

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
April 6, 2020

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan read a statement of compliance with the NYS Open Meetings Law regarding the use of videoconferencing for the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Brian Kelly, Vanessa Kichline, Kristina Dousharm and Kallie Robertson. Lisa Foscolo was absent. Also present were planning consultant Michele Greig and engineering consultant Michelle Mormile.

Brian Kelly moved to approve the draft meeting minutes of February 2, 2020. Kristina Dousharm seconded and all members voted in favor.

Mr. Phelan reviewed correspondence received from the State concerning the Board's suggestions regarding the Empire State Trail signed by state agencies who superseded the Planning Board's suggestions. The Board generally agreed to accept the state's position on the matter.

OLD BUSINESS

Bear-Lynch Special Use Permit 2019-2

Continued discussion of application to construct a two car, detached garage, less than 100 feet from a NYSDEC wetland, on a 0.6-acre parcel, in the RD3 Zoning District.

Applicant's representatives Tim Lynch and Phil Zempke were present.

The Board and applicants reviewed the variance granted by the Zoning Board of Appeals (ZBA) and noted that a condition of approval was the removal of a storage shed. Mr. Zempke said that it had not yet been removed.

Kristina Dousharm said her only concern was that the area where the garage is proposed is the only usable area if a septic repair were to be needed in the future. Mr. Phelan asked Tim Lynch if he could provide documentation on the existing septic system. Mr. Lynch said that he could, and he would forward it to the Board for the file.

Mr. Phelan asked the board's engineering consultant to comment. Michele Mormile said she had reviewed the DEC permit dated 1-20-20, and noted that there should be no ground disturbance between April 15 and Oct. 24 to avoid impacts on Blanding's turtles.

Mr. Phelan asked Michele Grieg for her comments. She indicated some changes to the plat.

Mr. Phelan asked the applicant's representative's how runoff water from the driveway and the garage roof would be directed away from the lake. Mr. Zempke said a proposed rain garden will pick up some of the drainage, but said that the design of the building has not yet been finalized. Mr. Phelan was concerned about the lack of technical details, and encouraged the applicants' representatives to provide more engineering details for how the storm water on the site will be managed. Mr. Zempke assured

Mr. Phelan that the applicant would meet any conditions of approval the Planning Board might have. Mr. Phelan said the Planning Board should review these details as part of the approval process.

Ms. Grieg clarified that the Planning Board must consider the impacts of water recharge areas, water table levels, water pollution, aquatic plant life, drainage patterns, storm water runoff, flooding, erosion control and essential vegetative growth in deciding whether to grant a special permit. Mr. Phelan said additional engineering work needs to be provided to the Planning Board's engineer to answer these critical questions before the Board can grant a permit. Ms. Mormile recommended the applicant submit a detail and specifications for the proposed rain garden. Mr. Phelan invited the applicants' representatives to communicate directly with Ms. Mormile. A public hearing was set for May 4.

Sky Park Minor Subdivision 2019-2, 438 Route 199

Continued discussion of application to subdivide a 107.27-acre parcel into four residential building lots, 9.35 acres, 30.179 acres 37.517 acres and 30.216 acres in size, proposed to be accessed by two shared driveways in the RD3, Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O) and Environmental Protection Overlay (EP-O).

Applicant's representative Tom Mangione was present.

Proposed restricted areas on lot 1 were discussed, specifically, what methods would be used to determine restrictions to protect a wooded area and a meadow, and how they would be enforced.

It was determined that two separate restricted areas would be created, and the applicant's attorney will draft deed restrictions for the Planning Board's attorney to review.

The Board reviewed parts 2 and 3 of SEQR and a draft Negative Declaration. Kallie Robertson made a motion of adopt the Negative Declaration. Brian Kelly seconded and all members voted, by roll call, in favor.

Kristina Dousharm made a motion to approve the sketch plan. Brian Kelly seconded and all members voted, by roll call, in favor.

A public hearing was set for May 4.

NEW BUSINESS

Cary Kittner, Certificate of Appropriateness, 1 Wildey Road, Barrytown.

Presentation of application to construct a 24 x 28 two story garage on an.82-acre property in the Hamlet of Barrytown.

Applicant Cary Kittner was present. She gave an overview of the project and the two variances granted by the ZBA. Ms. Kittner said that the ZBA had held a public hearing and no neighbors spoke out against the project. She asked if another public hearing would be required by the Planning Board.

Mr. Phelan said that the Design Review Committee had recommended that the project be granted a Certificate of Appropriateness. He asked Ms. Kittner if the garage doors would be wood, or clad with wood. Ms. Kittner replied yes. He asked if the siding would be wood. Ms. Kittner replied yes.

Kallie Robertson moved to waive the public hearing since one had already occurred at the ZBA meeting. Brian Kelly seconded and all members, by roll call, agreed.

Brian Kelly moved that the project be classified as a type II SEQR Action, meaning no further environmental review is required. Kristina Dousharm seconded and all members, by roll call, agreed.

Kallie Robertson moved that the Board grant a Certificate of Appropriateness. Kristina Dousharm seconded and all members, by roll call, voted in favor.

Bard College Blythewood vista Special Use Permit

Presentation of application for the removal of approximately 35 trees within a 30' x 60' swath to create a model scenic vista in the Institutional Zoning District within 1000 feet of the Hudson River.

Applicant's representative Amy Parrella was present. She described the project. She said that, due to the current restrictions, the project would probably not be completed until the fall.

The Board and Ms. Parrella discussed the details of the project; specifically, the number of trees and shrubs to be removed.

Ms. Greig noted that, according to town Code, work within 500 feet of tidal waters constitutes a Type I action under SEQR, and therefore would require a full EAF to be submitted.

A public hearing was set for May 4.

Winnakee, Rose, Cohen, Trimarco, Guido, Van Nostrand, Fisher, and Tabor, Evans and Botero Lot Line Alterations

Presentation of application to convey a total of 1.36 acres of land from a 246.63-acre parcel to seven adjacent residential parcels to address encroachments of the subject lots onto the Winnakee parcel. Project is located in the R1.5, RD3, Historic Landmarks Overlay and Scenic Corridor Overlay districts.

Mr. Phelan recused himself and asked Brian Kelly to chair this section of the meeting.

Applicant's representative Warren Rosenthal was present. He gave an overview of the project.

Kristina Dousharm moved that the Planning Board act as Lead Agency for an unlisted action under SEQR. Kallie Robertson seconded and all members, by roll call, voted in favor.

The Board reviewed the EAF parts 2 and 3 and a draft Negative Declaration. Kristina Dousharm moved to adopt the Negative Declaration. Kallie Robertson seconded and all members, by roll call, voted aye.

A public hearing was set for May 4.

OTHER BUSINESS

Extension request – Preserve @ Lakeskill

Applicant's representatives John Wagner and Mike Bodendorf were present. Mr. Wagner updated the Board regarding accomplishments since the last extension was granted.

Mr. Wagner requested that Town Supervisor be removed from the meeting. Mr. Phelan denied the request.

Mr. Wagner and Mr. Bodendorf discussed some issues with the Dutchess County Water and Wastewater Authority (DCWWA) and the Health Department that are still outstanding.

Mr. Phelan asked if there were any questions from the Board. There were none. Kallie Robertson moved to grant an extension until June 30. Kristina Dousharm seconded and all members, by roll call, voted in favor.

Extension request – Shafer's Hudson Valley

Mr. Phelan said he would try to get an update on litigation for the Board. Brian Kelly moved that a 90-day extension be granted. Kallie Robertson seconded and all members, by roll call, voted in favor.

ADJOURNMENT

Mr. Phelan introduced Lew Rose, a member of the community who has expressed interest in joining the Board. Mr. Rose talked a little about his background, and invited Board members to email him if they would like.

Kallie Robertson made a motion to adjourn. Brian Kelly seconded and all members voted in favor.

