

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**January 9, 2012**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:34 p.m., and a quorum was determined present for the conduct of business.

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

**BUSINESS SESSION**

Christine Kane confirmed the agenda as published. There were no announcements. The December 19, 2011 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt both sets of minutes. Sam Phelan seconded the motion, and all members present voted in favor.

**PUBLIC HEARINGS**

**Marshall Foster – 121 Deer Run Rd. – Special Permit**

Paul Fredericks was present for the public hearing on an application for a Special Permit to establish an accessory apartment in an existing detached garage on a 9.36-acre parcel in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared January 2, 2012 in the Kingston Daily Freeman.

Mr. Fredericks explained the project, saying that the apartment measured 436 sq. ft. of habitable space. He said that the septic system had been approved for three (3) bedrooms and that that one bedroom of the house would be turned into an office to offset the one bedroom in the accessory apartment.

Christine Kane then opened the hearing for public comment.

Nick Annas, who said he owned the adjacent parcel to the south, said that Mr. Foster lived in California and had rented out both the house and the apartment several times over the past years. He said that he, Mr. Foster and two other parcel owners shared a common driveway. He said that Mr. Foster “overplowed” the driveway because of his renters and his increased liability.

Steve Korb, 117 Deer Run, said that he also shared the common driveway and felt that often the driveway was not plowed enough. He said that the beginning of the driveway was steep and that he was concerned about emergency access for his family. He said he had no problem with the proposed apartment.

Christine Kane said that the Board had received Mr. Korb's letter and as well as a letter from Susan Brader, who also said that she was not opposed to the apartment.

Sam Phelan asked whether in fact there had been two families living on the property.

Mr. Fredericks said that occasionally Mr. Foster had rented out either the house or the apartment during ski season and that he had occupied the other unit if he was visiting from his principle residence in California. He said that sometimes both dwellings were rented out together.

Charlie Laing noted that four (4) parcels shared the driveway and suggested that the rental unit would increase the usage. Christine Kane said that the Planning Board could not renegotiate the driveway maintenance agreement and that these issues should be addressed by the neighbors involved.

Mr. Annas noted that a brochure listed the property as a three (3) bedroom house plus apartment and said that while Mr. Foster said he would turn one bedroom of the house into an office, the building inspector would have no control over that conversion once he left the property.

Mr. Fredericks submitted a form stating that the Health Department had approved the property for three (3) bedrooms and then a submitted letter from architect Peter Sweeny confirming that there would be a total of three bedrooms.

The Board then reviewed a GreenPlan memo, noting that the proposed apartment did conform to the habitable space requirements and that there were at least four (4) available parking spaces counting the two (2) in the garage.

The Board then reviewed the project against Town Code Section 143-66 regarding accessory apartments and also against Section 143-51, the general standards for Special Permits.

Sam Phelan said that he was still concerned about how to ensure a total of only three bedrooms.

Mr. Annas said that, from the submitted photos, he believed the parking to be inadequate. The Board members generally disagreed after a review of the map.

Mr. Annas then said that the Town Code required the special permitted use to be in character with the neighborhood. He said that Apple Valley Realty had advertised the lots as "owner-occupied", not rental units. Mr. Fredericks said that this phrase meant that the lots were residential and not commercial property.

The Board then completed the EAF part 2. Sam Phelan made a motion to adopt that portion of the EAF. Sam Harkins seconded the motion, and all members present voted in favor.

Kris Munn urged neighbors throughout the Town to bring unpermitted uses to the attention of the building inspector before years have passed so issues can be resolved.

Sam Phelan then made a motion to issue a Negative SEQR Declaration for the project. Sam Harkins seconded the motion, and all members present voted in favor.

Since there was no further public comment, Sam Harkins made a motion to close the public hearing. Brian Walker seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting the special permit. The members added a condition regarding the submission of a new survey that included building setbacks and parking spaces. They also added a condition requiring a new Certificate of Occupancy for the house as a 2-bedroom residence and a new Certificate of Occupancy for the apartment as a 1-bedroom residence.

Sam Phelan then made a motion to adopt the resolution as revised. Pat Kelly seconded the motion, and all members present voted in favor.

