

APPROVED

**Town of Red Hook Planning Board
Meeting Minutes
October 1, 2007**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:43 p.m. and a quorum determined present for the conduct of business.

Members present — John Hardeman, Charlie Laing, David Wright, and Acting Chair Sam Phelan. Chair Christine Kane and Paul Telesca were absent. Planner Michele Greig and Town Board member Jim Ross were also present.

BUSINESS SESSION

Acting Chair Sam Phelan announced that Martin and Elizabeth Willms had requested to be taken off of the agenda.

The September 17, 2007 minutes were not yet available for review.

PUBLIC HEARINGS

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

Tim Ross, PE, and Christine Chale, Town Attorney, were present for a public hearing on possible revisions to minor subdivision to create three (3) 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.

Sam Phelan read the public hearing notice that appeared September 25, 2007, in the Kingston Daily Freeman.

Tim Ross gave a brief overview of the project for the public. He said that Mark Graminski has done soils testing, and that wells will work. He also said that the County DPW had not raised any objections to the driveway location.

Sam Phelan asked the public and Board for comments.

Tim Ross stated that a there was sufficient separation between the septic and well locations, it would not be necessary to extend the Town Water District.

John Hardeman asked if the Town intended to drill wells. Christine Chale responded that they may still seek to connect to Town water, but that those decisions would be made as the plan developed.

Michele Greig asked if there would be enough space for drainage in the conceptual park plan. Tim Ross said that there would be, as only the parking lot and potentially a snack bar would be impervious.

John Hardeman stated that he was not concerned with the scenic impact, given the location of the project, and that he felt the project made sense and benefited the Town.

Leo Sieverding, of Yantz Road, asked if a Farmland Protection Plan had been required, and expressed concern that the potential field locations would be on soils of statewide importance.

Sam Phelan said that the issue had been considered during the original proceedings, and that significant lands were protected on the western end of the parcel, which was not clear on the map posted.

Sam Phelan reviewed the original negative declaration under SEQR, as adopted by the Board on February 5, 2006. The Board did not feel that the proposed changes to the project altered the findings in any significant way and that an amendment to the negative declaration would not be necessary.

Charlie Laing moved to close the public hearing. John Hardeman seconded the motion, and all present voted in favor.

Michele Greig reminded the applicants that an amended application form must be submitted.

Sam Phelan reviewed the draft approval resolution with the Board.

Michele asked that the Board add a condition for DPW approval. She also suggested that the conditions for conservation easement in Part D include the phrase "or deeded to the Town".

David Wright moved to approve with the discussed conditions. Charlie Laing seconded the motion, and all present voted in favor.

Stephan Lueck – Budds Corners Road – Lot Line Alteration

Marie Welch was present for a public hearing on an application for a Lot Line Alteration to convey a total of 1.603 acres to an adjoining lot, with a remaining lands lot of 15.16 acres, from an existing parcel of 16.76 acres, in the RD3 Zoning District of the Town of Red Hook.

Charlie Laing moved to establish the Town of Red Hook Planning Board as Lead Agency. David Wright seconded the motion, and all present voted in favor.

Sam Phelan read the public hearing notice which was published on September 25, 2007, in the Kingston Daily Freeman.

Marie Welch gave a brief overview of the project for the public. She noted that the project had been revised to a minimum 240' lot width at the front setback line, as per the Board's previous comments.

Sam Phelan asked for comments from the public and Board. The Board then reviewed the Part 2 EAF.

Michele Greig noted that Town trails had been proposed for part of the Central Hudson lands to be affected by the project. The Board generally felt that this was not a significant impact. Charlie Laing noted that this could be taken under consideration if and when the Luecks sought subdivision approval.

The Board reviewed the draft negative declaration under SEQR. Charlie Laing moved to adopt it, David Wright seconded the motion, and all present voted in favor.

David Wright moved to close the public hearing. John Hardeman seconded the motion, and all present voted in favor.

The Board reviewed the draft approval resolution which had been circulated by Michele Greig. John Hardeman moved to adopt the approval resolution as written. Charlie Laing seconded the motion, and all present voted in favor.

REGULAR SESSION (OLD BUSINESS)

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

Marie Welch, LS, was present for 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.

Marie Welch stated that, at the Planning Board's request, additional soil tests had indicated that Lot 2 could be moved off of the top of the ridge, and that the new plans indicated that this had been done.

