

Village of Millbrook  
Village Planning Board  
November 12, 2008 Special Meeting  
Bennett Redevelopment Project

*Call to Order*

Special Meeting began at 6:00 p.m.

*In Attendance*

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

*Linda Roberts*

Called the special meeting of the Planning Board to order regarding the determination of significance for the Bennett Redevelopment Project.

*Art Brod*

Art Brod went on to make note of the 2 things that the Planning Board asked him to do at the second workshop. The first being to draft the negative declaration, the second being to wrap up the discussion of the EAF Part III that occurred at that workshop. The intent of the EAF Part III is a discussion of the potential large impacts that were identified through the Part II. Part III explains the impacts and is intended to be a document that is next to the proposed negative declaration.

Art went on to ask if there is anything on the EAF Part III that the Planning Board members feel does not accurately reflect the discussion that was had between the Board and it's consultants at the last workshop, if not than the EAF Part III could be accepted as an attachment to the determination of significance.

*Motion*

Joe Still made a motion to accept the EAF Part III, Dr. Thomas Murray seconded, all were in favor. The EAF Part III was so accepted.

**Determining Significance** Art went on to discuss what considerations are made when determining significance. The first being the EAF Part III, next is the review that the Planning Board and it's consultants have conducted to date.

Art prepared the negative declaration with the comments made by the Planning Board integrated into the final document. It was noted that the Planning Board did have a chance to review this document prior to the Special Meeting. The final copy in 16 pages in length, including a distribution list. The last paragraph that was added to the final document was at the foot of page 13 and that particular paragraph acknowledges specifically some of the extensive reports that were submitted at the last public hearing and also indicates that the Planning Board consultants as well as the Planning Board have reviewed that documentation. While there are certain dissenting opinions expressed in those reports that were prepared on behalf of a neighboring property owner, the Planning Board feels that it has reliable documentation for the draft negative declaration and does not agree with the position that was taken by that land owner and his advisors.

**Rich Olson** Rich Olson went on to clarify, for the record, that every Planning Board member has had a chance to go through the final documentation and has no further questions or comments.

**Resolution** Art went on to read the Resolution authorizing to adopt the SEQRA Negative Declaration that he prepared. A copy of the resolution is attached and is on the record.

**Motion** Dr. Thomas Murray made a motion to adopt the Negative Declaration, Joe Still seconded. A roll call vote was made. Charlie Colomello; absent, Joe Forte; in favor, Dr. Thomas Murray; in favor, Joe Still; in favor, Linda Roberts, Chair; in favor.

**Special Use Permit** Rich Olson then stated that the Planning Board would have to pass resolutions for any other special permits required in order to move forward .

The first being the Special Use Permit for the CDD. He went on to say that the project does meet the requirements for the CDD as stated in section 230.13 of the code and 230.43 general special use requirements of the Village Code.

This resolution is attached to these minutes and on the record.

**Motion**

Joe Still made a motion to adopt the resolution as written, Dr. Thomas Murray seconded. All were in favor, Charlie Colomello; absent.

**Sketch Plan Approval** Dave Clouser went on to speak of the sketch plan. Noting that the Planning Board and it's consultants looked at all of the documentation; the expanded EAF, the plans (23 sheets) that were submitted, comments by the Village engineers (Chazen Companies) on water and sewer issues, comments from the Planning Board's Traffic Consultant, looked at Phase I and Phase II of the Environmental Site Assessment reports that were submitted as part of the public record by Conrad GeoScience. They read through the transcripts of all 4 public hearings and also went through information that was submitted by the public, including the independent review that was submitted by Morris Associates at the October 29, 2008 public hearing.

Based on all of the information, he asked that Board consider sketch plan approval of the subdivision. All of the proposed lots meet the schedule of requirements for the CDD of the Bennett Campus District. Dave went on to note that the sketch plan is just a phase to give guidance to the applicant, this does not grant any lots counts. Things happen during the preparation of final plans that may change lot counts as more details are generated in the design. Again, Dave re-iterated that this is only a means to give the applicant guidance. This particular layout meets the standards of the subdivision code for sketch plan approval. The Planning Board needs a resolution to that fact.

Rich stated that since there are modification requirements that are not yet on the plan, the Planning Board can grant sketch plan approval, therefore authorizing the filing of preliminary subdivision plans in the future in accordance with the requirements of the Village Engineer.

The Resolution for Sketch Plan approval is attached to these minutes and on the record.

**Motion**

Joe Still made a motion to adopt the Resolution for Sketch Plan approval, Joe Forte seconded. All were in favor, Charlie Colomello; absent.

**Preliminary Site Plan** Dave went on to make note that there are 5 issues in the subdivision code standards for design that are code standards for a common subdivision, not particularly a planned unit development traditional neighborhood design. The traditional neighborhood design promotes minimum street widths, for example, the subdivision code calls for wider streets. Section 201.31 B3 requires a minimum right of way width of 50 feet, the plans show 40 feet. This is again to try to allow for a more traditional neighborhood design.

There are a couple of intersection design standards that are not met. Section 201.31 D1 requires a 100 foot perpendicular before you get to a main street that's not met at the RT 44/Chapel Hill Rd West or the Bennett Commons/Chapel Hill Rd East intersections. Dave stated that it's very close but it doesn't meet the 100 ft.

There is a grade requirement that intersections are no greater than 1½ % grade per 60 feet beyond the center of any intersection. That is also not met by the design. However, Dave noted that if you apply that grade, the 1½ % grade, that would require a lot more cut, a lot more land disturbance and the affect on natural resources would be greater. The development would basically become larger. Dave reviewed these issues to make sure that there was no problems with traffic safety and also that emergency vehicle access would not be hindered by this design.

Another one of the modifications would be the dead end street length. Presently in the code for standard subdivisions is 1000 feet, the site plans show Chapel Hill Rd East is 1300 feet in length, however, this is a modification that is allowed by the CDD code standards for flexibility in the design. Dave thinks that it is reasonable considering the access alternatives are limited based on the property boundary configuration.

Next, the number of dwelling units located on a dead end street. There is a very similar reasoning in regards to no connectivity to Chapel Hill Rd East and this goes with the traditional neighborhood design concept that is preferred in the CDD.

The final modification has to do with the parking and off street parking requirements of the code. The code calls for the Planning Board to determine what is reasonable for parking on uses that are not listed in the use table. Dave looked at the area that parking is provided near the Chapel/park/pool area and he looked at the American Planning Association Standards as well as Village code trying to apply some standards. Public assembly use was about as close as he could come. 31 spaces is the minimum requirement and the plan shows 33 spaces.

Dave, again, noted that these modifications are not extensive and are acceptable under the CDD.

He did however, recommend that the 4 foot sidewalks on the plan be changed to 5 foot sidewalks, allowing 2 people to walk side by side. And while for now, he is suggesting leaving the 24 foot street width with on street parking, he stated that the Board should look for more input from the Fire Department before final approval is given. Dave believes that with on street parking, 24 feet is not wide enough. It will be up to the Planning Board to determine if on street parking is a necessity or not.

***Motion***

Joe Still makes a motion to adopt the preliminary site plan for the intended Bennett College Redevelopment CDD with modifications and the sidewalk width changes outlined in Dave Clouser's memorandum dated 11/12/2008, Dr. Thomas Murray seconded. All were in favor, Charlie Colomello; absent.

Dave Clouser's memorandum as well as this resolution is attached to these minutes and on the record.

***Public Comment***

It is noted for the record that Attorney Allan Rappleyea asked to speak at this meeting. Attorney Rich Olson advised the Planning Board that public comment did not need to be heard and that this Special Meeting was only for Planning Board action.

***Motion to Adjourn***

Motion was made to adjourn by Dr. Thomas Murray and seconded by Joe Still. The Special Meeting of the Planning Board was adjourned at 6:36 p.m.

