

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
December 7, 2015**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane 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: Christine Kane, Sam Harkins, Brian Kelly, Charlie Laing, Sam Phelan and Brian Walker. Kallie Robertson was absent. Also present were Planning Consultant Michele Grieg, Engineering Consultant Brandee Nelson, and Planning Board Attorney Eric Gordon.

Charlie Laing made a motion to adopt the minutes of November 16. Brian Kelly seconded and all members voted in favor.

Ms. Kane announced that the Board had received a copy of a court decision regarding the Grieg Farms Agritourismo application stating that all of the variances that had been granted by the ZBA were annulled due to errors in the SEQR process, misclassification of the type of variance and other procedural issues. Eric Gordon said that the applicant cannot move the project forward with the Planning Board until variances are obtained or the project is revised so no variances are required.

OLD BUSINESS

Preserve at Lakes Kill – Feller Newmark Road – Major Subdivision

Presentation of application for Final Subdivision Plat Approval to create 11 residential lots, one lot for the community septic system, and one open space parcel on approximately 100.45 acres in the AB (Agricultural Business) and RD3 (Rural Development 3) zoning districts.

Mike Bodendorf, P.E. and attorney John Wagner were present. Mr. Bodendorf said the applicants are still working on the community septic system with the Dutchess County Department of Health (DCDH).

Ms. Kane asked Brandee Nelson to review comments on the Crawford & Associates memo dated 12-4-15. Ms. Nelson said that the long term operation and maintenance plan and drainage easement and the proposed easement onto the Preserve from Feller Newmark Road were reviewed and accepted by the Town Highway Superintendent. She said those easements should be reviewed by the Town Attorney.

Ms. Nelson noted that all the conditions of section I in the Preliminary Approval Resolution have been satisfactorily addressed, and the plan set is generally in conformance with the preliminary subdivision approval plan set, and therefore she saw no requirement for a public hearing prior to the granting of conditional approval.

Ms. Nelson recommended that the plans be revised to provide the details specific to each of the proposed retaining walls as a condition of final approval.

Ms. Kane asked Michele Grieg to review her comment memo dated 12-2-15. Ms. Grieg described the conditions that had been met.

Mr. Bodendorf described the access to the open lands at the request of Sam Phelan. The Board generally agreed that the applicant should make a trail using stone dust to guide walkers from the access road over to the existing trail. Mr. Phelan asked if those lands would be open to the public. Mr. Wagner said they would be open to the residents and the easement holder, Winnakee Land trust, and language to that effect should be included in the easement agreement that will be prepared.

The Board reviewed and revised a draft resolution granting final approval. Upon conclusion, Sam Phelan made a motion to grant conditional final approval as revised. Charlie Laing seconded and all members voted in favor.

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

Presentation of application for Final 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).

Rod Morrison and Marie Welch were present.

Mr. Morrison described how the plan sets would be filed with the county and town when construction begins. He said one main set, including the overall subdivision and site plan signed by the Board Chairperson, would be filed with the Town, and eight additional plan sets that show a subdivision plat for each phase of construction, referred to as sections, would be filed one by one with the Health Department as construction progresses.

Discussion followed about the process of dedicating town roads within the construction phases. Specifically, the Highway Superintendent has required that there be no dead end roads during construction, and meeting that requirement is complicated, since the project includes proposed town roads and alleys that are maintained by the proposed homeowners association.

The Board and applicants agreed that any deviation from the order of phases must be approved by the Planning Board.

In her comments dated 12-7-15, Michele Grieg said she was concerned about the phasing of recreational amenities. As an example, she noted that after section two is complete, 29 homes will have been constructed but the only recreational facilities that will have been created are the Post Office Square and the Hucklebush Rail trail marker. She said the majority of the active facilities, such as trails, the dog park and the multi- purpose field are proposed to be constructed in much later sections. She recommended adding the trails and perhaps the community garden in earlier sections. Mr. Morrison acknowledged the concern and said he would prefer to take up the conversation when Project Engineer Richard Rang is present.

Christine Kane said another outstanding issue is what type of houses will be permitted to be built on 4 lots that front on Old Farm Road, including two corner lots. The board generally agreed to require the applicant to make a proposal for what units would be on those lots as a starting point for a future discussion which should include Mr. Rang.

Ms. Grieg asked for clarification regarding landscaping along the rear of the properties that front on Cambridge Drive. Mr. Morrison said it was to replace some of the understory that has been removed, for screening purposes.

