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October 22, 2024

Hon. Susan Meaney, Chair,
And Planning Board members
Town of Washington Planning Board
Town Hall
10 Reservoir Road
Millbrook, NY

Re: Clear subdivision: post-hearing letter in support of conventional subdivision development.

Dear Chair Meaney, and members of the Planning Board:

This letter constitutes the Applicants' post-hearing submission, in further support of their request to proceed with a conventional subdivision plan for their property at 515 Woodstock Road. The Board's decision on whether to mandate a cluster subdivision must be made very early in the review process,¹ at the "sketch" plan phase, which precedes the detailed SEQR review that is part of the full subdivision process (subdivision regulations 137-27 B (4)).²

Procedural Compliance with Section 137-27:

The Clear subdivision application meets several of the Town's "criteria for cluster preference" (Town Code section 137-27). These criteria require the Planning Board to evaluate whether a cluster plan would have sufficient advantages (enumerated in section 137-26 B) over a conventional subdivision plan to warrant a decision compelling the landowner-applicants to submit a cluster subdivision plan (Zoning Law section 165-52 A (2)).

The Board has complied with all the procedural requirements of section 137-27:

- On July 23, 2024, the applicants submitted an Open Space Report with their sketch plan application, describing how their proposed conventional subdivision plan achieves the purposes listed in section 137-26 B of the Town code, and why a cluster plan would not better achieve these purposes (137-27 B (1)).
- On the same date, the applicants submitted the Land Inventory information required under section 137-21 P of the Town Code (137-27 B (3)). Though not specifically required by the

¹ Applicant has consented to the scheduling of a decision on the mandatory cluster issue at the November 5, 2024 meeting.

² References are to section numbering in the Code of the Town of Washington adopted in September 2024. The code references in the applicant's application and Open Space Report were to the pre-codification numbering.



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Town code, the applicants also submitted a report evaluating their proposal under the standards of the Town's newly adopted Natural Resource Inventory (NRI).

- Upon receipt of the above information, the Town Planning Board referred the application, together with the Land Inventory and the Open Space Report, to the Town Conservation Advisory Commission, for its comments on the adequacy of the plan to fulfill the objectives of 137-26 B, and to protect the natural resources on and adjoining the property (137-27 B (3)).
- Thereafter, the Conservation Advisory Commission heard a presentation from the applicants and, after due consideration, submitted its comments to the Planning Board. The CAC also submitted a supplemental comment to the Planning Board on September 18, 2024, which was accepted by the Planning Board for consideration and evaluation (137-27 B (3)).
- The Planning Board, after receiving the CAC report, exercised its discretionary authority to schedule a public hearing on the issue (137-27 B (3)).
- The Public Hearing was duly held on October 1, 2024, with public comment accepted in person and by Zoom. The hearing was closed after all interested persons had spoken. The Board reserved decision on the matter to the November 5, 2024 meeting (137-27 B(4)).

Summary of materials and comments before the Planning Board:

Section 137-27 B (4) requires that, in making its determination, the Planning Board shall consider the application and supporting materials presented, the purposes stated in 136-26 B above, the comments of the CAC, and public comments at any hearing that has been held.

- Application and supporting materials: The application and Open Space Report asserts that the proposed conventional subdivision is more compatible with the area than a cluster subdivision would be and preserves open space in a manner congruent with surrounding properties. The report also asserts that cluster subdivision requirements, including required grouping of homes into higher net densities, make that option undesirable for the site. The Open Space Report assesses each of the purposes of Open Space subdivisions as set forth in section 137-26 (B).
- The Conservation Advisory Commission comments do not recommend that the Planning Board compel a cluster subdivision. The comments encourage the Planning Board to employ its subdivision authority to seek maximum permanent protection of open space on the property.



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- **Public Hearing Comments:** No commentors at the public hearing expressed support for a cluster subdivision or asserted any benefit of a cluster subdivision in attaining the purposes of section 137-26 B, as compared to the proposed conventional plan. Two commentors at the public hearing asserted objections to cluster subdivision, one as to impacts on Stanford Road, and the other as to general community character.

Proposed Findings:

In evaluating the purpose of open space subdivisions section 137-26 B, the record supports the following Findings:

- The site is less than 100 acres in size, and it is already effectively subdivided by Woodstock Road. It already contains two houses. A cluster development of the 3 new houses in this setting would have very limited opportunities to conserve open space, and it would look particularly out of place in the context of the established neighborhood character.
- The proposed conventional plan provides appropriate buffers for adjoining properties, especially in the context of similar net densities of housing. Cluster development imposes certain requirements that increase net densities and proximity of houses to each other, which increase overall massing and visibility.
- The proposed conventional plan is more compatible with surrounding land uses and the overall character of the area, for all of the above reasons.
- The conventional subdivision proposes building envelopes to site homes in a sensitive manner on the property, to protect neighborhood character and natural resources. A cluster subdivision would not assure better protection of identified natural and scenic resources than would be provided by the conventional subdivision plan. The Planning Board will have continuing authority over the design features of the subdivision during the review process.
- The site is not so situated that it could make a material contribution to Town-wide open space planning via a linkage between adjoining existing open space areas.
- The site contains only a modest amount of agricultural soils and does not border large areas of active agricultural land or land suitable for active agriculture.



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Summary:

For all the foregoing reasons, the applicants request that the Planning Board render a determination declining to require a cluster subdivision plan, and allowing the applicants to proceed with review of their submitted conventional subdivision application.

It is recognized that this decision does not limit the Planning Board's jurisdiction over continuing subdivision review including SEQR compliance, nor the Board's power to impose reasonable conditions on any future subdivision approval. To the extent that SEQR-related comments were made at the October 1, 2024 public hearing, those comments will continue to be considered during the ongoing subdivision and SEQR review.

We thank the Board for its consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JL Van Tuyl', is written over a light blue circular stamp.

Jennifer L. Van Tuyl

cc: Joseph Eriole, Esq.
Aaron Werner, AICP
Alicia Moore, AICP