

**APPROVED
TOWN OF RED HOOK PLANNING BOARD
MEETING MINUTES
March 16, 2015**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:40pm and confirmed the agenda.

A quorum was determined present for the conduct of business. Members present: Chairperson Christine Kane, Charlie Laing, Brian Walker, Sarah Gilbert and Kallie Robertson. Also present was planning consultant Michele Greig, engineering consultant Brandee Nelson and Planning Board attorney Joel Sachs.

Charlie Laing made a motion to adopt the minutes of March 2. Brian Walker seconded and all members voted in favor.

Ms. Kane announced that the Public Hearing for Willms Revocable trust and R&R Development of Red Hook, Inc. would be adjourned until the next meeting because the applicant has not yet submitted a site plan for the project. She further clarified for the record that when the Public Hearing was opened in November it was for a lot line alteration only. She said the project now includes a site plan and subdivision as well. She said the hearing thus far should be considered informational only. Michele Greig further clarified that because the hearing was opened before the conclusion of SEQR, it must be considered informational only. Ms. Kane said that the Public Hearing will be re-noticed after the applicant has submitted the site plan and SEQR is concluded on the entire three part project.

CONTINUED PUBLIC HEARING

Murphy Accessory Apartment – 163 Hapeman Hill Road – Special Permit

Continued public hearing on special permit for an accessory apartment on a 3.15 acre parcel located in the RD3 zoning district.

Debra Murphy was present to represent her application. Ms. Kane explained that the Murphys went to the Zoning Board of Appeals for a variance on the size of the apartment, but later withdrew the variance request after hiring an architect to draw the floor plan of the apartment and calculate the habitable space, which turned out to be 526 square feet, well under the maximum of 650 square feet. She said the Town Building Department reviewed the plans and sent a memo to the Planning Board indicating that they agree with the habitable space calculations are consistent with the NYS code.

Ms. Kane said the applicants extended the deadline by which the board must render a decision until April 20 due to the time spent at the ZBA so that review can continue.

Ms. Kane asked if there were any comments from the public. Beth Bishop, a neighbor, said that when the applicants were before the Zoning Board issues with the septic system were identified, and asked if the Planning Board would continue to resolve the issues identified at the ZBA. Ms. Kane said the Planning Board would indeed continue to review the issues that are still open. She said the applicant had been asked for information about the septic. Ms. Murphy provided information from the Dutchess County

Health Department showing the garage and apartment have a separate septic system from the main house.

Richard Hansen, 25 James Court, distributed photos he took of the building. He said the Murphy's new presentation omits two additional rooms above the garage. Ms. Murphy said that the rooms Mr. Hansen was referring to are storage rooms and not part of the apartment.

Mr. Hansen said that when the Murphys occupied the apartment while they were building their main home, they used those rooms. He said as far as he knows there have been no modifications made to the property, and that the two additional bedrooms should be included in the floor plan.

Ms. Kane replied that when the Board members visited the site, there was no connection to the apartment to the other rooms or the garage. Mr. Hansen asked how the family managed to live in a one bedroom apartment. Ms. Murphy said their child occupied the bedroom and she and her husband slept on a pull-out couch downstairs. Mr. Hansen was reluctant to accept that. Ms. Kane said what has been shown on the new submission of floor plans prepared by the architect is the unit that the board members saw on the site visit.

Mr. Hansen pointed out that the memo from building inspector Steve Cole and ZEA Bob Fennell was not signed. Ms. Kane replied that is a memo, and signatures are not required. Joel Sachs advised Mr. Hansen that if he disagrees with the building inspector's interpretation, the Planning Board does not have jurisdiction to overrule it, but Mr. Hansen can appeal to the Zoning Board.

Neighbor George Verilli said when the Murphys occupied the apartment they showed it to him, and upstairs there were two bedrooms and a bath. He said that as far as he was concerned there are two houses on the property, and he did not think it has been adequately shown that the septic system is approved for two individual dwellings. He said he felt that there was no way that the apartment would remain in compliance with the 650 habitable square feet when there is so much more additional room available. He asked how this was allowed to happen in the first place, and wondered what would happen when the Murphys left the property. He asserted that the Zoning Enforcement people did not do their job.

Ms. Kane said that Ms. Murphy had just supplied proof that the property has two septic systems. She said the definition of habitable square footage is different from traditional square footage. Mr. Verilli asked if Red Hook subscribed to the state habitable square footage code. Ms. Kane said yes. Michele Greig further clarified that habitable square footage only applies to apartments. Mr. Verilli asked what the applicants were going to do with the rest of the 1500 square feet in the building. Ms. Kane replied that it contains a garage which is an allowed use, and the board has no purview over how homeowners use their garage. She said the board is only looking at an accessory apartment use that is allowed in the zone with a special permit.

Neighbor Larry Bishop said he agreed with Mr. Verilli and also had great doubts that the apartment would remain as permitted. He added that he had concerns about the traffic going in and out of the Murphy's property, including construction vehicles. Ms. Kane asked Ms. Murphy if there was still a daycare being operated on the property. Ms. Murphy said no. Ms. Kane asked about the construction vehicles and materials being stored on the property referred to by Mr. Verilli and Mr. Bishop. Ms. Murphy said that the materials were no longer stored on the property. She said the only construction vehicle on the

property is a dump truck, and her husband was currently looking for offsite storage for it. She said her neighbor Mr. Bishop was exaggerating the amount of traffic they create.

Mr. Hansen said he had obtained a sewage disposal report which alluded to the apartment septic system as being tied in to the expansion area of the system that serves the main house. He said the apartment must have its own expansion field. He said the current expansion area is approved to serve a 4 bedroom house. Ms. Kane said that the board would look into that.

Ms. Kane asked if any board members had questions for Ms. Murphy. There were none. Ms. Kane asked for a motion to close the public hearing. Charlie Laing made the motion, Sarah Gilbert seconded and all members voted in favor.

Ms. Greig said there were still some outstanding issues from her Oct. 1 memo to the board. She also said that the application must also be reviewed by the Dutchess County Planning department due to its proximity to a farming operation. Ms. Kane said that that would take 30 days. She asked planning staff to send a copy of Ms. Grieg's memo to the applicants.

Ms. Kane asked the town engineer to review the septic information submitted for the next meeting.

OLD BUSINESS

Preserve at Lakes Kill – Feller Newmark Road – Major Subdivision

Discussion Preliminary Subdivision Plat Approval to create 11 residential lots, one lot for the community septic system, and one open space parcel on approximately 100.45 acres in the AB (Agricultural Business) and RD3 (Rural Development 3) zoning districts.

Attorney John Wagner was present to represent the applicants. He said that the applicants have made a request to the Town Board that they petition to reduce the posted speed limit on an 800 foot segment of Feller Newmark Road to 25 miles per hour to the County Department of Public Works, which in turn makes the request to the NYS Department of Transportation. He said the Town Board, at its most recent meeting, did adopt a resolution to make the request to the County Department of Public Works. He said his understanding is that it can be a lengthy process.

Mr. Wagner said that the applicant does not have the power to obtain a reduction in the speed limit, which the Board had made a condition of preliminary approval for the project.

Kallie Robertson made a motion for the board to go into executive session to discuss pending litigation. Sarah Gilbert seconded and all members voted in favor. The board went into executive session at 8:15pm. At 8:30 the meeting was reopened on a motion by Charlie Laing seconded by Brian Walker and carried unanimously.

Ms. Kane said that the issue the board has been presented with is the condition II (S) in the preliminary approval that requires the applicants to obtain a reduced speed limit for a segment of Feller Newmark Road. She said that the applicant does not have the power to do that, and therefore the issue before the board was whether or not to amend the preliminary approval to remove the words "and obtain". She said that changing the approval document would require the board to revisit SEQ. R.

The Board reviewed an environmental assessment form prepared with the change in wording in mind. Mr. Wagner reviewed it and signed it on behalf of the applicant. The Board then reviewed a draft negative declaration prepared to reflect the change. Charlie Laing made a motion to approve the Negative Declaration with changes discussed. Kallie Robertson seconded and all members voted in favor. The Board then reviewed a draft resolution amending the condition II (S) to strike the words "and obtain" in the language of that condition. Brian Walker made a motion to adopt the resolution. Charlie Laing seconded and all members voted in favor.

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision, Preliminary Plat and Site Plan

Continued discussion of revised Sketch Plat/Plan for preliminary subdivision plat and site plan approval to create 102 residential units on approximately 52 acres of land of which approximately 50 will be developed as a Traditional Residential Neighborhood in the TND (Traditional Neighborhood District - Residential) zoning district.

Richard Rang was present to represent the applicants. The Board reviewed the Part 2 Environmental Assessment Form and corrected an error in the response to question 4b.

Ms. Kane acknowledged the receipt of a letter from the applicants applying to incentive zoning for 33 units. Michele Greig said the benefit to the town would be approximately \$660,000 which would fund the town's Protect Open Space program.

The Board reviewed the EAF part 3, and a draft Negative Declaration. Charlie Laing made a motion to adopt the Negative Declaration as revised. Sarah Gilbert seconded and all members voted in favor.

Mr. Rang reviewed for the board some of the amenities that will be included in the project, such as sports fields, a dog park, passive parks, playgrounds, community picnic and entertainment areas, walking trails and a community room.

The Board agreed that the Design Review Committee should review the project.

OTHER BUSINESS

Pre-application discussion – Gaslight Motel

Vanessa Shafer was present to discuss her proposed project to remodel and expand the Gaslight Motel in upper Red Hook which she and her husband plan to purchase from her grandmother. The 5.82 acre property has 2.3 acres in the Business District and 3.5 acres in RD3. There are currently 10 motel rooms and four buildings on the parcel. Ms. Shafer said their plan is to renovate all the buildings and add a new building with 6 rooms, and meeting and party space in one building. The septic system would need to be expanded and renovated as well, she said. The driveway would be modified and a large parking lot installed. She noted that there are wetlands present on the site and the Department of Environmental Conservation has flagged them.

Charlie Laing asked what the consequences of a parcel of land being divided into two different zoning districts. Michele Greig said she would have to investigate that, and advised the Shafers to start by reviewing the use tables in the zoning code. She said a zoning amendment is also a possible consideration, however it is an involved and lengthy process. Ms. Greig said delineating the wetlands would be the first thing that would need to be done.

Ms. Kane commented that she felt it was a good use for the property and the project compliments what is already there.

Pre-application discussion – Fitness Fusion

Realtor Margaret Mondello was present to represent the potential applicant, who would like to move her fitness club from the Chocolate Factory to 21 Glen Pond Road, a freestanding building that she is considering purchasing.

Ms. Mondello said the ZEO has determined that a club would be an allowed use. The building is 2700 square feet, she said, and was previously Eye Associates. The Board discussed whether the project would need site plan review, and generally agreed that it would. Ms. Kane said parking, signs and lighting would be reviewed.

OTHER BUSINESS

Christine Kane asked Michele Greig if the town board had referred to the Planning Board regarding the change of cottage sizes that the town is considering with respect to Hoffman TND. Staff was asked to follow up with the town clerk.

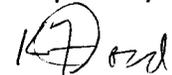
Ms. Kane said that an error has been discovered in the Oct. 6 minutes. Kallie Robertson made a motion that the minutes be changed to read that the board adopted a Resolution Establishing Lead Agency for an Unlisted Action Undergoing Uncoordinated Review for the Murphy accessory apartment.

Ms. Kane reminded board members that alternates are still needed for the Board.

Sarah Gilbert gave a report on the progress of accepting electronic submissions. Everyone agreed that Dropbox seems to be working well so far. Ms. Kane said she would like to eventually get to the point where everything can be projected on the wall of the room, but she was advised by the town attorney that changes would need to be made in the town regulations.

