

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**March 21, 2011**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:38 p.m., and a quorum was determined present for the conduct of business.

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

**BUSINESS SESSION**

Christine Kane confirmed the agenda as published. The March 7, 2011 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt those minutes. Sam Phelan seconded the motion, and all members present voted in favor. There were no announcements

**REGULAR SESSION – OLD BUSINESS**

**Oaks at Lakes Kill – Feller Newmark Road – Preliminary Major Subdivision Plat**

Mitchell Markay and Mike Bodendorf, P.E., were present for continued discussion of an application for preliminary subdivision plat approval for a cluster development containing 12 residential lots on a ± 100.45-acre parcel in the RD 3 Zoning District.

The Board reviewed Dr. Michael Klemens' March 20, 2011 response to Michael Nowicki's remarks, opinions authored by Mitchell Markay and concerns expressed by NYS DEC, all regarding species and habitat studies of the subject parcel. The Board understood Dr. Klemens as stating that he had not changed his opinion since his first letter to the Board. Specifically, Dr. Klemens said that the submitted study of the bog turtle habitat was not sufficient and did not meet the standards of a Phase 1 assessment, that the proposed development would encroach into the 750 ft. critical area around a vernal pool, and that the paucity of pertinent data indicated the necessity for field studies during the spring when the various animals were active and a more detailed inventory could be compiled. He further recommended that the Board require an Environmental Impact Statement and that the Board not limit its concerns and focus to the habitat of only threatened and endangered species. He said that the Board should look at the quality of the habitat for a larger biodiversity and the rich ecology of the area.

Michele Greig noted that the narrow window during which it was possible to study these habitats was quickly approaching. Mr. Markay said that the applicants should be informed specifically as to the critical times.

Charlie Laing said that if the Board issued a Positive SEQR Declaration, it could limit the scope of the resulting Environmental Impact Statement to critical habitats. Mr. Bodendorf said that alternatively, the SEQR review could be kept open until all the required habitat studies were concluded and the questions answered. Michele Greig said that a Positive SEQR Declaration

would allow input from the public, which a Negative Declaration would not. She also said that a Pos Dec would require the Board to look at alternatives to the proposed action, which a Negative Declaration would not.

Charlie Laing said that in his opinion, one cluster development would be less disruptive than two “pods of development”. He also said that the Board must balance reasonable development with conserving sensitive areas.

Mr. Markay said that he had studied the “750 ft. critical area” around vernal pools and that the literature indicated that such a critical area would contain three zones. The outermost ring of the critical area, he said, could sustain a maximum of 25% disturbance. He said that the applicants did not believe their proposal would exceed that 25% and that the remainder would be preserved. He said that the purchasers of the lots would be given manuals about the conserved areas and would be bound by deed restrictions.

The Board generally agreed that additional studies were necessary and that the focus and methodology of the studies needed to be clarified. The studies must also address the concerns expressed by the Town Highway Department, by the NYS Office of Parks, Recreation and Historic Preservation and by the NYS Department of Environmental Conservation. The Board authorized Michele Greig to contact Dr. Klemens and to orchestrate a consensus about how best to move forward to obtain the needed information. Kris Munn said that the Board members also should visit the site during the spring.

Sam Phelan asked how the applicants had devised the proposed cluster layout. Mr. Markay said that a wetland delineation by the DEC had caused a loss of several lots from the original 11-lot cluster plan proposed previously. As a result, the applicants had purchased an adjoining parcel so that they could regain those lots plus increase the total number of lots to 12. He said that now the number of lots was limited by the regulation that no more than 12 lots could be placed on a cul-de-sac.

Sam Phelan and Charlie Laing agreed that the alternatives to the proposed plan were likely limited to smaller lots, fewer lots, and variance allowing relief from front yard setback requirements.

## **REGULAR SESSION- NEW BUSINESS**

### **David Bayliss (Bayliss Automotive)- 7307 South Broadway – Special Permit**

David Bayliss was present with an application for a Special Permit to establish an auto repair facility at the rear of an existing auto parts store, on a  $\pm 1.376$ -acre parcel in the B1 Zoning District.

Mr. Bayliss said that he planned an auto repair facility with three overhead doors and a fenced area for car storage. He said there would be 8 parking spaces along the north side of the parcel and a free-standing sign in the front of the parcel. He added that H&N Towing would use some of the fenced area for storage. Finally, he said that no bulk flammable liquids would be stored there.

The Board noted that the address of the building should be 7307-7309 South Broadway, since 7309 denoted the rear section. The members also agreed that the parking spaces had to be moved back 10 ft. from the north property line, that four additional parking spaces must be

delineated somewhere on the parcel, that no repairs could take place outside the building, and that the free-standing sign must be set back 15 ft. from any property line.

Mr. Bayliss said that there would be two solar powered lights on the sign, that the sign material would be aluminum-coated plastic, and that the four existing lights on the building were motion lights that were set to operate only for 5 minutes when activated.

The Board and Mr. Bayliss discussed the landscaping requirement, and the Board concluded that since all the business activity would take place within the fenced area, Mr. Bayliss could request a waiver from proposing any landscaping as a visual buffer. Mr. Bayliss did agree to propose some plantings around the sign.

