

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
December 2, 2013

CALL TO ORDER/ DETERMINATION OF QUORUM

Christine Kane opened the meeting and confirmed the agenda at 7:40 pm. A quorum was determined present for the conduct of business.

Members present — Sam Harkins, Brian Walker, Charlie Laing, Betty Carr, Sam Phelan, and Christine Kane. Also present were planning consultant Michele Greig and Planning Board attorney Jennifer Gray.

BUSINESS SESSION

Sam Phelan made a motion that the minutes of the Nov. 18, 2013 meeting be approved. Charlie Laing seconded and all members voted in favor.

OLD BUSINESS

Plimpton & Hills - 7311 South Broadway – Site Plan

Engineer Mark Graminski, Architect Rob DuPont and applicant Calvin Hills were present for continued review of an application to convert an existing 6645 sf building into a retail / service center for plumbing, heating and HVAC products for residential and commercial applications on a 1.38 acre site in the TND-CC district.

Mr. Graminski told the board that he had addressed most of the items that the town engineer had identified, and requested clarification on the remaining few. He also said that he was working on obtaining a photometric plan. The board discussed various minor topics, including water consumption and landscaping, and reviewed additional comments from the planning consultant.

The board generally agreed that a side walk and additional landscaping should be shown on the plan, but would not require the work to be executed unless an application for amended site plan review for the second phase of the project, the construction of a showroom with residential units above it, is not submitted within 18 months. This would assure compliance with the zoning law should the applicant decide not to move forward with the showroom.

There was considerable discussion regarding possible changes to the existing curb cut. Mr. Graminski said that the existing entrance is necessary to accommodate tractor trailer trucks delivering to the site. The town engineer agrees. However, in the opinion of the Dutchess County Planning Department and Ms. Greig, it is excessively wide, and could be made smaller by reconfiguring the driveway. Because any change in the curb cut would require Department of Transportation approvals, the board generally agreed that the curb cut could be left as is for now, and to revisit the issue when the applicant returns to amend the site plan to allow for the construction of the showroom and apartments.

The board amended a draft approval resolution to incorporate miscellaneous items and terms agreed upon, and also revised a draft response letter to the Dutchess County Planning Department to include the decisions and agreements arrived upon at the meeting.

Sam Phelan made a motion to grant conditional approval to the project as amended. Charlie Laing seconded, and all members voted in favor.

Red Wing Properties Inc. – Turkey Hill Road – Lot Line Adjustment, sketch plan endorsement

Applicant Paul Doherty and Land Surveyor Robert Ihlenburg were present for continued discussion of an application to adjust the lot line between two lots presently 17.6 acres in the Agricultural Business District (ABD) and .9 acres in the RD3 District to create one 10-acre parcel in the ABD and one 7.6-acre parcel in the RD3.

Mr. Ihlenburg reviewed the proposed project and described the topography of the land. He provided soil maps and related information. Charlie Laing and Brian Walker recently visited the site and described access to the property and surrounding development. Mr. Laing commented that the view of the land from DC Route 56 is quite scenic.

Sam Phelan asked what the purpose of the project is. Mr. Ihlenburg said it was to create two building lots. He said the intent was to place the houses well off the road on the least fertile soils. He said the front of the land is being hayed, but the rear is not, probably because it is difficult to access due to a ravine that traverses the land.

Christine Kane said that because the project is located in the AB District, it poses particular problems having to do with the intent of the district. She said that even though all of the land is not currently being farmed, the town's comprehensive plan calls for conserving lands with statewide important soils, and this project reduces a prime 17-acre field to 10 acres. Mr. Doherty acknowledged the site has statewide important soil, but no one can access it because of the ravine. Ms. Kane replied that the preservation of the farmland is nonetheless the board's first responsibility, and gave examples of some types of farming ventures that might not be impeded by the ravine. She encouraged Mr. Doherty and Mr. Ihlenburg to explore options that do not cut the field in half.

In her memo dated Dec. 2, Michele Grieg stated that the proposed project is not consistent with the town zoning law, and therefore cannot be approved by the Planning Board. She explained that what is being proposed is a conventional subdivision, and that only conservation subdivisions, which have a specific set of requirements, are allowed in the AB district. Mr. Doherty said that he felt the restrictions were overbearing, and cited his efforts to promote and support farming on properties his company owns in Red Hook and Rhinebeck.

Ms. Kane requested that Ms. Greig and Ms. Gray review the regulations for subdivisions in agricultural districts together and report to the board at the next meeting.

Preserve at Lakes Kill – Feller Newmark Road – Preliminary Subdivision Plat Approval.

Mike Bodendorf, PE and the applicant's attorney John Wagner were present for continued discussion of an application to create 11 lots on a total 100.45 acres in the Agricultural Business (AB) and RD 3 zoning districts.

The board reviewed a memo from Fitzpatrick Engineering, the Traffic and Safety consultants who originally reviewed the impact of the project, which stated, in response to the board's inquiry, "the 'character' or 'ambience' of the roadway network...is not within the purview of a traffic engineering assessment." He suggested signs and pavement markings to address the board's concerns about increased traffic on a road where farming activities occur.

In exploring other ways of mitigating the effects of the projected increase of traffic on Feller Newmark Road, Ms. Kane asked if the applicants' proposed homeowners association could include information about local farming activities to encourage caution and respect for the multiple uses of the road. Mr. Wagner agreed that could be done. Reducing the speed limit was also discussed.

