

DRAFT
Town of Red Hook Planning Board
Meeting Minutes
March 15, 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 — Deputy Chair Charlie Laing and members Wil LaBossier, Sam Harkins, Kris Munn and Pat Kelly. Sam Phelan arrived later in the meeting. Christine Kane was absent. Planner Michele Greig was also present.

BUSINESS SESSION

Charlie Laing confirmed the agenda as published. There were two announcements. A Conservation Easement Workshop, sponsored by Winnakee Land Trust, was scheduled for March 23 in Staatsburg and also for April 6 in Red Hook. An “Aging in Place in Livable Communities” program was scheduled for April 21 from 1 pm to 4 pm at the Wallace Center in Hyde Park.

The draft minutes from the March 1, 2010 meeting had been circulated to the members and reviewed. Wil LaBossier made a motion to approve those minutes. Pat Kelly seconded the motion, and four members present voted in favor. Kris Munn abstained.

PUBLIC HEARINGS

Dominick and Libera Pozzuto – 466 Budds Corners Rd – Special Permit

Dominick and Libera Pozzuto were present for the public hearing on an application for a Special Permit to establish a one bedroom accessory apartment in an existing residence on a 19.14-acre parcel on Budds Corners Road in the RD3 Zoning District.

Charlie Laing read the public hearing notice that appeared March 9, 2010 in the Kingston Daily Freeman.

Mr. Pozzuto explained the project, saying that the apartment would be located in the basement of the residence and would have its own entrance that opened onto the driveway. He said there was adequate parking and that a new septic system had been installed to handle the additional bedroom. He said that cut sheets of the proposed outdoor lighting fixtures had been faxed by Westchester Modular Homes but that neither he nor the Planning Board had received these faxes.

Charlie Laing then opened the hearing for public comment. There was none.

The Board completed the EAF part 2 and reviewed a draft negative SEQR declaration. Kris Munn made a motion that the Board issue that declaration. Wil LaBossier seconded the motion, and all members present voted in favor.

Since there were still no comments from the public, Kris Munn 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 approval to the Special Permit. The members agreed to add a condition requiring that all outdoor lighting comply with the Town's outdoor lighting standards. The applicants agreed to install either shielded fixtures or fixtures using bulbs of less than 50 watts incandescent. Sam Harkins made a motion to adopt the approval resolution with the added condition. Pat Kelly seconded the motion, and all members present voted in favor.

OTHER BUSINESS

Oaks at Lands Kill

Mitchell Markay had sent a message requesting that the Board schedule a site visit to the proposed development location on Feller Newmark Road. The Board members generally agreed to schedule that visit by email since not all members were currently present.

MC Acres and Kirschner

Mark Graminski reminded the Board that the sketch plan for a proposed subdivision and lot line alteration on Middle Road had been approved in August 2009. He said that the lot configuration at that time required a variance because the lot width at the building line would be less than the required 240 feet. He said that the applicants now wished to reconfigure the proposed lot lines so that the required width would be achieved and thus no variance would be needed. He said that there would be no change in the acreage of either lot with the revision and no change in the shared driveway, the proposed building envelope or the distance between the pond and the building envelope.

Mr. Graminski went on to say that he had been in touch with the DEC about a wetland boundary determination and that the agency had recommended a slight change. He also said that the improvements within the building envelope for Lot #1 would be near the proposed Hucklebush rail trail but not on it.

The Board generally agreed that Mr. Graminski should submit a revised application, EAF pt. 1, and plat with the proposed changes for Board review at the next meeting. Charlie Laing said that if the Board found the revised documents acceptable, a public hearing could be scheduled for the second meeting in April.

(Sam Phelan arrived during the discussion of the next project)

Anderson Commons

Pete Setaro, P.E., and Paul Manza discussed progress that had been made since the Board granted extensions to the development project in December 2009. Mr. Manza said that he had been exploring "green" features that would modify both the Commons site plan and the individual dwelling units. Among them were: polished concrete floors with radiant heating, more robust structures and electrical systems than the building code currently requires, a common geothermal system, optional photovoltaic and solar thermal arrays, gray water recycling, and planning for trails and other recreational uses of the open space area.

Mr. Manza also said that he would like to have the option to relocate the garages so that they were attached to the houses rather than set back near the rear access road. He said that older people usually prefer an attached garage and also if solar hot water or photovoltaic panels were

installed on a garage roof to power or serve the house, as was his plan, the system would be much more efficient if the garage were attached to the house. Ms. Greig disagreed saying that pulling the garages up to the rear of the homes would result in extra parking space in the driveways, which would be unsightly and would allow more cars per residence. She said that attaching the house to the garage might also reduce the usefulness of the backyard, since the yard would now be located to the side and behind the garage rather than between the house and the garage. Mr. Manza said that maybe some garages could be attached and some detached. Ms. Greig said it would be better if they were all detached and set back.

