

Town of Washington Planning Board

RESOLUTION GRANTING PRELIMINARY SUBDIVISION APPROVAL

Clear Subdivision (515 Woodstock Rd)

Town of Washington Planning Board member **ERIC ALEXANDER** offered the following Resolution, which was seconded by member **RICHARD PHILIPPS** as follows:

WHEREAS, the Applicants and property owners, Timothy and Johna Clear, request approval for a non-realty 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 (and user 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 (kitchen to be removed as part of the Proposed Project), several agricultural accessory structures (barns/shed), and multiple driveways / farm roads; and

WHEREAS, the Applicants propose to subdivide the subject property into five new lots, with proposed Lots 1-3 on the north side of Woodstock Road and proposed Lots 4 and 5 on the south side of Woodstock Road, 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, proposed Lot 3 would contain the existing farmhouse, cottage, and accessory structures, and this lot would straddle Woodstock Road in order to maintain existing utility connections (including a well) found on the south side of Woodstock Road; Lot 4 would contain the ranch house; and the other three proposed lots are 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 (Lots 1, 2, and 5), and in light of the natural and scenic resources on the property, the Applicants have illustrated proposed “building envelopes” on the preliminary subdivision plat, separate Constraints Map (10/22/24) and separate Building Envelope Exhibit (11/19/24) which delineate contained areas for future development of principal buildings and driveways on those lots and the approximate sizes of these proposed building envelopes are as follows: 2.17 acres (Lot 1), 1.48 acres (Lot 2) and 1.08 acres (Lot 5); and

WHEREAS, except for the proposed removal of the kitchen from the existing accessory cottage on proposed Lot 3, no construction is proposed on Lots 3 and 4, which at this time both contain single-family residences; and

WHEREAS, access to proposed Lots 3 and 4, which contain the existing single-family residences, would be provided by their respective existing driveways from Woodstock Road; and

WHEREAS, new driveways would be required for proposed Lots 1, 2, and 5, with the entrance to the proposed driveway for Lot 1 located on the north side of Woodstock Road, the entrance to the proposed driveway for Lot 5 located on the south side of Woodstock Road, and the entrance to the proposed driveway for Lot 2 located on Stanford Road; and

WHEREAS, only Lot 5 proposes at this time to utilize an existing farm road entrance from Woodstock Road as the location of a future driveway; and

WHEREAS, this application is considered an Unlisted Action pursuant to the State and Environmental Quality Review Act (SEQRA); 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 in subsection (2) thereof, the applicant shall include, as part of the Sketch Plan submission, a report describing 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 Applicants 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 Applicants shall be required to apply for a cluster subdivision; and

WHEREAS, in connection with said determination Section 137-27B(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 purposes set forth in Section 137-26B of the Code, the public comment, the review of all documents, maps and plans, presentations of the

Applicants, 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 preferable, and did not require submission of a cluster subdivision; and

WHEREAS, a public hearing on potential significant environmental impacts of the Proposed Project 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 submissions of the Applicants 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); and

WHEREAS, on December 3, 2024 the Planning Board engaged in a public SEQRA discussion which confirmed the Board’s identification of relevant issues of environmental concern, including, without limitation, potential impacts on agricultural and natural resources, and the evaluation of potential impacts and the significance thereof; and thereafter, passed a resolution adopting a Negative Declaration under SEQRA, determining that that the Proposed Project as presented by the Applicants will not have any significant adverse environmental impacts; and

WHEREAS, the Town of Washington Code requires that a public hearing be held on the preliminary subdivision plat, which was duly scheduled, noticed and held on January 7, 2025, at which all persons wishing to be heard were heard, and said public hearing was closed; and

WHEREAS, the Board has considered the entire record in this matter, including all submissions by the Applicants, all comments and written materials submitted by the Board’s consultants, by Town and other agencies and boards, and by the public; all provisions of applicable laws and regulations, including the Town Code, the recently adopted Natural Resource Inventory, and the Town Comprehensive Plan, together with relevant maps relating to same;

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Washington hereby incorporates all of the above “WHEREAS” provisions as operative provisions of this Resolution; and

BE IT FURTHER RESOLVED, that the Board makes the following findings:

1. The Proposed Project complies with Chapter 137 (Subdivision of Land) of the Town of Washington Code.
2. The preliminary plat meets all codes and regulations regarding lot sizes and other applicable regulations, codes and laws, except as noted herein below.