There being no further business to come before the board, Charlie Laing made a motion to adjourn. Brian Walker seconded and all members voted in favor.

Respectfully submitted,



Kathleen Flood
Secretary

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Preserve at Lakeskill Subdivision			
Project Location (describe, and attach a location map): Feller Newmark Road, Town of Red Hook, Dutchess County New York			
Brief Description of Proposed Action: The applicant seeks a modification to Condition II.S. of the preliminary plat approval resolution adopted for the proposed subdivision by the Planning Board on December 15, 2014. The applicant requests that the Planning Board eliminate the requirement in Condition II.S that the applicant "shall obtain" all necessary approvals for a reduction in the posted speed limit to 25 mph for the curve of Feller Newmark Road extending from 300 feet west of the proposed project entrance to 500 feet east of the proposed project entrance. The preliminary plat approval was adopted for the proposed subdivision of 100.45 acres of land (Tax Map Parcel Nos. 134889-6372-00-718975, 134889-6372-00-754955, 134889-6372-00-790095), located partially within the Town's RD3 District and partially within the Agricultural Business (AB) District, into 11 residential building lots. The proposed project will be a conservation subdivision that will permanently preserve approximately 89 acres (88.6% of the site) with a conservation easement.			
Name of Applicant or Sponsor: Landmark Properties of Suffolk Ltd.		Telephone: 631-744-5900	
		E-Mail:	
Address: 475 Route 25A			
City/PO: Rocky Point		State: NY	Zip Code: 11778
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 100.45 acres	
b. Total acreage to be physically disturbed?		_____ NA acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 100.45 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Landmark Properties of Suffolk Ltd.		Date: <u>3-16-15</u>
Signature: <u><i>John M. Pagan, Attorney</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Red Hook Planning Board	March 16, 2015
_____ Name of Lead Agency	_____ Date
Christine Kane	Chairwoman
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: MARCH 16, 2015

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: Modification to Condition II.S of the Preliminary Plat Adopted for the Preserve at Lakeskill Subdivision

SEQR Status: Type I [] Unlisted [x]

Conditioned Negative Declaration: [] YES [x] NO

Description of Action: The applicant seeks a modification to Condition II.S. of the preliminary plat approval resolution adopted for a proposed subdivision by the Planning Board on December 15, 2014. The applicant requests that the Planning Board eliminate the requirement in Condition II.S that the applicant "shall obtain" all necessary approvals for a reduction in the posted speed limit to 25 mph for the curve of Feller Newmark Road extending from 300 feet west of the proposed project entrance to 500 feet east of the proposed project entrance. The preliminary plat approval was adopted for the proposed subdivision of 100.45 acres of land (Tax Map Parcel Nos. 134889-6372-00-718975, 134889-6372-00-754955, 134889-6372-00-790095), located partially within the Town's RD3 District and partially within the Agricultural Business (AB) District, into 11 residential building lots. The proposed project will be a conservation subdivision that will permanently preserve approximately 89 acres (88.6% of the site) with a conservation easement.

Location: Feller Newmark Road, Town of Red Hook, Dutchess County New York

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 March 16, 2015, 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 proposed action will not result in any significant adverse impacts to air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or cause flooding problems because the action is limited to a minor revision to Condition II(S) of the existing Preliminary Subdivision Approval Resolution, adopted by the Planning Board on December 15, 2014, to make the Resolution more consistent with the existing Negative Declaration, adopted by the Planning Board on December 2, 2013, which states on Page 7, "The applicant will also pursue all necessary approvals for a reduction in speed for the curve on Feller Newmark Road in the vicinity of the site." The revision is also being considered in the context of settlement of litigation concerning the December 15, 2014 Resolution.
4. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? The proposed action will not result in any significant adverse impacts to aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character because the action is limited to a minor revision to Condition II(S) of the existing Preliminary Subdivision Approval Resolution, adopted by the Planning Board on December 15, 2014, to make the Resolution more consistent with the existing Negative Declaration, adopted by the Planning Board on December 2, 2013, which states on Page 7, "The applicant will also pursue all necessary approvals for a reduction in speed for the curve on Feller Newmark Road in the vicinity of the site." The revision is also being considered in the context of settlement of litigation concerning the December 15, 2014 Resolution.
5. The proposed action will not result in any significant adverse impacts to vegetation, fauna, fish, shellfish or wildlife species, significant habitat, or threatened or endangered species because the action is limited to a minor revision to Condition II(S) of the existing Preliminary Subdivision Approval Resolution, adopted by the Planning Board on December 15, 2014, to make the Resolution more consistent with the existing Negative Declaration, adopted by the Planning Board on December 2, 2013, which states on Page 7, "The applicant will also pursue all necessary approvals for a reduction in speed for the curve on Feller Newmark Road in the vicinity of the site." The revision is also being considered in the context of settlement of litigation concerning the December 15, 2014 Resolution.

6. The proposed action will not result in any significant adverse impacts to officially adopted plans or goals because the action is limited to a minor revision to Condition II(S) of the existing Preliminary Subdivision Approval Resolution, adopted by the Planning Board on December 15, 2014, to make the Resolution more consistent with the existing Negative Declaration, adopted by the Planning Board on December 2, 2013, which states on Page 7, "The applicant will also pursue all necessary approvals for a reduction in speed for the curve on Feller Newmark Road in the vicinity of the site." The revision is also being considered in the context of settlement of litigation concerning the December 15, 2014 Resolution.
7. The proposed action will not induce growth, subsequent development, or related activities because the action is limited to a minor revision to Condition II(S) of the existing Preliminary Subdivision Approval Resolution, adopted by the Planning Board on December 15, 2014, to make the Resolution more consistent with the existing Negative Declaration, adopted by the Planning Board on December 2, 2013, which states on Page 7, "The applicant will also pursue all necessary approvals for a reduction in speed for the curve on Feller Newmark Road in the vicinity of the site." The revision is also being considered in the context of settlement of litigation concerning the December 15, 2014 Resolution.
8. The proposed action will not result in significant adverse long-term, short-term, cumulative or other effects because the action is limited to a minor revision to Condition II(S) of the existing Preliminary Subdivision Approval Resolution, adopted by the Planning Board on December 15, 2014, to make the Resolution more consistent with the existing Negative Declaration, adopted by the Planning Board on December 2, 2013, which states on Page 7, "The applicant will also pursue all necessary approvals for a reduction in speed for the curve on Feller Newmark Road in the vicinity of the site." The revision is also being considered in the context of settlement of litigation concerning the December 15, 2014 Resolution.
9. No other impacts including changes in use of either quantity or type of energy have been identified.
10. The Planning Board concludes that the proposed action will no result in any significant adverse environmental impact.

