

Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc. (A. Werner, AICP, A. Moore, AICP)
Date: March 31, 2025
Re: **443 Valley Farm Rd – Wetlands Permit / Site Plan**
cc: John Schmidt & Wendy Conway (property owners)
Crisp Architects (architect / applicant)
Joseph P. Eriole (PB Attorney)
Jonathan Ialongo (Town Building Inspector)
Steve Marino (Town Wetland Consultant)

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

- Planning Board Application dated 12/23/24.
- Parcel Access property card (partial listing), neighboring properties, agricultural district viewer.
- Agent Affidavit, notarized 12/19/24.
- Owners Endorsements, notarized 12/19/24.
- Disclosure of Business Interest, notarized 12/19/24.
- Property Survey prepared by Kevin Cunningham, dated 12/3/1995.
- Parcel Access neighboring properties.
- Deed.
- Town of Washington Wetlands Map prepared September, 2010.
- Soil description – excerpt from the Town Natural Resources Inventory, undated.
- Short EAF, dated 10/20/24.
- Site Plan and Architectural Drawings (3 sheets) prepared by Crisp Architects, undated.
- Topographic survey prepared by Badey & Watson dated 11/22/24.
- Vegetative cover description and photograph, 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.

- b. *NRI Map 11 (Floodplains and Riparian Areas) shows the periphery of the stream / pond on the property, including portions of the developed areas as “riparian,” but not within a FEMA floodplain or floodway.*

The NRI describes riparian areas as follows:

“Riparian areas are land areas adjacent to streams, ponds, wetlands, and other waterbodies and generally include the floodplain. Riparian buffers area strips of vegetated land adjacent to a body of water. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment, and nutrients, and help attenuate flooding.”

The NRI goes on to describe how Map 11 was developed:

“The riparian areas overlap with FEMA floodplain data in parts of the map but also include mapping along smaller streams omitted from the FIRM modeling. They can provide a starting point to inform land use strategies and stream protection efforts, but field visits are necessary to verify conditions for site-level planning or conservation actions.”

As noted further below, AKRF recommends that the application be referred to the Town’s Wetland Consultant for review, which will include a site visit. As part of that site visit, the buffer in question can be assessed for riparian characteristics, and any requirements deemed necessary as part of any wetland permit approval be communicated to the Planning Board.

- c. *2/28/25: NRI Map 14 (Habitat) classifies the area of the house and stream/pond as “Developed” and “Constructed Pond”. The remainder of the lot is classified as a mix of “Upland Hardwood Forest” and “Upland Meadow.”*
- d. *2/28/25: NRI Map 15 (Large Forests) identifies the subject property as a “NYS 480a Forest Tax Law Parcel” indicating that generally, it receives a tax exemption for the production of forest crops pursuant to a management plan approved by NYSDEC. In addition, the forested areas of the property, which are well outside the area of construction subject to this application, are identified as “Core Forest.”*
- e. *2/28/25: NRI Map 16 (Stream Habitats) identifies the stream/pond as “Trout Habitat” and its immediate surroundings as “Riparian.”*
- f. *2/28/25: NRI Map 18 (Agricultural Resources) identifies the developed portions of the subject property (residential structures and maintained lawns) as “farmland of statewide importance.”*

3/28/25: Comments noted. Steve Marino of Tim Miller Associates (the Town’s Wetland Consultant) is in receipt of these NRI notes and has visited the property. Comments were provided to the Board in a memorandum dated March 28, 2025 (attached), which outline recommendations on the application. Refer to Comment 10 below.

5. *2/28/25: No other NRI maps or other maps available from the Town illustrate conditions on the subject property that would warrant further consideration, including important biodiversity areas.*

3/28/25: Comment noted.

6. *2/28/25: Pursuant to Zoning Code Section 165-128, for proposals that will have a minimal impact on surrounding properties, the Planning Board may, in its discretion, waive selected site plan requirements for specific applications.*

3/28/25: Comment noted.

