

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
December 17, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:36 p.m. and a quorum determined present for the conduct of business.

Members present — Chair Christine Kane, John Hardeman, Sam Harkins, and Charlie Laing. Planner Michele Greig was also present.

BUSINESS SESSION

The minutes of the December 3, 2007 meeting had been sent to members for review. Sam Harkins moved to adopt the minutes as written. Charlie Laing seconded the motion, and all present voted in favor.

At this time Paul Telesca arrived.

REGULAR SESSION (OLD BUSINESS)

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

Pete Setaro, PE, was 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.

Mr. Setaro noted that there had been concerns at a previous meeting regarding the extent of the wetlands on Lot 4 and their proximity to the proposed house site. He proposed that Lots 1, 3, and 4 be placed under deed restriction to provide buffers for the wetlands. He also noted that the shape of Lot 1 lended itself to subdivision as a flag lot.

Christine Kane referred Mr. Setaro to the GreenPlan memo dated December 13, 2007. She noted that deed restrictions are difficult to enforce, that there were two vernal pools which may potentially be impacted on Lot 4, and that the proposed deed restrictions did not change the fact there would still be two wetland crossings. She also expressed concern that the proposed plantings, Japanese barberry, were an invasive species.

Michele Greig noted that no more than 25% of wetlands may be included in the acreage calculation for permitted density, and asked Mr. Setaro to confirm that this requirement was met and that the yard requirements were satisfied by dry land.

Charlie Laing noted that unless the Town were to accept them, there would be no third party enforcement rights on the deed restrictions. Pete Setaro and Michele Greig confirmed this.

Charlie Laing and Christine Kane stated that they still felt Lot 4 to be an area of concern, as the close proximity of the wetlands would make it difficult to maintain the deed restrictions. Christine Kane stated that she felt three lots would be preferable in terms of the Town's zoning regulations.

Pete Setaro presented a set of draft plans for a three-lot subdivision. He noted that the previous acreage of Lot 4 had been merged with Lot 3, and that there was only one wetlands crossing.

Christine Kane reminded Mr. Setaro that the Board does not accept plans at a meeting, and that he would have to resubmit them with a new application for the next meeting. She suggested that if the Board had no major outstanding issues, rather than granting sketch endorsement, he could simply apply for final plat approval of the three lot plan if the applicants preferred.

Christine Kane said that the Board would contact Mr. Setaro when the date of January's meeting had been established. She also noted that there was a shortage in the project's escrow account. Mr. Setaro requested that the Planning Board Clerk contact him with a suggested amount to transfer into the escrow.

REGULAR SESSION (NEW BUSINESS)

Devereux Foundation – 40 Devereux Way – Site Plan

Richard Praetorius, PE, Chris Smailer of Scott Conrad & Associates, and John Kavanagh of the Devereux Foundation were in attendance for presentation of application for Site Plan Approval for a two-story expansion adding 4385 sq. ft. on the ground floor and 5190 sq. ft. on the first floor, on a 54.4-acre parcel in the Institutional Zoning District and the Certified Agricultural District

Charlie Laing asked if they had begun construction on a previously approved building near Route 9. Mr. Kavanagh said that this time they were not going through with that project, and that they would come before the Board again if they decided to move forward with new plans.

Mr. Praetorius stated that they were proposing a two-story addition to an existing building, built into a hill such that the second story of the addition would connect to the first story of the existing structure. He said that the facility would be reducing the number of resident students from 105 to 90 and increasing day students from 25 to 69.

Charlie Laing asked if there would be empty space as a result of the reduction in residential students. Mr. Kavanagh replied that they would be reducing the density of the students living there, so that each of them had more space.

Charlie Laing asked if there was a small package plant on site. Mr. Praetorius responded that there was a subsurface leech field, and no surface discharge.

Christine Kane asked if the lighting was in compliance with the Town's Lighting Ordinance, particularly regarding shielding and glare. John Hardeman asked if the applicant would be required to bring the whole site into compliance at once. Christine Kane felt that if this would be burdensome, they could look at phasing.

Mr. Smailer asked if the plans had been sent to the Town Engineer. Christine Kane replied that this was not typically done before the first meeting. Michele Greig recommended that the Town Engineer review the photometric plan to look at the averages and uniformity of the lighting, so as to ensure that it was in accordance with the zoning requirement of a maximum average of one foot-candle for parking lots and five foot-candles for high security areas such as building entrances.

Christine Kane asked that the applicants provide building materials samples for the Board.

Michele Greig asked if the increase in day students would require more vans on site, and if there would be a significant increase in staff that would affect the parking. Mr. Kavanagh stated that the vans were owned by individual school districts, and therefore did not need parking, and that there was currently a lot on site which was largely unused, and that this lot, in addition to a few additional parking spaces, would compensate for any increased needs on site. The Board generally agreed that parking would not be an area of concern with this application.