Ms. Kane asked Brandee Nelson to review her engineering comments. Ms. Nelson said that the sidewalks to Route 9 will require two easements. She said her office is reviewing the SWPPP with the Town Highway Superintendent. She noted that there are items that need to be completed by the Town Board prior to final approval, including the incentive zoning and the lighting district or easement.

The Board agreed that the deadline for submittals for January 4 would be Tuesday, Dec. 22 at noon. Mr. Morrison said he would plan to submit for that meeting to resolve some of the issues discussed during this meeting.

OTHER BUSINESS

Bard College – Request for letters of support for grant application – Laurie Husted

Christine Kane said that Bard College is planning to purchase Montgomery Place, and the Board had been contacted by Laurie Husted, of the office of Sustainability at Bard College, because Bard intends to apply for a grant from the Hudson River Estuary Program to study the feasibility of and ultimate removal of one or both existing dams on the lower Sawkill. Ms. Husted has requested that the Planning Board submit a letter of support for the project that would be included in the grant application. Ms. Kane read a draft copy of the support letter. Charlie Laing made a motion to send a letter of support for the grant project. Brian Kelly seconded and all members voted in favor.

Willms and R&R Development – Approval extension request – Albert Trezza, representing the Estate of Rosemarie Zengen

Albert Trezza was present. He stated that as the executor for the estate of the late Rosemarie Zengen, he was requesting a 6 month extension on the project to give him time to explore the feasibility of completing the project. He said he was aware that the project escrow account is in arrears, but there is no money in the estate at this point to pay the balance due. He said that he had requested the town attorney file a Notice of Claim to the estate on behalf of the Planning Board.

Ms. Kane said that the town attorney’s position is that before an extension can be granted the escrow account would have to be brought up do date. After some discussion, the planning board attorney suggested a short extension be granted. Charlie Laing made a motion that the Board grant an extension until Feb. 1, 2016, and that no further extension would be granted if the escrow fund was not paid up by then. Sam Harkins seconded and all members voted in favor.

ADJOURNMENT

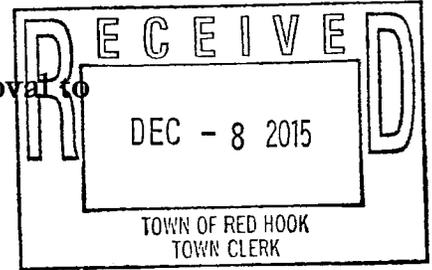
There being no further business to come before the Board, Brian Walker made a motion to adjourn. Sam Harkins seconded and all members voted in favor.

Respectfully Submitted,



Kathleen Flood
Clerk of the Board

**Resolution Granting Final Subdivision Approval to
Preserve at Lakes Kill Subdivision**



Name of Project: Preserve at Lakes Kill Subdivision

Name of Applicants: Landmark Properties of Suffolk, Ltd. and PB Developers, Inc.

Whereas, the applicants, Landmark Properties of Suffolk, Ltd and PB Developers, Inc., have submitted an application for Final Subdivision Plat approval dated November 23, 2015 to the Town of Red Hook Planning Board for eleven (11) residential lots, one (1) lot for a community septic system and one (1) open space parcel, on \pm 100.45 acres of land, (Tax Parcel Nos. 134889-6372-00-718975-0000, 134889-6372-00-754955-0000, and 134889-6373-00-790095-0000) located partially within the Town's Rural Development 3 (RD3) District and partially within the Agricultural Business (AB) District; and

Whereas, the subject parcels are located on Feller Newmark Road, Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicants submitted a Final Subdivision Plat prepared by Hudson Land Design, entitled "The Preserve at Lakes Kill," consisting of Sheets 1 to 9 and 11 to 13 dated February 11, 2011 and last revised October 5, 2015; Sheet 10 dated February 11, 2011 and last revised July 18, 2015; and Sheet 14 dated September 15, 2014 and last revised October 5, 2015; and

Whereas, on November 18, 2010, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on August 20, 2012, November 19, 2012, December 17, 2012, March 4, 2013, and March 18, 2013, the Planning Board held informational meetings on the project application during which time all interested persons were given the opportunity to speak; and

Whereas, on December 2, 2013, the Planning Board, in consideration of the Full 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 significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board consulted with the Town Highway Superintendent regarding sight distance and roadway improvements to Feller Newmark Road and consulted with the Red Hook Fire Department regarding the proposed private cul-de-sac road; and

Whereas, the Town Engineer has determined that the proposed emergency vehicle turnaround south of Lot 3 meets the requirements of the New York State Fire Code; and