**SEQR Negative Declaration**  
**Notice of Determination of Non-Significance**

November 12, 2008

**Lead Agency:**

Village of Millbrook Planning Board

**Lead Agency Address:**

Millbrook Village Hall  
35 Merritt Avenue, P.O. Box 349, Millbrook, New York 12545

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 Village of Millbrook, as duly-established 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:**

Bennett College Redevelopment

**SEQR Status:**

Type I Action subject to Coordinated Environmental Quality Review

**Description of Proposed Action:**

The Proposed Action includes Applications to the Village of Millbrook Planning Board by Blumenthal-Brickman Associates, 11 George Sickles Road, Saugerties, New York 12477, for Subdivision Plat, Special Use Permit and Site Plan

Approval to authorize the platting of 91 residential lots and 11 buffer, open space and right-of-way parcels, the installation of related site improvements and amenities, and the construction and occupancy of 82 duplex units and 9 single-family homes, as a Conservation Density Development (CDD) on a combined 27.6-acre parcel (the "Project Site") within the Bennett Campus Development (BCD) District, the BCD District having been established by the Board of Trustees of the Village of Millbrook through adoption of Local Law No. 1 of the Year 2005, and the proposed development being a type of PUD design as authorized by special permit within the BCD District and hereafter-cited as "the Bennett College Redevelopment".

The Proposed Action includes the conduct of demolition, relocation and removal activities required to ready the site, formerly being the principal portion of the long-defunct Bennett College Campus, for the proposed Bennett College Redevelopment and the issuance of all permits, approvals and compliance determinations required by other involved agencies to authorize both the demolition, relocation and removals and the proposed redevelopment, including but not limited to those permits, approvals and compliance determinations required to carry out proposed vehicular and/or pedestrian access arrangements, storm water management facilities, provision of central water and sewer facilities and franchise utility installations, all as depicted within a set of Preliminary CDD Plan drawings compiled by the Project Engineer, TRC Engineers, Inc., and through related reports by the Project Engineer and other Bennett College Redevelopment project team members set forth later in this Negative Declaration.

**Location:**

Northeast of the intersection of NYS Route 44/82 with CR 343, incorporated Village of Millbrook, Town of Washington, Dutchess County

**Reasons Supporting This Determination:**

The Planning Board of the Village of Millbrook has reviewed the initial and revised Full Environmental Assessment Form (EAF) Part 1, prepared and certified by the Applicant and revised to July 19, 2007, to reflect a down-sizing of the intended redevelopment from 103 to 91 dwelling units, and considered the following additional information submitted to the Planning Board by either Blumenthal-Brickman Associates or its agent, Veneziano & Associates:

- Special Permit, Site Plan and Subdivision Application / Preliminary Planned Unit Development Plan Submission, Bennett College Campus, July 25, 2006, and subsequently modified to reflect the above-cited down-sizing of the

proposed Bennett College Redevelopment from the time of the initial submission.

- Report entitled "Bennett College Redevelopment", Volumes I and II, prepared by Blumenthal-Brickman Associates, dated October 1, 2008, including but not limited to the following:
  - Executive Summary.
  - Preliminary CDD Plan, a set of 23 drawings prepared by either TRC Engineers, Inc., or the John Slaker Design Group, including Cover Sheet and Construction Notes (C-1 and C-2), Site Demolition Plan (C-11 and C-12), Preliminary Plat (C-100), Preliminary Site Plan (C-101 and C-102), Grading Plan (C-201 and C-202), Road Profiles (C-211 and C-212), Typical Sections (C-221), Utility Plan (C-301 and C-302), Erosion Control Plan (C-401 and C-402), Details (C-501 through 504) and Landscape Plan (LP-1 through LP-3), being Exhibit D therein.
  - Architectural Renderings, Floor Plans and Elevations prepared by Millbrook Architects, being Exhibit G therein.
  - Sidewalk and Trail System Plan prepared by TRC Engineers, Inc., being Exhibit I therein.
  - Visual Analysis prepared by Environmental Simulation Center, being Exhibit J therein.
  - Wastewater Report prepared by Delaware Engineering, P.C., being Exhibit M therein.
  - Water Supply Report prepared by Delaware Engineering, P.C., being Exhibit N therein.
  - Traffic Impact Analysis prepared by TRC Engineers, Inc, being Exhibit O therein.
  - Fiscal Impact Analysis and Addendum prepared by Saccardi & Schiff, Inc., being Exhibit P therein.
  - Cultural Resources Overview prepared by Historical Perspectives Inc., being Exhibit R therein.
  - Natural Resources Survey prepared by Ecological Solutions, LLC, being Exhibit S therein.



- Tree Condition Survey prepared by Brent Feldweg, ISA Certified Arborist, being Exhibit T therein.
- Landscape Plan / Details prepared by John Slaker Design Group, being Exhibit U therein.
- Preliminary Storm Water Pollution Prevention Plan prepared by TRC Engineers, Inc., being Exhibit V therein.
- Phase I & Phase II Environmental Site Assessment Reports prepared by TRC Engineers, Inc., referenced as Exhibit W therein and presented only in electronic format.
- False Positive TPH Documentation, being Exhibit X therein.
- UST Removal and Closure Reports prepared by HydroEnvironmental Solutions, Inc., being Exhibit Y therein.
- Demolition and Remediation Report, Scope of Work prepared by Contento Contractors, being Exhibit Z therein.
- Noise Assessment Report prepared by TRC Environmental Conservation, being Exhibit AA therein.
- Air Quality Impact Study prepared by TRC Environmental Conservation, being Exhibit BB therein.

The Planning Board has also revisited the following documents related to the Village Board of Trustees' designation in 2005 of the redevelopment site as Bennett Campus District:

- Report of Findings and Recommendations, Village of Millbrook RMI Zoning Committee, June 16, 2004.
- Local Law No. 1 of the Year 2005.
- Negative Declaration / Notice of Determination of Non-Significance, Rezoning RMI District to Bennett Campus District, October 11, 2005

The Planning Board has also considered input received at a Public Hearing on the Applications for Subdivision Plat Approval, Special Use Permit and Site Plan Approval which commenced on January 4, 2007, and was continued on February 15, 2007, March 8, 2007, and October 29, 2008, with additional opportunity for

written comment provided through November 6 2008,. The Planning Board has further considered technical reviews of the proposed development undertaken by the Village Engineer and its other planning and environmental consultants, as well as its own knowledge of the Project Site and its environs, in completing the EAF Parts 2 and 3 (copies of which are annexed hereto) and drawing the conclusions set forth below with respect to the potential environmental effects of the Proposed Action in consideration of the above-listed information, the above-cited input and the "criteria for determining significance" set forth at 6 NYCRR 617.7 (c):

- Although as acknowledged within the annexed EAF Parts 2 and 3 there will be some short-term construction period effects as the Bennett College Redevelopment is undertaken, there will be no substantial adverse long-term change in existing air quality.
- Although there will be some construction period effects and an increase over the long-term in the overall volume storm water runoff due to the presence upon redevelopment of some 8.48 acres of impervious surfaces (buildings, roadways, driveways and parking areas, pedestrian ways, recreational facilities, etc.) upon completion of the Bennett College Redevelopment, the effect of this increased volume will be attenuated through the employ of stormwater management infiltration practices so that there is no net increase in the peak rates of runoff from the existing and proposed drainage areas.

In addition there will be avoidance of any disturbance within the areas of ACOE regulated wetland on the Project Site and no adverse related direct or indirect effects will be experienced by any non-regulated stream or water course within or adjacent to the Project Site.

Both short-term and long-term mitigation with respect to storm water quantity and quality will occur to the extent pertinent in accordance with NYSDEC requirements under NYSDEC Stormwater SPDES General Permit GP-0-08-001, and thus, there will be no substantial change in surface water quality or the quantity of storm water discharging from the Project Site. As confirmed by NYSDEC's Patrick Farracane, PE, on April 16, 2008, stormwater management for the Bennett College Redevelopment is governed as to approach and criteria by Chapter 9, Redevelopment Projects, of the NYS Stormwater Management Design Manual.

In the matter of ground water quality or quantity, there will be no subsurface discharge of the estimated total of 28,000 gallons per day of sanitary sewage due to the intended connection to the Village of Millbrook central sewage system and treatment of sanitary flows at the Village wastewater treatment

plant, subject to Dutchess County Health Department and NYSDEC SPDES requirements.

