

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
June 1, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:43 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, Sam Harkins, Charlie Laing and Wil LaBossier. Planner Michele Greig was also present. Sam Phelan, Pat Kelly, and John Hardeman were absent.

BUSINESS SESSION

Christine Kane confirmed the agenda as printed. The May 18, 2009 draft minutes had been circulated among the members and reviewed. Sam Harkins made a motion to adopt those minutes. Charlie Laing seconded the motion, and all members present voted in favor.

Christine Kane announced that the Association of Towns was offering its annual Planning and Zoning summer school. She said that the closest location would be at the Albany Law School on Thursday July 23. She added that these classes would likely qualify for the four hours of training needed by each member. She announced again that Pattern for Progress was holding a conference entitled *Housing the Hudson Valley: Exploring the Next Generation of Housing Issues* on June 12, 2009 at Marist College. Charlie Laing asked whether a Northeast Land Trust Alliance conference he attended would qualify as the training hours. Christine Kane suggested that he submit the conference agenda or schedule to the Town Board to find out.

REGULAR SESSION – OLD BUSINESS

Teviot – 40 Davis Lane—Site Plan Approval and Special Permit

Attorney Jon Adams, Tim Lynch, P.E, construction supervisor Fred Volino, and City/Scape archaeologist Gail Guillet were present for continued discussion on applications to install an outdoor recreation facility consisting of a swimming pool and pool house, and a private heliport on a 62.9-acre parcel in the WC (Water Conservation), LD (Limited Development) Zoning Districts and in the National Historic Landmarks Overlay District.

Ms. Guillet submitted to the Board an End of Field report for the supplemental Phase 1B archaeological investigation of an area of interest near the proposed septic field. Mr. Lynch said that he had not yet forwarded that letter to the New York State Office of Parks, Recreation and Historic Preservation. Ms. Guillet said that Cynthia Blakemore at OPRHP had requested this supplemental investigation in order to delineate the boundaries of a potential prehistoric site. She said that as part of this additional work, 117 additional shovel tests had been conducted and the boundaries of the potential area

of archaeological concern had been delineated as being only in a location to the west of the house. She said that in total, 6 chert flakes and 1 possible tool had been recovered.

Ms. Guillet went on to say that she considered the finds to be insignificant and believed that further testing would not be productive. She said that the layer of topsoil where additional artifacts might be found was not present. She surmised that it had probably been removed, possibly when that area had been gardened intensively or possibly when a graded and leveled croquet field had been installed. In any event, she said that she would recommend to OPRHP that, based on the findings and in her professional judgment, no further work should be done. She confirmed that no Phase 2 investigation had been done. She also said that the final report and the field map for the supplemental Phase 1B work were not yet completed but that when they were, she would submit all the documents and her recommendation to OPRHP.

Asked whether any excavating was proposed within the delineated area, Ms. Guillet said that the proposed geothermal excavations might extend into one corner of the smaller delineated area and that grading for the septic system would impact the larger delineated area.

Charlie Laing asked whether more archaeological investigation could be done during the digging for the geothermal system and the septic system. Ms. Guillet said no, that the heavy equipment made too much of an impact and that's why the boundaries of any area of interest are delineated.

Christine Kane recapped previous discussions regarding the possible separation of the various aspects of the application. She said that the Board's legal advisors had indicated that since the outdoor recreation facility and the private heliport were functionally independent and could proceed independently, the Board could segment the review and consider them separately under SEQR. The Board would separately consider the LWRP consistency, an EAF part 2 and 3, a SEQR determination, and a final vote for each project.

Asked to comment on proposed lighting of the proposed orchard, Mr. Volino said that the lighting plan called for two 50 watt accent lights pointing upward on each of ten (10) dwarf apples trees in the orchard. The Board generally agreed that this amount of light could create too much glare. Neighbor Frances Dennie Davis said that she enjoys the darkness of the fields at night and would not like that much glare. Christine Kane said that the proposed lighting was a lot of light for young trees. Mr. Volino said that the trees would be mature when transplanted. He also said that the lights would only be on occasionally, not all night. The Board asked the applicants to return to their lighting designer and to tell him/her that the Board believed the area was "overlit" and that a design with half or less of the currently proposed amount of light would be more acceptable.

