

draft
Town of Red Hook Planning Board
Meeting Minutes
February 7, 2005

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present— John Hardeman, Christine Kane, Mary Lou Muirhead, Sam Phelan, Paul Telesca, David Wright and Chair Paul Thomas. Michele Greig, planning consultant from GreenPlan, was also present.

BUSINESS SESSION

The Chair welcomed the Board's new planning firm, GreenPlan, and its representative for the evening, Michele Greig.

The Chair confirmed the present meeting agenda, with one addition—the James and Karen Krakowsky subdivision-- which would be addressed at the end of the meeting.

The minutes of the January 3, 2005 meeting had been sent to the Board members and reviewed. John Hardeman made a motion to accept those minutes. It was seconded by David Wright, and all members present were in favor.

The Chair said that although the third Monday in February was a federal holiday, there was a backlog of matters to be addressed and that an additional meeting date for the month was needed. The Board generally agreed to set that meeting date for Tuesday, February 22, 2005 and directed the clerk to publish the necessary announcements.

PUBLIC HEARINGS

Frank & Susan McCann – 298 Yantz Road – Special Use Permit.

Susan McCann appeared before the Board in support of her application for a Special Use Permit to authorize creation of an accessory apartment within an existing single-family residence on a 2.221-acre lot in the RD3 District.

The Chair read the public hearing notice that appeared February 1, 2005 in the Kingston Daily Freeman.

Ms. McCann explained that the apartment was for a family member and that there would be no additional bedrooms or bathrooms created by the conversion.

The Chair then opened the hearing for public comment. There was none.

The Chair then closed the public hearing.

Planning consultant Michele Greig advised the Board that a certified engineer must verify that the current water supply and sewage disposal system would be adequate for this apartment. Asked if the house was still the same size as it was when Ms. McCann

purchased it, Ms. McCann answered no, that there had been several additions and modifications.

The Board generally agreed that since two additional bedrooms had been created during Ms. McCann's ownership of the dwelling, verification of an adequate water supply and sewage system would be necessary. The Board also agreed that this verification could be made a condition of the granting of the Special Permit and that Ms. McCann could submit a letter from a certified engineer to fulfill that condition.

Christine Kane made a motion to adopt an offered resolution granting a Conditional Special Permit and issuing a negative SEQR determination for the project. Paul Telesca seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Bard College - Campus Master Plan Update / Amended Special Use Permit for "Educational Campus"

No one from Bard was present for the continuation from January 3, 2005, of the presentation and conduct of the public hearing concerning the Campus Master Plan Update, associated EAF, and related application for Amendment of the "Educational Campus" Special Use Permit.

The Chair reminded the Board that it had previously asked whether the proposed Lodge should be included in the proposed Master Plan Update. He said that in the past, a text amendment had been proposed which would have allowed the inclusion of the Lodge in the Campus Master Plan but that that text amendment had never been acted upon.

The Chair went on to say that Planning consultant Art Brod had drafted a resolution which would carve the Lodge out of the proposed Update. The Lodge would then be considered a long-term or potential project but one which was not approved by this Master Plan Update. Mr. Brod requested that Bard make several text changes in both the Master Plan Update and EAF and suggested that those changes be conditions for final approval.

The Board generally agreed that when the conditions for approval were met, the Chair would sign the map included in the Master Plan Update booklet.

Christine Kane made a motion to adopt an offered resolution issuing a negative SEQR declaration for the project and granting conditional approval to the Amendment to the Special Use Permit for the Educational Campus. Sam Phelan seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Bard College / Robbins House Residence Hall – Robbins Road – Site Plan.

No one from Bard was present for the continuation from January 3, 2005, of the public hearing on an application for Site Plan Approval to authorize construction of both a 50,000 s.f., 162-bed addition to the Residence Hall and an associated 70-car expansion of a parking lot opposite the Residence Hall, all in the Institutional (I) and Hudson River National Historic Landmarks Districts. Since Bard had not yet received the required letter from the New York State Office of Parks, Recreation and Historic Preservation, the Board continued the hearing until the March 7, 2005 meeting.

REGULAR SESSION (OLD BUSINESS)

Philip Williams and George Verrilli – Baxter Road – Subdivision Sketch Plan

Tim Ross, P.E., and George Verrilli, M.D., were present for a continuation from January 3, 2005, of the presentation of an application for Subdivision Plat Approval (Sketch Plan Endorsement) for the creation of twelve (12) residential building lots, ranging from 1 to 3 acres from a combined 23.15-acre parcel in the R1 District.

Mr. Ross said that he had received a letter from Village Water Superintendent Arvine Coon, dated January 3, 2005, stating that the parcel was slated to be included in the municipal water district, and he said that his clients were not opposed to incorporating Village water in their subdivision plans.

Planning Consultant Michele Greig said that inclusion in a municipal water system would allow more density, a variety of lot sizes, clustering in appropriate areas, and the possibility of a through road to Baxter Road at a future date. A different arrangement of lots might, she said, eliminate the need for blasting as well as the need for flag lots.

