# APPROVED

**Town of Red Hook Planning Board**
**Meeting Minutes**
**February 5, 2007**

## CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

Members present — David Wright, John Hardeman, Charles Laing, Sam Phelan, Paul Telesca and Chair Christine Kane. Jennifer Fier was absent.

## BUSINESS SESSION

Christine Kane said that the Agra Gate application had been withdrawn from the agenda at the applicant's request.

Noting that numerous new applications had been submitted for review, the Board generally agreed that a second February meeting was needed. Since the Town Hall would be closed on February 19, 2007 in observance of Presidents' Day, the Board generally agreed to schedule a meeting for February 12, 2007.

Christine Kane said that she, together with members David Wright, John Hardeman, and Paul Telesca, had attended training sessions given by the Dutchess County Planning Federation on January 31, 2007. At those sessions, it became clear that the Planning Board should develop a set of by-laws which would set down in document form how the Board will conduct business. The members agreed by consensus that Christine Kane and planner Michele Greig should develop this set of by-laws.

A second point discussed at the training sessions concerned quorums and voting. Christine Kane said that since there are seven members on the Planning Board, a simple majority constitutes a quorum, but for voting purposes, a majority of the total number Planning Board members is required for approval or denial of an application. Therefore, if only four members are in attendance at a meeting, all four must vote in favor of a resolution to approve it. The reverse is also true: four or more members must vote to deny an application. In cases where the required number of votes for approval or denial are not available at a meeting in which fewer than all seven members are in attendance, the applicant may ask for the matter to be tabled until a future meeting.

The minutes from the December 18, 2006 and the January 22, 2007 meetings had been sent to the members and reviewed. John Hardeman made a motion to approve the December 18, 2006, 2006 minutes. Dave Wright seconded the motion and the members who had been present at that meeting voted in favor. Charles Laing and Sam Phelan abstained.

Sam Phelan made a motion to approve the January 22, 2007 minutes. Charlie Laing seconded the motion. John Hardeman said that on page 6, paragraph 8, he would like the minutes corrected to reflect his view that if would be helpful if the Agricultural and Open Space Advisory Committee would list the members who review each project and,

if a vote is taken, he thought that that vote should be noted in the referral response. Sam Phelan then made a motion to approve the January 22, 2007 minutes with that correction. Charlie Laing seconded the motion, and all members present voted in favor.

**PUBLIC HEARINGS**

## Leone & Migliorelli (Linden West) – Linden Avenue – Subdivision Plat

Dr. Sal Leone, Dr. Frank Migliorelli and Mark Graminski, PE and LS were present for the public hearing on an application for Subdivision Plat approval to create four (4) residential building lots and a remaining lands lot from an approximately 120.4-acre parcel in the R1.5 Zoning District and the Certified Agricultural District.

Christine Kane read the public hearing notice that appeared on January 30, 2007 in the Kingston Daily Freeman.

Mr. Graminski explained the project to the public. He added that the Dutchess County Department of Public Works had conceptually approved the common driveway for the three eastern lots. He said that there were some Army Corps wetland areas and explained that the Town was interested in purchasing proposed lot 3 for additional recreation land. Should the Town ultimately decide not to purchase that lot, he said that there was a building envelope for lot 3 shown on the plat. Mr. Graminski also explained that there was potential for a cluster development of a maximum of fourteen (14) lots to be located at the north end of proposed lot 4, with the remainder of that lot to be transferred to the Town for a new well, a possible trail and other potential public uses.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2.

The Board then reviewed an offered negative SEQR declaration. Sam Phelan wanted to make sure that the open space on Lot 3 would be preserved by a conservation easement, not by a deed restriction. The applicants said that they had agreed to a conservation easement.

