

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
October 16, 2017

Chairwoman Christine Kane called the meeting to order at 7:30 pm and announced that the Board review of proposed Local Law X had been removed from the agenda.

A quorum was determined present for the conduct of business. Members present: Christine Kane, Sam Phelan, Bill Hamel, Lisa Foscolo, Brian Kelly, Kallie Robertson and Sam Harkins. Also present were planning consultant Michele Grieg and engineering consultant Michelle Ewert.

Sam Phelan made a motion to approve the minutes of the Board's October 2 meeting. Brian Kelly seconded and all members voted in favor.

Ms. Kane announced a training program at the Millbrook Farm and Home Center.

PUBLIC HEARINGS

Sassano – Budds Corner Road – Special Permit

Continued public hearing on application to permit 5 accessory structures on a 5.5 acre property in the RD3 district.

Applicant's representative and architect Christie Billeci was present. Applicant Tinnie Sassano was present via speaker phone. Christine Kane noted that this is a continued public hearing.

Ms. Billeci gave an overview of the project and indicated the five accessory structures that the applicant is proposing- a detached garage, a pool, a pergola, a tennis court and a gazebo- on the site plan. She indicated trees on the perimeter of the property that would be left to screen the property, and additional landscaping that will be installed. She discussed the modified photometric for the tennis court lighting, which will be on a 30 minute timer.

Ms. Kane asked if there were any questions or comments from the public. There were none. The Board went on the review comments from Michelle Ewert dated 10-13-17. Ms. Ewert said that because more than one acre will be disturbed, the applicant must provide an Erosion and Sediment Control Plan for Planning Board review. Additionally, with regard to the tennis court lighting, the applicant must provide a full photometric plan for the site, including the surface next to the court, and advised that the proposed lighting be 3,000 Kelvin or less, citing recent American Medical Association guidelines.

The Board reviewed comments from Michele Grieg dated 10-11-17. Ms. Grieg emphasized that there is a potential habitat for endangered species on the site, and therefore trees should only be removed between Oct. 1 and March 31 to avoid a direct take of roosting bats.

Ms. Kane asked if there were any questions or comments from the public. There were none. Kallie Robertson made a motion to close the public hearing. Bill Hamel seconded and all members voted in favor.

The Board reviewed a draft conditional approval resolution. Sam Phelan made a motion to adopt it as revised to name the specific structures. Kallie Robertson seconded and all members voted in favor.

Staley Mobile Home –70 Mill Road - Amended Site Plan

Public hearing on application to replace an existing damaged mobile home with a new mobile home on a 1.16 acre property in the R 1.5 district.

Applicant Homer K. Staley Jr. was present. Christine Kane read the public service announcement that was published in the Poughkeepsie Journal and the Kingston Freeman.

Mr. Staley gave an overview of the project. Michele Grieg said she felt that the site plan does not adequately indicate which of the three mobile homes on the property is being replaced. Mr. Staley agreed to make that change to the site plan as a condition of approval.

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. Brian Kelly seconded and all members voted in favor.

Ms. Kane noted that the site plan had been reviewed by the Dutchess County Planning Department, who concluded the project was a matter of local concern. The Board reviewed a draft approval resolution amended to require a better indication of which mobile home is being removed and replaced. Sam Harkins moved to adopt the resolution. Bill Hamel seconded and the motion was carried unanimously.

Janet Johnson – 4939 Route 9G – Certificate of Appropriateness

Public hearing on application to construct a 12' x 22' deck and 12' x 22' addition and related upgrades.

The applicant's representative and builder Steve Falk was present. Christine Kane read the public hearing notice that was published in the Poughkeepsie Journal and the Kingston Freeman. Mr. Falk gave an overview of the project.

Brian Kelly made a motion to adopt a SEQR Type II resolution. Kallie Robertson seconded and the all members voted in favor.

Ms. Kane asked if there were any questions or comments from the public. There were none. Bill Hamel moved to close the public hearing. Sam Phelan seconded and the motion was carried unanimously.

The Board reviewed a draft Certificate of Appropriateness. Kallie Robertson made a motion to adopt it. Brian Kelly seconded and all members voted in favor.

Hagen-Heidt – 19 Barryton Road – Certificate of Appropriateness

Public hearing on application to install a ground mounted PV solar system.

Applicants Tim Heidt and Elise Hagen and Bob Hamill of US Energy Concierge Inc. were present. Christine Kane read the public hearing announcement that was published in the Poughkeepsie Journal and the Kingston Freeman. Since it the meeting had not yet reached the advertised time for the public hearing to begin, Ms. Kane suggested that the Board address an item under Other Business to fill the opening.

Extension Request – Preserve at Lakeskill

Attorney John Wagner and Engineer Mike Bodendorf were present to represent the Preserve at Lakeskill Subdivision in a request for an extension of time to satisfy the conditions of approval.

Mr. Wagner and Mr. Bodendorf discussed the progress that has been made since their last request for an extension, particularly with the DEC and the County Health Department. Mr. Bodendorf said they were working out some turbidity problems with the well. Christine Kane asked how things were progressing the DC Water and Wastewater Authority. Mr. Bodendorf said he does not have any answers yet. Mr. Wagner said he is still struggling to get a Will Serve commitment from Frontier Communications.

Mr. Phelan commented that the project was approved in December of 2015, and said he hoped that the project would not pass its three year anniversary via extensions. Kallie Robertson asked if there is a limit to how many extensions may be granted by the Board. Michele Greig replied that there is no limit as long as it can be shown that progress is being made. Mr. Phelan commented that it seems to be the same four issues where little progress has been made. He asked Mr. Bodendorf if there was any indication that the Water and Wastewater Authority might not accept the project. Mr. Bodendorf said that they have been supportive of the project. Mr. Bodendorf acknowledged that the project has been complicated and problematic.

Sam Phelan made a motion to grant a six month extension. Lisa Foscolo seconded and all members voted in favor except for Bill Hamel, who abstained. Ms. Foscolo asked Mr. Wagner to make efforts to keep the Board informed about progress.

Hagen-Heidt – 19 Barryton Road – Certificate of Appropriateness

Having reached the advertised time for the project's public hearing, the Board then returned to the Hagen-Heidt project. Mr. Hamill gave an overview of the project. He and Mr. Heidt described the screening around the site. Sam Phelan and Brian Kelly said they had driven by the site and they both felt the array would be quite visible from Barrytown Road due to the fact that the lower branches of the evergreens are bare. Christine Kane said that the Design Review Committee (DRC) had also expressed concerns that the array would be visible from the road. She said the proposed 65- foot long array would probably be the largest one in town, and asked the Board if they felt that additional screening should be required. The Board generally agreed that measures should be taken to mitigate the view of the array from passersby. The applicants expressed concern about the requirement. Mr. Phelan commented that the applicants have not proposed any mitigation measures beyond the site's existing vegetation. He said the project puts the back (taller) side of a large solar array to the public view, which he felt was an intrusion into a Historic District at the entrance to a historic hamlet. He said he sees the value of the project, but more effort should be made to shield it from the public.

Reese Heidt asked why solar panels were considered an intrusion. Ms. Kane answered that it is because they are being installed in a Historic Overlay district, and they are not historic in nature or design, so they intrude on the atmosphere of the district.

Ms. Kane asked if there were any other comments or questions from the public. There were none. Sam Harkins made a motion to close the public hearing. Sam Phelan seconded and the motion was carried unanimously.

Bill Hamel made a motion to adopt a Type II SEQR Resolution. Sam Harkins Seconded and all members voted in favor.

The applicants agreed to consider mitigating the view with low growing shrubs planted between the array and Barrytown Road. They agreed to return to a future meeting with a screening plan for the areas where coverage is sparse in the existing vegetative border along Barrytown Road.

Kenner – Botstein – 215 Kidd Lane – Certificate of Appropriateness

Public hearing on application to construct a 1200 SF addition and 200 SF deck on an existing residence.