The commensurate estimated water supply demand of 28,000 gallons per day will similarly be accommodated through on-site water wells with adequate volume capability demonstrated through 72-hour pump test. Use of these wells and approval of other components of the intended private water system are subject to Dutchess County Health Department, NYSDOH and NYSDEC Water Supply Permit requirements.

All permits, approvals, compliance determinations or other authorizations to permit the intended connection for the Bennett College Redevelopment to the municipal sewer system and for installation of the proposed private water system will be required by the Planning Board prior to the Board's completion of the site plan review and approval process.

As cited in the annexed EAF Parts 2 and 3 it is recognized that the above approvals will involve the consideration of local circumstances that are not experienced in the consideration of all similar approvals. First, in the case of the water supply wells the matter of "control" within 200 feet of the wellhead(s) must be addressed. Second, while adequate residual capacity exists at the wastewater treatment plant to accommodate the Bennett College redevelopment under dry weather conditions authorization of connection to the municipal sewer system may be affected by the outcome of on-going review by NYSDEC of the Village's request for a modification in its SPDES Permit and related discussion of the Village's engineering plan and financial commitments for reducing wet weather inflow and infiltration.

- There will be no substantial adverse long-term change in traffic or noise levels as a result of the Bennett College Redevelopment; additional traffic, estimated in the above-cited Traffic Impact Study to be approximately 72 vehicle trips at the Weekday PM Peak Hour per ITE Land Use Codes 230 (Condominium/Townhouse) and 210 (Single-Family Detached Units), will occur over the long-term while periodic, short-term noise and heightened truck traffic will be experienced as is routine during the construction period.

The addition of the site-generated traffic to the existing roadway network has been determined to cause no reduction in the level of service that would not be experienced under the no-build condition at any studied intersection, with all such intersections currently performing, and continuing to perform, at or above acceptable level of service "C". The proposed main site driveway on NYS Route 44 has also been demonstrated to operate at level of service "A" and with adequate sight distance.

As stated within the annexed EAF Parts 2 and 3 the Planning Board intends to further discuss the on-site location of the rock crushing type operation with the project sponsor during the continuing site plan review and approval process so as to ensure that the location designated for this operation mitigates to the extent practicable through distance separation, intervening landform and vegetation, and other attenuating factors, the short-term noise effects on neighboring properties.

- Although generation of an increased amount of solid waste as typical of a residential development is projected upon completion of the Bennett College Redevelopment, the increase in solid waste production, estimated to be between approximately 12.0 and 13.0 tons per month, will not be so substantial an increase as to have an adverse effect on the community's ability through the services of private carters to manage such solid waste.
- The Bennett College Redevelopment will, as cited above, be carried out to the extent pertinent pursuant to the above-cited NYSDEC Stormwater SPDES General Permit GP-0-08-001 and EPA Phase 3 Regulations, including requirement for submission of Stormwater Pollution Prevention Plan (SWPPP) in accordance with NYSDEC requirements, and will not cause a substantial increase in potential for erosion, flooding or drainage problems. A portion of the stream in the northeast corner of the property, northeasterly of the Science Building, is within the FEMA designated 100 year floodplain (the floodplain limit lies primarily along the top of the stream's existing bank). However, no construction is being proposed within the floodplain area.
- Although there will be removal of vegetation within proposed disturbed areas during the construction period, including more than 260 mature trees, this does not represent ecologically a loss of mature forest and will be mitigated visually by the retention of buffer and stream corridor areas identified by the Village Board as significant within the context of the BCD zoning designation and the proposed undertaking of the Landscape Plan depicted on Preliminary CDD Plan Sheets LP-1 through LP-3. Further, as stated within the annexed EAF Parts 2 and 3, only 13 of the trees scheduled for removal might conceivably be in excess of 100 years of age and some 8 of these 13 trees have been identified as diseased by a certified arborist. Moreover, as shown on the Preliminary CDD Plan and taken into account within the stormwater runoff calculations set forth in the Preliminary Stormwater Management Plan, approximately more than 18 acres of the 27.6-acre Project Site will either be retained as woodland or meadow or re-vegetated as lawn, meadow or other landscaped area as build-out occurs on the Bennett College Redevelopment.

- The Bennett College Redevelopment will not cause substantial interference with the movement of any resident or migratory fish or wildlife species.
- The Bennett College Redevelopment will not impact a significant natural habitat area.
- Except in the matter of the potential disturbance to the summer roost of any Indiana bat that may be found within the Project Site, as discussed and proposed for mitigation through restrictions on the timing of tree removal within the annexed EAF Parts 2 and 3, the Bennett College Redevelopment will not have significant adverse effect on threatened or endangered animal or plant species, either reported as known to exist by NYSDEC or observed on the Project Site.
- The Bennett College Redevelopment will not have other significant adverse impacts on natural resources, including consideration of important farmland soils, with none of the soils present on the Project Site classified within Soil Group 1 through 4 of the NYS Land Classification System.
- The Bennett College Redevelopment will not impair the environmental characteristics of a Critical Environmental Area (CEA) as designated by NYSDEC for there is no CEA designated within or adjacent to the Project Site.
- The Bennett College Redevelopment will not create a material conflict with the Village's current plans as officially approved or adopted, including but not limited to the Village Zoning Law and Greenway Connections, with the intended use authorized by Special Use Permit within the Bennett Campus District (BCD) and the intended redevelopment, as set forth within the aforementioned Report entitled "Bennett College Redevelopment", Volumes I and II, prepared by Blumenthal-Brickman Associates, dated October 1, 2008, and depicted in particular by the Preliminary CDD Plan and the Architectural Renderings, deemed by the Planning Board to be consistent with the goals and standards for development within the BCD established by the Village Board of Trustees in its adoption of Local Law No. 1 of the Year 2005.

In this respect, the Planning Board concurs fully (except for the referenced date of the Village Board's action) with the below views expressed by the Dutchess County Department of Planning and Development in its October 29, 2008, referral response letter to the Board:

"In January 2005, the Village Board established the Bennett Campus District (BCD) to facilitate a Planned Unit Development. It set forth goals and requirements developed by the Village specifically for this location and included provision for Conservation Density Development (CDD) allowable by Special Permit. Based on consideration of the potential impacts of development that conformed to the BCD and CDD regulations, the Village issued a Negative Declaration.

The Full EAF and extensive supplemental support documents submitted for review demonstrate that the Bennett Campus Redevelopment proposal complies with existing requirements and development standards previously determined to justify a Negative declaration. It follows that the Negative Declaration under consideration for this redevelopment proposal is an appropriate determination."

and

"The creation of CDD provisions for the Bennett Campus was based on the consensus that traditional neighborhood design would be most appropriate for this location within the Village of Millbrook. The configuration of residences would reflect village scale, density and character at the same time that open space would be protected.

Although these regulations permit commercial development in the CDD, the exclusively residential traditional neighborhood proposed is far more appropriate at this unique gateway location than commercial development for several reasons:

- Commercial development at the outskirts of the Village will compete directly with businesses in the Village center.
- The view shed from Routes 343 and 44 currently includes a mixture of residential and institutional buildings. Inserting commercial buildings and their inevitable parking lots would alter the character of this gateway to a significantly greater degree than the exclusively residential development proposed.
- Commercial establishments at the edge of the Village will encourage automobile traffic at a time when it should be discouraged.

The concept of Greenway Connections is based on the premise that we should support our hamlet, village and town centers while protecting outlying farmland and open spaces. The proposal under consideration fulfills this objective and the objectives of the Village's CDD; conforming

with the goal of encouraging village density development in the most appropriate location while protecting open space for the use and appreciation of Millbrook residents.

The Bennett College proposal has generated interest from many Village of Millbrook and Town of Washington residents. While this Department encourages inter-municipal collaboration and discussion, we would strongly urge the Planning Board to consider the interests of the Village residents and business community who will benefit the most from the redevelopment of this derelict site when making this determination of significance."

- As discussed within annexed EAF Parts 2 and 3, the Bennett College Redevelopment will not impair the character or quality of important historical or archaeological resources.

