

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
March 3, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:42 p.m. and a quorum determined present for the conduct of business.

Members present — Chair Christine Kane, John Hardeman, Sam Phelan, David Wright, Charlie Laing. Planner Michele Greig was also present.

Please note that the Planning Office tape recorder was not working, and no additional tape recorder was available for use.

BUSINESS SESSION

The minutes of the February 11, 2008 meeting had been sent to members for review. Charlie Laing moved to adopt the minutes as written. David Wright seconded the motion. John Hardeman abstained as he was absent from the meeting in question. All other members present voted in favor.

Chair Christine Kane announced that Hudsonia would be hosting a Hudson River Estuary Biodiversity Assessment training, from May 20th to May 22nd, at the Farm and Home Center in Millbrook.

Chair Christine Kane announced that Dutchess County Planning had issued a press release regarding CDBG funds totaling \$2.6 million. She noted that Tivoli and Red Hook had received grants.

Chair Christine Kane notified members of the Planning Board that a New York Land Use Law and Practices CD was now available in the Town Clerk's office, as well as at www.nymir.org.

PUBLIC HEARINGS

Frank and Catherine Vosburgh – 181 Middle Road – Minor Subdivision

Bob Zimmerman and Frank Vosburgh were present for the continuation of a public hearing for 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.

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

Mr. Zimmerman gave a brief overview of the project for the public. He noted that Lot 2 had been increased in acreage so as to have a full three acres outside of the pole of the flag lot. He also noted that he had revised the zoning legend, and that the shared driveway agreement was being reviewed by the attorneys and would be submitted in final form shortly. He stated that he would take the non-realty Health Department signature block off, and replace it with a signature block for the Health Department, for both sheets of the final plat.

Charlie Laing asked if the public hearing had been extended so that the Board could see the new lot lines, as they had been altered to comply with the RD3 acreage requirements. Christine Kane confirmed that this was the case.

Ms. Greig noted that the plat should show the Agricultural Notice in accordance with chapter 72 of the Code. She provided Mr. Zimmerman with a copy of the language to be placed on the plat, as stated in the Code.

Christine Kane said that, to her knowledge, the only outstanding issue was any comments from the Agriculture and Open Space Advisory Committee, which they had previously indicated would be submitted before the meeting. She suggested that the Board could either hold the public hearing open and wait for Mr. Zimmerman to submit a new map with Sheet 2 of the plat, the Department of Health signature block, and driveway agreement revisions, or they could close the public hearing and include those outstanding items as conditions of approval.

Mr. Vosburgh noted that the Planning Board had previously seen the Farmland Protection Plan associated with the properties in this area of the Town.

John Hardeman said that, given the nature of the parcel, he did not feel there would be substantial agricultural impacts that would be identified by AOSC.

Charlie Laing stated that he felt the Planning Board had taken a hard look at the agricultural impacts. Sam Harkins agreed and suggested they close the public hearing.

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

The Board reviewed a draft approval resolution. Christine Kane noted that the soils had been determined not to be of statewide importance.

Ms. Greig checked the file to confirm the date of the application, and revised the approval resolution.

Christine Kane noted that Mr. Zimmerman should include Lot 1 on the zoning legend of the final plat.

Sam Harkins moved to grant approval with the discussed conditions. John Hardeman seconded the motion, and all present voted in favor.

At this time, David Wright returned to the meeting.

REGULAR SESSION (OLD BUSINESS)

Devereux Foundation – 40 Devereux Way – Site Plan

Richard Praetorius, John Kavanagh, and Chris Smailer were present for discussion 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.

Christine Kane asked the applicants if there were any particular changes which needed to be brought to the Board's attention.

Mr. Praetorius asked if there were any comments from the Town's Agriculture and Open Space Committee. As there were none, he reviewed GreenPlan's memo dated December 13, 2007. He stated that they now propose to change approximately 90% of the existing lighting fixtures in addition to a planned retrofit of the flood lighting to meet compliance with the Town's current lighting standards.

Chris Smailer presented the proposed building materials.

Ms. Greig suggested that the Board review the May 4, 1988 Special Use Permit granted by the Town to Devereux.

Mr. Praetorius asked for clarification that the Town handles the agricultural and public hearing notices. Christine Kane confirmed that they do.

Referring to the review by the Town Engineer, Mr. Praetorius disagreed with the interpretation that the lighting must be fully shielded, as he felt it was stated in the Lighting Ordinance that shielding was not required if the fixture was 50W or less. Ms. Greig stated that this was not true for wall pack fixtures, as stated earlier in the Code. Mr. Praetorius stated that he felt this was ambiguous. Ms. Greig said that she would research the issue further and discuss it in her next memo.

