

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**October 5, 2009**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

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

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

**BUSINESS SESSION**

Since Christine Kane had not yet arrived, deputy chair Charlie Laing confirmed the agenda as published. The September 21, 2009 draft minutes had been circulated and reviewed. Pat Kelly made a motion to approve the minutes as written. Wil LaBossier seconded the motion, and all members present voted in favor.

Charlie Laing announced that the Town Board had approved a \$50 application fee for a Certificate of Appropriateness. He also announced that the Dutchess County Planning Federation was sponsoring a tour of the Millbrook School Math and Science Center on Monday, October 19, 2009 at 7 p.m. He said that the tour would showcase the elements that had brought that building a Gold LEED certification from the U.S. Green Building Council.

**PUBLIC HEARINGS**

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

Mark Graminski, P.E. and L.S., Ann Marie Vosburgh, John Howard and attorney Matthew Griesemer were present for the continued public hearing on an application to create four (4) new lots from an 18.306-acre parcel in the R1.5 Zoning District. Charlie Laing invited questions and comments from the public.

Mr. Graminski said that he had moved the shared driveway to the north end of the parcel, creating three smaller residential lots that now totaled  $\pm$  5.5 acres and a larger remaining lands lot that exceeded 12 acres in size. He said that the sight distance for the revised driveway was currently hampered by evergreen branches that could be trimmed back out of the Town Highway Department right-of-way. He said that the Highway Superintendent had requested a Planning Board endorsement of the plan to trim the branches back up to a certain height in order to provide adequate sight distance. If the sight distance were improved, he said, the Highway Department would approve the new driveway location.

Mr. Graminski also said that the building envelope for Lot 1 must be enlarged in order to accommodate fill for the septic system and for the expansion area. He said that plan would be submitted with the final grading plan. He said that there were heavy soils in Lot 2 also but that he would be able to fit the septic system and expansion area within the proposed building envelope.

AnnMarie Vosburgh confirmed that the applicants and Winnakee Land Trust had agreed upon a draft conservation easement.

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

Charlie Laing then read a referral response from the Agriculture and Farmland Protection Board of Dutchess County, which, although finding there would be impacts from the project on significant soils and agriculture, generally endorsed the plan.

Since a negative SEQR declaration had been adopted at the last meeting, the Board reviewed a draft resolution conditionally approving the revised subdivision plan. Three conditions were added to the draft resolution: two concerned the necessity of trimming trees near the proposed driveway access cut to achieve adequate sight distance, and one required Town Engineer approval of the profile, grading and drainage for the common driveway.

Sam Harkins made a motion to adopt the revised resolution. Wil LaBossier seconded the motion, and all members present voted in favor.

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

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

Charlie Laing read the public hearing notice that appeared September 29, 2009 in the Kingston Daily Freeman. He then opened the hearing for public comment and questions.

Mr. Newcomb explained the project, saying that it was an extension of a previous solar panel project and that none of the panels would be visible from the road or from the river.

The Board reviewed comments from the members of the Hamlet Review Committee, who generally agreed that the project would not detract from the character of the historic hamlet.

[Christine Kane arrived at this point]

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

Wil LaBossier then made a motion to grant the Special Permit with no conditions. Sam Harkins seconded the motion, and all members present voted in favor.

Wil LaBossier then made a motion to grant the Certificate of Appropriateness. Sam Harkins seconded the motion, and all members present voted in favor.

[Christine Kane then took over as Chair of the Board]

### **REGULAR SESSION – OLD BUSINESS**

#### **Daniel Colnaghi – 50 Pinewood Lane & Route 9G – Lot Line Alterations**

Marie Welch, L.S. was present for continued discussion of an application to convey a ±0.508-acre flag strip from the ±5.27-acre Lands of Daniel Colnaghi to the adjoining ± 7.54-acre parcel also owned by Daniel Colnaghi and to convey a ±0.67-acre flag strip from the ±7.54-acre parcel to the ±5.27-acre parcel, all in RD3 Zoning District, the National Historic Landmark District and the Scenic Corridor Overlay District.

Ms. Welch recapped the progress of the review up to that point. Christine Kane then read a letter dated September 15, 2009 from the New York State Department of Transportation which addressed several questions the Board had had about the project. Citing the lack of any negative incidents regarding the driveway agreement, the letter gave permission for the current four lots to access Pinewood Lane. The letter also stated said the proposed relocation of the flag strip for lot 3B would not change DOT's previous letter prohibiting that strip to be used as a driveway access. The DOT, therefore, had no objections to the project.