For Further Information:

Contact Person: Kathleen Flood, 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)

The Preserve at Lakeskill

RESOLUTION

Amending Condition II(S) of December 15, 2014

Preliminary Subdivision Approval Resolution

WHEREAS, in conjunction with the resolution granting preliminary subdivision approval to The Preserve at Lakeskill dated December 15, 2014 (“Preliminary Subdivision Approval Resolution”), litigation has been commenced in Dutchess County Supreme Court entitled *Landmark Properties of Suffolk, Ltd; et al. v. Planning Board of Town of Red Hook, et al.* (Index No. 15-50069); and

WHEREAS, such litigation challenges the condition in paragraph II(S) of the preliminary subdivision approval resolution, which condition requires the applicant to pursue and obtain at its sole cost and expense all necessary approvals for a reduction in the posted speed limit to 25 miles per hour for the curve of Feller Newmark Road extending from 300 feet west of the proposed project entrance to 500 feet east of the proposed project entrance; and

WHEREAS, the Planning Board upon advice of counsel has been advised that the requirement that the applicant shall pursue “and obtain,” at its sole cost and expense all necessary approvals for a reduction in the posted speed limit is an improper condition and is beyond the authority of the Planning Board; and

WHEREAS, the Planning Board attorney has prepared a modification to condition II(S) of the Preliminary Subdivision Approval Resolution, which modification would eliminate the words “and obtain,” in paragraph II(S); and

WHEREAS, such proposed modification is an action of the Planning Board subject to SEQRA; and

WHEREAS, the Planning Board hereby retains its status of Lead Agency for the proposed modification of the Preliminary Subdivision Approval Resolution; and therefore

BE IT RESOLVED, that the Planning Board based upon a review of a short EAF prepared by Greenplan and dated March 16, 2015, hereby adopts the attached negative declaration pursuant to SEQRA in regard to the elimination of the words “and obtain” in condition II(S); and it is further

RESOLVED, that amended condition II(S) of the preliminary subdivision approval resolution shall read as follows: “The applicant shall pursue at its sole cost and expense all necessary approvals for a reduction in the posted speed limit to 25 mph for the curve at Feller-Newmark Road extending from 300 feet west of the proposed entrance to 500 feet east of the proposed project entrance,” and it is further

RESOLVED, that the applicant and the Dutchess County Supreme Court shall be notified of the aforementioned modification to condition II(S); and is further

RESOLVED, that all other terms and conditions of the December 15, 2014 Preliminary Subdivision Approval Resolution are unchanged and remain in full force and effect.

On a motion by **BRIAN WALKER**, seconded by **CHARLIE LAING**, and a vote of **CHRISTINE KANE, CHARLIE LAING, BRIAN WALKER, SARAH GILBERT AND KALLIE ROBERTSON** for, and **NONE** against, and **SAM PHELAN AND SAM HARKINS** absent, this resolution was adopted **MARCH 16, 2015**.

BRADLEY HOFFMAN

Date:

3-16-15

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

Type 1

Unlisted

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See attached discussion.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Red Hook Planning Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Hoffman Traditional Neighborhood Development

Name of Lead Agency: Town of Red Hook Planning Board

Name of Responsible Officer in Lead Agency: Christine Kane

Title of Responsible Officer: Chairwoman

Signature of Responsible Officer in Lead Agency:

Date: 3-16-15

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Kathleen Flood, Planning Board Clerk

Address: 7340 South Broadway, Red Hook, NY 12571

Telephone Number: 845-758-4613

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

617.7

State Environmental Quality Review (SEQR)**Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: March 16, 2015

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: Hoffman Traditional Neighborhood Development

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to create a traditional neighborhood development (TND) consisting of 102 dwelling units (including 20 TND Cottages, 20 TND Townhouses, and 62 TND Houses), a Community Center, Mail Kiosk, and associated civic spaces on \pm 52.05 acres of land (Tax Map Parcel Nos. 6272-00-103351, 6272-00-204261, and 6272-00-191306) located partially within the TND Residential Subdistrict and partially within the TND Commercial Center. The proposed project includes an application for Incentive Zoning, pursuant to § 143-49.2 of the Town's Zoning Law, for 33 incentive units. The existing single family residence located at 25 Old Farm Road will be demolished, and the existing commercial use located at 19 Old Farm Road will remain on a new 1.255 acre parcel. The project will be served by municipal water. Wastewater disposal will be by means of a new community subsurface sewage disposal system that will be designed to the standards of the Dutchess County Department of Health and the Dutchess County Water and Wastewater Authority, which will own and operate the system. The project includes the possible formation of water and/or sewer districts. New roads will be offered for dedication to the Town, and a Homeowners Association (HOA) will be created to maintain the rear lanes, civic spaces, sidewalks (with the exception of the sidewalk extension from the project site to Route 9), and street lighting. The HOA will also maintain all of the stormwater practices that are located outside of the Town right-of-way. Catch basins and pipes within the Town right-of-way will be maintained by the Town. The applicant has offered to work with the Town to identify an appropriate location for a trail connecting a portion of the site to the proposed Hucklebush Rail Trail, and will offer a trail easement to Town if an appropriate location can be

identified. The applicant has petitioned the Town Board for a Zoning amendment to increase the size of a TND Cottage from 1,200 square feet to 1,500 square feet. The application requires subdivision and site plan approval from the Planning Board, in addition to the approval for incentive zoning.

