

draft
**Town of Red Hook Planning Board
Meeting Minutes
October 3, 2005**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, Charles Laing, Sam Phelan, Paul Telesca, David Wright and Chair Christine Kane. John Hardeman was absent. Planning Consultant Michele Greig was also present.

BUSINESS SESSION

Christine Kane said that the Otis/ Choinsky applications had been withdrawn for the evening. She also said she would be away for the next scheduled meeting, Monday, October 17, 2005 but that Sam Phelan had agreed to act as chair.

The minutes of the September 19, 2005 meeting had been sent to the members and reviewed. Jennifer Fier made a motion to accept those minutes, and Charles Laing seconded the motion. All members present voted in favor.

The Board generally discussed forming subcommittees to aid the Planner in drafting zoning revisions for presentation to the Town Board.

Charles Laing reported on the Intermunicipal Planning Board and the upcoming report to that group by the Town.

PUBLIC HEARINGS

Steven Bear – 398 Spring Lake Road – Special Use Permit

Steven Bear was present for the public hearing on his application for Special Use Permit to authorize the addition of a bathroom to an existing single-family residence within 100 feet of Spring Lake on a .60-acre parcel in the Institutional District.

Christine Kane read the public hearing notice that appeared on September 27, 2005 in the Kingston Daily Freeman.

Mr. Bear explained the project to the public and to the Board.

Christine Kane asked if there was any comment from the public. There was none.

The Board generally discussed the setbacks on the sub-standard sized lot. Christine Kane read a summary of the ZEO Bob Fennell's interpretation of the issue. Mr. Fennell said that he believed no variances were necessary because the addition would not further encroach into any already non-conforming setbacks. Sam Phelan said that an approval resolution should include language stating that determination.

Christine Kane reviewed part 1 of the EAF and, with input from the Board, completed part 2. Paul Telesca made a motion to issue a Negative SEQR Declaration for the project. David Wright seconded the motion, and all members present voted in favor.

Christine Kane then closed the public hearing.

Sam Phelan made a motion to adopt a resolution granting the Special Use Permit with the added clause about the setbacks. A condition requiring the use of water saving and low-flow bathroom fixtures had been advocated by Richard Jones, P.E. in his letter to the Board. Charles Laing seconded the motion, and all members present voted in favor. A copy of the resolution is attached to, and made part of, these minutes.

Ragnar Manor Farm/ DiStefano– 91 Sengstack Lane (Tivoli) – Subdivision Plat

At the request of the applicant, the public hearing was continued to October 17, 2005.

Rondack Construction/ Glen Pond Road Office Buildings – Site Plan

Art Brod of Planners East, Tom LeGrand of LeGrand Realty, Ron Goodman and BJ Radell were present for the public hearing on an application for Site Plan Approval to authorize construction of two (2) one-story buildings totaling 9600 sq. ft. for business and/or office use on a 1.889-acre site in the B2 Zoning District.

Christine Kane read the public hearing notice that appeared September 27, 2005 in the Kingston Daily Freeman.

Mr. Goodman submitted to the Board new site plans and also plat maps intended to rectify measurement errors on the Eye Associates subdivision map filed in 2004.

Mr. Brod explained the project to the public and the Board. He said that the septic disposal system for the project was outside the 300 ft. buffer surrounding the Village wells. He went on to say that although the stormwater detention ponds were outside the 200 ft. buffer as required by the Board of Health, a recent agreement between the applicants and Eye Associates would put a permanent stormwater detention area for both parcels on the Eye Associates property.

Mr. Brod said that on October 12, 2005, the ZBA would conduct two public hearings on applications submitted by the applicant team. One application asked for a variance to allow an individual driveway for the proposed Glen Pond project. He said that both that parcel and the adjoining Eye Associates parcel had less than the required frontage, a situation which would normally require a shared driveway. The other variance would allow the turnaround in the proposed parking lot to encroach into the setback area.

Christine Kane then opened the hearing for public comment.

Jeff Anzevino, from Scenic Hudson, asked for a new public hearing so that the recently revised site plan could be reviewed. He said that Scenic Hudson had already submitted a letter expressing its concerns with this project, which the organization believed would threaten the aquifer which serves the Village of Red Hook. He went on to say that Scenic Hudson supported the Village's intention to protect its wells and added that the Board of Health buffer requirements were only minimum distances and that meeting those minimum distances might not be enough to protect the water supply. He cited

East Fishkill and Hyde Park as communities whose water supplies had recently been contaminated.

Larry Murphy, of Morris Associates and speaking on behalf of the Village of Red Hook, said that he believed that there was a segmentation problem stretching back to the original Anderson subdivision and continuing through to the Eye Associates subdivision. He said that since no full buildout was required during the preceding subdivisions, the Village had not had a full picture of the development and had not been able to comment effectively.

