

Town of Washington Planning Board
November 5, 2019

The monthly meeting and public hearing of the Town of Washington Planning Board was held on November 5, 2019 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Paul Schwartz, James Cornell, Donald Hanson, Ed Jorgensen, Tara Kelly, Bob Kulpa, Susan Meaney, also Al DeBonis, Councilman/Liaison, Howard Schuman, Conservation Advisory Commission Representative.

Chairman Schwartz opened the meeting with the Pledge of Allegiance at 7:35 P.M., announced the first agenda item. Next referred to speaking with attorney Battistoni relative to the letter of the Code on special permits, Section 483 talks about requirements for site plan review and approval, The requirements can be waived if the board so chooses with a motion on any particular project. This is something that the board needs to incorporate otherwise Section 483 is clear on what needs to be provided and appears to be done on a professional basis. For things that are construction, additions, alterations, all that needs to be done to the letter of the law, the things that are a significant issue with the plan, potential challenge to a neighborhood, should be done to the letter of the law. The things that are home occupations, things that are entirely indoors that are not going to be related to parking, maybe the board can waive some or all of those requirements. Needs to be more precise in the action. The Santos special permit and the site plan review are of that particular comment, with that in mind, the board can look at it to the extent that the board feels the requirements can be waived, waive them with a motion or require that it be complied with. Since attorney Battistoni could not be here tonight felt his discussion needed to be summarized, his email will be forwarded to board members.

The Santos Special Permit (Kleber Santos) 578 Tyrrel Road, application is for an in-home dog care service where 1-6 dogs are offered boarding services in their home with the luxury of living with family instead of a kennel. The property is zoned RL 5. **Dutchess County Tax Map Grid No. 6564-00-963633.**

Kleber Santos, applicant and wife, Laura Evans, property owner appeared before the board.

Chairman Schwartz called for a motion to open the public hearing. **A motion to open the Santos Special Permit Public Hearing was made by board member Kulpa, seconded by board member Hanson. 7 ayes**

Chairman Schwartz requested a summary, an update, on the project from the applicant. to summarize his request. Kleber presented a brochure of the dog care service, said he has applied for a special permit that will allow him to have an in-home dog daycare service for one to six dogs. Originally was providing this service for three or four dogs without a permit, learned that above three dogs requires a special permit. Personally would rather have four dogs, anything more is something he does not want to do. Applicant wants to provide more personalized service. When hearing the word kennel it is thought of a large building, many dogs, messy, barking which is the opposite of what he provides. He provides a comfortable situation, stress free, in-home dog care. Whether daycare or nightcare they have had operations going on since they moved here in July for three dogs.

Applicant said they have a secure fence in the area that is about one and one half feet that is open to the dogs all day. The dogs go out there to be supervised, he is with them, this is his livelihood, he takes care of them, watches them, supervises them. There is no danger from the dogs, referred to a seminar with Dr. MacNamara, a veterinarian that is involved in training. He is very much into the safety of dogs, pets overall, has learned what to remove from their environment to keep them safe.

The dogs stay in their house, his wife Laura helps him when he may need to run an errand or something that requires him to be away. Said, she has fostered dogs over the years, their lives revolve around animals. They love their dogs, have two hounds, their space is well cared for, is mowed so they can run around. The interior of their home is not being changed to provide service to the dogs.

Applicant said they held an open house for their neighbors, Jack and Millie Kramer who are present tonight, visited and support the project as very positive, are dog lovers who think this service is needed.

Applicant spoke to traffic being very minimal, there will not be any parking since dog owners drop their dog off in the morning and picked up later in the evening. There has been no change to the property, just has wire fencing, plans to plant flowering trees along their driveway to beautify the area.

Laura Evans said there are no barking dogs, dogs bark when they are tied up, left out in the yard alone. Applicant said barking happens when they are left alone because they are stressed out. He is providing a comfortable open space for them to exercise. If there is any barking it is at a minimum.

