

APPROVED

**Town of Red Hook Planning Board
Meeting Minutes
October 15, 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, Paul Telesca, and Chair Christine Kane. Sam Phelan was absent. Planner Michele Greig was also present.

BUSINESS SESSION

Chair Christine Kane announced that the Dutchess Planning Federation was holding its Spring 2008 Awards Dinner. She also announced that the Department of State was accepting Title 11 Waterfront Revitalization Grant applications. The Board requested that a copy of this application be forwarded to the Town Board.

The minutes of the September 17, 2007 meeting had been sent to the members and reviewed. Charlie Laing made a motion to accept the minutes as written. John Hardeman seconded the motion, and all members present voted in favor.

The minutes of the October 1, 2007 meeting had been sent to the members and reviewed. David Wright made a motion to accept the minutes as written. Charlie Laing seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

Nathan Kalina – Kalina & Overlook Drives – Subdivision Plat

Tim Ross, PE, was present for a public hearing on an application for Major Subdivision Plat (sketch plan) Approval to create 10 residential building lots ranging from 0.39 acres to 9.84 acres from a 15.76-acre parcel in the R1.5 Zoning District

The Board reviewed the Part 2 EAF.

The Board reviewed the draft negative declaration. Michele Greig noted that she would correct the footer so as to identify the correct project.

Michele Greig asked the applicant to verify point 3, that no construction would occur where the water table is less than three feet. Tim Ross confirmed this. Mr. Ross also submitted a plat containing the Health Department's signoff.

Michele Greig expressed concern that the road and stormwater management features were within the 100' wetlands buffer. She stated that it was up to the Board as Lead Agency to determine if there was a significant impact.

Tim Ross noted that all facilities would require a DEC permit beforehand.

Christine Kane read the public hearing notice that appeared October 9, 2007 in the Kingston Daily Freeman.

Tim Ross gave a brief overview of the project for the public. Christine Kane then asked the public and Board for comments.

Christine Kane asked Mr. Ross how far within the 100' buffer the stormwater features and road would be. Mr. Ross stated that one of the pieces was almost within 50', and noted that it could be screened if aesthetics were an issue.

Charlie Laing asked if the roadway specifications were consistent with the rest of Forest Park. Mr. Ross responded that they were at the town standard.

Michele Greig noted that they appeared to be at 24' of pavement width, while the Town Code said 26'. Mr. Ross responded that the Highway Department said 24'. Christine Kane requested that a letter be provided to this effect.

Charlie Laing said that he was satisfied regarding the wetland buffer, as the residential development had been pushed away from the wetlands. David Wright stated that he was comfortable with it, since the stormwater management features would go to the DEC for review anyway.

Paul Telesca noted that with natural growth, he did not expect the features to be obtrusive. Tim Ross noted that most of the trees would remain as well.

Charlie Laing asked if the remaining open area was to be placed under easement. Mr. Ross responded that the 9.86 open acres would be placed under easement and combined with Mr. Kalina's neighboring lot.

Michele Greig clarified that this would therefore be a 9-lot subdivision with a lot line alteration. Mr. Ross confirmed this to be true.

Christine Kane asked for public comment.

David Wright moved to adopt the negative declaration under SEQR. John Hardeman seconded the motion, and all present voted in favor.

Christine Kane asked for comments from the public and Board. As there were none, John Hardeman moved to close the public hearing. Charlie Laing seconded the motion, and all present voted in favor.

Michele Greig presented the Board with a draft preliminary approval resolution. Christine Kane requested that the project description be amended to state that the applicant was seeking 9 lots and a lot line alteration. Charlie Laing moved to adopt the

resolution with the suggested changes. David Wright seconded the motion, and all present voted in favor.

Tim & Irene Hourihan – Crestwood Road – Subdivision Plat

Tim Ross, PE, was present for a public hearing on 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 read the public hearing notice that appeared on October 9, 2007 in the Kingston Daily Freeman. Mr. Ross then gave a brief overview of the project for the public.

Christine Kane noted that a negative declaration under SEQR had been drafted but not adopted. She then asked the public for comment.

