

APPROVED

Town of Red Hook Planning Board Meeting Minutes July 10, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:42 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the agenda for the evening.

The minutes from the June 19, 2006 meeting had been sent to the members and reviewed. Sam Phelan made a motion to approve the minutes as written. Jennifer Fier seconded the motion, and all members present voted in favor.

Christine Kane announced a class on the Law of Easements, to be given September 12, 2006 in Rye Brook. Several members were interested in attending.

PUBLIC HEARINGS

Michele Greig had recused herself from the public hearings and was not in attendance.

Douglas and Theresa Schaff – 71 Starbarrack Road – Lot Line Alteration

Doug Schaff, Terry Schaff and attorney Caroline Ryder were present for the public hearing on an application for Lot Line Alteration to convey approximately 9 acres from a 15.1-acre lot the adjoining 3.38-acre parcel, also owned by the Schaffs, in the RD3 Zoning District, with one (1) parcel in the Certified Agricultural District.

Christine Kane read the public hearing notice that appeared July 5, 2006 in the Kingston Daily Freeman.

Ms. Schaff explained that surveyor Bob Zimmerman had revised the map as requested by the Board and that a new metes and bounds had been drafted. She said the action would serve to keep the historic agricultural buildings together on one lot and that a note had been added to the revised plat prohibiting any further subdivision on the eastern lot.

Christine Kane opened the hearing for public comment.

Mary Belliveau, 132 Starbarrack Rd., asked Ms. Schaff to clarify whether the barns would be on one lot with the large house. Ms. Schaff said yes.

Asked how the applicants would prohibit further subdivision of proposed Lot 2, Ms. Ryder said that note #5 on the revised map plus a deed covenant would achieve that goal.

Christine Kane then read a referral response from the Agriculture and Open Space Advisory Committee. The Committee said that the submitted plan did not conform to Section 143-47 of the Town Zoning Regulations and that proposed Lot 1, which contains soils of Statewide importance, should also be protected from further development.

Asked if the applicants would agree to put such restrictions on proposed Lot 1, Ms. Ryder said that the law indicated that the time to protect the lot with a farmland protection plan would be when an attempt was made to develop it in the future.

Sam Phelan asked whether the proposed action could not be seen as mitigation since it would restore the integrity of the parcel by placing the agricultural buildings and valuable soils on one lot.

Jennifer Fier said that the action would increase the developability of proposed Lot 1 since there would no longer be any wetlands to deduct.

Christine Kane said that the Planning Board is mandated to require a farmland protection plan unless an applicant can show that that such a plan is not feasible because of topography or some other mitigating factor.

Norman Greig, of Greig Farms on Pitcher Lane, said that the applicants were acting appropriately by combining the farm buildings with the farmland, opening up the possibility of a 'farmette' at a future time. Ms. Ryder agreed, saying that that the proposed action would effectively save the land for possible agricultural use.

Sam Phelan suggested that any future development be clustered on the poorer soils along Vosburgh Road. This proposal, he said, would provide adequate frontage for both the existing lot and any future lots and would protect the more valuable soils.

Lou Dondero, 156 Starbarrack Rd., was concerned about the future of the proposed Lot 2. He was assured that the parcel would remain residential. He then said that he supported the action.

Christine Kane proposed a farmland protection plan that required any future development to take place along Vosburgh Road and that limited the number of future lots to two (2). She asked the applicants to consider this plan.

Since there was no further comment from the public, Christine Kane then closed the public hearing.

The project was scheduled for the July 17, 2006 agenda.

Gigi's Farm Market – 227 Pitcher Lane – Special Permit

Norman Greig, Laura Pensiero and John Storm were present for a public hearing on an application for Special Permit to authorize a change of operator for a farm market in an existing building on a 108-acre parcel in the RD3 Zoning District and Certified Agricultural District.

Christine Kane read the public hearing notice that appeared July 5, 2006 in the Kingston Daily Freeman.

Mr. Greig objected to the phrase 'establish a farm market' which appeared in both the agenda and the public hearing notice. He said that a farm market had been in continuous operation in the building.

Ms. Pensiero explained the project to the public.

Christine Kane then opened the hearing for public comment.

The Board reviewed a revised narrative regarding the proposed operation and several press releases showing experience in growing, buying and using local produce.

The applicants said that while there would be some tables and chairs for customers to use as they consumed a baked good or coffee, there would be no 'restaurant'- type of business at the site. They also said that water would be supplied by two nearby wells and that there was an existing septic system behind the building. They said that the 10 acres they were leasing for crop production would rotate to different locations on the available acreage at Greig farm, allowing the planting of legumes on exhausted soil to restore nutrients. There was some discussion about how the ZEO would know that 10 acres were in production, as required by regulations governing farm markets.

Greg Quid, a farmer from Clinton, said that he was glad to see a new outlet for produce, since the large supermarkets do not buy local fruits and vegetables. He said that such new markets were vital if small farms are to survive.

Linda Keeling, 238 Pitcher Lane, said that she supports farm markets and local businesses. She was, however, concerned about increased traffic and other possible problems. She referred to a 3 page, 19-point letter she had submitted to the Board.

Addressing the limit of 1,000 sq. ft. for a farm market, Mr. Greig said that the farm market in his building pre-existed that regulation. Ms. Pensiero added that the actual retail area of the proposed space would be approximately 20' x 24', well within the limit.

Greg Quid said that Ms. Pensiero has 'aggressively supported' local agriculture in her Rhinebeck restaurant and he supported her new venture.

Marie Kalsen, 232 Pitcher Lane, also supported the project but was concerned that lights from the building would shine into her house. Christine Kane said that the Planning Board was requiring fully-shielded down lighting to prevent that type of light spill.

The Planning Board then addressed Ms. Keeling's letter point by point. Some of the concerns had already been discussed. The Board and the applicants agreed that while a farm market is to be 'owner-operated', someone who leases the building becomes an 'owner by fee' and therefore eligible to operate the business. Among the other issues, Mr. Greig said that the wetlands not shown on the map of the 108-acre parcel or indicated on the EAF were far from the building and would have no impact. Responding to the charge that he had not maintained the 15 acres of grapes required by the approval of his winery in 1999, Mr. Greig said that he had lost all the grape plantings during the

winter of 2002 and had not yet raised the money to replace them. Ms. Pensiero assured Ms. Keeling that no weddings or other such events were planned for the site. She also said that the bathroom facilities had been reviewed and inspected by the Health Department and found to be adequate. The Board found the building to be handicapped accessible. The Board found Ms. Keeling's complaint that, in the case of co-ownership of a neighboring property, only one name, usually the male's, appeared on the certified mailing should be directed to the Dutchess County Real Property Records Office. The Board found the SEQR classification and EAF to be adequate for the scope of the project. It found conformance with the NYS Uniform Fire Protection and Building Code to be a responsibility of the Building Department. Ms. Pensiero said that she would not be selling products produced in other areas of the country or elsewhere in the world. Ms. Pensiero also said that the sign would state that local produce, baked goods and prepared foods were available for sale. Finally, she said that the business would be open as much as 9 a.m. to 6 p.m., Wednesday through Monday, but that the hours might vary depending on the season. There is to be no dishwasher installed.

The Board did require that the applicants add a legend to the drawing stating how many parking spaces were required for both the winery and the farm market and how many already existed. Additionally, the Board required that some sort of striping or other denotation of the individual spaces be added to the parking lot. The Board also said that the size of the signs must conform to Town regulations and that the wording on the sign more accurately reflect what would be sold. Finally, the bathrooms are to be located on the drawing and a legend added stating how many bathrooms are required and existing in both the winery and the farm market.

Since there were no more comments from the public, Christine Kane closed the public hearing.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2.

John Hardeman made a motion to adopt a resolution granting the Special Permit with the four conditions outlined above. Paul Telesca seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

Red Hook Terminal South/ Bottini – 7269 South Broadway – Amended Site Plan

Joel Sasser was present for continued discussion of an application for Amended Site Plan Approval to authorize modifications to an existing site on a 0.46-acre parcel in the B1 District.

Mr. Sasser said that he had submitted coverage calculations for the site and that, after the concrete pad and carport cover were installed, the coverage would be 10.1%, well below the allowed maximum of 15%. He also agreed that the color of the carport cover could be 'hickory moss', which would blend in with the deciduous trees in the background.

He said that one tree would have to be removed from the site. The Board asked if he could move the pad-cover combination so that no trees would have to be removed. He

said he could move the pad and cover to the east but requested that he be able to trim the tree to avoid damage to the carport cover. The Board agreed.

The Board repeated their determination that no public hearing was required since the project did not involve any changes in parking, lighting or signage and since the project would not result in a more intensive use of the site.

Jennifer Fier made a motion to adopt an offered resolution granting Amended Site Plan approval with an added condition regarding retention of the tree previously in question. Sam Phelan seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Raython Merrihew – U.S. Route 9 – Subdivision Plat

Marie Welch, L.S., was present for continued discussion of an application for subdivision (sketch plan) plat approval to create two new residential building lots of 1.82 acres and 3.24 acres and one remaining lands lot of 1.825 acres from a 6.88-acre parcel in the R 1.5 Zoning District.

