akrf

Memorandum

То:	Town of Washington Zoning Board of Appeals
From:	AKRF, Inc. (Aaron Werner, AICP; Alicia Moore, AICP)
Date:	February 14, 2025
Re:	443 Valley Farm Road – ZBA Special Permit
cc:	John Schmidt & Wendy Conway (property owners) Crisp Architects (architect / applicant) Kyle Barnett, ZBA Attorney Jonathan Ialongo, Town Building Inspector

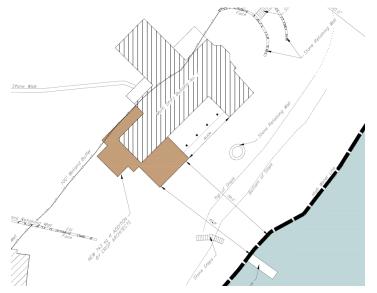
AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- ZBA Application dated 1/24/25.
- Agent Affidavit, notarized 12/19/24.
- Owners Endorsements, notarized 12/19/24.
- Disclosure of Business Interest, notarized 12/19/24.
- Site Plan and Floor Plans prepared by Crisp Architects and dated 12/20/24
- South and West Architectural Elevations prepared by Crisp Architects and dated 8/19/24.
- Parcel Access property card (partial listing), neighboring properties, agricultural district viewer.
- Parcel Access neighboring properties.
- Property Deed.
- Town of Washington Wetlands Map prepared September, 2010.
- Soil description excerpt from the Town Natural Resources Inventory, undated.
- Short EAF and EAF Mapper, dated 12/20/24.
- Property survey prepared by Kevin Cunningham, dated 12/3/1995.
- Property survey prepared by Badey & Watson dated 11/22/24.
- Vegetative cover description and site photographs, undated.

PROJECT DESCRIPTION

The Applicant proposes a 743-sf addition to an existing single-family house on an 88.66-acre lot located at 443 Valley Farm Rd (tax parcel 135889-6766-00-289555). The property is in the RR-10 zoning district, with a portion within the Land Conservation Overlay (LC) district; however, the project area itself appears outside of the LC overlay. The area of disturbance is approximately 1,133 SF (0.026 acres). In addition to the subject house, the property contains multiple other residential buildings (4 residences total), possible agricultural fields, and various accessory improvements. As the property is preexisting nonconforming, expansion is permitted by up to 25% with a ZBA special permit per Zoning Code § 165-84.G, which also requires site plan approval from the Planning Board. The addition involves a new master bedroom (no net increase in bedrooms as the existing first floor bedroom is to be demolished), new closet, laundry and finished / unfinished storage. The proposed addition, as well as the majority of the existing house, is within the 100-foot wetland buffer area of the onsite pond. At its closest point, the existing house is approximately 59.5 feet to the high-water line of the pond. The proposed addition would align with the existing house and

would also be 59.5 feet from the pond. Therefore, should the ZBA grant the special permit, the project would also require a wetland permit from the Planning Board in addition to site plan approval.



COMMENTS

CODE COMPLIANCE / PROCEDURAL

- 1. The house on the subject property subject to this application is preexisting nonconforming due to its location within the 100-foot Town-regulated buffer of the on-site pond. Zoning Code § 165-84.G allows a nonconforming structure to be expanded by up to 25% of the gross floor area with a special permit from the ZBA. According to the information submitted by the Applicant, the existing house, which predates 1971, has a pre-1971 gross floor area of 3,540 sf. The total proposed increase in floor area square footage is 743 sf, which would amount to an increase of approximately 21%. As this percentage increase is below the 25% maximum, the project would comply with § 165-84.G without the need for a variance, but still requires the issuance of a special permit from the ZBA.
- 2. Pursuant to § 165-84.G, should the ZBA grant the special permit the project will require site plan review and approval by the Planning Board.
- 3. The on-site pond is subject to the Town's 100-foot wetland and watercourse buffer requirements. The existing house falls almost entirely within the 100-foot buffer. According to the Applicant, at its closest point, the existing house is approximately 59.5 feet to the high-water line of the pond. The proposed addition would align with the existing house and would also be approximately 59.5 feet from the pond.
- 4. The Applicant submitted a wetland permit application to the Planning Board and the application was on the Planning Board's January 7, 2025 agenda for discussion. AKRF's memorandum to the Planning Board dated January 6, 2025 noted that due to the ZBA special permit requirement related to the proposed expansion, the Applicant should first proceed through the ZBA before returning to the Planning Board for site plan / wetland permit approval. No referrals, SEQR determinations, or public hearings were advanced by the Planning Board. The Planning Board agreed to await the ZBA's decision before proceeding with its review.

REFERRALS

5. The subject property is within 500 feet of 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, under the Referral Reduction Agreement between the Town and Dutchess County, special permits for residential uses are exempt from referral. (Note that the Planning Board, as part of its site plan review, will be required to refer this application to the County, as site plans for any use are not exempt under the Referral Reduction Agreement.)

6. Should the ZBA grant the requested special permit and the Applicant return to the Planning Board for site plan / wetland permit approval, the Planning Board will be required to refer the application to the Town's wetland consultant and Conservation Advisory Commission for comment.

SEQRA

7. The action before the ZBA can be considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review or submission of an Environmental Assessment Form. The applicable Type II citation is as follows:

"6 NYCRR 617.5(c)(11) – construction or expansion of a single-family, a two-family or a threefamily residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith"

RECOMMENDATION

At the February 18, 2025 ZBA meeting, AKRF recommends that the ZBA discuss the application and consultant comments, classify the application as Type II under SEQRA (6 NYCRR 617.5(c)(11)), and open the public hearing if prepared to do so. If the hearing can be closed, the ZBA can consider granting the requested special permit, which should be conditioned on the Applicant obtaining site plan and wetland permit approval from the Planning Board.