

**TOWN OF RED HOOK PLANNING BOARD  
APPROVED MEETING MINUTES  
May 1, 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, Kallie Robertson, Brian Kelly, Sam Harkins, and alternate Bill Hamel. Sam Phelan and Lisa Foscolo 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 17 meeting. Kallie Robertson seconded and all members voted in favor.

Christine Kane distributed information about upcoming training programs.

**PUBLIC HEARING**

**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. Christine Kane read the public hearing notice that was published in the Poughkeepsie Journal and the Daily Freeman.

Mr. Grieg gave an overview of the project. Ms. Kane asked if there were any questions or comments from the public. Susan Rabinowitz asked for details about the driveway on the Day parcel. Ms. Kane explained that part of the driveway was constructed without a NYS Department of Environmental Conservation (DEC) permit, which resulted in a violation that was later remediated under a Consent Order from the DEC. To complicate matters, the DEC flagged the wetlands differently than the applicant's engineer. She said the permit obtained only covers the middle portion of the driveway where it crosses the wetland; the first section was remediated to the satisfaction of the DEC but is still not covered by the permit. Mr. Grieg said the DEC had required him to install larger culverts lower in the ground so that the wetland remained connected. Ms. Rabinowitz asked whether the NYSDEC required him to re-seed the vegetation. Mr. Grieg said they did not.

Mr. Laing commented that the problem occurred because DEC was not called in to properly flag the wetland at the outset of the project. He said that as far as the DEC is concerned, the matter is closed. Joel Longenecker asked what the driveway will serve. Mr. Grieg indicated a building envelope on the rear of the property owned by Day and said it would serve that potential residence. Mr. Laing indicated for Mr. Longenecker the proposed lot line adjustment and pointed out a second driveway for a proposed home on the lot owned by Grieg. Mr. Longenecker asked if both driveways will stay where they are. Mr. Laing replied yes.

Michele Ewert said that she had contacted the DEC to obtain documentation that the project was remediated to the satisfaction of the DEC. She said she got verbal confirmation but was unable to obtain written confirmation. Mr. Grieg assured the Board that he could not have gotten the permit if he had not addressed the violation to the DEC's satisfaction.

Mr. Longenecker said the driveway on the Day parcel is very wide, and asked the board what the definition of a driveway is. Ms. Kane said driveway permits are obtained from the Town highway department, and she was not familiar enough with the town highway specifications to define a driveway for Mr. Longenecker. She also said the size of the access point is influenced by the type of road being accessed. Mr. Laing added that the highway department visits the site to determine site distances before issuing a permit. Mr. Longenecker asked if the board had a copy of the driveway permit. Ms. Kane said that a copy would be obtained for the project file.

Mr. Grieg said that the Day driveway is wide at the bottom because shoulders had to be created on both sides to address drainage on the incline. He said the driveway gets narrower after that. Mr. Longenecker asked if that was approved by the DEC. The Board and applicant agreed it was.

Mr. Longenecker stated that there have been serious auto accidents in the vicinity of the two proposed driveways due to the steepness of the hill and the lines of sight, and said there will be more accidents when the two driveways become active.

Ms. Kane asked Ms. Ewert to comment on her discussion with the Army Corps of Engineers (ACOE). Ms. Ewert said that because the wetland was physically disturbed, the ACOE should have been included on the joint application submission for the current DEC permit. She directed Mr. Grieg to submit a copy of the application and permit to the ACOE, and recommended that it be a condition of approval.

The Board reviewed parts 2 and three of the EAF line by line, and a draft Negative Declaration.

Brian Kelly made a motion to adopt the SEQR Negative Declaration. Charlie Laing seconded and all members voted in favor.

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

The Board reviewed a draft approval resolution for the Lot Line Adjustment. A condition was added that the applicant provide confirmation that the Town of Red Hook Highway Department has issued a driveway permit. Sam Harkins made a motion that the Board adopt the Resolution as amended. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution for the Special Use Permit. A condition was added that the applicant provide confirmation that the Town of Red Hook Highway Department has issued a driveway permit. Charlie Laing made a motion to adopt the resolution as revised. Kallie Robertson seconded and all members voted in favor.

## **NEW BUSINESS**

### **Countryside Self Storage – Amended Site Plan**

Presentation of application to revise an approved site plan for two 4050 SF storage buildings to one 3000 SF storage building and a 684 SF garage.

Scott Cano was present. He gave a history of the site and description of the proposed amendments. He said he constructed a pole barn maintenance garage recently within the required setbacks but without approval or permits. He said what he is seeking is approval to reduce the square footage of the final

building on the site (approved by the Board in 2003 but never constructed) from 4050 SF to 3300, to compensate for the 684 SF maintenance garage.

Christine Kane said that the application would have to be referred to the County Planning Department for review.

