



MEMORANDUM

**TO: Town of Clinton Planning Board
Jeff Newman, Town of Clinton Zoning Administrator**

**CC: Shane J. Egan, Esq., Town of Clinton Planning Board Attorney
Jody T. Cross, Esq., Applicant's Attorney**

**FROM: Peter Setaro, P.E.
Liz Axelson, AICP**

DATE: November 17, 2023

**RE: Cornerstone at Rhinebeck
Site Plan and Special Use Permit Approval
73-93 Serenity Hill Road, Town of Clinton; Tax Parcel ID# 531763 &
617725
CPL # 14996-00013**

This office received copies of the materials listed at the end of this memorandum. Please note that prior comments from our July 6, 2023 review memorandum, which have been addressed, have been deleted.

General

1. The submittal was reviewed in accordance with Code of the Town of Clinton, Chapter 250, Zoning:
 - a. Article V, Section 31, Alternate Care Facility, including amendments adopted in 2023; and
 - b. Article VII, Sections 96. Site Plans; and 97. Special use permits.
2. This review was done because there was no site plan on file for this use and its operation. The response to our prior comments resulted in the submittal of a more detailed site plan for Cornerstone's existing and future use and operation.
3. In summary, most of our prior comments have been addressed. The remaining and additional comments are intended to guide the preparation of a Site Plan in accordance with the Code of the Town of Clinton, Chapter 250 Zoning, requirements, and standards for Site Plans, in section 250-96 to be approved as a site plan.
4. Prior comments recommended the submittal of an application for a permit for activities in freshwater wetlands, watercourses, lakes, ponds and floodplains referring to corresponding code provisions at Zoning sections 250-26 and 250-78. Clarification presented on the submitted plans, and in the Full Environmental Assessment Form (Full EAF) Report and Full EAF form and corresponding figures and attachments shows that there is no disturbance in the areas of the site that would result in the requirement for a permit for activities in freshwater wetlands. Therefore, the Applicant's requests for waivers from such permits are unnecessary.



Legal

5. In order to ensure that the site's proposed and necessary improvements will not have adverse effects on the site, adjacent properties and nearby natural resources, the proposed development must comply with Zoning section 250-91, B (5), which states:
"All water supply and sewage disposal installations shall conform to the Dutchess County Department of Health regulations. No plot plan shall be approved by the Building Inspector in any zoning district unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the Building Inspector before issuing a building permit, including possible runoff to said properties. The Building Inspector may request an evaluation of the drainage plan from the Dutchess County Soil and Water Conservation District. If the Building Inspector has concerns regarding drainage, grading, or erosion control, he shall refer the plot plan to the Town Engineer. All costs of such evaluations and referral reviews shall be charged to the applicant."
6. Address Zoning section 250-91, B. (3), which states:
"Application shall be made by the owner, lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application."
7. As per previous comments, provide a resolution of Owner Authorizing Joel Basch to sign the authorization included as Exhibit 1 of the Application.
8. The applicant shall comply with all of the Findings, Determinations and Recommendations as set forth in the Town of Clinton's Zoning Administrator's letter of determination dated August 29, 2023, including but not limited to the requirement stated in paragraph 2 (c) that the 1990 subdivision of the subject parcel should be exercised or abandoned prior to any Planning Board approval of any site plan or special use permit.

Site Plans

Based on our review of the submitted plans and other materials, we offer the following comments:

9. In response to prior comments, the following note was added to Site Plan. It should be revised to read as follows:
"Approved for __ Patients. Any Increase In Patient Capacity Beyond __ Requires Planning Board Approval. Maximum Patient Capacity is 102 per LL No. 1 of 2023. See Town of Clinton Town Code Section 250-31".
10. The recent submittal provided a 3-sheet set of plans as described at the end of this memorandum under "Materials Received, Reviewed." Most of our prior site plan comments have been addressed, yet a few remain. Address the following:
 - a. Prior comments about existing and continued site use recommended the creation of detailed site plans showing and labelling existing wooded, vegetated and landscaped areas clearly. While the submittal addressed many comments, the Applicant has requested a **waiver** of the following previously requested items. Given the level of detail provided on the recently submitted plans and since the minimal disturbance proposed is to remedy existing improvements near and north of the site property line, it is



suggested that the Planning Board discuss the remaining items below and consider granting the requested a **waiver** of the following:

