

To: Town of Washington Planning Board
Date: December 30, 2024
Re: Rubin - 26 Old Route 82 PRE-APPLICATION

As a long-time resident living near the now discontinued former Greenbrier "Adult Home" - a nonconforming use in the RH-1 Zoning District since the early 1970s (Listed officially as "Land Use 633 Aged - home" in the records from Dutchess County Parcel Access), I'd like to share some information that I'm aware of that relates to the pre-application request "Rubin - 26 Old Route 82 PRE-APPLICATION," that I saw on your website asking for a preliminary meeting on conversion of this property to a facility for treatment of on-site and off-site substance abuse patients. This new Use is not an allowed use in the RH-1 town zoning district where the property, which is presently vacant, is located. See attachment: Zoning Code – Allowed District Uses in RH-1.

A very similar application was made in 2014 by the Daytop Village Foundation, which was turned down by the Planning Board for very much the same reasons, being the Use is not allowed in that district. See attached documentation entitled DayTop-Town of Washington Planning Board May 6, 2014. Discussion starts on the bottom of page 2 of that documentation, with the decision at the bottom of the last page. The planning board DENIED the application but informed the applicant they had a right to pursue Uses that were allowed in the district.

Since there is no evidence provided that a Substance Abuse or Detox Treatments facility fits into one or more of the allowed uses in the RH=1 District, I would hope that as in the case of the 2014 Daytop Village Foundation application, the Planning Board suggests the applicant pursue Uses that are allowed in the district.

Respectfully Submitted,

Howard Schuman
49 Maple Hill Drive (Project Neighbor)

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The monthly meeting and public hearing of the Town of Washington Planning Board was held on May 6, 2014 at the Millbrook Firehouse, 20 Front Street, Millbrook, New York.

Members Present: Chairman, Josh Mackey (entered the meeting at 7:40 P.M.), Laura Briggs, Donald Hanson, Ed Jorgensen, Lisa Schwartz, Paul Schwartz, James Shequine, also, planner. consultant, Neil Wilson, Al DeBonis, councilman/planning board liaison.

In the absence of Chairman, Mackey, Acting Chairman, Paul Schwartz opened the meeting with the Pledge of Allegiance at 7:32 P.M.

Acting Chairman Schwartz announced that the board has received notification from the Homeland Towers LLC attorney Neil J. Alexander that the Co-Applicants and their consultants will not attend the May 6, 2014 continued public hearing and request that the Planning Board procedurally adjourn the public hearing from May 6, 2014 to May 27, 2014 without substantive discussion of the application. The May 27, 2014 special meeting is for the specific purpose of having Ron Graiff in attendance to answer questions on his report on the Homeland Tower application. **A motion to adjourn the Homeland Towers LLC continued public hearing to the May 27, 2014 special meeting was made by board member Hanson, seconded by board member Briggs. All ayes.**

The application of Longo Site Plan Accessory Structure (Chris Longo) 2450 Salt Point Turnpike, Clinton Corners is for the construction of a 25'x40'stationary pavilion located at the Evangelical Church property for an Eagle Scout Project. The property is zoned RL 5.

Dutchess County Tax Map Grid No. 6566-00-648951

Chris Longo appeared before the board, submitted completed application materials, Short Form EAF, site plan and pavilion drawing.

Review of the application materials by the board, consultant Wilson, followed. Chris asked the board to consider waiving the four hundred dollar site plan fee. **A motion to waive the Site Plan Fee of Four Hundred Dollars was made by board member Hanson, seconded by board member Briggs. All ayes.**

A motion to waive a Site Plan Public Hearing was made by board member Briggs, seconded by board member Shequine. All ayes.

Consultant Wilson stated that the application has to be submitted to the Dutchess County Planning Department for review, suggests site plan approval be deferred to the June 3rd meeting pending Dutchess County Planning response.

The application of Harris Special Permit (Rosemary and Russell Harris) 1046 Route 343,

is for a home occupation special permit for a doggie day care for four (4) small dogs. The property is zoned RR 10.

Dutchess County Tax Map Grid No. 6964-00-531225

Rosemary and Russell Harris appeared before the board, submitted completed application form and description of proposed use.