Said, dogs are very interesting, they learn from eachother, his dog Josh is a very smart

dog. He and Laura have trained him to do certain things, he learns very quickly. Because he learns quickly, he teaches other dogs. Applicant has a bell that he rings for the dogs to come inside. every time he rings that bell (two weeks now) he realizes its time to get a treat and come inside, it has been working with the other dogs. Daycare is important because you can control the animals. If there is a dog that is too wild to be in their home they don't take that dog.

Applicant said he interviews the owner, also calls their veterinarian because they all need to be up to date with their vaccinations. He will not take any aggressive dogs. He makes sure that these dogs are safe. The environment needs to be a situation where dogs can play together, relax, need to be socialized, have to have experience with play groups. This is ley in his situation.

Applicant referred to the photos in the brochure presented showing the variety of dogs He also takes dogs that need special attention, medication, from very young to elderly. He provides them with whatever special diet they have. He keeps in direct contact with the owner. Also provides what is going on with the dog to the owner, that the owners love. His service has gotten great reviews on Facebook, Instagram. Laura Evans said they would like to build up their daycare with local dog owners.

Jack Kramer, adjoining part time neighbor, lives in Washington, D.C., has owned property on Tyrrel Road since '76, did not know Kleber and Laura until recently. Said he supports the plan, project, everything they do is on a professional level.

Al DeBonis, councilman spoke on behalf of the Town of Washington, who has a significant problem with unlicensed dogs. He heard Kleber say he is in contact with the dog owners veterinarian with regard to their vaccinations. The dogs in the daycare service need to be licensed dogs for their protection, protection of the town and protection of the dogs. Laura mentioned that they have only had two dogs from the Town of Washington. Chairman Schwartz questioned Kleber if he would voluntarily add to his application that any dogs that reside in the Town of Washington will be required and will be checked that they are currently licensed? This is a voluntary condition if the board agrees to the special 0ermit that would be a condition of the permit.

Chairman Schwartz stated if applicant wants to limit himself to however many dogs, does that voluntarily. he is welcome to do that. Next questioned board members if they feel comfortable waiving the requirements of the code, section 483 for this application given the intensity of the particular use that they have? **A motion to waive the requirements of the code, Section 483 was made by board member Hanson, seconded by board member Kulpa. 7 ayes.**

Chairman Schwartz called for a motion to close the public hearing. **A motion to close the Santos Public Hearing was made by board member Cornell, seconded by board member Kelly. 7 ayes**

Chairman Schwartz stated that the necessary Special Permit approval has not been drawn up yet by the board's legal assistant on a consultant basis. Said the board should vote on the approval contingent with attorney Battistoni providing the proper special permit. **A motion to grant the Santos application special permit approval for a kennel at 578 Tyrrel Road, contingent on condition of the two items 1) any dog that resides in the Town of Washington that is currently licensed is the applicants responsibility to make sure that is the case 2) that the kennel occupancy is limited to six dogs. (applicant accepted the approval with these conditions)**

The application request of Swart Special Permit (Renee Swart) 3815 Route 44, Mabbettsville (Hammond Building) is for a daycare center serving children ages six weeks to twelve years (infant/toddler/pre-school/after school program) The property is zoned HM. **Dutchess County Tax Map Parcel No.: 6865-00-661530**

Renee Swart, applicant, Holly Hammond, property owner and two current staff members serving at the current daycare appeared before the board.

Applicant Swart said she is currently licensed with New York State and has a daycare in Dover Plains, NY. With a group-family she is allowed twelve children and school age totaling sixteen children. Can have children ages six weeks to 12 years, infant, toddler, pre-school, after school program. Applicant presented a site plan map with current conditions of the site Said, she is looking to expand into a daycare center, she is based upon square footage of the room to determine how many children for each of those groups. The staff that she would have has to go through a very in-depth criminal background check. All of her staff are required to have CPR, first aid, medication and administration training, are also required to have thirty hours of training every two years. All of this is mandatory. Applicant said they all have to follow New York State Regulations. New York State Inspectors come on unannounced visits, inspections as well as the fire safety New York State personnel.