The Board then returned to its review of the Outdoor Recreation Facility segment of the project.

The members went back to some outstanding questions regarding the outdoor recreation facility's consistency with the LWRP policies and asked Mr. Adams whether his clients would agree to provisions prohibiting clear cutting along the Town designated scenic road. Mr. Adams said that although his clients had looked at a section of Woods Road where clear cutting had taken place and were sympathetic to the Board's goal,

they were not prepared to make a decision until some action was taken by the Board. The Board added language regarding the applicant's offer to provide HABS/HAER documentation of the barn complex and the greenhouse to Hudson River Heritage, OPRHP and the Egbert Benson Historical Society. After all the questions were answered to the Board's satisfaction, Wil LaBossier made a motion to determine the Outdoor Recreation Facility project to be consistent with the Local Waterfront Revitalization Program. Charlie Laing seconded the motion, and all members present voted in favor.

The Board then reviewed a draft EAF part 2 and part 3 for the Outdoor Recreational Facility project, revising some language about the archaeological review and incorporating language about the HABS/HAER documentation. Upon completing that document, the Board reviewed a draft negative SEQR declaration for that project. After some revision to reflect the evening's discussions, Charlie Laing made a motion to adopt the negative SEQR declaration as amended. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting a special use permit to the Outdoor Recreational Facility. Sam Harkins made a motion to adopt that resolution. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting site plan approval to that same project. After adding a condition regarding the submission of a revised lighting plan to reflect a lower wattage for the landscape lighting and revising conditions regarding the implementation of Phase 2 and Phase 3 archaeology surveys only if recommended by OPRHP and the noting of archaeological areas of interest on the map, Wil LaBossier made a motion to adopt that resolution as amended. Charlie Laing seconded the motion, and all members present voted in favor.

The Board then addressed the other segment of the original project, the installation of a private heliport. Christine Kane advised the applicants that they must now submit an amended site plan since the project had been segmented and the heliport had been removed from the site plan approved for the outdoor recreation facility. Ms. Greig said that the Board could consider the LWRP consistency form now in terms of this project. In doing so, the Board generally agreed that, especially in terms of the questions concerning the preservation of historic resources, the project would not be consistent with the LWRP policies. The Board also looked at the Part 2 EAF for the private heliport project. The members generally agreed that some of the potential impacts of the project identified on the Part 2 EAF could be large and could not be mitigated by a project change, including impacts on aesthetic resources, historic resources, impacts resulting from noise and vibrations, and impacts on the character of the neighborhood.

Wil LaBossier said that he would also like to know what the helicopter noise and traffic would do to the nesting bald eagles on Cruger Island and similar locations. He wondered whether it could make them abandon their nests. Charlie Laing also wondered whether the helicopter traffic could cause bird flight patterns to change. The Board generally agreed that the effect on the birds could be a potential large impact.

Considering potential large impacts on historic resources, the Board discussed possible impacts of the project on the nearby Clermont Historic Site and the project's being in contrast with the historic character of the surrounding community.

Discussing the EAF part 2 and part 3, the Board agreed that proposed project could potentially result in significant adverse environmental impacts on historic resources, aesthetic resources, wildlife, noise and vibrations, and that the project could potentially be inconsistent with the Town's Comprehensive Plan.

Finally the Board reviewed a draft Positive SEQR Declaration which directed the applicant to prepare a Draft Environmental Impact Statement and outlined the scoping process. The Board then reviewed a draft resolution adopting a Positive Declaration for the private heliport project. Wil LaBossier made a motion to adopt that resolution. Sam Harkins seconded the motion, and all members present voted in favor.

Stephen and Kelly Hammerling – 4962 Route 9G – Subdivision Plat

Everett White from Welch Surveying was present to discuss a revised application (from August 4, 2008) for Subdivision Plat Approval to subdivide two new residential lots of 2.945-acres and 2.144 acres from an approximately 24.284-acre parcel on Route 9G in the RD 3 Zoning District, the Scenic Corridor Overlay District and the Certified Agricultural District.

The Board looked at an owner consent form which authorized Marie Welch from Welch Surveying to act as agent for the project. Christine Kane suggested that the owners write a letter authorizing anyone from Welch Surveying to act as agent for the project.

Christine Kane recounted the history of the project, saying that the Board had issued a negative SEQR declaration in June 2008 but had not voted on the application. In August 2008, the applicants had submitted a letter waiving the 62-day deadline after the close of the public hearing at which time the Planning Board must vote on the application if it has not previously done so.

Mr. White explained a small change in the location of the driveway and a small change in the size of the proposed lots. He confirmed that the building envelopes would remain the same. The Board generally agreed that the changes were not substantial and so a new public hearing and a new SEQR declaration would not be necessary.

Christine Kane said that the other topic for discussion, continued from August 2008, was the conservation of the agricultural land in the large remaining lot. Mr. White said that the applicants wished to place restrictive covenants on both the map and in the deed. He said that those covenants would prohibit any further subdivision and any further improvements within the building envelopes.

Christine Kane said that this was a cluster development and that the subdivision regulations require the placing of a conservation easement as part of the approval of a cluster development. She said that part of the discussion of 2008 was whether there was another method of conserving the agricultural land that was as binding and as enforceable as a conservation easement. She added that in August 2008, the Board generally agreed to ask Keane & Beane whether such a similarly binding method existed and, if it did, whether the Planning Board could substitute it for the conservation easement required in the cluster regulations. The Board also generally agreed that deed restrictions were not an adequate substitute for a conservation easement.

The Board generally agreed to find out whether such an inquiry had been sent to Keane & Beane in August 2008 and, if not, to send it now. Christine Kane suggested that the applicants explore the easement option with local land trusts and that they find out the status of the Town's conservation easement program. She suggested that they could send a letter to the Town Board.

REGULAR SESSION – NEW BUSINESS

Peter & Sarah Sweeny – 28 Stony Brook Road – Special Permit

Peter Sweeny was present with an application for a Special Permit to establish an accessory apartment in an existing studio building on a 25.6-acre parcel in the LD (Limited Development) Zoning District.

Mr. Sweeny explained the project saying that the existing studio building had its own septic system, that most of the 650 sq. ft. of habitable space was on the upper level, that there was an existing driveway and existing parking. He said that the apartment would share its water supply with the main residence but that there was an adequate supply. Christine Kane said that the Board would need a letter from a licensed professional engineer or architect confirming that the water supply was sufficient for both residences and that the septic system would be sufficient for the apartment.

Mr. Sweeny said that all the changes to the building would be interior.

The Board determined that project to be an unlisted action under SEQR. Wil LaBossier made a motion to establish the Board as lead agency for the SEQR review. Charlie Laing seconded the motion, and all members present voted in favor.

Christine Kane asked Mr. Sweeny to add a north arrow to his maps, to submit a location map and to submit a signed, stamped letter about the water supply and septic system.

The Board set a public hearing for 7:40 p.m. on June 15, 2009.

Kirchoff Construction – Old Farm Road – Pre-application conference

Mark DelBalzo, Tom LeGrand, Paula Vincintore, and Scott Cruikshank were present with a concept plan for a development that included both townhouses with rental units and single family dwellings. Mr. DelBalzo explained that the development would be a traditional neighborhood design, with a community septic system on adjacent land which the applicants would purchase, alleys, a community area and sidewalks throughout. The applicants said that the parcel contained approximately 26 developable acres and approximately 16 acres of wetlands.

