

**TOWN OF RED HOOK PLANNING BOARD**  
**APPROVED MEETING MINUTES**  
**June 18, 2018**

Chairman Sam Phelan called the meeting to order at 7:30 pm. He announced two items had been added to the agenda under Other Business: a discussion about 337 Norton Road minor subdivision, and an extension request to meet approval conditions from From the Ground Brewery.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Kallie Robertson and Lisa Foscolo. Brian Kelly was absent. Also present was engineering consultant Ryan Loucks.

Lisa Foscolo made a motion to accept the minutes of June 4. Bill Hamel seconded and all members voted in favor.

**PUBLIC HEARING**

**David Schulz - 12 Wildey Road – Certificate of Appropriateness**

Public hearing on application to install a deer fence on a residential parcel in the hamlet of Barrytown.

Mr. Schulz was present. Sam Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Bill Hamel made a motion to open the public hearing. Kallie Robertson seconded and all members voted in favor.

Mr. Schulz gave an overview of his project, and answered some questions from Board members. He confirmed that the fence will be 4 feet high along the front, and 6 feet on the sides and rear lot lines.

Deliana Simeonova, the applicant's neighbor, asked if she had any maintenance responsibilities. Mr. Phelan answered no. She asked if there were any restrictions on planting near the proposed fence. Mr. Phelan said there are not. Ms. Simeonova said she was in support of the project.

Mr. Phelan said that the Design Review Committee had recommended that the project be granted a Certificate of Appropriateness. He asked if there were any further comments from the public. There were none. Kallie Robertson made a motion to close the public hearing. Bill Hamel seconded and the motion was carried.

The Board reviewed a draft Certificate of Appropriateness. Kallie Robertson made a motion to adopt it. Bill Hamel seconded and all members voted in favor.

**OLD BUSINESS**

**Michael and Shelly Herrick – 48 Williams Road – Minor Subdivision**

Continued discussion of application to subdivide a 34.58 acre parcel into two lots, 24.58 acres and 10 acres in size, in the RD3 Zoning District.

Applicant's representative Marie Welch was present. She said the project engineer is working on a plan for septic design, which will also address comments from the Board's engineer regarding driveway pull-offs and the driveway entrance.

Sam Phelan said he had visited the site. He asked if the driveway would be moved. Ms. Welch said it would not be moved but it would be widened, which she acknowledged will require an Army Corps of Engineers (ACOE) permit.

Bill Hamel said he had also visited the site. He said the creek is significantly wide. Mr. Phelan agreed, and said it may complicate the ACOE permitting process.

The Board reviewed comments from their consulting engineer. Ryan Loucks said that the project would probably require a permit from the Department of Environmental Conservation (DEC) as well.

The Board reviewed comments from the planning consultant dated 6-13-18. It was noted that the permits from ACOE and DEC could be made conditions of approval.

The Board reviewed a Resolution Establishing Lead Agency for an Unlisted Action Undergoing Uncoordinated Review. Kallie Robertson moved to adopt it with one change that indicates the proposed project is within the agricultural district. Bill Hamel seconded and all members voted in favor.

The Board reviewed a part 2 EAF and a draft SEQR Negative Declaration. Lisa Foscolo made a motion to adopt the Negative Declaration. Kallie Robertson seconded and all members voted in favor.

A public hearing was tentatively set for July 2.

#### **OTHER BUSINESS**

##### **Extension request- 90 days – Podolsky minor subdivision**

Kallie Robertson made a motion to grant a 90 day extension to meet conditions of approval. Bill Hamel seconded and all members voted in favor.

##### **Extension request – 90 days – From the Ground Brewery Beer garden/farm market**

Lisa Foscolo made a motion to grant a 90 day extension to meet conditions of approval. Kallie Robertson seconded and all members voted in favor.