Sam Phelan noted that the high point of the ridge was 258' on the plats, and Marie Welch stated that the house was at approximately 244'.

At this time, the Board generally agreed to sketch plan endorsement.

Michele Greig noted that the project was in the Scenic Overlay District, and that the zoning recommends that a vegetation buffer be maintained.

Marie Welch stated that the front of the property was currently covered in sumac, but that the ridge created a visual buffer regardless of vegetation.

Michele Greig provided the board with drafts of the Part 2 EAF and SEQR negative declaration.

Sam Phelan reviewed the Part 2 EAF with the Board. John Hardeman moved to accept it as written, Charlie Laing seconded the motion, and all present voted in favor.

Sam Phelan reviewed the negative declaration under SEQR. David Wright felt that a deed restriction should not be required to keep the house shielded behind the ridge. The Board generally felt that, due to the Scenic Overlay District, a condition of approval would need to be that the building be placed behind the ridgeline, and at an elevation of no greater than 250 feet.

David Wright moved to accept the negative declaration with the suggested change, Charlie Laing seconded the motion, and all present voted in favor.

A public hearing was set for October 15, 2007.

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

Michael Takacs, PE, and Thomas Ward, from North Country, were present for discussion of 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 and the National Historic Landmarks District.

Sam Phelan reviewed that the project was for four lots to be on Route 9G. Michael Takacs stated that they had conditional approval from the Department of Transportation, and that they have submitted their application to the Department of Health. He also noted that under the current plans, only one tree, a shagbark hickory, was to be removed.

Michele Greig noted that a Phase 1 Archaeological study had been conducted, and that no major issues were raised in the report.

Karen Schneller-McDonald, who had conducted wetlands verification at the Board's request, apologized for inadvertently failing to contact North Country before her site visit.

Thomas Ward had provided a letter with several objections to Karen Schneller-McDonald's report regarding the wetlands boundaries on site. He went through his objections point by point, noting that in several instances, the wetlands boundaries should be shown to continue past the property line.

Karen Schneller-McDonald noted that she needs to know the size of the contiguous wetland beyond the property line, as it may fall under DEC jurisdiction. Thomas Ward responded that he worked for the DEC previously, and that while there are regulated wetlands north and east of the property, the only connection through the site would be a linear drainage cut. In his experience, this does not qualify as DEC wetland. Karen Schneller-McDonald stated that she did not feel it was a foregone conclusion, given what she had found to be discrepancies in DEC policy, and felt it deserved a second look.

Sam Phelan asked them to follow up with each other and the DEC, and that the Board would like to hear directly from the DEC regarding the matter. Sam Phelan noted that the implication of DEC jurisdiction would be a 100' setback, and asked what effect this would have on the project. Michael Takacs felt this would remove two lots from the project. Michele Greig noted that they may possibly maintain the same number of lots if they used clustering techniques.

Thomas Ward noted that as there would be a small amount of fill, a nationwide permit would be required. He stated that the Army Corps of Engineers had changed its policy, and no longer allowed 0.10-acres of fill without a permit.

Thomas Ward stated that he felt a small wetland near the center of the property, was an emergent, or "man made", wetland, that was the result of an old staging area for logging trucks. He said that he had not found hydrologic soils in the area, and that there was not significant drainage from this area to the larger wetland.

Karen Schneller-McDonald disagreed, saying that while the area may not be wetland itself, the general drainage pattern of that part of the property contributed significant water to the larger wetland.

Michael Takacs felt this could be resolved by placing culverts under the driveway. Karen Schneller-McDonald and Thomas Ward agreed that one of these would need to be an open-bottom culvert.

Karen Schneller-McDonald and Thomas Ward generally agreed that many of their differences were grey areas, as wetlands do not always have clear boundaries. Sam Phelan asked that they conduct a joint site visit to resolve their minor disagreements if possible, and then return to the Board.

The Board asked the applicant if they could place a note on the plat that this area was to remain undisturbed.

Michele Greig stated that other points she felt the Board should discuss were that Lot 1 is a flag lot, minor amendments to the legend, that Lot 3 needs greater width at the front setback line, and that the applicant must submit a Common Use and Maintenance Agreement.

The Board requested that the project also be submitted to the Town Engineer for review.

PUBLIC HEARINGS (Contd.)

At this time, Paul Telesca arrived at the meeting.

