

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
May 4, 2020

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan read a statement of compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Brian Kelly, Vanessa Kichline, Kristina Dousharm, Kallie Robertson and Lisa Foscolo. Also present were planning consultant Michele Greig, engineering consultant Michelle Mormile and the Board's attorney Joel Sachs.

Mr. Phelan described the procedure that would be followed for the public hearings scheduled. Lisa Foscolo explained how members of the public could comment during the public hearings. Mr. Phelan said that questions and comments could also be emailed to the Planning office at planning@redhook.org, or mailed to the Board at 7340 South Broadway for those hearings that the board decides to continue.

PUBLIC HEARINGS

Bard College Blythewood vista Special Use Permit

Public hearing on application for the removal of approximately 86 plants within a 30' x 60' swath to restore an historic scenic vista in the Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Historic Landmarks Overlay (HL-O) Districts within 1000 feet of the Hudson River.

Applicant's representative Amy Parrella was present. Mr. Phelan read the public hearing announcement. Brian Kelly moved to open the hearing. Vanessa Kichline seconded and all members voted in favor.

Ms. Parrella gave an overview of the project referring to a 1947 photo to indicate the vista to be restored, and described the cutting and trimming that would be necessary to reestablish the 'keyhole' vista.

Ms. Parella introduced representatives Nate Nardi Cyrus from the Cornell Hudson River Estuary program; program manager Emily Gardener of Saratoga Associates, and Pamela Governale, director of preservation at the Garden Conservancy, who were in attendance to support the project.

Ms. Parella said that a full Environmental Assessment Form (EAF) had been submitted. She added that the Department of Environmental Conservation (DEC) has committed to conduct a bald eagle survey over the summer, and that Bard has agreed to waive the 62-day Planning Board decision requirement until such time as the eagle survey is completed and reviewed by the Board. She said the project will probably begin in November.

Mr. Phelan asked about significant trees that might be removed. Ms. Parrella said very few specimen trees would be removed, however some would be pruned.

Mr. Phelan asked if any Board members had questions or comments. There were none. Mr. Phelan asked if there were any questions or comments from the public. There were none.

Kristina Dousharm moved that the Board adopt a resolution on intent to act as SEQR Lead Agency. Brian Kelly seconded and all members, by roll call vote, voted in favor.

Michele Grieg said all of her comments of her 4-29-20

memo had been addressed. She recommended that the public hearing remain open until the eagle survey was completed and reviewed. Mr. Phelan agreed to leave the hearing open, and re-notice it with a future time and date to continue the hearing.

Bear Special Use Permit, 398 Spring Lake Road

Public hearing on application to construct a two car, detached garage, less than 100 feet from a NYSDEC wetland, on a 0.6-acre parcel, in the Institutional Zoning District.

Sam Phelan read the public hearing notice. Lisa Foscolo moved to open the hearing. Kristina Dousharm seconded and all members voted in favor.

Applicant's representative Tim Lynch was present. He gave an overview of the project. The Board viewed the site plan and architectural renderings for the garage, and the proposed rain garden designed to capture storm water runoff from the proposed garage roof and the driveway. Mr. Phelan asked how the second story of the garage would be used. Mr. Lynch replied storage and studio space. He added that no plumbing would be installed other than a hose bib on the outside of the building.

Mr. Phelan asked if there were any comments from Board members. There were none. He asked Michelle Mormile if she had any comments or concerns. Ms. Mormile replied that possible septic expansion areas had been an issue. Mr. Lynch said there is nothing to indicate that the continued use of the property as it is, is restricted in that regard. He indicated the location of the existing septic system, and an area that could be used for system expansion if needed.

Mr. Phelan inquired about the capacity of the rain garden. He asked Ms. Mormile is it was acceptable that, if the rain garden is at capacity, runoff would flow to Spring Lake. Ms. Mormile replied that the calculations for the rain garden submitted by Mr. Lynch were in compliance the DEC regulations. She said the quantities of plants proposed for the rain garden should be included in the detail.

Ms. Greig reviewed her comments dated 5-4-20. Mr. Phelan asked if there were any questions or comments from the Board or the public. There were none. Brian Kelly moved to close the public hearing. Kristina Dousharm seconded and all members voted in favor.

