

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**February 11, 2008**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:37 p.m. and a quorum determined present for the conduct of business.

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

**BUSINESS SESSION**

The minutes of the January 14, 2008 meeting had been sent to members for review. David Wright moved to adopt the minutes as written. Sam Harkins seconded the motion, and all present voted in favor.

**PUBLIC HEARINGS**

**Michael and Stephan Lueck – South Side of Budds Corners – Minor Subdivision and Lot Line Alteration**

Marie Welch, LS, and Michael and Stephen Lueck were in attendance for presentation of application for Lot Line Alteration and Minor Subdivision Approval to convey approximately 2.633 acres from adjoining lands of the same owner, and to create two (2) residential building lots ranging from approximately 3.021-acres to 5.058-acres, all from two parcels totaling 15.588-acres in the RD3 Zoning District.

The Board reviewed Part 2 of the EAF. As no adverse environmental impacts were found to be associated with the project, Sam Phelan made a motion to adopt a negative declaration under SEQR. Paul Telesca seconded the motion, and all present voted in favor.

Acting Chair Charlie Laing read the public hearing notice which was published in the Kingston Daily Freeman on February 6, 2008.

At this time Christine Kane arrived.

Marie Welch, LS, gave a brief overview of the project for the public. She noted that grading may be required to achieve the required sight distances.

Charlie Laing asked for comments from the public.

Marie Welch stated that an existing curb cut would serve three of the lots, while a new cut would be necessary for Lot 1.

Charlie Laing asked if any one had visited the site. Several members stated that they had observed it from the road.

The Board reviewed the file materials and realized it had not yet established itself as lead agency. Sam Harkins made a motion to retroactively establish the Board as lead agency under SEQR. Sam Phelan seconded the motion, and all present voted in favor.

Charlie Laing asked if there were any questions from the public.

David Wright made a motion to close the public hearing. Christine Kane seconded the motion, and all present voted in favor.

The Board reviewed a draft conditional approval resolution. David Wright moved to grant approval with the conditions listed. Sam Harkins seconded the motion, and all present voted in favor.

At this time, Christine Kane requested that Charlie Laing continue as acting chair, as she was losing her voice.

#### **Michael Lueck – North Side of Budds Corners – Lot Line Alteration**

Michael Lueck was in attendance for presentation of application for Lot Line Alteration to convey approximately 9.385-acres from a 14.567-acre parcel, to the adjoining 1.197-acre parcel belonging to Pat Treu, on Budds Corners Road in the RD3 Zoning District.

Christine Kane made a motion to establish the Board as lead agency under SEQR. Sam Phelan seconded the motion, and all present voted in favor.

The Board reviewed Part 2 of the EAF. As no adverse environmental impacts were found to be associated with the project, David Wright made a motion to adopt a negative declaration under SEQR. Christine Kane seconded the motion, and all present voted in favor.

Charlie Laing read the public hearing notice which was published in the Kingston Daily Freeman on February 6, 2008.

Michael Lueck gave a brief overview of the project. Charlie Laing asked for comments from the public.

Michael Lueck stated that one parcel was getting Health Department approval, which had not previously been obtained for the lot. Ms. Greig noted that the Board may want to make that a condition of approval.

Sam Phelan asked for clarification regarding access and frontage for the parcels involved. Michael Lueck replied that his lot was accessed off of Moose Pond Road, and that Mr. Treu's lot was accessed off of Budds Corners Road.

Christine Kane asked if Mr. Treu had any plans for development of the land being conveyed. Michael Lueck replied that he did not know.

Charlie Laing asked that the map make reference to any easements already in place concerning driveway access.

Christine Kane noted that there were no revision dates on the plat.

Michael Lueck stated that the plat had not been revised, but would be submitted as two sheets.

After discussion, the Board decided that the final submission would need to number the plats as Sheet 1 of 2 and Sheet 2 of 2, make reference to the filing date and document number of the driveway easement, and include revision dates for the plat.

