

Town of Washington Planning Board
Combined Application Form

APPROVAL REQUESTED FOR: (Check all that apply)

Sketch Plan	_____	Preliminary Subdivision	_____
Final Subdivision	_____	Lot Line Revision	_____
Site Plan	_____	Special Use Permit	<u>✓</u>

Name of Subdivision or Site Plan: _____

Detailed Description of Proposed Activity:

Obtain a VARIAN USE permit as "Professional Office"
Please see Attached

Name of Applicant(s): _____

Address: _____

Telephone: _____

Name and Address of Record Owner(s): John K. Dwyer 155 Stearns Rd
Hopewell TOWNSHIP NY 12533

Tax Map Number of all parcels: 1357441 also see 141144

D) Application Data for All Applications:

a) Total acreage involved in application: 0.27

Detailed Description of Proposed Activity:

The total square footage of the existing structure is 2604 sq/ft. Currently, a 1500+/-sq/ft office with a bathroom makes up the entire first story. There is also a 100+/- sq/ft, "basement" or storage space, which houses our utilities. The office space will be used as a Property and Construction Management company. 1-3 employees will occupy the space- generally during normal business hours (9a.m.-5p.m.) We do not anticipate use of our facilities by the general public as most of our work occurs off-site, with this office as the main headquarters for administrative needs. The day to day main functions of the office, as it is primarily used for Property Management, include: rent collection, dispatching 3rd party contractors to our off-site properties, bookkeeping, and record keeping. Additionally, administrative tasks for off-site work will be completed in this office such as inspection reports, work estimates and accounts payable and receivable. There will be no goods sold from the premises.

The entire 2nd story is approximately 1000 sq/ft, with a 3 bedroom 1 bathroom apartment. There is a separate entrance to the apartment.

We do not plan on any additional construction to the building nor is there any additional parking being proposed. There are no plans for any site improvements at this time.

- b) Total contiguous acreage controlled by applicant/owner: 24
- c) Total number of existing structures: 1
- d) Type of existing structures: Commercial/ Multiple Use
- e) Total square footage of all new construction: n/a
- f) Estimated value of new construction or addition: n/a
- g) Type of construction or activity proposed: (Check all that apply)

New Construction: Residential Commercial Institutional

Expansion: Residential Commercial Institutional

Home Occupation:

Change in Use:

Other:

h) Data for Subdivision and Lot Line Applications Only:

- i) Total number of lots proposed: _____
- ii) What is the size of the smallest lot proposed? _____
- iii) What is the size of the largest lot proposed? _____
- iv) Number of private driveways proposed: _____
- v) Number of common driveways proposed: _____
- vi) Maximum number of lots serviced by a common driveway: _____

2) Property Data for All Applications:

- a) Attach a copy of the current deed and any easements affecting the property to this application.
- b) Zoning District: _____

1. Shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.

c) Are there agricultural and/or forestry exemptions affecting the property?
No Yes _____. If yes, please list in detail:

d) Subdivision/Line Line Applications Only

i) Preliminary Plat includes _____ acres and tentatively includes _____ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is _____ (define measure: acres/square feet).

ii) Does subdivider intend to request any waivers or variances from the Subdivision Regulations upon submission of Final Plat for approval? No _____ Yes _____. If yes, please list in detail:

iii) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes _____ No _____. If no, state the number of sections to be filed _____.

Name and Address of Professional Engineer: _____

Telephone: _____

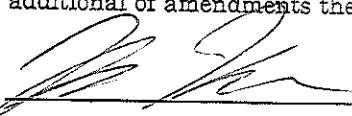
Name and Address of Licensed Land Surveyor: _____

Telephone: _____

Name and Address of Attorney: _____

Telephone: 914-589-9949

The signature of the Owner or Agent of the Owner below shall mean that the applicant is familiar with and will comply with the requirements of the Town Zoning Law, the Town Subdivision Regulations and any additional of amendments therein and other appropriate Town ordinances and regulations.

Applicant Signature:  _____

Date: 4/21/22

AFFIDAVIT TO BE COMPLETED BY APPLICANT/OWNER


State of New York }
County of Dutchess } ss: Millbrook, NY

BRIAN KIERMAN being duly sworn, deposes and says:

1. That he/she resides at 153 Stormville Rd. Hopewell Junction in the County of Dutchess and the State of New York. That he/she is the Owner / Agent of the Owner of the within property as described in the foregoing application for Subdivision / Site Plan / Special Use Permit approval(s) and that the statements contained therein are true to the best of his/her knowledge and belief.
2. That we hereby authorize _____ of _____, to act as our representative in all matters regarding the application that may come before the Town of Washington Planning Board.
3. That he/she has the legal right to make or authorize the making of said application.
4. That he/she understands that the Town of Washington Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury he/she declares that he/she has examined this affidavit and that it is true and correct.

BRIAN KIERMAN
Applicant/Owner


Applicant/Owner


Notary Public

JASON THEODORE MCINTYRE
Notary Public, State of New York
Qualified in Orange County
Registration # 01MC6265279
Commission Expires July 09, 2024

Town of Washington Planning Board
Minimum Development Guidelines for Private and Common Driveways

The following notes must be placed on the plan for development approval as applicable.

For All Private Driveways:

1. Finished grades for all parts of the driveway shall not exceed 12 percent.
2. The minimum driveway width shall not be less than 16 feet with a travel way width of not less than 12 feet.
3. A development plan for the driveway together with road profiles and other information as may be required by the Town Building Inspector, shall accompany plans for construction on the property at the time an application for a building permit is made. The development plan and profiles shall show conformity of the proposed driveway construction with these standards. These plans shall be prepared by a licensed professional engineer and shall bear the seal and signature of such engineer.
4. Upon completion, the applicant's engineer shall certify to the Town that the driveway has been constructed in accordance with the approved plans and with these specifications. Such certification shall accompany the application for issuance of a Certificate of Occupancy for the improvements. Such certification shall be in the form of an as-built survey of the driveway and other improvements to the property.
5. The driveway construction requirements as shown on the final development plan or plat approved by the Planning Board shall be referenced in the deed for the property upon transfer.

For driveways in excess of 500 linear feet:

1. Finished grade for all parts of the driveway shall not exceed 12 percent.
2. The cleared and graded width of the driveway shall not be less than 16 feet, and travel-way width of not less than 12 feet and 2-foot shoulders to each side.
3. Shoulders shall be top soiled, seeded with an appropriate grass or grass blend, and mulched.
4. Passing turnouts measuring not less than 40' x 10' shall be placed at not more than five hundred foot intervals along the length of the driveway. The passing turnouts shall have an additional 2 feet of shoulder width.
5. All roots and stumps shall be grubbed, excavated and removed from the travel way and shoulders.
6. All unsuitable and unstable materials shall be completely excavated and removed and all rocks or boulders larger than 6 inches across shall be excavated to at least 8 inches below finished grade.

7. The foundation course of the driveway shall be a minimum of 6 inches of clean, run of bank gravel.
8. Final course of the driveway shall be a minimum of 4 inches of item 4 or processed gravel.
9. The travel way, passing turnouts, shoulders and flow line of drainage ditches and swales shall be maintained in satisfactory condition to assure safe and continuous, year-round access for all vehicles.
10. Trees and shrubs shall be trimmed and maintained so as not to hang into or obstruct the travel way, passing turnouts and shoulders. Overhead branches shall be trimmed to a height of not less than 13 feet.
11. A development plan for the driveway, together with road profiles and other information as may be required by the Town Building Inspector, shall accompany plans for construction on the property at the time an application for a building permit is made. The development plan and profiles shall show conformity of the proposed driveway construction with these standards. These plans shall be prepared by a licensed professional engineer and shall bear the seal and signature of such engineer.
12. Upon completion, the applicant's engineer shall certify to the Town that the driveway has been constructed in accordance with the approved plans and with these specifications. Such certification shall accompany the application for issuance of a Certificate of Occupancy for the improvements. Such certification shall be in the form of an as-built survey of the driveway and other improvements.
13. The driveway construction requirements as shown on the final development plan or plat approved by the Planning Board shall be referenced in the deed for the property upon transfer.

