

draft
**Town of Red Hook Planning Board
Meeting Minutes
December 6, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 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, David Wright and Chair Paul Thomas. Sam Phelan and Paul Telesca were absent. Town Engineer Dan Wheeler was also present.

BUSINESS SESSION

The Board confirmed its next regular meeting for December 20, 2004.

The Chair announced that the 7 Pines, LLC/ Norton East and West matter had been withdrawn from the agenda by the applicant.

The minutes of the November 15, 2004 meeting had been sent to the Board members and reviewed. David Wright made a motion to accept those minutes. The motion was seconded by John Hardeman, and all members were in favor.

REGULAR SESSION – PUBLIC HEARINGS

Bard College / Center for Curatorial Studies – Blithewood and Garden Roads – Applications for Amendment of Special Use Permit and Site Plan Approval

Peter Setaro, P.E. and Darin Dekoski, P.E., both of Morris Associates, and John Gall from Bard College were present in support of applications which would authorize the construction of expansions totaling approximately 19,000 sq. ft. to the existing Center for Curatorial Studies at Bard College in the Institutional and National Historic Landmarks Districts.

The Chair opened the public hearing continued from November 11, 2004 and asked if there was any public comment. There was none, and the Assistant Clerk said that no letters of public comment had been received.

Mr. Setaro said that at 4 p.m. that afternoon, he had received a faxed memo from NYSOPRHP saying that the office had no comments regarding the archaeological survey of the site. He added that he had also submitted a sign-off letter from the Town Fire Chief.

The Chair asked Town Engineer Dan Wheeler if he had any comments about the project. Mr. Wheeler said no.

The Chair then closed the public hearing.

The Board issued a Negative Declaration for the project under SEQR, and the Chair said that he would request Planning Consultant Art Brod to prepare Parts II and III of the long EAF for his signature.

Since the applicant had met all requirements and recommendations set forth by the Board, the Board proceeded to consider an offered resolution granting both an amendment to the “educational campus” special use permit and conditional approval of the submitted site plan. David Wright made a motion to adopt that resolution, and Christine Kane seconded the motion. All members present voted in favor. A copy of this resolution is attached to, and made part of, these minutes.

Bard College / Manor House – Manor Road – Applications for Amendment of Special Use Permit and Site Plan Approval

Chuck Simmons and Jim Brudvig, both from Bard College, were present in support of applications to authorize the creation of kitchen and dining facilities and some offices within the existing Manor House dormitory on the Bard Campus.

The Chair read the public hearing notice that appeared in the Kingston Daily Freeman on November 30, 2004. He then opened the hearing for public comments. There were none. The Assistant Clerk said that the Planning Board had received no written comments about the project. The Chair then closed the public hearing.

The Chair then read part I of the EAF and, with input from the Board, completed part II.

John Hardeman made a motion to adopt an offered resolution granting an amendment to the “educational campus” special use permit and also granting site plan approval to the café. Mary Lou Muirhead seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

The Chair said that this resolution would authorize the Zoning Enforcement Officer to issue a Certificate of Occupancy for the facility.

Bard College / Robbins House Residence Hall – Robbins Road – Application for Site Plan Approval

Pete Setaro, P.E. and Darin Dekoski, P.E., both from Morris Associates, Chuck Simmons from Bard College, and Peter Reynolds, architect from Ashokan Architecture, appeared before the Board in support of an application to authorize construction of both a 50,000 s.f., 162-bed, addition to the Robbins House Residence Hall and an associated 70-car expansion of a parking lot opposite the Residence Hall.

Mr. Reynolds gave an overview of the proposed addition which, he said, would be constructed of heavy gauge steel, clad in stucco with zinc ornamentation, and designed in the manor house style to harmonize with neighboring buildings and to blend in with the existing facility.

The Chair opened the public hearing. There were no comments from the public, and the Assistant Clerk said no written comments had been submitted.

Mr. Reynolds and Mr. Setaro acknowledged that there were still a number of documents that must be submitted. Among them were: new drawings revised to reflect the concerns raised by Town Engineer Dan Wheeler in his report of November 15, 2004, a landscaping plan, a tree identification map and tree removal plan, a sign-off letter from NYSOPRHP regarding the required archaeological survey of the site, and a height variance from the ZBA. Mr. Setaro said that the archaeologist had finished his survey of the area but had not yet written his report.

