



**Environmental, Planning, and Engineering Consultants**

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## Memorandum

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**To:** Town of Washington Planning Board  
**From:** Alicia Moore  
**Date:** March 29, 2024  
**Re:** 247 N Mabbetsville Rd – Site Plan  
**cc:** Thomas and Elizabeth Mulvey (property owner)  
Wendy Lewis (Design for Change)  
Aaron Werner, AICP (AKRF, Inc.)  
Kyle Barnett; Joseph P. Eriole (ZBA Attorney)  
Jonathan Ialongo (Town Building Inspector)

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

- Planning Board Application dated 3/16/2024.
- Owners Endorsement, signed by Thomas Mulvey 12/21/2024.
- Owners Endorsement, signed by Elizabeth Mulvey 1/16/2024.
- Agricultural Data Statement.
- Aerial Photo of existing property.
- Property Survey prepared by Harry A Bly, L.S. and dated January 5, 2023.
- Elevation and Floor Plan Sketches prepared by Wendy Lewis, undated.
- Photos (4) of existing property.
- Deed.

### PROJECT DESCRIPTION

The Applicant proposes to expand an existing 1.5-story house by constructing new living space above the existing attached garage on a 0.99-acre lot in the RR-10 zoning district (tax parcel 135889-6865-00-357976). The subject property is currently improved with the 1.5-story house and attached garage (1,400 sf), as well as a driveway and accessory structures. The parcel is preexisting nonconforming, as the minimum lot size in the RR-10 district is 10 acres (0.99 acres provided). The existing house/garage are also nonconforming due to reduced front and side (both) yard setbacks. The proposed addition, which is above the garage (and therefore within the side and front setbacks), is 24 x 14 ft (336 sf) and includes a new bedroom and possibly a bathroom. The existing roofline of the house would be extended over the new space for visual continuity. The project requires variances, as the proposed addition is within the required setbacks. Pursuant to Zoning Code Section 391.7, the project also requires a special permit to increase the size of the house (as a nonconforming structure), which also requires Site Plan approval by the Planning Board. The ZBA, at its 2/20/24 meeting, granted the necessary variances and special permit, conditioned on Planning Board Site Plan approval.



COMMENTS

APPLICATION COMPLETENESS

1. The property is within Agricultural District 21. The submitted Agricultural Data Statement should be corrected (by answering “yes” to the question of whether the property is within an agricultural district), completed (by listing all farm operations within 500 feet of the project site), and signed/dated.
2. The Planning Board application is incomplete. The Applicant should complete the form, including by providing a detailed description of the project (Question D.).
3. The Applicant should provide a completed Short Environmental Assessment Form (SEAF), which is required for all Planning Board applications. AKRF recommends using the EAF Mapper available through the NYSDEC website at <https://gisservices.dec.ny.gov/eafmapper/>.
4. The Planning Board may request a clearer copy of the survey.
5. In addition, if the Applicant intends to use the survey as the Site Plan to be approved, it should be updated to include and clearly label the proposed addition with dimensions, and it should include signature blocks, which can be copy/pasted from the Planning Board application.

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.

*Elizabeth Skewey*  *Thomas Maloney*  Notary clerk

Owner

\_\_\_\_\_

Date

Wendy Lewis

Applicant

March 13, 2024

\_\_\_\_\_

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

6. Site Plan requirements are provided in Zoning Code Section 483. However, the Planning Board may, in its discretion, waive any of the requirements of Section 483 for specific applications.
7. The Planning Board may determine whether the submitted drawings are “sufficient to clearly portray the intentions of the applicant” (Section 472) or whether revisions are required. AKRF recommends that the survey/site plan and the architectural drawings should be updated to clearly label the proposed new room(s), location (relative to existing structures), and dimensions. The drawings should be consistent with the project description (which will be provided in the completed Planning Board application and in the EAF).
8. The Planning Board can request additional information regarding the adequacy of the property’s existing septic system to accommodate the proposed addition, particularly if a new bedroom is proposed.

**CODE COMPLIANCE**

9. The existing house is preexisting nonconforming due to reduced side (both) and front setbacks. The proposed project would increase the bulk within the required setbacks. The ZBA, at its 2/20/24 meeting, granted the required variances.
10. 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 variances), conditioned on satisfaction of the requirement for Site Plan approval.
11. This application requires a public hearing.

**REFERRALS**

12. The subject parcel is within 500 feet of a County road (Route 98 (N Mabbetsville Rd)) and a farm operation in an agricultural district (AD 21). This application is therefore subject to General Municipal Law (GML) 239-m, which requires referral to Dutchess County. Applications for site plan approval are not exempt under the Referral Reduction Agreement. The County will have 30 days to respond.

The Planning Board should discuss the readiness for County referral given the comments raised in this memorandum.

**SEQRA**

13. 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 request additional information from the Applicant per AKRF comments. The Planning Board should also discuss the application’s readiness for County referral and public hearing.