

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
February 1, 2010

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:32 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane and members Charlie Laing, Sam Harkins, Sam Phelan, Kris Munn and Pat Kelly. Wil LaBossier was absent. Also present was planner Michele Greig.

BUSINESS SESSION

Christine Kane confirmed the agenda as published. There were no announcements. The draft minutes from the January 4, 2010 meeting had been circulated to the members and reviewed. Kris Munn made a motion to approve the minutes. Pat Kelly seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

Thomas Hesse & Gwendolyn Bellmann – 211 Barrytown Rd. – Certificate of Appropriateness

Christine Kane said that Gwendolyn Bellmann had requested that the public hearing for her project be continued to the next available meeting. Since the subject of rescheduling or cancelling the second February meeting would be taken up under Other Business, the Board agreed by consensus to address the date of the continuance of this public hearing at that time.

REGULAR SESSION – OLD BUSINESS

Dunkin' Donuts – NYS Route 9 – Amended Site Plan

Jeff Schiller, P.E. with Morris Associates, Rich Besgen, an operations manager with Dunkin Donuts, Mario Sardinha 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.

Michele Greig reviewed the GreenPlan memo saying that the lighting details should be included on the lighting plan, the wall pack light on the building must be shielded, a different shade tree should be chosen since the roots of the proposed silver maple would reach into the septic system, and that additional seasonal plantings should be included on the landscaping plan.

Mr. Schiller said that a previously submitted letter from the NYS Department of Transportation was a conceptual approval for the proposed drainage work on the driveway and that a highway work permit could not be issued until the Planning Board approved the project.

Christine Kane read a letter dated January 26, 2010 from the Town Engineer stating that the applicants had revised their plan to his satisfaction and that he had no further concerns.

She then read a letter from Nancy Guski, chair of the Town Tree Commission. Ms. Guski said that the tree committee recommended keeping the two existing trees along the established tree line and adding an additional shade tree between the building and the freestanding sign. The letter also suggested that the applicants consider installing a rain garden as part of the stormwater drainage system.

Mr. Schiller said all the lights would be fully shielded, including the motion detector light at the rear of the building. He said that the applicants had agreed to install a little leaf linden as the shade tree and that they would incorporate additional seasonal plantings around the building and the sign.

The Board then reviewed a draft approval resolution, adding the condition that the applicants address comments 1 and 2 of the GreenPlan memo regarding lighting and landscaping. Charlie Laing made a motion to adopt the resolution as revised. Pat Kelly seconded the motion, and all members present voted in favor.

Oaks @ Lands Kill (formerly Feller Newmark Road Development) – Feller Newmark Road – Sketch Plan for Major Subdivision

Mitch Markay and Mike Bodendorf were present with a revised application for sketch plan approval to create 11 lots on a \pm 94.5-acre parcel in the RD 3 Zoning District.

After the Board briefly reviewed the subdivision layout submitted in January 2009, Mr. Markay outlined the revised project, saying that the applicants now proposed eleven (11) lots on two tax parcels. He said that 81% (\pm 76.48 acres) of the \pm 94.5 acres of land, comprised of two adjoining parcels, would remain open space and that a private road would provide access to the clustered lots. He said that the applicants had already met with the Dutchess County Health Department about the proposed community septic system and that the agency had not been opposed to the plan.

Mr. Markay went on to say that the proposed layout met many of the objectives of the cluster regulations including preservation of open space and protection of wetlands. He said that there was already residential development in the area and that this cluster would be set back and so would be nearly invisible from the road. He said that the applicants were planning to build the 3-bedroom homes. Asked whether the applicants were still proposing modular construction, he said that that plan was still possible.

Mr. Bodendorf noted that the site presented several constraints to the project. He said that soil tests had indicated deep, well-drained soils where the community septic system, comprised of absorption beds, was planned. Ms. Greig noted that these were soils of statewide importance. Mr. Bodendorf said that the applicants had had the wetlands delineated by a private firm.

