

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**February 4, 2013**

**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 Charlie Laing, Brian Walker, Sam Harkins, Betty Carr and alternate Michelle Turck. Sam Phelan was absent. Also present was planner Michele Greig.

**BUSINESS SESSION**

(Christine Kane was detained and joined the meeting at a later time)

Deputy Charlie Laing confirmed the agenda as published. The January 7, 2013 draft minutes had been circulated among the members and reviewed. Betty Carr made a motion to adopt those minutes. Sam Harkins seconded the motion, and all members present voted in favor. There were no announcements.

**PUBLIC HEARING**

**Preserve at Lakes Kill – Feller Newmark Road – Preliminary Subdivision Plat Approval**

Charlie Laing said that the applicants had requested that the public hearing be continued to March 4, 2013. Brian Walker made a motion to continue the hearing to that date. Betty Carr seconded the motion, and all members present voted in favor.

**REGULAR SESSION – OLD BUSINESS**

**Rhinebeck Dog Park – Yantz Rd. & Stone Church Rd. – Site Plan**

Bruce Washburn and Paul Piastro were present for continued discussion of an application for Site Plan approval to establish a dog park on a 77.3-acre parcel owned by the Town of Rhinebeck in the RD3 Zoning District.

Charlie Laing reminded the Board that it had asked the Zoning Enforcement Officer if this project could be considered “limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review”...“the limited modification of [an] existing conforming use(s) and complying structures, as determined by the Zoning Enforcement Officer, wherein no substantial site improvements are either required or proposed”, as outlined in Section 143-114c(1) of the Zoning regulations. He said that the ZEO had responded with a memo to the Board agreeing that the project could be considered limited in this way.

Sam Harkins then made a motion to determine that the project fall under this section of the regulations and require no further review. Betty Carr seconded the motion, and all members present voted in favor.

### **Bard College Western Solar Array – College Campus – Site Plan**

Bard Sustainability Manager Laurie Husted was present for further discussion of an application for Site Plan approval to install 1500 solar panels near the existing soccer field, on a 301.7-acre parcel in the Institutional (I) Zoning District.

Charlie Laing summarized a January 25, 2013 letter from Diana Barton of Central Hudson saying that the company had completed a preliminary review of the project and had given its permission to go ahead with construction. The Board then reviewed the new site plan submission.

Charlie Laing read two email messages from Bard archaeologist Christopher Lindner. In these messages, Mr. Lindner stated that while there was a possible encroachment of the power line into an area of archaeological concern, that area had been previously disturbed and so did not have to be avoided. Mr. Lindner also said that an existing drainage ditch would serve as the trench for the power line and connection to the campus service line and that he would inspect the final placement of the solar panels to ensure that they were located outside the archaeologically sensitive areas.

Charlie Laing also read a January 18, 2013 letter from Douglas Mackey, Historic Preservation Program Analyst for the NYS Office of Parks, Recreation and Historic Preservation, in which Mr. Mackey stated that his agency had determined that the project would have no adverse environmental impacts on cultural resources included in or eligible for inclusion in the State or National Register of Historic Places.

The Board then reviewed a January 22, 2013 letter from Bard horticulturist Amy Parrella. In that letter, Ms. Parrella identified the trees that would be removed for the project. The members agreed that only the dead tree was a potential habitat area for the Indiana bat and required the applicants to remove that tree before March 31, 2013.

The Board then discussed whether the project would need an amendment to the 2005 update to the Bard Master Plan. Charlie Laing reviewed a letter from the Zoning Enforcement Officer that stated that the Planning Board had greater knowledge of the campus projects and was in a better position than he to determine whether an amendment was needed. The members generally agreed that the panels should be considered a utility rather than an educational structure and that the current master plan showed no future buildings proposed for the area designated for the panels.