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Washington grants preliminary approval to the proposed 5 lot subdivision, but finds that such approval shall be subject to the following modifications to which the Applicant agrees, which must be shown on the proposed final plat prior to the Planning Board Chair affixing signature on the final plat, and which are necessary to carry out the stated policy for Planning Board review set forth in section 137-3 of the Town Code in the context of the scenic characteristics, nature and beauty of the subject property and its environs (being bisected by a Town-designated scenic road), and the identified natural resources within and around it:

a) With respect to further subdivision:

1. A note shall be added to the final plat that indicates there shall be no further subdivision of any of the lots on the filed plat.
2. Nothing herein shall prohibit review of proposals for lot line adjustments within the subdivided parcel or between lots in the subdivided parcel and adjoining lots, provided that the lot line adjustment does not result in the creation of additional lots, subject to review and approval by the Planning Board according to the Town of Washington Code in effect at the time of application for any such modification.
3. A note shall be added to the final plat that indicates that in the event zoning or other local, state or federal regulatory controls (“Regulations”) applicable to the subject property changes, the Regulations shall control any consideration of the modification of internal lot lines.
4. A deed restriction incorporating the above restrictions, in a form satisfactory to the Town Attorney, which includes provisions that it shall be recorded against the present deed to the unsubdivided parcel, and shall run with the land and also appear in any deed transferring any lot in the subdivision, shall be submitted by the owner and approved in form by the Town Attorney prior to the signing of the subdivision plat, with arrangements satisfactory to the Town Attorney to assure that such deed restriction shall be recorded in the Dutchess County Clerk’s Office prior to the filing of the signed subdivision plat.

b) The building envelopes proposed for Lots 1, 2, and 5 shall be illustrated on the final plat in a location and manner consistent with that shown on the Constraints Map (10/22/24) and Building Envelope Exhibit (11/19/24) prepared by LRC Group and on file with the Town of Washington Building Department.

c) A note shall be added to the final plat that indicates that all future development of principal buildings and driveways on proposed Lots 1, 2, and 5 shall be confined to the building envelopes established for those lots, as depicted on the plat, subject to the following paragraph.

d) A note shall be added to the final plat the indicates any proposed changes to the building envelopes, including driveway locations, depicted on the plat will require review and approval by the Town of Washington Planning Board.

e) A note shall be added to the final plat that indicates that the location of any driveway entrance or exit for the newly created lots onto Woodstock Road or Stanford Road must be approved by the Town Superintendent of Highways prior to construction, pursuant to Section 165-44 of the Town Code.

- f) A note shall be added to the final plat that indicates any required tree clearing shall occur during the winter hibernation period for the Indiana Bat and Northern Long-eared Bat (November 1 through March 31).

- g) A note shall be added to the final plat that indicates any proposed disturbance or development within the Town-regulated wetland buffers shown on the Constraints Map (10/22/24) prepared by LRC Group and on file with the Town of Washington Building Department shall require approval of a wetland permit from the Town of Washington Planning Board.

- h) Prior to signature of any final plat, Applicants shall complete payment of appropriate fees and escrow, including all municipal fees (including recreation fees per lot) and the Town’s consulting costs.

- i) Prior to signature of any final plat, Applicants shall have received “permission to file” from the Dutchess County Health Department prior to the Chair signing the plat.

BE IT FURTHER RESOLVED, that within 5 days of the adoption of this Resolution, the Secretary of the Planning Board shall certify the preliminary plat as having been approved, with modifications, and shall file a copy of this Resolution in the office of the Planning Board Secretary and the office of the Town Clerk. A copy of the Resolution shall also be mailed to the Applicants/property owner; and

BE IT FURTHER RESOLVED, that the Applicants must submit a proposed final plat to the Board within 6 months of the adoption of this Resolution.

The foregoing Resolution was duly put to a vote which resulted as follows:

Chair Susan Meaney	AYE
Member Emily Abrahams	AYE
Member Eric Alexander	AYE
Member Nicole Drury	AYE
Member Richard Philipps	AYE
Member Anna Hall	Absent
Member Adam Brandow	Absent

Dated: Millbrook, New York
March 4, 2025



Planning Board Chairperson