

DRAFT

Town of Red Hook Planning Board Meeting Minutes November 21, 2005

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, Charles Laing, Sam Phelan, Paul Telesca, David Wright and Chair Christine Kane. John Hardeman was absent. Planning Consultant Michele Greig, Town Attorney Al Trezza and Town Board liaison Jim Ross were also present.

BUSINESS SESSION

Christine Kane confirmed the meeting agenda and said the next scheduled meeting would take place on Monday, December 5, 2005.

The minutes of the November 7, 2005 meeting had been sent to the members and reviewed. Michele Greig asked that the phrase “since that agency would be charged with monitoring the area” on page 3 be changed to “since it is a DEC regulated area.” Jennifer Fier made a motion to accept the revised minutes, and David Wright seconded the motion. All members present voted in favor.

Christine Kane urged all members to attend a Transfer of Development Rights strategy session given by Pace University Law Center on December 10, 2005. All members present said they would like to attend. The Clerk was asked to e-mail reminders.

PUBLIC HEARINGS

Bard College / Science and Computation Center – Campus Road – Site Plan

Richard Griffiths of Bard College was present for the continuation of the public hearing on an application for Site Plan Approval of an approximately 48,880 s.f. building and associated site improvements on an approximately 3.0-acre project site within the Institutional (I) and Hudson River National Historic Landmarks Districts.

Christine Kane said that a sign-off letter from NYS Parks, Recreation and Historic Preservation had been received for the project. She also said that Mr. Griffiths had submitted by e-mail an explanation of the rendering that showed the proposed building viewed at night from Annandale Road.

Sam Phelan said he still had not seen a view of the building from Annandale Road just north of the site. He believed the submitted rendering showed a view from the west toward the building and from the south toward the building on Annandale Road but omitted a necessary view from the north. Charles Laing asked whether disturbance of trees between the building site and Annandale Road had been limited. Jennifer Fier asked if evergreens could be requested since more of the building was visible now that the leaves were off the trees.

The Board reviewed a newly submitted planting plan noting that rhododendrons and mountain laurel from 2 ½ - 4 ft. tall had been proposed around the building. Mr. Griffith acknowledged the Board's concern with ambient light from the building and said that these plantings plus "occupancy lighting", which would automatically turn off lights in vacant rooms, would reduce visible light from the building to a low level.

Christine Kane said that workmen were still working at the project site despite the lack of site plan approval and building permits and despite the issuance of a "cease and desist" order. Mr. Griffiths acknowledged that this was true. Christine Kane said that the Board did not appreciate the College's ignoring proper approval procedures and information requests from the Board. Town Attorney Al Trezza said that he had spoken with Bard Vice President Jim Brudvig and that Mr. Brudvig had promised that the College would be more respectful of Town regulations during future projects. Mr. Trezza added that the Town Board was awaiting the outcome of the evening's meeting to decide whether to bring legal action against the College.

Michele Greig asked if Mr. Griffiths had copies of revised site plans showing avoidance of a designated archaeological area. She said that the most recent plans she and the Planning office had received were dated June 3, 2005. Mr. Griffiths said the newly submitted planting plan showed the recent revisions.

Jennifer Fier said that during her visit to the site, she had noticed that a portion of the project area appeared wet. Mr. Griffiths said that there were no wetlands in the project area. Ruth Oja, chair of the Conservation Advisory Committee, concurred that there were no wetlands in that section of the campus.

The Board asked about the necessity for a height variance. Mr. Griffiths said that the building was 25 ft. in height with 12 ft. 'mansard' of corrugated metal enclosing the utilities. The average height of 27 ft. was below the maximum 35 ft. so no variance was necessary.

Sam Phelan said that despite the College's arguments, he was still concerned that the proposed building would be a modern intrusion on a scenic, historic road. Mr. Griffiths said that the building would be an attractive addition to the area and that it "wouldn't hurt to see it from the road."

Christine Kane asked if there were any further comments from the public. There were none.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2. The Board determined that there would be a potential large impact on the aesthetic resources of the area, specifically on the scenic road.

The Board also discussed the potential impact of the building on public health, specifically from lab waste. Mr. Griffiths said that solid lab waste would be "red-bagged" and hauled away, while liquid contaminants would go to a "neutralization" container and then be pumped into the college's central sewer system. Sam Phelan said that the Town and the Planning Board should have a list of the probable contaminants. Charles Laing said that the Board of Health would have that list and would be monitoring the discharge. The Board generally agreed to ask for a copy of that list. Christine Kane said

that Mr. Griffiths should clear up a discrepancy with project engineer Pete Setaro, who said that no lab contaminants would be pumped into the central system. Mr. Griffiths said that Mr. Setaro was incorrect.

The Board generally agreed that since the Board of Health would be monitoring disposal of the contaminants, it could continue with its SEQR determination. Ms. Greig said that the Board make a change to the wording of the offered negative declaration to reflect the Board's discussion regarding potential public health impacts.

Sam Phelan made a motion to issue a negative SEQR declaration for the project, with the above revisions. David Wright seconded the motion, and all members present voted in favor.

Al Trezza suggested that the Board submit a standard list of the information necessary for a project review, in the hope that the College would be able to anticipate what the Board would need for future projects. Sam Phelan said that any such list would contain the minimum requirements and that additional questions would arise out of the review process.

As there were no further public comments, Christine Kane closed the public hearing.

The Board then discussed whether the proposed project was consistent with the Bard Master Plan and Master Plan Update. The Master Plan Update had given the size of the proposed building as 42,000 sq. ft. Ms. Greig said that the Board must consider the effects on traffic, the septic system, the water supply and so on. She said that while this project was not exactly as outlined in the Master Plan Update adopted in 2005, it was substantially consistent with the planned project.

David Wright made a motion to adopt a resolution granting site plan approval to the project. Charles Laing seconded the motion. Jennifer Fier said that she had not been provided with enough information to either approve or disapprove the project and so would abstain. Sam Phelan voted no. The motion was adopted by a vote of 4 to 1 with 1 abstention.

Mr. Griffiths offered to bring the College President and Board of Trustees to meet with the Town Planning Board to discuss the relationship between the Planning Board and the College. Ms. Greig suggested that the discussion include the SEQR process so that the College would more accurately understand the Board's responsibility.

TGS Associates/ Hardscrabble Commons – NYS Rte 9 and Metzger Rd. – Subdivision Plat, Site Plan and Special Use Permit

Todd Baright and Tom Cummings, P.E., were present for the continuation of the public hearing on applications to create a 6.283-acre lot and a 6.876-acre lot from a 13.159-acre parcel and to authorize modifications to the existing site, construction of a 2-story, mixed retail and apartment building and a 2-story, 24,000 s.f. total floor area, self-storage facility on the proposed Lot 1, all at the Hardscrabble Plaza site in the B1 District.

Mr. Cummings reviewed the plan's revisions, which included: adding symbols to the legend, adding 12 ft. x 12 ft. planters along the front patio to hide the air conditioning condensers, changing the color of the fence around the storage area to black, changing

the trees screening the site from the adjoining Levy property to blue spruce, changing the road width to 38 ft., expanding the island in the entrance area to better direct internal traffic, adding an additional landscape island to meet the minimum requirement, and specifying that the waste container would be either pressure-treated wood or a man-made material like Trex. In addition, the patterned asphalt would be colored red to simulate brick.

Mr. Cummings said that the lighting plan had stayed the same. The Board requested that he submit cut sheets for the flat lens lights that would be used over the entrances to the second floor apartments. Mr. Cummings said that these lights would shine down toward the sidewalk without excessive glare. Christine Kane asked if any lighting was proposed on the building itself. Mr. Baright agreed that some type of sconce light would probably be needed near the stairways and several other entrances. Mr. Cummings said he would also submit cut sheets for these lights and add them to the site plan.

The Board told Mr. Baright that it could not grant site plan approval until the subject of signage was addressed. At the very least, he should calculate how much signage was permissible and how much signage existed currently. He could then make some decisions about the amount and type of signage he would like for both the free standing sign at the entrance to the complex and the individual signs for each business. Ms. Greig said that as his signage ideas evolved, Mr. Baright could apply for an amended site plan or seek a variance from the ZBA if necessary. The Board encouraged him to consider variety in both design and lettering and also to think about projecting signs for the individual businesses. He said he was not sure whether any of the signs would be lighted.