The Board determined the project to be a Type 1 action under SEQR. Betty Carr made a motion to establish the Board's intent to serve as Lead Agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then agreed to ask the Town Engineer if a review was necessary to assess the panels' snow load capacity. It also referred the project to the Dutchess County Department of Planning and Development under GML 239m. Finally, the Board scheduled a public hearing for March 4, 2013.

### **Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – subdivision, site plan and special permit**

Ken Kearny, Sean Kearney, and later Pete Setaro, P.E. were present with applications for subdivision, site plan and special permit approval for construction of a 51 unit development

partially in the Village of Red Hook and partially in the RD1 Zoning District in the Town of Red Hook.

Ken Kearney said that Morris Associates had recalculated the density in light of the recent zoning amendments. He said that they did not as yet have the density calculation for the Village's NMU zoning district. He said that approximately 6.7 acres of the project land were in the Village. He said that Sam Phelan had suggested at a previous meeting that some of the density in the Town could be shifted to the Village if the Village regulations allowed it. He said that the number of lots proposed now was exactly the same as the number of lots approved for the project in 2006.

Michele Greig said that the project exceeded the allowed Town density by about 5 lots and that one of the problems was that a number of lots were bisected by the Town/Village municipal line. She said that the density for the multifamily units could be calculated using the bedroom count method, which might bring the applicants to the desired density. If not, she said, the density could be transferred to the Village by means of an intermunicipal agreement if Village density was available according to Village regulations. Mr. Kearney said that the maximum Village density had not been reached. Michele Greig said that the applicants would have to work with the Village Trustees and the Town Board, not the Planning Boards, to create an intermunicipal agreement. Mr. Kearney said that, in his experience, he had found intermunicipal agreements to be time consuming and largely unproductive.

Charlie Laing urged Mr. Kearney to take a close look at the bedroom count.

(at this point Christine Kane joined the Board)

Michele Greig said that the applicants' density calculations showed that 32 dwelling units would be allowed, while the plan showed 33 dwelling units—1 lot over the density. Also, she said, 8 lots were bisected by the municipal line. She said that she had estimated that by adding the portions together, 4 lots could be considered to be in the Town, and 4 could be considered to be in the Village. She said that therefore a total of 5 dwelling units must be found in the Town density calculations or by transferring density to the Village via intermunicipal agreement.

Michele Greig noted that the municipal boundary line was not identical on the site plan and subdivision plats.

Mr. Kearney asked whether the NMU language in the Village zoning regulations could help the situation. Michele Greig said no, that the Village regulations could have no impact or relevance on the Town density calculations.

Mr. Kearney asked how optimum density had been achieved when the project was approved in 2006. Michele Greig said that under the old zoning regulations, the applicants were allowed 2 dwelling units per acre in the R1 Zoning District if the units connected to a municipal water supply. She said that that provision had been removed in the new zoning regulations and that now only 1 dwelling unit per acre was allowed in the R1 Zoning District.

Michele Greig said that recalculating the density using the bedroom count formula for the multifamily units and transferring density via an intermunicipal agreement were the only 2 options open to the Planning Board. Mr. Kearney said that there might be other options. Michele Greig said that the Town Board might have other options.

(at this point, Pete Setaro of Morris Associates joined the applicants)

Michele Greig cited Section 143-58B of the Zoning regulations as outlining the method of calculating the density of multi-family units by using a bedroom count of 9 bedrooms per acre.

Charlie Laing said that if an intermunicipal agreement was found to be necessary, there was an existing Intermunicipal Task Force that could facilitate the process.

The Board and the applicants then discussed “Parcel C”, which would be Homeowners Association property and which might be included in the open space or be found to require a protective easement later in the review process. Mr. Setaro said that Parcel C would contain the sewage disposal system and some of the drainage system for the development. Michele Greig said that 5.4 acres of the total 9.7-acre Parcel C had been proposed as common areas or “greens”, had been counted toward the total open space and would have to be protected by the conservation easement.