Location: 19, 25, and 45 Old Farm Road, Town of Red Hook, Dutchess County New York

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 25, 2014 and revised October 23, 2014, December 2, 2014, January 23 2015, and March 12, 2015, 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 proposed action will be constructed in a minimum of three (3) phases and will take approximately five years to complete. During construction, and prior to stabilization, there will be the potential for increased erosion due to reduced vegetation and increased ground disturbance. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. Development of the site will result in a disturbed area in excess of one acre. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) is required in order to obtain coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit. The applicant has submitted a SWPPP that outlines the erosion and sediment controls to be implemented during construction. The SWPPP states that "the existing watershed has 2.02 acres of impervious surface. The proposed development will add 10.44 acres for a total of 12.46 acres of impervious surface." The SWPPP includes an erosion and sediment control plan. It states that "silt fences, stabilized stone construction entrances, soil stock piles, concrete washouts, and seeding and mulching, as well as, other controls will be utilized as temporary surface water management features" and "steep slopes and exposed soils should be stabilized with silt fences, mulching blankets, geotextiles, geosynthetic drainage netting, hay or any other stabilization measure that will significantly reduce the risk of erosion." The majority of permanent stormwater features are utilizing infiltration practices. It should be noted that GP-0-10-001 expired on January 28, 2015; the new permit (GP-0-15-002) is currently available on the NYSDEC web site and shall be used. The applicant's SWPPP is generally in conformance with the new permit.

While the proposed total disturbance area exceeds 10 acres, the disturbance shall be specified to occur in phases. Although the current erosion and sediment control plan does not provide a phasing plan, the plan does specify that all areas of disturbance will be stabilized prior to disturbance of the next area. Temporary seeding specifications have been provided and require any areas that have been exposed for seven (7) days and are not subject to truck traffic be seeded with the temporary seeding. The applicant will submit a detailed construction phasing plan to ensure that they are not proposing to disturb greater than five (5) acres at a time. The plan will show erosion and sediment control and stabilization of each phase proposed to be developed. The Homeowners Association (HOA) agreement will include the long-term operation and

maintenance policy for the stormwater management facilities onsite. The project site is comprised of relatively flat grades and well-draining soils, and these features will minimize the intensity of erosion. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on land.

4. The proposed action will require the construction of new wastewater treatment facilities. The project will be serviced by an onsite community subsurface sewage disposal system (SDS) that will be designed to the standards of the Dutchess County Water and Wastewater Authority (DCWWA) and the Dutchess County Department of Health (DCDOH), which will review the system design, plans and specifications. The DCWWA will own and operate the system, following approval by the DCDOH of the system design, plans and specifications. The DCDOH, as stated in its letter dated April 19, 2013, requires that a minimum flow of 110 gallons per day (gpd) per bedroom be utilized when sizing the sewage disposal system. Although the applicant proposes variations in the number of bedrooms (1, 2 or 3 bedrooms) per unit, a "worst case" flow rate that assumes all units have 3 bedrooms has been provided. The total flow is therefore calculated at 3 bedrooms per unit x 102 units x 110 gpd per bedroom = 33,660 gallons per day. Including the existing 5,000 sq. ft. commercial building at 19 Old Farm Road the proposed sanitary sewer estimate for the proposed development is 34,060 GPD. The DCDOH does not require added flows for the proposed community center. Soil tests conducted by the applicant and witnessed by the DCDOH show the site has a consistent sandy soil with a percolation rate between two (2) and five (5) minutes. The site is ideal for onsite subsurface sewage treatment. The proposed system will provide sewer treatment for the 102 proposed dwelling units and existing commercial building with a 100% expansion area, as required by the DCDOH.

A New York State Department of Environmental Conservation (NYSDEC) regulated wetland (KE-3) is present on the project site. The wetland and its 100' adjacent area comprise approximately 19 acres of the property. The NYSDEC Environmental Resource Mapper identifies KE-3 as a Class II wetland. Federal jurisdictional wetlands are located within the NYSDEC wetland. A field delineation of on-site wetlands was conducted by Ecological Solutions, LLC, in accordance with the methodologies of the Army Corps of Engineers (ACOE) *Wetland Delineation Manual* (1987) and New York State Department of Environmental Conservation (NYSDEC) *Freshwater Wetlands Delineation Manual* (1995). The delineation was validated by the NYSDEC on November 9, 2011. No vernal pools were identified on the property.

The proposed project has been designed to locate all development and associated improvements outside the NYSDEC wetland and its required 100' adjacent area. Property boundaries for the individual residential lots will end at the 100' adjacent area to the NYSDEC wetland, and a split rail fence or other means of delineation acceptable to the Planning Board and the NYSDEC will be installed to delineate the adjacent area. The HOA agreement will stipulate that the split rail fence or other means of delineation is not to be removed and no disturbance to the NYSDEC wetland and the 100' adjacent area shall be permitted. The 100' wetland adjacent areas shall be protected prior to construction activities on the site. An existing gravel farm road, which will be used as a pedestrian trail, is located within the 100' adjacent area, but this road will not be improved or modified in any way. No filling or dredging or other construction impacts will occur to on-site wetlands or the 100 adjacent area as a result of the project. Since there is no proposed disturbance to the wetlands or their associated buffers, no permitting is sought, and no impacts to protected waters will occur.

The NYSDEC Environmental Mapper shows a Class C tributary of the Rhinebeck Kill (9H-136-6-a) is located on the property. However, the applicant has submitted correspondence from their biologist Ecological Solutions, LLC dated March 13, 2015 stating that the NYSDEC mapper is out of date. Wetlands and watercourses on the property were delineated by Ecological Solutions and no watercourse was observed on the area of the site in question. The delineation was verified by the NYSDEC. If a watercourse previously existing in this area, it was likely eliminated at the time the existing commercial developments were constructed between the project lands and Route 9. Existing Town and private storm drainage systems are located in the area, collecting storm runoff from the Town road and movie theater parking lot. Since the site no longer contains a Class C tributary, no impacts to a stream will occur.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on surface water.

