

The monthly meeting and public hearing of the Town of Washington Planning Board was held on January 5, 2016, 7:30 P.M. at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Paul Schwartz, Laura Briggs, Jim Cornell, Donald Hanson, Ed Jorgensen, James Shequine, also, planner/consultant Neil Wilson and Al DeBonis, councilman/planning board liaison.

Chairman Schwartz opened the meeting with the Pledge of Allegiance at 7:30 P.M. Announced that two items were removed from the agenda as requested, MCM Equine Partners LLC and VanBeuren/Kass Wetlands and Watercourses Special Permit. MCM Equine had no further information to discuss, VanBeuren representatives have not finalized plans.

**A motion to approve the November 3, and December 1, '15 meeting minutes as submitted was made by board member Briggs, seconded by board member Shequine, 6 ayes, 1 absent.**

The application of Route 82 Sand and Gravel Inc. Special Permit, 17 Canoe Hill Road application is for mine permit modifications. Proposed is Deep Excavation Mine Plan. The modification to the existing permit proposed provides for mining sand and gravel deeper than the previously permitted limits for a 33.9 acres portion of the existing mine, and a Wetlands Permit. The property is zoned RS 5 Low Density Residential.

Mark Williams, Sterling Environmental Engineering, P.C., Latham, NY and Pat Whitely, Route 82 Sand and Gravel Superintendent appeared before the board. **A motion to open the Route 82 Sand and Gravel Inc. Special Permits public hearing was made by board member Hanson, seconded by board member Briggs. 6 ayes, 1 absent.**

Mr. Williams gave his presentation from an enlarged color site plan map of the project. Said the area in yellow represents the Special Use Permit Extension which is an extension of the mining permit that exists throughout the existing permitted life of the mine. In the area pointed out on the site map owned by Christopher Olson is planned to go to deep excavation to the water table. There are now three areas currently permitted by the State to go into the water table. The intent is to try to keep the mining activities within the

current life of the mine which is the area that was pointed out on the site map. The orange color reflects a currently reclaimed area by the State, no mining is currently active at this point.

The activities will be no different than before, the fluctuation rates are not going to change, the traffic patterns are not going to change or any traditional site plan impacts, noise, visual. At the time that David Petrovits went into the deepening phase for these three areas Mr. Olson was not prepared to go along with that but now is. This month Route 82 Sand and Gravel will be submitting mine permit modifications to New York State DEC, are also very much aware that the Special Use Permit is somewhat appended on that approval from the DEC mine permit modifications.

There was some discussion about some areas on the site if there was any mining beforehand at the last meeting for the Special Use Permit to be valid, Route 82 Sand & Gravel has documentation that all three ponds were actual ponds that were built and used for recycling water as well as to retain storm water periodically.

Chairman Schwartz remarked that when he spoke to Mr. Williams on the phone mentioned that he had filed with the DEC indicating that they had mined below the floor of the previous situation. Chairman Schwartz questioned if Mr. Williams made a copy of this? Mr. Williams said he submitted the letter at the last meeting.

Howard Schuman, himself, said he is concerned about the screening getting sparse along Canoe Hill Road, sometimes walks his dog in that area, presently is somewhat vegetated, is going to look worse. He was wondering if something could be done to improve the screening there. Mr. Williams said when the deepening phase was submitted in 2010, 2011, they did a detailed visual assessment, noise assessment, those were the two big issues that were in play at that time. (He can give Howard a copy) There is not anything that is going to change dramatically as a result of this activity because it will be downward, you will not see as much as before. Howard questioned if the yellow area is all mined, said he walks by there, it looks like it is all covered with grass, shrubs in the back. Mr. Williams said there are blooms that exist on a portion of the old property, those will remain. Howard said the tree line looks a little spotty on the bottom, probably will be filled in with some bushes in the summer, he was thinking of putting in some low hanging bushes of some sort. Said this was his personal aesthetic thinking.

