

November 22, 2022

Chairman Jorgensen
Town of Washington Planning Board
10 Reservoir Dr.
Millbrook, NY 12545

*Re: The Dutchess Land Conservancy (DLC) Research and Educational Center
562 Route 343 (Tax Lot ID 664610)
Town of Washington, Dutchess County, New York
LaBella Project No.: 2224316*

Dear Chairman Jorgensen:

On behalf of the client, Dutchess Land Conservancy (DLC), LaBella associates attended the November 1, 2022 Town of Washington Planning Board Meeting to discuss the proposed DLC Research and Educational Center at 562 State Route 343. At the meeting LaBella discussed comments from AKRF, Inc., dated October 28th, 2022, issued in response to our Planning Board Application for Site Plan and Special Use Permit for The Dutchess Land Conservancy (DLC) Research and Educational Center. Specific items were of concern were discussed by the Planning Board and addressed in the responses below:

Application Completeness

1. *The subject property is located within Agricultural District 21. The submitted Agricultural Data Statement is incomplete. The following was not provided:*
 - a. *"Attach a list of the names and addresses of the owners of land within an agricultural district containing a farm operation located within 500 feet of the boundary of the project property, and the tax parcel number of the farm parcels. Attach a copy of the tax map and indicate with an 'X' the farm parcels within 500 feet of the project property."*

Response: A map has been prepared showing the parcels within 500-feet of the project parcel (664610) and contains a list of the parcels. The map shows an 'X' on parcels with agricultural use or exemptions.



2. *The application materials include the following statement: "The DLC has taken steps through a conservation easement to protect the existing house against any significant exterior changes or additions in order to protect the historic and scenic nature of the project site." A copy of the conservation easement was not provided with the application, and may be of interest to the Planning Board and Planning Board Attorney.*

Response: A copy of the conservation easement is attached with this submittal.

3. *In a letter to the Town from the DLC dated October 24, 2022, it was noted that the DLC is "committed to paying a Payment in Lieu of Taxes (PILOT) for a period of 10 years, after which the PILOT would be re-negotiated with the Town after reviewing both the DLC's financial status and the Town's need for property tax income." It is expected that the PILOT would be negotiated with the Town Board, and no action is required by the Planning Board regarding the proposed PILOT. However, according to the Planning Board Attorney, it is recommended that the details of the PILOT be discussed with the Town Board prior to any approvals by the Planning Board*

Response: Comment noted.

CODE COMPLIANCE

4. *Public Hearing: A public hearing is required for a special permit pursuant to Zoning Code Section 475.*

Response: Comment noted, at the November 1, 2022 Planning Board Meeting, the Board set a public hearing for the December 6th meeting.

5. *Educational Institutions (Section 326 of the Zoning Code): Based on a review of correspondence received from the Town's Building Inspector/Zoning Administrator and the DLC, the proposed project appears to comply with the definition of an "educational institution" from the Town's Zoning Code, which is permitted through special permit in the RR-10 district, subject to supplementary use regulations. The full definition is provided below (relevant components of the proposed project underlined for emphasis). "A private school, college, university or research institute giving general academic instruction including adult education, or providing research facilities to scholars or scientists, with structures used for administration, classrooms, student housing, faculty housing, dining, laboratories, faculty and staff offices, libraries, field study purposes, social and athletic activities, as well as accessory needs." The supplementary use regulations for educational facilities are found at Section 326 of the Zoning Code. The only supplementary use regulation relevant to the proposed project is the requirement for a minimum of 400 feet of frontage on a public road. Approximately 1,500 feet of frontage is being provided along Route 343*

Response: Comment noted.

6. *Aquifer Protection Overlay (AQ) District (Section 314 of the Zoning Code): The project site is located within the AQ overlay district. The requested special permit is therefore subject to the standards found at Section 314.7 and use restrictions found at Section 314.8 of the Town's Zoning Code. None of the standards listed in Section 314.7 appear to be in conflict with the proposed project. In addition, no new wells or septic fields are*



proposed in connection with this application. The Applicant proposes to utilize the existing well and septic system to serve the proposed use, which would be subject to permitting from the Dutchess County Department of Health. The proposed project does not include any of the restricted uses listed in Zoning Code Section 314.8.

Response: Comment noted.

7. *Agricultural Protection Overlay (APO) District (Section 315 of the Zoning Code): The project site is located within the APO district and is also located within Dutchess County's designated Agricultural District (DUTC021). Since the proposed use (educational institution) may be permitted by special permit in the underlying RR-10 district, it may also be permitted by special permit within the APO. While the project site is within an agricultural district, it has been historically utilized as a large estate lot and not actively farmed. The proposed project will not result in the removal of any lands from active agricultural production. The previously approved lot line adjustment resulted in approximately 41 acres being conveyed to the adjacent Wallbridge Farm property.*

Response: Comment noted.

