

Town of Washington
Planning Board
October 4, 2016

The monthly meeting and public hearing of the Town of Washington Planning Board was held on October 4, 2016 at 7:30 P.M., the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: James Cornell, Donald Hanson (entered the meeting at 7:41 P.M.) Ed Jorgensen, James Shequine, also planner/consultant Neil Wilson, and Al DeBonis, councilman/planning board liaison.

In the absence of chairman Paul Schwartz, board member Donald Hanson assumed chairmanship for the meeting, opened the meeting with the Pledge of Allegiance at 7:41 P.M. and announced the first agenda item.

The application request of Millprop III, LLC Wetlands Special Permit, 480 Oak Summit Road is for removal of sediment and invasive weeds from a one-half acre landscape pond (Upper Butterfly Pond) and Design of Main Entrance Landscape. The property is zoned RR 10.

Brad Roeller appeared before the board, presented photos of the site visit conducted by the board, said one of the things he was asked to do was to prepare a design concept and plant list, he has the landscape designers conceptual designs of the plantings; because it is in such a pretty spot they are not going to put in any trees or shrubs. However, they will do a lot of aquatic plantings.

An issue or concern that arose at the site visit was about having a buffer. Two items that Steve Marino, Wetlands Consultant brought about was the need to the establishment of a natural buffer upon completion of the work and the landscaping. Brad said he has used a planting seed mix around the Willow Pond; it's an urged conservation seed mix that is the best in the business. Insofar as custom made seed mixes this one specifically, native northeastern native grasses, sedges, and wild flowers, used specifically in reoccurring zones. There will be a buffer that will maintain at least a twenty foot or more buffer strip around on the up gradient side to have more buffering of the pond.

Another issue was what is to be done with the spoils, (the excavated material that comes out of this pond) they always like to use it on the site. Brad presented a diagram that shows the stockpile areas which is an area that was reviewed during the site visit last week, these areas correspond to in some cases irregularities in the existing topography. Each of these areas will be protected by silt fencing.

Ernie Martin, project engineer received a memo from Christian Moore saying that this

project does not meet the threshold for SPEDES, SWEPP.

Brad spoke to the site visit that was conducted by the board last week, board member Hanson, Howard Schuman, David Greenwood, CAC, Mike Herzog, Village Trustee, Steve Marino, Wetlands Consultant attended. Brad described the site visit as a very good meeting, Steve saw no problems with the stockpile areas; these areas when its dry will be graded, smooth out irregularities. Steve Marino made a suggestion that they will probably do. that is the up gradient side which is now leased by Bos Haven Farms, is in strips of corn, will eventually be all in hay which is needed to renovate the hay field but there is about thirty five acres of the agricultural field that has subsurface drainage in it that the outlets are just above the pond. Steve recommended that they expose those, only one was exposed that Brad could find but he can see that there are thirty feet on center by the vegetation wet spots. Steve Marino wants them exposed, shortened, then more plantings to act as more filtration for that subsurface drainage in the case that it has nutrients involved with agricultural practices.

Board member Hanson questioned what is to happen to the poor critters that are in the pond? Brad said they will be relocated to one of their other ponds.

A motion to open the Millprop III, LLC Wetlands Special Permit (Upper Butterfly Pond) Public Hearing was made by board member Shequine, seconded by board member Cornell. 4 ayes, 3 absent.

Howard Schuman, CAC referred to the site visit conducted by the board as being the better project that they looked at. This particular project is part of a larger project which the board has already assigned a schedule of uses of re-circulation in times of drought, thinks the board may want to memorialize that in the document when the board approves this. This is the same that was applied to the other pond, is nothing different. Brad said he cannot speak to the exact language but that was a condition, is part of the of the same system, assumes that condition applies to this dredging proposal.

Consultant

Wilson remarked that this was stated in the prior application, is an ongoing condition. The dredging itself is a separate activity, if this had been thought about a couple of years ago probably would have been precluded, covered, in that permit. The situation that Howard is referring to is an ongoing condition related to the entirety of the system.

