

TOWN OF WASHINGTON PLANNING BOARD

The monthly meeting and public hearing of the Town of Washington Planning Board was held on December 3, 2019 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Paul Schwartz, Ed Jorgensen, Tara Kelly, Susan Meaney, also, Howard Schuman, Conservation Advisory Commission Representative.

Chairman Schwartz opened the meeting with the Pledge of Allegiance at 7:34 P.M., announced the first agenda item.

The application of TOTally Kids Child Care (Renee Swart) 3815 Route 44, Mabbettsville (the Hammond Building) is for a daycare center serving children ages six weeks to twelve years (infant/toddlers/pre-school/after school program.) The property is zoned HM.

Dutchess County Tax Map Parcel No. 6865-00-661530

Renee Swart R.N., applicant, Holly Hammond, property owner, two staff members serving at the current daycare, Dover Plains, and Richard Renna, Renna Engineering Design, PLLC, Dover Plains, New York appeared before the board.

Chairman Schwartz called for a motion to open the public hearing. **A motion to open the TOTally Kids Child Care (Renee Swart) Public Hearing was made by board member Kelly, seconded by board member Jorgensen. 4 ayes.**

Chairman Schwartz requested an overview of the application with particular mention of the State requirements, the Dutchess County Board of Health, the traffic components, signage, lighting, issues related to the septic system, where that falls relative to the Wetlands Law.

Lynn, a current child care staff member in the Dover Plains Daycare said they are looking to expand the daycare for children ages six to twelve years, provide care for infants, toddlers, pre-school/after school program. They will provide meals, breakfast, lunch and snacks. The food program would be offered through CACSP which is a New York State Regulated Program that provides all the necessary food components for the children.

Lynn completed, presented, a preliminary daycare room diagram, measured all of the rooms. then estimated what the number of rooms will be, wanted to get a clear number of each room that totaled, eight infants, nine toddlers, twelve pre-school, 16 after school children.

Board member Jorgensen questioned if she has the square footage, will the State sign off on that? Lynn stated that a State inspector will come to the site, will double check the square footage to ensure that it is what she calculated it to be. Then will say, yes, this room can have this many, another room can have this many. Upon licensing will give all of that information. The State does a pre-inspection, after that the daycare has to complete an entire application to be submitted to OCFS, there is a lot of detailed paper work involved. After everything is reviewed, is in place, then the daycare will be given their license.

Board member Jorgensen questioned about the number of adults in the daycare? The number of adults is also State regulated, currently with each group there is a different number of children that you can have with one staff member. For infants can have four babies to one staff member, in that group would have at any time two adults in that room with the babies. The total number of adults is fourteen with New York State certification.

Chairman Schwartz questioned if they have checked with the fire department since they now have a total of 59 in the building? Lynn said they are in contact with the fire inspector through OCFS, who say the daycare needs to wait for an approval for them to come to the site to do a pre-site inspection. Board member Jorgensen stated that a local fire safety inspection could be a condition of approval, there hasn't been this many people in the Hammond building, the local fire department needs to be involved because there is a maximum occupancy of every building. The applicant needs a letter from the local fire department fire chief. Mr. Rennia said this is approved by the actual use in the building code, it always changes.

Board member Jorgensen remarked that the parents of these children are not parking their cars, they are just driving up and dropping their children off. Questioned. how many cars of working persons would be parked at the facility? There are fourteen staff, there would be fourteen cars.

Richard Rennia, Rennia Engineering gave his presentation from an enlarged site plan containing the current conditions. Spoke to the parking issue, depending at what time they begin in the morning which is six a.m. ending 6:30 p.m. This is greater than a twelve hour day, there will need to be overlapping. Mr. Rennia referred to the number of parking spaces shown on the site plan, said he showed 9 spaces because they were looking that at any given time there is going to be at least 9 employees there. He dedicated 9 spaces in the back, there are 5 additional parking spaces that can be added with a drop off zone in the front.

Mr. Rennia said there are 9 parking spaces in the back dedicated for employees. Some of these employees are first time, they are not necessarily a full time eight hour shift. Some of them may come in for the early morning, some may come in for later in the evening, then there is a core group that is there the entire day.

Applicant said, the core group is essentially four main teachers, the director, the assistant director, and the floor person which is actually seven. What happens is you have the morning shift, then the teachers come in, then the floor person and the assistant director and the director, a daycare worker takes that place until the second shift comes in.

