

DRAFT

Village of Millbrook  
Village Planning Board  
November 10, 2008 Workshop Part II  
Bennett Redevelopment Project

*Call to Order*

Workshop began at 6:45 p.m.

*In Attendance*

Linda Roberts, Chairman, Joe Still, Joe Forte, Charles Colomello, Dr. Thomas Murray, Art Brod from Planners East, Dave Clouser from Clouser and Associates, and Rebecca Blahut, representing Rich Olson from McCabe and Mack

*Linda Roberts*

After calling the meeting to order noted that the purpose of this workshop was to continue the work that began during the November 6, 2008 workshop with the completion of Part II of the EAF. The Planning Board and it's consultants identified a number of potential impacts and now Part III of to EAF must be completed.

*Rebecca Blahut*

Rebecca ensured all of the Planning Board members have had a chance to review everything that had been submitted by the Board's consultants, all of the notes from the past public hearings as well as everything that has been submitted by the public for the record. She also confirmed that there are no issues with the EAF Parts I and II and that all are satisfied so far. The Planning Board then confirmed that at this point there is enough information to determine a positive or negative declaration for this project. Before going on with Part III of the EAF, Rebecca wanted to clarify the question left open at the last workshop in regards to a Demo Permit. She stated that at the very minimum the applicant will need a permit based on Village Code but it is the Industrial Code and New York Labor Law that governs the raising of any building. She suggested that upon final approval the Planning Board insist on the conditions that the full project be bonded and a time table for demolition be submitted. Through the bond the applicant must pay for a consultant to be hired by the Village to work with the Code Enforcement Officer to ensure all the labor laws are followed and the other concerns that the public has are dealt with.

## ***Art Brod***

Art Brod went on to discuss Part III of the EAF and how to determine the significance of the impacts identified by the Planning Board. He said that the Board will determine if appropriate information has been given on probability or time frame of each impact, if each impact is irreversible or not, if they can or can not be controlled and how each impact affects local needs and goals.

## ***Dutchess Co. Planning***

Rebecca then asked if the Planning Board members and all of the consultants have had a chance to read the latest letter submitted by Dutchess County Planning and Development. All have.

This letter is attached to these minutes and are on the record.

## ***Part II Potential Impacts***

Art Brod went on to discuss the potential environmental impacts and their magnitude that were identified by the Planning Board at the last workshop. For each of the "potential large impacts" there was a reference offered to a part of the Planning Board record where the topic has been addressed.

## ***Impact on Land***

First, the Board looked at any construction on slopes of 15% or greater, or where the general slopes in the project area exceed 10%. Art stated that obviously slope conditions are reflected on the Preliminary CDD Plan and has been reviewed by Dave Clouser's office. It has also been specifically dealt with in Exhibit V of the Preliminary Storm Water Pollution Prevention Plan. Dave Clouser stated that they reviewed the overall grading plans and there are approximately half a dozen small areas that deal with slopes 15% or greater and the requirements for the Storm Water SPDES are pretty strict on how erosion controls have to be set up. He also stated that the areas of the 15% slopes are not as great as one might think on the site. There are some other very steep areas but those areas, for the most part, are not being disturbed by this proposal.

The Planning Board had no concerns.

Next, the board dealt with any construction that will continue for more than 1 year or involve more than 1 phase or stage. Art stated that as pointed out in the submission there is a projected 36-month construction period. However, that could be extended due to the current market. The estimate is a "ball park" estimate of a time frame since some things may be outside of the control of the Planning Board or the developer.

*Impact on Water*

The Army Corps of Engineer wetlands and non-protected stream(s) impact is dealt with in the Preliminary CDD Plan, Exhibit S of the Natural Resources Survey and it was agreed upon by the ACOE that there is very little if any disturbance identified through the ACOE Jurisdiction Determination Letter that has been provided. Answering if the proposed action will affect surface or ground water quality or quantity, the proposed action will require a discharge (SPDES) permit. This has been dealt with in Exhibit V of the Preliminary Storm Water Pollution Prevention Plan provided by the applicant and according to Art they have standard procedures and standard compliance with State and Federal regulations.

Dave Clouser stated he looked to see if drainage will in fact work the way it's provided on the site plan and said that more details will have to be provided during site plan review. He also reviewed the redevelopment chapter 9 method that was being used on this project and the applicant provided a letter stating that the DEC accepted the applicant's methodology.

Next, Rebecca spoke on if the proposed action requires a source of water that does not have approval to serve the proposed project. This is dealt with in Exhibit N of the Water Supply Report, a letter submitted by Chazen Companies and related input by Chazen Companies and the Village Attorney concerning the land control issue. Since this deals again with the well head/land control issue, Rebecca reiterated that the applicant has the mandatory 100 ft radius and the 200 ft radius is anticipated to be waived since the applicant has demonstrated a good faith effort to attain an easement with no conclusion.

Art than asked Dave to touch on an Department of Health or DEC issue in regards to the quality of water. Dave went on to explain that there is a radiant component as well as a manganese component that will have to be removed and dealt with as far as treatment. This is regulated by the Department of Health and through a water supply application from the DEC and approval of the water supply by the New York State Department of Health. Chazen had reviewed some items in the pumping tests and believed the methodology was proper and the results were certainly acceptable. Chazen also talked about the drought drawdown conditions and based on the quantity that was found for this well, they did not have a concern over that. There had been a claim made that there should have been a simultaneous test, pumping both wells at once. According to Chazen each well produces more than the maximum demand of the project therefore, they felt a simultaneous test was not needed or required.

Art next dealt with if the liquid effluent would be conveyed off the site to facilities which presently do not exist or have inadequate capacity. This is shown in Exhibit M of the Wastewater Report, a review letter from Chazen Companies and the Village efforts in cooperation with the NYSDEC to address the I&I issue. Art stated that the capacity problem that is caused by a wet weather issue is an addressable I&I issue. Dave also stated that there has been some speculation, although no tests completed, that the removal of the existing, old buildings at Bennett could in fact reduce a portion of the I&I because of the amount of hook ups and old pipes.

The Planning Board member had no questions or concerns.

Next up was the question as to if the proposed action will use an excess of 20,000 gallons per day and this is dealt with in Exhibit N of the water Supply report, a review letter from Chazen Engineering and the Village efforts in cooperation with the NYSDEC to address the I&I issue.

The issue of if the proposed action will allow residential uses in areas without water and/or sewer services is a catch all according to Art and is provided as part of the project.

Lastly, Art and Dave spoke as to if the proposed action will alter drainage flow or patterns; or surface water runoff. Art stated that the increase in storm water runoff due to increase in impervious surface area will be treated in accordance with state and federal standards for both water quality and quantity and is dealt with in Exhibit V of the Preliminary Storm water Pollution Prevention Plan. Dave noted that there is one storm water pond in the back of the property that is a typical wet pond and this is being dealt with by the DEC preferred method of soil infiltration.

#### ***Impact on Air***

There was a question as to if the proposed action will affect air quality and Art noted that the demolition and construction activities, including a rock crushing type operation will be an impact. He also noted that there is a clear statement in the Traffic Study that air quality will not be impacted by increase in normal traffic operations associated with the project and therefore no warrant for further air quality analysis on the basis of increase in normal traffic. Exhibit BB of the Air Quality Impact study does deal with demolition and construction activities and the methodology being used is standard and it will only be temporary, therefore not irreversible.

# DRAFT

## ***Impacts on Plants and Animals***

The Indiana Bat is the species in question when the impact of removal of any portion of critical or significant wildlife habitat comes up. There is discussion of the impact of plants and animals in Exhibit S of the Natural Resources Survey, Exhibit T of the Tree Condition Survey and related public comment which included reference to the Indiana Bat. Art stated that the Planning Board will need to include the standard requirements of tree removal within any approval so it's not to disturb the Indiana Bat during summer roosting. This most certainly will be conditioned in any permit provided by the DEC for this project as well.

Art believes there is nothing else in respect to endangered species. Next the Planning Board has to also identify if the proposed action will affect any non-threatened or non-endangered species. Art goes on to say that it is not likely that the proposed action will require removal of more than 10 acres of mature forest (vegetation over 100 years of age), however based on public comment there is other locally important vegetation that will be displaced. The Preliminary CDD Plan identifies where the vegetation will be lost. It is also dealt with in Exhibit S of the Natural Resources Survey and Exhibit T of the Tree Condition Survey. The CDD further provides direct mitigation on the new landscaping that will be planted. Dave also backed up Art's comments by stating that he reviewed the plans and tree survey and there are only 13 trees that are 100+ years old. 8 out of those 13 trees are diseased and need to be taken down any way so there definitely is not 10 acres of mature forest. There will be displacement of wildlife which Art pointed out will occur as demolition and site development take place. The wildlife present on site is typical of the region with no additional unique habitat other than the possibility of an Indiana Bat habitat and some of the displaced habitat will be replaced through lawns and open areas being preserved.

## ***Impact on Aesthetics***

Rebecca Blahut spoke on the potential impact of the aesthetic resources being affected by the proposed action. Views from public locations, being park areas and adjacent roadways, were identified with assistance provided by use of the Visual EAF Addendum were identified as a potentially large impact. This is referenced in Exhibit J of the Visual Analysis, the Preliminary CDD Plan, and exhibit G of the Architectural Renderings, Floor Plans and Elevations.

Art read aloud an excerpt in the conclusion of the Dutchess County Planning And Development letter dated November 10, 2008 that deals with this impact.

***Impact on Historic  
and Archaeological  
Resources***

Will the proposed action impact any site or structure of historic, prehistoric or pale ontological importance? First, Art discussed if the proposed action will be occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of Historic Places. He referenced Exhibit R of the Cultural Resources Overview that was conducted and also a correspondence from the Parks and Recreation Department. Including a sign off from Ken Markunas on the subject of historic architectural resources recognizing that while certain structures like Halcyon Hall is on the register, they can not be saved but elements can be included in the overall plan. Also recognizing the project sponsor's efforts to relocate and reuse some of the minor structures, minor in terms of scale, on the site including the Hale House, the Chapel, etc.

Second, Art discussed if the proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. He stated that this is specifically dealt with in Exhibit R of the Cultural Resources Overview report that was provided. Art also went on to answer the question posed by himself at the last workshop in regards to verbal communication between the applicant and the Parks and Recreation Department. Art stated that it appears from the record that "clearly supportable" communication had occurred between the applicant's archaeologist, or cultural researcher, Ms. Saunders and Mr. Markunas a couple of months after initial submission when she called Mr. Markunas and asked the question directly if there was any additional information required in support of their concern of any archaeological resources. Mr. Markunas reported that he has checked with staff, staff being on the other side of the operation which is what Art had referred to last time as being 2 separate staff, an architectural staff and an archaeological staff. Mr. Markunas checked with the archaeological staff and there was no additional information required in respect to archaeology and that Parks and Recreation were in fact satisfied. Art has times and dates as to when that occurred. Rebecca confirmed that Rich Olson, the Village Attorney has seen this data as well.

***Impact on Open Space  
and Recreation***

Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities? Art pointed out that this is a potentially large impact that is not a negative impact but a positive one by the creation of a publicly-accessible park.

**Impact on Transportation** There were 3 components identified that would be potentially large impacts to exiting transportation systems based on discussion from the first workshop.

The first being demolition and construction traffic. Which is addressed in Exhibit O of the Traffic Impact Study's Section 4. This is an entire section that deals with this potential impact. Art went on to point out that there is a discrepancy between the Construction Traffic Analysis and some of the data in the demolition plan. The discrepancy that exists is with the size of the trucks which are talked about in the Construction Traffic Analysis. They are in fact far smaller than those that might actually be used under the demolition plan. Therefore that provides for a conservative analysis. The number of 20 yard trucks is certainly going to be far greater than the potential number of larger trucks, if in fact the larger trucks are used. Art went on to say that this certainly does not create an additional impact, it will actually lessen the occurrences of traffic.

Secondly is the increase in residentially generated vehicular traffic, which will be a long term impact. This is also addressed in Exhibit O of the Traffic Impact Study as well as and as recently as last week, the review letter from RSG Inc., that signed off as to the appropriateness of the study presented.

Last is the increase in residentially generated pedestrian traffic which is dealt with in the Preliminary CDD Plan and Exhibit I of the Sidewalk and Trail System prepared by TRC which was included in the documents that have been previously provided for review.

**Noise and Odor Impact** This deals with any objectionable odors, noise or vibration as a result of demolition and construction activities, including rock crushing operations in the proposed action. This has been addressed in Exhibit AA of the Noise Assessment Report. Art brought up that the only additional mitigation that might be considered by the Planning Board later on is where the best possible, workable site for the rock crushing action to occur as to lessen the impact on neighbors.

**Impact on Public Health** Demolition activities, including building deconstruction and tank removal operations could affect public health and safety. This is addressed in Exhibit W of Phase I and Phase II of the Environmental Site Assessment reports, Exhibit Y of the UST Removal and Closure reports and Exhibit Z of the Demolition and Remediation Report. Rebecca also spoke of this in the beginning of this segment of the workshop and advised the Planning Board as to how they can lessen the chance of impact on the public.

***Impact on Growth  
and Character  
of Community or  
Neighborhood***

There were six specific points that dealt with the proposed action affecting the character of the existing community.

The first being is the permanent population of the village likely to grow by more than 5%. This is addresses in Exhibit P of the Fiscal Impacts Study and updates with demographic projections included, related public comment and consultant comment concerning projected population of development. Art stated that they are simply dealing with numbers and bottom line is that yes, the population is certainly going to grow by more than 5% and is otherwise accounted for.

Second, will the municipal budget for capital expenditures or operating services increase by more than 5% per year as a result o this project? Art stated that there may very well be an increase of more than the 5% because of the expected increase in population by more than 5%. He noted that this is addressed in Exhibit P of the Fiscal Impacts Study and updates, related public comment and consultant comment.

Third, will the proposed cause a change in the density of land use. The Preliminary CDD Plan, according to Art illustrates what the change in density would be in accordance with the Village Zoning Law. It has also been pointed out that the density here with this project is 20% less than what could be proposed under the Zoning Laws.

Fourth, will the proposed action replace or eliminate existing facilities, structures or areas of historic importance to the community. This has been dealt with in the Preliminary CDD Plan, related comment by NYSOPRHP and Dutchess County Planning who has state that the structures of historical importance to the community are being respected to the best extent possible based on each of there current conditions.

Fifth, The Development will create a demand for additional community services (I.e. schools, police and fire, etc.). This is dealt with in Exhibit P of the Fiscal Impacts Study and updates, related public comment and consultant comment.

Finally, sixth, Will the proposed action create or eliminate employment? Art answered this by stating that to the best of his knowledge there will be no employment lost by this project unless there is a caretaker currently on premises. On a positive note, there will be some employment that would be generated through short term demolition and construction and there is a projection that there will be some long term employment generated for property maintenance.



In addition, there was a "yes" response to the question "is there, or is there likely to be, public controversy related to potential adverse environmental impacts?" that the Planning Board does recognize.

**Determining Significance** Art then went on to explain to the Planning Board that they have to go through 617.7 Determining Significance again as spelled out under SEQRA to take one of two actions. One possibility is to require an Environmental Impact Statement for the proposed action. This would be required if the lead agency, being the Village Planning Board, determines that the action may include the potential for at least one significant adverse environmental impact.

The second course of action would be to determine that the Environmental Impact Statement would not be required for the action, with the lead agency determining either that there will be no adverse environmental impacts associated with the action or that the identified adverse environmental impacts will not be significant. Art went on to read Part C of 617.7 aloud. 617.7 Determining Significance has been attached to these minutes and is on the record. Rebecca, afterwards made sure that there were no questions regarding the criteria that Art read aloud from the Planning Board members and also wanted to make sure that they understood the potential impacts that have been outlined in the EAF. She stated that with the identified impacts discussed by the Planning Board and their consultants, as long as there are no concerns or questions, the Board should be able to ask Art to prepare the Part III of the EAF as well as either the Positive Declaration, requiring an Environmental Impact Study or a Negative Declaration, not requiring an EIS.

**Poll** The Planning Board members than took a poll specifically for discussion purposes, whether they thought an Environmental Impact Study would or would not be required. This poll was simply to let the consultants know what to prepare for the next meeting.