Mr. Graminski said that he had dug some test holes on lots 1 and 2 and believed that the sizes shown on the plat were sufficient to contain individual septic systems and would be approved by the Health Department. He said he had received a verbal OK from the Town Water Board to add the three eastern lots to the central water supply system serving Linden Acres. He added, however, that he might be forced to enlarge by 30-50 ft. the building envelope on lot 3 to accommodate the grading necessary for a septic disposal system. He finished by saying that the lots had been sized on the assumption that they would be connected to a central water supply. He said that the new lots would be connected to the existing water main via a pipe crossing under Linden Avenue.

Asked if there needed to be a buffer for the wetland, Mr. Graminski said no, that there was an adequate drainage outlet.

Sam Phelan made a motion to adopt the offered negative SEQR declaration for the project. John Hardeman seconded the motion, and all members present voted in favor.

Christine Kane then opened the public hearing and asked for public comment.

Doug Strawinski, Chair of the Town Recreation Commission, said that the Town was outgrowing its present recreation facilities and was interested in proposed lot 3 for expansion. He said that its proximity to the present park would aid in maintenance of both parcels. He added that both baseball and soccer fields were planned.

Town Attorney Christine Chale asked whether the Board would consider relocating proposed lot 2 to the south of an existing lot, along Linden Avenue. She said that the existence of the Corps wetlands made developing a layout for the fields more difficult and that relocating lot 2 would give the Rec Commission more flexibility. She said that she understood the Board's concerns about compromising the viewshed, but she believed that the possibilities for more efficient public use outweighed the scenic issues.

Paul Telesca asked to what degree lot 2, at its currently proposed location, cut into the most efficient layout. The Town Attorney said that the Town couldn't be sure until more engineering was done.

Christine Kane reviewed the last meeting, saying that a revised plan showing an alternate location for lot 2 was brought to the Board's last meeting by Mr. Graminski, but it could be reviewed since documents are not accepted for submission at a meeting. She said that the Board had previously considered locating lot 2 to the south early in the review process and had rejected the idea for various reasons, not just scenic concerns.

Christine Kane said that the advantages of leaving lot 2 where it was currently located included proximity to the existing development of Linden Acres, the availability of central water, and access to the street by way of the common driveway rather than by an additional curb cut.

Asked whether part of proposed lot 4 could be used for recreation fields, the Town Attorney said no, that part of the area was wetland and most of the area was in the floodplain.

Asked whether the water main extended to the possible southern location for lot 2, Mr. Graminski said no, that at the present time the water main extends only as far as Fruitbud Lane.

Christine Kane said that the curb cut for the common drive would have to be relatively large to conform to DPW requirements.

John Hardeman said that he had driven north along Linden Avenue to assess the view shed and that it was his opinion that the view was very scenic as a driver crests the hill but that it decreases significantly as the driver descends the hill to the vicinity of the southerly location for lot 2.

Asked to estimate the size of lot 2 if it were to be moved to the southerly location, Mr. Graminski said that he would have to dig some test holes and locate the neighboring wells and septic systems before he could calculate the necessary separations and the size of the lot. Mr. Graminski also said that he would not rule out a hook up to central water even if lot 2 were repositioned to the southerly location. He said access to a central water supply would also affect the size of the lot.

Sam Phelan wondered if relocating lot 2 would negate the cluster development. The Town Attorney offered an opinion that it would not and that the lot would be consistent with the other houses on the street.

The Town Attorney said that she was not asking the Board to reconsider the plan currently before it; rather, she was asking whether the Board might be flexible if further engineering and draft park layouts strongly suggested that, for park purposes, lot 2 would be better positioned at the southerly location. Some members indicated that they would definitely consider additional information of that type.

John Kuhn, head of the Recreation Park Program, said that if lots 1 and 2 were left as currently drawn, a buffer would be necessary between the park and the residences, which would take up yet more valuable land. However, he said that a buffer area is also necessary between a park area and the street, and he said that the southerly location for lot 2 would be within that unusable buffer area, leaving more land available for recreation fields.

The Town Attorney said that she wished the Board to proceed with the application before it but asked for a sense of the Board's willingness to entertain modifications if further engineering points to it. Some members again said they would welcome additional information.

