

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
March 17, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. and a quorum determined present for the conduct of business.

Members present — Chair Christine Kane, Sam Harkins, Charlie Laing, Paul Telesca, and David Wright. Planner Michele Greig and Town Board member Rob Latimer were also present.

BUSINESS SESSION

The minutes of the March 3, 2008 meeting were not yet ready for review. It was decided that they would be discussed at the next meeting.

PUBLIC HEARINGS

Devereux Foundation – 40 Devereux Way – Site Plan

John Kavanagh, John O’Keefe, Chris Smailer, and Bruce Utton were present for a public hearing on an application for Site Plan Approval for a two-story expansion adding 4385 sq. ft. on the ground floor and 5190 sq. ft. on the first floor, on a 54.4-acre parcel in the Institutional Zoning District and the Certified Agricultural District.

Christine Kane read the public hearing notice published in the Kingston Daily Freeman on Wednesday, March 12, 2008.

Mr. O’Keefe gave a brief overview of the project for the public. He noted that residential facilities were being decreased while educational facilities were being expanded. Mr. Smailer continued the overview, stating that the new building materials would largely imitate what was already in place on the existing building, with the exception of the roof.

The applicants presented a new plan for the Board’s consideration. Christine Kane requested that the applicants address any revisions made to the plan since the last submission. The board determined that the revisions were minor in nature and decided to proceed with the hearing.

Mr. Utton stated that he had met with Ms. Greig of GreenPlan and Mr. Trapp of D.F. Wheeler Engineers to discuss the lighting issue. As a result of that conversation, he said that in order to balance the requirements of the lighting ordinance with the needs of campus safety, they intended to shield all wallpacks facing out from the campus, while lights facing internally to illuminate the

courtyard area would not be shielded. The bulbs in all wall packs would be changed from 150W to 50W. He also stated that the parking lot would have more poles of 100W each, rather than the current 250W fixtures, and that a recreational area would now have overhead lighting set to a timer.

David Wright asked if the lights in the recreational area would have a regular shutoff time, or if they would be motion sensitive. Mr. Utton responded that they would have a set shutoff time, and that they would be 150W fixtures. He stated that the average lighting level of the recreation area would be 7.7 foot candles, and the average for the site would be 1.2 foot candles. The lighting for the recreation area would not be used in the winter, and during the other seasons, existing vegetation would screen the lights from the adjacent residences.

Christine Kane asked for questions from the Board. Charlie Laing asked about the previously high numbers in a limited number of areas which had appeared to be anomalous. Mr. Utton responded that they had been the result of miscalculations, and had now been revised to reflect the correct levels.

Christine Kane asked for comments from the public. There were none at this time.

Charlie Laing asked if the recreation area was currently lit. Mr. Utton replied that it was not.

Christine Kane asked if the Board felt the new plans reflected substantive changes, as it was Planning Board policy not to accept new submissions on the day of a meeting. The Board generally agreed that the changes had not been substantive, predominantly consisting of corrections to wattage on light fixtures, and that they could therefore act on the application that same evening.

Christine Kane asked if the buses left the campus after student drop-off in the morning. Mr. O'Keefe confirmed that they did not stay on campus for the day.

Christine Kane noted that a letter had been received from the Agriculture and Open Space Committee stating that there were no objections to the proposal, and that Dutchess County Planning had reviewed the application and stated that it was a matter of local concern.

Christine Kane said that she felt the issues from previous meetings had been addressed, but asked if the Board would need to waive the requirement to shield lights on the inside of the campus. Ms. Greig responded that she agreed with John Hardeman that the intent of the zoning was to address concerns of other residents in relation to light pollution and character. She suggested that a note be put on the plat indicating when certain lights would be turned off.

Christine Kane asked for questions from the public. As there were none, Charlie Laing made a motion to close the public hearing. Sam Harkins seconded the motion, and all present voted in favor.

The Board reviewed a Part 2 Full EAF and a draft negative declaration under SEQR. Charlie Laing then made a motion to adopt the negative declaration. Sam Harkins seconded the motion, and all present voted in favor.

The Board reviewed a draft resolution granting Site Plan Approval. Ms. Greig stated for the record that while she and Mr. Trapp had discussed the changes to the lighting levels, they had not yet reviewed the revised plans. David Wright suggested that the review and acceptance of the changes to the plans by the Town Engineer be added as a condition of approval. Christine Kane suggested that a condition be added noting the exception that wall packs facing the interior of the courtyard need not be shielded.

