

TO: Chair Susan Meaney, and the Town of Washington Planning Board

FR: Adelaide Camillo, Stanford Road

RE: Remaining issues with Clear Subdivision application (515 Woodstock Rd)

DA: January 28, 2025

Below are issues, questions, and notes regarding the Clear Subdivision application. Thank you for your attention to these matters.

- 1) The Driveway on Lot 2 (“sketched” on paper by an architect but not marked in the field) is in a highly questionable location on a curve across from two other driveways, all three extremely close together on a rural road.** Stanford Road is a winding, busy pass-through street designated a major road in the Town. These issues are almost identical to a driveway proposed many years ago on the abutting Trumbull Home subdivision which shares the property line just north of Lot 2. The attached relevant letter from engineer David Clouser, PE, (Oct 21, 2004) references **Subdivision Code Section 32.7** which prohibits driveway access on major Town roads and encourages shared driveways to improve safety. Clouser further explains that the Town’s zoning code is out-of-date with safer standards required for sight distances by Dutchess County and NY State. To my knowledge, the Town’s code has never been upgraded to improve sight distances according to better County and State standards but that doesn’t mean this Planning Board should not follow the improved safety standards. This subdivision in its entirety creates two clusters of multiple driveways all within less than half-mile of each other: 1) one set on Stanford Road with the proposed Lot 2 driveway directly across from two existing driveways; 2) two newly proposed driveways on Woodstock Road, one very close to two other existing driveways on a designated Scenic Rural (dirt) Road, and another at the corner of the intersection with Stanford Road. These specific driveway situations could have been part of a more explicit conversation of the Cluster Zoning statutes required for Subdivisions because multiple driveways are part of what that statute is designed to address. The maps from what I can see on the website appear conceptual and do not clearly illustrate both existing driveways and newly proposed driveways with an engineer’s specification, so it is difficult for anyone to fully grasp the total impacts with ultimate clarity.

- 2) In addition, Lot 2’s building envelope is squeezed between large, forested wetlands positioned close to the road on steep slopes near a recharge aquifer area.** (See color coded constraints maps with building envelopes in the Sept 3rd,

2024, letter from local resident Mancuso, Esq. found in the Planning Board records on the Town website.) Generally, houses close to the road in Town of Washington are the antique ones built in the 1800's. Lot 2 defies good planning practices on a curve in the road, and in the middle of large wetlands near an aquifer. **I urge this board to eliminate the environmentally fragile Lot 2 from this subdivision combining this land with one of the other lots and protected from further subdivision.** Another local resident, business owner, and former ZBA member for many years who grew up in this town and knows this road better than any one of us evaluating this application, strongly urged you to eliminate Lot 2 on more than one occasion in the Public Hearings. Also, two abutting neighbors on Stanford Road across the street from Lot 2 expressed concern at the Public Hearings about the driveways and water resource impacts with this Lot.

3) Restrictions on Further Subdivision in Perpetuity: As discussed multiple times, restricting further subdivision, or re-subdivision, is paramount in this environmentally fragile 90-acre parcel in a five-acre zone. The applicant proposes “only” three new homes on three large lots on a parcel where 99% of soils are rated “very limited” for “dwellings with basements” and in a dense web of wetlands, meadows, and swamp (see the illustrative USDA Natural Resource Conservation Service soil maps and charts in exhibits attached to the Sept 3, 2024, letter from Mancuso, Esq. in Planning Board 2024 files on Town website). But the ultimate build-out potential in a five-acre zone is technically far greater, not including multiple accessory buildings. **Without legally binding re-subdivision restrictions in perpetuity the natural resources are at risk of significant future harm and this entire process of environmental due diligence would be rendered performative.** (Further, the applicant’s preliminary review of septic/soil conditions is based on much larger lot sizes, not the full build out potential.) There are multiple legal methods to restrict development in environmentally fragile areas provided in the Town’s Zoning Codes and Regulations (See also David Clouser, PE, letter of Oct 21, 2004 attached on conservation easement requirements in Town Subdivision Code Section 30.1) Deed restrictions were also mentioned by former and current Planning Board members at the Jan 7th Public Hearing.

4) Segmentation – Below is the statement I read into the record at the Jan 7th Public Hearing on the legally challengeable planning issue of “segmentation” from an experienced local land use attorney I consulted on this matter: **“In answer to your question, the failure of the Planning Board to evaluate the environmental impacts of the anticipated residential development of the project could not be deferred to the**

time of construction. The construction of houses and residential infrastructure on that property at a later date would be accomplished through the issuance of a building permit and the Planning Board would not be involved. Most certainly, you would have strong grounds for arguing that the environmental review had been improperly segmented.” Dr. Michael Klemens, PhD., in a letter dated January 27, 2024 (in the 2023 Planning Board files on the Town website) eloquently states the big picture planning issues and the detriment of segmentation.

