



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc.
Date: June 28, 2024
Re: Ibanez (211 Hammond Hill)
cc: Explora Hudson Valley, Inc (property owner)
James Crisp, RA
Joseph P. Eriole (PB Attorney)
Jonathan Ialongo (Town Building Inspector)

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

- Wetland Permit Application, undated.
- Property Survey dated prepared by Bly and Houston dated 5/2/24.
- Site Plan (2 sheets) prepared by Crisp Architects and dated 5/15/24.
- Soil Map and Description of Vegetative Cover.
- Owners Endorsement notarized 5/16/24.
- Owners Affidavit
- Consent to Inspection dated 6/18/24.
- Deed
- EAF dated 5/17/24.

PROJECT DESCRIPTION

The Applicant, on behalf of Explora Hudson Valley, Inc. proposes to construct a 1.5-story accessory building and deck on a 134.8-acre lot located at 211 Hammond Hill in the RR-10 zoning district (tax parcel 135889-6964-00-384042) and Agricultural District 21. The proposed structure would be attached to an existing pool terrace and outdoor kitchen. The subject property is currently improved with 4,674-sf± single-family home, pool, detached garage, barn, and accessory structures. The property includes wetlands; the proposed structure would encroach the 100-foot wetland buffer by 43 feet and therefore requires a wetland permit.

COMMENTS*APPLICATION COMPLETENESS*

1. The property is in the RR-10 zoning district per the Town of Washington Zoning Map (2010). (The application form provides the district as RS-10.)
2. The property is within AD 21. The Applicant should submit an agricultural data statement, as required by Section IX.C.18 of the Town Wetland Code.

CODE COMPLIANCE

3. The property contains wetlands as identified on the site plan and the Town Wetland Map (NRI Map 12). The wetland area subject to this application was professionally delineated by Michael Nowicki of Ecological Solutions LLC. According to the application and submitted drawings the area of the project appears to be beyond 100 feet of the on-site pond, but this should be confirmed. A portion of the existing accessory structure, to which the proposed new structure would be attached, slightly encroaches the 100-foot wetland buffer. The proposed new structure would extend further into buffer by 43 feet (57 feet from the wetland boundary). Therefore, a wetland permit is required. This application has been forwarded to Steve Marino of Tim Miller Associates, Town Wetland Consultant, for review of the site conditions and potential wetland and wetland buffer impacts. AKRF understands that Mr. Marino will provide a separate memo with comments for the Planning Board to consider at the July 2, 2024 meeting.
4. The area of disturbance (0.06 acres per the EAF) should be added to the site plan per Section IX.C.11.d of the Town Wetland Code.
5. Per the application, the proposed work would be prohibitively expensive to construct outside of the wetland buffer due to existing topography.
6. The dimensions, including the footprint, of the proposed new construction should be provided.
7. Regarding the use of the proposed new structure, the site plan indicates that the deck would be used as a spa and cold plunge, and the site plan title is "Ibanez Gym." The Applicant should provide further description on the proposed use and interior of the 1.5-story structure, including the nature of use, intended users, and whether it would include sleeping facilities and/or a bathroom. Certain uses may require additional approvals.
8. Per the deed, the property is subject to a conservation easement held by Dutchess Land Conservancy. The property is also identified on NRI Map 19. Conservation & Public Land as subject to a conservation easement. The Applicant should provide the Planning Board with a copy of the agreement tied to the conservation easement, including any information on areas of the property where new development is not permitted. For past applications involving land with conservation easements, the Planning Board has obtained a letter from the easement holder verifying that the Applicant's proposed activities are in compliance with the terms of the agreement. For this application, AKRF recommends such a letter be requested by the Applicant and provided to the Planning Board.
9. While an Erosion and Sediment Control Plan is not required, the site plan should identify erosion control measures, e.g., silt fence, particularly as the wetlands are downgrade from the proposed construction.
10. If applicable, the site plan should include the locations and specifications for any proposal to drain, fill, grade, dredge and clear vegetation, including areas and quantities proposed for depositing or removal, the procedures to be used and dominant species of vegetation to be removed (Town Wetland Code Section IX.C.11.h).
11. This application requires a public hearing.

REFERRALS

12. The subject parcel is within 500 feet of a farm operation within an agricultural district (AD 21). This application is therefore subject to General Municipal Law (GML) 239-m, which requires referral to Dutchess County Planning (GML 239-m). Under the terms of the Town's Referral Reduction Agreement with Dutchess County, wetland permits are not exempt from the GML 239-m referral and review process. The County is required to respond within 30 days of receipt.
13. Referral to the Conservation Advisory Commission (CAC) is required for wetland permit applications. Comments must be received within 30 days of referral.

SEQRA

14. 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)(12) – construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;"

RECOMMENDATION

At the July 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 (6 NYCRR 617.5(c)(12)), authorize the Secretary to refer application materials to Dutchess County Planning (pursuant to GML 239-m) and the CAC, and set the public hearing if prepared to do so.