The daycare that she is proposing will have a pre-inspection/site inspection where the fire person would see what is needed to have in place. There is a New York State application process she would need to complete and submit.

With the current daycare they offer breakfast, morning snack, lunch, afternoon snack for those children that would be there after 6:00 p.m. The proposed hours of operation are from 6:00 a.m. to 7:00 p.m. to help accommodate many of the different schedules that they have.

Applicant feels that there is going to be a great need for daycare, not only for Millbrook parents but other towns in the vicinity. The daycare in Amenia, NY has closed. There are many people that travel from Connecticut as well as Amenia to Poughkeepsie so the proposed daycare would be a help. Applicant said her current daycare is full, is still receiving phone calls to see if there is any space available, she has to turn them away. When these failing family daycare facilities are closed that are licensed with New York State you see children going to non licensed places, this is why she is looking to expand.

With the food program that she mentioned she would be offering they go through New York State Program called CACSP where they reimburse her for the meals she provides to the children. In order to get reimbursed one has to follow a very strict guideline, has to provide meals that consist of whole grains, fruits, vegetables. In serving breakfast you need to serve a grain, a fruit or a vegetable. with lunch they have to get a protein, a grain, a fruit and a vegetable and has to be within New York State Regulations in order to be approved for the children. Inspectors come unannounced to make sure what you have on the menu is what you are actually serving. There is a lot of paper work involved that she does on a daily basis, has to submit to the Child Care Council Program at the end of each month.

Board member Jorgensen questioned if there will be any construction, renovations at the proposed site? Applicant said presently, no, she would need to put in some appliances to prepare the meals.

Applicant next spoke to the requirement that the children be outside twenty minutes a day. She would need to put up a fence in the outside area so that they are contained in one area, not all over the place with the proper toys. Board member Jorgensen questioned if the play area is marked on the map? Holly Hammond pointed out the outside play area that is to the right of the building on the survey map. **Chairman Schwartz said the fence should be shown on the site plan.**

Board member Hanson spoke to this being a very environmentally sensitive area there are wetlands on the property. Questioned who prepared the survey map? Said, the applicant should have Brian Houston do an inspection of the buffer zone. What the applicant doesn't want to do is put up the fence only to find out its in the buffer zone. Also referred to the potholes as he did for the last application. Holly Hammond said the State owns the potholes, just leaves them there, they are at the edge of the road.

Holly said she put gravel down so they are not as bad at the time of the last application. Board member Hanson remarked that it would be to the owners benefit to do something to the parking area. Applicant said on the side of the building is where she would have the staff park. Relative to parents parking, she was thinking about having a u shape driveway, having one as an entrance, the other as an exit, would have a drop off, have her staff there to supervise, see the parents and take the child inside. Board member Hanson suggested applicant ask Brian Houston about this also.

Board member Meaney questioned how many children would be in a room? OCS has them split up by six to eighteen months which is a max of eight children in a room. Then is split up from eighteen months to two years which is a max of twelve children. Most of the time what they do is give you four rooms, infants which is a max of eight, toddlers would be eighteen months to three years, that would give a max of twelve because you have to have to go by the youngest age, the youngest age would be eighteen months, a max of twelve of them are allowed. The pre-school room would be a max of eighteen, the after school would be five to twelve years which is a max of twenty. When the fire inspectors visit they don't take the square footage of the room, they take the square footage of the room minus any children that are there.

Chairman Schwartz questioned if the applicant has spoken to the Board of Health because this building was formerly approved as a veterinarian hospital, now is being talked about having fifty eight children plus whatever is the staff. It seems that there is a lot more potential waste going into that system. Questioned if the State requires to have a Board of Health approval on the septic and the water? Applicant said the water needs to be tested for drinking. At her daycare now, the drinking water is supplied by Poland Springs. Applicant said. you have to have the water tested to see if it passes, yes.

