

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
June 2, 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, Charlie Laing, Sam Harkins, Paul Telesca, John Hardeman, and Wil LaBossier. Planner Michele Greig was also present.

BUSINESS SESSION

As Christine Kane was not yet present, it was announced that Charlie Laing would serve as Acting Chair until her arrival.

Charlie Laing confirmed the agenda as published, and announced that Ann Rubin of the CAC would be giving a presentation to the Town Board on the local aquifer, at 7:45 PM, on Tuesday, June 3rd.

PUBLIC HEARINGS

Powers Auto Supply – NYS Route 9 – Site Plan

Marie Welch, LS, and Tom Powers were present for continuation of 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.

Ms. Welch noted that in the GreenPlan memo, Ms. Greig had indicated that the lighting would not be shielded. Ms. Welch showed the Board where shielding was indicated on the lighting plan, and also noted that the existing Central Hudson fixtures are to be removed.

Christine Kane arrived at this time.

Wil LaBossier noted that the adjacent Carquest sign had only recently put in, and asked if the proposed designs would be consistent. Christine Kane replied that the signs did not have to be consistent, but rather that they were required to be in conformance with the zoning. She noted that the owner of Carquest had attended the previous meeting to raise the question of whether the sign was too close to the road, and that the latest GreenPlan memo indicated that it would need to be moved.

Charlie Laing observed that if the sign was moved to the rear of the raised bed, it would be the appropriate distance from the road. Mr. Powers stated that that was his intention at this time.

Ms. Welch also stated that, in response to Mr. Frigala's concerns, the drainage problem with the catch basin was being addressed.

Ms. Welch stated that the lighting in the rear would be on motion sensors, and that the lighting in front would be shielded and controlled by a switch. Charlie Laing asked if the rear lights were to be shielded as well. Mr. Powers responded that the lights were not shielded, but rather were pointed down on a motion sensor, as they were meant to illuminate the rear of the building to allow for a maximum of one delivery per night.

After examining the aerial photograph of the area, the Board generally agreed that there were no residences which would be affected by the lack of shielding, and determined that this would be an acceptable exception to the lighting ordinance.

The Board reviewed a draft negative declaration under SEQR. Paul Telesca made a motion to adopt the negative declaration. Christine Kane seconded the motion, and all present voted in favor.

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

The Board reviewed a draft resolution granting conditional approval. The resolution was amended to indicate that the public hearing had been continued to June 2nd, and that the EAF was reviewed and the negative declaration adopted on the same date.

Christine Kane suggested that the Board include a condition that trees be planted in the tree lawn if an agreement could be reached between the Town and NYS DOT, as they had imposed the same condition of approval on the nearby Ruge project. The Board agreed to include this condition, as well as a requirement that the sign be moved into conformance with the zoning, and a clarification of which lights were to remain and be removed.

John Hardeman made a motion to adopt the resolution with the discussed amendments and conditions. Sam Harkins seconded the motion, and all present voted in favor.

At this time, Christine Kane became Chair of the meeting.

REGULAR SESSION (OLD BUSINESS)

Voski Partners, LLC – Kidd Lane (Tivoli) – Subdivision Plat

Mark Graminski, PE and LS, was present for discussion of possible amendment of subdivision to create two (2) residential building lots of 9.464 acres and 9.150 acres from an 18.614-acre parcel, partially in the Village of Tivoli and partially in the RD3 Zoning District of the Town of Red Hook.

Mr. Graminski reviewed the history of the project for the Board and stated that he was requesting an amended approval to extend the common driveway and move the curb cut to a natural break in the terrain.

Sam Harkins noted that the common driveway agreement would need to be amended. Mr. Graminski confirmed that the agreement would be amended and resubmitted.

Christine Kane asked how the amendment would affect the conservation easement. Mr. Graminski replied that an agreement was in place with Winnakee, but that the easement had not yet been executed.

The Board generally agreed that the proposed changes would cause less of a disturbance to the property, and were therefore preferable to the original plan. The Board reviewed the previously adopted negative declaration under SEQR and generally agreed that it was not affected by the proposed changes.