The board reviewed revised Environmental Assessment Form parts 2 and 3 which incorporated changes discussed at the last meeting.

Sam Phelan asked if a retaining wall was still being proposed to remedy the project's lack of adequate site distance. Ms. Kane said yes. He asked if the town engineers had reviewed the retaining wall, and Ms. Kane said no they have not yet reviewed it. Betty Carr said that the highway department had commented. Ms. Kane said the main focus of Highway Superintendent Theresa Burke's letter was the French drain system proposed, but she did comment that she did not care for the retaining wall option.

Jennifer Gray said that the project ultimately must accomplish adequate site distance but the priority for now is to conclude the SEQR process by completing the environmental impact review and issuing a declaration.

At the conclusion of the EAF parts 2 and 3 review, Ms. Kane asked for a motion for a SEQR negative declaration. Charlie Laing made a motion that the negative declaration be accepted with the changes. Ms. Kane asked for a second.

Sam Phelan said that he was bothered by the SEQR process because each issue is isolated, and mitigated in isolation, so a cumulative effect of all the issues cannot exist. He asked Jennifer Gray how SEQR could evaluate a cumulative impact. Ms. Gray acknowledged that SEQR is compartmentalized and there is no evaluation of cumulative impact unless there are multiple projects going on at the same time in a particular district. Mr. Phelan lamented that he felt that the result of this project will be a piece of land in the middle of an agricultural area converted into an intense residential usage and causing a lot of friction. Mr. Phelan then seconded the motion because he said that he felt that the board has no alternative. The motion was carried unanimously.

Ms. Gray said that the next step is to schedule a public hearing on the preliminary plat. Ms. Kane suggested having the public hearing at the next meeting. Mr. Wagner said that for the record, the applicants feel the public hearing has already been conducted and closed, and there is no need for another. Ms. Gray responded that NYS code and the Town of Red Hook code law requires that a public hearing be held at the conclusion of the SEQR process. She cited specific sections of the law. She said

that the public hearing must be held within 62 days of the negative declaration, and the public hearing must be closed within 120 days. The board generally agreed to schedule the public hearing for Dec. 16.

Mr. Wagner said that the applicant had researched Feller Newmark Road and discovered that in 1850 it was formally opened as a "two rod" official town road. He said that based upon this information, the applicant will modify the plat to show that the right of way is 33 feet wide rather than 55 feet. He agreed to provide Ms. Gray with documents pertaining to the research.

Since there was no other business to come before the board, Sam Harkins made a motion to adjourn. Betty Carr seconded it was carried unanimously.

Respectfully Submitted,

Kathleen Flood
Planning Board Secretary

Resolution Granting Site Plan Approval to Plimpton & Hills Plumbing

Name of Project: Plimpton & Hills Plumbing

Name of Applicant: Plimpton & Hills Corporation

Date: December 2, 2013

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Plimpton & Hills Corporation to renovate an existing $\pm$ 6,645 sq. ft. vacant building and make related site improvements on a $\pm$ 1.38 acre parcel (Tax Map Parcel No. 134889-6272-00-249341-0000) located at 7311 South Broadway in the TND Commercial Center Subdistrict in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan prepared by Mark R. Graminski, P.E. L.S. P.C. (3 Sheets) dated October 25, 2013 and revised November 8, 2013; and

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

Whereas, on November 4, 2013, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on November 18, 2013, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated October 25, 2013 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, due to the location of the property along a State Road, 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 recommended in its review letter dated November 18, 2013 that the Planning Board rely upon its own study of the facts in the case with due consideration of the County's comments, and the Board has fully considered each of the comments at its November 18, 2013 meeting, and a draft Report of Final Action to the County is attached to this resolution which will be considered as part of this resolution; and

Whereas, on November 18, 2013, the Planning Board held a Public Hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Site Plan approval to Plimpton & Hills Corporation to renovate an existing ± 6,645 sq. ft. building and make related site improvements in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
 - A. The Site Plan shall be revised to address the comments in the attached letter from Crawford and Associates dated December 2, 2013 to the satisfaction of the Town Engineer.
 - B. The Site Plan shall be revised to include the sign details.
 - C. The Site Plan shall be revised to include the building elevations.
 - D. The building elevations shall be revised to identify all proposed paint colors, to clarify that "red cedar shingle" are proposed, and to identify the stain color for the red cedar shingle.
 - E. The Site Plan shall be revised to call out "three proposed gravel overflow parking spaces" (as depicted) rather than "two."
 - F. The Site Plan shall be revised to include a note on the Landscaping Schedule that the property owner or lessee shall maintain the landscaping as shown on the approved Site Plan throughout the duration of the use.
 - G. The Site Plan shall be revised to show a sidewalk connecting the building to the Route 9 sidewalk. A note shall be added to the plan that the on-site sidewalk depicted on the Site Plan shall be constructed within 18 months of the date from which the Planning Board grants Site Plan approval for the subject application unless an application for amended Site Plan approval for the site is submitted to the Planning Board.
 - H. The Site Plan shall be revised to include additional landscaping in front of the building and urban tolerant trees along the driveway. The Town

Planner shall review the proposed plantings to ensure they are consistent with standard guidelines. A note shall be added to the plan stating that this additional landscaping shall be planted within 18 months of the date from which the Planning Board grants Site Plan approval for the subject application unless an application for amended Site Plan approval for the site is submitted to the Planning Board.