Consultant Wilson referred to the Steve Marino memorandum dated today 10/4, talks about the September 27th site walkover, his observations, which is basically the first page of his memorandum. His recommendations are “1) Provision of a 15-25 foot wide naturalized buffer around the western perimeter of the pond. This should include submergent as well an emergent and transitional vegetation that make up this width,

Page 2

much of which could be within the limits of the pond itself. The idea is to not have

mowing up to the water's edge but rather a naturalized edge for filtering of runoff and pond edge habitat for turtles, amphibians, waterfowl, and small fish. This would also accomplish the removal of a variety of non-native or invasive species that are currently around the pond in some locations. The applicant is currently proposing a 100 foot buffer on the eastern side of the pond, to be mowed once a year after frost. (Brad interjected that this is actually the southern side of the pond, the up gradient, most important side)

2) The locations of the outlets for the existing field drains should be located, and some provision for treatment of these outflows should be made. In the field we discussed the creation of rain garden type structures, shallow depressions, and wetland plants for both physical and biological removal of pollutants from discharge. The use of the upgradient areas for agricultural is a concern, and could be addressed by this pre-treatment method. The harvesting of overgrown vegetation in these rain gardens could

be done on an annual basis, (e.g. when the meadows are mowed) to ensure that additional biomass does not make it into the pond and accelerate the eutrophication process.

3) Some provision for removal of larger fish and turtles in the pond during draw down and relocation to other ponds on the site, even if temporarily. This might be easier said than done but could be considered in the sequencing plan, even if on a small scale. Dip nets and buckets can be quite affective, and Pond B is not far away. (Brad interjected that they have done this in other projects)

4) Prior to the placement of the removed material along the eastern edge of the pond and in the southern field, erosion control measures should be in place to ensure that the material does not end up back in the pond or run off the site. The drying sediment should be limed and hayed so that it represents a suitable growing medium once it has dried out.

5) An escrow account should be established for periodic inspection of the site during the site work and immediately after completion. The applicant's representative should notify the Town 48 hours before the project is scheduled to begin so that inspections can be scheduled."

Consultant Wilson said the actual permit requirements of the Code is advising the Planning Board and Zoning Administrator not less than seventy-two hours in writing in advance of the time the work is commenced. As part of the recommendation for the posting of an escrow, Consultant Wilson is recommending \$1,800.00 for a short term duration project. Brad remarked that those conditions were pretty much approved in the field because it fits in with their design concept.

A motion to close the Millprop III, LLC Wetlands Special Permit (Upper Butterfly Pond) Public Hearing was made by board member Cornell, seconded by board member Shequine. 4 ayes, 3 absent.

Page 3

A motion to adopt a Negative Declaration of Determination of No Significance was

made by board member Cornell, seconded by board member Jorgensen. 4 ayes, 3 absent.

A motion to grant the Millprop III, LLC Wetlands Special Permit (Upper Butterfly Pond) was made by board member Cornell, seconded by board member Jorgensen. 4 ayes, 3 absent.

Fee Status: Wetlands Escrow Amount Due

The application request of Clark-Arcadia Fields Lot Line Change, 285 Shunpike Road and 221-231 Shunpike Road, is for the transfer of approximately fifteen acres of land from Michelle Clark to Arcadia Fields LLC.

Previously submitted to the board, completed Combined Application Form, Short Environmental Assessment Form, AG District Properties within 500 ft. , Agricultural District Parcels 8 1/2x11 map, EAF Mapper Summary Report, Large Scale Clark-Arcadia Fields, LLC Map dated September 15, 2016 prepared by Kirk K. Horton, L.S., Amenia, NY.

Kirk Horton, L.S., appeared before the board, described the proposal. Said, Michelle Clark owns thirty six acres on Shunpike Road, wants to convey sixteen acres to Arcadia Fields which surrounds her property on three sides, will have twenty acres remaining. The acres transferred will be incorporated into the farm, there is no intent to build at this time. The remaining Clark property is not for sale.

Review of the survey map by the board and consultant Wilson followed. Consultant Wilson questioned the line that was drawn straight across the wall, it would make more sense to follow the stone wall, having that line drawn straight across doesn't look like it really follows the wall, its rather odd. Physically in the field its going to look strange.

Kirk spoke to the Town line running north of the Arcadia Fields Farm, part of the farm extends into the Stanford Township, has nothing to do with the lot line change, but is questioning if he should refer this to the Town of Stanford since there is a little wedge, and a little strip in Town of Stanford. Consultant Wilson remarked that there will be a notice of the public hearing, if they are interested will respond. Kirk mentioned that he has some activity in the Town of Stanford, will inform them of the proposed conveyance of Clark land. Board member Jorgensen remarked that the land that is being conveyed is in the Town of Washington. Consultant Wilson said a copy of the public notice should be sent to the Stanford Town Clerk.

