

**TOWN OF RED HOOK PLANNING BOARD**  
**APPROVED MEETING MINUTES**  
**April 17, 2017**

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, Charlie Laing, Lisa Foscolo, Kallie Robertson and Sam Harkins. Sam Phelan and Brian Kelly were absent. Also present was planning consultant Michele Grieg and engineering consultant Michelle Ewert.

Charlie Laing made a motion to approve the minutes of the April 3 meeting. Kallie Robertson seconded and all members voted in favor.

**PUBLIC HEARINGS**

**Red Hook Self Storage – South Broadway – Amended Site Plan, Special Permit**

Public Hearing on 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. Christine Kane read the public hearing notice that was published in the Poughkeepsie Journal and the Daily Freeman. Mr. Willms gave an overview of the project. Ms. Kane said the project had been referred to the Dutchess County Department of Planning and Development, and the response was that it is a matter of local concern.

Ms. Kane asked if there were any comments or questions from the public. There were none. Charlie Laing made a motion to close the public hearing. Sam Harkins seconded and all members voted in favor.

Kallie Robertson made a motion to adopt a Special Permit Approval resolution. Charlie Laing seconded and all members voted in favor. Ms. Robertson then made a motion to adopt an Amended Site Plan Approval resolution. Lisa Foscolo seconded and all members voted in favor.

**Funshine Nursery School – 208 Rockefeller Lane – Site Plan, Special Permit**

Public Hearing on 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.

Don Triebel and Tim Ross were present. Christine Kane read the public hearing announcement that was published in the Poughkeepsie Journal and the Daily Freeman. Mr. Ross gave an overview of the project.

Ms. Kane asked if there were any questions or comments from the public. There were none. Ms. Kane said that the project had been referred to the Dutchess County Department of Planning and Development, and the response was that it is a matter of local concern. Comments from the town planning and engineering consultants were reviewed. There were no outstanding issues.

Ms. Kane asked if there were any questions or comments from the public. There were none. Sam Harkins made a motion to close the public hearing. Charlie Laing seconded and all members voted in favor.

The Board completed the EAF parts two and three. Sam Harkins made a motion to adopt a SEQRA Negative Declaration. Lisa Foscolo seconded and all members voted in favor.

Kallie Robertson made a motion to adopt a Special Permit Approval resolution with one revision to clarify the orientation of the play yard. Sam Harkins seconded and all members voted in favor. Charlie Laing made a motion to adopt a Site Plan Approval resolution. Ms. Foscolo seconded and all members voted in favor.

### **OLD BUSINESS**

#### **Grieg / Day – 32 Guski Lane – Lot Line Adjustment, Special Permit**

Continued discussion of a proposed Lot Line Alteration, and a Special Use Permit for a driveway through a state protected freshwater wetland in the Agricultural Business District.

Norman Grieg was present. He said that he was no longer proposing to subdivide the land. Comments from planning consultant Ted Fink were reviewed. A permit from the Department of Environmental Conservation (DEC) was reviewed. Christine Kane noted that Mr. Fink did not have the entire permit when he reviewed the project. However a complete copy was in the Planning Board file. The Board and applicant reviewed the permit, which stated that it does not cover work that was completed to install a part of the driveway before a permit was acquired. Mr. Grieg said that he had remediated the violations to DEC standards. Ms. Kane asked Michele Ewert to follow up with the DEC for clarification on the permit issued, and to obtain documentation from the DEC that the applicant had remediated the violations to the satisfaction of the DEC.

The Board determined that a building envelope should be shown on the plan to be sure it can be sited outside the required wetland buffers. A public hearing was tentatively scheduled for May 1.

#### **Baxter 50 – Baxter Road – Minor Subdivision**

Continued discussion of 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. Christine Kane said that the Village of Red Hook Planning Board had consented to the Town Planning Board serve as lead agency for SEQR. She said that the Village listed three concerns in its consent letter: 1) that the lots can support a well and septic 2) that the Town Planning Board take into consideration any impact on wetlands that surround the property and 3) that there be a maintenance agreement in place for the shared driveway.

Mr. Lynch asked if the Board had determined whether the subdivision is minor or major. Ms. Kane said the project is a minor subdivision. Michele Grieg said the Board has not endorsed the sketch plan yet.