##### **Discussion – Norton 337 minor subdivision**

The Board reviewed a legal opinion from its attorney. Mr. Phelan explained that whenever there are multiple flag lots coming on to a road, there must be an easement to consolidate the driveways. He said the difficulty is that proposed lot 3 goes over some ACOE wetlands, and does not have “uninhibited access” to Norton Road, which is required by New York State Town Law.

He said the only way to resolve the problem would be to obtain a resolution from the Town Board declaring the area as an Open Development Area, which would allow lot 3 to use an easement to gain access to the road, or to obtain a variance from the Zoning Board of Appeals, which Mr. Phelan said might be the best option.

Mr. Phelan said he would talk to the applicant’s representative.

## **Discussion – Preserve at Lakeskill site distances**

Bill Hamel recused himself for the discussion.

Mr. Phelan asked engineering consultant Ryan Loucks to explain the dynamics and differences between Stop Line Site Distance and Stopping Site Distance shown by the applicants at the proposed entrance to the subdivision on Feller-Newmark Road.

Mr. Loucks explained that the Stop Line Sight Distance deals with a vehicle exiting the subdivision. Referring to an illustration that he provided to the Board, he indicated the required American Association of State Highway Transportation Officials (AASHTO) guidelines site distance for right and left hand turns, which differ due to the fact that a left hand turn requires crossing a traffic lane. He noted that the applicants have more than adequate site distance for a left hand turn, but are 19 feet short for a right turn due to a curve and rise in Feller-Newmark Road.

Kallie Robertson asked if it is known what actual speeds people are driving on the road, which has a speed limit of 35 mph. Mr. Loucks said he could check to see if the DOT has done any studies on Feller Newmark Road, and added that such circumstances are difficult to design for.

Referring again to the diagram, Mr. Loucks noted that the project meets AASHTO Stopping Sight Distance guidelines, which are essentially how much distance an oncoming car on Feller Newmark Road would need to stop short of the proposed entrance to the subdivision.

In response to a question from Lisa Foscolo, Mr. Phelan said that the applicants are trying to show that, although they are 19 feet short of the AASHTO recommended Stop Line Site Distance, they do have the required amount of Stopping Site Distance so that an oncoming car could stop or slow down before striking one exiting the development. Kallie Robertson questioned whether there actually is 250 feet of site distance, and asked if it could be verified. Mr. Loucks said it could be verified.

Supervisor Robert McKeon, who was present, recommended that Mr. Loucks refer to Table 5 in the Town Highway Specifications, and its accompanying formulas. Mr. McKeon also stated that applicant had a traffic analysis completed for the proposed project, which included the traffic volumes and speeds questioned earlier in the discussion. Mr. Phelan asked Mr. Loucks to follow up for the Planning Board.

## **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

**Town of Red Hook Planning Board**

**CERTIFICATE OF APPROPRIATENESS**

June 18, 2018

David Schulz, 12 Wildey Road  
Tax Parcel # 134889-6712-01-192873-0000

The applicant, whose property is located at 12 Wildey Road, Red Hook, proposes to construct a deer fence around the perimeter of his 2.81 acre parcel in the Hamlet of Barrytown. The fence shall be 4 feet tall on the front of the parcel and 6 feet tall on the sides and rear.

The application and supporting documents were sent to the Hamlet Design Review Committee May 22, 2018. The Committee responded June 18, 2018 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

A public hearing was held June 18, 2018.

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 Kallie Robertson, seconded by Bill Hamel, and a vote of 4 for, 0 against and 1 absent, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to David Schulz for the proposed project described above.

Certified by: Kathleen Flood 6-19-18  
Kathleen Flood, Planning Board Clerk Date

617.7

**State Environmental Quality Review (SEQR)**

**Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:** June 18, 2018

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Herrick Subdivision

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to subdivide a ± 34.58 acre parcel (Tax Map Parcel No. 134889-6374-00-725412-0000) located on Williams Road in the RD3 District into two lots, ± 24.58 and ± 10 acres in size. The larger lot contains an existing house. The new lot would be served by an individual well and subsurface sanitary disposal system.