Asked if he had investigated the possibility of a community septic system, Mr. Ross said that he had found the Board of Health to be generally opposed to these systems and that, in addition, the rock outcroppings on the parcel would prohibit such a system. Ms. Greig said that systems monitored by a homeowners' association are often unsuccessful but that the State is generally not opposed to systems monitored by a municipal agency such as the Dutchess County Water and Wastewater Authority.

Dr. Verrilli said that because of its slopes, rock outcroppings, and swales, this parcel was not conducive to clustering. Several members of the Board agreed, saying that in order to accommodate clustering, large sections of the land would have to be bulldozed and leveled.

Asked about including some type of multi-family units on the parcel, Mr. Ross said that two or possibly three of the proposed lots could accommodate multi-family residences. Sam Phelan said he would like to know the maximum density for the site and in particular, how many bedrooms the parcel would sustain. The Board generally agreed and asked Mr. Ross to submit data showing the maximum density allowable on the site based on the carrying capacity of soils and connection to municipal water.

The Board also generally agreed that it would like to see other development possibilities for the parcel. Specifically, it would like the applicants to submit alternative plans incorporating accessory apartments, cottages or duplexes on some lots, and it would like to see other possible lot configurations showing the impact of inclusion in the Village water district.

The consensus of the Board was to endorse the sketch plan, provided the applicant addressed the areas of concern expressed by Board members.

Sam Phelan made a motion to adopt an offered resolution declaring the Board's intent to serve as Lead Agency for the Unlisted Action and to initiate a coordinated review with the following agencies:

- New York State Department of Environmental Conservation
- Dutchess County Department of Health

- Town of Red Hook Highway Department
- Village of Red Hook Water Board

Christine Kane seconded the motion, and all members present voted in favor. Paul Telesca had been called away during discussion of this matter and was absent for the remainder of the evening.

Dale & Joseph Salvia – Fraleigh Lane – Subdivision Sketch Plan

Bob Zimmerman, L.S., appeared before the Board in a continuation from January 3, 2005 of the presentation and discussion of an application for Subdivision Plat Approval (Sketch Plan Endorsement) to authorize creation of a 3.0-acre existing house parcel and a 3.014-acre residential building lot from a 6.014-acre parcel (Lot 9, FM 3687 and 3687-A) within RD3 District.

The Chair said that he had received a legal opinion from Jennifer Porter, attorney with Keane & Beane, stating that a parcel which contains soils classified as “prime” or “of statewide importance” and which is proposed for subdivision must undergo review under Section 143-47 of the Zoning Code, even though that parcel is not included in the Certified Agricultural District. Mr. Salvia’s parcel was found to contain such soil and thus would be considered “Important Farmland”.

The Chair said he had also received responses to the Board’s question about whether a proposed subdivision which would create an additional lot on a cul-de-sac which already contained more lots than the current maximum (12) allowed under the Zoning Code would be prohibited. He said that in the opinion from Keane & Beane, such further subdivision would be prohibited but, also in their opinion, the Board could modify or waive this regulation if, due to the unique circumstances of a specific tract, “strict application of the regulation would inhibit achievement of the Town’s Master Plan objectives.” The Chair then said that GreenPlan deferred to Keane & Beane’s opinion but also brought up the option, in this case, of the one-lot exception under the Farm Law.

Mary Lou Muirhead wondered if, at the time of the original subdivision, deed restrictions had been instituted which prohibited further subdivision. Research into the records showed no such deed restrictions.

Planning Consultant Michele Greig said that dividing the parcel into 2 longer, narrower lots, rather than the creation of a flag lot as proposed, would allow a dwelling to be built closer to the road, thus providing a greater buffer from the adjoining agricultural land.

The Chair proposed referring the matter to the Agricultural Advisory Committee. John Hardeman disagreed, saying that the Farm Law was not intended to apply to such small parcels which were not currently and would never again be used as agricultural land. He went on to say that a parcel should contain a minimum number of acres before it triggers review under the Farm Law or referral to the Agricultural Advisory Committee.

The Board generally agreed that granting sketch endorsement under the one-lot exception would waive referral to the Agricultural Advisory Committee and would bring in comments from neighboring farmers and homeowners.

The Board also generally agreed that the proposed subdivision should be reviewed by the Town Fire Chief to see if that area is already under stress for emergency equipment.

The consensus of the Board was to endorse the sketch plan under the one-lot exception and to set a public hearing date for March 7, 2005 at 7:35 p.m.

Christine Kane made a motion to adopt an offered resolution declaring the Board to be Lead Agency in the review of this Unlisted Action. Sam Phelan seconded the motion, and all members present were in favor.

Common Fire Foundation – West Kerley Corners Road – Subdivision Plat Approval

Mark Graminski, P.E. and L.S. and Jeff Golden were present to support an application for Subdivision Plat Approval to authorize creation of three (3) residential building lots ranging from 5.9 acres to 37.6 acres from a 52-acre parcel in the RD3 District.