Robert McKeon, of 163 Crestwood Road, stated that he was present as an adjoining landowner, and not in his capacity as Chair of the Ag & Open Space Committee. He noted that he had previously submitted written comments, and was currently trying to protect his farm without taxpayer funds. He expressed concern that the current layout did not utilize clustering, as he felt that the Zoning required that any development be clustered away from adjacent farmland. He also felt that the Ag Data Statement transmitted to the County Farmland Protection Board was false insofar as it stated that the land was not currently being farmed.

Chris Klose, of 81 Echo Valley Road, stated that he lived near the old Fraleigh Farm, and that it struck him as a familiar situation. He expressed concern at the loss of farmland which would result from the project.

Robert McKeon noted that while he recognized there were not prime soils, and that it was not a major tract of land, he felt that dairy farmers were reliant on support lands adjacent to their own. He stated that this field had been hayed for many years, and that in his opinion there was no reason his land and that of the Hourihan's could not be made available for contiguous farming in the future.

MaryAnn Johnson of the Ag and Open Space Committee and Farmland Protection Committee noted that it was not under the purview of the committees on which she serves due to the ZBA interpretation of the Important Farmlands Law. However, her recommendation was that, in part due to the risk of animal breakouts, Lot 4 be revisited to see if it could not be moved away from the adjacent farm under the cluster regulations.

Christine Kane reviewed the Ag Data Statement and noted that it did indicate that the land was not currently being farmed.

Mr. Hourihan stated that it was not being farmed, but rather that he had someone cut the hay to make the property look clean.

Paul Telesca asked Mr. Hourihan to confirm that it was not being sold. Mr. Hourihan confirmed this.

John Hardeman asked if the part being prohibited from further building or subdivision was where the hay was. Mr. Hourihan confirmed that this was the case. John Hardeman felt that under this arrangement, there was no reason it could not continue to be hayed in the future, even with the subdivision there.

Mr. McKeon stated that the leech field from the individual SDS would prevent farming. Frank Vosburgh, of 181 Middle Road, stated that he was an excavator and a farmer, and that he had seen instances of SDS systems in pastures and farm fields. He said that as long as stronger pipe was utilized to mitigate weight issues from farm equipment, there shouldn't be a problem.

Anne Wyrick of 355 Feller Newmark Road asked how the Board defined farming.

Michele Greig reviewed the Zoning definition of farming and read it aloud for the Board and public.

David Wright, John Hardeman, and Paul Telesca stated that as there was no lease, sale or profit taking place, they did not feel the Hourihan property fit the definition of farming.

Charlie Laing asked if there had been any changes since the last meeting. Tim Ross stated that there had not been any.

Michele Greig provided specific language at the Board's request for the no further subdivision note, and noted that it included the prohibition of lot line alterations.

Christine Kane asked the Board if they felt it should be sent back to the County Farmland Board to ask if they felt the property constituted farming. David Wright and Paul Telesca stated that they were comfortable without that, particularly as much of the usable farmland was being preserved.

Anne Wyrick expressed further concern that it was currently a farm, and asked that the project be sent back to the County for review.

Christine Kane read the County Ag Review for the Board and public, which stated that as there was already building in the area, leaving less farmland, this project would have no adverse impact.

Christine Kane asked if the applicant was getting Department of Health approval for the septic. Tim Ross stated that they were. She asked if he was familiar with the SDS Mr.

Vosburgh had discussed as being amenable to use in farmland. Mr. Ross said that he was, and that they would be put in when someone decided to build on the lot. Christine Kane asked if they were building immediately, or selling the lot for future building. Mr. Hourihan stated that the decision had not yet been made.

The Board reviewed the Part 2 EAF. Christine Kane then asked if there were any further comments from the public.

Warren Evy asked if the previous comment regarding the clustering would apply. Christine Kane responded that the cluster regulations could be imposed if the Board chose to do so. She said that it was discussed early in the process, before another piece of land was removed from the project, and that clustering would raise the issue of a sewer, as the soils in the area would not support half-acre lots with individual septic.

Mr. McKeon asked if a conservation easement was being required by the Board. Christine Kane responded that an easement had previously been discussed with the applicant, and as they had not been interested, a note prohibiting further subdivision was being required.

