

**TOWN OF RED HOOK PLANNING BOARD
DRAFT MEETING MINUTES
OCTOBER 1, 2018**

Chairman Sam Phelan called the meeting to order at 7:30 pm. He announced that Rose Hill Farm had been removed from the agenda.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Kallie Robertson, Lisa Foscolo and Kristina Dousharm. Also present was planning consultant Michele Greig. Brian Kelly was absent.

Kallie Robertson made a motion to adopt the minutes of September 17. Kristina Dousharm seconded and the motion passed unanimously.

Regarding continuing education credits for Board members, Mr. Phelan said that credits obtained from professional organizations other than the Dutchess County and NYS Planning Federations may qualify for required Planning Board credits. He advised Board members to submit the course for review before committing to the program if they want credits to count toward Planning Board hours.

PUBLIC HEARINGS

Norton 337 – Norton Road – Minor Subdivision

Continued discussion of application to create three parcels, 2.0 acres, 2.1 acres and 15.9 acres, from a 20.10 acre parcel in the R1 Zoning District.

Applicant's representative Tim Lynch was present. He gave an overview of the project. Brian Vielei, Route 199, said that the acreage of the parcels was different in the public hearing notice he had received. Mr. Phelan acknowledged that the notice erroneously stated the acreage of each lot that was originally proposed but was later changed, and apologized for any confusion that may have caused.

Mr. Phelan asked if there were any other questions from the public or Board members. There were none. Kristina Dousharm moved to close the public hearing. Lisa Foscolo seconded and all members voted in favor.

Mr. Phelan said that a memo had been received from the Superintendent of Highways approving the site distance for the proposed common driveway, and that the Town attorney had reviewed a driveway easement agreement and requested that revisions be made. Mr. Lynch said that the revisions are being made.

The Board reviewed a draft conditional Approval Resolution. Bill Hamel made a motion to adopt it. Kallie Robertson seconded and the motion was passed unanimously.

Wieboldt / French – 430 West Kerley Corners Road – Lot Line Alteration

Public Hearing on application to convey 2.17 acres from the 88.87 acre Wieboldt parcel to the adjacent 5.22 acre French parcel in the Agricultural Business and RD3 Zoning Districts.

Applicant Monica Wieboldt was present. Mr. Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Ms. Wieboldt gave an overview of the project.

Mr. Phelan asked if there were any questions from the public. Steven Young, West Kerley Corners Road, said that he had no objections to the project, but asked a few questions about some responses on the Environmental Assessment Form that he had reviewed. An error was corrected.

Bill Hamel said he recalled that members of the Agricultural Committee had requested that the land remain the Agricultural Business District. Michelle Greig responded that the zoning designation of the land transferred will not change, and the land will not be sub-dividable. Ms. Wieboldt said she and Ms. French were aware of that.

Lisa Foscolo moved to close the public hearing. Kristina Dousharm seconded and all members voted in favor.

The Board reviewed a draft conditional Approval Resolution. Bill Hamel made a motion to adopt it. Kallie Robertson seconded and all members voted in favor.

OLD BUSINESS

Rokeby Farm Solar Installation – 7211 Albany Post Road – Minor Site Plan

Continued discussion of application to install roof mounted solar panels on farm barn in the Agricultural District.

Applicant Anthony Sicari was present. He discussed the fact that the solar project will serve two separate, adjoining parcels with the same owner, which planning consultant Michele Greig had identified as a potential issue due to the fact that the applicant stated at the last Planning Board meeting that the power will be consumed on-site when actually power will also be provided to two buildings on an adjacent property located at 5 Rokeby Road. Ms. Grieg questioned if a legal agreement needs to be in place for this, in the event that one of the properties is sold.

Mr. Sicari said each building has a meter. He said he discussed the issue with Central Hudson. He said if one of the properties is sold, the buyer could opt out and the power could be reallocated, or the buyer could lease the power.

The Board reviewed a draft conditional Approval Resolution. Kristina Dousharm made a motion to approve. Lisa Foscolo seconded and all members voted in favor.

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision, Site Plan

Discussion with applicant's representatives concerning the status of meeting the conditions of final approval.

Applicant Richard Rang and attorney Jennifer Van Tuyl were present. Ms. Van Tuyl said the purpose of their appearance was to describe the methods in which the applicant proposes to comply with certain conditions in the Approval Resolution for the project.

Ms. Van Tuyl described a rather complex legal structure of construction and ownership that has been developed by the applicants, their attorneys and attorneys for Dutchess County Water and Wastewater Authority (DCWWA). She said it is ideal for projects that are constructed in phases, and may be used

more widely, because it allows DCWWA to avoid taking over the system until there are enough residents in the development to pay for the operation without hardship on anyone, and yet allows them to control the facility from the start.