Applicant's representative and builder George Smith and applicant Max Kenner were present. Christine Kane read the public hearing announcement that was published in the Poughkeepsie Journal and the Kingston Freeman. She said there was an error in the square footage of the addition in the notice, but the Planning Board's attorney said that it was permissible to open the public hearing with the correction noted. She clarified that the notice stated that the addition proposed is 3,000 square feet, and that it is actually 1,200 square feet, and the total finished square footage of the house with the addition would be 3,000 square feet.

Mr. Kenner gave an overview of the project. Ms. Kane asked if there were any questions or comments from the public. There were none. Kallie Robertson moved to adopt a SEQR Resolution classifying the project as Type. II. Sam Phelan seconded and the motion was passed unanimously.

Mr. Smith said the existing siding is weathered red cedar and the addition will be white pine stained black. Ms. Kane inquired as to what the comments of the DRC were, and said she recalled they commented that because the house could not be seen from Kidd Lane or any of the neighbors, they were not opposed to it. Brian Kelly and Sam Phelan commented there was not much substance to the DRC's comments on the project.

Ms. Kane asked if there were any questions or comments from the public. There were none. Lisa Foscolo made a motion to close the public hearing. Bill Hamel seconded and all members voted in favor.

The Board reviewed a draft Certificate of Appropriateness. Mr. Phelan suggested that the language of the Certificate be revised to indicate that approval was largely based on the fact that the project is not visible from the street or neighboring properties. Once revised, Mr. Phelan made a motion to adopt it. Sam Harkins seconded and all members voted in favor.

OLD BUSINESS

Barry Kramer – 124 North Road – Certificate of Appropriateness

Continued discussion of application to construct a 2,591 SF residence with a 638 SF of deck/porch and 582 SF attached garage in the Historic Overlay District.

The applicants Barry Kramer and Donna Zalichin were present. Mr. Kramer gave an overview of the project, which involves the demolition of an existing house and the construction of a new one. He said that they had changed the design of the house according to feedback the Board gave his representative Tim Lynch at the Oct. 2 meeting and the DRC had provided in a second set of comments dated 10/2/17

that had been forwarded to him. In the comments, Mr. Kramer said, the DRC apologized for a lack of a working formula for projects where an existing house is torn down and a new one built in its place, and recommended that the project be granted a CoA. Mr. Kramer asked that the plan be approved on that basis.

Ms. Kane said that the applicants had not received the DRC's comments in their entirety, which may have revealed that the Committee was disappointed, and do not perceive the Tivoli pattern book was followed. The Board generally agrees with the DRC about the placement of garages, preferably detached, and located set back from the house, particularly since the Kramer property is only two houses away from the Village line, and very much part of the streetscape.

Mr. Kramer said they were never told that they were required to follow the pattern book, and that detached or set back garages were required.

Mr. Phelan responded that the Board tries to give applicants as much flexibility as possible in designing projects. He said that he felt that the issue of having a detached garage or one set back from the house was made clear to the applicants from the beginning of the process.

Ms. Zalichin said they are limited in their capacity to change the design of the house because they are working with a company that constructs engineered houses as opposed to an architecturally designed stick built house.

These issues were debated at length as the Board encouraged the applicants to offer an alternative to their current plan.

NEW BUSINESS

Migliorelli Farm Stand & Beer Garden – Guski Road - Site Plan

Presentation of application to construct a 450 SF Farm Market 1 with an associated tent structure to house a Beer Garden for onsite consumption and take-home sales of beer and hard cider from the existing From the Ground Brewery located on the site, also with the sale and tastings of beer, wine and spirits from other NYS breweries, wineries and distillers, and products from Migliorelli Farm in the Agricultural Business District.

Applicants Ken Migliorelli and Jacob Cirell were present.

Christine Kane asked if the tent structure would be permanent. Mr. Cirell said the poles would be semi-permanent, and the awning would be removable. The Board and applicants discussed parking requirements. Mr. Cirell distributed an alternative site plan that he had designed in response to comments dated 10/13/17 from Michele Greig that addressed ADA compliance, signage, parking and lighting, and placement of portable sanitary facilities. Mr. Cirell discussed the potential of having food trucks and live music with the board, and Ms. Grieg's memo was reviewed in full.

