

## **APPROVED**

### **Town of Red Hook Planning Board Meeting Minutes June 18, 2007**

#### **CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:38 p.m. and a quorum determined present for the conduct of business.

Members present — Charles Laing, Sam Phelan, David Wright, Paul Telesca and Chair Christine Kane. John Hardeman was absent. Planner Michele Greig was also present.

#### **BUSINESS SESSION**

Christine Kane said that the applicants from Kesicke Farm had requested that the public hearing for that project be continued to July 2, 2007.

Christine Kane announced that the Dutchess County Planning Federation was offering planning classes on July 12, 2007 at the FDR library in Hyde Park. She also announced a GIS conference to be held in Albany on October 1 and 2, 2007. She said members should contact the clerk if they wished to attend either of these classes.

The June 4, 2007 draft minutes had been sent to the members and reviewed. There was one correction. The Board generally agreed that on page 4, paragraph 4, Sam “Harkins” should be changed to Sam “Phelan”. Sam Phelan made a motion to approve these revised minutes. Charlie Laing seconded the motion, and all members present voted in favor.

#### **PUBLIC HEARINGS**

##### **Roger Hoffman – 19 and 25 Old Farm Road – Lot Line Alteration**

Marie Welch, L.S., was present for the public hearing on an application for Lot Line Alteration approval to convey 0.187 acres from a 1.187-acre parcel to the adjoining 9.833-acre parcel, all lands owned by Roger Hoffman, partly in the B1 Zoning District, partly in the R1 Zoning District and in the Certified Agricultural District.

Christine Kane read the public hearing notice that appeared June 12, 2007 in the Kingston Daily Freeman. The Board generally agreed to adopt a draft negative SEQR declaration.

Marie Welch explained the project to the public and the Board. She said that the applicant’s primary goal was to gain more road frontage for his larger parcel.

Christine Kane then opened the hearing for public comment.

Kathy Stoppenbach, 96 Rokeby Rd., asked about the purpose of such a small transfer piece. She asked whether this piece of land would become zoned “Residential” or “Business”, since the zoning boundary line bisected it. Ms. Welch said that the boundary line would still run through that land and that the applicants were not proposing a change in zoning.

Ms. Welch calculated the road frontage for the larger parcel would be approximately 126 ft. after the action.

Ms. Stoppenbach asked whether this amount of frontage would allow a road to be installed leading into a development. Ms. Welch said no, that this road frontage would allow at most one additional lot.

Ms. Welch went on to say that in the future, the applicant might wish to subdivide off a lot containing his son's auto repair business but that because several variances would be needed and because some "swap parcels", agreed to at the time of the original subdivision, had not been completed, that project had been deferred. The applicant was only requesting the lot line alteration at the present time.

The Board reviewed a referral response from the Agriculture and Open Space Advisory Committee. That Committee found the site to be appropriate for commercial development and recommended approval.

Frank Stoppenbach, 96 Rokeby Rd., wondered whether increasing the larger parcel to exceed ten (10) acres would open up the possibility for additional types of development. Christine Kane said that some special permit uses might be possible with ten (10) acres.

Ms. Stoppenbach asked what kind of special permit uses. Christine Kane and Planner Michele Greig reviewed the zoning regulations and found that a ten (10) acre minimum was specified for nursing homes in the R1 district.

Mr. Stoppenbach said that when the first business was allowed in that area, he had become worried about increased commercial development and that he was now increasingly concerned.

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

Ms. Stoppenbach said she wished to make sure the minutes showed that she had asked whether the larger parcel would become zoned commercial because of this action and had been told no, it would not. Christine Kane said that her statement would be duly noted.

Sam Phelan made a motion to issue a negative SEQR declaration for the project. Charlie Laing seconded the motion, and all members present voted in favor.

Since there was no further public comment, David Wright made a motion to close the public hearing. Charlie Laing seconded the motion and all members present voted in favor. Christine Kane closed the public hearing.

Paul Telesca then made a motion to adopt an offered resolution granting approval to the lot line alteration. Charlie Laing seconded the motion, and all members present voted in favor. Copies of the SEQR declaration and the approval resolution are attached to, and made part of, these minutes.