- i. Show and label existing vegetative cover including wooded areas, single large trees (eight or more inches [8"+] in diameter) or clusters of trees; brushy or meadow areas; lawns; and planted medians;
- ii. Show and label the areas of rock outcroppings;
- b. The submitted materials have demonstrated that there is no proposed disturbance along the site's lakeshore and frontage corresponding to flood hazard and wetland areas. Accordingly, it is no longer necessary for the Planning Board to request or to consider a habitat assessment report regarding the Blandings Turtle and any other threatened and endangered species. Accordingly, our prior comment has been addressed.
- c. On plan sheet C130, label the blank rectangle areas south of the "1 Story Barn". These outlined areas are shown and labeled properly on sheet C131 as "Existing Absorption Bed".
- d. Additionally, provide a comprehensive legend on each the plan set showing all line types and symbols used on any sheet in the plans indicating what each line type and symbol means.
- e. The legend should be included on each sheet of the plan set

Code & Zoning

11. The submittal, including the Community Impact Statement and plans, appears to address Zoning section 250-31, C.
12. The submitted revised plans do not appear to show any proposed land disturbance. Yet, as noted above, minor land disturbance is necessary to resolve encroachments adjacent to and on the northern property line.
13. While two clusters of tree plantings are shown along small portions of the northern property line, it appears insufficient to provide a buffer and to define the boundary between Cornerstone's nonresidential use and the residential properties to the north. Refer to the zoning section 250-61 Landscaping, subsection C. General landscaping requirements, generally, and specifically subsection (3), which states:
"Where a nonresidential use requiring a landscaping plan abuts a residential use, a buffer area of year-round screening satisfactory to the Planning Board shall be retained or provided".
Along the entirety of the northern property line of the site (tax parcel 531763) that is west of the Niagra Mohawk parcel (580010), there should be a staggered planting of evergreen trees to serve as a buffer. The landscaping shown must be revised showing staggered evergreens, of native varieties, so that as the trees mature, there would be a substantial buffer, including branches at both lower and higher levels.
14. The proposed split rail fence should also be shown along the entirety of the northern property line of the site that is west of the Niagra Mohawk parcel (580010).
15. Notation should be inserted between the line labeled "100' Buffer To Assumed NYSDEC Regulated Wetland RC-39" the line labeled "Approximate Location of NWI/NYSDEC Wetland Boundary Per Dutchess County Parcel Mapping (Typ.)" that reads "Restricted Regulated Wetland Buffer Area. Any Disturbance Requires a Permit from the Town of Clinton and the New York State Department of Environmental Conservation (NYSDEC)".
16. A note should be included in the lake area adjacent to the project site stating, "Use of Silver Lake shall be prohibited except as necessary for customary maintenance."



17. The Planning Board may wish to require proof of inspection by a qualified professional of the subsurface sewage disposal system and certification of compliance with Health Department requirements as a condition of approval to occur immediately after approval.
18. The Planning Board may wish to require annual inspections by a qualified professional of the subsurface sewage disposal system and certification of compliance with Health Department requirements as an ongoing condition of approval.
19. Our prior comments referred to an attached excerpt of the submitted Site Plan or Special Permit application form, page 2 of 4, which was annotated with a “W” in the right columns for items c., d., f., and g. The Planning Board must review these **waiver** requests. Refer to section 250-96, C., regarding waivers. We note that items c., and d., regarding “The location of structures and uses on adjacent properties within 100 feet of the subject lot lines”; and “... easements, and other reservations of land within five hundred feet of the applicant’s property” have been addressed. So, no waivers are required for these items. Accordingly:
 - a. The need for the waiver of item f. pertains to rock outcrops, existing vegetative cover, and single trees eight or more inches in diameter. These are not shown, yet are not needed due to the minor land disturbance in previously improved, disturbed areas; and
 - b. The need for the waiver of g. pertains to existing topography, which is shown on the plans for much of the project site. Yet “...topography and proposed grading at 2-foot contour intervals, extending 50 feet beyond the property” are not needed on the plans due to the minor land disturbance in previously improved, disturbed areas; and
 - c. Accordingly, the above described **waivers** of items f. and g., are recommended.