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

The Board reviewed a draft approval resolution. It was amended to include the previously discussed requirements, including that the applicant obtain Health Department approval, that the final submission number the plats as Sheets 1 and 2 of 2, reference the filing date and document number of the driveway easement, and include revision dates on the plat. Sam Phelan moved to grant approval with the discussed conditions. Sam Harkins seconded the motion, and all present voted in favor.

### **Taylor Subdivision – 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 three (3) residential building lots, in the RD3 Zoning District and the National Historic Landmarks District.

The Board noted that this project was formerly known as Red Hook Estates, but that the name had been changed at the request of local emergency services seeking to avoid confusion with a development of the same name in the Village of Red Hook.

The Board reviewed the Part 2 Long EAF. Concern was raised regarding the removal of Indiana Bat habitat trees. Mr. Setaro noted that the mitigation was that trees would not be removed between March and October, which was included as a note on the map. Concern was also raised regarding aesthetic resources. The Board agreed that that this would be mitigated by the double setbacks. In addition, Mr. Setaro agreed that the front portion of the parcel could be deed restricted to prevent removal of vegetation.

As no significant adverse environmental impacts were identified David Wright moved to adopt a negative declaration under SEQRA. Christine Kane seconded the motion, and all present voted in favor.

Charlie Laing read the public hearing notice which was published in the Kingston Daily Freeman on February 6, 2008.

Pete Setaro gave a brief overview of the project for the public. He noted that a test well would be drilled on Lot 3, and that Department of Health feedback had been otherwise positive.

Christine Kane asked how a name was determined for the common driveway. Pete Setaro replied that the Town Board and the County Department of Emergency Response would need to approve the name.

Michele Greig asked if the NYS DOT required a 35' curb cut for a common driveway. Pete Setaro answered that it would be 22' where the road meet the shoulder of Route 9G, in part because Route 9G has a very wide shoulder at that location. He noted that there would not be concrete curbs.

Charlie Laing asked for questions from the Board and public. As there were none, David Wright made a motion to close the public hearing. Sam Harkins seconded the motion, and all present voted in favor.

Pete Setaro asked the Board to specify where they wanted the boundaries of the deed restriction. It was agreed that for Lots 1 and 2, the deed restriction prohibiting the removal of existing vegetation (with the exception of what was necessary for construction of the driveway, and for removal of dead or diseased trees) would cover the area between the proposed driveway and the western property boundary, and that for Lot 3, it would be the area within approximately 300' from the western property boundary. It was agreed that these deed restricted areas would be depicted on the final plat.

The Board reviewed the Town Engineer's letter of February 8<sup>th</sup>, and a copy was provided to the applicant.

The Board reviewed a draft approval resolution, and agreed to add conditions that the applicant address the deed restriction and Town Engineer's letter

previously discussed. Christine Kane moved to grant approval with the amended conditions, Sam Phelan seconded the motion, and all present voted in favor.

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

Bob Zimmerman and Frank Vosburgh were 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.

The Board reviewed the Part 2 EAF. As no significant adverse environmental impacts were found to be associated with the project, Sam Harkins moved to adopt a negative declaration under SEQR. Sam Phelan seconded the motion, and all present voted in favor.

Charlie Laing read the public hearing notice which was published in the Kingston Daily Freeman on February 6, 2008.

Bob Zimmerman gave a brief overview of the project for the public. He noted that it would likely be filed as two sheets. Charlie Laing asked for public comment.

Mr. Zimmerman stated that in reference to comments from GreenPlan, the well for one of the lots was on the adjoining property of Barbara Vosburgh. Ms. Greig responded that the applicant would still need to show the potential for a well on the subject lot. She also noted that one proposed lot was slightly short of the acreage requirements. Mr. Zimmerman replied that the proposed lot line could be shifted several feet to address this concern.