Whereas, Winnakee Land Trust, in correspondence dated June 6, 2012, verified that they have agreed to accept the conservation easement for the ± 89.02 acre open space parcel, and the Planning Board has confirmed that Winnakee Land Trust is a qualified easement holder; and

Whereas, a draft Memorandum of Understanding dated June 2, 2011 has been accepted by the applicants and the Dutchess County Water and Wastewater Authority (DCWWA) specifying that the DCWWA will own, operate and maintain the proposed community subsurface disposal system (SDS); and

Whereas, the parcels are located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement, dated July 5, 2012, 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 December 16, 2013, the Planning Board opened a duly noticed public hearing on the Preliminary Plat, which Public Hearing was continued on January 6, 2014 and April 7, 2014, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on April 7, 2014 and accepted written comments on the application until April 21, 2014; and

Whereas, the applicant agreed to extend the time frames for the Planning Board to make a decision on the preliminary plat subsequent to the close of the Public Hearing; and

Whereas, on December 15, 2014, the applicant was granted Preliminary Plat approval; and

Whereas, the Planning Board has determined that the Final Plat is in substantial agreement with the preliminary plat approved on December 15, 2014 and modified in strict accordance with the requirements of such approval, and that a Public Hearing on the Final Plat is not necessary; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants final approval to the subdivision plat for the Preserve at Lakes Kill in accordance with the plans and specifications heretofore submitted upon the following conditions:

- I. Conditions to be met prior to signing of the Final Plat by the Planning Board Chair:
 - A. Approval from the Dutchess County Department of Health for methods of water supply and wastewater disposal.
 - B. Approval from the Dutchess County Water and Wastewater Authority (DCWWA) for the ownership and operation of the community septic system, including the posting of all bonds and security required by the DCWWA.

- C. An acknowledgement letter of coverage from the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and a SPDES General Permit for waste water discharge from the community septic system (GP-0-05-001).
- D. Submission of a Homeowners Association (HOA) agreement, including covenants and bylaws of the Homeowners Association, in final form acceptable to the Town Planning Board Attorney. Amongst other provisions, the HOA agreement shall:
 - (a) Prohibit individual property owners from disturbing the NYSDEC wetland and the 100' adjacent area, and from removing the split rail fence and signage that will be installed to delineate the 100' adjacent area. The HOA will maintain the fencing and signage.
 - (b) State that the intent of the \pm 89.02 acre open space parcel is to preserve natural resources, allow passive recreation and future agricultural use of the parcel. If, in the future, farming occurs in the area proposed for conservation, such activity shall be separated from the NYSDEC and non-NYSDEC wetlands on site by a 100-foot vegetated buffer.
 - (c) Include the agricultural notice from \S 72.2B of the Town Code in the HOA agreement.
 - (d) Include a requirement that the HOA shall distribute information to property owners within the HOA notifying them that the adjacent farms move livestock across the road.
 - (e) Require homeowners to use best practices for pesticide and herbicide applications.
 - (f) Identify the HOA as the ultimate owner of both the private access road and the areas of the subject property that are proposed for conservation.
 - (g) State that the HOA is responsible for the long-term maintenance of the private access road, maintenance and operation of the on-site stormwater facilities, and maintenance of the landscaping along the access road throughout the duration of the residential uses in the subdivision.
 - (h) Include the long-term operation and maintenance plan for the on-site stormwater management facilities that the SWPPP has identified the HOA is responsible for.
 - (i) Prohibit homeowners from obstructing the private access roadway and, to the extent there is such an obstruction, grant the HOA or any individual homeowner the right to remove such obstruction.
 - (j) State that the individual homeowners in the subdivision shall be required to pay fees for the operation and maintenance of the community SDS.
 - (k) Prohibit upward-directed landscape lighting on the site to prevent light spillage into wetlands and woodlands.
 - (l) Require removable bollards at the trail head to prevent ATVs from using the trail.
- E. Proof of formation of the Homeowners Association by filing of the requisite documents with the Office of the Attorney General.
- F. Submission of the conservation easement to Winnakee Land Trust for the \pm 89.02 acre open space parcel in final form acceptable to the Planning Board Chair and the Town Attorney, including the requirement that the Town of Red Hook be granted third-party enforcement rights.

