

**TOWN OF RED HOOK PLANNING BOARD
DRAFT MEETING MINUTES
May 7, 2018**

Chairman Sam Phelan called the meeting to order at 7:30 pm.

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

Kallie Robertson made a motion to accept the minutes of April 16. Brian Kelly seconded and all members voted in favor.

PUBLIC HEARINGS

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

Public Hearing on 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.

Applicant's representative Norman Greig was present. Sam Phelan read the notice that was published in the Poughkeepsie Journal. Lisa Foscolo made a motion to open the public hearing. Kallie Robertson seconded and all members voted in favor.

Mr. Grieg gave an overview of the project. Mr. Phelan asked if there were any questions or concerns from the public. There were none. Brian Kelly made a motion to close the public hearing. Kallie Robertson seconded and all members voted in favor.

Mr. Phelan said that a copy of the Ackerman driveway easement has been obtained. The Board reviewed a draft EAF part two and a SEQR Negative Declaration. Bill Hamel made a motion to adopt the Negative Declaration. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Bill Hamel made a motion to adopt it with one minor deletion. Brian Kelly seconded and all members voted in favor.

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

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

Applicant Chad Fowler was present. Sam Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Lisa Foscolo made a motion to open the public hearing. Bill Hamel seconded and the motion was carried unanimously.

Mr. Fowler gave an overview of the project and said the revised site plan showed paneled double doors on the side of the building as the Board had requested.

Mr. Phelan asked if there were any questions or concerns from the public. John Conway, Johanna Moore, Greg and Maria Mannino and Justin Seeley, all neighbors to the establishment, voiced concerns

about odors emanating from the leach fields, customers driving over the lawn on to Adams Road when exiting to avoid Route 9 traffic, and headlight glare in some homes.

Residents also asked questions about additional lighting (none is proposed), an increase in restrooms (none is proposed) and possible increases in water usage (Mr. Fowler said there would be no significant increase).

There being no further comments or concerns from the public, Bill Hamel made a motion to close the public hearing. Kallie Robertson seconded and all members voted in favor.

The Board discussed the issues raised with Mr. Fowler. Three alternative solutions to prevent people from exiting the establishment by crossing the lawn on to Davis Road were: the installation of a split rail fence; the installation of boulders as a barrier; or the installation of an evergreen and deciduous tree line, which would also reduce glare from car headlights on the neighboring homes.

Mr. Fowler said he would look into the complaint about septic system odors, and return before the Board with a revised site plan based on comments at the public hearing.

OLD BUSINESS

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 Zoning District

Applicant Vanessa Shafer and engineer Tom Field were present. Ms. Shafer gave an overview of the final site plan. She distributed samples of building materials and photos of a 6 foot vertical wood fence which she proposes to place far enough back from the property line to allow the existing vegetation between properties to remain undisturbed.

Engineering consultant Michelle Mormile reviewed comments dated 5-2-18. She said she had contacted Fire Department Chief Steve Fell and had received an email April 17 from him in which he confirmed that the fire department has reviewed the plans, completed a site visit and confirmed that the site is accessible and has adequate water sources.

Ms. Mormile said she had reviewed the applicant's revised Stormwater Pollution Prevention Plan and the Operation & Maintenance manual. She also said that she had an email conversation with Chuck Walter from the NYS DOT, who stated that there are no current or anticipated drainage concerns in the driveway entrance.

Ms. Mormile concluded with a detailed description of Americans with Disabilities Act (ADA) compliance, including parking surfaces, ramps to buildings, the inclusion of seven ADA parking spaces interspersed in the parking areas, and assured the Board that the site plan was ADA compliant.

The Board generally agreed that a hanging light fixture proposed for the porch of the Tourist House which is not fully shielded would be acceptable because it is only 50 watts and is effectively shielded by the porch roof.

Ms. Mormile and Michele Greig jointly addressed questions raised about the open space in the project. A minimum of 40 % open space is required, and the project has over 67% open space.

Ms. Greig reviewed her comments dated 5-4-18. She addressed building setbacks, the open space calculations, and buildable acreage. The Board and applicant took another look at the landscaping plan. It was generally agreed that the proposed landscaping is adequate for screening and noise mitigation.

The proposed fencing was discussed at length, taking into account concerns and suggestions from neighbors. Ms. Shafer said that, should she decide to plant additional vegetative screening material on eastern and southern portions of the property instead of continuing the fence as shown, she would return to the Planning Board to amend the site plan.

Genevieve Trigg, and attorney representing neighbors Tampone, Michaels and Burger, stated that it was her opinion that only the Zoning Enforcement Administrator could interpret calculations for minimum open space and buildable acreage. The Board responded that Mr. Phelan, Michele Greig and attorney Jennifer Gray had reviewed the calculations.

The Board reviewed a draft resolution for conditional approval for Special Permit. Brian Kelly made a motion to adopt it. Bill Hamel seconded and the motion was carried unanimously.

The Board reviewed a draft resolution for conditional approval for Site Plan. Kallie Robertson made a motion to adopt it. Brian Kelly seconded and all members voted in favor.

Rhinebeck Party Rental – 8110 Albany Post Road - Amended Site Plan

Continued discussion of application for amended site plan for change of business use.

The applicant was not present. Mr. Phelan asked board members to visit the site at their individual convenience in preparation for the applicant's next appearance.

Lindsay Schultz – Old Post Road – Certificate of Appropriateness.