- I. The Site Plan shall be revised to depict the existing overhead wires to the building.
- J. The Site Plan shall be revised to include a note should that no outdoor display or storage is proposed as part of this site plan.
- K. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- L. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

- 2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
 - A. All proposed improvements shall have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping (other than that identified in condition 1.H. above) and the sidewalk (if installed, as discussed in condition 1.G), a cash bond in an amount recommended by the Town Engineer will be posted to ensure completion of these features in accordance with the approved Site Plan.
- 3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
 - A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Site Plan Approval.
 - B. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

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

On a motion by Sam Phelan, seconded by Charlie Laing, and a vote of 6 for, 0 against, and

0 absent, this resolution was adopted on December 2, 2013.

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

Kathleen Flood, Planning Board Secretary Date December 2, 2013

Dutchess County Planning Dept
27 High Street
Poughkeepsie, NY 12601
Att'n: Noela Hooper

Re: Plimpton & Hills Site Plan
 Parcel 6272-00-249341
 Your referral number 13-379

Dear Ms. Hooper:

This report is issued under the provisions of General Municipal Law 239-m (6), to report the Planning Board's final action.

We thank the County for its report dated November 18, 2013, which recommended that the Board rely on its own study of the facts in the case with due consideration of several comments.

The Board discussed and fully considered the County's comments, and those of its Planning and Engineering consultants, at the Board's November 18th and December 2nd meetings, and took action at the December 2nd meeting, granting site plan approval pursuant to an approval which imposed a number of conditions. A copy of the approval resolution is attached for your records.

As you are aware, the applicant has prepared a conceptual master plan for this property and envisions constructing a showroom with upper floor apartments along the lot frontage within the next 18 months. The Planning Board agrees with all three of your comments, but has determined that these site features (a sidewalk, narrower curb cut, additional landscaping etc.) would be more appropriate for the amended site plan for "Phase 2" of the development since

the addition of a second building, more parking, the identification of an area to accommodate a septic field etc. would likely require the reconfiguration of these features during that phase.

However, to ensure that the sidewalk and additional landscaping are developed on the site in the event that an amended site plan for "Phase 2" is not submitted, the Planning Board has required that they be depicted on the current Site Plan with a note that they will be constructed if an amended site plan application is not submitted to the Planning Board within 18 months. The Planning Board will consider narrowing and moving the curb cut for "Phase 2" of the development.

The Board appreciates the County's comments, and also appreciates your cooperation in completing your review in less than 30 days to accommodate our meeting schedule.

Very truly yours,
Christine Kane, Chair

Town of Red Hook Planning Board Members ATTN: Christine Kane, Chairwoman
7340 South Broadway
Red Hook, NY 12571

RE: Plimpton and Hills Corporation
Parcel Identification Number: 134889-6272-00-249341
C&A# 3880.12

Dear Chairwoman Kane,

Crawford & Associates Engineering, P.C. (C&A) has reviewed the following information regarding the Plimpton and Hills Site Plan:

Mark R. Graminski, P.E., L.S., P.C. letter, dated December 2, 2013, regarding Application for Site Plan Review and Approval;

Greenplan letter from Michele Greig, PhD, AICP to Chairwoman Kane, dated December 2, 2013;

Site Plan Review and Approval Checklist and Site Plan Application Checklist;

Sheet 1 of 5 Existing Conditions Plan for Plimpton and Hills Corporation, dated December 2, 2013;

Sheet 2 of 5 Site / Grading / Utility / Lighting / Landscaping Plan for Plimpton and Hills Corporation, dated December 2, 2013;

Sheet 3 of 5 Construction Details Plan for Plimpton and Hills Corporation, dated December 2, 2013;

Sheet 4 of 5 Autoturn Vehicle Turning Movements, dated December 2, 2013;

Existing and Proposed Facade Design Plan for Plimpton and Hills Corporation, dated November 20, 2013

Red Hook Fire Company letter from Richard Hilbrandt, undated;

Village of Red Hook email from Doris Balacic-Scheuing, dated November 26, 2013.

Per our review of the aforementioned materials, in accordance with §143-115. *Application for Site Plan Approval. A. Site Plan Checklist* and the *Town of Red Hook Zoning Code chapter, 143*, we offer the following comments for consideration by the Planning Board:

1. It is the understanding of this office the intent of this application is to change the use of the existing building located on parcel 6272-00-249341 (subject parcel) from commercial to retail/service center. It is also our understanding the existing sewage disposal system is to be utilized for the retail/service center. As such, the Dutchess County Department of Health shall certify the existing system is adequate for the revised use. Therefore, we recommend the Dutchess County Department of Health approval block be added to the plan.

Please confirm if this is or is not a change of use. Also, please provide the source of the existing sewage disposal system information. As discussed during our meeting on November 27th, the existing and proposed use is retail. However, the Application for Site Plan Approval submitted for this project states this is a change of use. It is recommended the Health Department be made aware of the nature of the existing system, if the information was not gathered from Health Department records, and of the proposed conditions. It is recommended correspondence to and from the Health Department be forwarded to the Planning Board.

2. Parcel number 6272-00-28536 is within 200 feet of the subject parcel and should therefore be noted on the area map. Additionally, the parcel information and the mailing address of each of the property owners within 200 feet of the subject parcel should be placed on the plan. **This comment is satisfied.**

3. Any structure on adjacent parcels within 100 feet of the subject parcel should be added to the plan view. **This comment is satisfied.**

4. The deed supplied with the application; Liber 1647 Page 264 is not the same deed that is reference in the plan notes; Liber 1794 Page 813-815. There is a third deed listed on the Parcel Access website; Deed Book 22013 Page 325. The deed supplied with the

application package does not agree with the line lengths shown on the plan. This discrepancy should be explained, and, it is recommended, a copy of the most recent deed be supplied. If any easements were recently created, they are likely to be referenced on the most recent deed. **The discrepancy of the deed and the metes and bounds, as shown on the plans, is the result of an actual field survey performed by Mr. Graminski. There has a note referencing the survey on sheet 1. This comment is satisfied.**

5. A note is recommended be added to the plan stating there are no wetlands, watercourses, or floodplains per the applicable sources. **This comment is satisfied.**

6. The soils located on the subject parcel should be added to the plan view. If there is more than one soil type located on the parcel the limit of each type should be shown. **For plan readability it is recommended this note on sheet 1 be enlarged.**

7. The proposed grading, including top and bottom curb elevations, should be added to the plan. Also, the method of promoting onsite drainage; if through a pipe network and/or surface runoff should be clarified. If there are any drainage structures, located either onsite or within the right-of-way near the subject parcel, they should be added to the plan along with rim and pipe inverts. It is assumed the disturbance will be less than 1 acre. The site is currently entirely paved and the proposal involves returning a portion of the paved area back to a lawn cover. A limit of disturbance line should be added to the plan and, if disturbance is proposed to exceed 1 acre, an Erosion and Sediment Control plan, in accordance with the New York State Department of Environmental Conservation SPDES General Permit For Stormwater Discharges and the New York State Standards and Specifications for Erosion and Sediment Control, shall be required. **The limit of disturbance line does not appear to be on either sheet 1 or sheet 2 on the plan set provided. It was provided by Mr. Graminski to this office after the fact and is less than 1 acre.**

8. It is recommended a truck turning template be added to the plans to ensure proper vehicle circulation, including proper refuse truck maneuvering, is achieved throughout the site. **The truck maneuvering exiting the site has been added as sheet 4 of 5. It does not appear as though the WB-50 truck can exit the site south bound without driving over the curb. Additionally, there is a north and south exit plan labeled yet they both plans appear to be exiting south. During our November 27th meeting, Mr. Graminski stated the majority of delivery trucks for this site are box trucks. It is recommended the maneuvering throughout the site be shown for the largest projected delivery truck. It may be advantageous to provide a separate procedure, such as a pull-off area, for larger delivery trucks. The refuse container has been relocated on sheets 1 and 2 however, on sheet 4 it is shown in a different location. It is recommended this location be updated on sheet 4 and the maneuvering of a garbage truck be shown to ensure the location of the refuse enclosure will be accessible and allow for proper site egress.**

The location of the proposed onsite fire lane should be added to the parking area. The applicant should also provide documentation from the fire department regarding fire

access to and around the building. **Documentation from Richard Hilbrandt is included with this package.**

9. The applicant should provide curb and sidewalk details. **There are neither proposed onsite sidewalks nor curbing. There is no proposed work within the DOT right-of-way. This comment is satisfied.**

10. If there are any areas where outdoor storage is proposed it is recommended to show the location on the plan. It is recommended a note be added to the plan stating there is no proposed outdoor storage on this site if there is not any proposed. **This comment is satisfied.**

11. It is recommended the applicant obtain correspondence from the water district stating the required water demand can be provided for the proposed use. If the water service requires modification, the existing water service line location should be added to the plan. **Correspondence from Doris Balacic-Scheuing is provided, however, it does not state the water supply is or is not adequate. It is recommended the Planning Board require additional verification from the water department.**

12. The location of the electrical service pole is to the north of, and at about the midpoint of, the building. Any overhead wires, near the building, should be shown both on and offsite. Any other utilities serving the building should be added to the plan as well. It is noted a call-before-you-dig note is on the detail sheet of the plan set. **This comment is satisfied.**

13. All site lighting shall conform to §143-27.1 of the Town Code. It is recommended details of the proposed lighting fixtures be provided and foot-candle diagrams should be added to the proposed conditions plan. It is recommended the applicant provide clarity on the proposed lighting fixtures. **The luminaire schedule and calculation summary on sheet 3 should be enlarged for clarity. The proposed photometric plan and fixtures shall be in conformance with the above section of the code.** 14. As stated in Michele Greig's letter, the freestanding sign shall not exceed 15 square feet. The detail of the sign should be updated to reflect accordingly. **This comment is satisfied.**

15. A tabular summary of the existing impervious compared to the proposed impervious should be provided on the plan. **This comment is satisfied.**

16. A proposed landscaping schedule is recommended to be added to the plan. **This comment is satisfied.**

17. The stormwater infiltration planter detail shows a depth in excess of 2.5 feet below grade. This office recommends boundary soil conditions, specific to infiltration, be provided. **This comment is satisfied.**

18. It appears as though the will be work within the DOT right-of-way as a result of improving the entrance. It is recommended correspondence to and from the DOT, or a Highway Work Permit, be provided by the applicant to the Planning Board. **There is no DOT right-of-way work proposed. This comment is satisfied.**

19. The applicant should add a note to the plan reflecting the phasing of this project; if this is a single-phase project, the notes should reflect as such. **It is recommended a note be added to the plan stating “this is a single-phase proposal”.**

20. A Full EAF is required per §143-49.1.F.(3)(b)[9]. **It is noted a negative declaration was approved on November 18, 2013.**

21. The plans should be reviewed for clarity, specifically within the right-of-way area on the existing conditions plan. A number of spot elevations are obscured in this area. During our meeting on November 27, Mark and I discussed the closure of 2 underground storage tanks having been completed in front of this building. At this time it is recommended proof of closure from the NYSDEC be provided to the Planning Board.

At this time it is recommended these items be made conditions of approval. If you have any questions regarding the information above, please feel free to contact me at (518) 828-2700 ext. 114.

Sincerely,
Crawford & Associates Engineering, P.C.
Amy L. Haight
Senior Engineer

cc: Kathleen Flood, Planning Board Secretary
Steve Cole, Code Enforcement Officer
Michele Grieg, AICP, Greenplan Jennifer
Gray, Esq., Keane & Beane Mark
Graminski, P.E. L.S.
Brandee K. Nelson, P.E., Crawford and Associates
File #3880.12

617.7

State Environmental Quality Review (SEQR) Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 2, 2013

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: Preserve @ Lakeskill Subdivision

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The applicant proposes to subdivide 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. The residential lots will be accessed by a private road, and some lots will

access the road by a shared driveway. A Homeowners Association (HOA) will be created and will own the private road and the conservation parcel. The Town Board of the Town of Red Hook will have a third-party enforcement right with respect to the conservation easement. The HOA will maintain the stormwater management facilities designed for the site. 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 (DCWWA), which will own and operate the system. Individual wells will serve each building lot. The Town Board may need to establish an open development area pursuant to Town Law § 280-a for the proposed private road.

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 Full Environmental Assessment Form (EAF) for the action dated September 20, 2010 and revised February 14, 2012 and July 5, 2012, 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 EAF indicates that there are bedrock outcroppings on the project site and that the depth to bedrock is 0 to 8 feet. It is not anticipated that blasting will be required for the excavation of bedrock. However, should blasting be required, a blasting protocol will be developed to mitigate any potential impacts and to ensure safety for workers on site. Since construction on land where bedrock is exposed can be mitigated by a blasting protocol, should blasting be required, the proposed project will not result in a significant adverse environmental impact to land.
4. New York State Department of Environmental Conservation (NYSDEC) regulated wetlands associated with the Lakeskill, and federal jurisdictional wetlands are present on the project site. The site also contains vernal pools. The National Wetlands Inventory (NWI) mapper identifies the on-site wetlands as PFO1E (freshwater forested shrub). The NYSDEC-regulated wetland along the Lakeskill is identified as CM-26.

A field delineation of on-site wetlands was conducted 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 entirety of the site was investigated and a total of six distinct wetland areas were identified, including 18.766 acres of NYSDEC designated wetland CM-26, 2.273 acres of ACOE wetlands, and two vernal pools.

The proposed project is a conservation subdivision that has been designed to locate all development and associated improvements outside wetland areas and the required 100' adjacent area to the NYSDEC wetland. Property boundaries for the individual residential lots will end at the 100' adjacent area to the NYSDEC wetland, and a split rail fence will be installed to delineate the adjacent area. The Homeowner's Association (HOA) agreement will stipulate that the spit rail fence is not to be removed and no disturbance to the NYSDEC wetland and the 100' adjacent area will be

permitted. An existing farm road, which will be used as a pedestrian trail, crosses a small portion of the NYSDEC wetland and the adjacent area, but this road will not be improved or modified in any way other than the installation of removable bollards at the trailhead to prevent motorized vehicles from using the trail. 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.

Two high quality Tier 1 vernal pools, which contain breeding populations of the State-listed Jefferson salamander, are located on the project site. The applicant plotted the 100 foot vernal pool envelope and the 100-750 foot critical upland habitat area for each vernal pool, and calculated the impacted and non-impacted acreage for each of those rings for each pool, pre-and post-development (refer to Vernal Pool Map dated October 3, 2011). The project will not disturb the 100 foot envelope for either vernal pool. The project will disturb a maximum of 12.67% of the 100-750 upland habitat area of vernal pool #1, and 2.3% of the upland habitat area of vernal pool #2. The proposed project is therefore consistent with the recommendations of Dr. Michael Klemens, who consulted to the Planning Board in the review of the project, in his publication Best Management Practices: Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States (M. W. Klemens and A. J. K. Calhoun, MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, NY, 2002). That publication recommends that well-protected vernal pools are those that ideally have intact envelopes and 75% undeveloped critical terrestrial habitat.

The Lakeskill runs in a north to south direction along the western property boundary. According to the NYSDEC Environmental Resource Mapper, the stream classification is B(TS). Best usages for Class B waters are primary and secondary contact recreation and fishing. The abbreviation (TS) indicates that the stream is suitable for trout spawning. A Protection of Waters Permit is required to physically disturb the bed or banks of any stream with a classification of C(T) or higher. The proposed action will not disturb the stream bed or banks, and therefore no permit is required.

Based on the foregoing, no significant adverse environmental impacts to protected water resources will result from the proposed project.