Mr. McKeon noted that a similar note had been in place on the Fraleigh Farm, and did not prevent it from being subdivided. Christine Kane responded that the current note would be on the plat, not a deed restriction. Michele Greig noted that the other project's note had not specified lot line alterations, and that this note would.

Mr. McKeon asked if landscape buffering had been required by the Board where his cattle were prone to breakouts. Christine Kane stated that this had not been discussed outside of the scenic impact along the road. Mr. Ross noted that it was a steep, wooded slope.

Charlie Laing asked if the area in question could be identified on the plat as not to be disturbed. Mr. Ross and Mr. Hourihan agreed.

Christine Kane asked how the Board felt about landscape buffering. Michele Greig noted that it would need to be placed in the deed. Mr. Hourihan noted that there were already trees there on the adjacent parcel owned by the Brents.

Charlie Laing asked if this served as screening or as an animal barrier.

Michele Greig said she could include a clause in the negative declaration that the deed on Lot 4 require that the vegetation be maintained to provide a buffer.

John Hardeman moved to adopt the negative declaration under SEQR with the suggested changes. David Wright seconded the motion, and all present voted in favor.

Christine Kane asked if there was any further comment from the public or the Board. As there was none, Charlie Laing moved to close the public hearing. David Wright seconded the motion, and all present voted in favor.

The draft approval resolution was reviewed by the Board. Mr. Ross noted that the applicant was seeking Department of Health approval for each lot. Michele Greig stated that she would revise the approval resolution to reflect this, as well as the requirement for Lot 4. David Wright moved to approve with the suggested conditions. Paul Telesca seconded the motion, and all present voted in favor.

Lindsay FLP/Linda Lindsay – 123 Old Post Road – Special Permit

Shelton Lindsay was present for a public hearing on an application for special permit to establish an accessory apartment in an existing mixed use building on a 0.4-acre lot in the H (Hamlet) Zoning District.

Christine Kane read the public hearing notice that appeared October 9, 2007, in the Kingston Daily Freeman. Shelton Lindsay then gave a brief overview of the project for the public, and Christine Kane asked the public for comments.

Christine Kane noted that Mr. Lindsay had provided a floor plan and details of the lighting. Mr. Lindsay stated that the scale was approximately 1/8th –inch to one foot. Christine Kane restated that, as they had already discussed, signage would not be permitted under this approval. She also noted that in the lighting pictures provided, the motion-sensitive lights are not shielded, and that this would need to be adjusted to conform with the Lighting Ordinance.

Mr. Lindsay provided pictures of the parking area. Christine Kane asked which area was for the apartment and which was for the business. Mr. Lindsay responded that an arrangement was being worked out with Charlie Hapeman and St. John's church across the street. He provided a letter from Mr. Hapeman stating that up to three cars would be permitted during business hours.

Michele Greig noted that parking would need to be available for 2 cars for each apartment, and one car per employee. Christine Kane stated that they would need to check on Mr. Hapeman being allowed that number of cars.

Christine Kane asked for questions from the public.

Michele Greig noted that the Ag Data Statement had been submitted by the applicant too late to be sent to adjacent agricultural land owners, and that the public hearing would therefore need to be left open.

Mr. Lindsay asked if there was anything else outstanding. Christine Kane and Michele Greig stated that there was not.

The Board reviewed the Part 2 EAF and decided that it would adopt it as a negative declaration under SEQR at the next meeting.

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

Marie Welch, LS, was present for a public hearing on 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.

Christine Kane read the public hearing notice that appeared October 9, 2007, in the Kingston Daily Freeman. It was noted that the wrong road was given in this notice, and that the public hearing would need to be renoticed.

Marie Welch provided the final application for the project and then gave a brief overview for the public. She noted that the Department of Transportation had given conceptual approval.

Christine Kane asked the public for comments. The Board reviewed the draft approval resolution, and agreed to leave the public hearing open to the next meeting.

REGULAR SESSION (OLD BUSINESS)

Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road

Steve Tinkelman, PE, and Keith Lore, developer, were present for discussion of possible revisions for 51 unit development partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Mr. Tinkelman stated that they were working on going back to the original project which had been approved. He stated that they would likely need an extension to meet the conditions, and submitted a letter from Pete Setaro outlining the progress that had been made. Keith Lore stated that the delay was primarily due to unexpected complications regarding the transportation corporation.

