

**TOWN OF RED HOOK PLANNING BOARD  
APPROVED MEETING MINUTES  
November 6, 2017**

Chairwoman Christine Kane called the meeting to order at 7:30 pm and announced that due to the Veteran's Day holiday, the deadline for submissions for the Nov. 20 meeting will be Thursday, Nov. 9.

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

Kallie Robertson made a motion to approve the minutes of the Board's October 16 meeting with one clarification on page 4 under the Kenner-Botstein project. Bill Hamill seconded and all members voted in favor.

**OLD BUSINESS**

**Hagen-Heidt – 19 Barryton Road – Certificate of Appropriateness**

Continued discussion of 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.

The Board and applicants reviewed a landscaping plan submitted designed to screen the array from Barrytown Road. The applicants propose to install 16 6 foot tall forsythia bushes planted 10 feet apart in front of the gaps in the existing evergreens along the road. They said that it would take about two years for the plants to form a dense hedge. They distributed photos of the planting, which has been completed.

Ms. Kane asked if it was the consensus of the board that the plan submitted met their requirements for screening the project. The Board generally agreed that it did.

Ms. Kane asked the applicants to provide detailed written description of what was planted, and the two-year guarantee provided by the landscaping contractor.

The Board reviewed a draft Certificate of Appropriateness. Kallie Robertson made a motion to grant it as revised to address the screening. Lisa Foscolo seconded and all members voted in favor.

Ms. Kane commented that a new town law is being proposed that, if approved, will take effect Dec. 1, which would not allow ground mounted solar systems in the Historic Overlay District. She said that the applicants should plan to have their project complete by then. Mr. Hamill asked what the definition of complete was. Ms. Kane said she was not sure, and recommended that the applicants speak to Town Clerk Sue McCann about it.

**Norton 337 – Norton Road – Minor Subdivision**

Continued discussion of Application to create three parcels, 9.2 acres, 5.9 acres and 5.0 acres, from a 20.10 acre parcel in the R1 Zoning District.

Applicant's representative and engineer Tim Lynch was present.

Ms. Kane said that the Board's task is to determine whether three flag lots proposed were appropriate given the environmental constraints on the property.

A federal jurisdictional wetland is located on the only available frontage of parcel 3, so a shared driveway for all three parcels is proposed on parcel 1. The proposed shared driveway passes through a wetland buffer zone.

In her memo dated 10-29-17, planning consultant Michele Grieg recommended that the applicant provide a Jurisdictional Determination from the Army Corps of Engineers that the wetland located in close proximity to the frontage of parcel 2 does not impact the frontage. Alternatively, the Planning Board could require third party verification. She stated that the purpose of providing lot frontage for a flag lot is to ensure that the parcel has access if the shared driveway cannot be used for some reason, and suggested the Board consider whether to permit a flag lot that has no accessible lot frontage.

Ms. Kane said the applicant should confer with his client to determine how to proceed with verification of the wetland located in close proximity to parcel 2.

Mr. Lynch disputed Ms. Grieg's recommendation that the applicant include calculations for buildable acreage for each lot. He maintained that zoning law 143-4 cited in Ms. Grieg's memo applies only to density or cluster developments.

Ms. Kane put the sketch plan approval to a vote of the members present. Members Hamel and Robertson voted no and members Phelan, Kane and Foscolo voted yes. Sketch plan approval was therefore granted.

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

Bard College representatives Chuck Simmons and Malia Du Mont were present.

Ryan Loucks reviewed comments from the town engineer dated 11-3-17. Two main concerns cited were the potential increase in traffic on rural roads surrounding the campus, which has increased 6.8% over the last two years according to the Federal Highway Administration Traffic Volume Trends; and the capacity of the water treatment facility. Mr. Loucks recommended that the Board commission a traffic study, and that anticipated water and water treatment flows be considered for each future project proposed.

Ms. Du Mont said that Bard officials have discussed the Master Plan with the County Commissioner of Public Works and the Empire Trails Network. A two year old traffic study conducted by the County recorded the instance of heavy trucks on the road at 3%, which Ms. Du Mont said she was told was acceptable. She said the County is considering putting signs at the intersection of NYS Rt. 199 and River Road indicating local traffic only, and petitioning the State to lower speed limits along River Road.

