

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
August 4, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at and a quorum determined present for the conduct of business.

Members present — Chair Christine Kane, Sam Harkins, Paul Telesca, Wil LaBossier, Sam Phelan, John Hardeman, and Alternate Kristofer Munn.

BUSINESS SESSION

Minutes of the July 7th ad July 21st meetings had been sent to members and reviewed. Wil LaBossier made a motion to approve both sets of minutes of presented. Sam Harkins seconded the motion, and all present voted in favor.

Christine Kane announced that the Cornell Cooperative Extension in Millbrook would be hosting a workshop on “Sustainable Living Communities” on Wednesday October 15th, from 6 to 9.

PUBLIC HEARINGS

Red Hook Terminal (Bottini Fuel) – Amended Site Plan – 7269 S. Broadway

Bob Juliano was present for continuation of public hearing on 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.

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

Christine Kane summarized that at the previous meeting of the Board, landscaping had been discussed for the project, as the proposed tank was higher than the existing fence. The Board reviewed a letter from Mr. Juliano dated July 25th, and noted that landscaping details would need to be shown on the site plan. They asked that the whole name of the proposed species be placed on the planting schedule.

John Hardeman arrived at this time.

The Board reviewed part 2 of the EAF and Paul Telesca made a motion to adopt a negative declaration under SEQR. Sam Harkins seconded the motion, and all present voted in favor.

Sam Harkins made a motion to close the public hearing. Kristofer Munn seconded the motion, and all present voted in favor.

The Board reviewed a draft resolution of conditional approval, and agreed to add a condition that landscaping be added to the site plan as discussed, at approximately eleven feet in height. Wil LaBossier made a motion to adopt the resolution granting conditional approval with the discussed change. John Hardeman seconded the motion, and all present voted in favor.

Michael Anderson – 60 Station Hill Road – Certificate of Appropriateness

Steve Dunning was present for a public hearing on application for Certificate of Appropriateness to replace an existing porch and deck in the Hamlet Zoning District.

Christine Kane read the public hearing notice as published in the Kingston Daily Freeman on July 30, 2008. She then asked the public for comment.

The Board reviewed a letter from Geoff Carter, chairman of the Hamlet and Design Review Committee, recommending approval of the proposed project.

Sam Harkins made a motion to close the public hearing. Paul Telesca seconded the motion, and all present voted in favor.

Sam Phelan made a motion to grant a certificate of appropriateness. John Hardeman seconded the motion, and all present voted in favor.

REGULAR SESSION (OLD BUSINESS)

Hammerling Minor Subdivision – 4962 Route 9G

Marie Welch, LS, was present for discussion 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 9G in the RD 3 Zoning District and the Certified Agricultural District.

Ms. Welch asked where in the zoning required that a conservation easement be used for this type of project. Christine Kane replied that there was such a provision in the Important Farmlands Law. Sam Phelan asked how the applicant proposed to protect the property other than through a conservation easement. Ms. Welch replied that the applicant would prefer to use a deed restriction for this purpose.

The Board reviewed comments from the Agriculture and Open Space Committee. The comments stated that the AOSC considered the site to be supporting land, and that while the design had mitigated the impacts, they felt there was not proper inclusion of buffer areas, and that some impact to agricultural lands would inevitably result.

Sam Phelan stated that, by his understanding, it was within the purview of the Planning Board to determine conditions for permanent protection. He stated that §143-33(7) requires a cluster development in this instance, and that it was the right of the Planning Board to select which method of protection was appropriate.

Paul Telesca stated that he felt that the Planning Board could choose to select a similarly binding mechanism to a conservation easement.

Sam Phelan stated that historically, other legal mechanisms had not proven to be permanent and enforceable, as a deed restriction requires that the neighbors have the financial wherewithal to go to court.

John Hardeman stated that if the Town had this requirement, they should also agree to hold conservation easements. Christine Kane replied that to her knowledge, the Town does continue to hold such easements, and that it should be considered an option for the applicants.

Christine Kane noted that August 18th would be the 62-day deadline for the applicant, and suggested that they may wish to waive that deadline so that the Board would have additional opportunity to discuss the issues at hand, rather than voting that evening. Marie Welch agreed to submit a letter waiving the deadline.

The Board generally agreed to submit the question to Keane and Beane for review by August 18th.

Michael Horkan – Spring Lake Road – Lot Line Alteration and Minor Subdivision

Marie Welch, LS, was present for discussion of application for Lot Line Alteration to convey 2.735-acres to an existing 1.948 parcel, and for Subdivision Plat approval to create one new residential lot of 10.098-acres, with a remaining lands lot of 12.555-acres, in the RD3 Zoning District.

Ms. Welch stated that the applicant had had the wetlands on the site delineated, and they were now indicated on the proposed plat. She also stated that due to wetlands and limited sight distance, the proposed lots would be utilizing a shared driveway.

Sam Phelan asked If the flags of both flag lots were in the wetlands. Marie Welch confirmed that this was the case. Sam Phelan asked if they would be usable if necessary. Ms. Welch replied that one was located in a pond, but that the other could potentially be viable.

John Hardeman stated that while he remembered discussions as to whether flags had to be a viable means of access to the lot, he did not recall if a formal determination had been made to that effect.

Christine Kane reviewed a 12/3/07 GreenPlan memo noting that flag lots are only allowable under certain circumstances. The Board discussed various possible alternatives to siting of the flag lots. Christine Kane noted that given the significant wetlands and their proximity to where work is being done, the Board may want to consider requiring third party verification.

Members of the Board discussed conducting a site visit on Thursday August 7th at approximately 5:30 PM.