Mr. Reynolds said that he had been told that he must obtain site plan approval from the Planning Board before he could make application to the ZBA for a height variance. The Chair and several Planning Board members were under the impression that the height variance must be in place before site plan approval could be granted. The Chair directed the Assistant Clerk to contact Planning Consultant Art Brod and ZBA Chair Tim Ross to clarify the process and then to pass the correct information on to Mr. Simmons.

The Board by consensus agreed to continue the public hearing until the January 3, 2005 meeting.

Bard College / Updated Campus Master Plan – Application for Amendment of “Educational Campus” Special Use Permit

Jim Brudvig and Chuck Simmons, both from Bard College, came before the Board with an application to amend the “Educational Campus” Special Use Permit to include near-, middle-, and long-term projects. Mr. Brudvig distributed new revisions of the Master Plan Update but said that the representative who was to bring the revised EAF had been unable to travel because of inclement weather and would bring it at a later time.

Mr. Brudvig described the proposed projects, which had been divided into groups according to their anticipated dates of initial construction. Some of the “short term” projects had already been approved by the Planning Board.

The Chair said that because the EAF had not yet been submitted, the Board could not begin the SEQRA process. The Board members were requested to review the Master Plan Updates, and the proposal was tentatively scheduled for reappearance at the January 3, 2005 meeting.

REGULAR SESSION (NEW BUSINESS)

Bard College / Science and Computation Center – Annandale to Campus Roads – Application for Site Plan Approval

Pete Setaro, P.E. and L.S., and Chuck Simmons were present seeking site plan approval for construction of a 54,600 s.f. (combined 2 stories and basement) Science and Computation Center on the Bard Campus in the Institutional (I) and National Historic Landmarks District.

Mr. Setaro said that the proposed building would be located near the current building and grounds complex and that Campus Road would be repositioned with the goal of grouping the building and grounds facilities together while serving the proposed science center.

Mr. Setaro went on to say that a geothermal wellfield has been incorporated into the site design and that most of the building will sit in a lawn area, with a small part extending into the woods. He said the building had been designed to harmonize with its surrounding existing landscape.

Outlining some of the engineering aspects of the project, Mr. Setaro said that the water supply and sewage systems serving the building would be extensions of existing campus systems. He said that major improvements to the water supply line were planned and that these improvements would benefit this project as well as other planned facilities. Finally, he pointed out on the map a small, naturally wet area which he said would become part of the storm drainage plan.

Mr. Reynolds concluded the presentation by saying that the building skeleton would be concrete and steel and that at completion, seventy-three percent (73%) of the building would be glass. He acknowledged that an archaeological survey would have to be done.

David Wright asked if new parking lots were being proposed for the building. Mr. Setaro said that because cars had been siphoned off to a new lot serving the building and grounds facilities, enough spaces had opened up in the old nearby lots to preclude the necessity of adding a new lot for the proposed science center.

The Chair said that because the EAF had been submitted along with the application and initial site plans, the Board could begin the SEQRA process. Additionally, because the proposed building would be located within 500 feet of a County road, the documents must be submitted to the Dutchess County Department of Planning and Development.

Mr. Setaro said that he had not yet finalized the drainage report but that he would finish that document soon and would send it to the Town Engineer and the Planning Consultant.

Christine Kane made a motion to adopt the following offered resolution accepting the application and additional documents as sufficient for consultant and SEQRA review.

The Town of Red Hook Planning Board hereby acts as follows on the Application by Bard College for Site Plan Approval for the intended construction of a new 54,000 s.f. academic building, the Science and Computation Center, on an approximately 3.0-acre project site within its 54-acre campus within the Institutional (I) and Hudson River National Historic Landmarks Districts, all as described in a Full EAF Part 1 certified by Peter Setaro, P.E., Morris Associates, on November 24, 2004, in Preliminary Site Drawings, Sheets C1.0 through C1.4, issued on November 8, 2004, by Morris Associates, and in both related photographs of a building model and preliminary architectural elevations by Rafael Vinoly Architects PC:

1. Accepts the above-cited information as adequate for the limited purpose of initiating review of the Proposed Action under SEQRA, Article 8 ECL, and related Title 6 Part 617 NYCRR.

2. Classifies the Proposed Action as a 'Type I Action' under SEQRA due, among other factors, to its above-cited location within the Hudson River National Historic Landmarks District.
3. Declares the Planning Board's intent to serve as SEQRA Lead Agency for coordinated environmental quality review of the Proposed Action and, thus, authorizes the Clerk to distribute with the attachments noted therein the annexed Notice of Intent to Serve as Lead Agency to the listed involved and/or interested agencies.