Mr. Lynch asked if the Town would have any interest in pursuing any trails linkage regarding park and open space provisions in lieu of recreation fees. Ms. Kane said she was not aware of any trails proposed for the area for the town, but she would double check. She said if that were not the case there would be a recreation fee for one lot.

The Board and applicant reviewed comments dated 4-12-17 from Michele Grieg. Considerable discussion and debate focused on whether or not the Board would require that wells and septic system sites be shown on the plat. Mr. Lynch maintained that they are not required to be shown on a minor

subdivision plat. Ms. Kane explained that due to the considerable environmental constraints of the land, and the fact that the Board must determine that there are no adverse environmental impacts before approving a flag lot, the Board could require the applicant to show the well and septic locations. The Board was also concerned about whether a house and septic system could be sited on parcel 2 in its current configuration due to environmental constraints and the need for a 200 foot minimum setback from the property line of the adjacent land in the NYS certified agricultural district.

Discussion moved to how many residences are being served by the dead end road. The town allows a maximum of 12.

In conclusion, the Board generally agreed that there are no adverse environmental impacts caused by the shared driveway, that they would require the 200 foot buffer on proposed lot 2, and require the applicant to provide the results of previous well and septic testing on the site, as well as certification from a licensed professional engineer that wells and septic systems can be installed on each parcel.

### **NEW BUSINESS**

#### **Schultz Minor Subdivision – Rockefeller Lane**

Presentation of application to create two parcels, 2.16 acres and 5.9 acres, from an 8.06-acre parcel in the R1.5 Zoning District.

Lindsay Schultz was present. Christine Kane asked if access would be off Rockefeller Lane. Ms. Schultz said that it would.

The Board and applicant reviewed comments from Michele Grieg dated 4-13-17. Ms. Schultz made changes to the EAF and Ag Data statement as recommended.

Charlie Laing made a motion to adopt a Lead Agency Resolution for SEQRA. Sam Harkins seconded and all members voted in favor.

Kallie Robertson made a motion to endorse the sketch plan. Lisa Foscolo seconded and all members voted in favor.

The applicant will return to a future meeting with full scale revised plans that include the proposed driveway and curb cut.

#### **Bard Master Plan – Special Permit**

Project manager Bill MacIntosh, engineer Pete Setaro, landscaping consultant Stephen Yarabek, and Bard College representative Charles Simmons were present.

Mr. MacIntosh gave a presentation on the Master Plan submission dated April 2017. He explained that Bard is applying to the US Department of Agriculture (USDA) for a Rural Community Program Financing Grant, and a requirement of the grant is an updated Master Plan approved by the Town.

The Master Plan submitted includes a campus core precinct plan, three near term projects that are currently in conceptual design stage, 11 mid-term projects projected to be completed within 5 years, and 5 long-term projects within 10 or more years.

He described the three near-term projects - Kline Commons renovation and expansion, a new science center, and student recreational facilities, in detail and answered questions from Board members. He provided a general overview of mid- and long-term projects.

Pete Setaro described the Master Plan as a comprehensive 'road map', and said details would be provided as the projects are developed.

In her comments dated 4-17-17, Michele Grieg recommended the Master Plan be revised to include additional detail for the mid- and long-term projects. She said that she did not think that the Board could grant a special permit for the vague projects, and there was not enough information provided for the Board to complete a SEQRA review. She said if Bard is unable to provide details for mid- and long-term projects, the Special Permit would have to specify which projects were covered.

Christine Kane agreed, saying that there were some mid- and long-term projects which would not be permitted in the zoning districts they are situated in, such as office space at Montgomery Place and a hotel. She said the Board cannot approve something that is not allowed. She also had concerns about impacts on Annandale Road and the Village of Tivoli.

Traffic, parking, water and sewers, and planned student housing vs. enrollment growth were discussed in terms of the need for more clarification and detail so the Board can assess impact.

Discussion followed regarding the uses allowed in various zoning districts and calculating parking spaces for classroom buildings. Michele Ewert recommended that the Master Plan include an inflow and infiltration system study. It was noted that site plan approval was never granted for Kline Commons.

