



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Town of Washington Zoning Board of Appeals
From: Alicia Moore
Date: March 29, 2024
Re: Milkov – Special Permit Site Plan (55 Daheim Road)
cc: Kristy and Milko Milkov (Applicant/property owners)
Allan Rappleyea (Applicant representative)
Millbrook Architects
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 dated 3/11/24.
- Agricultural Data Statement signed 2/7/24.
- Owners Endorsement signed by Kristy Milkov dated 3/11/24.
- Owners Endorsement signed by Milko Milkov dated 3/7/24.
- Consent to Inspection dated 3/6/24.
- Letter to Town of Washington granting Applicant's representative authority to act as agent (Owners Affidavit), dated 11/22/23.
- Site Plan (8 sheets) prepared by Millbrook Architects and dated 11/1/23.
- Property Survey prepared by James A Sheridan, L.S and dated 4/21/2024.
- Environmental Assessment Form (EAF) dated 3/6/24.
- Deed.

PROJECT DESCRIPTION

The Applicant proposes renovations to an existing two-story house on a 7.01-acre lot in the RR-10 zoning district (tax parcel 6865-00-265763). In addition to the single-family house (2,454 sf), the property is currently improved with an accessory dwelling unit, swimming pool, and other accessory structures. The subject parcel is preexisting nonconforming, as the minimum lot size in the RR-10 district is 10 acres (7.01 acres provided). The existing house is also preexisting nonconforming, as it is entirely within the required 100-foot front yard setback. The proposed project would enlarge the existing kitchen and dining area,

extend the front porch, and add a new study, bathroom, mudroom, sitting room, screened rear porch, and chimney. The addition would add 839 sf to the house for a total of 3,293 sf, which is an increase of 35%. Pursuant to Zoning Code Section 391.7, the project requires a special permit to increase the size of the house (as a nonconforming structure), as well as a variance to increase the size by more than 25%. The project also requires several area variances, as all proposed construction is within the front yard setback. The special permit requires Site Plan approval by the Planning Board. The ZBA, at its 2/20/24 meeting, granted the requested variances and special permit, conditioned on Site Plan approval by the Planning Board.

COMMENTS

APPLICATION COMPLETENESS

1. The Applicant should provide the Revised Site Plan (1 sheet; Sheet S-2) prepared by Millbrook Architects, revised 2/4/2024, which was included in the Applicant’s most recent ZBA submission.
2. According to Dutchess Parcel Access, the property is located within Agricultural District 21. The Applicant has provided an Agricultural Data Statement. The Applicant should confirm that there are no farm operations within 500 feet of the project site.
3. During the ZBA review, the Applicant stated that the property-owners would consult a landscape professional regarding the proposed removal or relocation of a dogwood tree in front of the house (south side). The Applicant should provide an update on the plans for the tree.
4. The submission is missing an aerial photo, required in Planning Board submissions. The photo must be at a scale of 1:200 or less with the relevant tax parcels delineated. The aerial photo can be found using Dutchess County Parcel Access.
5. The site plan should include signature blocks, which can be copy/pasted from the Planning Board Application on the Town’s website.

TOWN OF WASHINGTON PLANNING BOARD
OWNER / APPLICANT SIGNATURES

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 obligations 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 herein. Dutchess county clerk.

Owner

Date

Applicant

Date

TOWN OF WASHINGTON PLANNING BOARD
PLAN 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 the conditions of Site Plan Approval have been satisfied or arrangements have been made to ensure the completion of any outstanding or incomplete conditions.

Chair

Date

CODE COMPLIANCE

6. The existing house is preexisting nonconforming as it is within the 100-foot front yard setback. Zoning Code Section 391.7 allows a nonconforming structure to be expanded by up to 25% with a special permit. As the proposed project would expand the house, a special permit from the ZBA is required; the special permit also requires Site Plan approval by the Planning Board. The project also requires a variance to increase the size of the house by more than 25% (proposed increase is 35%), as well as several area variances, as all proposed construction is within the front yard setback. 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.
7. The limits of disturbance should be added to the site plan.
8. 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.
9. The property includes federal wetlands in the northeast portion. However, as indicated on the site plan, the proposed project is well outside of the 100-foot wetland buffer. No wetland permit is required.
10. This application requires a public hearing.

REFERRALS

11. Per the Dutchess County Referral Identifier¹, the subject parcel appears within 500 feet of a County road (Route 98 (N Mabbettsville Rd)). This application would therefore be subject to General Municipal Law (GML) 239-m, which requires referral to Dutchess County. Site plans for any use are not exempt under the Referral Reduction Agreement. However, the Applicant has stated that they believe that property is located more than 500 feet from the County Road. If the Applicant can provide verification, then referral will not be required. Otherwise, referral will be required. The County will have 30 days to respond.

SEQRA

12. 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 citations are 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, consultant comments, and requested revisions; classify the application as Type II under SEQRA, discuss referral to Dutchess County (see Comment 11) and set the public hearing if prepared to do so.

¹ <https://gis.dutchessny.gov/RI/>.