Mr. DelBalzo said that the plan could be reviewed in three phases. First, the development would be comprised of larger lots that would conform to current zoning so that the Planning Board could approve it. Then, if the Centers and Greenspaces plan were adopted by the Town, the applicants could come back before any single family houses were built and re-subdivide the lots into smaller lots to maximize density. Finally, if municipal sewage should become a reality, the community septic system would be abandoned. Mr. DelBalzo said he envisioned a homeowners' associations and a transportation corporation. The applicants said that their plan conformed to an overall Town build-out plan created by the Dutchess County Office of Planning and Development.

The Board generally agreed that starting out with a plan that the applicants didn't really want in the hope of changing it later was not advisable. Michele Greig said that the proposed townhouses with the large garage doors in the front portrayed a car-centric neighborhood. The Board generally advised the applicants to be more creative and to investigate the types of housing that the Town wanted and needed. The Board also advised the applicants to vary the housing types throughout the proposed development and not to situate the townhouses in a line so that they formed a wall shutting off the adjacent neighborhoods. Finally, the Board advised the applicants that submitting a plan that they did not really want with the intention of substantially changing it in the future could be more time consuming and more expensive than actually submitting a plan that both they and the Town believed would be desirable.

ADJOURNMENT

Since there was no more business to come before the Board, Wil LaBossier made a motion to adjourn. Sam Harkins seconded the motion, and all members voted in favor. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Teviot Outdoor Recreation Facility
Resolution granting Special Use Permit to the Teviot Outdoor Recreation Facility
Resolution granting Site Plan Approval to the Teviot Outdoor Recreation Facility
Resolution adopting a Positive SEQR Declaration for the Teviot Private Heliport
Positive SEQR Declaration for the Teviot Private Heliport

617.7

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 1, 2009

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: Teviot Estate Improvements (Outdoor Recreation Facility)

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The proposed action is the construction of an outdoor recreation facility (consisting of an inground swimming pool with deck and pool house) and related improvements including the demolition of three (3) buildings, installation of a septic system, landscaping, and outdoor lighting on a ± 62.9 acre parcel of land (TMP# 6175-00-270556) in the Town’s Waterfront Conservation and Historic Landmarks Overlay Zoning Districts.

Location: 40 Davis Lane, 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 Full Environmental Assessment Form (EAF) for the action dated September 9, 2008 and revised October 20, 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 Hudson River National Historic Landmark District, which is on the State and National Registers of Historic Places. The applicant proposes to demolish three buildings to allow for construction of the outdoor recreation facility and other site improvements. According to Hudson River Heritage and the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), the three buildings proposed to be demolished are contributing elements to the Hudson River National Historic Landmark District and are listed in the National Register of Historic Places. The Planning Board has carefully reviewed the condition, history and location of the three buildings. The greenhouse is in such an advanced state of disrepair that it cannot be restored; the majority of the glazing has been lost, vegetation is growing through the window openings, and the wood framing and interior finishes have been damaged by water infiltration, rodents and insects. The dairy barn, over the years, has been adapted and renovated, both inside and out, to such an extent that its historic integrity has been lost and a restoration is virtually impossible. In addition, the building has been vandalized and nothing worth salvaging remains. Moreover, the barn was not built on a permanent foundation, and is currently structurally unsound and beyond repair. The brown cottage is a much later addition to the property, constructed c. 1940. It was originally constructed as servant's quarters, but is poorly located within full view of the main house. The Planning Board has determined that removal of this structure will enhance the property by restoring it to its original historic condition. To mitigate the demolition of the greenhouse and dairy barn, the applicant will provide a Level III HABS/HAER documentation of these structures prior to demolition, and this documentation will be placed on file with the Egbert Benson Historical Society, Hudson River Heritage, and NYS OPRHP. The Planning Board has determined that these measures will mitigate potential impacts to historic resources to the extent practical.

4. The project site is within an area that has been identified as sensitive for archaeological resources. The applicant submitted a Phase IA and IB Archaeological Survey prepared by City/Scape Cultural Resource Consultants, dated February 2009. Four shovel tests located approximately 100' west of the existing house yielded prehistoric cultural material and radial testing in this area was performed. OPRHP reviewed the Archaeological Survey and, in correspondence dated February 27, 2009 and April 16, 2009 stated that it recommends that a Phase II site examination be conducted. The applicant is working with OPRHP to identify the area of archaeological concern, and has agreed to perform a Phase II study in this area if recommended by OPRHP. No permit may be issued for any work within the area of archaeological concern without the prior submission of a Phase II archaeological study if recommended by OPRHP, and, if required, a Phase III site data recovery. The applicant will submit a site form to OPRHP for the Phase I report. The Planning Board has determined that these measures will ensure that no significant adverse environmental impacts to cultural resources will occur.

5. Federal jurisdictional wetlands are located on the project site. The wetlands were field delineated, and the delineation was verified by an independent third party. The enlargement of an existing pond will be performed during the dry season when flow from the pond is minimal or non-existent, and erosion and control measures, especially from the pond outlet, will be employed to minimize impacts of such activity on wetlands. No trees will be planted in the wetlands in the vicinity of the proposed pool, and the applicant will maintain the orchard proposed adjacent to these wetlands organically, without the use of chemical fertilizers or pesticides. The proposed pool will not be drained and will not discharge into the area of wetlands; moreover, the pool will utilize a non-chemical sanitation treatment system to further minimize the potential impacts of harmful pollutants on wetlands. No significant adverse environmental impacts to wetlands are anticipated as a result of the action.
6. The project site is adjacent to a designated Significant Coastal Fish and Wildlife Habitat, which is part of the NYS's Coastal Management Program. No disturbance to the designated habitat is proposed, and the Planning Board has determined that no impacts to species of conservation concern will occur as a result of the action.
7. The applicant proposes to remove a number of trees on site, including seven trees located along the edge of the bluffs. With the exception of one 36" oak tree, which has substantial damage to its main trunk, all of the remaining six trees proposed to be removed in this area are small understory trees that have grown up since the property was originally landscaped. The removal of these understory trees will restore the property's original landscaping, with glimpses of the house from the Hudson River. The proposed pool house will be constructed with wood siding that will weather to gray and will blend with the natural environment. The pool house will not project above a ridgeline, and will be screened by existing vegetation so that it is visually inconspicuous from the Hudson River. The Planning Board has determined that no significant adverse environmental impacts to aesthetic resources are anticipated as a result of the action.
8. The subject property is located on Woods Road, which is a designated scenic corridor in the Town's adopted Open Space Plan. The site improvements will not be visible from Woods Road. The Planning Board has determined that no significant adverse impacts on scenic resources will occur as a result of the action.
9. The project site is located within the Town's Local Waterfront Revitalization Area. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board has reviewed the LWRP policies and has determined that the proposed outdoor recreation facility is consistent with the coastal policies.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board 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)

Teviot Property, LLC (applicant)

Sue Crane, Town Supervisor

Town of Red Hook Town Board

Dutchess County Department of Health

NYS Department of Environmental Conservation

NYS Office of Parks, Recreation, and Historic Preservation

NYS DEC Environmental Notice Bulletin
enb@gw.dec.state.ny.us

Resolution Granting Special Use Permit Approval for an Outdoor Recreation Facility