With respect to the former, the Planning Board joins NYSOPRHP and the Dutchess County Planning Department and Development, among others, in the view that the remaining historic / architectural resources within the Project Site are being preserved, otherwise interpreted and integrated to the extent practicable in consideration of their severely deteriorated state within the intended Bennett College Redevelopment. Particularly noteworthy are the preservation for the long-term of the foundation works of Halcyon Hall and the relocation and the rehabilitation and continuing use of the Chapel, Hillside House and Hale House.

With respect to the latter, the Planning Board acknowledges and concurs with the position taken by NYSOPRHP that archaeological field investigation is not warranted due to the substantial overlap of the area of planned disturbance associated with the Bennett College Redevelopment with the areas where prior disturbance occurred as substantial buildings were constructed and related site improvements were undertaken.

- The Bennett College Redevelopment will not impair aesthetic resources or community character.

As set forth in the annexed EAF Parts 2 and 3, the Planning Board has found, except in the case of the view from Route 343 immediately south of the intended Bennett College redevelopment, public views of the redevelopment depicted by the graphic simulations presented to be both separated by distance and naturally screened, principally by retained buffer areas.

The Planning Board has further found the redevelopment to the extent visible from these locations to be compatibly designed in consideration of the

remnants of the historic architecture that can be preserved and integrated into the fabric of the Bennett College Redevelopment and the overall architectural character of the Village of Millbrook. The Planning Board is also of the opinion, as echoed by various other parties including the Dutchess County Department of Planning and Development in communications to the Planning Board within the past month, that the unavoidable demolition that will occur and the ensuing redevelopment will substantially improve over the long-term the visual character of this parcel at a principal gateway to the Village.

Further, the Planning Board concurs with the Department of Planning and Development's observation earlier this week, "The proposed layout and architecture complement Millbrook's traditional character". Community character is reinforced in the Planning Board's view by the Bennett College Redevelopment which echoes to the extent practicable, and without either the introduction of commercial space or the inclusion of a greater number of dwelling units that could have been presented in the CDD Plan, the goals sought and the standards set by the Village Board in establishing the BCD in the hope that the presence of this zoning mechanism might assist in "unlocking" the redevelopment potential increasingly more derelict site of the former Bennett College Campus.

The proposed Bennett College Redevelopment, and most particularly the intended massing and exterior architectural design of structures, has also been reviewed by the project sponsor by the Village's Architectural Advisory Commission (ACC) pursuant to the requirement of Section 230-13 G (2) of the Village Zoning Law. Consideration has been given by the Planning Board to the review conducted by the ACC on May 17, 2007.

- Although the Bennett College Redevelopment 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.
- In consideration of the mitigation discussed in EAF Parts 2 and 3, including demolition controls intended to be established as site plan approval condition by the Planning Board upon recommendation of the Village Attorney, the Bennett College Redevelopment will not create a hazard to human health with all demolition, site development and construction activities intended to be undertaken in accordance with, and subsequent to, compliance with the Village Attorney's below-repeated commendation and all pertinent environmental and land development regulations and related permit and approval procedures and requirements:



"At a minimum I believe that the applicant would have to obtain a permit for razing the building. While our code does not contain specific requirements for demolition permits the New York Labor Law requires that buildings which may contain asbestos follow the requirements of Industrial Code Rule 56 which mandate air monitoring and licensed asbestos handlers be involved in the demolition of any structure that has been declared structurally unsound. With that said I would recommend that any condition of approval would require that the full demolition project be bonded (the dollar amount to be agreed upon by the engineers), that there be a time table for the demolition and that the developer be required to post an escrow for the Village to hire an independent engineer familiar with the Labor Law Code standards to oversee the demolition project on behalf of the Village."

- The Bennett College Redevelopment, while reclaiming the 27.6-acre Project Site for residential use, 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 the extent such presently exists, to support these resources. The Project Site is not located within a Certified Agricultural District and its redevelopment will not impair the agricultural use of lands within the vicinity, though substantially removed and on the opposite side of a State highway, from the Project Site.

In addition, as cited in the EAF Parts 2 and 3, the Bennett College redevelopment will preserve open space buffers and stream corridors and create publicly-accessible park space as integral components of the CDD Plan.

- While the Bennett College Redevelopment will accommodate an anticipated resident population of a projected 245 persons, the development will not encourage or attract a large number of people (as considered under SEQRA) 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.
- The Bennett College Redevelopment will not cause the creation of a material demand for other actions that would result in one of the above consequences.
- The Bennett College Redevelopment 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 Bennett College Redevelopment 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 6 NYCRR 617.7 (c).
- As set forth in the above-cited Fiscal Impact Analysis and Addendum, the Bennett College Redevelopment will create additional demand for community services and facilities, commensurate with a projected population of 245 persons, including some 30 school-age children who would be expected to attend public schools. As in the instance of any residential development principal mitigation will be provided the Village, Town, the School District and other real property tax levying jurisdictions through the payment of real property taxes commensurate with the total taxable assessed value (less any exemptions for which individual property owners may be eligible) of the 91 residential dwelling units and the related improvements owned by a homeowners' association. In a lesser amount, permit, user and other fees will accrue to these jurisdictions.

In the short-term, the Bennett College Redevelopment will also provide additional community facility funds to the Village, in the form of a one-time "cash-in-lieu-of-land" recreation fee of \$800. per dwelling unit or such greater amount as may be set forth in the Village's fee schedule at the time of site plan approval and in a voluntary monetary payment directed to financing the implementation of some portion of the Village's intended program for reducing wet weather I&I flows into its sanitary sewage collection / conveyance system so as to recapture the capacity of the Village's wastewater treatment plant.

The Planning Board acknowledges the presence of public controversy related to potential adverse impacts of the Bennett College Redevelopment and in particular has taken due note of the extensive reports prepared by Oakley Thorne, an opponent to the project, and contained in a volume entitled "Independent Review of the Blumenthal-Brickman Proposal for Bennett College" presented to the Board at the October 29, 2008, Public Hearing. Based upon a review of that documentation by the Board's consultants while opposing interpretations of the documentation was presented by Mr. Thorne's professionals the Board and its engineering and planning consultants conclude that the determinations made herein are correct and are based upon reliable and well founded documentation as set forth herein.

Annexed Documents: EAF Parts 2 and 3

**For Further Information:**

Contact Person: Linda Roberts  
Chair, Village of Millbrook Planning Board  
  
Attn: Jessica Robison, Planning Board Clerk  
  
Address: Village Municipal Building  
35 Merritt Avenue, P.O. Box 349  
Millbrook, New York 12545  
  
Telephone: (845) 677-6030

**Distribution of Copies of This SEQR Negative Declaration:**

For Publication:

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35 Merritt Avenue, P.O. Box 349  
Millbrook, New York 12545

Mayor, Village of Millbrook  
Village Municipal Building  
35 Merritt Avenue, P.O. Box 349  
Millbrook, New York 12545

To Planning Board Consultants:

David B. Clouser, PE, PLS  
Village Engineer  
David Clouser & Associates  
1 Paradies Lane, Suite 200  
New Paltz, New York 12561

Richard Olson, Esq.  
Village Attorney  
McCabe & Mack  
63 Washington Street, P.O. Box 509  
Poughkeepsie, New York 12602

To Applicant:

Blumenthal-Brickman Associates  
11 George Sickles Road  
Saugerties, New York 12477

**Village of Millbrook Planning Board  
Resolution  
Determination of Significance under SEQRA  
for  
Bennett College Redevelopment**

November 12, 2008

Motion by: Dr. Murray

Second by: Joseph Sica

The Village of Millbrook Planning Board hereby acts as follows in the matter of the below Proposed Action:

The Proposed Action includes Applications to the Village of Millbrook Planning Board by Blumenthal-Brickman Associates, 11 George Sickles Road, Saugerties, New York 12477, for Subdivision Plat, Special Use Permit and Site Plan Approval to authorize the platting of 91 residential lots and 11 buffer, open space and right-of-way parcels, the installation of related site improvements and amenities, and the construction and occupancy of 82 duplex units and 9 single-family homes, as a Conservation Density Development (CDD) on a combined 27.6-acre parcel (the "Project Site") within the Bennett Campus Development (BCD) District, the BCD District having been established by the Board of Trustees of the Village of Millbrook through adoption of Local Law No. 1 of the Year 2005, and the proposed development being a type of PUD design as authorized by special permit within the BCD District and hereafter-cited as "the Bennett College Redevelopment".