Mr. Graminski said that the requirements discussed at the sketch plan phase of the application process had been addressed. Application had been made to the DEC for a wetlands disturbance permit, required because the entrance to the proposed common driveway would lie within the 100 ft. buffer of a DEC wetland across the street. He also said that the wetlands lying within the parcel had been verified by the DEC and that the Army Corps of Engineers wetland had been delineated. Applications had been made to land trusts for a conservation easement on the southern portion of the parcel. The Dutchess County Department of Public Works had been contacted concerning the common driveway. The placement of water supply and sewage disposal sites had been determined by field testing. Finally, the proposed project had been reviewed by the Agricultural Advisory Committee.

When asked which land trust would hold the easement, Mr. Golden said that his group was waiting for a cost estimate from Dutchess Land Conservancy.

Ms. Greig said that although the federal wetlands had been delineated by Ecological Solutions, the wetlands should be delineated again by an independent third party. The Board generally agreed that it would arrange this additional delineation and deduct the expense from the applicant's escrow account.

The Board reminded Mr. Graminski that drafts of the Common Use and Maintenance Agreement for the proposed common driveway must be submitted for review.

The Board by consensus accepted the application as adequate for public, consultant and Planning Board review and set a public hearing date for March 7, 2005 at 7:45 p.m.

David Wright made a motion to adopt an offered resolution declaring the Board's intent to Serve as Lead Agency and initiating a coordinated SEQR review with the following agencies:

- New York State Department of Environmental Conservation
- Dutchess County Department of Public Works

John Hardeman seconded the motion, and all members present voted in favor.

CAFH Order at Tivoli, Inc. – West Kerley Corners Road – Subdivision Plat (Sketch Plan Approval)

Mark Graminski, P.E. and L.S. and Leonard Ross were present with an application for Subdivision Plat Approval to authorize through consolidation and lot line alteration the

creation of two parcels of 9.0 acres and 57.0 acres from three parcels of 2.8 acres, 18.1 acres and 35.1 acres in the RD3 District.

The Chair read an opinion from Jennifer Porter, attorney with Keane & Beane, stating that Section 143-47 of the Town Zoning Code did apply to this parcel, even though the applicants had no plans to develop it.

The Chair then referred to an opinion from Planning Consultant Ted Fink of GreenPlan which asserted that the Board could waive implementation of Section 143-47 by granting a one-lot exception allowed under the Farm Law. If at a later time the applicants decided to develop the land, they would then have to submit a farmland protection plan.

The Board and the applicants agreed that a notation regarding the one-lot exception would be made both on the mylar and in the consolidation deeds.

The Board by consensus endorsed the sketch plan under the one-lot exception and authorized the submission of a Preliminary Subdivision Plat.

Sam Phelan made a motion to adopt an offered resolution declaring the Planning Board Lead Agency for the SEQR review of this Unlisted Action. David Wright seconded the motion, and all members present voted in favor.

Leonard & Trilby Sieverding – Yantz Road – Subdivision Sketch Plan

Leonard Sieverding was present with the resubmission of an application for Subdivision Plat Approval (Sketch Plan Endorsement) to authorize creation of four (4) residential building lots from a 46.12-acre parcel in the RD3 District.

Mr. Sieverding said that the current application and plat did not differ from the one granted sketch endorsement by the Board in March, 2004. That application had expired in September, 2004.

Planning Consultant Michele Greig said because the parcel was within the Certified Agricultural District, it was subject to Section 143-47 of the Zoning Code and that clustering must be encouraged. She said that a farmland protection plan would show how the property would be developed for full density and what areas should be protected. She referred the applicant to writings by Randall Arendt and said that Dutchess County Land Trust had funds available to aid applicants with the development of farmland protection plans. She also said that the application should be referred to the Agricultural Advisory Committee with a reminder that the Committee had commented on it before.

The Board generally agreed that the applicant should submit a full build-out for the parcel and develop a farmland protection plan. The Board would then refer the plan and the application to the Agricultural Advisory Committee for review and comment.

Christine Kane made a motion to adopt a resolution establishing the Board as the Lead Agency under SEQR. John Hardeman seconded the motion, and all members present were in favor.

OTHER BUSINESS

James and Karen Krakowsky—Feller-Newmark Road—Subdivision Plat

No one was present to support a proposed amendment to the Planning Board resolution of September 8, 2004 granting conditional final approval to the 6-lot major subdivision.

Mary Lou Muirhead recused herself from any discussion or vote on this matter.

The Chair said that there was a buyer for the property and that the Mr. Krakowsky had asked that the resolution be amended in order to expedite meeting the conditions. The Chair described the proposed amendment as saying that no building permits would be issued until the driveway was roughed in and that no C of O's would be issued until the driveway was fully installed to the satisfaction of the Town Engineer.