Page 4

A public hearing is scheduled for November 1, 2016.

Fee Status: \$750.00 lot line application fee of 16 acres or more paid
500.00 escrow fee paid

The application request of Kaye-St. Peters Church Lot Line Change, 692 Deep Hollow Road is to convey 3.31 acres from lands of Stephen Kaye from their existing 15.84 acres parcel to St. Peters Church. The property is zoned RR 10.

Previously submitted to the board, completed Combined Application Form, Short Environmental Assessment Form, Site Map, Copy of Deed Large Scale Survey Map prepared by Brian Houston, L. S.

Brian Houston, L.S. appeared before the board, presented survey map, application materials, Said, Stephen Kaye has a 15.84 acres parcel that adjoins St. Peters Church. A lot line change is being proposed. Highlighted in yellow on the survey map is the actual church property that contains the church and the parish hall. The Kaye land is vacant except for an old barn located by the road. Proposed is to add on 3.0 acres from the rear of the Kaye property that is highlighted in orange on the survey map, also a .31 acre by the road where they can merge that into the property and square out the front. St. Peters Church has an existing thirty foot right of way over the driveway now, that will go away as part of the application because St. Peters will then own the property. The Kaye property has a conservation easement on it that allows for a lot line change but how the easement reads is that it will be transferred with the property; there is a note on the survey map stating that.

A public hearing is scheduled for November 1, 2016.

Fee Status: \$750.00 application fee paid
300.00 escrow fee due

Patricia Gondolfo, 450 North Tower Hill Road appeared before the board for a pre-application discussion for special permit of a one bedroom apartment in the existing barn on the property zoned RR 10. Mrs. Gondolfo said her property is situated at the corner of Deep Hollow Road and North Tower Hill Road, presented a color photo of the property. Mrs. Gondolfo is a recent widow, wants to construct a one bedroom apartment for a caretaker to be on the property because she travels a great deal for

her job.

Page 5

Mrs. Gondolfo said her adjoining neighbors are Stephen Kaye and Fernando Nottebohm.

Donald Fegan, P.E. visited the site, said the well is fine to be tapped into, her septic system is too far from the barn. The barn in on the level part of the property, would be easy to put in a small septic system for a one bedroom apartment.

Mrs. Gondolfo spoke to first approaching the Building Department, was referred to the planning board for guidance on acreage requirements. Consultant Wilson reviewed the Code, said that there is no acreage requirement in the Code for a barn conversion, there is for an additional free standing structure. Read from the Code that “one barn or accessory structure may be converted by right for residential use on a single lot. The planning board may issue a special permit for the conversion for up to three barns with accessory structures on a single lot.” Consultant Wilson stated that according to the language Mrs. Gondolfo By Right can convert one barn or accessory structure, does not require site plan approval. Said, there are standards, the minimum size of the unit must be 800 square feet. Mrs. Gondolfo said the size is about 1,000 sq. ft. is the hay loft of the barn. Upon Code review this proposal meets the Code requirements, the proposal is allowed By Right, no special permit is required.

Consultant Wilson questioned about the use of the ground floor of the barn. The ground floor of the barn has stalls but are not used for animals. Consultant Wilson remarked that her biggest challenge is going to be however Building Inspector Neubauer classifies the ground floor level for fire ratings, separation. Mrs. Gondolfo commented that he has already mentioned this. Dan Fegan, P.E. is already engaged for the new septic system to make sure that it would work. Mrs. Gondolfo will need Department of Health approval for the new septic system.

Josephine Sherrat, representative, Country Kids Childrens Hosiery, and Holly Hammond, Hammond Building, Mabbettsville owner, appeared before the board for a pre-application discussion for special permit to operate a Country Kids (Childrens Wholesale Hosiery) wholesale company.

Ms. Sherrat said her company sells children’s hosiery, is a wholesale company, looking to bring a design and development office to the Hammond building for wholesale distribution. Ms. Sherrat distributed a Children’s Hosiery catalogue and sample of the socks they distribute.

There will be three or four employees to begin, with growth there will be up to eight or ten employees in the wholesale operation. Said, they don’t do any manufacturing, everything that is brought into the business is a finished product. They take telephone

orders, catalogue orders, online orders. Inventory will be kept at the proposed business location. All supplies come assembled ready for distribution.