Respectfully submitted



Kathleen Flood
Clerk

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Sky Park minor subdivision
Date : 4-6-2020

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☒	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☒	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☒	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☒	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☒	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☒	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☒	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☒	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☒	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☒	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☒	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.
(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☐ NO

☒ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☒	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☒	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☒	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☒	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☒	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☒	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☒	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.
(See Part 1. E.2)

☒ NO

☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐
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6. Impacts on Air

The proposed action may include a state regulated air emission source.

(See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

If "Yes", answer questions a - j. If "No", move on to Section 8.

☐ NO

☒ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☒	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☒	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☒	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☒	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☒	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☒	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☒	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☒	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☒	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☐ NO

☒ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☒	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☒	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☒	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☒	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☒	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☒	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☒	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☒	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☒	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☒ ☒	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☒ ☒	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☒	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☒	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☒ NO☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: _____ _____		☒	☐

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☒	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☒	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☒	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☒	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☒	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☒	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☒	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☒	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☒	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☒	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☒	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☒	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☒	☐
m. Other impacts: _____ _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

Please see attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☐ Type 1

☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1

☒ Part 2

☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

See file materials

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

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

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

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

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

Name of Action: Sky Park Subdivision

Name of Lead Agency: Town of Red Hook Planning Board

Name of Responsible Officer in Lead Agency: Sam Phelan

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Sam Phelan / Kf

Date: 4-8-20

Signature of Preparer (if different from Responsible Officer) M. Greig / Kf

Date: 4-8-20

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

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

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

Other involved agencies (if any)

Applicant (if any)

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

PRINT FULL FORM

1. During construction, and prior to stabilization, there will be the potential for increased erosion due to reduced vegetation and increased ground disturbance. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving waterbodies. Development of the site will result in a total disturbed area in excess of one acre. Per the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System General Permit (GP) For Stormwater Discharges From Construction Activity (GP-0-20-001), Appendix B Table 1, projects involving construction activities that involve soil disturbance of one (1) or more acres of land, but less than five (5) acres and are a single-family residential subdivision with 25% or less impervious cover at total site build-out, that are not located in one of the watersheds listed in Appendix C of the GP, and are not directly discharging to one of the 303(d) segments listed in Appendix E of the GP, are only required to prepare an erosion and sediment control plan. Therefore an erosion and sediment control plan and a submission of a Notice of Intent is required in order to obtain coverage under GP-0-20-001 for each lot. The applicant has submitted a Typical House Construction Erosion and Sediment Control Plan on Sky Park Worksheet Map 1-1, dated November 20, 2019. The provided detail is from the New York State Standards and Specifications For Erosion and Sediment Control, dated July 2016, Appendix D for Erosion and Sediment Control Plans For Small Homesites Construction. The provided detail is also in conformance with GP-0-20-001 or most current. Bedrock outcroppings are located on 2.8% of the site; no development is proposed near bedrock outcroppings and therefore no blasting will be required.
2. A portion of a NYSDEC regulated wetland (RC-69) is present on the property. The NYSDEC Environmental Resource Mapper identifies RC-69 as a Class 2 wetland. The site also contains federally regulated wetlands. A field delineation of on-site wetlands was conducted by Ecological Solutions, LLC on October 11, 2019, and the delineation was validated by the NYSDEC on October 25, 2019. No filling or dredging or other construction impacts will occur to on-site wetlands. An existing 15' wide travel-way will be utilized as the driveway to serve a single-family dwelling that will be constructed on proposed Lot #3; a portion of this existing travel-way is located within the regulated 100-foot adjacent area. One-hundred-and-fifty (150) yards of NYSDOT Item #4 material will be placed on the portion of the 15' wide travel-way located within the 100-foot adjacent area to the wetland. The area of work in the adjacent area will be 7,875 sq. ft. (<¼ acre). No disturbance will occur within 50' of the wetland boundary. The driveway material will be placed prior to house construction, and a silt fence will be installed downgrade of the existing travel-way to prevent erosion during installation; the plat will be revised to show these erosion and sediment control measures. A note will be included on the plat and in the deeds prohibiting paving of the driveway and prohibiting the use of salts and de-icing agents on the driveway. A Freshwater Wetlands permit from the NYSDEC is required for the placement of gravel for driveway access within the 100-foot adjacent area; the applicant will obtain the permit from the DEC as a condition of approval. A portion of the Sawkill, a Class C(TS) protected stream, is located on the project site. No filling or dredging or other construction impacts will occur within the Sawkill or within 145' of the Sawkill.