Michelle Ewert reviewed engineering comments dated 10/13/17 dealing with water storage and waste water disposal.

Kallie Robertson made a motion to adopt a SEQR Resolution classifying the project as a Type II action. Brian Kelly seconded and all members voted in favor.

The Board will submit the revised site plan to the Dutchess County Planning Department for required review. The applicant plans to return Nov. 20.

OTHER BUSINESS

Pre-application discussion – Darren Davidowich, Art of Building

Darren Davidowich was present. He said he is working with the owner of 157 Middle Road to convert an existing barn into a residence. He offered photos of the existing barn and sketches of the conversion, which adds windows and a garage to the barn. He said that the Building Department found a reference to the barn in the County Historical Society inventory, and he wanted to determine whether or not a Certificate of Appropriateness would be required.

The Board consulted the Town zoning map and determined that the property is not in the Historical Overlay or Landmark Districts, and the barn is not on the National Register of Historic Places, and generally agreed that the project was not subject to Planning Board review.

Kuenster et al, Podolsky approval resolution revisions

Sam Harkins made a motion to adopt a revised (to correct a minor error) conditional approval resolution for the Kuenster /Rotger/ East Bridge Realty Lot Line Alteration granted Oct. 2. Bill Hamel seconded and the motion was carried unanimously.

Sam Harkins made a motion to adopt a similarly revised conditional approval resolution for the Podolsky lot line alteration that was granted Oct. 2. Bill Hamel seconded and the motion was carried unanimously.

Ms. Kane reviewed a letter from Scenic Hudson regarding the approval of the restoration of a 1910 barn at Rose Hill Farm.

ADJOURNMENT

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

Respectfully submitted,



Kathleen Flood
Clerk for the Board

Resolution Granting Special Permit Approval to Sassano Accessory Structures

Name of Project: Sassano Accessory Structures

Name of Applicant: Tinnie Chan Sassano

Date: October 16, 2017

Whereas, the Town of Red Hook Planning Board has received an application for a Special Permit from Tinnie Chan Sassano for five (5) accessory structures on a \pm 5.058 acre parcel (Tax Map Parcel No. 134889-6274-00-148062-0000) located at Budds Corners Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant submitted a Proposed Site Plan prepared by C. W. B. Architect dated October 4, 2017 that shows the location of the proposed structures; and

Whereas, pursuant to § 143-18A(2)(7) not more than three accessory structures are permitted on a lot in a residential district unless the lot exceeds five acres, in which case additional accessory structures may be sited subject to issuance of a special permit from the Planning Board; and

Whereas, the Planning Board has reviewed the Special Permit application against the the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law;

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on August 21, 2017 determined that the proposed project is a Type II action that meets the thresholds found in 6 NYCRR 617.5(c)(10) and, therefore, SEQR does not apply; and

Whereas, on September 18, 2017, the Planning Board opened a duly noticed public hearing on the Special Permit application, which Public Hearing was continued on October 16, 2017, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on October 16, 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 Tinni Chan Sassano for five (5) accessory structures in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The applicant shall address the comments of the Crawford & Associates memo dated October 13, 2017 to the satisfaction of the Town Engineer, and shall revise the plans as necessary to address such comments.
- B. This special permit authorizes a maximum of five (5) accessory structures on the property (specifically, an in-ground swimming pool, a tennis court, a one-car garage, a pergola, and a gazebo), only one of which may be a private garage pursuant to § 143-18A(2)(7) of the Town Zoning Law, as shown on the Proposed Site Plan.
- C. Buffer areas of existing trees and vegetation shall be preserved along the northern property boundary adjacent to County Route 79, and along the eastern, western, and southern property boundaries as shown on the Proposed Site Plan.
- D. In areas proposed to be cleared, trees shall only be removed during the US Fish and Wildlife Service's recommended bat conservation period between October 1 and March 31 to avoid a direct take of bats that may be roosting in trees.
- E. All light fixtures used to illuminate the tennis court shall be controlled by a timer that will automatically turn the lights off after 30 minutes.
- F. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- G. Payment of any and all outstanding escrow balances for consultant review.

