

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
June 2, 2014

CALL TO ORDER AND DETERMINATION OF QUORUM

Christine Kane opened the meeting at 7:30 pm. A quorum was determined present for the conduct of business.

Members present — Sarah Gilbert, Sam Phelan, Sam Harkins, Brian Walker, Charlie Laing and Christine Kane. Also present was planning consultant Michele Greig.

Ms. Kane announced one change to the agenda, which was the adjournment of continued review of the Preserves at Lakeskill major subdivision until June 16.

Brian Walker made a motion that the minutes of May 19 be accepted. Sarah Gilbert seconded and all members voted in favor.

Ms. Kane announced that a map had been received from the Dutchess Land Conservancy showing all the lands in Red Hook that are they hold conservation easements on. She suggested the map be displayed in the planning office.

Ms. Kane reviewed two letters received from the attorneys for the Preserve at Lakes Kill project. One requested adjournment until June 16, and the second grants a second extension by the applicants until July 21 for the board to render a decision on the matter.

PUBLIC HEARING

Kent/Feller Lot line Alteration, Feller-Newmark Road

Public hearing on application for lot line alteration between Dean Kent, owner of a 93.29 acre parcel, and the estate of John Feller, owner of an adjacent 139 acre parcel, to convey 10 acres of land from the Feller estate to the Kent property.

Christine Kane read the Public Hearing notice that was published in the Poughkeepsie Journal and the Daily Freeman. Dean Kent was present to describe the project. He displayed a survey showing the proposed boundaries. He said the acquired property would be for agricultural use.

Ms. Kane asked if there was anyone in attendance who had questions or concerns about the project. There were no comments or questions.

The board reviewed the progress of the application, which required waivers of right of first refusal from the town and Scenic Hudson. Ms. Kane asked again for comments from the public. There were none. Sam Harkins made a motion that the public hearing be closed. Charlie Laing seconded and all members voted in favor.

Ms. Kane noted that agricultural data statements were circulated, and that a recreational fee would not be required. The board reviewed a draft approval resolution with conditions. Upon conclusion, Sam Phelan made a motion to adopt the resolution. Sam Harkins seconded, and all members voted in favor.

OLD BUSINESS

Montgomery Place /Historic Hudson Valley- Maintenance of Scenic Vistas - Special Permit

Continued discussion of application for the restoration of four river vistas and the removal of invasive species (Ailanthus). The landscape restoration involves the removal and trimming of trees on either side of existing view openings to widen the view of the river and mountains.

Montgomery Place Executive Director Ray Armater was present to discuss the project. Mr. Armater provided some new information on the ages of some of the trees that will be removed, distributed photos of each the four scenic vista openings as they look today marked to indicate how they would be restored.

Mr. Armater said Eric Kiviat, Executive Director of Hudsonia, had visited the site to inspect for habitats of Indiana Bat and suggested in a subsequent letter that it is probable that the bats roost in the area and therefore cutting should be done between November 1 and March 31 when the bats are not present.

Regarding disturbing Bald Eagle nesting sites, Mr. Kiviat wrote that because the vistas are more than 6,000 feet from the nearest known bald eagle nests, the proposed project would not disturb them. He concluded that the best time to execute the work would be between November 1 and December 1.

Mr. Kiviat also reported that the south woods, which contain old oaks and hemlocks, is undergoing the death of hemlocks due to insect infestation. He suggested that in order to reduce the risk of invasion by the nearby invasive species Ailanthus and others, smaller Ailanthus plants be removed in August and September to prevent them from seeding the neighboring forest.

The board reviewed a memo from the planning consultant. Mr. Armater said that he had made changes to pages 3 and 13 to the Full Environmental Assessment form. Michele Greig said the Department of Environmental Conservation had requested that the board circulate for Lead Agency for SEQR. She said there is no need to send the project to Dutchess County Planning for review. She suggested that because there are some very old trees slated for removal, perhaps the board should conduct a site visit. The board agreed to visit the site Saturday, June 14 at 2 pm, and to set a public hearing for the project for July 7.

Charlie Laing made a motion to adopt the resolution establishing Intent to be Lead Agency for SEQR. Sam Phelan seconded and all members voted in favor.

NEW BUSINESS

Zengen / Windmill Lodge – 7314 South Broadway – Site Plan

Continued pre-application conference to construct a building for “short and long term tenancy” with a first floor apartment for the owner on a 2.95 acre parcel located in the TND Commercial Center Subdistrict.

Michael Brown was present to represent the applicant. He said the plan is to construct a Cape Cod style modular home.

Christine Kane asked for clarification of exactly what the use of the new building would be. Mr. Brown replied that Rosemarie Zengen, the owner/applicant, would live on the first floor of the house, and the

second floor with 4 bedrooms would be designated for guests. He said access is planned via Metzger Road through the purchase of a 25 foot existing driveway from the neighbor.

Ms. Kane said that while lodging establishments are permitted in the TND CC district, the definition of a lodge differs from what is being proposed. She also noted that residential apartments are not permitted on first floors in the TND CC district.

