

APPROVED

Town of Red Hook Planning Board Meeting Minutes December 18, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:55 p.m. and a quorum determined present for the conduct of business.

Members present — Paul Telesca, David Wright, John Hardeman, and Chair Christine Kane. Sam Phelan, Jennifer Fier and Charles Laing were absent.

BUSINESS SESSION

Christine Kane confirmed the evening's agenda.

The Board discussed its January schedule. Because of legal holidays on January 1 and January 15 and because of the Town Board's workshop on January 8, the members determined that the next regular meeting of the Planning Board would take place on Monday, January 22, 2006.

Christine Kane advised the Board that the Zoning Board of Appeals had scheduled a public hearing on an interpretation of the Important Farmlands Law, Section 143-47D(4)(a)[1]. The request for an interpretation was brought by Marie Welch on behalf of Raython Merrihew. The public hearing will be held Wednesday, January 10, 2006 at 7:20 p.m.

Christine Kane read a letter from Richard Hanback on behalf of Brian Williams. The letter waived the Board's obligation to vote on the Williams/Angelier subdivision application within forty-five (45) days of the close of the public hearing.

The minutes from the November 20, 2006 and the December 4, 2006 meetings had been sent to the members and reviewed. Paul Telesca made a motion to approve the November 20, 2006 minutes. John Hardeman seconded the motion and all members voted in favor. John Hardeman made a motion to approve the December 4, 2006 minutes. David Wright seconded the motion, and all members voted in favor.

PUBLIC HEARING

Richard Hansen – Hapeman Hill Road & James Court – Subdivision Plat

Attorney Andrew Howard and Ray Jurkowski, P.E., were present for the public hearing on an application for Subdivision Plat approval to create two new residential lots of 3.18 acres and 12.57 acres and an approximately 7.31-acre remaining lands lot from an approximately 23-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Christine Kane read the public hearing notice that appeared December 7, 2006 in the Kingston Daily Freeman.

Mr. Jurkowski explained the proposed project to the public. He said that of Lot 3's 14.47 acres, 12.75 acres would be preserved for agricultural purposes through a permanent conservation easement. The building envelope for Lot 3 would not been included in the conservation area.

The Board had on hand a draft negative SEQR declaration, and Christine Kane opened the public hearing. There was no comment from the public.

Christine Kane read a letter from the Conservation Advisory Committee, which had considered the Hansen's application to include Lot #3 for inclusion in the Town's conservation easement tax abatement program. The Committee said that it could not give an unconditional approval at this time because proposed Lot 3 was not yet a filed lot with a tax map number but that when and if that action is completed, the Committee would recommend the application to the Town Board.

Christine Kane then read a referral response from the Dutchess County Farmland Protection Board. That Board had determined that approval of the subdivision application would adversely affect agriculture. It further recommended that the conserved land stay with the farming facilities on Lot 1 and that Lot 3 be made much smaller and be moved next to Lot 2.

Mr. Howard reminded the Board that the currently proposed location of the building envelope on Lot 3 would allow a viable corridor, on dry land, from the proposed conserved agricultural area to the neighboring farm if necessary at some time in the future.

Mr. Jurkowski said that such a move would take the same amount of acreage out of the conserved land as the present plan.

Mr. Howard said that the buildings on Lot 1 were not farming facilities and so separating them from the agricultural land was not a concern. He added that moving Lot 3 to the location recommended by the FPB would actually be moving the building onto better soils than those on which the building envelope is currently proposed.

David Wright said that he believed that the proposed plan was consistent with the Board's discussion at the previous meeting.

The Board reviewed with the applicants the GreenPlan memo outlining documents and issues are still outstanding.

Ms. Greig revived a previous meeting's discussion about whether the Town could hold a permanent conservation easement. Christine Kane said the Planning Board had forwarded the applicant's request on this matter to the Town Board asking for their action. Mr. Howard said that he had studied the Town local law and had concluded that it does provide for permanent easements. Mr. Howard went on to say, however, that the Farm Law does not mandate a conservation easement; it simply mandates that the land be permanently reserved for agriculture. Ms. Greig said that the Farm Law also requires a cluster development and that the cluster regulations mandate a permanent conservation easement.

Ms. Greig also said that the applicants should remove the reference to the NYS Ag and Markets Law Section 305 from the conservation area of the plat. She said that it was too restrictive--that future landowners might be unable to maintain the level of agricultural activity called for by that reference. The Board and applicants agreed that the note should read "this area to remain permanently reserved for agricultural purposes in accordance with the conservation easement filed with the Dutchess County Clerk's Office. No residential building or non-agricultural improvements permitted within this area".

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

John Hardeman made a motion to adopt a Negative SEQR Declaration for the project. Paul Telesca seconded the motion, and all members present voted in favor.

Christine Kane asked again if there was any public comment. There was none. Paul Telesca made a motion to close the public hearing. David Wright seconded the motion, and all members present voted in favor. The public hearing was closed.

The Board reviewed an offered resolution granting conditional final approval to the subdivision and revised the conditions. Mr. Howard asked that the recreation fee for Lot #3 be waived since the land was to be reserved for agriculture. The Board agreed by consensus that since a residence would be built on the lot, the fee should not be waived.

John Hardeman made a motion to adopt the revised resolution granting conditional final approval to the project. David Wright seconded the motion, and all members present voted in favor. A copy of the Negative SEQR Declaration and a copy of the approval resolution are attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

Patrick & Debra Murphy – Feller-Newmark & Hapeman Hill Roads – Subdivision Plat

Attorney Andrew Howard, Patrick Murphy and Debra Murphy were present to discuss an application to create two (2) new residential lots of 3.02-acres and 3.152 acres and a 4.896-acre remaining lands lot from an 11.068-acre parcel in the RD3 Zoning District and Certified Agricultural District.

Mr. Howard explained that soil expert Roger Case, from Diversified Soil Services, had extensively investigated the soil on the Murphy property. He said that, as detailed in Mr. Case's letter of December 5, 2006 and supporting documents, the soil could better be represented as being predominantly Nassau Cardigan (NwC), which has a NYS assigned value of 8 and which is overall not agriculturally viable.

After discussing this new information, the Planning Board reviewed the submitted application and proposed subdivision plan. The Board agreed by consensus to endorse the sketch plan and set a public hearing date for January 22, 2006.

Mr. Howard said that he would confer with surveyor Mike Dalbo and would remind him to review the Town's subdivision regulations regarding documents and plat notations required for the public hearing.

TLC Acreage, LLC – Oriole Mills Road – amendment to Subdivision Plat

Robert Capowski, P.E. and Mitchell Bodian were present to request an amendment to a 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 explained that in order to accommodate a septic system plan acceptable to the County Health Department, the lot line configuration for the proposed small lot must be changed. He said that the amount of acreage of that lot, 3.1 acres, and the location of the driveway curb cut would remain the same. He said that the applicant still planned to move an existing house from the large lot to the proposed smaller lot but that the final location had changed slightly because of the revised septic plan.

The applicants said that test holes had been dug at the new location but that there had been no excavation for a foundation.

Mr. Capowski said that the Town Engineer had reviewed the driveway and erosion control plans and that the plans now conformed to Town specifications.

The Board determined that the changes were not significant enough to warrant a SEQR review or a public hearing.

Paul Telesca made a motion to amend the conditional final approval granted to the project February 6, 2006. The amendment would reference the revision dates of the reconfigured plans and would require the same conditions and expiration date as the February approval, which was given an extension to January 30, 2007. John Hardeman seconded the motion, and all members present 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

Pete Setaro, P.E. and Keith Lore were present to discuss applications for Special Permit, Site Plan Approval and Subdivision Plat Approval to create 51 residential building lots ranging from 0.12 acres and up and 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.

Mr. Setaro said that he had met with the Town Attorney, the Town Engineer, the Town Highway Superintendent, and Ms. Greig that morning to resolve outstanding issues with the project. He said that the group had agreed that ownership of the drainage pond for the executive lots would be divided between Lots 47 and 48, with an easement given to the Town for maintenance. All other drainage areas would be within the Commons area and would be owned and maintained by the HOA. Mr. Setaro said there would also be an easement along Cohens Way for water lines extending out from the Village to serve the Commons.

Christine Kane reviewed a letter dated December 18, 2006 from Town Engineer Dan Wheeler and Town Highway Superintendent Wayne Hildenbrand signing off on the drainage pond decisions.