7. *2/28/25: The site plan should identify the construction area of disturbance (limits of disturbance) and erosion control measures to be utilized during construction, e.g., silt fence, particularly as the pond is downgrade from the proposed construction.*

3/28/25: Comment not addressed.

8. 2/28/25: It is recommended that a public hearing be held for this application. The Planning Board has historically held a public hearing for site plan applications that have already been subject to a public hearing by the ZBA. Furthermore, all applications for a wetland permit require a public hearing.

3/28/25: A public hearing was scheduled for the April 1, 2025 meeting.

REFERRALS

9. 2/28/25: 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 Planning. The County is required to respond within 30 days of receipt of the referral.

3/28/25: The Planning Board authorized referral to the County at the March 4, 2025 meeting. To date, no response has been received. It should be noted that as of the date of these comments the required 30 days has not elapsed.

10. 2/28/25: The Planning Board should refer the application to Steve Marino of Tim Miller Associates (the Town’s Wetland Consultant) and the Conservation Advisory Commission for review and comment.

3/28/25: These referrals were authorized at the March 4, 2025 meeting. Mr. Marino visited the property on March 20, 2025 and provided a comment memorandum dated March 28, 2025 (attached). AKRF understands that a member of the CAC met Mr. Marino at his site visit.

The CAC is scheduled to meet on April 2, 2025 (a day after the next Planning Board meeting) and formal comments are anticipated after that meeting.

Mr. Marino’s March 28, 2025 memorandum, which has been provided to the CAC, includes the following comments:

“The submitted plans do not show the location of the existing septic system, or indicate whether any improvements to the septic will be necessary. Similarly there is no provision for stormwater treatment for the new impervious surfaces. Dry wells or a rain garden should be considered and incorporated into the plans. As this may affect the overall limits of disturbance to the property, it is our recommendation that issuance of a permit be postponed until these questions are considered. Due to the maintained nature of the site and the fact that the new addition will not be any closer to the pond than the existing structure, we don’t have any objection to the addition per se. A means of mitigation that should be considered is the planting of native herbaceous vegetation along the pond edge, which would provide habitat, vegetative diversity and filtering of overland flow to the pond.”

SEQRA

11. 2/28/25: Similar to the ZBA’s SEQRA determination, the action before the Planning Board 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 three-family 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”

3/28/25: The application was classified as a Type II action at the March 4, 2025 meeting.

RECOMMENDATION

At the April 1, 2025 meeting, AKRF recommends that the Planning Board discuss the application and consultant comments (including Steve Marino’s comments), discuss the status of referrals made at the 3/4/25 meeting, and open the public hearing.

Memorandum:

To: Town of Washington Planning Board
From: Steve Marino, PWS
Date: 3/28/25
Subject: 443 Valley Farms Road

As the Town's retained Wetland Consultant, I reviewed the original submission materials for the proposed wetland permit application for the subject property in accordance with the Town's Wetlands and Watercourse Law (Town Code Section 396, adopted 2011) and other environmental concerns. The applicant is proposing an addition to an existing residence. I walked the site with a member of the Conservation Board on March 20, 2025.

In reviewing these materials, I noted the presence of a waterbody (pond) on the property in the vicinity of the existing residence. The proposed addition will be constructed on the pond side of the residence, in an area that is currently maintained as lawn and foundation plantings. It is noted that there is currently no natural buffer between the house and the pond.

The submitted plans do not show the location of the existing septic system, or indicate whether any improvements to the septic will be necessary. Similarly there is no provision for stormwater treatment for the new impervious surfaces. Dry wells or a rain garden should be considered and incorporated into the plans. As this may affect the overall limits of disturbance to the property, it is our recommendation that issuance of a permit be postponed until these questions are considered. Due to the maintained nature of the site and the fact that the new addition will not be any closer to the pond than the existing structure, we don't have any objection to the addition per se. A means of mitigation that should be considered is the planting of native herbaceous vegetation along the pond edge, which would provide habitat, vegetative diversity and filtering of overland flow to the pond.

That is the extent of my comments at this time. Please let me know if the Board has any additional questions.

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