The CAC is concerned about the water level that may be created in that pond that they are enlarging when they dig down. Thinks it is already covered in the previous permit. The property owners on the edge there are about the same well level of their wells as Route 82 Sand & Gravel, thinks it was 820 on the contour line. They are pretty much in line with where the pond is going. About the affect of that pond as you draw water in,

will need some monitoring on the people who have wells, thinks it was covered in the previous permit that was approved, he just wanted to be sure that this is addressed.

Mr. Williams said that part of their mine permit modification, part of the process that he convinced the State to do is that they have to do additional hydrological testing because the previous hydrological characterization was for the deepening of the previous three areas, they added three additional piezometers to get a better idea as to what the asset was to make the mine plan, reclamation plan, affective and accurate. The ground water flows to the northwest which is consistent with the previous data, this is a non consolidated aquifer system so the majority of the wells that they have data on are getting their water from bedrock. Part of the permit in ultimately parts of the current condition will have some type of monitoring protocol in place to ensure that once they are mining full scale into the water table that there is a perimeter system in place to monitor the groundwater to make sure that it is not changing the character and having an affect. Where they dug in all three of those deepening ponds that exist now they permitted and approved within the life of the mine, that is mining into the water table, they have not received any complaints. Howard mentioned he recalls that a neighbor complained at the last public hearing on the previous special permit approval.

Mr. Williams said after the last meeting last month he actually talked with Mr. Bachman, adjoining neighbor afterwards, who has outside, was too shy to come in, found out that the majority of their problem is what he talked about in the initial section which is that their primary water supply has to be retained, they did some work, most of their problems went away. Considering that the majority of the activities haven't gone into that deepening phase at this point, they went on a tour of the facility to have a better understanding of the hydrology of the site where their well is, where their well is screened, it doesn't correlate with the problems that they have had. They are on the radar, when the mine permit activity goes forward that will be a component of the general conditions, they will be monitored.

**A motion to close the Route 82 Sand and Gravel Inc., Special Permits public hearing was made by board member Hanson, seconded by board member Jorgensen. 6 ayes, 1 absent.**

Consultant Wilson stated that he has not received a response from the Dutchess County Planning Referral which was submitted due to the proximity of the site to Route 82. The board cannot take action on this application until the February meeting, a response should be received by that point in time, the County has thirty days to respond. The applicant is placed on the February 2<sup>nd</sup> agenda.

Fee Status: all fees paid

request is to create two (2) small additions to the existing “upper gym” to create space for the schools existing music program. A small garage is to be rebuilt at the lower campus. The property is zoned RR 10.

Christopher Colby, Clark, Patterson, Lee, New Windsor, NY and Nancy Hathaway, Duchess Day Head appeared before the board.

Mr. Colby gave his presentation from an enlarged Site Plan poster of the project. The proposed project is to create two (2) small additions to the existing “upper gym”, (the old gym) and rebuilding of the storage shed over by the east end of the property. The proposed project is to convert this into more of an education building. As part of that will be adding two small additions, one in the back that will be for storage, the one in the front will be used for a classroom. Out in front of the building closer to the road the small garage will be taken down and relocated to the lower part of the campus. Relocation of the existing dumpster will also be part of the project. There is no impact to parking or traffic, parking and traffic circulation will be unchanged.

Chairman Schwartz questioned if there is any new exterior lighting associated with the construction that is planned? Mr. Colby said there may be at the entrance to the building.

The lighting will be shining downward. Chairman Schwartz next addressed Ms. Hathaway, said he intended to call Jack Neubauer, since she is present mentioned that two persons have made calls regarding the parking lighting that was first approved that was to be blacked out at the top, has worn out, if someone could adjust that it would be great. Ms. Hathaway said they will, have actually been looking at an alternative, talking with Central Hudson about alternatives. At the moment there is not much that really works, they are going to see if there is something they can do that is better.

A public hearing is scheduled for February 2, 2016.