The Board asked Mr. Baright to consider alternatives to pressure treated wood for the planters, perhaps even facing the wood with a more decorative material.

The applicant team and the Board also discussed aisle widths, since there would be two aisles of 26 feet and the aisle next to the buildings would measure 30 feet. Mr. Baright said that he would not divide the parking aisles with landscaping because these dividers hamper snow removal and pedestrian traffic.

Mr. Baright said he had not yet received a sign-off letter from NYS Office of Parks, Recreation and Historic Preservation; however, after reviewing the archaeologist's summary of his findings at the site, the Board decided to assume a forthcoming letter of no-concern and to continue with a SEQR determination.

Christine Kane asked if there was any comment from the public. There was none. She then reviewed the EAF part 1 and, with input from the Board, completed part 2.

The Board reminded the applicants that subsequent phases of development would require a traffic impact study, which might result in additional access points onto Route 9 or Metzger Road.

Jennifer Fier made a motion to issue a negative SEQR declaration for the project. Charles Laing seconded the motion, and all members were in favor.

Christine Kane then closed the public hearing.

REGULAR SESSION (OLD BUSINESS)

CAFH Order at Tivoli, Inc. – West Kerley Corners Road – Subdivision Plat.

Bill Daley was present for the discussion of an application for Subdivision Plat Approval to authorize, through consolidation and lot line alteration, the creation of one parcel of 9.0 acres and one parcel of 47.0 acres from three parcels of 2.8 acres, 18.1 acres and 35.1 acres in the RD3 Zoning District and Certified Agricultural District.

Mr. Daley reviewed the project for the Board. He said that of the four contiguous parcels owned by CAFH, one would remain the same. The three remaining parcels would be combined and then immediately re-subdivided to create two new lots. CAFH was requesting that this action be regarded as a 1-lot exception under the Farm Law.

Mr. Trezza said that parcels could be merged without Planning Board approval.

Since the one lot which would remain the same was a substandard-sized lot, Sam Phelan asked Ms. Greig if the Planning Board could compel CAFH to bring that lot into conformance with the Zoning regulations as part of the action. Ms. Greig said she would research that question.

Christine Kane reviewed part 1 of the EAF and, with input from the Board, completed part 2. Charles Laing made a motion to issue a negative SEQR declaration for the project. Paul Telesca seconded the motion, and all members voted in favor.

The applicant was reminded that a notation stating that the 1-lot exception had been taken must be placed on the plat and that any further subdivision would require a farmland protection plan.

A public hearing was scheduled for December 5, 2005.

TLC Acreage, LLC – Oriole Mills Road – Subdivision Plat

Robert Capowski, P.E. and Mitchell Bodian were present for a discussion of an application for Subdivision Plat Approval to create one new 3.0-acre building lot and a 98.1-acre remaining lands lot from a total 101.1-acre parcel, partially in the Town of Rhinebeck and partially in the Certified Agricultural District and the RD3 Zoning District of the Town of Red Hook.

Mr. Capowski said that he had submitted the revised EAF as requested by the Board. He also said that the applicant was requesting that the subdivision be approved under the 1-lot exception of the Farm Law.

Christine Kane said that 30 days had elapsed since the NOI's had been circulated, and, since no agencies had objected, the Board would act as Lead Agency. She also said that the Board had not yet received a referral response from the Agricultural Advisory Committee.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2. Charles Laing made a motion to adopt a negative SEQR declaration for the project. Paul Telesca seconded the motion, and all members present voted in favor.

The applicant was reminded that a notation stating that the 1-lot exception had been taken must be placed on the plat and that any further subdivision would require a farmland protection plan.

A public hearing was scheduled for December 5, 2005.

OTHER BUSINESS

Conservation Advisory Committee

Ruth Oja, chair of the CAC, asked if the Planning Board members would be willing to meet with the CAC for about 45 minutes before a scheduled Planning Board meeting. The CAC would like to discuss how the two groups could work together on upcoming projects as well as their respective roles in determining a parcel's eligibility under the new conservation easement law.

A meeting was tentatively scheduled for January 2, 2006 at 6:45 p.m.