Christine Kane referenced a memo from the Board's attorneys regarding the phasing plan, stating that the Board does have the authority to grant a waiver on the 10-lot requirement for phasing.

Charlie Laing asked what documentation there would be under the phasing to ensure that Phase II was kept to what had already been discussed by the Board. Mr. Lore responded that they had provided easements with deed restrictions for the Board to review. The Board requested that these documents be submitted to its attorneys for review.

Mr. Lore noted that the Homeowners Association could not be approved by the Attorney General until they had an approved and signed plan, but that they would return to the

Board if there were any significant changes made. He then reminded the Board that their current extension was due to end in December.

Christine Kane stated that they would go through the materials and forward them to Keane and Beane.

Paul Telesca then moved to waive the 10-lot filing requirement under Section §120-9(G) of Town Code, so as to require only eight lots in the Town and one lot in the Village. John Hardeman then seconded the motion, and all present voted in favor.

Flandreau Subdivision – 176 Whalesback Road- Minor Subdivision

David Vogel of Spectra Engineering, and Scott and Jaquelyn Flandreau, were present for discussion of application for Subdivision Plat Approval (Sketch Plan) to create one (1) residential building lot of 3.216 acres, with a remaining lot of 4.193 acres, all from a 7.409-acre parcel in the RD1.5 Zoning District.

Michele Greig stated that, per her research, with the two flag lots being created, the parent lot does not need to remain in conformance with the zoning. She then stated that under the new Army Corps of Engineers regulations, it was possible that they had not relinquished jurisdiction by failing to respond within 45 days.

Christine Kane noted that according to the applicants, they were seeking to provide care for elderly family members. She asked if this could not be done through an accessory apartment or cottage rather than a subdivision. The applicants responded that they did not want a long-term rental property.

Scott Flandreau stated that, in response to the Board's prior concerns regarding the wetlands, they had at least 1.75 acres of dry land. David Vogel stated that the lots had 2.56 and 1.58 acres of dry land, not counting the pole.

Christine Kane noted that the zoning district was incorrectly labeled R-3A, and then asked the Board for comments.

Charlie Laing stated that the zoning law allowed for flag lots at the discretion of the Planning Board, but only if there was no environmental impact. Due to the wetlands, he did not feel this was the case here.

Christine Kane noted the presence of shagbark hickory trees. Michele Greig responded that the mitigation in this instance would be for limiting tree removal to certain times of year.

Jacquelyn and Scott Flandreau asked if there would not be a larger environmental impact from clear cutting the property, for which they would not need Planning Board permission.

Christine Kane noted that the adjacent properties were much smaller, so there would be no change in neighborhood character. She then stated that if the Board felt they could

not grant the flag lot, they could decide tonight, and save the applicants time and money. Alternatively, if the Board wanted more information, they could seek clarification, hold the public hearing, and continue with the process. She noted that the Board cannot take into consideration the applicants' reason for seeking the flag lot.

Scott Flandreau expressed concern that the Town Board had not acted to make this law less subjective.

Paul Telesca and John Hardeman expressed a desire for more information before making a decision. David Wright and Charlie Laing felt that even with more information, there would still be too significant of an environmental impact to grant approval.

Mr. Flandreau expressed an intention to conduct tree removal if denied.

Michele Greig said she would follow up with the Army Corps of Engineers to clarify their jurisdiction in this instance.

Christine Kane asked the applicants to mark the trees to be cut, flag the wetlands, and then contact the Board so they could conduct a site visit.

Meadowbrook Estates – Norton Rd. & Baxter Rd. – conceptual Site Plan

Neil Alexander, Lawrence Gawloski, and Neil Wilson were in attendance for presentation of application for a 119-unit townhouse development on a 23.1-acre parcel (CSI Developers Holdings, LLC) with frontage on Baxter Rd., partly in the Village of Red Hook, and a 20.065-acre parcel (Carelland, LLC) with frontage on Norton Rd. The land lying within the Town is all in the R1 Zoning District.

Mr. Gawloski gave an overview of the project for the public and for the Board, emphasizing the clustered and neighborhood aspects of the project, as well as the green spaces.

