

APPROVED

Town of Red Hook Planning Board Meeting Minutes December 15, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane said that the Choye project had withdrawn from the evening's agenda. The draft minutes from the December 1, 2008 meeting had been circulated among the members and reviewed. There were no concerns. Wil LaBossier made a motion to adopt the minutes. Sam Harkins seconded the motion, and all members present voted in favor.

Christine Kane announced that Hudsonia was offering a 10 month biodiversity assessment training course beginning in January 2009 and ending in October. Those interested could register individually or as a team and should register by December 30. Charlie Laing said that he had taken the 3-day biodiversity training and found it to be excellent. Christine Kane said that the Conservation Advisory Council had requested a letter of support from the Board. Charlie Laing made a motion to approve and send a letter drafted by the CAC. Wil LaBossier seconded the motion, and all members present voted in favor.

REGULAR SESSION-PUBLIC HEARINGS

Paul Raymond – 5098 Route 9G – Site Plan

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

Christine Kane read the public hearing notice that appeared in the Kingston Daily Freeman on Tuesday, December 9, 2008. Ms. Sidarous explained the project, saying that there was no planned change to the driveways, that parking spaces would now be delineated and that all outdoor lighting would be in conformance with Town regulations. She added that at its meeting on December 10, the Zoning Board of Appeals had chosen to continue the public hearing until its January meeting. Christine Kane then opened the public hearing. There were no comments from the public.

Sam Phelan asked whether the property had been determined to be outside, or contiguous to, the National Historic Landmarks District. Christine Kane said that Hudson River Heritage had sent a message saying that no, the property was not in or adjacent to the NHL. Charlie Laing asked about the septic system assessment report. Ms. Sidarous said that two new lateral lines would be added to the septic field if the variance was granted and the site plan approved.

The Board completed part 2 of the EAF. Sam Harkins then made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members present voted in favor.

Wil LaBossier asked whether is standard practice for the Planning Board to act before the Zoning Board of Appeals votes. Christine Kane said that the Board has, in the past, voted on a draft approval resolution that has as a condition the granting of a variance by the ZBA.

The Board then reviewed a draft Negative SEQR Declaration. The members generally agreed not to include in the neg dec the issue of a possible increase in noise from the added students. The Board noted that none of the neighbors had raised that issue during the public hearing, and Sam Harkins said that the Town had an adequate noise ordinance. Ms. Sidarous said that the new owners of the property had said they could be contacted any time if the neighbors were disturbed by noise. Sam Harkins made a motion to adopt the Negative SEQR Declaration. Charlie Laing seconded the motion, and all members voted in favor.

The Board then reviewed a draft resolution to approve the site plan with several conditions. Wil LaBossier made a motion to adopt that resolution. Sam Harkins seconded the motion, and all members present voted in favor.

Klose Family Farm, LLC –81 Echo Valley Rd. - Special Permit

Christopher Klose and architect Peter Sweeny were present for the public hearing on an application for a special permit to modify an existing barn into farm principals housing on a ± 103.19-acre parcel in the RD3 Zoning District and Certified Agricultural District.

Christine Kane read the public hearing notice that appeared in the Kingston Daily Freeman on December 9, 2008.

Peter Sweeny explained the project and the revised plan. He said he had included on the plan the distance from the corner of the proposed building to the Sawkill Creek, approximately 430 ft. He said he had also included all the schedules requested by the Board at the last meeting as well as the locations of the proposed outdoor lighting. He distributed cut sheets of the lighting fixtures to be used. He said that the plan did not include a new driveway. He also showed samples of the wood board and batten siding, trim, colors and roofing material to be used on the proposed residence. Christine Kane then opened the public hearing.

Mr. Sweeny explained that the revised plan showed the potential subdividability of a ± 3.20-acre area surrounding and including the proposed residence, as required by Section 143-110 of the Town Zoning Regulations. The Board and the applicants agreed that this plan does not bind the applicant to moving forward with a subdivision application nor does it bind the Planning Board to approving it.

The Board asked Mr. Klose to submit a copy of a variance granted on June 14, 2000 that permitted one 1600 sq. ft. apartment instead of the three (3) 650 sq. ft. apartments allowed on the parcel.

Christine Kane pointed out to the applicants that, if not shielded, the outside lights must be less than 50 watts. The applicants confirmed that the residence would have its own water supply and septic system.

Finding that there were no adverse environmental impacts associated with the project, the Board completed part 2 of the EAF. Since there were no comments from the public, Wil LaBossier made a motion to close the public hearing. Sam Phelan seconded the motion, and all members present voted in favor. Charlie Laing then made a motion to adopt a Negative SEQR Declaration for the project. Sam Harkins seconded the motion, and all members present voted in favor. Sam Harkins then made a motion to adopt a draft resolution granting the Special Permit. Charlie Laing seconded the motion, and all members present voted in favor. Christine Kane asked for another set of large plans for stamping and signing.

REGULAR SESSION – OLD BUSINESS

Teviot – 40 Davis Lane – Site Plan and Special Permit

Attorney Jon Adams, Tim Lynch, P.E. and Frederick Volino, were present for continued discussion of an application to modify an existing residence, remove some outbuildings, construct new outbuildings, tennis court and pool, and upgrade water supply septic systems, on a 62.9-acre parcel in the WC (Water Conservation) and LD (Limited Development) Zoning Districts.

Mr. Adams reviewed the history of the proposed swimming pool, pool house and other site modifications. He said that in a letter dated September 11, 2007, ZEO Bob Fennell determined the proposed swimming pool to be a permitted use in the proposed location. Since that time, he said, Mr. Fennell had reversed his opinion and, in a letter dated November 25, 2008 had said that a pool and pool house were accessory uses to a single family residence and so were not allowed in the Water Conservation Zoning District. Mr. Adams said that the applicants would appeal that determination with the Zoning Board of Appeals. He said that now the swimming pool issue would not be within the Planning Board's jurisdiction.

Mr. Adams went on to say that the proposed demolition of three buildings on the property was not related to the swimming pool issue. He said that demolition is not subject to SEQR and thus this action was not connected to the other proposed modifications. Michele Greig said that the SEQR regulations prohibit any physical changes to a property undergoing a SEQR review. Mr. Adams disagreed, saying that the SEQR regulations stipulate that no changes can be made that are related to the action under review, and, he said, the demolition of the buildings is not related to the swimming pool. Christine Kane said that the application was for site plan review, and that review, she said, includes the whole property. Christine Kane said that because of this stipulation, the demolition permits had been rescinded. She added that there were no regulations prohibiting demolition once the SEQR review is concluded.

She also said that Hudson River Heritage had been asked to review the three buildings and had replied that they were "contributing features" of the historic property and had been found on maps from the 1840's, 1870's and late nineteenth century. Michele Greig said that NYS Parks, Recreation and Historic Preservation should be asked to review the project and to comment about a possible archaeological survey and/or perhaps documenting the buildings if they are to be demolished. The Board asked her to write such a letter to SHPO.

Christine Kane said that since the applicants need a variance for the pool and the Zoning Board of Appeals is now an involved agency under SEQR, the project must be re-circulated. Sam Phelan made a motion to rescind the previous SEQR resolution and to adopt a new resolution that determines the project as a Type 1 action under SEQR, includes the ZBA as an involved agency and includes a use variance as a needed approval, and establishes the Boards intent to serve as lead agency for the SEQR review. Wil LaBossier seconded the motion, and all members present voted in favor.

Christine Kane said that the Agricultural and Open Space Committee had reviewed the project and had no concerns since building will go on in an area that has already been developed. Mr. Adams asked for a copy of those comments.

The Board and the applicants will investigate whether the property is within 500' of the Columbia County line.

Michele Greig said that the setback for the proposed heliport needs to be clarified on the map. She said that that setback must be 300 ft. or more. She said that because of the location of the heliport, the applicants request to waive the submission of landscape and lighting plans should not be granted, at least for the area around the heliport. The applicants said that no lighting was planned around the proposed heliport and that the land was going to remain as it was, just a grass strip.

The applicants submitted a completed Local Waterfront Revitalization Plan Consistency form.

Fred Volino said that during the site visit, some Board members had expressed concern about the trees flagged for removal, especially those in a cluster near the river. He asked whether the applicants could leave that cluster and take the others down. Charlie Laing said that he had spoken to the applicants' arborist Steve McGinley and was generally satisfied that most of the flagged trees could be removed. He said that he was, however, concerned about that one cluster because it acted as a visual buffer between the house and the river and removing them would open up a wider view of the river. He said that the trees in that particular cluster did not appear to be diseased or part of a tree management program, and he believed that the view from the river of the natural landscape should be maintained. Christine Kane said that any changes made to the property during the SEQR review would be made at the applicants' risk and that if the applicants went ahead with the changes, they could be asked to reverse or mitigate those changes in the future.

