

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
July 20, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, Sam Harkins, Charlie Laing and Wil LaBossier. Alternate Kris Munn and Planner Michele Greig were also present. Sam Phelan, Pat Kelly, and John Hardeman were absent.

BUSINESS SESSION

Christine Kane confirmed the agenda as printed. The July 6, 2009 draft minutes had not been circulated. There were no announcements.

REGULAR SESSION – OLD BUSINESS

Estate of Peter Bulkeley, Carol Wagner, Cicada Group – W. Kerley Corners Rd. – Lot Line Alterations

Robert Zimmerman, L.S. and David Bulkeley were present for continued discussion of an application for Lot Line Alterations to convey + 0.06 acres from the Lands of the Cicada Group to the adjoining Lands of the Estate of Peter Bulkeley and also to convey + 0.17 acres from the Lands of the Estate of Peter Bulkeley to the adjoining Lands of Carol Wagner, all in RD3 Zoning District. The Lands of the Estate of Peter Bulkeley are in Certified Agricultural District 20.

The Board reviewed the Agricultural Data Statement and the full EAF part 1, both of which were requested at the last meeting. The applicant revised several questions on the EAF part 1 as suggested by a memo prepared by GreenPlan. Charlie Laing then made a motion to establish the Board as lead agency for the SEQR review since there were no involved or interested agencies for the project. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board scheduled a public hearing for 7:40 p.m. on August 3, 2009.

The Board then completed the full EAF part 2. Ms. Greig reminded the Board that any impacts, positive or negative, on the historic house and property would have to be addressed in the SEQR declaration and that a negative SEQR declaration would have to be adopted before a public hearing could be opened.

REGULAR SESSION – NEW BUSINESS

Lisa Stencel – 94 Old Post Rd. North – Certificate of Appropriateness

Lisa Stencel was present with an application for a Certificate of Appropriateness to construct a 14' x 16' shed and a fence on a 0.33-acre parcel in the H (Hamlet) Zoning District. She said

that she wished to place both along the north edge of her property and then would remove a small shed at the rear of the parcel. She said that the fence would be 24 ft. long and 6 ft. high.

The applicant and the Board discussed the proposed setbacks, saying that draft revised setbacks had been considered by the Zoning Review Committee. Ms. Stencel said that she had been advised by the Building Inspector that the shed could be located 3 ft. from the property line. The Board agreed that the setbacks should be investigated and that the clerk would contact Ms. Stencel with the correct information.

(At this point, Wil LaBossier left the room and Kris Munn participated in discussion and voting.)

The Board referred the project to the Hamlet/Design Review Committee but told the applicant that she must forward a drawing or photo of the style of fence she intended to install before the complete package could be sent to the Committee.

Sam Harkins made a motion to determine the project to be a Type 2 action under SEQR, with no further environmental review needed. Kris Munn seconded the motion, and all members present voted in favor.

(At this point, Wil LaBossier returned to the meeting and resumed his place as voting member.)

The Board then scheduled a public hearing for 7:45 p.m. on August 3, 2009.

Bottini Fuel (Red Hook Terminal) – 7345 S. Broadway – Amended Site Plan

Bob Juliano was present with an application for Amended Site Plan Approval to relocate an existing 10,000 gal. above-ground fuel oil tank and install a new 20,000 gal. above-ground fuel oil tank, all on a 1.34-acre lot, partly in the Village of Red Hook and partly in the Town's B1 Zoning District.

Mr. Juliano recounted the history of the project, saying that he had received conditional approval for an amended site plan in 2008 but because of some cost problems and an address error, that approval had expired. He said that this application was somewhat different from the previous application in that he now proposed several smaller tanks rather than one large tank.

The Board and the applicant reviewed a GreenPlan memo, and the applicant revised several questions on the short EAF part 1.

The Board asked Mr. Juliano to revise the plan to show at least 100 ft. around the subject parcel.

Michele Greig noted that the business was a non-conforming use in the B1 District and accordingly could be allowed to increase by a maximum of 50%. She noted that a 1986 site plan approval allowed 34,000 gallons of oil on the site. This project would decrease the number of gallons to 30,000 gallons, she said. She said that a note to this effect should be placed on the plan.

Mr. Juliano described the increased safety measures that would be in place when the new tanks were installed.

Addressing other facets of the site plan, Mr. Juliano said that no new signage was proposed, that the fence and vegetation would continue to act as a visual buffer, that a new line of arbor

vitae would be installed in the back and that the new tanks would actually be lower and less visible. Ms. Greig asked about the proposed lighting, saying that 15 foot candles was too bright for one light and possibly inconsistent with a 57 watt bulb. Mr. Juliano said that he would check with his engineer.

The Board and the applicant also discussed both the existing and proposed trees, which were shown on the drawing to be within the NYS Department of Transportation right-of-way. Ms. Greig said that she could find no evidence to show that the owner of the parcel, Arnold Colburn, had received permission from the DOT for that parking. The Board generally agreed to research both the parking and the possibility of other landscaping in that location. The Board noted that the sidewalk was 5 ft. wide and that the distance from the inside edge of the sidewalk to the shrub planter was 19 ½ ft. The Board discussed whether enough space would remain for parking if trees were installed as shown on the plan. Wil LaBossier said that during the school year, the parking spaces were needed during the evening for the Rhinebeck Dance Studio.