Mr. Zimmerman submitted an easement and road maintenance agreement for the proposed common driveway. He noted that the wetland delineation had been verified by the DEC, as previously discussed, and that Mr. Graminski had been the surveyor and would handle the signature block.

The Board generally agreed that the outstanding issues were too substantive to be addressed as approval conditions, and therefore decided to continue the public hearing to 7:35 on March 3<sup>rd</sup>.

**REGULAR SESSION (NEW BUSINESS)**

**Stewart's Shops – 7243 S. Broadway – Site Plan**

Chad Fowler was in attendance for presentation of application for Site Plan Approval to adjust roof design and change existing wall sign, in the B1 Zoning District.

Mr. Fowler stated that the application was to replace the existing cedar shakes with a bronze metal roof. He noted that they were no longer seeking to change the sign, and would keep what was currently existing.

Christine Kane noted that the Town had a new lighting ordinance, and requested that the applicant submit cut sheets to indicate that they were in compliance. Ms. Greig clarified that the fixtures under the canopy would need to be flush with the canopy and fully shielded. Mr. Fowler responded that this would be shown. Ms. Greig also suggested that the applicant check the lighting levels on the property. She also noted that signs, if over 8 sq. ft., could not be internally illuminated and must be downlit.

## **OTHER BUSINESS**

### **Cuttler Lot Line Alteration**

The Board reviewed a letter from Marie Welch requesting an extension of the Cuttler Lot Line conditional approval, which was set to expire on March 2<sup>nd</sup>. Sam Phelan moved to grant a 90-day extension, Paul Telesca seconded the motion, and all present voted in favor.

### **Tivoli Training**

Charlie Laing announced that the February 13<sup>th</sup> training in Tivoli had been rescheduled for March 11<sup>th</sup>.

## **ADJOURNMENT**

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

Respectfully submitted,

Patrick Kelly

Assistant Clerk to the Planning Board

## **ATTACHMENTS:**

Resolution Establish Lead Agency Under SEQR for the Michael and Stephan Lueck Minor Subdivision and Lot Line Alteration

Negative Declaration Under SEQR for the Michael and Stephan Lueck Minor Subdivision and Lot Line Alteration

Resolution Granting Conditional Approval for the Michael and Stephan Lueck  
Minor Subdivision and Lot Line Alteration

Resolution Establish Lead Agency Under SEQR for the Michael Lueck Lot Line  
Alteration

Negative Declaration Under SEQR for the Michael Lueck Lot Line Alteration

Resolution Granting Conditional Approval for the Michael Lueck Line Alteration

Negative Declaration Under SEQR for the Taylor Minor Subdivision

Resolution Granting Conditional Approval for the Taylor Minor Subdivision

Negative Declaration Under SEQR for the Frank and Catherine Vosburgh Minor  
Subdivision

617.6

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

Name of Action: Stephan and Michael Lueck 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 Stephan and Michael Lueck involving two parcels of land, a  $\pm$  15.011 acre parcel and a  $\pm$  0.577 acre parcel, located at Budds Corners Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated December 11, 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 involved and/or federal agencies on this matter, including Dutchess County Department of Health and Dutchess County Department of Public Works.

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 Sam Harkins, seconded by Sam Phelan, and a vote of 6 for,  
and 0 against, and 1 absent, this resolution was adopted on  
February 11, 2008.

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption:

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: Stephan and Michael Lueck Minor Subdivision and Lot Line Alteration

SEQR Status: Type I [ ]
Unlisted [x]

Conditioned Negative Declaration: [ ] YES
[x] NO

Description of Action: The applicant proposes to subdivide a ± 15.011 acre parcel of land located in the RD3 Zoning District into three (3) residential building lots of ± 3.021 acres, ± 4.269 acres, and ± 5.058 acres in size, and to convey ± 2.663 acres to an adjoining parcel of 0.577 acres.

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

Reasons Supporting This Determination:

- 1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated December 11, 2007, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The project site is located within 500 feet of a certified agricultural district. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement. Since existing farm operations are at a distance of greater than 200', the Planning Board has determined that there will be no significant adverse environmental impacts on agricultural resources.

