

## Memorandum

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**To:** Town of Washington Planning Board  
**From:** AKRF, Inc. (A. Werner, AICP; A. Moore)  
**Date:** September 27, 2024  
**Re:** Ciferri Lot Line Adjustment (Maple Hill Subdivision)  
**cc:** Roderick W. Ciferri III (trustee of R.W. Ciferri, Jr. 1990 Trust, property owner)  
Joseph P. Eriole (PB Attorney)  
Jonathan Ialongo (Town Building Inspector)

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

- Lot Line Change Map prepared by Bly and Houston, LLP revised 9/17/24.
- Letter to Town of Washington Planning Board from Brian M. Houston, L.S. (Bly & Houston Inc) dated 9/23/24.
- Owners Endorsement by Jodi Swart, dated 8/30/24.
- Consent to Inspection by Leroy Swart, Mary Swart, and Jodi Swart, dated 8/30/24.
- Property Tax Statement for Parcel 274557 (19 Maple Dr) dated 2024.
- Deed for 19 Maple Drive.

### PROJECT DESCRIPTION

The Applicant, Roderick W. Ciferri III (as trustee of R.W. Ciferri, Jr. 1990 Trust), requests approval of three lot line adjustments (“LLA”) affecting seven properties with a combined acreage of approximately 13.5 acres located within the RH-1 district. The three proposed lot line adjustments are between the following properties (described further in Comment 1, below): **(1)** Lot 3 (6764-01-288522), Lot 7 (6764-03-286494), and Lot 8 (6764-03-305497); **(2)** Lot 2 (6764-01-287553) and 19 Maple Hill Drive (6764-01-274557); and **(3)** 52-54 County House Rd (6764-01-313539); and Lot 9 (6764-01-309516). The Applicant owns six of the properties, and the Swart family owns one of the properties (19 Maple Hill Dr.). All of the properties comply with the RH-1 minimum lot size of 1 acre, except for 19 Maple Hill Drive (Swart property) (0.3 acres), which is preexisting nonconforming. The proposed project would not significantly alter the size of any of subject properties and would not cause or increase any nonconformities with respect to lot size. The purpose of the lot line adjustments is to simplify access rights to the properties. No construction is proposed as part of the application.

### COMMENTS

Comments from AKRF’s previous memorandum (8/30/24) are shown in *italics*, new and follow-up comments are shown in **bold**.

1. *8/30/24: The project proposes the following lot line adjustments:*

**Table 1  
Subject Properties and Proposed Changes**

LLA	Property	Owner	Use	Current Acreage	Proposed Acreage	Purpose of LLA per application
1	<b>Lot 3</b> 6764-01-288522 Maple Hill Dr.	R.W. Ciferri, Jr. 1990 Trust	Vacant	1.37	1.37	Exchange driveway with Lot 7
	<b>Lot 7</b> 6764-03-286494 County House Rd.	R.W. Ciferri, Jr. 1990 Trust	Vacant	1.08	1.08	Exchange driveway with Lot 3
	<b>Lot 8</b> 6764-03-305497	R.W. Ciferri, Jr. 1990 Trust	Vacant	1.08	1.13	Provide adequate room for driveway to Lot 3
2	<b>Lot 2</b> 6764-01-287553 Maple Hill Dr.	R.W. Ciferri, Jr. 1990 Trust	Vacant	1.7	1.7	Grant better access to 19 Maple Dr. driveway
	<b>19 Maple Dr.</b> 6764-01-274557	Swart	Single-family house	0.3 <sup>[1]</sup>	0.3 <sup>[2]</sup>	Gain better access to driveway
3	<b>52-54 County House Rd</b> 6764-01-313539	R.W. Ciferri, Jr. 1990 Trust	Apartments, shop, warehouse	1.92	1.78	Allow an existing parking area to be located on the right parcel
	<b>Lot 9</b> 56 County House Rd 6764-01-309516	R.W. Ciferri, Jr. 1990 Trust	Duplex	1.01	1.01	Allow an existing parking area to be located on the right parcel
<b>Notes:</b> <sup>[1]</sup> Preexisting nonconforming <sup>[2]</sup> increase of 391 SF						

**9/27/24:** Per the Applicant’s response letter, the purposes of the proposed lot line changes are to provide better driveway access to Lots 3 and 7 and to fix the portion of the parking area located on Lot 9 which currently encroaches onto Parcel 315539 (presumably, Parcel 313539).

Lot 8 has been added to the above table as part of LLA 1, as the plat (Lot Line Change map) shows that the northern lot line, currently shared with Lot 7, would be adjusted as part of the new accessway/driveway to Lot 3. The adjustment would convey 0.047 acres from Lot 7 to Lot 8. Per the map, Lot 8 will have a deeded right of way (ROW) to the new Lot 3 driveway.

**APPLICATION COMPLETENESS**

- 8/30/24: The Planning Board may request clarification on how the project would accomplish the purposes of LLA 2 and 3.

**9/27/24:** Regarding LLA 2, the revised plat shows that the existing lot line (between Lot 2 and 19 Maple Dr) currently causes a portion of the 19 Maple Drive driveway to be on Lot 2; and that the proposed change would move the lot line such that the entire driveway to 19 Maple Drive would be within that property.

Regarding LLA 3, the revised plat shows that the shared lot line between Lot 9 and 52-54 County House Rd currently causes a portion of the parking area on Lot 9 to be on 52-54 County House Rd; and that the proposed change would move the lot line slightly north such that the Lot 9 parking area would be entirely within that property.

3. 8/30/24: Per the application form, the parcel located at 19 Maple Hill Drive (6764-01-274557) is owned by the Swart family (LeRoy H. and Mary Lynn Swart per the application; Jodi Swart, trustee of Swart Trust, per Dutchess County Parcel Access). The application should include the deed or other proof of ownership of this property (e.g., tax record) as well as an Owners Endorsement notarized by the property owner and authorizing the Applicant, Roderick W. Ciferri III, to make this application.

**9/27/24: Comment addressed. The Applicant has submitted a deed and tax records for 19 Maple Drive.**

4. 8/30/24: The Applicant should clarify the changes proposed for the property labeled as Lot 8 (6764-01-305497) on the Sketch Plan. Lot 8 is shown as having a proposed and to-be-eliminated lot line, and it is described as "1.084 acres before lot line change[;] 1.195 acres after lot line change." However, the application description does not refer to Lot 8 or any changes to it. (See also, Comment 11.)

**9/27/24: Comment addressed. The revised plat (Lot Line Change map) shows that Lot 8's northern lot line, currently shared with Lot 7, would be adjusted as part of the new accessway/driveway to Lot 3, and that Lot 8 will have a deeded right of way (ROW) to the new Lot 3 driveway.**

5. 8/30/24: The application includes a tax statement for parcel 6764-03-249489 (Maple Hill Drive, 1.01 acres). However, the project description does not include this property. The Applicant should clarify what changes, if any, are proposed for parcel 249489.

**9/27/24: Per the response letter, Parcel 249489 is not part of the application.**

6. 8/30/24: The final subdivision plat should include signature blocks for the Applicant and the Planning Board Chair.

**9/27/24: Comment addressed. The signature blocks have been added to the plat (Lot Line Change map).**

#### CODE COMPLIANCE

7. 8/30/24: This application meets the following definitions per Article VII of the Subdivision Regulations:

*RE-SUBDIVISION: A change in a subdivision plat or re-subdivision plat filed in the Office of the Dutchess County Clerk which (a) affects any street layout shown on such plat, (b) affects any area reserved thereon for public use, (c) constitutes a lot line adjustment as defined herein, or (d) creates any new lots."*

*LOT LINE ADJUSTMENT: modification of parcel boundaries in which a portion of one parcel is combined with an adjoining parcel without increasing the total number of parcels.*

**9/27/24: No further comment.**

8. 8/30/24: The Planning Board may waive the public hearing for a lot line adjustment. Pursuant to Subdivision Code Sections 20.2(a) and 20.3, the Planning Board may, at the Applicant's request, grant waivers from informational and procedural requirements of the Subdivision Regulations for minor subdivisions and lot line adjustments. The Planning Board shall clearly indicate which requirements, if any, of Subdivision Regulations shall be waived and the reasons for such waivers.

**9/27/24: The Planning Board waived the public hearing at its 9/3/24 meeting.**

9. 8/30/24: The property located at 19 Maple Hill Drive (Swart property) is preexisting nonconforming, as it is 0.3 acres where one acre is required. The proposed lot line adjustment would not increase the extent of the nonconformity; per the Sketch Map, the adjustment would increase the property size by 391 SF, which would bring it slightly closer to conformance.

**9/27/24: As provided in the response letter and shown on the plat, the Swart property will not change in size due to the equal area lot line change from Swart to Ciferri.**

10. 8/30/24: *The proposed project would not significantly alter the size of the subject properties or render any lot undersized (nonconforming). However, Lot 9 and the property at 52-54 County House Rd contain existing structures, which may be affected by the proposed changes. (The Swart property also contains existing structures; however, as shown on the Sketch Plan, the proposed lot line adjustment would expand the lot line further out.) While the application states that the project would not increase any nonconformities, the Applicant should confirm that the lot line adjustments affecting these properties would not cause a nonconforming reduction in setbacks. The Planning Board may request additional information or documentation, for example, an illustration showing existing structures relative to existing/proposed lot lines and/or a zoning compliance table.*

**9/27/24: The footprints of the existing structures have been added to the plat and show that the proposed lot line changes would not create any nonconforming setback.**

11. 8/30/24: *Per the property deed, Lots 8 and 9 hold access easements over the driveway on Lot 7. The Applicant should describe the impact that the proposed project would have on the easements. The Applicant should also clarify the changes proposed to Lot 8 (see also, Comment 2).*

**9/27/24: Per the response letter, Lot 8 would continue to have an easement over the driveway; and the Lot 9 easement, which was placed in the deed by error, will be removed upon conveyance of the lot.**

12. 8/30/24: *There are no onsite wetlands.*

**9/27/24: No further comment.**

#### REFERRALS

13. 8/30/24: *The subject parcel is within 500 feet of a County road (Route 97) 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. However, the Dutchess County Department of Planning and Development has not exercised the option to review subdivision applications which do not involve an application for site plan approval or a variance, citing “no authority” to review. Therefore, referral to the County pursuant to General Municipal Law (GML) 239-n is not required.*

**9/27/24: No further comment.**

14. 8/30/24: *The Applicant must demonstrate that permission to file has been received from the Dutchess County Health Department prior to the Planning Board Chair signing the final subdivision plat. Proper signature blocks should be added to the final plat.*

**9/27/24: No further comment. Signature blocks have been added to the plat.**

#### SEQRA

15. 8/30/24: *This application is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review. The applicable Type II citation is as follows:*

*6 NYCRR 617.5(c)(16) – “granting of individual setback and lot line variances and adjustments.”*

**9/27/24: The Planning Board so classified the project at its 9/3/24 meeting.**

#### RECOMMENDATION

At the October 1, 2024 Planning Board meeting, AKRF recommends that the Planning Board 1) discuss the clarified application and consultant comments; and 2) consider a resolution by the Planning Board Attorney approving the requested lot line adjustments.