**ADJOURNMENT**

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

Respectfully Submitted



Kathleen Flood  
Secretary

## **Resolution Granting Amended Special Permit Approval to Red Hook Self-Storage Building “M”**

**Name of Project:** Red Hook Self-Storage Building “M”

**Name of Applicant:** Martin and Elizabeth Willms

**Date:** April 17, 2017

**Whereas,** the Town of Red Hook Planning Board has received an application for Amended Special Permit approval from Martin and Elizabeth Willms to construct a 20’ by 100’ (2,000 square foot) self-storage building on a ± 4.45 acre parcel (Tax Map Parcel No. 134889-6272-00-346380-0000) located at 7320 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 the application for Amended 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 self-storage warehouses found in § 143-91.1 and has found the proposal complies with all applicable sections of the Zoning Law; and

**Whereas,** the proposed project required a Zoning Map amendment to rezone a small portion of the parcel from TND-RR to TND-CC and the Town of Red Hook Town Board was the lead agency in the SEQR review of the Zoning Map amendment and the proposed self-storage building, and adopted a Negative Declaration for the project on February 14, 2017; and

**Whereas,** on February 14, 2017, the Town Board adopted Local Law No. 2 of 2017 amending the Zoning Map to rezone a small portion of the parcel from TND-RR to TND-CC; and

**Whereas,** due to the location of the property along 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 April 10, 2017 that the application was a matter of local concern; and

**Whereas,** the Planning Board notified the Clerk of the Village of Red Hook of the public hearing pursuant to General Municipal Law § 239-nn; and

**Whereas,** on April 17, 2017, the Planning Board opened a duly noticed public hearing on the Amended Special Permit application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on April 17, 2017; and

**Whereas,** the Planning Board had deliberated on the application and all the matters before it.

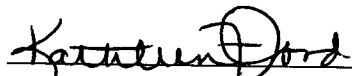
**NOW THEREFORE BE IT RESOLVED**, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby grants Special Permit approval to Martin and Elizabeth Willms to construct a  $\pm$  2,000 sq. ft. self-storage in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The hours of operation of the self-storage warehouse shall be limited to 7:00 AM to 9:00 PM.
- B. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

On a motion by **Kallie Robertson**, seconded by **Charlie Laing**, and a vote of **Christine Kane, Charlie Laing, Lisa Foscolo, Kallie Robertson and Sam Harkins** for, none against, and **Brian Kelly and Sam Phelan** absent, this resolution was adopted on **April 17, 2017**.

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

  
Kathleen Flood, Clerk to the Board

4-18-17  
Date

## **Resolution Granting Amended Site Plan Approval to Red Hook Self-Storage Building "M"**

**Name of Project:** Red Hook Self-Storage Building "M"

**Name of Applicant:** Martin and Elizabeth Willms

**Date:** April 17, 2017

**Whereas,** the Town of Red Hook Planning Board has received an application for Amended Site Plan approval from Martin and Elizabeth Willms to construct a 20' by 100' (2,000 square foot) self-storage building on a ± 4.45 acre parcel (Tax Map Parcel No. 134889-6272-00-346380-0000) located at 7320 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 an Amended Site Plan prepared by Welch Surveying dated March 8, 2017 and revised March 24, 2017; and

**Whereas,** the proposed project required a Zoning Map amendment to rezone a small portion of the parcel from TND-RR to TND-CC and the Town of Red Hook Town Board was the lead agency in the SEQR review of the Zoning Map amendment and the proposed self-storage building, and adopted a Negative Declaration for the project on February 14, 2017; and

**Whereas,** on February 14, 2017, the Town Board adopted Local Law No. 2 of 2017 amending the Zoning Map to rezone a small portion of the parcel from TND-RR to TND-CC; and

**Whereas,** the Planning Board has reviewed the Site Plan application against the requirements of Section 143-49.1 and Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

**Whereas,** due to the location of the property along 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 April 10, 2017 that the application was a matter of local concern; and

**Whereas,** the Planning Board notified the Clerk of the Village of Red Hook of the public hearing pursuant to General Municipal Law § 239-nn; and

**Whereas,** on April 17, 2017, the Planning Board opened a duly noticed public hearing on the Amended Site Plan application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on April 17, 2017; and

**Whereas,** the Planning Board has deliberated on the application and all 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 Site Plan approval to Martin and Elizabeth Willms to construct a  $\pm$  2,000 sq. ft. self-storage building 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 Chair or her authorized designee:
  - B. 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.
  - C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
  - D. 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.

