

## **APPROVED**

### **Town of Red Hook Planning Board Meeting Minutes April 17, 2006**

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

#### **BUSINESS SESSION**

Christine Kane confirmed the meeting agenda. Since she had not attended the April 3 meeting, there was no quorum to approve the minutes, and that action was deferred until the May 1, 2006 meeting. Christine Kane urged all members to sign up for classes offered by the Dutchess County Planning Federation during May.

#### **PUBLIC HEARING**

(Rondack Construction asked for a delay in order for a member of the application team to arrive. The Board then asked Henry Ruella to present his new application)

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

##### **Henry Ruella – Williams Road – Subdivision Plat**

Henry Ruella presented a new application to create one new 10-acre lot and one 10.986 remaining lands lot from a 20.986-acre parcel in the RD 3 Zoning District.

Mr. Ruella explained his proposed subdivision, saying that since there was only approximately 54 feet of road frontage for his parcel, he had sought a variance from the ZBA to decrease the required road frontage to approximately 27 feet. This variance, which was granted by the ZBA on June 8, 2005, would allow him to divide the “pole” portion of the lot in half lengthwise, giving approximately 27 feet of frontage to each proposed lot.

Mr. Ruella also said that if allowed to divide the parcel into the two proposed lots, he would construct a shared driveway and prohibit any further subdivision. However, if he were directed to construct a private road, he would propose more lots to recoup his expenses.

Christine Kane said that Mr. Ruella should have come before the Planning Board first. She said that if the Planning Board had endorsed his sketch plan, it would have either waived the frontage requirements or directed him to seek the variance from the ZBA. Since Mr. Ruella owns adjoining parcels, Christine Kane asked if he could not have

obtained the required frontage either from his other parcels or from the neighbors' parcels. Mr. Ruella said no.

Charles Laing observed that a note on the original subdivision plat for that area--submitted by IX Investors and approved by the Board in 1975, prohibited more than one principal residence on any lot created by that subdivision. The Board determined to research that original subdivision in more detail.

The Board classified the project as an unlisted action under SEQR. Dave Wright made a motion to establish the Board's intent to serve as Lead Agency for a coordinated SEQR review, with the Town ZBA as an involved agency. Paul Telesca seconded the motion, and all members voted in favor.

Since soils of Statewide importance had been identified on the parcel, the project was referred to the Agricultural Advisory Committee. The Board also referred the project to the Town of Milan, since the parcel borders that municipality.

The project was scheduled for the May 15, 2006 agenda.

## **PUBLIC HEARING**

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

BJ Radell, Ron Goodman, Mark Graminski, P.E., and Planner Art Brod 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. Graminski outlined changes in the Eye Associates proposed Lot Line Alteration which had been made to accommodate the proposed Glen Pond Office Buildings site plan and in response to suggestions from GreenPlan. He said that the oddly shaped lots had been configured to comply with Town requirements for the B2 Zone and that both would exceed the 1 ½ acre minimum. He acknowledged that the common driveway would need an easement and that variances would be needed for both the common driveway and for the rear parking lot setback.

Addressing the site plan, Mr. Graminski said that the proposed buildings would comply with all required setbacks and that there would be adequate separation between the septic and stormwater drainage areas. He said the driveway had been moved approximately 5 feet on the revised site plan and that additional landscaping information and a breakdown of the parking spaces had also been provided.

Referring to concerns surrounding the proximity of the proposed project to Village wells, Mr. Graminski said that sign-off letters from both Jim Napoli of the Dutchess County Health Department and from David Cohen, Mayor of the Village of Red Hook, had been submitted to the Planning Board office.

Charles Laing asked what would happen to the existing driveway, which would be abandoned under the proposed plan. Mr. Goodman said that the blacktop would be removed, topsoil brought in and the area reseeded. He agreed to put a note on the site plan to that effect.

Christine Kane then opened the hearing for public comment.

Tom Gardener, 15 Glen Pond Road, said that the proposed lot was not large enough to support the two proposed buildings. He said that one building with less total square footage would need fewer parking spaces, resulting in a plan which would make a variance unnecessary. He also said that while the Town subdivision regulations clearly state that a lot in the B2 Zone must have 160 ft. of road frontage, this plan proposes two flag lots, neither one of which would have the 160 ft. of frontage. He asked why the Town had subdivision regulations if they could be so easily circumvented. He said that in light of this substantial change, the project was actually a totally new subdivision rather than a lot line alteration and should be considered in that way.

