

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
March 20, 2017**

Chairwoman Christine Kane called the meeting to order at 7:30 pm and announced one change to the agenda: the Baxter 50 Subdivision Public Hearing would be postponed, however the application would continue to be discussed under Old Business. A quorum was determined present for the conduct of business. Members present: Christine Kane, Charlie Laing, Kallie Robertson, Sam Phelan and Lisa Foscolo. Brian Kelly and Sam Harkins were absent. Also present was planning consultant Michele Grieg and engineering consultants Kimberly Punchar and Ryan Morrison.

Charlie Laing made a motion to approve the minutes of the March 6 meeting. Kallie Robertson seconded and all members voted in favor.

PUBLIC HEARINGS

Seidel Accessory Apartment – 11 Thayer Lane – Special Use Permit

Public Hearing on application to approve a 420 sq. ft. accessory apartment on the first floor of a private residence on a 1.1 acre parcel in the R1.5 Zoning District.

Elisabeth Seidel was present. Christine Kane read the public hearing announcement that was published in the Poughkeepsie Journal and the Daily Freeman. Mrs. Seidel gave an overview of the project. She said the bedroom on the first floor of the house was originally a bedroom that had been converted to a study and was now converted back to a bedroom. She said the larger of the two living spaces has two bedrooms. She described the entrances. She said no new entrances were proposed. She indicated parking in her driveway. She said there are three existing outdoor motion sensor lights attached to the house. She said she did not know if they were shielded.

Christine Kane asked if there were any comments from the public. Henry Horst of Thayer Lane asked if the area was zoned for multiple family housing. Michele Grieg explained that homeowner may have one accessory apartment with a special permit.

Mr. Horst said that when the house was built it was a two-bedroom house. He asked the septic was large enough for three bedrooms. Mrs. Seidel the house had three bedrooms, and the septic was designed for three bedrooms.

The Board reviewed part 2 of the EAF. Kallie Robertson made a motion to adopt a Negative Declaration. Sam Phelan seconded and all members voted in favor.

Ms. Kane noted that the applicant had stated there are no other accessory apartments on the property. Ms. Seidel confirmed there are no other apartments. The Board reviewed a draft approval resolution.

Ms. Kane asked if there were any other questions from the public. Mr. Horst said he lives across the street from Mrs. Seidel, and he was concerned about how many cars would be parked there, and how many tenants there will be. He asked if there could be multiple renters. Mrs. Seidel stated that one

family rents the larger section of the house and she will occupy the accessory apartment. Michele Grieg said that the law does not require the homeowner to live there.

Ms. Kane asked if there were any other questions or comments. There were none.

Lisa Foscolo made a motion to close the public hearing. Charlie Laing seconded and all members voted in favor.

Sam Phelan made a motion to adopt the approval resolution as amended to indicate that the house does not have a private well. Kallie Robertson seconded and all members voted in favor.

Ackerman / Kilberg – 288 Hapeman Hill Road – Lot Line Adjustment

Public Hearing on application for a lot line adjustment to transfer approximately .188 acres of land from a 6.44 parcel to an adjoining .642 acre parcel in the R3 Zoning district.

Brian Ackerman was present. Christine Kane read the public hearing announcement that was published in the Poughkeepsie Journal and the Daily Freeman. Mr. Ackerman gave an overview of the project. He said that he had obtained variances necessary to construct a residence there, and had an approved easement for a driveway from Hapeman Hill Road.

Christine Kane asked if there were any questions or comments from the public. There were none.

The Board reviewed part 2 of the EAF. Charlie Laing made a motion to adopt a Negative Declaration. Lisa Foscolo seconded and all members voted in favor.

Kallie Robertson made a motion to close the public hearing. Sam Phelan seconded and all members voted in favor.

Charlie Laing made a motion to adopt the approval resolution with minor amendments. Lisa Foscolo seconded and all members voted in favor.

OLD BUSINESS

Baxter 50 – Baxter Road – Minor Subdivision

Continued discussion on application to create two parcels, 12.6 acres and 10.6 acres, from a 23.2 acre parcel in the R1 Zoning District. A 0.4 acre portion of the lot is located in the Village of Red Hook.

Tim Lynch was present. Mrs. Kane said that the public hearing cannot be opened presently because part of the land is in the Village, so the applicant had to apply for minor subdivision from the Village, who met March 13, and issued a request to the Planning Board to circulate for Lead Agency for SEQR. Since the Board had passed a resolution of intent to be lead agency March 6, Michele Grieg said that the Board should now withdraw that resolution. Kallie Robertson made a motion to do so. Sam Phelan seconded and all members voted in favor.