Chairman Schwartz next questioned if there are any requirements that someone sets the criteria for the cooking they do on the premises. Yes, they need Department of Health approval. The Department of Health inspectors visit, make sure there is no cross contamination, have enough space for the type of foods that you are going to be cooking, make sure that you are following the criteria that they have set up. Chairman Schwartz questioned if they would only be cooking for onsite or would be cooking onsite and offsite, using the kitchen for offsite cooking? Applicant said at her current daycare she cooks in her own facility. Chairman Schwartz questioned if this application would be for the facility with cooking facilities specifically limited to meals served onsite only? Yes. A regulation is that no employee is allowed to cook food at home and bring it into the daycare, it has to be prepared at the daycare to make sure it is safe for the children. Chairman Schwartz said his question was relating to the facility becoming more than just what they are applying for.

Board member Jorgensen questioned if there is an in-ground septic? The Board of Health has standards on the size of the septic system for the number of children, thinks the BOH needs to pass on this. Applicant said the majority of children are infants to toddlers, would be in diapers. Board member Jorgensen next questioned about the leech field? Holly Hammond said the septic field is in the back of the building.

Chairman Schwartz spoke to the specific State requirements sent by Nancy Patrick, there is a specific requirement that the site be inspected for any type of contaminates that might affect the children. Questioned if this is something the applicant undertakes, because the town doesn't really have the facilities to do that? Said, beside Board of Health approval, it would be a good idea that the applicant provide whatever the certification is that it meets the State requirement for that inspection so that the liability is on the inspector not on the town. Applicant said the site will be inspected for contamination by the State not by the town.

Board member Jorgensen spoke to having the location of the septic and leech field be shown on the site plan. Chairman Schwartz said this is pre-existing, if the BOH says that that septic and leech field are acceptable to the BOH the board has to accept that. Board member Jorgensen said, if you have an existing septic that has its approval. The BOH says it is sized for its use, does cover it. Board member Jorgensen questioned what kind of septic would you have for a veterinarian office? Holly Hammond remarked that the square footage that would allow fifty eight children to be there. Board member Jorgensen said the BOH will tell the board that the septic is sized for so many people, that would be the maximum number of children that would be there. Applicant questioned if it is said that the septic can hold for this many children would that also include the children that are in diapers, not using toilet facilities? Board member Jorgensen remarked that is a BOH decision. **Chairman Schwartz said he doesn't know if the well is shown on the site plan, it should be shown on the site plan.** Holly Hammond said it is where the flower box is to the left of the main entrance, **Chairman Schwartz reiterated that it should be delineated on the site plan, also in the back it says oil fill cap, is the oil tank there or inside?** Holly said the oil tank is above ground, outside,

Chairman Schwartz referred to the code, Section 483, given the scope of this project needs to comply with the required plan. Next suggested that for the public hearing applicant bring in the State requirements with line item resolutions or solutions to every one of those items so when the questions come forward she has the questioned answered. Attorney Battistoni had a question about the use in the HM zone, he anticipates this question coming from the public, "uses which may be allow by special permit are retail business and service business." Questions if this is a less intense use although it is not specifically delineated whether this is a less intensive use than those particular uses. Secretary Caul has a list of uses that consultant Neil Wilson had drawn

up for the bowling lanes converted to the self storage units. There is a list of uses that secretary Caul has for what was approved for that specific development. Attorney Battistoni is of the opinion that this allows commercial use, therefore, would be allowed under that use. Board member Hanson remarked that this list was also used for the Millbrook Training Center.