Asked about the history of the parcel, Mr. Markay said that it probably had been a family farm and that an abandoned house was still present on the property. He said that a homeowners' association would own and maintain the road, the community septic system and the open space. He said that the applicants had approached Winnakee Land Trust about an easement on the open space and that Winnakee had been interested in talking further. The Board and Mr. Markay discussed whether the open space could be open to the public and how it could be accessed. He said that there was a possible sale of the open space to a third party who would continue to pursue the conservation easement.

Mr. Bodendorf said that the average lot size would be between 1 and 2 acres. He said that the applicants were proposing rain gardens on the individual lots to control stormwater runoff and a drainage system of retention areas for runoff along the private road. Mr. Bodendorf said that currently DEC will allow only 1,000 sq. ft. for a rain garden, which he believed to be insufficient in some cases.

The Board and the applicants discussed the DEC wetland and the several federal wetlands on the property. Mr. Bodendorf said that while the applicants' experts had delineated the large wetland, DEC had not validated that mapping. Ms. Greig reminded the applicants that there could be no building within 100 feet of the DEC wetland. She also said that the Army Corps (federal) wetlands around the residential cluster should undergo third party verification since a certain percentage of each lot must be outside of any wetland. She directed the applicants to Section 143-23 of the Zoning regulations. She said that some of the lots might have to be enlarged to comply. She said that the applicants should get the DEC wetland validated before settling on final lot sizes and locations.

Ms. Greig said that Section 143-33 required at least $\frac{3}{4}$ of an acre for a residential lot in a clustered subdivision in the RD3 Zoning district and that the Planning Board appeared to have no leeway to reduce that size without a variance. She said that a conservation subdivision would allow smaller lots but that this project was not subject to the Important Farmlands Law. She said that the proposed Centers and Greenspaces zoning amendments would also allow for smaller lot sizes.

The Board and the applicants discussed the effect that the proposed Centers and Greenspaces zoning changes would have on this project. Mr. Markay asked what level of approval a project must attain before it could not be affected by the new zoning changes. Christine Kane said that the Town Board would determine that question and that the Board would try to find out more information.

Christine Kane said that the fact that the proposed private road was a cul-de-sac raised some serious issues and that the Town Highway department had clearly stated that it did not want to see any more cul-de-sacs approved. Mr. Markay noted that this would be a private, not a Town, road. Christine Kane said that frequently homeowners along a private road eventually petition the Town to take ownership of the road. The Board noted that emergency services had to cope with cul-de-sacs whether they were public or private and that the Red Hook Fire Department had recently communicated its concerns about its inability to access houses if there was a tree or wire down across such a road. Ms. Greig informed the applicants that a private road must be built to town specifications. Mr. Bodendorf said that he had been unaware of this requirement and that the applicants had wished to build a narrower road with less environmental impact. Christine Kane said that if the applicants wanted to narrow the private road, it would become a shared driveway, accessible by only four (4) lots. The Board and the applicants discussed the possibility of making the road a loop but found that because the parcel was essentially a large flag lot and was constrained by slopes and wetlands, that possibility was slim. Sam Phelan said that he had concerns about a homeowners association owning and maintaining the road.

The Board also expressed concerns over the proposed ownership of the community septic system by the homeowners' association. Ms. Greig said that a transportation corporation could initially own the system and then transfer ownership and maintenance to Dutchess County Water and Wastewater.

The Board then reviewed the GreenPlan memo, noting that the EAF should be minimally revised before SEQR circulation and that the project must be classified as a major subdivision and so stated on the sketch plan.

The Board discussed Section 143-33B(9) of the Zoning code which stated that the front-, side- or back-yards around perimeter of the residential cluster must be double those required in the zoning district to provide a perimeter “buffer” between the subdivision and the surrounding parcels. Ms. Greig said that the proposed location for the community septic extended into that “buffer” area but that the Board had the power to waive that setback requirement. Mr. Bodendorf said that because of the soils, the location of the community septic in that specific area was critical to the project. Ms. Greig said that one or two of the lots would also be affected by this regulation.

