

TOWN OF RHINEBECK PLANNING BOARD
SPECIAL MEETING MINUTES
JUNE 20, 2005

PRESENT: John Varricchio, Chairman
Warren Smith
F. Woody Dierze'
Ricardo Recchia
Nicholas McCausland
Michael Trimble
Melodye Moore
Art Brod, Planning Consultant

ABSENT: none

CALL TO ORDER / DETERMINATION OF QUORUM

The Chairman called this meeting to Order at 7:30 pm and determined a quorum to be present for the conduct of business.

SCHEDULED BUSINESS

Urban Builders, Inc. – Ackert Hook Road – Special Use Permit.

The Chairman stated that as presented at the June 6th meeting, the Applicant seeks a Special Use Permit to authorize construction of a single-family dwelling and appurtenances including driveway, water line and portion of sanitary sewage disposal system within a NYSDEC wetland buffer portion of an 11.75-acre parcel (TMP 135089-6169-00-824642) in the R3A District. The documentation provided for review consisted of an undated Application, a Full EAF Part 1 dated May 20, 2005, and an Engineer/Surveyor's drawing entitled "Sanitary Design for William K. Mellors" dated March 22, 2002, revised to July 19, 2004, and approved by the Dutchess County Health Department on February 25, 2005. Philip Sanford, Attorney for the Applicant, submitted the DEC Wetlands permit issued on February 17, 2005 and discussed the deed research showing prior surveys being in 1993 and 1951 always being the current 11.75 acres, a lot of record. A new survey dated June 10, 2005 and signed by Harry Bly, L.S. indicates no record of known conservation easements affecting the parcel. The Board further carefully reviewed the prior Special Use Permit issued to Mr. Mellor's for this property and found no conditions restricting future development of this property.

In consideration of the above, the Chairman read the following draft resolution, prepared by Art Brod, for the Board's consideration:

"The Town of Rhinebeck Planning Board hereby acts as follows on the undated Application by Urban Builders, Inc. for Special Use Permit to

TOWN OF RHINEBECK PLANNING BOARD
SPECIAL MEETING MINUTES
JUNE 20, 2005

authorize construction of a single-family dwelling and appurtenances including driveway, water line and portion of sanitary sewage disposal system within the NYSDEC wetland buffer portion of an 11.75-acre parcel (TMP 135089-6169-00-824642) on Ackert Hook Road in the R3A District:

1. Accepts the Application as adequate for Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Delegates Planning Board Members Michael Trimble and F. Woody Dierze' to coordinate with the CAC on a field visit and report thereon at the time of Public Hearing.
4. Schedules a Public Hearing on the Application for Monday, July 11, 2005, at 7:55 p.m. and directs the Clerk to provide timely notice thereof."

A motion was made by Ricardo Recchia and seconded by Melodye Moore to adopt the above stated resolution. The motion carried by a unanimous vote of the Board.

Rhinecliff Properties, LLC – Grinnell and Shatzell Streets – Site Plan.

The Chairman advised this application is on the agenda for Planning Board review of involved agency comments in the matter of designation of SEQRA lead agency, review of public, consultant and involved agency comments as related to technical content and, if the Planning Board has been confirmed as lead agency, consideration of probable environmental effects of the project through preparation of Part 2 and as pertinent, Part 3 EAF. The Chairman also advised the Board may consider a recommendation to the ZBA concerning the requested Use Variances, if appropriate.

The Chairman confirmed with the Secretary the SEQRA mailings are post marked for May 18, 2005, and, therefore, the 30-response time has now lapsed. The only response was received from the Dutchess County Department of Planning and Development.

Due to lack of response by other involved or interested agencies, and no expressions of dissent with respect to the Planning Board's serving as SEQRA Lead Agency, the Chairman accepted a motion from Warren Temple Smith and seconded by Michael Trimble to declare the Planning Board Lead Agency for the required coordinated environmental quality review under SEQRA. review. All were in favor. Motion carried.

TOWN OF RHINEBECK PLANNING BOARD
SPECIAL MEETING MINUTES
JUNE 20, 2005

The Board then reviewed the EAF Part 2, point by point to assess potential environmental significance. The following factors were identified for further evaluation through an EAF Part 3: impact on land, impact on surface or

groundwater quality or quantity, impact on surface water runoff, impact on historic and archeological resources, impact on transportation, and impact on growth and character of community / community services.

Board consensus was that, subject to appropriate consideration of the contingency parking plan and operations' downsizing which would have to be implemented were the CSZ land lease to be terminated, the environmental impacts of the project were neither large nor important and were being mitigated to the extent practicable through the submitted operations and design plans.

The Board directed the Planning Consultant, Art Brod, to memorialize through an EAF Part 2, an EAF Part 3, and the draft of a Negative Declaration under SEQRA the discussion and evaluation that had occurred. By consensus the Board further authorized the Chairman to issue and distribute the Negative Declaration on June 30, 2005, following Art's distribution within the next week by E-mail of a draft for review by the Board members.

The Board then discussed the required related Use and Area Variances as enumerated by the ZEO and subsequently requested of the ZBA by the Applicant. The Chairman stated that while the Zoning Law doesn't require this Board to make a recommendation the ZBA has requested input.

After careful review of each of the requested Use and Area Variances it was the consensus of the Board each of the requested variances is reasonable within the context of the entire application and encourages the Zoning Board of Appeals to approve each of the requested variances.

ADJOURNMENT

With no further items having been set forth on the Special Meeting agenda, Chairman Varricchio accepted a motion from Ricardo Recchia and seconded by F. Woody Dierze' to adjourn this meeting. The Chairman declared the meeting adjourned at 9:10 pm.

Respectfully submitted,

Joan Winne
Planning Board Secretary

TOWN OF RHINEBECK PLANNING BOARD
SPECIAL MEETING MINUTES
JUNE 20, 2005