

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**May 3, 2010**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:42 p.m., and a quorum was determined present for the conduct of business.

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

**BUSINESS SESSION**

Christine Kane said that the MC Acres public hearing would take place at the advertised time of 7:45 p.m. but would precede the Bard Village Dorms public hearing.

There were four announcements. “Retrofitting Sprawl”, a program sponsored by the Congress for New Urbanism was scheduled for May 5<sup>th</sup> in Dobbs Ferry; a “Smart Management for Small Communities” program at Syracuse University was set for June 2; a course in “Watershed and Biodiversity Mapping at a County Scale”, sponsored by the Dutchess County Planning Federation was scheduled for May 13 in Millbrook; and the annual Town Board Breakfast given by Dutchess Land Conservancy was set for May 17, featuring the topic “Empowering Communities to Keep Farming”.

The draft minutes from the April 19, 2010 meeting had been circulated to the members and reviewed. Pat Kelly made a motion to approve those minutes. Sam Harkins seconded the motion, and all members present voted in favor.

**PUBLIC HEARINGS**

**Mc Acres, Inc. & Anna Kirschner – 254 & adjoining parcel on Middle Road –  
Minor Subdivision and Lot Line Alteration**

Mark Graminski was present for the public hearing on an application to swap  $\pm 0.146$  acres between the  $\pm 2.13$ -acre Lands of Anna Kirschner and the adjoining  $\pm 64.627$ -acre Lands of MC Acres, Inc. and to then create two (2) new lots of  $\pm 18.508$  acres and  $\pm 9.013$  acres and a remaining lands lot of  $\pm 37.106$  acres from the Mc Acres, Inc. parcel. All new lot lines lie in the RD3 Zoning District of the Town of Red Hook. The Mc Acres parcel is partly in the Town of Rhinebeck.

Noting that the EAF part 2 had been completed at the previous meeting, the Board reviewed a draft negative SEQR declaration. Kris Munn made a motion to adopt that declaration with no revisions. Sam Harkins seconded the motion, and all members present voted in favor.

Christine Kane read the public hearing notice that appeared in the Kingston Daily Freeman on April 27, 2010.

Mr. Graminski explained the project, discussing the common drive, the building envelopes, the septic systems and wells, the Farmland Protection Plan approved by the Planning Board in 2007, the wetlands, and the existing farm roads. He said that any improvement to the driveway on Lot 2 would require obtaining permits from DEC. He also said that the applicants had attempted to preserve as much open space as possible with this plan and that they had entered into an agreement with Winnakee Land Trust.

Christine Kane then opened the public hearing and asked for comments from the audience. There were none. She then read aloud a letter from J. Paul Vosburgh, dated May 3, 2010. Mr. Vosburgh asked whether a letter from the Planning Board to the Zoning Board of Appeals regarding a previous application by these applicants for a variance, later withdrawn, was still pending. He also maintained that amount of acreage on the project parcel currently farmed for hay had been understated on the applicants' Agricultural Data Statement and thus the impact of the proposed subdivision on agriculture would actually be more significant than portrayed by the applicants. Third, he said that the Farmland Protection Plan had made no provision for a land swap. Finally, he asked that documents be corrected and that the public hearing remain open for 30 days in order to give him and his attorney a chance to review the application documents and respond.

The Board considered each of Mr. Vosburgh's points. The members agreed that the Planning Board letter sent to the ZBA had been in support of the requested variance and that when the application for the variance was withdrawn, the letter became moot.

The Board then considered Mr. Vosburgh's second point. The Board generally agreed that the description of the land cover noted on the Ag Data statement as "hay, trees and wetlands" was accurate. The Board and applicants also agreed, after re-measuring the maps, that the total number of acres under tillage could be  $\pm$  35 acres, rather than the 25 acres noted on the Ag Data statement, but the Board members also agreed that the increased acreage would not have changed the application review, the public hearing notification and circulation procedure or the Board's determination regarding the impact of the proposed subdivision plan on agriculture. Mr. Graminski said that the building envelope for lot 1 had been minimized as much as possible and moved out of the agricultural field, the building envelope for lot 2 was in the woods, not on agricultural land, and the building envelope for lot 3 was essentially in the same location as depicted on the approved Farmland Protection Plan. The Board agreed that the impact of the subdivision plan on agriculture had been reduced to the greatest extent practicable. Mr. Graminski revised the Ag Data statement to reflect the increased number of acres in hay production.