The Board reviewed comments from Michele Grieg dated 5-1-17. Ms. Grieg said area and bulk standards need to be more accurate in order for the Board to determine if the project meets the requirements of the zoning law, or classify the action under SEQR. Specific standards, including front yard setbacks, minimum open space requirements, building and parking setbacks, and separation of principal buildings should be included on the site plan, she said. She said the site data table on the site plan should be revised according to the current zoning regulations.

Ms. Grieg noted that the site plan should be prepared by a certified licensed design professional. Mr. Cano asked if that requirement could be waived. Ms. Kane reviewed the requirements for site plan and determined that the Board could not waive that requirement.

Mr. Cano asked, if he were to remove the maintenance garage and build the remaining approved building, would he need to continue with the amended site plan review, or could he simply do that since it was already approved by the Board in 2003. After consulting the zoning law, Ms. Kane said that since the project was not completed within 3 ½ years of approval in 2003, approval on what he had not completed had expired. She said he would need to apply for a site plan approval for the unbuilt building. Mr. Cano asked if he could use the site plan that he was using, or would he need it to be redrawn by a professional. The Board generally agreed that he could use the older, signed site plan from 2003 as long as no changes to the site plan were requested.

#### **Pre-application discussion – Liza Macrae**

Liza Macrae and John Corcoran were present. Ms. Macrae said that they want to subdivide their 10 acre lot into two five acre lots, which was how it was originally purchased. She said that she had consolidated the lots after purchasing them. Ms. Kane asked if they had filed the consolidation with the County. Ms. Macrae replied they had. Ms. Kane said that an application for minor subdivision would need to be filed. Ms. Macrae said that they would use the original lot configuration which included flag lots, and asked if they would still be conforming. The Board generally agreed that the flagpoles have adequate frontage. Michele Grieg noted that the acreage in the flagpoles is not included when calculating the size of the lot, and an area variance would be necessary if that was not how the original subdivision was designed.

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

Respectfully submitted,



Kathleen Flood  
Clerk

## Resolution Granting Lot Line Alteration Approval To Norman Greig and Amy Day

**Name of Project:** Lot Line Alteration: Lands of Norman Greig and Amy Day

**Name of Applicant:** Norman Greig

**Whereas,** the applicant has submitted an application for Lot Line Alteration approval, prepared by Decker Surveying dated February 14, 2017 and as revised on April 3, 2017, to the Town of Red Hook Planning Board to revise the lot lines between two existing parcels of land; and

**Whereas,** the two parcels include Tax Map Parcel No. 6274-00-397092 which consists of  $\pm$  15.762 acres and Tax Map Parcel No. 6274-00-341065 which consists of  $\pm$  1.110 acres for a total project area of  $\pm$  16.872 acres; and

**Whereas,** the proposed Lot Line Alteration is considered a Minor Subdivision in accordance with the Town of Red Hook Subdivision Law; and

**Whereas,** the proposed Lot Line Alteration will result in a modification to the boundary of existing legally established lots but will not change the acreage of either lot and will not result in the creation of any new lot nor create any nonconformity with respect to any area or bulk requirement established by the Town Zoning Law, the Dutchess County Health Department, the New York State Uniform Fire Prevention and Building Code or other law, rule or regulation; and

**Whereas,** the subject parcels are located at 32 Guski Road in the Agricultural Business District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the Planning Board reviewed a Short Environmental Assessment Form (EAF) dated February 24, 2017 and classified the Action under the State Environmental Quality Review Act as an Unlisted Action; and

**Whereas,** on May 1, 2017, the Town of Red Hook Planning Board, in consideration of the Short 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 potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming that an environmental impact statement need not be prepared; and

**Whereas,** on May 1, 2017, the Town of Red Hook Planning Board conducted a public hearing on the Lot Line Alteration application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Lot Line Alteration approval to Norman Greig and Amy Day to allow a revision of the lot lines for the existing lots located at 32 Guski Road.

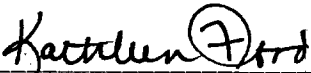
Now Therefore Be It Resolved that the Planning Board grants Lot Line Alteration approval to Norman Greig and Amy Day to modify the lot lines of Lot # 6274-00-397092 and Lot # 6274-00-341065, so that in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the Lot Line Revision Plan bears the Planning Board's assigned case number, LLA 2017.2
- B. That the applicant shall verify that the corners of the tracts have been marked by monuments or steel rods.
- C. That the applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of the application.
- D. That the applicant shall submit Lot Line Alteration drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.
- E. Confirmation that the Town of Red Hook Highway Department has issued a driveway permit.

On a motion by Sam Harkins, seconded by Brian Kelly, and a vote of Christine Kane, Charlie Laing, Kallie Robertson, Brian Kelly and Sam Harkins for, and none against, and Sam Phelan and Lisa Foscolo absent,

This Resolution declared adopted on May 1, 2017.