Since there was no further public comment, Christine Kane closed the public hearing.

Christine Kane then reviewed the GreenPlan memo dated February 5, 2007. She also reviewed a Keane & Beane letter suggesting changes to some of the language on the plat. Finally, she reviewed an offered resolution granting conditional final approval to the subdivision plat.

Charlie Laing made a motion to adopt the resolution. David Wright seconded the motion.

Ms. Greig suggested that two conditions be added to the resolution—first, that the applicants petition for central water from Water District #1 and second, that the applicants add to the plat the language regarding lots 3 and 4 as suggested by Keane & Beane.

Sam Phelan said that the Board now had two choices. It could defer a vote and let the Rec Commission work on a layout, or it could approve the current plan and let the applicants work out the layout with the Town.

The Board generally agreed to vote on the offered resolution granting subdivision plat approval. All members present voted in favor, some adding that if modifications were found to be advantageous before all the conditions were met, the applicants could approach the Board with a revised layout and the information needed to support those revisions.

A copy of the resolution and the negative SEQR declaration are attached to, and made part of, these minutes.

**REGULAR SESSION (OLD BUSINESS)**

**Howland Davis Estate/Frances Dennie Davis – 143 Woods Road (Tivoli) – Lot Line Alteration**
Attorney Cailin Brennan was present for a discussion of an application for Lot Line Alteration to convey 0.441 acres and 2.193 acres from the approximately 58-acre Lands of the Estate of Howland Davis to the adjoining 22.7-acre Lands of Frances Dennie Davis, in the Limited Development (LD) and WC (Water Conservation) Zoning District, the National Historic Landmarks District and partly in the Certified Agricultural District.

Ms. Brennan said that the revisions to the map as requested by the Board had been made and that the requested Agricultural Data Statement had been submitted. She explained that Dennie Davis wished to have her driveway and the stream completely on her own land as well as wishing to add more river frontage.

Charlie Lang said the labeling of the two small pieces of land to be conveyed, now labeled as lot B and lot C, was misleading. He advised her that both small pieces should be labeled "area to be conveyed".

Christine Kane asked if both the Estate and Ms. Davis would consider an easement prohibiting clear cutting and building along Woods Road. She said that the Susan and Robert Davis parcel, to the north of the Estate parcel, had agreed to the placement of a conservation easement as part of the approval of a special permit in 2004 and that this easement could be extended through both of these parcels, thus preserving the woods and the scenic views along the length of the road.

Ms. Brennan said that her clients were both interested in preservation but that she could not answer for them. She said that this notion had not been suggested before tonight and that she would have to check with her clients.

Christine Kane noted that the SEQR documents had been circulated with no negative responses and that the AOSC had looked at the project and had no concerns.

The Board generally agreed to forward Ms. Brennan details of the easement required of Susan and Robert Davis. The Board also asked that the map be revised to re-label the areas to be conveyed.

The Board then set a public hearing date for 7:35 p.m. on March 5, 2007, provided that the revised map is consistent with the one reviewed by the Board.

**JAMS, LLC/Wolfson – Crestwood Road – Lot Line Alteration**
Sam and Arlene Harkins were present to discuss an application for Lot Line Alteration to convey 4.25 acres from the 16.02-acre Lands of OAOA, LLC to the adjoining 1.00-acre Lands of Wolfson, in the RD3 Zoning District and partially in the Certified Agricultural District.

Mr. Harkins said that he had not yet been able to locate a copy of the deed restrictions referenced in the approval resolution granting subdivision plat approval to the original 7-lot subdivision of the OAOA, LLC land, formerly the Fraleigh farm. He said his lawyer, among others, seemed not to have a copy and that when he called the County Clerk's office, he was told that he would have to hire a title researcher, at substantial expense, to look for it.

Mr. Harkins had, however, found a copy of the SEQR Negative Declaration, dated August 4, 2003, in which the following sentence appears under Description of Action: "Further subdivision of any of the lots, except for lot line alterations, is also to be voluntarily restricted by the Applicant". Mr. Harkins added that this sentence supported his contention that the 2003 Planning Board had agreed to allow him to change the lot lines as long has he did not create any additional lots.

