

**APPROVED
RED HOOK PLANNING BOARD
MEETING MINUTES
June 15, 2015**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:35 and confirmed the agenda as published. A quorum was determined present for the conduct of business. Members present: Chairperson Christine Kane, Charlie Laing, Brian Walker and Sam Harkins. Sarah Gilbert, Sam Phelan and Kallie Robertson were absent.

Brian Walker made a motion to adopt the minutes of June 1. Charlie Laing seconded and all members voted in favor.

OLD BUSINESS

Willms Revocable Trust and R&R Development of Red Hook, Inc. 7312 South Broadway and 30 Metzger Road – Lot Line Alteration, Site Plan, Minor Subdivision

Continued discussion regarding proposed lot line alteration, site plan and subdivision application in the TND Commercial district.

Michael Brown and Tim Ross were present to represent the applicants. The Board and Mr. Brown reviewed an updated site plan and final plat, and corresponding memos from the town's engineering consultant and planning consultant. Mr. Brown and Mr. Ross said that they would construct the permanent barrier required by the ZBA with a wooden split rail fence without a gate as a barrier between the two new properties.

Mr. Brown said that he and the Highway Superintendent had met recently at the driveway site to establish that there is proper site distance. Christine Kane asked that he provide a letter from the Highway Superintendent confirming that, as well as a letter from Mr. Willms approving the required trimming of the trees on his property to achieve site distance.

Engineering consultant Brandee Nelson commented that modifications need to be made to the drainage so that it does not discharge on to the neighboring property.

Mr. Brown requested that the board waive the requirement of using hardie board for siding. The board generally agreed to waive the requirement due to the fact that the house will not be clearly visible from the road.

The Board reviewed a draft resolution for conditional Subdivision approval. Additional conditions identified at the meeting were incorporated into the approval. Sam Harkins made a motion to adopt the resolution as amended. Brian Walker seconded and all members voted in favor.

The Board reviewed a draft resolution for conditional Site Plan approval and similarly revised the document to reflect the evening's discussion points. Sam Harking made a motion to adopt the resolution as revised. Brian Walker seconded and all members voted in favor.

Bard College Media Building – Annandale Road and Woods Avenue – Site Plan

Continued discussion of application to construct a media building on Annandale Road in the vicinity of Woods Avenue in the Institutional (I) District and the Historic Landmarks Overlay (HL-O) district.

Jeff Katz and Laurie Husted were present to represent the applicants. They showed the board renderings of the project that have been significantly revised. The building proposed is now 40 x 16 with two stories. It will have a flat roof rather than the A-frame style originally proposed. It will still be made of recycled shipping containers.

Mr. Katz said they must return to the Zoning Board of Appeals for an amendment to their variances.

Ms Kane asked what the color of the building would be. Mr. Katz said they had not decided yet. Mr. Laing asked how the shipping container would be set. Mr. Katz replied it will be on pylons.

The proposed building has considerably more glass. Ms. Kane asked about the amount of light that would be emitted from the interior of the building at night, particularly on the side facing Annandale Road.

The Board and applicants reviewed comments from Greenplan, noting that the College Master Plan would need to be amended, the project would need to be reviewed by the County Planning Department and a public hearing would be required. They also discussed drainage, lighting and landscaping matters.

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

Continued discussion of revised Sketch Plat/Plan for preliminary subdivision plat and site plan approval 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.

Ron Morrison, Giovanni Palladino and Richard Rang were present to represent the applicants.

The Board and applicants reviewed a memo from Greenplan dated June 15. Michele Greig said that she felt the board has received enough information to set a public hearing.

She reviewed several outstanding design issues, most significantly the garage setback for lot 40, the architecture of homes that can be built on the four lots that have secondary frontage on

Old Farm Road, and the controversial Unit "G", which would require a variance for the garage setback.

Ms. Greig noted in her comments that the applicants are requesting a waiver from the setback requirement of the garage for two to three of the G Units. She advised the board that if they grant the waiver, they should stipulate that the driveway to such lots be no more than 12 feet wide at the sidewalk.

Ms. Greig noted that unit type proposed for lot 40 is unique in that it has a carriage-style garage that is front loaded with a setback of about 14 feet. She was concerned that it may present a safety concern by being too close to the sidewalk to see pedestrians when backing out of the garage.

The applicants have also requested a waiver from installing a sidewalk along the north and south sides of the entry square where the mail kiosk is located.

The applicants had prepared visual aids showing proposed optional building materials and colors which was met with approval by the Board. Ms. Greig suggested that slight variations be allowed as long as they are not garish and compliment the neighborhood.

Ms. Greig suggested that the board wait until after the public hearing to formally accept the project phasing plan.

Discussion followed concerning street and porch lighting. Ms. Nelson commented in her memo of June 15 that the proposed lighting is not specifically in conformance with the zoning ordinance since LED lighting is proposed. She requested a more detailed review of the wattage, lumens and color temperature, and wanted to ascertain that no light trespasses onto residential properties. Ms. Kane suggested that samples of street lights be shown at the public hearing.

Ms. Kane reviewed comments from the Conservation Advisory Council dated June 8, which requested to see the proposed ongoing operations and management for the storm water systems and the parks and trails proposed, and to disclose whether or not pesticides will be used in the passive parks.

The CAC also encouraged offering prospective homeowners the option of solar panels. The applicants said they would include roof mounted solar panels as an option.

The public hearing was scheduled for July 6.

NEW BUSINESS

Ruge's Automotive – 7293 South Broadway – Site Plan

Presentation of application to construct a 6,000 sq. ft. addition to an existing business on Route 9 in the TND-CC Zoning District.

Engineer Mark Graminski and Scott Hutchinson were present to represent the project. Mr. Graminski explained that the board had approved this project in 2008, but the approval lapsed because the addition was never constructed. He noted that the zoning of the parcel has changed since then from B1 to TND-CC, and that up to 50% expansion is allowed for an existing nonconforming use.

Ms. Kane stated that the Zoning Administrator confirmed in writing that the business is a non-conforming use.

Mr. Graminski amended the Environmental Assessment Form according to a comment memo dated June 9 from the planning consultant.

Ms. Grieg recommended that additional buffer plantings be provided to screen the project from Old Farm Road to the south and west in consideration of the Hoffman TND project pending to the west.

The Board reviewed a draft SEQR Resolution Establishing Lead Agency for an Unlisted Action Undergoing Uncoordinated Review. Charlie Laing made a motion to adopt the resolution. Sam Harkins seconded and all members voted in favor.

Ms. Kane suggested scheduling a public hearing for July 6, and asked to applicants to submit a photometric plan, landscaping proposal and a written request for a waiver of the architectural standards for the TND-CC prior to the hearing.

Jaeger Haus – 5084 Route 9G – Site Plan

Presentation of application to establish a restaurant / Beer Garden on Route 9G in the Commercial Zoning District and related improvements.

Engineer Dan Wheeler, Andreas Nowara and Emily Carvajal were present to represent the project.

Mr. Wheeler said the site was formerly the Sportsmen's Bar on Rt. 9G at the entrance to Tivoli. He said that the applicants wish to update the interior of the existing restaurant, including adding two new restrooms, which would add approximately 420 sq. ft. to the building. They also want to cover the existing patio for a beer garden. In terms of parking, the applicants are proposing to increase parking spaces and reconfigure the parking area using planters so that traffic enters off of Rt. 9G and exits on to West Kerley Corners Road.

Ms. Kane asked if the applicants are aware that there may not be adequate site distance on West Kerley Corners Road. Mr. Wheeler said he will arrange a meeting with the Town Highway Superintendent and the County to discuss that.

Ms. Kane asked about the cottage that is included on the parcel. Mr. Nowara said his chef will live there. Ms. Kane asked if the building were currently occupied. Mr. Nowara said it was occupied until January of this year. The board requested proof that it had been occupied, to warrant the continuation of a nonconforming use.

The board and applicants discussed how deliveries would be handled, and the nature of the business that would be there.

Ms. Grieg said the site is non-conforming, and she wanted to discuss it with the Zoning Enforcement Administrator to be sure no variances would be required. She said she would review the materials submitted for the next meeting.