The Board generally agreed to send a copy of the SEQR package to Clermont State Historic Site.

The applicants will contact the Board when they wish to be put back on the agenda.

Dan Eckert – 32 Country Club Drive – Special Permit

Daniel Eckert was present for continued discussion of an application for special permit to expand a residential building within 100 feet of NYSDEC Wetland RC-71 (Shook's Pond), on a 0.54-acre parcel in the RD3 Zoning District.

Christine Kane confirmed that at a previous meeting the Board had determined the project to be a Type 2 action under SEQR and that no further SEQR review was necessary. She said that the public hearing had been closed and that the Zoning Board of Appeals had granted the necessary variance for coverage at its meeting on December 10, 2008.

Mr. Eckert said that he had received a letter from the DEC saying that once notification had been published, the permit requirements would be met. Christine Kane asked for a copy of that letter.

Wil LaBossier asked what the Board could do about ensuring appropriate erosion controls during construction. Christine Kane said that a note about erosion controls should be added to

the map and should be added as a condition of approval. Michele Greig said that another condition should be added saying that the applicant must meet any conditions attached by DEC to its permit. Mr. Eckert said that a silt fence was already shown on the map as earlier requested by DEC.

Sam Harkins made a motion to adopt a draft resolution granting the Special Permit with several conditions. Sam Phelan seconded the motion, and all members present voted in favor.

REGULAR SESSION – NEW BUSINESS

Red Hook Self Storage – 7320 S. Broadway – amended Site Plan

Martin Wilms was present with an application for amended site plan to construct two additional metal storage buildings on a ± 4.451-acre parcel in the B1 Zoning District.

Mr. Wilms said that he had originally requested two (2) buildings, but as a result of conversations with the Town about a proposed road along the northern boundary of his property, he had had to re-position the proposed added storage space. Now, he said, he was asking for three (3) additional buildings, not the originally requested two (2). He also said that he had been to the Zoning Board of Appeals and had been asked to move one of the buildings, which meant that only one (1) variance was necessary, not two (2). On September 10, 2008, the ZBA granted a variance to reduce the frontyard setback for the proposed storage building from 80 ft. to 31 ft.

The Board determined the project to be an unlisted action under SEQR. Wil LaBossier made a motion to establish the Board as lead agency for the SEQR review. Charlie Laing seconded the motion, and all members present voted in favor.

The Board generally agreed to request the pertinent minutes from the ZBA, to refer the project to Dutchess County Department of Planning and Development and to ask for more information about the proposed road from the Town. Christine Kane said that Mr. Wilms might be asked to put a note on the map regarding the proposed road. The Board also wanted to confirm that the sideyard setback for the proposed southerly building was in conformance with zoning.

Since questions about the January meeting schedule had not yet been addressed, Christine Kane told Mr. Wilms that a public hearing would be set for the second January meeting and that he would be informed of the date.

OTHER BUSINESS

Anderson Commons amended subdivision resolution

The Board discussed changes in the language of resolution G, Phase 1 which would clarify the procedure to be followed in filing the conservation easement with the Dutchess County Clerk. Michele Greig suggested that an additional “Whereas” be added to document the amendment and the revision to that amendment. Wil LaBossier made a motion to adopt the revised resolution granting amended Subdivision Plat Approval. Charlie Laing seconded the motion, and all members present voted in favor.

Meeting Schedule

Because the Town Hall will be closed on January 19 and February 16, 2009 because of legal holidays, the Board generally agreed to request the large meeting room for the following January and February dates: January 2 (a regularly scheduled meeting), January 26, and

February 9. The Board's regular schedule will then resume with the March 2, 2009 meeting. Notices will be posted at the Town Hall, and newspapers will publish the new schedule well ahead of the affected meetings.

Policies and Procedures

Michele Greig said that since the Board had previously reviewed both the revised Policies & Procedures document and the new Siting Guidelines document, it could now send both documents to the Town Board for its approval. Charlie Laing made a motion to that effect. Wil LaBossier seconded the motion, and all members present voted in favor.

Choye

Christine Kane said that Ted Saad had requested a pre-application conference at a time other than a regular meeting, and she asked if any members were interested in attending such a conference. Sam Phelan said that he would like to be present.

