

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**December 3, 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 Harkins, and Charlie Laing. Planner Michele Greig and Town Board member Jim Ross were also present.

**BUSINESS SESSION**

The minutes of the October 15, 2007 meeting had been sent to members for review. Paul Telesca moved to adopt the minutes as written. Charlie Laing seconded the motion. Sam Harkins abstained, as he was not on the Board at the time of the meeting in question, and all other members voted in favor.

For the minutes of November 12<sup>th</sup> Michele Greig recommended that the 5<sup>th</sup> paragraph of the Merrihew section be reworded to indicate that the house would be sited behind the existing ridge and below 250' of elevation. She also recommended that the 5<sup>th</sup> paragraph of the Red Hook Estates section be reworded to indicate that construction was proposed in close proximity to wetlands and a vernal pool. Charlie Laing moved to approve the minutes with the proposed changes. Paul Telesca seconded the motion. Sam Harkins abstained, as he was not on the Board at the time of the meeting in question, and all other members voted in favor.

Christine Kane announced a conference on Growing New York Farms in the 21<sup>st</sup> Century, to be held February 28, 2008.

At this time, John Hardeman arrived.

Chairwoman Christine Kane officially welcomed Sam Harkins to the Planning Board.

**PUBLIC HEARINGS**

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

Jim Crane was present for a public hearing 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.

The Board reviewed a draft resolution to establish lead agency under SEQR. Christine Kane said that the Board had discussed this at the November 12<sup>th</sup> meeting, but had not taken official action. Charlie Laing moved to establish the Planning Board as Lead Agency, Sam Harkins seconded the motion, and all present voted in favor.

John Hardeman moved to open the public hearing at this time. Charlie Laing seconded the motion, and all present voted in favor. Christine Kane read the public hearing notice published on November 28, 2007, in the Kingston Daily Freeman.

Jim Crane gave a brief overview of the project for the public. Christine Kane then asked for public comment. There was none.

Christine Kane clarified that the proposed 12-acre parcel would have one existing house, and would not be covered under the PDR easement. Additionally, the proposed 117-acre parcel has no existing houses, and that while a future farmstead location was indicated, it was not to be established by the proposed action before the Board.

Michele Greig reminded the Board that the project was in the Local Waterfront Revitalization District and the Board needed to determine whether the action was consistent with the LWRP. The Board reviewed the Local Waterfront Revitalization Program to determine if the application was consistent with the protocols of the district. John Hardeman expressed concern that the LWRP may not cover all streams equally.

Paul Telesca moved to find the application consistent with the LWRP. Sam Harkins seconded the motion, and all present voted in favor.

Christine Kane again asked for public comment. There was none.

The Board reviewed the draft negative declaration under SEQR. Michele Greig suggested that item 4 be changed to indicate that no new lots were being created by the proposed action.

The Board reviewed Part 2 of the EAF. The Board indicated a potential large impact on number 12 due to the project's location within the National Historic Landmarks District. The impact was determined not to be significant.

Charlie Laing moved to adopt the negative declaration with the discussed changes. John Hardeman seconded the motion, and all present voted in favor.

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

The Board reviewed a draft approval resolution. Charlie Laing moved to adopt the approval resolution, Paul Telesca seconded the motion, and all present voted in favor.

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

### **Frank and Catherine Vosburgh – 181 Middle Road – Minor Subdivision**

Bob Zimmerman was present for discussion 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.

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

Christine Kane and Charlie Laing informed the Board that a site visit had been conducted, and that Frank Vosburgh had indicated he would try to get the Board more information regarding the soils study.

Michele Greig asked if DEC wetlands were present on site. Bob Zimmerman confirmed that there were, but not near the house site.

Christine Kane asked that Lot 3 indicate a designated housing area for the future. She also noted the existence of a flag lot, and that a shared driveway would be used.

The Board generally agreed to grant sketch plan endorsement.

Mr. Zimmerman asked if it would be necessary to provide for delineation of the DEC wetlands. Michele Greig responded that it would only be necessary if the house or other improvements were to be located within the 100' buffer area.

The Board asked that Mr. Zimmerman provide plans with a house location for Lot 2 and a building envelope and septic location for Lot 3. He agreed to do this, and that he would contact the Board when the new plans were ready and he wished to be placed on an agenda.

At this time, Dave Wright returned to the meeting.

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

### **David Baker – Feller-Newmark Road – Minor Subdivision**

David Baker was in attendance for presentation of application for Subdivision Plat approval to subdivide an approximately 31.57-acre parcel into two (2) residential building lots of approximately 12.13 and 19.44 acres, all in the RD3 Zoning District.

Christine Kane asked if Mr. Baker had purchased the whole of the original Krakowsky subdivision. Mr. Baker replied that he had, and now wished to subdivide the 31-acres in the back into two residential lots.