Christine Kane asked for clarification on the plans as to the details of the lot line alteration. Neil Alexander stated that it would be a 2-acre adjustment to ensure that there were 60 units on either side of the line. He noted that there was only one outlet, on to Norton Road, due to the current Village moratorium on accepting new roads.

Christine Kane noted that the Board had authorized herself and Sam Phelan to conduct informal meetings with the developers to discuss the project as it unfolded.

Paul Telesca expressed concern that it was too far from the Village for residents to walk into town and shop. Mr. Alexander noted that the edge of the property closest to the Village was approximately 0.5-miles from the center of town.

Christine Kane asked if they would be connecting to Village Water. Mr. Alexander stated that they would be, but could also be self-sufficient if necessary.

Charlie Laing and Michele Greig noted that the proposed open space was regulated ACOE wetlands. Mr. Alexander responded that 52% of the property was currently proposed to be kept open. Christine Kane asked how much of that 52% would be otherwise buildable.

Christine Kane referred to a GreenPlan memo which expressed concerns as to the bedroom count formula used in the project. She said it was not clear whether this formula could be used for this project, due to the zoning definition of multifamily housing, single family housing, and townhouses.

Neil Alexander noted that they would be creating a Condo and Offering Agreement through the Attorney General, not subdividing. He then asked that the Board begin SEQR and circulate for Lead Agency.

Christine Kane asked that the Zoning Enforcement Officer provide an interpretation regarding the multifamily housing before circulating for Lead Agency.

Mr. Wilson said that he would correct the EAF as per the GreenPlan memo they had received and wait for the ZEO to give an interpretation.

Charlie Laing expressed concern over the lack of access on to Baxter Road. Mr. Wilson stated that a traffic study was underway.

OTHER BUSINESS

Sycamore Acres

The Board reviewed a letter from the Sieverdings expressing concern over the lack of noticeable progress on their project. They then asked Charlie Laing to review the proposed conservation easement.

ADJOURNMENT

Since there was no further business to come before the Board, Charlie Laing made a motion to adjourn. John Hardeman seconded the motion, and all present voted in favor.

Respectfully submitted,

Patrick Kelly
Assistant Clerk to the Planning Board

Attachments:

Negative Declaration under SEQR for Forest Park Section 1-D Subdivision
Preliminary Approval Resolution for Forest Park Section 1-D Subdivision
Negative Declaration under SEQR for Hourihan Subdivision
Resolution Granting Final Approval for Hourihan Subdivision

7.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: October 15, 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: Forest Park Section 1-D Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to subdivide a ± 15.76 acre parcel of land located in the R1.5 Zoning District into nine (9) residential building lots ranging in size from ± 0.34 acres to ± 0.64 acres, and to adjoin the remaining ± 10.07 acres (which fulfills the open space requirement of the proposed cluster development and will be placed under a conservation easement prohibiting further subdivision and development) with the adjacent lands of Kalina. The nine (9) residential building lots will be served by extension of the existing municipal water system in Forest Park, and by individual on-site subsurface sewage disposal systems. Approximately 975 linear feet of new Town road will be constructed to access the proposed lots. This portion of road will connect the ends of two (2) existing cul-de-sacs. Wetlands under the jurisdiction of the NYS Department of Environmental Conservation (DEC) are located on site, and a portion of the proposed road and stormwater management facilities are proposed within the required 100' adjacent area.