Board member Hanson questioned about traffic generation, deliveries and pick up? Ms. Sherratt said they typically have one or two deliveries/shipments of the merchandise per month, have a UPS pick up each day for the outgoing orders, for incoming goods maybe four per month which is a high estimate.

The Hammond Building, Mabbettsville would be leased by the wholesale company. In response to a question about planning to enlarge the commercial floor space, Ms. Sherratt said there are no plans to enlarge the floor space.

Consultant Wilson read the definition of a retail business from the Code, “ is an establishment engaged in selling or renting good or merchandise to the general public in small quantities for personal household consumption for business use and rendering services.” A Site Plan containing what is existing on the property is to be submitted, parking and access needs to be shown. Consultant Wilson noted that conversion of residential space to commercial space would be an issue, this is where the ratio restriction falls into. This is an existing commercial space has been for eons. The building can be used as is as long as it is not expanded because there is a restriction on expansion of commercial space in the hamlet. Chairman Parisi questioned that the Hammond property is a nonconforming use would this automatically convert to a residential use? Consultant Wilson said no, it doesn’t automatically because the hamlet by itself is a mixed use hamlet. If it were a residential zone then yes, the idea is that it would be nonconforming after twelve months of this use, would have lost the right to use it for commercial purposes. It’s a commercial space and is still available to be used as commercial space unless there had been an intervening conversion to a residential use which it has not. Noone has been living there, this confirmed by Holly Hammond. Consultant Wilson mention that he will talk to town attorney Jeff Battistoni but is pretty confident about it. Consultant Wilson reiterated that a Site Plan with a completed application is needed. Questioned Holly Hammond if she has a current survey of the property, something that can be used. Holly said she is not sure when the last survey was done, will need to check, a number of things were done in 2012 when the other veterinarian was there. Consultant Wilson said parking for employees needs to be shown, equally important is the water supply, sewage disposal. Holly needs to go through, really make sure that the septic system is functioning, if needs repairs, since it hasn’t been used for awhile. Holly said that Taylor has it up and running, had a little trouble getting it going, but its working,

Page 7

its functioning correctly, well and pumps are in good condition.

Board member Hanson questioned if any improvements on the exterior of the building are proposed? Ms. Sherratt said they didn’t get that far into the discussion of leasing. Holly said the siding on the building is good, is on a slab so there is nothing underneath

the building that will change, a new roof was put on in 2012. Board member Hanson questioned who owns the building? Holly Hammond said she is the owner, said she will still maintain ownership.

Consultant Wilson questioned Holly if she thinks that she had a resurvey done in the last few years? Holly said she will need to go back and check, knows a number of things

were done because there were plans for the other veterinarian that was going to buy the building. Consultant Wilson suggested that she sees what she has, who prepared the survey, contact them and have them look at it. The key here is does it reflect what is on the ground today, were there changes done for the prior vet that are not reflected on the plan, the outside of the building, not the inside, is what the planning board is concerned with. Consultant Wilson said parking spaces need to be delineated, loading zone, handicapped accessibility is key. An appropriately located sign, accessible parking spaces as well as access to the building, a ramp is needed. Holly can talk to Building Inspector Neubauer who will advise her what she needs. Holly questioned about the need for handicapped accessibility is necessary for the building even though its not bringing in customers off the street for purchasing? Consultant Wilson remarked that they may have an employee who needs this, is a very key part of building code. If Ms. Sherratt has an idea for signage to talk to Jack Neubauer as there as some limits on signage, free standing signs, where they can be located, the highway right of way is close to the front of the building. The planning board will want to see the signage that is being proposed for the front of the building or the free standing sign, diagrams, a sketch, should be included of what they have in mind. Consultant Wilson spoke to the frequency of deliveries and the size of the trucks, some idea of the type of truck that is likely to make deliveries and the frequency.

Board member Hanson suggested that Holly Hammond get confirmation from Rich Rennia that he inspected the building.

The board determined that the proposed commercial operation is an acceptable business for the building and Mabbettsville hamlet.

There being no further discussion, business, a motion to adjourn the meeting was made by board member Cornell, seconded by board member Jorgensen. The meeting was adjourned at 8:55 P.M.

Respectfully submitted,
Nikki Caul, secretary