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

The Board agreed by consensus to schedule the project for a reappearance at the January 17, 2005 meeting.

John Lenahan (P.J. McGlynn's) – NYS Route 9 at Metzger Road – Application for Site Plan Approval

The applicant was not present with his application. The Assistant Clerk will contact him to discuss a future appearance before the Board.

REGULAR SESSION (OLD BUSINESS)

Jeffrey Agrest – 138 Rokeby Road – Subdivision Sketch Plan

Marie Welch, L.S., appeared before the Board in support of Jeffrey Agrest's request for sketch plan endorsement for the creation of an additional 3.0-acre residential building lot from a portion of Parcel A, an existing house lot, through Resubdivision of Filed Map 9526 E as filed in the Dutchess County Clerk's Office on September 22, 2004.

Ms. Welch said that when the Planning Board denied Mr. Agrest's original request for a 5-lot subdivision at the Rokeby Road location in 2003, then-Chair Marcella Appel referred him to Town Attorney Al Trezza for advice. Ms. Welch said that it was Mr. Trezza who advised Mr. Agrest to view the parcel as two separate parcels and to subdivide the parcels one at a time.

Ms. Welch went on to say that since the last Planning Board meeting, Mr. Agrest had sent a letter to the law firm of Keane & Beane but had received no response.

Ms. Welch continued with arguments in defense of Mr. Agrest's application. She said that the parcels were technically separate with two separate owners—one belonging to Mr. Agrest and one belonging to Blue Zucchini, LLC, of which Mr. Agrest is a partner with his daughter. She also contested the location of the site within the Agricultural District saying that Mr. Agrest had been unable to find a farmer willing to grow corn on the parcel and that it was too small for a viable agricultural use. She said that Mr. Agrest was unaware that land must remain in the Certified Agricultural District until the owner requests its removal. She added that she had spoken with Noela Hooper, senior planner with the Dutchess County Department of Planning and Development, who had said that the Farmland Protection Law was not rigid but was rather a regulation to be worked with. Finally she said that Mr. Agrest had urged her to submit the second subdivision application for some time before the first subdivision was finalized but that

she had been busy and had not submitted it until one (1) day after the first subdivision had been filed with the County Clerk. Therefore, the appearance of intentional segmentation was incorrect.

The Chair read an offered resolution denying the application as improper segmentation .

John Hardeman pointed out that because this subdivision application was presented in two phases, it limited the options available for the parcel. He said that admittedly the parcel was small and that it would be difficult to find a viable agricultural use for the site. He said that in the future, the Town might discuss a size requirement that would trigger a farmland protection plan. At present, however, there was no such requirement.

Mary Lou Muirhead said that, having been on the Board for many years, she remembered Mr. Agrest's subdivision proposals going back for years and that she had never, until last month, heard of any person or entity depicted as owner of the property other than Mr. Agrest.

Christine Kane made a motion to adopt the offered resolution denying sketch plan endorsement. David Wright seconded the motion, and all members present were in favor. A copy of that resolution is attached to, and made part of, these minutes.

OTHER BUSINESS

The Chair said that copies of the revised fee schedule would be sent to the members for their review. The schedule would be discussed at the December 20, 2004 meeting.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Christine Kane made a motion to adjourn. David Wright seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 9:00 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments

Resolution amending 'Educational Campus' Special Use Permit and granting Conditional Site Plan Approval to Bard College for expansion of the Center for Curatorial Studies
SEQR Negative Declaration for the Center for Curatorial Studies
Resolution amending 'Educational Campus' Special Use Permit and granting Site Plan Approval to Bard College for the Manor House Café
Resolution Denying Sketch Plan Endorsement to Jeffrey Agrest
Letter from Keane & Beane, attorneys at law
Notice of Intent to Act as Lead Agency for the Bard College Science and Computation Center

**Town of Red Hook Planning Board
Resolution Amending the 'Educational Campus' Special Use Permit and
Granting Conditional Site Plan Approval in the matter of the Bard College
Center for Curatorial Studies Building Expansion on Blithewood and
Garden Roads within the Bard College Campus**

