

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
February 6, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:36 p.m., and a quorum was determined present for the conduct of business.

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

BUSINESS SESSION

The members welcomed Brian Walker to a seat on the Board.

Christine Kane confirmed the agenda as published. There were no announcements. The January 9, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt the minutes. Sam Harkins seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

John & Irene Coyle – 38 Glen Ridge Road – Special Permit

John and Irene Coyle were present for the public hearing on an application to establish a one bedroom accessory apartment in an existing residence on a 1.57-acre parcel in the R1 Zoning District.

Christine Kane read the public hearing notice that appeared January 31, 2012 in the Kingston Daily Freeman.

Mr. Coyle explained the project saying that he had added an extra line to the septic field to accommodate the extra bedroom and that he had installed fire proof ceiling tiles and a fire door in the apartment. He said that the lot was 1½ acres and that trees acted as a visual buffer for neighboring lots.

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

Mr. Coyle confirmed that the ZBA had accepted his application for an area variance to allow an extra 114 sq. ft. of habitable space in the apartment and had set a public hearing for February 8, 2012. He asked that the Board grant the special permit with the condition that the variance was granted. He also submitted a letter of authorization to allow his son to come before the Planning Board if necessary.

The Board completed the EAF part 2 and then reviewed the application against the General Standards for Special Permits, Section 143-51, and against the Special Conditions for an accessory apartment, Section 143-64. Mr. Coyle confirmed that a tree

line buffered the visual impact from the neighboring parcels and that there would be no change to the existing outdoor lighting.

Kris Munn then made a motion to issue a Negative SEQR Declaration for the project. Brian Walker seconded the motion, and all members present voted in favor.

The members then considered whether to approve the Special Permit on the condition that the variance was granted. They generally agreed to add a very specific condition for the 114 sq. feet of habitable space, so that if the ZBA granted any different variance, required any changes to the plan or denied the variance, the applicant would have to return to the Planning Board.

Sam Harkins then made a motion to grant the Special Permit with this specific condition. Brian Walker seconded the motion, and all members present voted in favor.

REGULAR SESSION – OLD BUSINESS

Pieter Estersohn – 451 Budds Corners Road – Minor Subdivision

Pieter Estersohn was present for continued discussion of an application for Subdivision approval to subdivide one (1) ±3-acre residential lot from a 25.4-acre parcel in the AB (Agricultural Business) Zoning District.

Christine Kane said that members had conducted a visit to the site in late summer and all had agreed on a lot location that was outside the agricultural soils.

Mr. Estersohn said that there had been no changes to the plan since the last meeting and that Winnakee Land Trust had tentatively agreed to hold the conservation easement.

Michele Greig said that the Town Highway Superintendent had stated that clearing of brush would be a condition of John Vincent's securing of a driveway permit for the new lot. She also said that the new lot would need County Health Department approval.

The Board completed the EAF part 2 and agreed to consider a Negative SEQR Declaration at the next meeting. They then scheduled a public hearing for March 5, 2012 at 7:35 p.m.

Mr. Estersohn then brought up the cutting of a large number of trees on Budds Corners Road and the high speed traffic on that road. The members generally agreed that the Town had no regulations governing the cutting of trees unless an application for the property was before the Planning Board or there were other specific circumstances. They told Mr. Estersohn that Budds Corners Road was a County road and that the County sheriff's office had jurisdiction.

Oaks/Preserve at Lakes Kill – Feller Newmark Road – Sketch Plan - Major Subdivision

Mike Bodendorf was present for continued discussion of an application for preliminary subdivision plat approval to create 11 lots on a + 100.45-acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Bodendorf said that he had tightened up some of the engineering and submitted a Stormwater Protection Plan. He also said that archaeologists had conducted a Phase 1A and a Phase 1B review of the site. The Board and the applicant agreed that those reviews should be sent to the NYS Office of Parks, Recreation and Historic Preservation for evaluation and comments. Michele Greig said that the Board should wait for a letter from OPRHP before concluding SEQR.

Mr. Bodendorf went on to say that he had started working with the Dutchess County Water and Wastewater Authority on the community septic system and was moving forward on the conservation easement. He said he would also like to approach the Town Board about the transportation corporation. Michele Greig said that the presentation would allow the Town Attorney to comment on the applicability of NYS Town Law 280-a to the project.

The Board and the applicant then reviewed the GreenPlan memo. She noted that the site had been significantly disturbed in the recent past, so the archaeological study determined the project would have no impact.

She also said that the Fire Department had requested a larger turnaround at the end of the road and the addition of a turnaround at the end of the private drive. She said that it might be possible to provide the Fire Department with information to allow the smaller turnaround and that it would probably not be advisable to require turnarounds at the end of a private drive.

She noted that the most recent plan included a split rail fence at the edge of the 100 foot wetlands adjacent area. The Board and the applicant agreed that the Homeowners Association could enforce the maintenance of that fence.

The Board agreed that the Stormwater Pollution Prevention plan could now be referred to the Town Engineer for review and comments. The Board agreed that the Town Engineer could attend the meeting if her written review seemed to warrant such a conversation.

