

**APPROVED**

**Town of Red Hook Planning Board  
Meeting Minutes  
July 16, 2007**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:58 p.m. and a quorum determined present for the conduct of business.

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

**BUSINESS SESSION**

The June 16, 2007 draft minutes had been sent to the members and reviewed. There were two corrections. Ms. Greig had asked that in paragraph 3 of the Business Session, the last sentence be revised to “any project within the immediate vicinity of that site that was not a TYPE II action would be a Type 1 action under SEQR”. Also, on page 4, “Trow Meadow Drive” was changed to “Meadow Drive”. Sam Phelan made a motion to approve these revised minutes. Paul Telesca seconded the motion, and all members present voted in favor.

Christine Kane reported on the planning summer school classes held July 12, 2007 at the FDR library in Hyde Park.

Christine Kane then asked which members would be available for the August 6, 2007 meeting and for the August 20, 2007 meeting. Both Paul Telesca and John Hardeman said they would be away on August 20. Christine Kane asked the Planning Clerk to check with the absent members to make sure a quorum would be present for that meeting.

Addressing the agenda, Christine Kane said that since the Lindsay, FLP application for a variance was still undergoing an extensive review by the ZBA, the Lindsay family had agreed to defer presenting an application for a Special Permit to the Planning Board until a future meeting.

**PUBLIC HEARINGS**

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

Architect Patrick Roberts, engineer Darin Dekoskie and Terry Dodd of Ulster Savings Bank were present for the public hearing on an application of 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.

Christine Kane read the public hearing notice that appeared July 10, 2007 in the Kingston Daily Freeman.

Mr. Roberts explained the project to the public.

Christine Kane then opened the hearing for public comment.

Glen Coon, 17 Metzger Road, said that his only concern was whether the intersection of Metzger Road and NYS Route 9 would be able to handle the additional traffic. He said that two-way traffic, with larger vehicles turning at that intersection and traveling along Metzger Road, was a problem already. He said that burying the utility lines would help alleviate some of the issues.

Melissa Levy, 30 Metzger Road, said that she generally supported the project but wanted to know more about the planned septic field and drainage. Mr. Dekoskie said that stormwater infiltrators would be installed in the parking areas and that the septic area would be at the rear of the property. Ms. Levy also asked where the aquifer was located in relation to the proposed site. The Board pointed out that the aquifer extended beneath the entire Village and into the surrounding Town and would lie beneath this site.

Mike Levy, 40 Metzger Road, also expressed concerns about the condition of Metzger Road. He urged the Planning Board to address these concerns and to consider requesting a signal light at the intersection of Metzger and Route 9. Ms. Greig said that recent traffic studies indicated that if any signal light were to be considered by NYS DOT for that area, it would probably be installed at the intersection of Route 9 and Old Farm Road. Christine Kane said that the bank plan allowed for future connections to a grid of streets at the rear of the bank property, Hardscrabble Plaza and Hannafords and that these streets would be designed to take some of the traffic off Route 9.

Melissa Levy said she recalled a proposal to make Metzger Road a cul-de-sac. The Board said that this idea was not being considered at this time.

Christine Kane then read a letter from Todd Baright of TGS Associates, dated July 16, 2007. The letter supported the project.

The Board then reviewed a referral response dated July 13, 2007 from Dutchess County Planning. The letter praised the project and offered no further suggestions. The Board noted that the letter made no mention of potential traffic problems. (See Pat's minutes for a better summary of their letter.)

Christine Kane read an e-mail dated July 12, 2007 from the Town Engineer's office that said because of vacation conflicts, a review of the bank plan would not be ready until the next meeting.

The Board and the applicants reviewed the GreenPlan memo. Ms. Greig reiterated the Boards' desire that the street trees to be planted along the property boundaries have a fuller shape that would create a canopy effect as well as provide shade. Mr. Roberts distributed graphics of honey locusts in Rhinebeck to demonstrate their canopy value. Michele Greig passed on comments from the Town of Red Hook Conservation Advisory Council, which was concerned that honey locusts are becoming too widely planted, which could amplify the effects of disease in the region.

A review of the suggested tree planting list provided by the CAC included a variety of cork tree or a shademaster locust which would provide these forms along Route 9 and a variety of Hawthorne for along Metzger Road to which the applicants had no immediate objection. They said they would take the matter under consideration.

Ms. Greig reminded the applicants to submit a planting schedule, the full cultivar names of the trees selected and a maintenance schedule as part of the landscaping plan.

The applicant submitted cut sheets of the proposed freestanding and wall mounted lights. The Board then referred the applicants to GreenPlan's memo indicating that the proposed foot-candles for the lighting plan far exceeded those recommended in the Town's regulations, especially under the canopy area (35 fc vs. the 5 fc allowed). The applicants agreed to re-examine the lighting plan.

Asked about the proposed enclosure for the dumpster, Mr. Roberts said that he would submit a plan he had used on a previous project. The Board said the enclosure would require a door and suggested a rolling gate rather than swinging doors.

Glen Coon asked whether any stormwater drainage was planned to take care of runoff from Metzger Road. Mr. Dekoskie said that the tree lawn along Metzger Road would absorb some of the stormwater from the road and that drains would be installed where bank entrances and exists intersected with the roads.

Mike Levy asked whether there was a visual buffer at the rear of the parking lot. Mr. Roberts said no, that there was a large expanse of green space.

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

Christine Kane said that outstanding issues included the Town Engineer's report, the revised lighting plan, the revised landscaping plan, a detail for a light pole, and a plan for the dumpster enclosure.

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

#### **Tim & Irene Hourihan – Crestwood Road – Subdivision Plat**

Tim Ross, P.E. was present for a discussion of an application for Subdivision Plat Approval to create three (3) new residential building lots and one (1) remaining lands lot, ranging in size from 5.61 acres to 7.86 acres, all from a 26.87-acre parcel in the RD3 Zoning District.

Christine Kane reviewed a letter from Mr. Ross in which he addressed comments and suggestions from the GreenPlan memo of July 2, 2007.

Christine Kane then read a letter dated July 16, 2007 from Keane & Beane. She said that it was the opinion of the attorneys that the disputed "continuous use" easement on the Hourihan property was a private matter and was not the responsibility of the Planning Board. It was also their opinion that since no approval had been granted to this application at the time of the ZBA's interpretation of the Important Farmlands Law, that law should no longer be applied to this application.

The Board and Mr. Ross then reviewed the GreenPlan memo. Ms. Greig said that she had spoken with Jim Napoli at the Dutchess County Health Department and with Jay Trapp at the Town Engineer's office and had understood from them that an advisory note concerning the water supply and possible septic fields would be removed from the

subdivision plat once acceptable sites were located. Mr. Ross said that the Health Department would not sign the plat without that note.

Christine Kane restated the Board's concern that it could not legally approve potentially unbuildable lots. She said the matter would be discussed with the Town Engineer

The Board and the applicants discussed the possible screening or relocation of the proposed houses, especially for the house on Lot 2, which Mr. Ross acknowledged would be very visible to someone traveling north on Crestwood Rd.

Mr. Ross agreed that a copy of the Ag & Markets notice must be delivered to any lot purchaser at the closing. He also agreed to include it in the deeds.

The Board generally agreed to refer both the driveway maintenance agreement and proposed language prohibiting any further subdivision of the lots to the attorney for review. The Board also discussed whether that language should include a prohibition on any lot line changes. Sam Phelan said that in this case, future lot line changes could further fragment ownership of the hayfield and so should be prohibited. He also said that he was concerned that a note prohibiting such future actions would not be sufficient, since both lots 1 and 3 contained enough acreage to subdivide further.

The Board again asked that the applicant move the boundary line between lots 3 and 4 so that the largest possible section of the hay field would be within lot 3. Mr. Ross had said earlier that his client did not want to make that change.

The Planning Board then discussed whether it could set a public hearing date. Ms. Greig advised that the plat should be substantially in final form before a public hearing is scheduled. She said that if the lot line between lots 3 and 4 were to be revised, the change would be significant enough to trigger a second public hearing.

The applicant revised the EAF part 1 and agreed to submit a letter of no concern from the Natural Heritage Program. The Board discussed certain sections of the EAF part 2 and agreed that until the letter from the Natural Heritage Program was received the part 2 EAF could not be completed.

#### **Raython Merrihew – U.S. Route 9 – Subdivision Plat**

Everett White, L.S., from Welch Surveying was present for a discussion of an application for subdivision (sketch plan) plat approval to create two new residential building lots of 1.576 acres and 3.484 acres and one remaining lands lot of 1.825 acres from a 6.885-acre parcel in the R 1.5 Zoning District.

Mr. White submitted revised maps saying that the driveway had been sketched in and that notes had been added about the driveway easement.

Told that the maps had been revised that day, Christine Kane reminded the applicant that materials are due 10 days before a meeting and that it is the Board's policy not to accept materials for review at a meeting.

Christine Kane read a referral response letter, dated July 2, 2007, from the Town Engineer's office regarding percolation data on the high quality soils where the septic field and expansion area was proposed for the house on lot 3. The letter stated that

although the data indicated that these soils would perc very quickly, which could possibly impact filtration, the total effect of the effluent from these few houses would not be enough to cause concern.

The Board noted that the applicants had not moved the proposed house site for lot 2 from the crest of a ridge as the Board had requested at the previous meeting. Mr. White said that the placement of the septic field and expansion area behind that house made it very difficult to move that house site back. Some Board members suggested turning the house so that it could be moved back. Since Route 9 is a Town designated scenic road, the Board gave the applicants the choice of either moving the house off the highest point of the ridge or planting trees to act as a visual barrier. There was some discussion about whether the soil on the ridge could support tall trees.

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

#### **Red Hook Estates, LLC/Gordon Taylor – Route 9G – Subdivision Plat**

Darin Dekoskie, P.E., was present with an application for subdivision plat (sketch plan) approval 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.

Mr. Dekoskie said that he had submitted letters from both the Natural Heritage Program and from North Country Ecological Services regarding the possible existence of habitats for endangered wildlife. Ms. Greig asked him to also contact NYS Fish and Wildlife.

Mr. Dekoskie said that he had also submitted an application to the New York State Department of Transportation but had not yet heard back.

Mr. Dekoskie said that the house on Lot 1 had been moved back on the revised plan. He said that the revised plan also contained preliminary engineering and driveway drawings as well as erosion and sediment control plans. In addition, he said that the phase 1 archaeological study had been completed.

The Board generally agreed to refer the plan to Karen Schneller-MacDonald for an independent third party verification of the wetlands.

The Board also generally agreed to conduct a site visit. Mr. Dekoskie and the Board members will submit some available dates.

Ms. Greig and Mr. Dekoskie agreed that the shagbark hickories on the property should be located and noted on the plat.

The Board determined the project to be a Type 1 action under SEQRA due to its proximity to the National Historic Landmarks District. Paul Telesca made a motion to establish the Board's intent to serve as lead agency. John Hardeman seconded the motion, and all members present voted in favor. Involved agencies would include the NYS Department of Transportation and the Dutchess County Health Department.

### **OTHER BUSINESS**

**Afterthoughts about the Ulster Savings Bank project**

Mr. Dekoskie said that when the Ulster Savings Bank drawing was revised to comply with the variance granted by the ZBA, it had come to his attention that the amount of land that would be disturbed would increase from 0.9 acres to 1.10 acres. He said that he had revised the Stormwater Pollution Prevention Plan and had submitted that plan to the Town Engineer. Ms. Greig said that a note should be added to the file saying that subsequent to adopting the neg dec, changes were made to the site plan that increased the area of disturbance to exceed the amount allowed under General SPDES permit 0201. She said that the file should also show that the applicant had prepared a SWPP reflecting that increase. The Board asked Ms. Greig to prepare an amendment to the negative declaration.

John Hardeman said that he was still concerned about the narrow width of Metzger Road as well as its intersection with Route 9. The Board generally agreed to refer these concerns and the Ulster Savings Bank project to both the Town Engineer and the Town Highway Superintendent.

**Consultant memos**

As part of the Board’s work on updating its policies and procedures, John Hardeman suggested a policy that consultant memos be submitted to the Planning Board office and then forwarded to the applicants on or before the Thursday preceding a meeting. He said that an applicant should have time to read the memo and prepare a response.

**Baker request for variance**

Christine Kane said that the ZBA agenda showed that David Baker had submitted an application to the ZBA requesting a variance that would allow him to halve the frontage on his flag lot. She said that Mr. Baker had met some time ago with her and Ms. Greig to discuss the possibility of subdividing the largest lot of a 6-lot subdivision previously known as the Krakowsky major subdivision.

The Board reviewed the Krakowsky subdivision plats noting that each of the two shared driveways served three lots and then joined side by side at the entrance to Feller Newmark Road. Sam Phelan and John Hardeman said that at the time of the Krakowsky subdivision, no Farmland Protection Plan was required of the applicant but that the width of the “pole” on the largest flag lot had been designed to accommodate those two shared driveways. The Board generally agreed that Christine Kane should relay to the ZBA the Board’s misgivings about decreasing the lot frontage.

**ADJOURNMENT**

Since there was no further business to come before the Board, Paul Telesca made a motion to adjourn. John Hardeman seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:40 p.m.

Respectfully submitted

Paula Schoonmaker  
Assistant Clerk