REGULAR SESSION (NEW BUSINESS)

George Vengrin – 45 Old Post Road North – Lot Line Alteration

Marie Welch, LS, was in attendance for presentation of application for Lot Line Alteration to convey 1.129-acres to adjacent lands of Su-Chuan Chen, and to consolidate remaining 0.138-acres with 0.59-acre parcel of same owner, in the B1 and H (Hamlet) Zoning Districts.

Ms. Welch stated that the parcel in question was currently a vacant lot, which would be divided between two adjacent lots, and that there was a possibility of 1.129-acres be connected with the adjoining lands of George Vengrin on Albany Post Road.

OTHER BUSINESS

Municipality Software

Wil LaBossier gave a presentation on the MuniCity Planning Software, the Zoning package of which is already utilized by the Town of Red Hook Building and Zoning Department. Members of the Board generally agreed that the use of this software would allow better interaction between departments and more efficient use of staff time.

Executive Session

Paul Telesca made a motion to move into executive session to discuss pending legal matters. Sam Harkins seconded the motion, and all present voted in favor.

The Board then adjourned to executive session.

Paul Telesca made a motion to close the executive session. Wil LaBossier seconded the motion, and all present voted in favor.

ADJOURNMENT

Since there was no further business to come before the Board, Wil LaBossier 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 Red Hook Terminal Site Plan.

Resolution Granting Conditional Approval to Red Hook Terminal Site Plan.

617.7
State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance

Date of Adoption: August 4, 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: Bottini--Red Hook Terminal

SEQR Status: Type I

Unlisted

Conditioned Negative Declaration: YES

NO

Description of Action: The applicant proposes to abandon a 20,000 gallon underground fuel oil storage tank and remove an existing 9,000 gallon above ground fuel oil storage tank and replace these two existing tanks with a new 30,000 gallon above ground fuel oil storage tank on a ± 1.34 acre lot in the B1 Zoning District. The existing bulk fuel storage and distribution facility is a nonconforming use.

Location: 7269 South Broadway, Town of Red Hook, Dutchess County New York

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 Short Environmental Assessment Form (EAF) for the action dated April 24, 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).

Bottini—Red Hook Terminal Negative Declaration Page 2

3. The existing 20,000 gallon underground fuel oil storage tank will be abandoned and the existing 9,000 gallon above ground fuel oil storage tank will be removed in conformance with the requirements of 6 NYCRR Part 613 and subject to issuance of closure permits and inspections by the NYS Department of Conservation (DEC). The proposed new above ground 30,000 gallon fuel oil storage tank will be installed and maintained in accordance with the requirements of 6 NYCRR Part 612, 613 and 614 subject to issuance of a Bulk Storage Permit from the NYS DEC. The Planning Board has determined that these measures will ensure that no significant adverse environmental impacts to groundwater are anticipated as a result of the proposed action.

4. The project is a legal non-conforming use and no significant adverse environmental impacts to the community's existing plans or goals are anticipated as a result of the action.

For Further Information:

Contact Person:

Address:

Telephone:

Patrick Kelly, Planning Board Deputy Clerk

7340 South Broadway

Red Hook, NY 12571

845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Resolution Granting Site Plan Approval to Red Hook Terminal

Name of Project: Red Hook Terminal (Bottini Fuel)

Name of Applicant: Bottini Fuel

Whereas, the applicant has submitted an application for Site Plan Approval dated April 24, 2008 to the Town of Red Hook Planning Board to replace an existing 20,000 gallon underground fuel oil storage tank and existing 9,000 gallon aboveground fuel oil storage tank with a 30,000 gallon above ground fuel oil storage tank, with associated landscaping, on a ± 1.34 acre parcel located at 7269 S. Broadway in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York.

Whereas, on June 2, 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 August 4, 2008, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated April 24, 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, on July 21, 2008, the Planning Board conducted a public hearing on the Site Plan application, which was continued to August 4, 2008, at which time all interested persons were given the opportunity to speak; and

Whereas, on July 25, 2008, 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 site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and on July 21, 2008 the County Planning Department determined the project was a matter of local concern;

Whereas, the Planning Board now wishes to grant Site Plan approval to Bottini Fuel to to replace an existing 20,000 gallon underground fuel oil storage tank and existing 9,000 gallon aboveground fuel oil storage tank with a 30,000 gallon above ground fuel oil storage tank, with associated landscaping, on a ± 1.34 acre

parcel located at 7269 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 Bottini Fuel to to replace an existing 20,000 gallon underground fuel oil storage tank and existing 9,000 gallon aboveground fuel oil storage tank with a 30,000 gallon above ground fuel oil storage tank, with associated landscaping, on a ±1.34 acre parcel located at 7269 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 applicant 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.
- D. That landscaping add landscaping to the site plan, as outlined with the Planning Board, at a height of at least eleven feet.

On a motion by Wil LaBossier, seconded by John Hardeman, and a vote of 7 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 Wil LaBossier	Aye
Member Sam Harkins	Aye
Member Kristofer Munn	Aye

Resolution declared: Approved

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

Patrick Kelly, Deputy Clerk to the Board

Date

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

Date: August 4, 2008

For: Michael Anderson Tax Parcel # 6172-01-162832-0000

The applicants own 0.89 acres at 60 Station Hill Road in the Hamlet of Barrytown. They wish to replace an existing porch and deck.

This application, survey, architectural drawings and photographs were sent to the Hamlet/Design Review Committee on July 24, 2008

The Hamlet/Design Review Committee reviewed the proposed changes, and submitted its comments to the Planning Board on August 1, 2008. The Committee recommended that the Planning Board issue the Certificate of Appropriateness

A public hearing was held August 4, 2008.

The Planning Board has reviewed and discussed the proposed plans and determined that the addition proposed is compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Michael Anderson for the proposed addition as described above.

Certified by: _____ Date: _____
Patrick Kelly, Ass't. Clerk