

**TOWN OF RED HOOK PLANNING BOARD  
APPROVED MEETING MINUTES  
March 19, 2018**

Chairman Sam Phelan 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: Sam Phelan, Bill Hamel, Lisa Foscolo, Brian Kelly, Sam Harkins and Kallie Robertson. Also present were engineering consultant Michelle Mormile, planning consultant Michele Grieg and attorney Joel Sachs.

Bill Hamel made a motion to accept the minutes of February 5. Sam Harkins seconded and all members voted in favor.

**PUBLIC HEARING**

**Hannaford Supermarket - Amended Site Plan**

Public Hearing on application install a 12' x 32' prefabricated modular recycling building with its own electrical service on the west side of the existing Hannaford's parking lot, approximately 150' from the southwest corner of the building.

Applicant's representative Ryan Morrison was present. Sam Phelan read the Public Hearing notice that was published in the Poughkeepsie Journal. Mr. Morrison gave an overview of the project.

Mr. Phelan asked if there were any questions or comments from the public. Linda Keeling asked if there were any protections for people inside the building. Mr. Morrison said that customers do not actually enter the building. Tim Ross asked a question about the service. Mr. Morrison answered that people will need to sign up for the service, and are issued a tag with a bar code to access the recycling center.

Since there were no further questions or comments, Kallie Robertson made a motion to close the public hearing. Brian Kelly seconded and all members voted in favor. The Board reviewed a draft approval resolution, and Sam Harkins made a motion to adopt it with one revision concerning the wattage of the light installed on the building. Lisa Foscolo seconded and all members voted in favor.

**OLD BUSINESS**

**Bard Wilson House – 1309 Annandale Road - Site Plan, Special Permit**

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

Bard representatives Chuck Simmons and Dan DeCiutiis were present. The Board reviewed the revision to the Master Plan submitted. A public hearing was set for April 2.

**Ruge's Automotive Parts Center Re-Development – 7293 South Broadway – Sketch Plan**

Continued discussion of sketch plan for adaptive reuse of existing auto parts center, construction of an automotive service facility and related improvements in the Traditional Neighborhood Development - Commercial Center (TND-CC) District.

Applicant Scott Hutchinson and engineer Mark Graminski were present. Mr. Phelan reviewed Zoning Enforcement Officer (ZEO) Bob Fennell's letter of 2-22-18, written in response to Mr. Graminski's letter dated 2-15-18. Mr. Fennell confirmed that the proposed lot configurations, building envelopes, parking, access drives and one –story building with a 14 foot façade are permitted in the zoning district. Mr. Fennell made reference in his letter about the frontage and secondary frontage of the project, and said that a variance would be required for the entrance driveway.

Mr. Phelan noted that the applicant is proposing to acquire a strip of land along Old Farm Road to insure control of the buffering landscape. Mr. Phelan asked how much parking was required. Mr. Graminski said 36 spaces.

Mr. Phelan asked where the frontage of the parcel is. Mr. Graminski replied the site plan was designed with frontage on Route 9, which he felt was supported by Mr. Fennell in his response letter. Mr. Phelan asked why the front of the lot was not designated on Old Farm Road, since there was approximately 200 feet of frontage there as opposed to 20 feet on Route 9. He voiced concern about whether the town could meet the intent of the Traditional Neighborhood Commercial Center District (TND-CC) by treating the frontage on Old Farm Road as the back of the lot when it is clearly the most visible area.

Mr. Phelan said that he wanted to clarify the frontage on Route 9 with the ZEO. Mr. Graminski said he felt that the ZEO had made the determination in the first paragraph of his letter. Mr. Phelan said he felt that was not clearly stated in Mr. Fennell's letter. Discussion followed on the ramifications of making the frontage on Old Farm Road. Parking, building coverage and building locations would have to be changed.

Lisa Foscolo asked whether some of the proposed on-site parking is still for new cars that will be delivered to the site to be prepped for Ruge's Rhinebeck dealership. Mr. Hutchins replied yes, and explained that it was part of the business model of the service center. He added that service center customers would also be potential customers to neighboring businesses, which is responsive to the TND-CC intent.

Ms. Foscolo said she felt the proposed 78 off-street parking spaces was excessive. Mr. Phelan agreed, saying that the whole TND area was devoted to parking, which unintentionally subverts the intent of the TND.

Mr. Graminski indicated proposed plans to screen the parking. Mr. Hutchinson noted that a driveway originally proposed across from the public space of an approved subdivision that the Board had objected to had been moved. Mr. Phelan acknowledged the applicant's responsiveness to the concerns of the Board, however, he said, the Board still seemed reluctant to accept the amount of parking proposed. He asked other Board members to comment. Brian Kelly said he is reluctant about the parking but he did not think that the zoning code adequately prevents it. Sam Harkins said the matter of frontage should be determined by the ZEO.

Michele Grieg reviewed her comments dated 3-13 in which she recommended that the Board consider whether prepping cars for an offsite business is consistent with the TND-CC's purpose to provide "uses scaled to serve the day to day needs of TND residents", and whether the provision of twice the required off-street parking is consistent with a "traditional walkable neighborhood". Mr. Hutchinson reiterated his opinion that the services proposed are beneficial to the TND because it will bring customers to

surrounding business and provide a necessary service to the community. He further emphasized that the zoning regulations indicate that this type of business can be allowed in the TND with a special permit.

Mr. Phelan concluded that he appreciated the applicants' perseverance with a difficult project in a difficult use zone, and said he would seek clarification regarding the front yard of the project from Mr. Fennell.

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

Continued discussion of revised sketch plan application to reconstruct commercial multi-use buildings on a 1.955 acre parcel in the (TND-CC) District.

Applicant Tim Ross was present. The Board and applicant reviewed comments from Michele Grieg dated 3-19-18. The Board generally agreed to waive the requirement of showing topography contours at 5 foot intervals. Open space requirements and calculations for off-street parking were discussed.

Mr. Ross said that building C looks like a three story building but it is not; condenser units will be installed on the roof, which will make the building look taller and stand out more.

Mr. Ross said a requirement for 14 ft. ceilings in commercial areas is based on outdated standards. He said that his buildings are designed with 10 foot ceilings (9 feet finished.) The Board generally agreed that 11 feet from finished floor to finish floor would be acceptable. They also generally agreed that a proposed clock tower on the corner building was a nice variation.

#### **Shafer's Hudson Valley – 8053 Albany Post Road – Site Plan, Special Permit**

Continued discussion of application to renovate and expand an existing 10-room motel to a 19-room motel on a 5.992 acre parcel, of which 2.3 acres are located within the B1 Zoning District and the remaining 3.6 acres are located within the RD3 District

Applicant Vanessa Shafer, attorney Warren Replansky and Engineer Tom Field were present.

Mr. Phelan reviewed correspondence that has been received regarding the project since Feb. 5. He said that a letter received March 19 from Grant & Lyons would not be discussed.

Mr. Phelan asked Mr. Field to summarize the applicant's water studies. Mr. Field said that all of the Dutchess County Health Department's review comments have been fulfilled. He said questions raised about their reports were addressed in a separate letter dated March 9.

Mr. Field said that 3000 gallons per day (gpd) has been established as the daily design flow. He said there are two wells on the site. One well will be abandoned. The other has a yield of about 16 gallons per minute, which is more than the facility needs. Mr. Phelan asked what the current usage is. Mr. Field estimated that it was 2748 gpd when the motel was last operating. Vanessa Shafer said there are 17 bedrooms being served currently, and the project proposes 20. In addition, water saving devices will be installed, which impacts the flow rate.

Mr. Field continued that there is a considerable amount of storage in the water system (3000 gallons). He noted that records from when the well was drilled indicate that during the stress test conducted brought the water level down 300 feet, and the aquifer replenished 200 feet within half an hour. Mr. Field said that indicates that the aquifer is robust, contrary to assertions by neighbors that it is frail. He concluded that the water system proposed and the aquifer will have no problem serving the additional

need of 250 gallons per day to the motel. Michelle Mormile added that, for perspective purposes, 250 gallons per day is less than the flow rates of a single family home.

Mr. Phelan said that neighbors are very concerned that the water usage by the motel will deplete their wells. He said that according to the data that has been submitted by the neighbors, most of them are between 150 and 300 feet away from the motel's well, and most of them are relatively shallow – 90-100 feet deep. He asked if the supply for the motel's well, which is 400 feet deep, would draw from the supply of the neighbor's wells. Mr. Field answered that if it were a gravel aquifer it could be possible, but it's difficult to tell. He said that what is important is how fast the aquifer refilled the storage tank when the well tests were done. He said he felt confident that the design of the system and test results that neighbor's wells will not be affected. Mr. Phelan asked if it would be feasible do a draw down and monitor the neighbor's wells. Mr. Fields said he did not feel it was necessary, because the applicant has demonstrated the supply is more than adequate, and the Health Department has no concerns. Warren Replansky added that no proof has been offered of any neighboring wells going dry, and that the Health Department has no records of neighboring wells going dry.

Mr. Phelan asked the applicants to address the concerns about traffic that neighbors have raised. Mr. Field said that after development, peak hour traffic would have a minor increase, which the capacity of Route 9 can easily assume. He said that the Department of Transportation required improvements to the driveway, but traffic was not a concern.

The Board reviewed comments from engineering consultant Michelle Mormile. She said that the testing conducted by the applicants met the minimum requirements for NYS Department of Health for well yield and water flow. She said the pumping rate was also conducted at a rate equal to or greater than the design pumping rate based on system demand.

Ms. Mormile said that Ron Miller of the Dutchess County Department of Health confirmed that the applicant had previously submitted for review and approval, that the Department of Health have no records of this aquifer not being able to support the proposed demand for the water system, nor any historical information about a lack of supply for this aquifer.

The Board reviewed comments from Michele Grieg dated 3-15-19. She prepared a table for the Board listing comments and concerns that have been brought up by opponents of the project, and the Board's responses to those concerns.

For the record, Mr. Phelan asked Ms. Shafer to confirm that there would be 19 motel rooms and one apartment for motel staff. Ms. Shafer confirmed that 19 rooms are proposed. Mr. Phelan asked if there were plans for additional units. Ms. Shafer replied no. Mr. Phelan asked if the installation of a pool was still under consideration. Ms. Shafer replied no. Ms. Grieg asked if they would offer catering services. Ms. Shafer replied no.

Ms. Grieg reviewed her traffic calculations, which were similar to the applicant's findings. She discussed visual impacts, referring to illustrations submitted by the applicant. She compared the scale of the proposed project to neighboring businesses and public places, many of which are significantly larger than the proposed motel.

The Board considered the images submitted by the applicant of the proposed buildings. Ms. Shafer answered questions about vantage points and landscaping.

Mr. Phelan said that he thought Ms. Grieg had thoroughly addressed all issues brought up by opponents of the project.

Mr. Phelan asked Mr. Field to address questions raised by Whiteman Osterman & Hanna, attorneys for the neighbors, about the waste water system and the permeability of the top soil. Mr. Field said that the Health Department and the Department of Environmental Conservation has reviewed the waste water system, which is an advanced system that works like a mini treatment plant and produces cleaner water than a septic system.

Mr. Phelan said the Planning Board has been told by the town that the siting of the system in the RD3 portion of the property is allowed, and that the Board should proceed under this information, although there is pending litigation challenging it.

Mr. Phelan reviewed comments dated 3-2-18 from Grant & Lyons, also attorneys for the neighbors who oppose the project.

Genevieve Trigg of Whiteman Osterman & Hanna said that the Board has not addressed the issue of noise. Regarding well water, she said that her firm has submitted reports from two experts that maintain there will be impacts to the neighboring wells, and it cannot be determined that there will be no impacts unless additional tests are done. Mr. Phelan acknowledged her statement and the fact that they have hired experts, whose reports have been reviewed by the Board and their consultants. He described the situation as one of 'dueling experts', and said the ultimate arbiter will be the Dutchess County Department of Health. John Lyons of Grant & Lyons asserted that the Health Department concerns itself with water quality rather than quantity. Ms. Trigg asked if possible variance requirements would be addressed before site plan approval is considered. Mr. Phelan replied they would be addressed during consideration of the site plan.

Linda Keeling asked if the Board had considered her letter dated 3-19-18 about Americans with Disabilities Act concerns. Mr. Phelan said her comments will also be considered when the Board reviews the site plan.

The Board commenced to complete part 2 of the State Environmental Quality Review Act (SEQRA). They determined that moderate environmental impacts may occur in the areas of Land, Surface water, Groundwater, Plants and Animals, and Noise Odor and Light. Proposed mitigation measures were identified for each individual impact identified. At the conclusion, the Board directed Michele Grieg to prepare a Negative SEQRA Declaration which the Board will vote on at their next meeting, April 2.

### **NEW BUSINESS**

#### **Rose Hill Farm – 19 Rose Hill Farm Road – Minor Site Plan**

Presentation of application to construct a new 6200 SF housing and equipment barn and to reconstruct an existing 4600 SF barn for conversion into a cider mill and associated tasting room, and related improvements to parking and septic system on 114.58 acres in the Agricultural Business District.

Applicant Holly Brittain and engineer Dan Proper were present. Mr. Proper gave an overview of the project. Ms. Brittain explained the proposed uses of the buildings and parking. She said during peak weekends they would direct drivers to exit the farm using an old farm road that leads to Feller Newmark Road.

The Board and applicants reviewed comments from Michele Grieg dated 3-9-18 and comments from the engineering consultant dated 3-16-18. Ms. Grieg noted that a Special Permit may be needed for construction within 100 feet of a pond.

Sam Harkins made a motion to classify the project as a Type II action under SEQR. Bill Hamel seconded and all members voted in favor.

The applicants will make revisions to their site plan and return before the board. The Board directed Planning staff to send the project to the County for review when signage and lighting plans are submitted.

**LA Commons – 260 Rockefeller Lane – Special Use Permit**

Presentation of application to construct a multi-family dwelling on a 6.3 acre parcel in the R 1.5 district.

Lindsay Schultz was present. She gave an overview of her project, which is a 48X48 two story building with four 1 bedroom units.

The Board and applicant reviewed comments from Michele Grieg dated 3-14-18. Ms. Grieg said that density calculations would need to be provided to see if 4 units would be allowed. She also recommended that the applicant submit an accurate site plan that shows the building proposed.

**OTHER BUSINESS**

**Podolsky Lot Line Alteration approved 10-16-17**

Mr. Phelan read a request from the applicant's representative Marie Welch for a 90 day extension to satisfy the conditions of approval for the Podolsky minor subdivision.

Bill Hamel made a motion to grant the requested extension Sam Harkins seconded and all members voted in favor.

**ADJOURNMENT**

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

Respectfully submitted,



Kathleen Flood  
Clerk for the Board

## **Resolution Granting Amended Site Plan Approval to Hannaford Supermarket “Clynk” Accessory Building**

**Name of Project:** Hannaford Supermarket “Clynk” Accessory Building

**Name of Applicant:** Hannaford Bros. Co., LLC

**Whereas,** the Town of Red Hook Planning Board has received an application for Amended Site Plan approval from Hannaford Bros. Co., LLC to install a prefabricated 12’x32’ modular recycling building on a ± 14.18 acre parcel (Tax Map Parcel No. 134889-6272-00-298202-0000) located at 35 Hannaford Drive in the Traditional Neighborhood Development (TND) Commercial Subdistrict in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted an Amended Site Plan (Sheet C-001) prepared by Tighe&Bond dated January 12, 2018, including Building Elevations prepared by Jacobs Architects/Engineers, P.C. dated December 20, 2017; and

**Whereas,** the Planning Board has reviewed the Amended 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 January 30, 2018 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

**Whereas,** due to the location of the property within 500’ of a State road and a 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 February 26, 2018 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 January 12, 2018, which the Planning Board duly forwarded to all owners of farm operations within 500’ of the subject parcel; and

**Whereas,** on March 19, 2018, 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 March 19, 2018; 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 Hannaford Bros. Co., LLC for Hannaford Supermarket "Clynk" Accessory Building 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 applicant shall verify that the wattage of the single LED light is no more than 60 watt equivalent to incandescent.
  2. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.
  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.

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

On a motion by Sam Harkins, seconded by Lisa Foscolo, and a vote of 6 for, 0 against, and 0 absent, this resolution was adopted on March 19, 2018.

Resolution declared:

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

Kathleen Flood  
Kathleen Flood, Clerk to the Board

3-20-18  
Date



**617.6**

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

**Name of Action:** Rose Hill Farm Site Development

**Whereas**, the applicant proposes to construct a 6,200 sq. ft. equipment barn that will be used for storage, a farm office, and one two-bedroom apartment, and to reconstruct an existing 4,600 sq. ft. barn for a cider mill and tasting room on a ± 114.58 acre parcel located on Rose Hill Farm Road in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

**Whereas**, an Environmental Assessment Form (EAF) dated February 21, 2018 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) and (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 Sam Harkins, seconded by Bill Hamel, and a vote of 6 for, and 0 against, and 0 absent, this resolution was adopted on March 19, 2018.