Board member Jorgensen remarked that the site plan will show a specific number of parking for cars, the board will grant approval for a specific number of parking of cars. Mr. Rennia has said 9 spaces in the back and 5 spaces in the front. Mr. Rennia said if the board feels more comfortable with more dedicated employee spaces there is room back there, it is not a problem to add a few more spaces (pointed out the area on the site plan.) Mr. Rennia said he will increase the number of parking spaces to 14 parking spaces on the site plan.

Mr. Rennia referred to the number of parking spaces on the plan submitted, first, there is a one bedroom addition apartment, allocated two separate spaces from what he had discussed with the daycare people, this is in the Town of Washington Code, in the Code there is a nursery for a school, looked at that as being the closest component for daycare. That asks for two spaces per classroom. They were estimating that they have four major classroom uses, looking at that would need a minimum of 8 spaces, they are providing 14 parking spaces. Mr. Rennia said if the board does not feel comfortable with the number of dedicated employee parking spaces that he is proposing then he can easily add a few more spaces. The parking surface is gravel, is not impervious.

Chairman Schwartz asked what number the board would feel comfortable with? Board member Jorgensen said whatever number means we don't have cars sitting at random in the parking area in the event that a fire truck or ambulance has to drive up. Whatever number gets the cars parked logically/orderly. Mr. Rennia said he will try to get the full fourteen parking spaces. Board member Jorgensen responded that would be a good idea.

Chairman Schwartz stated that this application is not for a family daycare, not a group family daycare, this is a daycare center. Questioned if this is what is coded by the State? Applicant said the daycare center is coded by the State, there are four major classes.

Applicant spoke to the play area shown on the site plan, the play area is seven hundred square feet, will be supervised 100% of the time. There will be access for that one bedroom apartment.

Board member Meaney expressed that she has found that seems a bit awkward in a daycare center to have the person that is unaffiliated in any way that is okay by State law. Applicant said, yes it is, there is no access to their actual daycare entrance or center but that is to be discussed with OCFS. (New York State Office of Children and Family Services) Board member Meaney questioned, don't they require a backup person? Board member Jorgensen commented that they do a background check. Applicant said, absolutely. Chairman Schwartz questioned Holly Hammond, owner if that is acceptable to her. Yes, it's fine. Said, the play area is adjacent to a private residence where you have no permissible access, is assuming that the children would be monitored 100% of the time when they are in that area. Applicant reiterated that the play area is supervised 100% of the time. Board member Meaney questioned, who is going to be renting the apartment? Applicant said you don't have the authority to do a background check unless you are paying for that apartment space. Holly Hammond said if she is going to be responsible for it, the only use she wanted for the apartment in the future was to create a library, thinks about her kids going to school and have a place to work, not necessarily have anyone live there. That was her only thought for the use. Said, she understands the board airing possible concerns but her use for this area of this building is that thought.

Board member Jorgensen said to say that apartment is for the landlords private use. Chairman Schwartz questioned Holly Hammond if she is comfortable on the site plan that it's not an apartment, that it's owners personal use? Board member Jorgensen remarked if Holly wanted to rent it to a third person she would need to return to the board. Chairman Schwartz asked Holly if this is okay, "Yes." Chairman Schwartz requested Richard Renna to modify the site plan as owners private use area.

Mr. Renna spoke to needing a point outside that if there is an emergency where everyone working there can grab their children that they are with, get them out of the building to a center meeting point. If the weather is not great, that happens, the idea is to put a gazebo that can be a designated point, the children are somewhat protected.

Mr. Renna next spoke to the site plan page 1, is the condition of the site as it is right now so there is a record of what is there, page 2 is what is proposed. The wetlands boundary is shown on the site plan and was pointed out by Mr. Renna. The 100 ft buffer area has a single dot, said, the wetlands have been flagged. The septic and all proposed improvements are within inside of that one hundred foot line so there is no disturbance or new disturbance outside of that or inside between that and the wetland.

Board member Meaney questioned if they have an approved septic plan? Yes. Chairman Schwartz questioned if they have a letter on that? Mr. Renna said he submitted four copies of a reduced size. These are the actual plans that were approved and signed by the Department of Health.