Name of Project: Teviot Estate Improvements

Name of Applicant: Teviot Property, LLC

Date: June 1, 2009

Whereas, the applicant has submitted an application for a Special Use Permit dated November 6, 2008 to the Town of Red Hook Planning Board to construct an outdoor recreation facility (consisting of an inground swimming pool with deck and pool house) on a ±62.9 acre parcel of land (TMP# 6175-00-270556) located at 40 Davis Lane in the Waterfront Conservation and Historic Landmarks Overlay Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan prepared by The Chazen Companies (Sheets T1, SP1, SP2, SD1, SD2A, SD2B dated 12/8/08 [sic] and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09; Sheet SP3 dated 12/8/08 [sic] and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09, 3/26/09, and 5/18/09; Sheet SP4 dated 12/8/08 [sic] and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09, 3/26/09, and 5/21/09; Sheets EC1 and EC2 dated 9/9/08 and revised 11/5/08, 3/4/09); a Landscape Plan prepared by Burton & Company dated May 2009; a Site Lighting Plan prepared by Burton & Company (Sheets L-3 and L-4) dated 12/8/08 and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09; a Parcel Map and Notes, Site Plan Details, and Site Photos (Sheets 1.01, 1.02, and 2.01) prepared by Timothy A. Lynch, PE, PC dated April 6, 2009; and Pool House Elevations (Sheet A-200 and A-201) dated August 18, 2008; and

Whereas, the Zoning Board of Appeals in its Findings and Interpretation dated February 11, 2009 interpreted the proposed swimming pool and pool house as an “outdoor recreation facility,” which is a special permitted use in the WC District; and

Whereas, on January 18, 2009, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type 1 action pursuant to SEQRA; and

Whereas, on June 1, 2009, the Planning Board, in consideration of the Full EAF and the ‘criteria for determining significance’ set forth in 6 NYCRR Part 617.7(c) determined that the proposed outdoor recreation facility will not cause any potential significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on March 6, 2009, the Planning Board conducted a public hearing on the Special Use Permit application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board has reviewed the application for Special Use Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and with the specific standards for outdoor recreation facilities found in § 143-72 and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board has reviewed the application for Special Use Permit against the policies of the Local Waterfront Revitalization Program and finds that the proposed outdoor recreation facility is consistent with such policies; and

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

Now therefore be it resolved, that the Planning Board grants Special Use Permit to Teviot Estates, LLC to construct an outdoor recreation facility (consisting of an inground swimming pool with deck and pool house) on a ±62.9 acre parcel of land (TMP# 6175-00-270556) located at 40 Davis Lane in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- D. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.

On a motion by Sam Harkins, seconded by Wil LaBossier, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on June 1, 2009.

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

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Site Plan Approval to Teviot Estate Improvements (Outdoor Recreation Facility)

Name of Project: Teviot Estate Improvements (Outdoor Recreation Facility)

Name of Applicant: Teviot Property LLC

Date: June 1, 2009

Whereas, the applicant has submitted an application for Site Plan approval dated September 8, 2008 to the Town of Red Hook Planning Board to construct an outdoor recreation facility (consisting of an inground swimming pool with deck and pool house) on a ±62.9 acre parcel of land (TMP# 6175-00-270556) located at 40 Davis Lane in the Waterfront Conservation and Historic Landmarks Overlay Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Site Plan prepared by The Chazen Companies (Sheets T1, SP1, SP2, SD1, SD2A, SD2B dated 12/8/08 [sic] and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09; Sheet SP3 dated 12/8/08 [sic] and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09, 3/26/09, and 5/18/09; Sheet SP4 dated 12/8/08 [sic] and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09, 3/26/09, and 5/21/09; Sheets EC1 and EC2 dated 9/9/08 and revised 11/5/08, 3/4/09); a Landscape Plan prepared by Burton & Company dated May 2009; a Site Lighting Plan prepared by Burton & Company (Sheets L-3 and L-4) dated 12/8/08 and revised 11/5/08, 12/15/08, 2/25/09, 3/4/09; a Parcel Map and Notes, Site Plan Details, and Site Photos (Sheets 1.01, 1.02, and 2.01) prepared by Timothy A. Lynch, PE, PC dated April 6, 2009; and Pool House Elevations (Sheet A-200 and A-201) dated August 18, 2008; and

Whereas, on January 18, 2009, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type 1 action pursuant to SEQR; and

Whereas, on June 1, 2009, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed outdoor recreation facility will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Zoning Board of Appeals since the Zoning Law prohibits customary accessory structures incidental to a permitted use in the WC Zoning District; and

