

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**May 19, 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, Paul Telesca, John Hardeman, and Sam Phelan.

**BUSINESS SESSION**

Christine Kane confirmed the agenda as published.

Christine Kane announced that the Town Board had appointed Wil LaBossier and Rob Tourtelot as alternate members to the Planning Board.

Christine Kane announced that Pattern for Progress would be sponsoring a conference on affordable and workforce housing on June 11 at Marist College. She also announced that the Association of Towns was holding sessions of the Planning and Zoning Summer School, and that the closest session would be in New Paltz on June 17.

Christine Kane announced that David Wright had submitted his resignation from the Planning Board, effective May 15, 2008. The Board thanked him for his many years of service to the Town.

**PUBLIC HEARINGS**

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

Marie Welch, LS, and Tom Powers were present for public hearing on application for Site Plan Approval to change the use of an existing building on a 2.4-acre lot in the B1 Zoning District.

Christine Kane read the public hearing notice as published in the Daily Freeman on May 14, 2008. Ms. Welch gave a brief overview of the project for the public. Christine Kane asked the public for comments.

John Frigala, owner of Carquest on the adjoining property, stated that he had gone through five months of controversial process to obtain a sign permit for his business, and expressed concern that Mr. Powers had a sign which was over his property line and on land owned by the Town.

Ms. Welch disagreed, stating that the existing sign was in fact on the property owned by Mr. Ruge, to be leased by Mr. Powers. Mr. Frigala noted that other nearby businesses had their signs 4 to 8 feet off of the property line. He also expressed concern that a catch basin was not providing sufficient drainage, resulting in flooding on his property.

The Board reviewed comments from Dutchess County Planning, which suggested that landscaping be included on the western edge of the property, and that steps be taken to address the significant amount of unused macadam in front of the building.

Ms. Welch provided the Board with new sets of plans. Christine Kane noted that the plans had been revised the day of the meeting to show trees and make other changes. Ms. Welch stated that the plantings had been taken off of the site plan and placed on the landscaping plan, and now showed the exact location of the trees.

Mr. Powers stated the proposed lighting would be shielded and on timers.

Christine Kane noted that the trees had been planted on the property rather than the tree lawn, in conjunction with NYS DOT and the Town Tree Committee. The Board agreed that it would have a meeting with the Tree Committee to facilitate communication in the future.

Ms. Welch requested that she be able to attend that meeting. She also expressed concern that additional planting of trees in the tree lawn could pose a safety concern. Christine Kane replied that the trees would not have to be of a size which would impede sight distances.

Ms. Welch asked if the applicant could be compelled to install trees on property which he did not own. Mr. Powers asked if the Town had investigated the matter with NYS DOT. Christine Kane replied that the Board was currently pursuing the question.

John Hardeman stated that he felt the Greenway recommendations were not requirements, and felt that the trees in their current location were sufficient to provide a canopy over the sidewalk. He also stated that he felt the trees would survive longer if they were away from the road. Sam Harkins agreed with John Hardeman's statements. Paul Telesca also expressed concern at having trees immediately adjacent to the road.

Christine Kane stated that joining the Greenway meant following certain guidelines, including the use of trees to encourage pedestrians. She also noted that under the discussion of the Town's future development, the surrounding area was to be targeted for residential growth, which ideally would further encourage pedestrian use of the area.

John Frigala expressed concern that trees near the road could create a safety hazard.

The Board generally agreed to leave the public hearing open to the next meeting due to the recent revision dates of the proposed site plan.

Mr. Powers expressed concern that a work permit for any trees in the tree lawn would take 45 to 60 days to obtain. Christine Kane replied that the Board did not need to wait for a work permit, but that an answer on the question could be received in much less time.

Sam Phelan arrived at this time.

Mr. Powers requested that a copy of the Majestic Auto Site Plan, and also answers to previous questions of whether the sign was grandfathered under the lighting ordinance, and if there was sufficient parking. Christine Kane stated that she would follow up on the matter with Michele Greig.

#### **Hammerling Minor Subdivision – Route 9G**

Marie Welch, LS, was present for public hearing on an 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

Christine Kane read the public hearing notice published in the Kingston Daily Freeman on May 15, 2008.

Ms. Welch gave a brief overview of the project for the public. She noted that members of the Planning Board had conducted a site visit a couple of weeks earlier. Christine Kane asked for public comment at this time.

The Board reviewed comments from the Agriculture and Open Space Committee. The AOSC indicated that they did not feel the application was complete, as it did not include the development constraints, buildout potential, and farmland protection plan required by the Important Farmlands Law.

Ms. Welch replied that she felt the deed restriction would serve as the Farmland Protection Plan. Christine Kane replied that this kind of development required both a conservation easement and a formal Farmland Protection Plan.

Ms. Welch expressed concern that Winnakee or Scenic Hudson would not be interested in taking an easement on such a small parcel. She asked if the Town would be willing to hold the easement in such an event. Christine Kane replied that she could not comment on whether any particular organization would or would not choose to hold a given easement. Sam Phelan noted that an easement was required for a cluster subdivision.