On a motion by Sam Phelan, seconded by Kallie Robertson, and a vote of 7 for, 0 against, and 0 absent, this resolution was adopted on October 16, 2017.

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

Kathleen Flood
Kathleen Flood, Clerk for the Board

10-17-17
Date

Resolution Granting Site Plan Approval to Staley Mobile Home

Name of Project: Staley Mobile Home

Name of Applicant: Homer K. Staley Jr.

Date: October 16, 2017

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Homer K. Staley Jr. to replace a damaged mobile home on a \pm 1.16 acre parcel (Tax Map Parcel No. 134889-6273-00-541443-0000) located at 60-70 Mill Road in the R1.5 District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the mobile home is a lawful non-conforming use and § 143-125A(3) of the Zoning Law permits the restoration of a lawful nonconforming use after damage for any reason subject to Site Plan approval by the Planning Board; and

Whereas, the the applicant submitted a Site Plan prepared by the applicant (undated); 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, the Planning Board has reviewed the application against the requirements of § 143-125A(3) of the Zoning Law and has determined that the replacement facility will not have a greater floor area or be able to accommodate a greater number of patrons than the facility which existing prior to damage; 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 June 26, 2017 which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

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

Whereas, due to the location of the property within 500' of the boundary 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 October 3, 2017 that the application was a matter of local concern; and

Whereas, on October 16, 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 October 16, 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 Homer K. Staley Jr. to replace a damaged mobile home 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 Site Plan to clarify that it is the mobile home at the southernmost end of the property that will be replaced, and to add a signature block for the Planning Board.
 - B. Submission of Site Plan drawings for stamping and signing.
 - 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.

2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy pursuant to § 143-125A(3) of the Zoning Law:
 - A. All applicable New York State Uniform Fire Prevention and Building Code provisions shall be fully complied with.
 - B. The restoration shall be commenced within 12 calendar months of the damage and shall be fully completed within two calendar years of such occurrence.

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 Harkins, seconded by Bill Hamel, and a vote of 7 for, 0 against, and 0 absent, this resolution was adopted on **October 16, 2017**.

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



Kathleen Flood, Clerk for the Board

10-17-17
Date

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

October 16, 2017

Janet Johnson
Tax Parcel # 840553

The applicant, whose property is located at 4939 Route 9G, Red Hook, proposes to construct a 12 x 20 addition , a 12 x 22 deck and related improvements on 4.92 acres in the Historic Overlay District.

The application and supporting documents were sent to the Hamlet Design Review Committee August 9 and September 26, 2017. The Committee responded October 2, 2017 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

The Board classified the project as a SEQR Type II Action and a public hearing was held October 16, 2017.

The Planning Board has reviewed and discussed the proposed plans and determined that the project proposed is compatible with the historic character of the property as well as with the neighboring properties in the district and that there will be no visual negative impact. Therefore,

On a motion by Kallie Robertson seconded by Brian Kelly and a vote of 7 for, 0 against and 0 absent, the Town of Red Hook Planning Board hereby issues this Certificate of Appropriateness to Janet Johnson for the proposed construction described above.

Certified by: Kathleen Flood 10-17-17
Kathleen Flood, Clerk for the Board Date

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

Name of Action: Hagen / Heidt ground mounted solar array

Whereas, the applicant proposes to construct two ground mounted solar arrays at 19 Barrytown Road, Red Hook, 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)(9) 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 Bill Hamel, seconded by Sam Harkins and a vote of 7 for, and 0 against, and 0 absent, this resolution was adopted on **October 16, 2017**.

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

Name of Action: Kenner / Botstein addition project

Whereas, the applicant proposes to construct a 1,200 SF addition to an existing residence at 215 Kidd Lane, Red Hook, 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)(9) 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 Sam Phelan and a vote of 7 for, and 0 against, and 0 absent, this resolution was adopted on October 16, 2017.

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

October 16, 2017

Marcus Kenner and Sarah Botstein
Tax Parcel # 528616

The applicants, whose property is located at 215 Kidd Lane, Red Hook, propose to construct a 1,200 SF addition to an existing residence in on a 5 acre parcel in the Historic Landmark District.

