

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**October 19, 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, Pat Kelly, Sam Harkins, and Wil LaBossier. Alternate Kris Munn was also present. Sam Phelan was absent.

**BUSINESS SESSION**

Christine Kane confirmed the agenda as published. She then announced that at its September 23, 2009 meeting, the Town Board had approved a \$50 application fee for a Certificate of Appropriateness. She also announced that the Land Use Leadership Alliance of Pace University was sponsoring a day-long Leadership Training Program on Friday, December 4, 2009 at the Wallace Center in the FDR Library at Hyde Park. Third, she announced a Dutchess County Planning Federation program entitled “How to Read a Site Plan” to be given October 28, 2009 from 7-9pm at the Farm and Home Center in Millbrook. She urged all members to consider going to one or both of these programs.

The October 5, 2009 draft minutes had been circulated and reviewed. Wil LaBossier made a motion to approve the minutes as written. Sam Harkins seconded the motion, and all members present voted in favor.

**PUBLIC HEARINGS**

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

Bob Juliano of Bottini Fuel was present for the public hearing on 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.

Christine Kane read the public hearing notice that appeared October 13, 2009 in the Kingston Daily Freeman.

Mr. Juliano explained the project, outlining the state-of-the-art safety measures, describing a meeting with the NYS Department of Transportation, and noting that the proposed bulb in the exterior light had been changed to a 50 watt incandescent bulb.

Christine Kane then opened the hearing for public comment. There were no comments from the audience. Christine Kane then read a letter dated October 19, 2009 from Dawn Williams of the Real Estate Division of the NYS Department of Transportation. Ms. Williams stated that the Department anticipated issuing a Use and Occupancy Permit to the applicants for the parking spaces that extended into the DOT right-of-way. Christine Kane also read note from Hank Van Parys, 12 Trow Blvd., who suggested hiring an engineer to oversee the safety features of the

facility. Finally, she read a letter dated October 19, 2009 from David Seymour, a Village of Red Hook Trustee, who stated that after meeting with representatives from Bottini Fuel and with engineer Mark Day of the Chazen Companies, the Village was confident that the project was following all state, federal and local safety guidelines.

Mr. Juliano confirmed that the facility had undergone and would continue to undergo rigorous inspections by the NYS Department of Environmental Conservation and that it had a Bulk Storage Permit from that agency. He said that he would submit a copy of that permit to the Board.

The Board asked whether the entire parcel had been surveyed for the newest revised plan. Mr. Juliano said that, because of several unusual circumstances, the cost of doing so was very high, so only the area used by Bottini had been surveyed. He said that Bottini did not own the parcel and that several other businesses were also located on the parcel.

The Board discussed the privacy slats and the various species of vegetation used for screening and found the visual buffer to be adequate.

The Board reviewed a GreenPlan memo and found several points to be outstanding before the plan would be acceptable: the entire parcel must be accurately surveyed, the depiction of the parcel must be reduced so that structures within 100 ft. of the parcel may be located (not surveyed) on the plan, the height of the light pole must be noted on the plan, the word "incandescent" should be added to the plan to specify the type of bulb, cut sheets for the light fixture should be submitted, the proposed new location for two sheds at the rear of the tanks should be shown on the plan, a letter from Arnold Colburn giving permission to move the sheds should be submitted, and a color chip or swatch showing the forest green color proposed for the tanks should be submitted.

The owner of the parcel, Arnold Colburn, had recently arrived at the meeting and had several questions about the site plan requirements.

The Board then reviewed the EAF part 1 and completed part 2. Sam Harkins then made a motion to adopt a Negative SEQR Declaration for the project. Pat Kelly seconded the motion, and all members present voted in favor.

Kris Munn said that an expanded plan showing nearby structures might show something of concern. The Board agreed and continued the public hearing to October 19, 2009.

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

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

Christine Kane read the public hearing notice that appeared October 13, 2009 in the Kingston Daily Freeman.

Marie Welch explained the project, saying that the flag strip was needed to comply with Town Zoning regulations and that its use as an access would be prohibited.

Christine Kane then opened the hearing for public comments. There were none.

Ms. Welch said that she had moved the note prohibiting use of the flag strip as an access for lot 3B to a more visible location on the map, near that lot. She also said that she had faxed a draft driveway maintenance agreement to Mr. Colnaghi for his review.

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

The Board then reviewed a draft resolution granting conditional plat approval to the Lot Line Alteration. Pat Kelly made a motion to adopt that resolution. Wil LaBossier seconded the motion, and all members present voted in favor.

## **REGULAR SESSION – OLD BUSINESS**

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

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

Marie Welch, L.S. was present for continued discussion of an 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.

Christine Kane read e-mails from Charlie Laing and Sam Phelan, who reported on their separate visits to the Garelick property. Pat Kelly also reported on his site visit. All three members were in favor of tucking the building envelope into an existing wooded area, and all believed that the proposed lot configuration would not hinder the continued agricultural use of the statewide important soils at the rear of the large lot.

Marie Welch presented a drawing forwarded to her by Mrs. Garelick's engineer. The drawing showed a proposed building envelope, septic system area and septic system expansion area. The Board generally agreed that the locations of these improvements would preserve the scenic road and would not impede the nearby agriculture.

Christine Kane asked Ms. Welch to develop some language prohibiting the clear cutting of trees around the proposed building envelope.

The Board then scheduled a public hearing for November 2, 2009.

### **Dunkin' Donuts – NYS Route 9 – Amended Site Plan**

Jeff Schiller, P.E. with Morris Associates, Mario Sardinia and Nelson Sousa were present 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. Schiller said that the two topics of discussion were traffic flow through the site and the architecture of the building. He said that the applicants had talked to the Town Engineer and the planner about how to collect the requested traffic data. He then distributed a peak-hour

traffic study report, noting, however, that the report did not reflect the traffic that would result from implementation of the new plan with its menu board and remote ordering.

Wil LaBossier noted that the faster, more efficient drive-thru system might encourage more people to use the drive-thru window, thus increasing traffic toward the rear of the parcel.

Mr. Schiller said that the proposed plan would likely eliminate the threat of stacking cars out to Route 9. He said that the circulation plan had been successfully implemented at other Dunkin Donuts facilities.

Christine Kane said that the Board was concerned not only with the drive-thru traffic and stacking but also with pedestrians, parking, and the traffic to and from the additional business on the site. The Board agreed that the new plan improved the stacking issue but created other problems.

Mr. Sardinia suggested removing one of the parking spaces in front of the store to improve sight distance for those turning left out of the drive-thru lane and installing stop signs to improve pedestrian safety. He noted that the location of the drive-thru window would not change.

The applicants said that the existing drive-thru lane would become a delivery access to the back of the store. They said that an 18-wheeled delivery truck would back into that lane twice a week around 11 a.m. Christine Kane said that such a truck backing up in an area where simultaneously cars were headed forward to a drive thru window and other cars were backing out of parking spaces from different directions might further compound already significant problems. The applicants disagreed, saying that one of the delivery persons would direct traffic while the other backed the truck into the delivery lane.

Addressing the specific area between the Dunkin Donuts and the Apple A Day Diner and the various car, truck and pedestrian activities there, the applicants offered to install speed bumps to slow traffic. Christine Kane wondered whether speed bumps might cause problems for people backing out of the parking spaces in front of both businesses. Mr. Schiller said that the parking spaces in front of the two businesses measured 9 ft. x 19 ft. and the aisle measured 26 ft. The applicants then agreed to consider installing a slightly elevated pedestrian crosswalk that would double as a speed bump. They also agreed to consider widening the concrete strip along the parking area to create a sidewalk.

The applicants then presented revised building elevations. Christine Kane said that the new elevations were an improvement but did not yet reflect the historic and rural character of Red Hook. She cited the roofline and façade of the Dunkin Donuts in Hyde Park as a successful effort by that business to fit into that community. She added that Red Hook was a Greenway community and the Greenway guidelines encourage the use of materials and designs that are in keeping with the neighborhood.

The Board generally agreed that the applicants should consider a higher roofline and steeper gables. Christine Kane also asked them to consider an enclosure for the added freezer compartment at the rear of the store or to in some other way more fully integrate that addition with the rest of the store.

