

**TOWN OF RED HOOK PLANNING BOARD  
APPROVED MEETING MINUTES  
November 16, 2015**

**CALL TO ORDER / DETERMINATION OF QUORUM**

Deputy Chairman Charlie Laing called the meeting to order at 7:30 pm and confirmed the agenda as published. A quorum was determined present for the conduct of business. Members present: Charlie Laing, Sam Harkins, Brian Kelly, Sam Phelan, Kallie Robertson and Brian Walker. Also present were Planning Consultant Michele Grieg and Engineering Consultant Brandee Nelson. Christine Kane was absent.

Sam Phelan made a motion to adopt the minutes of November 2. Kallie Robertson seconded and all members voted in favor.

**OLD BUSINESS**

**Claykill - Peter Sweeney, 28 Stonybrook Road, Tivoli – Minor Subdivision and Lot Line Alteration**

Continued discussion of application to subdivide a 26.9 acre parcel into two parcels of 3.002 and 15.745 acres; lot line alteration to combine remaining 8.25 acres with adjoining Sweeney lands at 28 Stonybrook Road.

Peter and Sarah Sweeney were present. Mr. Sweeney said the newest revision to the plan has the proposed septic system moved closer to the proposed house, which has been moved back a bit, and extended along the proposed driveway.

Mr. Laing asked for comments from Board members who had visited the site. Kallie Robertson said that in her opinion the proposed house site is probably the best choice that could be made for the parcel. Mr. Sweeney noted that the driveway is positioned according to sight lines along Stonybrook Road, with consideration of views from the road as well. The home site is also constricted by the wetland buffer.

Sam Phelan commented that the main disadvantage was the visual impairment of the proposed home site on the agricultural field. Brian Walker suggested orienting the house parallel along the tree line, and landscaping to partially screen the view of it the house from the road, however landscaping within the field was generally not favored.

The Board and applicants discussed alternatives, such as a building envelope closer to the road. Ms. Robertson said that overall she was satisfied with the proposed building envelope. Mr. Sweeney said that his hope was that with some thoughtful site work could minimize the visual impact of the house on the land. He said he would not object to having some language on the plat regarding landscaping for screening the house. Ms. Robertson asked if it could be specified

that the driveway not be paved. Mr. Sweeney said he had no objection to that either. Brian Walker said he thought that siting the house along the tree line would be more effective than pushing it back into the woods or the corner. Michele Greig said language could be incorporated into the conservation easement as well.

Ms. Grieg said that an Archaeological Survey should be prepared to assess potential impacts on cultural resources in the areas of potential disturbance. She also reviewed for the record zoning laws which call for identifying primary conservation areas during review of the project. Ms. Greig said that primary conservation areas, including streams, wetlands, and slopes – were documented on the map, but the Board should also consider whether any secondary features existed on the site that possibly should be located on the map as well, such as important farmland, mature trees, large individual trees, woodlands along roadways and property lines, riparian areas, stone walls, trails, hedgerows, historic and cultural resources, habitats of endangered and threatened species and scenic view sheds. She recommended that all resources be indicated on one map with an arrow indicating the scenic view from Stonybrook Road, a State designated scenic highway, so that the record would show that due consideration was given to identified primary and secondary conservation areas during the process. Mr. Phelan said they would also be represented on the resource maps for the conservation easement.

Ms. Grieg also referred to the siting standards in the Agricultural Business District (ABD) to check for compliance. The Board generally agreed that the proposed house site was in compliance with the ABD code.

The Board reviewed Ms. Grieg's memos dated 10-16-15 and 11-16-15 containing specific documents and documentation that should be submitted, and the next procedural steps for the project. Ms. Grieg said that the Archeological study must be submitted before the Board can make a SEQR determination, and a conservation easement must be drafted with a Board approved agency.

The Board generally agreed to grant conceptual sketch plan endorsement to the project. Mr. Phelan suggested that the Board move ahead and circulate for Lead Agency to expedite the conclusion of the SEQRA process, after which a public hearing will be scheduled. Sam Harkins made a motion to Circulate for Lead Agency. Sam Phelan seconded and all members voted in favor.

## **NEW BUSINESS**

**Red Hook NY Congregation of Jehovah's Witnesses – Amended Site Plan**  
Presentation of application to improve parking lot lighting.

Ryan Labrenz, Stuart Kamke and Matthew Ostoyich were present to represent the applicants. Mr. Labrenz described the project. He said the objective was to remove two existing outdoor light poles and erect 8 new 20 foot poles in the parking lot and 5 new 10 foot poles along the

roadway. Ms. Grieg said that existing lighting on the building would have to be brought into compliance at this time as well.

Sam Phelan made a motion that the project be classified as a Type II action for SEQR. Brian Kelly seconded and all members voted in favor.

