



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Town of Washington Planning Board
From: Alicia Moore
Date: March 29, 2024
Re: Hurley - Special Permit Site Plan (199 Milewood Rd)
cc: Richard Scott Hurley & Mary Hurley (property owner)
Michael J. Sloan (Sloan Architects, P.C.)
Aaron Werner, AICP (AKRF, Inc.)
Kyle Barnett; Joseph P. Eriole (ZBA Attorney)
Jonathan Ialongo (Town Building Inspector)

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Planning Board Application signed 2/28/2024.
- Owners Affidavit, notarized.
- Disclosure of Business Interest, notarized.
- Owners Endorsement, notarized 12/7/2024.
- Environmental Assessment Form (EAF) dated 1/10/2024.
- Drawing Set (2 sheets) prepared by Sloan Architects and dated 3/4/2024
- Property Survey (Sheet C001) prepared by Bly and Houston LLP and dated 9/15/2017.
- Agricultural Data Statement, signed 3/14/2024.
- Consent to Inspection dated 12/6/2024.
- Deed.
- Transmittal Cover Letter, dated 3/5/2024.

PROJECT DESCRIPTION

The Applicant proposes to replace and expand an existing screened-in rear porch on a single-family house on an 8.54-acre lot in the RL-5 zoning district (tax parcel: 135889-6663-00-297341). The subject house is a two-story, 3,288-sf single-family residence; the property also includes a retaining wall and accessory improvements. The house is preexisting nonconforming, as it is within the front, side, and rear yard setbacks. The proposed project includes replacing the existing rear screened-in porch with an enlarged screened-in

porch, as well as limited site grading and construction of a new retaining wall. Due to the steep topography of the property, buildable area is limited and mostly taken up by the existing house. The proposed porch would be located in the rear of the property; it would not be visible from the road and would be buffered from neighboring properties by existing trees/vegetation, acreage, and hilly site conditions. The project would increase the size of the house from 3,288 sf to 4,047 sf, for a net increase of 759 sf (23 percent increase). The proposed porch would further encroach the side and rear yard setbacks and therefore requires variances from the ZBA. In addition to the two setback variances, the project requires a ZBA special permit to increase the size of the house (as a nonconforming structure) per Zoning Code § 391.7, which also requires Site Plan approval by the Planning Board. The property includes a pond; however, the project is shown at a distance of 165 feet from the pond edge, which is beyond the Town regulated 100-foot buffer. The ZBA, at its 2/20/24 meeting, granted the requested variances and special permit, conditioned on Planning Board Site Plan approval.

COMMENTS

APPLICATION COMPLETENESS

1. On the Owners Endorsement, the top section, which includes the owners' names and authority, should be completed.

CODE COMPLIANCE

2. The existing house is preexisting nonconforming, as it is within the front, side, and rear yard setbacks. The proposed project would further encroach the side and rear yard setbacks. The ZBA, at its 2/20/24 meeting, granted the required variances: 50.7-ft side yard variance and 41.9-ft rear yard variance (contingent on PB site plan approval).
3. As this application proposes to expand a nonconforming structure (the house), the application is subject to Zoning Code Section 391.7, which allows for such expansion by up to 25% with a special permit from the ZBA and subject to Site Plan approval from the Planning Board. The ZBA, at its 2/20/24 meeting, granted the special permit (and setback variances), conditioned on satisfaction of the requirement for Site Plan approval.
4. Pursuant to Zoning Code Section 483, for proposals that will have a minimal impact on surrounding properties, the Planning Board may, in its discretion, waive any of the Site Plan requirements for specific applications.
5. The property contains a pond that is located down-gradient of the house. The pond appears on the Town's Wetlands Map in manner consistent with the Enlarged Aerial Photo Map on Sheet C002. Due to the steep/forested slope between the house and the pond edge, no fringe wetlands appear to be between the house and the pond, and none are identified on the Town's Wetlands Map.

The Applicant's topographic survey incorporated into the Site Plan does not appear to cover the area of the property containing the pond. However, per the Enlarged Aerial Photo Map (Sheet C002), the area of the proposed addition is located approximately 165 feet from the edge of the pond. As this is beyond the 100-foot wetland buffer, a wetland permit through the Planning Board should not be required. However, the Planning Board may request information on how this distance was measured and verified.

6. The limits of site disturbance should be added to the site plan drawing.
7. For soil and erosion control, Sheet C001 shows a silt fence around the proposed porch and retaining wall. The Applicant should confirm that sufficient measures are in place to protect the slope and down-gradient pond from erosion and runoff generated during construction.
8. This application requires a public hearing.
9. Referral to Dutchess County pursuant to GML 239-n is not required.

SEQRA

10. This application is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review or submission of an Environmental Assessment Form. The applicable Type II citation is as follows:

“6 NYCRR 617.5(c)(11) – construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith.”

RECOMMENDATION

At the April 2, 2024 Planning Board meeting, AKRF recommends that the Planning Board discuss the application and consultant comments, classify the application as Type II under SEQRA, and set the public hearing if prepared to do so.