Chairman Schwartz stated if the applicant can get a site plan drawn up consistent with the code, Section 483 submitted by Tuesday, prior to the planning board meeting next month,

Chairman Schwartz questioned if there are any comments, questions? Councilman DeBonis spoke to the apartment in the building, will this be rented separately since this is part of the facility? Holly Hammond said that depends on what the applicant wants to do, what they want to move forward with, that would be open space. Councilman DeBonis commented how would an apartment mix with children there? A staff member spoke to their daycare in Dover Plains, there wasn't an apartment, there was a man who owned a business so it was like an apartment, the State didn't have any issues with this as long as there is no open access from their apartment to the daycare. Applicant said she confirms that because she just spoke about her license the other day. Chairman Schwartz spoke to the apartment being on the same septic, would need to put that use on the septic as well, there may be limits, we are now talking about two separate uses on the parcel, that may come up to be an issue. Said, he needs to refer this to attorney Battistoni, two uses on a parcel may be an issue. If applicant is taking the apartment that takes it to rest, if applicant is not taking it and Holly wants to rent it out as a separate use cannot answer this at this time. This is a question to ask Attorney Battistoni, if Holly Hammond wants chairman Schwartz to ask, he will ask. Holly was receptive to chairman Schwartz questioning attorney Battistonil

Howard Schuman questioned if the wetland is shown on the site plan, should be shown. Said he didn't see them when he looked at the site plan. Board member Hanson said they are on the site plan.

Board member Hanson referred to having a landscaping plan. Chairman Schwartz said a requirement would be to show signage, lights, plantings, driveways. Applicant asked if she decides to put in a garden should this be shown. Yes.

Applicant questioned if she needed to expand a room, remove a wall? Chairman Schwartz said anything to do inside has to be approved by the building department. There are limits to what a building permit can be used. Chairman Schwartz suggested obtaining a building permit for anything that they are replacing anything existing.

Board member Kulpa referred to this site dealing with traffic, traffic on the westbound lane of that road is pretty aggressive, said he travels this road every morning. Since it is a school doesn't feel it's the applicants responsibility, it's the State responsibility. Thinks there should be some type of traffic control, signage. Parents coming in to drop off their children, or pick up their children, is considerably slowing down, there are a lot of tractor trailers that come down that road. **Chairman Schwartz suggested applicant write a letter to the town board to request traffic control for an alteration in the traffic flow, in turn the town board would apply to the State, this would be the mechanism. Chairman Schwartz said he wrote a letter to the town board requesting an alternation in traffic flow, applicants reason is it is a school in the town, the town then would solicit the state highway department.**

Chairman Schwartz remarked that he believes there is a time issue in moving this application along, if applicant can submit the site plan that complies with code, Section 483, the Tuesday prior to the **next meeting, secretary Caul can schedule a public hearing.**

A staff member questioned about being able to cook at the daycare center, cooking the food solely for the daycare which would be the case but **was hoping if they could get that status to be able to do something like having a food drive, canned food, not a drive for canned food, but for people who need food, would that be something that would be permissible out of the daycare? Chairman Schwartz said the reason he asked about cooking is because of the odor, once they cook on a larger scale they would be cooking for the other daycare or other, almost like a catering facility. When you start cooking on a large scale it's a more intensive use of the septic system. Fine, if you want to do it, if the Board of Health says okay, when coming to the public hearing on this application they will be presenting to the public that this is what they want to do in that space. That is applicant's decision, also to think there may be two uses in a single space that goes to the legal consultant to make a determination in his opinion whether it is appropriate for that zone. The chairman's opinion, it is not a good way to go if you want to get this daycare up and running.**

Chairman Schwartz questioned about referring this application to the County?
Secretary Caul said she sent this application referral to the Dutchess County Department of Planning and Development on October 25th.

Chairman Schwartz questioned about changing the entrance in and out space, would applicant be changing that in any way, shape, or form? If applicant changes this, needs to go to the State. Applicant said no.

Applicant is to submit a revised site plan to comply with code, Section 483 the Tuesday before the next planning board meeting in order to hold the public hearing December 3rd.

A motion to approve the March 5, '19 to October 19, '19 meeting minutes as submitted was made by board member Jorgensen, seconded by board member Hanson. All ayes

A brief discussion followed relative to the Cary Solar project phone call complaints received by the board. Chairman Schwartz commented on the site visit finalization on the vanBeuren property by Wetlands Consultant, Steve Marino, said a letter on final report should be requested for the file.

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

Respectfully submitted,

Nikki Caul, secretary