David Wright moved to adopt the resolution granting conditional approval with the discussed changes. Paul Telesca seconded the motion, and all present voted in favor.

The Board reviewed a draft resolution amending the Special Permit. Charlie Laing moved to adopt the resolution. Paul Telesca seconded the motion, and all present voted in favor.

REGULAR SESSION (OLD BUSINESS)

Nelson Sousa/Dunkin' Donuts – NYS Route 9 – Site Plan

Jeff Schiller, PE, and Nelson Sousa were present for discussion of application for Site Plan Approval to reconfigure parking and traffic flow, and add 684 sq. ft. of storage, on a 2.989-acre parcel in the B1 Zoning District.

Christine Kane asked the applicant to review any changes that had been made since the applicants had last appeared before the Board.

Mr. Schiller stated that changes had been made to the lighting, landscaping, drainage, and signage. Regarding drainage, he stated that most of the current parking pavement was to be removed and replaced, and that the intention was to pitch the new pavement so that water would flow toward the catch basins. He also stated that two additional seepage rings were being added.

Christine Kane noted that concerns had been raised regarding the frequency with which water pooled in the driveway on to Route 9. Mr. Schiller responded that the new drainage structures should address that.

Christine Kane asked if the driveway would be closed while it was being repaved. Mr. Sousa responded that it would. Sam Harkins asked if that would affect the

adjacent diner which also used the driveway. Mr. Sousa responded that it would affect them for a short period. Christine Kane asked that the applicant provide evidence that the adjacent business had been contacted. Mr. Schiller suggested that paving in the entrance area could be done during off-peak hours to minimize impact.

Mr. Schiller stated that adjustments had been made to the landscaping, with Japanese Cherry being proposed along the front of the property line to shield the delivery access from view.

David Wright asked if the applicant intended to change the location of the drive-thru. Mr. Sousa replied that the drive-thru would be where the dumpster enclosure was currently located, to keep cars from backing up on to Route 9, and that the existing window would remain for pick-up but not for ordering, which would be done through a speaker box.

Mr. Schiller stated that in regards to lighting, seven currently existing poles would be replaced with 10 new 15' foot poles using 70W fixtures, with an average light intensity of less than one foot candle. Christine Kane noted that the Board would need the manufacturer's cut sheets for the proposed lighting fixtures.

Mr. Schiller distributed renderings of the proposed signage. He stated that the applicant intended to removed the existing sign, and replace it with an externally illuminated sign, moved to a 15' setback in accordance with the Code. He also noted that a building sign was being proposed facing Route 9, and that the plan would be corrected to indicate this.

Ms. Greig suggested that the Code Enforcement Officer review the proposed square footage of the signs. Christine Kane noted that the plan did not indicate that the new sign would have a planter as a base. Mr. Sousa replied that he intended to keep the same style of planter base as was used with the current sign, and that the plan would be revised to reflect this.

Christine Kane asked if the proposed addition would have an overhead door for deliveries. Mr. Sousa replied that it would only have a regular entry door.

Mr. Schiller passed around renderings of the design style toward which Dunkin' Donuts was transitioning nationally. Mr. Sousa stated that he was considering grey block construction for the addition and brown for the front of the store. Christine Kane asked that the applicant submit proposed building materials.

Christine Kane asked if the applicant proposed to change the roofline of the existing building. Mr. Sousa replied that he did. The Board requested that he provide a rendering of the entire building along with a rendering of the addition from Route 9.

Christine Kane noted that the applicant had previously stated that there would be less overall pavement after the changes. Ms. Greig pointed out that the concern was whether there would be more impervious surface due to the addition, as that may affect drainage calculations. She suggested that existing and proposed impervious surfaces should be calculated before being sent to the Town Engineer for review.

After reviewing a draft resolution, Charlie Laing moved to establish the Board has lead agency under SEQR. David Wright seconded the motion, and all present voted in favor.

Christine Kane said that once the discussed materials related to the drainage, elevation, impervious surfaces, and renderings had been submitted, the project would be sent to the Town Engineer and Dutchess County Planning for review.

A public hearing was tentatively set for April 21st, pending submission of materials.

Paul Telesca expressed concern over delivery drivers being able to back up to the addition without creating a traffic hazard. Mr. Sousa replied that the trucks typically had two people, so that one person could direct traffic. Ms. Greig suggested that the applicant employ a mountable curb at that location to provide for easier access by delivery vehicles.

REGULAR SESSION (NEW BUSINESS)

Migliorelli Minor Subdivision – 404 Lasher Road

Ken Migliorelli was in attendance for presentation of application for Subdivision Plat Approval to subdivide an approximately 1.9 acre residential building lot from an approximately 32-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Mr. Migliorelli stated that he was proposing to subdivide an existing home off of a farm property. He asked if a variance would be needed, as the proposed new lot was only 1.9-acres.

Christine Kane asked what the use of the parcel was at this time. Mr. Migliorelli replied that it was mostly farmed.

Ms. Greig asked if it was in the Certified Agricultural District and contained prime soils. Mr. Migliorelli confirmed that this was the case.

Ms. Greig stated that as a substandard lot, the Board and applicant must determine if it is being considered under the cluster regulations or the average

density subdivision regulations. She also noted that there would need to be consideration of how to address for future owners and applicants that three acres of density had effectively been used from the original lot. She suggested that this would be preferable to seeking a variance.

Charlie Laing asked if the applicant proposed to sell the house. Mr. Migliorelli replied that he did, and that the lot was only 1.9 acres because he did not want to go into the field with it.

Ms. Greig suggested that the Board consider the provision in the Important Farmlands Law under which a one-lot exception could be granted once for the requirement that a Farmland Protection Plan be submitted. She noted that if the Board chose to grant this, legal language for the plat had previously been drafted for the Cafh project could serve as a guide for this project.

Christine Kane suggested that a note be placed on the plat indicating which of the adjacent lands were already protected by conservation easement.

Betty Mae Van Parys asked if the previous application fee of \$125 could be credited to the new proposal. The Board generally agreed that this could be done, as the previous application had never been reviewed or acted upon in any way.

Christine Kane noted that the map would need to show existing well and septic, and that the current submission was generally a survey map, which would need to be changed into a subdivision plat. She said that the requirements for this are listed in the town's subdivision regulations but that an engineer would most likely already know the requirements for this.

The Board tentatively scheduled the project for the April 7th agenda, pending submission of revised plats by the March 28th deadline.

Hammerling Minor Subdivision – Route 9G

Marie Welch, LS, was in attendance for presentation of application for Subdivision Plat Approval to subdivide two new residential lots of 3.097-acres and 1.836 acres, from an approximately 24.284-acre parcel on Route 9G in the RD 3 Zoning District and the Certified Agricultural District.

Ms. Welch provided the original copy of the letter of authorization from the owners. She stated that the project was a cluster subdivision on Route 9G, across from Kidd Lane, and that the applicants sought to sell Lot 1B with the existing house, sell Lot 1A with a building envelope, and build a new house for themselves on Lot 1C. She noted that they would not further subdivide the rest of the land, and that the building envelopes were within the existing tree line. She noted that the land was currently in the Certified Agricultural District, and that an easement was being provided to allow access for continued farming.

Christine Kane asked that the applicant submit the previously filed subdivision map, and if engineering had been done for Lot 1A. Ms. Welch replied that she was waiting to see if the Board was comfortable with the general concept of the plan before taking it to an engineer.

Ms. Greig noted that hydric soils were indicated to be on the parcel, and suggested that the Board and applicant check for the presence of wetlands.

Christine Kane expressed concern that the proposed building envelope on Lot 1A may be visible from the road. Ms. Greig noted that under SEQR, the Board must consider impacts to scenic resources. Ms. Welch replied that the house was behind the wood line, and that visual impact would be minimal. Christine Kane suggested that as the placement behind the wood line could be proposed as mitigation under SEQR, a mechanism to prohibit clear cutting may be appropriate.

Ms. Greig suggested that the Board consider a site visit.

Paul Telesca asked if the tree line is mature. Ms. Welch responded that it was.

The Board reviewed a memo from GreenPlan dated 03/17/08. Ms. Greig noted that she was in contact with Hudson River Heritage to determine if the parcel was in the National Historic Landmarks District, as that would impact the classification of the action under SEQR.

Christine Kane noted that the proposed shared driveway should be shown on the plat, and that the Board would need to review the Common Use and Maintenance Driveway Agreement.

Ms. Greig noted that the Board and applicant should discuss who will hold the easement under the Important Farmlands Law. Ms. Welch asked if the Town was holding conservation easements. Christine Kane responded that it was her understanding that the Town has accepted some conservation easements and could do so in the future, but that they had not been approached about the matter recently.

Christine Kane noted that the portion of the Agricultural Data Statement indicating how much of the parcel was actively farmed had been left blank. Ms. Welch amended the form to indicate that 14-15 acres were under active agricultural use.

Ms. Greig noted that if the action was Type 1 under SEQR, a Long EAF would be required, and that she would notify the applicant if this was the case once she had heard from Hudson River Heritage.

Ms. Greig asked if the project was within 500' of the border of the Village of Tivoli. Ms. Welch stated that she did not believe so, but that she would confirm to see if the project applied under General Municipal Law §239nn.

The Board generally agreed to tentatively place the project on the agenda for April 7th, pending submission of the prior filed subdivision map, revision of the plat to indicate any physical constraints such as wetlands and soils, and a response from Hudson River Heritage to determine what type of action the project would be under SEQR.

Teviot/Davis Lot Line Alteration

John Lyons was present to request an amended conditional approval for a lot line adjustment, to convey 0.441 acres from Teviot, LLC to the adjacent lands of Frances Dennie Davis, on Davis Road.

Mr. Lyons stated that the applicant he represented was requesting an amendment to a lot line alteration which had been previously approved, but not filed. He stated that under the previous proposal, the applicant had sought to convey approximately two acres in one area, and 0.441-acres in another. Under the current proposal, the applicant was only seeking to convey the 0.441-acres.

Christine Kane noted that the Zoning Board of Appeals minutes of February 13th indicated that the applicant was seeking a variance for construction of a 1200 sq. ft. studio on the same parcel. The minutes stated that a public hearing had been extended to March 12th, but no ZBA minutes were yet available from that meeting. The Board did not believe that the studio was proposed to be near the 0.441-acres in question. Christine Kane asked if there were concerns of segmentation under SEQR. Ms. Greig replied that she believed the Board was safe in treating the proposals as two separate actions.

Mr. Lyons stated that if necessary, he could submit the proposal as a new application rather than as an amendment. Ms. Greig stated that as this was a less intensive action than that which was previously approved, she felt the Board could just amend the previous approval.

The Board reviewed the conditional approval resolution as passed on March 19, 2007. Ms. Greig noted that the tree-cutting restriction noted in the previous resolution should be filed as a recorded declaration, with the filing date and document number indicated on the plat.

Mr. Lyons stated that due to the recent court decision in *O'Mara v. Town of Wappinger*, plat notes were upheld within the chain of title. He suggested that given this ruling, a recorded restriction may not be necessary if a note were on the plat. Ms. Greig suggested that he discuss this with Ted Fink of GreenPlan.

Betty Mae Van Parys asked if formal review by GreenPlan would be required.

Ms. Greig replied that she did not feel it would be necessary, and the Board generally agreed.

Christine Kane noted that a revised plat would need to include a Planning Board signature block, as well as the Owner's Consent signatures.

Charlie Laing made a motion to adopt an amended conditional approval resolution with the discussed changes. Sam Harkins seconded the motion, and all present voted in favor.

Paul Telesca left the meeting at this time.

OTHER BUSINESS

Voski Minor Subdivision

The Board reviewed a letter from Mark Graminski requesting a 90-day extension to finalize conditions of approval with the Department of Health. Sam Harkins made a motion to grant the 90-day approval retroactively from March 15, 2008. Charlie Laing seconded the motion, and all present voted in favor.

Lighting

Ms. Greig informed the Board that she had spoken with Jay Trapp of D. F. Wheeler Engineers, and that the Village was not sure what the current lighting levels were under existing gas station canopies in the Village of Red Hook. She cited figures from the Illuminating Engineering Society of North America that 5 foot candles was recommended for a gas pump island in dark surroundings, with a maximum of 10 foot candles in a more brightly lit village setting.

Training

The Board discussed the proposed resolution to the Town Board approving qualified organizations to conduct trainings. The Board generally agreed to request that Dutchess County Planning and the Town Planner be authorized under the resolution.

ADJOURNMENT

Since there was no further business to come before the Board, David Wright made a motion to adjourn. Charlie Laing seconded the motion, and all present voted in favor.

Respectfully submitted,

Patrick Kelly

Assistant Clerk to the Planning Board

ATTACHMENTS:

Negative Declaration under SEQR for Devereux Campus Expansion

Resolution Granting Conditional Approval to Devereux Campus Expansion Site Plan

Resolution Amending Devereux Special Use Permit

Resolution Establishing Lead Agency under SEQR for Dunkin' Donuts

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 17, 2008

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Devereux Campus Expansion Site Plan and Amended Special Use Permit

SEQR Status: Type I []
Unlisted [x]

Conditioned Negative Declaration: [] YES
[x] NO

Description of Action: The applicant proposes to construct a two-story addition (consisting of a ± 4,385 square foot ground floor and a ± 5,190 square foot first floor) to the existing main classroom/education building, to install outdoor lighting for the existing recreational courts, and to bring a substantial portion of existing outdoor lighting into conformance with the Town's outdoor lighting regulations.

Location: Route 9, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

- 1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated February 15, 2008, the Planning Board has concluded that

environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The project site is located in the Town's Scenic Corridor Overlay (SC-O) Zoning District. The proposed addition will not be significantly visible from the Route 9 corridor as the project will be partially screened by topography and existing vegetation. A substantial portion of the existing outdoor lighting on-site will be brought into conformance with the Town's outdoor lighting regulations found in § 143-27.1 of the Town's Zoning Law, which will reduce glare, light pollution and energy use, a beneficial impact on aesthetics and energy use. The Planning Board finds that no significant adverse environmental impacts on aesthetic resources are anticipated as a result of the action.
4. The project site is located within a certified agricultural district and is subject to the Town of Red Hook's Important Farmlands Law. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. The project site possesses soils of statewide importance and has been used for grazing and other agricultural operations in the past. The property has already been developed, and the proposed addition, with a building footprint of $\pm 5,000$ square feet, will have little or no impact on the potential agricultural use of the site or on adjacent farmlands and agricultural operations. The Planning Board finds that no significant adverse environmental impacts on agricultural resources are anticipated as a result of the action.

For Further Information:

Contact Person: Patrick Kelly, Planning Board Deputy Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Resolution Granting Site Plan Approval

Name of Project: Devereux Campus Expansion

Name of Applicant: The Devereux Foundation

Whereas, the Town of Red Hook Planning Board received an application for Site Plan approval from The Devereux Foundation to construct a two-story addition (consisting of a \pm 4,385 square foot ground floor and a \pm 5,190 square foot first floor) to the existing main classroom/education building, to install outdoor lighting for the existing recreational courts, and to bring a substantial portion of existing outdoor lighting into conformance with the Town's outdoor lighting regulations, on a \pm 54.4 acre parcel (Tax Map Parcel No. 134889-6374-00) located on Route 9 in the Town's Institutional (I) District and Scenic Corridor Overlay (SC-O) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the application for Site Plan approval dated October 2, 2007, a Site Plan prepared by Praetorius and Conrad, P.C. (Sheets 1 and 2 dated November 21, 2007 and revised February 15, 2008; Sheet 3 dated November 22, 2007 and revised February 15, 2008; Sheet 4 dated February 15, 2008) and floor plans prepared by Scott Dutton Associates, LLC (Sheets A02, A03, A04, A08 and A09 dated September 19, 2007); and

Whereas, the Planning Board has reviewed the site plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department in its letter dated March 12, 2008 determined the project was a matter of local concern; and

Whereas, on December 17, 2007, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an unlisted action pursuant to SEQQR, and on March 17, 2008,

in consideration of the Full Environmental Assessment Form (EAF) dated February 15, 2008 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed Devereux Campus Expansion will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcel is located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated December 7, 2007, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the application is subject to the Town's Important Farmlands Law found in § 143-47D(4) of the Town's Zoning Law, and the Planning Board forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee dated March 14, 2008 in its review of the application; and

Whereas, the Planning Board held a Public Hearing on the Site Plan application on March 17, 2008 at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby grants Site Plan approval for the above project as represented on the plans listed above, all subject to compliance with the following conditions and any other requirements which must be met by law:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant implement the environmental mitigation measures contained in the Negative Declaration.