The Board and applicants reviewed comments from Michele Grieg dated 11-16-15. Ms. Greig recommended that a photometric plan be submitted and reviewed by the town engineer. Ms. Nelson recommended that the choice of LED lighting colors be changed due to the color temperature of the lights proposed.

Ms. Grieg also recommended that the applicants use 18 foot poles because the maximum allowable height of a freestanding light pole is 20 feet and installing a base will add to the height.

The applicants agreed to submit a site plan and photometric plan for consideration at a future meeting.

### **OLD BUSINESS**

#### **Ruge's Automotive – 7293 South Broadway – Site Plan**

Continued discussion of application to construct a 6,000 sq. ft. addition to an existing business in the TND-CC Zoning District.

Scott Hutchinson was present. He said the most recent submittal includes two fifty foot lengths of 6 foot fencing added to the landscaping along Old Farm Road, rather than an earthen berm. Mr. Hutchinson said he felt that the fence was a better choice than a berm both practically and aesthetically.

The Board and applicant discussed potential noise of delivery trucks that arrive at the site at about 4:30 am. Mr. Hutchinson said there would be no loud noise other than the trucks beeping when backing up, which cannot be helped.

The Board generally agreed that the proposed fencing was acceptable and probably more attractive than an earthen berm, and recommended that the wood fence not be painted but rather be allowed to weather naturally.

Ms. Greig asked if the applicants had submitted updated elevations for the building, as well as material samples and colors proposed. Mr. Hutchinson said he did not have them yet. Sam Phelan asked some questions about the employee parking area and whether it should be delineated with a fence. Mr. Hutchinson said that would hamper snow removal. He said that the existing and proposed landscaping makes the parking lot visible only from the inside of the site.

The Board reviewed a draft Conditional Approval Resolution and amended several conditions. Sam Harkins made a motion to grant the approval as amended. Sam Phelan seconded and all members voted in favor.

**ADJOURNMENT**

There being no further business to come before the Board, Brian Walker made a motion to adjourn. Kallie Robertson seconded and all members voted in favor.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K Flood', written in a cursive style.

Kathleen Flood  
Clerk of the Board

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

**Name of Action:** Sweeny/Claykill Subdivision and Lot Line Alteration

**Whereas**, the Town of Red Hook Planning Board is in receipt of a Subdivision application by Peter and Sarah Sweeny and Claykill LLC , to convey approximately  $\pm 6.91$  acres of land from the Claykill LLC parcel to the Sweeny parcel, and to subdivide the remaining  $\pm 20.00$  acres of the Claykill LLC parcel into two lots,  $\pm 3$  acres and  $\pm 17$  acres in size; and

**Whereas**, the parcels are located at 28 Stonybrook Road and 5249 Route 9G, Town of Red Hook, Dutchess County, New York; and

**Whereas**, an Environmental Assessment Form (EAF) dated October 20, 2015 and revised November 24, 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 a Type 1 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 Dutchess County Department of Health, and that interested agencies include New York State Office of Parks, Recreation and Historic Preservation and 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 **SAM HARKINS**, seconded by **SAM PHELAN**, and a vote of **CHARLIE**

**LAING, SAM HARKINS, BRIAN KELLY, SAM PHELAN, KALLIE ROBERTSON AND**

**BRIAN WALKER** for, and **NONE** against, and **CHRISTINE KANE** absent, this resolution was adopted on **NOVEMBER 16, 2015**.

**617.6**  
**State Environmental Quality Review (SEQR)**  
**Resolution**  
Classifying the Proposed Project as a Type II Action

**Name of Action:** Kingdom Hall Site Plan

**Whereas**, the applicant proposes new outdoor lighting for an existing church located at 7 Old Route 199 in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas**, an Environmental Assessment Form (EAF) dated November 6, 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 a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply.

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by **SAM PHELAN**, seconded by **BRIAN KELLY**, and a vote of **CHARLIE LAING, SAM HARKINS, BRIAN KELLY, SAM PHELAN, KALLIE ROBERTSON AND BRIAN WALKER** for, and **NONE** against, and **CHRISTINE KANE** absent, this resolution was adopted on **NOVEMBER 16, 2015**.

## **Resolution Granting Site Plan Approval to Ruges' Red Hook Holdings LLC**

**Name of Project:** Ruges' Red Hook Holdings LLC

**Name of Applicant:** Ruges' Red Hook Holdings LLC

**Date:** November 16, 2015

**Whereas,** the Town of Red Hook Planning Board has received an application for Site Plan approval from Ruges' Red Hook Holdings LLC to construct a  $\pm$  6,000 sq. ft. addition to an existing 12,522 sq. ft. automotive wholesale-warehouse-retail facility on a  $\pm$  2.38 acre parcel (Tax Map Parcel No. 134889-6272-00-230310-0000) located at 7293 South Broadway in the TND Commercial Center Subdistrict in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Planning Board has reviewed a Site Plan prepared by Mark R. Graminski, P.E. & L.S. dated June 4, 2015 and last revised November 16, 2015, including a Photometric Plan prepared by RAB Lighting dated June 25, 2015 and Proposed Elevations and Floor Plan prepared by Spire Architecture PLLC dated April 9, 2008; and

**Whereas,** the Code Enforcement Officer determined that an automotive wholesale-warehouse-retail facility is not a permitted use in the TND Commercial Center Subdistrict, but the size of the proposed expansion does not exceed 50 percent of the existing facility and is therefore within the allowable limits for expansion of a non-conforming use in accordance with § 143-125 of the Zoning Law; and

**Whereas,** the proposed building architecture is not consistent with the architectural standards of the TND Zoning District found in § 143-49.1M and on September 21, 2015, the Planning Board waived the requirement for roof pitch since a steeper roof would make the building taller and the proposed roof pitch matches the existing pitch, and also waived the requirement for exterior finish materials since the proposed materials would match the materials on the existing building and the building materials will be mitigated with additional landscaping; and

**Whereas,** on June 15, 2015, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQQR; and

**Whereas,** on September 21, 2015, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated June 5, 2015 and revised June 15, 2015 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,** due to the location of the property within 500' of a State Road, 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 recommended in its review letter dated July 6, 2015 that the Planning Board not approve the site plan application unless the applicant submitted an alternative plan that addressed ways to make the site more consistent with the TND Commercial Center Subdistrict purposes and standards; and

**Whereas,** on September 11, 2015, the applicant submitted a revised Site Plan that replaced an existing parking lot in front of the building with a lawn landscaped with trees and a sidewalk connecting the front door with the existing sidewalk on Route 9, as recommended by the Dutchess County Department of Planning and Development; and

**Whereas,** and the Planning Board has fully considered each of the comments from the Dutchess County Department of Planning and Development at its July 6, 2015 and September 21, 2015 meetings, and has prepared a Report of Final Action to the County Planning Department as required by General Municipal Law § 239m; and

**Whereas,** on July 6, 2015, the Planning Board opened a duly noticed Public Hearing on the Site Plan, which Public Hearing was continued on September 21, 2015, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on September 21, 2015; and

**Whereas,** the applicant agreed to extend the time frame for the Planning Board to make a decision on the Site Plan subsequent to the close of the Public Hearing on September 21, 2015; 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 Site Plan approval to Ruges' Red Hook Holdings to construct a  $\pm$  6,000 sq. ft. addition to an existing automotive facility 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 Site Plan by the Planning Board Chairwoman:
  - A. The Site Plan shall be revised as follows:
    - a. Include an Owners Consent Signature Block.
    - b. Include the Photometric Plan, Proposed Elevations and Floor Plans, and Sewage Disposal System Plan as part of the Site Plan.
    - c. Add a note that all nonessential outdoor lighting shall be time-controlled to turn off after business hours. Non-essential lighting shall include: the building-mounted fixtures on the proposed building addition.
    - d. Add an additional Western Red Cedar tree in the gap between the two groups of Red Cedars at the rear of the property.

- e. Include a detail of the two wooden 6 foot tall stockade fences, which shall be unpainted.
  - f. Move the two Shadblow proposed adjacent to the access drive back a few feet further from the edge of the pavement.
  - g. Delete the reference to the height of trees at time of planting and revise the note regarding size of trees to state that "all proposed trees shall have a minimum caliper of 2.5" at time of planting."
  - h. Add a note that the size of proposed shrubs at time of planting shall be one (1) gallon.
  - i. State the cultivars of proposed plantings.
- B. Revise the Site Plan to satisfactorily address the first and third comments set forth in the attached November 13, 2015 review memorandum from Crawford & Associates Engineering, PC.
  - C. Submit revised elevations showing the decreased building footprint of the addition and two siding colors on the rear elevation, which colors shall be earth tones with a darker color on the top portion of the building above the doors and a lighter color below.
  - D. The applicant shall obtain a letter of approval from the Dutchess County Department of Health for the proposed sewage disposal system, as previously shown on a plan entitled "Individual Wastewater Disposal Prepared for Lewis J. Ruge" prepared by Mark R. Graminski, P.E. & L.S. dated March 28, 2008 and last revised April 11, 2008, and as previously approved by the Dutchess County Department of Health on February 4, 2009.
  - E. 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.
  - F. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
  - G. Payment of any and all outstanding escrow balances for consultant review.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

- 2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
  - A. All proposed improvements shall have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond in an amount recommended by the Town Engineer will be posted to ensure completion of these features in accordance with the approved Site Plan.
- 3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:

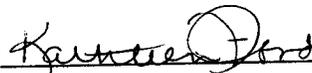
- A. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

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 Sam Phelan, and a vote of 6 for, 0 against, and

1 absent, this resolution was adopted on November 16, 2015.

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

  
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Kathleen Flood, Planning Board Secretary

11-20-15  
Date