Ms. Greig said that because of the various wetlands and other natural features, a habitat assessment should be done. She also said that the applicants must submit an Ag Data statement. Charlie Laing said that the property potentially contained significant habitats and that the Board should consider how that assessment should be done.

Christine Kane said that the project parcel was adjacent to active agricultural land and that the Board would need to have more information about the activities on the adjacent parcels. The applicants said that they would submit that information, including aerial photographs and overlays.

The Board discussed a visit to the site but agreed to schedule such a visit after more information had been submitted.

The Board asked the applicants to locate the wells of nearby houses. Christine Kane also noted that because the proposed septic had a 36-bedroom capacity and the proposed residences already would have 33 bedrooms, the deeds and plats must contain strong language prohibiting accessory apartments and/or the conversion of garages or basements into extra bedrooms.

REGULAR SESSION-NEW BUSINESS

Bard College/Village Dormitory Expansion –New Village Lane - Amended Site Plan

Chuck Simmons from Bard College and Pete Setaro, P.E. of Morris Associates were present with an application for Amended Site Plan approval to build two (2) dormitories of 6,000 sq. ft. each and one dormitory of 4,600 sq. ft. on a + 500-acre parcel in the Institutional (I) Zoning District and the National Historic Landmarks District.

After relating the history of the Village Dorm expansions, Mr. Setaro said that the project was comprised of two different building designs. While the rectangular building would be the same size as the dorms to the east along Annandale Road, its style would be an extension of the other dormitories in the row to the south. The “L” shaped dorms would have the same design as phase 1 of the Village Dorm project.

Mr. Setaro said that the proposed dorms would use existing geothermal wells for heating and cooling and that all the other needed infrastructure – parking, electrical conduits, water and septic pipes, path lighting, etc.—had been installed when the two dorms on Annandale Road were built in 2005. He said that a few wall packs using compact florescent bulbs would be installed under the soffits. He also said that there would be no driveways or roads among the

buildings, only footpaths. He said that there were still normally 35 empty spaces in the nearest parking area.

Mr. Setaro went on to say that the archaeology shovel tests had been done in 2005 and that Bard archaeologist Christopher Lindner would contact the NYS Office of Parks, Recreation and Historic Preservation.

Ms. Greig summarized her GreenPlan memo saying that the applicants needed to submit a true site plan map with the rectangular building shown as proposed, a location map, etc. She said that they should also update the EAF and application to include the rectangular building.

She also said that the proposed 86 new beds significantly exceeded those proposed on the most recent amended Master Plan and that the Board should decide whether a new amended Master Plan was needed.

The Board determined the project to be a Type 1 action under SEQR. DEC was found to be the only involved agency, and NYSOPRHP and Hudson River Heritage were found to be interested agencies. Ms. Greig said that the project could be circulated once the revised documents and plans were submitted. She also said that when additional building elevations were received, the project could be sent to the Dutchess County Office of Planning and Development under GML 239m. Charlie Laing made a motion to establish the Board's intent to serve as Lead Agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The project was scheduled for the next available meeting.

OTHER BUSINESS

Next meeting date

Since February 15 was Presidents' Day, the Board generally agreed to schedule the next meeting for Monday, March 1, 2010.

Thomas Hesse & Gwendolyn Bellmann – 211 Barrytown Rd. – Certificate of Appropriateness (deferred from the beginning of the meeting)

At the request of the applicants, the public hearing was continued to March 1, 2010. The Board generally agreed, however, to inform the applicants that they must either appear on that date or start over, since it had been 3 months since the project had been advertized. The Board also agreed that the applicants must bring new plans to the Board for review and referral to the Hamlet Committee if significant changes had been made to the project.