The Board asked the applicants to bring mock-ups or photo simulations of several rear streetscape options.

Mr. Manza also said that he would like to offer full basements rather than crawl spaces in the residences where the water table would allow it. Ms. Greig said that doing so would open the possibility of additional bedrooms, which in turn could overload the capacity of the community septic system. Mr. Manza said that there would be a Homeowner's Association covenant that would prohibit extra bedrooms. He said a basement could provide a storage area or workshop space.

Mr. Setaro said that a preview of the new stormwater regulations had come out in January 2010 and that it opened the door for "greener" stormwater infrastructure. The applicants said that the porous soil in the Commons area should allow the stormwater from 85% of the units to be collected and infiltrated back into the ground, which would allow the retention basins to be reduced and the ground that would have been allocated to stormwater retention put to other uses, such as a community garden. Mr. Setaro said that the applicants had considered cisterns and pervious concrete and asphalt for various uses in the development. The applicants said that while the outline of the new regulations came out in January, the actual detailed regulations were not scheduled to be released until October 2010.

Mr. Manza then discussed the development's possible hook up to the proposed sewer district. He said that the applicants had talked to the Village about such a hook up and that the Village had been receptive to the idea. He said that should the hook up become a reality, construction of the development would have to be phased and timed to coordinate with the building of the sewer district infrastructure. He said that economically, connecting to the sewer district would be advantageous to a homeowner, who would be charged approximately \$800/ year for sewer usage instead of approximately \$1950 to maintain the community septic system. In addition, the land that would have been used for the community septic system could then be used for a community geothermal well field, which would reduce the homeowner's annual energy costs.

Mr. Setaro said that cost estimates for connecting to the sewer district had not been finalized and that dry pipes would probably be placed in strategic locations during construction of the development in anticipation of the hook up. He said that the applicants and the Village had agreed that the development would generate about 13,000 gallons/day and that the sewer district must plan accordingly. He said that system would be gravity fed from the homes to a pump station which in turn would send the material approximately 1,000 feet to the proposed sewer district pipes. He said that part of the development might need a conventional community sewage system, at least for awhile.

Mr. Manza and Mr. Setaro said that review of new regulations, feasibility studies, an examination of the progress of the proposed sewer district and development of new plans incorporating the "green" features would all take time. They said that they did not wish to let the

present approvals expire and then to reapply. They said that they believed the proposed changes were so significant that approval of the revisions would “restart the clock”.

The Board noted that the SEQR review had been conducted by the Village, which subsequently issued a Negative SEQR Declaration. Pete Setaro said that the applicants had been told by the Village Planning Board that their approvals had no expiration date. He said that he would appear before the Village Planning Board to confirm that understanding and to update that board about the proposed changes.

The members generally agreed to gather information about what options for extending the approvals were open to the Board, whether a re-approval process could be streamlined, and what the ramifications of reapplying with an amended project might be. They said they would review pertinent legal opinions and ask for more if necessary. The applicants asked to be placed on the next agenda.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Pozzuto Special Permit
Resolution granting Special Use Permit to Dominick and Libera Pozzuto

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

Notice of Determination of Non-Significance

Date of Adoption: March 15, 2010

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: Dominick and Libera Pozzuto Special Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to establish a one (1) bedroom accessory apartment in an existing residence on a 19.14-acre parcel in the RD3 Zoning District

Location: 466 Budds Corners Road, Town of Red Hook, Dutchess County NY

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 Environmental Assessment Form (EAF) for the action dated February 1, 2010 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).

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)

Resolution Granting Special Use Permit Approval to Dominick & Libera Pozzuto

Name of Project: Dominick and Libera Pozzutto Special Use Permit

Name of Applicant: Dominick and Libera Pozzuto

Date: March 15, 2010

Whereas, the applicant has submitted an application for Special Use Permit Approval dated February 11, 2010 to the Town of Red Hook Planning Board to establish an accessory apartment in an existing residence on a \pm 19.14-acre of land located at 466 Budds Corners Rd (TMP# 15-6273-00319925), in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, on March 1, 2010, the Planning Board, declared itself lead agency for the purpose of conducting a review of an Unlisted action pursuant to SEQR; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-64; and

Whereas, on March 15, 2010, the Planning Board, in consideration of the Short Environmental Assessment Form dated January 16, 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 potential significant adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcel is located within 500 ft. of a certified New York State 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 ft. of the subject parcel; and

Whereas, on March 15, 2010 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 'Accessory apartments within existing family dwellings' as set forth at §143-64.

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.

1. All outside lighting shall comply with the Town of Red Hook's exterior lighting standards, Section 143-27.1.

On a motion by Sam Harkins , seconded by Pat Kelly , and a vote of 5 in favor, 0 against, and 2 absent.

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

Betty Mae Van Parys Clerk to the Board

Date