John Hardeman made a motion to adopt an offered resolution amending the September 8, 2004 resolution granting conditional final approval. David Wright seconded the motion. The motion was approved by a vote of 4 to 1. A copy of that resolution is attached to, and made part of, these minutes.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, David Wright made a motion to adjourn. John Hardeman seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10:40 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments

Resolution granting Special Use Permit to Frank and Susan McCann
Resolution Granting Condition Approval to the Bard College Master Plan Update and
Amending the Special Permit for Educational Campus
Keane & Beane letter regarding proposed Salvia subdivision
Keane & Beane letter regarding proposed CAFH lot line alteration
Resolution amending the resolution granting conditional final approval to the Krakowsky subdivision

**Town of Red Hook Planning Board
Resolution Granting Conditional Special Use Permit to Frank and Susan McCann
to Authorize Creation of an Accessory Apartment within an Existing Single Family
Dwelling at 298 Yantz Road in the RD3 District**

February 7, 2005

Motion made by Christine Kane
Seconded by Paul Telesca

Whereas, the Town of Red Hook Planning Board received an application dated December 23, 2004 from Frank and Susan McCann for the conversion of an existing single-family dwelling to accommodate an accessory apartment; and

Whereas, the ± 2.22 acre parcel (TMP 6272-00-178447) is located on Yantz Road in the Town of Red Hook in the RD3 District; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-64; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated December 23, 2004, a Short Environmental Assessment Form (EAF), dated December 23, 2004, a site layout and floor plan (undated) for the proposed accessory apartment; and

Whereas, the Planning Board has been duly designated Lead Agency in the review of this action and determines in consideration of the Short EAF and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, that the Proposed Action, an 'Unlisted Action' under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement is not required; and

Whereas, the Planning Board deems the proposed development to satisfy both the "General Standards" for all special permit uses set forth at Zoning Law §143-51 and the 'Specific Standards' for an 'Accessory Apartment within existing single-family dwellings' as set forth at §143-64.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

1. The following conditions shall be fulfilled prior to the signing of the Special Use Permit by the Planning Board Chairman:
 - a. The applicant shall provide a certification from a licensed professional engineer verifying that the existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands of the accessory apartment.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chairman Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date

**Town of Red Hook Planning Board
Resolution Granting Conditional Approval to the Bard College Updated
Campus Master Plan and Amendment to the Educational Campus Special Use
Permit**

February 7, 2005

Motion made by Christine Kane
Seconded by Sam Phelan

The Town of Red Hook Planning hereby acts as follows on the Request by Bard College for acceptance of the College's Updated Campus Master Plan and Application for Amendment of the College's Educational Campus Special Use Permit pursuant to the Town Zoning Law's Schedule of Use Regulations and Section 143-80 therein, as set forth within the following planning documents:

- Bard College Campus Master Plan Update prepared on behalf of Bard College by Buckhurst, Fish & Jacquemart, Inc. and dated November 2004.
 - Environmental Assessment Form and Supplemental Materials, Adoption of Bard College 2004 Campus Master Plan Update, November 2004, prepared on behalf of Bard College by Buckhurst, Fish & Jacquemart, Inc., in association with Morris Associates.
1. With the concurrence of Bard College and without prejudice to the College's presentation of a request at some future date for consideration by the Town Board of a Zoning Law text amendment to authorize such use within the Institutional (I) District considers the aforementioned Campus Master Plan Update modified to delete '5. The Lodge at Bard' from the projects listed therein, including on the Project Identification Map, within the list of short-term projects on Page 4, and as described at Page 9.

The above notwithstanding, the Planning Board advises the Board does not find it necessary for Bard to renumber its other projects; any list of projects as well as page 9 might indicate "project deleted from Master Plan".

Moreover the Planning Board advises the Board would take no issue with Bard's related modification of the discussion of "Long-Term Project Ideas" at Page 21 to include a paragraph discussing a potential Lodge provided the need for Zoning Law text amendment is acknowledged.

2. As recommended by PLANNERS EAST Incorporated in its review memorandum of December 29, 2004, the Planning Board considers the aforementioned Campus Master Plan Update to be modified to (a) delete '(approved/immediate construction)' and '(Approved)' labeling within the list of Short-Term Projects on Page 4, (b) delete '(approved/immediate construction)' labeling of Short-Term Projects on the associated fold-out Project Identification Map, and (c) modify Page 8 to identify the year in which the Storage Buildings were constructed instead of citing these buildings as 'approved for construction'.

