

**APPROVED
TOWN OF RED HOOK PLANNING BOARD
MEETING MINUTES
APRIL 6, 2015**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:40pm. A quorum was determined present for the conduct of business. Members present: Chairperson Christine Kane, Brian Walker, Sarah Gilbert, Kallie Robertson and Sam Harkins. Also present was planning consultant Michele Greig and engineering consultant Brandee Nelson.

Ms. Kane noted one change to the agenda was that St. John's Reformed Church has temporarily withdrawn their application for a Certificate of Appropriateness.

Kallie Robertson made a motion to adopt the minutes of March 16. Sarah Gilbert seconded and all members voted in favor.

OLD BUSINESS

CONTINUED INFORMATIONAL PUBLIC HEARING

Willms Revocable Trust and R&R Development of Red Hook, Inc. – Lot Line Alteration

Continued discussion of proposed lot line revision application in the TND Commercial district.

Ms. Kane announced that this project will be adjourned until April 20.

Murphy Accessory Apartment – 163 Hapeman Hill Road – Special Permit

Continued discussion of special permit for an accessory apartment on a 3.15 acre parcel located in the RD3 zoning district.

Debra Murphy was present to represent her application. Christine Kane reported that the Dutchess County Department of Planning and Development had responded to the zoning referral and indicated that it is a matter of local concern.

Brandee Nelson said that Crawford and Associates had confirmed, at the board's request, that there are two separate and approved septic systems on the property, one for a four bedroom residence and one for a two bedroom residence.

Ms. Kane asked if there were any other questions. There were none. The board reviewed a draft EAF Part 2, and a corresponding Negative Declaration. Sam Harkins made a motion that the board adopt the Negative Declaration as amended. Brian Walker seconded and all members voted in favor.

The Board then reviewed a draft approval resolution and conditions. Brian Walker made a motion to adopt the resolution as amended. Sarah Gilbert seconded and all members voted in favor.

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision, Preliminary Plat and Site Plan

Continued discussion of preliminary subdivision plat and site plan to create 102 residential units on approximately 52 acres of land of which approximately 50 will be developed as a Traditional Residential Neighborhood in the TND (Traditional Neighborhood District - Residential) zoning district.

Richard Rang and Rod Morrison were present to represent the applicant. The Board reviewed comments from Crawford and Associates. Brandee Nelson recommended that prior to a public hearing the entrances be staked so the board and Highway Superintendent visit the site and review access points and possibly construction phasing. She added that they are still in discussions with the project engineers regarding storm water drainage matters.

Ms. Nelson also noted that the light from the proposed street lights has a slightly greater light trespass than is allowed, but it is over Old Farm Road. The board generally agreed that is not an issue.

The Board then moved to comments dated 4-6-15 from Greenplan. Michele Greig said she felt that there were a few design issues that the Planning Board needed to discuss and resolve, and a few site plan requirements that should be submitted before a public hearing can be scheduled.

The first design issue she wanted the board to address was the Flex Unit Type C, which she felt should be deleted since front loaded garages will not be allowed for townhouse units. She suggested if the applicant wants to use that unit as a TND house, they should move it to that section. In her memo, she recommended substituting it for House Unit Type G, which would require an area variance.

Mr. Rang responded that Flex Units can be single family homes or combined to be townhomes. Ms. Greig replied that the presentation is confusing because Flex Unit Type C cannot be used for the townhomes because it has a front loaded garage and all of the townhomes are proposed to be accessed from a rear lane. She requested that they move Flex Unit Type C showing a front loaded garage out of the Flex Unit section and put it into the TND House section.

Ms. Greig said that before a public hearing can be held on Site Plan, the applicants should submit elevations for the Community Center and Mail Kiosk, sample elevations for the garages, samples of building materials and colors, and show the proposed recreation facilities on the site plan.

She took issue with the applicant's responses in their March 27 submission letter, which indicated a reluctance to provide samples of building materials and colors because the project is "designed to be a for sale community of homes with separate, individual home buyers who will choose from a range of colors and materials offered, all of which will be consistent with the requirements of the TND Code but driven by the homebuyers, and cannot be dictated by either the applicant or the Town." She pointed out that development in the TND district requires Site Plan approval, which specifically includes the approval of building elevations, colors, materials and textures, etc. She said the architectural package must be approved by the Planning Board.

Rod Morrison asked specifically what the board would want to see with regard to building materials. Ms. Kane answered that the board would like to see examples of materials that buyers can select from, including color, pattern and style palettes. She gave examples of shingle colors, siding samples and stone samples. She said the board would need to review them before the public hearing, and actual samples would be required for the public hearing.

Ms. Greig asked if the Design Review Committee had reviewed the architectural package. Mr. Rang said that they are in the process of scheduling a meeting.

Ms. Grieg went on to note that another unresolved issue is Unit Type G, which would require an area variance for a garage that is set back only 12 feet from the front façade of the building rather than the 20 feet required. She said she felt it was inappropriate for the planning board to approve a unit type that requires a variance, and recommended that unit be removed from the plans.

Ms. Greig went on to discuss Unit Type E, which the architectural package identifies as the unit that should be used for corner lots. Mr. Rang said that although Unit Type E is designed specifically for the corner lots, he would not limit corner lots to only that Unit choice. He said that he would be willing to require units on corner lots to have a wraparound porch or a side entry. Board members responded that if Mr. Rang wanted to change the original plans he would need to submit drawings showing exactly what could be constructed on corner lots.

The Planning Board moved on to the driveway widths. Ms. Greig said that the Zoning Law prohibits parking in the first lot layer, and parking is only allowed in the second lot layer if the driveway is no more than 12' wide. She said the reason for this is to maintain the pedestrian orientation of the TND District by minimizing the width of the curb break in the sidewalk and by discouraging parking in the front yard, which gives prominence to vehicles. She said she felt it was an important design issue, and urged the Board to require that all driveways be no more than 12 feet wide at the curb break, widening at the top for two car garages, rather than up to 18 foot wide driveways proposed for homes with two car garages.

Discussion followed on issues of the plotting of notes on plans, the plan for a sidewalk to Route 9, and some landscaping issues, the possibility of creating a street lighting district, snow removal/storage, and the first phase and subsequent phases of construction. Mr. Rang also displayed preliminary plans and elevations for the community post office and the community building, although they have not been formally submitted.

Mr. Morrison suggested a meeting between the consultants and the project architect to resolve the architectural questions that have been brought up. Ms. Greig said that she felt those issues should be decided by the board and not by the consultants.

Sam Harkins made a motion that the board resolve that the by-right lots are not required to have a minimum of 95" frontage. Kallie Robertson seconded and all members voted in favor.

Ms. Kane revisited the driveway width question. She said if the point is to create a village setting with safe pedestrian and bicycling access, the narrower curb cuts make more sense. Sam Harkins and Kallie Robertson agreed with Ms. Kane. Ms. Kane asked if there was consensus with the board. Mr. Rang requested at that point that the board refrain from making the decision until the applicants have an opportunity to create a graphic showing the geometry and reasoning behind their designs with wider driveways. Ms. Grieg noted that only the units with front-loaded garages have wider driveways. The board agreed to defer the decision. Ms. Nelson asked what would happen in the event that a buyer does not want a garage. Mr. Rang said he would have to provide two parking spaces in the third lot layer.

Mr. Morrison asked if they could return before the board at the next meeting to present their case for the driveways. Ms. Nelson said she felt that more comprehensive responses would be more helpful to the board, rather than responding to issues piecemeal. Mr. Rang said he would like to bring his architect with him to the next meeting to continue the discussion on the architectural issues. He said he felt that he did not need to submit anything to continue the discussion. The board generally agreed that they would like to see a submission of the new architectural elevation for corner lots and the other items requested that are still outstanding on the site plan, as discussed previously during the meeting. Mr. Rang said he would not have time to prepare them by this Friday's submission deadline. He said he would like to bring his architect in to discuss some of the issues such as the driveway widths, and did not think a submission would be necessary to do so. The board generally disagreed, saying they would like drawings to refer to. Mr. Rang contended that the board has the drawings. The Board disagreed, saying, for example, that elevations of the garages and of the units that can be built on the corner lots have not yet been submitted.

Ms. Greig added that she is not satisfied with the applicant's responses to her recent comment memo. She said she felt that her comments were being dismissed rather than being addressed, and the Planning Board's attorney was in agreement with her. She said a submission of the requested elevations and other materials was necessary as well as a more substantive response to her recent memo. .

Ms. Kane said she thought it would make more sense to discuss all of the outstanding architectural issues at once when Mr. Rang has his architect with him, and agreed that a submission of what has been requested would be most productive.

