

Memorandum

To: Town of Washington Planning Board
From: AKRF, Inc. (Aaron Werner, AICP; Alicia Moore, AICP)
Date: June 25, 2025
Re: **Killearn Road Improvements**
Joseph Rochford, Town Board
cc: Joseph Spagnola / Kathleen Velletri, Town Highway Dept.
Rebecca Valk, Town Attorney for this project
Dan Farnan, Colliers Engineering and Design

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

- Planning Board Application submitted by the Town Board, dated March 14, 2025
- Cover Letter from Colliers Engineering and Design (“CED”) dated 6/17/2025.
- “Killearn Road Public Information” Presentation presented by CED and dated 6/5/2024.
- Site Plan Set (28 sheets) prepared by CED and dated 6/16/2025.
- Responses to Planning Board Comments prepared by Colliers Engineering (“CED Response”), dated 5/1/2025.
- GML Referral Response from Dutchess County Department of Planning and Development dated 5/13/2025.
- Full EAF dated 5/8/2025.
- List of surrounding property owners.
- Right of Way and Topographic Survey prepared by C.T. Male Associates dated 5/11/2023.
- Agricultural Data Statement dated 6/17/2025.
- Wetland Permit Application dated 6/18/2025.
- Owners Affidavit signed and notarized (undated).

The submission packet also included the following materials which were not reviewed by AKRF, Inc., as they relate to wetlands considerations for which AKRF defers to the Town Wetland Consultant:

- NYSDEC application for permit for Section 401 State Water Quality Certification, unsigned and undated.
- NYSDEC / USACE joint application for Freshwater Wetlands and Section 404 of the Clean Water Act, unsigned and undated.
- USDA Custom Soil Resources for Killearn Road dated 6/17/2025.
- Killearn Road Wetland Delineation and report, prepared by C.T. Male dated 5/2/2023.

PROJECT DESCRIPTION

The Town Board of the Town of Washington has submitted materials to the Planning Board to facilitate a required referral to the Planning Board for approval related to improvements proposed for Killearn Road, a Town designated scenic road. The submission to the Planning Board follows a study of the road and an

informational public meeting held on June 5, 2024. The Town Board is working with Colliers Engineering and Design (CED) as the engineering/design consultant on the project. Killlearn Road is a 3.25-mile long single lane gravel/dirt road with existing width varying from 16 to 25 feet. The cross slope of the road has variable crown and poor drainage. Proposed construction related to the repairs includes the entirety of Killlearn Road, from Chestnut Ridge Road to Hoxie Road. Recommendations to the Town Board for repair options ranged from spot repairs in select areas, to full reconstruction and paving the road. CED's recommendation was identified as Alternative 3 out of the five alternatives described in the June 2024 informational materials, which includes gravel reclamation (i.e. "mill and fill"), drainage improvements, and widening in select areas of the road. The objectives of the project are as follows:

- 1) Improve the roadway condition by providing a stable roadway section that has the load carrying capacity for the larger delivery trucks and agricultural equipment that frequent the road.
- 2) Improve the roadside drainage along the Killlearn Road corridor, to prevent the introduction of surrounding surface water to the road.
- 3) Improve the drainage on the roadway by re-establishing the cross slope on the roadway and optionally adding underdrains on the shoulders of the roadway.
- 4) Complete the project with minimal disruption to the surrounding residences and natural resources.

Preferred Alternative 3 would include repairs to the gravel/dirt surface of the road (along the same profile), revitalizing the road without the expansion of a full reconstruction. Gravel reclamation will be utilized, which strengthens the road by digging up the wearing surface and base, mixing it with new gravel material, reapplying the combined mixture and compacting the gravel to create a new wearing surface. The depth of the gravel reclamation can be as little as 8 inches (partial) to 24 inches (full), depending on the existing need along the corridor. A full depth reclamation may be the most useful for areas that have had continued failures. CED recommended a minimum of 12 inches of reclamation. The new wearing surface would be shaped to a 4% crown each way, and compacted. In addition to the repairs to the road surface, the chosen alternative involves the installation of roadside ditches to improve roadside drainage (3-foot wide and 1.5-foot-deep grassed bottom ditches adjacent to the roadway shoulders). These drainage ditches would intercept surface water that drains from surrounding properties prior to reaching the road, and therefore stopping additional surface drainage across the road. The project includes temporary and permanent disturbances affecting protected wetland areas. The project requires Planning Board approval for scenic road improvements and a Planning Board wetland permit.

