

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
April 7, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Chair Christine Kane announced that a CPR course for Town Hall employees and volunteers was being offered on Wednesday, April 23rd.

Chair Christine Kane announced that the Regional Planning Association would be holding a training on May 7th entitled “Redefining the Edgeless City”.

The minutes of the March 3, 2008 meeting had been sent to members for review. Sam Harkins moved to adopt the minutes as written. Charlie Laing seconded the motion, and all present voted in favor. The minutes of the March 17, 2008 meeting were not yet available.

REGULAR SESSION (OLD BUSINESS)

Powers Auto Supply – NYS Route 9 – Site Plan

Marie Welch, LS, and Tom Powers were present for discussion 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.

Marie Welch stated that the proposal was for an auto supply store, including retail and distribution operations, and some night time deliveries. She stated that in designing the proposed site plan, the applicant had tried to keep parking near the back of the building or immediately adjacent to doors. She noted that there were some lights mounted on the utility poles, and that Central Hudson had indicated they would bring these lights into conformance with the zoning.

Christine Kane noted that the proposed site plan indicated a 24 sq. ft. sign. Mr. Powers stated that he would be using the same size and template as the existing sign on the property. Marie Welch said that they would bring samples of the colors to the next meeting.

Christine Kane noted that the sign would need to be down lit, as the existing design was not in conformance with the Town lighting ordinance. Marie Welch asked if the existing design would be grandfathered in. The Board asked Ms. Greig to research the matter further.

Marie Welch informed the Board that as a result of a recent conversation with Brenda Cagle, chair of the CAC, the applicant had decided to place four trees in the median between the sidewalk and road. She said that these would be intended to replace the three trees which the proposed site plan indicated would be placed in the parking lot.

Charlie Laing asked if there was existing landscaping on the property. Marie Welch said that the only landscaping was a few planters. The Board asked that the applicant provide a letter showing that NYS DOT had approved the location of the trees.

Christine Kane noted that the Board would need to see further details of the proposed sign. Mr. Powers noted that he would need to use the official NAPA logo, and was considering a light grey background with blue lettering. The Board had no objection to this aspect of the proposal.

Christine Kane noted that the Building Department may require a formal design for the planter box, and also asked that the applicant provide a landscaping schedule.

The Board asked that the applicant include a note on the site plan that the lights would be placed on a timer, to turn off after 9:00 PM. They also asked that the applicant provide manufacturer's cut sheets for the lighting units.

Christine Kane noted that in a previous meeting, the applicant had suggested he would be eventually having service bays on site. Sam Phelan asked if this site would generate significantly more traffic than was found at the store's current location. Sam Harkins asked if the proposed distribution operation was currently being done from the store's current location. Mr. Powers stated that they were already doing distribution of a similar nature, and that he did not expect significant retail traffic at the new location.

Ms. Greig asked if the applicant was proposing any improvements to the building itself. Mr. Powers replied that he was not considering anything other than painting it.

Christine Kane asked how many trucks were used for the distribution operation. Mr. Powers replied that he currently had two, and was hoping to purchase a third in the near future.

Sam Phelan asked if the eleven proposed parking spaces on the site plan would be sufficient to handle the retail volume. Mr. Powers replied that there were only five spaces at the current building and that he had not had any trouble there.

Christine Kane asked how many employees the applicant had. Mr. Powers stated that there were five, counting delivery drivers, and that there would eventually be two to three more for service bays.

Christine Kane asked if the applicant had given any thought to the significant paved area which would not be utilized by the current site plan. Mr. Powers replied that in other locations he had used planters, but nothing that was a permanent installation. Christine Kane suggested he use something with some height, to give the location a softer look from the road. Mr. Powers asked if a railroad-tie planter with shrubbery would mitigate the Board's concerns. Christine Kane said that she would have liked to see actual plantings, with pavement removed, but that she also understood the applicant's concern over costs and as a renter but reiterated the need for the proposed plantings near the building to have a height element.

Sam Phelan asked the Board and applicant if they felt it would be feasible to remove some of the proposed parking spaces. Marie Welch said that she had included sufficient parking to meet the requirements of the law as she read it. The Board and applicant generally agreed that the spaces labeled 4 through 7 on the site plan could be removed, or moved to the rear or side of the building if necessary.

