

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
April 21, 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 — Acting Chair Charlie Laing, Sam Harkins, Christine Kane, Paul Telesca, and David Wright. Planner Michele Greig was also present.

BUSINESS SESSION

Charlie Laing informed the board that Christine Kane had called to say she would be late and to ask that Charlie Laing serve as Acting Chair. He then confirmed the agenda as published.

The minutes of the March 17, 2008 minutes had been sent to members for review. Sam Harkins moved to adopt the minutes as written. David Wright seconded the motion, and all present voted in favor.

The minutes of the April 7, 2008 minutes had been sent to members for review. Paul Telesca moved to adopt the minutes as written. David Wright seconded the motion, and all present voted in favor.

Charlie Laing read a letter from Scenic Hudson to the Board expressing an interest in assisting municipalities with riverfront planning and projects.

Charlie Laing announced a training session in Tivoli to be held on April 23, 2008, from 7:00 to 9:00 PM, and to be conducted by GreenPlan.

PUBLIC HEARINGS

7:35 PM

Vosburgh Special Permit – Middle Road

Mark Graminski, PE and LS, and Paul Vosburgh were present for a public hearing on 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.

Charlie Laing read the public hearing notice published in the Kingston Daily Freeman on April 17, 2008.

Christine Kane arrived at this time.

Mark Graminski gave a brief overview of the project for the public.

Charlie Laing asked if a letter in the file from Mark Graminski was intend to address the viability of well and septic on the property. Mark Graminski confirmed that it was.

Paul Telesca asked the applicant to confirm that the proposal was to turn an existing studio into a one bedroom apartment. Mr. Graminski replied that this was the goal.

The Board reviewed Part 2 of the short EAF and a draft negative declaration under SEQR. Christine Kane moved to adopt the negative declaration, Sam Harkins seconded the motion, and all present voted in favor.

Due to an error in the timing of the publication of the notice, the public hearing was continued to 7:35 PM on May 5th.

REGULAR SESSION (OLD BUSINESS)

Hammerling Minor Subdivision – Route 9G

Marie Welch, LS, was present for discussion of application for Subdivision Plat Approval to subdivide two new residential lots of 3.097-acres and 1.836 acres, from an approximately 24.284-acre parcel on Route 9G in the RD 3 Zoning District and the Certified Agricultural District.

Ms. Welch stated that she had added the building envelopes and soils to proposed plat, as requested by the Board. She noted that while Ms. Greig had raised the question of whether a certain area was hydric, the location of the buildings had a minimal impact. Ms. Greig noted that the driveway would cross the potentially hydric soils, and asked that any wetlands be flagged.

Ms. Welch asked if the Board recommended a wetlands consultant. Ms. Greig noted that if there was significant disturbance, the Board would most likely have to require third party verification. Ms. Welch asked if it was possible, as a cost-saving measure, for the Board to recommend one individual whose opinion they would consider final. The Board indicated that they would get back to her as to whether that may be an option for avoiding the potential expense of third party verification.

The Board reviewed the original subdivision plats from 2000 and 2001. Ms. Welch noted that the property was in the agricultural district and was currently being farmed for hay.

The Board reviewed the GreenPlan memo dated April 21, 2008. Ms. Welch noted that, in response to GreenPlan's concern over the acreage on Lot 1-B, the

additional area was needed to maintain appropriate distance between the well and septic.

Charlie Laing asked if there were any restrictions on the area outside of the building envelope. Ms. Welch replied that there were not at this time, but that they could potentially be added. Christine Kane asked if the applicants had considered who would hold the conservation easement, as it was required under the Important Farmlands Law.

Ms. Welch asked if the Town was still holding easements. The Board was not sure as to the details of the program at this time. David Wright asked if it would be too small for Winnakee Land Trust to hold. Charlie Laing replied that Winnakee was in the midst of an effort to create a program through which they would work with towns to hold small easements such as the one for the project in question.

Charlie Laing noted that GreenPlan had found the proposed setbacks to be consistent with the Scenic Corridor Overlay District. Ms. Greig suggested that the Board investigate the visual impact of the application, in regards to the Scenic Corridor. Ms. Welch noted that there were already houses between the road and the most prominently visible building envelope.

