

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
April 16, 2018**

Chairman Sam Phelan called the meeting to order at 7:30 pm and announced two changes to the agenda: Ruge's Lot Line Alteration and the extension request for the Preserves at Lakeskill was adjourned to May 7 at the applicants' request.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Brian Kelly, Kallie Robertson and Lisa Foscolo. Sam Harkins was absent. Also present were engineering consultant Michelle Mormile, planning consultant Michele Greig and Planning Board attorney Jennifer Gray.

Kallie Robertson made a motion to accept the minutes of April 2. Brian Kelly seconded and all members voted in favor.

Mr. Phelan said that apparently there had been some confusion concerning the legality of the Shafer's Hudson Valley public hearing. He said that the Poughkeepsie Journal had provided an affidavit that the public hearing notice had been published Tuesday April 10, and neighbors had received public hearing notices via certified mail. He said that those are the two requirements for properly noticing a public hearing. Other types of notification, such as posting notices in the town hall, are, typically done although not required. Mr. Phelan urged anyone who has questions about public hearings to contact planning staff or himself.

PUBLIC HEARING

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

Public Hearing on 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 Zoning District.

Sam Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Mr. Phelan said that some who requested site plan documents via email erroneously received earlier versions of the project site plan. He said the official place to view documents for public hearings is the town hall in the Clerk's office or the Planning office, and any emailed documents are a courtesy. He said the public hearing may be continued due to this confusion.

Bill Hamel made a motion to open the public hearing. Lisa Foscolo seconded and all members voted in favor. Applicants Vanessa and Dan Shafer, Engineers Tom Field and Chris Geroux and applicant's attorney Warren Replansky were present.

Ms. Shafer gave a comprehensive overview of the project, including the history of the family business, current conditions and proposed improvements. Mr. Geroux described the materials that will be used for the paving and described the stormwater and wastewater systems, as well as the water treatment and storage system proposed. He said these systems have preliminary approval from the County Health Department and the NYS Department of Environmental Conservation. He said any and all tree cutting will be done between Oct. 1 and March 31 in consideration of the habitat of the Indiana Bat and Northern Long-ear Bat.

Mr. Phelan asked Ms. Shafer to confirm that the completed project will have 19 motel units and an apartment. Ms. Shafer confirmed. She said the apartment will be located in the lower level of the existing motel building.

Mr. Phelan said that emails in support of the project had been received from Tracy Pinczes, Rebecca Sloan and Anthony Lanza, Gail and Rich Bennek, Denise and Gregg DeCarolis, Melissa Briggs, Kimberly Cantine, Josh Payne, Maartin Reilingh, Raine Rogers Mackey and Lucy Donnelly. He said they expressed support for the project because it is a continuation of a local family business, and that there is a pressing need for more lodging in the Red Hook area.

Lorraine Salmon, former resident of Apple Tree Lane said she felt that Planning Board's approval process was unusually long for this project, which is sorely needed to accommodate visitors to Red Hook.

Chris Moyer of Echo Valley Road agreed that lodging is needed in the area, and providing additional motel rooms will benefit local business.

Doreen DeCarolis said the project is responsible and does not require any variances. She urged the Board to move the project forward.

Linda Keeling said she had submitted several documents that she would like to be part of the record. She said businesses should be accessible to the disabled, and that her suggestions should be incorporated into the site plan. Mr. Phelan acknowledged that Ms. Keeling had submitted documents prior to the public hearing, and all planning board members and consultants had read them.

Peter Pinto of Moorhead Road said the project keeps a family business tradition alive, and it will bring business to Red Hook.

Clermont resident Gail Bennick said that more lodging is needed, and cited as an example that the guests are her daughter's wedding had to stay in Kingston, where they also dined and shopped.

Starrbarrack Road resident Richard Wambach said the project will benefit the community and is needed in the community.

Sean Jones, a former Red Hook resident and former president of the Red Hook Chamber of Commerce, agreed with all who had commented that this project is beneficial to the community.

Dianna Cochran, manager of the Bard College Guest House, said the project will provide jobs, and agreed with other commenters that more lodging is needed in Red Hook.

John Lyons of Grant & Lyons, an attorney representing Dominic Tampone, George and Cathy Michael and Garth Burger, three neighbors whose property adjoins to the Gaslight Inn, said that the board is responsible to consider the concerns of people who live close to the project. He said his clients are not opposed to the project, but are concerned about the project's scale, proximity to their properties, and the potential impact it could have on the quality of their lives. He characterized the project as still in a formative stage, asked the board to put themselves in the shoes of his clients. He urged them to keep in mind the general standards of the Red Hook Code. He submitted two letters, one from his office outlining variances that he feels are required, and one from co-counsel Whiteman Osterman & Hanna

citing a notice of appeal with regard to the Zoning Enforcement Officer's determination about the apartment being an incidental use to a lodging facility.