Christine Kane asked if wetlands had been found on the parcel. Ms. Welch replied that someone would be coming to check.

Christine Kane noted that Ms. Greig of GreenPlan had indicated that the Health Department approval would need to be changed. Ms. Welch replied that she always put the permission to file block on the plat, and would leave it to the engineer to handle any changes.

The Board discussed the scenic impacts of the project and generally agreed that the proposed building envelopes were removed as far as possible from view of the road.

Christine Kane expressed concern that Lot 1A was too small to give flexibility on well and septic locations. She also suggested strict wording to prohibit tree cutting behind the house, as the existing vegetative buffer was thin.

Christine Kane stated that more information would be required from the Agriculture and Open Space Committee and regarding possible wetlands.

Ms. Welch asked if the Board was comfortable giving conceptual approval so that she would feel safe in hiring an engineer. Sam Phelan replied that they would need further input from the Agriculture and Open Space Committee before they could answer that.

The Board generally agreed to continue the public hearing to 7:35 PM on June 16, 2008.

#### **Ruge Auto Site Plan – 7293 S. Broadway**

Lewis J. Ruge and Mark Graminski, PE and LS, were present for continuation of public hearing on 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 stated that lighting sheets had been provided to the Board indicating that the proposed lighting was within the standards set by the lighting ordinance. He stated that the sign immediately adjacent to the sidewalk would be removed, but that the GM sign could not be removed until the expiration of Mr. Ruge's contract with the company. He also stated that the tree canopy was extended well over the sidewalk and tree lawn, but that if the Town and NYS DOT reached in agreement on plantings in the tree lawn, Mr. Ruge would provide them.

Christine Kane asked the public for comment. There was none at this time.

Paul Telesca stated that he still did not feel there was a need for trees in the tree lawn. Mr. Graminski stated that he had contacted Brenda Cagle and Nancy Guski, chair of the Tree Committee, to get contact information for the individual at NYS DOT with whom they had been coordinating the previous plantings.

Sam Phelan stated that he felt the map should be adjusted to indicate the plans for sign removal, and that Mr. Ruge would be willing to provide plantings.

As there was no further public comment, Sam Harkins made a motion to close the public hearing. Paul Telesca seconded the motion, and all present voted in favor.

Christine Kane asked if it was correct that the sign on photo 5 of the April 11<sup>th</sup> revision of the proposed site plan was to be removed, and that the sign on photo 6 of the same site plan would be removed at the end of the current contract with General Motors. Mr. Ruge confirmed that this was the case.

The Board reviewed a draft resolution granting conditional site plan approval. It was generally agreed that conditions should be added requiring health department approval, the discussed sign removal, and the discussed plantings.

Paul Telesca moved to adopt the resolution with the discussed conditions. John Hardeman seconded the motion, and all present voted in favor.

Paul Telesca left the meeting at this time.

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

#### **Country Side Stove – Amended Site Plan – 8110 Albany Post Road**

Timothy Martin was present for discussion of application by Timothy Martin for amended Site Plan approval on a 1.39 acre parcel in the Hamlet Zoning District.

The Board reviewed the revised proposed site plan. Christine Kane noted that Mr. Martin had made the requested changes to indicate the dumpster enclosure, parking, and context map. She also noted that the application had been circulated to County Planning, but had not been circulated to adjacent agricultural owners, as that would have normally been done at the time of the public hearing. The Board agreed that the project was sufficiently minor in scope that approval could be granted anyway.

The Board reviewed a draft approval resolution. Sam Harkins made a motion to adopt the resolution. John Hardeman seconded the motion, and all present voted in favor.

#### **Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road**

Pete Setaro, PE, Steve Tinkelman, Brad Kiel, and Keith Lore were present for discussion of possible extension of approval for 51 unit development partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Pete Setaro reviewed the progress made by the applicants since conditional approval had been granted. He stated that the primary outstanding concern was resolving the details of the Transportation Corporation, but that due to delays in the process, they were concerned that they would not make the June 10<sup>th</sup> deadline.

Christine Kane asked what progress had been made toward establishing the conservation easement. Mr. Lore said that he thought the Town Board had referred the question of the easement back to the Planning Board. Christine Kane replied that the Town Board did not have the authority to waive the conservation easement, but that the applicant could ask the Town to hold the easement.

Mr. Tinkelman stated that he felt a deed restriction could serve the same purpose as a conservation easement for a significantly lower cost.

Sam Phelan asked what the budget for the entire project was. Mr. Tinkelman declined to answer. Sam Phelan replied that the cost of the easement was a small percent of the overall project cost. Christine Kane stated that the regulations were written so as to require a conservation easement, and that other projects in the past had successfully met this condition.

Keith Lore stated that the average density subdivision on Carriage Drive had not required a conservation easement. Christine Kane replied that the current project was a conservation subdivision, not an average density subdivision.