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

Mark Graminski, PE and LS, Andrew Howard, Esq., and David Vosburgh were present for a public hearing on an application to move 5 lot lines from 5 parcels totaling 206.1 acres, partially in the Town of Rhinebeck and partially in both the R 1.5 Zoning District and the RD3 Zoning District of the Town of Red Hook.

At this time, David Wright recused himself and left the table.

Sam Phelan read the public hearing notice which was published on September 25, 2007, in the Kingston Daily Freeman. He then asked for comments from the public and the Board. As there were none, he asked the applicants what issues were still outstanding with the project.

Andrew Howard stated that his proposed language for when to trigger the Farmland Protection Plan used the word ‘subdivision’, as the clustering codes and Important Farmlands Law refer to a site plan or subdivision map.

Sam Phelan asked if this would allow the owners to build on the land without the Farmland Protection Plan coming into effect.

Andrew Howard stated that he did not believe building without subdivision would, under the law, require the Farmland Protection Plan to go into effect.

Charlie Laing stated that he felt there should be a mechanism to ensure that buildings were consistent in the future with the Farmland Protection Plan. Sam Phelan stated that the issue was how to ensure compliance with the intent of the law and of the Farmland Protection Plan.

Charlie Laing asked whether a barn or other agricultural structure would trigger the Farmland Protection Plan if the language used ‘development’ instead of ‘subdivision’. Sam Phelan noted that the phrase “non-agricultural development” could be used instead.

Michele Greig suggested that the Board take a two-prong approach, with one requirement that residential development occur within the building envelope of the Farmland Protection Plan, and a second requirement that any subdivision would trigger the implementation of the Farmland Protection Plan. The Board and applicants mutually agreed that this would work.

Mark Graminski noted that he would have to remove the aerial photo overlay in order to file the Farmland Protection Plan as sheet 2 of 2 of the subdivision plat. There was no objection to this from the Board.

Sam Phelan asked for comments from the public. As there were none, Paul Telesca moved to close the public hearing. John Hardeman seconded the motion, and all present voted in favor.

Sam Phelan reviewed the draft approval resolution with the Board. Charlie Laing moved to accept the motion with the discussed changes to the note regarding the Farmland Protection Plan. Paul Telesca seconded the motion, and all present voted in favor.

The Board generally agreed that Michele Greig should speak with the ZEO to make sure they're on the same page regarding the requirements of the approval resolution.

REGULAR SESSION (NEW BUSINESS)

Frank and Catherine Vosburgh – 181 Middle Road – Minor Subdivision

Bob Zimmerman, PE, and Frank Vosburgh were in attendance for presentation of application for Subdivision Plat Approval (Sketch Plan) to create three (3) residential building lots ranging from approximately 3.142-acres to 5.473-acres, in the RD3 Zoning District and Certified Agricultural District.

Bob Zimmerman reviewed the project for the Board, stating that there was already an existing house and outbuildings on a 12-acre parcel, and that the applicants were seeking to subdivide for their three children. He stated that a common driveway would be used which was already in existence. He noted that soil testing would need to be done and septic locations shown, but that he wanted Planning Board input before more engineering was done.

Sam Phelan reviewed the GreenPlan memo dated September 27, 2007, and noted that it stated that soils of statewide importance were present, and that the project was in the agricultural district. He noted that this would trigger the Important Farmlands Law.

Frank Vosburgh stated that, in his opinion, the soils were not of statewide importance. Michele Greig noted that the soils map showed otherwise, but suggested third party verification to resolve the matter, and suggested that the Planning Board ask Craig Vogel on the Town's Agriculture and Open Space Committee for advice.

Frank Vosburgh suggested that he would be satisfied with Mr. Vogel's opinion.

Sam Phelan ask that Mr. Vogel be sent a request to conduct soil testing.

The Board and applicants generally agreed that the soil information would be needed before they could proceed.

OTHER BUSINESS

At this time, David Wright returned to the meeting, and Charlie Laing left.

Williams/Angelier

Richard Hanback was present to request a 90-day extension of conditional final approval for the Williams/Angelier subdivision. The Board reviewed his letter to that effect. John Hardeman moved to grant the extension, David Wright seconded the motion, and all present voted in favor.

Scenic Roads

Michele Greig said that, at the Board's request, she had been working on the scenic roads amendment to the zoning. Sam Phelan asked that the map and descriptions be provided to the Zoning Review Committee so that they could move forward with the issue.