Location: Middle Road and Kalina Drive, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated January 17, 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. No construction will occur on areas of the property where depth to the water table is less than 3 feet. Therefore, no significant adverse environmental impacts on land are anticipated.
4. NYS DEC wetlands are located on the project site. The wetlands delineation has been validated by NYS DEC, and a signed validation block will be included on the final plat. The proposed action would require installation of a portion of the proposed road and stormwater management facilities within the required 100' adjacent area to the NYS DEC wetland. This activity will require a permit from the NYS DEC and possibly a permit from the ACOE. The Planning Board does not anticipate significant adverse environmental impacts on wetlands as a result of the proposed development within the 100' adjacent area.
5. The project site contains soils of statewide importance, and is located within a certified agricultural district (Agricultural District 20); the proposal is therefore subject to the Town of Red Hook's Important Farmlands Law in §143-47D(4) of the Zoning Law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. An Agricultural Data Statement dated January 1, 2007 was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. Small areas with soils of statewide importance (DwC) are located in close proximity to existing moderate density residential development on Kalina Drive and Appletree Drive in the Forest Park neighborhood. Along Middle Road the subject parcel does not have agricultural soils, but these lands abut two working farms. Clustering is required for lands subject to the Town's Important Farmlands Law. In this case, the Planning Board determined that the potential impact of developing the small areas of agricultural soils in the vicinity of the existing development in Forest Park was less than the potential impact of locating nine (9) new homes immediately adjacent to two working farms on Middle Road. The loss of agricultural soils is limited, and it is unlikely that these soils would be used for productive agricultural purposes due to the close proximity of a number of adjacent residences. Wetlands and steep slopes separate the proposed house sites from the nearby working farms on Middle Road. Based on the foregoing, no significant adverse environmental impacts on agricultural resources are anticipated.

6. The portion of the property located adjacent to Middle Road will be placed under a conservation easement that will prohibit further subdivision and development of these lands. Thus, no significant environmental impacts on aesthetic resources are anticipated as a result of the action.
7. The proposed action would generate approximately nine (9) vehicle trips during the peak AM and peak PM hours. No significant impacts on the transportation network are anticipated as a result of this trip generation.

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

Dutchess County Department of Health

New York State Department of Environmental Conservation (Division 3)

Resolution Granting Preliminary Subdivision Approval to Forest Park Section 1-D

Name of Project: Forest Park Section 1-D Subdivision

Name of Applicant: Nathan Kalina

Whereas, the applicant has submitted an application for Preliminary Subdivision approval (undated) to the Town of Red Hook Planning Board to subdivide a \pm 15.76 acre parcel (Tax ID No. 134889-6171-00-766997) into nine (9) residential building lots ranging in size from \pm 0.34 acres to \pm 0.64 acres, and to adjoin the remaining \pm 10.07 acres (which fulfills the open space requirement of the proposed cluster development and will be placed under a conservation easement prohibiting further subdivision and development) with the adjacent lands of Kalina; and

Whereas, the subject parcel is located at Middle Road and Kalina Drive, in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, on April 18, 2007, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on October 15, 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 Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board notified the Town of Rhinebeck of the Public Hearing on the preliminary plat in conformance with the requirements of General Municipal Law § 239nn; and

Whereas, on October 15, 2007, the Planning Board conducted a public hearing on the Preliminary Plat application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Preliminary Plat approval to Nathan Kalina to subdivide a \pm 15.76 acre parcel located on Middle Road and Kalina Drive.

Now therefore be it resolved, that the Planning Board grants preliminary plat approval to Nathan Kalina to subdivide a \pm 15.76 acre parcel located on Middle Road and Kalina Drive into nine (9) residential building lots and to adjoin the remaining \pm 10.07 acres to the adjacent lands of Kallina in accordance with the plans and specifications heretofore submitted

On a motion by Charlie Laing, seconded by David Wright, and a vote of 5 for, 0 against, and 1 absent, this resolution was adopted on October 15, 2007.

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

Patrick Kelly, Deputy Clerk to the Board

Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: October 15, 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: Hourihan Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to subdivide a ±26.865 acre parcel of land located in the RD3 Zoning District into four (4) residential building lots ranging in size from ±5.61 acres to ±7.86 acres. The lots will be served by individual wells and septic systems and will be accessed from Crestwood Road.

Location: Crestwood Road, Town of Red Hook, Dutchess County New York

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 July 16, 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. No construction will occur on areas of the property where depth to the water table is less than 3 feet. On one of the proposed lots (Lot 4), construction will occur in areas

where bedrock is exposed or within 3 feet of existing ground surface; however bedrock will be removed by ripping or hammering and no blasting will be required. Based on the foregoing, no significant adverse environmental impacts on land are anticipated.

11. Federal jurisdictional wetlands are located on the project site. The wetlands were field delineated by Joseph A. Steeley Jr. The proposed project activities do not include the addition of fill material into Federal jurisdictional wetlands on the property. Therefore no significant adverse environmental impacts on wetlands are anticipated.