5. The proposed project will connect to the Village of Red Hook water distribution system. The Village of Red Hook has a water supply yield of 330 gallons per minute (gpm) or 475,200 gallons per day with the largest well out of service. The Village has a maximum day water usage of 320,000 gpd. The Village also has a committed flow of 44,000 gpd for future developments in the community. The remaining Village capacity is 111,200 gpd, which exceeds the maximum day flow for the proposed project. The Village of Red Hook has indicated, in correspondence dated February 27, 2015, that it intends to supply water to the project, and believes the capacity of the Village water supply system will be sufficient to service the project. The proposed action will require the construction of new wastewater treatment facilities which, as discussed above, will be designed to the standards of the DCWWA and DCDOH. The DCWWA will own and operate the system. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on groundwater.
6. Correspondence from NYSDEC Natural Heritage Program dated October 17, 2011 indicates that there are no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of the property. A review of the US Fish and Wildlife Service website indicates that Dutchess County contains habitat for two federally listed endangered species, the Indiana bat (*Myotis sodalis*) and dwarf wedgemussel (*Alasmidonta heterodon*), one threatened species, the bog turtle (*Clemmys mublenbergii*), and one candidate species, the New England cottontail (*Sylvilagus transitionalis*). Blanding's turtle (*Emys blandingii*) also occurs in the Town.

The applicant prepared a Threatened and Endangered Species Habitat Suitability Assessment Report and a Blanding's Turtle Trapping Survey Report (both prepared by Ecological Solutions, LLC and dated June 1, 2012) for the project site to examine potential impacts of the project on threatened and endangered species. The project area is undeveloped and contains upland meadow only; no trees are located in the area proposed for development, and therefore no impacts to Indiana bats are expected since no tree removal will occur. The forested wetland on the property contains a mucky soil component at the western section of the wetland, but does not possess groundwater derived hydrology associated with bog turtle habitat. The wetland is densely canopied and does not contain the low growing wet meadow/fen habitat characteristics associated with bog turtle habitats. There are no potential habitats for this species on or within 300' of the property. The dwarf wedgemussel requires a watercourse with fish populations as primary habitat and to complete its life cycle; there is no habitat on the property that meets these criteria. The New England cottontail requires dense thickets as habitat; there is no habitat on the property for this species to potentially utilize.

The habitat suitability assessment indicated that the property has the components for potential use by Blanding's turtle. Based on recommendations from Ms. Lisa Masi, the Endangered Species Biologist for NYSDEC Region 3, the applicant's biologist conducted a 10-day live-trapping and observation survey for Blanding's turtle on the property from May 18 to May 29, 2012. A number of snapping turtles (*Chelydra serpentina*) and painted turtles (*Chrysemys picta*) were captured in the traps. However, no Blanding's turtles were trapped or observed on the property during the survey.

The two reports prepared by Ecological Solutions, LLC were reviewed by the Planning Board's consultant ERS Consultants, Inc. Based on comments from ERS Consultants, the applicant's Threatened and Endangered Species Habitat Suitability Assessment Report was revised July 13, 2013. The revised report included a study conducted to determine wildlife utilization within the meadow portion of the site. No threatened or endangered wildlife species were observed within the upland meadow, and ERS Consultants advised the Planning Board that no additional studies were recommended.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on plants and animals.

7. The proposed action will impact soils classified within soil group 1 through 4 of the NYS Land Classification System, and will irreversibly convert more than 10 acres of agricultural land to non-agricultural uses. Approximately 29 acres of prime agricultural soils (Haven [HeA]) are located on the project site in the area proposed to be developed. However, the project site is located in an area that the Town's *Comprehensive Plan* has identified as suitable for development. In July 2011, the Town amended its Zoning Law to create the TND District adjacent to the Village of Red Hook, consistent with the recommendations of the *Comprehensive Plan* that new development should occur adjacent to the Villages, particularly south of the Village of Red Hook, which is where the site is located. Moreover, the applicant has requested the approval of 33 incentive units pursuant to § 143-49.2 of the Town's Zoning Law, and will be providing a community benefit of approximately \$660,000, which will be paid to the Town's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the Agricultural Business (AB) Zoning District. This will permanently protect a critical mass of agricultural land in the Town's AB District. The proposed action is consistent with the recommendations of the Dutchess County *Agricultural and Farmland Protection Plan*, which notes that "concentrating development in and around community centers reinforces the economic vitality of village centers and supports existing local businesses." The project site is adjacent to a farm operation in a certified NYS Agricultural District. However, the closest proposed building will be located more than 500' from lands in agricultural use, and is separated from these lands by a NYSDEC wetland and its regulated 100' adjacent area. Thus adjacent agricultural lands will be well buffered from the proposed project, consistent with the Town's Subdivision Regulations, which recommend a minimum 200' buffer between residential development and adjacent agricultural operations. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on agriculture.
8. The project site is located within an area that has been identified as sensitive for archaeological resources. A Phase IA Literature Review and Archaeological Sensitivity Assessment, Phase IB Archaeological Field Reconnaissance, and Phase II Archaeological Field Reconnaissance prepared by Hartgen Archaeological Associates (January 2013) was submitted by the applicant to assess potential impacts on historic and archaeological resources. The Phase I and II investigation was conducted to comply with § 14.09 of the State Historic Preservation Act in

accordance with the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by the NYS Office of Park, Recreation and Historic Preservation (OPRHP). The report was prepared according to OPRHP's *State Historic Preservation Office (SHPO) Archaeological Report Format Requirements* (2005).