December 6, 2004

Motion made by David Wright
Seconded by Christine Kane

The Town of Red Hook Planning Board hereby acts as follows on the January 21, 2004, Applications by Bard College for Site Plan Approval and Special Use Permit, as amended on July 22, 2004, to authorize, in tandem with an Amendment to the Campus Master Plan and related 'Educational Campus' designation, a composite 19,000 s.f. building expansion of an existing arts facility, the Center for Curatorial Studies, and related site improvements, including expansion of an existing parking area through placement of Item 4, located within its 550-acre campus and more specifically situate between Blithewood and Garden Roads, all as depicted on a 3-sheet set of 'Curatorial Center Expansion' Site Plan drawings (C 1.1 / Existing Conditions and Demolition Plan, C 1.2 / Proposed Site Conditions, and C 1.3 / Details) prepared by Lohan Caprile Goettsch Architects, Inc., and issued on July 23, 2004, and through related data submitted to the Planning Board, including proposed Building Elevations:

1. Determines in consideration of the Full EAF Part 1 submitted by the Applicant, its own completion of EAF Parts 2 and 3, the comments of the Dutchess County Planning Department, and the 'sign off' comments of NYOPRHP, and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, that the Proposed Action, a Type I Action under SEQRA due to its location within the Hudson River National Historic District, will not cause any potential significant adverse effects on the environment and, thus, deems an environmental impact statement to not be required and directs the issuance of the annexed Negative Declaration in the manner prescribed under SEQRA.
2. Determines the intended expansion of the Center for Curatorial Studies to have neither major impact on either campus infrastructure nor external impacts on lands adjacent to the Campus or within the community as a whole and, thus, deems the project to be consistent with the Bard College Campus Master Plan though not specifically provided for within the approved Master Plan which underlies Bard College's designation through Special Use Permit as an 'Educational Campus'.
3. Amends said 'Educational Campus' Special Use Permit to incorporate the intended 19,000 square foot expansion of the Center for Curatorial Studies and limited associated parking and other site improvements.

4. Grants Site Plan Approval for the intended 19,000 s.f. composite expansion of the Center for Curatorial Studies, as depicted by the referenced drawings and other supporting data, and authorizes the Chair to stamp and sign the Site Plan upon the Applicant's satisfaction of each of the below conditions within the next six (6) calendar months:
 - a. Modification of the Site Plan and supporting data as may be necessary to address to his satisfaction any outstanding technical comments set forth by the Town Engineer in his review letter of August 2, 2004.
 - b. Submission of Site Plan drawings in the number and form specified within the Town's Zoning Law.
 - c. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Sam Phelan	absent
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

SEQR Negative Declaration
Notice of Determination of Non-Significance

December 7, 2004

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 / Center for Curatorial Studies

SEQR Status:

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

Description of Proposed Action:

The Proposed Action includes the issuance of an Amended Special Use Permit for the Bard College "Educational Campus" and the grant of Site Plan Approval by the Town of Red Hook Planning Board and related permits, approvals and compliance determinations from other involved agencies to authorize construction by Bard College of building additions comprising a composite 19,000 s.f. expansion of its Center for Curatorial Studies and associated site improvements including lighting, walkways and utility connections and the limited expansion of an existing parking area within an approximately 3-acre project site within Bard College's 550-acre "Educational Campus" in the Town's Institutional (I) District, all as depicted on Site Plan drawings (C1.1 through C 1.3) and Building Elevations prepared by Lohan Caprile Goettsch Architects, Inc., and issued on July 23, 2004, and the subject of an Archaeological Study by Dr. Christopher Lindner.

Location:

Blithewood Road west of Annandale Road (CR 103), Bard College Campus, Town of Red Hook, Dutchess County

Reasons Supporting This Determination:

The Planning Board of the Town of Red Hook has reviewed the EAF Part 1, prepared and certified by the Applicant, considered a 'no comment' response of December 6, 2004, by NYSOPRHP with respect to the location within the Hudson River National Historic Landmarks District and the associated archaeological investigation by Dr. Lindner, and completed EAF Parts 2 and 3 in consideration of the "criteria for determining significance" set forth at Title 6 Part 617.7.c NYCRR.

The Planning Board has concluded the environmental effects of the Proposed Action will be as follows:

- Although there will be some short-term construction period effects as the Center for Curatorial Studies Expansion Project (hereafter referred to as the "CCS Project") is undertaken, there will be no substantial adverse change in existing air quality.
- Although there will be some construction period effects and a minimal increase in overall storm water runoff upon completion of the CCS Project, site disturbance will be limited, occurring wholly within the heretofore disturbed and developed area adjacent to the existing building, and both short-term and long-term mitigation will occur to the extent pertinent in accordance with NYSDEC requirements under NYSDEC Stormwater SPDES General Permit GP-03-01, and thus, there will be no substantial change in ground or surface water quality or quantity.
- There will be no substantial adverse change in traffic or noise levels as a result of the CCS Project; some additional traffic and noise will however be experienced as is routine during the construction period.
- Although generation of an increased amount of solid waste as typical of a educational/ arts facility is projected upon completion of the CCS Project, the increase in solid waste production will not be so substantial an increase as to have an adverse effect on the community's ability to manage such solid waste.
- The CCS Project will be carried out to the extent pertinent pursuant to the above-cited NYSDEC Stormwater SPDES General Permit GP-03-01 and will not cause a substantial increase in potential for erosion, flooding or drainage problems.
- Although there will be some removal of vegetation (i.e. lawn and associated landscape materials adjacent to the existing building) to carry out the proposed building expansion and site improvements included within the CCS Project, this loss shall neither be large nor important and new landscaping adjacent to the

building and the expanded existing parking area will be provided as appropriate to the Campus setting.

- The CCS Project will not cause substantial interference with the movement of any resident or migratory fish or wildlife species.
- The CCS Project will not impact a significant natural habitat area.
- The CCS project will not have significant adverse effect on threatened or endangered animal or plant species.
- The CCS Project will not have other significant adverse impacts on natural resources.
- The CCS Project will not impair the environmental characteristics of a Critical Environmental Area (CEA) as designated by NYSDEC.
- The CCS Project 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 and the Town Zoning Law, as well as the Bard College Campus Master Plan which underlies the College's "Educational Campus" Special Use Permit designation pursuant to the Town's Zoning Law.
- The CCS Project will not 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 Landmarks District.
- Although the CCS Project will upon its completion 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.
- The CCS Project will not create a hazard to human health with all construction and site development activities undertaken in accordance with pertinent environmental regulations.
- The CCS Project, the construction of building additions comprising a composite 19,000 s.f. expansion to an existing arts facility within the 550-acre Bard College Campus, will not cause a substantial change in the use, or the intensity of use, of land including agricultural, open space or recreational resources, or in the capability of land to support these resources.
- The CCS Project 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 CSS project is simply a facility improvement and not part of an overall expansion program intended to accommodate a substantially greater student population at the Bard Campus.

- The CCS Project will not cause the creation of a material demand for other actions that would result in one of the above consequences.
- The CCS Project 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.
- The CCS Project 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

Telephone: (845) 758-4613 (Telephone) / (845) 758-0492 (FAX)

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.

**Town of Red Hook Planning Board
Resolution Amending the 'Educational Campus' Special Use Permit and
Granting Site Plan Approval in the matter of the Bard College Manor House
Café within the Bard College Campus**

December 6, 2004

Motion made by John Hardeman
Seconded by Mary Lou Muirhead

The Town of Red Hook Planning Board hereby acts as follows on the October 18, 2004, Applications by Bard College for Amendment of its 'Educational Campus' Special Use Permit and Site Plan Approval to authorize certain improvements within a portion of, and immediately adjacent to, the Manor House Dormitory to permit use of the converted space and associated limited addition for kitchen and dining facilities, the Manor House Café, and office space, all as depicted on drawings prepared by Robert Nilsson, Architect, and dated July 20, 2004:

1. Determines upon review of the EAF Part 1 certified by the Applicant, completion of the EAF Part 2 by the Planning Board, and with due consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, the Proposed Action, a Type I Action under SEQRA, involving no modification in building footprint or related site improvements, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Amends the Special Use Permit heretofore issued for the Bard College 'Educational Campus', as from time-to-time amended on a project-specific basis, to incorporate the subject conversion of a portion of the Manor House Dormitory though not specifically set forth within the Campus Master Plan.
3. Grants Site Plan Approval for the subject conversion of a portion of the Manor House Dormitory to dining and associated kitchen facilities and office space, as depicted within the above-referenced architectural drawings and authorizes the Town's Building and Zoning Department to issue a related Certificate of Occupancy under the Town's Zoning Code upon the College's satisfaction of all other laws, codes, rules and/or regulations pertinent to the work undertaken and the occupancy intended.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Sam Phelan	absent
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 _____