3. The applicant submitted a *Threatened and Endangered Species Habitat Suitability Assessment Report* for the project site prepared by Ecological Solutions, LLC, dated October 11, 2019 and revised January 9, 2020 to examine potential impacts of the proposed project on threatened and endangered species. The report indicates that the property has potential habitat for Indiana bat (an endangered species) and Blanding's turtle (a threatened species). To minimize impacts to Indiana bat, a note will be included on the plat stating that any tree removal and/or trimming of trees shall only occur between October 1 through March 31, as recommended by the NYSDEC and US Fish and Wildlife Service. A note will also be included on the plat stating that all outdoor lighting shall utilize full cut-off fixtures with a maximum BUG upright rating of U0, and a maximum color temperature of 2,700 Kelvin to ensure that such lighting does not impact wildlife. Notes will also be included on the plat regarding dust control best management practices, and a prohibition of the use of chemicals in stormwater ponds, if required, to minimize impacts on bats or insect populations on which they may feed.
4. The project location is within the screening distance of a known Blanding's turtle record, and a large area of mapped Hoosic soils on the site is generally associated with turtle nesting when covered by upland meadow/field. The project will impact 4 total areas of the 101 acre site, of which 3.72 of the 4 acres is upland/field underlain by Hoosic soils. A number of measures are proposed to be utilized around each lot/dwelling to ensure that potential direct impacts during construction are avoided and minimized, along with trap hazard protection measures and a Blanding's turtle encounter plan, all as outlined in detail in the revised *Habitat Suitability Assessment Report*. All deeds of the proposed lots will state that the document entitled "Backyard Turtle Conservation" prepared by Hudsonia Ltd. shall be distributed to future homeowners. The NYSDEC reviewed the revised *Habitat Suitability Assessment Report*, and in correspondence dated February 4, 2020 advised that the report contains measures sufficient to avoid and minimize potential impacts to Blanding's turtle. The mitigation measures included in the *Report* will be incorporated into the project plans, and a revised plan set will be submitted to the NYSDEC for review.
5. The project site is located adjacent to a farm operation within a certified NYS Agricultural District (Agricultural District 20), and within 500' of farm operations within Agricultural District 20. Building envelopes have been identified on each parcel, and a 200' agricultural district buffer has been identified on the plat; all buildings will be located more than 200 feet from adjacent farmland to the west. A map note on the subdivision plat gives notice to future purchasers of the proposed lots that farming activities may occur on neighboring lands and may cause noise, odors and dust. A typed document containing the map note regarding farming activities will be delivered to all prospective purchasers of the lots, and all deeds of the proposed lots will contain references to the map note relative to the hazards and nuisances (noise, odors, and dust) of farming to which residents of such parcels willingly subject themselves, in accordance with Chapter 72 of the Town Code. An Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board.
6. The proposed project is located on Route 199 within the Town's Scenic Corridor Overlay District. Proposed Lot 1 is visible from the scenic corridor. A building envelope has been

designated for Lot 1. The northern edge of the building envelope is located approximately 800' from Route 199. A portion of a wooded area is located outside the building envelope, between the northern edge of the building envelope and the road; this wooded area will be preserved to screen views of future buildings on Lot 1 from Route 199. The plat will be revised to identify two "restricted areas"—including the meadow and a portion of the wooded area—located between Route 199 and the northern edge of the building envelope on Lot 1, and a note will be included on the plat prohibiting the construction of structures and the removal of any trees in the restricted areas in order to maintain the scenic character of the corridor. A deed restriction will contain the same prohibition against the construction of structures and removal of any trees in the restricted area, and the Town of Red Hook will be granted third party enforcement rights to the deed. A note will be included on the plat and in the deeds prohibiting further subdivision of the entire property, including Lot 1.