ADJOURNMENT

Since there was no further business to come before the Board, Sam Phelan made a motion to adjourn. Paul Telesca seconded the motion, and all present voted in favor. The meeting was adjourned at approximately 9:45 PM.

Respectfully submitted,

Patrick Kelly
Assistant Clerk to the Planning Board

ATTACHMENTS:

- Linden West approval
- Lueck Lead Agency
- Lueck Neg Dec
- Lueck App Res
- Merrihew Part 2 EAF
- Merrihew Neg Dec
- Kesicke/Vosburgh App Res

Resolution Granting Amended Final Subdivision Plat Approval to Linden West Subdivision

Name of Project: Linden West Subdivision

Name of Applicant: Salvatore Leone and Frank Migliorelli

Whereas, on February 5, 2007, the applicant received Final Subdivision Approval for an application dated January 23, 2007 submitted to the Town of Red Hook Planning Board to subdivide a \pm 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 \pm 1.09 acres, \pm 1.75 acres, \pm 27.75 acres and \pm 89 acres in size; and

Whereas, on August 10, 2007, the applicant submitted an application seeking to amend the Final Subdivision Approval by relocating one proposed residential building lot, resulting in four (4) residential buildings lots \pm 1.09 acres, \pm 1.09 acres, \pm 28.42 acres and \pm 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 an amended Final Subdivision Plat prepared by Mark R. Graminski P.E. and L.S. dated January 12, 2007 and revised January 23, 2007 and August 10, 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 \S 143-47 of the Town's Zoning Law and the Planning Board had 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 SEQRA 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 October 1, 2007, the Planning Board determined that no significant adverse environmental impacts would result from the proposed amended subdivision application and that the adopted Negative Declaration did not need to be amended; and

Whereas, on October 1, 2007, the Planning Board conducted a public hearing on the amended subdivision application, at which time all interested persons were given the opportunity to speak; and

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

Now therefore be it resolved, that the Planning Board grants amended Final Subdivision Plat approval to Salvatore Leone and Frank Migliorelli to subdivide a \pm 119.6 acre parcel of land located on Linden Avenue into four (4) residential building lots \pm 1.09 acres, \pm 1.09 acres, \pm 28.42 acres, and \pm 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 obtains an approval from DC DPW for the proposed driveway locations on Linden Avenue.
- D. 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 wells or connection to a community water system.
- E. That the note on Lot 3 be amended to read "Remaining lands of Lot No. 3 to be placed in conservation easement which permanently reserves them for open space purposes, unless dedicated to or purchased by the Town of Red Hook for active recreation, as authorized by Section 143-33B(7)(a)[4][d] of the Town of Red Hook Zoning Law."
- F. That the applicant delineates on the plat with metes and bounds the area proposed to be under conservation easement on Lot 3 or deeded to the Town, as applicable.
- G. 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, if applicable (i.e., unless such land is deeded to the Town).

- H. That the Final Plat references the filing date and document number for the conservation easement filed with the Dutchess County Clerk's Office, if applicable.
- I. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board.
- J. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
- K. That the applicant successfully petitions the Town Board for extension of Water District #1 to serve the proposed lots, unless individual wells are utilized.
- L. 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.
- M. That the applicant amends the note on Lot #4 to include the date of the Farmland Protection Plan.
- N. 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.
- O. Payment of recreation fee to the Town of Red Hook.
- P. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- Q. 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 David Wright, seconded by Charlie Laing, and a vote of 4 in favor, 0 against, and 2 absent.

Roll Call Vote:

Chairwoman Christine Kane	Absent
Member John Hardeman	Aye
Member Charles Laing	Aye
Member Sam Phelan	Aye
Member Paul Telesca	Absent
Member David Wright	Aye

Resolution declared: Approved on 10/1/07

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

Patrick Kelly, Assistant Clerk to the Board

Date

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Michael Lueck and Stephan Lueck Lot Line Alteration

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Subdivision application by Michael Lueck and Stephan Lueck for a \pm 16.027 acre parcel located at Budds Corners Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated July 26, 2007 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is located within 500' of an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by Charlie Laing, seconded by David Wright and a vote of 4 for, and 0 against, and 2 absent, this resolution was adopted on October 1, 2007.

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: October 1, 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 Lueck and Stephan Lueck Lot Line Alteration

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to convey \pm 1.75 acres of land from a \pm 16.76 acre parcel to a \pm 16.027 acre parcel in order to create frontage for a landlocked parcel located in the RD3 Zoning District.