Christine Kane wondered whether the applicants would consider removing the “executive lots” from the project, thus reducing the overall density. Mr. Setaro did not think this would be a viable option for the applicants.

Michele Greig made it clear that a multi-family building was considered to be 3 dwelling units or more in one building. She said that a duplex was not considered to be a multi-family building.

#### **Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Sketch Plan and Site Plan**

Richard Rang, Rodney Morrison, P.E., project engineer Scott Ouimet and landscape architect Henry Thomas were present for further discussion of applications for sketch plan (subdivision) and site plan approval to create 96 residential units on 50.64 acres in the TND-R (Traditional Neighborhood Development- Residential) Zoning District.

Mr. Morrison said that the development plan had remained basically the same but that the new submission was more in depth.

Mr. Thomas explained that one goal of this TND neighborhood was to connect with the existing neighborhood along Old Farm Road. He said there would be sidewalks, houses that faced Old Farm Road, and parallel parking along the street. He said that the entrances to the development would be traditional street entrances, not grand entrances. He said that in general, the single family homes would be on the outside of the development and the multi-family buildings on the inside. He said there would be a total of 78 visitor parking spaces along the streets on the inside of the development and along Old Farm Road. He said that these parallel parking spaces would also serve the open and community spaces.

He said that the applicants had worked at maximizing the open space. He added that there would be a community building at one end of the development and street trees along the streets. He said that the applicants would provide a variety of species and fall color as well as more decorative trees in certain areas throughout.

Mr. Thomas went on to say that there would be street lighting at the intersections of the streets and that the applicants were looking closely at LED lighting and lighting that would be in compliance with the Town’s exterior lighting standards and height requirements. He said that

the applicants recognized that there would also be light coming from windows and from front porches.

Asked about mailboxes, Mr. Rang said that the applicants had not yet discussed mail delivery with the Red Hook Post Office.

Mr. Thomas went on to say that the applicants were having trouble meeting the lot coverage requirements and wondered if those requirements were an error in the new zoning regulations. Michele Greig said that she would look into the matter.

Moving on to the proposed architecture, Mr. Thomas said that the applicants were preparing conceptual plans with a variety of floor plans and elevations. He said that some of the single family homes would be two-story and some would be cottages. He said there would be a variety of styles. He said that the 2-car garages and driveways would be at the rear of those homes in the middle of the development, accessed by narrow lanes. He said there would be larger homes on larger lots around the perimeter of the development. He said that those homes would not have lanes in the back and so would have driveways, possibly shared driveways, from the streets in the front. The Board and the applicants agreed to keep talking about how the various home types would be mixed throughout the development.

Charlie Laing asked whether there would be an uninterrupted street line of housing fronts or whether that line would be broken up by setbacks, etc. Mr. Thomas said that a variety of front porches and roof lines would serve to provide visual relief from a consistent street line.

Christine Kane brought up the subject of fees and the applicants' request for a waiver from all fees except the sketch plan fee, which they had paid. Mr. Morrison said that the applicants had not heard back yet from the Town Board. Christine Kane said that the Planning Board could not move forward past sketch plan review until that issue was resolved.

Mr. Rang said that the applicants had submitted a revised EAF as requested.

Returning to the subject of the lot coverage, Mr. Thomas provided illustrations of what some lots would look like if the requirements were met. Michele Greig said she would help draft a letter to the Town Board asking whether a change in those requirements would necessitate an amendment to the regulations or whether it could be considered the correction of an error.

The Board determined the project to be a Type 1 action under SEQR. Sam Harkins made a motion to establish the Board's intent to serve as Lead Agency for the SEQR review. Brian Walker seconded the motion, and all members present voted in favor.

The applicants noted that they had already conducted a phase 1 and a phase 2 archaeological review of the project site. Michele Greig said that NYS Office of Parks, Recreation and Historic Preservation would assign a number to the project and respond to the report when the agency received a set of plans and a SEQR circulation letter.

