

## **APPROVED**

### **Town of Red Hook Planning Board Meeting Minutes January 23, 2006**

#### **CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:40 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, John Hardeman, Charles Laing, Paul Telesca, David Wright, and Chair Christine Kane. Sam Phelan was absent. Planning Consultant Michele Greig and Town Council members Jim Ross, Harold Ramsey and Jean Bordewich were also present.

#### **BUSINESS SESSION**

Christine Kane confirmed the meeting agenda.

The minutes of the January 2, 2006 meeting had been sent to the members and reviewed. David Wright made a motion to accept the minutes as written. John Hardeman seconded the motion, and all members present voted in favor.

Since the Town Hall will be closed on February 20, 2006 to observe Presidents' Day, the Board generally agreed to reschedule its second February meeting for February 27, 2006. It also agreed to investigate other possible meeting nights in order to avoid holidays and other conflicts.

#### **PUBLIC HEARINGS**

##### **Robison/ Vos – Lasher Road (Tivoli)– Lot Line Alteration**

Marie Welch was present for the public hearing on an application for Lot Line Alteration to authorize conveyance of 0.252 acres from the lands of Patricia Robison to the adjacent lands of Eugene and Martha Vos, to rectify a survey discrepancy, located at 135 & 141 Lasher Road in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared January 17, 2006 in the Kingston Daily Freeman.

Ms. Welch explained that the discrepancy had arisen from the different survey methods by the surveyors of the two parcels and that both owners had executed 'quit claim deeds' for the overlap area. She said that she had added the location of the White Clay Kill stream as requested by the Board. She said that there were no utilities, wells or septic systems on the acreage to be conveyed.

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

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2. Charles Laing made a motion to issue a negative SEQR declaration for the action. Paul Telesca seconded the motion, and all members voted in favor.

Christine Kane then closed the public hearing.

John Hardeman made a motion to adopt an offered resolution granting Subdivision Plat approval to the project. Charles Laing seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

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

Mark Graminski, P.E. and L.S., was present for a continuation of the public hearing on application for Subdivision Plat approval to authorize, through consolidation and lot line alteration, the creation of one parcel of 10.116 acres and one parcel of 47.770 acres from three parcels of 2.8 acres, 18.1 acres and 35.1 acres in the RD3 Zoning District and Certified Agricultural District.

Mr. Graminski explained that he had been able to resolve the outstanding survey problems and that each of the new lots would be somewhat larger than originally proposed on the sketch plan.

Jennifer Fier asked why the extra acreage could not be added to the remaining CAFH lot, thereby bringing that lot into conformance with the RD 3 zoning district. Mr. Graminski said that the owners did not want to pursue that action and that it was not part of the application currently before the Board. The Board generally agreed that it could ask the applicants to bring the lot into compliance but could not require it.

Christine Kane asked if there was any comment from the public. There was none. She then closed the public hearing.

Charles Laing made a motion to adopt an offered resolution, revised to incorporate the new acreage figures, granting Subdivision Plat approval for the project. David Wright seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

**Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – Subdivision Plat, Site Plan & Special Permit**

Steve Tinkelman, architect; Michael Kistner, attorney; and Darin Dekoskie, P.E., were present for the public hearing on applications for Special Permit, Site Plan and Subdivision Plat approval (Sketch Plan) to create 51 residential building lots ranging from .12 acres and up on an open space lot from a 65.3-acre parcel, partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Christine Kane read the public hearing notice that appeared January 17, 2006 in the Kingston Daily Freeman.

Christine Kane reminded the applicants that they had agreed to submit a letter waiving the time limits for action on an application for Subdivision Plat approval. The applicants said they would submit that letter.

Mr. Tinkelman said that the applicants had responded to review comments from the Town Engineer, GreenPlan and the Planning Board. He said that they had also received all the necessary variances from the Town ZBA. He wanted to make sure that the public understood that only 35 of the proposed units were in the Town; the remaining units were in the Village.

Mr. Tinkelman said that pedestrian walkways had been added to connect the service and main roads within the development, that benches and a 20' x 40' screened pavilion would be available on the approximately 2-acre common green, that the "zero lot line" configuration would give each home some private open space, and that there would be two mailbox structures with car pull-offs at one end of the green. He also said that the proposed new Town road had been narrowed from 26 ft. to 24 ft. Finally, he said that the applicants were currently working on adding sidewalks to the plan.

Asked about how the applicants could assure different home designs along each road, Mr. Tinkelman said that that concern would be addressed in the homeowners' association agreement and that the applicants would be prepared to speak to that issue at the next meeting.

Responding to a previous Board concern about the appearance of sided chimneys, Mr. Tinkelman said that chimneys would be an option on each home but that if the homeowner did decide to add the chimney, the style of chimney would be left to that homeowner, as would the style of porch and other design elements. He said that the allotment of the homebuyer's resources should be left to the homebuyer. He added that certain elements, such as a garage, could be added in phases.

Jennifer Fier asked if the architectural code for the project was available for review. Mr. Tinkelman said that a draft of that code could be ready by the next meeting.

Asked about the common septic system, Mr. Dekoskie said that several systems would service the development and that maintenance of these systems would be the responsibility of the homeowners' association. Ms. Greig questioned whether the Board of Health would look favorably on a system that was not maintained by Dutchess County Water and Wastewater or some other municipal agency. Mr. Dekoskie said that he would look into this concern and report back.

Christine Kane said that since there is a difference between the Town and Village codes regarding design and landscaping, the applicant would be required to meet the stricter of the two, which is the Village code. She said that to ensure that there were no gaps or overlaps in the Town and Village reviews, she would communicate regularly with Jay Trapp, Chair of the Village Planning Board. She added that both the Village and Town favored a design that was an extension of Village design elements such as street grids, pedestrian paths through the common green, and small side yards for the homes.

Christine Kane said that both Planning Boards were concerned about the windowless wall proposed for each single-family home placed directly on a lot line. She said she understood that any window in a wall located directly on a lot line must contain fire-retardant glass and therefore the applicants had chosen to include no windows on that side of the home. She said that the traditional Village home had narrow sideyards, which allowed the inclusion of normal windows in all the walls. Mr. Tinkelman said that the 3-foot sideyards found in the older Village homes were almost always useless space

and that the applicants believed that rather than repeating this design, they would use the 'zero lot line' configuration, which would provide useable open green space for each home. In addition, the windowless wall of one home would provide privacy for the adjoining home. He added that the windows placed in the other walls would adequately compensate for the windowless wall and that this design would be incorporated only in the single family residences, not in the multi-family units.

Christine Kane then asked if there was any public comment.

Kathy Stewart, Spring Lake Rd., was concerned about flooding as well as contamination of the aquifer. She asked if the applicants knew the depth of the water table. Mr. Dekoskie acknowledged that there was some standing water after rainstorms during wet springs but said that the water normally dissipated quickly. He estimated the water table to be at a depth of 5 to 6 feet, and he said it was difficult to tell where the boundaries of the aquifer are. Ms. Greig said that this concern could have been addressed by the Village during its SEQR review and that the Planning Board could research that issue. (revised by the Planning Board on 2/06/06 to say that Steve Tinkelman, architect for Anderson Commons, had said the project was the first of this type that he had undertaken. Ms. Stewart had also pointed out that there was a discrepancy in determining the depth of the water table beneath the proposed development. Ms. Stewart said that at the January 27 meeting, Mr. Dekoskie had said that the depth to the water table was estimated at 4 to 8 feet, while at an earlier meeting before the Northern Dutchess Alliance, he had estimated the depth to be two feet. Ms. Greig said that the initial estimate was likely based on the Dutchess County Soil Survey, but deep tests and soil borings had been conducted on the site, and these were more.)

John Coyle, 38 Glen Ridge Rd., asked if traffic estimates had been submitted and said he was concerned about the impact of increased traffic on Glen Ridge Road. Additionally, he asked whether there were plans to extend the road behind Hannaford Supermarket all the way to Anderson Commons. Finally, he asked if the new exterior lights for the development would be fully shielded.