The Board reviewed a draft approval resolution. The Board generally agreed that the shed designated to be removed by the Zoning Board of Appeals (ZBA) could remain until the applicant applies for a Certificate of Occupancy, so the applicant can use it until the garage is built. Ms. Greig said she would amend the draft to reflect that. Vanessa Kichline moved to adopt the approval resolution as amended. Brian Kelly seconded and the motion passed unanimously.

Sky Park Minor Subdivision, 438 Route 199

Public Hearing on application to subdivide a 102.114-acre parcel into four residential building lots, 7.971 acres, 30 acres 37.517 acres and 31.508 acres in size, proposed to be accessed by two shared driveways in the RD3, Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O) and Environmental Protection Overlay (EP-O) Districts.

Mr. Phelan read the public hearing announcement. Kristina Dousharm moved to open the hearing. Brian Kelly seconded and all members voted in favor. Applicant's representative's Tom Mangione was present.

Mr. Mangione gave a history of the property and overview of the project. The subdivision and accompanying worksheet plats were reviewed, including protected/restricted, scenic and environmentally sensitive areas, driveways and building envelopes proposed.

Mr. Phelan asked if there were any questions from Board members and consultants. There were none. Mr. Phelan asked if Board members were comfortable with the deed restrictions on lot one. There were no comments.

Mr. Phelan asked if there were any comments or questions from the public. Adjoining property owner Jeremy Meilman asked what type of environmental considerations were employed. He said that in walking the property he has often seen various abandoned items such as discarded barrels, and wondered if there were buried oil tanks or other industrial refuse on the property. Mr. Mangione said the applicants had completed the environmental processes that the Planning Board had requested. He said several old tanks had been excavated and removed around 1999, and a licensed environmental company was hired to test the soils in and around the tanks. He said neither he nor the owners of the property were aware of any existing environmental violations. Planning Board attorney Joel Sachs added that if any contractor who works on the property discovers contamination, under state law they would be required to stop work and report the situation to the DEC. Mr. Meilman asked if the current property owner has been the owner since it was used as an airport in the 1960s. Mr. Mangione replied that the records of ownership are available to the public, and he thought that the current owner acquired the property around 2008. He said appropriate environmental reports have been submitted to the Red Hook Building Department and the Planning Board. Mr. Meilman described where he has recently seen the items he spoke of in the woods on the property. Mr. Mangione offered his contact information and agreed to meet Mr. Meilman so he could show him.

There was no further comment from the public. The Board reviewed a draft final approval resolution. The public hearing was adjourned to June 1 at 7:35 to give the applicant time to review the draft conditions of approval and the applicant's attorney and Town attorney to come to agreement on the deed restrictions for lot 1.

Winnakee, Rose, Cohen, Trimarco, Guido, Van Nostrand, Fisher, and Tabor, Evans and Botero Lot Line Alterations

Public hearing on application to convey a total of 1.36 acres of land from a 246.63-acre parcel to seven adjacent residential parcels to address encroachments of the subject lots onto the Winnakee parcel. Project is located in the R1.5, RD3, Historic Landmarks Overlay and Scenic Corridor Overlay districts.

Mr. Phelan recused himself and Brian Kelly took over as Chairperson. Applicant's representative Warren Rosenthal was present. Mr. Kelly read the public hearing notice. Vanessa Kichline moved to open the hearing. Lisa Foscolo seconded and all members voted in favor. Mr. Rosenthal gave an overview of the project.

Mr. Kelly asked if there were any questions or comments from the Planning Board. There were none. Mr. Kelly asked if there were any questions or comments from the public. Richard Aldus of Manor Road asked Mr. Rosenthal for further clarification. Mr. Rosenthal explained that the seven landowners were being conveyed additional land from Winnakee in order to correct violations, such as a shed or a fence, encroaching on the Winnakee lands. He said many violations have existed for many years, and were either unknown to or unimportant to the previous property owner that Winnakee purchased the land from. He said that the State requires that there can be no encroachments whatsoever on the Winnakee Lands.

Kristy Klermer, of Route 9G, asked if her property was affected. Mr. Rosenthal confirmed that it was not. Ms. Klermer said there is a lot of hunting activity on the Winnakee property. Mr. Rosenthal said that no one should be on the property.

Melissa Cohen wrote in to thank Winnakee for accommodating the homeowners.