**Red Hook Auto/ Peter and Joseph Scibelli – 151 Route 199 – Amended Site Plan**

Peter Scibelli was present for the public hearing on an application for Amended Site Plan Approval to construct a 600 sq. ft. addition to an existing auto repair garage on a 0.41-acre lot in the R1.5 Zoning District.

Christine Kane read the public hearing notice that appeared June 12, 2007 in the Kingston Daily Freeman.

The Board reviewed the three variances granted by the Zoning Board of Appeals at its meeting on June 13, 2007.

Mr. Scibelli explained the project to the public and to the Board.

Christine Kane then opened the public hearing. There was no public comment.

The Board and the applicant then reviewed comments from Dutchess County Planning about landscaping and curbing. Mr. Scibelli said that he and his brother had planted trees on the adjoining parcel to provide visual screening for the neighbors but that those trees had not appeared on the site plan because they had not been installed on the Scibelli property. Mr. Scibelli went on to say that the plants along NYS Route 9 had been recommended because of their tolerance for salt and that he would continue those plantings along Route 9 to enhance the new addition. He said that he and his brother had wanted to install curbing around those landscaping islands to prevent their mulch from being washed away but that NYS Department of Transportation had told them not to install curbing because of the traffic speed at that location and the possibility of an accident becoming more serious because of it. The Board asked Mr. Scibelli to submit a copy of DOT's note to that effect if possible.

Since there was no comment from the public, Sam Phelan made a motion to close the public hearing. Paul Telesca seconded the motion, and all members present voted in favor. Christine Kane closed the public hearing.

The Board then reviewed an offered resolution granting approval to the amended site plan. It added the following conditions: that the trees on the neighboring property be added to the drawing, that the proposed new plantings along NYS Route 9 be added to the drawing, that the square footage of the new addition be corrected on the drawing to read "600 sq. ft.", and that a note be added to the drawing stating that lights will be turned off after 6 p.m. unless the applicants bring those lights into compliance with the Town's exterior lighting regulations.

Charlie Laing made a motion to adopt the revised resolution. David Wright seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

**James & Mary Belliveau – 144 Starbarrack Road – Subdivision Plat**

Marie Welch, L.S., was present for the public hearing on an application for Subdivision Plat Approval to create two (2) residential building lots of 5.395 acres and 5.001 acres, with a 0.025 quit claim to the adjoining landowner, all from a 10.421-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Christine Kane read the public hearing notice that appeared June 12, 2007 in the Kingston Daily Freeman.

Ms. Welch explained the project to the public and to the Board. She said that the "quit claim" was the result of a deed overlap and that Mr. Belliveau would relinquish all rights to the land in question to Mr. Dondero, owner of the adjoining parcel.

Ms. Welch said that she had added a note to the plat stating that no house shall be built without Health Department approval. She also said that the engineer had not yet submitted the results of his tests for soils contaminants. She said that the proposed house sites were on ledges but that the locations for the wells had not yet been determined.

Ms. Welch said that the Highway Superintendent had said that the curb cut for an old farm road had better sight distance than the curb cut previously proposed, so the farm road would become the shared driveway. She said she would submit a letter from the Highway Superintendent to that effect.

The Board and Ms. Welch discussed the possibility of increasing the road frontage for the flag lot but agreed that there was no real advantage in doing so.

Christine Kane then opened the public hearing. There was no comment from the public.

The Board and Ms. Welch discussed possible house sites on each proposed lot.

The Board then reviewed an offered negative SEQR declaration. Ms. Greig suggested that a requirement for soil testing within a 50 ft. radius of the house sites be added in point 4. Sam Phelan made a motion to adopt the revised neg dec. Paul Telesca seconded the motion, and all members present voted in favor.

Charlie Laing made a motion to close the public hearing. David Wright seconded the motion, and all members present voted in favor. Christine Kane closed the hearing.

