

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
March 7, 2016**

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, Kallie Robertson and Brian Walker. Sam Phelan was absent. Also present were the Board's Planning Consultant Michele Greig and Engineering Consultant Brandee Nelson.

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

Christine Kane announced that the Dutchess County Planning Federation will conduct two two-session workshops April 6, 4-8:30pm and June 14, 5-8:30pm , and asked Board members interested in attending to contact planning staff.

OLD BUSINESS

Shafer's Hudson Valley – 8053 Albany Post Road – Site Plan, Special Permit

Continued discussion of revised sketch plan application to renovate and expand an existing 10-room motel into a 19-room motel on a 5.992 acre parcel, of which 2.3 acres are located within the B1 Zoning District and the remaining 3.6 acres are located within the RD3 District.

Engineer Martin Willms and applicants Vanessa and Daniel Shafer were present.

Christine Kane said she and Michele Greig met with the applicants Feb. 8 to review the latest submission. She asked Ms. Shafer to update the board. Ms. Shafer said the plans had been revised to pull all construction and construction activity out of the 100-foot buffer area surrounding the DEC wetland (the "adjacent zone"). She said the existing check-in cottage will be demolished, and an addition will be constructed on a nearby building for guest check-in. She said removal of the cottage will makes room for 6 additional parking spaces. She said an existing two story building will be renovated, another existing building will be remodeled, and two new two-story buildings will be constructed. The total number of rooms will be 19.

Ms. Shafer went on to say that responses received from the National Heritage Program and the US Fish and Wildlife indicate that there are no records of rare or endangered species on the site or in the immediate vicinity were included in the submission.

Mr. Willms reviewed the project drainage plan. He indicated a retaining wall, silt fencing, hay bale dykes, drainage catch basins, roof leaders and collection lines embedded in French drains that will keep runoff diverted away from the wetlands during and after construction, as well as

away from the septic system treatment. He said all runoff from the upper parking lot will be collected into catch basins and drained on site into a drywell. He said the septic system was re-sited 200 feet away from the nearest (Wyant) water well. He indicated an area where some brush clearing is proposed.

Ms. Kane asked the board if they were ready to grant sketch plan endorsement to the project. Sam Harkins made a motion to endorse the sketch plan. Kallie Robertson seconded and all members voted in favor.

Ms. Kane asked Brandee Nelson to review her comments dated 3-4-16. Ms. Nelson said that approvals would be required from the Department of Health for temporary residences, the proposed septic system and the proposed pool. She said a NYS DEC SPDES General permit will be required for the septic system, and a separate septic system will be required for the backwash of the pool. She said if more than one acre will be disturbed, a DEC general Permit for Stormwater Discharges from Construction Activity will be required.

Ms. Nelson also said that it appears that the proposed site may exceed the number of trips required to provide a minor commercial entrance, and advised the applicants to communicate the increase in traffic intensity to the NYSDOT and provide the Town a letter of concurrence from them stating the entrance does not need to be upgraded, or upgrade the entrance to meet NYSDOT requirements. She advised the applicants to obtain confirmation from the DEC confirming that the project does not encroach on the adjacent areas of the wetland.

Ms. Nelson recommended changes and clarifications that should be made to the EAF submitted, and some revisions to the drawings.

Ms. Kane asked Michele Greig to review her comments dated 3-4-16. Ms. Grieg also recommended some revisions to the EAF. She reiterated Ms. Nelson's recommendation of including a signed NYS DEC Freshwater Wetland Boundary Validation Block on the site plan. Regarding the responses from the Natural Heritage Program, she said the letter states that they cannot provide a definitive statement on the presence or absence of all rare or state listed species, and suggested that the Board consider a site visit to determine whether additional habitat assessment is warranted.

Ms. Grieg said she confirmed with the Planning Board's attorney Joel Sachs that the proposal is consistent with the Zoning Law wherein the B1 District boundary may be extended 25 feet into the RD3 District, which would permit a 19 room motel. Mr. Sachs also noted that the 1 foot encroachment on the setback is minor and in any case an existing condition.