The Board referred the plan to the Dutchess County Office of Planning and Development for review and comments. Ms. Greig noted that a notice of the public hearing must be sent to the Village of Red Hook under General Municipal Law 239nn.

The Board determined the project to be an Unlisted action under SEQR, with the NYS DEC listed as an involved agency. Ms. Greig said that since an Unlisted action need not be circulated to involved agencies, the Board could establish itself as lead agency at this meeting. Charlie Laing then made a motion to establish the Board as lead agency for the SEQR review. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board generally agreed to schedule the project for a future agenda when more information was available.

OTHER BUSINESS

Horkan subdivision – request for extension

The Board reviewed a letter dated July 15, 2009 from Marie Welch, L.S., requesting a 90-day extension to the deadline for meeting the conditions of final subdivision plat approval for the Michael Horkan minor subdivision. Sam Harkins made a motion to grant that extension. Charlie Laing seconded that motion, and all members present voted in favor. The Board noted that this would be the last extension permitted for the project.

Upcoming meetings – member attendance

The Board discussed the scheduled meetings for August and September. Charlie Laing said he would be away for the August 3 meeting, and Wil LaBossier said he would be away for the August 17 meeting. The Board agreed to decide at a later date whether to reschedule a meeting due to the Labor Day holiday or to simply hold one meeting in September.

Scenic Roads

Christine Kane reminded the Board of past discussions about revising the current list of designated scenic roads and about revising the regulations regarding those roads. She said that there had been some objections that too many roads had been proposed for the list. She said that the Board could recommend that both documents stay as they are, that the roads be grouped into categories and that regulations be drafted to address those categories or finally that the roads be re-evaluated and some roads dropped from the list.

Michele Greig said that both the Intermunicipal Task Force and the CAC had discussed the fact that there were a large number of undeveloped parcels along those roads and that under both the current and proposed regulations, landowners could build houses without regard to the scenic qualities of the road. Yet, she said, if the regulations were to apply to new house construction or other development along a scenic road, the current large number of scenic roads would result in a proportionately large number of projects under review.

Kris Munn asked whether a “scenic roads” committee, similar to the Hamlet Committee, could review such projects. Charlie Laing said that the CAC could possibly serve in that capacity.

Michele Greig also said that, from a legal standpoint, she was concerned that without categories, the regulations could be seen as arbitrary. She said that she would be more comfortable if certain “tools” could be used for development along a road in a particular category. Charlie Laing said that in his opinion, the already-adopted siting guidelines and other similar guidelines--guidelines for preserving historic features, for example-- could be used to help both the applicant and the committee or board address individual projects along scenic roads.

The Board then looked briefly at proposed regulations for the Scenic Corridor Overlay.

Michele Greig said that originally the Intermunicipal Task Force proposed the creation of a “scenic roads” committee, similar to the Hamlet Committee, to review new construction on scenic roads. Then, she said, the ITF decided that these projects should go to the Planning Board for review, which she felt could clog the Planning Board agenda since there were so many designated scenic roads.

She said that the way the proposed regulations are currently written, the Building Inspector in consultation with the CAC would decide whether such a project should go to the Planning Board for site plan review. The Building Inspector and the CAC would determine whether the project was in compliance with the guidelines.

Sam Harkins said he thought that these proposed regulations put a great deal of responsibility on the Building Inspector. Christine Kane said that the projects could simply go to the CAC. Michele said that the CAC was only advisory and did not have the authority to make those decisions.

The Board then discussed the possibility of a “minor site plan review”, with possibly no public hearing and addressing only siting, preservation of historic features, clearcutting, etc., not architecture. Such a review could be completed in one meeting. However, should the Planning Board deem it necessary, a more comprehensive review with a public hearing could be required.

Wil LaBossier asked whether there was any enforcement possibility for such a review. The Board generally agreed that issuance of a building permit could be tied to approval.

Christine Kane said she was concerned about the use of phrases such as “to the extent practical” in the proposed regulations. Charlie Laing said that these phrases covered situations in which there was no alternative to siting a house in the middle of an open field or otherwise impacting a resource. Christine Kane said that she foresaw possible problems connected with a phrase that leaves open the question of whether a final decision would be made by the applicant or by the Planning Board.

Kris Munn asked whether photos must be submitted. Michele Greig said that photos were recommended, as was a photo-simulation of what the project would look like as proposed.

Michele Greig recapped, saying that she understood the Board members to say that they would like to look at new construction projects of 500 sq. ft. or more proposed on a scenic road and that they would like the opportunity to conduct a “minor site plan review”. This minor site plan review could be completed in one night, with the possibility of waiving a public hearing, and would focus solely on the visual impact of that project on the scenic features of that road.

Michele Greig asked the Board members to read through the regulations again, looking particularly at clarity and how the regulations would impact landowners.

The Board generally agreed to specifically add the CAC as a resource and referral committee.

The Board discussed how a road might be added or deleted from the list of scenic roads. Michele Greig said that the Town Board had the authority to make that change.

ADJOURNMENT

Since there was no further business to come before the Board, Wil LaBossier made a motion to adjourn. Sam Harkins seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker