

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
November 12, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

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

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

BUSINESS SESSION

The minutes of the October 15, 2007 meeting had not been sent to members with ample time to be reviewed. It was decided that they would be addressed at the next meeting.

PUBLIC HEARINGS

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

Shelton Lindsay was present for the continuation of 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 asked the public for comment.

Christine Kane noted that this is an existing, nonconforming use, and that the Board had determined that this application would be for a less intensive use.

The Board reviewed the Part 2 EAF and and determined that the project would not have a significant adverse environmental impact. David Wright moved to pass a resolution for the negative declaration, Charlie Laing seconded the motion, and all present voted in favor.

Christine Kane asked the public for comment. As there was none, the Board closed the public hearing.

Shelton Lindsay noted that they had installed 36-watt light bulbs and brought the property into conformance with the Town Lighting Ordinance.

The Board reviewed a draft approval resolution.

Charlie Laing moved to adopt the approval resolution. David Wright seconded the motion, and all present voted in favor.

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

Marie Welch, LS, was present for the continuation of 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 noted that the public hearing had been re-noticed since the October 15th meeting, as the published notice for that date had contained the wrong street name. She then read the correct public hearing notice which appeared in the Daily Freeman on November 7, 2007.

Marie Welch gave a brief overview of the project for the public. She noted that septic and soil tests had been conducted.

Christine Kane asked for public comment. As there was none, Sam Phelan moved to close the public hearing. Paul Telesca seconded the motion, and all present voted in favor.

The Board then reviewed a draft approval resolution. Sam Phelan noted that the Board had previously discussed including a note on the map, as a condition of approval, requiring that a house on Lot 2 be located behind the existing ride, below the 250' elevation.

Michele Greig reviewed the negative declaration under SEQR, and confirmed that a statement was already in that document. The Board generally agreed to add a condition to the approval resolution requiring the addition of this note on the final plat.

Marie Welch expressed concern that the plat and the common use agreement for the driveway would reference each other's filing dates. Michele Greig responded that there is a way for the County Clerk to do this and that Ms. Welch could discuss this with the County Clerk..

Charlie Laing moved to adopt the approval resolution with the discussed condition. Paul Telesca seconded the motion, and all present voted in favor.

REGULAR SESSION (OLD BUSINESS)

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

Pete Setaro, PE, was present for discussion of a possible extension of approval for 51 unit development, partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Pete Setaro noted that Steve Tinkelman had been at a previous meeting to discuss a possible extension, and that a letter had been submitted indicating the progress toward meeting the conditions of approval. He stated that approval from the Department of Health was imminent, but that the transportation corporation had proven complicated to finalize.

Betty Mae Van Parys requested help in calculating the final application cost. Michele Greig said that they could discuss that at a later date.

Christine Kane asked if the Board should formally adopt the phasing plan. Michele Greig said that finalizing the phasing plan was a condition of approval and that the Board should review and approve it. The Board reviewed the phasing plan and generally agreed that it was satisfactory.

Michele Greig asked the applicant if they had any intention of pursuing an alternate building plan, as discussed previously. Pete Setaro answered that the alternate plan was no longer under consideration by the applicants.

Sam Phelan moved to grant two 90-day extensions. Charlie Laing seconded the motion, and all present voted in favor.

Pete Setaro stated that he would submit the final plan set to Michele Greig and Dan Wheeler for review. The Board generally agreed to permit this direct submittal in this case.

Before beginning the Old Business portion of the meeting, Christine Kane stated that Meadowbrook had requested to be withdrawn from the meeting's agenda and that notes to that effect had been placed on the town hall's door indicating this to the public.

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

Pete Setaro, PE, and Steve George, of 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.

Pete Setaro noted that minor comments had been received from the Health Department and Dan Wheeler, and that the current plans were newly submitted since the previous meeting.

Michele Greig reminded the Board that sketch endorsement had not been given.

Steve George addressed the concerns previously raised by Hickory Creek's wetlands consultant. He stated that he had talked to the DEC, and taped off and measured a 100' buffer to the edge of the property. Pete Setaro clarified that there was a map which had been submitted to the DEC to be signed.

Michele Greig noted that there was a flag lot on the property, and that Lot 4 would require crossing two wetlands, and construction activities in close proximity to wetlands and a vernal pool.

Steve George stated that the crossing would be over a dry ditch and a mostly dry ditch, both with minimal water flow. Michele Greig said that she felt there was some impact for the Board to consider in determining whether a flag lot could be warranted or justified.

Pete Setaro asked if this issue had been raised before. Michele Greig said that she had raised this issue in previous memos, but that clarification of the wetlands issue had to be determined first for the Board to decide the matter.

