

APPROVED

Town of Red Hook Planning Board Meeting Minutes December 1, 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, Wil LaBossier, Sam Harkins, Paul Telesca, and alternate Kris Munn. Planner Michele Greig was also present.

BUSINESS SESSION

Christine Kane confirmed the agenda. The draft minutes from the October 20, 2008 and the November 3, 2008 meetings had been circulated among the members and reviewed. There were no concerns. Paul Telesca made a motion to adopt both sets of minutes. Sam Harkins seconded the motion, and all members present voted in favor.

Christine Kane made several announcements. The Dutchess County Planning Federation will hold a biodiversity training session at the Farm & Home Center on December 2, 2008. Also on December 2, there will be a public hearing for the proposed highway garage and a presentation, sponsored by the Conservation Advisory Council, about Energy Star building regulations at the Town Board meeting.

REGULAR SESSION-PUBLIC HEARINGS

Henry Launhardt/ Lawrence & Allison Launhardt – 150 & 158 Rte. 199 – Lot Line Alteration

Marie Welch, L.S. was present for the public hearing on an application to exchange two pieces of land, each less than 1 acre, between two parcels so that the owner of each resulting parcel also owns, in their entirety, the improvements benefiting that parcel, in the R1 Zoning District.

Christine Kane read the public hearing notice that appeared November 25, 2008 in the Kingston Daily Freeman. She said that the hearing had originally been scheduled for November 17, 2008, but since that meeting had been cancelled, the hearing had been re-advertised for today.

Marie Welch explained the proposed exchange of land to the public. She said that the setbacks created after the exchange would be more in conformance with zoning and that the correct frontage for both parcels would be maintained. Christine Kane then opened the public hearing.

Christine Kane reviewed the EAF part 1, and, with input from the Board, completed part 2.

Sam Harkins asked whether there driveway easement was in place. Ms. Welch said no but that the property was in the process of being sold and that the new owners would need an easement.

Sam Harkins made a motion to adopt a Negative SEQR Declaration for the project. Wil LaBossier seconded the motion, and all members present voted in favor.

Since there were no comments from the public, Wil LaBossier made a motion to close the public hearing. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then reviewed a draft approval resolution. Ms. Welch was asked to correct a mathematical error in the acreage figures for the Henry Launhardt parcel and to include on the plat a distance from the corner of the building to the property line, along with a zoning schedule.

The Board also added a seventh condition requiring the submission of a Driveway Common Use and Maintenance agreement. Ms. Welch said that this agreement would likely be drafted by Larry Launhardt and the new owners of the Henry Launhardt property for their mutual protection later and should not be included as a condition of subdivision. She said that the two properties had been successfully sharing a driveway for years and that it might not be within the Town's jurisdiction to ask for this agreement now. Christine Kane said that when projects come before the Board, it is an opportunity to bring properties into compliance with zoning regulations. Ms. Welch said that she had indicated a driveway easement on the map but that it was not legally in place yet. She said that when the new map was filed, it would be proof that an easement exists. She said that this project did not include designing a new shared driveway, which would necessitate a formal driveway agreement; rather, she said, this shared driveway already exists. Michele Greig said that Section 120-18A(5) of the Town's Land Subdivision regulations requires a shared driveway for adjacent parcels having less than 300 ft. of frontage and located on state roads and that filing such an agreement now would ensure compliance with this regulation now and for future owners. Christine Kane said that occasionally lot owners apply directly to the NYS DOT for a new driveway curb cut, in which case the Town Planning Board would not have the opportunity to require the continued shared driveway. Ms Welch said that the closing date for the sale of the Henry Launhardt property was coming up and that drafting this agreement now would delay filing the plat. The Board generally agreed that submission of the driveway agreement should be condition #7 and that condition #8 should be the addition to the plat of a note referencing Section 120-18A(5) of the Town subdivision regulations.

Sam Harkins made a motion to adopt the resolution approving the lot line alteration with the two added conditions. Paul Telesca seconded the motion, and all members present voted in favor.

REGULAR SESSION – OLD BUSINESS

Paul Raymond – 5098 Route 9G – Site Plan

Nevien Sidarous was present for continued discussion of an application for site plan approval to expand by 100% a non-conforming use, on a ±5.0-acre parcel in the RD3 Zoning District in the Town of Red Hook.

Christine Kane said that the Planning office had checked with Hudson River Heritage, and it appeared that the property was not in or adjacent to the National Historic Landmarks District, so a Type 1 SEQR review was not required. The applicant said that the project was still in the public hearing phase of its review before the Zoning Board of Appeals.

The Board determined that the project was an Unlisted Action under SEQR, and Wil LaBossier made a motion to establish the Board as lead agency in that review. Sam Harkins seconded the motion, and all members present voted in favor.

Ms. Sidarous said that she had submitted cut sheets for the proposed lighting fixtures and new maps showing the areas to be lighted. She said that all fixtures would comply with the Town's shielded lighting regulations. She also agreed that the main building had six (6) bedrooms and that the renovated building would now have four (4) bedrooms, an increase of two (2) bedrooms.

Discussing the septic system, the Board reviewed a Septic Assessment Report, written by Michael Sullivan, P.E. of Crawford & Assoc. and dated November 10, 2008, Christine Kane read a concluding paragraph of the report that stated that because the number of bedrooms in the renovated building would be increased to four, "...the septic system must be increased by adding additional seepage pits....If the existing bathrooms are refitted with water saving fixtures, then two additional pits should suffice." The applicant stated that the renovated building had only one (1) bathroom and that the property had two septic systems, one for each building. The applicant and the Board agreed that the report indicated that the septic tank for the renovated building was sufficient for the increase in bedrooms but that the leach field must be increased to accommodate an additional 300 gallons per day.

The Board agreed that the parking was sufficient, that no new landscaping would be required, and that the shielded lighting would be retrofitted to the main building and newly installed on the renovated building. The driveway and parking area would be covered by crushed stone, and the parking spaces delineated by concrete bumpers.

Wil LaBossier asked whether the Planning Board would be limited to considering those features outlined in the site plan regulations if the ZBA votes to grant the requested variance. Christine Kane said yes, that the Board can only consider parking, lighting, landscaping and similar issues, not the larger questions currently before the ZBA.