5. Development of the site will result in a disturbed area in excess of one acre. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) will be required in order to obtain coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit 0-10-001. The SWPPP will require erosion and sediment control measures to be implemented, and an accompanying Stormwater Management Report will demonstrate how stormwater is to be managed on site. Since site disturbance will exceed five (5) acres, the SWPPP will require water quality treatment as well as attenuation, which is typically achieved through the construction of stormwater management practices located on the property to treat and attenuate stormwater flows. The HOA agreement will include the long-term operation and maintenance policy for the stormwater management facilities onsite.

Several green infrastructure planning techniques in accordance with the NYSDEC Stormwater Manual will be implemented at the site that include: preservation of undisturbed areas, preservation of buffers, reduction of clearing and grading, location of development in less sensitive areas, open space design by cluster development, roadway and driveway reduction, building

footprint reduction, conservation of natural areas, sheet flow to riparian buffer zone, vegetated open swales, disconnection of rooftop runoff, rain gardens, vegetated buffer strips, infiltration practices, and bioretention areas.

Based on the foregoing, no significant adverse environmental impacts on surface water will occur.

6. The proposed project will be served by a community subsurface sewage disposal system (SDS) that will be designed to the standards of the Dutchess County Water and Wastewater Authority (DCWWA), which will review the system design, plans and specifications, and will own and operate the system, following approval by the Dutchess County Department of Health of the system design, plans and specifications. The applicant has entered a Memorandum of Understanding with DCWWA and will convey the proposed community SDS to DCWWA before it is put into service. This is consistent with the Town of Red Hook's Subdivision Regulations, which state that the Town of Red Hook encourages shared or community disposal systems for conservation subdivisions, and permits the creation of a special district under County Law. [Refer to § 120-21.I.]

Several deep test holes were performed at key locations on site, and the open field area containing Hoosic Gravelly Loam (HsA) soils was determined to be the best area to support the community SDS. HsA soils are excellent for subsurface wastewater disposal systems. Two percolation tests were performed in this area, indicating that this area presents an excellent opportunity for a community system for the site. Each individual building lot will have a septic tank for primary treatment of the wastewater, and therefore only grey water will be conveyed to the community SDS.

Since there are no existing municipal water supplies to connect to in the vicinity of the project, individual wells are proposed to serve each residential lot. The wells will be approved by the Dutchess County Department of Health. The project's total anticipated water usage per day is 4,680 gallons, which will have no measurable impact on existing groundwater supplies in the area.

Based on the foregoing, no significant adverse environmental impacts to groundwater will result from the proposed project.

7. The applicant prepared a Threatened and Endangered Species Habitat Suitability Assessment Report and an Ecological Investigations Report for the project site to examine potential impacts of the project on animals. Ecological investigations included a bird survey as well as an amphibian and reptile survey. Amphibian and reptile surveys included searches, establishing a drift fence, and trapping surveys. The objective of these surveys was to identify and record the animal species occurring on or utilizing the project site ecological communities, and determine if any federal or state-listed endangered or threatened, or state-listed special concern species are present on the subject site. The reports were reviewed by the Planning Board's consultant Dr. Michael Klemens.

No bird species observed on the site were federal or state-listed endangered or threatened, or state-listed special concern species.

A total of 13 amphibians and eight reptiles were observed on the site. Several snapping turtles (*Chelydra serpentina*) and painted turtles (*Chrysemys picta*) were captured either in pit traps along the drift fence or in turtle traps in the vernal pools. No blanding's turtles were captured. Jefferson salamander (*Ambystoma jeffersonianum*) was the only state-listed species of special concern found on site. This salamander was found around both vernal pools on site, as well as under rocks in a

quarried area on what was proposed as Lot #6. Based on the ecological study, the proposed project was more tightly clustered to completely eliminate any disturbance to this area.

As discussed previously, the project site contains two high quality Tier 1 vernal pools. The project is consistent with the desired management practice to minimize disturbance to the 750 foot critical upland habitat area to support upland populations of amphibians that breed in vernal pools.

Based on the foregoing, no significant adverse environmental impacts to threatened or endangered or state-listed special concern species will occur.

8. Approximately 15 acres of statewide important agricultural soils are located on the project site. A small area of agricultural soils on the portion of the project site located in the RD3 Zoning District will be developed. However, the majority of agricultural soils are located on the portion of the site that is within the Towns' Agricultural Business (AB) Zoning District. Of the $\pm$ 84 acres of land located in the AB District, less than 2 acres will be disturbed. The remaining $\pm$ 82 acres will be permanently preserved with a conservation easement, thereby preserving the majority of agricultural soils on the site, consistent with the intent of the AB District to conserve important farmlands.

The project site is adjacent to a farm operation in a certified NYS Agricultural District. The closest proposed building will be located 160 feet from the property boundary to the west where the farm operation is located. Beyond the property boundary to the west is the Lakeskill and a steep embankment, which provide additional buffering between the agricultural lands and the proposed subdivision. All other proposed buildings will be located in excess of 200' from the property boundary. Thus the adjacent agricultural lands will be well buffered from the proposed subdivision, as recommended by the Town's Subdivision Regulations.