Lisa Murray, Echo Valley Road, said the project will attract people to Red Hook. She said she does not feel that the project is overwhelmingly large in scale, and the motel has always been there anyway.

Chris Klose, Echo Valley Road, agreed that the lodging is needed, and added that he felt the applicants have adhered to the letter and spirit of the law.

George Michael, Albany Post Road, submitted a letter to the Board discussing the impact on his property, specifically his well water supply. He said that although he is in favor of the Gaslight Inn being renovated, he is concerned about the scope of the project and its impact on his water supply. He said the increased water usage by the motel may run the neighbor's wells dry. He said his concern has been backed by professionals that he and the neighbors have hired. He said he did not believe the usage figures that the applicant's engineers have submitted. He said the applicant's well is 300 feet deep, and will rob supplies from he and his neighbors, whose wells are under 100 feet deep. He said his well has run dry when watering his garden, and he has limited places to drill another well on his parcel.

Mr. Michael said he felt that the project is too big for the parcel. He suggested the applicant drill an additional well off the ridge, and reduce the number of units by removing a proposed new building. He said the parking areas should be paved, and voiced concern about the density of the project and visual impact from the south.

Christina DeSharm, a Red Hook business person and resident of the village and town, said the project is needed, and has been reviewed by the Board to the point of exhaustion. She urged the board to allow it to move forward.

Ken Migliorelli, Tivoli, said the applicant has satisfied all Army Corps of Engineers and Health Department requirements. He said he has three wells on his farm and the aquifer is robust.

Ed Blondell, Village of Red Hook Mayor, said he felt that the issues of the wells, including the neighbor's wells, is a Health Department issue, and outside the purview of the Planning Board.

Norman Greig, Pitcher Lane, said that the Gaslight is his neighbor, and it has always been a quiet, clean establishment. He said that when people lodge in other nearby communities that is where they dine and shop as well. He said the project would bring business to the community, and the Board should approve it.

Mickey Glass, a Red Hook Business owner who lives near the Old Rhinebeck Aerodrome, said that she supports the project, and urged the board to support it.

Emily Davidson, Old Post Road, said the project is important for business, and also for her family when they visit from Maine.

Nancy Russo commented that the neighbors to the project raise bees.

Tony Velake, Aspinwall Road, said he lives ½ mile from the project, and he was troubled to see the project road blocked when the applicants have invested so much time and money, including taxes paid over the last three years.

Peter Pinto said Upper Red Hook is the wettest land in town.

Delise Berry said she was grateful to the applicants for their persistence toward something that is clearly beneficial to the community.

Sam Phelan suggested leaving the public hearing open. Members of the audience urged the Board to close the hearing. Mr. Phelan said part of the delay issue has been the Planning Board's extreme sensitivity to the neighbors, and that the Board would move the project forward.

Kallie Robertson said she was in favor of closing the hearing. Lisa Foscolo agreed. Brian Kelly said that given the turnout he was comfortable closing the hearing. Bill Hamel agreed, and said he was satisfied that the public hearing was legal. Planning Board attorney Jennifer Gray agreed that the public hearing was properly noticed. She recommended closing the public hearing and allowing 10 more days for public comment in writing. Lisa Foscolo did not agree with extending public comment. She and Brian Kelly both commented that the board has been diligent and has not intentionally held up the project, as many people seem to believe.

Bill Hamel made a motion to close the public hearing and accept public comments for 10 more days. Brian Kelly seconded. Kallie Robertson, Bill Hamel and Brian Kelly voted aye. Lisa Foscolo voted nay. The motion was carried.

Applicant's attorney Warren Replansky said for the record he was opposed to allowing comments for another 10 days because his client has to pay consultants to review the comments. He said he would contest any fees for reviewing additional comments.

The Board reviewed comments from planning consultant Michele Greig dated 4-13 and 4-14, specifically with regard to the project's compliance with the General Standards of the Zoning Code for a Special Permit.

Parking and driveway surfaces were discussed with the applicants. Engineering consultant Michelle Mormile said that the road and parking surfaces proposed are ADA (Americans with Disabilities Act) compliant, and that she is following up with the town Fire Department review.

The Board discussed the water systems. It was noted by the applicant's engineer that storage of a days' worth water is required. Mr. Phelan said that a lot of the anecdotal information about the supply of groundwater is conflicting and confusing and seems to go both ways. Kallie Robertson said it is the Board's job to insure that the proposed well and septic system are approved by the Health Department. Bill Hamel agreed, noting that the health department has never recorded a complaint of a well going dry in the area.

The applicant was asked to provide photos of the proposed privacy fence, as well as building material samples, the final SWPPP, and lighting cut sheets. The Board and applicants reviewed the proposed landscaping plan, and the Board directed Michele Grieg to draft approval resolutions for the next meeting.

OLD BUSINESS

LA Commons – 260 Rockefeller Lane – Special Use Permit, Site Plan

Continued discussion of application to construct a three-unit multi-family dwelling on a 5.845.3 acre parcel in the R 1.5 district.

Lindsay Schultz was present. She said she is now proposing three units that are allowed according to the density calculations. The Board directed the applicant to submit an updated and revised Site Plan, building elevation and floor plan, a landscape plan, lighting plan and lighting cut sheets, and building samples before a public hearing can be scheduled.

NEW BUSINESS

Stewart's Shops – 7243 So. Broadway – Amended Site Plan

Presentation of application to construct a 1,036 sq. ft. addition to an existing store on a 1.44 acre property in the Traditional Neighborhood District-Commercial Center.

Applicant Chad Fowler was present. He gave an overview of the project. He said that more space is needed for additional coolers, storage, and counter and prep space due to increased demand for food to go. A storage shed is also proposed.

Kallie Robertson asked about the style of the double doors on the front of the building. Mr. Fowler said they are flat commercial doors, and offered to paint them a different color. Lisa Foscolo and Ms. Robertson asked for options to be presented for the style of the doors.

Ms. Foscolo asked if lighting was required in the back of the building. Sam Phelan said there was no public movement on that side of the building. Ms. Foscolo said she did not feel comfortable with that area having no lighting.

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

A public hearing was scheduled for May 7.

Greig-Jurkowski – Pitcher Lane / Ackerman-Morrow – Hapeman Hill - Lot Line Alteration

Presentation of application to transfer 4.2 acres from the 38.53 acre Greig and Jurkowski parcel to the adjoining 0.822 acre Ackerman and Morrow parcel in the Agricultural Business District.

Norman Greig was present. He gave an overview of the project. He clarified that the Greig-Jurkowski parcel is actually about 60 acres, part of which is in the town of Milan.

Kallie Robertson made a motion to adopt a resolution Establishing Lead Agency for an Unlisted Action. Brian Kelly seconded and all members voted in favor.

A public hearing was scheduled for May 7.

OTHER BUSINESS

Pre-Application discussion– Savona Trattoria

Steve and Vinnie Savona and Rob DuPont were present. Mr. DuPont said that although the site has the number of parking spaces required by the zoning code and a neighboring business has been letting the restaurant use his lot for overflow parking, Savona’s Trattoria needs additional parking, especially on the weekends.

Mr. DuPont said the owners propose to purchase a .44 acre lot behind the restaurant, which contains a residence with access off Adams Road, to install an additional 25 parking spaces, and keep it as a separate lot. In the future, he said, they hope to construct a catering hall where a two family rental home currently exists on the restaurant site, which fronts on Route 9. Both parcels are located in the TND-CC.

Kallie Robertson asked about the setback requirements for parking in the TND-CC. Mr. Phelan said that a recent Planning Board application has resulted in researching and clarifying requirements for parcels that have frontage on two different streets. He said that it had been agreed that each frontage must be treated as ‘primary’, meaning that the parking would have to be located in the third lot layer on the lot fronting Adams Road, which he judged would be about 20-38 feet from Adams Road. Since in this instance there is no building facing Adams Road, it would need to be determined where parking could start.

The Board recommended that the potential applicants discuss the project with the Zoning Enforcement Officer and obtain a determination.

Pre-Application discussion- Peter Pinto – Lasher Road

Peter Pinto was present. He said he was interested in purchasing a fire damaged 20 x 50 residence on Lasher Road, demolishing the building and putting a 28 x 49 modular house on the same spot. He said the parcel is located on a federal flood plain. He said he was advised by the Building Inspector that he needs Planning Board approval to take a building down and replace it with another. Mr. Phelan said he thought a special permit needs to be applied for because the existing house is on a flood plain.

ADJOURNMENT

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

Respectfully submitted,

Kathleen Flood
Planning Board Clerk

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

Name of Action: Stewart's Shops Building Addition

Whereas, the applicant proposes to construct a \pm 1,036 sq. ft. addition to an existing \pm 3,032 sq. ft. convenience store on a \pm 1.44 acre parcel located at 7243 South Broadway in the TND-Commercial Center District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated March 22, 2018 has been prepared 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)(7) 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 5 for, and 0 against, and 1 absent, this resolution was adopted on April 16, 2018.

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Actions

Name of Action: Greig/Jurkowski and Ackerman/Morrow Lot Line Alteration

Whereas, the Town of Red Hook is considering action on a proposed Lot Line Alteration involving two parcels of land, located at 322 Hapeman Hill Road, Town of Red Hook, Dutchess County, New York, and

Whereas, a Short Environmental Assessment Forms (EAF) dated 4/6/18, was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Board has determined that the proposed action should be classified as an Unlisted Action, and

Whereas, the Planning Board has determined that the proposed action is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of farm operations within 500 feet of the project area and then considered by the Planning Board, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of the action, and

Be It Further Resolved, that the Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by Kallie Robertson, seconded by Brian Kelly, and a vote of 5 for, and 0 against, and 1 absent, this resolution was adopted on

April 16, 2018.