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By: K. Beaumont

Town of Washington Planning Board Resolution
Special Use Permit Approval

Bachmann Application, 5028-5030 Route 82, Salt Point, NY 12578

Town of Washington Planning Board member **Eric Alexander** offered the following resolution, which was seconded by member **Emily Abrahams** as follows:

WHEREAS, Jonathan Bachman, a co-owner of the property (the "Applicant"), requests special use permit approval pursuant to Town of Washington Code (the "Code") §165-41 to utilize an existing accessory residence (guesthouse) as an accessory dwelling unit and rental unit (the "Project"); and

WHEREAS, the Project is located on a 0.68-acre lot at 5028-5030 Route 82, further identified as Tax Parcel No. 135889-6565-00-844891, in the RL-5 Zoning District (the "Property"); and

WHEREAS, the Property is improved with a primary residence, the existing accessory residence, parking, and related improvements, and the accessory residence has an existing well and septic tie-in; and

WHEREAS, the primary residence and accessory residence were built pursuant to a site plan previously approved by this Board in 2000 and no new construction or alteration to that site plan is proposed as part of the Project

WHEREAS, the accessory residence previously received a use variance in 2000 for accessory housing for use by family members, and a 15-foot by 30-foot expansion to the accessory residence was reviewed in connection with those prior approvals; and

WHEREAS, the Applicant submitted a Planning Board application dated June 23, 2026, and relies upon a property survey dated October 27, 2002 as the plan for the Project; and

WHEREAS, as part of the application, the Applicant submitted an Environmental Assessment Form ("EAF") dated June 20, 2026 pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Property is nonconforming with respect to lot area, as the minimum lot size in the RL-5 Zoning District is five (5) acres, and the accessory residence required area variances for its side and rear yard setbacks; and

WHEREAS, on August 18, 2026, the Town of Washington Zoning Board of Appeals ("ZBA") granted three variances:

1) an area variance for the rear yard setback described in the ZBA resolution as an increase to a 70½-foot area variance for the rear yard setback; and
2) an 85-foot area variance for the side yard setback on the northern side of the Property; and;
3) an area variance of 9.32 acres, described as a 94% increase, to comply with dimensional zoning requirements where the Project site contains 0.68 acres and qualifies as an "eligible nonconforming lot" under Code §165-85; and

WHEREAS, in connection with the setback variances, the ZBA recommended that the Planning Board review the sufficiency of parking, septic, and well serving the Property as part of its special use permit review; and

WHEREAS, on October 6, 2026, the Town of Washington Planning Board (the "Planning Board") determined that the Project is a Type II Action pursuant to SEQRA, for which no further environmental review is necessary; and

WHEREAS, referral to the Dutchess County Department of Planning and Development pursuant to General Municipal Law §239-m is not required because special use permits for residential uses are exempt from referral under the Referral Reduction Agreement between the Town of Washington and Dutchess County; and

WHEREAS, the Planning Board held a duly-noticed public hearing on October 6, 2026 at its regularly scheduled public meeting, at which all those who wished to be heard were heard; and

WHEREAS, the public hearing was closed on October 6, 2026.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board finds that the submitted application fulfills the special permit conditions set forth in Code §165-119 and the requirements applicable to accessory residential housing under Code §165-41, and that the Project will otherwise be consistent with the purpose of the Code and Comprehensive Plan.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Washington makes the following findings in accordance with §165-119 and §165-122 of the Town of Washington Zoning Code and § 274-B of the Town Law:

1. Permitted special use. The proposed accessory residential housing is authorized by special permit pursuant to § 165-41 of the Zoning Code, subject to the requirements and limitations contained therein.

2. Compliance with § 165-41. The proposed guest house will be located on the same lot as the existing principal dwelling and the owner resides on the Property. The proposed guest house constitutes one accessory residential housing unit and satisfies the applicable requirements of § 165-41 of the Zoning Code.

3. General character and fitness of the structure. The proposed guest house, including its general character, height, size and design, is appropriate for the Property and is compatible with the existing principal dwelling and surrounding neighborhood.

4. Public health, safety, welfare and convenience. The proposed guest house is designed, located and proposed to be operated in a manner that will adequately protect the public health, safety, welfare and convenience.

5. Groundwater and surface water. Based upon the materials submitted to the Planning Board, the proposed guest house will not diminish groundwater or surface water quality, subject to compliance with all applicable requirements governing water supply, stormwater and sewage disposal.

6. Neighborhood character and neighboring property. The proposed guest house will not cause substantial injury to the value of other property in the neighborhood and is consistent with the general character of the surrounding area.

7. Lot size and coverage. The size of the Property and proposed lot coverage are appropriate for the proposed accessory residential use and comply with applicable requirements of the Zoning Code.

8. Compatibility with the district and adjacent properties. The location, size, height and design of the proposed guest house are compatible with the existing development on the Property and with surrounding properties and will not hinder or discourage appropriate development of adjacent lands.

9. Noise, lighting and other impacts. The proposed residential use will not create unreasonable noise, fumes, vibration, glare or lighting impacts on surrounding properties.

10. Parking and driveway. The parking and access arrangements shown on the plans submitted with the special permit application are adequate for the proposed use and are appropriately located and designed to provide for safe ingress and egress.

11. Public services. The proposed guest house can be adequately served by necessary water supply, sewage disposal, fire protection and other applicable public services, subject to obtaining all required governmental approvals.

12. Special Permit Plan Standards. The plans submitted in support of the special permit application contain sufficient information to evaluate the proposed use and satisfy the applicable requirements of § 165-118.

13. Overall consistency. The Planning Board finds that the proposed guest house is consistent with the applicable requirements and purposes of the Zoning Code and is appropriate for the Property.

BE IT FURTHER RESOLVED that the Planning Board grants special use permit approval for the Project, Bachmann Application, 5028-5030 Route 82.

BE IT FURTHER RESOLVED that the Planning Board's special use permit approval is conditioned on the following:

1. Payment of all fees, including Planning Board consultant review fees.
2. Pursuant to Code §165-123, if the special use ceases for more than twelve (12) months for any reason, or Applicant fails to obtain any necessary permit, or fails to comply with these conditions within six (6) months of the date of authorization, the special permit shall be deemed to be expired.
3. Pursuant to Code §165-41(E), only one accessory residential housing unit per lot is permitted.
4. Pursuant to Code §165-41(C), at least one owner must continue to reside on the lot containing the accessory residential housing unit.
5. The accessory residential housing unit shall continue to utilize the existing well and septic tie-in serving primary residence on the Property.
6. All water supply and sewage disposal facilities shall comply with the requirements of the Dutchess County Department of Health and all other applicable governmental agencies.
7. Applicant's compliance with all municipal regulations and the survey and other application materials reviewed by the Planning Board upon which this approval is granted.

The foregoing Resolution was duly put to a vote and resulted as follows:

Doug Giles, Chair:	AYE
Emily Abrhams:	AYE
Eric Alexander:	AYE
Adam Brandow:	Absent
Nicole Drury:	AYE
Anna Hall:	Absent
Jon Vesesy:	AYE
David Purcell (Alternate):	AYE

Dated: Millbrook, New York
October 16, 2026

Lisa Agnelli, Secretary
Town of Washington Planning Board