- C. Addition of a note to the Site Plan stating that “all future replacement bulbs for all on-site outdoor lighting fixtures shall be made with ones of equal wattage to those approved on this site plan to ensure compliance with the Town of Red Hook outdoor lighting regulations found in § 143-27.1 of the Town’s Zoning Law.”
- D. Addition of a note to Sheet 4 of the Site Plan indicating which lighting fixtures will be on motion sensors.
- E. Addition of a note to the Site Plan stating that “further amendments to the site plan will require bringing additional existing non-conforming outdoor lighting into conformity with the requirements of the Town of Red Hook outdoor lighting regulations found in § 143-27.1 of the Town’s Zoning Law.”
- F. That the lighting levels be reviewed by the Town Engineer for compliance with the Town’s lighting regulations, with the exception of the wallpack units lighting the interior courtyard area.
- G. That the applicant reimburses the Town for any outstanding fees due and owing for the review of this application.

On a motion by David Wright, seconded by Paul Telesca, and a vote of 5 for, 0 against, and 2 absent, this resolution was adopted on March 17, 2008.

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Patrick Kelly, Deputy Clerk to the Board

Date

Resolution Amending Special Use Permit

Name of Project: Devereux Campus Expansion

Name of Applicant: The Devereux Foundation

Whereas, the Town of Red Hook Planning Board has received an application for an Amended Special Use Permit dated October 2, 2007 for The Devereux Foundation located on Route 9 in the Institutional (I) District and the Scenic Corridor Overlay (SC-O) District in the Town of Red Hook; and

Whereas, the Devereux Foundation was granted a Special Use Permit on May 4, 1988, which permit was amended on April 18, 2005; and

Whereas, the existing use of the parcel is an “alternate-care facility” which is subject to the provisions of the Town’s Zoning Law §143-50 and §143-51 governing Special Use Permits and §143-74 governing “alternate-care facilities;” and

Whereas, the Devereux Foundation proposes to construct a two-story addition (consisting of a \pm 4,385 square foot ground floor and a \pm 5,190 square foot first floor) to the existing main classroom/education building, to install outdoor lighting for the existing recreational courts, and to bring a substantial portion of existing outdoor lighting into conformance with the Town’s outdoor lighting regulations, all as depicted on a Site Plan prepared by Praetorius and Conrad, P.C. (Sheets 1 and 2 dated November 21, 2007 and revised February 15, 2008; Sheet 3 dated November 22, 2007 and revised February 15, 2008; Sheet 4 dated February 15, 2008), and floor plans prepared by Scott Dutton Associates, LLC (Sheets A02, A03, A04, A08 and A09 dated September 19, 2007); and

Whereas, the Planning Board has reviewed the provisions of the Zoning Law governing Special Use Permits and “alternate-care facilities” in addition to the above referenced Site Plan and floor plans for the Devereux Campus Addition; and

Whereas, the Planning Board has determined that the proposed action complies with the special conditions for Special Use Permits and “alternate-care facilities” in the Town of Red Hook Zoning Law; and

Whereas, the parcel is located within a NYS certified agricultural district (Agricultural District 20), the applicant submitted an Agricultural Data Statement, and the Planning Board forwarded said statement to all owners of farm operations within 500’ of the subject parcel; and

Whereas, the application is subject to the Town’s Important Farmlands Law found in § 143-47D(4) of the Town’s Zoning Law, and the Planning Board forwarded the application to the Town’s Agricultural and Open Space Advisory Committee for its review and comments; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee dated March 14, 2008 in its review of the application; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department in its letter dated March 12, 2008 determined the project was a matter of local concern; and

Whereas, on December 17, 2007, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an unlisted action pursuant to SEQR, and on March 17, 2008, in consideration of the Full Environmental Assessment Form (EAF) dated February 15, 2008 and the ‘criteria for determining significance’ set forth in 6 NYCRR Part 617.7(c), determined that the proposed Devereux Campus Expansion will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board held a Public Hearing on the Amended Special Use Permit application on March 17, 2008 at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby approves the amendment to the Special Use Permit.

On a motion by Charlie Laing, seconded by Paul Telesca, and a vote of 5 for, 0 against, and 2 absent, this resolution was adopted on March 17, 2008.

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Patrick Kelly, Deputy Clerk to the Board

Date

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action

Name of Action: Nelson Sousa/Dunkin' Donuts Site Plan Approval

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Site Plan application by Nelson Sousa/Dunkin' Donuts at Red Hook for a 2.989-acre parcel of land located on Route 9, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated October 22, 2007 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by Charlie Laing, seconded by David Wright, and a vote of 5 for, and 0 against, and 2 absent, this resolution was adopted on March 17, 2008.