patterson, Lee, Newburgh, NY Resolution to amend the Site Plan to reflect a deletion of the catch barrier and replace it with two in disbursed rows of five to six feet high Arborvitae trees.

**A motion to approve the changes to Dutchess Day School Site Plan was made by board member Jorgensen, seconded by board member Hanson.. 5 ayes, 3 absent.**

Jeff Craig, Elise Craig, 79 College Lane and Gabriella deHaan. Mackey, Butts & Wise appeared before the board to discuss bringing their apartment over the garage into compliance.

Ms. deHaan presented a survey map revision prepared by Harry Bly, L.S. dated July 12, 2002, Dutchess County Parcel Access Map of the property, a floor plan of the garage apartment, photo copy, and a Certificate of Occupancy dated September 12, 2017 under the signature of Thomas J. Fiore, Building Inspector. The property is zoned RM 2.

Ms. deHaan described the property owned by Mr. Craig as being located at 79 College Lane. The parcel is about 3.08 acres, is a flag lot, Mr. Craig had an unfinished space above the garage that he completed. Ms. deHaan pointed out the house that has the attached garage affixed to it, said, Mr. Craig applied for a permit to finish the space above the garage in 2017 with the current building inspector, went through all of the requirements, was issued a Certificate of Occupancy. The survey map presented pre-dates the construction of his house. There is a remark on it saying, "for family use only." Mr. Craig would like to legalize the 525 s.f. accessory structure as an apartment over the garage for rental purposes.

Chairman Schwartz remarked that an accessory structure can be used as of right having a separate ingress, egress, Ms. deHaan said in the RM 2 zone there is a requirement where a permit for an accessory apartment would have to be treated as if it is in a five acre zone, therefore would be a requirement of not less than ten acres.

Board member Hanson questioned if it is now open space, living space is proposed, is there a well and septic to support this? Ms. deHaan said if it is considered to be a a two, zero apartment, they wouldn't be required to go to the Board of Health. Mr. Craig said the Old Board of Health approval is for a four bedroom house, the current structure has only three bedrooms. He still has the BOH approval on file.

Board member Jorgensen questioned if the proposed rental apartment has its own kitchen? Yes. Ms. DeHaan presented the floor plan for the apartment. Mr. Craig related that his son was married last year, was going to move into the apartment, He and his son had a big to do about the apartment, his son said he is not moving in there. Said, had he known a two family structure required a special permit he would have applied for a special permit in the beginning.

Chairman Schwartz related that in the RM 2 zone a two family dwelling requires a special permt, is allowed by special permit, requested that an application be completed. Since time is an issue the application will need to be completed tomorrow in the time frame for completion of a published public notice for a June 5<sup>th</sup> public hearing.

Board member Jorgensen questioned if there is a separate entrance to the apartment? Yes. Said, when Mr, Craig digs the septic system he should add this bedroom count to the bedroom count that he has. Mr. Craig said he has approval for a four bedroom

house, he only has three bedrooms in his house,

Chairman Schwartz suggested that Mr. Craig let the neighbors know that he is proposing an apartment above the garage before the public notice is sent so they will not be up in arms at the public hearing. Next questioned if there is enough of a parking space to accommodate the apartment, does Mr. Craig have a well? There is a large parking area for his house, he has a well that has sufficient water pressure.

Board member Hanson questioned if building inspection Fiore has seen this proposal? Chairman Schwartz questioned if a building permit was issued? Yes. Chairman Schwartz requested Mr. Craig obtain a copy of the building permit to be submitted with the application materials.

Chairman Schwartz directed secretary Caul to request attorney Blass to write a Special Use Permit Resolution for a two family dwelling in the RM 2 zone for the June 5<sup>th</sup> meeting. Secretary Caul said she will fax him a copy of the application materials.

Chairman Schwartz requested Mr. Craig to have building inspector Fiore write a letter indicating that the current conditions are suitable under the current code, to be included with the application materials submitted, also a copy of the building permit. Said, he is assuming there is a smoke and carbon monoxide detector in the apartment. Yes to both.

A PUBLIC HEARING IS SCHEDULED FOR JUNE 5, 2018.

There being no further discussion, business, a motion to adjourn the meeting was made by board member Hanson, seconded by Chairman Schwartz. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Nikki Caul, secretary