Ms. Welch agreed to slightly revising a note on the plat stating that there would be no access to revised Lot 3B except from Pinewood Lane and also said she would search for a copy of the filed driveway maintenance agreement so that the filing information could be recorded on the new plat.

After the Board reviewed a draft Local Waterfront Revitalization Plan consistency form, Charlie Laing made a motion to find the project consistent with the plan. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then completed the full EAF part 2, after which Pat Kelly made a motion to adopt a negative SEQR declaration for the project. Charlie Laing seconded the motion, and all members present voted in favor.

A public hearing was set for October 19, 2009.

### **Stephen & Kelly Hammerling – 4962 Route 9G – Subdivision Plat**

Marie Welch, L.S. was present for continued discussion of a revised application for Subdivision Plat Approval to subdivide two new residential lots and a remaining lands lot from a ±24.284-acre parcel in the RD 3 Zoning District, the Scenic Corridor Overlay District and the Certified Agricultural District.

Ms. Welch explained the revised application, EAF and map, saying that since the applicants did not wish to incur the expenses associated with placing a conservation easement, which would have been required for the previous cluster subdivision plan, they now wished to submit an application and map proposing a conventional subdivision. Ms. Welch said that the revised plan would not allow any further subdivision, which she believed was the Board's goal, while relieving the applicants of the necessity of placing a conservation easement. She said that the revised plan retained the shared driveway and the building envelopes from the previous plan and that the lots had preliminary Health Department approval.

Michele Greig reviewed the GreenPlan memo for the project, saying that the significant changes in the revised plan would require the applicants to start over with a request for sketch plan endorsement. She said that the revised plan was not consistent with the Important Farmlands Law in the Zoning regulations, since the parcel was within the Certified Agricultural District and also contained Statewide significant soils.

Ms. Welch said that the building envelopes had remained the same—only the ownership of the hay field had changed under the revised plan.

The Board generally agreed that the previous plan's single ownership of the hayfield was preferable to the divided ownership shown on the new plan. The members also agreed that the previous plan was more consistent with Town zoning regulations.

Asked whether the applicants had fully explored various conservation easement options, Ms. Welch said that she did not know for sure. The Board suggested that the applicants contact local Land Trusts and investigate the Town's conservation easement program. Ms. Welch asked that the project be tabled until she could confer with her clients.

### **Anne Garelick – 130 Crestwood Road – Minor Subdivision**

Before discussion began on this project, Sam Harkins indicated that while he was related to the applicant, he had no financial, ownership or access interest in the project, so he did not recuse himself from the discussion.

Marie Welch, L.S. was present for continued discussion of application for subdivision plat approval to create one new residential lot of + 4.280 acres and one remaining lands lot of ± 9.388 acres from a ± 13.668 acre parcel in the RD3 Zoning District. She said that she had submitted the soil tests requested by the Board when the project was last discussed.

Christine Kane reviewed points discussed at previous meetings and summarized comments submitted by the Agriculture and Open Space Committee on January 5, 2009. She said that the AOSC letter stated that, contrary to the declaration on the project application, hay bales on the field indicated that the field was in fact being actively farmed. The Committee also recommended that permanent access to the hay field be maintained and that the current treed area be preserved to provide a buffer for the agricultural land. Ms. Welch reminded the Board that the project parcel was not in the Certified Agricultural District.

The Board discussed various configurations for the subdivision and the impacts each configuration would have on the neighboring farms and on the future residence. The Board agreed that creating a smaller residential lot would leave more land in the agricultural lot, but they also found that that the additional land was a wetland and that the configuration would create two neighbors for a farmer instead of just one. The Board also found that the better soils were found only toward the rear of the larger lot and did not extend into the smaller proposed lot.

The Board also discussed the issue of possible segmentation. Ms. Welch said that Mrs. Garelick was creating this lot for one of her two children but was not contemplating additional subdivision at this time. Michele Greig said that segmentation was always a consideration in agricultural zoning.

Finally, the Board discussed the proposed building envelope, the slope, and the trees nearby.

The Board members then agreed to conduct individual site visits to the property as their schedules permitted. Ms. Welch said she would contact Mrs. Garelick to apprise her of the visits.