3. Consistent with the above, the Planning Board advises the Board has considered in its preparation of EAF Part 2 the EAF Part 1 to be modified, with no related action required of Bard, to (a) reflect the modifications in the Campus Master Plan Update set forth in preceding Paragraphs 1 and 2, (b) cite Spring 2005 instead of Spring 2004 as the construction start for the Center for Curatorial Studies, (c) set forth at Narrative Page 1 a description of short-term, middle-term and long-term projects consistent with the description at Page 2 of the Master Plan Update, (d) identify the action more accurately at Page 4 as '... the acceptance of the Bard College 2004 Campus Master Plan Update by the Town Planning Board and related Amendment by the Planning Board of Bard College's Educational Campus Special Use Permit', (e) commensurately expand the discussion of Approvals Required at Page 10, and (f) recognize the Hudson River National Historic Landmark District as the successor some 13 years ago to the 16-Mile Hudson River Historic District.
4. Upon examination of the aforementioned Environmental Assessment Form and Supplemental Materials, the EAF Part 1, modified as set forth above; its own completion of EAF Part 2; and in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, determines in its duly established role as SEQR Lead Agency the Proposed Action, a Type I Action under SEQRA due to its location within the Hudson River National Historic Landmark District and proximity to a Critical Environmental Area, will cause no potential significant adverse effects on the environment and thus directs the issuance of the annexed Negative Declaration and deems an environmental impact statement to not be required.
5. Upon consideration of the forty-four coastal policies set forth within the Town of Red Hook Local Waterfront Revitalization Program determines the Proposed Action to be consistent therewith to the extent pertinent to the Updated Campus Master Plan.
6. Accepts the College's Updated Master Plan as set forth within the aforementioned planning document by Buckhurst, Fish & Jacquemart, Inc. entitled Bard College Campus Master Plan Update (November 2004) subject to the following requirement:
 - Submission to the Planning Board Office of ten (10) copies modified as required by above Paragraphs 1 and 2 and noted on the cover as 'Accepted by the Town Planning Board / February 2005'.
7. In anticipation of the College's satisfaction of the above requirement, finds the College's preparation and submission of the Updated Master Campus Plan and the Planning Board's review and acceptance to satisfy the essential prerequisite to the Planning Board's consideration of Bard's Application for Amendment of Education Campus Special Use Permit.
8. Amends the Educational Campus Special Use Permit granted by the Planning Board in July 1997, so as to incorporate the uses and related improvements specifically set forth within the accepted Updated Campus Master Plan as elements in the overall development program for the Bard Campus and thus uses and improvements authorized under the Amended Special Use Permit and

subject on a project-specific basis only to site plan review and approval and related compliance with SEQRA and other Town, County, State or Federal permit and approval requirements, with this Amendment to take effect upon the College's securing of the below document:

- A letter from the Chair acknowledging receipt by the Planning Office of the modified document as required by above Paragraph 6 and advising that upon review the document has been found to satisfactorily incorporate the required modifications, with it understood upon issuance of this letter, and under cover of this letter, the Chair will distribute copies of the final Campus Master Plan Update document to the Zoning Administrator and the Town Clerk.

Annexed Document: SEQRA Negative Declaration (Determination of Non-Significance)

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chair Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board

Date

SEQR Negative Declaration
Notice of Determination of Non-Significance

February 7, 2005

Lead Agency:

Town of Red Hook Planning Board

Lead Agency Address:

Red Hook Town Hall, 7340 South Broadway, Red Hook, New York 12571

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Implementing Regulations pertaining to said Article, together known as the State Environmental Quality Review Act ("SEQRA").

The Planning Board of the Town of Red Hook, as duly designated SEQRA Lead Agency, has determined that the Proposed Action described below will not have any potential significant adverse effects on the environment and, therefore, issues this Negative Declaration deeming a Draft Environmental Impact Statement to not be required.

Title of Proposed Action:

Bard College / Update of Campus Master Plan Update and Amendment of Special Use Permit for Educational Campus

SEQR Status:

Type I Action / Proposed Action located within Hudson River National Historic Landmark District

Description of Proposed Action:

The Proposed Action includes the acceptance of the Bard College 2004 Campus Master Plan Update by the Town Planning Board and related Amendment by the Planning Board of Bard College's "Educational Campus" Special Use Permit for its 550-acre higher educational facility in the Town's Institutional (I) District, all as described in a planning document entitled Campus Master Plan Update (November 2004) and prepared by Buckhurst, Fish & Jacquemart, Inc. (BFJ).

The Proposed Action brings the projects identified within the Updated Campus Master Plan under the umbrella of the Educational Campus Special Use Permit and acknowledges such as permissible uses under the Town's Zoning Law. The Proposed Action does not however include authorization for the initiation of any use or any

development of buildings or improvements set forth within the Updated Campus Master Plan until project-specific review under the Town's site plan review and approval process, including examination of the potential environmental effects of the project, has been completed.

Location:

Bard College Campus, west of NYS Route 9G and bisected by Annandale Road (CR 103) in the Town of Red Hook, Dutchess County

Reasons Supporting This Determination:

The Planning Board of the Town of Red Hook has reviewed the Environmental Assessment Form and Supplemental Materials (EAF Part 1), prepared and certified by the BFJ on behalf of the College, noted receipt of no comments in the matter of its circulation of a Notice of Intent to Serve as Lead Agency for the Proposed Action, having mailed therewith copies of the Campus Master Plan Update, and completed EAF Parts 2 and 3, to the extent pertinent, in consideration of the "criteria for determining significance" set forth at Title 6 Part 617.7.c NYCRR.

