

COPY

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October 13, 2010

Linda Roberts, Chairwoman
Village of Millbrook Planning Board
35 Merritt Avenue, PO Box 349
Millbrook, NY 12545

RE: **Bennett College**
Preliminary Plat Application

Honorable Chairwoman Roberts and Members of the Planning Board:

I. INTRODUCTION

As you know, this firm represents Blumenthal-Brickman in connection with the proposed redevelopment of the Bennett College campus. On November 12, 2008, your Board adopted a negative declaration, and issued sketch plan subdivision plat approval, special use permit approval for Conservation Development Density, and preliminary site plan approval in connection with the above referenced project. Three Article 78 proceedings were commenced challenging these approvals. While these approvals have been upheld by the Supreme Court of Dutchess County, the initial Article 78 challenges and the subsequent appeals have delayed us in processing our applications for preliminary plat, final plat, and final PUD approval.

In connection with the approvals referenced above, the Village Engineer, David B. Clouser, issued a memorandum dated November 13, 2008 (the "Clouser Memo"), which is attached hereto as **Exhibit A**. The purpose of this letter is to address the comments made in that memorandum and to make our submission for preliminary plat approval. The basis for the Planning Board having granted sketch plan subdivision plat approval rather than preliminary subdivision plat approval was the Clouser memorandum and the issues it discussed. Accordingly, we are providing you with responses to those issues so that you have the necessary information to grant preliminary plat approval.

Linda Roberts, Chairwoman
Village of Millbrook Planning Board

October 13, 2010
Page 2

Please note that the plans being submitted now are the same plans which were the subject of the public hearings, the Clouser memorandum, and the prior approvals. No changes have been made to those plans. We have added a Preliminary Subdivision Plat dated 12/12/08 to the plan set. The plat is based upon the unchanged site plans.

II. DISCUSSION

The Clouser memo addresses the subdivision, site plan, and special permit processes. This letter will focus on that portion of the Clouser memo that discusses the subdivision process. With regard to the subdivision process, Mr. Clouser discusses modification of technical standards, sidewalk and street width, and additional information required prior to final plat approval. The issues associated with final subdivision plat approval will be addressed at that time. It is important to note that Mr. Clouser advised the Board that their authorization to grant the Applicant relief from the design standards was an essential step in granting preliminary plat approval. As we are seeking only preliminary plat approval now, we will address the issues raised by Mr. Clouser in connection with such approval. Each of these issues will be discussed in turn below, with the quotes from the Clouser memorandum in italics and our responses in regular type immediately following.

A. Relaxation 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.*

As you know, pursuant to § 201-8 of the Village of Millbrook Code, your Board is authorized to relax technical standards in the event compliance with the standards would be "...inappropriate because of exceptional and unique conditions..." In this case, it is wholly appropriate for your Board to relax the Village street right-of-way width and cul-de-sac turnaround standards. As noted by Mr. Clouser, the reduced street widths are

*disagree NO exceptional
or unique conditions.
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Linda Roberts, Chairwoman
Village of Millbrook Planning Board

October 13, 2010

Page 3

typical of Traditional Neighborhood Design and, more importantly, the modification of this street standard will not compromise public health or safety. The diameters of the cul-de-sac at the ends of Chapel Road East and Hale Lane have been reduced to 50 feet to minimize impervious surface coverage. The lengths to the end of these cul-de-sacs have been reduced to no more than 300 feet from the available turn around areas provided in the form of the eyebrow roadway layout for fire vehicles. For the foregoing reasons, the applicant respectfully requests that the Planning Board relax the Village street right-of-way and cul-de-sac turnaround standards to accommodate the proposed project.

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.

Mr. Clouser has reviewed the proposed roadway intersection design and emergency vehicle access compatibility with this design and determined that traffic safety will not be compromised. Additionally, after reviewing the plans, Mr. Clouser noted that a modification of the intersection design standards will result in less disturbance to the land and natural resources. Therefore, based on Mr. Clouser's findings, the applicant respectfully requests that your Board relax the intersection design standards accordingly.

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.*

The applicant respectfully requests that the Board relax the Village street standard to allow for the approximately 1,300 foot Chapel Road East, a permanent dead end. As indicated in Mr. Clouser's memorandum, access alternatives and boundary configuration necessitate the road's additional length. Furthermore, and most importantly, Mr. Clouser has determined that such a modification would not compromise the 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.*

As noted above by Mr. Clouser, due to site constraints, connectivity to Chapel Road East is not possible. Furthermore, the CDD district encourages the use of Traditional Neighborhood Design, which does lend itself to being traversed by collector-type roadways. Therefore, because relaxing the Village Code to permit more than 5 dwelling units on a dead-end road will not compromise public health or safety, the applicant respectfully requests that the Village Code requirement be relaxed to permit the cul-de-sac as designed.

5. Parking: *Zoning Code §230-16(J)(2) requires that reasonable and appropriate off-street 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*

Linda Roberts, Chairwoman
Village of Millbrook Planning Board

October 13, 2010
Page 5

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. 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 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 one parking space for each 100 ft. 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.

For the reasons cited above, the applicant respectfully requests that the Board adopt Mr. Clouser's required parking recommendations with respect to parking for the Chapel/Park/Pool.

- B. Sidewalk Width and Street 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*

Linda Roberts, Chairwoman
Village of Millbrook Planning Board

October 13, 2010
Page 6

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.

With respect to sidewalk width, we prefer to leave the sidewalks at 4 feet as they are adequate to serve the community as designed and we would prefer not to increase the impervious surface area. As noted by Mr. Clouser, this narrower width reduces impervious surface and meets applicable standards. With respect to street width, the plans continue to show 24 feet. We would prefer to narrow the roads to 20 feet for several reasons. First, there would be a significant reduction in impervious surface. Second, the narrower streets would be more in keeping with Traditional Neighborhood Design. Third, the narrower streets would act as a traffic calming method and lead to slower vehicle speeds in the community. We also recognize the safety issues and the importance of obtaining input from the emergency services in the Village.

We would respectfully request that the Planning Board approve the preliminary plat as shown, with the flexibility to provide narrower streets based on additional input from the emergency services providers.

II. CONCLUSION

At this time, all of the pre-requisites for preliminary subdivision plat approval have been met. The Planning Board has conducted the site walk. The required plans have been submitted together with a Preliminary Subdivision Plat. The public hearing, which included the subdivision, site plan, and special permit applications, was conducted over 4 separate meeting dates. Based upon those public hearings, the Planning Board granted preliminary site plan approval together with special permit approval. There have been no changes to the plans since those hearings and those approvals. Accordingly, we respectfully submit that no additional hearing is required and that the Planning Board is in a position to grant preliminary plat approval.

VENEZIANO & ASSOCIATES

Linda Roberts, Chairwoman
Village of Millbrook Planning Board

October 13, 2010
Page 7

We respectfully request that this matter be placed on your agenda for October 28, 2010 for discussion and, if appropriate, consideration of a resolution granting preliminary subdivision plat approval.

Thank you for your consideration.

Very truly yours,

VENEZIANO & ASSOCIATES

By: 

Mark P. Miller, Esq.

MPM/ct

EXHIBIT A