Continued discussion of application to construct a new residence in the Hamlet of Upper Red Hook.

Applicant Lindsay Schultz was present. The Board agreed that there had been good communication between the applicant and the Design Review Committee (DRC), and expressed their appreciation to Ms. Schultz for her efforts to working with the DRC.

Comments dated 5-4-18 from the (DRC) were reviewed. Several design changes to the windows, roof and siding were agreed upon by the Board and applicant. The board generally agreed that other certain DRC suggestions would be at Ms. Schultz's discretion.

Ms. Schultz agreed to submit more detailed elevations, building materials and site plan to the Board.

Hutchins Accessory Cottage – 230 Linden Ave. – Special Permit

Continued discussion of application to demolish an existing barn and construct a cottage with attached garage on a 10 acre parcel in the R 1.5 Zoning District.

Applicant Paul Hutchins was present. The Board and applicant reviewed comments from Michele Greig dated 5-3-18. Mr. Hutchins submitted lighting cut sheets, which were approved as dark sky compliant by Michelle Mormile. Mr. Hutchins said that a DCDOH approved sanitary disposal system will be installed for the cottage

The Board reviewed a short EAF part two and SEQR Negative Declaration. Kallie Robertson made a motion to adopt the negative declaration. Lisa Foscolo seconded and all members voted in favor.

A public hearing was tentatively set for May 21.

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 Tim Lynch was present.

The Board and Mr. Lynch reviewed a wetland delineation prepared by Aspen Environmental dated 4-30-18, and a revised subdivision plat that reflects the report.

At the recommendation of Michele Greig in her comments dated 5-6-18, the board requested that the applicant provide calculations for buildable acreage for each lot and the entire site. Ms. Greig cited several sections of the Zoning Law concerning minimum lot area requirements for the R-1 Zoning District for flag lots.

In addition, it was noted that one of the three flag lots (Parcel 3) can achieve access to Norton Road only by disturbing a federal jurisdictional wetland. The Board generally agreed to get a legal opinion from their attorney of whether this is allowable and therefore permissible for Board to approve that flag lot, and notify the applicant when a response is received.

A public hearing will be scheduled when requested calculations are provided, and a well test is completed on one of the smaller lots.

NEW BUSINESS

Michael and Shelly Herrick – 48 Williams Road – Minor Subdivision

Presentation of application to subdivide 10 acres off of a 34.58 acre parcel in the RD3 Zoning District.

Applicant Michael Herrick and surveyor Marie Welch were present.

Michelle Mormile reviewed her comments dated 5-4-18 in which she noted issues with the proposed driveway width and length and an existing culvert pipe on the driveway. She recommended that the applicant review driveway plans with the Town of Red Hook Highway Superintendent to obtain the necessary permits, and to contact the Army Corps of Engineers (ACOE) and the NYS Department of Environmental Conservation to ascertain if any permits or jurisdictional determinations would be required from those agencies.

The Board requested that a full wetland delineation be shown on a revised subdivision plat. Mr. Herrick said he plans to install a 15-inch culvert with a natural bottom beneath 12 inches of soil, which would require an ACOE permit. He invited Board members to visit and walk the site.

Michele Greig summarized her comments dated 5-3-18. She recommended that the applicant contact the US Fish and Wildlife Service and the NYS DEC Natural Heritage Program regarding species that may be prevalent in the area to determine whether a habitat assessment may be necessary. Ms. Greig also cited sections of the Zoning Code that require that buildings on parcels contiguous to land in the Agricultural Business District be sited a minimum of 200 feet from the property line, with no clear cutting of vegetative buffers.

David and Aimee Sember – 25 James Court – Special Permit

Presentation of application to convert an existing garage into an accessory apartment on a 6.9 acre parcel in the Agricultural Business District.

Applicants David and Aimee Sember were present. They agreed to ammended their application to acknowledge that the apartment will be part of a newly constructed home.

Ms. Greig reviewed her comments dated 5-3-18, which state that the Zoning Law requires than an accessory apartment can be permitted only if the lot area is not less that the minimum specified for the zoning district. She noted that this particular parcel was part of a previously approved residential cluster development, and recommended that the Planning Board refer the application to the Zoning Enforcement Officer to determine whether the project would require an area variance.

OTHER BUSINESS

Extension Request- Preserve at Lakeskill

Lisa Foscolo made a motion to grant a 90 day extension to satisfy the conditional of final approval. Kallie Robertson seconded. Bill Hamel recused himself from the vote. Ms. Foscolo, Ms. Robertson, Brian Kelly and Sam Phelan voted to grant the extension. The motion was carried.

Extension Request – Baxter 50

Bill Hamel made a motion to grant a 60 day extension to satisfy the conditions of final approval. Kallie Robertson seconded and all members voted in favor.

Town Board Referral – Local Law ‘C’ 2018

The Board reviewed the town’s draft Local Law ‘C’ and the accompanying Local Waterfront Revitalization Program Consistency Determination.

It was generally agreed that the definition of restaurant was unclear for those that provide take out service, and raised questions about the drive through window policy and maximum building sizes proposed for the Hamlet B area.

Board members agreed that the proposed law is a significant change to the existing code. They had no specific recommendations and took no formal position on the law. The Board agreed that the proposed

Law is compliant with the Local Waterfront Revitalization Program and voted to adopt the LWRP Consistency Determination Form.

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
Planning Board Clerk