Christine Kane said that she recalled the original project had been approved by the Planning Board, with the condition that a performance bond be put in place guaranteeing

that the common drive be up to Town specifications. Mr. Baker responded that he had blacktopped the drive and reduced the grade to 10%.

Charlie Laing asked how much frontage the lot in question had. Mr. Baker responded that it was 90 feet. Christine Kane noted that this would require two 45' flags.

Christine Kane reminded the Board that she and Michele Greig had met informally with Mr. Baker over a year ago. Since then Mr. Baker had been before the ZBA, where his application was on hold pending review by the Planning Board.

Mr. Baker stated that he was looking for two (2) 25' variances, and that he had been told 50' was required for a Town road. He noted that with this application there would be two common drives, each serving three lots.

Charlie Laing noted that there would be a 25' foot pole for each flag lot, whereas under normal circumstances it should be 50' wide all the way back.

Christine Kane reminded the Board that they had submitted a letter to the ZBA indicating that they were not in support of a variance, particularly due to the fact it was a self-imposed hardship, as the subdivision was purchased in this state.

David Wright and John Hardeman recalled that the Board had not required a note on the plat prohibiting further subdivision at the time of the original application, as they felt the 50' flag lot eliminated that possibility.

Michele Greig noted that the proposal would not be consistent with the zoning, and therefore could not be reviewed by the Planning Board. She felt that a private road built to Town specifications would be required, but that due to the expense, and the constraints of the terrain and existing Common Use and Maintenance agreements on the existing shared driveway, this may not be feasible..

David Baker asked if he could or could not put a private road in with the 90 feet of frontage. Christine Kane responded that a private drive would require 50' of frontage, and each flag would then be at 45'. The Board generally agreed that they would wait to hear from the applicant as to how he wished to proceed.

### **Nelson Sousa/Dunkin' Donuts – NYS Route 9 – Site Plan**

Richard Harper, PE, was in attendance for the presentation of an application for Site Plan Approval to reconfigure parking and traffic flow, and add 684 sq. ft. of storage, on a 2.989-acre parcel in the B1 Zoning District.

Christine Kane reminded the Board that Mr. Sousa had been before the Board approximately a year ago to discuss this project.

Richard Harper told the Board that the existing pavement was being reduced so that it would be 20' from the adjoining lots, which while not zoned residentially, were still a

residential use. As a result, there would be a reduction of the total impervious surface on the lot. He stated that the proposed addition was for storage, and that there would be no expansion of the seating. He also noted that there were 18 parking spaces provided for, whereas only 8 or 11 were required, and that there would be some movement of lighting.

Christine Kane noted that the Town had new lighting standards, and that this would be have to reviewed as part of the application.

Charlie Laing noted that they had previously discussed changes in the signs. Mr. Harper stated that it was not addressed here.

Christine Kane noted that the Board had discussed requiring more landscaping on the Route 9 side of the building. Mr. Harper responded that he had discussed this with Pete Setaro, and they intended to put together a plan for that. He also noted that an Ag Data Statement had been submitted, and then indicated the new traffic flow on the map, which would make use of the existing window.

Christine Kane asked if existing blacktop would be used for deliveries. Richard Harper confirmed that it would.

Michele Greig noted that the application would require referral to Dutchess County Planning. In terms of SEQR, she did not believe there were any other involved agencies.

John Hardeman expressed concern regarding the delivery entrance, and a possible overhead door accompanying it, facing Route 9. Richard Harper replied that there were no plans for a loading dock.

Christine Kane stated that the next step would be to provide the elevation of the addition, the lighting and landscaping, and any plans for signs.

Sam Harkins also noted that it might be a good time to address the significant amount of stormwater accumulation in the drive.

### **Powers Auto Supply – NYS Route 9 – Site Plan**

Tom Powers was in attendance for presentation of an application for Site Plan Approval to change the use of an existing building on a 2.4-acre lot in the B1 Zoning District.

Mr. Powers stated that the project was proposed for the former site of Majestic Auto, and that he felt the footprint and usage of the site would not be changed.

Christine Kane noted that site plan approval was still required under the zoning, and that the Board would need to see the design for the sign. Mr. Powers said that he would be using the existing sign mount and did not want to light it. Christine Kane said that the Board would still need to see the text and colors of the sign. She also noted that they

would need to review the lighting on site, that the dumpster would need an enclosure, and that parking spots would need to be delineated.

Mr. Powers noted that he was only able to find a site plan for Heritage Chrysler, but not for Majestic Auto.

Christine Kane asked that a scaled map be provided and that, since Mr. Powers was coming in as a tenant, that a letter of consent from the owner would be needed.