Environmental Assessment Form

20. The scope of the applications has been sufficiently clarified with the submittal of fully revised plans and Full Environmental Assessment Form (Full EAF) Report, form, figures and attachments. Accordingly, the Planning Board may wish to consider taking necessary procedural steps related to SEQR, site plan and special use permit review.
21. The Planning Board should request comments from the West Clinton Fire Department (WCFD) by letter to inquire:
 - a. whether there are any comments or concerns about this site, the site’s access, the number and frequency of emergency service calls; and whether the volume of calls from the facility has been a problem, etc.
 - b. the Planning Board should also ask for records about or an estimation of emergency service calls annually and monthly.
22. Now that the proposed action is clearly presented, the Planning Board must make a Dutchess County Department of Planning 239-m referral.
23. The proposed action, involving site plan and special use permit, is an Unlisted action in accordance with the SEQR regulations, sections 617.4 and 617.5.
24. It is recommended that the Planning Board, as the only Involved agency, renotify Interested agencies, including the West Clinton Fire Department, by reissuing a notice that the proposed action is an Unlisted action and that the Planning Board is continuing its role as Lead agency in an Uncoordinated SEQR review.
25. The Planning Board may consider scheduling the continuation of the public hearing. It is recommended that a notice be published about the continuation of the public hearing.
26. Please provide a response letter with the next application submittal.



If you have any questions, please contact me at (845) 686-2302, or e-mail at psetaro@cplteam.com.

Materials Received, Reviewed

- Cover letter prepared by Jody T Cross, Zarin & Steinmetz, PLLC, referring to a response letter with supporting attachments, dated September 22, 2023;
- Response letter prepared by Caren LoBrutto, Senior Planner, LaBella Associates, PC, dated September 23, 2023;
- Plan set entitled Medical Arts Sanitarium Site Plan Approval, noting Cornerstone of Rhinebeck, prepared by PREPARER NOT INDICATED, dated June 6, 2023, revised September 12 2023, including the following:
 - o C-130 Existing Conditions Site Plan;
 - o C-131 Existing Conditions Enlarged Site Plan;
 - o C-180 Landscape and Lighting Plan;
- Full Environmental Assessment Form (Full EAF) Report entitled Cornerstone of Rhinebeck, dated June 6 , 2023, revised September 25, 2023, including:
 - o Full EAF Report Narrative;
 - o Full EAF, signed by Caren LoBrutto on September 12, 2023;
 - o Figure 1 Orthophoto Tax Map – Dutchess County Parcel Access;
 - o Figure 2 Wetlands, Significant Natural Community, Regulated Species- NYSDEC;
 - o Figure 3 priority water bodies listed resources- NYS DC;
 - o Figure 4 Floodplains – Dutchess County Parcel Access;
 - o Attachment A – NYSDEC and DCDBCH Permit Information (pdf pages 49 - 69);
 - o Attachment B – Natural Resource Information (pdf pages 71-118, incl Custom Soil Resource Report, iPAC Report);
 - o Attachment C – Emergency Medical Services Information (pdf pages 119-337);
 - o Attachment D - NYS Office of Parks, Recreation and Historic Preservation “no impact” letter (pdf pages 339-341);
- Letter prepared by Thomas P. Cummings, PE, Cummings Engineering, PC, dated March 9, 2022 regarding PWS reports on file at the Dutchess County Health Department;
- Enclosure of “Additional Water Records”, with documents regarding Cornerstone of Rhinebeck, including:
 - o numerous EnviroTest Laboratories Chain of Custody record forms with attachments regarding testing apparently of bathroom and kitchen taps, with dates ranging from 6/13/22, 6/14/2022, 6/15/22, 6/17/22, 7/6/2022, to 8/4/2022, 9/9/2022, 10/7/2022, 11/7/2022, 12/22/2022, ... ;
 - o Water System Operation Reports, dated 1/4/2022, 7/25/2022, 9/1/2022, 9/9/2022, 10/7/2022, 12/2/2022, 1/5/2023, 3/1/2023, 4/1/2023, 5/2/2023, 6/1/2023, 7/2/2023;
 - o EnviroTest Laboratories Inc Analytical Report dated 7/20/2022;
 - o Numerous Pace Chain of Custody Reports dated 11/29/2022, 12/2/2022, 2/2/2023, 3/3/2023, 3/31/2023, 4/12/23, 5/11/23, 6/9/2023, ;
 - o numerous Pace Analytical reports, apparently related to other reports above;
 - o numerous Con Test Laboratory reports for 2022 and 2023 (6/15/22, 7/5/2022, ...);
 - o Tank Cleaning Schedule forms for dates from 2/11/2022 through 6/27/2023; 4/25/201 through 8/5/2022;
- Enclosure “Iroquois easement”, an “Unofficial Document” regarding Grantor Norma Herzlin and Iroquois Gas Transmission System, LP, regarding deed and easement, Index number 2970/91, signed 8/27/1991, with attached map apparently by Iroquois, map date unclear; and
- Town of Clinton’s Zoning Administrator’s letter of determination dated August 29, 2023.

Materials Previously Received, Reviewed Pertinent to this Review

Please refer to CPL’s July 6, 2023 review memorandum page 8 for list of previously reviewed materials.