The Board summarized that the applicant would need to submit manufacturer's cut sheets of the lighting units, a letter from NYS DOT regarding the tree planting, and a site plan with revised parking, a note regarding the lights being on a timer, and indicating landscaping and sign details. The Board generally agreed that Assistant Clerk Pat Kelly would review the revised materials and submit them to Dutchess County Planning for review if they included the information requested.

A public hearing was set tentatively for May 19th, pending a response from Dutchess County Planning.

The Board reviewed a draft resolution establishing Lead Agency under SEQR. It was noted that in the draft resolution, Dutchess County Planning would need to be replaced with NYS DOT as an involved agency. John Hardeman moved to adopt the resolution with the discussed change, David Wright seconded the motion, and all present voted in favor.

Migliorelli Minor Subdivision – 404 Lasher Road

Ken Migliorelli was present for discussion of application for Subdivision Plat Approval to subdivide an approximately 1.9 acre residential building lot from an

approximately 32-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Mr. Migliorelli gave a brief overview of the project, stating that his intention was to subdivide an existing house and barn from the farmland on the remainder of the parcel. He noted that as the well needed to be at least 15' from the property line, the subdivision plat had been revised, so that the new lot would be 2.0 acres.

Ms. Greig noted that there would need to be a note on the plat regarding the use of density from the parent parcel, and also that this project was using the one-lot exception as allowed under the Important Farmlands Law. The Board noted that language regarding the one-lot exception had been crafted for the Cafh Subdivision and could be used again in this instance.

Christine Kane asked if the adjacent farmlands of the same owner were protected. Mr. Migliorelli replied that they were. Christine Kane asked that this be indicated on the plat, as under the Important Farmlands Law, the Board was supposed to look at the entirety of the farmlands in the area.

Ms. Greig noted that the applicant would need a signature block from the Health Department on the final plat, as the current signature was for a non-realty subdivision, and the 2.0-acre parcel would need approval.

The Board noted that under GML §239nn, notice of the public hearing would need to be sent to the Town of Clermont.

The Board reviewed a draft resolution establishing Lead Agency under SEQR. Charlie Laing moved to adopt the resolution. Sam Phelan seconded the motion, and all present voted in favor.

The Board tentatively set a public hearing for May 5th pending submission of revised plats, which the Board generally agreed Assistant Clerk Pat Kelly could review to ensure the requested changes had been made.

John Hardeman noted that situations such as this were the original intent of the Important Farmlands Law.

REGULAR SESSION (NEW BUSINESS)

Vosburgh Special Permit – Middle Road

Paul Vosburgh and Mark Graminski, PE and LS, were in attendance for presentation of an application by John P. Vosburgh for Special Permit approval for an accessory apartment on a 3.67-acre parcel on Middle Road in the RD3 Zoning District.

David Wright noted that he was comfortable not recusing himself, as he was not directly related to Mr. Vosburgh.

Mr. Graminski described the project as an accessory apartment to be placed over a garage associated with an existing residence. He noted that there was currently a studio above the garage, and that the special permit was required to convert the studio into a one bedroom apartment. He stated that the submitted floor plan also complied with the zoning requirement that habitable space come to less than 650 sq. ft.

Christine Kane asked if by way of his transmittal letter, Mr. Graminski was certifying the adequacy of existing facilities to service the proposed apartment. Mr. Graminski replied that he was.

Mr. Graminski noted that under the code, habitable space was calculated without including the kitchen, bathroom, stairs, hallway, and portions where the ceiling was less than 7'6" high.

Christine Kane asked if the lights on the outside of the building were on a timer, and if the applicant was proposing any changes to the outside of the building. Mr. Vosburgh replied that they were operated by a manual switch, and that no external changes were proposed.

The Board reviewed a draft resolution establishing Lead Agency under SEQR. The resolution was revised to remove the Department of Health as an involved agency. Sam Harkins moved to adopt the resolution with the discussed revision. Sam Phelan seconded the motion, and all present voted in favor.

The Board tentatively set the public hearing for April 21th, as no new materials were required.