For its part, Ms. Du Mont said, Bard has increased shuttle bus runs, and has encouraged vendors and employees to use the main entrances off NYS Rt. 9G in an effort to reduce traffic on River Road. Lisa Foscolo asked if there was any enforcement mechanism in place for that. Ms. Du Mont said that there was not.

Ms. Kane said that the proposed athletic fields and bigger gym could potentially cause increases in traffic, and that the Board would like to be informed about what the County is considering, as well as college's campus wide policy for automobiles. Sam Phelan asked if the college could offer any data on automobiles and delivery trucks. Mr. Simmons said that was within the County's jurisdiction.

Discussion moved to existing violations. The 8,000 square foot addition to Kline Commons completed in 2012 was not approved by the Planning Board, according to review comments from Michele Grieg dated 10-31-17. Additionally, the John Cage Trust Facility is located in the RD3 zoning district with its use listed as a residence.

Mr. Simmons said that he was not directed to apply for site plan approval from the Planning Board when he applied for a building permit for Kline Commons, and that the college is considering applying to the Town Board to re-zone the Trust Facility on Whaleback Road so that the use would be allowed.

Board members inquired about potential growth of the student population. Mr. Simmons suggested there may be an increase of approximately 200 students, most of whom were graduate students who do not live on campus. He said the undergraduate student body has been consistent since approximately 2009.

Referring to comments from the planning consultant dated 4-17-17, Ms. Kane said that when the last master plan update was approved in 1997, it stated that no appreciable growth in the student body was projected. However, she said, the memo states that the undergraduate student population nearly doubled between 1997 and 2007, and campus housing has not kept up with the growth.

Mr. Simmons suggested that the statistics were skewed by including graduate students, who do not live on campus, and are mostly there in the summer. Ms. Du Mont said the college has no plan to expand enrollment, and that all proposed improvements are to better serve the current student population.

Kallie Robertson commented that although the college may not anticipate growth, it is certainly possible. Ms. Du Pont said other campus facilities could not support increased enrollment, such as the number of classrooms and the capacity of the dining facilities. Ms. Kane agreed that the proposed improvement in facilities might attract more students.

Sam Phelan asked if the Planning Board could put a cap on student enrollment as a condition of approval of the special permit. Mr. Simmons said he would not agree with that.

The Board and applicants discussed the size and scale of the proposed gymnasium, proposed parking reconfigurations, and other items that need to be addressed as listed in the planning consultant's 10-31-17 comment memo.

The applicants are tentatively scheduled to return before the Board Dec. 4.

#### **NEW BUSINESS**

##### **Verizon Wireless Micro-Antenna installation - Bard College- Amended Site Plan**

Presentation of application to install a small cell antenna and related equipment on the roof of the Bard College library building in the Institutional Zoning District.

Applicant's representative Scott Olsen was present. He gave an overview of the project. The Zoning Board of Appeals has granted the project a variance. He said that the small cell antennas are placed in areas where demand exceeds capacity.

Christine Kane asked if any additional lighting was proposed. Mr. Olsen replied no. He said that the site application had been submitted to the County Planning Department by the Zoning Board of Appeals, and the County had responded that it is a matter of local concern.

A public hearing was set for November 20.

**Ruella ATV / Footbridge – 4 Irving Drive – Special Use Permit**

Presentation of application to construct a 25' long by 11' wide ATV/Footbridge over a tributary of the Saw Kill on a 60.4 acre property in and Agricultural Business district.

Michael Ruella was present. Ryan Loucks said that the town engineers have no issues with the project as long as all ground disturbance work is completed between Oct. 16 and Apr. 14, and the excavator provides the necessary protection in accordance with the NYS Standards and Specification for Erosion and Sediment Control to assure the work will not pollute the stream.

It was determined that the project is a Type II action under SEQRA. Kallie Robertson made a motion to adopt a Type II Resolution. Sam Phelan seconded and all members voted in favor. The Board reviewed memos from the Department of Environmental Conservation and the Army Corps of Engineers provided.

The Board determined that the project will not result in erosion or stream pollution, and that constructing a bridge is more desirable than driving agricultural and recreational vehicles across the wetlands.

The project will be referred to the Dutchess County Planning Department and a public hearing was scheduled for Nov. 20.

**Ruge's Automotive Parts Center Re-Development – 7293 South Broadway - Lot Line Alteration, Special Permit, Site Plan**

Presentation of application to re-develop existing auto parts center, including the demolition of existing building and construction of an automotive service facility and related improvements.