Mr. Schiller said that he knew the applicants must submit a schedule for signage for the entire site. The Board reviewed a signage variance granted by the ZBA in 1994 that allowed a 6 ft. x 3 ft. internally lit, freestanding sign. The applicants said that the new sign would be externally

down-lit in conformance with the Town's exterior lighting regulations. They said that the current planter box at the bottom of the sign would be retained, and that the new sign would be approximately 15 feet from NYS Route 9.

## **REGULAR SESSION – NEW BUSINESS**

### **Estate of Peter Bulkeley – West Kerley Corners Rd. – Minor Subdivision**

Bob Zimmerman, L.S. and David Bulkeley were present with an application for Subdivision Plat approval to subdivide a 0.63-acre lot from a 118.63-acre parcel, in the RD3 Zoning District and in Certified Agricultural District 20.

Mr. Zimmerman explained the project saying that it was part of a larger plan that also involved placing a conservation easement with Winnakee Land Trust over the remaining lands lot. The Board reviewed a GreenPlan memo, and Mr. Zimmerman said that he had made the requested changes to the full EAF part 1 earlier that day. He said that he had also added the requested notes to the plat.

Christine Kane summarized a letter dated October 15, 2009 from Lucy Hayden at Winnakee Land Trust. The letter confirmed that the easement had already been placed and that the Land Trust fully supported this proposed subdivision. Mr. Bulkeley said that the easement had been finalized in the spring of 2009.

Because the Heermance/Bulkeley house was listed on the State and National Registers of Historic Places, the Board determined the project to be a Type 1 action under SEQR. Mr. Zimmerman pointed out that he had already received Health Department approval for the project. Since there were no other involved agencies requiring circulation, Pat Kelly 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 then referred the project to the Agriculture and Open Space Advisory Committee and scheduled a public hearing for November 2, 2009.

## **OTHER BUSINESS**

### **Jeff Golden – mural at Hardscrabble Plaza**

Jeff Golden came before the Board and said that he wanted to install a 4' x 8' mural at the southwest end of Hardscrabble Plaza. He said that the mural would commemorate the history of and contributions made by local native American tribes. He said further that such commemoration was proper during this quadricentennial celebration year.

Mr. Golden said that he had received permission from the Plaza's owner, Todd Baright, to install the mural at the designated location and that he had submitted photos showing that the mural would not cause disability access or sight distance problems. He said that the total project would be made of wood, with a small overhanging roof and some low wattage external lights that would comply with the Town's exterior lighting regulations. The Board members agreed that the back of the mural should be painted a darker color so as not to cause glare from the headlights of northbound traffic on Route 9 and that it should be finished with an anti-graffiti coating.

Mr. Golden said that a building permit was required for the project and that he had submitted a site plan application, but he requested that the remaining requirements for a full site plan review be waived.

Citing Section 143-114C(1) of the Town Zoning Code, Sam Harkins made a motion to find the project "limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this Article." Pat Kelly seconded the motion, and all members present voted in favor.

### **Proposed Zoning changes**

The Board reviewed a letter from Zoning Enforcement Officer Bob Fennell that proposed changes to the Zoning regulations regarding fences and regarding home occupations. The Board generally agreed with the recommendations. Sam Harkins said that Red Hook Village had recently adopted a new fence law and that he would forward a copy to the Town.

The Board was particularly supportive of Mr. Fennell's proposed changes to the regulations regarding home occupations. Kris Munn wondered whether an increased load on utilities, beyond normal residential use, should be included as an impact that would trigger a home occupation review. The Board generally agreed to send a memo to the Zoning Review Committee in support of the proposed changes.

### **Recreation fee language**

The Board reviewed the "Payment in Lieu of Dedication of Recreation Land" section of its Fee Schedule. The clerk said that approximately two years ago, the Board had agreed that the language concerning possible exemption from the recreation fee should be clarified and that new draft language had been approved by the Planning Board.

The Board generally agreed that the clerk should investigate whether that draft language had ever been forwarded to the Town Board. If not, a memo recommending adoption of that clarifying language should be sent to the Town Board for its consideration.