Location: Budds Corners 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 July 26, 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 500' of a NYS 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 in its review of the application. No significant adverse environmental impacts to agricultural resources are anticipated as a result of the action.
4. The proposed action will create access to a landlocked parcel, which may permit that parcel to be subdivided in the future. However, the Planning Board is granting no approvals relating to future development of the subject lands. Any future development of such property will be subject to evaluation under SEQR

For Further Information:

Contact Person: Patrick Kelly, Planning Board Deputy 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

Resolution Granting Final Approval of the Michael Lueck and Stephan Lueck Lot Line Alteration

Name of Project: Michael Lueck and Stephan Lueck Lot Line Alteration

Name of Applicant: Michael Lueck and Stephan Lueck

Whereas, the applicant has submitted an application for Lot Line Alteration dated July 26, 2007 to the Town of Red Hook Planning Board to convey \pm 1.75 acres of land from a \pm 16.76 parcel of land (Tax Map Parcel No. 6274-00-186054-00) to a \pm 16.027 acre parcel (Tax Map Parcel No. 6274-00-056096-00) to create frontage for a landlocked parcel; and

Whereas, the subject parcels are located on Budds Corners 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 July 23, 2007 and revised September 11, 2007; and

Whereas, the parcels are located within 500' of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated July 24, 2007, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement in its review of the application; and

Whereas, on October 1, 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 October 1, 2007, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated July 26, 2007 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 October 1, 2007, the Planning Board conducted a public hearing on the Lot Line Alteration application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant final approval to Michael Lueck and Stephan Lueck for a Lot Line Alteration to convey \pm 1.75 acres of land from a \pm 16.76 parcel of land to a \pm 16.027 acre parcel to create frontage for a landlocked parcel.

Now therefore be it resolved, that the Planning Board grants final approval to Michael Lueck and Stephan Lueck to convey ± 1.75 acres of land from a ± 16.76 parcel of land (Tax Map Parcel No. 6274-00-186054-00) to a ± 16.027 acre parcel (Tax Map Parcel No. 6274-00-056096-00) in accordance with the plans and specifications heretofore submitted upon the following conditions:

- R. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- S. 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.

In taking this action the Planning Board has determined there to be no new residential building lots or dwelling unit sites created and, thus, deems not applicable to this Application requirement for set-aside of recreation or other open space land or the alternate payment of a cash-in-lieu-of-land recreation fee.

On a motion by John Hardeman, seconded by Charlie Laing, and a vote of 4 in favor, 0 against, and 2 absent.

Roll Call Vote:

Chairwoman Christine Kane	Absent
Member John Hardeman	Aye
Member Charles Laing	Aye
Member Sam Phelan	Aye
Member Paul Telesca	Absent
Member David Wright	Aye

Resolution declared: Approved on October 1, 2007

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

Patrick Kelly, Assistant Clerk to the Board

Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: October 1, 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: Raythorn Merrihew Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to subdivide a ± 6.88 acre parcel into three lots of ± 1.825 acres, ± 1.576 acres and ± 3.484 acres in the R1.5 and Scenic Corridor Overlay Zoning Districts.

Location: US Route 9, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

5. 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).
6. After reviewing the Environmental Assessment Form (EAF) for the action dated February 16, 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).
7. The subject lands are located over an aquifer and one of the proposed parcels (Lot A-3) contains prime agricultural soils. The Town Engineer has

reviewed the proposed plans and the Dutchess County Soil Survey to determine whether the rapid permeability of soils on this lot will result in adverse environmental impacts to the aquifer. The Town Engineer determined that no significant adverse environmental impacts to groundwater resources are anticipated because the loading of the proposed single family residence will be relatively light, and the Dutchess County Health Department will rigorously review the proposed application, recommending a specifically designed septic system if necessary. No significant adverse environmental impacts to groundwater resources are anticipated as a result of the action.

8. The project site is located adjacent to lands within a NYS 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 in its review of the application. One of the proposed residential lots (A-3) will be located adjacent to lands in agricultural use. Existing wooded lands will buffer the proposed lot from the agricultural lands. No significant adverse environmental impacts to agricultural resources are anticipated as a result of the action.
9. The subject parcel is located within the Town's Scenic Corridor Overlay District, the purpose of which is to protect the rural character and scenic resources of the Town as seen from designated scenic roads. Development of one of the proposed parcels (A-2) has the potential to impact the aesthetic character of the designated scenic corridor. However, this impact has been minimized by locating the house site to the rear of the proposed lot behind an existing ridgeline no higher than the 250' elevation. The retention of the existing ridgeline will minimize views of new development on the lot to the greatest extent possible. Thus no significant adverse environmental impacts to aesthetic resources are anticipated as a result of the action.