Ruge Auto Site Plan – US Route 9

Lewis Ruge and Mark Graminski, PE and LS, were in attendance for presentation of an application by Lewis J. Ruge for Site Plan approval for a 6000 sq. ft. expansion to an automotive retail facility on a 2.38-acre parcel in the B1 Zoning District.

Mr. Graminski described the project as a proposal to add 6000 sq. ft. of storage space to an existing auto parts warehouse/distribution center on the west side of NYS Route 9. He noted that the current dumpsters and fuel storage would need to be moved, that additional parking had been included, and that they were attempting to use the existing lighting and landscaping. He noted that the overhang on the existing structure would be extended on the expansion. He also noted that the ZBA had granted a variance to allow for 18% building coverage, as well as a variance on the side yard setback, and that the current proposal was at 17.9%.

Charlie Laing asked how Mr. Graminski had calculated the number of parking spaces required, as he thought it looked like a high number for the size of the building. Mr. Graminski replied that there was one spot for each of 35 employees, as well as spaces for delivery by larger vehicles.

Christine Kane asked how the edge of the parking would be delineated. Mr. Graminski replied that it was currently a soft edge, and that the applicant intended to continue with it that way.

Christine Kane asked if there were plans for a dumpster enclosure. Mr. Graminski replied that he would submit revised plans with a stockade fence enclosure.

Ms. Greig suggested that the applicant look into street trees. Mr. Ruge replied that there were already trees on the front of the parcel. Charlie Laing asked that images of the existing landscaping be submitted. Mr. Graminski stated that he would prefer if any trees were kept on Mr. Ruge's property, so that they would not have to go to NYS DOT for approval. The board referred to information submitted by a previous applicant at this meeting indicating that DOT would be open to having trees placed in the roadside median. The board indicated that this would be the preferred location for trees if this is indeed the case. The board asked the applicant to research this further.

Christine Kane noted that the current lighting was not on the proposed site plan. Mr. Graminski replied that he would add it. Christine Kane reminded the applicant that existing lighting would need to be brought into compliance with the Town's lighting ordinance, and that the site plan should indicate if any of the lights are on motion sensors.

Ms. Greig noted that the project would need to be submitted for review by County Planning under GML §239m.

Charlie Laing noted that many of the trees along the southern edge of the property were actually on a small strip of land owned by Roger Hoffman. Christine Kane asked if there was any formal agreement in place with Mr.

Hoffman. Mr. Ruge replied that there was an informal agreement to maintain the trees together.

The Board generally agreed that Assistant Clerk Pat Kelly would review the next submission to ensure it included landscaping, lighting, dumpster enclosures, and the overhang, before sending it to Dutchess County Planning for review.

The Board reviewed a draft resolution establishing Lead Agency under SEQR. Dutchess County Planning was changed to NYS DOT. Sam Phelan moved to adopt the resolution with the discussed revision. David Wright seconded the motion, and all present voted in favor.

The applicant was tentatively scheduled for a public hearing on May 5th, pending submission of materials and a response from County Planning.

OTHER BUSINESS

Williams/Angelier

Christine Kane read a letter from Richard Hanback, LS, requesting a 30-day extension to meet conditions of approval on the Williams/Angelier Minor Subdivision. It was noted that the letter was submitted before the expiration date of March 27th, and that all conditions had since been met.

John Hardeman moved to grant the extension, retroactive from March 27th. Sam Harkins seconded the motion, and all present voted in favor.

Precision Approach, LLC

Mark Graminski, PE and LS, and Abraham Wolbe were present for a pre-sketch meeting regarding potential subdivision of the Skypark Airport property on NYS Route 199.

Mr. Graminski stated that the parcel was in the RD3 Zoning District, and had agricultural soils but was not in the agricultural district, nor was it being farmed. He noted that the prime soils were concentrated around the runway, while the rest of the parcel was wetlands and steep slopes.

Ms. Greig reminded the Board that by her understanding, the ZBA had ruled that if a parcel was not in the Certified Agricultural District, the Important Farmlands Law did not apply. Charlie Laing noted that the Board could still review the application under the cluster subdivision regulations.

Mr. Graminski asked if the 12-lot maximum for a cul-de-sac applied to both public and private roads. Christine Kane responded that the Town Fire Chief had previously felt it was a health and safety concern to have more than twelve lots in such a situation.

Mr. Graminski stated that the project would likely require that the Town Board establish an Open Development Area, so that there would be sufficient frontage and access with private roads and common drives. He suggested that there be one primary entrance from Route 199, but with a secondary approach branching off part way in to provide for emergency access in the event the primary approach was blocked.

Christine Kane asked if the applicant was planning to keep the airstrip as part of the subdivision and possibly propose a development plan that would be marketed as single family homes with shared access to a private airstrip. Mr. Wolbe indicated that was their plan.

Christine Kane advised the applicant that both sides would need to undertake a significant amount of research on a project as complicated as this and that the process could be expected to move slowly.

Charlie Laing noted that he felt strongly that this project called for a conservation subdivision. Christine Kane noted that there could be significant financial benefits if the conservation easement was established prior to being required by the Planning Board.

Ms. Greig noted that a map with wetlands, slopes, and proposed building envelopes could provide a basis for further discussion.

Sam Phelan noted that the code required 60-acres for an airstrip, but that there was no provision for mixed use with residential development.

Mr. Graminski stated that he would submit a formal sketch application with a list of questions to be resolved.

Ulster Savings Bank

The Board reviewed the Town Engineer's estimate of the amount of the performance bond to be posted by Ulster Savings as a condition of approval. Charlie Laing moved to approve the proposed amount, David Wright seconded the motion, and all present voted in favor.

Village of Red Hook

The Board reviewed letters from Dan Wheeler, chairman of the Village of Red Hook Planning Board, advising them of subdivision applications on Fisk Street and Maizeland Avenue within 500' of the Town. John Hardeman suggested that the Trails Committee be advised, as there had been previous interest in establishing a trail in the vicinity of Maizeland Avenue.

Planning Board Policies and Procedures

A draft of revised Planning Board Policies and Procedures was given to Planning Board members, with a request that they submit comments back to Michele Greig before the next meeting.

Recreation Fees

Ms. Greig noted that for future applications, the Board would need to have specific and formal recreation fee findings. The Board also reviewed the Town Board's recent decision regarding application of recreation fees to projects which applied before the last increase in recreation fee.

ADJOURNMENT

Since there was no further business to come before the Board, Sam Harkins made a motion to adjourn. Sam Phelan 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 SEQR for Powers Auto Site Plan

Resolution Establishing Lead Agency Under SEQR for Migliorelli Minor Subdivision

Resolution Establishing Lead Agency Under SEQR for Vosburgh Special Permit

Resolution Establishing Lead Agency Under SEQR for Powers Auto Site Plan

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Powers Auto Supply Site Plan

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Site Plan application by Powers Auto Supply, Inc. for a ± 2.4-acre parcel of land located at 7311 South Broadway, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated October 29, 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 other involved and/or federal agencies on this matter, including the New York State Department of Transportation.

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
April 7, 2008.

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Migliorelli Minor Subdivision

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Subdivision application by Kenneth Migliorelli for a ± 29.9-acre parcel of land located at 404 Lasher Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated February 6, 2008 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter, including the Dutchess County Department of Health.

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 Phelan, and a vote of 6 for,
and 0 against, and 1 absent, this resolution was adopted on
April 7, 2008.

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Paul Vosburgh Special Use Permit

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Special Use Permit application by Paul Vosburgh for an accessory apartment on a ± 3.67-acre parcel of land located at 208 Middle Road, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated March 12, 2008 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 Sam Harkins, seconded by Sam Phelan, and a vote of 6 for, and 0 against, and 1 absent, this resolution was adopted on

April 7, 2008.

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Ruge Auto Site Plan

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Site Plan application by Lewis J. Ruge. for a ± 2.38-acre parcel of land located at 7313 South Broadway, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated March 27, 2008 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 other involved and/or federal agencies on this matter, including the New York State Department of Planning.

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 Phelan, seconded by David Wright, and a vote of 6 for,
and 0 against, and 1 absent, this resolution was adopted on
April 7, 2008.