The adjacent farm raises livestock which, according to the farm operator, must be moved across Feller Newmark Road twice daily. The applicant has agreed to pursue all necessary approvals to install "Livestock Crossing" signs in appropriate locations on the Feller Newmark Road. The applicant has agreed to include a requirement in the Homeowners Association (HOA) Agreement that the HOA will distribute information to property owners within the HOA notifying them that adjacent farms move livestock across the road. As discussed in Section 10 below, the proposed action will result in a de minimus increase in traffic, which will have no measurable impact on the capacity of Feller Newmark Road, the existing levels of service for the surrounding road network, and agricultural activities. Thus no significant adverse impacts of traffic on farm operations will result.

Based on the foregoing, the proposed action will not result in significant adverse environmental impacts to agriculture.

9. The project site is located within an area that has been identified as sensitive for archaeological resources. A Phase 1A Literature Review and Sensitivity Analysis and Phase 1B Archaeological Field Reconnaissance Survey was prepared by the applicant to assess potential impacts on historic and archaeological resources. The Phase 1 study was performed in accordance with the guidelines established by the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP), and the Standards for Cultural Resource Investigations and the Curation of Archaeological Collections published by the New York Archaeological Council. The field investigation and technical

report meet the specifications of the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, the relevant federal standards, and SEQR.

The project site consists of approximately 100 acres, 7 acres of which (the Potential Area of Effect) will be disturbed.

The presence of prehistoric sites in proximity to the project site indicates that prehistoric peoples utilized the area in the past. The sensitivity of the site is increased by the presence of the Lakeskill and wetlands located on the property. However, bedrock outcrops that might have been used as rockshelters were not observed within the project site, nor was there any evidence of in situ cryptocrystalline lithic materials, such as chert or quartz. Moreover, the sensitivity of the project area is decreased by the fact that a significant portion of the Area of Potential Effect (APE) has been affected by prior disturbance, perhaps from soil or gravel mining activities.

The APE was tested with a total of 76 shovel tests at 50 foot intervals. As a result of the testing it was determined that no undisturbed strata remain within the boundaries of the APE. No cultural material was recovered in the Phase 1B survey and it is considered unlikely that any cultural resources will be impacted by the project.

With respect to historic cultural resources, there is an abandoned house (the former Armstrong/Ham house) located in the east central portion of the project site. The structure appears to date from 1850 and was occupied until the 1950s. In addition to the house, which is still standing, there are the remains of two fieldstone foundations. The house and foundations are entirely outside the APE and will not be impacted by the proposed project. None of these resources are considered eligible for National Register listing.

The NYS OPRHP has reviewed the project in accordance with the New York State Historic Preservation Act of 1980 and has determined that the proposed project will have No Impact on cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

Based on the foregoing, no significant adverse environmental impacts to historic and cultural resources will occur.

10. Projected vehicle trips resulting from the proposed action, based on multipliers provided by the Institute of Transportation Engineers Trip Generation 9th Edition, Land Use Code #210, are as follows:

- 15 vehicle trips during the weekday morning peak hour (4 vehicle trips entering the site and 11 exiting)
- 14 vehicle trips during the weekday afternoon peak hour (9 vehicle trips entering the site and 5 exiting)
- 19 vehicle trips during the Saturday peak hour (10 vehicle trips entering the site and 9 exiting).

The projected increase in daily traffic is approximately 106 vehicles. The current volume is approximately 200 vehicles. Although this increase is a 50% increase in activity on an average day, the total of approximately 300 vehicles per day is still a low volume condition, according to the Planning Board's traffic engineer. Even assuming the vast majority of traffic is condensed into a 12-hour timeframe, the result is on average 25 vehicles per hour, or less than one every 2 minutes.

Importantly, the capacity of this roadway, Feller-Newmark Road, and its intersections with other public roads, are not degraded relative to levels-of-service. The projected number of vehicle trips during peak periods results in a de minimus increase in traffic, which will have no measurable impact on existing levels of service for the surrounding road network.

Relative to the issue of safety associated with the proposed project, the geometry and alignment of the roadway constrain operating speeds, and the existing accident history is not indicative of unusual conditions. The additional activity will not be sufficient to forecast that this history will be negatively impacted. It is still a low volume set of conditions. To enhance pedestrian safety and the safety of children, the applicant has agreed to pursue all necessary approvals to install "Pedestrian" and "School Bus Stop Ahead" signs in appropriate locations on the Feller Newmark Road. 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 applicant proposes a private road to serve the project, with shared driveways from the private road serving some of the proposed lots. This is consistent with the Town's Subdivision Regulations, which state that access may be provided either directly from a public streets or, in the case of a conservation subdivision, by "suitably improved and maintained private streets." [Refer to § 120-20A(5)(a).]. The Town Board may need to establish an open development area (ODA) pursuant to Town Law § 280-a and the Town Subdivision Regulations for the proposed private road. The proposed project is a conservation subdivision, as required by the Zoning Law, and therefore establishment of an ODA to permit a private road would have no impact on permitted density. Section 120-20A(6) of the Subdivision Regulations requires that private roads be constructed in accordance with the minimum design standards for Town roads prescribed in the Town Highway Specifications. However, §120-21H(2) of the Subdivision Regulations states that "Streets shall meet the Town Highway Specifications, unless an open development area is established in accordance with § 280-a of the Town Law." Even if it is determined that establishment of an ODA is necessary to permit a private road that did not meet the Town Highway Specifications, construction of such a road would result in less disturbance, less grading, and less impervious surface, all of which would be beneficial impacts. Therefore no significant adverse environmental impacts from establishment of an ODA and construction of a private road would result.