Regarding parking, Ms. Grieg said one space per room and one for each employee is required, and suggested the applicants discuss how many employees they would have. She asked what the use of the existing apartment would be after the life tenancy has expired. She listed additional site plan details that would eventually be required, including building elevations,

proposed materials, landscaping, lighting, signs, and details of all proposed fencing and porous ground covering.

The Board reviewed a draft SEQR Resolution Establishing Intent to be Lead Agency. Charlie Laing made a motion to adopt the resolution pending the EAF revisions. Brian Walker seconded and all members voted in favor. Once the EAF has been revised, the Board will circulate for Lead Agency to the Dutchess County Department of Health, the NYS DEC and the Department of Transportation.

Ms. Kane said that given the time needed to revise the EAF and then circulate to the other agencies and the Dutchess County Department of Planning and Development, the applicants should plan to return before the board on April 4. The Board generally agreed that a visit to the site to determine whether any additional habitat assessment is warranted was not necessary.

Claykill – Peter and Sarah Sweeny, 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 and a lot line alteration to combine remaining 8.25 acres with adjoining Sweeny lands at 28 Stonybrook Road, considered together with an application for a Lot Line Alteration to convey 10.5 acres of adjoining land owned by Sweeny in Tivoli to proposed parcel 3 in the Claykill subdivision. The remaining 17 acres will be combined with an adjacent parcel to the south owned by Stickle.

Engineer Mark Graminski and applicants Peter Sweeny and Don Stickle were present.

Ms. Kane said that the Claykill project had been expanded to include another action on adjacent lands owned by the applicants, part of which they would like to sell to Don Stickle, and the remainder of which will be annexed to lot 3 of the Claykill subdivision. Ms. Kane said that because the latter action includes land in Tivoli, a joint Planning Board review is necessary.

Mr. Graminski said parcel # 3 in Claykill was enlarged slightly to meet the requirement for open space, and that the disturbed area in parcel # 2 had increased slightly.

The applicants submitted a revised Agricultural Data Statement to reflect the lot line alteration with Stickle as part of the overall project, and a revised Full EAF was revised again and re-submitted. Michele Greig explained to the applicants that Board will recirculate for lead agency to the Village of Tivoli Planning Board and the Dutchess County Department of Health with the revised environmental statements.

Ms. Kane said that if the Health Department responds before the 30 day deadline, a joint Public Hearing can be scheduled for April 4th.

In reviewing her memo of 3-3-16, Ms. Greig noted that the Town attorney is of the opinion that a single plat must be prepared for both projects combined, so that the boundary between lands in the town and the village of Tivoli will be clear. A discussion ensued on how best to expedite the portion of the project involving the sale to Mr. Stickle. The Board generally agreed to allow Mr. Graminski to discuss the options with town attorney Victoria Pollidaro.

Brian Walker made a motion to adopt a draft Resolution Establishing Intent to be Lead Agency for a Type I Action. Brian Kelly seconded and all members voted in favor.

A Public Hearing is tentatively scheduled for April. 4.

NEW BUSINESS

Scenic Hudson – Poets Walk Park – 776 River Road – Amended Site Plan

Presentation of application to improve an existing parking lot and trailhead to meet ADA and NYS Building Code standards for accessibility, including the removal of an old arbor and invasive vegetation; the re-routing of an existing trail; the installation of permeable pavers for ADA designated parking; the construction of a screening enclosure for a seasonal ADA portable toilet; driveway apron maintenance and landscape improvements.

Park Planner Heather Blaikie was present, and gave an overview of the project.

Christine Kane asked how the parking would be delineated, since the park is very popular and people tend to park haphazardly which further minimizes the space available. Ms. Blaikie said using logs for wheel stops was considered. Ms. Kane said she understood that the applicants want to keep the parking area rustic and natural, but some sort of delineation method should be incorporated into the plan. Brian Walker said he thought using the logs was a good compromise. Michele Grieg added that people usually pay attention to that type of delineation. Brian Walker suggested putting parking information on the website. Ms. Blaikie agreed to explore options. She said that new gravel would be brought in for the parking lot.