Mr. Graminski asked if the deadline for meeting conditions of approval would track from the original date or from the date of the amendment. Christine Kane replied that as the amendment was minor, the original deadline would stand.

Mr. Graminski asked if recreation fees would be applied to the project. The Board found that as no new lots were to be created, recreation fees would not be applied.

Charlie Laing made a motion adopt an amended approval resolution with the discussed changes. John Hardeman seconded the motion, and all present voted in favor.

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

Pete Setaro, PE, was present for discussion of possible amendments 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.

Mr. Setaro stated that the applicants had held a meeting on May 21st with the Village and Town engineers and attorneys, and that they felt the transportation corporation could be completed by late August. He stated that the easements

were being worked on by Marie Welch. Regarding the landscape maintenance bond, he proposed that the trees on the main street, Cohen's Way, be part of the performance bond for that road, and that the landscape bond be posted prior to the granting of a certificate of occupancy on the last house of each of the three smaller roads.

Christine Kane asked if some infrastructure was also intended to be a part of Phase 1. Mr. Setaro replied that infiltration ponds and part of the road were to be bonded as part of Phase 1.

Ms. Greig asked when the trees were to be planted. Mr. Setaro responded that as the project was composed of small lots, and given the size of the equipment which would be moving around, he felt that the trees should be planted near the end of the process.

The Board reviewed the approval resolutions adopted on December 18, 2006. Christine Kane observed that the bond appeared to have been intended to provide for both planting and survivability.

Wil LaBossier expressed concern that, as with the Gardens in Rhinebeck, the project may run out of money halfway through construction, which would mean that the landscaping was never completed as the last Certificate of Occupancy on a given street would never be issued. Mr. Setaro responded that a time frame could be built into the approval to avoid such an eventuality.

Charlie Laing suggested that the common park area be landscaped earlier in the process. Mr. Setaro stated that he would provide a revised landscaping plan broken into phases.

Betty Mae Van Parys asked if the Board was allowed to grant more than two extensions of approval. Ms. Greig replied that the Board could waive portions of the subdivision regulations, including the limit on extensions, provided the action was not to the detriment of the public health, safety, and welfare. Charlie Laing added that it was necessary that the applicant show they were making progress toward meeting the conditions of approval. The Board generally agreed that the submitted letter indicated that the applicant had made significant progress toward meeting conditions.

Christine Kane asked if there had been any discussion among the applicants regarding the easement. Mr. Setaro replied that he did not know if there had been, but that he would address that with the submission on landscaping.

Mr. Setaro stated that while they believed they could meet all conditions of approval within three months, they were asking for six as some Boards had difficulty obtaining quorums for summer meetings. John Hardeman and Sam Harkins agreed that it was easier to grant the full six months at this time.

Sam Harkins made a motion to grant an extension to December 10, 2008. Paul Telesca seconded the motion, and all present voted in favor.

REGULAR SESSION (NEW BUSINESS)

Roger and Laurie Husted / 7 Pines, LLC – Norton Road

Mark Graminski, PE and LS, Tom LeGrand, and Roger Husted were present for discussion of possible amendment of 7 Pines, LLC, Subdivision Approval on Norton Road in the RD3 Zoning District of the Town of Red Hook.

Mr. Graminski stated that the lot in question was part of a six-lot subdivision on Norton Road, and that there had been a need to clarify some slight discrepancies regarding the boundary survey on the easterly side of the parcel. Additionally, he had found the location of the pond to be different than that on the map, in a which substantially affected the buffer of the wetland boundary. He stated that the applicant was therefore requesting an amendment of the building envelope so that the driveway and septic could be installed without removing the existing stonewall.

Christine Kane asked how this would affect the conservation easement on the property. Mr. LeGrand stated that he had spoken with Winnakee, and that a letter from the Board would be sufficient in this limited instance. Christine Kane stated that the Board would require a letter from Winnakee that they were willing to entertain this discussion.

Mr. Graminski asked how the applicant should proceed procedurally. Christine Kane stated that she felt they would need to file an amended subdivision application. Charlie Laing felt that as long as the acreage of the building envelope did not increase, it would be a map correction.