Fee Status: Site Plan Fee \$400.00 paid  
Special Permit Fee \$400.00 paid  
Escrow Fee \$500.00 paid

The application of Timothy Taylor, 58 Route 343, request is for a home occupation special permit to operate a dog daycare for four (4) dogs. The property is zoned RM 2.

Tim Taylor and Denise Fitzpatrick, attorney representing Mr. Taylor appeared before the board.

Chairman Schwartz recused himself from this application. Consultant Wilson said he

provided the board with a draft of the Resolution earlier this afternoon. As discussed at the workshop it is set up so that it is a resolution of denial of the Application. The board has gone through the special permit standards for the home occupation, also takes the board through the regular special permit standards of 473, sets forth the reasons in support of the denial. There are portions of those various criteria both in Section 321 Home Occupations, as well as Section 473 which is the standard special permit criteria. They either don't apply or are items that could be met by the applicant. Those are acknowledged. There are several other parts of the criteria in both of those two sections based on discussions with the board and the information presented at the public hearing and by the applicant that do not support a finding to grant the home occupation special permit use.

Board member Jorgensen stated that he appreciated that Mr. Taylor had members of the Community come forward, he is a caring, good,, dog owner. Appreciated that he was contributing to the Community substituting in the School system, but like other board members he was concerned that in an RM 2 District the property was too small and inappropriate for hosting this kind of special permit use. Reluctantly, although he wanted to approve it, he just didn't feel that this property was appropriate.

Board member Cornell said he also feels the same as board member Jorgensen. Thinks Mr. Taylor has been doing a great job, his business is appreciated and valued by a number of his customers, thinks he will do very well in another location. Thinks the reasons that are articulated are that this is not an appropriate piece of property to operate this business, that is why he is voting to deny.

Board member Briggs said she felt the same way as well. Knows Mr. Taylor is fantastic with the dogs, has no doubt of that, people do love what he does for their animals. She also loves animals, but being located where he is, is just not the right place. He has to keep his neighbors happy. It would be too many animals for where he lives. Said, she has one dog. Thinks what Mr. Taylor is doing is wonderful at what he does, is sorry that it doesn't work where he lives because he is a good person.

Board member Hanson stated that the board approved a very similar situation last year. The difference between Mr. Taylor's property and the property that the board approved, the property that the board approved was an RR 10 Zone which allows kennels Yet it was only a four acre parcel which he thinks that four acres can very easily sustain the operation. Thinks a two acre zone is restrictive as far as an operation of the business.

Board member Shequine said these are always difficult decisions, the difficult part is

that the board is telling Mr. Taylor out of what he hoped to do. The only observation he has to make which he thinks is a serious one is when one goes into something like this, you have to know that the board is not concerned with his business, the board is concerned with the neighborhood, the laws, and so forth. When you buy, build and live in a place that is on the edge, this is too bad. Is not sure what it will put him through if he wants to continue but his guess is that if this is his world and want he wants, he has to have more land. Thinks this is every board members feeling.

Chairman Schwartz abstained from the vote, called for a motion based upon consultant Wilson’s iteration judgement of the board. A motion to adopt the Special Permit Denial Resolution was made by board member Hanson, seconded by board member Briggs. 5 ayes, 1 absent, 1 abstain.

Paul Schwartz, Chairman	Abstained from vote
Donald Hanson	Deny
James Shequine	Deny
Edvard Jorgensen	Deny
Laura Briggs	Deny
James Cornell	Deny
Robert Kulpa	Absent

“Therefore Be It Resolved, the Planning Board denies the application of Timothy R. Taylor for Special Permit approval to establish a dog daycare home occupation for the reasons set forth herein.”

Board members discussed having the Town Board review the Sign Law and Lot Line Law proposed by the Planning Board. Councilman DeBonis requested Consultant Wilson to re-send the information. Discussion on Town government, Wetlands Law, CAC input to board.

There being no further discussion, business, comments, **a motion to adjourn the meeting was made by board member Hanson, seconded by board member Jorgensen. The meeting was adjourned at 8:15 P.M.**

Respectfully submitted,

Nikki Caul, secretary