Betty Carr made a motion to endorse the sketch plan. Sam Harkins seconded the motion, and all members present voted in favor.

The Board authorized Michele Greig to send the traffic study and the habitat studies to outside consultants for review and comments.

The Board then referred the project and the preliminary engineer's report to the Town Engineer for review and comments. Michele Greig noted that the applicants should either revise their density calculations or provide an explanation of those calculations before the project was sent to the Engineer.

Asked about the width of the on-street parking lanes, Mr. Morrison said that they were currently 8 ft. He said that a narrower width would be agreeable to the applicants if it was acceptable to the Red Hook fire department.

(at this point, Michele Greig recused herself for the rest of the evening)

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

(Michelle Turck recused herself from discussion of this project [correction added 3/4/13])

#### **Hudson Valley Farmers Market, LLC – Pitcher Lane – Special Permit and Site Plan**

Norman Greig and attorney Bart Lansky were present with an application for a special permit to establish a farmers market at an existing agricultural business site on a 108-acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Lansky began by citing Section 143-114(1) of the Zoning regulations, saying that the proposed farmers market was limited in scope and that agricultural uses were already established on the property. He said that the Zoning Enforcement Officer had not considered that the property had been used as a farm for over 100 years, that there were a number of existing agricultural uses on the parcel and that therefore the farmers market could and should be considered grandfathered.

Mr. Greig drew the Board's attention to two handouts he had supplied, both of which he said demonstrated the intent of the Zoning code. Mr. Lansky said that the intent of the agricultural provisions of the code was to promote businesses such as this one.

Mr. Lansky said that there would be no external changes to the site. Mr. Greig said that the summer market would take place outside while in the winter, vendors would set up stalls inside the barn.

The Board then reviewed a GreenPlan memo dated February 1, 2013. Charlie Laing said that the memo stated that a site plan review was needed as well as a special permit. Mr. Lansky argued that no site plan approval was needed since there would be no changes to the site and since the project should be considered pre-existing.

Mr. Greig submitted a June 25, 2012 letter from NYS Department of Agriculture and Markets stating that his business was a recognized farmers market.

Mr. Greig went on to say that there was adequate parking for both the adjoining Gigi Market and the farmers market, that the only signage would be temporary 2ft. x 3ft. sandwich board signs put out on the days of the market, that there would be no change in the curb cuts to the parking area, and that there would be no changes to the exterior lighting.

Charlie Laing reviewed a letter from Laura Pensiero, owner of Gigi Market, who said that patrons of the farmers market were using her lavatory facilities and that vendors selling coffee were coming into her business space to get water for their coffeemakers. She said that this

water use was taxing the ultraviolet system she had installed to ensure water potability. Mr. Greig said that he had recently rented a porta-potty for use at the farmers market.

Asked about when the farmers market would be operating, Mr. Greig said that he had permission from NYS Ag and Markets to be open Friday, Saturday and Sunday. He said that presently the market was open on Saturdays from 10 a.m. to 3 p.m.

Sam Harkins made a motion that the Board determine the project to be a Type 2 action under SEQR, requiring no further environmental review. Brian Walker seconded the motion, and all members present voted in favor.

Christine Kane said that while the regulations required site plan review, the Planning Board could determine how much of a review was appropriate. Mr. Greig revised his application to include "site plan".

Sam Harkins then made a motion that the Board conduct a limited site plan review for this project. Brian Walker seconded the motion, and all members present voted in favor.

The Board generally agreed that Mr. Greig should revise his site plan by 1) locating and labeling two adjoining handicapped parking spaces, 2) adding a note stating that there would be no evening hours and therefore no change to the exterior lighting and 3) adding a note stating that there would be no permanent signage.

The Board then scheduled a public hearing for March 18, 2013.

### **ADJOURNMENT**

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

Respectfully submitted

Paula Schoonmaker