

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
May 21, 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 was planning consultant Michele Greig.

Kallie Robertson made a motion to accept the minutes of May 7. Bill Hamel seconded and all members voted in favor.

Mr. Phelan said a letter had been received from the Board's attorney in response to a request for an opinion on the Norton Road minor subdivision. He said that the letter should be forwarded to the applicant's representative.

The Board reviewed their summer meeting schedule, and recruitment efforts for another board member.

PUBLIC HEARING

Hutchins Accessory Cottage – 230 Linden Ave. – Special Permit

Public Hearing on 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. Sam Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Brian Kelly made a motion to open the public hearing. Lisa Foscolo seconded and all members voted in favor. Mr. Hutchins gave an overview of the project. Mr. Phelan asked if anyone present had questions or comments about the project. There were none. Mr. Phelan read a note from Richard and Kathleen Morlock of 240 Linden Avenue in favor of the project. He asked if any board members had questions or comments. Kallie Robertson asked about the building materials. Mr. Hutchins described them. Bill Hamel moved to close the public hearing. Kallie Robertson seconded and all members voted in favor.

The Board reviewed a draft conditional approval. Lisa Foscolo made a motion to adopt it. Brian Kelly seconded and all members voted in favor.

OLD BUSINESS

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

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

Applicants Geronimo and Blanca Lavariega were present. The Board and applicants reviewed a revised site plan. Mr. Lavariega said that he did not need all the parking at the site. He said many motorists and trucks use part of the parking lot on Route 9 as a turnaround. Bill Hamel asked if business trucks would be parked at the site. Mr. Lavariega replied no. Mr. Phelan asked where the dumpster was located. Mr. Lavariega indicated where it is, and said it is not enclosed.

Mr. Phelan asked Mr. Lavariega if it was feasible to eliminate one of the entrances on Route 9. Mr. Lavariega said he would be willing to, and asked if he could display his rental items in that area. He said he would install additional landscaping, top soil and seed the gravel end of the parking lot. The Board determined that there would be adequate parking without the gravel area. Michele Greig said she would check the zoning ordinance to determine whether the applicant could display items there.

Mr. Phelan asked the applicants if they could reduce the size of the access on Pitcher Lane. Mr. Lavariega said he receives occasional deliveries from a tractor trailer truck, and the space is needed for them to maneuver. He said there is a utility pole located there as well. Mr. Phelan asked if they could consider ways to make the Pitcher Lane entrance less industrial looking. The applicants agreed that they would.

The applicants will return with a revised site plan and photos of their sign for the Planning Board file, and agreed to install a shield on the existing spotlight on the building.

The Board reviewed a draft Type II SEQR resolution. Brian Kelly made a motion to adopt it. Bill Hamel seconded and all members voted in favor.

David and Aimee Sember – 25 James Court – Special Permit

Continued discussion of application to construct a new single family dwelling with an accessory apartment on a 6.9 acre parcel in the Agricultural Business District.

Applicants David and Aimee Sember were present. Sam Phelan said that the Zoning Enforcement Administrator has determined that a variance for lot size is not needed for the project, and that the square footage of the apartment is permitted. The Board and applicants reviewed Michele Grieg's comments dated 5-21-18. A public hearing was set for June 4.

NEW BUSINESS

Jan Robin Groves – 43 McManus Terrace – Lot Line Adjustment

Presentation of application for a lot line adjustment to transfer .33 acres from a 6.56 acre parcel to a 36.67 acre parcel in the RD 3 district.

Applicant's representative Marie Welch was present. She gave an overview of the project, and said that she is applying for a variance on behalf of the applicant for road frontage on the remaining lands.

The Board reviewed comments from Michele Grieg dated 5-21-18, and a SEQR Resolution Establishing Lead Agency for an Unlisted Action Undergoing Uncoordinated Review. Bill Hamel made a motion to adopt it. Lisa Foscolo seconded and the motion was carried unanimously.

OTHER BUSINESS

Town Board Referral – Local Law 'C' 2018

Supervisor Robert McKeon was present.

The Planning Board reviewed proposed Local Law "C" of 2018 regarding various commercial uses in the town. Lisa Foscolo and Brian Kelly asked how the recent Ruge's applications would be affected by the

new law. Sam Phelan said that he believed the project was withdrawn, because they have not returned to the board. Robert McKeon said that the law will go into effect immediately when the Town Board adopts it.

Brian Kelly commented that he thought that was problematic. Mr. Phelan agreed, and also noted that some businesses in the current B1 District are considerably larger than what will be allowed in the new Hamlet Business District. However, it was noted that existing businesses would be permitted to continue as non-conforming uses and buildings. Bill Hamel asked about the purpose of the food truck law. Mr. McKeon said that there were no regulations in place for food trucks.

