

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
September 20, 2010

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:37 p.m., and a quorum was determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane said that both the Steiner project and the Stewarts Shops project had been dropped from the evening's agenda at the applicants' request.

Christine Kane said there was one announcement. Law Seminars International was sponsoring a one-day workshop on land use on November 8, 2010.

The draft minutes from the September 7, 2010 meeting 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.

PUBLIC HEARING

Michael Rohatyn – 199 Feller Newmark Rd. – Special Permits

Mark Graminski, P.E. and L.S., was present for the public hearing on two applications for Special Permits, one to allow the construction of a single family residence within 100 ft. of a pond and one to allow the construction of an accessory apartment within a new detached garage, on a + 10-acre parcel in the RD3 Zoning District.

Christine Kane read the public hearing notices that appeared September 14, 2010 in the Kingston Daily Freeman. The Board noted that in the published notice the apartment was incorrectly described as proposed over an "existing" garage, not over a "new" garage. However, since the project under review was the apartment, not the garage, the Board concluded that the public hearing could continue.

Mr. Graminski explained the overall project and why both special permits were needed. Christine Kane then opened the public hearing. There was no public comment.

Mr. Graminski explained the applicant's first proposal—to build a four (4) bedroom residence approximately 39 ft. from an existing pond and a new swimming pool approximately 50 ft. from the pond. He said that the previous residence, which had been destroyed by fire, had been about 36 ft. from the pond. He said that the Dutchess County Health Department had already approved the plans for the water supply and the septic disposal system.

Answering questions posed at the previous meeting, Mr. Graminski said that the pond emptied into the Landskill Creek, which in turn emptied into the Sawkill Creek. He also said that the present pool would remain, as it was integral to the outflow of the pond, and that the small stone building originally planned to be demolished would now be preserved. He said that all setbacks-- for the new house, for the new pool and for the garage and apartment--would comply with the Town's Area and Bulk Regulations.

Sam Phelan said he was concerned about lawn fertilizers running into the pond.

Mr. Graminski said that there was no threat of flooding--that the pond outlet was adequate to handle large volumes of water and that the house would be located at a higher elevation.

The Board reviewed the erosion control and sediment plan. Mr. Graminski said that prior to construction, he must modify the original SPDES permit because of the additional disturbance. He said that the NYS DEC would inspect the work.

Wil LaBossier said that the proposed construction plan for the house and new pool would involve a great deal of disturbance and that he was concerned about erosion into the Landskill.

The Board reviewed the EAF part 1 and completed the EAF part 2. The members noted that the potential for erosion was mitigated by the erosion control plan and by the fact that the proposed new house was farther from the pond than the original house.

The Board then reviewed a draft Negative SEQR Declaration for the first Special Permit. The house size was revised to four (4) bedrooms and a note regarding the increased distance between the house and the pond was added. Pat Kelly then made a motion to adopt the revised neg dec. Sam Phelan seconded the motion, and all members present voted in favor.

Mr. Graminski then discussed the proposed accessory apartment. He said that the apartment would be on the ground floor of the garage, not above it, and that there was a planned storage space or studio above the garage that would be accessed through the apartment. He said there would be no plumbing facilities in that space. The members discussed how to prohibit that space from being turned into an additional bedroom in the future, since the septic system was designed only for the currently proposed five (5) total bedrooms.

The Board completed the part 2 EAF for the second Special Permit, again citing the fact that the potential for erosion would be mitigated by the erosion control plan and by the increased distance between the house and the pond.

The Board reviewed a draft Negative SEQR Declaration, revising the location of the apartment to a space within the garage. Pat Kelly made a motion to adopt the revised neg dec. Wil LaBossier seconded the motion, and all members present voted in favor.

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

The Board then reviewed a draft resolution granting the Special Permit for the accessory apartment. The members added a condition that the space on the second floor of the garage was not to be used for additional habitable space without amending this special permit. Pat Kelly then made a motion to adopt the resolution as revised. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board also reviewed a draft resolution granting a Special Permit for construction within 100 ft. of the pond. The members added three conditions—the first requiring inspections by the Town Engineer of the erosion and sediment control measures both before and during construction, the second requiring the applicant to set up an escrow account to fund those inspections, and the third requiring Dutchess County Health Department approval. Pat Kelly then made a motion to adopt the resolution as revised. Wil LaBossier seconded the motion, and all members present voted in favor.

REGULAR SESSION-NEW BUSINESS

Mark Burton – 438 Route 199 (Sky Park) – Pre-application conference

Mark Burton was present to discuss a preliminary plan to develop 100.9-acre parcel with an existing runway in the RD3 Zoning District.

Christine Kane noted that Mr. Burton had submitted a consent form, signed and dated by the property owner Sky Park LLC, giving Mr. Burton permission to speak about the parcel with the Planning Board.

Mr. Burton said that Sky Park was still listed as a public airport according to the FAA and that he would like to keep the runway intact, mostly for his own private use, not as an integral part of the larger use of the property. He said that he would like to renovate the existing hanger for use as a catering facility, to build private residences for his family and for an operations manager, to construct a small dining hall and to build approximately 12-14 overnight cottages. He said he would also like to provide day trips and other activities for senior citizens.

Mr. Burton went on to say that he had been looking at the present zoning as well as the proposed Centers and Greenspaces zoning amendments. He noted that the parcel would be included in the Agricultural Business District under the proposed zoning. Michele Greig said that the proposed zoning amendments must be read in conjunction with the present zoning regulations, not in place of them. Mr. Burton said that the project would probably be constructed in about four (4) phases, the first being the catering facility.

Christine Kane and Michele Greig said that his plans seemed most closely to fit the definition of a “conference center” and suggested that he apply under that heading. Christine Kane said that a conference center would be allowed under both the current and proposed zoning and that there was no such facility now in northern Dutchess County.

