

CAC Advisory Report

Ruge Chevrolet Application for Construction of a Paved Parking Lot

Parcel Location: 3 and 7 North Mabbettsville Road, Millbrook, NY

October 5, 2020

The Dutchess Department of Planning:

Referral #20-185, Ruge's Chevrolet Automobile Dealership

- The lighting levels surrounding the new proposed lights are far more intense (reaching 13.2 footcandles) than what is needed or appropriate, especially considering the site's location in the Town's hamlet district.
- An average of just one (1) footcandle is all that is necessary for safety and comfort in parking lots and pedestrian areas, and 2-5 footcandles in high-security areas.
- In addition, for a pleasing lit environment, we encourage any proposed site lighting to be downlit, fully recessed, dark-sky compliant, and with a color temperature no higher than 3000K
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Recommendation

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

From the CAC August 31, 2020 recommendations to the Planning Board

- Insure the amount and intensity of lighting used be in keeping with the appearance and environment of a historic, rural hamlet as expressed in the Comprehensive Plan and does not have a desultory effect on neighbors' rights to enjoy their property.
- Consider a motion sensor to turn lights on and off as needed during hours of operation.
- Lighting should be restricted to the hours of when the business is actually open.
- Lighting color temperature should be in the 2000-2500 Kelvin range, with 2500 Kelvin being most suitable for quality of life and aesthetic issues in this area. Not the 4000 K lights shown on the site plan, which are too bright and too blue for this location.
- Include language in the approval process, making it clear that no site plan approval will be granted until the town is able to verify that glare and light trespass have been eliminated or reduced to a non-objectionable level.

Consideraton

The application involves a nonconforming grandfathered business operation that would not now be approved in this location of the town because it is out of keeping with the overall ambiance of the surrounding area, present zoning code, and the community's vision for its future. Lighting has a major influence on the quality of life and the look and feel of an area. It is of primary importance, and a major consideration whether a project will harmoniously become part of the community where it seeks to be, or not.

Recommendations

The criteria from the town of Washington CAC and the Dutchess County Department of planning are remarkably similar, though derived independent of each other. They are appropriate for this application, and as such, should be adapted as a condition of approval.

Determine if Stormwater Pollution Prevention Plan (SWPPP) is needed or not.

The purpose of a SWPPP to prevent discharges of construction-related pollutants to surface waters. Soil disturbances falls under their purview.

The data supplied by the Dutchess County Water & Wastewater Authority (DCWWA), was used to construction a Geographic Information System (GIS) generated map of the aquifers in the Town of Washington. It showed this project is located directly over a highly permeable aquifer, with close proximity to streams, local wells and the Village of Millbrook water supply galleries. The mapping data is current and is used throughout the County,

According to New York State law, construction activities disturbing one or more acres of soil must be authorized under the General Permit for Stormwater Discharges from Construction Activities. Permittees are required to develop a SWPPP to prevent discharges of construction-related pollutants to surface waters.

History

In July 1996, Audia Chevrolet contracted Murphy Excavating to grade and compact 875 yards of gravel on their vehicle display lot, which is now subject of the application.

Discussion

The applicant now intends to strip the surface back to the compacted gravel, fill, and grade. and apply a new "oil and stone" finished asphalt surface.

According to Natalie Browne, Environmental Program Specialist, New York State Department of Environmental Conservation, If they are not disturbing the compacted gravel, it does not meet the definition of soil disturbance. "If they are saying that there is an existing impervious area [subbase] under the grass, the **town should require test borings to prove that.**" **Work involving soil outside the area of compacted gravel area of 1996 that is still intact would now be considered a soil disturbance** for the purposes of determining the threshold of one (1) acre of soil is disturbed. It would also include things like planting, landscaping and regrading.

If the gravel base is sufficiently degraded, and/or excavation is needed to apply a suitable subbase for the application of the asphalt that would count as soil disturbance, and the amount there of should do be noted before any construction begins. Also, any work outside the boundaries of the 1996 compacted gravel base would be considered a disturbance and would count toward the one acre of disturbance threshold needed for a SWPPP referral.

Recommendations

- Since the applicant indicates the 1996 impervious area will not be disturbed [excavated] as the applicant intends to construct the asphalt paving over the 1996 compacted gravel, the boundaries of the verified, intact compacted gravel subbase should be shown on the site plan.
- The site plan should numerically indicate the total amount of soil disturbance that this project will generate, which would include any excavation of the 1996 gravel installation needed for the asphalt installation, as well as outside of the delineated boundary of the 1996 gravel application, such as for additional asphalt installation. The DEC would consider that a soil disturbance. Also to be included in the soil disturbance tally would be other activities, such as

exemplified but not limited to landscaping and planting that involve disturbing, digging or excavating of soil.

- A part of the conditions of approval the applicant should specify on the site plan the total area of soil disturbance for all actives not exempted by the NYSDEC. If the total area of soil disturbance is an acre or greater the applicant should apply to the NYSDEC for a SWPPP as a condition of approval.

The Need to Fit Into The Rural Environment of The Town of Washington

While the use of a gravel overlay to change the color of the asphalt from black to gray is an improvement, the overall effect is still that of an automobile display lot more at home in the commercial areas of the County.

Suggested Mitigations.

- Reduce the amount of newly paved area.
- Limit the number of vehicles to those more inline with historic lows.
- Increase the setback of the parking area from Rt. 44.
- The application to include a screening requirement similar manner to what is presently require in the Town's solar law for non-residential uses.
- Lighting should be controlled so as to only to turn on when there is an active use on the site during hours of operation.
- Consider a motion sensor to turn lights on and off as needed during hours of operation.