

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
December 4, 2017

Chairwoman Christine Kane called the meeting to order at 7:30 pm and announced one addition to the agenda under Other Business would be the Town Board's referral of a revised draft of Local Law D.

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

Sam Phelan made a motion to approve the minutes of the Board's November 6 meeting. Bill Hamill seconded and all members voted in favor.

Verizon Wireless Micro-Antenna installation - Bard College- Amended Site Plan, Special Use Permit
Continued discussion 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 Olson was present.

Christine Kane said that the County Planning Department had responded that the project was a matter of local concern. She said the Town attorney had reviewed and approved the easement agreement.

Ms. Kane said that SEQR was completed by the Zoning Board of Appeals, who had granted the project a use variance in August.

The Board reviewed a draft Special Permit approval. Lisa Foscolo made a motion to adopt it. Sam Harkins seconded and all members voted in favor.

The Board reviewed a draft Site Plan approval. Bill Hamel made a motion to adopt it. Brian Kelly seconded and all members voted in favor.

Ruella ATV / Footbridge – 4 Irving Drive – Special Use Permit
Continued discussion 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.

Christine Kane said that the County Planning Department had responded that the project was a matter of local concern.

The Board and applicant reviewed a draft approval for Special Permit. Sam Harkins made a motion to adopt it. Lisa Foscolo seconded and all members voted in favor.

Barry Kramer – 124 North Road – Certificate of Appropriateness
Continued discussion of application to construct a residence in the Historic Overlay District.

Barry Kramer was present. He described changes that had been made to the house design according to the comments received by the Design Review Committee (DRC). He said he felt that the changes addressed the concerns of the DRC. He said that he had kept the attached garage, and moved it twenty feet back from the house façade as was recommended. He described other changes that were made, and the building materials and colors that would be used.

The Board generally agreed that the changes were appropriate. Sam Phelan asked if the DRC had reviewed the new plan. Ms. Kane said no. Mr. Phelan suggested that they be sent to the DRC. The Board agreed to ask the DRC to view the new plan and make comments by Dec. 15, in time for the public hearing Dec. 18.

Mr. Kramer also requested an extension for the Certificate of Appropriateness for the demolition of the existing house on the site. Sam Harkins made a motion to grant a 6 month extension. Brian Kelly seconded and all members voted in favor.

Red Hook Land Corporation – 5 Old Farm Road – Site Plan

Continued discussion of application to reconstruct commercial multi-use buildings on a 1.955 acre parcel in the Traditional Neighborhood Development - Commercial Center (TND-CC) District.

Bob and Tim Ross were present.

The Board and applicants discussed the review provided by the DRC. Tim Ross said he did not agree with the DRC's recommendation that the building fronts should be in a straight line. He said he felt that allowing for occasional 2-3 foot setbacks would be more attractive. The board generally agreed. There was also general agreement with Michele Grieg's suggestion that varying roof lines and roof styles would enhance the streetscape.

The Board and applicants also discussed setbacks, windows, railings and roofs for porches, building materials and signage. It was agreed that the height and design of the corner building is of particular importance.

Mr. Ross said he had set a tentative meeting with members of the DRC for Thursday Dec. 7. He asked if a planning board member could attend. Lisa Foscolo and Bill Hamel said they would attend.

OTHER BUSINESS

Local Law D

Supervisor Robert McKeon was present. He said that after taking comments from the public, the law was revised. He said ground mounted solar systems will not be allowed in the Hamlet Districts, the Water Conservation District, certain areas of the Traditional Neighborhood District, or in front yards anywhere. Medium sized ground mounted systems for accessory use only will be allowed in the Historic Landmark District with a Special Use Permit.

The Board reviewed a draft Local Waterfront Revitalization Program Consistency Determination. Lisa Foscolo made a motion to adopt it. Bill Hamel seconded and all members voted in favor.

ADJOURNMENT

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

Respectfully Submitted

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

Kathleen Flood
Clerk of the Board

**Resolution Granting Site Plan Approval
to Verizon Wireless Bard College Micro Cell Communications Facility**

Name of Project: Verizon Wireless Bard College Micro Cell Communications Facility

Name of Applicant: Orange County-Poughkeepsie Limited Partnership d/b/a/Verizon Wireless

Date: December 4, 2017

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Orange County-Poughkeepsie Limited Partnership d/b/a/Verizon Wireless to install a new "small cell" commercial communications receiving and/or transmitting facility on the roof of the existing library at Bard College on a \pm 115.3 acre parcel (Tax Map Parcel No. 134889-6173-00-600630-0000) located at 1400 Annandale Road in the Institutional District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan (Sheets Z-1 and Z-2) prepared by RETTEW Engineering and Surveying dated May 19, 2017 and revised June 23, 2017; and

Whereas, the proposed project required a use variance from the Town of Red Hook Zoning Board of Appeals (ZBA) since the proposed use is only permitted in the AB and RD3 Zoning Districts; and

Whereas, the ZBA was the lead agency in the SEQR review of the application which was determined to be a Type I action under SEQR, and the ZBA adopted a Negative Declaration for the project on August 9, 2017 finding that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

Whereas, on August 9, 2017 the ZBA granted the required use variance to allow a commercial communications receiving and/or transmitting facility in the Institutional District; and

Whereas, due to the location of the property on a County Road, the site plan application was referred to the Dutchess County Department of Planning and Development for review pursuant to General Municipal Law § 239m and the County Planning Department responded on November 30, 2017 that the application was a matter of local concern; 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 November 20, 2017, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on November 20, 2017; and

Whereas, the Planning Board has 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 Site Plan approval to Orange County-Poughkeepsie Limited Partnership d/b/a/Verizon Wireless to install a new "small cell" commercial communications receiving and/or transmitting facility 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. 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.

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 Bill Hamel, seconded by Brian Kelly, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on December 4, 2017

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

Kathleen Flood
Kathleen Flood, Clerk for the Board

12-5-17
Date

Resolution Granting Special Permit Approval to Ruella ATV/Footbridge

Name of Project: Ruella ATV/Footbridge

Name of Applicant: Michael Ruella

Date: December 4 , 2017

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Michael Ruella to construct an ATV/footbridge over the Saw Kill, a New York State Department of Environmental Conservation (NYSDEC) Class C(TS) stream, on a \pm 60.4 acre parcel (Tax Map Parcel No. 134889-6372-00-265605-0000) located at 4 Irving Drive in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant submitted an Application for Special Use Permit dated October 20, 2017; and

Whereas, pursuant to § 143-30 of the Zoning Law, development within 100' of a NYSDEC-classified stream requires a special permit from the Planning Board, and pursuant to § 143-47D(1) of the Zoning Law, development within a stream corridor requires 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 and against the specific standards for development within 100' of a NYSDEC-classified stream and for development within a stream corridor found in §§ 143-30 and 143-47D(1) of the Zoning Law, and has found that the proposal complies with all applicable sections of the Zoning Law; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on November 6, 2017 determined that the proposed project is a Type II action that meets the thresholds found in 6 NYCRR 617.5(c)(2) and 6 NYCRR 617.5(c)(3) and, therefore, SEQR does not apply; and

Whereas, the applicant submitted correspondence from the NYSDEC dated June 28, 2017 stating that the NYSDEC had determined that the proposed project would not disturb the bed or the banks of the Saw Kill and the project will therefore not require a DEC permit; and

Whereas, due to the location of the property on a State Highway the special permit application was referred to the Dutchess County Department of Planning and Development for review pursuant to General Municipal Law § 239m and the County Planning Department responded on November 17, 2017 that the application was a matter of local concern; and

Whereas, the parcel is located within 500 feet of a certified New York State Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 22, 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, on November 20, 2017, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on November 20, 2017; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or 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.

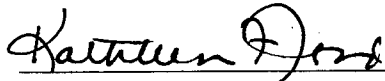
BE IT FURTHER RESOLVED, that the Planning Board hereby grants Special Permit approval to Michael Ruella to construct an ATV/Footbridge in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. All ground disturbance must take place between October 16th and April 14th in order to avoid direct adverse impacts to Blanding's turtle.
2. The applicant and excavator shall provide the necessary protection in accordance with the NYS Standards and Specifications for Erosion and Sediment Control, July 2016, to assure that the proposed work will not pollute the stream/waterbody, as required by the NYSDEC in their letter dated June 28, 2017 which states that "care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of any streams or waterbodies by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project."
3. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
4. Payment of any and all outstanding escrow balances for consultant review.
5. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

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

On a motion by Sam Harkins, seconded by Lisa Foscolo, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on December 4, 2017.

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



Kathleen Flood, Clerk to the Board

12-5-17

Date