ADJOURNMENT

Since there was no more business before the Board, Sam Harkins made a motion to adjourn. Wil LaBossier seconded the motion, and all members voted in favor. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Paul Raymond project
Resolution giving Site Plan Approval to Paul Raymond
Negative SEQR Declaration for Klose Family Farm, LLC project
Resolution granting Special Permit to Klose Family Farm, LLC
Resolution granting Special Permit to Daniel Eckert
Revised Amended Subdivision Plat Approval for Anderson Commons

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 15, 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: Paul Raymond

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to expand by 100% a non-conforming use on a ±5.0-acre parcel in the RD3 Zoning District

Location: 5098 Rte. 9G, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated September 22, 2008, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. Potential impact on groundwater quality will be mitigated by the addition to the existing sewage disposal system of two new seepage pits and the installation of low-

flo water fixtures to all bathrooms. Approval by the Dutchess County Health Department will be obtained.

4. The project site is not located in or within 500' of a certified agricultural district.
5. Both new and existing outdoor lighting will be brought into conformance with the Town's outdoor lighting regulations found in § 143-27.1 of the Town's Zoning Law, which will reduce glare, light pollution and energy use, a beneficial impact on aesthetics and energy use. The Planning Board finds that no significant adverse environmental impacts on aesthetic resources are anticipated as a result of the action.

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)
Red Hook Town Board
Paul Raymond (applicant)

Resolution Granting Site Plan Approval to Paul Raymond

Name of Project: Paul Raymond Site Plan

Name of Applicant: Paul Raymond

Date of Adoption: December 15, 2008

Whereas, the applicant has submitted an application for Site Plan Approval dated September 10, 2008 to the Town of Red Hook Planning Board to increase by 100% a non-conforming use on a + 5.0-acre parcel located at 5098 NYS Rte. 9G in the RD3 Zoning District of the Town of Red Hook, Dutchess County, New York.

Whereas, on December 1, 2008, the Town of Red Hook Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of a Unlisted action pursuant to SEQR; and

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

Whereas, on December 15, 2008, in consideration of the Short EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on December 15, 2008, the Planning Board conducted a public hearing on the Subdivision application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Site Plan approval to Paul Raymond to increase by 100% a non-conforming use in the RD3 Zoning District of the Town of Red Hook, Dutchess County, New York.

Now therefore be it resolved, that the Planning Board grants Site Plan approval to Paul Raymond to increase by 100% a non-conforming use on a \pm 5.0-acre parcel located at 5098 NYS Rte. 9G in the RD3 Zoning District of the Town of Red Hook, Dutchess County, New York in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- B. Granting of a variance by the Town of Red Hook Zoning Board of Appeals.
- C. Approval by the Dutchess County Department of Health.

D. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by Wil LaBossier , seconded by Sam Harkins , and a vote of 5 in favor, 0 against, and 2 absent.

Resolution adopted on December 15, 2008

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

Betty Mae Van Parys, Clerk to the Board

Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 15, 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: Klose Family Farm, LLC Special Use Permit

SEQR Status: Type I []
Unlisted [x]

Conditioned Negative Declaration: [] YES
[x] NO

Description of Action: The applicant proposes to modify an existing barn to create housing for a farm employee, on a 103.19-acre parcel in the RD3 Zoning District and Certified Agricultural District.

Location: 81 Echo Valley Road, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

- 1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated November 19, 2008, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The project site is located within a certified agricultural district (Ag District 20). An Agricultural Data Statement was prepared by the applicant and forwarded by the

Planning Board to all owners of farm operations within 500' of the subject parcel. The project site is an existing agricultural operation. The modification of the existing barn will not substantially increase the building footprint, will include the construction of no accessory buildings and will have little or no impact on the potential agricultural use of the site or on adjacent farmlands and agricultural operations. The Planning Board finds that no significant adverse environmental impacts on agricultural resources are anticipated as a result of the action.