For Common Driveways

1. Finished grade for all parts of the driveway shall not exceed 12 percent.
2. The cleared width of the driveway shall be not less than 24 feet. The graded width of the driveway shall be not less than 24 feet. The travel way width of the driveway shall not be less than 16 feet with 4 foot shoulders to each side.
3. Shoulders shall be top soiled, seeded with an appropriate grass or grass blend, and mulched.
4. Passing turnouts (see attached detail) shall be placed at not more than five hundred foot intervals along the length of the driveway. The passing turnouts shall have 4 feet of shoulder width.
5. All roots and stumps shall be grubbed, excavated and removed from the travel way and shoulders.
6. All unsuitable and unstable materials shall be completely excavated and removed and all rocks or boulders larger than 6 inches across shall be excavated to at least 8 inches below finished grade.

7. The foundation course of the driveway shall be a minimum of 8 inches of clean, run of bank gravel.
8. Final course of the driveway shall be a minimum of 4 inches of item 4 or processed gravel.
9. The travel way, passing turnouts, shoulders and flow line of drainage ditches and swales shall be maintained in satisfactory condition to assure safe and continuous, year-round access for all vehicles.
10. Trees and shrubs shall be trimmed and maintained so as not to hang into or obstruct the travel way, passing turnouts and shoulders. Overhead branches shall be trimmed to a height of not less than 13 feet.
11. Each lot accessed by a common driveway shall be subject to a Driveway Maintenance and Improvement Agreement which shall run with the land and be binding on each owner of the lots accessed from the common driveway, and upon their heirs, successors and assigns. Such Agreement shall be recorded in the office of the county clerk and shall be subject to the approval of the Town Attorney prior to such recording.
12. A development plan for the driveway, together with road profiles and other information as may be required by the Town Building Inspector, shall accompany plans for construction on the property at the time an application for a building permit is made. The development plan and profiles shall show conformity of the proposed driveway construction with these standards. These plans shall be prepared by a licensed professional engineer and shall bear the seal and signature of the engineer.
13. Upon completion, the applicant's engineer shall certify to the Town that the driveway has been constructed in accordance with the approved plans and with these specifications. Such certification shall accompany the application for issuance of a Certificate of Occupancy for the improvements. Such certification shall be in the form of an as-built survey of the driveway and other improvements.
14. The driveway construction requirements as shown on the final development plan or plat approved by the Planning Board shall be referenced in the deed for the property upon transfer.

Erosion Control Notes

1. In order to assure compliance of the project with both the Town Zoning Law and the NYSDEC regulations the following note shall be placed on all plat maps.
 - a. *At the time of application for a Building Permit, and prior to any land clearing or site preparation work for construction of improvements on any of the lots as approved herein, an Erosion and Sediment Control Plan shall be prepared in accordance with section 335 of the Town Zoning Law shall be submitted to the Planning Board for review and approval. No Building Permit shall be issued for any improvement until the Erosion and Sediment Control Plan has been approved.*
 - b. *The discharger, owner or operator shall at all times comply with the New York State SPDES General Permit (GP-02-01) requirements. A copy of any completed Notice of Intent submitted to the New York State Department of Environmental Conservation pursuant to GP-02-01 shall be submitted to the Planning Board.*

1. For Site Plan Approval place the following owner endorsement signature block on the plan:

TOWN OF WASHINGTON PLANNING BOARD OWNER / APPLICANT SIGNATURES	
<p>The undersigned applicant(s) for the property and the undersigned owner(s) of the property shown herein certify that they are familiar with this map and its notes and its contents as stated hereon including all conditions of approval. The applicant and the owner understand their obligation to the Town to keep the premises as per plan approval by the Planning Board until a new or revised plan for development or use of the site is approved by the Planning Board. The applicant and the owner understand their obligation to the Town not to occupy the premises before a Certificate of Occupancy is issued by the Town for the occupancy as approved hereon.</p>	
Owner	_____
Date	_____
Applicant	_____
Date	_____