COMMENTS

The design team has revised the application package in response to comments from the Planning Board and consultants. Previous comments are provided below in *italics*; new and follow-up comments are in **bold**.

1. *3/18/25: Under Town Code Section 165-54(B), the Town of Washington is authorized to regulate the future alterations or improvements of designated scenic roads, including, but not limited to, widening of the right-of-way or of the traveled portions of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees.*

6/25/25: Comment noted in 5/1/25 CED Response.

2. *3/18/25: Procedural requirements pertaining to the Planning Board's role for certain alterations and improvements to the Town's scenic roads can be found under Town Code Section 165-54(G)(1)-(5), as provided below (some text underlined for emphasis). AKRF understands that although resurfacing and drainage improvements would otherwise not require Planning Board approval, because the project will require **road widening** in select locations, the Planning Board's approval and public hearing requirements apply per subsection (3) below.*

(1) Pursuant to § 271 of the Town Law of the State of New York, the Town Board shall grant to the Planning Board of the Town of Washington the power to approve or disapprove of the alteration or improvement of any Town road designated as a scenic road pursuant to this section.

(2) Alterations and improvements of designated scenic roads shall be carried out so as to preserve to the highest degree possible the aesthetic, historic and/or scenic characteristics of the road.

(3) Routine road maintenance, emergency repairs and the issuance of driveway permits undertaken by the Highway Superintendent shall not require public hearing or Planning Board approval. Such maintenance shall include trimming of the tree branches that encroach on the traveled portion of the road below the height needed to allow school buses and emergency vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road; correction of drainage problems; and retreatment and repair of existing roadway surfaces. Such maintenance shall not include widening of the right-of-way or the traveled portion of the road; paving of dirt or gravel roads or portions of roads; changes of grade; straightening; removal of stone walls; or removal of mature trees.

(4) In the case of a natural disaster in which, in the judgment of the Highway Superintendent, a road or a portion thereof becomes impassable or unsafe for public travel and access must be provided, emergency repairs and reconstruction by the Highway Superintendent may be made as needed to restore the road to its pre-emergency condition without public hearing or Planning Board approval.

(5) Any proposal by a public entity or official for alteration or improvement not involving routine road maintenance, emergency repairs or the issuance of a driveway permit shall be submitted to the Planning Board. The Planning Board shall submit such proposal to the CAC and Highway Superintendent for review and comments and shall hold a public hearing. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Washington at least five calendar days prior to the date of such hearing and by sending notice by mail to the owners of lots fronting the road to be designated as a scenic road.

6/25/25: The 5/1/25 CED Response notes that a Public Information Meeting was held June 2024, with notice posted by the Town. (The presentation for the Public Information Meeting was included in CED's submission to the Planning Board.) The Planning Board anticipates opening the public hearing at this July 1, 2025 meeting; the public hearing will address both the scenic road improvements and the wetland permit. (See AKRF Comment #7 regarding the wetland permit.) The project was referred to the CAC for comments on the scenic road improvements at the Planning Board meeting of 5/6/25. Comments have not been provided. However, CAC referral is also required as part of the wetland permit review process. The application should also be referred to the Highway Superintendent for formal comment on the scenic road improvements. The public hearing should remain open while those comments are pending.

3. 3/28/25: Town Code Section 165-54(G)(5)(a) requires the Planning Board be provided with a "suitable map showing the location of each proposed improvement or alteration, and when deemed necessary, a short report discussing the reasons for the proposed alteration and available alternatives, if any."