**Town of Red Hook Planning Board
Resolution Denying Sketch Plan Endorsement in the Matter of the Jeffrey Agrest Proposed Two-lot Minor Subdivision at 138 Rokeby Road in the R1.5 and Certified Agricultural Districts**

December 6, 2004

Motion made by Christine Kane
Seconded by David Wright

The Town of Red Hook Planning Board hereby acts as follows on the September 22, 2004, Application by Jeffrey Agrest for Sketch Plan Endorsement for the creation of an additional 3.0-acre residential building lot in the R1.5 and Environmental Protection Overlap (EP-O) Districts from a portion of Parcel A, an existing house lot, through Resubdivision of Filed Map 9526 E as filed in the Dutchess County Clerk's Office on September 22, 2004, the intended Resubdivision depicted on a Surveyor's Map entitled 'Amendment to Filed Map No. 9526 E / Minor Two Lot Subdivision prepared for Jeffrey Agrest' prepared by Marie T. Welch, L.S., and dated September 22, 2004:

1. Finds in consideration of the record of the Planning Board's consideration of Mr. Agrest's prior Application for Subdivision Plat Approval, which review led to the Board's approval of the Subdivision Plat filed on September 22, 2004, as Filed Map 9526 E, and the timing of this subsequent Application for Sketch Plan Endorsement there to be an improper attempt by the Applicant to segment the subdivision review process in order to avoid through "one lot exception" the requirements for consideration important farmlands set forth within the Town's Zoning Law.
2. Supports this finding through the annexed opinion letter of November 11, 2004, from the Planning Board's land use attorney, Jennifer M. Porter of Keane & Beane, P.C.
3. Denies, in an action further supported by the Planning Board's land use attorney, the requested Sketch Plan Endorsement on the grounds of segmentation in that, in the words of Attorney Porter, 'the submission of the piecemeal subdivision applications is deemed by the Board to be an attempt to evade the requirements for important farmlands within the EP-O District'.
4. Supports this denial through its understanding that Mr. Agrest has transferred the residential building lot created through the prior subdivision to another party and, thus, lacks the wherewithal to request Filed Map 9526 E be in some manner stricken from the County Clerk's records so that creation of both the previously-authorized lot and the newly-proposed lot might be simultaneously considered under the provisions of Section 143-47 of the Zoning Code as applicable to important farmlands, including all lands within a Certified Agricultural District.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Sam Phelan	absent
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

KEANE & BEANE, P.C.

KEANE & BEANE, P.C.

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DONNA E. FROSCO*19
DAVID GLASSER
LANCE H. KLEIN9
RONALD A. LONGO
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NANCY TAGLIAFIERRO**
NICHOLAS M. WARD-WILLIS**9

*ALSO ADMITTED IN CA

**ALSO ADMITTED IN CT

†ALSO ADMITTED IN DC

9ALSO ADMITTED IN FL

*ALSO ADMITTED IN MA

9ALSO ADMITTED IN NJ

**PRIVILEGED ATTORNEY-CLIENT COMMUNICATION
NOT SUBJECT TO FOIL**

November 11, 2004

OF COUNSEL
JAMES W. BORKOWSKI9
JOHN F. BURKHARDT
RICHARD A. LEVIN
FRANCES M. PANTALEO

VIA FIRST CLASS MAIL

Chairman Paul G. Thomas, Esq. and
Members of the Town of Red Hook Planning Board
7430 South Broadway
Red Hook, New York 12571

Re: Agrest Subdivision - Application of the
Requirements of Ch. 143-47

Dear Chairman and Members of the Planning Board:

Our office has been asked by the Planning Board (the "Board") to review the provisions of Section 143-47 of the Town of Red Hook Zoning Code (the "Zoning Code") in connection with the above-referenced subdivision application in order to determine whether such application constitutes an improper segmentation of the subdivision review process in order to avoid the requirements for important farmlands within the Environmental Protection Overlay District ("EPO District"). Based upon the documentation which has been provided to our office, it is our determination that the proposed subdivision constitutes improper segmentation. As such, the Board has discretion to (1) deny the present subdivision application on segmentation grounds by asserting that submission of piecemeal subdivision applications is deemed by the Board to be an attempt to evade the requirements for important farmlands within the EPO District; or (2) review the application but require that the applicant prepare a farmland protection plan for the remaining portion of the Home parcel and shift, to the extent practicable, the proposed subdivision away from important farmlands and/or provide for a reduction in the size of the proposed area to be subdivided. In addition, the Board should require that the applicant permanently reserve all remaining land on the Home parcel for agricultural purposes.

The purpose behind adoption of the important farmlands provision of the EPO District is to protect important agricultural lands from development in order to maintain their availability for productive use. See Zoning Code, § 143-47(D)(4)(a). As such, "any site plan or subdivision plat that includes the subdivision or development of mapped important farmland shall, to the

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extent practicable, designate such farmland as protected farmland and perpetual open space." In considering any subdivision application, the Board must require that structures and related site improvements, including impermeable surfaces, be located, insofar as practical, on the least fertile soils for agricultural uses.

Mr. Agrest, under the auspices of Blue Zucchini Property Company, was granted subdivision approval to subdivide viable farmland areas of his Blue Zucchini parcel to create two (2) 1.5 acre lots based, in large part, upon his assertion that there was no other place suitable for the lots. However, in spite of such reasoning, within days of receiving subdivision approval, Mr. Agrest submitted an application to carve out an additional three (3)-acre parcel from the Home parcel (directly contiguous to and containing land formerly a part of the Blue Zucchini parcel). Mr. Agrest asserts that he was unable to submit this new proposal as part of his previous subdivision application due to engineering and other problems. He also asserts that the Blue Zucchini parcel and the Home parcel are under separate ownership (the Home parcel is owned individually by Mr. Agrest and the other by a partnership between Mr. Agrest and his daughter).¹ However, these arguments fly in the face of what appears to be an obvious attempt to circumvent the requirements for important farmlands within the EPO District through piecemeal subdivision and lot line adjustment. That the applicant has segmented the subdivision review process in order to avoid complying with the requirements of the EPO District is evidenced by the fact that the subject properties are directly contiguous to each other and both under the common control of Mr. Agrest, in whole or in part. Moreover, Mr. Agrest just recently received approval for a lot line adjustment to transfer of a portion of the Blue Zucchini parcel to the Home parcel which is the subject of the current subdivision application.

Although the Board should have required the applicant to prepare a full farmland protection plan for both the Home and Blue Zucchini parcels so that the remaining, unsubdivided areas of those could be preserved for agricultural uses, the Board allowed the prior subdivision application to be reviewed without requiring that the remaining land be preserved. However, this should not work to prevent the Board from accomplishing the objectives of the EPO District with the current application since the Board's knowledge of future plans for development of the Home and Blue Zucchini parcels was limited by the incomplete information previously provided to the Board by Mr. Agrest. It is clear that the applicant masked the extent of the previous subdivision and its impacts to important farmlands by limiting the previous subdivision to areas within the

¹ According to a public record search as well as documentation provided by Mr. Agrest, the Home Parcel was acquired by him and his late wife as tenants by the entirety. After her death, the Home parcel was owned solely by him. The Blue Zucchini parcel was acquired by Mr. Agrest and his late wife as partners. After Mrs. Agrest's death, the property was owned by Mr. Agrest and his daughter, as partners. Nevertheless, property records for the Blue Zucchini parcel make no mention of the Blue Zucchini Property Company. Moreover, separate ownership by the same entities in differing capacities does not work to excuse compliance with the EPO District requirements.

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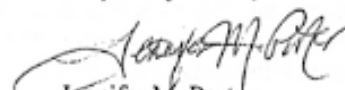
Blue Zucchini parcel. Such activity constitutes segmentation and, if the Board so desires, warrants denial of the instant application or, in the alternative, the Board may now require a farmland protection plan coupled with means for permanently preserving all remaining important farmland areas.

Segmentation occurs when the review of a single action is broken down into smaller stages or activities, addressed as though they are independent and unrelated, needing individual determinations. In the context of SEQRA review, segmentation is disfavored because of (1) the danger that in considering related actions separately, a decision involving review of an earlier action may be practically determinative of a subsequent action, and (2) the danger which occurs when a project that would have had a significant effect on the environment (in this case, impacts to important farmlands) is broken up into two or more component parts that, individually, would not have as significant an environmental impact as the entire project, or indeed, where one or more aspects of the project might fall below the threshold requiring any review.