The Board asked Mr. Bayliss to revise his plan to show the additional parking spaces, the proper setbacks for the parking spaces and for the sign, the height of the sign, plantings around the sign, the height and composition of the fence, and the location and plan for a dumpster enclosure. He should also submit cut sheets for the solar lights.

The Board determined the project to be an Unlisted Action under SEQR. Kris Munn made a motion to establish the Board as Lead Agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then scheduled a public hearing for 7:35 p.m. on April 4, 2011.

#### **Arvine & Wendy Coon – 7221 South Broadway – Special Permit**

Arvine Coon was present with an application for a Special Permit to establish a farm market 2 on a ±1.65-acre parcel in the R1.5 Zoning District.

Mr. Coon said that he had purchased two adjoining lots along Route 9. On the lot to the south, he said he wished to establish a year- round nursery and landscape & garden supply business where he would sell trees, shrubbery, and other landscape plants. He said that the 3-car garage in the rear would be used as a farm market for selling produce from his own farm on Route 199 and other local farms. He said that the antique store located on the ground floor of the house on the northern lot would remain and had been allowed through a use variance in 1996. He said that he had already obtained a highway permit for an access from Route 9 and a building permit to install a greenhouse on the southern lot. He said that he would install power lines to the greenhouse.

The Board members agreed that Mr. Coon should submit details of his proposed sign, details of the pole lights, details of the lights in the greenhouse and a drawing or picture of the greenhouse.

However, the Board said that a more urgent concern was the zoning requirement that a farm market 2 be located on a farm parcel. Mr. Coon said that he would apply for inclusion in Ag District 20 during the enrollment period in April, which would allow the parcel to meet the definition of a farm parcel. He added, however, that he had been warned that a response to his application might take 6 to 12 months.

The Board members and Mr. Coon discussed whether the newly purchased parcel could be considered an extension of his farm on Route 199 which met the definition of a farm parcel through its agricultural assessment and its inclusion in the Certified Agricultural District. The Board agreed to send this question to its Land Use Attorneys at Keane & Beane.

The Board also tentatively scheduled the project for the April 4, 2011 agenda.

**Frank Vosburgh/Kesicke Farm – 181 Middle Rd. – Site Plan**

Frank Vosburgh was present with an application for Site Plan approval for a farm market 1 on a ±74.10-acre parcel in the R1.5 Zoning District.

Mr. Vosburgh said that he wished to establish a seasonal farm market to sell fruit, vegetables, and meat and to operate a pick-your-own business. He said that the parking lot would be gravel.

The Board said he must submit a larger and more complete site plan. The members also agreed that the parking spaces must be delineated, that he should submit details of his proposed sign and that he should submit a document signed and dated by his sister allowing access to the business through her property.

The Board then tentatively scheduled the project for the April 4, 2011 agenda.

**MC Acres – Middle Rd.- amended sketch plan**

Mark Graminski, P.E. and L.S. and David Vosburgh were present with an application for sketch plan approval for an amended subdivision plat to create two new (2) residential lots of ± 9.278 acres and ±18.726 acres and a remaining lands lot of ±36.622 acres from a total ±64.627-acre parcel in the RD3 Zoning District.

Mr. Graminski said that the previous subdivision plat, approved by the Board on May 3, 2010 had never been filed and that circumstances had now necessitated the applicant's moving the building envelope on proposed lot 1 back to the location shown on the Kesicke Farmland Protection Plan approved by the Board on October 1, 2007 and filed with the Dutchess County Clerk along with the Kesicke Farms Lot Line Alterations. He said, however, that he had been able to reduce the size of the building envelope.

The Board determined the project to be an Unlisted Action under SEQR. Charlie Laing made a motion to establish the Board as Lead Agency for the SEQR review. Kris Munn seconded the motion, and all members present voted in favor.

The Board agreed by consensus to approve the sketch plan. The members then completed part 2 of the EAF, finding no significant adverse environmental impacts from the project.

The Board agreed that the Agricultural Data Statements must be circulated and that the Town of Rhinebeck must be notified under GML 239mm.

The Board then scheduled a public hearing for 7:35 p.m. on April 18, 2011.

**OTHER BUSINESS**

**Arvine Coon rezoning request**

The Board discussed a referral from the Town Board concerning a request made by Arvine Coon that the Town Board rezone his 2 properties at 7221 South Broadway and 5 Rokeby Road from R1.5 to B1.

The Board agreed by consensus that a zoning change to B1 would open the parcel up to commercial possibilities that would be inappropriate and undesirable for a gateway property such as that one. The members recommended instead that Mr. Coon apply for a use variance.

The members also discussed the advisability of establishing special permitted uses for gateway properties such as this one, uses that would allow appropriate adaptive re-use of residential buildings and that would provide a low impact transition from rural and residential areas into more commercial properties.

The Board members agreed to forward their recommendations to the Town Board.

### **ADJOURNMENT**

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

Respectfully submitted,

Paula Schoonmaker