Christine Kane reminded the public that this hearing concerned only the proposed site plan, not the proposed subdivision.

Eric Gardener, 15 Glen Pond Road, asked if the Town subdivision regulations specifically permitted more than one building on a lot in the B2 Zone or if there had been any previous decisions by the Planning Board that had set a precedent on this issue. Ms. Greig said that while the regulations prohibit more than one principal building per lot in the residential zones, there is no such prohibition mentioned in the Code for the B2 Zone. Christine Kane explained that Planning Board decisions do not set precedent in the same way that the ZBA decisions set precedent and that the Planning Board considers projects on a case-by-case basis.

Since there was no further public comment, the Board discussed whether to leave the public hearing open so that it could be combined with the public hearing on the subdivision proposal. David Wright made a motion to close the public hearing. Paul Telesca seconded the motion, and the public hearing was closed by a vote of 3 to 1.

Paul Telesca made a motion to adopt a negative SEQR declaration for the proposed site plan and subdivision plan. David Wright seconded the motion, and all members voted in favor. A copy of that declaration is attached to, and made part of, these minutes.

### **REGULAR SESSION (OLD BUSINESS)**

#### **Eye Associates – Glen Pond Road – Lot Line Alteration**

Roger Husted, Mark Graminski, P.E., and Planner Art Brod were present for a discussion of an application to authorize conveyance of 0.185-acres from a 1.780-acre parcel to an adjoining 1.889-acre parcel located on Glen Pond Road in the B2 Zoning District.

Mr. Graminski said that this project was both a lot line alteration and a corrective subdivision, the latter to correct errors made on the original subdivision plat. He also said that he had substantially described this entire project while discussing the proposed site plan for Glen Pond Office Buildings. He said that the plan had been changed since first presented on February 27, 2006 and that the land to be conveyed was now 0.185 acres.

The Board generally agreed to endorse the sketch plan and to file the adopted negative declaration needed to set a date for a public hearing. The Board then set a public hearing date for May 1, 2006.

**Timothy Ross – Williams Road – Subdivision Plat**

Tim Ross was present for a discussion of his application for Subdivision Plat (sketch plan) approval to create two (2) new residential building lots of 2.72 acres and 3.05 acres and one (1) remaining residential building lot of 4.56 acres from a 10.33-acre parcel at 115 Williams Road in the RD3 Zoning District.

Charles Laing, whose property adjoins the applicant's, recused himself from the discussion. At that point, there was no quorum, and the Board could take no action.

The project was scheduled for the May 1, 2006 agenda.

**7 Pines, LLC – Norton Road – Subdivision Plat**

Robert Wise, Tom LeGrand, Tom Mannix, P.E., and attorney Warren Replansky were present for a discussion of an application for subdivision plat 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 Zoning District.

Mr. Mannix acknowledged that a notation must be put on the plat advising lot purchasers of the need to provide engineering data for their driveways. He said that there had been some changes to the plan including increasing the maximum size of the houses from 5,000 to 6,500 sq. ft and adding areas to the building envelopes for accessory uses such as pools, tennis courts or barns. He added that even with the increase in size, the setbacks would still comply with Town's area and bulk regulations.

Tom LeGrand said that because of the tight restrictions that would be imposed by the conservation easement, space should be added to the building envelopes to provide for accessory uses. He said that Winnakee Land Trust had reviewed these additional spaces and had agreed that they would be acceptable, should Winnakee finally hold the conservation easement. He added that the primary residences would be built at the locations specified on the plats and would not be moved within the expanded building envelopes.

Since the auxiliary space would extend into the 750 ft. buffer around the vernal pool in Lot 4, the applicants agreed that no additional space would be requested on that lot.

Ms. Greig asked whether the house and septic locations could be reversed on Lot 4 to minimize visibility from the road. The applicants and the Board agreed that this change would place the house more directly in line with the Aerodrome runway and that the house location should remain as it was.

