

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
September 21, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:36 p.m., and a quorum was determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the agenda as published. She then summarized a letter from Central Hudson concerning utility easements, saying that because these easement areas must be kept open for repair personnel, no structures, driveways or other improvements should be installed within an easement area without prior approval from Central Hudson. The letter went on to say that such approvals should be made conditions to be met before the stamping and signing of any plans.

The August 17, 2009 minutes had been circulated and reviewed. Sam Phelan made a motion to approve the minutes as written. Charlie Laing seconded the motion, and all members present voted in favor.

PUBLIC HEARING

Lexann Acres, Inc. – 198 Middle Road – Minor Subdivision

Mark Graminski, P.E. and L.S., Ann Marie Vosburgh, John Howard and attorney Andy Howard were present for further discussion of an application to create four (4) new lots from an 18.306-acre parcel in the R1.5 Zoning District.

Since the Board members had completed the EAF part 2 at the August 17 meeting, they reviewed a draft negative SEQR declaration for the project. Sam Harkins made a motion to adopt the negative declaration. Wil LaBossier seconded the motion, and all members present voted in favor.

Christine Kane read the public hearing notice that appeared September 15, 2009 in the Kingston Daily Freeman.

Mr. Graminski explained the project for the public, referencing the Farmland Protection Plan approved by the Planning Board and filed for Kesicke Farm in 2007. He said that the driveway access points had been reviewed and approved by the Town Highway Department and that the topography and the on-site water supply and septic systems had dictated the size of the smaller residential lots. He said that the proposed residential lots complied with the Farmland Protection Plan in both size and spirit.

Christine Kane then opened the hearing for public comment. There was none.

Christine Kane then summarized a September 10, 2009 letter from Winnakee Land Trust saying that WLT had agreed to hold a 5 year renewable conservation easement until such time as the owner of another Kesicke Farm parcel was ready to place an easement. At that time, the total amount of conserved farmland would likely meet the WLT thresholds, and the easement would automatically become permanent. The Board discussed various ways that it might keep track of expiration dates.

The Board then reviewed comments from the Agriculture and Open Space Committee. Addressing the comment that the size of the small residential lots should be reduced further, Mr. Graminski said that he had explored that possibility. He said that because of the topography, rock areas and the necessity of keeping separation among septic systems, streams and neighboring wells both inside and outside the development, he believed that the lots were configured as small and as tightly as possible. Mr. Howard added that the shared driveway was also in compliance with the Farmland Protection Plan and cluster regulations.

Charlie Laing said that the Zoning District was R1.5 but that this cluster development resulted in lots larger than 1.5 acres, not smaller, which was the goal of clustering. He added that the Farmland Protection Plan stated that the three smaller lots should total no more than 6 acres. This configuration, he said, exceeded that number.

Mr. Graminski said that if he moved the septic systems, he would have to bring in fill and use up even more open land.

The Board discussed the possibility of moving the shared driveway to the north end of the development. Mr. Graminski said that the topography might allow that if the septic systems remained as presently shown. He said he would have to get access approval from the Town Highway Department.

The Board also discussed including a strip from lot 2 with the larger lot 1, which could create a buffer between agricultural activity and the residential lots.

The Board then discussed the Agricultural and Open Space Committee's suggestion to relocate the building envelope on the largest lot, lot 1, so that it was close to the houses on the smaller lots. Mark Graminski said that the soils in the proposed relocation area were not conducive to such a move. Sam Harkins noted that the present proposed location for the building envelope was across the street from other farm buildings.

Sam Phelan suggested that the flag strips could be separated, one to the north and one to the south of the lots.

Mr. Howard stated that the Farmland Protection Plan had been approved by the Planning Board and now the Planning Board was attempting to change it. The Board reaffirmed that a Farmland Protection Plan was an overall guide to future development of a property, not a subdivision plan.

Mr. Graminski said he would look at the discussed alternatives. The Board agreed to continue the public hearing to October 5, 2009.

REGULAR SESSION – OLD BUSINESS

Nelson Sousa/Dunkin' Donuts – NYS Route 9 – Amended Site Plan

Peter Setaro, P.E. was present from Morris Associates for continued discussion of an application for Amended Site Plan Approval to reconfigure parking and traffic flow and to construct an addition to an existing building, on a 2.989-acre parcel in the B1 Zoning District.

