

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

Members Present: Chairman, Paul Schwartz, Jim Cornell, Donald Hanson, Ed Jorgensen, Bob Kulpa, 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 the first agenda item the application of Old Hibernia Farm Poultry Processing Special Permit, 5088 Route 82, Salt Point, NY, Town of Washington is for the continued operation of the processing of poultry raised specifically to go from “farm to table” on a local level as 5th generation local farmers in the Town of Washington. The property is zoned RL 5.

Previously submitted to the board, completed Application Form, Short Environmental Assessment Form, Parcel Access Property Map, and Narrative on History Operation of the Poultry Processing Farm.

Christopher and Danielle Olson appeared before the board. Danielle explained they are looking to process poultry for themselves and for other people so that they can be resold. Consultant Wilson interjected that he received application materials from secretary Caul, was confused by the map details. Christopher expressed that “this is overkill” pointed out the tiny arrow on the map that is the building in question, is where the business is going to be. The map shows the entire property/farm.

Chairman Schwartz questioned if they are housing birds, growing birds, slaughtering birds, processing birds, maintaining birds, selling birds? What part is their operation? Danielle responded all that was mentioned, is a full operation. Chairman Schwartz next questioned how many birds they propose because there is a five thousand bird co-op that institutes a setback exchange in the Code. Christopher explained that they do not do that many themselves, do not raise/exceed the one thousand bird limit. Chairman Schwartz remarked that they are going from hatchling to table. Board member Jorgensen thinks that they are both hatching their own birds and are bringing in birds for slaughtering. Christopher said they are slaughtering other peoples birds.

Christopher said they are working to obtain a New York State Five Day License that is New York State inspected up to twenty thousand birds a year. Their own personal birds are going to be less than one thousand per year. They predominately are going to do other peoples birds. The birds come in one night, the next day they are gone. Board member Kulpa questioned what kind of birds are being processed? Christopher said there are chickens, turkeys, ducks, geese. Board member Kulpa questioned if they are housing turkeys? They are only going to house the birds that they raise for themselves, not the ones that they process for other people. Board

member Kulpa said he read where turkeys have to be kept off the ground. Christopher said, “not necessarily” they elevate the turkeys off the ground because of Black Head Disease that is associated with chickens and earthworms. It is one of the main concerns with turkeys but does not occur as often as people think. When it does occur it will wipe out about sixty percent of the turkeys.

Board member Hanson spoke to traffic generation, questioned how much traffic is going to be generated in this operation? Danielle said, “very minimal” their operation is by appointment only. Their limit for bird processing is approximately fifty to seventy five. If you have twenty five or fifty, just two persons are going to come in one evening. Christopher said, two persons per day, they are stringent because of their quality standards, they can’t do that many.

Chairman Schwartz questioned how the waste is handled? Christopher said by composting on the site. The waste will be buried and integrated into the cattle manure. Chairman Schwartz questioned if this is something that is associated with the proper setback? Consultant Wilson remarked for purposes of stockpiling, but not when it gets mixed into the fertilizer itself and is spread. Christopher remarked that eventually the manure gets spread out in the fields. Consultant Wilson said as to the pile itself it needs to be setback from the property lines. Christopher pointed out the location of the pile and the property lines on the map. Consultant Wilson spoke to the agricultural use. The agricultural use is permitted by Right. The Site Plan approval that is required from the planning board is for any construction that they may do for processing in the buildings, cages, pens, will need building permits from Zoning Administrator, Jack Neubauer. The planning board is discussing the Standards of the Code which Jack Neubauer will apply for setbacks, Consultant Wilson referred to the map that was submitted as something that is scaleable, is something that Jack Neubauer will be able to use in terms where they are going to stockpile, where the cages are going to be located. Jack Neubauer will apply whatever the standards are in zoning in terms of the setbacks as well as the areas of manure storage.

Chairman Schwartz remarked that under AG and Markets this operation is As of Right, but doesn’t the Code say that they need a special permit? Consultant Wilson responded negatively, said, this is a By Right Activity, is an agricultural activity. Said the Board needs to be very careful about this because the commissioner of AG and Markets came in and reviewed our Code a few years ago and pointed out some areas where the board requires a special permits for certain types of agricultural uses, this is not one of them.