**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)

## **Resolution Granting Final Subdivision Plat Approval to Stephan and Michael Lueck Minor Subdivision and Lot Line Alteration**

**Name of Project:** Stephan and Michael Lueck Minor Subdivision and Lot Line Alteration

**Name of Applicant:** Stephan and Michael Lueck Minor Subdivision and Lot Line Alteration

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated December 11, 2007 to the Town of Red Hook Planning Board to subdivide a  $\pm$  15.011 acre parcel of land (Tax Parcel No. 6274-00-186054-0000) located in the RD3 Zoning District into three (3) residential building lots of  $\pm$  3.021 acres,  $\pm$  4.269 acres, and  $\pm$  5.058 acres in size, and to convey  $\pm$  2.663 acres to an adjoining parcel of 0.577 acres (Tax Parcel No. 6274-00-189080-0000).

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

**Whereas,** the applicant submitted a Final Subdivision Plat prepared by Marie Welch, L.S. dated December 13, 2007, and revised January 30, 2008; and

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

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

**Whereas,** on February 11, 2008, the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

**Whereas,** on February 11, 2008, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated December 11, 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 February 11, 2008, the Planning Board conducted a public hearing on the Final Plat application, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board now wishes to grant Final Subdivision Plat approval to Stephan and Michael Lueck to subdivide a  $\pm$  15.011 acre parcel of land

into three (3) residential building lots and to convey  $\pm$  2.663 acres to an adjoining parcel of 0.577 acres.

**Now therefore be it resolved,** that the Planning Board grants Final Subdivision Plat approval to Stephan and Michael Lueck to subdivide a  $\pm$  15.011 acre parcel of land (Tax Parcel No. 6274-00-186054-0000) located in the RD3 Zoning District into three (3) residential building lots of  $\pm$  3.021 acres,  $\pm$  4.269 acres, and  $\pm$  5.058 acres in size, and to convey  $\pm$  2.663 acres to an adjoining parcel of 0.577 acres (Tax Parcel No. 6274-00-189080-0000), in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board.
- C. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
- D. 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.
- E. Payment of recreation fee to the Town of Red Hook.
- F. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- G. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

On a motion by David Wright, seconded by Christine Kane, and a vote of 6 in favor, 0 against, and 1 absent,

Roll Call Vote:

Acting Chair Charlie Laing	Aye
Member John Hardeman	Absent
Member Sam Harkins	Aye
Member Christine Kane	Aye
Member Sam Phelan	Aye
Member Paul Telesca	Aye
Member David Wright	Aye

Resolution declared: Approved on 02/11/08

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

Name of Action: Michael Lueck Lot Line Alteration

Whereas, the Town of Red Hook Planning Board is considering action on a proposed lot line alteration application for a ± 14.567-acre parcel of land located at Moose Pond Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated December 9, 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 Christine Kane, seconded by Sam Phelan, and a vote of 6 for, and 0 against, and 1 absent, this resolution was adopted on February 11, 2008.

617.7

**State Environmental Quality Review (SEQR)**

**Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Michael Lueck Lot Line Alteration

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant, Michael Lueck, seeks to convey a total of 9.385 acres to the adjoining lands of Pat Treu, with a remaining lands lot of 5.182 acres, from an existing parcel of 14.567, in the RD3 Zoning District of the Town of Red Hook.

**Location:** Moose Pond Road, 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 Short Environmental Assessment Form (EAF) for the action dated December 9, 2007, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The project site is located within 500 feet of a certified agricultural district. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement. Since the proposed action is a lot line alteration which will not result in an additional residence, the Planning Board has determined that there will be no 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

**A Copy of this Notice Filed With:**

Town of Red Hook Planning Board (Lead Agency)

## **Resolution Granting Final Approval of the Michael Lueck Lot Line Alteration**

**Name of Project:** Michael Lueck Lot Line Alteration

**Name of Applicant:** Michael Lueck

**Whereas**, the applicant has submitted an application for Lot Line Alteration dated December 9, 2007 to the Town of Red Hook Planning Board to convey  $\pm$  9.385 acres of land from a  $\pm$  14.567 acre parcel of land (Tax Map Parcel No. 6274-00-154213-00) to a  $\pm$  1.197 acre parcel (Tax Map Parcel No. 6274-00-130162-00); and

**Whereas**, the subject parcels are located on Moose Pond Road and Budds Corners Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas**, the applicant submitted a Final Subdivision Plat prepared by Robert Campbell, L.S. dated December 9, 2007 ; and

**Whereas**, the parcels are located within 500' of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated December 18, 2007, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

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

**Whereas**, on February 11, 2008, the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

**Whereas**, on February 11, 2008, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated December 9, 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 February 11, 2008, the Planning Board conducted a public hearing on the Lot Line Alteration application, at which time all interested persons were given the opportunity to speak; and

**Whereas**, the Planning Board now wishes to grant final approval to Michael Lueck for a Lot Line Alteration to convey  $\pm$ 9.385 acres to the adjoining lands of

Pat Treu, with a remaining lands lot of ±5.182 acres, from an existing parcel of ±14.567, in the RD3 Zoning District of the Town of Red Hook..

**Now therefore be it resolved,** that the Planning Board grants final approval to Michael Lueck to convey ± 9.385 acres of land from a ± 14.567 acre parcel of land (Tax Map Parcel No. 6274-00-154213-00) to a ± 1.197 acre parcel (Tax Map Parcel No. 6274-00-130162-00) in accordance with the plans and specifications heretofore submitted upon the following conditions:

- H. That the Final Subdivision Plat drawings make reference to the filing date and document number for the deed restriction and driveway easement.
- I. That the Final Subdivision Plat drawings state the dates of revision.
- J. That the Final Subdivision Plat drawings, if filed as two sheets, be labeled as Sheet 1 of 2 and Sheet 2 of 2.
- K. That the applicant obtains approval from the Dutchess County Health Department.
- L. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- M. 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 Sam Phelan, seconded by Sam Harkins, and a vote of 6 in favor, 0 against, and 1 absent.

Roll Call Vote:

Acting Chair Charles Laing	Aye
Member John Hardeman	Absent
Member Christine Kane	Aye
Member Sam Phelan	Aye
Member Paul Telesca	Aye
Member David Wright	Aye
Member Sam Harkins	Aye

Resolution declared: Approved on February 11, 2008

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

**617.7**

**State Environmental Quality Review (SEQR)**

**Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:** February 11, 2008

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:** Taylor Subdivision

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to subdivide a ± 13.485 acre parcel of land (Tax Parcel No. 134889-6172-00-502508-0000) located in the RD3 and Scenic Corridor Overlay Zoning Districts into three (3) residential lots ranging in size from ± 3.022 acres to ± 5.79 acres. The lots will be served by individual wells and septic systems and will be accessed by a shared driveway.