The Board requested that the applicants submit the draft easement language that would limit the square footage of the auxiliary buildings and prohibit clear-cutting in the auxiliary spaces. Additionally, the applicants must tightly define each proposed auxiliary space as to dimensions, area and allowed uses. They should also look more closely at whether auxiliary uses would be appropriate for all the lots. Finally, they should submit a draft agreement from Winnakee Land Trust regarding a conservation easement. The

Board agreed that an appearance by a representative from Winnakee Land Trust could be helpful in clarifying remaining concerns.

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

#### **Vosburgh/ Kesicke Farm – Middle Road & Rokeby Road – Subdivision Plat and Lot Line Alterations**

Paul Vosburgh, Planner Art Brod and Mark Graminski, P.E. were present with applications to create 2 new lots and to move 4 lot lines, all from 5 parcels totaling 206.1 acres, partially in the Town of Rhinebeck and partially in both the R 1.5 Zoning District and the RD3 Zoning District of the Town of Red Hook. Also in the Certified Agricultural District.

Mr. Graminski said that this plan included the three parcels of the Kesicke Farm plus adjoining lots owned by the Vosburgh children. Mr. Vosburgh said that the plan was part of the family's estate planning and that no development was contemplated. He also said that none of the land located in the Town of Rhinebeck was to be subdivided.

Christine Kane said that the plan was more appropriate to future subdivision and development than to preservation of farmland, which would be the Town's goal in this case. She asked whether the Vosburgh family had researched the Town's PDR program as an alternative to this subdivision and had considered the benefits as part of estate planning. Mr. Vosburgh said that the family had rejected the PDR program.

The Board classified the project as an unlisted action under SEQR. Charles Laing made a motion to establish the Board as Lead Agency for the SEQR review. David Wright seconded the motion, and all members present voted in favor. The Board also referred the project both to the Agricultural Advisory Committee and to the Town of Rhinebeck.

The project was tentatively scheduled for the May 15, 2006 agenda.

### **OTHER BUSINESS**

#### **Zoning revisions**

Charles Laing reported on his appearance before the Town Board to present the Planning Board's revisions to the flag regulations. He said that a majority of the Town Board's members believe that the language in the current regulations is strong enough to allow the Planning Board to routinely prohibit flag lots if it so chooses. The Board discussed whether it should add qualifications to that default position, such as "except when the Planning Board finds the creation of a flag lot to be beneficial to the community." The Board also discussed possibly showing how an existing development composed of flag lots could look better if configured differently.

#### **Revision to subdivision application**

The Board generally agreed to add language to the subdivision application requiring an applicant to submit documentation regarding the history of the parcel, especially if the parcel is the product of a prior subdivision.

### **ADJOURNMENT**

Since there was no more business to come before the Board, David Wright made a motion to adjourn. Charles Laing seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:20 p.m.  
Respectfully submitted

Paula Schoonmaker  
Assistant Clerk

**Attachments**

Negative SEQR Declaration for Glen Pond Office Buildings

617.7

State Environmental Quality Review (SEQR)  
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: April 17, 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: Glen Pond Office Site Plan and Lot Line Alteration

SEQR Status: Type I   
Unlisted

Conditioned Negative Declaration:  YES  
 NO

Description of Action: The applicant proposes to construct two (2) one-story commercial office buildings with a combined floor area of 9,693 feet on a 2.094 acre site (TMP 15-6272-00-402448) in the Business 2 (B2) Zoning District and the Environmental Protection Overlay (EP-O) District, with associated site improvements including parking for 41 vehicles, sidewalks, landscaping, signage, lighting, and stormwater treatment facilities. Water will be supplied through connection to the Village of Red Hook municipal water supply, and wastewater will be treated in an on-site subsurface sanitary sewage disposal system. A lot line alteration is also proposed to accommodate a shared driveway with the adjacent property.