Christopher remarked that they are in compliance with Zoning. The commissioner of AG and Markets requires a letter or notification from the Town of Washington saying that it is okay with the TOW that they do this before they apply for the five day license. The State needs it to be okay with the TOW. Consultant Wilson remarked that the letter should be issued by Zoning Administrator, Neubauer. Danielle said that everything that they are doing is based on preexisting buildings. They are not building or doing anything new, its all there, has been there.

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Christopher remarked that they have a plan to put in a walk in cooler/freezer. Their biggest market right now is other peoples birds, processing other peoples birds. Their own birds are

going to be a minimal part of the operation. Board member Cornell questioned if they are going to process birds for the shooting clubs in the area? Christopher said they have been asked to do them, however the problem that occurs with that is the birds that they want to bring are already dead, have been dead for an hour or two, rigor mortis has set in, with the scalding, equipment that they have that doesn't work. They could if they wanted the bird to be breasted out or skinned out. The local shooting clubs have approached them because they want the option of plucking, were told they can't bring dead birds that have been shot two hours ago, it doesn't work well in the equipment.

Board member Hanson questioned about signage. Response was negative, no signs. Board member Hanson suggested when discussing the project with Jack Neubauer they tell him that.

Discussion by chairman Schwartz and consultant Wilson about this needing a Special Permit. Consultant Wilson remarked that the rule is if it is not listed it is not permitted. He is looking at the list of Agriculture and Farm Uses which are permitted By Right without Special Permit or Site Plan Review for approval.

Consultant Wilson questioned if they are planning any kind of a retail or store operation? Christopher said he intends to have nothing more than a season farm stand which is a minimal aspect of the operation. The birds that they raise themselves personally are generally sold before they even process them. It would not be having a farm stand where they are peddling them, the birds are generally sold even before they even process them. Their own personal birds that they raise are a minimum of the business.

Board member Kulpa questioned if the bulk of their business is the slaughtering and packaging? Response was affirmative. Consultant Wilson spoke to farm stands, as being typically incidental to the operation, their location, so that they are not creating a traffic hazard. This is what the question is about. Because this operation is an Agricultural By Right Use the farm stand may be included.

Discussion regarding farm stands followed. Christopher stated that this is worth researching because there are a lot of laws, pre-requisite farm stands are completely allowed, he knows of least three other farm stands in the Town of Washington that are selling their own goods. Consultant Wilson remarked that the Board would visit this use as part of their code review. Christopher said he can raise, process, and sell up to one thousand birds of his own per year without licencing inspection. Their goal is to get a New York State Five Day License for the operation.

Consultant Wilson stated that their underlying operation as it now stands is that no Site Plan or Special Permit is required. Zoning Administrator Jack Neubauer can write the letter that they meet the Code and that they are in compliance. Consultant Wilson will contact him

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to discuss issuing the letter. Christopher related that he recalls speaking to the gentleman in the Commissioners Office saying that they need a letter regarding the Zoning, specifically. Said that a letter from the planning board would be adequate but the reason they are before the

board is because Jack Neubauer wasn't sure who was to issue the letter. Consultant Wilson said the planning board can issue the letter but feels more properly should come from Zoning Administrator, Jack Neubauer, reiterated that he will call Jack in regard to issuing the letter.

The application of KLM Group LLC is for a lot line change between KLM Group, LLC, 290 Hammond Hill Road and Michael S. and Nora Lee DeBartolo, 288 Hammond Hill Road. The property is zoned RR 10.

Brian Houston, L.S. and Louis Monaco, owner, lot #1, appeared before the board. Brian presented a survey map and gave detailed explanation of the proposal. The property is located on Hammond Hill Road. In 1961 this property was sold to Messrs. Cascio and Frockarazzo which was a twenty nine acre parcel. In 1975 they appeared before the planning board to subdivide the piece of property into three (3) lots, 2 flag lots, 1 standard lot. When the subdivision was completed the property was staked out. Mr. Cascio retained the two flag lots in the rear based upon the stakes that were set out, constructed his driveway, built his house on the first of the flag lots, the back lot was left vacant, is still vacant. Last year (2015) Mr. Cascio went to sell both of his parcels. A survey was done, not by Brian Houston, was commissioned, was discovered that the driveway that he planned to build on his own property, the stakes appeared to be in the wrong location. The driveway is actually on the front lot which is lot #1 owned by Mr. Monaco. The orange, hatched, area on the map is the driveway which is actually on lot #1.

Because the problem came about, the front lot was in foreclosure owned by the bank. They hired Brian to verify the findings of the first surveyor. Brian agreed with their findings, the driveway is definitely on the vacant lot. They are proposing to take the area that is shown on the map as part of the lot line change that is 0.27 acres. The driveway was intended to be on the other lot. They are now trying to rectify them all. It is a ten acre zone, all three of these lots are a little over nine acres. This is going to require an area variance as well, an area variance for reducing lot #1. 400 ft road frontage is required, this will be diminished by twenty three feet. This is proposal number one which makes the lot less sellable for the people who own these properties now.

Mr. Cascio, the owner who was selling his lots, had cancer, was going back and forth for four months, his illness was getting worse so Brian drew up an easement that granted Cascio an easement over the property so there is currently an easement over that 0.27 acres. The easement that is in the deed is the exact area of the lot line change. Mr. Cascio passed away so they were able to convey the property. This is issue number one.

Issue number two is not part of the lot line change, in the course of doing the survey there is about six or seven errors on this piece of property how it was conveyed. On the

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north side of the property on the map are shown two lines, the top line is the line as it was conveyed by the filed map. When this lot was originally subdivided there was two other lots subdivided from the same owners. What happens, because of the mistake that was made in the original conveyance, there is a deed overlap with these adjoining owners down the

road (pointed out on the map).

To stay away from litigation which is costly, Brian has contacted both owners. The Monahan parcel had a survey done, so he came up with an agreement line, surveyed the line as their survey map shows, is reflected on this survey map. Brian said he is proposing a boundary agreement line. The Moskowitz parcel which is closer to the road has not had a survey done but Brian has come up with the line as best as he can place it, there is not going to be a problem there. Brian has surveyed that portion of the property, there are not many markers there but has a line out there that if he was going to do a survey is what would hold. Brian said he has come up with a common sense approach with the boundary line agreement.

The road frontage is being decreased about forty feet, doesn't have the exact calculation. The acreage shown on the filed map is 9.8 acres, based upon the survey Brian prepared it is really 9.68 acres, it will be 9.28 acres, is decreasing about .4 acres. This parcel had a house, well and septic on it, the house fell in serious disrepair so the bank demolished it, the lot is currently vacant. It has a well, a septic area, is not in the boundary agreement area. It is a good buildable lot, is a little shy of the current ten acre zoning.

Brian plans to submit an application to the Zoning Board of Appeals tomorrow, has given the necessary information for a public notice to secretary Caul to compose a public notice and e-mail the Poughkeepsie Journal for a ZBA April 19, 2016 meeting.

Consultant Wilson remarked that secretary Caul has said a ZBA Meeting is scheduled for April 19, 2016, if the board wishes to set the public hearing at the May 3rd meeting, it is assumed that the ZBA would have taken action. The Planning Board Public Hearing on this application can be held for May 3, 2016.

A Public Hearing is scheduled for May 3, 2016.

Fee Status: \$500.00 application fee paid
300.00 escrow fee paid

Andrew Spence, Route 343 appeared before the board for a pre-application discussion. Presented a survey map of the Blair S. Emma Subdivision (BSE Properties) approved in 2006. The subdivision was for a four lot subdivision of eighty acres. The property is zoned RL 5.

Mr. Spence said this is not a formal proposal, he purchased the property of four parcels, closed on it last week. It is the former Blair S. Emma property subdivision. Said, the four parcels are

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adjacent to one another, comprise about eighty acres. The former owner had plans to sell off individual parcels of the property and create some sort of subdivision. This was not necessarily in the character of the road, also, the nature of the terrain of this property is such that it doesn't lend itself well to a subdivision. The former owner was unsuccessful in selling it in individual parcels satisfactorily because they were worried that if they sold just one parcel they would ruin

everything to the subsequent sale.

Mr. Spence referred to the survey map presented, said these two parcels (pointed out on the survey) should naturally be together. Said, he wants to merge these two lots, built a house on the location pointed out. He wants to donate a least one of these parcels to easement. possibly sell one lot, at a minimum contribute one lot to easement.

Board member Hanson referred to the building envelopes that were in place during the subdivision approval, questioned if they are still in place? Consultant Wilson remarked that the board “will have to unwind the clock on this one.” Believes that covenants and restrictions were filed as part of the approval. Mr. Spence said that this property allows easement to Dutchess Day School to access its water source. Said he spoke to Nancy Hathaway last week, who needs to go onto his property to do some rebuilding of the field house, he is fine with that. Thinks the lots maintain just the bare minimum one hundred foot frontage required.

Board member Jorgensen remarked that he has to merge these two lots in order to build, otherwise the setbacks would force him away from where he wants to build. Mr. Spence said, “absolutely” he wants to dissolve these lines, create a new building envelope in the middle, reconfigure the building envelope.

Chairman Schwartz questioned board member Hanson, who worked on the subdivision approval if he foresees any issue with the proposal? Board member Hanson said what Mr. Spence is proposing is a good thing, to reconfigure the building envelope is not a problem.

Consultant Wilson expressed that he doesn't recall all of the various agreements that were recorded, knows there was an easement for the water supply. Said, the board spent a lot of time on the configuration of the road, the logical place for the common driveway to be located but also by Dutchess Day School, cut across their waterline, thinks some sort of encroachment in the far corner that was eventually resolved. Recalls that lot three downhill side of the field where the Village of Millbrook Water Supply which is sort of a hatched area in the inset map. The maintenance agreement for a shared driveway, which is in place will need to be dissolved, there are some other covenants that have to be unwound. Board member Hanson

questioned if there should still be a maintenance agreement since he is going to keep the two lots and sell the one lot? Mr. Spence said there would have to be some sort of easement. There is no other place you can put in a driveway other than in this section of land or would want to. Consultant Wilson remarked that each of the lots still have to have access, he would be revising the access, the driveway isn't there. Mr. Spence said even if the driveway had access he could still say he is donating the access to the Dutchess Land Conservancy. Said, when the

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“dust clears this is going to be a maximum of two (2) lots.” Board member Hanson remarked that the proposal shouldn't be a problem, the road is already constructed, the only issue would be the easement.

Mr. Spence said he feels that the merger of the two lots is good for the Town, good for the use of this land.

Attorney Josh Mackey, ICRH LLP and Bob Mathers, Tuxis Corp. Storage Facility Superintendent, appeared before the board for a pre-application discussion on a proposal to remove the existing ice cream stand that has not been successful and its continued use is not a sound business use.

The narrative presented states that Tuxis proposes to expand the existing storage facility to allow for fifty (50) additional storage units, which will add to the 142 units already at the site. Tuxis Self Storage at Millbrook Commons features climate controlled self storage and wine storage with state-of-the-art keypad access and video security. There is a demand for additional storage units. The lot containing the ice cream stand is currently a separate, but adjoining lot, from the lot containing the storage units. These lots will be merged as part of this land use application.

Tuxis requires an amendment to its existing Special Permit and Site Plan Approval granted in 2005, which was subsequently amended by resolution of the Planning Board on June 5, 2007 to allow "Self Storage Warehousing" uses on the property.

A revised site plan is submitted for Planning Board review, showing the proposed new construction. When considering the site plan the Planning Board considers the criteria set forth in Section 485 of the Town Code.

When considering the special permit, the Planning Board considers the criteria set forth in Section 473 of the Town Code.

A color rendering of the layout of the proposal was presented for the board review. Bob Mathers spoke to the climate controlled self storage units and wine storage 10x20 ft. area that houses wine bins. Some women have units set up with shelving and racks, hang their clothes in there, switch them out in summer and winter, use them as big closets because of the climate controlled units. The wine is stored at 55 degrees and 60 % humidity.

Board member Hanson questioned the owner of Jersey Barriers behind the gas station? The gas station owns Jersey Barriers, are the concrete barriers, are not visible from the road.

Attorney Mackey commented that he appeared tonight in terms of the sequence of events to make sure that they are on parallel tracks with the ZBA. Consultant Wilson remarked that following

up on ZBA chairman, John Parisi comment on parking said he is not seeing a parking agreement for warehouse and storage. Referred to Section 310(3) Appendix C, Off Street Parking for

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Structures and Land Uses which do not fall into the category listed above shall be determined in each case for parking needs by the Planning Board which shall consider all factors for such use

on a case to case basis. Did not recall the parking needing a variance. Chairman Parisi

said this issue arose in the ZBA last review. Chairman Schwartz said this was probably because it was talked about that there might be renting of offices, and potential retail at the time. Bob Mathers concurred.

Attorney Mackey questioned about the Wetlands issue, do we know definitively tonight about the status? Consultant Wilson said he thinks they need to retain a consultant to come out and verify the delineated line, recommends commissioning someone to come out, verify, then talk to Wetlands Consultant Steve Marino directly. Also suggested to have Mark Graminski or another surveyor review the proposed plan.

Attorney Mackey stated that he will submit a formal application to the Planning Board, has an application before the Zoning Board of Appeals. Consultant Wilson spoke to the application needing a Coordinated Review with The Zoning Board of Appeals. Attorney Mackey referred to the Code section about Special Permits saying, "the Zoning Board or the Planning Board whichever may be." Consultant Wilson remarked that certain special permits go to the zoning board, this stays with the planning board. Next questioned about any curbing? Attorney Mackey said the plan is not to change anything with respect to the curb cut. Bob Mathers said, no, from Route 44 considered is a simple half circle so if people needed to pull in to access the door in that area, they could, also from the back, there is an overhang in the back, they could pull under it in times of rain.

Consultant Wilson spoke to the initial circulation for Lead Agency in terms SEQRA, he would include the Department of Transportation, they may have jurisdiction. One of the things that he has run into in some projects with the DOT involving state highways is that they are looking for people to put in sidewalks in places where you would not expect to see sidewalks. That may pop up. DOT has this big push not only to accommodate pedestrians with sidewalks but ADA accessible sidewalks which in some cases is really, nuts, is all brand new. It may come up, particularly if you are going to do something that is going to create a channeled entrance needing a highway work permit, seems to be their trigger. Cannot say that they are going to want something like that but that seems to be their bias, is a word of caution. Bob Mathers indicated that the current property is a one way, in this way and around the building and out. They plan on keeping it that way.

Consultant Wilson referred to dealing with stormwater issues, they need to take a look at that. Attorney Mackey referred to pulling out the old septic, there must be a process with the Department of Health for that. Bob Mathers said it is a 2,000 concrete tank.

Board member Kulpa questioned if they have problems in the winter with units that are in the shade as opposed to the units in the sun, ice forming on the bottom of the doors, and can't open the doors? Bob Mathers said there is no outside access to the units you have to go in through the doors that he pointed out on the site plan rendering.

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Attorney Mackey stated that he will submit a formal application to the planning board for the next appearance, will talk about the special permit, will it possibly be the public hearing? Consultant Wilson said the board needs to review the application first, also the board needs to hear from a wetlands consultant, perhaps Michael Nowicki. Attorney Mackey said he will

submit the planning board application for the workshop on April 26th.

ZBA chairman Parisi questioned if the ZBA can grant a variance without the environmental impact review? Consultant Wilson responded negatively, said this is why it is important to get the application in for the workshop, in May the planning board can start the circulation for Lead Agency. Attorney Mackey stated that the application for a variance has been submitted to the ZBA. Secretary Caul related that a ZBA public hearing is scheduled for April 19th. Consultant Wilson related that ZBA chairman Parisi and board will need to make up their own SEQRA Findings, there are probably some aspects of the application they won't have information on. They are being asked to grant an area variance for a project that is getting rid of a building and putting a larger one in, so the same question about stormwater affects them, thinks it would be best if a coordinated review is held, holding off on the ZBA action. The ZBA may want to open the public hearing on April 19th but avoid taking action and allow the planning board to circulate for Lead Agency, do the environmental review at the planning board workshop on April 26th, have all those questions answered, send them back to the ZBA, hopefully by June at the latest can then issue the permits of approval. Attorney Mackey questioned if the ZBA would just open the public hearing and adjourn to the following month or would there also be discussion? ZBA chairman Parisi felt that there would need to be some preliminary discussion as well at the April 19th meeting. Consultant Wilson reiterated he thinks that the environmental aspect needs to be squared away first before the any board takes any action.

The planning board scheduled a workshop for Tuesday, April 26th, holding a coordinated review with the Zoning Board of Appeals.

Chairman Schwartz requested that a PDF be sent to secretary Caul

There being no further discussion, business, **a motion to adjourn the meeting was made by board member Hanson, seconded by board member Cornell. The meeting was adjourned at 8:50 P.M.**

Respectfully submitted,

Nikki Caul, secretary

