

Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc. (A. Werner, AICP, A. Moore, AICP)
Date: May 30, 2025
Re: Todd Site Plan / Special Permit (3515 Route 82)
cc: Sheri (Primeaux) Todd (property owner)
Mark A. Day, P.E., Day Stokosa Engineering P.C.
Hannah Atkinson (PB Legal Counsel)

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

- Letter to Town of Washington Planning Board from Mark A. Day, P.E. (Day Stokosa Engineering) dated 5/6/25.
- Certificate of Occupancy dated 10/24/08.
- Maps from Dutchess Parcel Access identifying nearby farm operations, undated.
- Dutchess County Referral Response (GML), dated 5/28/25

PROJECT DESCRIPTION

The Applicant and property owner, Sheri (Primeaux) Todd, proposes to expand a preexisting nonconforming house on a 4.89-acre lot located at 3515 Route 82 (tax ID: 6663-00-845354) in the RL-5 zoning district. The existing house is 2,339sf, has 3 bedrooms, and is preexisting nonconforming due to a reduced front setback (65.5' provided, 100' required). In addition, the lot is undersized, as the minimum lot size in the RL-5 district is 5 acres. The proposed one-story addition would extend from the southern side of the house, adding 1,710 sf with living/dining space, kitchen, bathrooms, and sleeping facilities, which creates a new dwelling unit. The addition would increase the size of the house by 73% and would be located 77' from the front lot line. As the project would create accessory residential housing, the required minimum lot size is 10 acres (4.89 acres provided). The project requires a ZBA special permit followed by Planning Board site plan approval to expand the nonconforming house (§ 165-84.G), three ZBA area variances for bulk/dimensional requirements, and a special permit from the Planning Board for accessory residential housing.

On March 18, 2025 the ZBA granted the special permit and three area variances for the project. The ZBA approvals were conditioned on the Applicant obtaining site plan and special permit approval from the Planning Board and that the accessory residence would be occupied solely by the Applicant's parents.

COMMENTS

APPLICATION COMPLETENESS

Comments from prior memoranda are shown in *italics*. New or follow-up comments are shown in **bold**.

1. *5/2/25: A Certificate of Occupancy is required for special permit applications. This can be obtained from the Building Department.*

5/30/25: Comment addressed. The C of O has been provided.

2. 5/2/25: The Agricultural Data Statement is missing the map identifying nearby farm operations. This should be provided. The Applicant can use Dutchess County Parcel Access for an aerial map.

5/30/25: Comment addressed. The Applicant has submitted maps identifying farm parcels provided.

CODE COMPLIANCE

Summary of required approvals:

Required Approvals		
Approvals Required	Description	Code Section
ZBA		
Special Permit	Expand nonconforming structure	165-84.G
Area Variance	Expansion by 73% where 25% permitted	165-84.G
Area Variance	Increase bulk within reduced setback	165 Attach. 2
Area Variance	Construct accessory residence on 4.89-acre lot where 10 acres required	165-41.E
Planning Board		
Site Plan Approval	Expand nonconforming structure	165-84.G
Special Permit	Construct accessory residence	165-41

3. 5/2/25: The subject house is preexisting nonconforming due to a reduce front yard setback (65.5' provided, 100' required). Zoning Code Section 165-84.G permits the expansion of a preexisting nonconforming house by up to 25% with a ZBA special permit and Planning Board site plan approval. As the project proposes to expand the house, a ZBA special permit and Planning Board site plan approval is required. The ZBA approved the special permit 3/18/25 conditioned on the Applicant obtaining site plan approval and that the accessory residence would be occupied solely by the Applicant's parents.

5/30/25: No further comment.

4. 5/2/25: The existing house is 2,339sf, and the proposed addition would expand the floor area by 1,710 sf. This amounts to an increase of 73% floor area. As the maximum expansion permitted under Section 165-84.G is 25%, an area variance is required for the 48% difference. The ZBA approved this variance 3/18/25.

5/30/25: No further comment.

5. 5/2/25: At its closest point, the existing house is 65.5' from the front lot line. The proposed addition, which would extend from the southern side of the house, would be 77' feet from the front lot line, and therefore, would not further encroach the front setback. However, as it would be located within the reduced setback, an area variance is required to increase the bulk within the reduced setback. The ZBA approved this variance 3/18/25.

5/30/25: No further comment.

6. 5/2/25: Per the submitted floor plan, the addition would contain a bedroom, office, living/dining space, kitchen, 2 bathrooms, 3-seasons room, and a covered front porch. This meets the Zoning Code definition of a dwelling unit: "[a] building or portion thereof, providing complete housekeeping facilities (living, cooking, sanitary and sleeping facilities) for one family" (§ 165-140). Per the application, the one-story expansion is necessary to create a living space without stairs for the Applicant's elderly parents. Therefore, as a proposed accessory residence, the project is subject to Zoning Code § 165-41, Accessory Residential Housing, which requires a special permit from the Planning Board.