**Bard College--Alumni/ae Center – 4604 Rte 9G – Special Permit and Site Plan**

Pete Setaro, P.E., Chuck Simmons, Jim Brudvig and Doug Strawinski were present for the public hearing on an application for Special Permit and Site Plan approval to modify a one-story ± 8,258 sq. ft. building and establish a College alumni/ae center with accessory eating facility and associated landscaping, drainage and parking, on a 2.47-acre parcel in the RD3 Zoning District and in the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared January 2, 2012 in the Kingston Daily Freeman.

Pete Setaro explained the project adding that the applicants had submitted a lighting plan that showed the footcandles across the parcel.

He also discussed the septic system saying that the Dutchess County Department of Health could find no records or drawings of the existing septic system and so had asked the applicants to expose and document the leach field system. He said that while the College was laying a water supply line under Rte. 9G, additional lines would be laid, including a pipe that could connect the septic tank to the College's institutional sewer system if necessary. He said that he anticipated the future usage to be only 1/3 to 1/2 of the previous usage.

Doug Strawinski showed the hardiplank, metal roofing, brick, energy efficient windows and colors that would be used on the building.

Christine Kane then opened the public hearing.

Mark Del Pozzo, 4624 Rte. 9G, said he lived adjacent to the property and asked about the lights in the north parking lot. Mr. Setaro said that the lighting plan showed zero (0) footcandles at the property line. Mr. Del Pozzo agreed that trees screened the view, especially in the summer.

Kris Munn asked if there were any other residences within 200 ft. Mr. Setaro and Mr. Del Pozzo said there were none.

Christine Kane asked about the height of the light pole and the lights to be used. Mr. Setaro said that the parking lot light pole would be 15 ft. high and that the lights would be the same as those used in parking lots on the main campus.

Sam Phelan expressed concern about students crossing Rte. 9G from the main campus to the new facility. Mr. Brudvig said that the NYS Dept. of Transportation had said in the past that it would consider lowering the speed limit once the College owned property on both sides of the road. He said that the owner of Two Boots Pizza had also proposed a crossing guard during the hours the restaurant was open.

The Board also discussed striping and signs within the parking lot to increase pedestrian safety and to direct pedestrians to the front door of the building. The members and the applicants generally agreed to add these crosswalks.

Mr. Setaro said that the parking regulations required 52 parking spaces for the facility but asked that the Planning Board allow 49 spaces because use of the building would be staggered and the parking area could therefore be shared. The Board members generally agreed.

Asked about any increase in impervious surfaces, Mr. Setaro said that some asphalt would be removed to install landscaping and a strip of asphalt would be added on one edge of the parking lot. He said he believed there would be no net increase and possibly a small net decrease. He said that previously the gutter leaders drained onto the parking lot at the front of the building but that the new plan was to direct the leader drainage into infiltrators.

Pat Kelly asked whether the shuttle bus would stop at the site. Mr. Brudvig said that decision had not yet been made. Mr. Setaro confirmed that the shuttle bus could maneuver in the parking lot.

Christine Kane said that the note on the plan stated that the lights at the front of the building would be turned off at midnight but that the restaurant facility would stay open until 1 a.m. Mr. Setaro said that the plan note would be corrected.

The members then discussed the applicants' request to make DC Health Department approval a condition of obtaining a Certificate of Occupancy rather than making it a condition of site plan approval. Mr. Setaro said that assessing the state of the existing septic system would take some time and that no one could occupy the building without DOH approval.

(At this point, Charlie Laing left the meeting)

The applicants also asked to be granted approval without signage, saying that they would come back for amended site plan approval when they had decided about the signage.

Since there were no further 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.

Kris Munn said that he had been concerned about the two principal uses on the property. He said that he had requested the operating hours and number of employees at both the alumni/ae center and the eating facility and that he had spoken at length to the Zoning Enforcement Officer. He said that in this unique situation, he was willing to go along with the ZEO's determination.

Sam Harkins wanted to make sure that the Building Inspector was aware that the DCDOH approval was a condition of the C of O.

Christine Kane said that since the project was a Type 2 action under SEQR, there was no remaining environmental review.

The Board then reviewed a draft approval resolution deferring the DCDOH approval. The members also added a condition about providing a designated walkway linking the entrance from Rte. 9G to the front door of the facility to provide for the safety of the students. Finally, the Board added a "whereas" regarding the ability of the campus sewage system to serve the proposed facility and added the DCDOH approval to the list of conditions needed for obtaining a Certificate of Occupancy.

Pat Kelly then made a motion to adopt the resolution as revised. Kris Munn seconded the motion, and all members present voted in favor.

## **OTHER BUSINESS**

### **Simpler garage in the Flood Fringe Overlay- Special Permit**

Christine Kane said that there were discrepancies between the plan that Mr. Simpler had recently submitted to the Town Engineer and the plan approved by the Planning Board in August 2011.

Mr. Simpler said that he had moved the stairs accessing the second story storage area from inside the garage to the outside because he had found that his car would not fit in the bay with the stairs inside. He said he had also enlarged the upstairs bathroom and the outside deck, which he said would be cantilevered. Finally, he said the confusion over whether the garage was a 2- or 3- car garage could be clarified—it was a 3-bay garage, but only two cars would be stored there. The third bay would have a smaller door.

Sam Phelan said that these changes, together with adding a shower to the upstairs bathroom, made the second story begin to look more like an accessory apartment than a storage area. Mr. Simpler said that he had no intention of installing a kitchen or creating a bedroom. He said that his plan was stamped "non-residential" and that he intended the space for daytime use. He said that he had enlarged the bathroom only when the stairs were moved to the outside of the building and interior space became available.

The Board members generally agreed that the changes were not substantive, that they would accept the new plan as revised and that they would not require an amended approval. Mr. Simpler submitted the new plan to the Board for referral to the Town Engineer.

**Anderson Commons**

Christine Kane said that the Board had received a letter from Ken Kearney's attorney citing case law to support the applicants' contention that the SEQR approval from the previous project submission could be reaffirmed without recirculation for Lead Agency.

The Board discussed the options and generally agreed that Christine Kane would contact the chair of the Village Planning Board to see if some solution could be reached.

The Board also generally agreed to write a letter to the Town Board neither supporting nor opposing the applicant's request for a waiver from the application fees. The letter would simply state that the resubmission of an expired project was considered a new application and that a complete application package included fees. The letter would also state that historically this has been the Planning Board's position.

**ADJOURNMENT**

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

Respectfully submitted,

Paula Schoonmaker

**Attachments**

Negative SEQR Declaration for Foster Accessory Apartment  
Resolution granting Special Permit to Marshall Foster  
Resolution granting Site Plan Approval to Bard College Alumni/ae Center

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: January 9, 2012

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: Foster Accessory Apartment

SEQR Status: Type I   
Unlisted

Conditioned Negative Declaration:  YES  
 NO

Description of Action: The applicant proposes to create a one-bedroom accessory apartment in an independent structure that is accessory to an existing single family dwelling served by an individual well and septic disposal system.

Location: 121 Deer Run Road, Town of Red Hook, Dutchess County, NY

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. After reviewing the Environmental Assessment Form (EAF) for the project, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
- 3. The proposed action will result in less than 1 vehicle trip per weekday AM and PM peak hours and Saturday peak hours (specifically 0.58 vehicle trips per Saturday peak hour, 0.46 per weekday AM peak hour and 0.58 per weekday PM peak hour, according to

multipliers provided by the Institute of Transportation Engineers *Trip Generation* 7<sup>th</sup> Edition, Land Use Code #221). This is a *de minimus* increase above current traffic rates and therefore no significant adverse environmental impacts on traffic will occur.

4. The proposed project is consistent with 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 an accessory apartment within an independent structure accessory to a single-family dwelling found in § 143-666.1 of the Zoning Law. Based on the foregoing, there will be no adverse environmental impacts on community character.