Board member Jorgensen questioned when the Department of Health stamps the plan do they stamp it for the number of people. Mr. Renna said the number of gallons per day, part of their submission included a cover letter that explains the site plan, then a second letter that provided a breakdown of the water usage for a daycare facility. At that time for the veterinary clinic they worked it out to see how much flow that they would have in gallons per day. They estimated 1,375 gal per day, the new approved system (that hasn't been built yet) is for 1,375 gallons per day,

Mr. Renna spoke to the demolition plan that is shown on the back page of the site plan, will pull the old system out, put in a new raised system. This is a very serious investment, probably in the neighborhood near one hundred thousand dollars. It has been approved for 1,375 gallons per day. Said, for a daycare facility with the Department of Health numbers of what you have to use for flow, you have a certain flow rate per child, and a certain flow rate for food service per child, estimate that without the apartment use, it works out to 68 children at that facility that the septic can handle. With the apartment it lowers it to 110 gallons per day which works out to be for 63 children, we are not talking about 44 children. Based upon that there is plenty of capacity to expand. Board member Meaney questioned, if that number is calculated not just for children but the number of teachers, staff members that would be there? Mr. Renna said, yes, because the Department of Health numbers used, the number of children include the number of teachers or people that have to be there per child but not a certain number for teachers. Chairman Schwartz questioned if this includes expansion into the apartment space? Yes. Mr. Renna said if they were using the entire building the septic system could take up to 68 children at this daycare facility.

Chairman Schwartz referred to the well that is currently going to be servicing the building, looks pretty close to those tanks. Mr. Renna said there was supposed to be septic tanks, you can put septic tanks up to fifty feet from the well. Chairman Schwartz said, just not the septic field. "Correct." Mr. Renna said that field is uphill so you need at least 200 ft because you are actually putting it in the ground. Referred to the last page of the approved Department of Health Plan, has a water treatment system as well. Chairman Schwartz questioned if the State requires them to do a municipal water testing? "Yes" Will Mr. Renna have a copy of the results for the board? "Yes."

Mr. Renna spoke to the wetlands being flagged by a biologist, were located by the surveyor so they are very accurate. They were done specifically for the site. There are no new improvements within the 100 ft buffer area. Said, it is important to know that this is in the Hamlet Mixed Use District, seems to be a perfect use for the hamlet, is what the Comprehensive Plan and Zoning Code is looking for in this area.

Chairman Schwartz referred to documentation received last month relative to specific reference to a New York State requirement for an inspection of the site relative to toxic or hazardous conditions, questioned if Mr. Rennia is doing that? No.

Applicant said she spoke with people regarding that who again told them all of that is pending approval from the Board that they can go into the building, they will not come in until daycare has an approval so that they can come in and check the place out. OCFS wants to know that the daycare is approved before they send people out to look at it.

Chairman Schwartz said it has to be conditioned upon final occupancy under the special permit. Mr. Rennia said the board can break up the conditions for the site plan, conditions for the board to sign the map vs a condition for occupancy. Chairman Schwartz questioned if this is done by the State or a private engineer? It is done by the State. Chairman Schwartz questioned if there is any another State requirement that relates to the site? Applicant said they know the requirements within the outside except for that the children have a safe place to play. That they have a safe fenced in area to play, that there are no hazzards outdoors that they can get into or be harmed. Board member Jorgensen spoke to all of the requirements, questioned if the daycare has a lawyer? Applicant said there are 76 pages of regulations for a daycare center,

Board member Jorgensen said, downstate for a project like this they would ask their Counsel to give a letter that they have an approval certificate that they filed with the Board of all the approvals and certificates they need because the Board doesn't know that. Maybe the daycare could just give the board their letter that they know all the approvals and certificates. Applicant said what happens is OCFS sends their fire and safety people to the site first. They do the pre-site inspection, come to inspect for any hazzards or anything that they can say there is too much traffic, or its too close to the road. They look at all of that, then they tell daycare, yes, it's a good place, its free of all of the hazzards, or no, its not. If they say yes, then they move on, and assign the daycare a license, will check their progress. Chairman Schwartz said, their final approval is a license. Board member Jorgensen said the Board will approve the project but the State will approve the occupancy. Applicant said every two years you need to redo the application, even for group family daycare she has to redo the entire application for the license renewal issued.

Applicant said they are looking at putting in another bathroom. Chairman Schwartz questioned if the bathrooms are part of their approval? Mr. Rennia stated that the State is to say about the numbers of bathrooms needed for the daycare based on the number of children, their number of employees, their code requires this number of bathrooms.

Chairman Schwartz questioned if there is fire and carbon monoxide protection in this building? Applicant said there will be. This is one of the regulations as well as one

cannot enter the building without a key card or pin to get in because it has to be a magnetic lock so the children can't just run out. There is a button you have to push in order to get out of the building. All of that needs to be put in place by the State. You have to have specific doors in the classrooms so that nobody can get into the doors from the outside.

