

# APPROVED

## Town of Red Hook Planning Board Meeting Minutes September 8, 2008

### CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:34 p.m. and a quorum determined present for the conduct of business.

Members present — Chair Christine Kane, Charlie Laing, Sam Harkins, Paul Telesca, and alternate Kris Munn. Planner Michele Greig was also present.

### BUSINESS SESSION

Chris Kane introduced Jennifer Reinke, an attorney from the firm of Keane & Beane.

There were no minutes from the August meeting.

### REGULAR SESSION-OLD BUSINESS

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

Marie Welch, LS, and Michael Horkan were present for continued discussion of an application for a lot line alteration to convey 2.735 acres to an existing 1.948-acre parcel and for subdivision plat approval to create one new residential lot of 10.098 acres and a remaining lands lot of 12.555 acres, in the RD3 Zoning District.

Ms. Welch said she had not yet submitted revised plat maps showing revisions discussed at the August meeting. She said that the wetlands had been flagged by Carol Knapp of Aspen Environmental and that those maps had been submitted. She said that Kris Munn had attended the site visit and that during that visit, they had discussed driveway placement and reconfiguration of the proposed lots. She said that the Board's concerns about possible vernal pools and future requests for additional driveways had been discussed.

They also discussed a proposed shared driveway, and Ms. Welch said that such a driveway would only involve one slight crossing of the flagged wetland, on proposed lot 2. This crossing would be over a drainage ditch, and for the most part, the driveway would stay outside the wetland. For lot 1, a separate driveway location would be possible if the configuration of the lot was revised.

Kris Munn reported on the site visit, describing the hills and rocks and a possible driveway location on the east side. He suggested that other members visit the site. He also reported that there would be considerable stormwater drainage onto one driveway location from the elevated sides.

(member John Hardeman arrived at the meeting)

Charlie Laing expressed concern about planning for driveways that are not now proposed and that would be problematic if requested in the future. He encouraged the Board to stick to the agreed-upon shared driveway and to draft a driveway maintenance agreement that would provide for situations in which landowners don't get along.

Christine Kane requested a note on the map stating that the lot owners would share a driveway. Charlie Laing added that the note should specifically say that no new driveway would be created for lot 2.

Ms. Greig asked whether sight distance would still be adequate with increased traffic using the curb cut. Ms. Welch said that she would review that topic with the Highway Department.

Ms. Welch and the Board agreed that no action could be taken until revised maps had been submitted. Again, members were encouraged to visit the site. The project was scheduled for the October meeting, contingent on the submission of those maps.

### **George and Jana S. Vengrin – 45 Old Post Road – Lot Line Alteration**

Marie Welch, LS, was present for continued discussion of an application for a Lot Line Alteration to convey 0.138 acres from the Remaining Lands of Vengrin to the 0.59-acre Lands of George and Jana S. Vengrin, in the H(Hamlet) and B1(Business) Districts.

Ms. Welch said that she was submitting a revised application, revised EAF and revised maps for a single lot line alteration involving only the Vengrin lands. She confirmed that the plan did not create any new lots, leave any lots land-locked or create any new access roads. She said that there were no changes for the septic system or well.

The Board reviewed a draft SEQR lead agency document and changed the date of the submission of the EAF to August 18, 2008. It then determined the project to be an Unlisted Action under SEQR. Charlie Laing made a motion to establish the Board as Lead Agency. Kris Munn seconded the motion, and all members voted in favor.

The Board then reviewed the EAF part 2 and determined there would be no adverse environmental impacts.

The Board then set a public hearing for October 6, 2008 at 7:35 p.m.

### **REGULAR SESSION- NEW BUSINESS**

#### **Daniel Eckert – 32 Country Club Drive – Special Permit**

Rich Rock appeared before the Board, representing Larry Garrick (LLC, Inc), to present an application for Special Permit to allow a 242 sq. ft. addition to be constructed on an existing residential building. This addition would extend into the 100 ft. buffer of Shook's Pond, a NYS DEC wetland. The lot is within the RD3 Zoning District.

Mr. Rock said that the applicant had applied for an approval from NYS DEC and that he believed an approval would be forthcoming soon. He also said that he believed the project was in compliance with Town setbacks and lot coverage regulations.

Mr. Rock went on to say that the driveway would be removed and replaced with lawn and a 1200 sq. ft. bluestone terrace. He added that the driveway to the detached garage would be retained.

Charlie Laing noted that the building was sandwiched between the 100 ft. buffer setbacks of two different wetlands and that presumably, such a location would not be approved for construction today.

Mr. Rock said that he did not know where the well and septic system were located on the parcel but that he would find out. He also said that the plan was not increasing the number of bedrooms. Finally, he said that the plan would result in a 2.8% reduction in green area.

Chris Kane asked Mr. Rock to add a table to the plan noting both the required and proposed setbacks. She also said that the Planning Board would need a DEC-signed copy of a map validating the wetland boundaries.

The Board determined the project to be an Unlisted Action under SEQRA undergoing a coordinated review and circulate to DEC. Charlie Laing made a motion to establish the Board's intent to serve as Lead Agency. Sam Harkins seconded the motion, and all members present voted in favor.

Because the parcel was probably within 500 ft. of NYS Route 199, the project was also referred to Dutchess County Planning under GML 239m.

The Board scheduled a public hearing for October 6, 2008 at 7:40 p.m.

#### **Frank Stortini – 32 Country Club Drive – Special Permit**

Mark Graminski, PE and LS, and Frank Stortini were present with an application for a Special Permit to allow construction of a single family residence on a 0.27-acre lot, within 100 feet of Shook's Pond, DEC Wetland RC-71, in the RD3 Zoning District.

Mr. Graminski said that the lot is currently vacant and that the ZBA has already granted area variances for sideyard setbacks and coverage (18 ½ %). He said that the applicant has made application to the DEC, that the application to the DEC has been noticed in the newspaper and that the comment period ended September 4 with no comments received. Finally, he said that the applicant has received DOH approval for individual sewage disposal and water supply.

Charlie Laing expressed his surprise that DEC would approve an entire house within a 100 ft. setback. Mr. Graminski said that DEC has raised no concerns yet. He noted that the septic system was located outside the wetland buffer and that historically, residences have been placed close to the pond. He added that the DEC is aware of the entire plan.

Christine Kane read a letter from Zoning Enforcement Officer Bob Fennell dated August 18, 2008, citing a DEC letter of August 14, 2008 giving specific language for a note that must be placed on the plan and for a deed notice that must be placed in the deed. Mr. Graminski agreed to add those notes.

The Board determined the project to be an Unlisted Action under SEQRA. The Coordinated Review would include DEC and DOH as involved agencies. Sam Harkins made a motion to establish the Board's intent to serve as Lead Agency. Paul Telesca seconded the motion, and all members present voted in favor.

The Board scheduled a public hearing for October 6, 2008 at 7:45 p.m.

At this time, Christine Kane made a motion that the Board go into Executive Session. Paul Telesca seconded the motion, and all members present voted in favor.

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Paul Telesca made a motion to re-open the Regular Session. Sam Harkins seconded the motion, and all members present voted in favor.

### **Norton Road Residential Project and Baxter Road Residential Project (formerly Meadowbrook Estates– Pre-Sketch Conference**

Attorney Neil Alexander, Neil Wilson of LRC Planning Services, Rodney Morrison of the LRC Group, and consultant Robert Stumbo were present with plans for two separate housing projects: 50 units with 101 bedrooms on Norton Road, and 58 units with 203 bedrooms on Baxter Road. The Baxter Road project would be partially in the Village of Red Hook.

Mr. Alexander requested a summary of the executive session. Keane & Beane attorney Jennifer Reinke answered that the discussion concerned how to proceed under SEQR, specifically regarding segmentation.

Mr. Alexander said that while the group would begin with the Norton Road project, the same team was involved in the Baxter Road project. He said that although the projects would be reviewed under the same section of the code, the team saw the projects as different, with different products. For instance, he said, with the Norton Rd. project, there were no concerns about historic resources, but a phase 1A and 1B have been done and a phase 2 is in process on the Baxter Rd. project. The team will begin with the Norton Rd. project.

Christine Kane repeated that the Board was concerned about the issue of segmentation under SEQR and so would like at least to comment on both projects during the evening. She also confirmed that this was a pre-sketch conference and that a complete application had not been submitted.

### **Norton Rd. Project**

Mr. Alexander distributed signed copies of the Agricultural Data Statement. He said that the portion of the Anderson Commons property, which adjoins the Norton Rd. project, has not slated for development and remains in the Agricultural District and has an ag exemption.

He said that the Norton Rd. project would be developed under the Town's multi-family statutes, using the 9 bedrooms/unit mathematics to arrive at the total bedroom count, rather than using the buildable area formula outlined in the cluster regulations. He said that project proposed private drives access. Less than 1/10 acre of a federal wetland would be disturbed, and 50 units, 49 of which would be two-bedroom, one would be three-bedroom. He said that the owners were anticipating a rental project and were planning a central sewage system packaging plant using the small tributary stream running through the property. The plant would be sized for this project only. The owners could develop a water supply on the property, or they could join the Village water district.

Christine Kane asked whether the team had done any water testing or drilled any test wells. Rodney Morrison said no.

Mr. Alexander said he would correct the Ag Data Statement to say that the project was within 500 ft. of the Ag District, not in the District.

Returning to the subject of central water supply and sewage systems, Mr. Alexander said that the decision would be made later as to whether there would be one connection to Village water that would serve both projects or two separate connections. He suggested that Dutchess County Water and Wastewater might consider a three-way agreement that would include the development of infrastructure and a transportation corporation. Ms. Greig and Mr. Alexander suggested then that DC Water and Wastewater be included as involved agencies for the SEQR review.

Charlie Laing noted that if the Board is concerned about segmentation issues, it should look closely at the proposed sewer line that connects the two projects.

