

Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc.
Date: March 28, 2025
Re: **Clear Subdivision (515 Woodstock Road) – Final Subdivision Approval**
cc: Timothy Clear and Johna Lee Clear (Applicant / Property owner)
Douglas E Larson – Larson Architecture Works PLLC (Applicant's Architect)
LRC Group (Applicant's Planner / Engineer)
Jennifer Van Tuyl – Cuddy + Feder LLP (Applicant's Attorney)
Joseph P. Eriole (Town Attorney)
Jonathan Ialongo (Town Building Inspector)

The purpose of this memorandum is to provide the Planning Board with a summary of the current status of several conditions placed on the preliminary subdivision approval (through a resolution adopted on March 4, 2025) and recommendations on a final subdivision approval resolution. AKRF is in receipt of the proposed final subdivision plat from the Applicant and has conferred with the Planning Board Attorney on the Applicants' satisfaction of conditions from the March 4, 2025 resolution, which are summarized in **Table 1** on page 3 of this memorandum, and include:

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.

RECOMMENDATIONS FOR MEETING

At the April 1, 2025 meeting, AKRF recommends that the Planning Board discuss the conditions outlined in this memorandum and the next steps for a resolution of conditional final subdivision approval.

Table 1
Summary of Conditions Included in Preliminary Subdivision Approval

Prelim Subdivision Resolution Conditions of approval (3/4/25)	Satisfied to Date?	Notes
(a)(1): Note on the plat indicated there shall be no further subdivision of any of the lots on the filed plat.	Yes	See Note 15 on the submitted final plat
(a)(2): Allowance of lot line adjustments provided that the lot line adjustment does not result in the creation of additional lots, subject to review and approval by the Planning Board	Yes	See Note 15 on the submitted final plat
(a)(3): Note on the plat indicating that in the event zoning or other local, state, or federal regulations applicable to the subject property change, those regulations shall control any consideration of the modification of internal lot lines.	Yes	See Note 15 on the submitted final plat
(a)(4) Deed restriction incorporating the above restrictions in a form satisfactory to the Town Attorney	In process	See Note 15 on the submitted final plat. Deed restriction/Declaration will be reviewed to the satisfaction of the Town Attorney.
(b) Building envelopes for Lots 1, 2, and 5 shall be illustrated on the final plat consistent with 10/22/24 Constraints Map filed with Town	Yes	See final plat
(c) Note on the plat indicating all future development of principal buildings and driveways on Lots 1, 2, and 5 shall be confined to the building envelopes shown	Yes	See Note 16 on the submitted final plat
(d) Note on the plat indicating any proposed changes to the building envelopes, including driveway locations, will require review and approval by the Planning Board	Yes	See Note 16 on the submitted final plat
(e) Note on the plat indicating the driveways for any newly created lots on Woodstock Rd. or Stanford Rd. must be approved by the Town Hwy Superintendent per Town Code section 165-44	Yes	See Note 16 on the submitted final plat
(f) Note on the plat indicating any required tree removal shall occur during the winter hibernation period for bats (Nov 1 – March 31)	Yes	See Note 17 on the submitted final plat
(g) Note on the plat indicating any proposed disturbance or development within Town-regulated wetland buffers shown on 10/22/24 Constraints Map shall require wetland permit approval through the Planning Board	Yes	See Notes 18 and 19 on the submitted final plat
(h) Applicant shall complete payment of appropriate fees and escrow prior to signature on the final plat	No	The Applicant has appropriately calculated Town fees for final subdivision approval to be \$17,650 (\$850 application fee; \$800 lot fee, \$16,000 rec fee). Regarding the escrow, as there will be outstanding consultant invoices following the April 1, 2025 meeting, this standard condition can be carried over as a condition of final subdivision approval.
(i) Permission to file from the Dutchess County Health Department	Yes	Permission to file signature block has been signed by County Health Dept. on 3/18/25