

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**August 15, 2011**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:30 p.m., and a quorum was determined present for the conduct of business.

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

**BUSINESS SESSION**

The August 1, 2011 draft minutes had been circulated among the members and reviewed. Sam Harkins made a motion to adopt the minutes. Kris Munn seconded the motion, and all members present voted in favor.

Christine Kane said that on Wednesday, October 5, there would be an in-service training workshop focusing on the new zoning amendments. She said that the workshop would be led by planner Michele Greig and attorney Victoria Polidoro and would begin at 7:30 p.m. at the Town Hall.

Christine Kane said that two projects, the Estersohn subdivision and the Meadowbrook/MacDonald Trust subdivision, had deferred their return to the Board until the September meeting.

**PUBLIC HEARINGS**

**Town of Red Hook – Glen Pond Rd – Lot Line Alteration**

Dan Proper from Crawford Associates and Councilman Harry Colgan were present for the public hearing on an application for Lot Line Alteration approval to transfer 0.13 acres from one parcel owned by the Town in the B2 Zoning District to an adjoining parcel, also owned by the Town, in the B1 Zoning District.

Christine Kane read the public hearing notice that appeared August 9, 2011 in the Kingston Daily Freeman. Mr. Proper then explained the project to the public. Christine Kane opened the hearing and asked if there were any comments or questions. There were none.

Christine Kane noted that the Board had completed the part 2 EAF and issued a Negative SEQR Declaration at the last meeting.

Charlie Laing asked why this action was proposed. Mr. Proper said that it was necessary to meet the setbacks for the proposed new highway garage.

Since there were still no comments or questions from the public, Sam Harkins made a motion to close the public hearing. Sam Phelan seconded the motion, and all members present voted in favor.

Sam Harkins then made a motion that the Board adopt a draft resolution granting subdivision plat approval to the Lot Line application. Charlie Laing seconded the motion, and all members present voted in favor.

**Gwendolyn Bellman & Thomas Hesse – 88 Station Hill Rd. – Certificate of Appropriateness**

Architect Alan Baer was present for the public hearing on an application for a Certificate of Appropriateness to install a swimming pool and required fence and to rebuild an equipment shed, on a ±1.30-acre lot in the H (Hamlet) Zoning District and the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared August 9, 2011 in the Kingston Daily Freeman. Mr. Baer then explained the project for installing the pool and rebuilding the shed. He said that there would be no backwash emitted by the pool and that salt, not chlorine, would be used to purify the pool water. He said that at the previous meeting there had been concerns about the required audible alarm, since the pool was so far from the house. He said that the applicants intended to install a wireless alarm that would be heard in the house but would not be audible to the neighbors. Christine Kane opened the hearing and asked if there were any comments or questions.

Jill Lundquist, 44 Wildey Rd., Barrytown, said that her family owned the house closest to the pool and that she had concerns about the lights around the pool shining into her windows. Mr. Baer said that there would be a light underwater in the pool and also three (3) lights on the back of the equipment shed to shine onto the pool area. He said he had added an aluminum shield to the drawing of that lighting fixture to prevent light spillage or glare.

Christine Kane noted that the cut sheet for the light fixture specified a bulb of 100 watts incandescent. She said that with 3 lights, the total was 300 watts. Mr. Baer did not know how many foot candles the lights would produce. She said that lights with bulbs over 50 watts must be fully shielded.

Asked about previously proposed lights on the landscape walls leading down to the pool, Mr. Baer said that those lights had been removed from the plan.

The Board then reviewed comments from the Hamlet/Design Review Committee, which had met with Mr. Baer on August 8, 2011. That committee, too, was concerned about the proposed exterior lighting. The members also mentioned that the metal mesh of the fence should be a muted color. Mr. Baer said that the fence would be dark green. Finally, the committee members said they had discussed with Mr. Baer potential backwash or overflow from the pool and had noted that the applicants planned to contain that water in drywells or subsurface catch basin or drywell.

Mr. Baer said that there was a difference between backwash and overflow. He said that the proposed pool system would have no backwash.

Christine Kane then read an e-mail from Town Historian J. Winthrop Aldrich, an ex-officio member of the Hamlet Review Committee. Mr. Aldrich said that in his role of Town Historian, he

had no concerns about the project but that as a community member, he had concerns about the exterior lighting and also about possible pool overflow so close to the Hudson River.

Since there were no more comments from the public, Kris Munn made a motion to close the public hearing. Charlie Laing seconded the motion, and all members present voted in favor.

The Board and Mr. Baer then discussed his plan to stabilize the shed with in-kind materials.

