

**Town of Washington Planning Board**  
**State Environmental Quality Review Act**  
**NEGATIVE DECLARATION**  
**Notice of Determination of Non-Significance**

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**Clear Subdivision**  
**515 Woodstock Road, Millbrook, NY 12545**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act ("SEQRA").

The TOWN OF WASHINGTON PLANNING BOARD, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Clear Subdivision

**SEQRA Status:**  Type I  
 Unlisted/Coordinated

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

The Applicant, Douglas E. Larson, on behalf of the property owners, Timothy A. Clear and Johna Lee Clear, is proposing a non-realty subdivision of a 90.87-acre parcel into five parcels in the RL-5 Zoning District and Agricultural District 21 at 515 Woodstock Road, more specifically identified as Tax Map Number 6766-00-021055-0000. The property is bisected east-west by Woodstock Road, resulting in a northern and southern portion. Each portion of the existing property contains a pond and scattered wetland areas on either side of Woodstock Road, though it was determined that no Wetland Permit was needed. Total existing structures include two single-family homes, an accessory dwelling unit, several agricultural accessory structures, and six driveways. Three of the existing structures are preexisting nonconforming due to decreased front setbacks. The proposed subdivision will not increase the extent of any of the preexisting nonconforming front yard setbacks.

The Applicant is seeking a five-lot subdivision, resulting in the following acreage and distribution of the aforementioned existing structures on each: Parcel 1 will consist of 21.50

acres with one barn, Parcel 2 will consist of 12.57 acres with one barn, Parcel 3 will consist of 5.02 acres with a single-family home, two barns, and an accessory dwelling unit, Parcel 4 will consist of 24 acres with one single-family home, and Parcel 5 will consist of 27.6 acres with one livestock shed.

As previously mentioned, the proposed subdivision will create three new nonconforming setbacks on Parcels 2 and 3, both requiring area variances. Parcel 2 consisting of 12.75 acres and one barn will require a rear yard setback variance for 49.02 ft. (75' required; 25.98' proposed). Parcel 3 consisting of 5.02 acres will require a side yard setback variance for one of the barns for 48.5 ft. (75' required; 26.5' proposed), and a side yard setback variance for the accessory dwelling unit for 16.54 ft. (75' required; 58.46' proposed).

Referral was made to the Dutchess County Department of Planning and Development on December 6, 2023 pursuant to General Municipal Law § 239-n. A public hearing was held on January 2, 2024, during which time all those who wished to speak were heard. This Action was considered for each of the impact areas identified below in the numbered paragraphs.

**Location:** 515 Woodstock Road (Tax Map Number 6766-00-021055-0000)

**Reasons Supporting This Determination:**

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of Washington Planning Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

This is a five-lot non-realty subdivision with no new construction proposed. Parcel 1 will consist of 21.50 acres with one barn, Parcel 2 will consist of 12.57 acres with one barn, Parcel 3 will consist of 5.02 acres with a single-family home, two barns, and an accessory dwelling unit, Parcel 4 will consist of 24 acres with one single-family home, and Parcel 5 will consist of 27.6 acres with one livestock shed. The proposed subdivision will create three new nonconforming setbacks on Parcels 2 and 3, both requiring area variances. Parcel 2 consisting of 12.75 acres and one barn will require a rear yard setback variance for 49.02 ft. (75' required; 25.98' proposed). Parcel 3 consisting of 5.02 acres will require a side yard setback variance for one of the barns for

48.5 ft. (75' required; 26.5' proposed), and a side yard setback variance for the accessory dwelling unit for 16.54 ft. (75' required; 58.46' proposed). There are no proposed improvements which will result in site disturbance within any 100-foot wetland/watercourse buffer on the property and as a result a Wetland Permit from the Town of Washington is not necessary.

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. A watercourse is present on the property. As noted above, the project does not result in site disturbance within 100-feet of the watercourse and a wetland permit is not required.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the Action. The proposed expansion will minimally increase the number of people at the property on a daily basis.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The action does not involve two or more actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

**BE IT FURTHER RESOLVED**, that the Town of Washington Planning Board, as lead agency for the environmental review of the Action, has reviewed a Short Environmental Assessment Form for the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no potential significant environmental impacts associated with the Action.

The foregoing Resolution was duly put to a vote which resulted as follows:

Chair Meaney	<u>aye</u>
Member Abrahams	<u>aye</u>
Member Alexander	<u>aye</u>
Member Drury	<u>absent</u>
Member Philipps	<u>absent</u>
Member Spence	<u>aye</u>

Dated: Millbrook, New York  
January 2, 2024

Kristen D'Amore  
Acting Secretary  
Town of Washington Planning Board