- G. The applicant shall file the conservation easement for the ± 89.02 acre open space parcel in the Dutchess County Clerk's Office simultaneously with the filing of the final plat, and shall provide the Planning Board with a record of the easement filing.
- H. Receipt of road opening permit from the Town Highway Department for the curb cut on Feller Newmark Road.
- I. Approval of street name for the proposed private road from the Town Clerk and Dutchess County 911.
- J. Submission of a covenant, to the satisfaction of the Town Attorney, which prohibits any homeowner from obstructing the private access roadway on the subject property.
- K. Submission of the Common Use and Maintenance Agreement for the shared driveways for Lots 1, 2, and 3 and for Lots 8 and 9 in a final form acceptable to the Town Attorney, and with the Office of the Attorney General, if applicable.
- L. Submission of drainage easement, in final form acceptable to the Town Attorney, to be granted to the Town of Red Hook for maintenance of the drainage structures that collect drainage from Feller Newmark Road and are located on the applicant's property.
- M. Submission of written assurance from each public utility company, pursuant to § 120-18 of the Town Code, that such company will make the necessary service installations within a time period and according to specifications satisfactory to the Planning Board, which shall include the underground installation of all on-site and, to the extent practicable, off-site extensions.
- N. The applicant shall be responsible for constructing all road and drainage improvements as shown on the plans.
- O. The applicant shall establish and place with the Town a performance guarantee or other agreement(s) containing such terms and conditions that are satisfactory to the Town Attorney and Town Engineer for the purpose of guaranteeing or securing performance by the applicant with regards to the construction of all public improvements, including the road opening permit, re-grading Feller Newmark Road and related drainage features, and construction of the retaining wall and guard rail on Feller Newmark Road for a minimum period of one (1) year, renewable in one (1) year increments but not to exceed three (3) years. The amount of the guarantees shall be determined by the Town Engineer. In addition, the applicant shall establish and place in escrow \$3,900 for a period of one (1) year after construction of the retaining wall on Feller Newmark Road. Said amount shall be used to cover the costs of monitoring and removal of the 36" Oak tree located at the west end of the proposed wall should the Town's contracted arborist determine, within the one-year period, that construction of the wall has impacted the tree and requires its removal.
- P. In the event any property owner files a claim or commences a lawsuit or other proceeding alleging damage to or taking of any portion of their property as a result of any road improvements to be undertaken by applicant or its representatives on and adjacent to Feller Newmark Road, including the tree removal, construction of the retaining wall and drainage features, then in such event, the applicant shall defend, hold harmless and indemnify the Town from any such claim, lawsuit or other proceeding and shall pay all judgments, court costs and disbursements in connection therewith, including reasonable attorney's fees.
- Q. The applicant shall post an inspection escrow with the Town in the amount to be determined by the Town Engineer for engineering inspections of improvements.

- R. The action will create a need for recreational land and facilities due to the generation of approximately 34 new residents of the Town including 8 new school age children (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Furthermore, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, the applicant shall make a recreational fee payment, in an amount established by the Town Board, for eleven (11) residential buildings lots to allow for expansion of the Town's recreational facilities.
- S. Pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicant shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicant shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee.
- T. The applicant shall provide the Town with four (4) Livestock Crossing signs for the Town Highway Department to post on Feller-Newmark Road.
- U. In the event contaminated soils are identified within the areas disturbed by the project, the applicant shall dispose of or otherwise remediate such contaminated soils in accordance with NYSDEC and Dutchess County Department of Health regulations.
- V. Revise the plat to clarify the labeling of the retaining walls interior to the project and along Feller Newmark Road.
- W. Revise Sheet 2 to show the location of the bollards at the trailhead.
- X. Revise Sheet 4 to indicate that the proposed trail connection shall be surfaced with stone dust.
- Y. The applicant shall verify that the corners of the tract and individual lots and all proposed street intersections and points along the proposed street have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-29B(2)(b) and (f) of the Town Code.
- Z. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- AA. Payment of any and all outstanding escrow balances for consultant review.
- BB. The Final Plat must be filed with the Clerk of the Planning Board within 180 days of the date of adoption of this resolution, unless such time is extended by mutual consent of the applicant and the Planning Board.

On a motion by Sam Phelan, seconded by Charlie Laing, and vote of

Roll Call Vote:

Chairwoman Christine Kane	Aye
Deputy Chairman Charlie Laing	Aye
Member Sam Harkins	Aye

Member Brian Kelly Aye
Member Sam Phelan Aye
Member Kallie Robertson Absent
Member Brian Walker Aye

Resolution declared: Adopted on December 7, 2015.

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



Kathleen Flood, Clerk to the Board

12-8-15

Date