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

  
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Kathleen Flood, Secretary to the Board

5-3-17  
Date

## Resolution Granting Special Use Permit Approval to Amy Day

**Name of Project:** Amy Day Driveway Access

**Name of Applicant:** Amy Day

**Whereas,** the Town of Red Hook Planning Board has received an application for Special Permit approval from Amy Day to permit the construction of a driveway through a protected freshwater wetland in order to gain access for construction of a single family residence; and

**Whereas,** the proposed driveway and proposed residence is located at 32 Guski Road on Tax Map Parcel No. 6274-00-397092 and consists of 15.762 acres in the Agricultural Business Zoning District (ABD) in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the application required a Lot Line Alteration with an adjoining parcel owned by Norman Greig in order to allow access to the subject lot while minimizing to the greatest extent possible, impacts to a protected freshwater wetland; and

**Whereas,** the applicant submitted a Preliminary "Lot Line Adjustment Lands of Greig & Day" document, dated May 15, 2015 and a "Lot Line Adjustment Lands of Greig & Day" document revised on April 3, 2017, that illustrates the proposed driveway and includes the "wetland area disturbed" together with calculations of such disturbance as well as surrounding properties and public roadways; and

**Whereas,** the applicant submitted documentation from the New York State Department of Environmental Conservation (DEC) to demonstrate compliance with Article 24 of the New York Environmental Conservation Law including a Freshwater Wetlands Permit issued to Amy Day, dated as effective November 4, 2016, which requires adherence to 12 Natural Resource Permit Conditions and six General Permit Conditions; and

**Whereas,** the State DEC Freshwater Wetlands Permit does not relieve the applicant from obtaining any permits, consent, permission, or approval from the US Army Corps of Engineers or any other federal agency, which may be required in order to construct the driveway or any other construction activity that may physically alter the subject freshwater wetland; and

**Whereas,** Special Permit approval for the Amy Day driveway requires consistency with the General Conditions found in Section 143-51 of the Zoning Law; and

**Whereas,** the Special Permit approval for the Amy Day driveway requires consistency with the Special Condition found in Section 143-30 of the Zoning Law which includes potential impacts on water recharge, water table levels, water pollution, aquatic

and plant life, drainage patterns, stormwater runoff, flooding, runoff, erosion control and essential vegetative growth; and

**Whereas**, the Planning Board, having reviewed the Permit Conditions imposed by the DEC, has concluded that such impacts have been minimized to the greatest extent possible; and

**Whereas**, the Planning Board, having reviewed the "Lot Line Adjustment Lands of Greig & Day" document dated April 3, 2017, has concluded that the location of the proposed driveway and the proposed single family residence are in the only possible locations where a driveway and dwelling can be sited on the subject lot because of the extent of the Protected Freshwater Wetland, 100 foot regulatory Adjacent Area, and the steep slopes on the parcel; and

**Whereas**, the Planning Board, having considered the project application and Short Environmental Assessment Form (EAF), declared itself the lead agency for the purpose of conducting a review of the Unlisted action pursuant to SEQR; and

**Whereas**, on May 1, 2017, the Planning Board, in consideration of the Short 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 May 1, 2017, the Planning Board conducted a public hearing on the Special Use Permit application at which time all interested persons were given the opportunity to speak; and

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

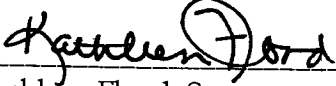
**NOW THEREFORE BE IT RESOLVED**, that the Planning Board grants Special Permit approval to Amy Day to construct a driveway to access a proposed future residence at 32 Guski Road in accordance with the plans and documents heretofore submitted including the State Freshwater Wetlands Permit dated as effective November 14, 2016 and expiring December 31, 2018 upon the following conditions:

1. The applicant will comply, at all times, with the General Standards for Special Permit Uses enumerated in § 143-51 of the Zoning Law.
2. The applicant will comply, at all times, with the Natural Resource Permit Conditions, the General Conditions, and Permittee Obligations contained within the State Freshwater Wetlands Permit including any modifications made by the DEC to the State Freshwater Wetlands Permit dated November 4, 2016.
3. The following specific conditions shall be fulfilled by the applicant, Amy Day in accordance with § 143-51(K) of the Zoning Law:

- A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant in the record of the Planning Board meetings where Amy Day's representative, Norman Greig appeared between February 2017 and May 2017, shall be considered conditions of this Special Use Permit Approval.
- B. The applicant shall contact the US Army Corps of Engineers to determine if their review is needed and complete review process if necessary.
- C. The applicant will comply with all conditions imposed by any other outside agencies including additional conditions (if any) or other permit obligations imposed by the US Army Corps of Engineers.
- D. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of the application
- E. Confirmation that the Town of Red Hook Highway Department has issued a driveway permit

On a motion by **Charlie Laing**, seconded by **Kallie Robertson**, and a vote of **Christine Kane**, **Charlie Laing**, **Kallie Robertson**, **Brian Kelly** and **Sam Harkins** for, and none against, and **Sam Phelan** and **Lisa Foscolo** absent, Resolution declared adopted on **May 1, 2017**.

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

  
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Kathleen Flood, Secretary to the Board

5-3-17  
Date