The Proposed Action includes the conduct of demolition, relocation and removal activities required to ready the site, formerly being the principal portion of the long-defunct Bennett College Campus, for the proposed Bennett College Redevelopment and the issuance of all permits, approvals and compliance determinations required by other involved agencies to authorize both the demolition, relocation and removals and the proposed redevelopment, including but not limited to those permits, approvals and compliance determinations required to carry out proposed vehicular and/or pedestrian access arrangements, storm water management facilities, provision of central water and sewer facilities and franchise utility installations, all as depicted within a 23-sheet set of

Preliminary CDD Plan drawings compiled by the Project Engineer, TRC Engineers, Inc., and through related reports by the Project Engineer and other Bennett College Redevelopment project team members and set forth within two bound documents entitled Bennett College Redevelopment, Volumes I and II, compiled by Blumenthal-Brickman Associates, and dated October 1, 2008.

Determines upon review of the EAF Part 1 certified by the Applicant, its own completion of EAF Parts 2 and 3, and consideration of 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 for which the Planning Board has been duly-established as Lead Agency, will cause no potential significant adverse effects on the environment and issues the annexed Negative Declaration deeming an environmental impact statement to not be required.

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

Vote on Resolution:

Member Charles Colomello  
Member Joseph Forte  
Member Dr. Thomas Murray  
Member Joe W. Still  
Chair Linda Roberts

ABSENT  
AYE  
AYE  
AYE  
AYE

Compilation of Vote:

Ayes: 4  
Noes: 0  
Absences: 1  
Abstentions: —

Resolution Declared:

Adopted: ✓  
Defeated: —

Resolution Certified and Filed:

Linda M. Roberts  
Planning Board Chair

11/12/08  
Date

**Village of Millbrook Planning Board  
Resolution  
Application for Special Use Permit  
for  
Bennett College Redevelopment**

November 12, 2008

Motion by: JOSEPH STILL

Second by: THOMAS MURRAY

The Village of Millbrook Planning Board (hereinafter referred to as "Planning Board" or "Village Planning Board") hereby acts as follows on the Application by Blumenthal-Brickman Associates (hereinafter referred to as "Applicant"), under the Village of Millbrook Zoning Law for Special Use Permit for "Conservation Density Development" to authorize the construction and occupancy of 82 duplex units and 9 single-family homes and the related provision of infrastructure and site amenities on a combined 27.6-acre parcel (the "Project Site") within the Bennett Campus Development (BCD) District, all as depicted within a 23-sheet set of Preliminary CDD Plan drawings compiled by the Project Engineer, TRC Engineers, Inc., otherwise described through related reports by the Project Engineer and other Bennett College Redevelopment project team members and set forth within two bound documents entitled Bennett College Redevelopment, Volumes I and II, compiled by Blumenthal-Brickman Associates, and dated October 1, 2008, and subject of a Negative Declaration (Determination of Non-Significance) issued earlier on this date by the Village Planning Board:

1. Finds the proposed Bennett College Redevelopment, a "Conservation Density Development" use authorized by special use permit within the BCD District, to satisfy both the general provisions for issuance of a special use permit set forth at Section 230-43 of the Village of Millbrook Zoning Law and the particular conditions and standards set forth for the BCD District within Section 210-13 of the Zoning Law.
2. Approves the requested Special Use Permit for the proposed "Conservation Density Development" known as the Bennett College Redevelopment subject to the following requirement:
  - Securing of both Preliminary Site Plan Approval and Final Site Plan Approval from the Village Planning Board in accordance with the terms of the aforementioned Negative Declaration and pursuant to all requirements



of the Village of Millbrook Zoning Law inconclusive of those provisions applicable to all site plans and those special provisions stated therein for either a Planned Unit Development (PUD) or a CDD.

Vote on Resolution:

Member Charles Colomello	<u>ABSENT</u>
Member Joseph Forte	<u>AYE</u>
Member Dr. Thomas Murray	<u>AYE</u>
Member Joe W. Still	<u>AYE</u>
Chair Linda Roberts	<u>AYE</u>

Compilation of Vote:

Ayes	<u>4</u>
Noes:	<u>0</u>
Absences:	<u>1</u>
Abstentions:	<u>—</u>

Resolution Declared:

Adopted:	<u>✓</u>
Defeated:	<u>—</u>

Resolution Certified and Filed:

Linda M. Roberts  
Planning Board Chair

11/12/08  
Date

**Village of Millbrook Planning Board  
Resolution  
Application for Subdivision Plat Approval  
for  
Bennett College Redevelopment**

November 12, 2008

Motion by: JOSEPH STILL

Second by: JOSEPH FORTE

The Village of Millbrook Planning Board (hereinafter referred to as "Planning Board" or "Village Planning Board") hereby acts as follows on the Application by Blumenthal-Brickman Associates (hereinafter referred to as "Applicant"), under the Village of Millbrook Land Subdivision Regulations for Subdivision Plat Approval to authorize the creation of 91 residential lots and 11 buffer, open space and right-of-way parcels from within a combined 27.6-acre parcel (the "Project Site") within the Bennett Campus Development (BCD) District, all as depicted on a Preliminary Plat Plan identified as Drawing No. C-100, prepared by TRC Engineers, Inc. and dated May 4, 2007, and subject of a Negative Declaration (Determination of Non-Significance) issued earlier on this date by the Village Planning Board:

1. Grants ~~Preliminary~~ <sup>*Sketch Plan*</sup> Subdivision Plat Approval for the intended Bennett College Redevelopment Major Subdivision.
2. Authorizes a ~~Final~~ <sup>*Preliminary*</sup> Subdivision Plat submission by the Applicant in accordance with the terms of the aforementioned Negative Declaration, pursuant to all requirements set forth within the Village's Land Subdivision Regulations and responsive to all comments, whether outstanding or forthcoming, issued by the Village Engineer.

**Vote on Resolution:**

Member Charles Colomello	<u>ABSENT</u>
Member Joseph Forte	<u>Aye</u>
Member Dr. Thomas Murray	<u>Aye</u>
Member Joe W. Still	<u>Aye</u>
Chair Linda Roberts	<u>Aye</u>

**Compilation of Vote:**

Ayes

4

Noes: 0  
Absences: 1  
Abstentions: —

Resolution Declared:

Adopted: ✓  
Defeated: —

Resolution Certified and Filed:

Linda Roberts  
Planning Board Chair

11/12/08  
Date

**Village of Millbrook Planning Board  
Resolution  
Application for Site Plan Approval  
for  
Bennett College Redevelopment**

November 12, 2008

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

The Village of Millbrook Planning Board (hereinafter referred to as "Planning Board" or "Village Planning Board") hereby acts as follows on the Application by Blumenthal-Brickman Associates (hereinafter referred to as "Applicant"), under the Village of Millbrook Zoning Law for Site Plan Approval for a "Conservation Density Development (CDD)", being a type of "Planned Unit Development (PUD", to authorize the construction and occupancy of 82 duplex units and 9 single-family homes and the related provision of infrastructure and site amenities on a combined 27.6-acre parcel (the "Project Site") within the Bennett Campus Development (BCD) District, all as depicted within the below 23-sheet set of Preliminary CDD Plan drawings compiled by the Project Engineer, TRC Engineers, Inc.,

- Cover Sheet and Construction Notes (C-1 and C-2),
- Site Demolition Plan (C-11 and C-12),
- Preliminary Plat (C-100),
- Preliminary Site Plan (C-101 and C-102),
- Grading Plan (C-201 and C-202),
- Road Profiles (C-211 and C-212),
- Typical Sections (C-221),
- Utility Plan (C-301 and C-302),
- Erosion Control Plan (C-401 and C-402),
- Details (C-501 through 504) and
- Landscape Plan (LP-1 through LP-3),

otherwise described within technical studies and reports set forth within two bound volumes entitled Bennett College Redevelopment, Volumes I and II, compiled by the Applicant and dated October 1, 2008. including but not limited to