Ms. Greig suggested that certain large trees not be cut so that there was screening from the road, but that the house would still have an appealing view. Ms. Welch noted that the owners intended to install solar panels, which would require the removal of most trees.

Christine Kane suggested that the Board conduct a site visit. The Board and Ms. Welch agreed on 10:00 AM on May 3rd, to be confirmed by the applicant.

Ms. Greig noted that the Town's subdivision regulations required Health Department approval for all lots less than 5 acres in size, but that Mr. Napoli of DC Health Department was currently questioning whether minor subdivisions could require DC Health Department approval. She informed the Board and applicant that meetings were to take place later in the week to address the apparent conflict between the Town code and State Public Health Law.

The Board noted that the current house location seemed to strike a compromise between the need to maintain scenic qualities while protecting prime agricultural soils.

The Board reviewed a draft resolution establishing lead agency under SEQR. Christine Kane moved to adopt the resolution as written. David Wright seconded the motion, and all present voted in favor.

Christine Kane asked that the note referring to a "farm easement" be clarified to indicate that it was referencing the access agreement for a neighboring farmer.

Ms. Welch asked if the Board was ready to schedule a public hearing. The Board tentatively scheduled the hearing for May 19th, to be pushed back if wetlands issues were identified.

OTHER BUSINESS

Policies and Procedures

Ms. Greig asked the Board if they had any changes to suggest to the draft Planning Board Policies and Procedures which had been circulated.

Christine Kane referred to a meeting that she and Charlie Laing had attended with Winnakee Land Trust, where options for advising applicants about the potential financial benefits of conservation easements if they are not required by the planning board were discussed. She asked whether anything along these lines should be included in these policies and procedures. David Wright felt that this should not be part of the policies and procedures, but could perhaps be a cover sheet on subdivision applications. The majority of the board seemed to concur with this opinion.

Ms. Greig advised the Board that she did not know if the Town Board had to adopt the policies. The Board agreed to refer the question to Keane and Beane.

Bard College

Christine Kane referred to a letter received by the planning office from the New York State Department of Parks and Recreation indicating that Bard College was seeking permission to demolish the "drill hall" on their campus. Since this may be the last building constructed by the Bard family remaining on campus, the building may have unique historic value. She noted that a meeting was being held at Bard on Friday, April 25th, at 10:00 AM to discuss the matter. Charlie Laing and Sam Harkins stated that they would attend and represent the board.

Minutes Correction

Christine Kane noted that the April 7th minutes incorrectly identified the Vosburgh public hearing as being scheduled for April 17th, rather than April 21st. Paul Telesca amended his motion to approve these minutes with correction, Dave Wright seconded and all present voted in favor. The Board agreed to adjust the minutes.

Meadowbrook

The Board reviewed the decision of the ZBA regarding Meadowbrook Estates. They noted that the question of whether the project constituted one or two developments was still outstanding. The Board was unclear as to the full implications of the decision, and agreed to send it to Keane and Beane for review.

ADJOURNMENT

Since there was no further business to come before the Board, Christine Kane 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:

Negative Declaration Under SEQR for Vosburgh Special Permit

Resolution Establishing Lead Agency Under SEQR for Hammerling Minor Subdivision

**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 Special Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to establish a one (1) bedroom accessory apartment in a garage on a 3.67-acre parcel on Middle Road in the RD3 Zoning District

Location: 208 Middle 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. The Town of Red Hook Planning Board has reviewed the proposed action against §143-66 and §143-112 of the Town of Red Hook Zoning Code, and found it to be in compliance with these provisions.
3. After reviewing the Environmental Assessment Form (EAF) for the action dated March 12, 2008 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).

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)

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

Name of Action: Hammerling Subdivision

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Subdivision application by Steven J. and Kelly A. Hammerling involving a ± 24.284 acre parcel, located at 4962 Route 9G, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated February 1, 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 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 Christine Kane, seconded by David Wright, and a vote of 5

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

April 21, 2008.