All were in favor that an EIS would NOT be required.

**Special Meeting** The Board and it's consultants than set a time for a Special Meeting of the Board to determine significance of the project pursuant to SEQRA. This meeting was than set for Wednesday, November 12, 2008 at 6:00 p.m. at the Village Hall.

**Motion to Adjourn** Motion was made to adjourn by Joe Still and seconded by Joe Forte. The meeting adjourned at 8:14 p.m.

# Dutchess

**Dutchess County  
Department of  
Planning and  
Development**

William R. Steinhaus  
County Executive

Roger P. Akeley  
Commissioner

Richard Birch  
Assistant Commissioner

27 High Street  
Poughkeepsie  
New York  
12601  
(845)486-3600  
Fax(845)486-3610



**ORIGINAL**

November 10, 2008

To: Planning Board, Village of Millbrook

Re: Referral: 08-511, Site Plan and Special Permit  
Parcels: 6764-01-283780/ 383842/ 353764/ 352784/ 346799/ 387757/  
351729 et al; Bennett College Redevelopment, Rt. 82, Franklin  
Avenue, Rt. 343, Millbrook, New York

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds that the Board's decision involves a matter of some concern and offers the following comments.

## Action

Applicant Blumenthal Brickman Associates seeks Special Permit, Site Plan, [and Subdivision] approval for a Conservation Density Development in the Bennett Campus District established pursuant to Local Law No. 1 adopted in January 2005. Applicant seeks approval for construction of 9 single family homes and 82 town homes configured in 41 side-by-side duplex buildings on the 27.96-acre former Bennett College Campus site located at the intersection of Routes 44, 82, and 343 at the southern gateway of the Village of Millbrook.

## Comments

This Department previously offered comments on the Bennett College Redevelopment proposal, both in preliminary comments dated December 20, 2006, and in comments regarding a Determination of Significance dated October 29, 2008. The following comments recognize the evolution and improvement of the proposed site plan throughout the approval process. They also reiterate this Department's position in strong support of village-density residential development at this unique location in the Village of Millbrook.

## Conservation Development District

The current zoning of the Bennett Campus Development (BCD) District permits single family residences on two-acre lots. The zoning regulations also include provision for a Conservation Development District, (CDD) citing Traditional Neighborhood Development as the optimum model for village scale residential design at this location. We consider the higher density CDD more appropriate at this location than the more suburban BCD alternative.

The Bennett Campus Redevelopment proposal is based on those TND guidelines, subject to the physical limitations of the site. The current proposal

requests a 91-unit Conservation Density Development on the 28-acre Bennett site, well within the potential density allowed by the adopted CDD provisions.

### **Streets and Sidewalks**

Village streets traditionally follow a grid pattern; that pattern is precluded by the awkward shape of the Bennett parcels that remained after the subdivision from the original campus of the condominium complex parcel. Attempts by the Applicant to create connections to the Village through that parcel have been actively discouraged, although the Applicant has stated that other opportunities for direct connections will be pursued. The remaining parcels require a non-traditional layout of streets and walkways that are determined by topography and the intention to protect open space areas for residents and for the public.

We are pleased that the Applicant has included additional sidewalks that will facilitate walking within the new Bennett neighborhood and encourage pedestrian interaction between the Bennett site and the rest of the Village, including the central business district.

### **Architecture**

The proposed scale and design of the Bennett residences reflect a serious effort to complement traditional village character and to avoid the cookie-cutter styling of many compact developments. However, we strongly suggest that garage doors, especially when situated four in a row, should not be the predominant features of a residential façade.

### **Demolition Issue**

Demolition is a planned and supervised series of activities that control, contain, and remove waste materials according to very specific procedures and regulations.

Dereliction and disintegration of buildings over time, on the other hand, result in random internal collapse that increases hazardous conditions and can expose potentially hazardous materials that accumulate and migrate with no control, no containment, and no removal.

One way or another, the Bennett College buildings will eventually come down. They can be demolished in an orderly manner at the expense and under the supervision of a developer or they can collapse to the point of condemnation and become the responsibility of the Village. At no time would the County assume that responsibility.