It is AKRF's opinion that the submitted materials provided for the June 2024 informational meeting adequately satisfies the requirement for a short report on reasons and alternatives considered. However, the submitted map is too general and does not provide enough information on where the specific improvements, most importantly widening, will occur along the corridor. Therefore, to satisfy the requirements of Section 165-54(g)(5)(a), AKRF recommends that CED provide a more detailed map or set of maps for review.

6/25/25: CED has submitted a site plan set, which provides general project information, including the road width at certain points. As the improvements include widening the narrower portions of the road to 24 feet (consistent with the majority width), the plans should clearly identify the specific areas to be widened. While the existing road widths are labeled in some areas, the plans would be clearer if they explicitly highlighted all segments where the width is currently less than 24 feet and delineated the corresponding areas of proposed widening.

4. 3/28/25: Town Code Section 165-54(G)(5)(b) requires the Planning Board to consider the following related to the proposed alterations and improvements:

1) 3/28/25: Any alternatives to the proposed alteration or improvement and evidence that the applicant has chosen the alternative least damaging to the scenic road. (As noted above, Alternative 3 has been chosen by the Town Board)

6/25/25: Comment noted in 5/1/25 CED Response.

2) 3/28/25: *That the applicant has considered the following, where appropriate:*

a) *The impact of the alteration or improvement on stone walls within the right-of-way of the scenic road;*

6/25/25: Stone walls will be avoided, per the 5/1/25 CED Response.

b) *3/28/25: The impact of the alteration or improvement upon the speed of vehicular traffic along the scenic road;*

6/25/25: The 5/1/25 CED Response notes that the project would not increase the speed limit. While the regrading, widening, and resurfacing with new gravel may result in smoother conditions, these safety improvements would minimally alter the road's character and seem unlikely to result in meaningfully higher speeds, particularly since the resurfacing would not change the pavement type, e.g., to asphalt, or remove curves.

c) *3/28/25: The preservation of nonhazardous curves in the scenic road;*

6/25/25: The 5/1/25 CED Response states that all sweeping and noticeable horizontal curves would remain and that only minor geometric adjustments are proposed to improve drainage and alignment. This appears consistent with the requirement in the Code to consider the preservation of nonhazardous curves along the scenic road.

d) *3/28/25: The preservation of nonhazardous hills and valleys by avoidance of unnecessary cuts and fills;*

6/25/25: As provided in the 5/1/25 CED Response, grading will be limited to what is necessary for roadside drainage, and the vertical alignment of the roadway will remain unchanged aside from adjustments to the cross slope. This appears consistent with the intent of the Code.

e) *3/28/25: The placement of wide bypasses and turnouts to avoid unnecessary widening of the scenic road;*

6/25/25: The 5/1/25 CED Response states that bypasses are not proposed and that widening (to 24 feet) is proposed only where the road is narrower than 24 feet to enhance safety. This appears consistent with the intent of the Code.

f) *3/28/25: Preservation of views of near and distant landscapes through appropriate landscaping techniques within the right-of-way only;*

6/25/25: The 5/1/25 CED Response confirms that the proposed improvements would not alter existing views.

g) *3/28/25: Minimize impact on roadside vegetation, including but not limited to trees, shrubs and wildflowers; and*

6/25/25: The 5/1/25 CED Response acknowledges that some tree and brush removal will be necessary to accommodate drainage improvements and widening. The EAF provides that roadside vegetation clearing would amount to 0.7 acres of removal. The "removal of mature trees" along scenic roads itself is a basis for Planning Board approval. As the above consideration calls for minimizing impacts on roadside vegetation, the Planning Board may wish to confirm that vegetation removal has been limited to what is necessary and that efforts will be made to preserve significant or mature vegetation where applicable.

h) *3/28/25: Avoidance of signage, sand, gravel, refuse and salt piles to the extent practicable.*

6/25/25: As noted in the 5/1/25 CED Response, no refuse or salt piles are proposed, and signage will be limited to what is necessary for safety and Manual on Uniform Traffic Control Devices (MUTCD) compliance. This appears consistent with the requirement in the Code to avoid such features to the extent practicable.