12. The project site contains prime agricultural soils and soils of statewide importance, and is located adjacent to lands located within a certified agricultural district (Agricultural District 20). The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. The project has been designed to maintain a portion of the soils of statewide importance located along Crestwood Road free of development, and a note has been included on the plat that no additional structures beyond what are shown on the plat (a single septic system) shall be constructed in an area within 250' of the front property line. In addition, a note has been included on the plat that no further subdivision of the subject lands, including lot line alterations, shall be permitted. Another note on the plat prohibits disturbance to and removal of the existing vegetative buffer located between proposed Lot #4 and the adjacent active agricultural lands in order to minimize potential land use conflicts between the two uses; this language will also be included as a deed restriction in the deed to Lot #4. Access to the proposed lots will be from two shared driveways, which have been located so as not to cross the agricultural lands in the front field. The proposed homes will be located in excess of 200' from adjacent lands within the certified agricultural district. Based on the foregoing, the project is not anticipated to have any significant adverse environmental impacts on agricultural 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

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Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Dutchess County Department of Health

New York State Department of Environmental Conservation (Division 3)

Resolution Granting Final Subdivision Approval to Hourihan Subdivision

Name of Project: Hourihan Subdivision

Name of Applicant: Timothy Hourihan

Whereas, the applicant has submitted an application for Final Subdivision approval dated May 29, 2007, to the Town of Red Hook Planning Board to subdivide a \pm 26.865 acre parcel of land into four (4) residential building lots ranging in size from \pm 5.61 acres to \pm 7.86 acres; and

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

Whereas, the applicant has submitted a Final Plat prepared by Timothy A. Ross, P.E. dated July 7, 2007 (Sheet 1) and July 6, 2007 (Sheet 2); and

Whereas, on October 17, 2005, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on October 15, 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, on October 15, 2007, the Planning Board conducted a public hearing on the Subdivision application, at which time all interested persons were given the opportunity to speak; and

Whereas, the parcel is located within 500' of lands that are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 14, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board now wishes to grant Final Plat approval to Timothy Hourihan to subdivide a \pm 26.865 acre parcel of land into four (4) residential building lots ranging in size from \pm 5.61 acres to \pm 7.86 acres.

Now therefore be it resolved, that the Planning Board grants final plat approval to Timothy Hourihan to subdivide a \pm 26.865 acre parcel of land located on Crestwood Road into four (4) residential building lots ranging in size from \pm 5.61 acres to \pm 7.86 acres 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 applicant obtain the permits and approvals listed in the EAF, including approvals from the DC DOH, DEC, and Town Highway Department (for the proposed driveway location).
3. That the applicant revises the “no further subdivision” note as follows: “No further subdivision, including lot line alterations, of any of the lots shown hereon (Lots 1, 2, 3, and 4) shall be permitted.”
4. That the applicant shall include a signature block for the DC DOH on the plat.
5. That the Town Engineer review the “Advisory” note regarding test wells on the subdivision plat and that the note be removed if recommended by the Town Engineer.
6. That the applicant addresses all of the four (4) comments of the Town Engineer in his review memo dated August 6, 2007.
7. That the applicant shall include a note on the final plat prohibiting disturbance to and removal of the existing vegetative buffer located between proposed Lot #4 and the adjacent agricultural lands in order to minimize potential land use conflicts between the two uses.
8. That the applicant submits in final form acceptable to the Planning Board a deed restriction for proposed Lot #4 prohibiting disturbance to and removal of the existing vegetative buffer located between Lot #4 and the adjacent agricultural lands in order to minimize potential land use conflicts between the two uses, and files the deed restriction in the Dutchess County Clerk’s Office.
9. That the Final Plat references the filing date and document number for the deed restriction for Lot #4 filed with the Dutchess County Clerk’s Office.
10. 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.
11. Payment of recreation fee to the Town of Red Hook
12. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
13. 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.

On a motion by David Wright, seconded by Paul Telesca, and a vote of

Roll Call Vote:

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

Resolution declared: Approved on October 15, 2007

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

Patrick Kelly, Clerk to the Board

Date