The Board then discussed the issues raised. Mr. Baer said that the swimming pool area would have two (2) alarms—one that would sound if the gate opened when no one should be at the pool and one that would sound if the water level changed, indicating that something had entered the pool, again when no one should be at the pool. He said that the pool alarm must be audible outside. The Board asked what would happen if the alarm went off and the applicants, whose main residence was in New York City, were not at home. Mr. Baer said that the alarms would be tied into the applicants' security alarm system. Sam Harkins said that these alarms and the pool installation must meet the NYS building codes.

The Board then discussed the exterior lights and generally agreed to make the installation of fully shielded lights on the shed a condition of the Certificate of Appropriateness.

Pat Kelly then made a motion that the Board grant the Certificate of Appropriateness with the lighting condition. Sam Harkins seconded the motion, and all members present voted in favor.

#### **D. Michael Simpler – 46 Aspinwall Road – Special Permit**

Michael Simpler and Richard Jones, P.E., were present with an application for a Special Permit to construct a 24'x36' two-story garage/studio within the Flood-Fringe Overlay District, on a 1.5-acre parcel in the R1.5 Zoning District.

Christine Kane read the public hearing notice that appeared August 9, 2011 in the Kingston Daily Freeman.

Mr. Simpler explained the project saying that the garage location satisfied all the setback requirements and was outside the 100 ft. buffer of the Sawkill Creek. He said that 3 car garage would be built on a concrete slab 16" above grade. He went on to describe the flood vents, waterproofing, and structural bracing that would be incorporated into the building and said that all mechanicals would be 2 ft. above the 100 year flood high water mark. He said that surveyor Marie Welch had already located that high water mark for reference.

Christine Kane then opened the public hearing. There were no public comments or questions.

Mr. Jones said that compliance with certain requirements of Chapter 77 of the building code Flood Damage Prevention would be impossible. For instance, he said, the floor of the lower story of the building would have to be 52" above the slab to be 2 feet above the 100 year flood high water mark, making the building virtually unusable. As an alternative, he said, all valuable items would be placed on the second floor, the construction lumber would be treated, flood vents would equalize water pressure inside and outside the building in case of a flood and bracing would prevent structural collapse. He said that the driveway also could not be raised above the high water mark.

Mr. Simpler said that the exterior of the garage would be vinyl siding to match the house and the roof would be asphalt shingled. He said that one large tree and two small trees would have to be removed.

The Board reviewed a comment letter from Town Engineer Dan Wheeler. Michele Greig noted that Section 143-111A(8) of the Zoning Code stated that nonresidential buildings built in the Flood Fringe Overlay could either have their lowest floor raised 2 feet above the 100 year flood mark or, as an alternative, be floodproofed up to the same water level, including attendant utility and sanitary facilities. Mr. Jones said that while the first floor could not be elevated to 2 feet above the 100 year mark, the proposed measures would in essence waterproof the building and prevent damage up to that level. He said that, as requested by the Town Engineer, he would add the calculations demonstrating the “adequacy of the structure against buoyancy and horizontal hydrostatic forces”.

Kris Munn asked whether the applicants had submitted a copy of their Health Department approval. Mr. Jones said that the septic system had already been approved for more bedrooms than existed in the house and that no bedrooms were going to be added in the garage. Michele Greig added that this was not an accessory apartment. The Board members generally agreed that no new Health Department approval was needed.

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

Since the project was a Type 2 action under SEQR, there was no environmental review.

The Board then considered a resolution granting the special permit. The members added the following conditions: 1. Submission of a sign-off letter from the Town Engineer, 2. Submission of a sign-off letter from the Town Building Department and 3. Revisions and additional notes to the plans as outlined in the Town Engineer’s comment letter.

Sam Harkins then made a motion to adopt the resolution granting the special permit with the above conditions. Pat Kelly seconded the motion, and all members present voted in favor.

**Bard College/ Avery Blum Addition/ Bito’ Conservatory – Blithewood Ave. – Site Plan**

Pete Setaro of Morris Associates and Chuck Simmons of Bard College were present for the public hearing on an application for Site Plan approval to construct a two-story 16,500 sq. ft. addition to the existing Avery Blum Building, on a 301.7-acre parcel in the I (Institutional) Zoning District and in the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared August 9, 2011 in the Kingston Daily Freeman.

Mr. Setaro explained the project to the public, adding that the applicants were ready to submit the site plan to the Dutchess County Health Department and that they were ready to submit the Stormwater Pollution Prevention Plan to the Town and to the Town Engineer.

Christine Kane then opened the hearing for public comment. There was none.

The Board reviewed a letter from the NYS Office of Parks, Recreation and Historic Preservation requesting additional archaeological information about the project site. Mr. Simmons said that archaeologist Christopher Lindner was working on a response. The Board also reviewed a

comment letter from the Town Engineer. Mr. Setaro said that his firm would address those issues.