Explaining why the projects were separated, Mr. Alexander said that each owner had a different idea about what the market could absorb. He said that one believes that 2-3 bedroom rentals would have better marketability while the other believes that 3-4 bedroom ownership will return a higher profit. He added that the Norton Rd. project did not need access through Baxter Rd., had been in the review process longer, had fewer questions and should be able to move forward independently.

Charlie Laing asked whether the connecting road through both projects had been dropped. Mr. Alexander said that each project wished to go forward on its own merits. He said that SEQR was very clear that each project must study the projects that have been through the review process before it. So, he said, Baxter Rd. must study Norton Rd., but Norton Rd., which began the review process some time ago, has fewer questions, does not have to be tied to Baxter Rd. and can presumably proceed at a faster pace. He said that there was another property to the south that the stream runs through that Norton Rd. could discharge sewage into. So, he said, Norton Rd. has another choice.

He admitted that there would be a substantial review of each project and that each would likely result in a Positive Declaration under SEQR.

Rodney Morrison said that there had been several project submissions for the Norton Rd. parcel before any Baxter Rd. proposal was submitted.

Christine Kane said that at that earlier time, a through road had been proposed. Mr. Alexander said that that a through road might still be acceptable but that the team was against to a unified review. Norton Rd. would like to move forward without being burdened by Baxter Rd.'s greater wetland disturbance, for example.

The Board reviewed a GreenPlan memo dated Sept. 5, 2008 which addressed involved agencies, SEQR determination, EAF revisions, net buildable unit calculations, 100 year floodplain, and wetlands delineation. Mr. Morrison said that he had made application to the Army Corps of Engineers, but they did not assign anyone to the project and let the deadline lapse. Christine Kane returned to the memo, listing topics such as coverage limits and open space requirements, etc. She said that the team must submit relevant tables and charts. She added that the projects will require review under General Municipal Laws 239m and 239nn.

### **Baxter Road Project**

Neil Alexander said the prepared Ag Data Statement for Baxter Rd. would need the same revision as the one for Norton Rd.

He said that this project would be comprised of 3-4 bedroom ownership residential units, with private access roads from the Village, condo HOAs, central water possibly, and a possible connection with the sewer package plant in the Norton Rd. project. The sewer line could pass through the jurisdictional wetlands or potentially discharge into a tributary stream on Ken Anderson's property.

Ms. Greig noted that the EAF stated that there would be 116 parking spaces, which is the minimum number required, but that only 91 were shown on the site plan. She said that an area variance would be necessary if the project retained only the smaller number. She said that with 3-4 bedroom units, more than 2 spaces per unit might be needed. She said that any changes to that number should be made before SEQR is begun.

The Board and the applicants reviewed the GreenPlan memo dated September 5, 2008. Ms. Greig said that Dutchess County Water and Wastewater should be added as an involved agency and the Red Hook Central School Board should be added as an interested agency for both projects.

Christine Kane said that the memo addressed the Baxter Rd. project Village access, and Mr. Alexander said that the Village building moratorium had been lifted as of July 2008. Ms. Kane then finished her review of the memo. Ms. Greig urged the applicants and the Board to look carefully at the building separation section, which she said was a zoning requirement.

Charlie Laing said that a connector road through the two projects was more important for the Baxter Rd. project because it avoided a cul-de-sac, which is potentially not as accessible by fire trucks and other safety vehicles. Mr. Alexander said that the number of lots on a cul-de-sac is limited to twelve and that the developers do not wish to subdivide and apply for special permits. Ms. Greig quoted the portion of the code which states that the Planning Board is required to see that all proposals be readily accessible to fire and police protection.

The Board and the applicants discussed the benefit of service roads.

Ms. Greig discussed the sketch plan requirements.

Charlie Laing said that he assumed that the applicants believed that the number of units proposed complies with the zoning code in light of the ZBA's review of that specific zoning section. Mr. Alexander said yes, the team believes that the number of units proposed complies with existing zoning regulations and the ZBA's decision in April.

Christine Kane noted that the last proposal incorporated affordable housing. Mr. Alexander said that including such housing and other items such as energy efficiency depends on the market, who becomes President.

#### **Ulster Savings Bank – Route 9- landscaping revision**

Ms. Greig said that the NYS DOT had originally approved the planting of street trees between the sidewalk and the road. After the trees were installed, a DOT field inspector decided that the trees should be moved back toward the building. Christine Kane said that the trees had already been moved to a location between the sidewalk and the building.

Christine Kane said that she would contact Steve Cole and ask him to wait on issuing the Certificate of Occupancy until measurements can be taken. The Board generally decided to ask Ulster Savings to provide as-built plans.

Charlie Laing said that if there is a legitimate sight distance concern, the Board should take that into account. The Board members generally agreed to visit the site and check the sight distance.

**Belliveau-**

John Hardeman made a motion to grant a 90-day extension to the conditional final approval. Charlie Laing seconded the motion and all members present voted in favor.

**ADJOURNMENT**

Paul Telesca made a motion to adjourn. Charlie Laing seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker  
Acting Ass't clerk