2. For Site Plan place the following signature block on the proposed plan:

TOWN OF WASHINGTON PLANNING BOARD PLAN APPROVAL	
<p>The plan of development for the property as depicted hereon was approved by a majority of the members of the Town of Washington Planning Board at a meeting held on _____, and the conditions of Site Plan Approval have been satisfied or arrangements have been made to ensure the completion of any outstanding or incomplete conditions.</p>	
Chairman	_____
Date	_____

3. For Subdivision and Lot Line Revision place the following owner endorsement signature block on the plan:

TOWN OF WASHINGTON PLANNING BOARD
OWNER / APPLICANT SIGNATURES

The undersigned applicant for the property and the undersigned owner of the property shown herein certify that they are familiar with this map and its notes and its contents as stated hereon including all conditions of approval. The applicant and the owner understand their obligation to the Town to comply with all conditions of subdivision approval and consent to the filing of this map in the Office of the Dutchess County Clerk.

Owner

Date

Applicant

Date

4. For Subdivision and Lot Line Revision place the following signature block on the plan:

TOWN OF WASHINGTON PLANNING BOARD
SUBDIVISION APPROVAL

The plan of development for the property as depicted hereon was approved by a majority of the members of the Town of Washington Planning Board at a meeting held on _____, and after a public hearing held on _____. By signature of the Chairman as set forth below, the Planning Board certifies that the requirements of Section 276 of the Town Law and the requirements of Chapter 177 of the Town of Washington Code have been met and the conditions of Subdivision Approval have been satisfied or arrangements have been made to ensure the completion of any outstanding or incomplete conditions.

Chairman

Date

Project: _____
 Date: _____

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project: _____
 Date: _____

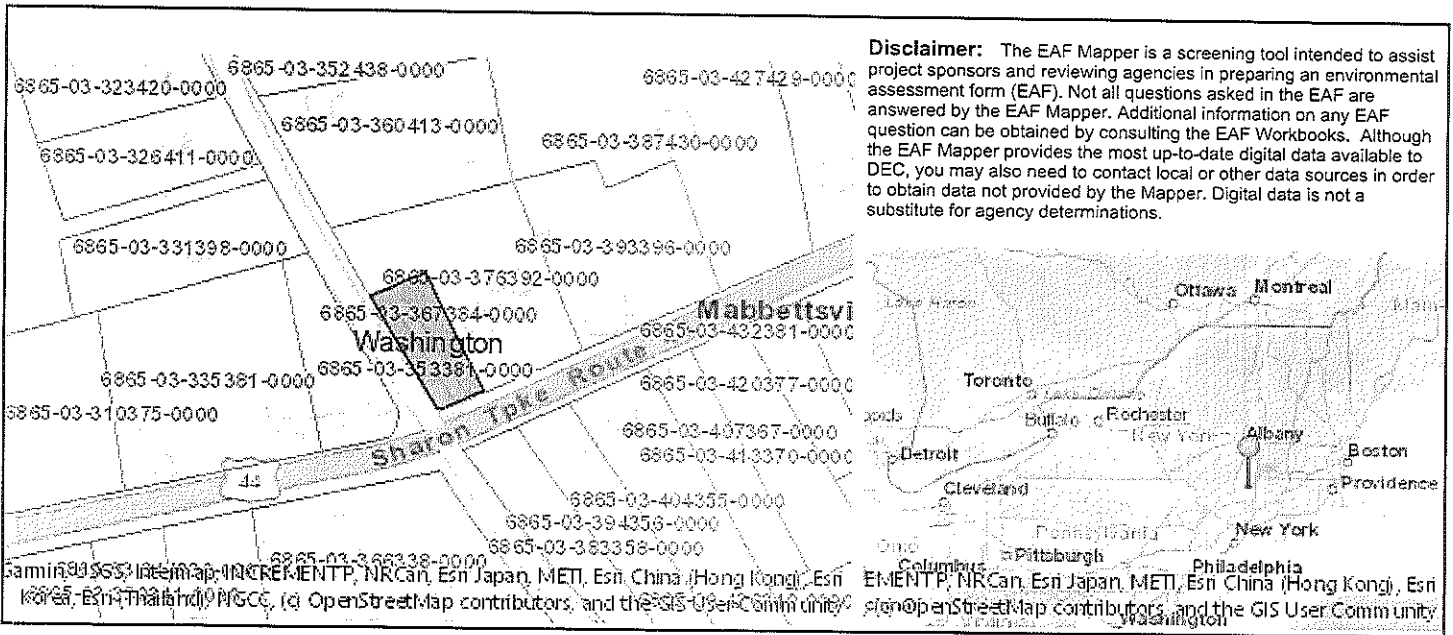
*Short Environmental Assessment Form
 Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as specified below.

