

Town of Washington Planning Board

**RESOLUTION APPROVING SITE PLAN, WETLANDS PERMIT, AND EROSION AND
SEDIMENT CONTROL PLAN**

443 Valley Farm Road (Schmidt/Conway)

Town of Washington Planning Board member _____ offered the following resolution, which was seconded by member _____ as follows:

WHEREAS, The Applicant and property owners John Schmidt and Wendy Conway are proposing a 743-square-foot (sf) addition to an existing single-family house (the project) on an 88.66-acre lot located at 443 Valley Farm Road (tax parcel 135889-6766-00-289555) in the RR-10 zoning district (the subject property). In addition to the subject house, the subject property contains multiple other residential buildings (4 residences total), maintained lawns, a stream/pond, and various accessory improvements; and

WHEREAS, the subject house is considered preexisting nonconforming due to its encroachment into the 100-foot wetland and watercourse buffer. The existing house is approximately 59.5 feet to the high-water line of a pond on the subject property. The proposed addition would align with the existing house and would also be approximately 59.5 feet from the pond, so there is no new encroachment into the buffer. The proposed 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; and

WHEREAS, the project required a special permit from the Zoning Board of Appeals (ZBA) to increase the size of the house (as a nonconforming structure); and

WHEREAS, the project required a variance from the ZBA to increase the size of the house (as a nonconforming structure) by more than 25 percent; and

WHEREAS, the project requires Site Plan and Wetland Permit approval by the Planning Board; and

WHEREAS, the ZBA, at its February 18, 2025 meeting, granted the necessary special permit and variance, conditioned on Planning Board Site Plan and Wetland Permit approval; and

WHEREAS, on March 4, 2025, the Planning Board determined that the project was a Type II action under SEQRA and thereby concluded SEQRA review; and

WHEREAS, the subject property is located within 500 feet of a farm operation in an agricultural district and therefore the project is subject to the General Municipal Law Section 239-m referral requirements; and

WHEREAS, the Planning Board received no response from the Dutchess County Department of Planning and Development within the required 30 days pursuant to General Municipal Law Section 239-m; and

WHEREAS, the wetland permit application was referred to the Steve Marino of Tim Miller Associates (the Town Wetland Consultant) and the Town's Conservation Advisory Commission (CAC) for review and comment; and

WHEREAS, the Town Wetland Consultant and representative from the CAC visited the subject property on March 20, 2025; and

WHEREAS, the CAC has reviewed the wetland permit application filed by the Applicant and has submitted written comments, which comments the Planning Board and Town Wetland Consultant have taken into consideration; and

WHEREAS, the Town Wetland Consultant issued a memorandum to the Planning Board dated March 28, 2025 containing a summary of the site visit and recommendations related to stormwater treatment and new native plantings to provide filtering of any new overland flow to the pond; and

WHEREAS, in response to the comments from the Town Wetland Consultant the Applicant submitted updated drawings (3 sheets) dated May 19, 2025 and prepared by Hudson Land Design Professional Engineering P.C. (the "Site Plan Set") showing a proposed rain garden to address the above-referenced recommendations; and

WHEREAS, upon review of the May 19, 2025 Site Plan Set, the Town Wetland Consultant issued a memorandum to the Planning board dated May 30, 2025 requesting that the proposed rain garden detail include the use of an appropriate seed mix and that native herbaceous vegetation should be added along the pond edge; and

WHEREAS, the Applicant submitted a Letter of Positive Jurisdiction for freshwater wetlands on the subject property from the New York State Department of Environmental Conservation (NYSDEC) dated May 27, 2025; and

WHEREAS, In response to the Letter of Positive Jurisdiction the Town Wetland Consultant provided an email dated June 13, 2025 documenting attendance at a meeting with the Applicant and NYSDEC staff at the subject property on June 11, 2025, where it was determined that while there are freshwater wetlands that qualify for NYSDEC jurisdiction on the subject property, they are located over 200 feet to the north of the work area for the project, and NYSDEC has no jurisdiction over the subject property's pond, and as a result NYSDEC staff concluded that no permit from NYSDEC would be necessary for the project; and

WHEREAS, the Applicant submitted an updated Site Plan Set dated June 17, 2025 and prepared by Hudson Land Design Professional Engineering P.C. including revisions to address comments from the Town Wetland Consultant's May 30, 2025 memorandum; and

WHEREAS, the Applicant submitted a letter from the Town Building Inspector / Zoning Administrator dated June 3, 2025 confirming that no improvements to the existing septic system for the subject house will be required as no new bedrooms will be added; and

WHEREAS, the Planning Board held a public hearing on the Site Plan and Wetland Permit applications on April 1, 2025, June 3, 2025, and July 1, 2025 and having properly noticed same and heard all who came before the board with any comment thereon, closed the public hearing on July 1, 2025; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Washington makes the following findings with regard to the **Site Plan and Erosion and Sediment Control Plan Approval**:

1. The submitted application fulfills the applicable site plan review requirements of the Town's Zoning Code (Chapter 165 of the Town Code) as provided in Sections 165-125 through 165-131 and will be consistent with the purpose of the Chapter.
2. The submitted Erosion and Sediment Control Plan fulfills the applicable requirements in Section 165-46 of the Town's Zoning Code and appears adequate for a project of this nature, proposing standard measures to control erosion during construction, including temporary silt fencing.

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Washington makes the following findings with regard to the **Wetlands Permit Application**:

1. Pursuant to Article IX, Section 165-97 of the Town Zoning Code, "[a]n applicant is entitled to a wetland permit...if the proposed regulated activity will not result in a negative impact

to the functioning of a wetland, watercourse, or water body that has been shown to have a beneficial environmental function.” Here, the property has not had a negative impact on the nearby pond, nor is it anticipated that the proposed construction will cause a negative impact to occur.

2. There are no available alternatives that would be practical or feasible since the subject house was previously constructed before the adoption of the Town’s Wetlands and Watercourses Law. 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. Requesting that the Applicant move the proposed addition to the limited area of the house that is outside the 100-foot buffer of the pond is not practical due to the Applicant’s desired function of the addition in relation to the existing floorplan of the house.
3. The Applicant’s proposal contains plans to limit the impact on the pond and wetland buffer, including a new rain garden to collect and treat runoff from the new impervious roof surface proposed by the addition, and the addition of native herbaceous vegetation along the pond edge.
4. The submitted application fulfills the applicable requirements in Article IX (Sections 165-88 through 165-102) of the Town Zoning Code, entitled “Wetlands and Watercourses,” and the Applicant has likewise demonstrated entitlement to the wetlands permit.

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Washington hereby grants **Site Plan, Wetland Permit and Erosion and Sediment Control Plan** approval with the following conditions:

- (a) Issuance of a final Certificate of Occupancy shall be conditioned on the satisfactory completion and inspection of site conditions against the final plans; and
- (b) Complete payment of all municipal fees and the Town’s consulting costs.

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

	YEA	NAY
Susan Meaney, Chair	_____	_____
Emily Abrahams	_____	_____
Eric Alexander	_____	_____
Nicole Drury	_____	_____
Richard Philipps	_____	_____
Adam Brandow	_____	_____
Anna Hall	_____	_____

Dated: Millbrook, New York
July 1, 2025

Lisa Agnelli, Secretary
Town of Washington Planning Board