

Town of Washington Planning Board

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND SETTING A PUBLIC HEARING

Clear Subdivision (515 Woodstock Rd)

Town of Washington Planning Board member Nicole Drury offered the following resolution, which was seconded by member Emily Abraham as follows:

WHEREAS, the Applicants and property owners, Timothy and Johna Clear, request approval for a non-reatly conventional subdivision of a 90.87-acre parcel into five new lots (the "Proposed Project"); and

WHEREAS, the subject property is located at 515 Woodstock Road (tax parcel 6766-00-021055) in the RL-5 zoning district and Agricultural District 21 (APO Overlay); and

WHEREAS, the subject property is bisected east-west by Woodstock Road, a Town-designated scenic road, resulting in a northern portion and southern portion; and

WHEREAS, the subject property contains a pond and scattered wetland areas on either side of Woodstock Road; and

WHEREAS, total existing structures on the subject property include two single-family homes (a farmhouse on the northern portion and a ranch-style house on the southern portion), a cottage, several agricultural accessory structures (barns/shed), and multiple driveways; and

WHEREAS, the Applicant proposes to divide the subject property into five new lots, with Lots 1-3 on the northern portion and Lots 4-5 on the southern portion, as follows: Lot 1 (~23.4 acres), Lot 2 (~10.1 acres), Lot 3 (~5.3 acres), Lot 4 (~23.5 acres), and Lot 5 (~28.4 acres); and

WHEREAS, Lot 3 would contain the existing farmhouse, cottage, and accessory structures; Lot 4 would contain the ranch house; and the other three proposed lots would be vacant and intended for as-of-right future single-family construction in accordance with RL-5 district requirements; and

WHEREAS, with respect to the three new vacant lots, the Applicant has illustrated proposed development/disturbance envelopes on a separate Constraints Map (7/23/24) and Building Envelope Exhibit (11/19/24) to be referenced on the preliminary subdivision plat; and

**WHEREAS**, no construction is proposed on Lots 3 and 4, which at this time both contain primary residences; and

**WHEREAS**, Lots 3 and 4 would be accessed by existing driveways off Woodstock Road; Lots 1 and 5 would also be accessed from Woodstock Road; and Lot 2 would be accessed from Stanford Road; and

**WHEREAS**, pursuant to 6 NYCRR 617.5(c)(16), this application is considered an Unlisted Action pursuant to the State and Environmental Quality Review Act; and

**WHEREAS**, the Planning Board declared its intent to act as Lead Agency for SEQRA review on August 6, 2024, which declaration was duly circulated to involved and interested agencies; and

**WHEREAS**, no objection having been heard from any involved or interested agency, the Planning Board confirmed its status as Lead Agency; and

**WHEREAS**, the Town of Washington Code Section 137-27B(1) requires that if a Sketch Plan application for a conventional subdivision meets any of the cluster preference criteria set forth therein the applicant shall include, as part of the Sketch Plan submission, a brief report that describes how the proposed subdivision plan achieves the purposes listed in Subsection 137-26B of the Code, and why a cluster plan prepared under this Section would not better achieve these purposes; and

**WHEREAS**, the Applicant did submit such report; and

**WHEREAS**, the Town of Washington Code Section 137-27B(4) requires that within forty-five (45) days of receipt of a Sketch Plan hereunder, the Planning Board shall determine whether the conventional subdivision accomplishes the purposes in Section 137-26B of the Code, whether it needs to be modified, and whether the applicant shall be required to apply for a cluster subdivision; and

**WHEREAS**, in connection with said determination Section 137-26B(3) of the Code sets forth that the Planning Board may hold a public hearing on such determination and the Planning Board did hold such public hearing on October 1, 2024 and said hearing was closed, all who wished to be heard having been heard; and

**WHEREAS**, upon due consideration of the public comment, the review of all documents, maps and plans, presentations of the Applicant, advice of its consultants, and the

Town's Conservation Advisory Commission (CAC), and in reliance upon said record, the Planning Board determined that a conventional subdivision was preferred; and

**WHEREAS**, a public hearing on potential significant environmental impacts was deemed appropriate, was duly noticed, and held on December 3, 2024, at which all persons wishing to be heard were heard, and said public hearing was closed; and

**WHEREAS**, due consideration was given to the entire record of proceedings herein, the advice and counsel of the Planning Board consultants, the submission of the Applicant including the EAF and all supporting documentation, and to the requirements of NYCRRR §617 including but not limited to the factors set forth in NYCRRR §617.7(c), to wit:

1. Whether the Proposed Project will result in any significant impacts from “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems” (§617.7(c)(1)(i))
2. Whether the Proposed Project will result in any significant impacts from “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources”(§617.7(c)(1)(ii))
3. Whether the Proposed Project will result in “the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part” (§617.7(c)(1)(iii))
4. Whether the Proposed Project will result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted” (§617.7(c)(1)(iv))
5. Whether the Proposed Project will result in “the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character” (§617.7(c)(1)(v))
6. Whether the Proposed Project will result in “a major change in the use of either the quantity or type of energy” (§617.7(c)(1)(vi))
7. Whether the Proposed Project will not result in “the creation of a hazard to human health” (§617.7(c)(1)(vii))
8. Whether the Proposed Project will result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action” (§617.7(c)(1)(ix))
9. Whether the Proposed Project will result in “the creation of a material demand for other actions that would result in one of the above consequences” (§617.7(c)(1)(x))

10. Whether the Proposed Project will result in “changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment” (§617.7(c)(1)(xi)).
11. Whether the Proposed Project will result in “two or more related actions, undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision” (§617.7(c)(1)(xii)); and

**WHEREAS**, for the reasons and upon the conclusions set forth in the attached Negative Declaration which is incorporated herein and made a part hereof, the Planning Board found that the Proposed Project will not have any significant adverse environmental impacts; and

**WHEREAS**, the Town of Washington Code requires that a public hearing be held on the proposed subdivision;

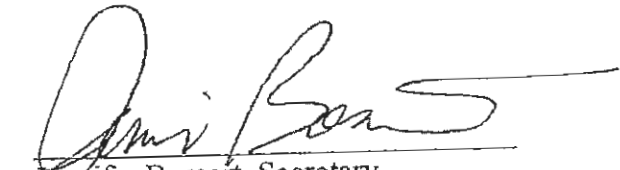
**NOW THEREFORE**, it is determined that:

1. The attached Negative Declaration is hereby adopted.
2. A public hearing on the subdivision application is scheduled for January 7, 2025 and the Planning Board secretary is directed to post sufficient notice therefor. The foregoing Resolution was duly put to a vote which resulted as follows:

Susan Meaney  
 Emily Abrahams  
 Eric Alexander  
 Nicole Drury  
 Richard Philipps  
 Anna Hall  
 Adam Brandow

A/E  
 A/E  
 ABSENT  
 A/E  
 ABSENT  
 A/E  
 ABSENT

Dated: Millbrook, New York  
 December 3, 2024

  
 Jennifer Bossert, Secretary  
 Town of Washington Planning Board