On a motion by **Kallie Robertson**, seconded by **Lisa Foscolo**, and a vote of **Christine Kane, Charlie Laing, Lisa Foscolo, Kallie Robertson and Sam Harkins** for, none against, and **Brian Kelly and Sam Phelan** absent, this resolution was adopted on **April 17, 2017**.

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

  
\_\_\_\_\_  
Kathleen Flood, Planning Board Secretary

4-18-17  
Date



617.7

**State Environmental Quality Review (SEQR)**

**Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:** April 17, 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:** Funshine Nursery School

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to demolish an existing  $\pm$  1,308 sq. ft. building and construct a  $\pm$  1,540 sq. ft. 1½ story addition to an existing nursery school and make related improvements to off-street parking, lighting and landscaping on a  $\pm$  1.20 acre parcel in the R1.5 District.

**Location:** 208 Rockefeller 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 action dated August 1, 2016 and revised March 27, 2017, 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 located 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. No changes to the existing building setbacks or to the existing vegetated buffer between the subject parcel and the adjacent agricultural lands to the south will occur as a result of the project. 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 Special Permit Approval to Funshine Nursery School

**Name of Project:** Funshine Nursery School

**Name of Applicant:** AMJ Properties, LLC/Donald Triebel

**Date:** April 17, 2017

**Whereas,** the Town of Red Hook Planning Board has received an application for a Special Permit from AMJ Properties, LLC/Donald Triebel for a nursery school on a  $\pm$  1.20 acre parcel (Tax Map Parcel No. 134889-6273-00-921623-0000) located at 208 Rockefeller Lane in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant submitted a Site Plan (3 Sheets) prepared by Timothy A. Ross, PE dated April 5, 2017; and

**Whereas,** the parcel is located within 500 feet of a certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 1, 2016, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

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

**Whereas,** due to the location of the property within 500' of a farm operation located in a NYS certified agricultural district, 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 April 10, 2017 that the application was a matter of local concern; and

**Whereas,** § 143-77A of the Zoning Law permits the maximum number of children enrolled in a nursery school on a regular basis to be 40 children, and on June 19, 2014, the applicant was granted an area variance from the ZBA to permit the maximum number of enrolled children to be 93; and

**Whereas,** the applicant has stated that the maximum number of children who are present on the site at any one time is 65, and this number has been included on Sheet 1 of the Site Plan for the project prepared by Timothy A. Ross, PE dated April 5, 2017; and

**Whereas,** it was determined that the Site Plan application required referral to the Zoning Board of Appeals for area variances for the maximum permitted building coverage, the required minimum open space, minimum side yard setback for the play area, minimum parking lot aisle width, minimum side yard parking setback, and requirement that 40% of the required minimum open space be located in the front yard; and

**Whereas,** on November 9, 2016, the Zoning Board of Appeals issued its findings and decision granting the applicant the required area variances; and

**Whereas,** the Planning Board has reviewed the Special Permit application 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 nursery schools found in § 143-77 and has found the proposal complies with all applicable sections of the Zoning Law; and

**Whereas,** on April 3, 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 April 17, 2017, the Planning Board, in consideration of the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas,** on April 17, 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 April 17, 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 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 AMJ Properties, LLC/Donald Triebel for a nursery school in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The maximum number of children enrolled in the nursery school on a regular basis shall be 93, and the maximum number of children present at the nursery school at any one time shall be 65.
- B. A minimum of 29 off-street parking spaces shall be maintained at all times.
- C. A minimum outdoor recreation and activity area of 200 square feet per child shall be provided at all times, with a minimum side yard setback for the recreation area of 10'1" from the northwest property boundary and 10'5" from the southeast property boundary, and a minimum setback of 10'9" from the rear property boundary.
- D. The facility shall be operated and maintained in accordance with applicable laws, rules and regulations, including § 390 of the Social Services Law of the State of New York.
- E. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

On a motion by **Sam Harkens**, seconded by **Charlie Laing**, and a vote of **Christine Kane, Charlie Laing, Lisa Foscolo, Kallie Robertson and Sam Harkins** for, **none** against, and **Brian Kelly and Sam Phelan** absent, this resolution was adopted on **April 17, 2017**.