In this case, Mr. Agrest's intention to separately subdivide two contiguous parcels containing viable agricultural lands will allow for much greater impacts to remaining viable farmlands than a single subdivision application submitted in connection with a farmland protection plan would have allowed. For this reason, the Board must first decide if it wants to reject the application based upon segmentation grounds or if it wishes to continue its review. If the Board chooses to continue its review, at a minimum, the Board should require a farmland protection plan for the entire Home parcel. Thereafter, the Board should make all attempts to have the applicant relocate the proposed area to be subdivided away from important farmlands and, if possible, minimize the requested lot size so as to avoid any additional impacts to important farmlands. The Board should also require that all remaining areas on the Home parcel be preserved on the filed plat as agricultural land.

If you have any further questions with respect to this matter, please feel free to contact Joel H. Sachs, Esq. or myself.

Very Truly Yours,


Jennifer M. Porter

cc: Joel H. Sachs, Esq.

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Town of Red Hook Planning Board

Town Hall
7340 South Broadway
Red Hook, New York 12571

Notice of Intent to Serve as Lead Agency under SEQRA; Lead Agency Must Be Designated within Thirty (30) Calendar Days

December 8, 2004

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 for the purpose of designating a Lead Agency for the coordinated environmental quality review of the following Proposed Action:

Project Name:	Bard College / Center for Science and Computation Studies
Location:	East of Annandale Road (CR 103), between Annandale and Campus Roads, to the north of the Bard College's Buildings and Grounds facilities, Town of Red Hook, Dutchess County
SEQRA Status:	Type I Action, located with Hudson River National Historic Landmarks District

Project Description:

The Proposed Action encompasses an Application by Bard College for Site Plan Approval by the Town of Red Hook Planning Board and related permits, approvals and compliance determinations by other involved agencies, including height variance, for a 54,600 s.f. building to house classrooms, laboratories, lecture halls, and offices, to be known as the "Center for Science and Computational Studies", and associated site development and improvements including grading and tree removal, construction of a new access road through relocation of a portion of Campus Road, development of a geothermal well field, water and sanitary sewage extensions, upgrades and connections, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, walkways and landscaping on an approximately combined 6.0-acre to 8.0-acre project site within Bard's 550-acre "Educational Campus" in the Town's Institutional District.

The Planning Board's Amendment of the Bard College's present Special Use Permit providing for the "Educational Campus" designation following acceptance of the College's underlying Campus Master Plan Update, this matter being the subject of an

on-going proceeding before the Planning Board, is among the prerequisites to the Planning Board's grant of Site Plan Approval for the Center for Science and Computation Studies.

Declaration of Intent to Serve as Lead Agency:

Please take notice that, under the applicable standards of Title 6 Part 617.6(d) NYCRR, the Town of Red Hook Planning Board has concluded that it should be designated as Lead Agency for the coordinated environmental quality review of the Proposed Action.

Therefore, this Notice, accompanied by the Full EAF Part 1 and a copy of the Preliminary Site Plan and Building Elevations, is being sent to you and all other identified involved agencies with request for consent in writing to the Town Planning Board's serving as Lead Agency. Should you not respond within thirty (30) calendar days from the date shown above, it will be interpreted as consent the Planning Board serve as Lead Agency. In either case you will continue to be notified of any SEQR determination made and the scheduling of any related proceedings and hearings. Copies of all subsequent environmental documents will also be distributed to you.

Should you not agree with the Town Planning Board's designation as Lead Agency, you are advised to follow the procedures outlined in Title 6 Part 617.6(e) NYCRR.

In addition to your consideration of Lead Agency designation, the Planning Board would welcome any comments you may have regarding the Proposed Action. Receipt of these comments within thirty (30) calendar days would be appreciated.

Contact Person:

Paul G. Thomas
Planning Board Chairman, Town of Red Hook
(845) 758-4613 (Telephone) / (845) 758-0492 (FAX)

Distribution with Attachments:

Involved Agencies:

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
Post Office Box 189 – Peebles Island
Waterford, New York 12188

Dutchess County Health Department
387 Main Street
Poughkeepsie, New York 12601

Town of Red Hook Zoning Board of Appeals
Town Hall
7340 South Broadway

Red Hook, New York 12571

Interested Agencies and Persons:

New York State Department of Environmental Conservation
Main Office, Regulatory Affairs
625 Broadway
Albany, New York 12233

Dutchess County Department of Planning and Development
27 High Street
Poughkeepsie, New York 12601

Town of Red Hook Zoning Enforcement Officer
Town Hall
7340 South Broadway
Red Hook, New York 12571

Project Sponsor

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.