Mr. Setaro stated that the other reason they were before the Board was to request that they be allowed to delay posting of the landscape maintenance bond until construction is begun. The Board generally agreed they would be open to that option, provided it was legally acceptable.

John Hardeman asked how long of an extension was being sought. Mr. Setaro replied that they may be able to complete the outstanding conditions in three months, but that they would prefer six months to be safe. He also noted that Christine Chale had requested a more specific phasing plan.

The Board generally agreed to place Anderson Commons on the agenda for June 2<sup>nd</sup>, pending more detailed information on the adjustment to the condition for the bond, at which time they would also discuss a possible extension of approval.

### **OTHER BUSINESS**

### **Policies and Procedures**

The Board was given copies of revised Policies and Procedures, with changes made based on discussion at previous meetings, and was asked to review them and come back to the next meeting with any suggested changes.

### **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 Granting Conditional Approval to Ruge Auto Site Plan

Resolution Granting Conditional Approval to Countryside Stoves Site Plan

## Resolution Granting Site Plan Approval to Ruge Auto

**Name of Project:** Ruge Auto Site Plan

**Name of Applicant:** Lewis J. Ruge

**Whereas,** the applicant has submitted an application for Site Plan Approval dated March 27, 2008 to the Town of Red Hook Planning Board to construct a 6000 sq. ft expansion to an existing automotive retail facility on a  $\pm 2.38$  acre parcel located at 7293 S. Broadway in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York.

**Whereas,** on April 7, 2008, the Town of Red Hook Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

**Whereas,** on May 5, 2008, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated March 27, 2008 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 impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas,** the Planning Board has reviewed the site plan against the requirements of Article VII of the Town of Red Hook Zoning Law; and

**Whereas,** the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 31, 2008, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

**Whereas,** on May 5, 2008, the Planning Board conducted a public hearing on the Site Plan application, which was continued to May 19, 2008, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and on April 25, 2008 the County Planning Department determined the project was a matter of local concern with comments;

**Whereas,** the Planning Board now wishes to grant Site Plan approval to Lewis J. Ruge to construct a 6000 sq. ft expansion to an existing automotive retail facility on a  $\pm 2.38$  acre parcel located at 7293 S. Broadway in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York.

**Now therefore be it resolved,** that the Planning Board grants Site Plan approval to Lewis J. Ruge to construct a 6000 sq. ft expansion to an existing automotive retail facility on a ±2.38 acre parcel located at 7293 S. Broadway in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- B. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- C. Submission of Department of Health approval.
- D. That the sign on photo 5 of the proposed site plan dated April 11<sup>th</sup>, 2008 be removed.
- E. That the sign on photo 6 of the proposed site plan dated April 11<sup>th</sup>, 2008 be removed at the expiration of the current contract providing for its maintenance.
- F. That the application will provide for plantings between Route 9 and the sidewalk if such an agreement is reached between the Town of Red Hook and NYS DOT.

On a motion by Paul Telesca, seconded by John Hardeman, and a vote of 5 in favor, 0 against, and 2 absent.

Roll Call Vote:

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

Resolution declared: Approved on May 19, 2008

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

\_\_\_\_\_  
Patrick Kelly, Deputy Clerk to the Board

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Date

## **Resolution Granting Site Plan Approval to Countryside Stoves**

**Name of Project:** Countryside Stoves Site Plan

**Name of Applicant:** Timothy Martin

**Whereas,** the applicant has submitted an application for Site Plan Approval dated April 14, 2008 to the Town of Red Hook Planning Board to add an outdoor retail use and additional parking to a 1.39-acre parcel located at 8110 Albany Post Road in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York.

**Whereas,** on May 5, 2008, the Town of Red Hook Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of a Type II action pursuant to SEQR; and

**Whereas,** the Planning Board has reviewed the site plan against the requirements of Article VII of the Town of Red Hook Zoning Law; and

**Whereas,** on May 5, 2008, pursuant to §143-113(c)(1) of the Town of Red Hook Zoning Law, the Planning Board determined the project to be limited in scope, and

**Whereas,** the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m, and

**Whereas,** the Planning Board now wishes to grant Site Plan approval to Countryside Stoves to add an outdoor retail use and additional parking to a 1.39-acre parcel located at 8110 Albany Post Road in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York.

**Now therefore be it resolved,** that the Planning Board grants Site Plan approval to Countryside Stoves to add an outdoor retail use and additional parking to a 1.39-acre parcel located at 8110 Albany Post Road in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York in accordance with the plans and specifications heretofore submitted upon the following conditions:

- G. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- H. Approval of the Dutchess County Department of Planning
- I. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by Sam Harkins, seconded by John Hardeman, and a vote of 5 in favor, 0 against, and 1 absent.

Roll Call Vote:

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

Resolution declared: Approved

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

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Patrick Kelly, Deputy Clerk to the Board

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Date