Village of Red Hook/ inquiry regarding Lot Line Alteration application

Christine Kane read a letter from the Village of Red Hook Planning Board regarding a Lot Line Alteration application currently before that Board. Firehouse Productions, located partially within the Village and partially within the Town, is requesting to annex a portion of the adjoining parcel belonging to the Rhinebeck Savings Bank, also located partially within the Village and partially within the Town. The Village Planning Board asked if the Town Planning Board had any concerns.

After general discussion, the Town Planning Board agreed to ask that the Village Planning Board make sure that non-conformities regarding setbacks, coverage and impervious coverage were not created on the Rhinebeck Savings Bank parcel as a result of the action.

SEQR review

Planning Consultant Michele Greig said that building a home was a Type 2 action under SEQR and so was exempt from SEQR review. She reminded the Board that even if the subdivider of a parcel would not be building the homes, the Planning Board must review the cumulative impact of the construction of those homes at the time of subdivision.

Ms. Greig said that, with this in mind, the Board must require all the information it needs before making a SEQR determination. For instance, if the Board does not know whether the DEC would approve a driveway to a proposed house in a proposed subdivision, it should require that information, since only the Board may approve a driveway and the Board may not approve an unbuildable lot. Therefore, she said, the Board should require all necessary information about all the lots as well as consider the cumulative impact of the residential building before acting on a subdivision application.

St. Margaret's subdivision

Town Attorney Al Trezza said that Hannaford's Supermarket had agreed to subdivide off a lot containing St. Margaret's historic site and to deed that lot to the Town in preparation for St. Margaret's inclusion on the National Register of Historic Places. He said that he would collect the necessary information and forms and send them on to Hannaford's. He said the project would probably come before the Planning Board in January.

Zoning revisions

Ms. Greig said that she was finishing the Outdoor Lighting Regulations and revisions to the Flag Lot Regulations. Both would be ready to send to the Town Board soon.

She also said that the Agricultural Advisory Committee had finished a survey of the agricultural parcels in the Town and had developed a draft agricultural overlay map. Under the Ag Committee's plan, the 183 parcels included in the agricultural overlay would be subject to a mandatory Transfer of Development Rights program, through which approximately 1100 development units would be transferred from these parcels to a holding agency. Under certain circumstances, the developer of a residential subdivision at another location could increase the allowed density in his proposed development by buying these units. The money from that purchase would go back to the owner of the agricultural parcel.

Ms. Greig said that if the Town Board adopted the TDR program and agricultural overlay map as proposed by the Ag Committee, no subdivision would occur within the overlay area. Conservation subdivisions would only apply to those parcels within the Certified Agricultural District or containing valuable soils but outside the overlay district.

She added that the Intermunicipal Task Force was looking at locations around the Villages to be receiving areas for the TDR units. The Town and Villages would probably have to adopt different zoning regulations for these areas and could require that a certain percentage of the TDR units be affordable housing.

ADJOURNMENT

Since there were no further matters to come before the Board, David Wright made a motion to adjourn the meeting. Jennifer Fier seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:55 pm.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk

Attachments

Negative SEQR Declaration for Bard Center for Science and Computational Studies
Resolution granting Site Plan Approval to Bard Center for Science and Computational
Studies

Negative SEQR Declaration for Hardscrabble Commons

617.7

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: November 21, 2005

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: Bard College Center for Science and Computational Studies

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The proposed action encompasses an application by Bard College for Site Plan Approval by the Town of Red Hook Planning Board and related permits, approvals and compliance determinations by other involved agencies for construction of a ± 48,886 square foot building (including a basement and two stories) to house classrooms, laboratories, lecture halls and offices, to be known as the “Center for Science and Computational Studies,” and associated site development and improvements including grading and tree removal, construction of a new access road through relocation of a portion of Campus Road (which will connect to an existing parking area adjacent to the Buildings and Grounds complex), development of a geothermal well field, water and sanitary sewage extensions, upgrades and connections, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, walkways, and landscaping on an approximately 6 to 8 acre project site within the 550 acre Bard College “Educational Campus” in the Town’s Institutional (I) District. The project will connect to the Bard College Sewer Plant and water will be supplied through the Bard College central water system.