Review of the application materials by the board, consultant Wilson followed. Consultant Wilson stated that the application has to be submitted to the Dutchess County Planning Department for review.

A Public Hearing is scheduled for June 3, 2014.

Fee Status: Special Permit Application Fee	\$ 400.00
Escrow Fee	300.00
Total Due	\$700.00

The application of Naftolin and Greben Site Plan (Lisa Naftolin and Jan Greben) 203 Oak Summit Road is for the request to amend the August 4, 2009 Site Plan Approval, is for replacement of an existing barn that had been approved for conversion to an Art Studio with a new Art Studio building. The property is zoned RL 5.

Dutchess County Tax Map Grid No. 6763-00-337761

Lisa Naftolin and Jan Greben appeared before the board, submitted completed application materials, Short Form EAF, Site Plan Map dated October '09, drawing of the existing barn, proposed Art Studio. The placement of the Art Studio will be 12 ft from the original location proposed due to an existing tree stump for future removal.

Review of the application materials by the board, consultant Wilson followed.

A motion to waive the Naftolin and Greben Site Plan Public Hearing was made by board member Briggs, seconded by board member Hanson. All ayes.

A motion to grant the Naftolin and Greben Amended Site Plan Approval was made by Chairman Mackey, seconded by board member Hanson. All ayes.

Fee Status: Site Plan Application Fee	\$400.00
Escrow Fee	400.00
Total Paid	\$800.00

The application request of Daytop Village Foundation Inc.-Millbrook Special Permit, 55 Ramble Hill Road, is for a new special permit to operate the New York State Office of Alcoholism &

Substance abuse Services in their existing structures. The property is zoned RM2.

At the April 1, 2014 meeting and public hearing Chairman Mackey spoke to the Daytop Special Permit, that Daytop asked for an adjournment in March, an adjournment for the April meeting, they have not given the board a response to a laundry list of items that were requested at the February meeting. A motion was granted to adjourn the Daytop Special Permit public hearing to May 6th, 2014, in the absence of Daytop for the May 6th meeting the board will vote on the application that is before them.

Chairman Mackey received notification from Philip J. Onorato, Esq. Senior Vice President and General Counsel requesting that the hearing for May 6, 2014 be postponed until a date to be determined.

Consultant Wilson stated that he provided the board with draft resolutions closing SEQRA with a Negative Declaration that does that in contemplation of denial. The Resolution states the reasons for the denial also closes the public hearing then denies the application.

Attorney Allan Rappleyea, representing the Thornes, adjoining neighbors, addressed the board, read a newspaper article published in USA Today, titled, "Support keeps eroding for hard-line justice." Attorney Rappleyea said the article talks about our justice system and what is happening to our prisons in New York. Read the paragraph, "New York Crackdown". "Indeed, the state's prison population has been plummeting since 1999, dropping from 72,649 to 54,196 last year. The decline has been accelerated by a decline in violent crime, along with a continued emphasis on diverting non-violent drug and other low risk offenders from the costly confines of prison to treatment or other outside supervision." Attorney Rappleyea expressed that this article validates that what was being proposed here is a minimum security prison, is not a school. [the article is on file]

A motion to close Daytop Village Foundation, Inc. Millbrook Special Permit public hearing was made by board member Hanson, seconded by board member Paul Schwartz. All ayes.

Chairman Mackey read the Resolution on Matter of Daytop Village Foundation Inc. into the record "**Whereas**, by letter dated December 30, 2013 the Town of Washington Planning Board received an application from Daytop Village Foundation, Inc. ("Daytop") for Special Use Permit approval to establish a residential treatment facility including on-site clinical services for alcohol and substance abuse and

Whereas, the residents of said treatment facility would be adult males of 18 years of age or older who have been diagnosed with a substance abuse disorder and who have no history of arson or violent crime; and

Whereas, the facility would accommodate up to 62 adult male residents and 8 to 10 staff persons including counselors, social workers, vocational counselors, and house monitors; and

Whereas, a public hearing on the application was convened on February 4, 2014; and

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Whereas, the applicant was advised by the Board at the February 4, 2014 public hearing that there were a number of questions that would need to be addressed by Daytop regarding conformity of the application with the standards for Special Use Permit approval in section 473

of the Town Zoning Law before the Board could consider taking action to approve the application; and