The project site consists of approximately 52 acres, ± 30 acres of which (the Potential Area of Effect or APE) will be disturbed. Archaeological site files at OPRHP and the New York State Museum identified two reported archaeological sites within a one mile radius of the project area. The historic map data shows a railroad easement (the former Hucklebush Rail Line) dating from the mid to late 19th and early 20th centuries traversing the westernmost perimeter of the project area, which gives the area the potential for yielding railroad related artifacts dating from the 19th and 20th centuries. The absence of map documented structures within or directly adjacent to the project area suggests a low potential for yielding intact historic habitation materials dating from the 19th century or earlier. No inventoried buildings or properties listed on the State or National Registers of Historic Places are located adjacent to the project area; the nearest National Register listed property is St. Margaret's Home, which is located approximately 1,500 feet southeast of the project area.

The combined Phase I and II archaeological excavations conducted at the site included the excavation of 20 reduced interval shovel tests and three (3) 1 x 2 meter units. The excavations yielded a small lithic assemblage consisting of one scraper and 19 debitage fragments. The site is interpreted as a small hunting/processing station that was occupied possibly by one or two individuals for a very short duration. The Phase II excavations revealed the site is confined to the Level I plow zone and to an area of less than 25 square meters. Nine square meters (36%) of the core portion of the site was excavated yielding an average of 1.6 precontact artifacts per square meter. Continued excavation at the site would result in the accumulation of similar material and a very limited artifact assemblage. Therefore, the site is not considered National Register Eligible, and no further investigation is recommended.

NYS OPRHP has reviewed the project in accordance with § 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800--Protection of Historic Properties. In its review letter dated August 14, 2013, OPRHP has determined that there will be "No Historic Properties Affected [as per 36 CFR Section 800.4(d) (1)] as a result of the proposed project."

To commemorate the former Hucklebush Rail Line that ran through the property, the applicant will provide an historic information post and will work with the Town's Conservation Advisory Council and Trails Committee on the desired location and design of the commemorative post. The applicant will also provide a trail easement extending from the proposed road/sidewalk network through the unencumbered open space parcel to extend public trail access on the site.

Based on the foregoing, the Planning Board has concluded that no significant adverse environmental impacts to historic and cultural resources will occur.

9. The proposed project may alter the present pattern of movement of people or goods resulting from the construction of 102 dwelling units. The applicant submitted a Traffic Impact Study prepared by Maser Consulting P.A. dated June 24, 2014, which was reviewed by the Planning Board's traffic and safety consultant FitzPatrick Engineering, LLC. Traffic counts were collected to establish the Existing Traffic Volumes for the study area intersections, which include Old Farm Road and Route 9; Rokeby Road/Hannaford Drive and Route 9; Amherst Road/Firehouse

Lane and Route 9; Route 199 and Route 9; and Old Farm Road and the proposed site access roads. The existing volumes were then projected to a 2017 Design Year to take into account expected increases in traffic due to normal background traffic growth and to account for other miscellaneous development traffic in the area. Estimates of traffic from other specific potential developments were also computed and added to the projected volumes to obtain the No-Build Traffic Volumes (i.e., without the proposed project). Estimates of the traffic generated by the proposed project were then made based on information published by the Institute of Transportation Engineers. These volumes were added to the No-Build Traffic Volumes to obtain the Design Year Build Traffic Volumes (i.e., with the proposed project). Based on the procedures contained in the *2010 Highway Capacity Manual*, the traffic volumes were then compared to roadway capacities to determine existing and future Levels of Service and operating conditions.

Projected vehicle trips resulting from the proposed project during the peak AM and PM hours are estimated to be 17 vehicles entering the site and 61 exiting it during the Peak AM Hour, and 62 entering the site and 34 exiting it during the Peak PM Hour. The Traffic Impact Analysis concludes that the additional traffic generated by the proposed development will not significantly change the levels of service at the area intersections when compared to the No-Build conditions. However, the Town's traffic and safety consultant recommends that the Town and Village of Red Hook work with the NYSDOT to monitor the operations of the intersections of US Route 9 and Old Farm Road, and US Route 9 and Amherst/Firehouse Lane once the project is built. Mr. Fitzpatrick notes that the proposed project's additional traffic generation will probably not initially push the intersections into the condition where a traffic control signal would be justified, although the Route 9 and Amherst/Firehouse Lane intersection in the Village of Red Hook would be close from a peak hour perspective. However, any additional turning movements such as the northbound left-turns at Old Farm Road will increase delay, the degree of which cannot be perfectly quantified. It is important that these two intersection be monitored to determine when and if a higher degree of intersection control will be appropriate to ensure that they operate safely and efficiently. Although both of these intersections are the ultimate responsibility of the NYSDOT relative to control, their operation closely affects the Town and Village, which might want to explore mechanisms where funds can be contributed by developers for future infrastructure needs.

The access connections to Old Farm Road will be via three access roadways, which will be connected internally. Sight distances for all access roadways exceed the 35 mph sight distance, with one exception where existing trees block sight lines. To ensure adequate sight distances for exiting and entering vehicles, the existing trees will be removed as part of the development. Pursuant to existing Town and state regulations, any on-street parking along the site frontage of Old Farm Road will be restricted in the immediate vicinity of the site access roads to ensure that adequate sight distance is provided.

The applicant will provide a sidewalk on the west side of Old Farm Road for the entire site frontage, and has offered to install a sidewalk along Old Farm Road connecting the project site to Route 9 provided that there is adequate space within the right-of-way or the Town can negotiate an easement with the landowners. This will help to reduce traffic impacts by encouraging pedestrian activity.

The applicant will install a new double yellow centerline pavement marking on Old Farm Road in coordination with the Town.

Construction impacts on US Route 9 are expected to be minimal. Traffic from construction workers and from deliveries of materials to and from the site will be spaced out over time and is not expected to result in any significant impact on the local roadway system. A schedule of construction and any maintenance and protection of traffic plans will be provided as necessary prior to construction.

The Planning Board's traffic and safety consultant has reviewed the Traffic Impact Study and has advised the Board that the study is acceptable along with its recommendations and conclusions.

Based on the foregoing, the Planning Board concludes that no significant adverse environmental impacts on the transportation network will occur.