3/18/25: As noted above, the information provided does not include a suitable map with enough information to facilitate the Planning Board's review under the Code. In addition to a more informative map, CED should submit itemized responses for each of the considerations in (a)-(h) above so that the Planning Board has enough information to fully consider the proposal. These responses should be provided to the Planning Board before the public hearing is set.

6/25/25: CED has updated the plans and provided additional clarifications. However, further information may still be necessary to facilitate the Planning Board's review, as described in the AKRF responses above.

5. 3/18/25: SEQRA: Since the project requires discretionary approvals from the Town Board and Planning Board, it is subject to the State Environmental Quality Review Act. It is unclear if a review under SEQRA has been initiated. If the project is classified as a Type 1 or Unlisted Action (see below), it seems most appropriate for the Town Board to serve as the Lead Agency for SEQRA review, with the Planning Board as an "Involved Agency" due to the approval authority granted to the Planning Board under the provisions of Town Code Section 165-54(G). The lead agency question should be discussed.

SEQRA action classifications to consider include:

Type I pursuant to 617.4(b)(6)(i):

"(6) Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:

(i) a project or action that involves the physical alteration of 10 acres."

Type II pursuant to 617.5(c)(5):

"(5) repaving of existing highways not involve the addition of new travel lanes."

***Unlisted** – action not identified as Type I or Type II.

Under SEQRA, actions classified as Type II do not require further environmental review or formal designation of a Lead Agency, concluding the SEQRA process. Actions classified as Type I or Unlisted require that the designated Lead Agency, after it has sufficient information, issue a determination of significance, resulting in either a Negative Declaration (that the project does not have the potential for significant adverse environmental impacts, which concludes the SEQRA process) or a Positive Declaration (that the project does have the potential for significant adverse environmental impacts, which requires the preparation of an Environmental Impact Statement to evaluate the potential impacts under SEQRA).

6/25/25: The Town Board, at its 5/8/25 meeting, classified the project as a Type I Action and declared itself Lead Agency. As the Planning Board, at its 5/8/25 meeting, adopted a motion that it would not object to the Town Board as Lead Agency. No further action under SEQRA is required by the Planning Board at this time. Before the Planning Board (an Involved Agency for purposes of SEQRA) takes any action on the application, the Town Board's SEQRA process must be completed.

NEW COMMENTS

6. **6/25/25: Based on additional information submitted, the project would result in temporary and permanent disturbance within protected wetlands areas and therefore requires a Town wetland permit and possibly state and/or federal permits. CED has submitted the Killlearn Road wetland delineation and report prepared by C.T. Male (5/2/23). The Town Wetland Consultant, Steve Marino of Tim Miller Associates, has conducted a site visit and will prepare a separate memorandum. AKRF defers to the Town Wetland Consultant for analysis of the report's content and any wetlands requirements arising under Town, USACE, and/or NYSDEC jurisdiction.**

Under Town Code, CAC referral is required for wetland permits. (CAC referral is also required as part of the Planning Board's review of scenic roads modifications. See AKRF comment 2(5).)

7. **6/25/25:** The EAF should be reviewed to verify, or update as necessary, quantifiable project details for consistency across all materials, such as permanent wetlands impacts from drainage infrastructure and increase in impervious surfaces due to road widening.
8. **6/25/25:** Dutchess County Department of Planning and Development responded to the Planning Board GML 239-m referral. The County response, dated 5/13/25, classified the project as a Matter of Local Concern.
9. **6/25/24:** The application includes the required Agricultural Data Statement. This statement must include a map that identifies the location of farm operations within 500 feet of the project. This map should be provided.

RECOMMENDATIONS

At the July 1, 2025 meeting, AKRF recommends the Planning Board 1) discuss the project and consultant comments; 2) refer the project to the CAC for wetland comments; 3) refer the project to the Highway Superintendent for scenic road improvement comments; and 4) open the public hearing if prepared to do so.