Mr. Powers asked whether, if he eventually intended to have service bays, the usage under the zoning would be considered automotive service or retail. Christine Kane replied that it sounded like automotive service, and that if he intended to have service bays, it would make sense to get all of the approval at once.

The Board agreed that they would wait to receive the requested information from the applicant before scheduling the application for further review.

### **Michael Horkan – Spring Lake Road – Lot Line Alteration and Minor Subdivision**

Marie Welch, LS, was in attendance for presentation of application for Lot Line Alteration to convey 2.735-acres to an existing 1.948 parcel, and for Subdivision Plat approval to create one new residential lot of 10.098-acres, with a remaining lands lot of 12.555-acres, in the RD3 Zoning District.

Marie Welch stated that the lot line alteration was intended to bring all of the applicants' buildings on to one lot, as his garage was currently separated from his residence. She stated that the applicant wanted the shared driveway on the pole of the flag lot for Lot 2, but that she expected sight distance would be an issue and that all three lots may need a shared drive as a result. She also stated that both flag lots were exactly 50', while the total frontage of the lot was 620', and that the existing 1.9-acre parcel would be brought into conformance with the zoning as it would be larger than 3 acres.

Charlie Laing expressed concern over the environmental impact, as there are flag lots, and the GIS indicated possible wetlands areas. Michele Greig suggested that the applicant show the location of ACOE wetlands on the property.

Christine Kane provided Marie Welch a copy of a memo from GreenPlan.

The Board reviewed a draft resolution establishing lead agency under SEQR. John Hardeman moved to establish lead agency, David Wright seconded the motion, and all present voted in favor.

### **OTHER BUSINESS**

#### **Belliveau**

The Board reviewed a letter requesting an extension of conditional final approval for the Belliveau Subdivision. David Wright moved to grant a 90-day extension. Charlie Laing seconded the motion, and all present voted in favor.

At this time, Marie Welch, LS, expressed concern that Tim Ross was not a licensed surveyor, but that he had presented maps at the public hearing for the Hourihan subdivision, which did not have the surveyor's seal on them.

### **JAMS**

At this time, Sam Harkins recused himself and left the room.

The Board reviewed a letter requesting a 90-day extension. Arlene Harkins informed the Board that they were currently waiting on the Town Attorney to finalize the conservation easement. John Hardeman moved to grant the requested 90-day extension, David Wright seconded the motion, and all present voted in favor.

Sam Harkins returned to the table at this time.

### **NYS Parks and Recreation**

The Board reviewed a letter from NYS Parks and Recreation indicated that a Phase II/III archaeological report was still needed on the Hannaford and St. Margaret's projects. Christine Kane requested that a copy of the letter be placed in the file for both projects.

### **Dworak**

At this time, Sam Harkins recused himself and left the room.

Christine Kane and Michele Greig informed the Board that they had met with Mr. Dworak and that he had asked how to apply for a driveway cut on Route 199 for a client who's property was previously approved with a shared driveway.

Michele Greig reviewed the Subdivision Regulations, which require 300' of frontage for a curb cut on a State Highway. The property in question did not have sufficient frontage, and was therefore required to share a driveway. Since this requirement was part of the subdivision regulations, the Planning Board would have to grant a waiver. Christine Kane asked if the Planning Board should contact the DOT and let them know that the applicant should come before the Board prior to a permit being issued, as the requirement may be unique to the Town of Red Hook. The consensus was to send such a letter.

### **Training**

John Hardeman expressed concern that he may not have enough training hours. Sam Harkins directed him to an online training provided by Pace University. Michele Greig also noted that another municipality had asked GreenPlan to provide training sessions for them, which had been used toward the State training requirements.

## **ADJOURNMENT**

Since there was no further business to come before the Board, Sam Harkins made a motion to adjourn. David Wright seconded the motion, and all present voted in favor.

Respectfully submitted,

Patrick Kelly

Assistant Clerk to the Planning Board.

**Attachments:**

Resolution Establishing Lead Agency Under SEQRA for Agra-Gate LLC Lot Line Alteration

Negative Declaration Under SEQRA for Agra-Gate LLC Lot Line Alteration

Resolution Granting Conditional Final Approval for Agra-Gate LLC Lot Line Alteration

Resolution Establishing Lead Agency Under SEQRA for Horkan Subdivision and Lot Line Alteration

617.6  
**State Environmental Quality Review (SEQR)**  
Resolution Establishing Lead Agency  
Type 1 Action

Name of Action: Agra Gate LLC Lot Line Alteration

**Whereas**, the Town of Red Hook Planning Board is considering action on a proposed Subdivision application by Agra Gate LLC for a  $\pm$  131 acre parcel located at Stony Brook Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated January 24, 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 a Type 1 action, and

Whereas, the Planning Board has determined that the proposed project is located 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 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 Sam Harkins, and a vote of 6 for, and 0 against, and 1 absent, this resolution was adopted on December 3, 2007.