Ms. Welch said that her revised plan showed possible housing sites and septic system locations as well as the double setbacks necessary for buildings on a scenic corridor. The Board agreed that double setbacks were not necessary for any building on proposed Lot 3 because that lot was already more than 100' from NYS Route 9. Ms. Welch went on to say that she planned a shared driveway for proposed Lots A-1 and A-2. Finally, she said that because of the topography and rock outcrops, clustering was not possible for this parcel.

Christine Kane read the referral response from the Agricultural and Open Space Advisory Committee. The Committee said that the current plan did not meet the requirements of Section 143-47 of the zoning regulations.

The Board members encouraged a more creative configuration of the lots. They recognized the AOSC's priority of maintaining a buffer for the protected farm land to the west, and at the same time, they wished to see the house site on proposed Lot A-3 moved back off a ridge so that it would not be so visible from the scenic road.

The Board and Ms. Welch agreed to explore a configuration which pushed the house site on Lot A-2 west and pushed the house site on Lot A-3 east. Ms. Welch would refer to the setbacks for cluster housing in Section 143-33 of the Subdivision regulations. The Board and Ms. Welch also agreed that soil tests must be done to assess adequate locations for the septic systems. Finally, the Board encouraged Ms. Welch to look for opportunities for a shared driveway.

The project was tentatively scheduled for the August 7, 2006 agenda provided a revised plan has been submitted.

REGULAR SESSION (NEW BUSINESS)

Bard College/ Child Day Care Center – 1498 Anndandale Rd. (Annandale) – Site Plan

John Gall, Marsha Villiers, Jane Korn and Deidre d'Albertis, all from Bard College, were present with an application for Site Plan Approval to authorize renovations to an existing

building in order to create a child day care center on a 2.16-acre parcel in the Institutional (I) District.

Mr. Gall said that the current nursery school/day care program, currently located in the nursery school, had grown so much that the day care program now needed to split off to another facility with a separate license. He said that both programs would include 3, 4 and 5 year old children and that children who participated in both programs would switch facilities at around noon. The new facility, he said, would allow a morning and an afternoon session of the day care and nursery school programs. The current program has an enrollment of about 18 children. The new facility would allow that number to double. The nursery school, he said, would give up its day care license. Both programs would be overseen by state and county agencies.

The Board was concerned about the common drop off area for both facilities, saying that with double the enrollment and possible congestion at peak drop-off and pick-up times, parents would be tempted to park along Annandale Road. The Board and the applicants discussed ways of discouraging any parking on that road. Ms. Korn noted that parking along Annandale Road was prohibited by nursery school rules and that parents normally complied. The Board and applicants also discussed cutting off through-traffic to and from the storage barn parking area located behind the nursery school.

Other topics discussed included the footpath between the facilities and possible lighting along that path. Ms. Korn said that the children would bring their lunches and snacks and that no food would be prepared at either facility. There would be a small refrigerator in each building. There would be two additions to the new facility: a small bathroom at the rear of the building and two handicapped ramps, one at the rear and one at the side. Additionally, railings would be added to the front porch and along the ramps. Because of the historic character of the surrounding houses, the front porch railings would have to be architecturally in keeping with the neighborhood. Mr. Gall said that the existing heating system in the new facility was sound and that the building would be served by Bard's central water and sewer systems.

The Board and applicants calculated that with 1 parking space per 5 students plus 1 parking space per employee, the two facilities needed a combined parking area of 15 spaces. Mr. Gall said that the existing parking area had ample room.

The Board classified the project as a Type 2 Action under SEQR. Paul Telesca made a motion to determine that no further SEQR review was necessary because of the limited scope of the project. John Hardeman seconded the motion, and all members present voted in favor.

The Board asked Mr. Gall to show proposed and existing lighting on the next plan, to take a serious look at the parking concerns, to provide cut sheets for fully-shielded lighting, to propose plantings or some other way to discourage parking along Annandale Road, to show both delineated parking in the main lot and also handicapped parking, and to provide elevations of the front porch with the proposed railings. He was also asked to measure the distance from the inside floor to the bottom of the windows to determine whether tempered glass was needed.

Mr. Gall said that no new sign would be installed for the day care center; instead, additional wording would be added to the existing nursery school sign. There may, however, be small directional signs noting 'to nursery school' and 'to day care center' near each building along the driveway. Mr. Gall said that the college was considering changing the larger existing sign from the east to the west side of the driveway cut. The Board cautioned that if the location was changed, the sign might have to be moved back in order to maintain adequate sight distance.