Mr. Rang disagreed strongly. Ms. Kane stated that the board has many questions, and needs something visual to refer to as the conversation continues. She determined that the Board would require a submission of the items requested, and continue discussing architectural issues on May 4, and hopefully set a public hearing at that time.

Mr. Rang continued to push for coming to the April 20 meeting with his architect. Ms. Kane countered that progress was stalled because the board needs the renderings and other materials to review. She concluded that the project would be on the agenda for May 4, which would give the applicants plenty of time to get a submission together.

NEW BUSINESS

Fitness Fusion – 21 Glen Pond Drive – Site Plan

Presentation of application to establish a fitness studio at the former Eye Associates building in the B-2 zoning district.

Elizabeth Cort and Margaret Mondello were present to represent the applicant. The Board asked Ms. Greig to review her comments. Ms. Greig asked if the existing parking would be adequate for her fitness studio. Ms. Cort said there are 17 regular and 2 handicapped spaces, and the maximum capacity of her classes is 18. Ms. Kane asked how many employees she would have. Ms. Cort said one at a time. Sam Harkins said only one handicapped space was required.

Ms. Cort said the lighting and landscaping would remain the same, and she would install her sign on the same freestanding sign area that was used by Eye Associates.

The board reviewed a draft resolution classifying the proposed project as a Type II action under SEQR. Sam Harkins made a motion to adopt the resolution. Sarah Gilbert seconded and all members voted in favor.

Ms. Kane asked the Board if they felt that a full site plan review would be necessary. The board generally agreed that it was not. Kallie Robertson made a motion that the Board adopt a resolution determining that the project is limited in scope and requires no further review under Article VII of the Zoning Law. Brian Walker seconded and all members voted in favor.

OTHER BUSINESS

Pre-application discussion – Tim Davis

Mr. Davis' wife Lisa Sanditz and Daniel D'Oca were present for the discussion.

Three parcels of land in the Village of Tivoli and Town of Red Hook were the subject of their potential project. They are interested in creating a three lot subdivision with a common driveway from Woods Road in the Town of Red Hook. Mr. D'Oca said they had met with Steve Cole, who said 50 feet of road frontage would be required per house, however they only would have 80 feet, so they would have to acquire more frontage or obtain a variance.

Ms. Kane said that it would not be a simple project since it crossed the village/town boundary but it would not be impossible. She said applications would have to be filed with the two municipalities involved.

The frontage requirements would pose the biggest challenge, Michelle Greig said. Requirements of common driveways and sight distance were also discussed. Ms. Nelson also noted that soil conditions may pose a challenge to septic systems.

Conditional Approval Extension Request - Katherine Gagin Daycare

Christine Kane read a request for extension on site plan approval. Sam Harkins made a motion to grant a six month extension. Kallie Robertson seconded and all members voted in favor.

Conditional Approval Extension Request – Catlin Subdivision

Christine Kane read a request from engineer Mark Graminski requesting a 90 day extension on the conditional approval for the Catlin minor subdivision. Sam Harkins made a motion to grant a 90 day extension. Brian Walker seconded and all members voted in favor.

Zoning referral from Town Board, TND Cottages

The board reviewed a zoning referral from the town to change the size of TND cottages to a maximum of 1500 square feet in gross floor area. The board generally agreed that they would support the change, and Ms. Kane agreed to draft a letter to the town affirming their support.

Sam Harkins made a motion to adjourn. Kallie Robertson seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood
Secretary

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: April 6, 2015

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: Murphy Accessory Apartment

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to create an accessory apartment within a new independent structure on a \pm 3.15 acre parcel of land (Tax Map Parcel No. 134889-6372-00-875777-0000) in the RD3 Zoning District. The apartment will be served by an existing septic and well.

Location: 163 Hapeman Hill Road, Town of Red Hook, Dutchess County New York

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 Short Environmental Assessment Form (EAF) for the action dated September 5, 2014, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The proposed action will be served by an existing sewage disposal system (SDS) that has been approved by the Dutchess County Department of Health. The Town Engineer has confirmed that there are two SDS on the site, one serving the existing house, and one that will serve the

proposed apartment. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on water resources.

4. Projected vehicle trips generated by the proposed action, based on multipliers provided by the Institute of Transportation Engineers *Trip Generation* (7th Edition) is seven (7) vehicle trips per day, including 1 vehicle trip during the Weekday AM Peak Hour and 1 vehicle trip during the Weekday PM Peak Hour. This is a *de minimis* increase in traffic. Based on the foregoing, the Planning Board concludes that no significant adverse environmental impacts on the transportation network will occur.
5. The proposed project is anticipated to result in a minor increase in energy use; however, the dwelling will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy efficient products in all new and renovated construction, and will be Energy Star compliant (i.e., 20% to 30% more energy efficient than standard homes) to minimize energy consumption, as required by Chapter 74 of the Town Code and consistent with the Town's Climate Smart Communities Pledge. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on energy.
6. The Town Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Kathleen Flood, Planning Board 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 Permit Approval to Murphy Accessory Apartment

Name of Project: Murphy Accessory Apartment

Name of Applicant: Patrick and Debra Murphy

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Patrick and Debra Murphy dated August 23, 2014 for an Accessory Apartment within a New Independent Structure on a \pm 3.15 acre parcel (Tax Map Parcel No. 134889-6372-00-875777-0000) located at 163 Hapeman Hill Road in the Rural Development 3 (RD3) Zoning District, in the Town of Red Hook, Dutchess County, New York; 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 Accessory Apartment within a New Independent Structure found in § 143-66.1 and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on October 6, 2014, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA; and

Whereas, on April 6, 2015, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; 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 March 23, 2015 that the project was a matter of local concern; and

Whereas, on October 20, 2014, the Planning Board opened a duly noticed public hearing on the Special Permit application, which public hearing was continued on November 17, 2014, December 12, 2014, January 5, 2015, March 2, 2015, and March 16, 2015, 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 hereby grants Special Permit approval to Patrick and Debra Murphy for an accessory apartment in accordance with the applications materials and specifications heretofore submitted upon the following conditions:

- A. This permit authorizes an accessory apartment a maximum of 526 square feet of habitable space in size, and limited to a maximum of one (1) bedroom.
- B. The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
- C. Two parking spaces for the accessory apartment, in addition to two parking spaces for the single family dwelling on site, shall be provided at all times.
- D. This permit does not authorize any other use of the site, including but not limited to home occupations. Any other use besides the accessory apartment permitted herein and the existing single family dwelling, would require review and approval by the Planning Board.
- E. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant and contained in the Short EAF and the negative declaration adopted by the Planning Board on April 6, 2015 shall be considered conditions of this Special Permit Approval.
- F. 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 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 **BRIAN WALKER**, seconded by **SARAH GILBERT** and a vote of **5** for, **0** against, and **2** absent, this resolution was adopted on **APRIL 6, 2015**

Resolution declared: **ADOPTED** on **APRIL 6, 2015**.

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

Kathleen Flood
Kathleen Flood, Clerk to the Planning Board

4-7-15
Date

**RESOLUTION DETERMINING PROJECT IS LIMITED IN SCOPE AND
REQUIRES NO FURTHER REVIEW UNDER ARTICLE VII**

Name of Project: Fitness Fusion

Name of Applicant: Elisabeth Cort

Whereas, the Town of Red Hook Planning Board has received an Application for Site Plan Approval from Elisabeth Cort to establish a health club at 21 Glen Pond Drive in the B2 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the proposed use requires Site Plan Approval pursuant to §143-125 of the Town of Red Zoning Law; and

Whereas, the Planning Board is in receipt of an Application for Site Plan Approval dated March 26, 2015, a Short Environmental Assessment Form (EAF) Part 1 dated March 26, 2015, and related Sketch Plan materials; and

Whereas, the Zoning Law §143-114C(1) authorizes the Planning Board to waive the requirement for site plan review when a project is limited in scope, with compatible land use, site and building design characteristics, including the establishment of permitted uses within existing complying structures, wherein no substantial site improvements are required or proposed; and

Whereas, the proposed use is the establishment of a permitted use within an existing complying structure; proposed signage will conform with the existing sign design characteristics of the subject property; and no substantial site improvements are required or proposed.

Now therefore be it resolved, that the Planning Board hereby determines that the project is limited in scope and requires no further review under Article VII.

On a motion by **KALLIE ROBERTSON**, seconded by **BRIAN WALKER**, and a

vote of **CHRISTINE KANE, KALLIE ROBERTSON, BRIAN WALKER, SARAH GILBERT AND SAM HARKINS** for, and **NONE** against, and **SAM PHELAN AND CHARLIE LAING** absent, this resolution was adopted

on **APRIL 6, 2015**.