## Fiscal Impact Study

A report entitled "Bennett Campus Development Fiscal Impact Study" prepared for Millbrook Matters Citizens Group was circulated in response to the Bennett College proposal in July 2006. An analysis of this document by the Planning Department's data analyst, Senior Planner Lindsay Carille, demonstrates that the conclusions reached in the report do not accurately reflect 2000 Census or interim data for Dutchess County or the Village of Millbrook and considerably overestimate the impacts of the proposed residential development. (See Review, attached.)

## Conclusion

Villages are not stage sets intended to enhance visitors' and Town residents' aesthetic experience of the countryside. The most vital villages are economically and socially dynamic communities that depend on old and new residents to be participants in their activities, to support their civic organizations and schools, and to be customers for local businesses.

The proposed layout and architecture complement Millbrook's traditional character. The infrastructure improvements offer solutions to problems that the Village will have to address with or without the support of this development.

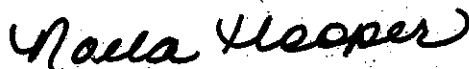
The Bennett Campus is part of the Village of Millbrook. Conversion of the defunct college, which currently contributes nothing to the vitality of the Village, into a neighborhood of new residences and new public spaces, of new residents, new participants in community life, and new customers, should be considered an opportunity to complement and enhance this historic and unique village.

## Recommendation

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Roger P. Akeley, Commissioner  
Dutchess County Department of Planning & Development

By



Noela Hooper  
Senior Planner

## **Review of Bennett Campus Development Fiscal Impact Study:**

The Bennett Campus Development Fiscal Impact Study prepared by Little Town Views, LLC (July 2006) states that, "With family size in Dutchess, Putnam and similar counties averaging 3.2-3.4 people, according to the U.S. Census, it seems safe to assume that the Bennett development would attract at least 3.5 people per unit..."\*

The 2000 U.S. Census indicates that the average family size in Dutchess County is 3.16, down from 3.18 in the 1990 Census. Putnam County average family size in 2000 was 3.27, down from 3.32 in 1990. The trend nationally is a smaller family size than ten years ago (U.S. – 3.14, down from 3.16).

IRS migration data, including the years 1998 – 1999 through 2003-2004, show that the top two places for in-migration to Dutchess County are Westchester County and Putnam County. The IRS data indicates that the average family size migrating to Dutchess for Westchester is 2.2 and for Putnam it is 2.1.

As the table below shows, this is a lower average than the 2000 Census shows for average family size. The table also shows that the Town of Washington and the Village of Millbrook have historically had lower than average family size for Dutchess County.

**U.S. CENSUS AVERAGE FAMILY SIZE**

	<b>2000</b>	<b>1990</b>
Dutchess	3.16	3.18
Putnam	3.27	3.32
Westchester	3.21	3.16
Town of Washington	2.95	2.97
Village of Millbrook	2.88	2.80

The 2000 Census also indicates that in the Village of Millbrook 53% of the housing units are "family" households, and there are 47% that are "non-family" households, with an even smaller average number of householders at 2.1 per household. The Town of Washington has 65% living in "family" households and 35% in "non-family" households with an average of 2.37 per household. You can not assume that every person buying a home in Dutchess County will be a "family" household, with the average number of children.

\*Nationally in 2005, households consisting of one person living alone had increased to 26 percent (from 17%). Between 1970 – 2005, the average household size nationally has declined from 3.14 to 2.57 people. Dutchess County household size has been declining consistent with the national averages (1970 was 3.21 and 2005 was 2.71).

Sources: U.S. Census, Current Population Survey and American Community Survey

The article then compares the Millbrook School District with the Arlington School District. The school district demographics are not comparable. According to the National Center for Education Statistics, the Arlington District has 13 schools, an enrollment of 10,102 in 2004 - 2005, and a population of 14,048 ages 18 and under. The Millbrook District has 3 schools, an enrollment of 1,198 in 2004 - 2005, and a population of 2,048 ages 18 and under. This gives a ratio of 28% under age 18 not attending public schools in Arlington and 41% not attending public schools in the Millbrook District. Not comparable figures.

