

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
December 18, 2017

Chairwoman 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, Sam Phelan, Bill Hamel, Lisa Foscolo, Sam Harkins, Brian Kelly and Kallie Robertson. Also present was engineering consultant Ryan Loucks.

Sam Harkins made a motion to approve the minutes of the Board's December 4 meeting. Bill Hamel seconded and all members voted in favor.

Ms. Kane announced that due to the holidays in January, the Planning Board will meet Tuesday, January 30 with a submittal deadline of January 19.

PUBLIC HEARINGS

From the Ground Brewery Beer Garden, Farm Market and Small-scale Entertainment – Guski Road - Site Plan

Public Hearing on application to construct and operate a 450 SF Farm Market 1 with an associated tent structure to house a Beer Garden for on-site consumption and small-scale entertainment in the Agricultural Business District.

Applicants Jakob Cirell and Ken Migliorelli were present. Mr. Cirell gave an overview of the project, including the hours of operation.

Guski Road resident Michael Schultz asked if there would be live music. Mr. Cirell said once a month acoustic music would be offered. Mr. Schultz asked how it would be limited. Christine Kane said it would be limited in the approval resolution. Sandy Martin, who lives across the street from the site, said she was concerned about traffic, littering, noise, trespassing, lighting, and the condition of the barn.

Ms. Kane responded that many of the concerns had been addressed during the Planning Board review process, and noted that the use is allowed under New York State Agricultural law and locally in the Agricultural Business District.

Nancy Guski agreed with the issues raised by Ms. Martin, and said she was particularly concerned about increased traffic on Guski Road.

Christopher Matthews said that although the proposal seems moderate, the you-pick business should be considered since it happens during the same time as the proposed beer garden, and will further increase traffic, noise and distractions. He said the area is a natural amphitheater and any noise and

music will be amplified. He noted that other occasional activities at the site, such as hot air balloon launches, generate traffic and noise. He was also concerned about potential expansion of the project.

Ms. Kane responded that both uses are allowed, and the Board is very limited under NYS law to disallow the activity, although they can regulate such things as lighting, parking and safety issues through the site plan process.

Nancy Guski asked about the condition of the barn, and noted that there is a pond located near the site of the beer garden. Ken Migliorelli responded that the barn is structurally sound, although he acknowledged the siding is loose and worn, and ideally needs a new foundation and sills.

Mr. Cirell said the area around the pond is marshy and rocky and generally uninviting. Ms. Kane suggested signs be installed, and mowing the tall grass near the pond could be limited to keep people at a distance. Ms. Guski asked who would be liable in the event of an accident. Mr. Migliorelli said he would be.

Doreen DiCarolis said she and her family support the project.

Chris Matthew asked if the acoustic music will be amplified. Mr. Cirell said he does not intend to have loud music. Mr. Matthews continued that he felt there would be problems due to alcohol use. He was concerned for the safety of his family and neighbors on Guski Road.

Ryan Loucks reviewed comments dated 12-15-17, and clarified the requirement for dark sky compliant lighting, walkway materials, and waste water cleanout scheduling. Mr. Cirell said wastewater will be hauled away weekly, and there will be no motion lights installed. Parking and placement of signs was discussed.

Mr. Loucks said Health Department approval of the water supply is required. He asked if the current water supply was DOH approved. Mr. Migliorelli said it was. Mr. Loucks said that the Health Department must approve the greywater holding tank as well.

The Board and applicant reviewed comments from the planning consultant dated 12-13-17.

Amplification of music was discussed. The Board discussed amplified vs. non amplified acoustic music. Bill Hamel said that acoustic instruments outdoors do not project very well. Ms. Kane said that the town has a noise ordinance that must be observed. Mr. Cirell agreed not to have amplified music.

Lisa Foscolo made a motion to close the public hearing. Sam Harkins seconded and all members voted in favor.

The Board reviewed a draft conditional site plan approval. Among the conditions of approval was the stipulation that live, non- amplified acoustic music would be allowed once per month, with musicians facing west, away from neighboring homes.

Bill Hamel asked how often portable toilets would be emptied. The applicants replied weekly, and more often if necessary. The dimensions of the patio and drinking area were specified as well as the allowed seating and drinking area. It was determined that signs would be installed near the pond to keep people away from it, and to indicate the established drinking area.

Brian Kelly made a motion to adopt the resolution as amended with additional conditions. Kallie Robertson seconded and all members voted in favor.

Barry Kramer – 124 North Road – Certificate of Appropriateness

Public Hearing on application to construct a residence in the Historic Overlay District.

Barry Kramer was present. He gave an overview of the project.

Neighbors Susan Ezrati and Francis Remenek asked a few questions about the garage.

Ms. Kane reviewed public comments that were emailed to the Board, including Lisa Schwarzbaum, who wrote in support of the project; Mike Billeci, Chairman of Tivoli Planning Board, who suggested the board require a detached garage, and commented that the home looks too suburban; and Emily Majer, Tivoli resident, who also said she felt the house looks too suburban and should have a detached garage, and suggested changes, such as turning the house 90 degrees.

Ms. Kane asked the Board to comment. Sam Harkins and Bill Hamel disagreed with Mr. Billeci's comments about the detached garage not being an imposition, and said they felt an attached garage should be allowed. Mr. Hamel also disagreed with Ms. Majer's suggestion that the house has no entrance. Kallie Robertson thanked the applicants for working with the Board, and said that she felt the design was appropriate. Ms. Kane agreed.

Ms. Kane asked if there were any further comments from the public. There were none. Sam Harkins made a motion to classify the action as Type II under SEQR. Bill Hamel seconded and all members voted in favor. Kallie Robertson made a motion to close the public hearing. Sam Harkins seconded and all members voted in favor.

The Board reviewed a draft Certificate of Appropriateness. Sam Phelan made a motion to adopt it. Sam Harkins seconded and all members voted in favor.

OLD BUSINESS

Bard Master Plan – Special Permit

Pete Setaro and Chuck Simmons were present.

Because other interested agencies have recently been identified, Kallie Robertson made a motion to rescind the SEQR Lead Agency resolution adopted July 17, 2017. Brian Kelly seconded and all members voted in favor.

Bill Hamel made a motion to adopt a revised Lead Agency resolution for a Type I Action which identifies other interested agencies, including the Red Hook Zoning Board of Appeals. Brian Kelly seconded and all members voted in favor.

The Board reviewed comments from the planning consultant dated 12-18-17 in which consultant Michele Grieg expressed concern about whether the Planning Board is getting enough information to fully evaluate the cumulative impacts, direct and indirect, of the proposed master plan for a SEQR determination.

Christine Kane said numerous letters have been received from the public about the master plan, and asked the applicants if they would participate in a public discussion meeting to exchange information and respond to public concerns prior to the required public hearing.

Mr. Setaro acknowledged that increased traffic has been identified by residents and the Board as a major issue. He said the college has been recently discussing traffic with the Department of Public Works (DPW). He said the DPW had planned to do a traffic study, but the college asked them to wait until the master plan was reviewed by the County and see how it may factor into a study. He also suggested that the Town Board request the County place a vehicle weight restriction on River Road to route large delivery trucks to 9G. He questioned the value of doing a traffic study now, although he acknowledged that Board has good reason to request one for SEQR purposes. He asked the Board to refer the master plan to the Dutchess County Department of Planning and Development (DCDPD) and the DPW for input on what would be the best way to evaluate traffic impact.

Regarding enrollment projections, Mr. Setaro said it would not be practical for the college to cap enrollment. He said that enrollment has been the same for the last 8 years, and the college does not anticipate significant enrollment growth. He acknowledged that whereas 200 beds have been proposed in the master plan, 500-600 are needed to reach their goal of providing housing for 80-90% of its student population.

Regarding existing zoning violations that have been identified, Mr. Setaro said that the college will file a site plan application for the Kline Commons addition, and the Cage Trust building is before the ZBA for a variance, although there is some discrepancy about what type of variance is needed.

Ms. Kane suggested that the college consider establishing a policy limiting student cars and increasing shuttle service to mitigate traffic concerns. She asked what the projected increase of traffic for sporting events happening at the proposed new gym would be, and other potential impacts that the proposed building might have.

Sam Phelan stated that the amount of facility growth proposed juxtaposed with no student body growth anticipated is a planning dilemma.

Bill Hamel said that at the last meeting, he and two other board members had requested enrollment metrics but they have not been received. He said that in 2012, when the gym was finished and Kline Commons was expanded, the enrollment increased by 300-400. He said that the history suggests that when Bard builds, enrollment grows. He said he is not against growth, but he wants a more realistic vision of potential/proportional growth. The Board asked the applicants to provide enrollment and employment figures over the life of the last approved master plan. Lisa Foscolo asked for comparative data on other colleges of similar size. Ms. Kane asked for an estimate of how many community memberships would be offered for the new gym.

The Board generally agreed to send the master plan to the DCDPD for preliminary input for the January 30 meeting, when a public discussion will be held.

NEW BUSINESS

Bard Wilson House – 1309 Annandale Road - Site Plan

Presentation of application to change the use from residential to mixed use on a property in the Institutional Zoning District.

Charles Simmons and Dan DeCiutiis were present. Mr. DeCiutiis explained that the college wants to move the John Cage Trust from where it is to a 4740 SF, 5 bedroom faculty housing residence. They propose to use the basement and attic for storage of the John Cage archives, the first floor as a guest residence, and office space on the second floor.

Mr. Simmons said the archives consist of musical scores, cds and memorabilia. He said there is a full time office manager, a part-time program manager who is there part time. He said that said about 2-3 people visit the archives per month. Mr. DeCiutiis added that the guest area is for visitors to the archive.

Comments from the planning consultant dated 12-15-17 were reviewed. Ms. Kane said that a more thorough site plan should be submitted, including signs, parking and outdoor lighting.

Kallie Robertson made a motion of classify the action as Type II under SEQR. Lisa Foscolo seconded and all members voted in favor.

Ms. Kane said that a new Planning Board Chairman will be installed at the town board's Jan. 9 reorganization meeting. (Ms. Kane is leaving the Board because she was elected to the Town Board.) She said anyone interested should submit a letter of interest to the Town Board. She gave an overview of the duties of the Chairperson. Fellow board members expressed their appreciation for her service of over 20 years on the town and Village of Tivoli Planning Boards.

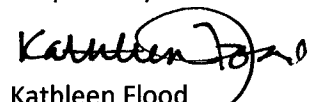
Bill Hamel gave a report of a meeting he attended with Ruge's Service Center. He said that the plans have changed radically, and he had advised the applicants to submit it to the Board.

ADJOURNMENT

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

Due to January holidays, the next regular meeting of the Town Planning Board will occur **Tuesday, January 30**. The agenda for that meeting will close at **noon January 19**. Only new applications and continuing submissions received at the Planning Board Office by the close of the agenda will be considered at the next meeting. The Board does not accept new information presented at a meeting for review at that meeting.

Respectfully Submitted



Kathleen Flood
Clerk of the Board

Resolution Granting Site Plan Approval to From the Ground Brewery Beer Garden, Farm Market 1, and Small-scale Entertainment

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

Name of Applicant: Jakob Cirell

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Jakob Cirell for a Beer Garden, Farm Market 1, and Small-scale Entertainment on a \pm 91.34 acre parcel (Tax Map Parcel No. 134889-6274-00-249450-0000) located at 189 Guski Road in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan and a Project Description prepared by Jakob Cirell dated December 8, 2017; and

Whereas, the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Town of Red Hook 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 October 16, 2017 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) and, therefore, SEQQR does not apply; and

Whereas, due to the location of the property within 500' of farm operation in a New York State certified agricultural district (Agricultural District 20), the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department issued a review letter dated November 16, 2017 stating that the project was a matter of local concern; and

Whereas, the parcel is located within 500' of a certified agricultural district and the applicant submitted an Agricultural Data Statement dated October 4, 2017, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on December 18, 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 December 18, 2107; 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 Site Plan approval to From the Ground Brewery Beer Garden, Farm Market 1, and Small-scale Entertainment in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
- (1) The Site Plan shall be revised as follows:
 - (a) Sheet 1 (the "Signature Page") shall be replaced with a page that includes the signature block for the Planning Board and the following Site Plan Notes:
 - (i) Hours of operation for the Beer Garden, Farm Market 1, and Small-scale Entertainment shall be limited to 12 pm to 9 pm Thursday through Saturday from April through October.
 - (ii) Only live, non-amplified acoustic music shall be permitted. Such music shall be limited to 1 day per month and shall comply with the Town's noise ordinance. The staging area for live acoustic music shall face west, away from the residences on the east side of Guski Road.
 - (iii) All outdoor lighting shall be turned off after business hours.
 - (iv) All trash receptacles shall be emptied daily.
 - (b) Sheet 2 shall be revised to indicate that the sign will be setback 15' from the eastern property boundary.
 - (2) The size of the beer garden shall be limited to the 50 x 40 drinking area and a 20 x 40 ADA patio. 'No Drinking Beyond This Point' signs shall be installed beyond the beer garden area, and 'Farm Pond - Keep Out' signs shall be posted by the pond.
 - (3) Submission of the New York State Liquor Authority license.
 - (4) Address all comments in the memorandum by Crawford & Associates dated December 15, 2017 to the satisfaction of the Town Engineer.
 - (5) Submission of a copy of the contract from Superior Sanitation for the proposed porte-potties.
 - (6) Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law.
 - (7) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

(8) 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 Department. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy:

1. A Certificate of Occupancy will not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan.

On a motion by Brian Kelly, seconded by Kallie Robertson, and a vote of 7 for, 0 against, and 0 absent, this resolution was adopted on December 18, 2017.

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



Kathleen Flood, Clerk to the Board

12-19-17
Date

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

Name of Action: Kramer Residence

Whereas, the applicant proposes to construct a new residence at 124 North Road on 4.63 acres in the Historic Overlay District, 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 Sam Harkins, seconded by Bill Hamel and a vote of 7 for, 0 against and 0 absent, this resolution was adopted on December 18, 2017.

Town of Red Hook Planning Board

CERTIFICATE OF APPROPRIATENESS

December 18, 2017

Barry Kramer and Donna Zalichin
Tax Parcel # 522335

The applicants, whose property is located at 124 North Road, Red Hook, propose to construct a new residence on 4.63 acres in the Historic Overlay District.

The application and supporting documents were sent to the Design Review Committee August 14, September 21, September 25 and December 5, 2017. The Committee responded August 22 and October 2, 2017 with recommendations.

The Board classified the project as a Type II Action under SEQR and held a public hearing December 18, 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 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 Barry Kramer and Donna Zalichin for the proposed construction described above.

Certified by: Kathleen Flood 12-19-17
Kathleen Flood, Planning Board Clerk Date

617.6
State Environmental Quality Review (SEQR)
Resolution Classifying the Action and
Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Bard College Campus Master Plan

Whereas, the Town of Red Hook Planning Board is in receipt of a Special Permit application by Bard College for a Campus Master Plan for the 922 acre campus in the Town of Red Hook, Dutchess County, New York; and

Whereas, a Full Environmental Assessment Form (EAF) dated July 17, 2017 and last revised November 8, 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 I action; and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do apply; and

Whereas, after examining the EAF the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Town of Red Hook Zoning Board of Appeals, and interested agencies include the New York State Office of Parks, Recreation and Historic Preservation, Hudson River Heritage, and the Village of Tivoli.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chair to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

On a motion by Bill Hamel, seconded by Brian Kelly, and a vote of 7 for, and 0 against, and 0 absent, this resolution was adopted on December 18, 2017.

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

Name of Action: Bard College Wilson House Conversion

Whereas, the applicant proposes to convert a 4,740 sq. ft. faculty housing building into office space with one bedroom on the first floor on a \pm 302 acre parcel located on Annandale Road in the Institutional (I) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated November 30, 2017 was submitted for the proposed action; 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)(8) 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 Lisa Foscolo, and a vote of 7 for, and 0 against, and 0 absent, this resolution was adopted on December 18, 2017.