Chairman Schwartz said he doesn't see signage and lighting on the site plan. Mr. Rennie said they talked about lighting, only what is there now. The lighting should be placed on the site plan and an indication that there shall be no change in the lighting, if you want to change, you will need to return to the board, also the signage. Mr. Rennie questioned if the board wants the light fixtures pointed out or pointed down? Chairman Schwartz thinks they should be pointed downward, they are pre-existing, nonconforming. Said to put it on the site plan as pre-existing, nonconforming, should there is any issue or complaint from the neighborhood. Said, there is nothing on the site plan relative to signage. Applicant said there will be no signage, probably on the side of the building. Holly said maybe hang one of those little signs out on the post. Chairman Schwartz said there is a sign requirement, there is permission to expand the sign if you make it from certain material, if its non-lite, but that needs to be placed on the site plan. If they use the sign that is there you have to make sure that the setback is right on the side of the road. Before anything is done on the signage to check with the building department.

Chairman Schwartz called on members of the public for any comments, concerns. Colleen Howland, adjoining neighbor, 100 Crescent Road, questioned about ingress, egress, of the daycare, has parking been specified, are there any plans for landscaping?

Mr. Rennie spoke to the existing curb cuts, pointed out the existing curb cuts on the site plan off of Route 44. The idea is to pull in, drop off the children, then exit the site.

Mrs. Howland next questioned about the play area shown on the site plan? Lynn, current staff member, said she made sure she put in enough room for twenty six children even though the highest group of children is sixteen and can only go outdoors as a group, they cannot mix, she wanted to make sure they had enough room to run around. Mr. Rennie interjected that they decided to over size the play area, are only going to bring out fifteen children maximum at one time so they cant intermix the groups, there are eight groups. There will be a low fence around the play area. Chairman Schwartz questioned about the fencing material? Lynn said it will be a low picket fence, low enough that the children cant climb out, but not so tall that they enjoy the scenery. There are no plans for landscaping. There will be play equipment, a slide, there has to be something like mulch underneath the play equipment.

Mr. Howland spoke to reviewing the site plan. Chairman Schwartz said he suggests looking at it now because if there are concerns or issues now is the time to bring them forward.

Margaret Schnieble, asked about the employee parking and security requirements on the playground? Are there going to be any specific requirements for the fourteen employees parking, are there specific security requirements? Is there protection for the children on the playground from the road that is required by the State?

Lynn, current staff member, said there isn't a requirement, one of the good things about it is it is attached to one of the classrooms, another fence is behind the apartment, would not be completely in use. They are constantly watching the children, watching the road. Board member Jorgensen questioned if they require a surveillance system? Lynn said they don't, but they plan to put one in, they would like to have one, there would be cameras facing the play area. A question followed relative to access (a door) from the apartment to the vet office? Holly Hammond said no, there is a door in the corner if you have to exist one building or enter.

Chairman Schwartz questioned Mr. Howland, adjoining neighbor, if he has any questions that he is trying to address because the engineer is present, if there is anything specific that he is concerned about, now is the time to flush it out. Mr. Howland said no, he just wanted to make sure he was present to hear the presentation.

Mrs. Howland asked for information about the food preparation that is being planned, nursing availability, and medication distribution. Applicant (Renee Swart) said she is a registered nurse, is allowed to distribute medication in the facility. All of the staff will receive the maximum of first aid training, Relative to nursing availability, its not a requirement that a nurse is there on site at all times during the day. If there was an issue she could go to the center from where she is now. Said, she has a healthcare consultant that she just hired for her daycare now. If there are moderately ill children there is a plan that has to be submitted to the State, her healthcare consultant works through child care counsel. They come in and do the full health plan, submit that to OCFS. They make sure that all of the employees that are certified are on that license as well.

Lynn, current staff member, said in distributing any medication they have to get written notice from the doctor and the parents, all of the information so there is no accidental mixing up of childrens medication. The children need to be brought into a separate room to be given the medication where they can wash their hands.

Relative to food preparation they are going to go through a New York State food program called CACSP, who give the daycare requirements for meals. The children have to have grains, proteins, fruits, vegetables. CASCSP reviews the daycare menu, they can get reimbursed for what the daycare is feeding the children. The daycare is following a strict program as to what is being fed to the children. The daycare is also being told how much they are to feed them. They can feed them more but are not to feed any less than what the CACSP program requires. CACSP will come to the daycare during mealtime to see what is being served and providing the food that is put on the menu. The daycare will be providing two meals and two snacks per day.

Applicant said they will do the shopping for the daycare center the same as they do now. The only delivery trucks coming to the daycare center will be a Poland Springs Truck who will be delivering water for drinking. Poland Spring water is a preference not a requirement.