### **ADJOURNMENT**

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

Respectfully submitted,

Paula Schoonmaker

### **Attachments**

Negative SEQR Declaration for the Red Hook Terminal/Bottini Fuel Propane Storage Tank project  
Resolution granting Lot Line Alteration approval to Daniel Colnaghi

617.7

State Environmental Quality Review (SEQR)  
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: October 19, 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: Bottini--Red Hook Terminal

SEQR Status: Type I   
Unlisted

Conditioned Negative Declaration:  YES  
 NO

Description of Action: The applicant proposes to replace a 20,000 gallon underground fuel oil storage tank and a 9,000 gallon above ground fuel oil storage tank with two new above ground fuel oil storage tanks, 20,000 and 10,000 gallons in size, on a ± 1.34 acre lot in the B1 Zoning District. The existing bulk fuel storage and distribution facility is a nonconforming use.

Location: 7345 South Broadway, 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 Short Environmental Assessment Form (EAF) for the action dated July 13, 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 proposed new above ground 20,000 and 10,000 gallon fuel oil storage tanks will be installed and maintained in accordance with the requirements of 6 NYCRR Part 612, 613 and 614 subject to issuance of a Bulk Storage Permit from the NYS DEC. The Planning Board has determined that these measures will ensure that no significant adverse environmental impacts to groundwater are anticipated as a result of the proposed action.
4. The project is a legal non-conforming use and no significant adverse environmental impacts to the community's existing plans or goals are anticipated as a result of the action.

**For Further Information:**

Contact Person: Paula Schoonmaker, Planning Board Assistant 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)

## Resolution Granting Final Subdivision Plat Approval to Colnaghi Lot Line Alteration

**Name of Project:** Colnaghi Lot Line Alteration

**Name of Applicant:** Daniel Colnaghi

**Date:** October 19, 2009

**Whereas,** the applicant has submitted an application for Lot Line Alteration/Subdivision Plat approval dated July 24, 2009 to the Town of Red Hook Planning Board to convey  $\pm 0.67$  acres of land from a  $\pm 7.55$  acre parcel of land (Tax Map Parcel No. 6172-00-580970) to a  $\pm 5.27$  acre parcel of land (Tax Map Parcel No. 6172-00-620967); and to convey  $\pm 0.508$  acres of land from the afore-mentioned 5.27-acre parcel of land to the afore-mentioned  $\pm 7.55$  acre parcel in the RD 3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Final Subdivision Plat prepared by Marie T. Welch, L.S. dated July 24, 2009 and revised August 7, 2009 and October 16, 2009; and

**Whereas,** the parcel is located within 500 feet of a farm operation located in a New York State certified 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 parcels; and

**Whereas,** the Planning Board 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 a coordinated review of a Type I Action pursuant to SEQR;

**Whereas,** the subject lands are located within the Town of Red Hook Waterfront Revitalization Area and the Planning Board reviewed the Town's Local Waterfront Revitalization Program and determined on October 5, 2009 that the proposed action is consistent with the coastal policies; and

**Whereas,** on October 5, 2009, the Planning Board, in consideration of the Full Environmental Assessment Form dated August 6, 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 New York State Department of Transportation has reviewed the proposed lot line alterations and, in correspondence dated September 15, 2009, has expressed no concerns regarding access to NYS Routes 199 and 9G; and

**Whereas,** on October 19, 2009, the Planning Board conducted a public hearing on the Subdivision Plat application, 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 Daniel Colnaghi.

**Now therefore be it resolved,** that the Planning Board hereby grants Final Subdivision Plat approval to Daniel Colnaghi to convey  $\pm 0.67$  acres of land from a  $\pm 7.55$  acre parcel of land to a  $\pm 5.27$  acre parcel of land; and to convey  $\pm 0.508$  acres of land from the afore-mentioned 5.27-acre parcel of land to the afore-mentioned  $\pm 7.55$  acre parcel located on NYS Routes 199 and 9G in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant files the "Road Maintenance Agreement" for the existing private road in the Dutchess County Clerk's Office.
- B. That the plat be revised to reference the filing date and document number for the "Road Maintenance Agreement" filed in the Dutchess County Clerk's Office.
- C. 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.
- D. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- E. 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.

On a motion by Pat Kelly, seconded by Wil LaBossier, and a vote of 4 for, 0 against, and 2 absent, this resolution was adopted on October 19, 2009.

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

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Paula Schoonmaker, Assistant Clerk to the Board      Date \_\_\_\_\_