- 5) **At the Jan 7 Public Hearing, after the conversation about segmentation occurred, your consultant stated that up to “three family houses” per lot would be considered Type II actions under SEQR and would *not* require further Planning Board approval or subsequent environmental review.** (See Jan 7th meeting video on town website at approximately 34:35 for Aaron’s remarks). This statement invalidates the erroneous notion that environmental review can be postponed until after the lots are sold as some have previously claimed many times. Environmental due diligence must happen in a meaningful way on the front end of an application, preferably in best practice, by independent third-party experts reporting to the Town, not a developer or applicant.

- 6) **Incomplete Land Inventory Requirements on Preliminary Plat:** The Preliminary Plat still appears incomplete from the maps the public can see on the website. **Section 42 of the Subdivision Code requires the following land inventory information:** 1) wetlands; 2) areas of slopes of more than 20%; 3) soils with 3 feet or less to bedrock or seasonally high-water table; 4) forested areas with a general description of species type; 5) trees greater than 8 inches in diameter at breast height that are not in the forested area; and 6) scenic vistas from public roads.

- 7) **Plat Filing Procedures:** The applicant’s representatives have stated in meetings on more than one occasion that there isn’t enough room on the final Plat to include all the natural resources data and that they discussed filing data maps separately at the Town Hall with the County Clerk’s office. The County plat maps are three feet long. There appears to be no logical reason with today’s technology that all natural resources required by the Town’s **Subdivision Code Section 42** would not fit on one single map or single set of maps. I spoke to the County Clerk and Deputy Clerk recently who told me they provide a short list of “must haves” for maps such as a notarization stamps or an engineer and surveyor signature, and they look to be sure the Plat is legible. They told me they do not discuss with the public what other data is or is not included on a Plat or whether one is filed separately in other locations.

Why is the filed Plat important? If an unwitting buyer does not see all the constraints and natural resources on a legally filed County Plat when they are looking to buy these properties, how will they know that these resources and constraints exist and need to be protected? How would the realtors know? What guardrails are in place if the Town building inspector doesn't know that additional constraints maps are simply scattered around the Town Hall offices that he or she did not see? Placing maps with significant data in separate locations puts the natural resources and public at risk creating unforeseen consequences or mishaps that are easily avoided. I respectfully urge this board to require that the Plats contain all the natural resources data and that they are filed with the County in one document or document set.

- 8) The NY State Pollutant Discharge Elimination System (SPDES) Permit:** The attached letter (p.2) from engineer Clouser regarding an adjacent subdivision reviewed many years ago addresses this NY State law requirement for stormwater pollution control when a subdivision has the cumulative impact of more than 1 acre of disturbance. Unless this State law has changed, and it appears it has not, the same issue is relevant to this subdivision especially since there is so much water on this property near an aquifer in the important Wappingers Creek Watershed.
- 9) Cultural and Local History Disregarded Needs Recognition:** In checking off the boxes on the SEQR form to expedite a Negative Declaration, your consultant stipulated that there were no significant **historical aspects to this property**, but that is not true. While the property may not have been officially designated on the NY State Historic Registry by the owners, it was identified as historic in the 1987 Dutchess County Historic Inventory as an early 1800's farmhouse. (See gis.dutchesscounty.gov, Historic Resource Survey Viewer). The now yellow farmhouse on Woodstock Road was built by the Quakers as was the house on the adjacent property to the west whose owner of over 20 years has researched the history of these houses and placed that history in the Millbrook Historical Society. My own house approximately a half-mile around the corner is a 200-year-old red schoolhouse (also in the Historic mapping data) attended by the early residents of both these Quaker houses which were originally part of a 250-acre dairy farm on Woodstock Road (Nygren Farm). This history deepens the cultural understanding of this rural area and provides more reasons to protect it from future harm or obliteration.

This historic 90-acre Arch River Farm itself should have been protected long ago by the Town Board (with multiple resources available for farmland protection through the County and other agencies) as it also sits in a location that Hudsonia referred to as a “priority conservation” area. The area between the Shunpike, Woodstock Road, and Canoe Hill is part of a “[l]arge area of unfragmented forest increasingly uncommon in Dutchess County, making it particularly important to maintain the integrity of those that remain.” (*Hudsonia Significant Habitat Report*, 2004, [p.68] funded by the Dyson Foundation, the Millbrook Tribute Garden, the Town of Washington, and the Dutchess Land Conservancy.)

In closing, I understand and share the frustration that this process is long and arduous. These large projects take a long time for many different reasons. But none of that is the fault of the neighbors or concerned citizens and activists working in this community for decades to protect the Town’s unique environmental resources that deserve our utmost consideration and respect in this process. The neighbors, the natural environment, and the broader community are impacted permanently by these planning decisions long after the lots are sold and the developer and the Planning Board have moved on.

Thank you for your time and attention to these important matters.

Sincerely,

Adelaide Camillo

Attachments:

David Clouser, PE, Letter, Oct 21, 2004 (Driveways and Conservation Easements)

David Clouser, PE, Letter, June 28, 2004 (SPDES Permit)