Some Board members said that a sentence in a SEQR document, a sentence which had not carried over to either the approval resolution or as a note on the plat, could not be considered legally binding. They again said that a review of the complete deed restrictions would be necessary.

Some members said that even if the 2003 Board had been agreeable to lot line changes, the implication is that the changes would be made among the lots within the original subdivision, not between a lot within the subdivision and one outside it, as Mr. Harkins now proposes. Mr. Harkins said that the sentence in the SEQR document does not make that distinction.

The Board then reviewed the proposed plan. The members discussed the fact that the proposed action would create a flag lot, and they considered whether the lot line could be moved to preserve as much of the existing hay field as possible without giving the adjoining Wolfson property the 6 acres needed for subdivision in the RD3 Zone. Mr. Harkins said that Mr. Wolfson would agree to deed restrictions prohibiting further subdivision and prohibiting building on that lot. Some members asked what would prevent future lot line alterations, if this application is approved, which would eventually give the Wolfson property enough land for subdivision.

Some members noted that only the lots in the original subdivision, not the Wolfson parcel, were subject to the 2003 Planning Board's attempt to prohibit the creation of additional lots.

The members discussed the relatively weak enforceability of deed restrictions.

Christine Kane said that the note on the original subdivision plat prohibiting further subdivision and referencing the deed restrictions had not carried forward to the plat currently before the Board. She said that these notes must appear on any plat concerning any of the 7 lots created by the original subdivision.

The Board said that no further review could take place until a copy of the complete deed restrictions is found. Mr. Harkins said that he would try again and would go in person to the County Clerk's office if necessary.

**Kunzang Palchen Ling – 4330 NYS Route 9G – Amended Site Plan.**
John McIlravy was present for a discussion of an application for Amended Site Plan Approval for a Place of Worship and associated guest rooms in the RD3 Zoning District, the National Historic Landmarks District and the Scenic Overlay District.

Mr. McIlravy outlined the three requested changes: asphalt shingle roofing material instead of the previously proposed standing seam metal, which he said had become prohibitively expensive; an overhang above the double doors at the rear of the building;

and red decorative bands running horizontally along the sides of the building in substitution for red colored molding above the double hung windows.

The members agreed that the shingle roofing material would make piercing the roof for the skylights and steeple easier. The Board also found the roof over the double doors to be insignificant.

The members generally agreed, however, that the horizontal red bands made the building look longer and more institutional. They favored the original sketch dated August 12, 2005 and approved by the Planning Board September 19, 2005.

John Hardeman made a motion that, because of its limited scope, the project be determined a Type 2 action under SEQR, needing no further environmental review. Charlie Laing seconded the motion, and all members present voted in favor.

Sam Phelan then made a motion declaring that the changes proposed were not significant, that a full site plan review was not necessary, and that the Board waive a public hearing. Charlie Laing seconded the motion, and all members present voted in favor.

Since the project site was located within 500 feet of a state road, the Board referred the proposed changes to Dutchess County Planning with a request for an expedited review.

Paul Telesca made a motion to adopt a resolution approving only two of the requested changes: the roofing material and the door overhang, with a condition that Dutchess County Planning responds with a letter of no concern. Sam Phelan seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

The Board was dismayed to learn that much of the siding, with the horizontal red bands, had already been put up. The members told Mr. McIlravy that further installation must stop and that the applicant team must make the appearance of the siding conform, either by painting it or by some other means, to the drawings originally approved for the building. Mr. McIlravy need only come back to the Board if there are additional changes or if the applicants cannot find a way to change the horizontal bands and must come up with an alternate plan.

## REGULAR SESSION (NEW BUSINESS)

**Gardner Exhaust – 15 Glen Pond Rd. – Amended Site Plan**
Eric Gardner was present with an application for Amended Site Plan to construct a 4 ft. high three-rail fence on a 2.3-acre parcel in the B2 Zoning District.

Mr. Gardner explained that the fence would only extend along part of the perimeter of the lot. He said that the proposed fence would be made of PVC with 5 ½" x 5 ½" posts. He said that he had discussed with the Building Inspector the fact that the fence must be set back from the property line far enough so that mowing and other maintenance can occur without encroaching on the adjoining parcel.

The Board determined the project to be an Unlisted Action under SEQR. Charlie Laing made a motion to establish the Board as Lead Agency for the SEQR review. Paul Telesca seconded the motion, and all members present voted in favor.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2.

Since there were no involved or interested agencies, the Board reviewed an offered negative SEQR declaration. Charlie Laing made a motion to adopt that negative declaration. Paul Telesca seconded the motion, and all members present voted in favor.

Charlie Laing then made a motion declaring that the changes proposed were not significant, that a full site plan review was not necessary, and that the Board waive a public hearing. John Hardeman seconded the motion, and all members present voted in favor.

Since the project site was located within 500 feet of the Red Hook Village boundary, the Board referred the proposed changes to Dutchess County Planning with a request for an expedited review.

Sam Phelan made a motion to adopt an offered resolution approving the Amended Site Plan, with the condition that Dutchess County Planning responds to the referral with a letter of no concern. Charlie Laing seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

**Nathan Kalina – Kalina & Overlook Drives – Subdivision Plat**
Tim Ross, P.E. and Nathan Kalina were present with an application for Major Subdivision Plat (sketch plan) Approval to create 10 residential building lots ranging from 0.39 acres to 9.84 acres from a 15.76-acre parcel in the R1.5 Zoning District.

Mr. Ross explained the project, emphasizing the changes that had been made since he had last appeared before the Board with a conceptual sketch plan for fewer lots. He said that a small proposed road extension shown on the map would be dedicated to the Town.

The Board asked Mr. Ross if the wetlands had been flagged. He said yes. The Board asked for a letter from DEC approving the wetland delineation. The Board also urged him to contact the Natural Heritage Program asking about potential endangered species habitat. Mr. Ross agreed that both the wetland and a protected habitat could potentially affect the layout of the lots.

The Board and the applicant agreed that sufficient land had been preserved for open space under the cluster regulations.

Mr. Kalina said that a portion of the land was currently being hayed twice a year and that the adjoining parcel, which he owns, contains barns and other agricultural buildings and equipment.

The Board asked whether the building envelope now shown along Middle Road could be moved closer to the proposed cluster on Overlook Road. There was a discussion about which location was better. The Board asked about the soils along Middle Road. Mr.

Kalina said that in the past he had taken shale out of that area. Mr. Ross agreed to check the soils in that area and to consult with Craig Vogel or a similar soils expert.

Mr. Ross agreed to submit a corrected EAF.

Christine Kane complimented the applicants on the improvement in their plan.

## OTHER BUSINESS

**Recreation fee**
Christine Kane said that she had spoken to Matt Brower of the New York State Agriculture and Markets Bureau regarding the question about imposing a recreation fee on land remaining in the Certified Agricultural District after subdivision, specifically, the recently approved Hansen subdivision. She then read a letter written by Mr. Brower as a follow-up to their telephone conversation.

The Board generally agreed with Mr. Brower's contention that in order to qualify for an exemption of any fee under the Ag and Markets law, a parcel should meet the specific criteria for "agricultural production within an agricultural district." He suggested that if a parcel qualified for and was receiving an agricultural value assessment, it would meet the criteria. He also said that the presence of woody vegetation "would be an indication that the land was no longer being used for agricultural production".

Some members of the Board wished to consult Keane & Beane before rendering a final decision. Christine Kane said she would refer the question.

**Take home**
Each member was given a packet of information for the proposed Meadowbrook Estates, which would appear on the February 12, 2007 agenda. Christine Kane said that since no application had been submitted and no escrow account had been set up in advance of the conceptual sketch conference, Planner Michele Greig would not be given the plan for a professional review. Due to the complexity of the plan, however, the members agreed to look at the materials before the meeting.