In addition, building permit data for the areas in the Arlington District (most of Beekman, LaGrange, Pleasant Valley and about 50% of Union Vale), show that there were 143 building permits issued in 2005 and 115 in 1990. The data for the Millbrook District (most of Washington, Millbrook and about 50% of Union Vale) shows that there were 23 building permits issued in 2005 and 27 in 1990. They are not similar districts.

The calculations within the document should reflect a Student/House multiplier of no more than .9, rather than 1.3, and a People per House of no more than 3.0 (rounding to the highest Census average for Washington and Millbrook), rather than the 3.5 used. This would give an estimated "new population" figure of 300, rather than 350.

If we assume a 2.2 family size or .2 students per household (consistent with the type of housing units being offered\* and the Putnam/Westchester in-migration figures, then a new population figure would be 220 people with only 44 being added to the Millbrook School District (even less if the 41% non attendance figure stands):

\*The downstairs master bedroom is not suited to families whose parents want proximity to their children, rather they are designed for empty-nesters and retired populations.

**Dutchess County Department of  
Planning and Development**

FAX INFO ONLY

To

Co./Dept.

Fax #

Date

From

Phone #

# pgs

**Zoning Referral**

Municipality:

Village of Millbrook

Referring Agency:

Planning Board

Tax Parcel Number(s):

6764-01-283780/383842/353764/352784/346799/38775

Project Name:

Bennett College Redevelopment

351729 - see

Applicant:

Blumenthal Brickman

attached sheet &  
additional page

Address of Property:

Rt. 82 & Franklin Ave. & Rt. 343

**Type of Action:**

- ☐ Local Law / Text Amendment
- ☐ Rezoning
- ☒ Site Plan
- ☒ Special Permit (CDD)
- ☐ Use Variance
- ☐ Area Variance
- ☐ Other: \_\_\_\_\_

**Jurisdictional Determinant:**

- ☒ State Road 82 & 343
- ☐ County Road \_\_\_\_\_
- ☐ State Property
- ☐ County Property
- ☒ Municipal Boundary
- ☒ Agricultural District

Date Response Requested (if less than 30 days):

10/29

If subject of a previous referral, please note County referral number(s): ZR 06-565 / PR 07-306 / SQ 08-510

FOR COUNTY OFFICE USE ONLY

**Response from Dutchess County Department of Planning and Development**

**No Comments:**

- ☐ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Project Withdrawn

**Comments Attached:**

- ☒ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete — municipality must resubmit to County
- ☐ Incomplete with Comments — municipality must resubmit to County

Date of Submittal:

10/16

Notes:

Date Submittal Received:

10/16

Date Report Requested:

10/29

Date Report Required:

11/14

Date of Transmittal

faxed: 11/10

mailed: 11/10

Reviewer: Nabea Hooper

☐ Archive

☐ Discard after 2 yrs

☐ Discard after 7 yrs

Referral #: 08-511

## **§617.7 Determining significance**

(a) The lead agency must determine the significance of any Type I or Unlisted action in writing in accordance with this section.

(1) To require an EIS for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact.

(2) To determine that an EIS will not be required for an action, the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant.

(b) For all Type I and Unlisted actions the lead agency making a determination of significance must:

(1) consider the action as defined in subdivisions 617.2(b) and 617.3(g) of this Part;

(2) review the EAF, the criteria contained in subdivision (c) of this section and any other supporting information to identify the relevant areas of environmental concern;

(3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and

(4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.

(c) Criteria for determining significance.

(1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;



- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
  - (iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
  - (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
  - (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
  - (vi) a major change in the use of either the quantity or type of energy;
  - (vii) the creation of a hazard to human health;
  - (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
  - (ix) the encouraging or attracting of 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 action;
  - (x) the creation of a material demand for other actions that would result in one of the above consequences;
  - (xi) 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 adverse impact on the environment; or
  - (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.
- (2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must

consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof; or
- (iii) dependent thereon.

(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:

- (i) its setting (e.g., urban or rural);
- (ii) its probability of occurrence;
- (iii) its duration;
- (iv) its irreversibility;
- (v) its geographic scope;
- (vi) its magnitude; and
- (vii) the number of people affected.