Mr. Dekoskie said that a traffic study had been conducted, that no major impacts were expected, and that no traffic lights or other such management devices were proposed. He said that all exterior lighting would be fully shielded. Christine Kane said that at this time, the Town was proposing to extend the road behind Hannaford's only as far as Metzger Road.

Jean Bordewich, Town Council member, said that this was a flagship development for the Town and that she was glad the Planning Board was reviewing the house design and landscape details and the details of the proposed community septic system. She stressed the need for quality in construction and design and urged the Board to encourage energy efficiency for the project.

Mr. Tinkelman said that he would put together a presentation outlining the architectural elements and the Energy Star components. He said the entire project would be consistent with Energy Star standards.

Irene Coyle, 38 Glen Ridge Rd., asked about the square footage of the single family homes. Mr. Tinkelman said that they would be approximately 1500 sq. ft.

Jean Bordewich asked if the applicant team had a target sales price. Mr. Tinkelman said that there was no price estimate yet.

Christine Kane said that the applicants were requesting a waiver from locating individual specimen trees and rock outcrops on that eastern portion of the land that may be dedicated to the Town for recreation. Jean Bordewich, Harold Ramsey and Jim Ross, Town Council members, said that the Town Board had looked at a topographic map of the area and would walk the land soon. David Wright made a motion to grant such a waiver. Jennifer Fier seconded the motion, and all members present voted in favor.

Mr. Tinkelman requested a meeting with GreenPlan to review technical issues. Ms. Greig said that such a meeting was possible if a member of the Planning Board could also attend.

The Board continued the public hearing to February 6, 2006. It also agreed to conduct a site visit at a future date.

#### **TLC Acreage, LLC – Oriole Mills Road – Subdivision Plat**

Robert Capowski and Mitchell Bodian were present for a continuation of the public hearing on an application for Subdivision Plat Approval to create one new 3.0-acre building lot and a 98.1-acre remaining lands lot from a total 101.1-acre parcel, partially in the Town of Rhinebeck and partially in the Certified Agricultural District and the RD3 Zoning District of the Town of Red Hook.

Christine Kane read a letter from Geoffrey Carter, Chair of the Hamlet/ Design Review Committee regarding the historic value of the existing house on the parcel. Mr. Carter said that various construction and design elements indicated that the house appeared to have been built in the 1840's or 50's and had been heavily renovated around the 1960's.

Christine Kane then read a report from the Town Engineer asking for calculations of the areas of disturbance for both the proposed moving of the house and for the logging operation.

Asked about the logging on the parcel and the possible resulting stormwater run-off, Mr. Capowski said that Mr. Silva, the licensed logger who had overseen the logging operation, had indicated that no DEC permits had been necessary and none had been obtained. Mr. Silva had also said that the area of disturbance from logging roads, etc. had been less than one acre. Mr. Bodian said that 80% to 90% of the logging had taken place in the Town of Rhinebeck. Christine Kane asked for a letter from Mr. Silva regarding the logging operation.

Ms. Greig said that both the logging operation and the proposed house-moving project must comply with the new Phase 2 Stormwater regulations. Mr. Capowski said that the area of disturbance during the house moving would be less than one acre and that he would submit calculations to that effect.

Christine Kane reminded the applicants of Mr. Carter's suggestion to photograph and otherwise document the house before, during and after moving it.

Christine Kane then asked if there was any public comment.

Drayton Grant, attorney for Susan Hinkle and several of the neighbors, said that first the neighbors were concerned that the proposed new driveway would hook up to a network of old farm roads or 'ways', which would open the land up to further development and segmentation. She asked that the applicant locate the 'ways' on the plat. Second, she said that the depiction of wetlands on the filed maps of neighboring parcels were often misleading, and she asked that the wetlands across Oriole Mills Road be delineated by DEC so that their true location could be assessed. Third, she said that she had spoken with the Town Engineer and that he had said that the project needed further review. Mr. Capowski said that he had checked with the DEC about a possible wetlands delineation and that the DEC had said no delineation was necessary if the wetland was located on the other side of the road. Ms. Grant said that section 143-30 of the Town regulations state that if land alteration is proposed within 100 feet of a wetlands boundary, a special permit would be needed. The Board generally agreed that the wetlands appeared farther than 100 feet from the proposed action.

The Board also generally agreed that the Town Engineer was looking for more information regarding stormwater run-off. To that end, it asked the applicant to calculate the area of disturbance during the moving of the house, to calculate the area of disturbance from the logging operation, and to show on the map the setbacks for the proposed new location of the house. The Board also asked Mr. Capowski to locate on the map the two large spruce trees which the applicant had agreed would remain after the move.

John Hardeman made a motion to amend the negative declaration to say that an architectural review of the house had been done and that photographic documentation before, during and after the move would be required. (revised by Board 2/06/06 : neg dec would also include 1) that the area of disturbance would be identified and appropriate mitigation provided if that area exceeded one acre and 2) that the site distance for the proposed driveway had been determined to be adequate.)

Paul Telesca seconded the motion, and all members present were in favor.

The public hearing was continued to February 6, 2006.

#### **Rondack Construction/ Glen Pond Road Office Buildings – Site Plan**

The public hearing was continued to February 6, 2006.

### **REGULAR SESSION (NEW BUSINESS)**

#### **John & Susan Pelosi – 48 Old Post Road (Upper Red Hook) – Certificate of Appropriateness**

John Pelosi was present with an application for a Certificate of Appropriateness to authorize the construction of a 14' x 15' addition to an existing residence on a 0.33-acre lot in the Hamlet (H) Zoning District.

Mr. Pelosi said that currently the kitchen was located in the basement of the house and that the new addition would allow him to move the kitchen to the main floor. He also said that he was aware that the buildings on the parcel exceeded the allowed coverage and that he needed a variance from the ZBA to add additional coverage.

The Board referred the application to the Hamlet/ Design Review Committee.

The Board also reviewed section 617-5 (5C9) of the SEQR regulations and determined that the application was not subject to SEQR review.

A public hearing was scheduled for February 27, 2006.

**Leone & Migliorelli (Linden West) – Linden Avenue – Subdivision Plat**

Mark Graminski, P.E., and Drs. Frank Migliorelli and Salvatore Leone were present with an application for Subdivision Plat (sketch plan) approval to create four (4) residential building lots and a remaining lands lot from an approximately 120.4-acre parcel in the R1.5 Zoning District and the Certified Agricultural District.

Mr. Graminski said that the submitted plan showed the proposed minor subdivision as well as possible future development on proposed Lot 3. There was no hidden segmentation. He said that since the future residential lots would obtain water from an extension of the supply serving Linden Acres, the current zoning allowed 1-acre lots. A new through-road would serve the residences and would be dedicated to the Town.

Doctor Leone said that proposed lot 4 contained a class 1 aquifer, which the Town might need at a future time, and that the Town was considering purchasing proposed lot 2 for recreation land. He added that if the Town did not purchase proposed lot 2, the doctors would put a conservation easement on it.

The Board generally agreed that it could not create proposed lot 4 because that lot contained no road frontage. Christine Kane suggested that the applicants combine lots 3 and 4, which would give the necessary road frontage and would provide open space for a conservation subdivision in that area. Mr. Graminski said that the soils might not allow smaller or additional lots.

Mr. Graminski said that an archaeological review had been done during a previous study of the area, that a central sewage system was not feasible for such a small number of homes, that he had not yet conducted perc tests in the proposed residential area, and that a Town trail through the parcel was being considered.

The Board encouraged the applicants to reconfigure the proposed lots. It also generally agreed that any subdivision application for the parcel should be circulated to the Town Water Board, to NYS DEC, and to the Dutchess County Board of Health. In addition, the proposed access points would require sign-off letters from the Town Highway Superintendent and the Dutchess County Department of Public Works.

The project was tentatively scheduled to return to the agenda on February 6, 2006

**OTHER BUSINESS**

**Zoning revisions**

Charles Laing suggested several minor revisions to the proposed amendments to the Farmland Law. The Board generally agreed that his suggestions would clarify the amendments and requested Ms. Greig to incorporate them into the draft amendments.