Christine Kane asked the other members of the Board if they were comfortable with the applicant's responses to Hickory Creek's concerns. Sam Phelan and Charlie Laing both stated that they felt the two parties had resolved it, and were comfortable with the conclusions.

Michele Greig confirmed that Karen Schneller-McDonald of Hickory Creek Consulting was satisfied with the wetlands delineation, but that she had also expressed concerns over the potential impacts to wetlands resulting from Lot 4.

Steve George stated that the applicants would utilize bottomless arched culverts, and also noted that the well and septic would also require Department of Health approval. He felt that there would be no negative impact on the amphibious population.

Christine Kane expressed concern that Lot 4 was connected in terms of water flow to the other wetlands. She felt that if it was a three-lot subdivision, with no flag lot, there would be no concern.

Charlie Laing asked if there was any way for the last lot to not be a flag lot. Pete Setaro said that there was not. He asked if this was the feeling of the whole Board.

Christine Kane noted that flag lots exist as an exception, not as a right. She asked the Board for comments.

Sam Phelan asked if the objection was to the creation of 4 lots, or to the location of the house on lot 4. He noted that the Board had approved previous projects of a similar nature, so they should be careful if they are seeking to impose strict standards.

Charlie Laing commented that for the sake of consistency, it would be beneficial if the Town adopted a wetlands law. Christine Kane agreed, but noted that since no such law is currently in place, it was a different issue in this instance.

Pete Setaro asked if there would still be a problem if they removed the flag lot, but kept the house on lot 4 in the same location. Sam Phelan noted that if the goal was to protect sensitive wetlands, perhaps it would be possible to fit the four lots in, with the houses away from areas of concern, by using more flag lots.

Christine Kane stated that the points of concern were the flag lot regulations and on-site wetlands. She asked the Board for comment regarding whether they could give sketch endorsement at this time. The Board generally agreed that they would not do so.

Pete Setaro asked if the issue had been raised previously. Michele Greig referred him to previous memos on the subject from GreenPlan.

Frank and Catherine Vosburgh – 181 Middle Road – Minor Subdivision

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

Bob Zimmerman and Frank Vosburgh were present for discussion of an 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.

Michele Greig and Sam Phelan reminded the Board that at previous meetings, they had chosen to hold off on SEQR and sketch endorsement until the soils had been identified.

The Board reviewed the submitted soils report. Christine Kane noted that no test pits had been dug, but there was already some excavation. Frank Vosburgh confirmed this to be true.

Sam Phelan asked if it was a reputable firm which Mr. Vosburgh had employed. Michele Greig said that to the best of her knowledge, they were respected in the field.

Michele Greig asked the applicant for records of soil borings, or at least Mr. Case's field notes indicating the location of the rock outcroppings. Mr. Vosburgh said that he would get in touch with Mr. Case.

Bob Zimmerman asked if the Board was going to make judgments as to clustering and house placement. Michele Greig suggested that before doing either, the Board conduct a site visit.

Sam Phelan stated that, working on the assumption the soils are not of statewide importance, he felt the Board could move forward with SEQR while seeking to get additional data to confirm the nature of the soils.

Charlie Laing asked if DEC wetlands extended on to the property. Mr. Vosburgh stated that they had been mapped previously.

Mr. Zimmerman asked the Board what information it needed to expedite the process.

Michele Greig said that the Board would need to decide whether or not to require clustering, and should therefore have information on wetlands location, topography, and locations of rock outcroppings.

Christine Kane asked Board members if they were interested in conducting a site visit. It was decided that Charlie Laing and Christine Kane would go to the site the following Saturday.

Christine Kane noted that Town Hall may be closed on November 23rd, which would be the deadline for submission of materials before the next meeting. The Board agreed to extend that deadline to the following Monday, November 26th.

At this time, David Wright returned to the table.

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

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

Christine Kane asked if the applicant had revisited the details of a conservation easement in light of the proposed lot lines. Mr. Crane confirmed that he had. Christine Kane asked if there were any changes since the last time he was before the Board. Mr. Crane said that there were not, and gave a brief overview of the project for the Board.

Charlie Laing and Sam Phelan asked what the easement said about a farmstead. Mr. Crane said that there was an area specified in the easement for a new farmstead but no specific language concerning what was to be included in that area .

Christine Kane noted that the project would be a Type 1 action as it is in the National Historic Landmarks District. The Board generally agreed to establish lead agency under SEQR.

There was a general consensus on the Board to grant sketch endorsement. A public hearing was set for the December 3rd meeting.

No one was present to represent David Baker’s application so the board did not review it.

OTHER BUSINESS

Sycamore Acres

The Board reviewed a letter from Andrew Howard requesting a 90-day extension for Sycamore Acres, and outlining the progress being made to meet conditions. Charlie Laing moved to grant the extension. David Wright seconded the motion, and all present voted in favor.