The applicants agreed that they must now revise the subdivision plat to reflect the decision to divide ownership of the executive area drainage pond between the two proposed executive lots.

Christine Kane also reviewed a letter dated December 13, 2006 from Mr. Wheeler outlining some minor engineering issues yet to be resolved, but the Board generally agreed that resolving those issues could be a condition of final approval.

Mr. Setaro said that he had met with James Napoli of the Dutchess County Department of Health and that Mr. Napoli would be unable to give Health Department approval until the NYS DEC gives its approval to the project; however, Mr. Napoli will issue a letter of completeness.

Christine Kane then read a site plan review letter from the Dutchess County Office of Planning and Development. The letter praised the project's innovation and appropriateness for the area.

Next, Christine Kane read a referral response letter from land use attorneys Keane & Beane. The attorneys had reviewed the shared driveway use and maintenance agreement, finding it satisfactory for the most part but suggesting some minor additions. Mr. Setaro agreed.

Mr. Setaro said that the Village of Red Hook had given conditional final approval to the project on December 11, 2006.

Ms. Greig said that she had prepared resolutions that covered only those portions of the project that are located in the Town.

Subdivision Plat

Mr. Setaro and the Board reviewed the parcel numbers to make certain they were accurate. They then reviewed the conditions of the offered subdivision plat approval resolution. Mr. Setaro agreed to file the driveway maintenance agreement with the County and to have the filing date and document number before the Planning Board Chair signs the plat.

Some of the conditions were revised.

Responding a question about whether Glen Ridge Road had been dedicated to the Town yet, Ms. Greig said that a problem with a water line easement was the only outstanding issue and that the action was progressing.

Paul Telesca said that he believed that all concerns had been addressed. He made a motion to adopt a resolution granting Subdivision Plat Approval with the revised conditions. 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.

Site Plan

The Board and the applicants reviewed the conditions of the offered approval resolution.

The Board asked that the applicants revise conditions H and I to ensure that the landscaping would be done in a timely manner and that it would be replaced if it did not survive one year. Mr. Setaro offered to submit a phasing plan which would detail the necessary completions for one phase before the next phase was begun. Installation and survivability of the landscaping would be part of this plan. The phasing plan would be an additional condition of the resolution.

David Wright made a motion to adopt the offered resolution granting Site Plan approval with the revised conditions. Paul Telesca seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Special Use Permit

The Board and the applicants reviewed the conditions of the offered approval resolution. They agreed that the conditions were appropriate.

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

REGULAR SESSION (NEW BUSINESS)

Willms/Treibel(Red Hook Mobile Home Park) – NYS Route 9 – Lot Line Alterations

Marty Willms appeared before the Board with an application for two (2) Lot Line Alterations, one to convey 0.04 acres from the Land of Willms to the Red Hook Mobile Home Park, and the other to convey 0.36 acres from the Land of Willms to the adjoining parcel, also owned by Willms. All parcels are located in the B1 Zoning District.

Mr. Willms explained that one of the lot line changes would give the adjoining trailer park, owned by Don Triebel, a little more land around the last trailer. The other lot line change would simply even out a lot line between two adjoining parcels, both owned by Mr. Willms.

Asked if he wanted to put a driveway easement on one of his lots to provide access to the other in case he sold either lot, Mr. Willms said no.

The Board checked the setback requirements in the B1 District and found that one of the proposed new lots needed 10 more feet for the rear yard setback. Mr. Willms said he would make that change and submit a revised map.

The Board determined that the action was an Unlisted Action under SEQR. John Hardeman made a motion to establish the Board as lead agency for the SEQR review. Paul Telesca seconded the motion, and all members voted in favor.

The Board scheduled a public hearing for January 22, 2006.

OTHER BUSINESS

JAMS – Keane & Beane response

Christine Kane read an opinion from land use attorneys at Keane & Beane regarding the JAMS lot line alteration application.

The Board discussed the fact that a lot line alteration is defined as a minor subdivision in the Town Subdivision Regulations and that the resolution granting subdivision plat approval to the former Fraleigh property in 2003, of which the JAMS parcel is a part, prohibits any further subdivision.

The Board also discussed Keane & Beane's opinion which reviewed Section 120-3 of the Town Code, the 2003 minutes that pertain to the original subdivision, and the 2003 subdivision plat notes. The opinion stated that the 2003 Planning Board's intention was to limit the number of building lots in this area and did not anticipate a lot line change that would create a conforming lot on the Wolfson parcel. However, the opinion concluded, since further subdivision was prohibited on the Harkins property, the Planning Board was not required to accept the JAMS application for a Lot Line Alteration and that "it should do so only if it finds extraordinary circumstances".

The Board generally agreed that the substance of the Keane & Beane opinion should be conveyed to the applicants along with an offer to further discuss this proposal if they so desire. The Board also generally agreed that the Agricultural and Open Space Committee must review any application involving the JAMS parcel.

Recreation Fee question

John Hardeman referred to the sentence of the Planning Board Fee schedule that says, "There will be no [recreation] fee charged for lands left in the Agricultural District after subdivision..." He asked whether a created lot which was conserved for agricultural use would be eligible for this waiver of the recreation fee. Most members generally agreed that the waiver was intended for lands solely left for agricultural use and that if a new building envelope was included in the created lot, a new family would conceivably make use of the Town's recreation facilities and should be subject to the fee.

Vosburgh/ Kesicke Farm site visit

Frank Vosburgh asked to address the Board. He questioned why a date for a site visit had not been scheduled yet. Christine Kane said that because of the holidays and members of both the Planning Board and AOSC being out of town, the clerk had been unable to coordinate a date before the first of the year.

Mr. Vosburgh said that the site visit had been proposed at the December 4, 2006 meeting and that a month was ample time to schedule such a visit. He said that the Kesicke farm would only be open for the site visit until January 1, 2007, after which it would be closed. Christine Kane said that she hoped the family would reconsider, since she believed such a site visit would be beneficial to applicants and Board members alike.

ADJOURNMENT

Since there was no further business to come before the Board, John Hardeman made a motion to adjourn. David Wright seconded the motion, and all members voted in favor. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk

Attachments

Negative SEQR Declaration for the Hansen minor subdivision
Resolution granting conditional final Subdivision Plat approval to Richard Hansen
Resolution granting amendment to the conditional final Subdivision Plat approval for TLC
Acreage, LLC
Resolution granting conditional final Subdivision Plat approval to TKB, LLC/ Anderson
Commons
Resolution granting conditional Site Plan approval to TKB, LLC/ Anderson Commons
Resolution granting Special Use Permit to TKB, LLC/ Anderson Commons

617.7

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 18, 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: Hansen Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to subdivide a ± 23 acre parcel of land located in the RD3 Zoning District into three (3) residential building lots ± 1.22 acres, ± 7.31 acres, and ± 14.47 acres in size. The lots be served by individual wells and septic systems and will be accessed from Hapeman Hill Road.

Location: Hapeman Hill 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 February 17, 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 within a NYS certified Agricultural District and contains soils of statewide importance. It is therefore subject to the Town of Red Hook's Important Farmlands Law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. An Agricultural Data Statement 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 considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. Proposed development of the parcel has been located so as to maximize the protection of agricultural lands. Agricultural soils on the property will be permanently protected by a conservation easement. The Planning Board has determined that these measures will mitigate impacts on agricultural lands to the greatest extent practicable.

For Further Information:

Contact Person: Paula Schoonmaker, Planning Board Deputy 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 Building Department

Dutchess County Department of Health

Resolution Granting Final Subdivision Plat Approval to Hansen Subdivision

Name of Project: Hansen Subdivision

Name of Applicant: Richard Hansen

Date: December 18, 2006

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated December 18, 2006 to the Town of Red Hook Planning Board to subdivide a \pm 23 acre parcel of land (Tax Map Parcel No. 134889-6372-00-953737) into three (3) residential building lots \pm 1.22 acres, \pm 7.31 acres, and \pm 14.47 acres in size; and

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

Whereas, the applicant submitted a Final Subdivision Plat prepared by Morris Associates, P.S., LLC dated March 21, 2006 and revised December 6, 2006; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 26, 2006, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47 of the Town's Zoning Law and the Planning Board duly 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, on March 20, 2006 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, on December 18, 2006, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on December 18, 2006, the Planning Board conducted a public hearing on the Preliminary Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to Richard Hansen to subdivide a \pm 23 acre parcel of land located on Hapeman Hill Road into three (3) residential building lots \pm 1.22 acres, \pm 7.31 acres, and \pm 14.47 acres in size.

Now therefore be it resolved, that the Planning Board grants Final Subdivision Plat approval to Richard Hansen to subdivide a \pm 23 acre parcel of land located on Hapeman Hill Road into three (3) residential building lots \pm 1.22 acres, \pm 7.31 acres, and \pm 14.47 acres in size in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- C. That the applicant includes on the plat a signature block for the Dutchess County Health Department.
- D. That the applicant delineates on the plat with metes and bounds the area proposed to be under conservation easement.
- E. That the applicant submits the conservation easement in final form acceptable to the Planning Board, and files the easement in the Dutchess County Clerk's Office.
- F. That the Final Plat references the filing date and document number for the conservation easement filed with the Dutchess County Clerk's Office.
- G. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board.
- H. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
- I. That the applicant adds the Agricultural Notice to the plat, in accordance with the Town of Red Hook Code 72-2B.
- J. That the applicant amend the note regarding permanently reserving the proposed open space lands as outlined in the GREENPLAN memo dated December 18, 2006, comment #4.
- K. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- L. Amendment to the Planning Board signature block identifying Christine Kane as the Chairperson.
- M. Payment of recreation fee to the Town of Red Hook.
- N. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

- O. 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 P.E. and L.S. stamps and signatures.

On a motion by John Hardeman, seconded by David Wright

Roll Call Vote:

| | |
|----------------------|--------|
| Chair Christine Kane | yes |
| Member Jennifer Fier | absent |
| Member John Hardeman | yes |
| Member Charles Laing | absent |
| Member Sam Phelan | absent |
| Member Paul Telesca | yes |
| Member David Wright | 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 Amendment to 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: December 18, 2006

Motion made by Paul Telesca
Seconded by John Hardeman

Whereas, the Town of Red Hook Planning Board has received a revised Existing Conditions map (EC-1, dated September 19, 2006 and revised to July 24, 2006), a revised Final Subdivision Plat (S-1, dated November 28, 2005 and revised since Conditional Final Approval was granted to June 21, 2006, then to July 24, 2006 and finally to December 4, 2006), an Erosion Control Plan (ECP-1, dated April 12, 2006) and an Erosion Control Details plan (DT-1, dated April 12, 2006 and revised to December 1, 2006); and

Whereas, the applicant has requested the substitution of these revised maps in order to comply with condition #2 of the Final Subdivision Plat approval granted by the Planning Board on February 6, 2006; and

Whereas, the Planning Board has determined that the proposed changes are not significant and that neither a SEQR review nor a public hearing is necessary;

Now therefore be it resolved, that the Planning Board grants the amendment to the TLC Acreage Minor Subdivision with the understanding that all conditions and expiration dates required as of the February 6, 2006 final approval date are still in force. These conditions are as follows:

1. Receipt of Dutchess County Health Department approval for the new \pm 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 | absent |
| 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

Resolution Granting Final Subdivision Plat Approval to TKB Subdivision

Name of Project: TKB (Anderson Commons) Subdivision

Name of Applicant: TKB, LLC

Date: December 18, 2006

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated July 12, 2006 to the Town of Red Hook Planning Board to subdivide three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling \pm 58.06 acres into a total of fifty-five (55) lots ranging in size from \pm 0.076 acres to \pm 19.147 acres, of which Lots # 20-52 and Parcel D are wholly within the Town of Red Hook, and Lots # 10, 12, 14-19, and Parcel C are partially within the Town of Red Hook and partially within the Village of Red Hook; and

Whereas, the subject parcels are located between Fisk Street and Glen Ridge Road in the RD1 District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Final Subdivision Plat prepared by Marie T. Welch, L.S. consisting of three (3) sheets (Sheet SZ-101 dated March 9, 2006 and revised March 29, 2006, May 8, 2006, June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006; Sheet SZ-102 dated March 9, 2006 and revised June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006; Sheet SZ-103 dated March 9, 2006, and revised March 29, 2006, June 9, 2006, July 17, 2006, August 10, 2006, October 18, 2006, and November 10, 2006); and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47 of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town's obligations under § 143-47 of the Town's Zoning Law since they are immediately adjacent to the Village of Red Hook where the Town's Comprehensive Plan calls for development to be located; 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 lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundaries; and

Whereas, on May 25, 2005, the Village of Red Hook Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQR; and

Whereas, on September 19, 2005, the Village of Red Hook Planning Board, in consideration of the Full EAF and the ‘criteria for determining significance’ set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the “traditional neighborhood” located within the Town of Red Hook; and

Whereas, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

Whereas, on January 23 2006 the Planning Board conducted a public hearing on the Preliminary Plat application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, at which time all interested persons were given the opportunity to speak; and

Whereas, on June 19, 2006, the applicant was granted Preliminary Plat approval; and

Whereas, the Planning Board has determined that the Final Plat is substantially consistent with the Preliminary Plat and that a Public Hearing on the Final Plat is not necessary; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to TKB, LLC to subdivide Lots # 20-52 and Parcel D, which are wholly within the Town of Red Hook, and those portions of Lots # 10, 12, 14-19 and Parcel C that are located within the Town of Red Hook, from three (3) parcels totaling ± 58.06 acres located on Fisk Street and Glen Ridge Road.

Now therefore be it resolved, that the Planning Board grants Final Subdivision Plat approval to TKB, LLC to subdivide Lots # 20-52 and Parcel D, which are wholly within the Town of Red Hook, and those portions of Lots # 10, 12, 14-19 and Parcel C that are located within the Town of Red Hook, from three (3) parcels totaling ± 58.06 acres located Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant provides evidence of the availability of all proposed public utilities.
- C. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- D. That the applicant revise the plat to realign the lot line between Lot 47 and Lot 48 such that the lot line bisects the proposed stormwater management pond.
- E. Delineation of easements for the stormwater management features on the plat consistent with the locations on the plat and the specifications heretofore submitted and to the satisfaction of the Town Engineer and Highway Superintendent.
- F. Provision of easements to the Town Board, and acceptance of said easements, for the maintenance of drainage features associated with the proposed Town road as determined by the Town Engineer and Highway Superintendent, or filing of a performance bond or other surety in an amount acceptable to both the Planning Board and the Town Board along with the required inspection fee and acceptable proof of the required insurance policy.
- G. Provision of a water line easement in favor of the Village of Red Hook in form and substance satisfactory to the Village Board of Trustees and the Village Attorney.
- H. That the applicant amend the plat to include a reference to Detail 5 on Sheet AZ-009 (fencing detail) for the proposed drainage pond located on Lots 47 and 48, and include such fencing within the drainage easement area.
- I. That the applicant submits the conservation easement for Parcel D in final form acceptable to the Planning Board, and files the easement in the Dutchess County Clerk's Office.
- J. That the Final Plat references the filing date and document number for the conservation easement for Parcel D filed with the Dutchess County Clerk's Office.

- K. That the applicant submits the Common Use and Maintenance Agreement for the shared driveways in final form acceptable to the Planning Board.
- L. That the Final Plat references the required filing of the Common Use and Maintenance Agreement by filing date and document number.
- M. Approval by the Town Attorney of the form of all documents required for an offer of dedication to the Town of the proposed Town road and related drainage improvements.
- N. Acceptance of dedication of Glen Ridge Road by the Town Board and satisfaction of any conditions thereto.
- O. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- P. That the applicant will post a performance bond for a maximum period of one (1) year, renewable in one (1) year increments, in a form acceptable to the Town Attorney and in the amount to be determined by the Planning Board, as recommended by the Town Engineer, for public improvements including the proposed Town road, water service connections, and drainage features, and for the proposed community septic system.
- Q. That the applicant will establish the proposed Transportation Corporation for ownership and operation of the community septic system including the posting of all required bonds and security.
- R. That the applicant will post a cash security with the Town in the amount determined by the Planning Board, as recommended by the Town Engineer, for engineering inspections of public improvements.
- S. Payment of recreation fee to the Town of Red Hook.
- T. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- U. 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 P.E. and L.S. stamps and signatures.

On a motion by Paul Telesca , seconded by David Wright

Roll Call Vote:

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

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____

Resolution Granting Site Plan Approval to Anderson Commons

Name of Project: Anderson Commons

Name of Applicant: TKB, LLC

Date: December 18, 2006

Whereas, the applicant has submitted an application for Site Plan Approval dated August 2005 to the Town of Red Hook Planning Board to construct a traditional neighborhood housing project with a total of forty-four (44) dwelling units (of which 26 are wholly within the Town, eight are partially within the Town and partially within the Village of Red Hook, and the remainder are wholly within the Village of Red Hook), and associated site development and improvements including grading, construction of access roads, rear lanes and sidewalks, installation of a community septic system, connection to the municipal water supply system, construction of a community pavilion, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, and landscaping on three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling \pm 58.06 acres of land located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the Planning Board reviewed the Site Plan dated as follows: Sheet AZ-001 dated March 28, 2006 and revised June 9, 2006 and November 10, 2006; Sheet AZ-002 dated January 13, 2006 and revised June 9, 2006 and November 10, 2006; Sheets AZ-003 to AZ-111 dated Nov. 10, 2006; Sheet AZ-112 dated August 11, 2006; Sheet AZ-113 dated November 10, 2006; Sheet CZ-100 dated June 6, 2006 and revised June 9, 2006, and November 10, 2006; Sheets CZ-101 to CZ-103 and CZ-107 to CZ-115 dated March 28, 2006, revised June 9, 2006, and November 10, 2006; Sheets CZ-104 to CZ-106 dated October 31, 2005 and revised June 9, 2006 and November 10, 2006; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands regulations as enumerated in § 143-47 of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town's obligations under § 143-47 of the Town's Zoning Law since they are

immediately adjacent to the Village of Red Hook where the Town's Comprehensive Plan calls for development to be located; 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 lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundaries; and

Whereas, on May 25, 2005, the Village of Red Hook Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQR; and

Whereas, on September 19, 2005, the Village of Red Hook Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the "traditional neighborhood" located within the Town of Red Hook; and

Whereas, the Planning Board has reviewed the site plan against the requirements of Article VI of the Town of Red Hook Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

Whereas, on January 23 2006 the Planning Board conducted a public hearing on the Site Plan application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, at which time all interested persons were given the opportunity to speak; and

Whereas, the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department recommended in its review dated December 18, 2006 that the Planning Board rely on its own study of the facts in the case; and

Whereas, the Planning Board now wishes to grant Site Plan approval to TKB, LLC to construct a traditional neighborhood housing project on lands located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York

Now therefore be it resolved, that the Planning Board grants Site Plan approval to TKB, LLC to construct the portion of the traditional neighborhood housing project located on lands within the Town of Red Hook, specifically Lots # 20-45 and Parcel D in their entirety, and those portions of Lots # 10, 12, 14-19, and Parcel C that are located within the Town of Red Hook, and associated site development and improvements including grading, construction of access roads, rear lanes and sidewalks, installation of a community septic system, connection to the municipal water supply system, construction of a community pavilion, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, and landscaping in a traditional neighborhood housing project located between Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- C. Filing of the Final Subdivision Plat for the subject lands with the Dutchess County Clerk's office.
- D. That the applicant submits the Homeowners Association Agreement in final form acceptable to the Planning Board after review by the Board's attorney.
- E. That the applicant revises the plans in accordance with comments #1, 3, 4, and 5(a), in the GREENPLAN memo dated November 20, 2006.
- F. That the attorney to the Planning Board verify that the Declaration of Restrictions has been revised to include Lot A.
- G. That the applicant resolves the outstanding engineering concerns as outlined by DF Wheeler Engineers PC in their letter dated December 13, 2006 to the satisfaction of the Town Engineer.
- H. That the applicant will submit a phasing plan, subject to Planning Board approval, which will stipulate that a Certificate of Occupancy (CO) will not be issued for the final dwelling unit in each phase unless all proposed improvements of that phase have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping, a cash

bond will be posted to ensure completion of the landscaping in accordance with the approved Site Plan, in an amount to be determined by the Planning Board as recommended by the Town Engineer.

- I. That the applicant establishes a maintenance bond of \$10,000 for one year to insure the survivability of plants through one (1) growing season.
- J. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- K. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town’s Zoning Law, including all required P.E. and L.S. stamps and signatures.

On a motion by David Wright , seconded by Paul Telesca

Roll Call Vote:

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

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date

Resolution Granting Special Use Permit to Anderson Commons

Name of Project: Anderson Commons

Name of Applicant: TKB, LLC

Date: December 18, 2006

Whereas, the applicant has submitted an application for a Special Use Permit dated March 18, 2005 to the Town of Red Hook Planning Board to construct a traditional neighborhood housing project with a total of forty-four (44) dwelling units (of which 26 are wholly within the Town, eight are partially within the Town and partially within the Village of Red Hook, and the remainder are wholly within the Village of Red Hook), including eighteen (18) dwelling units located in two-family structures (of which ten (10) are located wholly within the Town, six(6) are located partially within the Town and partially within the Village of Red Hook, and two (2) are located wholly within the Village of Red Hook) and six (6) dwelling units located in three-family structures (all of which are located within the Town), and associated site development and improvements including grading, construction of access roads, rear lanes and sidewalks, installation of a community septic system, connection to the municipal water supply system, construction of a community pavilion, and miscellaneous site work including storm water management facilities, vehicular parking, lighting, and landscaping on three (3) parcels (Tax Map Parcel Nos. 134801-6272-11-619615-0000, 134801-6272-11-594590-0000, and 134889-6272-00-565437-0000) totaling ± 58.06 acres of land located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the Planning Board reviewed the Site Plan dated as follows: Sheet AZ-001 dated March 28, 2006 and revised June 9, 2006 and November 10, 2006; Sheet AZ-002 dated January 13, 2006 and revised June 9, 2006 and November 10, 2006; Sheets AZ-003 to AZ-111 dated Nov. 10, 2006; Sheet AZ-112 dated August 11, 2006; Sheet AZ-113 dated November 10, 2006; Sheet CZ-100 dated June 6, 2006 and revised June 9, 2006, and November 10, 2006; Sheets CZ-101 to CZ-103 and CZ-107 to CZ-115 dated March 28, 2006, revised June 9, 2006, and November 10, 2006; Sheets CZ-104 to CZ-106 dated October 31, 2005 and revised June 9, 2006 and November 10, 2006; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands regulations as enumerated in § 143-47 of the Town's Zoning Law and the Planning

Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town's obligations under § 143-47 of the Town's Zoning Law since they are immediately adjacent to the Village of Red Hook where the Town's Comprehensive Plan calls for development to be located; 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 lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundaries; and

Whereas, on May 25, 2005, the Village of Red Hook Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQRA; and

Whereas, on September 19, 2005, the Village of Red Hook Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

Whereas, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the "traditional neighborhood" located within the Town of Red Hook; and

Whereas, the Planning Board has reviewed the application for Special Use Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and with the specific standards for new construction of two-family dwellings and new construction of three-family dwellings found in §§ 143-54 and 143-57 respectively and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

Whereas, on January 23 2006 the Planning Board conducted a public hearing on the Special Use Permit application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, at which time all interested persons were given the opportunity to speak; and

Whereas, the special use permit application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department recommended in its review dated April 13, 2005 that the Planning Board rely on its own study of the facts in the case; and

Whereas, the Planning Board now wishes to grant a Special Use Permit to TKB, LLC to construct two-family and three-family dwelling units on those lands located within the Town of Red Hook in a traditional neighborhood housing project located between Fisk Street and Glen Ridge Road in the RD1 Zoning District in the Town of Red Hook, Dutchess County, New York

Now therefore be it resolved, that the Planning Board grants Special Use Permit to TKB, LLC to construct two-family and three-family dwelling units on those lands located within the Town of Red Hook in a traditional neighborhood housing project located between Fisk Street and Glen Ridge Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in Part 1 of the EAF.
- B. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- C. Filing of the Final Subdivision Plat for the subject lands with the Dutchess County Clerk's office.
- D. That the applicant submits the Homeowners Association Agreement in final form acceptable to the Planning Board after review by the Board's attorney.
- E. That the applicant revises the plans in accordance with comments #1, 3, 4, and 5(a), in the GREENPLAN memo dated November 20, 2006.
- F. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- G. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.

On a motion by Paul Telesca, seconded by John Hardeman

Roll Call Vote:

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

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date