Commenting on the buffer distances, Mr. Murphy said that New York State regulations were scheduled to take effect toward the end of 2005 which would require 300 feet between shallow wells such as the Village maintains and stormwater detention areas. Mr. Murphy concluded by saying that the Board should view both the segmentation issue and the health issues as reasons to issue a positive declaration for the project and to require a full Environmental Impact Statement.

Tom Gardner, who owned a business on an adjacent parcel on Glen Pond Road, said first that Town regulations required owners of flag lots to adhere strictly to the regulations, and therefore no variances should be granted. Second, he said that in 2003, the Planning Board approved the Eye Associates site plan showing two buildings, one the mirror image of the other. Only one had so far been built. Third, he pointed out a retaining wall shown near the end of the proposed individual driveway. This retaining wall, he said, would block the line of sight for a driver exiting the driveway onto Glen Pond Road. Fourth, he said that the width of the proposed individual driveway was not sufficient for two-way traffic and for the volume of cars anticipated by a 42-car parking area. Fifth, he said that after subtracting the 'pole' area of the flag lot, the remaining parcel may not contain the 1 ½ acres necessary for development. Sixth, he said that in the spring, the water table in that area rises, possibly to a level just under the parking area and other impervious surfaces. Seventh, he repeated Mr. Anzevino's prediction of tighter water regulations from the Dutchess County Board of Health. Eighth, he reviewed the Town's regulations for development in the B2 District. He said that this project did not meet the requirements of low traffic and low impact businesses. Finally, he submitted a September 30, 2005 Kingston Freeman newspaper article advocating increased protection of public water sources.

Roger Husted, of Eye Associates, said that he had tried to comply with the regulations and the setbacks in his development. He said that the 2003 site plan approved by the Planning Board had expired and that any second building on the Eye Associates parcel would have to be approved by the Board. He also said that the aquifer spread out under much of the Town, not just the Glen Pond Road area, and that the Planning Board had not scrutinized other projects in the same way.

Asked about the differences between this project and the one shown during the review of the Eye Associates development, he agreed that the original site plan of 2003 had shown a medical complex and that a shared driveway had been part of the presentation during the subdivision application review later that year. The parcel had originally been subdivided to separate the finances of the doctors involved. However, no restrictions about the sale of the subdivided lot or the shared driveway had been written into the Planning Board's resolution granting the subdivision. In addition, there was nothing in

writing requiring Eye Associates or any owner of the subdivided lot to develop either parcel in any particular manner.

Tom LeGrand, of LeGrand Realty, said first that the Planning Board must require only compliance with current Board of Health regulations and not look into the future. Second, he said that this proposal would be a local project which would hire and serve local people.

David Cohen, mayor of the Village of Red Hook, said that a meeting had been scheduled to bring together the Rondack Construction team and the Village's engineers from Morris Associates to discuss the project. That meeting, he said, was cancelled by the Rondack Construction team.

Mr. Brod supported the statement that approval for the second building on the Eye Associates parcel had expired and that current, not pending, Board of Health regulations must be part of the SEQR review. He said that as planning consultant to the Planning Board in 2003, he had recommended that provisions and requirements for a shared driveway be included in the resolution granting the subdivision, but in the end, those provisions and requirements were left out.

Christine Kane summarized a report submitted by the Town's Design/Review Committee, saying that the Committee had found no prevailing architectural style in the surrounding buildings but had made several recommendations concerning architectural details and building materials. She submitted a copy of that report to the applicants.

Mr. Brod referred to the corrective subdivision plat, saying that the Board could simply accept the plat for stamping and signing with no further review or it could require the standard application process. He added that the corrective plat did not change the site plan. The Board generally agreed to require the standard application process.

Jennifer Fier asked whether the Board could specify the businesses that could lease space in the proposed building.

Ms. Greig said that the applicants should submit traffic estimates. Mr. Brod agreed to submit them.

Christine Kane said that there were two major issues that must be addressed. First, the Village must be satisfied that its wells would be safe. She said that there should be a meeting of the Village engineers, the applicant team and the Town Engineer to see if an acceptable plan could be developed. She said the Board would require a letter or some other public statement saying that the Village was satisfied.

Second, a shared driveway should be part of the plan. Mr. Goodman and Mr. Husted agreed to discuss further the feasibility of a shared driveway and to submit a revised site plan showing such a driveway.

Mr. Gardner requested that the Board further research the Town regulations in regard to the two flag lots.

The hearing was tentatively continued to October 17, 2005.

TGS Associates/ Hardscrabble Commons – NYS Rte 9 and Metzger Rd. – Subdivision Plat, Site Plan and Special Use Permit

At the request of the applicant, the hearing was continued to October 17, 2005.

Bard College / Science and Computation Center – Campus Road – Site Plan

Richard Griffiths of Bard College was present for the continuation of the public hearing on an application for Site Plan Approval of a 54,600 s.f. building and associated site improvements on an approximately 3.0-acre project site within the Institutional (I) and Hudson River National Historic Landmarks Districts.

Mr. Griffiths presented to the Board a copy of the archaeology report and three copies of the landscape plan.

The Board again requested renderings of the proposed building viewed from Annandale Road both in the day and also at night when the lights would be turned on.

The Board also asked for a rendering which included the proposed building and the nearby historic Ludlow building. Mr. Griffiths said that the Bard campus was a collection of buildings of different styles from different eras and that there would be no attempt to provide a transition from the historic building to the contemporary one.

The Board reminded Mr. Griffiths that no construction work should be going on at the proposed site prior to approval.

The public hearing was continued to October 17, 2005.

REGULAR SESSION (OLD BUSINESS)

CAFH Order at Tivoli, Inc. – West Kerley Corners Road – Subdivision Plat.

Since no representatives of the applicants were present, the project was not discussed.

REGULAR SESSION (NEW BUSINESS)

Hooked on Antiques/ Red Hook Terminal South – 7269 South Broadway – Amended Site Plan

Joseph Bailey, Greg Antonakos and Melody Antonakos were present with an application for Amended Site Plan Approval to authorize modifications to an approved site plan for an existing building and site to accommodate retail use on a 0.46-acre site in the B1 District.

Mr. Antonakos said that he had been under the impression that the Victorian-style street lights he had installed had been approved in the original site plan. He said that the approved location of the business sign provided no visibility from the road, so he had installed the sign in a more visible location.

The Board generally agreed that first, Mr. Antonakos would have to get permission from the NYS Department of Transportation to put his streetlights in the right-of-way. Second, since his sign was too close to a property line, he would either have to move his sign or apply to the ZBA for a variance from the setback. Third, he could apply for an amendment to the approved site plan to allow a large fountain to remain permanently in

front of the building. Fourth, he would have to take his display items inside whenever the store was not open for business.

OTHER BUSINESS

Tim Ross, P.E., requested that the Board determine whether or not it would waive the Town subdivision regulation which limits to twelve (12) the number of lots on a cul-de-sac in the matter of the proposed Williams/Verrilli subdivision. That proposed subdivision would be served by a cul-de-sac road which would split off from Baxter Road, a dead end.

Ms. Greig said that the Town regulations did not differentiate between a cul-de-sac and a dead end regarding the number of lots allowed.

The Board reviewed opinions and comments received from land use attorneys Keane & Beane, Town Highway Superintendent Wayne Hildenbrand and Town Fire Chief Arvine Coon, Jr. Sam Phelan made a motion that the Board not waive that regulation and that all lots contained within any subdivision on that parcel be included in the total number allowed for Baxter Road. Charles Laing seconded the motion, and all members present voted in favor.

The Board reviewed the outdoor lighting standards drafted by GreenPlan. Ms. Greig said some revisions should be made to the street light standards and shielding requirements. Jennifer Fier made a motion that once the revisions were made, the packet should be reviewed by the Town Engineer and then presented to the Town Board. Charles Laing seconded the motion, and all members voted in favor.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, David Wright made a motion to adjourn the meeting. Sam Phelan seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk

Attachments

Resolution granting Special Use Permit to Steven Bear

**Town of Red Hook Planning Board
Resolution Granting Special Use Permit to Steven Bear to Authorize Construction
of a bathroom addition within 100 feet of Spring Lake at 398 Spring Lake Road in
the Institutional (I) Zoning District**

October 3, 2005

Motion made by Sam Phelan
Seconded by Charles Laing

Whereas, the Town of Red Hook Planning Board received an application dated July 1, 2005 from Steven Bear for the construction of an approximately 9 ft. x 12 ft. bathroom addition to an existing single family dwelling within 100 feet of Spring Lake; and

Whereas, the ± 0.60 acre parcel (TMP 15-6473-05-012773) is located at 398 Spring Lake Road in the Town of Red Hook in the RD3 District; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-30; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated July 1, 2005, a Full Environmental Assessment Form (EAF) part 1 dated August 5, 2005, a site layout, correspondence from Richard Jones, P.E. and photographs of the site; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that Proposed Project is a 'Type II' Action that meets the thresholds in 6 NYCRR 617.5 (c) (9) and, therefore, SEQR does not apply; and

Whereas, a public hearing was held October 3, 2005; and

Whereas, the Planning Board has reviewed the setbacks and finds that the addition of the bathroom would not exacerbate those setbacks that are currently in violation of the Town's District Schedule of Area and Bulk Regulations; and

Whereas, the Planning Board deems the intended use as described within the Application for Special Use Permit, the associated Narrative, and the site plan and to satisfy both the "General Standards" for all special permit uses set forth at Zoning Law §143-51 and the 'Development Near Bodies of Water' as set forth at §143-30.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions:

1. Low-flow and water saving water devices must be installed and utilized in both the new and the existing bathrooms.
2. The sewage disposal system must be regularly maintained so as to prevent run-off into Spring Lake.

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	absent
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____