7. The proposed project is anticipated to result in a small increase in energy use. The proposed single-family dwellings will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy-efficient products in all new and renovated construction, and will be Energy Star compliant (i.e., 20% to 30% more energy efficient than standard homes) as required by Chapter 74 of the Town Code. Construction activities will result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment. The level of energy consumption is anticipated to be typical of similar developments in Dutchess County.
8. There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities will be limited to the hours of 8:00 am to 8:00 pm pursuant to Chapter 92 of the Town Code. All construction related noise and vibration will cease once construction is completed, and is therefore considered minor due to its temporary nature. A note will be included on the plat that all outdoor lighting shall utilize full cut-off fixtures with a maximum BUG upright rating of U0 to prevent light trespass, glare and sky-glow, and to reduce the cost and waste of unnecessary energy consumption. A note will be included on the plat that the color temperature of all proposed outdoor lighting shall be a maximum of 2,700 Kelvin to ensure that such lighting is not harsh, and does not impact wildlife or circadian rhythms.
9. The project site was previously used as a privately-owned general aviation facility, which included a number of underground fuel oil/gasoline/oil storage tanks. The applicant submitted a report entitled "Underground Storage Tank Closure Report" prepared by Optima Environmental Services dated June 18, 2019 summarizing the results of the excavation and removal of one underground storage tank (UST) and the cutting and cleaning of four other USTs that were previously removed and left on site. The report was reviewed by the Planning Board Engineer who determined it was complete for the UST removal by OPTIMA and the four other tanks that were staged on-site. Although there is no documentation that confirms the absence of contamination from where the four staged tanks were historically excavated from (which OPTIMA states in their report had been completed by others), it is noted within the report that these four tanks appeared to be in good condition, with no pitting or observable holes. The Planning Board Engineer also revised the NYSDEC PBS & Spills Incident Databases (spills back to 2011) and it appears that the facility was not registered

with the NYSDEC as a PBS facility, nor does it appear that there are any open spills identified for the site.

10. The proposed action will create a need for recreational land and facilities due to the generation of approximately 14 new residents of the Town including 5 new school age child (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Based on the present and anticipated future need for park and recreational opportunities in the Town, and the recreation demands that will arise from the future population of this project, parklands should be reserved as a condition of approval of this subdivision. However, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, pursuant to New York State Town Law § 277, the Planning Board has appropriate grounds to require that the applicant deliver payment in lieu of parkland dedication in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities.

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: April 6, 2020

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: Sky Park Subdivision

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The applicant proposes to subdivide a $\pm$ 102.114 acre parcel (Tax Map Parcel No.134889-6372-00-472345) located at 438 Route 199 in the Rural Development 3 (RD3), Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Environmental Protection Overlay (EP-O) Districts into four residential building lots, $\pm$ 7.971 acres, $\pm$ 30.000 acres, $\pm$ 31.508 acres, and $\pm$ 32.635 acres in size. Three of the parcels will be flag lots. The parcels will be accessed by two shared driveways, and will be served by individual wells and sanitary sewage disposal facilities.