A separate issue with the plan mentioned in the review memo provided by the planning consultant is that the frontage required would be 95 feet where the access is proposed on Metzger Road. Sam Phelan said that he felt the frontage requirement was satisfied by the property's frontage on Route 9. Ms. Greig replied that her interpretation is that a lot that has frontage on two roads needs to have adequate frontage on both roads. She said that NYS town law would allow the town board to reduce the frontage, or the applicant could pursue a variance. However, the issue of a residential building in the business district persists.

Ms. Kane suggested the board visit the site to establish the current uses. The board agreed to visit the site at 7 pm Friday June 13. In the meantime, Ms. Kane suggested that Mr. Brown confer with the applicant to determine precisely what the use of the new building would be. She reiterated that a house with a ground floor residential unit is not allowed in the commercial district with access from a main commercial road. She said her understanding of what was being described was an owner occupied single family dwelling with guest rooms which is a Bed and Breakfast, which would also not be allowed unless access is from a side street rather than Route 9.

Ms. Greig said a single family home would be allowed with proper access (95 feet of frontage) from a side street, such as Metzger Road. Mr. Brown said 95 feet of frontage would not be possible. Mr. Laing asked if they could apply to the ZBA for a variance. He also said that the applicant could get the access requirement reduced through incentive zoning. Alternatively, Ms. Grieg said that if the applicant could obtain 50 feet of frontage on Metzger Road she could subdivide and build a residence. Mr. Brown said 50 feet would not be possible.

In conclusion, the board generally agreed that if the applicant wants a single family home or a bed and breakfast with a first floor residence at the site she can only do that with frontage on Metzger Road, either by acquiring the required frontage or by obtaining a variance. There being no further business before the board, Charlie Laing made a motion to adjourn. Sarah Gilbert seconded and all members voted in favor. The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Kathleen Flood
Secretary

**Resolution Granting Final Subdivision Plat Approval
Kent/Feller Lot Line Alteration**

Name of Project: Kent/Feller Lot Line Alteration

Name of Applicant: Dean M. and Linda C. Kent and Estate of John F. Feller

Whereas, the applicant has submitted an application for a Lot Line Alteration dated April 25, 2014 to the Town of Red Hook Planning Board to convey \pm 10.947 acres of land from a \pm 139 acre parcel owned by the Estate of John F. Feller (Tax Map Parcel No. 134889-6373-00-330435-0000) to a \pm 93 acre parcel owned by Dean M. and Linda C. Kent (Tax Map Parcel No. 134889-6373-00-160475-0000) located in the AB Zoning District on Feller-Newmark Road, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by Welch Surveying dated May 5, 2014 and revised May 7, 2014; and

Whereas, on May 19, 2014, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, on May 19, 2014, the Planning Board, in consideration of the Short Environmental Assessment Form dated April 25, 2014 and revised May 19, 2014 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, the parcel owned by the Estate of John F. Feller is encumbered with a conservation easement held by The Scenic Hudson Land Trust, Inc., with third party enforcement rights granted to the Town of Red Hook, which easement grants a Right of First Refusal to purchase said property to Scenic Hudson and to the Town of Red Hook; and

Whereas, The Scenic Hudson Land Trust, Inc. has consented to the proposed transfer of property, and on May 19, 2014 granted a limited waiver of the Right of First Refusal; and

Whereas, the Town of Red Hook, in correspondence dated May 14, 2014, has consented to the proposed transfer of property; and

Whereas, the parcel is located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated April 25, 2014 and revised May 7, 2014, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on June 2, 2014, 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 determined that the proposed action will not create a need for recreational land and facilities, and therefore does not require the applicant to make a recreational fee payment; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to Dean M. and Linda C. Kent and the Estate of John F. Feller to convey ± 10.947 acres of land from the lands of the Feller Estate to the lands of Kent located on Feller-Newmark Road 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 Subdivision Plat by the Planning Board Chairwoman:
 - (a) 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) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - (c) 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.
2. The applicant shall file the Limited Waiver of Right of First Refusal granted by The Scenic Hudson Land Trust, Inc. simultaneously with filing the plat with the Dutchess County Clerk's Office, and shall provide the Planning Board with a record of the filing of said waiver with the Dutchess County Clerk's Office.
3. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant and contained in the Short Environmental Assessment Form and the negative declaration adopted by the Planning Board on May 19, 2014 shall be considered conditions of this Subdivision Plat Approval.
4. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

On a motion by Sam Phelan, seconded by Sam Harkins, and a vote of 6 for, 0 against, and 0 absent, this Resolution declared adopted on June 2, 2014.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Montgomery Place Maintenance of Scenic Vistas

Whereas, the Town of Red Hook Planning Board is in receipt of a Special Permit application by Historic Hudson Valley for the selective removal and trimming of trees on a portion of ± 175.7 acre parcel of land located 100 Montgomery Place, Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated May 20, 2014 and revised May 30, 2014 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5 and within Chapter 68 of the Town Code, the Planning Board has determined that the proposed project is a Type 1 Action; and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply; and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including New York State Department of Environmental Conservation, and that interested agencies include Hudson River Heritage.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairwoman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

On a motion by Charlie Laing, seconded by Sam Phelan, and a vote of 6 for and 0 against, and 0 absent, this resolution was adopted on June 2, 2014