Michele Greig noted that the proposed common driveway and private road must go to the Town Board for approval, where the Town Attorney would be able to comment.

Mr. Bodendorf said that he had not heard back from the Town Highway Superintendent about her specific drainage concerns on that road. Mr. Bodendorf noted that a roadside drainage swale on the property would be intercepted and the water funneled into the proposed drainage system.

Kris Munn asked about the access to the open space. The Board and the applicant agreed that the access point should be for pedestrians only. They considered the possibility of posts that would only be removable in case of emergency.

REGULAR SESSION – NEW BUSINESS

245 Woods Road, LLC – 245 Woods Road – pre-application conference

Attorney Jon Adams was present to discuss the possible replacement of a structure with a previously approved Special Permit for construction within 1,000 ft. of the Hudson River and within the National Historic Landmarks District.

Mr. Adams said that his client had recently purchased the riverfront property and wished to remove the existing residence, possibly replacing it with another building. He said that the previous action had undergone a very thorough review by the Planning Board and that he believed only the Board's approval of new building elevations would be required. He said that the footprint of the new building would likely be smaller and would remain within the building envelope shown on the map included in the conservation easement documents.

Christine Kane said that the approved special permit actually limited the house to the specific location shown on the site plan, so that moving the new building to a different location within the building envelope would not be permitted under the current permit. She said that the larger building envelope depicted on the easement map was to allow for small outbuildings or similar structures.

Christine Kane asked whether the applicants had talked to Winnakee Land Trust yet. Mr. Adams said no, that the plans were not that far along. Michele Greig noted that there some building size limitations and other parameters were included in the easement.

Christine Kane said that since the new house would be located in the same location, another site plan review would not be needed; however, since the house design and possibly the building materials would change, a new special permit or amended special permit would be needed.

Michele Greig noted that the previous project had actually required three (3) special permits. She said that the special permit for development within the Water Conservation Zoning District had been overlooked before but that the situation could be remedied when the new project was reviewed.

Christine Kane said that the Board would ask for a comment letter from Winnakee Land Trust once the plans were more developed.

Michele Greig noted that a special permit was good for one year and could be renewed for one additional year in case application for a building permit was delayed.

OTHER BUSINESS

Bard Alumni/ae Center – Special Permit

Christine Kane said that when approval for the Bard alumni/ae center was granted in January, the Board had meant to also approve the special permit allowing the college to modify the existing building into an educational use. Because of a technical glitch, the Special Permit resolution was not available, so the Board needed to adopt that resolution at this meeting.

Kris Munn asked whether the demolition of a substantial part of the building had been authorized by the building department. Michele Greig said no, that when the roof was removed, the framing in that section of the building was found to be unsafe because of a previous fire and was torn down.

The members agreed that if Bard had planned to demolish the entire building, the Board could have discussed site plan alterations but that this was a circumstance where the damage was found and the heavy equipment was on hand to remove it. Christine Kane said that the new building must be built according to the approved plan, with the dimensions shown, regardless of the demolition.

Kris Munn asked that the secretary investigate whether an engineer was on hand to verify the structural damage and to recommend the demolition.

The Board then reviewed a draft resolution approving the special permit. Sam Harkins made a motion to adopt that resolution. Kris Munn seconded the motion, and all members present voted in favor.

Wayne Graff for Patrick Sheehan

Attorney Wayne Graff addressed the Board saying that his client Patrick Sheehan had submitted an application to sell used cars and to rent cars at a location on Route 9. He said that years ago a used car sales business had been located on that parcel but that presently an auto parts retail store was there. He said that Mr. Sheehan's proposed use had been determined to be a vehicular-oriented commercial land use and so was not permitted in the TND-Commercial Center zoning district. He took issue with the statement that vehicular-oriented commercial land uses have a disruptive effect on pedestrian orientation. He asked why gas stations, tire stores and car parts stores were permitted but used car sales were not. Michele Greig said that a car parts store was a retail store. Mr. Graff said that a used car lot was also a retail business, specializing in selling cars.

Michele Greig said that the Planning Board members had not reviewed Mr. Sheehan's application and that determining whether a project was permitted in a particular zone was the responsibility of the Zoning Enforcement Officer. She said that in this case, the ZEO had determined that the project was not permitted in the TND-CC Zoning District.

The Board told Mr. Graff that his client could request a use variance from the ZBA or ask that Board for an interpretation.

Michele Greig noted that the new zoning allowed a much greater commercial density in that area but that some of the previously permitted uses were no longer allowed as new businesses.

Anderson Commons

Christine Kane recounted the recent history of the project, saying that the Town Planning Board was at a standstill because it believed that the Village should circulate for SEQR lead agency, while at the same time the Village had moved ahead by reaffirming the previous Negative SEQR Declaration. She said that the applicant's attorney had submitted a letter supporting the Village's position and that the Planning Board's attorney at Keane & Beane had written a response supporting the Town Planning Board's position. She said that the applicant disagreed with the Keane & Beane letter and also said that such a back and forth communication between attorneys would not be a productive use of financial and personnel resources.

Christine Kane went on to say that the next logical step was to refer the problem to the DEC Commissioner, who would choose a lead agency. Michele Greig said that the commissioner's decision would be based on the criteria laid out in the SEQR regulations.

Christine Kane noted that the Town Planning Board had wanted the Village Planning Board to take the proper steps since approvals had expired in both the Village and the Town. She said that since the Village had not circulated, the Town Planning Board had done so in order to protect itself and any approvals granted to the project.

Michele Greig said that both the Village Planning Board and the Village Board of Trustees had not consented to the Town Planning Board's serving as lead agency. However, only one agency (the Village Planning Board) contested or sought lead agency status.

Christine Kane said that the Town Planning Board had twice asked the Village Planning Board to wait until the Town Planning Board had received a complete application but that the Village had moved ahead. She said that the Town was generally satisfied now that the project was basically the same as the previous one. She said that the amount of water needed, the estimated traffic generated, etc. would probably be about the same.

Christine Kane went on to say that one of the central issues was whether any approvals granted without taking the proper SEQR steps would be thrown out if someone took the applicant, the Village or the Town to court over the project.

Michele Greig noted that even though the project had remained substantially the same, the Town Zoning regulations had changed and that it was possible that this might have some impacts on the project.

Christine Kane said that unfortunately the DEC Commissioner could not tell the Village to re-circulate for lead agency-- the Commissioner could only choose the lead agency.

Christine Kane said that the Village Planning Board took lead agency before because the Village was concerned about whether there would be an adequate water supply to serve the project. She said that the majority of the houses, the greater proportion of acreage, the community septic system and most of the proposed road frontage were in the Town.

Sam Harkins asked what the advantage would be if the Town Planning Board were chosen to serve as lead agency. He worried that the project approvals would be slowed down.

Kris Munn said that he believed that part of his responsibility as a Planning Board member was to protect the Town and to make sure the rules were followed.

Christine Kane polled the Board on next steps. She said that the Planning Board could write a letter to the Village Planning Board saying that the Town wished that the Village would re-circulate, but since it hasn't, a letter would be sent to the DEC Commissioner.

The members generally agreed that they wanted to follow the rules and that they should not expose the Town to any sort of liability in case a problem arose later. They

wondered whether, if the Village went ahead uncontested, the Town could be held liable in the future.

The members generally agreed that they wanted to see the project move forward as quickly as possible while adhering to all the legal waiting periods, etc. Michele Greig said that the DEC Commissioner must make a decision within 20 days.

Finally, the members generally agreed that in order to act impartially, correctly and within the legal requirements, they were not opposed to sending the letter to the DEC Commissioner.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration issued for the Coyle Accessory Apartment
Resolution granting a Special Permit to John and Irene Coyle
Resolution granting a Special Permit to Bard College for the Alumni/ae Center

**State Environmental Quality Review (SEQR)
Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: February 6, 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: Coyle 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 within an existing single-family dwelling served by municipal water supply and an individual septic disposal system.

Location: 38 Glen Ridge 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 7th*

Edition, Land Use Code #221). This is a *de minimus* increase above current traffic rates and therefore no significant adverse environmental impacts on the transportation network 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 existing single-family dwelling found in § 143-64 of the Zoning Law with the exception of the size of the apartment, which is 114 square feet larger than permitted and for which the applicant is seeking an area variance, a Type II action under SEQR. 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 Coyle Accessory Apartment

Name of Project: Coyle Accessory Apartment

Name of Applicant: John and Irene Coyle

Date: February 6, 2012

Whereas, the applicant has submitted an application for a Special Use Permit dated December 8, 2011 to the Town of Red Hook Planning Board to create an accessory apartment within an existing single family dwelling on a \pm 1.57 acre parcel (Tax Map Parcel No. 154889-6272-00-457360) located at 38 Glen Ridge Road, in the R1 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the Planning Board reviewed a project Narrative dated December 8, 2011, and a site layout, floor plans, and photographs (all undated); and

Whereas, it was determined that the application required referral to the Zoning Board of Appeals for an area variance for the size of the apartment, which is proposed at 114 sq. ft. larger than permitted; and

Whereas, on December 19, 2011, the Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on February 6, 2012, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated December 8, 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 February 6, 2012, 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 an existing single-family dwelling found in § 143-64 of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; with the exception of the size of the apartment; 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 John and Irene Coyls to create an accessory apartment within an existing single-family dwelling 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. That the ZBA grant an area variance for an additional 114 sq. ft. for the accessory apartment.

On a motion by Sam Harkins, seconded by Brian Walker, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on February 6, 2012.

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

Paula Schoonmaker, Planning Board Deputy Clerk

Date

Resolution Granting Special Permit Approval to Bard College Alumni/ae Center

Name of Project: Bard College Alumni/ae Center

Name of Applicant: Bard College

Date: February 6, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit 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 has 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 application for Special 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 an educational institution found in § 143-82 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 22, 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 Special Permit 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 grants Special Permit 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:

- A. 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.
- B. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the 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 Kris Munn, and a vote of 4 for, 0 against, and 3 absent, this resolution was adopted on February 6, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board

Date