The Board reviewed comments from Ms. Grieg. She asked if blasting would be necessary during construction. Mr. Lynch said he did not anticipate any blasting at this time. Ms. Grieg asked the board if they wanted to waive the requirement that the house on the southernmost parcel be located a minimum of 200 feet from the adjoining agricultural lands. Sam Phelan said he was reluctant to waive

the requirement until the applicant shows where the well and septic will be located. The Board generally agreed, and asked the applicant to show all environmental constraints, including wetlands, soils, slopes and rock outcrops, as well as proposed well and septic sites on the plat before deciding whether or not to grant waivers for setbacks or Department of Health approval.

Ms. Grieg said an application for final plat must be submitted prior to the opening of the public hearing, and provided a list of revisions that need to be made on the subdivision plat.

The Board reviewed a Resolution Establishing Intent to be Lead Agency. Sam Phelan made a motion to adopt it. Kallie Robertson seconded and all members voted in favor.

Funshine Nursery School – 208 Rockefeller Lane – Site Plan

Continued discussion of application to replace a demolished 1307 square foot building with a new 1540 square foot building at an established daycare center in the R 1.5 Zoning District.

Tim Ross and Don Triebel were present. Mr. Ross indicated changes he had made to the site plan according to the Planning Consultant's comments dated 3-16-17. The Board generally agreed that a note on the plans stating that all materials and colors of the addition will match the existing building would suffice rather than providing samples of building materials and colors. Landscaping was discussed. Ms. Grieg said that the applicant must apply for a new Special Permit since ownership of the building has changed.

The Board and applicants reviewed comments from the town Engineering Consultant dated 3-20-17. Mr. Ross said that the entire parking area will be paved and striped, and discussed several other issues raised by the town's Engineer. A Public Hearing was tentatively scheduled for April 17.

NEW BUSINESS

Red Hook Self Storage – South Broadway – Amended Site Plan

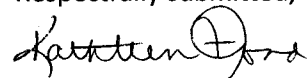
Presentation of application to construct a 2,000 sq. ft. self-storage building and a 1,200 sq. ft. off-street parking area on a 4.45 acre parcel located on Route 9 in the TND Commercial Center Subdistrict.

Martin Willms was present. He said that his Surveyor is making changes to the site plan as per the Planning Consultant's memo dated 3-13-17, and that they would be submitted in time for the next meeting. Michele Grieg said that the application must be referred to the County Planning Department for review due to the fact that it is located along Route 9. A Public Hearing was tentatively scheduled for April 17.

ADJOURNMENT

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

Respectfully submitted,



Kathleen Flood
Secretary

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 20, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Seidel Accessory Apartment

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to convert a portion of the first floor of an existing single family dwelling into a \pm 420 sq. ft. accessory apartment on a \pm 1.1 acre parcel (Tax Map Parcel No. 134889-6273-00-166470-0000) located in the R1.5 Zoning District. The accessory apartment will be served by municipal water and individual sewage disposal system.

Location: 11 Thayer Lane, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Short Environmental Assessment Form (EAF) for the proposed project, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

For Further Information:

Contact Person: Kathleen Flood, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Resolution Granting Special Permit Approval to Seidel Accessory Apartment

Name of Project: Seidel Accessory Apartment

Name of Applicant: Elisabeth Seidel

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Elisabeth Seidel to convert a portion of the first floor of an existing single family dwelling into a \pm 420 sq. ft. accessory apartment on a \pm 1.1 acre parcel (Tax Map Parcel No. 134889-6273-00-166470-0000) located in the R1.5 Zoning District, in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has confirmed that there are no other accessory apartments on the property; and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and with the specific standards for an accessory apartment within an existing single family dwelling found in § 143-64 and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on March 6, 2017, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, on March 20, 2017, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on March 20, 2017, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on March 20, 2017; 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 has determined that no new residential building lots or principal 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.

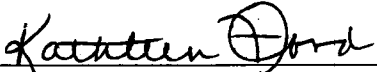
BE IT FURTHER RESOLVED, that the Planning Board hereby grants Special Permit approval to Elisabeth Seidel for an accessory apartment in accordance with the application materials and specifications heretofore submitted upon the following conditions:

- A. The following conditions shall be fulfilled prior to the applicant obtaining a Building Permit for the proposed project:
- (1) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - (2) Payment of any and all outstanding escrow balances for consultant review.
- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy:
- (1) All proposed improvements shall have been completed in accordance with the approved Special Permit.
- C. The following are general conditions which shall be fulfilled throughout the operation of the project:
- (1) This permit authorizes an accessory apartment a maximum of 420 square feet in size, and limited to a maximum of one (1) bedroom.
 - (2) The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
 - (3) Two off-street parking spaces for the accessory apartment, in addition to two parking spaces for the single family dwelling on site, shall be provided at all times.
 - (4) The applicant shall continue to comply with all requirements of § 143-64 of the Zoning Law and with all conditions imposed by any outside agencies in their permits.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by **Sam Phlean**, seconded by **Kallie Robertson**, and a vote of **Christine Kane, Charlie Laing, Kallie Robertson, Sam Phelan and Lisa Foscolo** for, none against, and **Brian Kelly and Sam Harkins** absent, this resolution was adopted on **March 20, 2017**.

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



Kathleen Flood, Clerk to the Planning Board

3-21-17
Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 20, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Kilberg/Ackerman Lot Line Alteration

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicants propose to convey ± 0.183 acres of land from the ± 6.44 acre Kilberg parcel to the ± 0.642 acre Ackerman parcel. Both parcels are or will be served by individual wells and sanitary sewage disposal systems.

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

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Short Environmental Assessment Form (EAF) for the action dated December 18, 2016, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The project site is located immediately adjacent to a farm operation within a NYS certified agricultural district (Agricultural District 20). An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of

farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement in its review of the application. The house that is under construction on the Ackerman parcel will be located approximately 120' from the boundary of the adjacent farm operation; however, Mr. Ackerman has already been granted a building permit to construct the house and the location of the house is not a part of this application. The proposed lot line alteration will not impact the distance between the house and the farm operation. Based on the foregoing, the proposed action will not result in any significant adverse environmental impacts on agricultural resources.

For Further Information:

Contact Person: Kathleen Flood, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Resolution Granting Approval to the Final Subdivision Plat for Kilberg/Ackerman Lot Line Alteration

Name of Project: Kilberg/Ackerman Lot Line Alteration

Name of Applicants: Richard Kilberg/Barbara E. Margolis and Brian and Natalie Ackerman

Whereas, the applicants, Richard Kilberg/Barbara E. Margolis and Brian and Natalie Ackerman, have submitted an application for Lot Line Alteration dated December 18, 2016 to the Town of Red Hook Planning Board to convey a total of \pm 0.183 acres of land from a \pm 6.44 acre parcel owned by Richard Kilberg/Barbara E. Margolis (Tax Parcel No. 134889-6373-00-989102-0000) located at 288 Hapeman Hill Road to a \pm 0.642 acre parcel owned by Brian and Natalie Ackerman (Tax Parcel No. 134889-6272-00-350421-0000) located east of the Kilberg/Margolis parcel, both in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Plat prepared by Robert L. Campbell, LS dated June 29, 2016 and revised March 9, 2017; and

Whereas, on March 6, 2017, the Planning Board classified the action as an Unlisted action and declared its intent to undertake an uncoordinated review of the project pursuant to SEQR; and

Whereas, on March 20, 2017, after reviewing the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Planning Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

Whereas, prior to applying for the proposed lot line alteration, the Mr. Ackerman applied to the Town of Red Hook Zoning Board of Appeals (ZBA) for four area variances for: 1) a variance from NYS Town Law § 280A to permit a building permit to be issued for a lot that does not have access to an existing or proposed state, county or town highway; 2) to permit 0 feet of lot frontage on a public highway where 160 feet is required; 3) to permit a front yard setback of 40 feet where 60 feet is required; and 4) to permit a lot width of 209 feet where 240 feet is required; and

Whereas, on June 15, 2016 the ZBA granted the four requested variances; and

Whereas, the applicants have an Easement Agreement for a right of way to provide access across the Kilberg/Margolis parcel to the Ackerman parcel, which was recorded with the Dutchess County Clerk on July 14, 2016 and was reviewed by the Town Attorney on August 2, 2016; 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 December 18, 2016, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

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

Whereas, on March 20, 2017, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on March 20, 2017; 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 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision plat approval to Richard Kilberg/Barbara E. Margolis and Brian and Natalie Ackerman in accordance with the plans and specifications heretofore submitted, subject to the following conditions and modifications:

- A. The Planning Board authorizes the Chair or her authorized designee to sign the Subdivision Plat after compliance with the following conditions:
1. The applicant shall obtain approval from the Dutchess County Department of Health for methods of water supply and wastewater disposal.
 2. The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
 3. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 4. Payment of any and all outstanding escrow balances for consultant review.
 5. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicants.

On a motion by **Charlie Laing**, seconded by **Lisa Foscolo**, and a vote of **Christine Kane**,

Charlie Laing, Kallie Robertson, Sam Phelan and Lisa Foscolo for, **none** against, and **Sam**

Harkins and Brian Kelly absent, this resolution was adopted on **March 20, 2017**.

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



Kathleen Flood, Clerk to the Board

3-21-17

Date