After considerable discussion and debate on these and other significant issues, including the town wide ban on drive-thrus and formula businesses, Kallie Robertson made a motion in support of the law as proposed, and that it is consistent with the Town's comprehensive plan, the intent of the Zoning Law, and the LWRP. Lisa Foscolo seconded and all members voted in favor.

ADJOURNMENT

There being no further business before the Board, Lisa Foscolo made a motion to adjourn. Kallie Robertson seconded and all members voted in favor.

Respectfully submitted,


Kathleen Flood
Planning Board Clerk

Resolution Granting Special Permit Approval to Hutchins Cottage

Name of Project: Hutchins Cottage

Name of Applicant: Paul and Allison Hutchins

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Paul and Allison Hutchins to construct a cottage on a \pm 10.22 acre parcel (Tax Map Parcel No. 134889-6273-00-295435-0000) located at 230 Linden Avenue in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has confirmed that there are no other cottages or accessory apartments on the property; and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 and has found that the proposal complies with all of the general standards, including but not limited to: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the R1.5 District; the size of the site in relation to the use, the location, nature and height of the proposed building, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will be provided and will be screened at all seasons of the year from the view of adjacent residential lots and streets; the general landscaping of the site will be in character generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed cottage will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for a cottage found in § 143-68 and has found that the proposal complies with all of the specific standards, including but not limited to: the maximum gross floor area devoted to the cottage shall be less than 650 square feet; the cottage shall be supported by adequate water from a well with a flow of approximately 10 gallons per minute as certified by Eastern States Well Drillers, Inc. in correspondence dated April 13, 2018; the cottage shall be supported by adequate sanitary sewage facilities, which will be reviewed and approved by the Dutchess County Department of Health (DCDOH); there are no other cottages or accessory apartments on the property; the use meets the prescribed area and bulk requirements for the R1.5 District and no area variances are required; the cottage will be located on a lot that is greater than the required minimum three acres for a cottage in the R1.5 District; and

Whereas, the Planning Board has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on April 2, 2018, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, on May 7, 2018, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on May 21, 2018, 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 May 21, 2018; 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 principal 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 Paul and Allison Hutchins for a cottage in accordance with the application materials and specifications heretofore submitted upon the following conditions:

- A. The following conditions shall be fulfilled prior to the applicant obtaining a Building Permit for the proposed project:
 - (1) The applicant shall obtain approval from DCDOH for the proposed sanitary disposal system.
 - (2) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - (3) Payment of any and all outstanding escrow balances for consultant review.
- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy:
 - (1) The building shall be in compliance with all provisions of the New York State Uniform Fire Prevention and Building Code pursuant to § 143-68D of the Zoning Law.
 - (2) All proposed improvements shall have been completed in accordance with the approved Special Permit.
- C. The following are general conditions which shall be fulfilled throughout the operation of the project:

- (1) This permit authorizes one (1) cottage a maximum of 650 square feet in gross floor area.
- (2) Two off-street parking spaces for the accessory apartment, in addition to two parking spaces for the single family dwelling on site, shall be provided at all times.
- (3) The applicant shall continue to comply with all requirements of § 143-68 of the Zoning Law and with all conditions imposed by any 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 Lisa Foscolo, seconded by Brian Kelly, and a vote of 5 for, 0 against, and 0 absent, and 2 vacant seats, this resolution was adopted on May 21, 2018.

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

Kathleen Flood

Kathleen Flood, Clerk to the Planning Board

May 22, 2018

Date

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

Name of Action: Rhinebeck Rentals

Whereas, the applicant proposes to establish a party rental business in an existing building on a \pm 1.39 acre parcel located at 8110 Route 9 in the B1 District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated May 3, 2017 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 Brian Kelly, seconded by Bill Hamel, and a vote of 5 for, and 0 against, and 2 seats vacant, this resolution was adopted on May 21, 2018.

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: McManus Terrace Lot Line Alteration

Whereas, the Town of Red Hook Planning Board is in receipt of an application for a Lot Line Alteration from Jan Robin Groves, as Trustee to convey \pm 0.332 acres of land from a \pm 6.56 acre parcel to an adjacent \pm 36.67 acre parcel located in the RD3 Zoning District on McManus Terrace, Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated April 26, 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 an Unlisted action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not 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 the Dutchess County Department of Health.

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

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary 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 Bill Hamel, seconded by Lisa Foscolo, and a vote of 5 for, and 0 against, and 2 vacancies, this resolution was adopted on May 21, 2018.

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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 Brian Kelly, seconded by Bill Hamel, and a vote of 5 for, and 0 against, and 2 seats vacant, this resolution was adopted on May 21, 2018.