Chairman Schwartz remarked that at the last meeting it was discussed that the food preparation is for onsite use only. Applicant said, this is correct. Chairman Schwartz said this should be on the site plan that the food preparation will be for onsite distribution only. It is not a catering type situation which almost creates a second more intensive use.

Applicant said she plans to market the Sharon, CT area because there are a large number of people who travel to Amenia, Poughkeepsie. When anyone goes to search online for child care in the Millbrook area, there is no child care for infants, and toddlers.

Mrs. Howland questioned about the structural integrity and the system of the Hammond building? Holly Hammond said a new roof was put on in 2012. Chairman Schwartz remarked that the State is the final arbiter of accepting their requirements. They are going to have to sign off on it to give them a permit which is a contingency of their occupancy use. Applicant said the State follows them every step of the way from entry to make sure that is feasible for the right amount of food in the kitchen, follow all the way until they are done.

Applicant spoke to the group family daycare now being allowed 16 children, 12 full time, 4 schoolers. They are getting phone calls to take on more children, are not licensed to do so, this is why they are looking to expand because there is such a need for child care.

There being no further comments, questions chairman Schwartz asked for a motion to close the public hearing. **A motion to close the TOTally Kids Child Care Public Hearing was made by board member Jorgensen, seconded by board member Kelly. 4 ayes.**

Chairman Schwartz spoke to the number of contingencies he has written down, wants to have attorney Battistoni review and write a preliminary and a final site plan approval. Because of the significance of all these contingencies wants to make sure that he doesn't have any additional contingencies, that the Board vote on the application based upon the finalized permit. Said, because the Board does not have an attorney present, he has written down everything that was discussed, knows that attorney Battistoni looks into the State Regulations. This is about dealing with questions, concerns, that the Board had and that the Board is not voting prematurely.

Chairman Schwartz questioned the applicant when they are planning on going to the next step? Applicant said right now she is waiting for their fire inspector to come to do the pre-site, in the meantime they are able to start their application process. Again, there is a lot involved, is something that is going to take quite some time. They were not going to proceed with any of that until they get the State approval.

Board member Kelly remarked, they are at this point waiting for approval from the Planning Board before they take the next step. Is it possible to make a motion that the Board accepts this contingent upon approval?

Chairman Schwartz said the board has done contingencies before based upon certain things like County Board of Health, doesn't know where the State fits into that because the Planning Board is contingent upon their providing inspection, a license to operate, information on hazardous waste,

Chairman Schwartz questioned if the Board can approve the concept without approving the site plan? Said, there is a preexisting, nonconforming building, this is clearly a less intensive use than the previous use. The Board is positively inclined to do this.

Board member Jorgensen said there are a number of notations to the site plan that the board discussed that are not on the site plan. Normally the board would not have a final vote. The Board hasn't approved the site plan because the Board has not been given the final site plan. Perhaps the Board could approve the project as presented, and get a Resolution to that affect subject to submission of the site plan that conforms to what the Board discussed tonight plus any matter that Council will raise. This would enable daycare in the next few weeks to take that Resolution to the State and expand the cause because they have a lot of work to do.

Chairman Schwartz questioned if the Resolution is a written Resolution or a verbal Resolution? Thinks from a prospective of concept everyone present agrees that this is a good use, an approvable use that the Board would. assuming all of the conditions are met, and any other conditions that the Board hasn't come up with but Council

comes up with are met would be a positive project. Questioned daycare if that is sufficient to get what they need? Daycare response was “they could tell them is that, yes, we were pleased. that they are waiting on certain contingencies to be met through you but would approve the space as long as daycare would approve the space..”

Chairman Schwartz said the word again is that the Board conceptually approves of the use. The site plan and special permit is contingent upon the prerequisite that the Board discussed and any contingencies that the attorney comes up with. Questioned, if that is sufficient? Yes.

Mr. Renna spoke to the design of this building, said, if they are going to do anything with this building it needs an approved septic system. Whoever would want to go in there would need an approved septic.

Chairman Schwartz questioned Holly Hammond about the next parcel back, if this is going to be part of this project or is separate? Holly Hammond said she owns the parcel, there is no plan for that.

Mr. Renna spoke to the preliminary resolution, if it could be shared with the applicant because then they can read through the wording, if there is something specific about an agency. Chairman Schwartz said he thinks he will ask Council to fill in a line item punch list so that this plus anything he comes up with is on the punch list he makes sure to take it off.

Applicant questioned the date of the next meeting, January 7th.

There being no further discussion, comments, business, **a motion to adjourn the meeting was made by board member Kelly, seconded by board member Jorgensen. The meeting was adjourned at 9:10 P.M.**

Respectfully submitted,

Nikki Caul, secretary