Michele Greig asked if the Approval Resolution would need to be revised. Ms. Van Tuyl said that she had asked the Planning Board's attorney, Joel Sachs, who had said via email to Chairman Phelan that he and the Town attorney approved of the model put forth by the applicants.

Mr. Rang and Ms. Van Tuyl next explained that the applicant is proposing to provide public access to certain parts of the development by means of *A Declaration of Covenants and Restrictions relating to Open Space Parcel D Central Green and Public Access to Outdoor Areas of Parcel D*, which preserves the ability of the developer to guarantee the public access as provided on the approved plans. It will be filed when the first section of the Plat is filed with the County.

Ms. Van Tuyl said the aforementioned Declaration reserves the open space solely for the uses that are set forth on the approved plans, which would include public access, open space, related utilities and other amenities that are shown on the plans. A second Declaration, *A Declaration of Covenants and Restrictions Relating to Parcel A*, ensures that the square outside the mail building will be open to the public.

Mr. Phelan asked who will enforce the Declarations. Ms. Van Tuyl said that Town would.

Ms. Van Tuyl asked if the Planning Board would approve the Declarations in lieu of easements for the open space and public areas. Mr. Phelan said he would request that Mr. Sachs to comment in detail.

NEW BUSINESS

Cornucopia Deli – 8038 Albany Post Road – Amended Site Plan

Presentation of application to install new gasoline dispensers, apply a new fascia to the canopy with two new Citgo signs, and reface the existing price sign cabinet with LED faces in the B-1 Zoning District.

Applicant Al Whiting and owner Anthony Hung were present. Mr. Whiting gave an overview of the project, which is to replace two existing gas pumps (with no excavation), upgrade the canopy fascia, and replace an existing manual price sign with an LED one.

Mr. Phelan said that the area had been re-zoned recently in an effort to preserve the historic character of the area. He said that in the new Hamlet Business District internally illuminated signs are no longer allowed, and signs are not permitted on a roof, which a canopy is classified as.

Kristina Dousharm said the applicant could apply for a variance. She said she felt, as a business person, the LED price sign was not significant; Lisa Foscolo said very few gas stations have manual price signs anymore.

Lisa Foscolo asked if the price sign is currently lighted. Mr. Hung said it had been, but the light is broken. He said he would like to light it. Mr. Whiting asked if they need Planning Board approval to replace and light the sign. Mr. Phelan said they would.

The Board generally agreed that the applicant could repair the fascia without a sign and install the gas pumps without Planning Board site plan review. However external illumination of the existing sign would require Planning Board approval.

Judy Pfaff – 283 West Kerley Corners Road – Special Use Permit

Presentation of application to construct a 40 x 90 storage building on a 8.98 acre parcel in the RD3 Zoning District.

Applicant Judy Pfaff was present. She explained to the Board that as an artist, she creates very large works. She said her property was a moving and storage facility and then a cider company before she purchased it. She uses the buildings as a studios and storage for works completed, materials, and garden equipment. There are also two residences on the property; one is Ms. Pfaff's and the other is vacant. Ms. Pfaff said the pre-fab building she wants to install is 40 x 90, and 18 feet tall.

Marie Welch was present. She said that she and Ms. Pfaff had discussed changing the boundary line to put the new building on a separate, adjoining property with an existing, vacant residence that she also owns. The board generally agreed that would be the easiest approach. Ms. Pfaff agreed to withdraw the application for Special Permit and apply for a Lot Line Alteration.

OTHER BUSINESS

Podolski Lot Line (approved) - plat revision

Marie Welch was present. She explained that she had to slightly change the lot line on what was approved by the Board because it too close to the septic extension area on the adjoining lot.

Kallie Robertson made a motion to accept the slight adjustment of the lot line due to the expansion area on the neighboring property. Lisa Foscolo seconded and all members voted in favor.

Extension request – From the Ground Brewery Beer Garden

Bill Hamel made a motion to grant a 90 day extension to meet the conditions of approval. Lisa Foscolo seconded and all members voted in favor.

Extension request – The Preserve at Lakeskill

Applicant's representative Mike Bodendorf and attorney John Wagner were present. Bill Hamel recused himself.

Mr. Wagner gave an update on progress meeting the conditions of approval. He and the Board reviewed his letter dated September 24. He noted that the biggest holdup seems to be the DCWWA providing an agreement indicating that the wastewater collection and treatment system shall be owned and operated by them.

Kallie Robertson moved to grant a 90 day extension. Lisa Foscolo seconded and Sam Phelan and Kristina Dousharm voted in favor. The motion was carried.

ADJOURNMENT

There being no further business before the Board, Kallie Robertson made a motion to adjourn. Bill Hamel seconded and all members voted in favor.

Respectfully Submitted,

Kathleen Flood
Planning Board Clerk