Whereas, the applicant applied to the Zoning Board of Appeals for an interpretation of the Zoning Law, and on February 11, 2009, the Zoning Board of Appeals, after conducting a public hearing at which time all interested persons were

given the opportunity to speak, issued its Findings and Interpretation, classifying the proposed swimming pool and pool house as an “outdoor recreation facility,” which is a special permitted use in the WC District; and

Whereas, on March 6, 2009, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

Whereas, on June 1, 2009, the Planning Board granted Special Permit approval to Teviot Property LLC for an outdoor recreation facility (consisting of an inground swimming pool with deck and pool house); and

Whereas, the Planning Board has reviewed the application for Site Plan approval against the policies of the Local Waterfront Revitalization Program and finds that the proposed Site Plan for the outdoor recreation facility is consistent with such policies; and

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

Now therefore be it resolved, that the Planning Board grants Site Plan approval to Teviot Property LLC to construct an outdoor recreation facility (consisting of an inground swimming pool with deck and pool house) on a ±62.9 acre parcel of land (TMP# 6175-00-270556) located at 40 Davis Lane in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. That the applicant obtains the permits and approvals listed in the EAF.
2. That the applicant implement the environmental mitigation measures contained in the Negative Declaration, including but not limited to submission of the Level III HABS/HAER documentation of the greenhouse and barn, and submission of a site form to OPRHP for the Phase 1 archaeological report.
3. That the site plan be revised to delete the proposed private heliport.
4. Revision of the site plan to show the area of archaeological concern in the vicinity of the proposed septic system, as identified by the applicant in consultation with the Office of Parks, Recreation and Historic Preservation.
5. Addition of a note to the site plan stating that, due to the discovery of archaeological artifacts on the property during the review of the site plan, no permit may be issued for work within the area of archaeological concern without the prior submission of a Phase II archaeological study if recommended by NYS OPRHP and, if required, a Phase III site data recovery.

6. Addition of a note to the site plan stating that the proposed orchard will be maintained organically without the use of chemical pesticides or fertilizers
7. Addition of a note to the site plan stating that the enlargement of the existing pond will be performed during the dry season when flow from the pond is minimal or non-existent.
8. Addition of a note to the site plan stating that the proposed pool will utilize a non-chemical sanitation treatment, either copper ionization or an ozone system.
9. Addition of a note to the landscaping plan indicating the size of trees and shrubs at the time of planting.
10. Submission of a revised Site Lighting Plan to show that each tree proposed to be lit will be lit with no more than the equivalent of 50 watts incandescent.
11. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
12. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling unit sites will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

On a motion by Wil LaBossier, seconded by Charlie Laing, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on June 1, 2009.

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

Betty Mae Van Parys, Clerk to the Board

Date

617.7 and 617.12

State Environmental Quality Review (SEQR)

Resolution Adopting Positive Declaration for

Teviot Estate Improvements (Private Heliport)

Whereas, the Town of Red Hook Planning Board has received an application to construct a private heliport on a ± 62.9 acre parcel of land (TMP# 6175-00-270556) in the Town's Limited Development and Historic Landmarks Overlay Zoning Districts, in the Town of Red Hook, Dutchess County, New York; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 1 action;

Whereas, on December 18, 2008, the Planning Board declared its intent to be lead agency for a coordinated review of the proposed action; and

Whereas, after the statutory 30 day circulation period and having received no objections from any of the involved agencies, the Planning Board declared itself lead agency in the environmental review of the action on January 18, 2009; and

Whereas, the Planning Board has reviewed an Environmental Assessment Form for the action dated September 9, 2008 and revised October 20, 2008, and the "Criteria for Determining Significance" outlined in 6 NYCRR Part 617.7(c) and has given due consideration to the potential environmental impacts of the proposed action.

Now Therefore Be It Resolved, that the Planning Board of the Town of Red Hook hereby adopts the Positive Declaration annexed hereto; and

Be It Further Resolved, that the Planning Board hereby authorizes the Chairwoman to file the Positive Declaration in accordance with 6 NYCRR 617.12(b) and to otherwise discharge the Board's responsibilities with regard to SEQR.

