

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
November 7, 2011

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:32 p.m., and a quorum was determined present for the conduct of business.

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

(Deputy Chair Charlie Laing opened the meeting and chaired through the first project).

BUSINESS SESSION

Charlie Laing confirmed the agenda as published. The October 17, 2011 draft minutes had been circulated among the members and reviewed. Sam Phelan made a motion to adopt the minutes. Wil LaBossier seconded the motion, and all members present voted in favor.

There was one announcement. Charlie Laing said that the Dutchess County Planning Federation and the Agriculture and Farmland Board were sponsoring a program on Implementing NYS's Agricultural Districts Law, to take place November 17 from 6 p.m. to 8 p.m. at the Farm and Home Center in Millbrook.

REGULAR SESSION- NEW BUSINESS

Susan Quasha – 124 Station Hill Rd. (Barrytown) – Certificate of Appropriateness

Susan Quasha was present with an application for a Certificate of Appropriateness to modify an existing detached garage on a 1.0-acre parcel in the H (Hamlet) District. Ms. Quasha said that the existing garage had been used as a workspace and then for storage since she purchased the property in 1977. She said that the building had existing heat, electricity and water. Her project was to install new windows and to replace the overhead garage door with a French door. She said that the footprint of the building would remain the same.

Sam Phelan made a motion that the Board determine the project to be a Type 2 action under SEQR, needing no further environmental review. Chris Kane seconded the motion, and all members present voted in favor. The Board referred the project to the Hamlet/Design Review Committee for review and comments and then scheduled a public hearing for November 21, 2011.

Red Hook Fire Company – Firehouse Lane – Site Plan

Jim Mulvey, Rob Fry, Randall Kelsey and surveyor Marie Welch were present with an application for site plan approval to install eleven (11) poles with solar panels on a 20.7-acre parcel, partly in the Village of Red Hook and partly in the B2 Zoning District of the Town of Red Hook.

Mr. Mulvey explained the project, saying that the Village of Red Hook owned the parcel, leased the building to the Fire Company and would give an easement for the portion of the parcel on which the poles were to be installed. He said that the solar panels would provide all of the electricity needed by the Fire Company and that the NYSERDA grant that was funding the project had a March deadline.

Michele Greig said that the SEQR review must be coordinated with the Village since the parcel straddled the municipal line. Mr. Mulvey said that the Village Board of Trustees was overseeing this project for the Village and that it was not going to be reviewed by the Village Planning Board.

Michele Greig said that the only real question was whether landscaping was needed as a visual buffer. Mr. Mulvey said that the existing vegetation and buildings would largely hide the panels without shading them. The members decided to conduct individual visits to the site to check on visibility.

Charlie Laing made a motion to waive all site plan requirements except the submission of an area map and possible landscaping. Wil LaBossier seconded the motion, and all members present voted in favor.

Asked whether the array would be fenced, Mr. Mulvey said that the fire company had considered a fence but had not yet made a decision.

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. Brian Walker seconded the motion, and all members present voted in favor.

The Board then referred the project to the Dutchess County Department of Planning and Development for review and comments and scheduled a public hearing for November 21, 2011.

James & Pamela Sheehan – Hapeman Hill Rd. – Pre-application Conference

James and Pamela Sheehan were present to discuss plans for their approximately 95-acre parcel in the AB Zoning District. Mr. Sheehan said that they wished to build a second principal residence at the other end of the parcel from where the existing residence was located. He said that he understood that the new zoning regulations would allow such an additional dwelling.

Michele Greig said that the new regulations allowed three (3) dwelling units to be retained on a parcel in the AB District if the development rights were sold. However, she said, the regulations did not permit the addition of a principal residence on a parcel.

The members then discussed how the Sheehans could divide the value of their parcel. Michele Greig suggested that they explore the “limited development” option among the subdivision options for a parcel in the AB District. She said that 80% of the property must remain open space and that while building envelopes would be identified, the property did not have to be fully developed right away.

Charlie Laing suggested that they consider selling the development rights, which would give them some money to divide equally.

The members agreed that either way, a resource map would have to be created. Charlie Laing said that a land trust could help with the mapping. Still, he said, there would be some costs involved no matter what course they chose.