- Architectural Renderings, Floor Plans and Elevations prepared by Millbrook Architects, being Exhibit G therein,

- Wastewater Report prepared by Delaware Engineering, P.C., being Exhibit M therein,
- Water Supply Report prepared by Delaware Engineering, P.C., being Exhibit N therein, and
- Preliminary Storm Water Pollution Prevention Plan prepared by TRC Engineers, Inc., being Exhibit V therein.

and subject of a Negative Declaration (Determination of Non-Significance) issued earlier on this date by the Village Planning Board:

1. Grants Preliminary Site Plan Approval for the intended Bennett College Redevelopment Conservation Density Development. *with the modifications and increase in sidewalk width as outlined in letter of David Claver dated November 12, 2008*
2. Authorizes a Final Site Plan submission by the Applicant in accordance with the terms of the aforementioned Negative Declaration, pursuant to all requirements set forth within the Village's Zoning Law for any site plan submission, further pursuant to those additional requirements stated therein in the case of either a PUD or CDD, and responsive to all technical comments whether outstanding or as may be issued by the Village Engineer.

Vote on Resolution:

Member Charles Colomello  
 Member Joseph Forte  
 Member Dr. Thomas Murray  
 Member Joe W. Still  
 Chair Linda Roberts

*ABSENT*  
*AYE*  
*AYE*  
*AYE*  
*AYE*

Compilation of Vote:

Ayes: 4  
 Noes: 0  
 Absences: 1  
 Abstentions: —

Resolution Declared:

Adopted: ☒  
 Defeated: ☐

Resolution Certified and Filed:

Linda M. Roberts  
 Planning Board Chair

11/12/08  
 Date

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.



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# David Clouser & Associates

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E-mail: [dbsea@dcaengrs.com](mailto:dbsea@dcaengrs.com)

## MEMORANDUM

To: Linda Roberts, Chair and Planning Board Members  
From: David B. Clouser, PE, LS  
Date: November 13, 2008  
Re: **Blumenthal-Brickman Bennett College Redevelopment Project –  
Subdivision, Site Plan, and Special Permit Review**  
(SBL: 6764-01-283780, 289736, 346799, 352784, 353764, 383842 and 387757)

The purpose of this Memorandum is to provide the Board with an outline of the subdivision, site plan and special permit review process for the Board's consideration of granting approval for a Preliminary Plan Unit Development Plan. Our comments and recommendations are provided as a result of our review of:

- the project's Expanded Environmental Assessment Form (Volumes 1 and 2, including Exhibits), dated October 1, 2008, and prepared by Blumenthal-Brickman Associates;
- the Subdivision Plan and Site Plan Set (23 Sheets), dated last revised July 21, 2008, and prepared by TRC Engineers, Inc.;
- review comments with respect to the project's proposed water and sewer system in correspondence submitted by the Village's Engineer (the Chazen Companies), dated October 23, 2008 and subsequent e-mail correspondence dated November 5, 2008 and November 7, 2008;
- review comments regarding traffic and pedestrian accessibility issues submitted by the Planning Board's Traffic Consultants (Resource System Group, Inc.), dated September 28, 2006, October 11, 2006, and November 6, 2008;
- review comments regarding Phase 1 and Phase 2 Environmental Site Assessment reports submitted by Conrad Geoscience Corporation, dated October 12, 2006 and January 19, 2007;
- transcripts of the ~~three~~ public hearings held and written public comments that were submitted as a part of the project file record which was closed on November 5, 2008; and
- information contained in the document titled *Independent Review of the Blumenthal-Brickman Proposal for Bennett College* submitted by Morris Associates, dated October 29, 2008.

As a result of our review of the project's subdivision plans, we suggest the Board consider granting Sketch Plan approval. Consideration of a preliminary development plan approval includes the Board's authority to modify certain technical standards that provide design

flexibility that enhance the efficiency and the use of land and natural resources without compromising the health and safety of Village residents. We have outlined these site-specific technical standards that the Board may consider modifying for this development to adapt to existing site conditions without resulting in additional land and natural resources disturbance.

A continuation of the Board's previous discussion of sidewalk and street widths would also be beneficial at this time. Finally, our office has prepared a list of details and conditions for the Board's consideration that we recommend be met by the Applicant prior to consideration of final development plan approval.

## **I. Subdivision Sketch Plan Approval -**

Sheet C-100 of the submitted project plans, titled "Preliminary Plat Plan" provides the layout of the proposed subdivision lots as required and §201-14 (C.) of the Village Subdivision Code. Additional detail with regards to site grading, drainage and utilities is provided in the remainder of the plan set. All proposed lots appear to meet the Schedule of Lot and Bulk Requirements" (Attachment 2 of the §230 Zoning Code) for the Conservation Density Development (CDD) of the Bennett Campus District (BCD).

This proposed subdivision would be classified as a major subdivision since five or more lots are being proposed. The Owner's consent to subdivide plan has been provided. As the Board is aware, the subdivision proposes a private street system, a privately owned central water system, connection to the Village's public sewer system and management of common areas and infrastructure by a Homeowners Association (HOA).

Based on our review of the preliminary design submitted for this subdivision, we suggest that the Board consider granting Sketch Plan approval of this layout with the understanding that as the project's design progresses revisions to this plan may be required. Granting Sketch Plan approval provides an acknowledgment that the preliminary subdivision layout appears to be reasonable but does not provide the applicant with any guarantee of lot count or final design acceptance.

## **II. Modification of Technical Standards -**

1. Right-Of-Way Width: §201-31 (B) (3) provides that dead-end residential streets should have a minimum right-of-way of 50 feet. Additionally, §201-31 (A) (10) provides that the circular turnaround of a permanent dead-end street should have a minimum radius of 50 feet. The current proposal specifies a 40' wide street right-of-way for the entire development and a 33' radius at the permanent turnaround for the cul-de-sac near the end of Chapel Road East. These reduced street right-of-way widths that are being proposed in this development are typical of a Traditional Neighborhood Design which promotes minimum street widths. The Board may wish to consider the modifying the Village street right-of-way width standards for these proposed private roads to allow flexibility in the CDD design. Based on the roadway design submitted, we do not believe that the modification of this street standard will compromise public health or safety.



2. Intersection Design Standards: The Board may wish to consider the following modifications to the Village street standards for the proposed private roads to allow for flexibility in the development's proposed CDD design.

- a. §201-31 (D) (1) states that streets shall be laid out to intersect as nearly as possible to right angles and the intersecting street shall remain approximately perpendicular to the intersected street for 100 feet. This horizontal alignment requirement is not met at the intersections of Route 44 and Chapel Road West, and Bennett Commons and Chapel Road East; and
- b. §201-31 (D) (4) states that an approach to an intersection must have a leveling distance of 60 feet before the intersection where the slope is no greater than 1.5%. This grade requirement is not met in the most recent plan submittal.

Our office has reviewed the proposed roadway intersection design for this development with due consideration for traffic safety. We have also reviewed emergency vehicle access compatibility with this proposed design and find that suitable access is provided, especially considering the 25 mph speed limit for these minor roadways. It is our opinion that traffic safety will not be compromised by the modification of these intersection design standards and will result in less disturbance to the land and natural resources which would occur if these stricter grade limitations were imposed.