**Location:** U.S. Route 9G, 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 July 3, 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 federal jurisdictional wetlands and two (2) vernal pools, and a portion of the property is located within the 100' adjacent area of a NYS Department of Environmental Conservation (DEC) regulated wetland located on an adjacent property. The on-site wetlands were field delineated by an ecologist/biologist and the delineation was verified by an independent third party. The proposed action will required one (1) wetland crossing for the proposed shared driveway, resulting in the filling of less than 1/10 of an acre of wetlands. A three-sided box culvert will be utilized for the wetland crossing to avoid compacting wetlands soils and to minimize hydrologic disturbance to wetlands. An existing invasive species (*Ailanthus altissima*) found in an area of isolated wetlands will be removed by the applicant. No disturbance to vernal pools will occur, and disturbance to the upland areas surrounding the pools has been minimized to the greatest extent practicable in keeping with the recommendations of the Metropolitan Conservation Alliance's *Best Management Practices* (MCA Technical Paper Series: No. 5, 2002). No development activities will occur within the 100' adjacent area to the NYS DEC regulated wetland. No significant adverse environmental impacts to wetlands are anticipated as a result of the action.
4. An endangered/threatened species review of the property dated May 23, 2007 was conducted by an ecologist/biologist. The study determined that potential roosting trees and viable foraging habitat conducive to the Indiana bat were identified on the property. A number of mature Shagbark hickories on the property have been identified on the plans to be protected during site development. All trees that are identified to be removed will be removed between October 1 and March 31. These measures will mitigate potential impacts to endangered/threatened species to the greatest extent practicable.
5. The property is located on U.S. Route 9G in the Scenic Corridor Overlay District. The project has been designed so that the proposed house sites will be located approximately 400' from the road, and shall be screened by existing topography and vegetation. A deed restriction shall be placed on the three lots prohibiting the removal of existing vegetation in the area west of the proposed driveway on Lots 1 and 2, and within  $\pm$  300' of the western property boundary on Lot 3. No significant adverse environmental impacts to aesthetic resources are anticipated as a result of the action. The project site is located in the National Historic Landmark District, which is on the State and National Registers of Historic Places, and in an area designated as sensitive for

archaeological sites. In July 2007, a Phase 1A documentary study and a Phase 1B archaeological survey of the project site were conducted by a qualified archaeologist. Based upon topographic characteristics and proximity to documented prehistoric sites, the subject property was assessed as having an above average potential for encountering prehistoric sites. However, during the course of the archaeological field survey, no prehistoric artifacts or features were encountered. Based upon topographic characteristics and proximity to historic structures, the property was assessed as having a low potential for encountering historic sites, and no historic artifacts or features were encountered on the property during the field survey. No significant adverse environmental impacts on historic and archaeological resources are anticipated as a result of the action.

7. The three proposed lots will share a common driveway to minimize curb cuts on U.S. Route 9G. No significant adverse environmental impacts to traffic are anticipated as a result of the action.**For Further Information:**

Contact Person: Patrick Kelly, Planning Board Deputy Clerk  
Address: 7340 South Broadway  
Red Hook, NY 12571  
Telephone: 845-758-4613

**A Copy of this Notice Filed With:**

Town of Red Hook Planning Board (Lead Agency)

Red Hook Estates Properties, LLC (applicant)

Sue Crane, Town Supervisor

Town of Red Hook Town Board

Dutchess County Health Department

NYS Department of Transportation

Hudson River Heritage (Interested Agency)

NYS Office of Parks, Recreation, and Historic Preservation (Interested Agency)

NYS DEC Environmental Notice Bulletin

[enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

**Resolution Granting Final Subdivision Plat Approval to  
Taylor Subdivision**

**Name of Project:** Taylor Subdivision

**Name of Applicant:** Red Hook Estate Properties, LLC

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated July 2, 2007 to the Town of Red Hook Planning Board to subdivide a  $\pm$  13.485 acre parcel of land (Tax Parcel No. 134889-6172-00-502508-0000) into three (3) residential building lots ranging in size from  $\pm$  3.022 acres to  $\pm$  5.79 acres; and

**Whereas,** the subject parcel is located on U.S. Route 9G in the RD3 and Scenic Corridor Overlay Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant submitted a Final Subdivision Plat prepared by Morris Associates, PLLC dated as follows: Sheets 1 and 2 dated 5/31/07 and revised 7/6/07, 8/4/07, 9/26/07, 10/17/07, 10/22/07, 10/30/07, 11/28/07, 12/17/07, and 1/15/08; Sheet 3 dated 5/31/07 and revised 7/6/07, 8/4/07, 10/17/07, 10/17/07, 10/22/07, 10/30/07, 11/28/07, 12/17/07, and 1/15/08; Sheets 4-8 dated 5/31/07 and revised 6/6/07, 8/4/07, 10/17/07, 10/17/07, 10/22/07, 10/30/07, 11/28/07, 12/17/07, and 1/15/08; and