Location: Annandale Road (CR 103), Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated April November 24, 2004, 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, and within an area that has been identified as sensitive for archaeological resources. A Phase 1 and 2 Reconnaissance Survey and Site Evaluation dated September 26, 2005 was conducted by a qualified archaeologist and submitted to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). The evaluation identified two archaeological sites, Bard 26 (Sottery site) and Bard 27 (Sands site). The Sottery site will sustain impacts from construction grading and drilling of a geothermal well field. However, this site was deemed not eligible for nomination to the national and state registers of historic places, and therefore it does not merit protection or further investigation of its cultural resources. The Sands site was deemed eligible for nomination to the historic registers. The project has been redesigned to avoid disturbance to this site, and a high, heavy-duty chain link fence will be erected prior to disturbance and will be maintained throughout the duration of construction activities to protect the Sands site during construction. The applicant's archaeologist concludes that as a result of these measures, no direct or indirect adverse impacts to cultural resources will occur. OPRHP has reviewed the Phase 1 and 2 Reconnaissance Survey and Site Evaluation and has determined that the project will not have a significant adverse impact upon cultural resources. Since no significant adverse impacts are anticipated, no mitigation is warranted.
4. The project site is located on Annandale Road (CR 103), which has been designated a Scenic Road by the NYS Department of Environmental Conservation and is identified as a Scenic Road in the Town of Red Hook's adopted Open Space Plan. No trees located between the proposed building and Annandale Road will be removed, and no exterior building lighting is proposed. However, approximately 73 percent of the building's exterior walls will be constructed of glass, which could have a potential adverse impact on visual resources resulting from light trespass on Annandale Road. The applicant submitted a photometric plan dated May 26, 2005, which demonstrated that 0.0 footcandles of illumination is achieved at 92' from the proposed building, approximately halfway between the proposed building and Annandale Road. The applicant also submitted a viewshed analysis (undated) representing three views of the proposed building from Annandale Road showing potential views of the building at night while fully lit from within. The viewshed analysis indicated that minimal impacts of building lighting would occur on Annandale Road; however, the viewshed analysis was conducted during October when foliage was still present. Additional understory shrubs will be planted between the building and Annandale Road as shown on Sheet L-150 dated April 15, 2005 and revised October 21, 2005 to ensure that no adverse impacts of building lighting will result on this scenic corridor as a result of the project. The Planning Board has determined that this measure will mitigate impacts on scenic resources to the extent practicable.

5. The project site contains a number of mature trees. A total of nine (9) mature trees will be removed as a result of the action, including a 200-year old oak tree. All trees except the mature oak tree will be removed in order to install the geothermal well fields. Approximately 48 trees and 550 shrubs will be planted as mitigation for removal of mature trees on site. All plantings will be native, non-invasive species. The Planning Board finds that these measures will mitigate impacts on vegetation.
6. Potential impacts of laboratory waste on water resources and public health resulting from the proposed use will be mitigated by measures required by the Dutchess County Department of Health as a condition of that agency's approval of the project. The Planning Board has determined that these measures will mitigate impacts on water resources and public health.
7. 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 action 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)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Dutchess County Health Department

Dutchess County Public Works

NYS Department of Environmental Conservation

NYS Office of Parks, Recreation, and Historic Preservation

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

**Town of Red Hook Planning Board
Resolution Granting Conditional Site Plan Approval in the matter of the
Bard College Center for Science and Computational Studies off Campus
Road within the Bard College Campus**