The Board also determined that because the proposed project was compatible with the existing nursery school use, the building compatible with the neighborhood and the limited scope of the proposed changes, it would waive the public hearing in accordance with Section 143-113(c)(2) of the Zoning regulations.

The project was tentatively scheduled for the August 7, 2006 agenda.

OTHER BUSINESS

Since the Board had finalized its draft conservation subdivision regulations, it discussed whether to submit that draft to the Town Board immediately or wait until after the Intermunicipal Task Force made its presentation to the Town Board and possibly until after GreenPlan made its presentation regarding zoning tools. The Board generally agreed to send a letter to the Town Board stating that the draft regulations had been completed and asking when the Town Board would like to consider them.

ADJOURNMENT

Since there was no more business to come before the Board, Paul Telesca made a motion to adjourn. John Hardeman seconded the motion, and all members voted in favor. The meeting was adjourned at 10:35 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk

Attachments

Resolution granting a Special Permit to Laura Pensiero

Resolution granting Amended Site Plan Approval to Red Hook Terminal

**Town of Red Hook Planning Board
Resolution Granting Special Use Permit to Laura Pensiero to Authorize
Establishment of a Farm Market in an Existing Building at 227 Pitcher Lane
in the RD3 District**

July 10, 2006

Motion made by John Hardeman
Seconded by Paul Telesca

Whereas, the Town of Red Hook Planning Board received an application dated May 21, 2006 from Laura Pensiero for the establishment of a farm market in an existing building; and

Whereas, the ± 108-acre parcel (TMP 6274-00-980090) is located at 227 Pitcher Lane in the Town of Red Hook in the RD3; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-109, 143-4 and 143-41B2; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated May 21, 2006, a Short Environmental Assessment Form (EAF), dated May 23, 2006, a site layout, photographs taken from Pitcher Lane, and floor plans of the proposed farm market; and

Whereas, a public hearing was held July 10, 2006, and

Whereas, the Planning Board has been duly designated Lead Agency in the review of this action and determines in consideration of the Short 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 is not required; and

Whereas, the Planning Board deems the proposed development to satisfy both the "General Standards" for all Special Permit uses set forth at Zoning Law §143-51 and the 'Specific Standards' for a 'Farm Market' as set forth at §143-109; and

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions and upon compliance therewith authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

1. The bathrooms for the farm market – winery building shall be located on the drawing and a legend shall be added noting how many bathrooms are required in each business and how many already exist.
2. A legend shall be added to the drawing noting how many parking spaces are required and how many already exist for both the winery and for the farm market.
3. The parking spaces shall be clearly delineated at the site.
4. The size of the proposed signs shall comply with Town regulations.

Roll Call Vote:

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

**Town of Red Hook Planning Board
Resolution Granting Amended Site Plan Approval in the Matter of Red Hook
Terminal South at 7259 NYS Route 9 in the B1 District**

July 10, 2006

Motion made by Member Jennifer Fier

Seconded by Member Sam Phelan

Whereas, the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Red Hook Terminal South to authorize installation of a 20' x 30' carport and concrete pad in the B-1 District; and

Whereas, the ± 0.46-acre parcel is located at 7259 S. Broadway in the Town of Red Hook, Dutchess County, New York; and

Whereas, the proposed action requires Amended Site Plan Approval pursuant to the Town of Red Hook District Schedule of Use Regulations; and

Whereas, the Planning Board reviewed the application for Amended Site Plan approval dated April 13, 2006, a Site Plan submitted by Red Hook Terminal dated January 19, 2005 and revised to June 15, 2005, and illustrations of the proposed carport; and

Whereas, the Planning Board classified the project as an Unlisted Action under SEQRA ; and

Whereas, the Planning Board declared itself Lead Agency for the proposed action on June 19, 2006, reviewed a Short Environmental Assessment Form dated April 13, 2006, and adopted a Negative Declaration for the proposed action on July 10, 2006; and

Whereas, the Planning Board determined to waive a public hearing because the project would be limited in scope, because it would not require changes in parking, lighting, or signage, and because it would not result in a more intensive use of the site;

Now therefore be it resolved, that the Planning Board approves the Amended Site Plan as depicted in the referenced drawings and authorizes the Chair to stamp and sign the Site Plan upon the applicant's satisfaction of each of the below conditions within the next six (6) calendar months:

- a. Submission of Site Plan drawings in the number and form specified within the Town's Zoning Law.
- b. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
- c. Location of carport so that all existing trees are retained.

Roll Call Vote:

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

Resolution declared:

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

 Paula Schoonmaker, Assistant Clerk to the Board Date _____