5/30/25: No further comment. The Planning Board is considering the special permit.

7. 5/2/25: *The Code requires that the accessory dwelling unit “shall maintain the minimum acreage density for a single-family residence in the zoning district in which the lot is located.” As the minimum acreage in the RL-5 district is 5 acres, the minimum acreage to add an accessory unit is 10 acres. The subject lot is 4.89 acres. Therefore, an area variance is required to construct an accessory unit on an undersized lot. The ZBA approved this variance 3/18/25.*

5/30/25: No further comment.

8. 5/2/25: *The letter from the engineer (Mark A. Day, P.E.) and floor plan state: “Existing 3-bedroom home to become 2-bedroom home with office space. Proposed addition to have 1-bedroom;” and that therefore, “[n]o changes are required for the existing septic system since no changes will be made to the bedroom count.” However, the application does not explain the actual changes proposed to convert the existing bedroom into an office or what would prevent it from being used as a bedroom in the future, either by the Applicant or future owner. Further, while the floor plan for the proposed addition labels one room as a bedroom and the other as an office, the application does not explain what would prevent the proposed office from being used as a bedroom. If the rooms described as “office” in the existing house and proposed addition could be considered bedrooms, this would result in a total of 5 bedrooms— which could potentially strain the septic system if it is designed for only 3 bedrooms. Per § 165-41D: “The water supply and sewage disposal systems serving any accessory residential housing as permitted herein may be shared with the principal dwelling on the same lot where such sharing is allowed by the Health Department.”*

The Applicant should provide additional information on the bedrooms and adequacy of the septic system.

5/30/25: As explained by the Applicant, no net increase in bedrooms is proposed. One of the existing bedrooms would be converted to an office by removing the closet. As discussed at the Planning Board meeting of 5/6/25, the special permit approval, if granted, will contain a condition that the residence shall remain a 3-bedroom home.

9. 5/2/25: *The Planning Board may require that the Applicant’s engineer demonstrate that the existing septic is sufficient for 5 bedrooms. Alternatively, the Planning Board may condition the special permit approval on the property being used solely as a 3-bedroom residence. If the Applicant’s engineer cannot demonstrate sufficiency of the septic system, review and approval by the Department of Health may be required.*

5/30/25: Per the 5/6/25 letter from the Applicant’s engineer, Mark A. Day, P.E., the existing septic system is in good working order. As explained in the letter, if the system were to fail, an application would be required to the County DOH, which would notify the Town. The letter also states that there is an area to the north of the existing system would be large enough for a 100% expansion of the system should it become necessary.

10. 5/2/25: *The site plan should indicate the boundaries and size (in SF) of the area of disturbance.*

5/30/25: As of the date of this memorandum, revised plans depicting the boundaries and size of the area of site disturbance are not shown on the site plan. If the Board is prepared to act on the application at the 6/3/25 meeting, a condition of site plan approval could include having this information added to the plan prior to the Planning Board Chair signing the plan.

11. 5/2/25: *The site plan should provide construction erosion and control measures (e.g., silt fence).*

5/30/25: As of the date of this memorandum, revised plans depicting the boundaries and size of the area of site disturbance are not shown on the site plan. If the Board is prepared to act on the application at the 6/3/25 meeting, a condition of site plan approval could include having this information added to the plan prior to the Planning Board Chair signing the plan.

12. 5/2/25: *The project site does not contain wetlands.*

5/30/25: No further comment.

13. *5/2/25: Other than the acreage issue (for which the ZBA granted an area variance) and the sewage disposal questions identified above, the application meets all other Code requirements for accessory residential housing found in Code Section 165-41.*

5/30/25: No further comment.

REFERRALS

14. *5/2/25: The subject parcel is within 500 feet of a State road (Route 82) and a farm operation in an agricultural district (AD 21). This application is therefore subject to General Municipal Law (GML) 239-m. Under the terms of the Town's Referral Reduction Agreement with Dutchess County, site plans are not exempt from the GML 239-m referral and review process. Referral is therefore required. The County is required to respond within 30 days of receipt.*

5/30/25: The Planning Board, at its meeting of 5/6/25, referred the application to Dutchess County Department of Planning and Development. The County response, dated 5/28/25, stated that the project is a "matter of location concern." No further action is required.

SEQRA

15. *5/2/25: This application is 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."

5/30/25: The application was so classified at the Planning Board meeting of 5/6/25.

RECOMMENDATION

At the June 3, 2025 meeting, AKRF recommends that the Planning Board discuss the application and County response; open the public hearing, and if the hearing can be closed, consider approving the site plan and special permit with the conditions noted above [3-bedrooms, LOD/erosion controls added].