The Board then added several conditions to an offered resolution granting the subdivision plat approval. These conditions included the submission of a shared driveway use and maintenance agreement, the submission of a letter from the Highway Superintendent, and a note on the plat requiring proposed lots 3A and 3B to share a driveway. Charlie Laing made a motion to adopt the revised resolution. Sam Phelan seconded the motion, and all members present voted in favor. Copies of the SEQR declaration and the approval resolution are attached to, and made part of, these minutes.

#### **Michael Cobb- Guski Road – Lot Line Alteration**

Marie Welch, L.S., was present for the public hearing on an application for Lot Line Alteration to convey 1.225 acres from the northerly 3.490-acre Lands of Cobb to the southerly 5.425 Lands of Cobb and to convey 0.737 acres from the southerly Lands of Cobb to the northerly Lands of Cobb, all in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared June 12, 2007 in the Kingston Daily Freeman.

Ms. Welch explained the project to the public and to the Board.

Christine Kane then opened the public hearing. There was no public comment.

The Board reviewed an offered negative SEQR declaration and generally agreed to add a paragraph stating that there was a DEC wetland on both lots but that no development

was proposed within that wetland or within the 100 ft. buffer, resulting in no significant environmental impacts on wetlands. Charlie Laing made a motion to adopt the revised neg dec. Sam Phelan seconded the motion, and all members present voted in favor.

Since there was no comment from the public, Paul Telesca made a motion to close the public hearing. David Wright seconded the motion, and all members present voted in favor. Christine Kane then closed the public hearing.

The Board then reviewed an offered resolution granting subdivision plat approval. The Board generally agreed to add a condition requiring the Agriculture and Markets notation on the plat. Paul Telesca made a motion to adopt the revised resolution. Charlie Laing seconded the motion, and all members present voted in favor. Copies of the SEQR declaration and the approval resolution are attached to, and made part of, these minutes.

### **Vosburgh/ Kesicke Farm – Middle Road & Rokeby Road – Lot Line Alterations**

Paul Telesca made a motion to continue this public hearing to July 2, 2007. Charlie Laing seconded the motion, and all members present voted in favor.

### **REGULAR SESSION (OLD BUSINESS)**

#### **Ulster Savings Bank – 7296 South Broadway – Site Plan**

Terry Dodd and architect Patrick Roberts were present for a discussion of an application for Site Plan Approval to establish a 4,235 sq. ft., one-story bank with associated drive up facilities, site improvements and landscaping, on a 1.604-acre parcel in the B2 Zoning District.

Mr. Roberts said that at its meeting on June 13, 2007, the ZBA had clarified its variance findings regarding the 25 ft. frontyard setback from Metzger Road.

Referring to her memo, Ms. Greig suggested that the applicants install larger trees than those shown on the landscaping plans, which she said tended to be smaller and more decorative. She said that taller, canopied trees tended to slow traffic and provide shade to the sidewalk and the street. Mr. Roberts said that he had chosen trees from the list of appropriate street trees provided by the Conservation Advisory Committee. Ms. Greig said that even though overhead utility lines were present along Metzger Road, taller trees could be chosen. Since there were no utility lines along Route 9, she said that still taller trees could be installed, eventually producing the canopied effect desired for the Traditional Neighborhood Design. Red maples were suggested. Ms. Greig also said that the applicants should submit a detail sheet showing how existing trees will be protected during the bank's construction. The applicants agreed to mark the trees that will be saved.

Addressing lighting, Mr. Roberts said that fully shielded soffit lighting was planned above the windows during the winter during hours of operation. He said the planned bank sign on the side of the building would be back-lit with LED lighting, similar to the sign on the Ulster Savings Bank at the corner of Schwenk Rd. and Washington Ave. in Kingston and on the Terrapin Restaurant in Rhinebeck. Members were urged to visit those buildings.

Asked about the light poles, Mr. Roberts said that the 12'6" height included a 3' concrete pedestal. Ms. Greig said that some of the lighting levels shown were in excess of those

permitted by Town's outdoor lighting regulations. Mr. Roberts said he would consult with his lighting engineer. He also said that he would submit cut sheets of proposed lighting. Finally, the applicants agreed to add two notes to the site plan: one requiring down-lit lights at the ATM and a second requiring that all non-essential lighting be turned off while the business is closed.

The Board then referred these plans to Dutchess County Planning and also to the Town Engineer for their review and comments.

The Board also set a public hearing date for July 16, 2007.

### **REGULAR SESSION (NEW BUSINESS)**

#### **Agra Gate Farm, LLC/James & Sonia Crane – 151 Stony Brook Rd. (Tivoli) – Lot Line Alteration**

Jim Crane was present with an application for Lot Line Alteration to convey a total of approximately 7.0 acres from the 131.2-acre lands of Agra Gate Farm, LLC to the adjoining 5.02 "Lands of Crane" in the LD (Limited Development) Zoning District, the National Historic Landmarks District and the Certified Agricultural District.

Mr. Crane explained that for some time he had been negotiating with Scenic Hudson for inclusion in the Purchase of Development Rights program, which would encompass over 100 acres of his farmland and open space. He said that an approximately 5-acre building area would be reserved within that land for a farmstead, which was required by Scenic Hudson. He said that he wished to make the remaining acreage, which included his present 5-acre lot and approximately 7 additional acres, into his homestead. He said that looking possibly 20 years into the future, he would like possibly a small, clustered lot or additional small house near the pasture for his use in retirement. For now, however, the requested lot line alteration would simply increase his existing house lot.

The Board discussed how in the future Mr. Crane might implement his plan for a retirement house. The Board agreed to look at Special Permits. Michele Greig said that the AOSC and other Town committees were also looking for ways to create exactly this type of housing on active farms.

The Board discussed the fact that the subdivision of Mr. Crane's house lot from the farm several years ago was his one lot exception under the farm law. This additional action would require a Farmland Protection Plan. The Board agreed that the applicant could submit his PDR map as his Farmland Protection Plan.

The Board determined the project to be a Type 1 action under SEQRA because of the parcel's location within the National Historic Landmarks District. Charlie Laing made a motion to establish the Board as lead agency for the SEQRA review. Paul Telesca seconded the motion, and all members present voted in favor. There were no involved agencies, but the project will be sent as a courtesy to Hudson River Heritage and the NYS Office of Parks, Recreation and Historic Preservation.

The Board requested that the applicant provide a Farmland Protection Plan, locate his desired future house site, and add topographic contour lines, the appropriate legends, and the Ag and Markets notice to the plat.

**Red Hook Estates, LLC/Gordon Taylor – Route 9G – Conceptual sketch plan**

Darin Dekoskie was present to discuss a concept plan to subdivide an approximately 13.45-acre lot into four (4) residential building lots ranging from approximately 3.03 acres to 3.72 acres, in the RD3 Zoning District and the National Historic Landmarks District.

Mr. Dekoskie said that he had checked with the Fish and Wildlife Service about possible endangered species habitat in that area and would submit that agency's letter saying that none had been found. He also said he still needed to do soil testing and that the applicant had decided to do a full Phase 1 archaeological study.

He went on to say that there would be one shared driveway for all four lots and that the NYS DOT had said there were no sight distance concerns at the curb cut.

Addressing environmental issues, he said that the federal wetland had been flagged and that there was an intermittent stream and vernal pool on the parcel. He also said that there were some shagbark hickory trees which would be located and protected.

The Board discussed house sites, recommending that they all be pulled back and tucked behind the ridge both to protect the scenic quality of Rte 9G and to protect the homeowner from road noise.

The applicant was advised that his next step would be to submit a subdivision application and EAF and to set up an escrow account. Ms. Greig said that she advised an independent third-party verification of the wetlands and a check with the Natural Heritage Program for endangered species habitats.