Whereas, among the leading issues the Planning Board must address is whether the proposed residential treatment facility use is a use that is permitted in the RM 2 District and

Whereas, the description of the use as set forth in the December 30, 2013 application is for residential treatment of adult males and a review of Appendix A of the Town Zoning Law indicates that “residential treatment” is not one of the listed permitted uses in the RM2 District and

Whereas, allowed uses in the RM2 District includes “educational institutions” which is defined as;

“EDUCATIONAL INSTITUTION; A private school, college, university, or research institute giving general academic instruction including adult education, or providing research facilities to scholars or scientists, with structures used for administration, classrooms, student housing, faculty housing, dining, laboratories, faculty and staff offices, libraries, field study purposes, social and athletic activities as well as accessory needs.”

Whereas, the applicant has not provided any response or made any showing as to how the proposed drug/alcohol treatment of adult males fits into the definition of “educational institution”, or into the definition of one or more of the other allowed uses in the RM2 District, and

Whereas, since the initial adjournment of the public hearing on February 4, 2014 the applicant has requested, and has been granted, three adjournments of the public hearing but apart from requests for continued adjournment of the public hearing the applicant has not submitted any responses to Planning Board comments or otherwise contacted the Board to seek clarification or discussion of those comments in furtherance of the application, and has made no showing as to how the application complies any of the standards for Special Use Permit approval under section 473(1)-(14); and

Whereas, as a result of the applicant’s failure to prosecute or otherwise take any action to further the application, the Planning Board has determined that it is appropriate to deny the application, without prejudice, for failure to show that the proposed use is a permitted use in the RM 1 District,

Therefore Be It Resolved, the public hearing on the application for Special Use Permit approval is closed; and

Be It Further Resolved, the application for Special Use Permit approval to establish a residential treatment facility on the property located at 55 Ramble Hill Lane, tax property number 6764-00-018730, Town of Washington, Dutchess County, New York, is hereby DENIED, without prejudice to the applicant’s right to re-submit an application for establishment of a use that is permitted in the RM 2 District.

Denial as prepared was made by board member Hanson, seconded by board member Paul Schwartz. All ayes.

A motion to Deny the Daytop Village Foundation, Inc. Special Permit as prepared and recited by Chairman Mackey was made by board member Jorgensen, seconded by board member Hanson. All ayes.

There being no further business before the board a motion to adjourn the meeting was made by board member Hanson, seconded by board member Paul Schwartz. All ayes.

The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Nikki Caul, secretary

APPENDIX A

⁷⁶SCHEDULE OF DISTRICT USE REGULATIONS

Residential District	Principal Uses Permitted by Right	Accessory Uses Permitted by Right	Special Uses Which May Be Allowed by Special Permit and Subject to Site Plan Approval	Applicable Overlay or Floating Districts
RH-1	Dwelling, Single-family	Uses customarily incidental to any principal use permitted by right Garages, private *Home Occupation (Sec. ⁺ 321. 3.a) Swimming Pools	*Barn Conversion Bed and Breakfast Dwelling Two-Family *Home Occupation (Sec. ⁺⁺ 321. 4)	APO Overlay AQ Overlay EP Floating
RM-2	**Agriculture/Farm **Animal Husbandry Dwelling, Single-Family	Uses customarily incidental to any principal use permitted by right Garages, private *Home Occupation (Sec. ⁺ 321. 3.a) Swimming Pools	*Barn conversion Bed and Breakfast Church Dwelling, Two-Family *Educational Institutions Forestry Golf Course *Home Occupation (Sec. ⁺⁺ 321. 4) Membership Club Nursing Home or Convalescent Home Off-Street Parking Parks, public and Private Playgrounds *Shooting Preserve *Signs *Stables, private Wildlife Preserve	APO Overlay AQ Overlay MH Floating I Floating

* See Supplementary Use Regulations.

** These uses will not sell to the public at the subject property.

⁷⁶ Schedule amended; Local Lawn #1 of the year 1994 on 6/9/94.

⁺ Stated in Zoning Law as Section 321.4.a. Should be Section 321.3.a

⁺⁺ Stated in Zoning Law as Section 321.5. Should be Section 321.4.