Ms. Kane asked whether there would be enclosures for trash or dog waste. Ms. Blaikie said it would be costly and a nuisance to maintain, so they are thinking creatively about encouraging dog owners to be more responsible.

The Board and Ms. Blaikie discussed the portable toilet and design of its proposed enclosure. Ms. Kane asked if there would be any lighting. Ms. Blaikie said no.

The Board reviewed a Resolution classifying the project as a Type II Action, meaning no further review under SEQRA is required. Kallie Robertson made a motion to adopt the resolution. Charlie Laing seconded and all members voted in favor.

A public hearing was scheduled for March 21.

Smith / Vego Minor Subdivision – 345 Metzger Road – Minor Subdivision

Presentation of application to subdivide a 10.52 acre parcel located in the RD3 district into two lots of 3.2 acres and 7.32 acres.

David Noto of Welch Surveying was present to represent the applicants. He gave an overview of the project. He said the smaller parcel has an existing house with a private well and septic on it, and the larger parcel will be vacant land.

Michele Grieg reviewed her comments dated 3-2-16. She noted that the planning board may waive the requirement to obtain Dutchess County Health Department approval for a well and septic on the larger parcel if the applicant provides certification from a licensed professional engineer that an approvable individual sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the proposed lots. She also recommended revisions to the plat and the EAF that was submitted. Mr. Noto said that the EAF had already been updated and re-submitted, and revised plats could be submitted within a few days.

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

A public hearing was scheduled for March 21.

OTHER BUSINESS

Pre Application discussion – Doug Strawinski – Edgewood Drive - Minor Subdivision

Mr. Strawinski and Mark Graminski were present. Mr. Strawinski wanted to discuss the feasibility of a three-lot subdivision in the R1.5 district at the end of Cedar Drive and the vicinity of Overlook Drive. A common driveway would serve two of the three proposed residences. They would also have their own water and septic. Mr. Graminski said a waiver could be obtained from the Health Department to install private wells and septic systems rather than link into the public water supply that serves the surrounding development.

The board concurred that the concept makes sense although Ms. Kane pointed out that planning the driveways could be challenging. She recommended that Mr. Graminski and Mr. Strawinski discuss their ideas with the Superintendent of Highways.

Referral from Town Board – Proposed Local Law C

The Board reviewed the language of the proposed changes. Charlie Laing suggested a revision on page 10, sections b.1.a and b.3.a.3 to include the Hudson River.

Discussion followed in how the Law will affect the review process for applicants for Certificates of Appropriateness. Ms. Kane felt that some of the language regarding Planning Board discretion was unclear. She was particularly concerned about how many times the Hamlet

Review Committee would be reviewing submissions, which could result in a longer process for applicants; hardship certificates, and timeframes proposed for extension on approvals, which are often acted on retroactively. Ms. Grieg responded, and various application scenarios were discussed. She said with regard to Certificates of Hardship, perhaps a workshop with the Board and Town Attorney could be planned if the law was adopted.

Ms. Kane said that in reviewing the minutes of the Town Board public hearings on the law, she noticed many comments on the changes in the definition of lodging. Ms. Grieg clarified the changes proposed, noting that most of the comments about lodging came from residents who live in the B1 District, who were concerned about increased lodging development. She reviewed the proposed changes, which she said was basically a very small reduction in density, and the consolidation of hotels, motels and inns into one use called lodging. She noted that more than one principal use is currently allowed in the B1 District. For example, a lodging establishment could include a spa or a restaurant. She also noted that some intensive uses, such as hospitals and heliports, will no longer be allowed. Lodging will no longer be permitted in the RD3 district. Bed and Breakfasts, however, will remain permitted since it is classified as a home occupation with a maximum of 4 rooms.

Ms. Grieg said that the Law is designed to protect the National Landmark Historic District, one of the largest and most prestigious districts in the county. She added she hoped it would be an incentive for residents to designate their property on the National Historic Register.

The Board reviewed the Local Waterfront Revitalization Program Consistency Determination prepared by the town for the proposed Law. Charlie Laing made a motion to approve it. Sam Harkins seconded and all members voted in favor.

Anderson Commons update

Ms. Kane said the board had received a letter updating the status of Anderson Commons. Ms. Grieg said that the applicants should come in for final plat approval. The Board generally agreed to have Ms. Grieg work with planning staff to resolve the situation.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Flood
Secretary

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Unlisted Action Undergoing Coordinated Review

Name of Action: Shafer's Hudson Valley

Whereas, the Town of Red Hook Planning Board is in receipt of Site Plan and Special Permit applications by Daniel and Vanessa Shafer for a ± 5.9 acre parcel of land located at 8047 Albany Post Road, Town of Red Hook, Dutchess County, New York; and

Whereas, a Full Environmental Assessment Form (EAF) dated February 26, 2016 and revised March 10 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, the New York State Department of Environmental Conservation, and the NYS DOT.

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 Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

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

On a motion by **CHARLIE LAING**, seconded by **BRIAN WALKER**, and a vote of

CHRISTINE KANE, SAM HARKINS, BRIAN KELLY, CHARLIE LAING, KALLIE

ROBERTSON AND BRIAN WALKER for, and **NONE** against, and **SAM PHELAN** absent,

this resolution was adopted on **MARCH 7, 2016**.

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

Name of Action: Sweeny/Claykill/Stickles Subdivision and Lot Line Alterations

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application by Peter and Sarah Sweeny, Claykill LLC, and Donald and Claudia Stickle for ± 102.136 acres of land located at Stonybrook Road and Route 9G, ± 53 acres of which is located in the Town of Red Hook (Tax Parcel Nos. 134889-6175-00-739369 and 134889-6175-00-688303) and ± 49 of which are located in the Village of Tivoli (Tax Parcel Nos. 134803-6175-04-726242 and 134803-6175-04-715183), Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated October 20, 2015 and revised November 24, 2015, February 26, 2016, and March 7, 2016 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 within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do 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 and Village of Tivoli Planning Board, 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 **BRIAN KELLY**, and a vote of **CHRISTINE**

KANE, CHARLIE LAING, KALLIE ROBERTSON, BRIAN WALKER, BRIAN KELLY

AND SAM HARKINS for, and **NONE** against, and **SAM PHELAN** absent, this resolution was

adopted on **MARCH 3, 2016**.

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

Name of Action: Poets' Walk Park Access Improvements

Whereas, the applicant proposes to to improve an existing parking lot and trailhead to meet ADA and NYS Building Code standards for accessibility on a ± 112 acre parcel located at 776 River Road, in the LD District in the Town of Red Hook, Dutchess County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated February 11, 2016 has been prepared for the proposed action, 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 **KALLIE ROBERTSON**, seconded by **CHARLIE LAING**, and a vote of **CHRISTINE KANE, CHARLIE LAING, KALLIE ROBERTSON, BRIAN WALKER, BRIAN KELLY AND SAM HARKINS** for, and **NONE** against, and **SAM PHELAN** absent, this resolution was adopted on **MARCH 7, 2016**.

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

Name of Action: Smith/Vego Subdivision

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application by Monica Toye Smith and Marcia T. Vego to subdivide a \pm 10.52 acre parcel located at 345 Metzger Road in the RD 3 District in the Town of Red Hook, Dutchess County, New York;

Whereas, an Environmental Assessment Form (EAF) dated February 20, 2016 and revised March 7, 2016 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 **SAM HARKINS**, seconded by **BRIAN WALKER**, and a vote of **CHRISTINE KANE, CHARLIE LAING, KALLIE ROBERTSON, BRIAN WALKER, BRIAN KELLY AND SAM HARKINS** for, and **NONE** against, and **SAM PHELAN** absent, this resolution was adopted on **March 7, 2016**.