The Board noted that the Dutchess County Department of Planning and Development had determined the project to be “of local concern”.

Christine Kane asked whether the inclusion of rain gardens in the drainage plan was still being considered. Mr. Setaro said that there would be at least two rain gardens and that they would be shown on the revised plan.

Since there were no comments from the public, Kris Munn made a motion to close the public hearing. Charlie Laing seconded the motion, and all members present voted in favor.

Sam Phelan asked about the number of parking spaces. Chuck Simmons said that there would be 57 spaces. He added that this building would not be used for public performances—those performances would be held at the Performing Arts Center where there was much more parking space.

Mr. Setaro said that after completion of the building, there would be about the same amount of impervious surface area as before since the building would be in large part located on a site previously paved for a parking area.

Mr. Setaro added that Bay Road would be widened in certain areas and would be paved.

The project was tentatively scheduled on the September 19, 2011 agenda.

### **Bard College/ Practice Room Facility – Ravine Road – Site Plan**

Pete Setaro of Morris Associates and Chuck Simmons of Bard College were present for the public hearing on an application for Site Plan approval to construct a one-story 1,683 sq. ft. music practice facility, on a 301.7-acre parcel in the I (Institutional) Zoning District and in the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared August 9, 2011 in the Kingston Daily Freeman.

Mr. Setaro gave an overview of the project, after which Christine Kane opened the hearing for public comment. There was none.

The Board noted that the Dutchess County Department of Planning and Development had determined the project to be “of local concern”.

Mr. Simmons said that Bard archaeologist Christopher Lindner would be submitting a letter stating that there had been previous disturbance to the site and that no archaeology field review was necessary.

Mr. Setaro said that at the next meeting he would bring building material samples and color chips. He said that the exterior walls would be a greenish “heather moss”, the window frames would be dark aluminum and that there would be a stucco panel below each of the windows.

The Board then discussed whether this structure had been included in the College Master Plan or whether an amended Special Permit was necessary. The members generally agreed that

while the proposed location of this facility was not precisely as shown on the Master Plan map, the facility had been included in the Plan and the location was close enough to proceed without an amendment to the Special Permit.

Michele Greig said that because the project was a Type 2 action under SEQR, no review of the project against the Local Waterfront Revitalization Plan was necessary.

Since there were no comments from the public, Kris Munn made a motion to close the public hearing. Charlie Laing seconded the motion, and all members present voted in favor.

The project was tentatively scheduled on the September 19, 2011 agenda.

### **REGULAR SESSION – NEW BUSINESS**

#### **Mulpeter/Glickenhause - 24 & 26 Elm Street – Lot Line Alteration**

Mark Graminski, P.E., and Kim Mulpeter were present with an application for a Lot Line Alteration to swap 0.062 acres between a 1.47-acre parcel and the adjoining 3.96-acre parcel, in the R1.5 Zoning District.

Mr. Graminski said that the lot line alteration was necessary to resolve the encroachment of a swimming pool into the adjacent property. He said that he had prepared a revised plat that also resolved the encroachment of the Mulpeter driveway into the neighboring property. He said that the two neighbors would swap an equal amount of land.

Mr. Graminski went on to say that the revised map would locate the septic systems of both properties and would show the 20 ft. setback from the lot lines to the septic systems. He said that the smaller lot would not become more non-conforming as a result of the action.

Asked about the swimming pool and the required fencing, Ms. Mulpeter said that the fence was 56" high.

After the EAF part 1 was revised to reflect that the Mulpeter lot was non-conforming, 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. Pat Kelly seconded the motion, and all members present voted in favor.

Then the Board completed the EAF part 2, generally agreeing to issue a SEQR declaration at the next meeting.

The Board then set a public hearing for 7:35 p.m. on September 19, 2011.

### **OTHER BUSINESS – none**

### **ADJOURNMENT**

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

Respectfully submitted,

Paula Schoonmaker

**Attachments**

Resolution granting Subdivision Plat approval to the Town of Red Hook  
Certificate of Appropriateness granted to Gwedolyn Bellmann and Thomas Hesse  
Resolution granting a Special Permit to D. Michael Simpler

## **Resolution Granting Final Subdivision Plat Approval to Glen Pond Road**

**Name of Project:** Glen Pond Road Lot Line Alteration

**Name of Applicant:** Town of Red Hook

**Date:** August 15, 2011

**Whereas,** the applicant has submitted an application for Lot Line Alteration dated July 12, 2011 to the Town of Red Hook Planning Board to convey  $\pm$  0.13 acres of land containing the terminus of Glen Pond Road from one parcel owned by the Town of Red Hook to the adjacent  $\pm$  5.28 acre parcel owned by the Town of Red Hook (Tax Map Parcel No. 134889-6272-00-350421) located at Glen Pond Road and 7340 South Broadway in the B1 and B2 Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Final Subdivision Plat prepared by Crawford & Associates Engineering, PC dated March 9, 2011 and revised April 27, 2011, May 12, 2011, June 8, 2011, and June 16, 2011; and

**Whereas,** on August 1, 2011, 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 August 1, 2011, the Planning Board, in consideration of the Environmental Assessment Form dated July 28, 2011 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 August 15, 2011, 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 had deliberated on the application and all the matters before it.