The application and supporting documents were sent to the Design Review Committee September 9, 2017. The Committee responded September 18 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicants.

The Board classified the project as a SEQR Type II Action and held a public hearing October 16, 2017.

The Planning Board has reviewed and discussed the proposed plans and determined that the proposed project will have no visual negative impact because it is over 355 feet from Kidd Lane on heavily forested property, and is not visible from Kidd Lane or neighboring properties

On a motion by Sam Phelan seconded by Sam Harkins and a vote of 7 for, 0 against and 0 absent, the Town of Red Hook Planning Board hereby issues this Certificate of Appropriateness to Marcus Kenner and Sarah Botstein for the proposed construction described above.

Certified by: Kathleen Flood 10-17-17
Kathleen Flood, Clerk Date

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

Name of Action: From the Ground Brewery Beer Garden, Farm Market 1 and Small-Scale Entertainment

Whereas, the applicant proposes to construct a 450 sq. ft. Farm Market 1, a Beer Garden, and small-scale entertainment on a \pm 91 acre parcel located on Guski Road in the Agricultural Business District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated October 3, 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 a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) 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 Brian Kelly, and a vote of 7 for, and 0 against, and 0 absent, this resolution was adopted on October 16, 2017

Resolution Granting Approval to the Final Subdivision Plat for Kuenster, Rotger, and East Bridge Realty, LLC

Name of Project: Kuenster, Rotger, and East Bridge Realty, LLC Lot Line Alterations

Name of Applicants: Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC

Whereas, the applicants, Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC, have submitted an application for Lot Line Alterations to convey \pm 2.392 acres of land from the \pm 12.79 acre Rotger parcel (Tax Parcel No. 134889-6373-00-854555-0000) to the \pm 19.313 acre Kuenster parcel (Tax Parcel No. 134889-6373-00-790535-0000), and to convey \pm 1.367 acres of land from the Rotger parcel to the \pm 8.6 acre East Bridge Realty, LLC parcel (Tax Parcel No. 134889-6373-00-738435-0000), all located in the RD3 Zoning District on Spring Lake Road, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Plat prepared by Welch Surveying entitled "Lot Line Alterations Prepared for Kevin Kuenster and East Bridge Realty, LLC and Kirk and Scott Rotger" dated June 8, 2017 and last revised September 18, 2017; and

Whereas, on September 18, 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 September 18, 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, the parcels are located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural Data Statement dated June 9, 2017 and last revised September 18, 2017, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

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

Whereas, the applicants submitted a copy of the "Declaration of Easement Common Driveway and Maintenance Agreement" dated February 8, 2016 for the shared driveway between the lands of Kuenster and Berko that was previously reviewed by the Town Attorney in the context of the Horkan Lot Line Alteration approved by the Planning Board on September 21, 2015; and

Whereas, on October 2, 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 October 2, 2017; and

Whereas, on October 2, 2017, the Planning Board granted Final Subdivision Plat approval to Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC, for Lot Line Alterations to convey \pm 2.392 acres of land from the \pm 12.79 acre Rotger parcel to the \pm 19.313 acre Kuenster

parcel, and to convey \pm 1.367 acres of land from the Rotger parcel to the \pm 8.6 acre East Bridge Realty, LLC parcel, subject to certain conditions; and

Whereas, on October 16, 2017 the applicant requested that the Planning Board modify Condition 5 of the Resolution Granting Final Subdivision Plat Approval dated October 2, 2017 to indicate that the angle points of the boundaries of the original tract are not required to be marked with monuments since that requirement applies only to major subdivisions; and

Whereas, the approval of the amended conditions will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on September 18, 2017 by the Red Hook Planning Board as Lead Agency.