Christine Kane noted that it was unclear whether certain work indicated on the plans was another expansion or internal renovations. Mr. Smailer replied that there was only the one proposed addition, and that all other work was internal renovation.

Referring to the EAF, Christine Kane asked that they clarify the exact soil type, as there may be soils of statewide importance on the site. Charlie Laing felt that the project was clearly not impacting the soils in question. Christine Kane replied that the project at this time was still in the Certified Agricultural District. Michele Greig asked about the method of obtaining traffic numbers, as there was no ITE code indicated. Mr. Praetorius replied that he had used real numbers rather than the ITE method. Ms. Greig asked that this be noted on the EAF.

Christine Kane asked if water usage may be an issue. Mr. Praetorius responded that the site was permitted for 19,000 gallons per day, and that estimated usage with the addition in place would be 10,000 to 11,000.

Christine Kane asked that a revised EAF be submitted with the discussed changes.

Chris Smailer presented renderings of the proposed addition. He stated that the appearance would be slightly different, and that while the color scheme would be similar, they expected some slight variation due to changes over time in what building materials are available.

Christine Kane noted that the roof color had changed significantly. Mr. Smailer responded that the old roof was shingled while the new roof was metal, with the intention of making the extension stand out somewhat since it would become the main entrance.

Christine Kane asked if there was any proposed signage or lettering on the extension. Mr. Praetorius and Mr. Smailer replied that there was not.

Charlie Laing noted that there were no gutters in the renderings. Mr. Praetorius replied that there would be internal drainage into an existing storm system on site which emptied into a low wooded area on the property.

The Board reviewed a draft resolution establishing lead agency for an uncoordinated review of an unlisted action under SEQR. Michele Greig indicated that she did not believe the DEC would be an involved agency. John Hardeman moved to adopt the resolution. Paul Telesca seconded the motion, and all present voted in favor.

Christine Kane stated that once revised materials were submitted, the Board would send them to the Town Engineer, Agriculture and Open Space Committee, and Dutchess County Planning for review. Michele Greig noted that while the Board could schedule a public hearing before they receive a response from County Planning, they cannot take action on the matter.

Mr. Praetorius asked if it was the Board's clerk who notified neighbors for the public hearing. Christine Kane confirmed that the planning board's clerk would take care of this and would place the required public hearing notices in the town's official newspaper.

OTHER BUSINESS

Williams/Angelier Subdivision

The Board reviewed a letter requesting an extension of conditional final approval for the Williams/Angelier Subdivision. Christine Kane asked if any prior extensions had been granted. Brian Williams replied that the project had already received a single 90-day extension. He stated that the delay was due to a question over whether the project was subject to the Town's recreation fees, but that he had been unable to resolve the matter with the Town Supervisor.

John Hardeman moved to grant the requested 90-day extension. Sam Harkins seconded the motion, and all present voted in favor. Christine Kane noted that the extension would take place when the first ended.

Escrows

A memo from Town Business Manager Deb Marks and Clerk Betty Mae van Parys regarding billing to escrow accounts was reviewed by the Board. Christine Kane felt that reviews by the Town Attorney of components for individual projects should be paid for out of applicants' escrow accounts rather than by the Town. Assistant Clerk Patrick Kelly asked for a letter clarifying this policy in writing.

January Meetings

The Board decided that as the regularly scheduled meeting of January 21st was a holiday, they would cancel the meetings on January 7th and 21st and hold a single meeting on January 14th.

Tree Ordinance

The Board reviewed a letter from CAC Chair Brenda Cagle regarding the proposed Town Tree Ordinance. Christine Kane stated that as far as she knew there was no current requirement regulating the removal of trees in the subdivision regulations. Michele Greig reviewed the code and found a reference to "specimen trees" and "substantial tree masses

Charlie Laing expressed concern about over-regulating the use, removal, and maintenance of trees. Christine Kane noted that if there were clear guidelines on what was required, applicants would have advance notice. Paul Telesca expressed concern about creating onerous restrictions, as he felt the Board operated well by asking for detailed information on tree removal when it was related to the project.

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. The meeting was adjourned at 8:57.

Respectfully submitted,

Patrick Kelly

Assistant Clerk to the Planning Board.

Attachments:

Resolution Establish Lead Agency Under SEQR for Devereux Site Plan and Amended
Special Use Permit

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617.6

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

Name of Action: Devereux Site Plan and Amended Special Use Permit

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Site Plan and Amended Special Use Permit application for a ± 54.40 acre parcel of land located at Route 9, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated November 21, 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 within 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 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 John Hardeman, seconded by Paul Telesca, and a vote of 5

for, and 0 against, and 2 absent, this resolution was adopted on

December 17, 2007.