Scenic Roads

Christine Kane said that the Town Board was considering moving ahead with new Scenic Roads regulations and an overlay map. She said that draft regulations for Scenic Roads had been written but that these regulations assumed that the Centers and Greenspaces zoning changes had already been adopted. She said that in order to be adopted now, the regulations would have to be rewritten to fit the current zoning code and then rewritten again if and when the proposed zoning changes were adopted.

The Board generally agreed to review the draft Scenic Roads regulations and send comments to the Chair. The members also generally agreed that since there were now few projects under review and none in the foreseeable future involving scenic roads, they would prefer not to distract or delay the review process for the zoning changes and ultimately for the proposed

scenic roads regulations as currently drafted. They also generally agreed that the phrase “to the extent practicable” had caused significant problems for the Planning Board in the past and should not be included in the regulations as had been suggested. Christine Kane said that once she had received the members’ comments, she would draft a letter to the Town Board making these and other points.

Moratorium and project status

The Board discussed whether a moratorium was advisable given the possible effects of zoning changes on projects under review. The members generally agreed that the more important question was how far along a project must be in its review by the Planning Board before it would “have status” and no longer be affected by the adoption of zoning changes. Christine Kane said that the Town Board must make that decision.

Pat Kelly said that the Planning Board would need some training in how to implement the proposed zoning changes should they be adopted.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker, Ass’t Clerk to the Board

Attachment

Resolution granting Amended Site Plan approval to Dunkin Donuts

Resolution Granting Site Plan Approval to Dunkin' Donuts

Name of Project: Dunkin' Donuts at Red Hook

Name of Applicant: Red Hook Donuts, Inc.

Date: February 1, 2010

Whereas, the applicant has submitted an application for Site Plan Approval dated October 22, 2007 and revised November 20, 2009 to the Town of Red Hook Planning Board to expand an existing fast food restaurant, reconfigure the drive-thru and parking, and associated site development and improvements on a ± 2.989 acre parcel of land (Tax Map Parcel No. 134889-6272-00-242393-0000) located at 7329 S. Broadway in the B1 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the Site Plan prepared by Morris Associates, PLLC dated as follows: Sheet 1 dated 10/19/07 and revised 3/7/08, 3/21/08, 12/9/08, 9/4/09, 11/6/09, 11/17/09, 12/23/09, and 1/13/10; Sheets 2 and 4 dated 10/19/07 and revised 3/7/08, 3/21/08, 12/9/08, 9/4/09, 11/6/09, 12/23/09, and 1/13/10; Sheet 3 dated 3/7/08 and revised 3/7/08, 3/21/08, 12/9/08, 9/4/09, 11/6/09, 12/23/09, and 1/13/10; and also reviewed Exterior Elevations prepared by James D. Smith, AIA dated 12/17/09 and revised 11/17/09 [sic], and 1/13/10; and

Whereas, on March 17, 2008, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on January 4, 2010, the Planning Board, in consideration of the Environmental Assessment Form (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 impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; 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 has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on January 4, 2010 the Planning Board conducted a public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak; and

Whereas, the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department recommended in its review dated December 7, 2009 that the Planning Board rely on its own study of the facts in the case with consideration of comments; and

Whereas, the Planning Board reviewed the Special Use permit previously issued for the use and the conditions for a Special Use permit for a “fast food or drive-in restaurant” in § 143-97 of the Zoning Law and determined that amendments to the Special Use permit were not warranted as a result of the proposed action.

Now therefore be it resolved, that the Planning Board grants Site Plan approval to Red Hook Donuts, Inc. to expand an existing fast food restaurant, reconfigure the drive-thru and parking, and associated site development and improvements in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of conceptual approval from the NYS Department of Transportation (NYS DOT) for the work proposed in the DOT right-of-way.
- B. Address comments #1 and #2 of GREENPLAN memo dated January 28, 2010 regarding lighting and landscaping to the satisfaction of the Planning Board.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- D. 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.

On a motion by Charlie Laing, seconded by Pat Kelly, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on February 1, 2010.

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

Paula Schoonmaker, Assistant Clerk to the Board February 2, 2010
Date