The applicant requested site plan approval now, conditioned upon ZBA approval of a variance, since there was very little change in these features. The Board generally agreed that it should not waive a public hearing. A public hearing was set for December 15, 2008 at 7:40 p.m. Christine Kane requested a larger site plan for the public hearing.

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

Peter Setaro, P.E. was present for continued discussion of construction and landscaping phasing plans and road performance bond for a 51 unit development partially in the Village of Red Hook and partially in the RD1 Zoning District in the Town of Red Hook.

Christine Kane said that Michele Greig and Jennifer Reinke from Keane & Beane had reviewed the conditions of the Board's 2006 approvals of Subdivision, Site Plan and Special Permit and submitted draft revisions that would allow for the applicant's phasing plan to move forward if adopted.

Ms. Greig said that, after John Hardeman's suggestion at the last meeting, condition L of the Subdivision approval had been revised to allow the road performance bond required in Phase 1 to be posted only in the amount necessary for the portion of the road upon which the executive homes would be built. The remainder of the performance bond would be posted before beginning phase 2. All agreed that the developers would not, however, be precluded from posting the entire bond and building the entire road during phase 1, if they so chose. Wil LaBossier asked whether building only the portion along the executive lots would bring construction traffic in through the more densely populated Glen Ridge Road rather than through Fisk Street. Mr. Setaro said that the developers could lay gravel from Fisk Street along what

would eventually become Cohen's Way and use it as a temporary access for at least some of the construction traffic but that this would not be the preferred option.

Ms. Greig then reviewed Ms. Reinke's revisions to the amended resolutions. Among the topics still under discussion was when to file the conservation easement on "parcel D". Ms. Greig said that the Town Attorney had recommended that the easement be filed with the Phase 1 documents, but Mr. Setaro asked to file it with Phase 2. He said that the open space conserved by the easement was packaged with the densely grouped Commons lots. Christine Kane said that the project was a cluster subdivision, and an easement for the open space is required under the Town's cluster regulations. She said a metes and bounds description would be sufficient to place the easement. Mr. Setaro said that the executive lots of Phase 1 were not clustered. The Board agreed that, should construction of Phase 2 never occur and the conservation easement never be filed, the Planning Board would, in theory, still have some say over that open space. Christine Kane said that the Town has made quite a few concessions to the project and that the developers could agree to file the easement during Phase 1. The Board discussed the issue further and agreed that the conservation easement should be filed for Phase 1.

The Board reviewed the revised condition L, regarding posting the road performance bond for only a portion of Cohens Way during Phase 1. Michele Greig explained that she had separated the conditions for Phase 1 from those for Phase 2 to make checking off the various conditions as they are met easier for the clerks and attorneys.

Mr. Setaro said that a maintenance bond for the landscaping of Phase 1 was not necessary, since planting trees along Cohens Way near the executive lots would be the only landscaping in that phase, and that maintenance of the trees would be covered under the road performance and maintenance bonds. The Board agreed that the road performance and maintenance bonds would be sufficient for Phase 1 and that a landscape maintenance bond would be needed only for Phase 2. Thus, condition M was eliminated.

The Board then reviewed the conditions for Phase 2, revising the conditions concerning the road performance bond to reflect the earlier discussions. The condition regarding posting a cash security for engineering inspections was also revised.

Michele Greig noted that at the time the mylar for Phase 1 is signed and then filed with the Dutchess County Clerk, the preliminary plat for Phase 2 will be filed in the Red Hook Town Clerk's office.

Michele Greig said that as a consequence of revising the subdivision approval, changes were necessary for the site plan resolution. Christine Kane said that these changes again divided the conditions into those for Phase 1 and those for Phase 2 and also made the site plan resolution consistent with the amended subdivision resolution. She noted that the placing of the conservation easement was again a condition of Phase 1. Michele Greig noted that the payment of the recreation fee was also phased, with lots in Phase 1 eligible for the previous fee of \$900/lot, per the decision of the Town Board, while the lots in Phase 2 must abide by the current fee of \$3,000/lot.

Wil LaBossier asked whether the 180-day clock for meeting the conditions of approval would restart as a result of adopting these amended resolutions. Michele Greig said yes, that Jennifer Reinke at Keane & Beane had sent a memo to this effect. The Board agreed that this memo was confidential to the Board and would not be sent to the applicants.

Michele Greig said that the special permit resolution was also amended so as to be consistent with the site plan and subdivision resolutions. The landscaping phasing plan was satisfactory as adopted on October 20, 2008. Finally, Ms. Greig said that she had drafted a resolution regarding the calculation and payment of the recreation fees. She said that in a memo from Keane & Beane, Jennifer Reinke had stated that the Planning Board may collect a recreation fee only on that portion of a lot that lies within the Town. She said that it doesn't matter where the house is located on the lot. Kris Munn asked whether the amount of acreage of a lot would enter into the calculation. Christine Kane said no. The Board and the applicant recognized that the open space to be owned by the Homeowners Association would be the "parent" lot and so would not be assessed the recreation fee. The Board and the applicant also agreed that the applicant would prepare a table showing what percentage of each lot that straddles the Town/Village line is located wholly within the Town and consequently how much of the \$3,000 recreation fee is owed for that lot.

The Board then considered the four amended resolutions, each revised to December 1, 2008. Sam Harkins made a motion to adopt the amended subdivision resolution with the agreed-upon revisions. Paul Telesca seconded the motion, and all members present voted in favor. Wil LaBossier made a motion to adopt the amended site plan resolution with the agreed-upon revisions. Sam Harkins seconded the motion, and all members voted in favor. Paul Telesca made a motion to adopt the amended special permit resolution with the agreed-upon revisions. Wil LaBossier seconded the motion, and all members present voted in favor. Sam Harkins made a motion to adopt the resolution regarding the recreation fees, with the agreed-upon revisions. Paul Telesca seconded the motion, and all members present voted in favor.

Wil LaBossier asked whether the Planning Board ever became involved in the issue of construction traffic for a project. Michele Greig answered yes, during the SEQR review, when the developer might be asked to submit a construction plan.