**Whereas,** the Planning Board declared its intent to be Lead Agency for the proposed action pursuant to SEQR and duly circulated to all Involved Agencies on July 16, 2007 and was designated the Lead Agency on August 20, 2007; and

**Whereas,** on February 11, 2008, the Planning Board, in consideration of the Full Environmental Assessment Form (EAF) dated July 3, 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 February 11, 2008, the Planning Board conducted a public hearing on the Final Plat application, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board now wishes to grant Final Subdivision Plat approval to Red Hook Estate Properties, LLC to subdivide a  $\pm$  13.485 acre parcel of land into three (3) residential building lots.

**Now therefore be it resolved,** that the Planning Board grants Final Subdivision Plat approval to Red Hook Estate Properties, LLC to subdivide a  $\pm$  13.485 acre parcel of land (Tax Parcel No. 134889-6172-00-502508-0000) into three (3) residential building lots ranging in size from  $\pm$  3.022 acres to  $\pm$  5.79 acres in accordance with the plans and specifications heretofore submitted upon the following conditions:

- N. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- O. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- P. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board.
- Q. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
- R. That the applicant submit a deed restriction in final form acceptable to the Planning Board prohibiting the removal of existing vegetation (with the exception of what is necessary for construction of the driveway, and for removal of dead or diseased trees) in the area between the proposed driveway and the western property boundary for Lots 1 and 2, and in the area within approximately 300' from the western property boundary for Lot 3, and that these restricted areas be depicted on the final plat.
- S. That the applicant address the comments of the Town Engineer in his review letter dated February 8, 2008 to the satisfaction of the Town Engineer.
- T. 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.
- U. Payment of recreation fee to the Town of Red Hook.
- V. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- W. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

On a motion by Christine Kane, seconded by Sam Phelan, and a vote of

Roll Call Vote:

Acting Chair Charles Laing	Aye
Member John Hardeman	Absent
Member Sam Harkens	Aye
Member Christine Kane	Aye
Member Sam Phelan	Aye
Member Paul Telesca	Aye
Member David Wright	Aye

Resolution declared: Approved on February 11, 2008

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

**617.7**

**State Environmental Quality Review (SEQR)**

**Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:** \_\_\_\_\_

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:** Vosburgh Subdivision

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to subdivide a ± 12.24 acre parcel of land (Tax Parcel No. 15-6172-00-855045) located in the RD3 Zoning District into three (3) residential building lots. The lots will be served by individual well and septic systems and will be access by a shared driveway.

**Location:** Middle 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 August 7, 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 subject lands are located in a New York State certified Agricultural District. The Dutchess County Soil Survey indicates that the project site contains soils of statewide importance. However, on-site soils were evaluated by Diversified Soil Services, Ltd. and were determined to be primarily NwC and NwD soils, which are not agricultural soils. The project site is therefore not located within the Environmental Protection Overlay (EP-O) Zoning District and is not subject to the Town of Red Hook's Important Farmlands law. An Agricultural Data Statement dated August 13, 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 in its review of the application. No prime or statewide significant agricultural soils will be impacted by the project. Two existing houses are already located on the property (a single family house and a mobile home). Only one (1) new house site will be created as a result of the action, and it will be located in excess of 200' from adjacent agricultural lands and will be buffered from those lands by topography and wetlands. No significant adverse environmental impacts to agricultural resources are anticipated as a result of the action.
4. A NYS Department of Environmental Conservation regulated wetland exists on the site on proposed Lot 3. No development is proposed within 100' of the wetland. The site of an existing mobile home and septic system will be utilized for the development of a single family home should one be constructed on Lot 3 in the future. An existing driveway will serve Lot 3. No significant adverse environmental impacts to wetlands are anticipated as a result of the action.

**For Further Information:**

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