**Now therefore be it resolved,** that the Planning Board hereby grants Final Subdivision Plat approval to the Town of Red Hook to convey  $\pm$  0.13 acres of land containing the terminus of Glen Pond Road from one parcel owned by the Town of Red Hook to the adjacent  $\pm$  5.28 acre parcel owned by the Town of Red Hook in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. 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.

- B. 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.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

On a motion by Sam Harkins, seconded by Charlie Laing, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on August 15, 2011.

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

\_\_\_\_\_  
Paula Schoonmaker, Deputy Clerk to the Board

\_\_\_\_\_  
Date

**Town of Red Hook Planning Board  
CERTIFICATE OF APPROPRIATENESS**

Date: August 15, 2011

For: Gwendolyn Bellmann & Thomas Hesse

Tax Parcel # 6172-01-097859-0000

The applicants own ± 1.3 acres at 88 Station Hill Road in the Hamlet of Barrytown. They wish to install a swimming pool with the required fencing and to rebuild an equipment shed.

The application, building elevations and site plan were sent to the Hamlet/Design Review Committee on July 22, 2011.

The Hamlet/Design Review Committee reviewed the proposed changes, conducted a site visit on August 8, 2011 and then submitted its comments and suggestions to the Planning Board on August 9, 2011. The Committee recommended that the Planning Board issue the Certificate of Appropriateness.

A public hearing was held August 15, 2011. The only public comments concerned outdoor lighting.

The Planning Board has reviewed and discussed the proposed plans. It found that the exterior lights on the shed must comply with the Town's outdoor lighting regulations. With those lights approved, the Board determined that the proposed modifications are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Gwendolyn Bellmann and Thomas Hesse for the proposed changes as described above.

Certified by: \_\_\_\_\_ Date: \_\_\_\_\_  
Clerk

## Resolution Granting Special Use Permit to Simpler Garage/Studio

**Name of Project:** Simpler Garage/Studio

**Name of Applicant:** David Michael Simpler

**Date:** August 15, 2011

**Whereas,** the applicant has submitted an application for a Special Use Permit dated July 12, 2011 to the Town of Red Hook Planning Board to construct a  $\pm$  864 square foot garage/studio on a  $\pm$  1.62 acre parcel (Tax Map Parcel No. 6173-16-89436) located at 46 Aspinwall Road, in the R1.5 and Flood Fringe Overlay Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Planning Board reviewed a Site Plan, Floor Plans, Elevations/Details, Building Sections, and Electric Plans prepared by Richard A. Jones, P.E. and dated July 12, 2011; and

**Whereas,** after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on August 1, 2011 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(10) and, therefore, SEQQR does not apply; and

**Whereas,** on August 15, 2011, the Planning Board conducted a duly noticed public hearing on the Special Use Permit application, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board has reviewed the application for Special Use Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and with the specific standards for development within the Flood-Fringe Overlay District found in §§ 143-31 and 143-111 of the Zoning Law.

**Now therefore be it resolved,** that the Planning Board hereby grants Special Use Permit approval to David Michael Simpler to construct a garage/studio at 46 Aspinwall Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Subject to a written, final sign-off letter from the Town Engineer to the Planning Board that the project is consistent with the requirements of §143-111 of the Town Code.
- B. Subject to a written letter from the Town Zoning Enforcement Officer to the Planning Board that the project is consistent with the requirements of Chapter 77 (Flood Damage Prevention) of the Town Code.
- C. Addition to plan of calculations regarding water displacement and the adequacy of the structure to withstand buoyancy and horizontal hydrostatic forces during a 100 year flood.

- D. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- E. Submission of drawings showing compliance with the standards of § 143-111 of the Town Code, certified by a licensed professional engineer, 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.

No kitchen or bedroom in the proposed garage/studio is authorized by this special use permit. Therefore, in taking this action the Planning Board has determined there to be no new residential building lots or dwelling units created and, thus, deems not applicable to this application requirement for set-aside of recreation or other open space land or the alternate payment of a cash-in-lieu-of-land recreation fee.

On a motion by Sam Harkins, seconded by Pat Kelly, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on August 15, 2011.

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

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Paula Schoonmaker, Planning Board Deputy Clerk      Date