(At this point, Charlie Laing left the meeting)

Anderson Commons – Baxter Rd., Fisk St. & Metzger Rd., - Pre-application conference

Pete Setaro, P.E., Andrew Learn, P.E., Ken Kearney and Shawn Kearney were present to discuss the resubmission of the Anderson Commons Development project.

Mr. Setaro said that Mr. Kearney had recently purchased the land and the project. He reminded the Board that the project had been conditionally approved by both the Village and the Town Planning Boards. He said that the project had received variances from the Town ZBA for zero lot line setbacks and other requirements. He said that the Village water supply was adequate, that the dwelling units would have individual subsurface septic systems and that the storm drainage consist of infiltration systems.

Mr. Setaro said that no changes had been made to the previously approved project except that now the Commons area would be phase 1 of the project.

Asked about the fact that Cohen's Way would become a cul de sac serving the Commons area if only partially built and paved during phase 1, Mr. Setaro said that possibly the remainder of Cohen's Way could be made drivable in an emergency but not paved until a certain number of units had been sold.

Michele Greig said that the variances had expired but were not needed now anyway under the new zoning regulations. She said that the applicants should recalculate the density allowed under the new regulations. She said the density for the multi-family units had not changed. She said the applicants should submit an updated survey map and check the open space calculations. Mr. Setaro said that the Stormwater Prevention Plan also had to be updated.

Discussing the proposed septic systems, Mr. Setaro said that the transportation corporation documents, previously conditionally approved by both the Town and the Village, needed minor updates but would remain the same. Asked why the back-up manager of the transportation corporation would not be the Dutchess County Water and Wastewater Authority, Mr. Setaro said that the Anderson Commons plan did not meet the DCWWA standards. He said that the Town had not wanted that back-up responsibility, so the back-up in case of default would be the Village of Red Hook since the Village would be supplying the water. The Board urged the applicants to look at other possibilities.

Christine Kane said that with the previous submission, the Village had served as Lead Agency for the SEQR review because it would supply the water. Mr. Setaro said that the applicants had checked into whether the SEQR Neg Dec could be reaffirmed and had found that such reaffirmations had been acted upon in other instances, although possibly not when the approvals had lapsed. He said that the Village had asked for updates on the traffic study, on the wetlands and endangered species reports and on the water supply, all of which had been forwarded to the Town.

Mr. Kearney said that he had been involved in projects in which the SEQR Neg Dec had been reaffirmed upon resubmission even though the previous approvals had expired.

Michele Greig said that at least the minimum requirements for the Negative Declaration document should be met by the lead agency to prevent problems should the process be challenged.

Mr. Kearney said that he has been challenged in the past and that the court only wanted to ensure that the lead agency had taken a hard look.

Michele Greig said that the Board was entitled to comment on the SEQR document.

Asked whether the applicants had requested a fee waiver from the Town Board yet, Mr. Setaro said no. Christine Kane said that application fees or the waiver would be necessary for the Board and its consultants to formally review and comment on the plan.

OTHER BUSINESS

MC Acres – extension

Christine Kane read a letter dated October 27, 2011 from Mark Graminski requesting a 90-day extension of the deadline to meet the conditions of the final subdivision plat approval. Wil LaBossier made a motion to grant that extension. Sam Phelan seconded the motion, and all members present voted in favor.

Coon rezoning

Christine Kane summarized a letter from Town Clerk Sue McCann requesting that the Planning Board's consent to the Town Board's serving as Lead Agency in the review of the Arvine Coon rezoning application, site plan application and lot line alteration application. Wil LaBossier made a motion to consent to that request. Sam Phelan seconded the motion, and all members present voted in favor.

Since the letter also asked for comments, the members agreed that the scale of some of the uses normally permitted in the Agricultural Business Zoning District would be too large for the relatively small Coon parcel. The members agreed that scale was of primary importance because of the lot's location at the southern gateway to the business district and the heart of the Town. The Board agreed to send a letter to the Town Board with these concerns.

Anderson Commons – SEQR

The Board discussed correspondence regarding the SEQR review of the new Anderson Commons submission. The Board generally agreed to ask attorneys at Keane & Beane about the SEQR issues and to allow the Village attorney to speak directly with Keane & Beane.

ADJOURNMENT

Since there was no further business to come before the Board, Wil LaBossier made a motion to adjourn. Brian Walker seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker