



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 300
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc.
Date: June 28, 2024
Re: Presser (97 Valley Farm Rd) – Site Plan
cc: Hillel Presser (property owner)
Daniel Contelmo
Joseph P. Eriole (PB Attorney)
Jonathan Ialongo (Town Building Inspector)

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

- Planning Board Application.
- Property Survey prepared by Kirk Horton and dated 3/10/22.
- Site Plan (1 sheet) prepared by Daniel Contelmo Architects and dated 5/21/24.
- Owners Affidavit
- Consent to Inspection dated 6/10/24
- Owners Endorsement dated 6/10/24.
- Deed.
- Aerial photos.

PROJECT DESCRIPTION

The Applicant, on behalf of the property-owner Hillel Presser, proposes interior and exterior renovations, including expanding the existing front porch into a new L-shaped roofed porch of 537 sf, to a 2,310-sf single-family home on a 5.2-acre lot in the RM-2 zoning district (tax parcel 135889-6765-00-414655) and Agricultural District 21. The proposed interior renovations would add a bedroom suite within the existing attached garage. The house is preexisting nonconforming for encroaching the front yard setback (47'6" provided; 75' required). The proposed roofed porch would increase the size of the house by 23%, and it would further encroach the front setback by 2'-6." In addition to the subject house, the property is currently improved with a barn, gravel driveways, and other accessory improvements. The property-owner also owns three adjoining parcels (total of 4 parcels amounting to 17.9± acres) which appear to be farmed; no work is proposed on the other parcels. The property includes wetlands (a pond) north of the subject house; however, the project site is outside of the 100-foot wetland buffer.

On May 21, 2024, the ZBA granted a special permit to increase the size of the house (as a nonconforming structure) by 23% and an area variance of 30 feet (to allow a 45' front setback where 75' is required), conditioned on: 1) the house remaining 3-bedrooms; 2) the Applicant obtaining site plan approval (as required for the special permit); and 3) no adverse comments from the County.

COMMENTS

APPLICATION COMPLETENESS

1. The property is within AD 21. The Applicant should submit an Agricultural Data Statement.
2. The Applicant should submit an EAF, required for all site plan applications.
3. The signature block for the Planning Board should be added to the site plan (in addition to the signature block for the Applicant/Owner, which is already on the site plan).

TOWN OF WASHINGTON PLANNING BOARD PLAN APPROVAL	
<p>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.</p>	
Chair	_____
Date	_____

CODE COMPLIANCE

4. The project would add a bedroom within the existing attached garage. However, as explained at the May 21, 2024 ZBA meeting, the Applicant recently converted a different bedroom into an office. Therefore, there is no net change in the number of bedrooms, which is three.
5. The property includes an approximately 6,730-sf pond north of the subject house. The pond is identified as a wetland on the Town of Washington Wetlands Map (NRI Map #12). The house and project site are located outside of the 100-foot buffer around the pond. Therefore, a wetland permit is not required.

REFERRALS

6. The subject parcel is within 500 feet of a municipal boundary (Village of Millbrook) 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. Under the terms of the Town's Referral Reduction Agreement with Dutchess County, site plans are not exempt from the GML 239-m referral and review process. The County is required to respond within 30 days of receipt.
7. The property is located within 500 feet of an adjacent municipal boundary. Specifically, at its southeast corner, the property touches the boundary of the Village of Millbrook. Therefore, pursuant to GML 239-nn, the Town of Washington is required to give notice of the site plan public hearing to the clerk of the Village of Millbrook. Such notice shall be given by mail or electronic transmission to the Village Clerk at least 10 days prior to a hearing.

SEQRA

8. 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 the application to Dutchess County Planning (pursuant to GML 239-m), and set the public hearing if prepared to do so. In setting a public hearing, the Town must notify the Village of Millbrook Clerk at least 10 days prior to the hearing (pursuant to GML-239-nn).