10. The proposed project is anticipated to result in an increase in energy use resulting from the construction of 102 dwelling units, a community center and a mail kiosk, with a total of more than 100,000 square feet of floor area requiring heating, cooling, and lighting when completed. The proposed action will require the extension of an energy supply system to serve the project. The proposed action is a residential development that will be constructed in an already suburbanized area within walking distance of an adjacent commercial center. All of the dwellings will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy efficient products in all new and renovated construction, and will be Energy Star compliant (i.e., 20% to 30% more energy efficient than standard homes) to minimize energy consumption, as required by Chapter 74 of the Town Code. The proposed action is consistent with the Town's Climate Smart Communities Pledge to ensure that new construction: is Energy Star compliant; is located where residents can readily bike or walk for local errands as often as possible to minimize energy use and transportation exhaust; includes LED bulbs in street lighting; and includes street trees to shade buildings to keep them cool in summer and reduce energy costs and capture carbon dioxide. These measures will minimize energy use. Construction of the proposed project will result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment; the level of energy consumption during construction is anticipated to be typical of similar developments in Dutchess County. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on energy.
11. There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities shall be limited to the hours of 8:00 am to 8:00 pm pursuant to Chapter 92 of the Town Code. All construction related noise and vibration will cease once construction is completed, and is therefore considered minor due to its temporary nature. All outdoor lighting will be fully shielded with full cut-off fixtures to prevent light trespass, glare and sky-glow, and to reduce the cost and waste of unnecessary energy consumption. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on noise and light.
12. The applicant has petitioned the Town Board for a Zoning amendment to increase the permitted size of a TND Cottage from a maximum of 1,200 square feet to a maximum of 1,500 square feet. The proposed amendment is consistent with the recommendations of the *Comprehensive Plan* to provide a range of housing types that are affordable to Town residents. The increase in the size of a TND Cottage to 1,500 square feet is also consistent with the recommendations for affordable housing in *Housing Designed to Build Neighborhoods: Affordable House Plans Inspired by Dutchess County Traditions*, published by the Dutchess County Department of Planning. This

booklet illustrates economically priced home designs that reflect the significant and varied architectural history of Dutchess County. It includes recommendations for affordable one- and two-story single family dwellings ranging in size from 1,120 square feet to 1,460 square feet. These affordable homes are based on local historic precedents that fit with the distinctive architecture of the Hudson Valley. The proposed amendment, which may result in an additional bedroom per TND Cottage unit, will not increase the overall residential density of the TND District and is therefore consistent with the GEIS adopted for Local Law No. 3 of 2011.

One of the proposed housing units, "Single Family Unit Type G," requires an area variance for a garage that is set back only 12' from the front facade of the dwelling rather than 20' as required. The plans will clearly indicate that the applicant or his successor who seeks to build this unit type shall be required to obtain an area variance from the Town of Red Hook Zoning Board of Appeals.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community plans.

13. The project has been designed to be of similar architectural character as existing residential neighborhoods in the historic Village of Red Hook, with similar building materials, window and door configurations, roof style, and architectural details and trim. The architectural design and layout of the proposed buildings will be further reviewed by the Planning Board during site plan review to ensure that the project is fully consistent with the purposes of the TND District to ensure that development adjacent to the Village of Red Hook is compatible with historic village building patterns and to ensure that buildings and landscaping contribute to the physical definition of streets as public spaces. The Planning Board may restrict certain units to be built on certain lots in order to meet the intent of the Zoning Law with respect building patterns and defining streets as public spaces. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community character.
14. The applicant submitted a demographic analysis, dated June 5, 2014, of the estimated number of school age children attending public schools that the proposed project will generate, based on multipliers provided by Rutgers University, Center for Urban Policy Research *Residential Demographic Multipliers* (June 2006). The analysis estimates that the proposed project will result in an increase of approximately 75 school age children, of which approximately 65 will attend public school. The applicant has also submitted a "worst case" scenario analysis, assuming that all dwelling unit types have three (3) to four (4) bedrooms; this analysis estimates that the proposed project would result in approximately 105 school age children, of which approximately 89 would attend public school. Both analyses were reviewed by the Superintendent of the Red Hook Central School District who, in correspondence dated August 20, 2014, stated that "after comparing enrollment projections from our internal demographic study with the projected enrollment anticipated in both of the analyses, it is the District's opinion that the Hoffman TND project will not have a significant impact on the Red Hook School District." Based on the foregoing, the Planning Board concludes that the propose project will not result in a significant adverse environmental impact on community services.
15. The proposed project includes an application for Incentive Zoning pursuant to § 143-49.2 of the Town's Zoning Law. Based on calculations provided by the applicant and reviewed by the Planning Board, the applicant is permitted a by-right density of 69 dwelling units, and has requested that 33 incentive units be approved. The community benefit that will be provided by

the applicant, consistent with § 143-49.2F(2)(a), is estimated to be \$660,000, which will be paid to the Town's dedicated open space reserve fund for utilization by the Town exclusively for the permanent protection of open space in the Agricultural Business Zoning District. The applicant has submitted a narrative that discusses the consistency of the proposed incentive zoning application with the Generic Environmental Impact Statement (GEIS) adopted for the Town of Red Hook Local Law No. 3 of the year 2011. The proposed project will not exceed the number of dwelling units permitted in the TND District, which is established as 300 dwelling units. As discussed in detail herein, the proposed application for 102 dwelling units, of which 33 will be incentive units, will not result in a significant adverse environmental impact. Based on the foregoing, the Planning Board concludes that the application for incentive zoning is consistent with the GEIS adopted for Local Law No. 3 of the year 2011.

16. The Town Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Kathleen Flood, 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)
Sue T. Crane, Town Supervisor
Red Hook Town Board
Village of Red Hook Board of Trustees
Dutchess County Health Department
Dutchess County Water and Wastewater Authority
New York State Department of Environmental Conservation
New York State Attorney General's Office
New York State Office of Parks, Recreation, and Historic Preservation
Kirchhoff Properties, LLC (applicant)
NYS DEC Environmental Notice Bulletin: enb@gw.dec.state.ny.us