**For Further Information:**

Contact Person: Paula Schoonmaker, Planning Board Deputy 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 Foster Accessory Apartment

**Name of Project:** Foster Accessory Apartment

**Name of Applicant:** Marshall Foster

**Date:** January 9, 2012

**Whereas,** the applicant has submitted an application for a Special Use Permit dated October 17, 2011 to the Town of Red Hook Planning Board to create an accessory apartment within an independent structure on a  $\pm$  9.36 acre parcel (Tax Map Parcel No. 6274-00-695089) located at 121 Deer Run Road, in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the Planning Board reviewed a site layout and floor plans (undated); and

**Whereas,** on December 12, 2011, the Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQRA; and

**Whereas,** on January 9, 2011, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated October 17, 2011 and revised December 19, 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 potential significant adverse impact on the environmental, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas,** on January 9, 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 the specific standards for an accessory apartment within a new independent structure found in § 143-66.1 of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

**Whereas,** the Planning Board has deliberated on the application and all the matters before it.

**Now therefore be it resolved,** that the Planning Board hereby grants Special Use Permit approval to Marshall Foster to create an accessory apartment within a new independent structure on a  $\pm$  9.36 acre parcel located at 121 Deer Run

Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- B. Submission of surveyed map showing name and address of property owner, north arrow, building setbacks, driveway, names of adjacent property owners, outdoor lighting, and four parking spaces.
- C. Issuance of new 2-bedroom Certificate of Occupancy for the residence and new 1-bedroom Certificate of Occupancy for the accessory apartment.

On a motion by Sam Phelan, seconded by Pat Kelly, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on January 9, 2012.

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

\_\_\_\_\_  
Paula Schoonmaker, Planning Board Deputy Clerk

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Date

## **Resolution Granting Site Plan Approval to Bard College Alumni/ae Center**

**Name of Project:** Bard College Alumni/ae Center

**Name of Applicant:** Bard College

**Date:** January 9, 2012

**Whereas,** the Town of Red Hook Planning Board has received an application for Site Plan approval from Bard College to convert an existing  $\pm$  8,300 square foot building into a  $\pm$  6,376 Alumni/ae Center with a  $\pm$  1,882 square foot accessory restaurant and associated site improvements on a  $\pm$  2.47 acre parcel (Tax Map Parcel No. 134889-6173-00-174730-0000) in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Planning Board reviewed a Site Plan prepared by Morris Associates, PLLC (Sheets EX-1, SP-1, and LS-1) dated July 21, 2011 and revised December 2, 2011, and Elevations prepared by Peter Sweeny Architects, LLC (Sheets A100 A200, and A201) dated July 20, 2011, including a West Elevation Rendering dated July 20, 2011 and an Elevation Materials and Finishes sheet dated December 1, 2011; and

**Whereas,** the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

**Whereas,** the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined in its review dated December 12, 2011 that the project was a matter of local concern; and

**Whereas,** after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on November 21, 2011 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(8) and, therefore, SEQR does not apply; and

**Whereas,** on January 9, 2011, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

**Whereas,** the project involves the renovation of an existing structure with operational water and septic disposal systems; 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 determines that the applicant has an operational water and sewage system that are adequate to serve the site and can be used if necessary and that the Planning Board grants Site Plan approval to Bard College to convert an existing building into the Bard Alumni/ae Center with an accessory restaurant in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
  - A. The applicant shall obtain approval from NYSDOT for extension of the College water line to the site.
  - B. Addition to plan of pedestrian crosswalks from Rte. 9G to the front entrance of the building.
  - C. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.
  - D. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
  - A. The applicant shall provide proof of approval and an Authorization to Operate letter from DCDOH for the extension of the College water line to the site, and for the septic tank and sewage pump station. This deferral of DCDOH approval is justified because the site has an operating septic system and well on site which would be replaced by the connection to the applicant's water supply and sewage systems.
  - B. All proposed improvements shall have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond, undertaking, irrevocable letter of credit, or other security or performance guarantee satisfactory to the Town Attorney and Town Engineer, will be posted to ensure completion of the landscaping in accordance with the approved Site Plan.

3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
  - A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Site Plan Approval.
  - B. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

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 Pat Kelly, seconded by Kris Munn, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on January 9, 2012.

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

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

\_\_\_\_\_  
Date