

APPROVED

Town of Red Hook Planning Board Meeting Minutes February 6, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, John Hardeman, Paul Telesca, David Wright, and Chair Christine Kane. Sam Phelan and Charles Laing were 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 27, 2006 meeting had been sent to the members and reviewed. The Board generally agreed with Ms. Greig that the amended SEQR negative declaration for the TLC Acreage project had included 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.

The Board also agreed with Kathy Stewart 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.

David Wright made a motion to accept the revised minutes. Jennifer Fier seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

Rondack Construction/ Glen Pond Road Office Buildings – Site Plan

Planner Art Brod, Tom LeGrand, B.J. Radell and Ron Goodman were present for the continuation of 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.

Mr. Brod outlined the four fundamental changes in the plan, revised since meetings with the Red Hook Village mayor and engineers. First, the proposed new driveway would

now serve both the Eye Associates parcel and the proposed new buildings. The existing driveway would be removed and the site re-landscaped. The new driveway would be jointly owned and maintained. Second, the sewage disposal area had been moved to a site along Glen Pond Road and farther from the Village wells. Third, one stormwater detention area had been removed. Stormwater would be piped to a seepage pit in the southwest corner of the parcel or to another seepage pit along the road. Fourth, the Village had requested that the water supply be brought in from a pipeline along the rear of the parcel and that a fire hydrant be installed between the two proposed buildings.

Mr. Brod concluded by saying that these changes would necessitate a lot line alteration, that an application had been submitted by Eye Associates and that approval for that application must be granted before this project could be approved. He also said that, as soon as the Board issued a SEQR determination, the applicants would be seeking a variance to extend the turning radius within the proposed parking lot into the rear setback area.

In response to questions from the Board, the applicants said that the size of the sewage disposal system was based on the combined square footage of the buildings and that it had not been designed for high-water uses such as medical labs. The applicants also said that state-of-the-art filters would be installed in the stormwater drainage system.

Tom Gardener, 15 Glen Pond Road, raised several issues. First, he said that since the lot line alteration was technically a minor subdivision, the dimensions and areas of the two proposed flag lots should be investigated, since there had been some earlier discrepancy. Second, he said that after the areas of the 'poles' were subtracted, it was possible that at least one of the proposed lots would be substandard in size. Third, he questioned whether the Eye Associates lot would reach the required 200 ft. in width. Fourth, he said the Town Code does not say that a 'pole' can be enlarged to accommodate a sewage disposal system. Fifth, he said that the Town Code also does not say that two principal buildings can be placed on one lot in the B2 District. He said that the regulations for the B2 District were more restrictive than those for the surrounding R1.5 District and that the intent was for the B2 to remain fundamentally rural in character. Sixth, he said that the applicants' request for a variance to accommodate turning space in the parking lot was not a result of topographical hardship but was rather self-imposed and a result of the applicants' desire for a bigger building, which would require additional parking spaces. He said that the Town Code should apply to everyone equally and that variances should not be given simply because someone wants a larger building.

Posing several concerns about water, Mr. Gardener said that, as a trained chemist, he found MTBE contamination, a gasoline additive, to be a real threat to the Village wells. He cited examples of such contamination in Hyde Park and Fishkill. Secondly, he said that according to the Dutchess County and New York State Departments of Health, a well owner also owns the 100 ft. area around the well, while the property owner may use land beyond 200 ft. from the well. He said one of the proposed buildings was within 200 ft. of the well. Third, he said that, according to the Board of Health, if the well is downhill from the stormwater runoff or from the sewage disposal area, the distance to the well should be increased 50%, thereby making the distance 450 ft. He said that both the proposed stormwater detention area and the proposed sewage disposal area were within 450 ft. from one of the wells. Finally, he said that the question about the types of

businesses to be allowed in the buildings was appropriate, since the wastewater from different businesses may vary widely.

Tara Sullivan, 140 Echo Valley Road, asked where the application was in the SEQR process. Christine Kane said that the review had now been complicated by the introduction of the Lot Line Application. Ms. Greig said that the project had been classified as an unlisted action but that no determination had been made. Ms. Sullivan then asked about the lot line setbacks for a sewage disposal system. Mr. Brod said that in Dutchess County, 15 ft. is the setback requirement.

Ms. Greig said that figures from a Traffic Impact study which was done during the SEQR review for Anderson Commons and which involved three proposed projects in the Village showed the level of service at the Firehouse Lane/NYS Route 9 intersection to be A for southbound traffic and E for westbound traffic. Jennifer Fier said that data for that study were probably gathered before the timing of the light in the center of Town was changed and that the potential traffic impact should be re-examined.

Ms. Greig also said that the applicant should submit certification that no prohibited uses or activities identified in the aquifer protection overlay section of the Zoning regulations will be associated with the project. In addition, the applicant should address the Town Engineer's concern regarding medical waste. She said that the Dutchess County Board of Health would address the designs of both the sewage disposal system and the stormwater pollution prevention system.

Christine Kane asked if the more northerly building could be moved forward and its parking placed at the rear, as suggested by the Greenway guides. Mr. Goodman said that Town setback requirements had dictated placement of the building and that a variance would be needed to make that change. He agreed to ask engineer Mark Graminski if such a change would be possible. Mr. Gardener said that such a move would place the building in his backyard. He said that the Town Code had been instituted for everyone's protection and should be followed.

Christine Kane asked whether only the plantings shown on the plan were proposed. Ms. Radell said that Phantom Gardener Landscaping had developed a 5-year plan for the project. Ms. Kane asked that a plan for immediate planting be submitted and that additional plantings be included.

The Board asked that a more comprehensive legend be placed on the plan. Additionally, it determined to review the Eye Associates application for Lot Line Alteration at the next meeting. The project was scheduled to return on the February 27, 2006 agenda.

TLC Acreage, LLC – Oriole Mills Road – Subdivision Plat

Robert Capowski of Dewkett Engineering, and attorney Warren Replansky were present for the continuation of the public hearing on an application for Subdivision Plat Approval to create 1 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.

Mr. Capowski said that he had added a shaded area to the map showing the area of disturbance during the proposed relocation of the house to be 0.81 acres.

Peter Barrow, 21 Old Rock City Rd, said he and other neighbors were concerned about future development on the property.

Christopher Lindner, 192 Oriole Mills Rd., said that at the last meeting, attorney Drayton Grant had requested a delineation of the wetlands across the road as well as a map of the graded 'ways' throughout the property. He said that if the 'ways' had been used as logging roads, the area of disturbance during the logging could have been greater than one acre.

Christine Kane summarized a letter from forester Greg DeSylva, which stated that less than one acre had been disturbed during the logging operation.

In deciding whether a wetland delineation and/or special permit should be required, the Board generally agreed that it was reasonable to conclude that the wetland shown across the road appeared to be substantially more than 100 feet from the project.

Ms. Greig said that as a condition of approval, the Board could require erosion control measures during the house relocation and particularly during construction of the new driveway. These measures would mitigate potential adverse impacts on the wetland.

Harvey Cohn, 174 Oriole Mills Rd., said that the wetland was located on his property and he would gladly agree to a delineation.

Mr. Lindner said that he had contacted NYS DEC and that DEC had agreed to delineate that wetland within the next two weeks. In addition, he said that because of the grade, Oriole Mills Road would not act as a protective barrier. He said that despite Mr. DeSylva's letter, he believed that the area of disturbance during the logging operation had exceeded one acre and that a DEC enforcement officer who had visited the site and walked along the adjoining Central Hudson property had agreed that a possible violation had occurred. He said the officer had filed a report and that there would be further investigation. Mr. Lindner concluded by saying that he had contacted engineer Peter Setaro of Morris Associates and that Mr. Setaro had told him no action should be taken until DEC determined whether a violation had occurred.

The Board generally agreed that the investigation of any such violation as well as the imposition of consequences should a violation be established would come under the purview of the NYS DEC, not the Planning Board. The Board also generally agreed that since the logging operation had ended before the application for subdivision was submitted and since the stormwater runoff described by Ms. Hinkle and Mr. Lindner apparently occurred in an area other than that addressed by the application under review, the Board must focus on the merits of the application before it.

The Board by consensus agreed to require, as a condition of approval, erosion control measures before and during any disturbance connected with the project. These measures would be subject to review and approval by the Town Engineer.

John Hardeman made a motion to adopt an offered amended negative declaration for the project. David Wright seconded the motion. The motion passed by a vote of four to one. A copy of that amended declaration is attached to, and made part of, these minutes.

Christine Kane closed the public hearing.

John Hardeman made a motion to adopt a resolution granting subdivision plat approval to the project, with the addition of the above condition. David Wright seconded the motion. The resolution was approved by a vote of four to one. A copy of this resolution and a copy of the amended negative declaration are attached to, and made part of, these minutes.

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

At the request of the applicant, the public hearing was continued to February 27, 2006.

REGULAR SESSION (OLD BUSINESS)

Kevin Kelly/ Hudson Valley Motorcar – South Broadway – Site Plan

Kevin Kelly and landscape architect David Dew Bruner were present with an application for Site Plan approval to authorize establishment of a used car lot accommodating approximately 26 cars in an existing shopping center in the B1 Zoning District.

Asked why his business was open before his site plan had been approved, Mr. Kelly said that he had been told that as long as he was actively pursuing site plan approval, limiting the number of cars in the lot and keeping the cars back from the road, he could conduct a limited sales business. The Board said that that was not correct.

In presenting his site plan, Mr. Kelly said that only the first space in the line of cars would encroach into the side yard setback. He agreed to use that space only for a compact car and to park that car out of the setback area. The Planning Board therefore determined that an area variance was not needed. He also said that his proposed plantings were not in the DOT right of way. The Planning Board therefore determined that a permit for work within a DOT right of way was not required. He said that his large sign was 2 ft. x 6 ft., double sided, and that that sign would have a shielded florescent light over it. He said that the light would be on a “dusk to dawn” timer. The sign on the side of the building was approximately 2 ft. x 14 inches. Signs on the individual cars would simply give the model year and the price. Addressing lighting, Mr. Kelly said there was an existing floodlight and streetlight.

Mr. Bruner presented two landscaping proposals. The Board generally agreed that the less formal plan was more appropriate to the site and asked that Mr. Bruner add an additional shadblow planting at the front of the side yard parking area, near parking space 1. Mr. Bruner agreed and said that he would also place plantings under the larger sign.

The Board asked Mr. Kelly to encourage his landlords to continue this landscaping across the remaining area in the front of the building complex.

Asked about his planned hours of operation, Mr. Kelly said he wanted to be open from 10 a.m. to 8 p.m., seven days per week.

The project was classified as an unlisted action under SEQR, and David Wright made a motion to establish the Board as lead agency for the SEQR review. Jennifer Fier seconded the motion, and all members present voted in favor.

The project was also referred to Dutchess County Planning under General Municipal Law 239m.

Mr. Kelly was requested to submit cut sheets for the proposed signage light and a planting schedule for the next meeting. In addition, his revised site plan should include: dimensions of the parking spaces, width of the drive lane, all outdoor lighting, an extension of the concrete curbing at the end of the parking spaces, and a notation that parking space #1 would be restricted to use by a compact car.

A public hearing was scheduled for February 27, 2006.

Tim & Irene Hourihan – Crestwood Road – Subdivision Plat

Tim Ross, P.E., was present for a discussion of an application for Subdivision Plat (sketch plan) approval to create five (5) residential building lots, ranging in size from 4.25 acres to 7.78 acres, all from a 26.87-acre parcel in the RD3 Zoning District.

Mr. Ross said that, per the Planning Board's request, he had tucked the building envelopes into the woods. He said that if asked to group the houses, he would reconfigure the plan to include 7 lots. He said that he had asked the owners if there was an easement across the property and was told that they knew of no easement. Finally, he said that he would refer the project to the Natural Heritage Program for review and comments.

Christine Kane said that the Agricultural Advisory Committee had requested a joint site visit to the property. The Board generally agreed to meet at 11 a.m. Sunday, February 12, 2006, if that time and date are agreeable to the Committee.

7 Pines, LLC – Norton Road – Subdivision Plat

Tom Mannix, P.E., Tom LeGrand and attorney Warren Replansky were present for the discussion of an application for Subdivision Plat (sketch plan) approval to create six (6) residential building lots ranging from 5+ acres to 40+ acres from a total 126.7-acre parcel on both sides of Norton Road in the RD3 District.

Mr. Mannix outlined several changes made at the request of the NYS DEC at a meeting he had attended on December 27, 2005. He said he had moved some driveways, revised the boundary of the wetland adjacent area so that it paralleled the boundary of the wetland itself, and added the notations requested by the agency.

The Board and the applicant team generally discussed the required plat notations regarding necessary erosion control measures and other restrictions. Ms. Greig advised the applicants that these notes must indicate 1) that before installing driveways or other improvements, individual lot owners must file with DEC a Notice of Intent regarding coverage under the General SPDES Permit for compliance with stormwater regulations, 2) that individual lot owners must employ at least minimum erosion control measures such as hay bales and silt fencing when installing driveways or other improvements 3) that a 'no clear-cutting' zone will prohibit the removal of trees acting as a visual buffer from Norton Road and 4) that any accessory building must be constructed within the prescribed building envelope. In addition, Mr. Mannix was requested to clearly indicate the delineation of the woods and the building envelopes on the plat.

The applicants were also reminded that they must submit documentation regarding the placement of a conservation easement that would protect the prime soils, the shagbark hickories and the wetlands. The easement should also stipulate that no clear-cutting would occur outside the building envelopes. Christine Kane reminded the Board and the public that although she worked for the Dutchess Land Conservancy, she was in charge of charitable giving and had no connection to the placing of easements.

The Board then scheduled a public hearing for February 27, 2006, on the condition that all requested documents and revisions to the plan are submitted by February 17, 2006.

REGULAR SESSION (NEW BUSINESS)

Freedman/ Pfaff – West Kerley Corners Rd. (Tivoli) – Lot Line Alteration

Marie Welch was present with an application for Lot Line Alteration to authorize conveyance of 0.737 acres from the lands of Sandra Freedman to the adjacent lands of Judith Pfaff at 283 West Kerley Corners Road in the RD3 Zoning District.

Ms. Welch explained that this action would solve a problem of building encroachments and would create no non-conforming lots.

The Board classified the project as an Unlisted Action under SEQR. David Wright made a motion to establish the Board as lead agency for the SEQR review. Jennifer Fier seconded the motion, and all members present voted in favor. Since there were no involved or interested agencies to review the matter, Jennifer Fier then made a motion to issue a SEQR negative declaration for the project. David Wright seconded the motion, and all members present voted in favor.

A public hearing was scheduled for February 27, 2006.

Timothy Ross – Williams Road – Subdivision Plat

Tim Ross, P.E., was present with an application for Subdivision Plat (sketch plan) approval to create two (2) new residential building lots of 5.12 acres and 2.71 acres and one (1) remaining residential building lot of 2.50 acres from a 10.33-acre parcel at 115 Williams Road in the RD3 Zoning District.

Mr. Ross said that he was proposing an 'average density subdivision', and that even though two of the proposed lots would be under 3 acres, the average size for the three proposed lots would exceed 3 acres. He said that he would like to build a home for himself on the 5.12-acre lot and preserve an existing stone wall as a boundary. Mr. Ross went on to say that two of the lots would be flag lots, that he had road frontage of approximately 480 ft., that the speed limit on that section of Williams Road was 35 mph and that the sight distance at the proposed curb cuts was good.

Since the existence of valuable agricultural soils on the parcel would require a referral to the Agricultural Advisory Committee, the Board suggested that the Committee join the Planning Board for a joint site visit after the visit to the proposed Hourihan subdivision site on Sunday, February 12, 2006.

OTHER BUSINESS

Linden West – Budds Corners Road – Subdivision Plat

Since no representative from the applicant team was present, this matter was not discussed.

Meeting nights

Christine Kane said that after polling the members and checking the Town calendar for available meeting nights, no alternate meeting night seemed preferable to the current Monday night schedule. The members agreed to keep the meeting time at 7:30 p.m.

Agricultural Reserve District

Robert McKeon updated the Board on the Agricultural and Open Space Advisory Committee's progress in drafting an Agricultural Reserve District and the regulations that would apply to it. Mr. McKeon stressed the importance of preserving a critical mass of farmland and its surrounding buffer areas.

He said that zoning had not succeeded in setting aside this critical mass and that the Committee would shortly propose to the Town Board a one year moratorium on development of agricultural land. This year would allow the Town Board to investigate and implement other tools to achieve this goal. Among the possibilities to be scrutinized were a Transfer of Development Rights program and a transfer fee which would be levied only on the amount of a home purchase price that was over and above the median home purchase price in the Town.

Mr. McKeon said that the Committee would like the Planning Board to review the proposal and make a recommendation to the Town Board. Members generally agreed to send their comments to Christine Kane.

ADJOURNMENT

Since there was no further business to come before the Board, David Wright made a motion to adjourn. Paul Telesca seconded the motion, and all members voted in favor. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant clerk

Attachments

Negative SEQR declaration for TLC Acreage minor subdivision
Resolution granting Subdivision Plat approval to TLC Acreage

617.7

**State Environmental Quality Review (SEQR)
Amended Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption and Date of Amendment: December 19, 2005 and February 6, 2006

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: TLC Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to subdivide a ±3.1 acre lot from a ±101.1 acre parcel, and to relocate an existing house on the parcel onto the 3.1 acre lot, construct a new driveway, and install a new sewage disposal system.

Location: Oriole Mills Road, Town of Red Hook, Dutchess County NY

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 Environmental Assessment Form (EAF) for the action dated September 21, 2005 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 parcel does not contain prime agricultural soils or soils of statewide importance. However, it is located within a certified agricultural district

(Agricultural District 20) and is therefore subject to the Town of Red Hook's Important Farmlands Law (§143-47(4) of the Zoning Law). An Agricultural Data Statement dated October 14, 2005 was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review and comments. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. The Planning Board granted the applicant a one-lot waiver from the provisions of the Important Farmlands Law, as permitted in §143-47(4)(h)[2] of the Zoning Law. The Planning Board has determined that the action will have no significant adverse impacts on agricultural resources. Since no adverse impacts on agricultural resources have been identified, no mitigation is required.

4. The applicant proposes to relocate an existing house on the parcel onto the newly created 3.1 acre lot. The Planning Board requested that the Chairman of the Town's Design Review Committee conduct a site visit to determine the age of the existing house. The Chairman of the Design Review Committee determined that the core dwelling likely dates to circa 1840—1860, with an addition built to the rear at a later date. The building, however, has been heavily renovated, probably during the late 1950s or early 1960s. The exterior windows, siding, roof covering and chimney stacks have all been replaced, and the interior floors, wall coverings, window and baseboard trim, stairs and banister, are not original fabric. The interior walls have been re-arranged. The Chair of the Design Review Committee believes the building can be successfully moved. The applicant will photograph the building prior to, during, and after being moved, and will donate the photographs to the local historical societies in Red Hook and Rhinebeck for their records. The parcel is not located in an area that has been identified by the Office of Parks, Recreation and Historic Preservation as archaeologically sensitive. The Planning Board has determined that no significant adverse impacts on cultural resources are anticipated and therefore no mitigation is warranted.
5. The action will create an additional curb cut on Oriole Mills Road. The Town of Red Hook Highway Superintendent has reviewed and approved the location of the proposed driveway. The Town Highway Superintendent has determined that the site distance of approximately 165 feet will be adequate. The applicant will remove minor rock outcrops located on the subject property to further improve site distance. Based on the Institute of Transportation Engineers Trip Generation Manual, the new lot is anticipated to result in an additional one (1) vehicle trip during the PM peak hour and less than one (1) vehicle trip during the AM peak hour. The Planning Board has determined that no significant adverse impacts on transportation are anticipated and therefore no mitigation is warranted.

6. The project site contains two 100-year old spruce trees located in front of the existing historic house. The trees will not need to be moved or disturbed as part of this action, and the applicant has demonstrated this by delineating on the plan an area of disturbance which excludes the location of the trees. The Planning Board has determined that no significant adverse impacts to vegetation are anticipated, and therefore no mitigation is warranted.
7. The project site contains steep slopes and is in the vicinity of a protected trout stream and a NYS DEC wetland. An erosion control plan will be prepared for site disturbance activities resulting from the installation of the proposed driveway and relocation of the house. These erosion control measures will be designed to prevent sedimentation of protected waters, and will be subject to review by the Town Engineer. The Planning Board has determined that these measures will prevent significant adverse impacts on surface waters, and no additional mitigation is required.

For Further Information:

Contact Person: Betty Mae Van Parys, 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)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Town of Red Hook Highway Superintendent

Dutchess County Department of Health

New York State Department of Environmental Conservation

TLC Acreage (applicant)

**Town of Red Hook Planning Board
Resolution Granting Final Subdivision Plat Approval**

Name of Project: TLC Acreage Subdivision, located on Oriole Mills Road, partially in the Town of Rhinebeck and partially in the RD3 Zoning District and the Certified Agricultural District of the Town of Red Hook

Name of Applicant: TLC Acreage, LLC

Date: February 6, 2006

Motion made by John Hardeman

Seconded by David Wright

Whereas, the Town of Red Hook Planning Board has received an application for final plat approval for a minor subdivision from TLC Acreage dated November 28, 2005 to subdivide a ± 3.1 acre parcel from a ± 101.1 acre parcel and to relocate an existing house from one portion of the ± 101.1 acre parcel onto the proposed ± 3.1 acre lot; and

Whereas, the parcel is located on Oriole Mills Road, in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the parcel is located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 14, 2005, 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 October 17, 2005, reviewed a Short Environmental Assessment Form (EAF) Part 1 dated September 21, 2005, prepared a Part 2 EAF and adopted a draft Negative Declaration for the proposed action on November 21, 2005, and adopted an amended Negative Declaration for the proposed action on February 6, 2006; and

Whereas, the Planning Board held a Public Hearing on the Subdivision application, opening December 5, 2005 and closing on February 6, 2006.

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

1. Receipt of Dutchess County Health Department approval for the new ±3.1 acre lot.
2. Submission of a plat showing erosion control measures, subject to review and approval by the Town Engineer.
3. Payment of recreation fee to the Town of Red Hook
4. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
5. 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.

Roll Call Vote:

Jennifer Fier	no
John Hardeman	yes
Charles Laing	absent
Paul Telesca	yes
Sam Phelan	absent
David Wright	yes
Christine Kane, Chair	yes

Resolution: **APPROVED**

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

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

Paula Schoonmaker, Ass't. Clerk to the Board

Date