Section 381. NUMBER OF SPACES

One (1) loading space shall be provided for each eight thousand (8,000) square feet or fraction thereof of floor area unless required otherwise by the Planning Board.

Section 382. DIMENSIONS

The loading berth required in each instance shall not be less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard.

Section 390. ⁴⁶NONCONFORMING USES, BUILDINGS, AND LOTS

It is the intent of this Local Law that nonconformities should not be expanded except as indicated herein, that they should be brought into conformity as quickly as the fair interests of the parties permit, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for issuance of a variance for any other use, lot, building, or other structure. Nothing in this Local Law shall be deemed to prohibit ordinary repair and maintenance of any nonconforming building or other structure or reconstruction thereof necessitated by fire or other casualty, or replacement of existing materials, or work ordered by the Building Inspector to protect the public health or safety, provided such work does not increase the nonconformity.

Section 391. NONCONFORMING USES, BUILDINGS, AND STRUCTURES

A nonconforming use of land, buildings, and other structures may be continued in accordance with the following provisions and limitations:

1. Except as permitted by Subparagraph 7 below, no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, or structurally altered, if the result would be an increase in nonconformity.
- ⁴⁷2. Except as provided herein, no nonconforming use of a lot or lots shall be moved, in whole or in part, to another part of a lot or outside the lot. Further, no nonconforming use of a lot shall be enlarged or increased nor shall it be extended to occupy a greater area of land than occupied by such use at the time of the adoption of this Local Law. No nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or

⁴⁶ Section 390, last sentence amended; Local Law #1 of the year 2005 on 04/14/05.

⁴⁷ Section 391, paragraph 2 amended; Local Law #1 of the year 2005 on 04/14/05.

other structure containing a nonconforming use shall be moved, unless the result of any such move is to eliminate or reduce the nonconformity.

3. No nonconforming use of land, buildings, or other structures shall be changed to any use which is substantially different in nature or purpose from the existing nonconforming use, except to a use which is permitted in the district in which the land, building, or other structure is located, unless the Zoning Board of Appeals finds that the new use will have no greater injurious impact upon the surrounding area than the existing use.
4. No nonconforming use of land, buildings, or other structures which is changed to conform or to more nearly conform to this Local Law shall thereafter be changed to be less conforming.
5. No nonconforming use of land, buildings, or other structures which shall have been discontinued shall thereafter be resumed. In determining whether a nonconforming use has been discontinued, any one of the following items shall constitute *prima facie* evidence of discontinuance:
 - a. Any positive act indicating intent to discontinue;
 - b. Any conscious failure to take all necessary steps to resume the nonconforming use with reasonable dispatch in the circumstances;
 - c. Cessation of the nonconforming use of a lot and/or structure for twelve (12) consecutive months, or for a total of eighteen (18) months during any three (3) year period;
 - d. Substitution of a conforming use.
6. All nonconformities shall conform in all other respects to the requirements of the zoning districts in which they are located.
- ⁴⁸7. Nonconforming structures or structures containing nonconforming uses may be enlarged, extended, reconstructed, or altered by a maximum of twenty-five percent (25%) of the aggregate gross floor area of the structure sought to be enlarged as it existed on May 13, 1971, or up to the maximum lot coverage allowed in the zoning district in which the nonconforming structure is located, as provided in Appendix B, whichever is less. Such extension or enlargement of a nonconforming building or other structure must be by special permit from the Zoning Board of Appeals pursuant to Section 470, Special Permits, of this Local Law and subject to Site Plan approval from the Planning Board.
8. Signs of a size or type not permitted in the zoning district in which they are situated, or which are improperly located or illuminated, or nonconforming in any other way, shall be considered nonconforming structures under this Section, and shall be brought into conformity with this Local Law pursuant to Section 331(2)(h) of this Local Law.

⁴⁸ Section 391, paragraph 7 amended; Local Law #1 of the year 2005 on 04/14/05.

SCHEDULE OF DISTRICT USE REGULATIONS (continued)

Residential District	Principal Uses Permitted by Right	Accessory Uses Permitted by Right	Special Uses Which May Be Allowed by Special Permit and Subject to Site Plan Approval	Applicable Overlay or Floating Districts
HM***	**Agriculture/Farm Dwelling, Single-Family Dwelling, Two-Family (S)	Uses customarily incidental to any principal use permitted by right Garages, private *Home Occupation (Sec. +321.3.a) Swimming Pools	Antique Shops (S) Auxiliary Apartments *Barn Conversion Bed and Breakfast Clubhouse Craft Workshop *Home Occupation (Section **321.4) Hotel, Motel Off-Street Parking Professional Offices *Signs Storage and Repair of Equipment Restaurant Retail Business Service Business	APO Overlay AQ Overlay EP Floating
LC	Agriculture	Uses customarily incidental to any principal use permitted by right	Dwelling, Single-Family Forest Nurseries Forestry Golf Course Parks, public and private Recreation Facilities Shooting Preserve Wildlife Preserve	APO Overlay AQ Overlay EP Floating

* See Supplementary Use Regulations.

** These uses will not sell to the public at the subject property.

*** See Section 313 for regulations affecting all uses.

(S) Indicates subject to site plan approval pursuant to Section 480.

+ Stated in Zoning Law as Section 321.4.a. Should be Section 321.3.a.

** Stated in Zoning Law as Section 321.5. Should be Section 321.4.

Planning Board shall use its discretion to determine the amount of parking to be required.

Section 313. ⁵HAMLET MIXED-USE DISTRICT REGULATIONS

1. Purpose. The Town of Washington values the historic architectural character of its largest settlement, the hamlet of Mabbettsville, and wishes to encourage continued residential and commercial growth in this area while maintaining the historic architectural fabric that exists. It is the goal of the Town of Washington that development of the Mabbettsville hamlet should occur in a manner that follows the principles of traditional village planning, exemplified by the pattern of development found in the Village of Millbrook. To that end, the Hamlet Mixed-Use (HM) District is intended to be an area of mixed residential and non-residential uses in which historic and residential character predominates, pedestrian activity is encouraged, and suburban “strip” shopping center development is discouraged.
2. Limitation on Non-Residential Development.
 - a. In order to preserve the mixed-use character of the District, the Planning Board shall limit the proportion of new non-residential development to fifty percent (50%) of the total square footage of floor space of all new residential building construction within the HM District over any two-year period.
 - b. The Planning Board shall deny any application for a Special Permit allowing a non-residential use that would result in exceeding this fifty percent (50%) threshold for the two (2) years immediately preceding the date of submission of such an application. In the event that two (2) or more of such applications are before the Planning Board and not all of such applications can be approved without violating this limitation, the Planning Board shall give preference to that use or those uses that best achieve the purposes of the HM District as set forth in this Section 313.
 - c. “New Residential building construction” shall include interior living space contained in new residences, additions to or enlargements of existing residences, and conversions of non-residential structures to residential use. It shall not include non-residential accessory structures, decks, or garage space.
 - ⁶d. “New non-residential development” shall include interior floor space of new non-residential principal and accessory structures and new non-residential uses in structures converted from residential use after the date of this Local Law. It shall not include non-residential accessory structures used in connection with residential uses, interior or exterior areas used for home occupations, changes in non-residential use of structures already used for non-residential

⁵ Section 313 amended; Local Law # 3 of the year 1990 on 10/11/90.