The Board also generally agreed that the intent of the Farmland Law was preserve a critical mass of valuable soils and that such a critical mass should be calculated either by a minimum acreage or by the percentage of such valuable soils on a parcel of land. Further, the Board considered the suggestion that applicants who subdivided a parcel into large lots such as 35 to 40 acres and who prohibited any further subdivision might be exempt from submitting a farmland protection plan.

Finally, the Board generally agreed to take up the proposed revisions to the Conservation Subdivision regulations within the next few weeks, either at a regular meeting or at a special workshop.

### **ADJOURNMENT**

Since there was no further business to come before the Board, John Hardeman made a motion to adjourn the meeting. Charles Laing seconded the motion, and all members present voted in favor. The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Paula Schoonmaker  
Assistant Clerk

### **Attachments**

Resolution granting Subdivision Plat approval to Patricia Robison and Eugene & Martha Vos

Resolution granting Subdivision Plat approval to CAFH

**Town of Red Hook Planning Board  
Resolution Granting Final Approval in the Matter of the Patricia Robison/  
Eugene & Martha Vos Application for Subdivision Plat/ Lot Line Alteration  
on Parcels Located at 151 and 175 Lasher Road in the RD3 District**

January 23, 2006

Motion made by John Hardeman  
Seconded by Charles Laing

The Town of Red Hook hereby acts as follows on the December 21, 2005 Application by Patricia Robison and Eugene Vos for Subdivision Plat Approval to authorize a 0.15-acre Lot Line Alteration involving their properties at 135 and 141 Lasher Road in the RD3 District, with the intended lot line alteration depicted on an accompanying Survey Map entitled 'Boundary Line Agreement and Lot Line Alteration', prepared by Marie Welch, L.S., and dated December 23, 2005:

1. Determines upon consideration of the EAF and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQR, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Approves the Application for Subdivision Plat Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:
  - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
  - Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
  - Submission of Subdivision Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

In taking this action the Planning Board notes there are no new lots, parcels or dwelling sites created and, thus, neither requirement for the reservation of park and/or open space land nor requirement for alternate payment of a recreation fee is applicable to this Application.

Roll Call

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

Motion **Approved**

Motion Certified, Filed with Town Clerk and Mailed to Applicant

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Paula Schoonmaker, Asst. Clerk

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Date

## **Resolution Granting Final Subdivision Plat Approval**

**Name of Project:** Cafh Lot Line Alteration

**Name of Applicant:** Cafh Order at Tivoli, Inc.

**Date:** January 23, 2006

**Motion made by:** Charles Laing

**Seconded by:** David Wright

**Whereas,** the Town of Red Hook Planning Board has received an application for final plat approval for a lot line alteration and lot consolidation from Cafh Order at Tivoli, Inc. dated August 3, 2005 which will result in the reconfiguration of three (3) existing parcels of 2.8 acres, 35.1 acres, and 18.1 acres in size as two (2) parcels, one 10.116 acres in size and the other 47.770 acres in size; and

**Whereas,** the parcels are located on West Kerley Corners Road, in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the parcels are located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement (undated), which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel on November 22, 2005; and

**Whereas,** the application is subject to the Town's Important Farmlands Law and the Planning Board forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

**Whereas,** the Planning Board declared itself Lead Agency for the proposed action on February 2, 2005, reviewed a Short Environmental Assessment Form (EAF) Part 1 dated November 24, 2004, prepared a Part 2 EAF and adopted a Negative Declaration for the proposed action on November 21, 2005; and

**Whereas,** the Planning Board held a Public Hearing on the Subdivision application on December 5, 2005.

**Now therefore be it resolved,** that the Planning Board grants final approval to the Cafh Minor Subdivision subject to the following conditions:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
2. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.

The Chair is authorized to stamp and sign the mylar and plats when the above cited conditions are met.

Roll call vote:

Jennifer Fier	yes
John Hardeman	yes
Charles Laing	yes
Sam Phelan	absent
Paul Telesca	yes
David Wright	yes

Christine Kane, Chair      yes

Resolution declared:      **APPROVED**

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

\_\_\_\_\_  
Paula Schoonmaker, Ass't Clerk to the Board

\_\_\_\_\_  
Date