Christine Kane asked how many existing units were currently on the site. Mr. Praetorius replied that there were sixty. He then expressed concern that, if fully shielded, the wall packs would not provide sufficient light to the interior of the campus, and that they would need to add seven free standing lights and run electric to each. Charlie Laing asked if it was possible to make a distinction between the requirements for lighting the inside of a campus, and the requirements near the edge of a property to avoid light pollution.

Christine Kane stated that the purpose of wall packs should be to light specific areas like building entrances and not to provide “throw” light to other areas. Mr. Praetorius responded that in this case, they did intend to use wall packs for both purposes.

Charlie Laing noted from the proposed plat that the free standing fixtures would be 150W. Mr. Kavanagh indicated that there were substantial concerns over the cost that would be associated with purchasing and installing the fixtures and the necessary underground wiring.

Christine Kane asked if they applicants had considered bollard lighting. Mr. Kavanagh expressed concern that people could trip, and that such fixtures were not for area lighting.

The board directed Ms. Greig to meet with Mr. Praetorius and the Town Engineer to see if there was a way to meet the requirements of both the law and campus safety.

John Hardeman noted that he thought the purpose of the law was a question of protecting neighbors and traffic, and that the issue at hand was an internal lighting question.

Christine Kane suggested that the board could consider a phasing schedule so that the required change in lighting would not be as much of a financial hardship to the applicant.

David Wright asked if a site visit would be possible. Mr. Kavanagh requested that any Board members notify security of their presence on campus.

Mr. Praetorius noted that in the Town Engineer’s memo, it had been indicated that lighting levels were high around the entrances to the proposed addition. Mr. Smailer stated that they were proposing recessed fixtures under the canopy.

Ms. Greig noted that 5 foot candles was the maximum permitted lighting level for high security areas. She suggested that the applicant review the anomalous areas shown as near 50 and 70 footcandles, as she suspected they were errors in calculation. Ms. Greig also requested that the applicant add a note 3 to sheet 4 indicating which fixtures would have motion sensors.

Mr. Praetorius stated that he would add a zoning legend and indicate the proposed erosion control measures.

Christine Kane asked if, given the holiday, the Board would have any difficulty meeting on March 17th. Most members stated that they could attend. A public hearing on the project was therefore scheduled for 7:35 PM on March 17th, 2008.

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

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

Mr. Fowler noted that the Stewart's in the Village had already replaced the shakes with the metal roofing he was proposing for the one in the Town. He showed the Board a sample of the proposed material. He also stated that the lighting had been upgraded to metal halide, and no changes were proposed unless necessary. He also noted that the canopy and soffit lights were pointed down.

Ms. Greig asked what the average lighting level was under the canopy. Mr. Fowler said that it was 42 foot candles. Ms. Greig expressed concern that this was significantly higher than the 5 foot candles normally allowed for high security areas under the town's lighting ordinance. Mr. Fowler responded that the average was at 0 for the property boundaries, and 5 for the whole site.

Christine Kane asked for manufacturer cut sheets of the lighting fixtures. Mr. Fowler noted that there was a degree of lighting was a security concern, as due to increased drive-offs, they had to be able to monitor cameras.

Ms. Greig cited Illuminating Society of Engineer figures suggesting a maximum of 20 foot candles under a canopy in a brightly lit area, and 5 in high security areas.

Mr. Fowler noted that by his calculations, even if the current 400W fixtures were replaced with 250W fixtures, the average would only drop to 24 foot candles. Christine Kane stated that the Board was limited by the letter of the law, and had to apply it equally across applicants.

Charlie Laing asked if they could find the figures from comparable examples. Mr. Fowler responded that while he understood the Village Code differed from the Town's, he believed that the Getty and Xtra Mart had higher lighting levels.

Ms. Greig also noted that security was defined by the uniformity of the lighting of the environment, not just the level, as it can be difficult for eyes to adjust between dramatically changing light levels, especially for seniors.

Mr. Fowler stated that the building currently had 400W fixtures under the canopy and 175W fixtures at the building. He felt that reducing to 250W would leave the lighting levels too low. Christine Kane suggested he could apply for a variance. Mr. Fowler stated that the cost was prohibitive and indicated that he would most likely withdraw the application.

REGULAR SESSION (NEW BUSINESS)

As there was no one present to represent the Migliorelli Minor Subdivision, the Board moved on to Other Business.

OTHER BUSINESS

Flandreau

John Hardeman asked if other members of the Board had gone to the informal meeting with the Flandreau's. Christine Kane responded that Sam Harkins, Ms. Greig, and she had attended. She stated that they went over options such as purchasing additional acreage from neighbors or reconfiguring the septic usage and driveway design so that the applicant would not need to fill wetlands.

Ms. Greig noted that many of these options were contingent on the land conditions on the site. Christine Kane said that they had also discussed the possibility of an accessory apartment or cottage.

Ulster Savings Bank

Christine Kane read a letter from Ulster Savings Bank requesting a 90-day extension to meet conditions of approval. She noted that a packet had been submitted with an outline of the conditions which had and had not yet been met, and the status of the latter.

Charlie Laing moved to grant the 90-day extension, retroactive from March 2nd. John Hardeman seconded the motion, and all present voted in favor.

Sycamore Acres

The Board reviewed a letter from the Sieverding's requesting a 90-day extension, as some materials had not been submitted until a short time after the original deadline. Sam Harkins moved to grant a 90-day extension, retroactive from Feb. 27th. David Wright seconded the motion, and all present voted in favor.

JAMS

At this time, Sam Harkins recused himself and left the room. The Board reviewed a letter from Arlene Harkins requesting a 14-day extension. David Wright moved to grant the extension, John Hardeman seconded the motion, and all present voted in favor.

Sam Harkins returned to the meeting.

Town of Clermont

The Board reviewed a letter from the Town of Clermont asking if there were any objections to the Clermont Planning Board acting on a proposed lot line alteration between two parcels partially in the Town of Red Hook, but with all structures and the majority of the land in Clermont.

Charlie Laing moved to find that the Town of Red Hook Planning Board had no objections to the Town of Clermont acting on the application. Sam Harkins seconded the motion, and all present voted in favor.

Monthly Reports

Christine Kane noted that there was a new requirement that all Boards and Committees submit monthly reports. She noted that the February report included a request that the Town Board approve several qualified organizations to conduct trainings. The Planning Board generally agreed that there were no objections to the request. Ms. Greig suggested that the American Planning Association be added to the list, and Charlie Laing suggested Hudsonia.

Training

The Board noted that Planning Clerk Betty Mae Van Parys had requested that they submit certification of training hours throughout the year so that they can be tracked.

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 Granting Conditional Final Approval to the Frank and Catherine Vosburgh Minor Subdivision.

Resolution Granting Final Subdivision Plat Approval to Vosburgh Subdivision

Name of Project: Vosburgh Subdivision

Name of Applicant: Frank and Catherine Vosburgh

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated August 7, 2007 to the Town of Red Hook Planning Board to subdivide a \pm 12.24 acre parcel of land (Tax Map Parcel No. 15-6172-00-855045) into three (3) residential building lots \pm 3.366 acres, \pm 3.829 acres, and \pm 5.044 acres in size; and

Whereas, the subject parcel is located at 181 Middle 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 Zimmerman L.S. dated August 8, 2007 and revised November 21, 2007, December 6, 2007, January 31, 2008, and February 26, 2008; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 13, 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, a qualified soil scientist determined that the on-site soils are not prime or statewide important agricultural soils and the Planning Board therefore determined that the project is not subject to the Town's Important Farmlands requirements as enumerated in § 143-47 of the Town's Zoning Law;

Whereas, on January 14, 2008 the 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 August 7, 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 subdivision application, which hearing was continued on March 3, 2008, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

Now therefore be it resolved, that the Planning Board hereby grants Final Subdivision Plat approval to Frank and Catherine Vosburgh to subdivide a \pm 12.24 acre parcel of land into three (3) residential building lots in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant deletes the non-realty subdivision signature block on the plat and substitutes in lieu thereof a signature block for the Dutchess County Health Department, and obtains approvals from DOH for the proposed wells and septic disposal systems.
- B. That the applicant submits the Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board.
- C. That the applicant notes on the plat the liber and page number for the declaration referencing the Common Use and Maintenance Agreement that has been recorded in the Office of the Dutchess County Clerk.
- D. That the plat includes the required Agricultural Notice in accordance with Chapter 72 (Section 2B) of the Town Code.
- E. That the plat includes a Zoning Legend listing the required and proposed area and bulk requirements for each of the three lots.
- F. 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.
- G. Payment of recreation fee to the Town of Red Hook.
- H. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- I. 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 Sam Harkins, seconded by John Hardeman, and a vote of 4 in favor, 0 against, 1 abstained, and 2 absent

Roll Call Vote:

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

Resolution declared: Approved on March 3, 2008

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

Patrick Kelly, Assistant Clerk to the Board

Date