The Planning Board has concluded, in that commencement of use of land or development of buildings or other improvements is not authorized, the environmental effects of the Proposed Action will be as follows:

- It is not anticipated implementation of the Updated Campus Master Plan will cause substantial adverse change in existing air quality. As individual projects are developed, there may be some short-term construction period impacts experienced.
- It is not anticipated implementation of the Updated Campus Master Plan will cause substantial change in ground or surface water quality or quantity. As individual projects are subsequently developed there may be some potential impacts which will have to be addressed under pertinent EPA Phase 2 regulations and related SWPPP requirements. In matters of water supply and sanitary sewage load, the College has substantial residual capacity to accommodate additional projected demand of about 25,000 GPD, presently using 130,000 GPD of water with a water taking permit for 220,000 GPD and an STP permitted at 200,000 GPD.
- It is not anticipated implementation of the Updated Campus Master Plan will cause substantial adverse change in traffic or noise levels. The Plan is designed primarily improve campus facilities and not to support a major expansion in enrollment or the development of spectator or other facilities that would generate substantially greater levels of traffic. The actual forecast is for growth of about 10% from 1,350 students to 1,500 students within the next decade. The above notwithstanding, there will be some additional, non-routine traffic and noise experienced during the construction period as projects are undertaken.

- There will be no change in the level of solid waste production as a result of implementation of the Updated Campus Master Plan so substantial as to have an adverse effect on the community's ability to manage such solid waste.
- All projects undertaken in implementation of the Updated Campus Master Plan will be carefully reviewed to ensure each is carried out to the extent pertinent with NYSDEC Storm Water SPDES Permit requirements and will not cause a substantial increase in potential for erosion, flooding or drainage problems.
- As projects are undertaken in implementation of the Updated Campus Master Plan there will be removals of existing vegetation (though none of critical open space areas heretofore identified within prior Bard College master planning documents) to carry out development of proposed buildings and improvements; these losses will be carefully examined on a project-specific basis and mitigated to the extent practicable through consideration of building placement, construction practices, and appropriate landscaping.
- Projects undertaken in implementation of the Updated Campus Master Plan are within or immediately adjacent to heretofore developed areas of the campus and are not anticipated to cause substantial interference with the movement of any resident or migratory fish or wildlife species.
- Implementation of the Updated Campus Master Plan will not impact a known significant natural habitat area.
- Implementation of the Updated Campus Master Plan is not anticipated to have significant adverse effect on threatened or endangered animal or plant species.
- Implementation of the Updated Campus Master Plan is not anticipated to have other significant adverse impacts on natural resources.
- Implementation of the Updated Campus Master Plan will not impair the environmental characteristics of a Critical Environmental Area (CEA) as designated by NYSDEC.
- Implementation of the Updated Campus Master Plan will not create a material conflict with the Town's current plans as officially approved or adopted, including but not limited to the Town Master Plan, the Town Zoning Law and the Town Local Waterfront Revitalization Plan (LWRP). Moreover, the College's preparation and presentation of the Updated Plan and the Planning Board's review and acceptance of the Updated Plan are vital components in ensuring the College's Campus Master Plan which underlies the College's "Educational Campus" Special Use Permit designation under the Town's Zoning Law remains current and, as such, the community is clearly advised of the College's plans for its lands, buildings and other improvements.
- Implementation of the Updated Campus Master Plan is not anticipated to impair the character or quality of important historical, archaeological, architectural or aesthetic resources or existing or community character, including nearby properties listed as "contributing structures" within the Hudson River National

Historic Landmark District, with this factor being closely examined by both the Planning Board and the NYSOPRHP on a project-specific basis.

- Although implementation of the Updated Campus Master Plan will incrementally require the use of additional energy for heating, cooling, lighting and other purposes, there will be no major change in the use of energy by either quantity or type associated with the Proposed Action.
- Implementation of the Updated Campus Master Plan will not create a hazard to human health with all construction and site development activities undertaken in accordance with pertinent environmental regulations.
- Implementation of the Updated Campus Master Plan will not cause a substantial change in the use, or the intensity of use, of land including agricultural, open space or recreational resources, within the 550-acre campus or in the capability of land to support these resources.
- Implementation of the Updated Campus Master Plan will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the Proposed Action; further the primary objective set forth in the Updated Campus Master Plan is a focus on facility improvements and, except to the extent stated above with respect to a projected increase in student enrollment from 1,350 to 1,500 over the period of a decade, not part of an overall expansion program intended to accommodate a substantially greater student population at the Bard Campus.
- Implementation of the Updated Campus Master Plan will not cause the creation of a material demand for other actions that would result in one of the above consequences.
- Implementation of the Updated Campus Master Plan will not cause changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial significant adverse impact on the environment.
- Implementation of the Updated Campus Master Plan will not, in combination with other projects either on-going or known to be proposed within the vicinity of the Proposed Action, none of which has or would have a significant impact on the environment, cumulatively meet one or more of the criteria set forth at Title 6 Part 617.c NYCRR.