3. Dead-End Street Length: The Board may wish to consider modifying the Village street standards §201-31 (10) (i.e., permanent dead-end streets shall be limited in length to 1,000 feet) recognizing that the Site Plans indicate that Chapel Road East is approximately 1,300 feet in length. This modification of the length allowed for a dead-end, private street provides for the flexibility in the CDD design, as prescribed in the BCD section of the Zoning Code, and is reasonable considering access alternatives available to the land's development and its property boundary configuration. Based on the roadway design submitted, we do not believe that the modification of this street standard will compromise public health or safety.
4. Number of Dwelling Units Located on Dead-End Streets: The Board may wish to discuss modifying the Village Code requirement which states that no more than 5 dwelling units can be situated on a dead-end road. § 201-31 (A) (2) (b). The existing property configuration does not allow for connectivity of Chapel Road East, nor does the Traditional Neighborhood Design concept that is preferred in the CDD suggest neighborhoods being traversed by collector-type roadways. Based on the roadway design submitted, we do not believe that the modification of this street standard will compromise public health or safety.
5. Parking: Zoning Code §230-16 J. (2) requires that reasonable and appropriate offstreet parking be provided for structures on land uses, and allows determination of the number of spaces required by the Planning Board for uses that do not fall within the listed use categories in this section of the Code. Parking requirements for the residences are met by the proposed plan, but the additional parking necessary for the Chapel/Park/Pool area do not appear to fit precisely within the use categories. If this use was classified as a center of public amusement, then the requirement would be one parking space for each 100 ft.<sup>2</sup> of floor space used for public amusement.

In this regard, our office recommends that the Board consider revising the parking requirement in this instance to 1 space per 200 square feet of floor space due to the nature of the proposed development which promotes pedestrian traffic to the chapel / pool area, and in

Per Amer.  
Planning Board  
31 spaces  
minimum  
Plan allows  
for 33

Less  
disturbance

accordance with parking recommendations in the American Planning Association's publication entitled "Off-Street Parking Requirements." With regard to parking requirements for the pool, we recommend numeral one parking space for each 100 ft.<sup>2</sup> of pool water surface area, based on the expected primary use by the development's residents.

The total parking requirements for this amenity using the above parking space criteria would be a total of 31 spaces for the development's amenities. 33 parking spaces are provided by the proposed development's design. Accordingly, we believe that the design as submitted provides adequate parking for these amenities.

### **III. Sidewalk Width and Streets Width -**

As the Board discussed at a previous workshop meeting, the pedestrian and traffic circulation system for the development must meet future residents' needs and also provide safe access for emergency and service vehicles. These minimum requirements must be considered along with the Traditional Neighborhood Design intent to reduce street widths as much as possible while still remaining functional.

With regards to the development's sidewalks, we recommend that the sidewalk width be revised to 5 feet compared to the 4 feet width as is shown in the present development plans. This increased width, although requiring additional impervious surface, will provide for the minimum with considered usable for pedestrians walking side-by-side. Our office acknowledges that the particular design of this development meets ADA accessibility standards (due to driveway turnaround areas space no greater than 200 feet). Our recommendation reflects anticipated pedestrian use patterns rather than just ADA requirements being met. The Board may wish to consider this recommendation and provide guidance to the Applicant for preparation of final plans and details.

With regard to the development's roadway width, the Board meets to consider whether parking along one side of the street is desired. The most recently submitted development plans proposed a street width of 24 feet, which evidently was a width requested by the Village Fire Department. If no parking is allowed along the street, then a street width of 20 feet would be acceptable for these minor roadways and would deter increased vehicle speeds. If parking on one side of the street is allowed, then a minimum of 27 feet should be provided. We would suggest that the Board accept the presently proposed 24 feet wide street width as a preliminary plan proposal, with some expectation that the street design may change prior to final plan approval. The Board should come to some conclusion on this matter as soon as practicable in conjunction with discussing this issue further with the Fire Department.

### **IV. Additional Information Required Prior To Final Plan Approval -**

As a result of our review of the project's plans and information submitted by the Village's other Consultants and substantive comment from the public, we recommend that the following revisions, additions and details be provided by the Applicant prior to Final Plan Unit Development Plan approval:

#### **1. Subdivision Plan Requirements -**

- a. Easements. Include all existing easements to remain and proposed utility (including the easement across lands of Cardinal Hayes), sight and access easements. Label all areas proposed to be encumbered by conservation easements. Provide plan notes describing the easement purpose and any restrictions that might be imposed.
- b. Wellhead Protection Area. Indicate the wellhead protection area on the plan and described by note the land use restrictions that will be associated therewith.
- c. Homeowner's Association (HOA): Both the Subdivision Plan and the Site Plan should include a note describing the HOA responsibilities and assurance to the Village for maintenance in perpetuity of the proposed development amenities and open space, roadways, and infrastructure. The Applicant should particularly specify that the proposed stormwater infrastructure maintenance is the responsibility of the HOA. A detailed HOA agreement should be submitted to the Board's counsel for review prior to final plan approval.
- d. No Further Subdivision Note. A note stating "No Further Subdivision" of the property, including common open-space areas, should be included on the Site Plan prior to preliminary plan approval.
- e. Preliminary and Final Subdivision Plan Requirements. Village Subdivision Code §201-17 (A) and (B) should be reviewed by the Applicant and subdivision plans revised for corrections of Vicinity Map, Area Map and Preliminary Plat. Future submittals must conform to Subdivision Code §201-17 (A) (2), §201-17 (A) (3) (c), §201-17 (B) and §201-29 (B) with regards to specific plat and bonding requirements. These plan additions should be provided prior to final subdivision plat approval.
- f. Bennett Commons Right-of-way. The area of the existing Bennett Commons turnaround right-of-way that will be abandoned should be shown on the subdivision plan.
- g. Intersection Property Corners. §201-31 (D) (2) states that all street intersection corners shall be rounded by curves of at least 25' in radius at the property line. These subdivision plan should be revised to comply with this requirement.

## 2. Site Plan Requirements –

- a. Utility Profiles. Water main and sanitary sewer profiles should be submitted for review.
- b. Water Meters. As indicated by code §230-13 (E) (5) (e), utilities (water, electric, etc.) shall be separately metered and separately billed. The Applicant should incorporate this information into the project's design prior to final plan approval. Notes and details in this regard should be added to the site plan.
- c. Landscaping, Buffering and Visibility Issues.
  - i. The Applicant should ensure that the design meets all of the vegetative screening requirements per §230-13 E (2) (a), specifically, the proposed water treatment building, parking areas, etc. The viewshed that must be

preserved is located between Rt. 343 and the footprint of Halcyon Hall in accordance with the BCD zoning requirements.

- ii. Consideration of additional landscaping should be provided for screening of adjacent properties, and particularly screening the direct view of the development from the O'Dea residence. This may require additional planning to supplement the existing vegetation in this area.
  - iii. Future plan submittals should address sight distance requirements in relation to the proposed landscaping at each of the four corners of the intersection of Bennett Commons with Chapel Road East and West. Per Village Code 230-11 (P), no planting more than 3 feet in height (measured from road surface at nearest edge of road) shall be erected within sight distance viewshed. §201-31 (A) (11) requires minimum stopping sight distances in relation to traffic speeds and should be used for intersection design. The Applicant should refer to §201-31 (A) (12) for further direction regarding sight easements at street corners. Sight distance related easements should be shown on plans prior to preliminary plan approval. Specific sight distance grading details should be provided prior to final plan approval.
  - iv. A landscaping note should be added to the plans specifying that all plantings will be maintained and a vigorous growing condition at all times, and that plants that must be replaced will be replaced with a similar species and size and that these replacements will be planted in the next growing season.
- d. Water Supply Pumping, Treatment and Connection Detail. Information and details pertaining to the proposed water supply and its proposed connection to the Village water system should be provided prior to final plan approval. The Applicant's final design and Engineer's Report should be reviewed by the Village Engineer for conformity with Village standards as well as be approved by the Dutchess County Department of Health.
- e. Fire Protection.
- i. Water system modeling of the proposed storage tank should be provided prior to final plan approval to document that the proposed water supply design adequately meets all residential and fire suppression pressure requirements for the project.
  - ii. Fire hydrants should be spaced a maximum of 400 feet apart. This requirement is not met along Chapel Road West in the vicinity of proposed Lots 7, 10 and 11. Our office recommends adding a hydrant at this location.
  - iii. Describe how the buildings will conform to the NY State Fire Code.
  - iv. The proposed 60,000 gallon underground water storage tank and water treatment building are to be located on the west parcel adjacent to the wellheads. The Applicant should discuss the emergency water pump backup system in case of equipment and power failure.

- v. Correspondence from Fire Chief Hawks should be provided to the Board stating that the proposed fire protection systems, water supply infrastructure, etc. are designed in accordance with all Village standards.

f. Architectural Details.

- i. The Applicant should provide the Board with information regarding the architectural features which encroach upon building setback lines on several of the proposed lots. §230-11 (K) specifies that no projections from a building with a roof, walls, parapets or other forms of enclosure shall be allowed to encroach building setbacks.
- ii. The Applicant should provide the Board with a written statement documenting that the type and style of dwelling units specified on the plans will be built on the respective lots. This information is designed to ensure that deviations from the proposal do not occur following Board approval.

g. Easements.

- i. The Applicant should consider a trail easement be located on the cul-de-sac of Meadow Way between proposed Lots 26 and 27 to provide pedestrians additional access to open space #2.
- ii. The Applicant should consider creating an easement designed to provide pedestrian access to open space #1 which is inaccessible to the public since it is located behind Lots 3-8.

h. Stormwater Issues:

- i. As discussed in the SWPPP, each stormwater treatment structure must have a pretreatment device that is designed in accordance with the NYSDEC *Design Manual*. Although the SWPPP discusses the requirement for pretreatment, the Site Plans do not appear to include pretreatment for the stormwater treatment structures. For example, the underground storage facility located adjacent to Aldrich Circle requires pretreatment of up to 100% of the Water Quality Volume (depending on the soil's percolation rate), but the drainage network shows a direct connection to the underground facility, with no pretreatment shown. Similarly, the main detention pond (to the south of Aldridge Circle) does not have a pretreatment forebay. Typically, pretreatment devices require additional area to construct. Due to the space constraints on the site, the plan should be revised to show that pretreatment can be provided in accordance with NYSDEC requirements. These pretreatment details should be provided prior to final plan approval.
- ii. A Bioretention Area is shown adjacent to Kettering Circle to provide water quality treatment. The NYSDEC allows a maximum ponding depth of 6 inches for Bioretention structures, however, this area has been graded to 5 feet deep. A detail should be provided that the proposed design meets NYSDEC requirements in this regard prior to final plan approval.

- iii. The Site Plan *Details* indicate that a 4' diameter drywell with a depth of 3 or 4 feet will be utilized for treatment of roof drainage discharge from a portion of the duplex units and homes. In our experience, a drywall with a larger volume (larger depth and/or diameter) would be used for a roof area of this size. The drywell sizing criteria should be provided prior to final plan approval. With regard to the drywell calculations provided in the SWPPP Appendices, it is unclear how the "Percolation Volume" was calculated. A simulated storm should be calculated using computer software to ensure that the drywell can accommodate the storm events. The drywell structures should be sized as necessary in accordance with the modeling calculation results. This information should be provided for review prior to final plan approval.
- iv. To our knowledge, the stormwater calculations included within the SWPPP do not include information on routing. A routing diagram or summary should be provided prior to final plan approval.
- v. With regard to the underground stormwater facilities being proposed, although the plans depict a simplified schematic detail of the proposed underground stormwater storage facilities (located in the area between Chapel Road West and Aldrich Circle), additional detail with regard to the layout, connections inverts, minimum cover, materials, etc. should be provided prior to final plan approval.
- vi. It appears that there are several trees to be planted in the immediate vicinity of the aforementioned underground stormwater storage facilities. The Applicant should provide documentation that the presence of maturing tree roots will not hinder the effectiveness of the underground stormwater facilities.
- vii. The Dry Well detail provided on Sheet 502 (Detail 8) indicates that a 4" drain line connects to the dry well. We presume that these 4" drain lines will be connected to the down spouts from the homes, and if so, they should be shown on the plan prior to final plan approval.

Additionally, the dry well sump chamber (as mentioned in the SWPPP) should be shown on the site details prior to final plan approval.

i. Signage.

- iii. Details of all proposed signage (i.e. traffic direction, parking, etc.) for the development per §230-44 C (4) (j) should be submitted prior to final plan approval;
- i. Signs should be installed to prohibit parking at the cul-de-sac ends where the pavement width is reduced.

j. Site Lighting.

- i. §230-13 (Zoning) states that in an effort to protect the natural beauty of Millbrook, the design should include inoffensive site lighting that both plays on the (historic) stonework (of Halcyon Hall), and provides a level

of security to the area. The Applicant should describe how the proposed design will comply with that criteria.

- ii. The Applicant should provide a lighting / photometric plan for the site to the Board for their review to ensure that all site lighting adheres to §230-11 O and §230-44 C (4) (l). This plan should be provided prior to final plan approval.

- k. Waste Disposal Facilities. Future plan submittals should include the location and detail of the trash receptacles, containers, etc. for the proposed site per §230-44 C (4). (m). The Applicant should ensure that all refuse collection facilities are adequately screened as applicable per Village Code. These details should be provided prior to final plan approval.

- l. Locking Gate for Halcyon Hall Area / Chapel / Pool: §230-13 E (2) (a) states that a locking gate designed to protect the historic stonework and open space common areas may be required for the project site. The Applicant should provide information detailing how the proposal will meet this requirement.

- m. Tree Removal Note. A note must be added to the project plans limiting tree removal of 8 inch caliper or greater (DBH) to mitigate the loss of roosting habitat for the Indiana Bat.

- n. Wastewater Pump Station. An Engineer's Report and detailed design of the required upgrade to the Village wastewater pump station must be added to the plans.

- o. Miscellaneous Issues To Be Addressed By the Applicant:

- i. Documentation of all required permit approvals.
- ii. Flow confirmation letter from the Dutchess County Department of Health.
- iii. Detailed Construction Phasing Plan, with information regarding major stages of the development, including demolition, site clearing, earthwork, street construction, drainage, site lighting, Park area development, and landscaping. Time frames for all of these major items of work should be provided.
- iv. Soil sampling results for all tank removal and NYSDEC closure reports.
- v. Provide financial surety equal to the estimated cost of all roadway, sidewalk, drainage, water, sewer, lighting and landscaping improvements that are being proposed by this development. The amount of the surety must be estimated by the Owner's professionals and submitted for approval by the Village Engineer. The financial guarantee will include cost provisions for prevailing wage public works contracts and an estimate of cost increases for at least a three-year period. This financial surety must automatically renew until project completion and can be reduced only after acceptance of the work by the Village Engineer. The form of the required financial surety must be acceptable to the Village Attorney.
- vi. Provide financial surety equal to the estimated cost of all demolition work that is proposed by this development. The amount of the surety must be

estimated by the Owner's professionals and submitted for approval by the Village Engineer. The financial guarantee will include cost provisions for prevailing wage public works contracts and an estimate of cost increases for at least a three-year period. This financial surety must automatically renew until project completion and can be reduced only after acceptance of the work by the Village Engineer. The form of the required financial surety must be acceptable to the Village Attorney.

The Board will require that the Applicant provide detailed information pertaining to the procedures that will be taken to ensure that the lead, asbestos, etc. within the buildings to be demolished will not become a health concern among residents living in the immediate vicinity of the project site. This information should be provided prior to final plan approval.

vii. Provide detailed information regarding disposal of the water treatment plant sludge which must comply with regulations of the NYSDEC, US EPA and NRC.

viii. Provide an Engineer's Report on the pressure differential and back flow prevention equipment for the connection between the Village water supply system and the private central water supply system for review by the Village Engineer. If found beneficial to the Village, this backup water supply connection should be made by the Applicant at no cost to the Village.

ix. Define the Applicant's level of participation in the Village's Inflow and Infiltration detection and repair program to its wastewater collection system. Propose cost-sharing to satisfy §230-13 E. (2) (f) of the BCD Code requirements. The level of participation by the Applicant must be acceptable to the Village for compliance with this Code requirement.

The Applicant should respond to each of the above items in writing with respect to how they have been addressed in future plan submittals. Our office will provide additional comments when additional information becomes available.

Please feel free to contact our office at your convenience if you have any questions or comments.