For Further Information:

Contact Person: Patrick Kelly, Planning Board Deputy 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

Resolution Granting Final Subdivision Approval to Kesicke Farm Inc., David Vosburgh, Anne Marie Vosburgh

Name of Project: Kesicke Farm Inc., David Vosburgh, Anne Marie Vosburgh Lot Line Alterations

Name of Applicant: Kesicke Farm Inc., David Vosburgh, Anne Marie Vosburgh

Whereas, the applicant has submitted an application for Final Subdivision approval dated May 16, 2007, to the Town of Red Hook Planning Board for six (6) lot line alterations on six (6) parcels (Tax Parcel No. 134889-6172-00-822110, 134889-6172-00-980140, 134889-6172-00-057991, 134889-6172-00-895945, 134889-6172-00-875987, 134889-6172-00-831953) totaling \pm 209.757 acres of land; and

Whereas, the subject lands are located in the R1.5, RD3, and Environmental Protection Overlay Zoning Districts on Middle Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Mark R. Graminski P.E. and L.S. dated April 4, 2007 and revised May 15, 2007 and June 4, 2007; and

Whereas, the subject lands are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 23, 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 applicant submitted a Farmland Protection Plan dated October 26, 2006 and revised November 22, 2006, December 5, 2006, April 4, 2007, April 16, 2007, and May 15, 2007; and

Whereas, the Planning Board duly forwarded the application both to the Town's Agricultural and Open Space Advisory Committee and to the Dutchess County Agriculture and Farmland Protection Board for their review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and reviewed responses from both the Agricultural and Open Space Advisory Committee and from the Dutchess County Agriculture and Farmland Protection Board; and

Whereas, on April 17, 2006 the Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on June 4, 2007, the 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 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, on June 4, 2007, the Planning Board conducted a public hearing on the Subdivision application, which hearing was continued on June 18, 2007, July 2, 2007, and October 1 at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Final Plat approval to Kesicke Farm Inc., David Vosburgh, and Anne Marie Vosburgh for six (6) lot line alterations on six (6) parcels totaling \pm 209.757 acres of land.

Now therefore be it resolved, that the Planning Board grants final plat approval to Kesicke Farm Inc., David Vosburgh, and Anne Marie Vosburgh for six (6) lot line alterations on six (6) parcels (Tax Parcel No. 134889-6172-00-822110, 134889-6172-00-980140, 134889-6172-00-057991, 134889-6172-00-895945, 134889-6172-00-875987, 134889-6172-00-831953) totaling \pm 209.757 acres of land in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. That the applicant implement the environmental mitigation measures contained in the Negative Declaration.
2. That the Farmland Protection Plan be revised to include an acknowledgement that “Kesicke Farm Inc., David Vosburgh and Anne Marie Vosburgh, their heirs, successors and assigns, hereby acknowledge that all residential development must occur within the building envelopes as depicted on the Farmland Protection Plan, and that if and when subdivision is proposed for their property or properties, the applicants will at that time execute a conservation easement for the protection of any and all areas delineated as open space or protected farmland within the Farmland Protection Plan.”
3. That the Farmland Protection Plan be revised in accordance with comment 3 on the Greenplan memo dated June 4, 2006 [sic].
4. That Note 12 of the Final Plat be amended to include the final revision date of the Farmland Protection Plan subsequent to making the above noted revisions.
5. That the Farmland Protection Plan shall be prepared for filing with the Dutchess County Clerk’s Office as Sheet 2 of 2 of the Final Subdivision Plat.

6. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
7. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling unit sites will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

On a motion by Charlie Laing, seconded by Paul Telesca, and a vote of 4 in favor, 0 against, and 2 absent.

Roll Call Vote:

Chairwoman Christine Kane	Absent
Member John Hardeman	Aye
Member Charles Laing	Aye
Member Sam Phelan	Aye
Member Paul Telesca	Aye
Member David Wright	Absent

Resolution declared: Approved on October 1, 2007

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

Patrick Kelly, Assistant Clerk to the Board

Date