**Location:** 48 Williams Road, Town of Red Hook, Dutchess County New York

**Reasons Supporting This Determination:**

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Short Environmental Assessment Form (EAF) for the proposed project, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The proposed action will result in the filing of approximately 0.006 acres of federal jurisdictional wetlands to improve an existing driveway, which will also result in disturbance to the stream. The applicant shall obtain all required permits and approvals from the ACOE and NYSDEC for this work. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on wetlands and surface waters.
4. The property is located within an area where rare plants and animals are prevalent. The applicant submitted a Habitat Suitability Assessment Report prepared by Ecological Solutions, LLC dated June 4, 2018 that assesses habitat for five threatened and endangered species. The study concludes that there is no habitat on site for dwarf wedgemussel or for bog turtle. To minimize impacts to Indiana bat and Northern long-eared bat, tree removal activities will only occur from October 1 until April 1, consistent with the recommendations of the USFWS. To minimize impacts to Blanding's turtle, site work will be conducted between October 16 and April

14 when practical, and a temporary barrier shall be installed enclosing the areas of disturbance prior to any disturbance activities. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on flora and fauna.

5. The proposed new lot (Parcel 3) will be in excess of five acres. Pursuant to § 120-20G(2) of the Subdivision Regulations, the applicant has submitted certification from a licensed professional engineer that an approvable individual sewage disposal system location exists on Parcel 3 and that it is likely that a suitable individual on-site water supply may also be developed on Parcel 3. Based on the foregoing, no significant adverse environmental impacts to groundwater will result from the proposed project.
6. The property is adjacent to a farm operation that is located within a NYS certified Agricultural District (Agricultural District 20). A note has been included on the subdivision plat that no buildings on proposed Parcel 3 shall be located closer than 200' to the adjacent property boundary to the north and west, and that no clear cutting of the existing vegetative screening in this buffer area shall be permitted. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcels. The Planning Board considered the Agricultural Data Statement in its review of the application. Based on the foregoing, no significant adverse environmental impacts to agricultural resources will result from the proposed project.
7. The proposed action will create a need for recreational land and facilities due to the generation of approximately three (3) new residents of the Town including one (1) new school age child (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Based on the present and anticipated future need for park and recreational opportunities in the Town, and the recreation demands that will arise from the future population of this project, parklands should be reserved as a condition of approval of this subdivision. However, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, pursuant to New York State Town Law § 277, the Planning Board has appropriate grounds to require that the applicant deliver payment in lieu of parkland dedication in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, no significant adverse environmental impacts to community services will result from the proposed project.
8. The Town of Red Hook Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

**For Further Information:**

Contact Person: Kathleen Flood, Planning Board Clerk  
Address: 7340 South Broadway  
Red Hook, NY 12571  
Telephone: 845-758-4613

**A Copy of this Notice Filed With:**

Town of Red Hook Planning Board (Lead Agency)

617.6

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

**Name of Action:** Herrick Subdivision

**Whereas,** the Town of Red Hook Planning Board is in receipt of a Subdivision Application from Michael and Shelly Herrick to subdivide a  $\pm$  34.58 acre parcel into two lots,  $\pm$  24.58 and  $\pm$  10 acres in size, located at 48 Williams Road in the RD3 Zoning District, Town of Red Hook, Dutchess County, New York; and

**Whereas,** an Environmental Assessment Form (EAF) dated April 13, 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 within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply; and

**Whereas,** after examining the EAF, the Planning Board has determined that there may be other involved and/or federal agencies on this matter including the Dutchess County Department of Health and the New York State Department of Environmental Conservation.

**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 Kallie Robertson, seconded by Bill Hamel, and a vote of 4 for, and 0 against, 1 absent, and 2 vacant seats, this resolution was adopted on June 18, 2018.