

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**May 16, 2011**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:40 p.m., and a quorum was determined present for the conduct of business.

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

**BUSINESS SESSION**

Charlie Laing confirmed the agenda as published. The May 2, 2011 draft minutes had been circulated among the members and reviewed. Pat Kelly made a motion to adopt the minutes as written. Sam Phelan seconded the motion, and all members present voted in favor.

There were two announcements. Charlie Laing said that a conference on “Housing in the Hudson Valley”, sponsored by Hudson Valley Pattern for Progress, was scheduled for June 13, 2011 at the Poughkeepsie Grand Hotel and Conference Center. He also read a letter dated May 9, 2011 and written by Zoning Enforcement Officer Bob Fennell. The letter was in response to a written request made by Arvine and Wendy Coon that Mr. Fennell provide determinations on several questions concerning zoning, the definition of agriculture in the Town’s zoning regulations, the word “sale” in that definition, and the permitted methods of selling “agricultural products on the premises on which they are raised.” Mr. Fennell’s response was addressed to Mr. and Mrs. Coon and copied to the Planning Board members.

**OLD BUSINESS**

**Stewarts Shop – 7243 South Broadway – Amended Site Plan**

Tom Lewis was present for continued discussion on an application for Amended Site Plan approval to replace gasoline storage tanks, lighting, a free standing sign, landscaping, drainage and other site modifications, on a + 1.44-acre lot in the B1 Zoning District.

Mr. Lewis said that at its meeting on May 11, 2011, the Zoning Board of Appeals had granted Stewarts an area variance to allow the “light trespass from the commercial properties at the highway in front to a maximum of one foot candle.” Michele Greig said that the Town’s exterior lighting regulations stipulated a maximum of 0.25 foot candles.

Mr. Lewis went on to say that Stewarts had complied with all requests from the previous meeting. Reviewing those requests one by one, the Planning Board agreed.

Asked about a new pedestrian pathway leading from the sidewalk along Route 9 to the store entrance, Mr. Lewis said that the pathway would be covered with asphalt.

Michele Greig said she would review a newly submitted revised plan showing the requested changes against the conditions of a draft approval resolution based on the previous plan.

The Board then reviewed a draft resolution granting amended site plan approval to the project. Sam Phelan made a motion to adopt that resolution. Pat Kelly seconded the motion, and all members present voted in favor.

## **OTHER BUSINESS**

### **James Sheehan – pre-application conference**

Bob Zimmerman, L.S., and Jim Sheehan were present for continued discussion of options for subdividing approximately 102 acres on Hapeman Hill Road. Mr. Zimmerman said that he had investigated the process of creating a Farmland Protection Plan. He said he had looked at the wetlands, steep slopes, woodlands and other features of the land. He said there were no DEC wetlands but there were federal wetlands.

Michele Greig said that federal wetlands and steep slopes were not among the constraints that must be subtracted to find the developable acreage. She said that 6% of the gross acreage must be subtracted for internal roads.

Mr. Zimmerman said that finding locations to cluster houses outside the agricultural land was extremely difficult on this parcel and that even if locating building lots in the wooded area toward the rear of the parcel were considered, providing an access road to those lots would cut the agricultural field in two.

Ms. Greig said that sometimes the land features made it impossible to locate building lots outside the agricultural soils, so she said the applicants should look at Section 143-47D(4)(e) in the Zoning regulations for guidance on locating those lots on good soils but in places where they would minimally impact the remaining agricultural land.

Charlie Laing suggested that another option Mr. Sheehan should look into was selling the development rights to the land. Through sale of development rights the farm could remain intact or possibly divided into two 50+ acre tracts each with a farmstead complex.

Mr. Sheehan asked whether there were any provisions in the proposed Centers and Greenspaces Zoning Amendments that would pertain to his dilemma. Charlie Laing said that one proposed provision being considered was a single subdivision of a 40-acre piece from an agricultural parcel measuring over 100 acres. He cautioned, however, that this provision was still being considered and that these amendments had not yet been adopted.

Charlie Laing added that Mr. Sheehan's parcel had been listed and ranked on the Community Preservation Plan compiled by the Community Preservation Fund Advisory Committee. He said that this Project Plan was currently being considered for adoption by the Town Board. He said that funds for the purchase of development rights might be available through that plan if it is adopted.

### **David Bayliss – new sign for Bayliss Automotive Repair**

David Bayliss presented a drawing of a sign with new graphics for his automotive repair facility. Charlie Laing said that the Planning Board was only concerned with the sign's size, style and construction materials, so no revision to Mr. Bayliss' site plan approval was necessary. He said that the new drawing would be placed in Mr. Bayliss' file and a copy would be given to the Building Inspector.

**Countryside Stoves – site plan enforcement**

Pat Kelly noted that Countryside Stoves in Upper Red Hook was not in compliance with its approved site plan. Charlie Laing said that there was no enclosure around the dumpster and that pallets of fuel and pellets were visible from the street. The Board members agreed to ask the Building Department to investigate.

**Dunkin Donuts – lighting check**

The Board members agreed to ask the Building Department to check the lighting at Dunkin Donuts to ensure that lower wattage bulbs had been installed. Kris Munn asked whether the Building Department had access to a light meter.

**Consultant billing change**

The members asked the secretary to find out whether the Town Board had acted on a requested change in the Planning Board’s procedure for billing for a consultant’s time at a meeting.

**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**

Resolution granting Amended Site Plan Approval to Stewarts Shop

## Resolution Granting Amended Site Plan Approval to Stewart's Shops Corp.

**Name of Project:** Stewart's Shop #326

**Name of Applicant:** Stewart's Shops Corp.

**Date:** May 16, 2011

**Whereas,** the applicant has submitted an application for Amended Site Plan Approval dated November 22, 2010 to the Town of Red Hook Planning Board to replace existing gas tanks, improve drainage structures and add new drainage structures, upgrade outdoor lighting, replace mansard materials, replace existing freestanding sign with a new externally illuminated sign, remove an existing wall sign, replace landscaping, and reconfigure parking on a  $\pm$  1.44 acre parcel of land (Tax Map Parcel No. 134889-6272-17-219182-0000) located at 7243 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 L. H. Rutland, Jr. PE dated as follows: Sheets A-1, S-2, G-1, and G-2 dated 8/11/2010, Sheet S-1 dated 8/11/2010 and revised 11/17/2010 and 12/9/10, Sheet S-3 dated 11/17/2010, and a Photometric Plan dated 12/9/2010; and

**Whereas,** on December 6, 2010, 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 February 7, 2011, 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 and other pertinent sections of the Town of Red Hook Zoning Law and has found that the proposal complies with all applicable sections of the Zoning Law with the exception of lighting levels at the eastern property boundary which exceed the permitted 0.25 footcandles, and for which the applicant received an area variance from the Town of Red Hook Zoning Board of Appeals on May 11, 2011 permitting a lighting level not to exceed 1.0 footcandle at said property boundary; and

**Whereas,** on February 7, 2011 the Planning Board conducted a public hearing on the Amended Site Plan application, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Amended 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 that the Planning Board rely on its own study of the facts in the case with consideration of comments.

**Now therefore be it resolved,** that the Planning Board grants Amended Site Plan approval to Stewart's Shop Corp. in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of photometric plan showing light trespass at the highway not to exceed 1.0 footcandles.
- B. Addition of a note to the site plan stating that all outdoor lighting will be turned off from 12 PM to 5 AM.
- C. Submission of revised drawing for the freestanding sign a) deleting reference to sign being "internally illuminated," and b) showing a maximum of 24 square feet in sign surface area.
- D. Delete wall sign from site plan.
- E. Revise plans to show parking set back a minimum of 10' from the northern property boundary.
- F. Revise plans to include the existing public address system at the pumps and to indicate that the address system will be set on the lowest setting for volume.
- G. Revise plans to include a note that any picnic tables belonging to the applicant will be removed from the neighbor's property to the north.
- H. Revise plans to show a pedestrian pathway made of asphalt along the southern property boundary from the sidewalk along Route 9 to the Stewart's shop.
- I. Revise plans to remove the parking space closest to the site entrance on the northern property boundary.
- J. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- K. 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 Sam Phelan, seconded by Pat Kelly, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on May 16, 2011.

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

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Paula Schoonmaker, Assistant Clerk to the Board      Date