ADJOURNMENT

Since there was no further business to come before the Board, Charlie Laing made a motion to adjourn. David Wright seconded the motion, and all present voted in favor. The meeting was adjourned at approximately 9:10 PM.

Respectfully submitted,

Patrick Kelly

Assistant Clerk to the Planning Board.

Attachments:

Resolution Granting Site Plan Approval to Shelton C. Lindsay

Resolution Granting Final Subdivision Approval to Merrihew Subdivision

Resolution Granting Site Plan Approval to Shelton C. Lindsay

Name of Project: Lindsay Site Plan

Name of Applicant: Shelton C. Lindsay

Whereas, the applicant has submitted an application for Site Plan Approval dated June 21, 2007 to the Town of Red Hook Planning Board to convert a portion of a building housing an existing non-conforming use into a residential apartment on \pm 0.4 acre of land located on Old Post Road, in the Hamlet (H) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, on September 17, 2007, the Town of Red Hook Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on November 5, 2007, Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated June 22, 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 impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board has reviewed the site plan against the requirements of Article VII of the Town of Red Hook Zoning Law; and

Whereas, the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 11, 2007, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on October 15, 2007, the Planning Board conducted a public hearing on the Site Plan application, which Public Hearing was continued on November 12, 2007, at which time all interested persons were given the opportunity to speak; and

Whereas, the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and on November 5, 2007 the County Planning Department determined the project was a matter of local concern;

Whereas, the Planning Board now wishes to grant Site Plan approval to Shelton C. Lindsay to convert a portion of an existing non-conforming use into a

residential apartment in a building located on Old Post Road in the Hamlet Zoning District in the Town of Red Hook, Dutchess County, New York.

Now therefore be it resolved, that the Planning Board grants Site Plan approval to Shelton C. Lindsay to convert a portion of a building housing an existing non-conforming use into a residential apartment located on Old Post Road on \pm 0.4 acre of land located on Old Post Road in the Hamlet (H) Zoning District in the Town of Red Hook, Dutchess County, New York in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The applicant will bring all existing lighting fixtures into conformance with the provisions of the Town of Red Hook Zoning Law § 143-27.1 by either reducing the wattage of the lamps to less than 50 watts or by fully shielding the lamps.
- B. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by Charlie Laing, seconded by David Wright, and a vote of 5 in favor, 0 against, and 1 absent.

Roll Call Vote:

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

Resolution declared: Approved on November 12, 2007

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

Patrick Kelly, Deputy Clerk to the Board

Date

Resolution Granting Final Subdivision Approval to Merrihew Subdivision

Name of Project: Merrihew Subdivision

Name of Applicant: Raythorn Merrihew

Whereas, the applicant has submitted an application for Final Subdivision approval dated February 16, 2006 to the Town of Red Hook Planning Board to subdivide a \pm 6.88 acre parcel of land into three (3) residential building lots ranging from \pm 1.825 acres to \pm 3.484 acres in size; and

Whereas, the subject parcel is located on US Route 9 in the R1.5 and Scenic Corridor Overlay Zoning Districts in the Town of Rd Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Marie T. Welch, L.S. dated February 17, 2006 and revised July 7, 2006, October 6, 2006, May 1, 2007, May 31, 2007, July 16, 2007, and September 9, 2007; and

Whereas, on June 4, 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 1, 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 adopted a 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, which Public Hearing was continued on November 12, 2007, at which time all interested persons were given the opportunity to speak; and

Whereas, the applicant submitted a conceptual approval from the NYS DOT dated June 18, 2007 for the proposed driveway location; 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 February 15, 2006, 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 Raythorn Merrihew to subdivision a \pm 6.88 acre parcel of land into three (3) residential building lots ranging from \pm 1.825 acres to \pm 3.484 acres in size.

Now therefore be it resolved, that the Planning Board grants final plat approval to Raythorn Merrihew to subdivision a \pm 6.88 acre parcel of land located on US Route 9 into three (3) residential building lots ranging from \pm 1.825 acres to \pm 3.484 acres in size 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 all permits and approvals listed on the EAF including approval from the Dutchess County Department of Health for individual wells and on-site subsurface sewage disposal systems, and approval from the NYS Department of Transportation for the proposed driveway location.
3. That the applicant submits a Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board.
4. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
5. 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.
6. Payment of recreation fee to the Town of Red Hook
7. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

8. Addition of a note to the Final Plat stating that the house on Lot A-2 must be located behind the existing ridgeline at an elevation below 250'.
9. 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 Charlie Laing, seconded by Paul Telesca, and a vote of 5 in favor, 0 against, and 1 absent,

Roll Call Vote:

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

Resolution declared: Approved on November 12, 2007

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

Patrick Kelly, Deputy Clerk to the Board

Date