**ADJOURNMENT**

Since there was no further business to come before the Board, Charlie Laing made a motion to adjourn. David Wright seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Paula Schoonmaker  
Ass't clerk

**Attachments**

Negative SEQR declaration for the Roger Hoffman Lot Line Alteration  
Resolution granting approval to the Roger Hoffman Lot Line Alteration  
Resolution granting Amended Site Plan approval to Red Hook Auto  
Negative SEQR declaration for the James Belliveau Subdivision  
Resolution granting Subdivision Plat Approval to James Belliveau  
Negative SEQR declaration for the Michael Cobb Lot Line Alteration  
Resolution granting approval to the Michael Cobb Lot Line Alteration

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 18, 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: Roger Hoffman Lot Line Alteration

SEQR Status: Type I [ ]
Unlisted [x]

Conditioned Negative Declaration: [ ] YES
[x] NO

Description of Action: The applicant proposes to convey a 0.187-acre portion of an approximately 1.187-acre parcel to the approximately 9.833-acre adjoining parcel, all owned by Roger Hoffman.

Location: 19 and 25 Old Farm 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 April 27, 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).
3. The project site is located within a certified agricultural district, contains prime agricultural soils and is subject to the Town of Red Hook's Important Farmlands Law. An Agricultural Data Statement 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 forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. The Planning Board considered comments on the Agricultural Data Statement and reviewed responses from the Agricultural and Open Space Advisory Committee. The site is also located in a business and residential area, and there is no further development proposed at this time. There will therefore be no significant adverse environmental impacts on agricultural resources.

4. The project site is located on a designated scenic road. Since there will be no further proposed development at this time there will be no significant adverse environmental impacts on scenic resources.

**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

Roger Hoffman (applicant)

## Resolution Granting Subdivision Plat/Lot Line Alteration Approval to Roger Hoffman

**Name of Project:** Hoffman Lot Line Alteration

**Name of Applicant:** Roger Hoffman

**Date:** June 18, 2007

**Whereas,** the applicant has submitted an application for Lot Line Alteration approval dated April 27, 2007 to the Town of Red Hook Planning Board to convey approximately 0.187 acres from the approximately 1.187-acre “Lands of Hoffman” to the adjoining approximately 9.833-acre parcel, also owned by Roger Hoffman; and

**Whereas,** the subject parcel is located at 19 Old Farm Road partly in the B1 Zoning District, partly in the R1 Zoning District, and partly in the Certified Agricultural District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a Subdivision plat prepared by Marie Welch, titled “Amendment to F.M. No. 9147, Lot Line Alteration prepared for Roger Hoffman”, dated April 26, 2007 and revised to June 15, 2007; and

**Whereas,** on May 21, 2007 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA; and

**Whereas,** the parcels are partially located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated April 26, 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(4) of the Town’s Zoning Law and the Planning Board duly forwarded the application both to the Town’s Agricultural and Open Space Advisory Committee and for its review; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement and reviewed the response from the Agricultural and Open Space Advisory Committee; and

**Whereas,** on June 18, 2007, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) 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 June 18, 2007, the Planning Board conducted a public hearing on the Lot Line application, at which time all interested persons were given the opportunity to speak;

**Now therefore be it resolved**, that the Planning Board approves the Application for Subdivision Plat/Lot Line Alteration Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
2. 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 stamps and signatures.
3. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
4. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
5. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the subdivided portions of the 'Land of Hoffman' would be merged with the adjacent 'Land of Hoffman'.

On a motion by Paul Telesca, seconded by Charles Laing

Roll Call Vote:

Chairwoman Christine Kane	yes
Member John Hardeman	absent
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 Red Hook  
Auto Sales and Repair at 151 NYS Route 9 in the R1.5 Zoning District**

June 18, 2007

Motion made by Member Charles Laing

Seconded by Member David Wright

**Whereas**, the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Peter and Joseph Scibelli/Red Hook Auto Sales and Repair for the construction of an approximately 600 sq. ft. addition to an existing building in the R1.5 Zoning District; and

**Whereas**, the ± 0.41-acre parcel is located at 151 NYS Route 9 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 March 24, 2007 and a Site Plan (undated); and

**Whereas**, the Planning Board reviewed variances granted by the Zoning Board of Appeals on June 13, 2007, giving relief from the rear setback, from the maximum expansion of a non-conforming use, and from the maximum building coverage; and

**Whereas**, on May 7, 2007, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus issued a draft Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas**, the Planning Board reviewed comments from the Dutchess County Office of Planning and Development, dated May 21, 2007; and

**Whereas**, a public hearing was held June 18, 2007;

**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. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
- b. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.
- c. Submission of drawing with the following revisions: correct the note on the drawing referencing the square footage of the proposed addition to "600 sq. ft.", add the proposed landscaping near NYS Rte. 9, add the existing landscaping on the adjoining (Streeter) parcel that acts as a visual buffer, and add a note advising that there will be no lighting after 6 p.m. unless such lighting is brought into compliance with the Town's exterior lighting regulations.

Roll Call Vote:

Member John Hardeman	absent
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

617.7

State Environmental Quality Review (SEQR)  
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 18, 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: James Belliveau Subdivision

SEQR Status: Type I   
Unlisted

Conditioned Negative Declaration:  YES  
 NO

Description of Action: The applicant proposes to subdivide a ± 10.421-acre parcel of land located in the RD3 Zoning District into two (2) residential building lots of ± 5.395, acres and ± 5.001 acres in size. The lots be served by individual wells and septic systems and will be accessed from Starbarrack Road.

Location: Starbarrack Road, 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 April 27, 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).
3. The project site is located within a New York State certified Agricultural District. An Agricultural Data Statement was prepared by the applicant and

forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel, and the Planning Board considered comments on the Agricultural Data Statement. The site does not contain any prime agricultural soils or soils of statewide importance. Neither of the proposed new lots will be located adjacent to, or in close proximity of, other lands in agricultural production; the proposed action will therefore not create a land use conflict that would be detrimental to existing or potential agricultural uses in the vicinity. Based on the above, the Planning Board has determined that no significant adverse environmental impacts to agricultural resources are anticipated.

4. The proposed action has the potential to affect public health and safety due to the potential presence of on-site soils that may be contaminated with pesticides applied during the previous orchard land use. The applicant will collect soil samples at several locations on-site under existing fruit trees, within a 50 ft. radius of proposed house sites and in areas where chemical mixing may have occurred and will analyze such soils to determine the presence of any residues of DDT metabolites, endrin and its metabolites, lead arsenic chromium, cadmium, zinc, Benomyl and any other pesticides of concern from the former orchard land use. Sampling methods will follow New York State Department of Health (NYSDOH) guidelines. If on-site soils are determined to be contaminated, the applicant will consult with NYSDOH and will remediate the contaminated soils in accordance with the DOH's recommendations. The Planning Board has determined that these measures will mitigate potential impacts to public health and safety and no additional mitigation is required.

**For Further Information:**

Contact Person: Betty Mae Van Parys, 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

Town of Red Hook Building Department

James Belliveau (applicant)

## **Resolution Granting Final Subdivision Plat Approval to Belliveau Subdivision**

**Name of Project:** Belliveau Subdivision

**Name of Applicant:** James and Mary Belliveau

**Date:** June 18, 2007

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated April 27, 2007 to the Town of Red Hook Planning Board to subdivide a  $\pm$  10.421-acre parcel of land (Tax Map Parcel No. 15-6374-00-549121) into two (2) residential building lots  $\pm$  5.001 acres and  $\pm$  5.395 acres, with a 0.025-acre quit claim area to be conveyed to the adjoining "Land of Dondero"; and

**Whereas,** the subject parcel is located on Starbarrack Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a Final Subdivision Plat prepared by Marie Welch, L.S. dated January 9, 2007 and revised to June 18, 2007; and

**Whereas,** the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated April 27, 2007, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

**Whereas,** the parcel does not contain either prime soils or soils of statewide importance, and the application is not subject to the Town's Important Farmlands requirements as enumerated in of §143-47 of the Town's Zoning Law; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement; and

**Whereas,** on May 21, 2007 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA; and

**Whereas,** on June 18, 2007, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) 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 June 18, 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 James and Mary Belliveau to subdivide a  $\pm$  10.421 acre parcel of land located on Starbarrack Road into two (2) residential building lots of 5.001 acres and  $\pm$  5.395 acres in size, with a 0.025 acre quit claim area to be conveyed to the adjoining “Land of Dondero”