## ADJOURNMENT

Since there was no further business to come before the Board, David Wright made a motion to adjourn. Charlie Laing seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:28 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant clerk to the Board

**Attachments**
Negative SEQR declaration for Linden West subdivision
Resolution granting subdivision plat approval to Linden West
Resolution granting amended site plan to Kunzang Palchen Ling.
Negative SEQR declaration for Gardner Exhaust amended site plan
Resolution granting amended site plan to Gardner Exhaust

**617.7**
**State Environmental Quality Review (SEQR)**

# Negative Declaration

Notice of Determination of Non-Significance

**Date of Adoption:** February 5, 2007

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Linden West Subdivision

**SEQR Status:** Type I ☐
Unlisted ☑

**Conditioned Negative Declaration:** ☐ YES
☑ NO

**Description of Action:** The applicant proposes to subdivide a ±119.6 acre parcel of land located in the R1.5 Zoning District into four (4) residential building lots ±1.09 acres, ±1.75 acres, ±27.75 acres, and ±89 acres in size. The lots be served by community water and individual septic systems and will be accessed from Linden Avenue and Aspinwall Road.

**Location:** Linden Avenue, Town of Red Hook, Dutchess County New York

**Reasons Supporting This Determination:**

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated January 5, 2006, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The project site is located within a NYS certified Agricultural District and contains prime agricultural soils and soils of statewide importance. It is therefore subject to the Town of Red Hook's Important Farmlands Law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. An Agricultural Data Statement dated January 5, 2006 was

prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. Proposed development of the parcel has been clustered to locate new homes adjacent to existing homes and to minimize impacts to agricultural lands. The remaining agricultural soils on the property will be permanently protected by a conservation easement. The Planning Board has determined that no impacts to agricultural lands will occur as a result of the action.

4. Federal jurisdictional wetlands are located on site. No filling or disturbance to wetlands will occur. Therefore no impacts to wetlands are anticipated.

5. The action which is being considered for approval is the action described at the beginning of this Negative Declaration. During the course of the SEQR evaluation, the Planning Board evaluated potential future development on the remaining lands of proposed Lot 4 to the extent practicable, in light of the lack of certainty about those plans. However, the Planning Board is granting no approvals relating to future development of these lands. Any future development of such property will be subject to a full and comprehensive environmental review under SEQR in the light of then-present circumstances. While information developed in the course of this SEQR proceeding may be helpful for the Planning Board, it does not bind the Planning Board, nor foreclose future analysis that the Board may require at the time any future development is proposed. The Planning Board has determined that its decision to consider the proposed action as stated herein does not constitute impermissible segmentation, and further determines that the chosen method of review is as protective of the environment as any other approach would have been, and most likely more protective of the environment, since it allows further examination at a time when future plans are actually developed.

**For Further Information:**

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|---|---|
| Contact Person: | Paula Schoonmaker, Planning Board Deputy Clerk |
| Address: | 7340 South Broadway<br>Red Hook, NY 12571 |
| Telephone: | 845-758-4613 |

**A Copy of this Notice Filed With:**

Town of Red Hook Planning Board (Lead Agency)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Town of Red Hook Water Board

Dutchess County Department of Public Works

Dutchess County Department of Health

New York State Department of Environmental Conservation

**Resolution Granting Final Subdivision Plat Approval to**

# Linden West Subdivision

**Name of Project:** Linden West Subdivision

**Name of Applicant:** Salvatore Leone and Frank Migliorelli

**Date:** February 5, 2007

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated January 23, 2007 to the Town of Red Hook Planning Board to subdivide a ± 119.6 acre parcel of land (Tax Map Parcel No. 15-6273-00-084241 and 15-6273-00-946326) into four (4) residential building lots ± 1.09 acres, ± 1.75 acres, ± 27.75 acres and ± 89 acres in size; and

