

TOWN OF WASHINGTON PLANNING BOARD

RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL

Clear Subdivision (515 Woodstock Rd)

Town of Washington Planning Board member Richard Philipps offered the following Resolution, which was seconded by member Anna Hall 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, on March 4, 2025, the Planning Board, after due consideration of the full record and all relevant material, granted Preliminary Approval to the proposed 5-lot subdivision, subject to certain modifications which are specifically set forth in the March 4, 2025 Preliminary Plat Approval Resolution; and

WHEREAS, on March 18, 2025, the Applicant submitted an application for Final Subdivision Plat Approval, which included certain graphic modifications and certain additional notes; and

WHEREAS, the application and the proposed Final Subdivision Plat has been reviewed by the Planning Board members and by the Planning Board's planning and legal consultants; and

WHEREAS, the Planning Board Attorney has reviewed the proposed deed restriction and has advised the Planning Board that he is satisfied with the terms thereof, and that he has made arrangements with Applicant's counsel to supervise the recording of the deed restriction ("Declaration of Covenants and Restrictions") and the filing of the Final Subdivision Plat in the office of the Dutchess County Clerk; and

WHEREAS, the Board's consultant Planner has advised the Board that the proposed Final Plat is in substantial agreement with the approved Preliminary Plat and contains all additional

detail required by the Town Regulations for Final Plat approval, and all additional notes and graphic additions which required by the Board, as modifications, in its March 4, 2025 Preliminary Subdivision Approval Resolution; and

WHEREAS, the Board has considered the entire record in this matter;

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 Final Plat is in substantial agreement with the approved Preliminary Plat, and therefore, under the provisions of Town Law 276 (6)(b), the Planning Board is required to proceed to decision on the proposed Final Plat without a public hearing;
2. The Final Plat meets all requirements, and complies with all modifications required in the Board's preliminary approval, except as noted below.

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Washington grants Final Subdivision approval to the proposed 5 lot Clear subdivision, and authorizes submission of the plat to the Chair for signature, upon applicant's proof of compliance with the following conditions regarding Fees and Escrow:

- a) The applicant shall submit proof of payment of required fees for final subdivision approval, in the amount of \$17,650 (\$850 application fee; \$800 lot fee, \$16,000 recreation fee).
- b) The applicant shall execute a letter agreement, between the applicant and the Town Clerk, to be approved by the Town Attorney, agreeing to pay to the Town of Washington, within 30 days of billing by the Town Clerk, the amounts of any bills submitted to the Town by its consultants for planning, legal, or environmental review fees concerning the review of this subdivision, and not previously paid by escrow deposit. Such bills shall be sent by the Town Clerk by email to Jacob Hardin, applicant's architect, at jhardin@larsonarchitect.com.

BE IT FURTHER RESOLVED, that within 5 days of the adoption of this Resolution, the Chair or other designated Member of the Planning Board shall certify the final plat as having been conditionally approved and file a copy of the certified plat and the Resolution approving same with the Planning Board Secretary, the Town's Building Department, and the Town Clerk. A copy of the Resolution shall also be mailed to the property owner.

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

Chair Susan Meaney	<u>Absent</u>
Member Emily Abrahams	<u>Aye</u>
Member Eric Alexander	<u>Aye</u>
Member Nicole Drury	<u>Aye</u>
Member Richard Philipps	<u>Aye</u>
Member Anna Hall	<u>Aye</u>
Member Adam Brandow	<u>Aye</u>

Dated: Millbrook, New York
April 1, 2025



Eric Alexander
(Acting) Planning Board Chair