Location: 438 Route 199, 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 October 24, 2019 and revised November 5, 2019, and all of the material submitted by the applicant, 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. During construction, and prior to stabilization, there will be the potential for increased erosion due to reduced vegetation and increased ground disturbance. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving waterbodies. Development of the site will result in a total disturbed area in excess of one acre. Per the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System General Permit (GP) For Stormwater Discharges From Construction Activity (GP-0-20-001), Appendix B Table 1, projects involving construction activities that involve soil disturbance of one (1) or more acres of land, but less than five (5) acres and are a single-family residential subdivision with 25% or less impervious cover at total site build-out, that are not located in one of the watersheds listed in Appendix C of the GP, and are not directly discharging to one of the 303(d) segments listed in Appendix E of the GP, are only required to prepare an erosion and sediment control plan. Therefore an erosion and sediment control plan and a submission of a Notice of Intent is required in order to obtain coverage under GP-0-20-001 for each lot. The applicant has submitted a Typical House Construction Erosion and Sediment Control Plan on Sky Park Worksheet Map 1-1, dated November 20, 2019. The provided detail is from the New York State Standards and Specifications For Erosion and Sediment Control, dated July 2016, Appendix D for Erosion and Sediment Control Plans For Small Homesites Construction. The provided detail is also in conformance with GP-0-20-001 or most current. Bedrock outcroppings are located on 2.8% of the site; no development is proposed near bedrock outcroppings and therefore no blasting will be required. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on land.
4. A portion of a NYSDEC regulated wetland (RC-69) is present on the property. The NYSDEC Environmental Resource Mapper identifies RC-69 as a Class 2 wetland. The site also contains federally regulated wetlands. A field delineation of on-site wetlands was conducted by Ecological Solutions, LLC on October 11, 2019, and the delineation was validated by the NYSDEC on October 25, 2019. No filling or dredging or other construction impacts will occur to on-site wetlands. An existing 15' wide travel-way will be utilized as the driveway to serve a single-family dwelling that will be constructed on proposed Lot #3; a portion of this existing travel-way is located within the regulated 100-foot adjacent area. One-hundred-and-fifty (150) yards of NYSDOT Item #4 material will be placed on the portion of the 15' wide travel-way located within the 100-foot adjacent area to the wetland. The area of work in the adjacent area will be 7,875 sq. ft. (<1/4 acre). No disturbance will occur within 50' of the wetland boundary. The driveway material will be placed prior to house construction, and a silt fence will be installed downgrade of the existing travel-way to prevent erosion during installation; the plat will be revised to show these erosion and sediment control measures. A note will be included on the plat and in the deeds prohibiting paving of the driveway and prohibiting the use of salts and de-icing agents on the driveway. A Freshwater Wetlands permit from the NYSDEC is required for the placement of gravel for driveway access within the 100-foot adjacent area; the applicant will obtain the permit from the DEC as a condition of approval. A portion of the Sawkill, a Class C(TS) protected stream, is located on the project site. No filling or dredging or other construction impacts will occur within the Sawkill or within 145' of the Sawkill. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on surface waters.
5. The applicant submitted a *Threatened and Endangered Species Habitat Suitability Assessment Report* for the project site prepared by Ecological Solutions, LLC, dated October 11, 2019 and revised January 9, 2020 to examine potential impacts of the proposed project on threatened and endangered species. The report indicates that the property has potential habitat for Indiana bat

(an endangered species) and Blanding's turtle (a threatened species). To minimize impacts to Indiana bat, a note will be included on the plat stating that any tree removal and/or trimming of trees shall only occur between October 1 through March 31, as recommended by the NYSDEC and US Fish and Wildlife Service. A note will also be included on the plat stating that all outdoor lighting shall utilize full cut-off fixtures with a maximum BUG uplight rating of U0, and a maximum color temperature of 2,700 Kelvin to ensure that such lighting does not impact wildlife. Notes will also be included on the plat regarding dust control best management practices, and a prohibition of the use of chemicals in stormwater ponds, if required, to minimize impacts on bats or insect populations on which they may feed.

6. The project location is within the screening distance of a known Blanding's turtle record, and a large area of mapped Hoosic soils on the site is generally associated with turtle nesting when covered by upland meadow/field. The project will impact 4 total areas of the 101 acre site, of which 3.72 of the 4 acres is upland/field underlain by Hoosic soils. A number of measures are proposed to be utilized around each lot/dwelling to ensure that potential direct impacts during construction are avoided and minimized, along with trap hazard protection measures and a Blanding's turtle encounter plan, all as outlined in detail in the revised *Habitat Suitability Assessment Report*. All deeds of the proposed lots will state that the document entitled "Backyard Turtle Conservation" prepared by Hudsonia Ltd. shall be distributed to future homeowners. The NYSDEC reviewed the revised *Habitat Suitability Assessment Report*, and in correspondence dated February 4, 2020 advised that the report contains measures sufficient to avoid and minimize potential impacts to Blanding's turtle. The mitigation measures included in the *Report* will be incorporated into the project plans, and a revised plan set will be submitted to the NYSDEC for review. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on threatened and endangered species.
7. The project site is located adjacent to a farm operation within a certified NYS Agricultural District (Agricultural District 20), and within 500' of farm operations within Agricultural District 20. Building envelopes have been identified on each parcel, and a 200' agricultural district buffer has been identified on the plat; all buildings will be located more than 200 feet from adjacent farmland to the west. A map note on the subdivision plat gives notice to future purchasers of the proposed lots that farming activities may occur on neighboring lands and may cause noise, odors and dust. A typed document containing the map note regarding farming activities will be delivered to all prospective purchasers of the lots, and all deeds of the proposed lots will contain references to the map note relative to the hazards and nuisances (noise, odors, and dust) of farming to which residents of such parcels willingly subject themselves, in accordance with Chapter 72 of the Town Code. An Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on agricultural resources.
8. The proposed project is located on Route 199 within the Town's Scenic Corridor Overlay District. Proposed Lot 1 is visible from the scenic corridor. A building envelope has been designated for Lot 1. The northern edge of the building envelope is located approximately 800' from Route 199. A portion of a wooded area is located outside the building envelope, between the northern edge of the building envelope and the road; this wooded area will be preserved to screen views of future buildings on Lot 1 from Route 199. The plat will be revised to identify two "restricted areas"—including the meadow and a portion of the wooded area—located

between Route 199 and the northern edge of the building envelope on Lot 1, and a note will be included on the plat prohibiting the construction of structures and the removal of any trees in the restricted areas in order to maintain the scenic character of the corridor. A deed restriction will contain the same prohibition against the construction of structures and removal of any trees in the restricted area, and the Town of Red Hook will be granted third party enforcement rights to the deed. A note will be included on the plat and in the deeds prohibiting further subdivision of the entire property, including Lot 1. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on aesthetic resources.

9. The proposed project is anticipated to result in a small increase in energy use. The proposed single-family dwellings will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy-efficient products in all new and renovated construction, and will be Energy Star compliant (i.e., 20% to 30% more energy efficient than standard homes) as required by Chapter 74 of the Town Code. Construction activities will result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment. The level of energy consumption is anticipated to be typical of similar developments in Dutchess County. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on energy.
10. There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities will be limited to the hours of 8:00 am to 8:00 pm pursuant to Chapter 92 of the Town Code. All construction related noise and vibration will cease once construction is completed, and is therefore considered minor due to its temporary nature. A note will be included on the plat that all outdoor lighting shall utilize full cut-off fixtures with a maximum BUG uplight rating of U0 to prevent light trespass, glare and sky-glow, and to reduce the cost and waste of unnecessary energy consumption. A note will be included on the plat that the color temperature of all proposed outdoor lighting shall be a maximum of 2,700 Kelvin to ensure that such lighting is not harsh, and does not impact wildlife or circadian rhythms. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on noise and light.
11. The project site was previously used as a privately-owned general aviation facility, which included a number of underground fuel oil/gasoline/oil storage tanks. The applicant submitted a report entitled "Underground Storage Tank Closure Report" prepared by Optima Environmental Services dated June 18, 2019 summarizing the results of the excavation and removal of one underground storage tank (UST) and the cutting and cleaning of four other USTs that were previously removed and left on site. The report was reviewed by the Planning Board Engineer who determined it was complete for the UST removal by OPTIMA and the four other tanks that were staged on-site. Although there is no documentation that confirms the absence of contamination from where the four staged tanks were historically excavated from (which OPTIMA states in their report had been completed by others), it is noted within the report that these four tanks appeared to be in good condition, with no pitting or observable holes. The Planning Board Engineer also revised the NYSDEC PBS & Spills Incident Databases (spills back to 2011) and it appears that the facility was not registered with the NYSDEC as a PBS facility, nor does it appear that there are any open spills identified for the site. Based on the foregoing the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on human health.