Location: Glen Pond 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 Environmental Assessment Form (EAF) for the action dated July 14, 2005 and revised January 23, 2006, 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 project site is located over an aquifer and is therefore within the Town's aquifer protection area of the Environmental Protection Overlay District. The applicant submitted a written statement certifying that none of the prohibited uses or activities set forth in §143-47(2) of the Zoning Law would occur as a result of the action. The Planning Board has determined that no significant adverse impacts on groundwater resources are anticipated and therefore no mitigation is warranted.
4. The site is located in close proximity to two (2) Village of Red Hook well fields, which supply the municipal water system. The applicant met with the Village of Red Hook Water Department and the Village's Water System Engineer, and subsequently revised the proposed plans to address their concerns. The Village Board of Trustees is satisfied that the applicant's engineer has adequately addressed the Village's concerns regarding the appropriate separation between the existing Village wells and the proposed subsurface septic system and the proposed treatment of the site stormwater system. The Town Engineer reviewed the revised plans and, after consultation with the New York State Public Health Department and Dutchess County Department of Health (DCDOH), is satisfied that the project meets the required separation distances of site features from the Village wells. Regulated medical waste will be contained separately from other wastes, will be clearly labeled with the word "biohazard," or marked with the universal biohazard symbol, and will be securely stored until such time as it is transferred for off-site treatment or disposal, as required by the New York State Public Health law. The Planning Board has determined that no significant adverse impacts on public health are anticipated and therefore no mitigation is warranted.
5. The applicant has prepared a Water Quality and Quantity Plan and Stormwater Pollution Prevention Plan (SWPPP) pursuant to the New York State Department of Environmental Protection (NYSDEC) Phase II Storm Water Regulations. The proposed stormwater detention basins have been designed to comply with the Phase II Stormwater regulations. No adverse impacts on surface waters are anticipated and therefore no mitigation is warranted.
6. Traffic generation resulting from the action is anticipated to be approximately 15 to 21 trips during the weekday AM peak hour and approximately 14 to 29 trips during the weekday PM peak hour, with the latter figures representing the worst case scenario. A Traffic Impact Study conducted for another project (Anderson Commons) analyzed potential traffic impacts resulting from three proposals in the vicinity of the subject property: Anderson Commons, Red Hook Commons, and a planned residential development proposed at the intersection of Firehouse Lane and U.S. Route 9. Traffic volumes for that study were collected during April and May 2005. The intersection of concern

for the subject action is the Firehouse Lane/U.S. Route 9 intersection. According to the Traffic Impact Study, this intersection currently operates at a Level of Service (LOS) "E" during peak periods. With traffic signalization, the intersection would operate at a LOS "C" or better during peak periods. According to the Town Engineer, the NYS Department of Transportation (DOT) is planning to signalize this intersection in the next year. The increase in traffic resulting from the proposed action is relatively low. Moreover, it will be temporary in nature, and will be mitigated by signalization of the Firehouse Lane/U.S. Route 9 intersection.

The project has been designed to include a shared driveway between the project site and the adjacent Eye Associates parcel to limit the number of curb cuts on Glen Pond Road. The Town Highway Superintendent will review the proposed driveway location to ensure it will have adequate site distance for safe access to and egress from the site.

The project site is located to the east of the proposed connector road from Metzger Road to Glen Pond Road, and will therefore have no impact on the proposed connector road.

The Planning Board has determined that no significant adverse impacts on traffic are anticipated and therefore no mitigation is warranted.

7. The project site contains soils of statewide importance is therefore subject to the Town of Red Hook's Important Farmlands Law found in §143-47(4) of the Zoning Law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. The Committee did not recommend that any preservation measures be taken since the project site has limited open space and agricultural possibilities given the size of the parcel and adjacent land uses. The Planning Board considered review responses from the Agricultural and Open Space Advisory Committee in its review of the application. The Planning Board has determined that the action will have no significant adverse impacts on agricultural resources, and therefore no mitigation is warranted.
8. The proposed building elevations were reviewed by the Town of Red Hook Design Review Committee, which made minor recommendations that have been incorporated into the design of the project. Landscaping will be native, non-invasive species. Lighting will be fully shielded with an average lighting level of 1.15 footcandles. Proposed lighting and landscaping of the site is consistent with the recommendations of *Greenway Guides E1 ("Landscaping")*, *E3 ("Parking Lots")*, and *E4 ("Lighting")*. The Planning Board has determined that no adverse impacts on community or neighborhood character are anticipated.

**For Further Information:**

Contact Person: Paula Schoonmaker, Planning Board Assistant 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)

Rondack Construction Services, Inc. (applicant)

Eye Associates (applicant)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Town of Red Hook Zoning Board of Appeals

Town of Red Hook Highway Superintendent

Village of Red Hook Water Board

Dutchess County Department of Health

New York State Department of Environmental Conservation (Division 3)

**Interested Agencies**

Village of Red Hook Board of Trustees

Scenic Hudson, Inc.