Pat Kelly noted that the letter from Winnakee Land Trust, dated February 6, 2009, stated that the relocation of the building envelope and other changes, made at the Trust's recommendation, had enhanced the conservation value of the land.

Kris Munn said that the Board had reviewed the application documents carefully and had not found the information essential for approval or denial to be inaccurate. Michele Greig wanted to confirm that the subject parcel had been in Agricultural District 20 when the applications were first submitted but had been removed during the renewal period. The applicants confirmed this statement.

Since there were no more public comments, Sam Harkins made a motion to close the public hearing.

At this time, Board considered Paul Vosburgh's request to leave the public hearing open for 30 days. Some members said that since several conditions attached to a conditional approval would take time to meet, two weeks would not make a significant difference in the overall length of time it would take before the plan could be filed. Others said that granting conditional approval would allow the applicants to move forward with the County Health Department and other agencies. In the end, the Board agreed that the revision to the Ag Data Statement would not change the fundamentals of the plan or the Board's review and determination; that the public hearing had been properly noticed, that Ag Data statements had been properly sent out to all farming operations within 500 ft. of the subject parcel; that notice had been sent to the Town of Rhinebeck under GML 239nn; that documents had been available for public review and that Mr. Vosburgh had had ample time to consider the documents and to raise additional objections in his letter.

Pat Kelly then seconded the motion to close the public hearing, and all members present voted in favor.

The Board then reviewed a draft approval resolution and added two conditions: that the proposed driveway access be approved by the Highway Superintendent and that the drainage and driveways be reviewed and approved by the Town Engineer.

Sam Harkins made a motion to adopt the approval resolution as amended. Pat Kelly seconded the motion, and all members present voted in favor.

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

Darin Dekoskie, P.E. and Chuck Simmons from Bard College were present for the public hearing on an application for Amended Site Plan approval to build two (2) dormitories of 6,000 sq. ft. each and one dormitory of 2,500 sq. ft. on a ± 500-acre parcel in the Institutional (I) Zoning District and the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared in the Kingston Daily Freeman on April 27, 2010.

Mr. Dekoskie explained the dormitory construction project. Christine Kane then opened the hearing for public comment. There was none.

The Board first considered review comments from the Town Engineer, who requested a lighting plan and driveway details. He said that the grading plan was acceptable. Mr. Dekoskie said that the college was considering using existing pathway lighting.

The Board then reviewed a GreenPlan memo, specifically focusing on whether Bard had previously conducted a sufficient archaeological review of the area to be disturbed. Michele Greig noted that a letter dated March 3, 2010 from Ken Markunas at the NYS Office of Parks, Recreation and Historic Preservation asked for a site plan and stated that although a preliminary archaeological review had been conducted in part of the project area, similar work should be done on the untested northwest section. Mr. Simmons disagreed, saying that he had a copy of a letter from NYSOPRHP, dated 2005, which stated that the entire project area had been

reviewed and that the agency was satisfied. Ms. Greig said that since the college did not need a sign-off letter from NYSOPRH in order to apply for a SPDES permit, the applicants must demonstrate to the SEQR lead agency, in this case the Planning Board, that shovel tests had been done over the pertinent project area. Mr. Simmons said that he would contact the college archaeologist Christopher Lindner.

The Board also reminded the applicants that they had agreed to submit data showing that existing parking would be adequate for the additional students.

The Board then reviewed a draft Local Waterfront Revitalization Program form and made several revisions. Pat Kelly made a motion to adopt the amended document. Sam Harkins seconded the motion, and all members present voted in favor.

Kris Munn then made a motion to close the public hearing. Pat Kelly seconded the motion, and all members present voted in favor.

The project was tentatively placed on the June 7, 2010 agenda.

## **OTHER BUSINESS**

### **St. Margaret's Archaeology Report**

The Board reviewed the final combined phases 2/3 archaeology report for St. Margaret's Home, prepared by Greenhouse Consultants for Hannaford's Supermarket, fulfilling one of the outstanding conditions of the SEQR review. Sam Harkins made a motion to accept the report. Pat Kelly seconded the motion, and all members present voted in favor.

### **Engineering follow-up**

The Board discussed different types of projects and whether any sort of engineering inspection or certification should take place during and/or after construction. Sam Harkins noted that building inspectors may only inspect a structure, not sidewalks, landscaping, drainage, or other features to ensure that they are being built according to the approved plan.

The Board generally agreed that for smaller projects, a condition could be added to the final approval stating that no Certificate of Occupancy or Certificate of Compliance may be issued until "the responsible design professional certifies in writing that all site improvements are substantially in accordance with approved plans and specifications". For larger projects, especially those in the Business District and those that could impact Town roads, escrow money could be retained to provide for inspections by the Town Engineer. The Board agreed to request recommendations from the Town Engineer about the timing and scope of the inspections as well as the submission of performance bonds.

### **Teviot – building demolition**

Returning to the previous meeting's discussion about the demolition of a cottage-type building on the Teviot estate, Michele Greig said that the issue was not that the proposed demolition of the structure should have triggered an application for Amended Site Plan approval. It would not, she said, because the structure was located outside of the pool and pool house area and outside any other area covered by the Site Plan approval granted in June 2009. Rather, she said, the question was whether the proposed building of a "guest house" on the same site would require a Special Permit, since the construction of a "cottage" or "accessory apartment" requires a Special Permit in the LD Zoning district.

Ascertaining that the new structure would serve a similar residential function as the old building and that the owners would build the new structure on the same footprint and on the existing foundation, Sam Harkins confirmed that, in such cases, no application to the Planning Board is normally required.

The Board generally agreed that either historic preservation regulations were needed so that such buildings could be reviewed and, at the very least, documented before a demolition permit was issued or that the demolition permit regulations could be revised to address such issues. The members agreed to send a memo to the Building Department asking that, until such regulations are enacted, the Planning Board be advised of similar applications for demolition of buildings in historic districts.

#### **ADJOURNMENT**

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

Respectfully submitted,

Paula Schoonmaker

#### **Attachments**

Negative SEQR declaration adopted for MC Acres subdivision  
Conditional Final Subdivision Plat approval granted to MC Acres, Inc.

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: May 3, 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: MC Acres/Kirschner Subdivision

SEQR Status: Type I [ ]
Unlisted [x]

Conditioned Negative Declaration: [ ] YES
[x] NO

Description of Action: The applicant proposes a subdivision and lot line alterations involving two parcels of land, a ± 64.63 acre parcel (of which 6 acres are located in the Town of Rhinbeck), and a ± 2.13 acre parcel. Approximately 0.146 acres of land would be conveyed via a lot line alteration from McAcres to Kirshner, and an equal amount of acreage would be conveyed via a lot line alteration from Kirshner to McAcres. The ± 64.63 acre parcel would be subdivided to create two new lots ± 9.013 acres and ± 18.508 acres in size, with remaining lands of 37.106 acres. All three building lots would be developed with single family dwellings, served by new individual wells and septic disposal systems and a common driveway.

Location: 184 and 254 Middle 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) dated July 24, 2009 and revised March 19, 2010 and for the project, the Planning Board has concluded that environmental

effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. Farming activities occur within 500' of the proposed subdivision. A map note on the subdivision plat gives notice to future purchasers of the proposed lots that farming activities may occur on neighboring lands and may cause noise, odors and dust. A typed document containing the map note regarding farming activities shall be delivered to all prospective purchasers of the lots, and all deeds of the proposed lots will contain references to the map note relative to the hazards and nuisances (noise, odors, and dust) of farming to which residents of such parcels willingly subject themselves, in accordance with Chapter 72 of the Town Code. The proposed project has been designed in accordance with an approved Farmland Protection Plan for the property; the proposed house locations have been located, to the extent possible, away from prime and significant agricultural soils, and the three parcels will be encumbered by a conservation easement that will identify the building envelope on each parcel and will prohibit future subdivision of the lots. An Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board. Based on the foregoing, the Planning Board has determined that no significant adverse environmental impacts to agricultural resources will occur.
4. NYS DEC wetlands are located on the subject parcel. The wetlands were delineated by the applicant's wetland consultant and field verified by a representative of the DEC. The Final Plat will include a DEC Freshwater Wetlands Validation Block signed by the DEC. No disturbance to wetlands or to the 100' adjacent area will occur as a result of the proposed action. The building envelopes of the three lots are located outside of wetlands and buffer areas. An existing farm road will be utilized as the driveway to proposed Lot 2 and a note will be added to the Plat stipulating that if any improvements are made to the existing farm road within the wetland or regulated 100' adjacent area, a permit from the NYS DEC will be required. Based on the foregoing, the Planning Board has determined that no significant adverse environmental impacts to wetlands will occur.
5. A portion of the former Hucklebush railroad right-of-way, which has been identified as a potential trail on the NYS Greenway Future Trails Map, is located on the subject lands. The project has been designed so that all building envelopes with improvements are located away from the railroad right-of-way, with the exception of a single driveway crossing. Thus, impacts to potential future trails have been minimized to the greatest extent practicable.
6. The action will create a need for recreational land and facilities due to the generation of approximately 11 new residents of the Town including 4 new school age children. School-age children place a particularly high demand on the Town's existing recreational facilities. When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Furthermore, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, the applicant will make a recreational fee payment, in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, the Planning Board has determined that no significant adverse environmental impacts to recreational resources will occur.

**For Further Information:**

Contact Person: Paula Schoonmaker, Planning Board Deputy 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)  
7340 South Broadway  
Red Hook, NY 12571

## Resolution Granting Final Subdivision Plat Approval to MC Acres/Kirschner

**Name of Project:** MC Acres/Kirschner Subdivision

**Name of Applicant:** MC Acres Inc. & Anna W. Kirschner

**Date:** May 3, 2010

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated March 19, 2010 to the Town of Red Hook Planning Board to subdivide  $\pm 64.63$  acres of land (Tax Map Parcel Nos. 134889-6271-00-057991 and 135089-6271-00-015801) to create two new lots  $\pm 9.013$  acres and  $\pm 18.508$  acres in size, with remaining lands of  $\pm 37.106$  acres, and to convey via a lot line alteration  $\pm 0.146$  acres of land from MC Acres to Kirschner (Tax Map Parcel No. 134889-6272-00-001040) and an equal amount of land from Kirschner to MC Acres in the RD 3 Zoning District; and

**Whereas,** the parcels are located on Middle Road 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 P.E. and L.S. dated July 24, 2009 and revised August 6, 2009, October 9, 2009, March 18, 2010 and April 19, 2010; and

**Whereas,** the parcel is located within 500' 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 parcel; 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; and

**Whereas,** on May 3, 2010, the Planning Board, in consideration of the Short Environmental Assessment Form dated July 24, 2009 and revised March 19, 2010 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,** on May 3, 2010, 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 MC Acres Inc. and Anna W. Kirschner.

**Now therefore be it resolved,** that the Planning Board hereby grants Final Subdivision Plat approval to MC Acres Inc. and Anna W. Kirschner in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in the EAF.
- B. 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.
- C. That the applicant submits a 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.
- D. That the plat be revised to include a note that no building permit shall be issued for Lots 1, 2, and 3 until the Common Use and Maintenance Agreement for the shared driveway has been filed in the Dutchess County Clerk's Office.
- E. That the applicant submits the conservation easement for Lots 1, 2 and 3 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.
- F. That the plat be revised to include a note that no building permit shall be issued for Lots 1, 2, and 3 until the conservation easement for the lots has been filed in the Dutchess County Clerk's Office.
- G. Submittal of letter from the Town Highway Superintendent approving the proposed driveway location.
- H. That the Town Engineer review and approve the proposed driveway and drainage features.
- I. Payment of recreation fee for two (2) new residential building lots to the Town of Red Hook.
- J. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- K. 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 Sam Harkins, seconded by Pat Kelly, and a vote of 4 for, 0 against, and 3 absent, this resolution adopted on May 3, 2010.

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

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