For Further Information:

Contact Person: Paul G. Thomas
Chairman, Town of Red Hook Planning Board

Address: Town Hall, 7340 So. Broadway, Red Hook, New York 12571

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Distribution of Copies of This Negative Declaration:

- New York State Department of Environmental Conservation, Main Office, Regulatory Affairs, 625 Broadway, Albany, New York 12233
- New York State Department of Environmental Conservation, Region 3 Office, Division of Regulatory Affairs, 21 South Putt Corners Road, New Paltz, New York 12561
 - New York State Office for Parks, Recreation and Historic Preservation, Field Services Bureau, Peebles Island Complex, P.O. Box 189, Waterford, New York 12188
 - Dutchess County Health Department, Environmental Health Division, 387 Main Street, Poughkeepsie, New York 12601
 - Dutchess County Department of Planning and Development, 27 High Street, Poughkeepsie, New York 12601
 - Town of Red Hook ZEO / Building Inspector's Office, Town Hall, 7340 South Broadway, Red Hook, New York 12571
 - Supervisor, Town of Red Hook, Town Hall, 7340 South Broadway, Red Hook, New York 12571
 - Environmental Notice Bulletin, Fourth Floor, 625 Broadway, Albany, New York 12233-1750
 - Bard College, Annandale-on-Hudson, New York 12504-5000 / Attn: Dr. James Brudvig, Vice President for Administration
 - Morris Associates, 9 Elks Lane, Poughkeepsie, New York 12601 / Attn: Peter Setaro. P.E.
 - Buckhurst, Fish & Jacquemart, Inc., 115 Fifth Avenue, New York, New York 10003

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MEMORANDUM

Attorney-Client Privileged Communication

Not Subject to FOIL

TO: Town of Red Hook Planning Board

FROM: Jennifer M. Porter, Esq.

RE: Salvia Subdivision – Farmland Issues

DATE: January 31, 2005

Issue #1: If a parcel for subdivision is not in the agricultural district but contains protected soils (i.e. prime soils or soils of statewide importance), does that fact alone trigger review under Section 147-43 of the Zoning Code?

Answer: Yes

Analysis: Section 143-47 applies to all types of “important farmlands” not just to lands within an agricultural district. Evidence of the intention to regulate farmland which is not in the agricultural district but which contain prime soils or soils of statewide importance can be found by looking to the definition of “important farmland.” Such term is defined as:

Important Farmland -- Land characterized by one or more of the following characteristics:

- (1) Presence of prime agricultural soils;
- (2) Presence of soils of statewide agricultural importance;
and
- (3) Active agricultural lands.

Moreover, section 143-47.D(4)(a)[1] provides that the regulated farmland overlay area consists of those farmlands certified for inclusion in Dutchess County Agricultural District 20 by the New York State Department of Agriculture and Markets pursuant to the

NYS Agricultural Districts Law and which have been determined by the Town Board, through their inclusion within the Environmental Protection Overlay (EP-0) District, to be of special significance to the Town. For these reasons, although land may be outside of an agricultural district, if such land contains prime soils or soils of statewide importance, such land still falls within the environmental protection overlay district and is subject to the provisions of section 143-47.

Issue #2: Is a proposed subdivision creating one (1) additional lot on a cul de sac that already contains more lots than the current maximum allowed (12 lots) under the Zoning Code prohibited?

Answer: Yes, but the Planning Board may modify the subdivision requirements to allow the creation of an additional lot in accordance with section 120-27 if the Board finds that a modification is warranted.

Analysis: Section 120-18.B(4)(a) of the Red Hook subdivision requirements provides that:

- (a) cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through-road network, not more than twelve (12) single-family residential lots may gain access from either the initial development or extension of such cul-de-sac street.

The creation of an additional lot would be in direct violation of the requirements of section 128.B(4)(a) and is therefore prohibited. However, pursuant to section 120-27 of subdivision regulations, the Planning Board can choose to modify the subdivision regulations to allow for the creation of an additional lot. Section 120-27 provides:

§ 120-27. Modification of specific requirements.

- A. Where the Planning Board finds that compliance with this chapter would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, area, drainage or other physical features of the site, the minimum requirements of this chapter may be modified upon specific request and by specific resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected

and the development is in keeping with the general spirit and intent of this chapter and other town regulations regarding land use and development activities and the protection of the town's environmental resources.

- B. The Planning Board may additionally modify the specific requirements of this chapter where, due to the unique circumstances of a particular tract, strict application of this chapter would inhibit achievement of the town's Master Plan objectives, provided that public health, safety and welfare are protected and the requirements of Chapter 143, Zoning, are wholly met.

Therefore, the Planning Board has two (2) options. They can deny the application because the creation of another lot is prohibited or they can modify the subdivision requirements regarding cul-de-sacs to permit the creation of an additional lot.

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MEMORANDUM

Attorney-Client Privileged Communication

Not Subject to FOIL

TO: Town of Red Hook Planning Board

FROM: Jennifer M. Porter, Esq.