November 21, 2005

Motion made by David Wright
Seconded by Charles Laing

Whereas, the Town of Red Hook Planning Board received an application for Site Plan approval from Bard College to construct a ± 48,886 square foot building (including a basement and two stories) to house classrooms, laboratories, lecture halls and offices, to be known as the “Center for Science and Computational Studies,” and associated site development and improvements including grading and tree removal, construction of a new access road through relocation of a portion of Campus Road, development of a geothermal well field, water and sanitary sewage extensions, upgrades and connections, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, walkways, and landscaping on an approximately 6.0 to 8.0 acre project site within the 550 acre Bard College “Educational Campus” in the Institutional (I) District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the Planning Board reviewed the application for Site Plan approval dated July 21, 2005, a Site Plan dated as follows: Cover Sheet, Sheets A0.0.1, A0.0.2, A2.0.1, A2.1.1, A2.2.1, A2.3.1, A3.2.2, A3.2.3, A3.2.4, A3.2.5, A3.2.6, A3.2.7, A3.3.1, A3.3.2, A3.3.3, A3.3.4, L-110, L-120, L-130, L-301, and L-302 dated April 15, 2005, Sheet A1.2.1 dated April 15, 2005 and revised May 31, 2005, Sheets A3.1.1, A3.2.1 and L-150 dated April 15, 2005 and revised October 21, 2005, Sheet A3.3.8 dated May 31, 2005, Sheets C1.0.0, C1.1.0, C1.2.0, C1.3.0, C1.4.0, and C1.5.0 dated June 18, 2004 and revised November 8, 2004, April 15, 2005 and June 3, 2005, and Sheet C1.3.1 dated June 18, 2004 and revised November 8, 2004 and April 15, 2005; a Phase 1 and 2 Reconnaissance Survey and Site Evaluation dated September 26, 2005, a photometric plan dated May 26, 2005, and a viewshed analysis (undated), and;

Whereas, the proposed action substantially conforms with the depiction within the Bard College Master Plan Update dated February 2005 for which an amended Special Use Permit was issued by the Planning Board in February 2005, and therefore a new application for a special use permit is not required and only site plan review and approval by the Planning Board in accordance with the requirements of Article VI of the Zoning Law is required, and;

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

Whereas, the Planning Board has reviewed the Town’s Local Waterfront Revitalization Program (LWRP) plan in accordance with Section V.C.1 of the

LWRP and has determined that the proposed action is consistent with the coastal policies; and

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

Whereas, the Planning Board declared its intent to be Lead Agency for the proposed action and duly circulated to all Involved Agencies on December 8, 2004, reviewed a Full Environmental Assessment Form (EAF) dated November 24, 2004 and adopted a Negative Declaration for the proposed action on November 21, 2005; and

Whereas, the Planning Board held a Public Hearing on the Site Plan application on August 8, 2005 and continued the Public Hearing on October 3, 2005, November 7, 2005 and November 21, 2005.

Now therefore be it resolved, that the Planning Board approves the application for Site Plan approval and authorizes the Chair to stamp and sign the Site Plan upon the Applicant's satisfaction of each of the below conditions within the next six (6) calendar months:

- a. Submission of Site Plan drawings in the number and form specified within the Town's Zoning Law.
- b. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

Roll Call Vote:

Member Jennifer Fier	abstain
Member John Hardeman	absent
Member Charles Laing	yes
Member Sam Phelan	no
Member Paul Telesca	yes
Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: November 21, 2005

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: Hardscrabble Commons Subdivision, Site Plan, Special Use Permit

SEQR Status: Type I [checked]
Unlisted []

Conditioned Negative Declaration: [] YES
[checked] NO

Description of Action: The applicant proposes to subdivide a ±6.283 acre lot from a ± 13.159 acre parcel within the Business (B1) District, and to construct on the smaller lot a two-story self-storage building with a building footprint of 12,000 square feet, and a two-story mixed use building with a building footprint of 9,600 square feet, with associated site and infrastructure improvements, including site modifications to an existing 19,129 single story commercial building, formerly known as "Hardscrabble Plaza." The mixed use building would consist of 9,600 square feet of commercial space for retail and office uses and one fully handicapped-accessible apartment on the street level. Ten additional apartments are proposed on the second story. Approximate floor area of each apartment would be 800 square feet for the eight (8) one-bedroom units and 960 square feet for the three (3) two-bedroom units. Issuance of a Special Use Permit is required for the Multifamily Residential component of the mixed use building. A total of 163 parking spaces would be provided to accommodate the new structures and the existing "Hardscrabble Plaza." Water will be supplied through connection to the Village of Red Hook municipal water supply, and wastewater will be treated in on-site subsurface sanitary sewage disposal systems. Additional infrastructure improvements include construction or roadways, including 300 feet of the extension of Hannaford Drive on the subject parcel.