Mr. Setaro said that the project had last appeared before the Board in March 2008. He said that the only substantive change since then was that the applicants had scaled back the building addition. He said that the applicants wished to change the traffic flow for the drive-thru window so that a greater number of cars could get in line without spilling into Route 9. He said that the new proposal would allow the stacking of approximately 7-10 cars. He added that the menu board would be relocated.

The Board members and Michele Greig were concerned about the proposed traffic flow, noting that the new plan would result in more cars continuing past the building, where parked cars could back out from two directions, pedestrians could cross the driveway, and customers leaving the drive-thru must make a left turn to head toward the Route 9 curb cut. After the Board had discussed several alternative ideas about traffic flow and relocating parking spaces with little agreed-upon progress, Kris Munn said that the primary problem was that because Dunkin Donuts was located on the north side of the parcel, customers exiting the drive-thru would always have to turn left to head toward Route 9, complicating any proposed traffic flow pattern.

Mr. Setaro said that the current access to the drive-thru window would become a delivery route only.

Mr. Setaro also presented building elevations showing proposed changes to the exterior of the building. The Board generally agreed that the building must be much more consistent with the historic and rural character of the area. Planning Consultant Michele Greig reminded the applicant that Red Hook was a Greenway Compact Community and referred the applicant to the Greenway Compact Guidelines addressing design.

The Board also agreed to check past variances for the building and site, to require a traffic count for peak times and days at the Dunkin Donuts parcel, and to make sure that all aspects of the proposed plan take into account the possibility of a third business on the parcel, since that business would necessarily share the driveway and signage.

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

Bob Juliano of Bottini Fuel was present for continued discussion of 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 confirmed that he had sent a letter to the NYS Department of Transportation requesting a Use and Occupancy Permit for the encroachment of parking spaces into the DOT right of way. He said he had so far received no response.

Christine Kane summarized a referral response from the Dutchess County Office of Planning and Development, saying that the agency had concerns about the installation of trees and the parking spaces along Route 9.

Michele Greig reviewed some changes to the site plan map that had been suggested on the July 20, 2009 GreenPlan memo. The Board also discussed exterior lighting and screening around the tank complex. Finally, Mr. Juliano told the Board that it might be possible to paint the tanks green. The Board agreed that this color would be an improvement and asked Mr. Juliano to add a note to that effect to the site plan map.

The Board set a public hearing date for October 19, 2009.

REGULAR SESSION – NEW BUSINESS

Dean Bloch/Gail Wolfe – 21 Steamboat Dock Road – Special Permit and Certificate of Appropriateness

Carlos Newcomb of Hudson Valley Clean Energy was present with an application for a Special Permit and a Certificate of Appropriateness to install a solar thermal system on the roof of an existing residence on a 0.47-acre parcel in the Hamlet Zoning District.

Mr. Newcomb explained that the three (3) solar thermal panels would heat water for domestic use. He said that this project was an extension of a previous photovoltaic panel installation on the site and that the new panels would be adjacent to, but somewhat lower in elevation than, the PV panels. He said that the 4 ft. x 8 ft. panels would not be visible from Steamboat Dock Road and that there would be no work on the ground.

Charlie Laing made a motion to classify the project a Type 2 project under SEQR, requiring no further environmental review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board referred the project to the Hamlet Review Committee and scheduled a public hearing for October 5, 2009.

OTHER BUSINESS

Fee for Certificate of Appropriateness

The Board discussed instituting a \$50 fee for the review of an application for a Certificate of Appropriateness. The members agreed to send a letter to the Town Board requesting that such a fee be approved and included in the Planning Board's Fee Schedule.

Scenic Roads

Michele Greig updated the Board on its request to the Town Board for the adoption of an interim Scenic Roads map. The requested action, she said, would reinstitute the scenic roads inadvertently dropped from the 1993 Town Zoning map when it was adopted in that year. Ms. Greig said that the request had been sent to the Town Attorney for review.

Planning Board Vacancies

The Board determined that currently there was one vacant member seat on the Planning Board and one alternate vacancy. Christine Kane said that two applications had been received for these vacancies: one from current alternate Kris Munn and one from John Doyle. Sam Harkins and Sam Phelan volunteered to join Christine Kane in interviewing the applicants. A convenient time will be decided by e-mail.

Adjournment

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

Respectfully submitted,

Paula Schoonmaker