OTHER BUSINESS

Pre-application discussion – Thomas Costello, minor subdivision

Thomas Costello of 80 Cambridge Drive was present to discuss whether he could subdivide his 4.7 acre lot to potentially sell it to his neighbor. The board explained to Mr. Costello that he could not subdivide to create a land-locked lot with no frontage. He could, however, pursue a lot line adjustment to sell the land to his neighbor, but the neighbor would have to be prepared to purchase the property and combine it with their existing parcel through a new deed. The purchasing neighbor would be a co-applicant.

There being no further business to come before the board, Sam Harkins made a motion to adjourn. Brian Walker seconded and all members voted in favor. The meeting was adjourned at 9:55.

Respectfully submitted,



Kathleen Flood
Secretary

Resolution Granting Site Plan Approval to R&R Development (Zengen)

Name of Project: R&R Development of Red Hook Inc.

Name of Applicant: R&R Development (Rosemarie Zengen)

Whereas, the applicant R&R Development (Rosemarie Zengen) has submitted an application for Site Plan approval dated March 3, 2015 to the Town of Red Hook Planning Board to develop a single family residence on a \pm 1 acre lot that the applicant has proposed to subdivide from an existing \pm 2.95 acre parcel (Tax Map Parcel No. 134889-6272-00-305346-0000) located at 7314 South Broadway in the TND Commercial Center Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Site Plan entitled "R&R Dev of Red Hook Inc. Site Plan" prepared by Timothy A. Ross, P.E. dated March 26, 2015 and revised May 29, 2015; and

Whereas, on January 5, 2015, the Town of Red Hook 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 April 20, 2015, the Town of Red Hook 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 action will not cause any potential significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcels are located within 500' of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated December 24, 2014, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement in its review of the application; and

Whereas, the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department stated in its review dated April 28, 2015 that the project was a matter of local concern; and

Whereas, on June 15, 2015, the Planning Board waived the requirement that the house be sided in natural materials or fiber cement board since the house will be located so far from the road that its visibility from a public space will be minimal; and

Whereas, the Planning Board has reviewed the site plan against the requirements of § 143-49.1 and Article VI of the Town of Red Hook Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on May 4, 2015, the Planning Board opened a public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on May 4, 2015; 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 Site Plan approval to R&R Development (Rosemarie Zengen), in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
1. The Site Plan shall be revised as follows:
 - (a) The Zoning Schedule outlining the required and provided area and bulk standards shall be corrected to include the requirements for the TND-CC District as follows: minimum front yard setback (0'); maximum lot coverage (65%); maximum building coverage (30%).
 - (b) The proposed drainage feature to be installed at the base of the driveway to capture stormwater runoff from the driveway shall be depicted on the plan.
 - (c) A note shall be added to the plan that a wooden split rail fence, with no gates, shall be permanently installed along the entire length of the western boundary of the newly created 1 acre lot, offset a maximum of five (5) feet from the north and south property boundaries, to prevent vehicles from driving between the one-acre lot and the 1.92 acre lot to the west.
 - (d) A note shall be added to the plan that the landowner shall maintain the split rail fence shown on the Site Plan throughout the duration of the use.
 2. The Final Subdivision Plat for the subject lands shall be filed with the Dutchess County Clerk's office.
 3. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 4. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.

On a motion by **SAM HARKINS**, seconded by **BRIAN WALKER**, and a vote of **CHRISTINE KANE, CHARLIE LAING, BRIAN WALKER AND SAM HARKINS** for, **NONE** against, and **SARAH GILBERT, KALLIE ROBERTSON AND SAM PHELAN** absent, this resolution was adopted on **JUNE 15, 2015**.

Resolution declared: **ADOPTED** on **JUNE 15, 2015**

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

Kathleen Flood

Kathleen Flood, Clerk to the Board

6/16/15

Date

Resolution Granting Subdivision Approval to Willms and R&R Development (Zengen)

Name of Project: Willms/Zengen (R&R Development) Subdivision and Lot Line Alteration

Name of Applicants: Martin and Elizabeth Willms and Rosemarie Zengen (R&R Development)

Whereas, the applicant Rosemarie Zengen (R&R Development) has submitted an application for Subdivision Plat approval dated December 24, 2014 to the Town of Red Hook Planning Board to subdivide a \pm 1 acre lot from an existing \pm 2.95 acre parcel (Tax Map Parcel No. 134889-6272-00-305346-0000) located at 7314 South Broadway in TND Commercial Center in the Town of Red Hook, Dutchess County New York; and

Whereas, the applicants Martin and Elizabeth Willms and Rosemarie Zengen (R&R Development) have submitted an application for a Lot Line Alteration dated September 19, 2014 to convey \pm 0.10 acres of land from the adjacent Willms' parcel (Tax Map Parcel No. 134889-6272-00-356356-0000) located at 31 Metzger Road in the TND Residential Subdistrict in the Town of Red Hook, Dutchess County New York to the aforementioned Zengen (R & R Development) parcel for the purpose of providing the latter with frontage on Metzger Road; and

Whereas, the applicants submitted a Final Subdivision Plat entitled "Minor Subdivision and Lot Line Alteration Prepared for R&R Development of Red Hook, Inc. and Martin W. and Elizabeth Willms, As Trustees" Sheet 1 prepared by Welch Surveying dated December 24, 2014 and last revised June 4, 2015, and Sheet 2 (Septic System Details) prepared by Timothy A. Ross, P.E dated March 26, 2015 and last revised May 20, 2015; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for an area variance for a reduction in required lot frontage; and

Whereas, on September 10, 2014, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance application at which time all interested persons were given the opportunity to speak; and

Whereas, on September 10, 2014, the Town of Red Hook Zoning Board of Appeals granted the applicant the area variance for a reduction in required lot frontage; and

Whereas, on January 5, 2015, the Town of Red Hook 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 April 20, 2015, the Town of Red Hook 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

action will not cause any potential significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcels are located within 500' of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated December 24, 2014, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement in its review of the application; and

Whereas, on May 4, 2015, the Planning Board opened a public hearing on the Subdivision application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on May 4, 2015; 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 Final Subdivision Plat approval to Martin and Elizabeth Willms and R&R Development (Rosemarie Zengen), in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The applicant shall obtain approval from the Dutchess County Department of Health for the proposed well and septic system.
- B. R&R Development shall submit a letter from Martin and Elizabeth Willms stating that they approve the trimming of trees on the Willms' property so that the R&R Development property can obtain adequate sight distance for their driveway.
- C. The applicant shall submit a letter from the Town Highway Superintendent confirming that the tree trimming east of the R&R Development site entrance meets the requirement for sight distance.
- D. The location of the swale on the plat shall be revised so there is no potential for runoff onto the adjacent neighbor's property.
- E. The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- F. Payment of recreation fee to the Town of Red Hook for one (1) residential building lot.
- G. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by **SAM HARKINS**, seconded by **BRIAN WALKER**, and a vote of **CHRISTINE KANE, CHARLIE LAING, BRIAN WALKER AND SAM HARKINS** for, **NONE** against, and **SARAH GILBERT, KALLIE ROBERTSON AND SAM PHELAN** absent, this resolution was adopted on **JUNE 15, 2015**.

Resolution declared: **ADOPTED** on **JUNE 15, 2015**

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

Kathleen Flood

6-16-15

Kathleen Flood, Clerk to the Board

Date

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Ruges' Red Hook Holdings LLC Site Plan

Whereas, the Town of Red Hook Planning Board is in receipt of a Site Plan application by Ruges' Red Hook Holdings LLC to construct a 6,000 sq. ft. addition to an existing automotive wholesale-warehouse-retail facility on a ± 2.38 acre parcel of land located at 7293 South Broadway, Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated June 5, 2015 and revised June 15, 2015 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not 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 the Dutchess County Department of Health.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by **CHARLIE LAING**, seconded by **SAM HARKINS**, and a vote of **CHRISTINE KANE, CHARLIE LAING, BRIAN WALKER AND SAM HARKINS** for, and **NONE** against, and **SARAH GILBERT, KALLIE**

ROBERTSON AND SAM PHELAN absent, this resolution was adopted on
JUNE 15, 2015.