8. *Town Wetlands Code [Town Code Section 396 (est. 2011)]: According to the Town's wetlands map (see below), the project site contains a stream, pond and associated federal wetlands. While the existing house, the detached garage, and one accessory barn structure are already located within 100 feet of the edge of the pond, no enlargements to these structures are proposed. The submitted plans show that the area of proposed new disturbance and construction would be located beyond the Town's 100-foot controlled area (aka buffer) when measured from the pond edge, and the stream/wetland complex are located further to the south in excess of 100 feet. A wetlands permit through the Planning Board (and related referral to the Conservation Advisory Commission) is therefore not required in connection with this application.*

Response: Comment noted.

9. *Erosion and Sediment Control (Sections 329 and 335 of the Zoning Code): Section 329 of the Zoning Code states that "excavation/stripping of topsoil may be allowed by special permit granted by the Planning Board in connection with the construction or alteration of a building and excavation/grading incidental thereto, provided that such topsoil is located on the same premises, and that a certified erosion and sediment control plan is approved pursuant to Section 335." Section 335.1 of the Zoning Code states that "a separate soil erosion and sediment control plan shall be submitted to the Planning Board with any application for a special permit.....when the disturbed area is cumulatively more than one-half acre, or within any application to strip topsoil, regardless of acreage." The application proposes 0.29 acres of disturbance but would involve the stripping of topsoil to accommodate a new gravel drive aisle and parking area. The submitted plan set includes several design notes related to soil erosion and sediment control, including silt fencing, re-seeding, etc. which should be sufficient. The Planning Board*



may deem this sufficient, or the Board can require additional information (such a separate plan), if desired.

Response: As discussed at the Planning Board Meeting, to prevent the need for an additional plan sheet in the set, Erosion and Sediment Control details and notes are provided on the Site Plan (C130) and Site Details (C530).

10. *Special Permit Findings (Section 473 of the Zoning Code): Section 473 of the Zoning Code lists 14 standards that must be considered by the Planning Board when issuing a special permit. The Planning Board should review and discuss these standards as appropriate prior to rendering a decision on the application.*

Response: Comment noted.

11. *Site Plan Requirements (Section 481 of the Zoning Code): Site Plan Review is required for all uses that require special permits (Section 481.A.1.). Section 483 lists the requirements to be included in a site plan, and also states that: "For proposals that will have a minimal impact on surrounding properties, the Planning Board may, in its discretion, waive any of the requirements of this Section for specific applications." The following (in underlined text) is a list of items which are not clearly included in the submission, but which the Planning Board may waive provided that the proposed project has a minimal impact on surrounding properties (AKRF notes on each in italicized text):*

The location, height, intensity, and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

The submitted plan set shows a total of 4 pedestrian scale lighting fixtures proposed in the new gravel parking area. Sheet C530 of the submitted plan set includes details of the proposed light poles, but does not provide much information on the direction of illumination. The Planning Board can request more information on site lighting, if desired. As discussed further below, the location of proposed pedestrian scale light poles will be screened from the roadway and properties to the north by existing vegetation, and should not result in excessive glare.

The location, height, size, material, and design of all proposed signage (Section 483.8)

Sheet C530 of the submitted plan set includes details on the internal signage required by the Manual on Uniform Traffic Control Devices (MUTCD), which is acceptable. However, if DLC signage is proposed at the site entrance, on the existing building, etc. it was not provided on Sheet C530. Details on this signage can be requested by the Planning Board as part of site plan approval.

The location of all present and proposed utility systems, including sewage system; water supply system; telephone, cable and electrical system; and storm drainage system (Section 483.9.a-d)

Existing utility lines are not depicted on the plans, but it is assumed they will not be altered with the proposed project.

The submitted plans show the "reputed" locations of the property's existing well and septic field, which the Applicant is proposing to continue using to serve the



proposed facility (subject to County Health Dept. coordination and approval). The Planning Board can request additional information from the Applicant, if desired.

Regarding stormwater, disturbance is minimal (0.29 acres) and the majority of the improvements to circulation and parking would utilize gravel and not asphalt paving. The Planning Board can request additional information from the Applicant, if desired.

Plan to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable. (Section 483.10)
Please refer to Comment 9, Erosion and Sediment Control, above.

A landscape plan showing all existing natural land features that may influence the design of the proposed use and all proposed changes to these features (Section 483.12)

According to the materials submitted, no new plantings are proposed with the exception of re-seeding and mulching of disturbed areas outside of gravel. The majority of the proposed site improvements necessary to provide adequate parking and circulation (including proposed lighting) appear to be screened from Route 343 and neighboring properties by an existing wooded area (see aerial photo below). The Planning Board can request additional information, if desired.



Aerial photo with approximate areas of site disturbance/improvements outlined in red (source: Dutchess Parcel Access)

Response: The Plan Set has been revised to include a Lighting Plan (C190) showing footcandle levels on-site ensuring there would be no light spillage. The lighting fixture detail is provided on the Lighting Plan (C190) and additional detail has been added to refer to the exact throw type (Type 3) and for house side shields to be installed to even further prevent light spillage off-site. The Site Plan (C130) has been revised to the proposed location of the Dutchess Land Conservancy sign along the entrance driveway. Notation was also included for the removal of the existing Walbridge Farm Sign from the site. The Dutchess Land Conservancy sign was also added to the sign schedule on the Site Details



Sheet (C530). In addition a document has been attached to this letter showing pictures of the Dutchess Land Conservancy sign that is currently installed at the current Dutchess Land Conservancy center off Route 82. The sign will be removed and installed at this new project site.

12. *Parking (Zoning Code Appendix C).* For educational institutions, Appendix C of the Zoning Code requires one space for each employee, plus one space for every four "adult student seats" (definition not provided). The submitted plan set shows a total of 18 spaces [13 spaces for employees (1 space per employee) and five additional spaces to accommodate the average of 20 educational participants anticipated ($20/4 = 5$)]. Four of the 18 spaces would be accommodated by 10'x20' parallel spaces adjacent to the house, and the remaining 13 would be accommodated by the proposed 60'x70' gravel lot proposed to the southeast of the house. The locations of the existing and proposed parking area would be consistent with the Zoning Code's goal of adequately screening parking, since it would be blocked by existing vegetation when viewed from Route 343. The Planning Board can request additional information on the proposed number of parking spaces, including any provisions for overflow parking.

Response: Comment noted. In response to concerns made by the Planning Board members, additional areas have been called out on the Site Plan (C130) to serve as overflow parking in the case it is needed.

13. *Emergency Access Considerations:* It is assumed that the typical building permit process through the Town's Building Inspector would involve a review of adequate emergency vehicle access for the new uses proposed on the subject property. Due to the change in use proposed, the Planning Board can also refer the application to the Millbrook Fire Department for comment during the special permit/site plan review process, if desired. According to the submitted materials, no changes are proposed to the site entrance driveway and no work is proposed within the right-of-way of Route 343.

Response: Comment noted.

REFERRALS

14. Pursuant to NYCRR 112.5(c)(2), the EAF for this application requires filing with the New York State Department of Health and the Village of Millbrook, as the proposed project is located within "Zone I" of the Village of Millbrook watershed protection zone, and a Short EAF was prepared for the application (as required for Unlisted SEQRA actions).

Response: Comment noted.

15. The project site is within Agricultural District 21 and within 500 feet of a State and County road. Therefore, referral to the Dutchess County Department of Planning and Development pursuant to GML 239-m is required. The County is required to respond within 30 days of receipt.

Response: Comment noted.



SEQRA

16. *This application is considered an "Unlisted" action under the State Environmental Quality Review Act (SEQRA). The Applicant has submitted the Short EAF Part I as required for Unlisted actions. Given the nature of the application, a coordinated review does not appear warranted. Part I of the EAF appears complete and accurate, having been generated using the NYSDEC's EAF Mapper. While environmentally sensitive areas are present on the property (primarily wetlands and a pond), as noted above and on the plans, the minor disturbance proposed would fall outside of the 100-foot "controlled area" aka "wetland buffer" and no wetlands permitting should be required.*

Response: Comment noted.

17. *A Negative Declaration appears appropriate for this application. However, supplemental information or study not already provided in the submitted plan set or EAF report can be requested by the Planning Board to complete the review under SEQRA. One issue of importance to the Planning Board may be the anticipated increase in traffic resulting from the proposed change in use. While the nature of the proposed use and maximum occupancy anticipated (for events) should not warrant a detailed traffic study, supplemental information to address the issue of traffic can be requested by the Planning Board, such as an anticipated number of events per year, the anticipated hours of operation (typical day and for special events) and a basic trip generation calculation for the "worst case" level of activity at the site during peak hours.*

Response: Comment noted.

Recommendations

At the November 1, 2022 meeting, AKRF recommends that the Planning Board discuss the application and consultant comments; classify the application as an Unlisted action under SEQRA; authorize the Planning Board Secretary to file the submitted EAF with NYSDOH and the Village of Millbrook pursuant to NYCRR 112.5(c)(2) and refer the application to Dutchess County Planning pursuant to GML 239-m; consider scheduling a public hearing for December 6, 2022 if prepared to do so.

Response: Comment noted.



We believe all comments have been addressed and look forward to the public hearing on December 6, 2022. Please contact me at kbardwell@labellapc.com, or at (845) 486-1573 if you have any questions or need any additional materials.

Please find enclosed:

- 10 Copies of the Full Size Engineering Plan Set
- 2 Copies of the Engineering Plan Set (11"x17")
- 10 Copies of the 500-foot Agricultural Buffer Map
- 10 Copies of the Conservation Easement Document
- 10 Copies of the Site Signage Document

Sincerely,

Kyle Bardwell, P.E.
Senior Civil Engineer