617.7

**State Environmental Quality Review (SEQR)  
Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:** December 3, 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:** Agra Gate LLC Lot Line Alteration

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to convey ± 6.0 acres of land from a ± 131-acre parcel of land (Tax Map Parcel No. 6175-00-651554-00) to a ± 5.0 acre parcel (Tax Map Parcel No. 6175-00-868502-00) in the Limited Development Zoning District.

**Location:** Stony Brook Road 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 January 24, 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 contains prime agricultural soils and soils of statewide importance, and is located within a certified agricultural district (Agricultural District 20). It is therefore subject to the Town of Red Hook's Important Farmlands 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 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. The applicant will place the remaining lands of the ± 131-acre parcel under a permanent conservation easement which will preserve the remaining lands for agricultural purposes in perpetuity. Based on the foregoing, the project is not anticipated to have any significant adverse environmental impacts on agricultural resources.
  
4. The project site is located in the National Historic Landmark District, which is on the State and National Registers of Historic Places. It is also located within the Town's Local Waterfront Revitalization Area. No development is proposed as part of this action, and therefore no impacts to cultural and historic resources are anticipated. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board has reviewed the LWRP policies and has determined that the proposed action is consistent with the coastal policies.

**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

James and Sonia Crane (Applicant)

NYS DEC Environmental Notice Bulletin  
[enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

Interested Agencies:

Hudson River Heritage

NYS Office of Parks, Recreation, and Historic Preservation

**Resolution Granting Final Approval of the  
Agra Gate Farm, LLC/James and Sonia Crane Lot Line Alteration**

**Name of Project:** Agra Gate Farm, LLC/James and Sonia Crane Lot Line Alteration

**Name of Applicant:** Agra Gate Farm, LLC, and James and Sonia Crane

**Whereas,** the applicant has submitted an application for Lot Line Alteration dated January 16, 2007 to the Town of Red Hook Planning Board to convey  $\pm$  6.0 acres of land from a  $\pm$  131-acre parcel of land (Tax Map Parcel No. 6175-00-651554-00) to a  $\pm$  5.0 acre parcel (Tax Map Parcel No. 6175-00-868502-00); and

**Whereas,** the subject parcels are located on Stony Brook Road in the Limited Development Zoning District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a plat prepared by Marie Welch L.S. dated October 26, 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 16, 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,** the parcels are located within the Town's Local Waterfront Revitalization Area and the Planning Board reviewed the policies of the Town's Local Waterfront Revitalization Program (LWRP) in accordance with Section V.C.1 of the LWRP and has determined that the proposed action is consistent with the coastal policies; and

**Whereas,** on December 3, 2007, the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting a review of a Type 1 Action pursuant to SEQR; and

**Whereas,** on December 3, 2007, the Planning Board, in consideration of the Full Environmental Assessment Form (EAF) dated January 24, 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 December 3, 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 Agra Gate LLC and James and Sonia Crane for a Lot Line Alteration to convey  $\pm$  6.0 acres of land from a  $\pm$  131-acre parcel of land to a  $\pm$  5.0- acre parcel.

- A. **Now therefore be it resolved**, that the Planning Board grants final approval to Agra Gate LLC and James and Sonia Crane to convey  $\pm$  6.0 acres of land from a  $\pm$  131-acre parcel of land (Tax Map Parcel No. 6175-00-651554-00) to a  $\pm$  5.0 acre parcel (Tax Map Parcel No. 6175-00-868502-00) in accordance with the plans and specifications heretofore submitted upon the following conditions: That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- B. 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.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- D. 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 Charlie Laing, seconded by Paul Telesca, and a vote of 6 in favor, 0 against, and 1 absent.

Roll Call Vote:

|                           |        |
|---------------------------|--------|
| Chairwoman Christine Kane | Yes    |
| Member John Hardeman      | Yes    |
| Member Charles Laing      | Yes    |
| Member Sam Phelan         | Absent |
| Member Paul Telesca       | Yes    |
| Member David Wright       | Yes    |
| Member Sam Harkins        | Yes    |

Resolution declared:       Approved

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: Horkan Subdivision and Lot Line Alteration

**Whereas**, the Town of Red Hook Planning Board is considering action on a proposed Subdivision and Lot Line Alteration application by Michael J. Horkan involving two parcels of land, a  $\pm$  25.288 acre parcel and a  $\pm$  1.948 acre parcel, located at Spring Lake Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated September 10, 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 not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not 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 John Hardeman, seconded by David Wright, and a vote of 6 for, and 0 against, and 1 absent, this resolution was adopted on

December 3, 2007.