Mr. Graminski stated that as the building envelope was the result of an overlay rather than an actual survey, it was impossible to calculate precise acreage. The Board generally agreed that they would be open to further discussion of the amendment, pending a similar willingness from Winnakee.

Red Hook Terminal – Amended Site Plan – 7269 S. Broadway

Bob Juliano was in attendance for presentation of application by Red Hook Terminal, Inc. to install a 30,000 gallon above ground fuel oil storage tank on a 1.34-acre parcel in the B1 Zoning District.

Mr. Juliano stated that the company was in the process of upgrading their facilities environmentally, and that their intention in Red Hook was to replace a 20,000 gallon underground tank, 9,000 gallon upright tank, and 2,000 gallon hopper with a 30,000 gallon underground tank and 1,000 gallon hopper. He noted that the proposed unit had overflow protection, and in response to

GreenPlan's memo that bulk fuel storage is only allowed in the Light Industrial District, he stated that the proposal was not to expand operations.

Wil LaBossier asked if a concrete wall had been provided for as containment. Mr. Juliano replied that it was not necessary, as a double-walled tank served as a dike.

Christine Kane informed the applicant that a site plan required significant additional information, including a survey map, and indications of access, property boundaries, existing and proposed structures, signage, and lighting. She informed the applicant that manufacturer's cut sheets would be needed for light fixtures, which would need to be downlit and shielded if over 50W.

Wil LaBossier expressed concern about security at the facility. Christine Kane suggested that screening may be necessary as well.

The Board reviewed a resolution establishing lead agency under SEQR. John Hardeman made a motion to adopt the resolution. Charlie Laing seconded the motion, and all present voted in favor.

OTHER BUSINESS

Cuttler

The Board reviewed a letter from Marie Welch requesting a 90-day extension of approval, retroactive to May 31st. Charlie Laing moved to grant the extension and John Hardeman seconded the motion. Wil LaBossier abstained, and all others present voted in favor.

Ulster Savings

The Board reviewed a letter from Patrick Roberts proposing a change in the design of the dumpster enclosure. The Board agreed that the proposal would need to be submitted as a formal letter, and that they would then consider approving the amendment, which would require submission of a revised site plan.

Merrihew and Belliveau

The Board reviewed letters from Marie Welch requesting amended approvals for the Merrihew and Belliveau Minor Subdivisions, as the common use and maintenance agreements could not be filed prior to the subdivision map. The Board agreed to amend the approvals to require that notes be placed on the plat to the effect that no building permits would be issued until the agreement was filed.

Charlie Laing moved to adopt the amended resolution for Merrihew. Sam Harkins seconded the motion, and all present voted in favor.

John Hardeman moved to adopt the amended resolution for Belliveau. Sam Harkins seconded the motion, and all present voted in favor.

ADJOURNMENT

Since there was no further business to come before the Board, Sam Harkins made a motion to adjourn. Charlie Laing 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 Powers Auto Site Plan
Resolution Granting Conditional Approval for Powers Auto Site Plan
Resolution Amending Conditional Approval to Voski Subdivision
Resolution Establishing Lead Agency Under SEQR for Red Hook Terminal

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 2, 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: Powers Auto Site Plan

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to change the use of an existing building on a 2.4-acre parcel in the B1 Zoning District.

Location: 7311 S. Broadway, 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 October 29, 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).

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 Site Plan Approval to Powers Auto

Name of Project: Powers Auto Site Plan

Name of Applicant: Powers Auto Body

Whereas, the applicant has submitted an application for Site Plan Approval dated March 27, 2008 to the Town of Red Hook Planning Board to **change the use of an existing building on a 2.4-acre parcel** located at 7311 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 June 2, 2008, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated October 29, 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 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, on May 19, 2008, the Planning Board conducted a public hearing on the Site Plan application, which was continued to June 2, 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 Powers Auto to **change the use of an existing building on a 2.4-acre parcel** located at 7311 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 Powers Auto to **change the use of an existing building on a 2.4-acre parcel** located at 7311 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. That the site plan be revised to indicate which existing lights are to be removed.
- D. That the existing sign be moved into conformance with the zoning.
- E. 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 John Hardeman, seconded by Sam Harkins, and a vote of 6 in favor, 0 against, and 1 absent.