Lot frontage in some cases has been reduced to the minimum permitted by NYS Town Law § 280-a and pursuant to the Town's conservation subdivision regulations, which permit lot sizes and dimensions to be "freely disposed and arranged." [Refer to § 143-33D(2).] This does not result in an increase in density, but rather allows for the tighter clustering of the lots to minimize impacts on environmental resources to the maximum extent possible, consistent with the purpose of the Town's conservation subdivision regulations "to conserve open space, including those areas containing unique and sensitive natural features such as steep slopes, flood plains, stream corridors and wetlands by permanently setting them aside from development." [Refer to § 143-33A.]

Feller Newmark Road is the only road that the project site has frontage on, so there are no alternative access points. In situations where a through street cannot be provided, the Town's Subdivision Regulations allow a cul-de-sac to be authorized, as long as it serves no more than 12 single-family residential lots. [Refer to § 120-20B(4)(a).] Eleven residential lots are proposed, and the project is therefore consistent with this provision.

A site meeting between the applicant and the former Town Highway Superintendent occurred in October 2009 to review the proposed access point. Based on the low lot count with respect to the size of the property, and the low existing volume of traffic on Feller Newmark Road in the vicinity of the project area, the former Town Highway Superintendent concluded that the proposed access was feasible and would provide a safe entry and exit for the proposed project.

Subsequently, the current Town Highway Superintendent indicated that the existing sight distance at the access point does not meet the requirements of the Town's Highway Specifications. The applicant must provide adequate sight distance consistent with the Town's Highway Specifications, to the satisfaction of the Town Highway Superintendent. To achieve the required sight distance, the applicant has proposed to regrade a portion of the existing roadway. The proposed roadway improvements are the minimum improvements necessary to achieve the required sight distance, and will necessitate either securing a temporary grading easement from private property owners adjacent to the roadway, or construction of a retaining wall with a six (6) foot high fence within the right-of-way. The applicant has proposed drainage improvements for both options and landscape screening will be required if a retaining wall option is utilized. Proposed drainage improvements must meet the satisfaction of the Town Highway Superintendent and the Planning Board's Consulting Engineer. Although the proposed methods to achieve adequate site distance will alter the appearance of Feller-Newmark Road, the altered segment is relatively short when compared to the entire length of the roadway. Additionally, there are no feasible alternatives to the proposed roadway improvements since the proposed access point is the sole means of access to the site. Even if this were an application for a single dwelling unit on the site, the applicant would still need to provide adequate sight distance. The proposed roadway regrading would be required whether a single dwelling or eleven dwellings were proposed.

Since a private road is proposed, school buses will be required to stop on Feller Newmark Road. The applicant must provide adequate sight distance consistent with the Town's Highway Specifications, to the satisfaction of the Town Highway Superintendent, to ensure the safety of school buses stopping on the roadway.

Based on the foregoing, no significant adverse environmental impacts on the transportation network will occur.

11. The proposed project is anticipated to result in a small increase in energy use resulting from the construction of eleven single-family dwellings. However, all of the dwellings will be Energy Star compliant and rated by an independent third party to minimize energy consumption. Based on the foregoing, no significant adverse environmental impacts on energy will occur.
12. The Town's adopted Comprehensive Plan establishes a goal to provide transportation improvements and facilities consistent with the character of the community and the needs of Town residents by:

Encouraging project design and/or related highway improvements which maintain or improve the capacity of major and collector roadways to accommodate current and projected traffic volumes without fundamental changes in the appearance and character of these roadways.

Maintaining and developing a road system that remains sensitive to the historic and scenic resources of the community and consistent with traditional routes of travel between Village and hamlet centers.

Feller-Newmark Road is a residential collector road. As discussed in Section 10 above, the applicant has proposed to regrade a portion of the existing roadway in order to achieve the sight distance required by the Town's Highway Specifications. This improvement will improve the capacity and safety of this collector road to accommodate projected traffic volumes. The proposed roadway improvements are the minimum improvements necessary to achieve the required sight distance, and will necessitate either securing a temporary grading easement from private property owners adjacent to the roadway, or construction of a retaining wall with a six (6) foot high fence within the right-of-way. The applicant has proposed drainage improvements for both options and landscape screening will be required if a retaining wall option is utilized. Although the proposed methods to achieve adequate sight distance will alter the appearance of Feller-Newmark Road, the altered segment is relatively short when compared to the entire length of the roadway. Additionally, there are no feasible alternatives to the proposed roadway improvements since the proposed access point is the sole means of access to the site. Even if this were an application for a single dwelling unit on the site, the applicant would still need to provide adequate sight distance. The proposed roadway regrading would be required whether a single dwelling or eleven dwellings were proposed.

Based on the foregoing, no significant adverse environmental impacts on community character will occur.

13. Based on multipliers provided by Rutgers University, Center for Urban Policy Research Residential Demographic Multipliers (June 2006), the proposed project is estimated to result in an increase of approximately six (6) school age children. According to the New York State District Report Card (April 2012), the Red Hook Central School District has seen a declining enrollment in recent years, from 2,285 students in K-12 for the 2008-2009 academic year to 2,163 students in 2010-2011. The addition of six school age children is not anticipated to have a significant adverse impact on the school district.

10. For Further Information:

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11. A Copy of this Notice Filed With:
Town of Red Hook Planning Board (Lead Agency)