**Now therefore be it resolved,** that the Planning Board grants Final Subdivision Plat approval to James and Mary Belliveau to subdivide a  $\pm$  10.421 acre parcel of land located on Starbarrack Road into two (2) residential building lots of 5.001 acres and  $\pm$  5.395 acres in size with a 0.025 acre quit claim area to be conveyed to the adjoining “Land of Dondero” 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. Stamping of the Subdivision Plat as an “non-jurisdictional subdivision” or “for filing purposes only” by the Dutchess County Health Department
- D. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- E. Submission of an acceptable draft of a quit claim deed to convey a  $\pm$  0.025 acre portion of land to the adjoining “Land of Dondero”.
- F. Submission of a Common Use and Maintenance Agreement for the shared driveway for the Town Planning Board attorney’s review, and that the Subdivision Plan reference the required filing of the agreement by filing date and document number.
- G. Submission of letter from Highway Superintendent indicating required curb cut location.
- H. Addition of note on plat stating that lots 3A and 3B shall share a driveway as indicated on the map.
- I. Payment of recreation fee to the Town of Red Hook.
- J. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- K. Addition of Agriculture and Markets notation.
- L. 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 Sam Phelan

Roll Call Vote:

Chair Christine Kane	yes
Member John Hardeman	absent
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

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Paula Schoonmaker, Assistant Clerk to the Board    Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 18, 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: Michael Cobb Lot Line Alteration

SEQR Status: Type I [ ]
Unlisted [x]

Conditioned Negative Declaration: [ ] YES
[x] NO

Description of Action: The applicant proposes to convey 1.225 acres from the northerly 3.490-acre Lands of Cobb to the southerly 5.425 Lands of Cobb and to convey 0.737 acres from the southerly Lands of Cobb to the northerly Lands of Cobb, all in the RD3 Zoning District.

Location: West side of Guski Road, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

- 8. 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).
9. After reviewing the Environmental Assessment Form (EAF) for the action dated April 24, 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).

10. The project site is located within 500 feet of a certified agricultural district. An Agricultural Data Statement 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. Since there is no further development proposed at this time, the Planning Board has determined that there will be no significant adverse environmental impacts on agricultural resources.
4. The project site is located on a designated scenic road. Since there will be no further proposed development at this time, the Planning Board has determined that there will be no significant adverse environmental impacts on scenic resources.
5. There is a DEC wetland on the project site. No development is proposed within the wetland or within the 100 ft. buffer area; therefore, the Planning Board has determined that there will be no significant adverse environmental impacts on wetland resources.

**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

Michael Cobb (applicant)

## Resolution Granting Subdivision Plat/Lot Line Alteration Approval to Michael Cobb

**Name of Project:** Michael Cobb Lot Line Alteration

**Name of Applicant:** Michael Cobb

**Date:** June 18, 2007

**Whereas,** the applicant has submitted an application for Lot Line Alteration approval dated April 23, 2007 to the Town of Red Hook Planning Board to convey 1.225 acres from the northerly 3.490-acre Lands of Cobb to the southerly 5.425 Lands of Cobb and to convey 0.737 acres from the southerly Lands of Cobb to the northerly Lands of Cobb, all in the RD3 Zoning District; and

**Whereas,** the subject parcel is located on the west side of Guski Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a Final Subdivision Plat prepared by Marie Welch, L.S., dated May 2, 2007 and titled “Amendment to F.M. No. 11426, Lot Line Alteration, Prepared for Michael Cobb”; and

**Whereas,** one of the parcels is located within 500’ of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement (undated), which the Planning Board duly forwarded to all owners of farm operations within 500’ of the subject parcels; and

**Whereas,** the parcel does not contain either prime soils or soils of statewide importance, and the application is not subject to the Town’s Important Farmlands requirements as enumerated in of § 143-47 of the Town’s Zoning Law; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement; and

**Whereas,** on May 21, 2007 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA; and

**Whereas,** on June 18, 2007, the Town of Red Hook Planning Board, in consideration of the Full Environmental Assessment Form (EAF) 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