### **REGULAR SESSION – NEW BUSINESS**

**Michael Anderson – 60 Station Hill Road – Certificate of Appropriateness**

Steve Dunning was present with an application for Certificate of Appropriateness to construct a 6 ft. high wrought iron fence, pillars and a gate along the front of a 0.85-acre parcel in the Hamlet Zoning District.

Mr. Dunning said that Mr. Anderson wished a simple, inconspicuous fence along the front of his property to keep out deer. He said that a gate and side pillars would be installed at the driveway. He said that he knew that the height of the fence would need a variance and that the project was on the October 14, 2009 Zoning Board of Appeals agenda.

Charlie Laing made a motion to determine the plan to be a Type 2 project under SEQR. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board then referred the project to the Hamlet/Design Review Committee and set a public hearing for November 16, 2009.

**Adjournment**

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

Respectfully submitted,

Paula Schoonmaker

**Attachments**

Resolution granting Subdivision Plat approval to Lexann Acres, LLC  
Resolution granting Special Permit to Dean Bloch and Gail Wolfe  
Resolution granting Certificate of Appropriateness to Dean Bloch and Gail Wolfe  
Negative SEQR Declaration for the Daniel Colnaghi Lot Line Alteration

## Resolution Granting Final Subdivision Plat Approval to Lexann Subdivision

**Name of Project:** Lexann Acres Subdivision

**Name of Applicant:** Lexann Acres, Inc.

**Date:** October 5, 2009

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated August 6, 2009 to the Town of Red Hook Planning Board to subdivide a  $\pm 18.306$  acre parcel of land (Tax Parcel No. 134889-6172-00-994108) into four residential building lots ranging in size from  $\pm 1.17$  acres to  $\pm 12.6$  acres located on Middle Road in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Final Subdivision Plat prepared by Mark R. Graminski PE & LS dated July 24, 2009 and revised August 6, 2009 and Sept. 15, 2009; and

**Whereas,** the parcel is located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated July 24, 2009, 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 Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee dated September 14, 2009 in its review of the application; and

**Whereas,** on August 17, 2009, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA;

**Whereas,** on September 21, 2009, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated August 3, 2009 and revised August 17, 2009 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,** the Town of Red Hook Highway Department inspected and approved the proposed driveway locations; and

**Whereas,** on September 21, 2009, the Planning Board conducted a public hearing on the Subdivision Plat application which hearing was continued on October 5, 2009, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board now wishes to grant Final Subdivision Plat approval to Lexann Acres Inc. to subdivide a  $\pm$  18.306 acre parcel of land into four residential building lots.

**Now therefore be it resolved,** that the Planning Board hereby grants Final Subdivision Plat approval to Lexann Acres Inc. to subdivide a  $\pm$  18.306 acre parcel of land (Tax Parcel No. 134889-6172-00-994108) into four residential building lots ranging in size from  $\pm$  1.17 acres to  $\pm$  12.6 acres located on Middle 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.
- B. That the applicant submits the conservation easement for Lot 1 in final form acceptable to the Planning Board, files the easement in the Dutchess County Clerk's Office simultaneously with the filing of the final plat, and provides the Planning Board with a record of the easement filing.
- C. That the plat be revised to include a note that no building permit shall be issued for any of the four lots until the conservation easement for Lot 1 has been filed in the Dutchess County Clerk's Office.
- D. That the applicant submits the Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board, files the agreement in the Dutchess County Clerk's Office simultaneously with the filing of the final plat, and provides the Planning Board with a record of the agreement filing.
- E. That the plat be revised to include a note that no building permit shall be issued for any of the four lots until the Common Use and Maintenance Agreement for the shared driveway has been filed in 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.
- G. Payment of recreation fee to the Town of Red Hook.
- H. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- I. 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 P.E. and L.S. stamps and signatures.
- J. That the plat be revised to show the right-of-way along the west side of the road northeast of the subject lands, and the surveyed location of the trees located in or hanging over the right-of-way in this area.
- K. That the trees shown on the plat in the area delineated in Condition J. above be trimmed the minimum amount necessary, as determined by the Highway Superintendent, to create adequate and safe sight distance for the proposed common driveway.

L. Review and approval by the Town Engineer of the profile, grading and drainage of the proposed common driveway.

On a motion by Sam Harkins, seconded by Wil LaBossier, and a vote of 4 for, 0 against, and 2 absent, this

Resolution adopted on October 5, 2009.