**Whereas**, the subject parcel is located on Linden Avenue in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a Final Subdivision Plat prepared by Mark R. Graminski P.E. and L.S. dated January 24, 2007 and revised January 23, 2007; and

**Whereas,** the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 5, 2006, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

**Whereas,** the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47 of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

**Whereas,** the Planning Board declared its intent to be Lead Agency for the proposed action pursuant to SEQR and duly circulated to all Involved Agencies on February 27, 2006, and was designated the Lead Agency on March 27, 2006; and

**Whereas,** on February 5, 2007, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated January 5, 2006 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas,** on February 5, 2007, the Planning Board conducted a public hearing on the Final Plat application, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board now wishes to grant Final Subdivision Plat approval to Salvatore Leone and Frank Migliorelli to subdivide a ± 119.6 acre parcel of land located on Linden Avenue into four (4) residential building lots ranging in size from ± 1.09 acres to ± 89 acres.

**Now therefore be it resolved,** that the Planning Board grants Final Subdivision Plat approval to Salvatore Leone and Frank Migliorelli to subdivide a ± 119.6 acre parcel of land located on Linden Avenue into four (4) residential building lots ± 1.09 acres, ± 1.75 acres, ± 27.75 acres, and ± 89 acres in size in accordance with the plans and specifications heretofore submitted upon the following conditions:

A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
B. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
C. That the applicant deletes the non-realty subdivision signature block on the plat and substitutes in lieu thereof a signature block for the Dutchess County Health Department, and obtains approvals from DOH for the proposed septic disposal system locations and the proposed connections to a community water system.
D. That the applicant delineates on the plat with metes and bounds the area proposed to be under conservation easement on Lot 3.
E. That the applicant submits the conservation easement for Lot 3 in final form acceptable to the Planning Board, and files the easement in the Dutchess County Clerk's Office.
F. That the Final Plat references the filing date and document number for the conservation easement filed with the Dutchess County Clerk's Office.
G. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board.
H. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
I. That the applicant successfully petitions the Town Board for extension of Water District #1 to serve the proposed lots.
J. That the applicant amends the notes on the plat in accordance with the recommendations of the Attorney to the Planning Board in correspondence dated November 30, 2006 for Lot 3 and Lot 4.
K. That the applicant amends the note on Lot #4 to include the date of the Farmland Protection Plan.
L. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.

M. Payment of recreation fee to the Town of Red Hook.
N. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
O. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

On a motion by Charles Laing, seconded by David Wright,

Roll Call Vote:

| | |
|---|---|
| Chairwoman Christine Kane | Yes |
| Member Jennifer Fier | Absent |
| Member John Hardeman | Yes |
| Member Charles Laing | Yes |
| Member Sam Phelan | Yes |
| Member Paul Telesca | Yes |
| Member David Wright | Yes |

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

_____ _____

Paula Schoonmaker, Assistant Clerk to the Board Date

**Town of Red Hook Planning Board**
**Resolution Granting Amended Site Plan Approval in the Matter of Kunzang Palchen Ling at 4330 NYS Rte. 9G in the RD3 Zoning District, the Scenic Overlay District and the National Historic Landmarks District**

February 5, 2007

Motion made by Member Paul Telesca

Seconded by Member Sam Phelan

**Whereas,** the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Kunzang Palchen Ling for modification of the roof and the doorway overhang of a Place of Worship in the RD 3 Zoning District, the National Historic Landmarks District and the Scenic Overlay District; and

**Whereas,** the ± 5.23-acre parcel is located at 4330 NYS Rte. 9G in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the proposed action requires Amended Site Plan Approval pursuant to the Town of Red Hook District Schedule of Use Regulations; and

**Whereas,** the Planning Board reviewed the application for Amended Site Plan approval dated January 31, 2007 and illustrations of the proposed modifications; and

**Whereas,** the Planning Board reviewed an Environmental Assessment Form dated February 2, 2007, classified the project as a Type 2 Action under SEQR and determined that no further SEQR review was required; and

**Whereas,** the Planning Board determined that the project was limited in scope and, as allowed under Section 143-114C(1) of the Zoning Code, administratively determined that the project required no Public Hearing or further review;

**Now therefore be it resolved,** that the Planning Board approves the Amendment to the Site Plan as depicted in the referenced drawings and authorizes the Chair to stamp and sign these drawings upon the applicant's satisfaction of each of the below conditions within the next six (6) calendar months:

a. Letter 'no concern' from Dutchess County Department of Planning and Development

b. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

Roll Call Vote:

| | |
|---|---|
| Member Jennifer Fier | absent |
| Member John Hardeman | yes |
| Member Charles Laing | yes |
| Member Sam Phelan | yes |
| Member Paul Telesca | yes |
| Member David Wright | yes |
| Chair Christine Kane | yes |

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

_____ _____

Paula Schoonmaker, Assistant Clerk to the Board Date

**State Environmental Quality Review (SEQR)**

## Negative Declaration

Notice of Determination of Non-Significance

**Date of Adoption:** February 5, 2007

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Gardner Exhaust Amended Site Plan

**SEQR Status:** Type I ☐
Unlisted ☑

**Conditioned Negative Declaration:** ☐ YES
☑ NO

**Description of Action:** The applicant proposes to install a three-rail horse fence along south side and along approximately 126.4 ft. of the east side of a 2.3-acre parcel in the B-2 Zoning District

**Location:** 15 Glen Pond Road, Town of Red Hook, Dutchess County NY

**Reasons Supporting This Determination:**

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated January 19, 2007 the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

**For Further Information:**

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

**A Copy of this Notice Filed With:**

Town of Red Hook Planning Board (Lead Agency)
Marirose Blum Bump, Town Supervisor
Town of Red Hook Town Board
Eric Gardner (applicant)

**Town of Red Hook Planning Board**
**Resolution Granting Amended Site Plan Approval in the Matter of Eric Gardner/ Gardner Exhaust at 15 Glen Pond Road in the B2 District**

February 5, 2007

Motion made by Member Sam Phelan

Seconded by Member Charles Laing

**Whereas,** the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Eric Gardner for the installation of a three-rail horse fence along the south side and along approximately 126.4 ft. of the east side of the parcel in the B-2 District; and

**Whereas,** the ± 2.3-acre parcel is located at 15 Glen Pond Road in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the proposed action requires Amended Site Plan Approval pursuant to the Town of Red Hook District Schedule of Use Regulations; and

**Whereas,** the Planning Board reviewed the application for Amended Site Plan approval dated January 19, 2007, a Site Plan (undated), and illustrations of the proposed fence; and

**Whereas,** the Planning Board classified the project as a Unlisted Action under SEQR, and after reviewing a short Environmental Assessment Form dated January 19, 2007, the Board determined that the environmental effects would not exceed any of the Criteria for Determining Significance found in 6NYCRR617.7(c) and issued a Negative SEQR Declaration on February 5, 2007; and

**Whereas,** the Planning Board determined that the project was limited in scope and, as allowed under Section 143-114C(1) of the Zoning Code, administratively determined that the project required no Public Hearing or further review;

**Now therefore be it resolved,** that the Planning Board approves the Amendment to the Site Plan as depicted in the referenced drawings and authorizes the Chair to stamp and sign these drawings upon the applicant's satisfaction of each of the below conditions within the next six (6) calendar months:

a. Letter of 'no concern' from Dutchess County Planning

a. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

Roll Call Vote:

| | |
|---|---|
| Member Jennifer Fier | absent |
| Member John Hardeman | yes |
| Member Charles Laing | yes |
| Member Sam Phelan | yes |
| Member Paul Telesca | yes |
| Member David Wright | yes |
| Chair Christine Kane | yes |

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

_____ _____

Paula Schoonmaker, Assistant Clerk to the Board Date