⁶ Section 313, paragraph 2 subsection d. amended; Local Law #4 of the year 1999 on 12/2/99.

purposes, or exterior or interior areas used for loading, vehicular circulation, or employee, customer, or visitor parking. Specifically excluded from this definition are the expansion of conforming and legally non-conforming non-residential uses in existence as of the date of this Local Law, so long as such expansion is within the confines of a legal building lot created prior to the date this Local Law is adopted. The expansion of such excluded non-residential uses, including without limitation changes in the size or configuration of any structure within the confines of a legal building lot created prior to the date of this Local Law and the expansion of the use onto other land, shall be subject to special permit and/or site plan review by the Planning Board as provided in the Zoning Law.

- e. The number of square feet of new residential and non-residential construction shall be established by using information shown on approved Building Permits over the aforesaid two-year period.
3. Consistency Requirement. Before approving any use that is subject to Special Permit or Site Plan review, the Planning Board must make a written finding that the proposed use, layout, and design will enhance the historic architectural fabric of Mabbettsville, and that it is consistent with the purposes and limitations stated in Subsections (1) and (2) above.
 4. Uses. Allowable uses in the HM District are listed in Appendix A. Auxiliary apartments may be included in non-residential buildings if they follow traditional village mixed usage patterns.
 5. Supplementary Use Regulations. In addition to all other restrictions and provisions of this Local Law, the following shall apply in the HM District:
 - a. There shall be no outdoor storage of more than one heavy construction vehicle (exceeding 20,000 pounds gross vehicle weight), nor outdoor overnight storage of more than two (2) motor vehicles or pieces of construction equipment, per non-residential use.
 - b. No dry cleaning, septic tank pumping services, or other businesses that may create a risk of release of toxic or unsanitary materials shall be permitted.
 - c. Repair, restoration, and other potentially noisy or unsightly service operations shall be conducted indoors.
 6. Standards. In addition to any other applicable standards required by this Local Law, the following provisions shall also apply to all non-residential uses in the Hamlet Mixed-Use District.
 - a. Off-street Parking.
 - (1) All off-street parking shall be located behind the front building line. For purposes of this Subsection, "front building line" shall also include, on a corner lot, any side building line that fronts on a street.

- (2) The Planning Board may allow a single row of parking spaces in front of a front building line, if it finds that such parking will enhance the traditional character of the hamlet and is otherwise consistent with the purposes of this Section.
 - (3) The Planning Board may reduce the number of off-street parking spaces required if the applicant can make permanent arrangements for space-sharing with other residential or non-residential uses, or can otherwise show that the parking standards in Appendix C are excessive for the particular use proposed.
- b. To the extent practical, new buildings shall front on new interior roads, and not on U.S. Route 44 or Dutchess County Routes 98 or 99. Such roads shall be built with sidewalks at least four feet wide, and shall permit on-street parallel or diagonal parking.
 - c. The maximum footprint of any structure (ground area covered by the building, foundation, and roof) shall be 5,000 square feet. Non-residential uses may include more than one building on a lot. There shall be a minimum of thirty feet separation between principal (non-accessory) buildings.
7. Architectural Review. Before approving any site plan, or subdivision of land resulting in the construction of new roads, the Planning Board shall consult an architect with expertise in historic village planning and design. Said architect shall evaluate the architectural compatibility of the proposed development with the purposes of this Section and with the historic architectural character of the hamlet. "Historic architectural character" may be established by the architectural consultant and the Planning Board by identifying exemplary existing structures and groups of structures in Mabbettsville and the surrounding area and/or by adopting design guidelines to supplement this Local Law. The scope of architectural review shall include the layout, proportions, massing, and relationship of streets, sidewalks, open spaces, parking areas, landscaping, and buildings, as well as building materials and building design. Reasonable costs of such architectural review shall be borne by the applicant.

Section 314. AQUIFER PROTECTION OVERLAY DISTRICT REGULATIONS

- 1. Purpose. The AQ Aquifer Protection Overlay District Regulations (hereinafter the "AQ District") are intended to preserve and maintain the quality and quantity of groundwater found in the Town of Washington sand and gravel, limestone, and limestone overlaid with sand and gravel aquifers, and thereby protect this water supply source for the Town. The AQ District provides a means of reviewing, on a case by case basis, actions or uses proposed within the Town's aquifer areas in order to prohibit or control those uses and activities which may be incompatible with the goal of long-term groundwater protection.