REGULAR SESSION – NEW BUSINESS

Anne Garelick – 130 Crestwood Road – Minor Subdivision

(Sam Harkins recused himself and left the room at this time. Alternate member Kristofer Munn became a voting member for this project.)

Marie Welch, L.S. was present with an application for subdivision plat approval to create one new residential lot of \pm 4.280 acres and one remaining lands lot of \pm 9.388 acres from a \pm 13.668 acre parcel in the RD3 Zoning District.

Ms. Welch said that the subdivision was part of Mrs. Garelick's estate planning. She went on to say that there was a mathematical error on the map that she would correct. She also said that she had tried to find a list or map of designated scenic roads in order to find out whether the frontyard setback should be doubled, but since she had been unable to find that list, she had inserted a normal 60 ft. frontyard setback. She had submitted an ag data statement and had included the Ag & Markets note on the map. Finally, she said that she would need to obtain health department approval since the new lot would be less than 5 acres in size.

Christine Kane asked the secretary to find out which scenic roads had been adopted.

The Board and the applicant discussed which neighboring parcels were involved in agricultural businesses. The secretary will find out more information.

Ms. Welch said she had not yet done any perc tests. The Board and the applicant discussed a small area of federal wetlands at the rear of the property.

The Board determined that the project was an Unlisted Action under SEQR. Wil LaBossier made a motion to establish the Board as lead agency for the SEQR review. Paul Telesca seconded the motion, and all members present voted in favor. Christine Kane said that the ag data statement would be circulated to neighboring farm operations. She noted that one of the goals of the Town's regulations is to minimize conflicts with nearby established farm operations.

The Board members then discussed possible different configurations for the lots. They also discussed the contours of the land and possible appropriate locations for a building envelope, given the nearby working farm. Ms. Welch said she would discuss a proposed house location with the applicant.

The Board discussed whether to set a public hearing date. The members generally agreed that they should have more information about neighboring ag businesses before determining that there would be no adverse environmental impacts. They also would investigate the list of scenic roads. They therefore generally agreed to defer setting that date. They also referred the project to the Agriculture and Open Space Committee for review and comments. The project was put on the January 5, 2009 agenda.

(At this point, Sam Harkins returned to the table, and Kristofer Munn relinquished his voting status)

Klose Family Farm, LLC – 81 Echo Valley Road – Special Permit

Christopher Klose and architect Peter Sweeny were present with an application for a special permit to modify an existing barn into housing for a farm employee on a ± 103.19-acre parcel in the RD3 Zoning District and Certified Agricultural District. Mr. Klose explained that the modified building would become a residence for his nephew, who wishes to become the farm manager. He went on to say that he himself will retire and return to live full time in an existing 3-bedroom apartment, for which he was granted a variance several years ago. Other family members will live in the main house.

The Board reviewed the proposed site plan. Mr. Klose said that no garage would be constructed and that there would be no new driveways.

Asked about the building materials, Peter Sweeny said that the building would tie into the rest of the barn buildings, with wood board and batten siding and a metal roof. He said the building would be painted barn red with white trim, as are the other barn structures. The building would mostly sit on the existing concrete slab, and building materials from the existing barn would be re-used as much as possible while complying with building codes. The footprint of the new building would be somewhat larger.

The Board determined the project to be an Unlisted Action undergoing Uncoordinated Review under SEQR, and the Dutchess County Health Department was added as an involved agency. Mr. Klose was asked to amend the short EAF by adding "Health Department approval" as a needed approval for the project. Paul Telesca made a motion to establish the Board as lead agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then set a public hearing for December 15, 2008 at 7:45 p.m.

Christine Kane asked Mr. Sweeny to submit the proposed colors for the building, lighting cut sheets and a site plan showing where lights will be installed. She also asked him to bring a larger site plan map for display at the public hearing and to modify the submitted aerial site plan by adding a title, a date and a schedule of bulk regulations which included the distance between the project area and the Sawkill Creek. She also asked Mr. Klose to bring a copy of the variance for the apartment so it could be added to the project file.

OTHER BUSINESS

Future meetings

Christine Kane asked about members' availability for the next few meetings. Paul Telesca said he would be unavailable on December 15. All members present would be available on January 5, 2009.

Taylor subdivision

Christine Kane read a letter from Peter Setaro of Morris Associates requesting a retroactive 90-day extension to the deadline for meeting the conditions of final subdivision plat approval. He said that the applicants had not yet obtained needed approvals. Paul Telesca made a motion to grant that extension. Sam Harkins seconded the motion, and all members voted in favor. The new deadline will be February 7, 2009.

Christine Kane then explained that condition D of the Taylor approval needed to be amended so that the plat map and the driveway maintenance agreement could be filed with the County Clerk in the proper order. Wil LaBossier made a motion to amend condition D. Sam Harkins seconded the motion, and all members present voted in favor.

Merrihew subdivision

Christine Kane read a letter from Marie Welch requesting a retroactive 90-day extension to the deadline for meeting the conditions of final subdivision plat approval. Ms. Welch said the applicant still needed to pay recreation fees. Sam Harkins made a motion to grant that extension. Wil LaBossier seconded the motion, and all members voted in favor. The new deadline will be February 4, 2009.

Belliveau subdivision

Christine Kane read a letter from Marie Welch requesting a 120-day extension to the deadline for meeting the conditions of final subdivision plat approval. Ms. Welch said that the County Health Department was still investigating possible soil contamination from previous orchard operations. Paul Telesca made a motion to grant that extension. Wil LaBossier seconded the motion, and all members voted in favor. The new deadline will be March 14, 2009.

Lueck and Lueck subdivision

Christine Kane read a letter from Marie Welch requesting a retroactive 90-day extension to the deadline for meeting the conditions of final subdivision plat approval. Ms. Welch said the results of required well testing were not yet available. Wil LaBossier made a motion to grant that extension. Paul Telesca seconded the motion, and all members present voted in favor. The new deadline will be February 7, 2009.

Dennie Davis/Teviot Lot Line Alteration

Christine Kane reminded the Board that it had required a deed restriction prohibiting the clear cutting of trees within 200 ft. of Woods Rd. as part of the project approval and that it had discussed the possibility of the Town holding 3rd party enforcement rights. She said that in a memo from Keane & Beane dated November 6, 2008, Jennifer Reinke stated that the Town could, in fact, hold enforcement rights as long as all the adjoining property owners agreed. She went on to say that the approval resolution for the Davis/Teviot project did not contain such a condition. The Board generally agreed that such a condition could possibly provide an additional option, in addition to a conservation easement, to preserve resources as long as the Town had the ability to enforce it. A possible problem would be getting all the adjoining landowners to agree to such an arrangement.

Policies and Procedures

Michele Greig asked that a final discussion of Planning Board Policies and Procedures be put on the December 15 agenda.

ADJOURNMENT

Since there was no further business to discuss, Paul Telesca made a motion to adjourn. Sam Harkins seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Launhardt Lot Line Alteration
Resolution granting approval of the Launhardt Lot Line Alteration
Resolution granting Amended Final Subdivision Plat Approval to Anderson Commons (TKB, LLC)
Resolution granting Amended Site Plan Approval to Anderson Commons (TKB, LLC)
Resolution granting an Amended Special Permit to Anderson Commons (TKB, LLC)
Resolution Requiring Recreation Fee for Anderson Commons (TKB, LLC)
Resolution granting Approval to Landscape Phasing Plan to Anderson Commons (TKB, LLC)(adopted Oct. 20, 2008)
Resolution Amending Condition D of the Taylor Final Subdivision Plat Approval

617.7

**State Environmental Quality Review (SEQR)
Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: December 1, 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: Henry Launhardt/ Lawrence & Allison Launhardt Lot Line Alteration

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The application seeks to exchange two pieces of land, each less than 1 acre, between two parcels so that the owner of each resulting parcel also owns, in their entirety, the improvements benefiting that parcel, in the R1 Zoning District.

Location: 150 & 158 Route 199, 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 Short Environmental Assessment Form (EAF) for the action dated December 9, 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).
3. The project site is not located in or within 500 feet of a certified agricultural district.

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)

Henry Launhardt (applicant)

Resolution Granting Final Subdivision Plat/ Lot Line Alteration Approval to Henry Launhardt and Lawrence & Allison Launhardt

Name of Project: Henry Launhardt Lot Line Alteration

Name of Applicant: Henry Launhardt

Date of Adoption: December 1, 2008

Whereas, the applicant has submitted an application for Lot Line Alteration approval dated October 14, 2008 seeking to exchange two pieces of land, each less than 1 acre, between two parcels so that the owner of each resulting parcel also owns, in their entirety, the improvements benefiting that parcel; and

Whereas, the subject parcels are located at 150 & 158 Route 199, in the R1 Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant submitted a Subdivision plat prepared by Marie Welch, L.S., titled "Amendment to F.M. 10591, Lot Line Alteration prepared for Henry Launhardt", dated October 10, 2008; and

Whereas, on November 3, 2008 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA; and

Whereas, the parcels are not located within a certified agricultural district; and

Whereas, on December 1, 2008, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (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 potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on December 1, 2008, the Planning Board conducted a public hearing on the Lot Line application, at which time all interested persons were given the opportunity to speak;

Now therefore be it resolved, that the Planning Board approves the Application for Subdivision Plat/Lot Line Alteration Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
2. Correction of acreage numbers under "H. Launhardt" on plat.

3. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.
4. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
5. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
6. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the subdivided portion of the 'Lands of Henry Launhardt' would be merged with the adjacent 'Lands of Lawrence & Allison Launhardt', and the subdivided portion of the 'Lands of Lawrence & Allison Launhardt' would be merged with the adjacent 'Lands of Henry Launhardt'.
7. Submission of an acceptable Common Use and Maintenance Agreement for the shared driveway, referencing the filed plat, to be filed with the Dutchess County Clerk. Copies of this agreement shall be submitted to the Planning Board office, and the filing date and document number shall be noted on the signed plat.
8. Addition of note on plat stating that a shared driveway for these lots is required under Section 120-18A(5) of the Town's Land Subdivision Regulations.

In taking this action the Planning Board has determined there to be no new residential building lots or dwelling unit sites created and, thus, deems not applicable to this Application requirement for set-aside of recreation or other open space land or the alternate payment of a cash-in-lieu-of-land recreation fee.

On a motion by Sam Harkins, seconded by Paul Telesca

Roll Call Vote:

| | |
|---------------------------|--------|
| Chairwoman Christine Kane | aye |
| Member John Hardeman | absent |
| Member Sam Harkins | aye |
| Member Charles Laing | absent |
| Member Wil LaBossier | aye |
| Member Sam Phelan | absent |
| Member Paul Telesca | aye |

Resolution adopted on December 1, 2008

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

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Amended Final Subdivision Plat Approval to TKB Subdivision

Name of Project: TKB (Anderson Commons) Subdivision

Name of Applicant: TKB, LLC

Date of Adoption: December 1, 2008

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated July 12, 2006 to the Town of Red Hook Planning Board to subdivide three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling \pm 58.06 acres into a total of fifty-five (55) lots ranging in size from \pm 0.076 acres to \pm 19.147 acres, of which Lots # 20-52 and Parcel D are wholly within the Town of Red Hook, and Lots # 10, 12, 14-19, and Parcel C are partially within the Town of Red Hook and partially within the Village of Red Hook; and

Whereas, the subject parcels are located between Fisk Street and Glen Ridge Road in the RD1 District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Final Subdivision Plat prepared by Marie T. Welch, L.S. consisting of three (3) sheets (Sheet SZ-101 dated March 9, 2006 and revised March 29, 2006, May 8, 2006, June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006; Sheet SZ-102 dated March 9, 2006 and revised June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006; Sheet SZ-103 dated March 9, 2006, and revised March 29, 2006, June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006); and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47 of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town's obligations under § 143-47 of the Town's Zoning Law since they are immediately adjacent to the Village of Red Hook where the Town's Comprehensive Plan calls for development to be located; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

Whereas, the lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundaries; and

Whereas, on May 25, 2005, the Village of Red Hook 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 19, 2005, the Village of Red Hook 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 potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the “traditional neighborhood” located within the Town of Red Hook; and

Whereas, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

Whereas, on January 23 2006 the Planning Board conducted a public hearing on the Preliminary Plat application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, at which time all interested persons were given the opportunity to speak; and

Whereas, on June 19, 2006, the applicant was granted Preliminary Plat approval; and

Whereas, the Planning Board has determined that the Final Plat is substantially consistent with the Preliminary Plat and that a Public Hearing on the Final Plat is not necessary; and

Whereas, on December 18, 2006, the Planning Board granted Final Subdivision Plat approval to TKB, LLC, subject to certain conditions, to subdivide Lots # 20-52 and Parcel

D, which are wholly within the Town of Red Hook, and those portions of Lots # 10, 12, 14-19 and Parcel C that are located within the Town of Red Hook, from three (3) parcels totaling ± 58.06 acres located on Fisk Street and Glen Ridge Road; and

Whereas, the applicant submitted a Construction Phasing Plan (Sheet CZ-118) prepared by Morris Associates dated September 5, 2008 showing two phases of development in which Phase 1 would consist of one lot in the Village of Red Hook, seven lots (Lots 46 to 52) in the Town of Red Hook, and construction of Cohen's Way road and related improvements, and Phase 2 would consist of Lots 1 to 45 and Parcels C and D, of which lots 20 to 45, Parcel D and portions of Lots 10, 12, 14 to 19, and Parcel C are located in the Town of Red Hook, which Construction Phasing Plan the Planning Board approved by resolution on October 20, 2008; and

Whereas, on October 20, 2008 the applicant requested that the Planning Board modify Condition P of the Resolution Granting Final Subdivision Plat Approval dated December 18, 2006 to permit the applicant to post its road performance bond prior to the issuance of the first building permit for any lot in Phase 1 of the development, rather than prior to filing of the plat; and

Whereas, the approval of the amended conditions will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on September 19, 2005 by the Village of Red Hook Planning Board as Lead Agency.

Now therefore be it resolved, that the Planning Board grants amended Final Subdivision Plat approval to TKB, LLC to subdivide Phase 1 as described above and as shown on the Construction Phasing Plan dated September 5, 2008, from three (3) parcels totaling ± 58.06 acres located Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF applicable to Phase 1.
- B. That the applicant provides evidence of the availability of all proposed public utilities applicable to Phase 1.
- C. That the applicant revise the plat to realign the lot line between Lot 47 and Lot 48 such that the lot line bisects the proposed stormwater management pond.
- D. Delineation of easements for the stormwater management features on the plat consistent with the locations on the plat and the specifications heretofore submitted and to the satisfaction of the Town Engineer and Highway Superintendent.
- E. Acceptance of offers of cession for a water line easement in favor of the Village of Red Hook in form and substance satisfactory to the Village Board of Trustees and the Village Attorney applicable to Phase 1.
- F. That the applicant amend the plat to include a reference to Detail 5 on Sheet AZ-009 (fencing detail) for the proposed drainage pond located on Lots 47 and 48, and include such fencing within the drainage easement area.

- G. That the applicant submits the conservation easement for Parcel D in final form acceptable to the Planning Board, and files the easement in the Dutchess County Clerk's Office. Such easement may be filed in the Dutchess County Clerk's office concurrently with the Phase 1 Plat subject to the applicant's attorney filing an instrument declaring their intent to file the easement concurrently with the plat. In any event, no building permit for Phase 1 shall be issued prior to the provision to the Planning Board of evidence of filing of the conservation easement, and a note to that effect shall be placed on the Plat.
- H. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board. Such Agreement may be filed in the Dutchess County Clerk's office concurrently with the Phase 1 Plat subject to the applicant's attorney filing an instrument declaring their intent to file the easement concurrently with the plat. In any event, no building permit for Phase 1 shall be issued prior to the provision to the Planning Board of evidence of filing of the Common Use and Maintenance Agreement, and a note to that effect shall be placed on the Plat.
- I. Approval by the Town Attorney of the form of all documents required for an offer of dedication to the Town of the proposed Town road and related drainage improvements.
- J. Acceptance of dedication of Glen Ridge Road by the Town Board and satisfaction of any conditions thereto.
- K. 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 as applicable to Phase 1.
- L. That the applicant will post a performance bond for construction and maintenance of Cohens Way road from Sta. 14+50 to Sta. 26+50 (Glen Ridge Road) and related drainage features, as shown on Sheet CZ-104 prepared by Morris Associates dated 10/31/05 and last revised 8/4/08, and that the performance bond shall be for a maximum period of one (1) year, renewable in one (1) year increments, in a form acceptable to the Town Attorney and in the amount to be determined by the Planning Board, as recommended by the Town Engineer.
- M. Payment of recreation fee to the Town of Red Hook applicable to Phase 1.
- N. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application as applicable to Phase 1.
- O. Submission of Phase 1 Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

And be it further resolved, that the Planning Board also grants amended Final Subdivision Plat approval to TKB, LLC to subdivide Phase 2 as shown on the Construction Phasing Plan dated September 5, 2008, specifically Lots # 20-52 and Parcel D, which are wholly within the Town of Red Hook, and those portions of Lots # 10, 12, 14-19 and Parcel C that are located within the Town of Red Hook, from three (3) parcels totaling ± 58.06 acres located Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That all conditions of Phase 1 have been met to the satisfaction of the Planning Board.
- B. That the applicant obtains the permits and approvals listed in Part 1 of the EAF applicable to Phase 2.
- C. That the applicant provides evidence of the availability of all proposed public utilities applicable to Phase 2.
- D. Acceptance of offers of cession for a water line easement in favor of the Village of Red Hook in form and substance satisfactory to the Village Board of Trustees and the Village Attorney applicable to Phase 2.
- E. That the Phase 2 Plat references the filing date and document number for the conservation easement for Parcel D filed with the Dutchess County Clerk's Office.
- F. 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 as applicable to Phase 2.
- G. That the applicant or his successors in interest will post a performance bond for construction and maintenance of Cohen's Way road from Sta. 0+00 (Fisk Street) to Sta. 14+50 and related drainage features, as shown on Sheet CZ-104 prepared by Morris Associates dated 10/31/05 and last revised 8/4/08, and for the public improvements associated with Phase 2 of development, and that the performance bond shall be for a maximum period of one (1) year, renewable in one (1) year increments, in a form acceptable to the Town Attorney and in the amount to be determined by the Planning Board, as recommended by the Town Engineer.
- H. That the applicant obtains approval from the Town and Village of Red Hook for the establishment of the proposed Transportation Corporation for ownership and operation of the community septic system including the posting of all required bonds and security.
- I. That the applicant will post a cash security with the Town in the amount determined by the Planning Board, as recommended by the Town Engineer, for engineering inspections of public improvements.
- J. That the applicant shall post a maintenance bond for Phase 2 of development in the amount of \$10,000 for one year to insure the survivability of plants through one (1) growing season, in a form acceptable to the Town Attorney.
- K. Payment of recreation fee to the Town of Red Hook applicable to Phase 2.
- L. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application as applicable to Phase 2.
- M. Submission of Phase 2 Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

On a motion by Sam Harkins, seconded by Paul Telesca

Roll Call Vote:

Chairwoman Christine Kane yes

| | |
|----------------------|--------|
| Member John Hardeman | absent |
| Member Sam Harkins | yes |
| Member Charles Laing | absent |
| Member Wil LaBossier | yes |
| Member Sam Phelan | absent |
| Member Paul Telesca | yes |

Resolution was adopted on December 1, 2008.

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

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Amended Site Plan Approval to Anderson Commons

Name of Project: Anderson Commons

Name of Applicant: TKB, LLC

Date adopted: December 1, 2008

Whereas, the applicant has submitted an application for Site Plan Approval dated August 2005 to the Town of Red Hook Planning Board to construct a traditional neighborhood housing project with a total of forty-four (44) dwelling units (of which 26 are wholly within the Town, eight are partially within the Town and partially within the Village of Red Hook, and the remainder are wholly within the Village of Red Hook), and associated site development and improvements including grading, construction of access roads, rear lanes and sidewalks, installation of a community septic system, connection to the municipal water supply system, construction of a community pavilion, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, and landscaping on three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling \pm 58.06 acres of land located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the Planning Board reviewed the Site Plan dated as follows: Sheet AZ-001 dated March 28, 2006 and revised June 9, 2006 and November 10, 2006; Sheet AZ-002 dated January 13, 2006 and revised June 9, 2006 and November 10, 2006; Sheets AZ-003 to AZ-111 dated Nov. 10, 2006; Sheet AZ-112 dated August 11, 2006; Sheet AZ-113 dated November 10, 2006; Sheet CZ-100 dated June 6, 2006 and revised June 9, 2006, and November 10, 2006; Sheets CZ-101 to CZ-103 and CZ-107 to CZ-115 dated March 28, 2006, revised June 9, 2006, and November 10, 2006; Sheets CZ-104 to CZ-106 dated October 31, 2005 and revised June 9, 2006 and November 10, 2006; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands regulations as enumerated in § 143-47 of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town's obligations under § 143-47 of the Town's Zoning Law since they are immediately adjacent to the Village of Red Hook where the Town's Comprehensive Plan calls for development to be located; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

Whereas, the lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundaries; and

Whereas, on May 25, 2005, the Village of Red Hook 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 19, 2005, the Village of Red Hook 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 potentially significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the “traditional neighborhood” located within the Town of Red Hook; and

Whereas, the Planning Board has reviewed the site plan against the requirements of Article VI of the Town of Red Hook Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

Whereas, on January 23 2006 the Planning Board conducted a public hearing on the Site Plan application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, 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 the

County Planning Department recommended in its review dated December 18, 2006 that the Planning Board rely on its own study of the facts in the case; and

Whereas, on December 18, 2006, the Planning Board granted Site Plan approval to TKB, LLC to construct a traditional neighborhood housing project on lands located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant submitted a Construction Phasing Plan (Sheet CZ-118) prepared by Morris Associates dated September 5, 2008 showing two phases of development in which Phase 1 would consist of one lot in the Village of Red Hook, seven lots (Lots 46 to 52) in the Town of Red Hook, and construction of Cohen's Way road and related improvements, and Phase 2 would consist of Lots 1 to 45 and Parcels C and D, of which lots 20 to 45, Parcel D and portions of Lots 10, 12, 14 to 19, and Parcel C are located in the Town of Red Hook, which Construction Phasing Plan the Planning Board approved by resolution on October 20, 2008; and

Whereas, the applicant submitted a Landscape Phasing Plan (Sheets AZ007A and AZ008A) prepared by Tinkelman Architecture, PLLC dated August 29, 2008, which Landscaping Phasing Plan the Planning Board approved by resolution on October 20, 2008; and

Whereas, approving the Construction Phasing Plan and the Landscaping Phasing Plan necessitates modifications to Conditions H and I of the Site Plan Approval dated December 18, 2006; and

Whereas, the approval of the amended conditions will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on September 19, 2005 by the Village of Red Hook Planning Board as Lead Agency.

Now therefore be it resolved, that the Planning Board grants amended Site Plan approval to TKB, LLC to construct the portion of the traditional neighborhood housing project located on lands within the Town of Red Hook, specifically Lots # 20-45 and Parcel D in their entirety, and those portions of Lots # 10, 12, 14-19, and Parcel C that are located within the Town of Red Hook, and associated site development and improvements including grading, construction of access roads, rear lanes and sidewalks, installation of a community septic system, connection to the municipal water supply system, construction of a community pavilion, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, and landscaping in a traditional neighborhood housing project located between Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- P. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- Q. Filing of the Final Subdivision Plat for the subject lands with the Dutchess County Clerk's office.
- R. That the applicant submits the Homeowners Association Agreement in final form acceptable to the Planning Board after review by the Board's attorney.

- S. That the applicant revises the plans in accordance with comments #1, 3, 4, and 5(a), in the GREENPLAN memo dated November 20, 2006.
- T. That the attorney to the Planning Board verify that the Declaration of Restrictions has been revised to include Lot A.
- U. That the applicant resolves the outstanding engineering concerns as outlined by DF Wheeler Engineers PC in their letter dated December 13, 2006 to the satisfaction of the Town Engineer.
- V. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- W. 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.