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 Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC 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 subdivision plat shall be revised as follows:
 - (a) To show the location on the Kuenster property of the proposed house site, which shall be located outside the New York State Department of Environmental Conservation (NYSDEC) wetland and its 100' adjacent area.
 - (b) The plat shall include the NYSDEC Freshwater Wetland Boundary Validation Block, which shall be signed and dated by the NYSDEC. Alternatively, the sheet entitled "Wetland Delineation Plan prepared for Kevin Kuenster and Kate Staples" prepared by Mark R. Graminski P.E., L.S., P.C. dated June 6, 2017 shall be included as Sheet 2 of the Subdivision Plat to be filed with the Dutchess County Clerk's Office.
 - (c) Add a Plan Note that states that: "An individual water supply and sanitary sewage disposal system permit must be issued by the Dutchess County Department of Health for the parcels labeled East Bridge Realty, LLC and Kuenster prior to the issuance of a building permit for that lot."
 - 2) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - 3) Payment of any and all outstanding escrow balances for consultant review.
 - 4) 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.
 - 5) The applicants shall verify that the corners of the original tract being subdivided have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-24B(2) of the Town Code.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

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 Sam Harkins, seconded by Bill Hamel, and vote of 7 for, 0 against, and 0 absent, this resolution was adopted on October 16, 2017.

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

Kathleen Flood
Kathleen Flood, Clerk of the Board

10-17-17
Date

Resolution Granting Approval to the Final Subdivision Plat for Podolksy

Name of Project: Podolsky Lot Line Alteration

Name of Applicant: David J. Podolsky

Whereas, the applicant, David J. Podolsky, has submitted an application for Lot Line Alteration dated June 9, 2017 to the Town of Red Hook Planning Board to convey \pm 8.5 acres of land from a \pm 12 acre parcel owned by the applicant (Tax Parcel No. 134889-6372-00-873980-0000), to a \pm 9.2 acre parcel owned by the applicant (Tax Parcel No. 134889-6373-00-869050-0000) located on Hapeman Hill Road in the RD3 District, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Welch Surveying entitled "Lot Line Alteration Map Prepared for David J. Podolsky" dated June 9, 2017 and last revised August 21, 2017; and

Whereas, on June 19, 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 September 18, 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, the parcels are located within 500 feet of a certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated June 9, 2017, 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, the applicant proposes one (1) flag lot pursuant to § 143-21C of the Zoning Law and on September 18, 2017, the Planning Board determined such lot meets the minimum requirements for a flag lot and is essential to permit reasonable use of the subdivision tract without adverse environmental impact or in contravention of the public health, safety and welfare; and

Whereas, on October 2, 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 October 2, 2017; and

Whereas, on October 2, 2017, the Planning Board granted Final Subdivision Plat approval to David J. Podolsky to convey \pm 8.5 acres of land from a \pm 12 acre parcel owned by the applicant to a \pm 9.2 acre parcel owned by the applicant, subject to certain conditions; and

Whereas, on October 16, 2017 the applicant requested that the Planning Board modify Condition 7 of the Resolution Granting Final Subdivision Plat Approval dated October 2, 2017 to

indicate that the angle points of the boundaries of the original tract are not required to be marked with monuments since that requirement applies only to major subdivisions; and

Whereas, the approval of the amended conditions will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on September 18, 2017 by the Red Hook Planning Board as Lead Agency.

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 David J. Podolsky 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 subdivision plat shall be revised to:
 - (a) Add a Plan Note that states that: "An individual water supply and sanitary sewage disposal system permit must be issued by the Dutchess County Department of Health for Parcel II prior to the issuance of a building permit for that lot."
 - (b) Add a Plan Note that states that: "Any change to the location of the proposed house site and/or the SDS area shown on this plat for Parcel II must be approved by the Town of Red Hook Planning Board."
 - 2) Submit certification from a licensed professional engineer that an approvable individual sanitary sewage disposal system location exists on Parcel II and that it is likely that a suitable individual on-site water supply may also be developed on Parcel II.
 - 3) Obtain a driveway permit from the Town Highway Superintendent for the proposed driveway from Hapeman Hill Road to access Parcel II.
 - 4) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - 5) Payment of any and all outstanding escrow balances for consultant review.
 - 6) 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.
 - 7) The applicant shall verify that the corners of the original tract being subdivided have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-24B(2) of the Town Code.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicant shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicant shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

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 Harkins, seconded by Bill Hamel, and vote of 7 for, 0 against, and 0 absent, this resolution was adopted on October 16, 2017.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

10-17-17
Date