Applicant Scott Hutchinson, engineer Mark Graminski and architect Ken Syvertsen were present.

Ryan Loucks reviewed comments from the town engineer dated 11-3-17. He said that the proposed new building does not conform to set back requirements. Mr. Graminski asked if the Board could waive the setback requirements. Ms. Kane replied no.

Mr. Loucks asked the applicants to clarify the traffic flow on the site and the parking, and reviewed various permits required by other agencies, including the Department of Transportation, the Health Department and the NYS DEC.

Mr. Hutchinson described the nature of the business proposed. He said the service provided is auto maintenance, such as oil changes, brakes and tires; and not auto repair. He said it is not a franchise facility.

Ms. Kane referred to comments dated 11-6-17 from planning consultant Michele Grieg. She said that she agrees with Ms. Grieg that the project is not consistent with the Zoning Law for the Traditional Neighborhood District.

The Board and applicants debated the definition of 'drive-through'. Mr. Hutchinson said that he was not proposing any services to people in their cars as they drive through the building, such as a bank teller window. He said customers will drive into a protected area and leave their car with service staff, who will then drive the car out of the service center to a parking lot in the rear for customer pick-up. Several Board members felt that that constitutes a drive-through.

Ms. Kane questioned whether the use is allowed in the TND CC zone, and added that the proposed new building does not meet the required setbacks and 133 parking spaces seems unusually high considering the service that is proposed. Lisa Foscolo said that there are currently automobiles parked on the property, like a dealership. Mr. Hutchinson said those cars are overflow from his dealership business in Rhinebeck. The Board felt this may be an additional use.

The board reviewed the definition of an "automobile service facility" and discussed whether it is more like a gas station than what is proposed. Mark Graminski asked if that determination would ultimately be made by the Zoning Enforcement Administrator. Ms. Kane said it would start there.

Design and architecture standards were discussed. Ms. Kane pointed out several features of the proposed building that do not appear to conform to the standards, and features of the site plan that are not pedestrian friendly.

Mr. Graminski said that he would meet with the Building Department and ask them to provide determinations. Ms. Kane and the Board encouraged the applicants to be creative in designing a project to meet their needs that reflects the intended spirit of the TND District.

## **OTHER BUSINESS**

### **Teviot tree removal special permit**

Christine Kane informed the Board that the Teviot tree planting project has been completed, and was inspected and approved by the Board's appointed landscape architect Stephen Yarabek.

### **Town Board Referral – Local Law D**

Supervisor Robert McKeon was present. He provided an overview of the law. After a discussion about the various types of solar installations and where they are proposed to be allowed within the town, the board agreed that they are supportive of the Town providing energy options to the community.

The Board recommended that the town consider requiring fencing around medium size installations; specifically, at the discretion of the Planning Board in the form of site plan review.

**ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathleen Flood".

Kathleen Flood  
Clerk for the Board

**Town of Red Hook Planning Board**

**CERTIFICATE OF APPROPRIATENESS**

November 6, 2017

Timothy Heidt and Elise Hagen  
Tax Parcel # 465845

The applicant, whose property is located at 19 Barrytown Road, Red Hook, proposes to construct two ground mounted solar arrays on 10.828 acres in the Historic Overlay District and the Hamlet of Barrytown.

The application and supporting documents were sent to the Hamlet Design Review Committee September 12, 2017. The Committee responded October 2, 2017.

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 has been sufficiently screened with a forsythia hedge along Barrytown Road so that there will be no visual negative impact. Therefore,

On a motion by Kallie Robertson seconded by Lisa Foscolo and a vote of 5 for, 0 against and 2 absent, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Timothy Heidt and Elise Hagen for the proposed construction described above.

Certified by: Kathleen Flood 11-7-17  
Kathleen Flood, Planning Board Clerk Date

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

**Name of Action:** Ruella ATV/Footbridge

**Whereas**, the applicant proposes to construct a 25' by 11' foot bridge on the site of a former bridge over the Saw Kill on a  $\pm$  60.4 acre parcel located at 4 Irving Drive in the Agricultural Business District in the Town of Red Hook, Dutchess County, New York; and

**Whereas**, a Short Environmental Assessment Form (EAF) dated October 21, 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)(2) 6 NYCRR 617.5(c)(3) 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 5 for, and 0 against, and 2 absent, this resolution was adopted on November 6, 2017.



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