Location: U.S. Route 9 South, 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 February 4, 2005, 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 adjacent to a site ("St. Margaret's Home") that has been deemed eligible for nomination to the State and National Registers of Historic Places. A Phase 1A Literature Review and Archaeological Sensitivity Assessment dated October 2005 was conducted by a qualified archaeologist and submitted to the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP). The study concluded that the majority of the area of potential effect on the subject site has been previously graded, and the remaining portion is a parking lot. Due to prior disturbance, no subsurface testing was recommended. Moreover, a previous archaeological survey conducted for a development immediately to the south of the subject site ("Hannaford Plaza") indicated that cultural deposits were concentrated near St. Margaret's Home and generally did not extent outside the property. If development is proposed on the remaining acreage outside the study area in the future, additional testing for archaeological resources may be required. The Planning Board has determined that no significant adverse impacts on cultural resources will occur as a result of the action, and therefore no mitigation is warranted.
4. The project site has been partially developed and the undeveloped portion has been tilled, graded and mowed for many years. An EIS previously prepared for the adjacent Hannaford Plaza development did not identify any threatened or endangered species in the project vicinity. No adverse impacts on threatened or endangered species are anticipated and therefore no mitigation is warranted.
5. The project site is located within 500' of lands that are within a certified agricultural district. The site contains prime agricultural soils and soils of statewide importance, and is therefore subject to the Town of Red Hook's Important Farmlands Law. An Agricultural Data Statement dated February 4, 2005 was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review and comments. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. No impacts on agriculture have been identified, and therefore no mitigation is warranted.
6. The project site is located the Town's Environmental Protection Overlay (EP-O) District due to its presence within an Aquifer Protection Area, and is therefore subject to the requirements of Section 143-47D(2) of the Zoning Law. The Planning Board has reviewed the requirements of the EP-O District relevant to aquifer protection and has found that the proposed project complies with these requirements. In addition,

on-site subsurface sanitary sewage facilities will be designed, installed and maintained pursuant to Dutchess County Health Department and NYSDEC SPDES (Sanitary) Permit requirements. The applicant has prepared a Storm Water Management Plan. On-site storm water management facilities will be designed, installed and maintained pursuant to EPA Phase II Storm Water Regulations (including filing of related Notice of Intent and Storm Water Pollution Prevention Plan) and NYSDEC SPDES (Storm Water) Permit requirements. The Planning Board has determined that these measures will mitigate potential adverse impacts on groundwater resources. Additional traffic generated as a result of the proposed action is estimated to be approximately 66 trips per hour based on the ITE Trip Generation Manual. However, traffic impacts are likely to be less than the estimate based on the ITE land use codes since the site has been designed with mixed commercial/residential uses (to encourage walking), and to provide for a future network of streets and sidewalks that will interconnect with existing and future side streets to diffuse traffic throughout the traffic network rather than funneling all traffic onto the main corridor. In addition, sidewalks and narrow roads will be provided to encourage alternative modes of transportation such as walking and bicycling. The Planning Board has determined that the additional traffic generated as a result of the project will not have a significant adverse impact on the transportation network. A Traffic Impact Statement would be required for subsequent development proposed on the site in the future. The proposed development has been designed to reflect village-style development, with mixed commercial/residential uses and an emphasis on pedestrians, as distinct from conventional automobile-oriented commercial strip development. The scale, mass, design, materials, and two-story construction of the proposed buildings will reflect traditional village architecture, and a network of green areas linked by pedestrian ways will be provided throughout the site. Lighting will be fully shielded and lighting levels will be maintained at levels recommended by the Illuminating Engineering Society of North America to maintain a rural ambience and to protect the night sky. Signage and other site appurtenances have been designed principally with the pedestrian, not the motorist, in view. The Planning Board finds that these measures will ensure that no significant adverse impacts will occur on community and neighborhood character. No adverse fiscal impacts are anticipated as a result of the project. According to accepted demographic multipliers, it is estimated that a total of two (2) school-age children would reside in the proposed multifamily dwelling units. Fiscal impacts on the school district resulting from additional school age children resulting from the project would be offset by the additional tax revenue generated by the proposed commercial development on-site. **For Further**

Information:

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Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Town of Red Hook Superintendent of Highways

Village of Red Hook Water Board

Dutchess County Department of Health

NYS Department of Environmental Conservation

NYS Office of Parks, Recreation, and Historic Preservation

NYS DEC Environmental Notice Bulletin
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