On a motion by Wil LaBossier, seconded by Sam Harkins, and a vote of 4 for, and 0 against, and 3 absent, this resolution was adopted on June 1, 2009

617.7 and 617.12

State Environmental Quality Review (SEQR)

Positive Declaration

Notice of Intent to Prepare a Draft Generic Environmental Impact Statement (DGEIS)
Determination of Significance

Date: June 1, 2009

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 Planning Board of the Town of Red Hook, as Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Actions: Teviot Estate Improvements (Private Heliport).

SEQR Status: Type I
Unlisted

Description of Action: The proposed action is the construction of a private heliport on a ± 62.9 acre parcel of land (TMP# 6175-00-270556) in the Town's Limited Development and Historic Landmarks Overlay Zoning Districts.

Location: 40 Davis Lane, Town of Red Hook, Dutchess County, NY

Reasons Supporting This Determination:

1. The character and appearance of the proposed action is not in general harmony with the character and appearance of the surrounding neighborhood due to the historic nature of the property and the surrounding area. In considering the impact of the proposed project on historic resources, the Planning Board finds that **there may be a significant adverse environmental impact on historic resources and issues a positive declaration.**
2. The proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. It will result in estimated noise levels of 75 dB at the closest property boundary to the north during takeoff and landing of helicopters. According to the US Department of Housing and Urban Development's noise standards for assessing impacts of noise on residential properties, noise levels greater than 75 dB are "unacceptable." In addition, the proposed action will result in vibrations from blade swap, which may have impacts on nearby structures. The proposed action may be more objectionable than the operation of any other permitted principal use due to noise and vibrational impacts. In considering the impact of the proposed project, the Planning Board finds that **there may be a significant adverse**

environmental impact resulting from noise and vibration and issues a positive declaration.

3. The project site is located up river from a bald eagle nesting site on Cruger Island in Tivoli Bays, a designated NYS Important Bird Area and NYS Bird Concentration Area. NYS DEC states that special concern should be given to bald eagles nesting on Cruger Island. The Planning Board finds that **there may be a significant adverse environmental impact to bald eagles resulting from the landing and take off of helicopters in proximity to Tivoli Bays and issues a positive declaration**
4. The proposed heliport is obviously different from and in sharp contrast to the surrounding low density residential land uses and to Clermont State Park north of the project site. Additionally, the Planning Board finds that the proposed landing and take off of helicopters may have a significant adverse environmental impact to users' enjoyment of the aesthetic qualities of the State Park. The Planning Board finds that **there may be a significant adverse environmental impact on aesthetic resources and issues a positive declaration**
5. The Planning Board has reviewed the proposed action against the community standards required for residential development in the Historic Landmarks Overlay District found in § 143-46B(3) and finds that the proposed private heliport may not be in harmony with the objectives of the Comprehensive Plan of the Town of Red Hook, and therefore finds that **there may be a significant adverse environmental impact on the character of the community or neighborhood and issues a positive declaration.**

Public Scoping of the Draft EIS will occur as follows:

The applicant has been directed to prepare a draft scoping document. At such time as it is prepared and submitted to the Lead Agency for review, the draft scoping document will be made available to the public for their input and a public scoping session will be scheduled. A separate Notice of Scoping Session will be sent to all Involved and Interested Agencies and advertised in the Town's official newspaper once a date has been selected. Afterwards, and within the required 60 day scoping period, the Planning Board will adopt a Final Scoping Document, thereby directing the applicant to prepare a Draft EIS in accordance with such Final Scope.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Sent to and Filed With:

Town of Red Hook Planning Board (Lead Agency)

Teviot Property, LLC (applicant)

Sue Crane, Town Supervisor

Town of Red Hook Town Board

Dutchess County Department of Health

NYS Department of Environmental Conservation

NYS Office of Parks, Recreation, and Historic Preservation

NYS DEC Environmental Notice Bulletin
enb@gw.dec.state.ny.us