Roll Call Vote:

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

Resolution declared: Approved on June 2, 2008

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

Patrick Kelly, Deputy Clerk to the Board

Date

Resolution Granting Final Subdivision Approval to Voski Partners Subdivision

Name of Project: Voski Partners Subdivision

Name of Applicant: Voski Partners LLC

Whereas, the applicant has submitted an application for Final Subdivision approval dated July 26, 2007, to the Town of Red Hook Planning Board to subdivide a ±18.614 acre parcel of land into two (2) residential building lots, ±9.464 and ±9.150 acres in size; and

Whereas, the subject parcel is located on Kidd Lane in the RD5 Zoning District and the Scenic Corridor Overlay (SC-O) District in the Town of Rd Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Mark R. Graminski P.E. and L.S. dated June 20, 2005 and revised July 5, 2006, and subsequently revised again on July 26, 2007, August 10, 2007, and May 23, 2008; and

Whereas, on October 11, 2006, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQR; and

Whereas, on September 4, 2007, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus issued a draft Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on September 4, 2007, the Planning Board conducted a public hearing on the Subdivision application, which hearing was continued on September 17, 2007 at which time all interested persons were given the opportunity to speak; and

Whereas, on September 5, 2007, the Planning Board notified the Village of Tivoli of the Public Hearing on the subject application in conformance with the requirements of General Municipal Law 239nn; and

Whereas, the applicant submitted a Coastal Assessment Form dated June 20, 2005 and the Planning Board has determined that the proposed action is consistent with the coastal policies of the Town's Local Waterfront Revitalization Program (LWRP) plan; and

Whereas, the applicant was granted an extension on March 17, 2008 and the plat had not yet been filed with the Dutchess County Clerk's Office by May 23, 2008

when the applicant sought an amendment to the subdivision approval to relocate and extend the proposed shared driveway, which will result in less disturbance and clearing, and therefore submitted a new plat with additional revision dates of July 26, 2007, August 10, 2007, and May 23, 2008, the first two dates indicating revisions made subsequent to the conditional final approval to reflect changes required as conditions of the approval, and the final revision date reflecting the proposed new driveway location; and

Whereas, the Planning Board reviewed the proposed new driveway location for consistency with the Negative Declaration adopted for the project and for other considerations relative to safety of the access and determined the revised driveway location was consistent with the Negative Declaration and that the proposed location would permit safe ingress and egress; and

Whereas, the Planning Board now wishes to grant Final Plat approval to Voski Partners LLC to subdivision a ± 18.614 acre parcel of land into two (2) residential building lots, ± 9.464 and ± 9.150 acres in size,

Now therefore be it resolved, that the Planning Board grants final plat approval to Voski Partners LLC to subdivision a ± 18.614 acre parcel of land located on Kidd Lane into two (2) residential building lots, ± 9.464 and ± 9.150 acres in size in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. That the applicant implement the environmental mitigation measures contained in the Negative Declaration.
2. Dutchess County Department of Health approval for the water supply and septic disposal systems.
3. Village of Tivoli waiver from connection to municipal water and sewer systems.
4. Submission of letter from the Town Highway Superintendent verifying that he has inspected the proposed driveway locations and determined that they meet or exceed site distance specifications and are acceptable to the Town of Red Hook Highway Department.
5. Amendment and resubmission of the Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board
6. 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.
7. Amendment of plat to show the as-built location of the driveway's intersection with Kidd Lane.
8. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
9. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

On a motion by Charlie Laing, seconded by John Hardeman, and a vote of 6
for, 0 against, and 1 absent,

Resolution declared: Approved on June 2, 2008

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

Betty Mae Van Parys, Clerk to the Board

Date

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

Name of Action: Bottini-Red Hook Terminal Site Plan and Special Use Permit

Whereas, the Town of Red Hook Planning Board is considering action on a proposed Site Plan and Special Use Permit application by Red Hook Terminal Inc. involving a parcel of land \pm 1.34 acres in size located at 7269 S. Broadway, Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated April 24, 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 Environmental Conservation.

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 Charlie Laing, and a vote of 6 for, and 0 against, and 1 absent, this resolution was adopted on June 2, 2008.