RE: CAFH Order Subdivision – Farmland Issues

DATE: February 2, 2005

Issue: Is the CAFH Order subject to the requirements of Section 143-47.D(4) in connection with their application for a lot merger and subdivision?

Answer: Yes

Analysis: The provisions of Section 143-47 apply to all applications for subdivision, site plan or special permit approvals. Although this project partially constitutes a “lot merger” application, the Town Zoning Code does not distinguish between lot mergers and subdivisions nor does it exempt certain types of applications from the requirements of Section 143-47, except as set forth in 143-47.D(4)(h)(2) (single lot exception). As such, the lot merger must be viewed in the context of the application as a “resubdivision” and therefore, is subject to the requirements of Section 143-47.

In accordance with such, the applicant will be required to submit a Farmland Protection Plan to the Planning Board. Although the applicant has no current plans for development of the site and recognizing that the site is already improved with various structures, the Planning Board should nonetheless look at preserving any prime agricultural soils, soils of statewide importance or active agricultural lands on the site from future development.

**Town of Red Hook Planning Board
Resolution Amending Conditional Final Approval in the Matter of the James and Karen Krakowsky Major 6-Lot Subdivision on Feller-Newmark Road in the RD3 and Certified Agricultural Districts**

February 7, 2005

Motion made by John Hardeman
Seconded by David Wright

The Town of Red Hook Planning Board hereby acts as follows in the matter of the March 24, 2003, Application by James and Karen Krakowsky for Subdivision Plat Approval to authorize the creation of an existing house lot of 3.17 acres and five (5) proposed residential building lots ranging from 3.12 acres to 31.57 acres from a 50.38-acre parcel on Feller-Newmark Road in the RD3 and Certified Agricultural Districts, and the related September 8, 2004, Planning Board resolution granting Conditional Final Plat Approval thereto:

1. Acknowledges the circumstances with respect to a pending sale of the subdivision parcel discussed in PLANNERS EAST Incorporated's annexed memorandum of February 7, 2005, which have caused Attorney Marvin to request the Planning Board's amendment of the aforementioned resolution to the extent the resolution relates to the construction of the two common driveways within the Krakowsky Subdivision.
2. Amends the aforementioned resolution to modify as stated below certain of the conditions precedent to stamping and signing of the Final Subdivision Plat by the Chair:
 - Deletes in their entirety Paragraphs 3(c) and 3(d) reading as follows:
 - c. Installation of the common driveway network and associated storm drainage improvements in accordance with the design plans as approved by the Town Engineer and, as applicable, the Town Highway Superintendent, with related provision of a performance guarantee (and associated time limit) for laying the asphalt wearing course as discussed as part of Detail 3 on Sheet SD1.
 - d. Submission of a cost estimate and posting of a performance guarantee with the Town in an amount deemed adequate by the Town Engineer and for a period of not more than three calendar years to insure laying of the asphalt wearing course.'
 - Provides for new Paragraphs 3(c) through 3(e) reading as follows:
 - c. Submission of a cost estimate and posting of a performance guarantee with the Town in an amount deemed adequate by the Town Engineer and for a period of not more than three calendar years from the

date of this resolution for the installation of the common driveway network and associated storm drainage improvements in accordance with the design plans as approved by the Town Engineer and, as applicable, the Town Highway Superintendent.

d. Written acknowledgment by both Attorney Marvin on behalf of the Applicant and the contract purchaser that a Certificate of Occupancy may not be issued for any lot within the Krakowsky Subdivision until the common driveway providing access to such lot, and two other lots, has been fully installed to the satisfaction of the Town Engineer, except as concerns the laying of the asphalt wearing course which may continue to be subject of a performance guarantee for a period of three years from the date of this resolution or until a Certificate of Occupancy is requested for the third of the lots served by the common driveway, whichever shall first occur.

e. Written acknowledgment by both Attorney Marvin on behalf of the Applicant and the contract purchaser that a Building Permit may not be issued for any lot within the Krakowsky Subdivision until either the entirety of the common driveway providing access to such lot, and two other lots, or the portion thereof providing access to the lot for which a Building Permit has been requested, has been deemed by the Building Inspector as usable by both routine traffic and construction and emergency vehicles.

3. In taking this action, the Planning Board reaffirms all other aspects of the Conditional Final Plat Approval granted by the Planning Board on September 8, 2004, and advises the Applicant that the deadline for satisfaction of the Conditions as established therein and modified above, is March 7, 2005, unless a request for 90-day extension is made by the Applicant and granted by the Planning Board prior to such date.
4. In taking this action, the Planning Board further finds the Negative Declaration under SEQRA issued by the Planning Board on May 19, 2003, and reaffirmed on September 8, 2004, to in no way be contravened.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	no
Member Mary Lou Muirhead	abstain
Member Sam Phelan	yes
Member Paul Telesca	absent
Member David Wright	yes
Chairman Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board

Date