The Board suggested that Mr. Burton investigate different types of energy and septic systems, noting that the Omega Institute had recently installed innovative systems at its campus. The Board also said that the property would probably need two access points to serve the number of people envisioned and that Mr. Burton should look at the property’s frontage. Mr. Burton said that he had discussed his plan with Peter Setaro at Morris Associates and that he would take the Board’s suggestions back for additional conversations. The Board said that it would welcome another pre-application conference when Mr. Burton was ready.

ADJOURNMENT

Since there was no more business to come before the Board, Wil LaBossier 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 for Michael Rohatyn's proposed construction within 100 ft. of a water body

Resolution granting a Special Permit to Michael Rohatyn for construction within 100 ft. of a water body.

Negative SEQR Declaration for Michael Rohatyn's proposed accessory apartment within a new detached garage.

Resolution granting a Special Permit to Michael Rohatyn for an accessory apartment within a new detached garage.

617.7

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: September 20, 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: Michael Rohatyn Special Use Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to construct a four (4) bedroom single family dwelling within 100 ft. of a pond on a ±10.0-acre parcel in the RD3 Zoning District

Location: 199 Feller Newmark, 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. The Town of Red Hook Planning Board has reviewed the proposed action against §143-30 and §143-112 of the Town of Red Hook Zoning Code, and found it to be in compliance with these provisions.
3. After reviewing the Environmental Assessment Form (EAF) for the action dated August 27, 2010 and revised September 3, 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).

4. The applicant proposes to construct a four (4) bedroom residence and a one (1) bedroom apartment to be served by common septic disposal system. The SDS is large enough to serve five (5) bedrooms and is located outside the pond's 100 ft. buffer. Therefore there will be no adverse impacts on water quality.
5. All new structures will be located farther from the water's edge than those they are replacing.

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 to Michael Rohatyn

Name of Project: Michael Rohatyn Special Use Permit

Name of Applicant: Michael Rohatyn

Date: September 20, 2010

Whereas, the applicant has submitted an application for Special Permit dated August 27, 2010 to the Town of Red Hook Planning Board to construct a single family dwelling within 100 ft. of a pond; and

Whereas, the subject parcel is located at 199 Feller Newmark Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

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

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated August 27, 2010; a Short Environmental Assessment Form (EAF), August 27, 2010 revised September 3, 2010; and a Site Plan, an SDS Profile and Sediment Control Plan, and a Health Department Details Plan, all dated July 2, 2010 and revised to September 9, 2010, all prepared by Mark Graminski; and

Whereas, on September 7, 2010, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated September 1, 2010, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, on September 20, 2010, in consideration of the Short 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 potential significant adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on September 20, 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, 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 and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy 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.

- A. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- B. 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.
- C. Inspections by Town engineer of erosion control measures before and during construction.
- D. Establishment of escrow necessary, as determined by the Town Engineer, to carry out inspections.
- E. Regular maintenance of the sewage disposal system so as to prevent run-off into the pond.
- F. Dutchess County Health Department approval.

On a motion by Pat Kelly , seconded by Wil LaBossier and a vote of 4 for, 0 against, and 3 absent, this resolution adopted on September 20, 2010

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

Paula Schoonmaker, Ass't Clerk

Date

617.7

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

Notice of Determination of Non-Significance

Date of Adoption: September 20, 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: Michael Rohatyn Special Use Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to construct a one bedroom apartment within a new detached garage on a ±10.0-acre parcel in the RD3 Zoning District

Location: 199 Feller Newmark, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

5. 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).
6. The Town of Red Hook Planning Board has reviewed the proposed action against §143-66.1 and §143-112 of the Town of Red Hook Zoning Code, and found it to be in compliance with these provisions.
7. After reviewing the Environmental Assessment Form (EAF) for the action dated August 27, 2010 and revised September 3, 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).

8. The applicant proposes to construct a four (4) bedroom residence and a one (1) bedroom apartment to be served by common septic disposal system. The SDS is large enough to serve five (5) bedrooms. Therefore there will be no adverse impacts on water quality.
5. There will be no additional or change in parking, no signage, and no scheduled hours of operation. Therefore there will be no adverse impacts on wildlife, noise, traffic, air quality, or other natural resources.
6. Minimal exterior lighting will be added with fixtures in compliance with the Town's Outside Lighting regulations. Therefore, there will be no adverse impacts on aesthetic resources.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
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A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Resolution Granting Special Use Permit to Michael Rohatyn

Name of Project: Michael Rohatyn Special Use Permit

Name of Applicant: Michael Rohatyn

Date: September 20, 2010

Whereas, the applicant has submitted an application for Special Permit dated August 27, 2010 to the Town of Red Hook Planning Board to construct a one bedroom accessory apartment within a new independent structure; and

Whereas, the subject parcel is located at 199 Feller Newmark Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-67; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated August 27, 2010; a Short Environmental Assessment Form (EAF), August 27, 2010 revised September 3, 2010; and a Site Plan, an SDS Profile and Sediment Control Plan, and a Health Department Details Plan, all dated July 2, 2010 and revised to September 9, 2010, all prepared by Mark Graminski; and

Whereas, on September 7, 2010, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated September 1, 2010, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, on September 20, 2010, in consideration of the Short 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 potential significant adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on September 20, 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, 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 §143-66.1.

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 and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy 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.

- A. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- B. 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.
- C. The second floor space in garage is not to be used as habitable space without amending this Special Permit.

On a motion by Pat Kelly , seconded by Wil LaBossier and a vote of 4 for, 0 against, and 3 absent, this resolution adopted on September 20, 2010

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

Paula Schoonmaker, Ass't Clerk

Date