On a motion by Wil LaBossier , seconded by Sam Harkins

Roll Call Vote:

| | |
|---------------------------|--------|
| Chairwoman Christine Kane | yes |
| Member John Hardeman | absent |
| Member Sam Harkins | yes |
| Member Charles Laing | absent |
| Member Wil LaBossier | yes |
| Member Sam Phelan | absent |
| Member Paul Telesca | yes |

Resolution was adopted on December 1, 2008.

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

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Amended Special Use Permit to Anderson Commons

Name of Project: Anderson Commons

Name of Applicant: TKB, LLC

Date Adopted: December 1, 2008

Whereas, the applicant has submitted an application for a Special Use Permit dated March 18, 2005 to the Town of Red Hook Planning Board to construct a traditional neighborhood housing project with a total of forty-four (44) dwelling units (of which 26 are wholly within the Town, eight are partially within the Town and partially within the Village of Red Hook, and the remainder are wholly within the Village of Red Hook), including eighteen (18) dwelling units located in two-family structures (of which ten (10) are located wholly within the Town, six(6) are located partially within the Town and partially within the Village of Red Hook, and two (2) are located wholly within the Village of Red Hook) and six (6) dwelling units located in three-family structures (all of which are located within the Town), and associated site development and improvements including grading, construction of access roads, rear lanes and sidewalks, installation of a community septic system, connection to the municipal water supply system, construction of a community pavilion, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, and landscaping on three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling ± 58.06 acres of land located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the Planning Board reviewed the Site Plan dated as follows: Sheet AZ-001 dated March 28, 2006 and revised June 9, 2006 and November 10, 2006; Sheet AZ-002 dated January 13, 2006 and revised June 9, 2006 and November 10, 2006; Sheets AZ-003 to AZ-111 dated Nov. 10, 2006; Sheet AZ-112 dated August 11, 2006; Sheet AZ-113 dated November 10, 2006; Sheet CZ-100 dated June 6, 2006 and revised June 9, 2006, and November 10, 2006; Sheets CZ-101 to CZ-103 and CZ-107 to CZ-115 dated March 28, 2006, revised June 9, 2006, and November 10, 2006; Sheets CZ-104 to CZ-106 dated October 31, 2005 and revised June 9, 2006 and November 10, 2006; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands regulations as enumerated in § 143-47 of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town's obligations under § 143-47 of the Town's Zoning Law since they are immediately adjacent to the Village of Red Hook where the Town's Comprehensive Plan calls for development to be located; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

Whereas, the lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundaries; and

Whereas, on May 25, 2005, the Village of Red Hook 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 19, 2005, the Village of Red Hook 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 potentially significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the "traditional neighborhood" located within the Town of Red Hook; and

Whereas, the Planning Board has reviewed the application for Special Use Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and with the specific standards for new construction of two-family dwellings and new construction of three-family dwellings found in §§ 143-54 and 143-57 respectively and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

Whereas, on January 23 2006 the Planning Board conducted a public hearing on the Special Use Permit application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, at which time all interested persons were given the opportunity to speak; and

Whereas, the special use permit application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department recommended in its review dated April 13, 2005 that the Planning Board rely on its own study of the facts in the case; and

Whereas, on December 18, 2006, the Planning Board granted a Special Use Permit to TKB, LLC to construct two-family and three-family dwelling units on those lands located within the Town of Red Hook in a traditional neighborhood housing project located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant submitted a Construction Phasing Plan (Sheet CZ-118) prepared by Morris Associates dated September 5, 2008 showing two phases of development in which Phase 1 would consist of one lot in the Village of Red Hook, seven lots (Lots 46 to 52) in the Town of Red Hook, and construction of Cohen's Way road and related improvements, and Phase 2 would consist of Lots 1 to 45 and Parcels C and D, of which lots 20 to 45, Parcel D and portions of Lots 10, 12, 14 to 19, and Parcel C are located in the Town of Red Hook, which Construction Phasing Plan the Planning Board approved by resolution on October 20, 2008; and

Whereas, the applicant submitted a Landscape Phasing Plan (Sheets AZ007A and AZ008A) prepared by Tinkelman Architecture, PLLC dated August 29, 2008, which Landscaping Phasing Plan the Planning Board approved by resolution on October 20, 2008; and

Whereas, approving the Construction Phasing Plan and the Landscaping Phasing Plan necessitates modifications to Conditions H and I of the Site Plan Approval dated December 18, 2006 and modifications to Condition B of the Special Permit Approval dated December 18, 2006; and

Whereas, the approval of the amended conditions will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on September 19, 2005 by the Village of Red Hook Planning Board as Lead Agency.

Now therefore be it resolved, that the Planning Board grants amended Special Use Permit to TKB, LLC to construct two-family and three-family dwelling units on those lands located within the Town of Red Hook in a traditional neighborhood housing project located between Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- X. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.

- Y. Filing of the Final Subdivision Plat for the subject lands with the Dutchess County Clerk's office.
- Z. That the applicant submits the Homeowners Association Agreement in final form acceptable to the Planning Board after review by the Board's attorney.
- AA. That the applicant revises the plans in accordance with comments #1, 3, 4, and 5(a), in the GREENPLAN memo dated November 20, 2006.
- BB. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- CC. 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.

On a motion by Paul Telesca, seconded by Wil LaBossier

Roll Call Vote:

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|---------------------------|--------|
| Chairwoman Christine Kane | yes |
| Member John Hardeman | absent |
| Member Sam Harkins | yes |
| Member Charles Laing | absent |
| Member Wil LaBossier | yes |
| Member Sam Phelan | absent |
| Member Paul Telesca | yes |

Resolution was adopted on December 1, 2008.

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

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| | |
| Betty Mae Van Parys, Clerk to the Board | Date |

Resolution Requiring Recreation Fee for TKB (Anderson Commons) Subdivision

Name of Project: TKB (Anderson Commons) Subdivision

Name of Applicant: TKB, LLC

Date Adopted: December 1, 2008

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated July 12, 2006 to the Town of Red Hook Planning Board to subdivide three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling \pm 58.06 acres into a total of fifty-five (55) lots ranging in size from \pm 0.076 acres to \pm 19.147 acres, of which Lots # 20-52 and Parcel D are wholly within the Town of Red Hook, and Lots # 10, 12, 14-19, and Parcel C are partially within the Town of Red Hook and partially within the Village of Red Hook; and

Whereas, the subject parcels are located between Fisk Street and Glen Ridge Road in the RD1 District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Final Subdivision Plat prepared by Marie T. Welch, L.S. consisting of three (3) sheets (Sheet SZ-101 dated March 9, 2006 and revised March 29, 2006, May 8, 2006, June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006; Sheet SZ-102 dated March 9, 2006 and revised June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006; Sheet SZ-103 dated March 9, 2006, and revised March 29, 2006, June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006); and

Whereas, the subdivision will create a need for recreational land and facilities due to the generation of approximately 84 new residents of the Town including 17 new school age children; and

Whereas, the Planning Board determined that the proposed open space lands on the site are not suitable for locating a park and, when considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions; and

Whereas, on December 18, 2006, the Planning Board granted Final Subdivision Plat approval to TKB, LLC, subject to certain conditions, including the applicant's payment of a recreational fee, in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities; and

Whereas, Lots # 10, 12, 14 to 19 are located partially within the Town of Red Hook and partially within the Village of Red Hook; and

Whereas, the applicant has requested that the Planning Board clarify how the recreation fee is to be determined for lots located partially within the Town of Red Hook and partially within the Village of Red Hook; and

Whereas, the Planning Board has determined that the recreation fee for lots under such circumstances should be proportionate to the amount of land that is located wholly within the boundaries of the Town.

Now therefore be it resolved, that the Planning Board has determined that the applicant will provide an actual calculation of the percentage of Lots # 10, 12, 14, 15, 16, 17, 18, and 19 that is located wholly within the boundaries of the Town, as depicted on the Final Subdivision Plat prepared by Marie Welch dated March 9, 2006 with a final revision date of November 10, 2006, and will pay a recreation fee proportionate to said areas.

On a motion by Sam Harkins, seconded by Paul Telesca

Roll Call Vote:

| | |
|---------------------------|--------|
| Chairwoman Christine Kane | yes |
| Member John Hardeman | absent |
| Member Sam Harkins | yes |
| Member Charles Laing | absent |
| Member Wil LaBossier | yes |
| Member Sam Phelan | absent |
| Member Paul Telesca | yes |

Resolution was adopted on December 1, 2008.

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

Betty Mae Van Parys, Clerk to the Board

Date

(adopted on October 20, 2008)

Resolution Granting Approval to Landscape Phasing Plan for Anderson Commons

Name of Project: Anderson Commons

Name of Applicant: TKB, LLC

Date Adopted: October 20, 2008

Whereas, the applicant has submitted a Landscape Phasing Plan for Anderson Commons (Sheets AZ007A and AZ008A) prepared by Tinkelman Architecture, PLLC dated August 29, 2008; and

Whereas, the Planning Board has considered the Landscape Phasing Plan as it would apply to the Final Subdivision Plat, Special Permit, and Site Plan for Anderson Commons, all approved on December 18, 2006; and

Whereas, the Planning Board wishes to approve the Landscape Phasing Plan as depicted on drawings AZ007A and AZ008A.

Now therefore be it resolved, that the Planning Board approves the Landscape Phasing Plan for Anderson Commons as depicted on Sheets AZ007A and AZ008A dated August 29, 2008 with the following conditions:

1. An additional Landscaping Phasing Note shall be added as Note 1 stating that “All landscaping shown on the approved Site Plan shall be installed prior to the expiration of three (3) years from the date of issuance of the first building permit for Phase 1 and Phase 2 of development, which landscaping shall be installed in the three phases as described in the following three Notes.”
2. The existing Landscaping Phasing Note 2 shall be revised to identify the roads by name (Cohens Way, Crown Street, Emerald Square, and Monarch Lane).
3. The existing Landscape Phasing Note 3 shall be revised to read as follows: “Landscaping of any access lanes used as a primary construction access shall be completely installed as shown on the approved site plan, including the installation of street trees, prior to the issuance of the CO for the final dwelling unit accessed by such lane.”
4. A 5th Landscaping Phasing Note shall be added stating that “In the event that a CO is requested prior to completion of all proposed landscaping during the months between December 1 and April 1, a cash bond will be posted to ensure completion of the landscaping in accordance with the approved Site Plan, in an

amount to be determined by the Planning Board as recommended by the Town Engineer.”

On a motion by Sam Harkins, seconded by Wil LaBossier

Roll Call Vote:

| | |
|--------------------------------|--------|
| Chairwoman Christine Kane | absent |
| Deputy Chair Charles Laing | yes |
| Member John Hardeman | absent |
| Member Sam Harkins | yes |
| Member Wil LaBossier | yes |
| Member Sam Phelan | absent |
| Member Paul Telesca | absent |
| Alternate Member Rob Tourtelot | yes |

Resolution was adopted on October 20, 2008.

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

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Amendment to Final Subdivision Approval to Taylor Subdivision

Name of Project: Taylor Subdivision

Name of Applicant: Gordon Taylor

Date of Adoption: December 1, 2008

Whereas, the applicant has noted that the Dutchess County Clerk's Office must have an approved plat on file before a Common Use and Maintenance agreement for the shared driveway can be filed to reference that plat; and

Whereas, the applicant has requested that the Planning Board amend the Final Subdivision Plat Approval dated February 11, 2008 to address Condition D ; and

Whereas, the Planning Board now wishes to revise Condition D of the Taylor Final Subdivision Plat Approval by amending that approval ; and

Now therefore be it resolved, that the Planning Board amends Condition D of the Taylor Final Subdivision Plat Approval to read:

D. No building permit shall be issued until an acceptable Common Use and Maintenance Agreement for the shared driveway, referencing the filed plat, is filed with the Dutchess County Clerk; copies of these documents are submitted to the Planning Board office; and the filing date and document number are noted on the signed plat.

On a motion by Wil LaBossier , seconded by Sam Harkins

Roll Call Vote:

| | |
|----------------------|--------|
| Chair Christine Kane | aye |
| Member John Hardeman | absent |
| Member Sam Harkins | aye |
| Member Charlie Laing | absent |
| Member Sam Phelan | absent |
| Member Paul Telesca | aye |
| Member Wil LaBossier | aye |

Resolution adopted on December 1, 2008

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

Betty Mae Van Parys, Clerk to the Board

Date