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

\_\_\_\_\_  
Paula Schoonmaker, Ass't Clerk to the Board

\_\_\_\_\_  
Date

## Resolution Granting Special Use Permit Approval to Dean Bloch & Gail Wolfe

**Name of Project:** Dean Bloch & Gail Wolfe Special Use Permit

**Name of Applicant:** Dean Bloch & Gail Wolfe

**Date:** October 5, 2009

**Whereas,** the applicant has submitted an application for Special Use Permit Approval dated August 27, 2009 to the Town of Red Hook Planning Board to install solar thermal panels on an existing building on a  $\pm$  0.47 acre of land located at 21 Steamboat Dock Lane (TMP# 15-6073-00-932010), in the Hamlet (H) Zoning District in the Town of Red Hook, Dutchess County, New York; 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) ( 10 ) and, therefore, SEQR does not apply; and

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

**Whereas,** the Planning Board referred the project to the Town of Red Hook Hamlet and Design Review Committee, which determined the project to be acceptable in the Hamlet Zoning District; and

**Whereas,** on October 5, 2009 the Planning Board conducted a public hearing on the Special Permit application at which time all interested persons were given the opportunity to speak; 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 to issue a Building Permit 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.

On a motion by Wil LaBossier , seconded by Sam Harkins , and a vote of 5 in favor, 0 against, and 1 absent.

Resolution adopted October 5, 2009

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

\_\_\_\_\_  
Betty Mae Van Parys Clerk to the Board

\_\_\_\_\_  
Date

**Town of Red Hook Planning Board  
CERTIFICATE OF APPROPRIATENESS**

Date: October 5, 2009

For: Dean Bloch & Gail Wolfe    Tax Parcel # 6173-00-932010-0000

The applicants own  $\pm$ 0.47 acres at 21 Steamboat Dock Lane in the Hamlet of Barrytown. They wish to install solar thermal panels on an existing building on the property.

The application, survey, and related documents were sent to the Hamlet/Design Review Committee on September 22, 2009

The Hamlet/Design Review Committee reviewed the proposed changes and submitted its comments to the Planning Board on October 5, 2009. The Committee recommended that the Planning Board issue the Certificate of Appropriateness

A public hearing was held October 5, 2009.

The Planning Board has reviewed and discussed the proposed plans and determined that the proposed installation is compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Dean Bloch and Gail Wolfe for the proposed installation as described above.

Certified by: \_\_\_\_\_ Date: \_\_\_\_\_  
                  Clerk

**617.7**

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

Notice of Determination of Non-Significance

**Date of Adoption:** October 5, 2009

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:** Daniel Colnaghi Lot Line Alteration

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to convey ± 0.67 acres of land from a ± 7.55 acre parcel of land (Tax Parcel No. 6172-00-580970) to a ± 5.27 acre parcel of land (Tax Parcel No. 6172-00-620967); and to convey ± 0.508 acres of land from the afore-mentioned 5.27-acre parcel of land to the afore-mentioned ± 7.55 acre parcel in the RD 3 Zoning District.

**Location:** NYS Routes 199 and 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 Full Environmental Assessment Form (EAF) for the action dated August 6, 2009, 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 500' of a farm operation located within a NYS certified agricultural district (Agricultural District 20). The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. 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 Planning Board considered comments from the Town's Agricultural and Open Space Advisory Committee and on the Agricultural Data Statement in its review of the application and determined that the proposed lot line alterations are minor and are not anticipated to have any significant adverse environmental impacts on agricultural resources.
4. The project site is located in the Hudson River National Historic Landmark District, which is on the State and National Registers of Historic Places. It is also located within an area identified by the New York State Office of Parks, Recreation and Historic Preservation as sensitive for archaeological resources. However, no new lots would be created by the proposed action and no development is proposed as part of this action. Therefore, no significant adverse environmental impacts on cultural and historic resources are anticipated.
5. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board has reviewed the LWRP policies and has determined that the proposed action is consistent with the coastal policies.
6. The Planning Board has determined that no new residential building lots or dwelling units would result from the proposed action and has therefore determined that the action will not create a need for recreational land and facilities.

**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)  
Sue Crane, Town Supervisor  
Town of Red Hook Town Board  
New York State Department of Transportation  
Daniel Colnaghi (Applicant)  
NYS DEC Environmental Notice Bulletin  
[enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

**Interested Agencies:**

Hudson River Heritage  
NYS Office of Parks, Recreation, and Historic Preservation