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



Kathleen Flood, Clerk to the Board

4-19-17

Date

## Resolution Granting Site Plan Approval to Funshine Nursery School

**Name of Project:** Funshine Nursery School

**Name of Applicant:** AMJ Properties, LLC/Donald Triebel

**Date:** April 17, 2017

**Whereas,** the Town of Red Hook Planning Board has received an application for Site Plan approval from AMJ Properties, LLC/Donald Triebel to demolish an existing  $\pm$  1,308 sq. ft. building and construct a  $\pm$  1,540 sq. ft. 1½ story addition to an existing nursery school and make related improvements to off-street parking, lighting and landscaping on a  $\pm$  1.20 acre parcel (Tax Map Parcel No. 134889-6273-00-921623-0000) located at 208 Rockefeller Lane in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Planning Board has reviewed a Site Plan (3 Sheets) prepared by Timothy A. Ross, PE dated April 5, 2017; and

**Whereas,** the parcel is located within 500 feet of a NYS certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 1, 2016, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

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

**Whereas,** due to the location of the property within 500' of a farm operation located in a NYS certified Agricultural District, 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 April 10, 2017 that the application was a matter of local concern; and

**Whereas,** it was determined that the application required referral to the Zoning Board of Appeals for area variances from the maximum permitted building coverage, the required minimum open space, minimum side yard setback for the play area, minimum parking lot aisle width, minimum side yard parking setback, and the requirement that 40% of the required minimum open space be located in the front yard; and

**Whereas,** on November 9, 2016, the Zoning Board of Appeals issued its findings and decision granting the applicant the required area variances; and

**Whereas,** the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

**Whereas,** on April 3, 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 April 17, 2017, the Planning Board, in consideration of the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas**, on April 17, 2017, the Planning Board opened a duly noticed public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on April 17, 2017; and

**Whereas**, the Planning Board has deliberated on the application and all 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 Site Plan approval to AMJ Properties, LLC/Donald Triebel to demolish an existing  $\pm$  1,308 sq. ft. building and construct a  $\pm$  1,540 sq. ft. 1½ story addition to an existing nursery and make related site improvements 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 Chair or her authorized designee:
  - A. Revise the Proposed column of the Area and Bulk Table on Sheet 1 to state that the playground is permitted a side yard setback of 10'1" for the northwest side yard setback, 10'5" for the southeast side yard setback, and 10'9" for the rear yard setback
  - B. 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.
  - B. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
  - C. 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.

On a motion by **Charlie Laing**, seconded by **Lisa Foscolo**, and a vote of **Christine Kane**, **Charlie Laing**, **Lisa Foscolo**, **Kallie Robertson** and **Sam Harkins** or, **none** against, and **Brian Kelly** and **Sam Phelan** absent, this resolution was adopted on **April 17, 2017**.

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



Kathleen Flood, Planning Board Secretary

4-19-17

Date



617.6

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

**Name of Action:** Schultz Subdivision

**Whereas,** the Town of Red Hook Planning Board is in receipt of a Subdivision application by Lindsay Schultz to subdivide a  $\pm$  8.005 acre parcel located at Rockefeller Lane and Route 9 in the R1.5 District in the Town of Red Hook, Dutchess County, New York;

**Whereas,** an Environmental Assessment Form (EAF) dated April 3, 2017 and revised April 17, 2017 was submitted at the time of application; and

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

**Whereas,** the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

**Whereas,** after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Dutchess County Department of Health.

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

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

On a motion by **Charlie Laing**, seconded by **Sam Harkins**, and a vote of **Christine Kane, Charlie Laing, Lisa Foscolo Kallie Robertson and Sam Harkins** for, and **none** against, and **Sam Phelan and Brian Kelly** absent, this resolution was adopted **April 17, 2017**.