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)
Klose Family Farm, LLC (applicant)

Resolution Granting Special Permit to the Klose Family Farm, LLC

Name of Project: Klose Family Farm, LLC Special Permit

Name of Applicant: Christopher Klose

Date: December 15, 2008

Whereas, the applicant has submitted an application for a Special Permit dated November 19, 2008 to the Town of Red Hook Planning Board to modify an existing barn to farm employee housing on a 103.19-acre parcel; and

Whereas, the subject parcel is located at 81 Echo Valley Road in the RD-3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, on December 1, 2008, the Planning Board, declared itself lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on December 15, 2008, the Planning Board, in consideration of the Short Environmental Assessment Form dated November 19, 2008 and the ‘criteria for determining significance’ set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcel is located within a certified New York State agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement which the Planning Board duly forwarded to all owners of farm operations within 500’ of the subject parcel; and

Whereas, on December 15, 2008, the Planning Board conducted a public hearing on the final subdivision plat, at which time all interested persons were given the opportunity to speak; and

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions and upon compliance therewith authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant’s compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction:

1. Approval by the Dutchess County Department of Health
2. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

3. Submission of drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

On a motion by Sam Harkins , seconded by Charlie Laing , and a vote of 5 in favor, 0 against , and 2 absent.

Resolution adopted on December 15, 2008

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

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Special Use Permit to Daniel Eckert

Name of Project: Daniel Eckert Special Use Permit

Name of Applicant: Daniel Eckert

Date: December 15, 2008

Whereas, the applicant has submitted an application for Special Permit dated July 29, 2008 to the Town of Red Hook Planning Board to add to a single family dwelling within 100 ft. of NYS DEC designated Wetland RC-71, Shook's Pond; and

Whereas, the subject parcel is located at 32 Country Club Drive in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-30A; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated July 29, 2008, a Short Environmental Assessment Form (EAF), dated July 29, 2008 , construction plans prepared by LGAdesign, Inc., dated August 4, 2008, and a Site Plan prepared by Richard Jones, P.E., (undated); and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that Proposed Project is a 'Type II' Action that meets the thresholds in 6 NYCRR 617.5 (c) (9) and, therefore, SEQR does not apply; and

Whereas, the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 28, 2008, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board has reviewed an area variance for coverage granted by the Zoning Board of Appeals at its meeting on December 10, 2008; and

Whereas, the Planning Board referred the project to the Dutchess County Department of Planning and Development, which determined the project to be a matter of local concern; and

Whereas, the Planning Board has reviewed the Notice of Incomplete Application for a DEC permit, dated November 10, 2008; and

Whereas, a public hearing was held October 6, 2008; and

Whereas, the Planning Board deems the intended use as described within the Application for Special Use Permit, the associated Narrative, and the site plan to satisfy both the “General Standards’ for all special permit uses set forth at Zoning Law §143-51 and the ‘Development Near Bodies of Water’ as set forth at §143-30.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions and upon compliance therewith authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant’s compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

1. Copies of Permit Approvals and all other correspondence from NYS DEC must be received in Planning Office. Any conditions set down by DEC must be met.
2. Plan for erosion control must be submitted to Planning Office and to the Building inspector.
3. Low-flow and water saving water devices must be installed and utilized in all bathrooms.
4. The sewage disposal system must be regularly maintained so as to prevent run-off into DEC Wetland RC-71 (Shook’s Pond).

On a motion by Sam Harkins , seconded by Sam Phelan and a vote of 5 in favor, 0 against, and 2 absent.

Resolution adopted on December 15, 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 15, 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 \pm 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.

Whereas, on December 1, 2008 the Planning Board adopted an amended subdivision plat approval resolution and subsequently on December 15, 2008 wished to clarify the language of Phase 1, Condition G.

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 \pm 58.06 acres located Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- E. That the applicant obtains the permits and approvals listed in Part 1 of the EAF applicable to Phase 1.
- F. That the applicant provides evidence of the availability of all proposed public utilities applicable to Phase 1.
- G. 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.
- H. 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.
- I. 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.

- J. 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.
- K. 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 shall be filed in the Dutchess County Clerk's office prior to the Phase 1 Plat. The Phase 1 Plat shall include the document number and filing date of the conservation easement. In addition, 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.
- L. 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.
- M. 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.
- N. Acceptance of dedication of Glen Ridge Road by the Town Board and satisfaction of any conditions thereto.
- O. 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.
- P. 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.
- Q. Payment of recreation fee to the Town of Red Hook applicable to Phase 1.
- R. 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.
- S. 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 \pm 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 Wil LaBossier, seconded by Charlie Laing

Roll Call Vote:

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

Resolution was adopted on December 15, 2008.

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

Betty Mae Van Parys, Clerk to the Board

Date