12. The proposed action will create a need for recreational land and facilities due to the generation of approximately 14 new residents of the Town including 5 new school age child (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Based on the present and anticipated future need for park and recreational opportunities in the Town, and the recreation demands that will arise from the future population of this project, parklands should be reserved as a condition of approval of this subdivision. However, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, pursuant to New York State Town Law § 277, the Planning Board has appropriate grounds to require that the applicant deliver payment in lieu of parkland dedication in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, the proposed action will not result in any significant adverse environmental impacts on community resources.
13. The Town of Red Hook Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

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

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

617.6
State Environmental Quality Review (SEQR)
Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Kittner Certificate of Appropriateness

Whereas, the applicant proposes to construct a two story, 24' x 28' garage on tax map parcel 180832, 1 Wildey Road, Barrytown, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Brian Kelly, seconded by Kristina Dousharm and a vote of 5 for, and 0 against, and 1 absent, this resolution was adopted on April 6, 2020.

Town of Red Hook Planning Board

CERTIFICATE OF APPROPRIATENESS

April 6, 2020

Cary Kittner
Tax Parcel # 180832

The applicant, whose property is located at 1 Wildey Road, Barrytown, wishes to construct a two story 24' x 28' garage to replace s shed to the right and the rear of the home in the Hamlet District.

The application and supporting documents were sent to the Hamlet Design Review Committee Jan 7, 2020. The Committee responded Jan 31 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

The applicant was granted a variance from seccionn143-12 and 148-18-A(2)(a) of the town zoning code from the Zoning Board of Appeals on March 11, 2020.

The Planning Board has reviewed and discussed the proposed plans and determined that the project proposed is compatible with the historic character of the property as well as with the neighboring properties in the district and that there will be no visual negative impact. Therefore,

On a motion by Kallie Robertson seconded by Kristina Dousharm and a vote of 5 for, 0 against and 1 absent, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Cary Kittner for the proposed construction described above.

Certified by: K Flood 4-8-2020
Kathleen Flood, Planning Board Clerk Date

Project:

WINNAKEE LLA

Date:

4-6-2020

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project: _____

Date: _____

Short Environmental Assessment Form **Part 3 Determination of Significance**

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

The proposed action will apply to lands that are located within the Hudson River National Historic Landmark District and to lands that have been identified as sensitive for archaeological sites by the NYS Office of Parks, Recreation and Historic Preservation. The proposed action involves lot line alterations only; no development is proposed as part of the action and therefore no significant adverse environmental impacts will occur to historic and archaeological resources.

The Winnakee parcel is located within 500' of lands in a New York State certified Agricultural District (Agricultural District 20). An Agricultural Data Statement was prepared by the applicants and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered the Agricultural Data Statement in its review of the application. The proposed action involves lot line alterations only; no development is proposed as part of the action and therefore no significant adverse environmental impacts will occur to agricultural resources.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Red Hook Planning Board

4-6-2020

Name of Lead Agency

Date

~~Sam Phelan~~

BRIAN KELLY

Chairman

Acting Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

B. Kelly / K7

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: April 6, 2020

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: Winnakee Lot Line Alterations

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative ☐ YES
☒ NO

Description of Action: The applicant proposes to convey a total of ± 1.36 acres of land from a ± 246.63 acre parcel located in the R1.5, RD-3, HL-O, and SC-O Districts to seven (7) residential parcels located in the R1.5 District.

Location: Route 9G, 80, 97, 99, 101, and 103 Manor Road and 51 and 111 Kelly Road, Town of Red Hook, Dutchess County, New York; and

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 Short Environmental Assessment Form (EAF) for the action dated March 3, 2020 and revised April 6 2020, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The proposed action will apply to lands that are located within the Hudson River National Historic Landmark District and to lands that have been identified as sensitive for archaeological sites by the NYS Office of Parks, Recreation and Historic Preservation. The proposed action involves lot line alterations only; no development is proposed as part of the action, and therefore no significant adverse environmental impacts will occur to historic and archaeological resources. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on cultural resources.
4. The Winnakee parcel is located within 500' of lands in a New York State certified Agricultural District (Agricultural District 20). An Agricultural Data Statement was prepared by the applicants and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered the Agricultural Data Statement in its review of the application. The proposed action involves lot line alterations only; no development is proposed as part of the action and therefore no significant adverse environmental impacts will occur to agricultural resources. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on agriculture.
5. The Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

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

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Town of Red Hook Planning Board (Lead Agency)