Lisa Foscolo moved to close the public hearing. Kristina Dousharm seconded and all members voted in favor. The Board reviewed a draft approval resolution. Ms. Dousharm moved to adopt it. Ms. Foscolo seconded and all members voted in favor.

OTHER BUSINESS

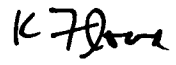
Town of Red Hook SEQR Lead Agency request – Curran application for Open Development Area, 26 Read Road.

Mr. Phelan resumed the position of Chairperson. The Board generally agreed that the Town Board shall serve as Lead Agency for SEQR review of the application.

ADJOURNMENT

There being no further business before the Board, Brian Kelly moved to adjourn. Kallie Robertson seconded and all members voted in favor.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K Flood'.

Kathleen Flood

Clerk for the Board

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Bard College Blithewood Vista Restoration

Whereas, the Town of Red Hook Planning Board is in receipt of a Special Use Permit application by Bard College to remove approximately 86 trees and shrubs, 35 of which are live, non-invasive trees greater than 6 inches in diameter, from a 30 foot by 360 foot portion of a \pm 301.7 acre parcel located at 62 Bay Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, a Full Environmental Assessment Form (EAF) dated May 1, 2020 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, and within Chapter 68 of the Town Code, the Planning Board has determined that the proposed project is a Type I action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

Whereas, after examining the EAF the Planning Board has determined that there are other involved and/or federal agencies on this matter including the New York State Department of Environmental Conservation, and interested agencies include the New York State Office of Parks, Recreation and Historic Preservation, and Hudson River Heritage.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

On a motion by Kristina Dousharm, seconded by Brian Kelly, and a vote of 6 for, and 0 against, and 0 absent, and 1 vacant seat, this resolution was adopted on May 4, 2020.

Resolution Granting Special Permit Approval to Bear Detached Garage

Name of Project: Bear Detached Garage

Name of Applicant: Steven Bear

Whereas, the applicant, Steven Bear, has submitted an application for a Special Permit to the Town of Red Hook Planning Board to construct a detached two-car garage on \pm 0.6 acre parcel (Tax Map No. 134889-6473-05-012773) located at 398 Spring Lake Road in the Institutional (I) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a plan set entitled “Bear Detached Garage” prepared by Red Hook Engineering, PC (Sheet C1.01 dated July 2, 2019 and last revised April 13, 2020, Sheet C1.02 dated July 2, 2019 and revised July 25, 2019, Sheet C1.03 dated November 6, 2019, and Sheet C1.04 dated April 15, 2020); and Building Elevations prepared by Phillip Zemke Architect dated February 24, 2020 and revised April 15, 2020; and

Whereas, on July 15, 2019, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(12); and

Whereas, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for an area variance for building coverage from a maximum permitted coverage of 5% to 11%; and

Whereas, on January 8, 2020, the Zoning Board of Appeals granted the required area variance on condition that the smaller of the two existing outbuildings be removed; and

Whereas, the proposed project requires a Freshwater Wetlands permit from the New York State Department of Environmental Conservation (NYSDEC) for physical disturbance within the regulated 100 foot adjacent area of NYS Freshwater Wetland CM-12; and

Whereas, on January 24, 2020 the NYSDEC issued Permit ID 3-1348-00147/00002 that authorizes 5,050 square feet of physical disturbance to the 100 foot adjacent area subject to a number of conditions including a restriction that no ground disturbance associated with the project shall be conducted from April 15 to October 14 of any given year to avoid impacts to Blanding’s turtle, a list of natural resources permit conditions, and a list of general conditions and other permittee obligations; and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and against the specific standards for development within 100’ of a NYSDEC-classified stream in § 143-30 of the Zoning Law, and has reached a finding that the proposed garage will have no adverse impacts on water recharge areas, water table levels, water pollution, aquatic and plant life, drainage patterns, stormwater runoff, flooding, runoff, erosion control and essential vegetative growth since the garage rooftop runoff will be collected and treated within a 720 square foot rain garden, which has been designed in accordance with the the NYSDEC Stormwater Management Design Manual, prior to release via a 6” pipe overland, and therefore on May 4, 2020 the Planning Board determined that the proposed garage is consistent with the standards for a special use permit, subject to the imposition of certain conditions; and

Whereas, pursuant to General Municipal Law §239-nn, the Planning Board notified the Clerk of the Town of Milan of the public hearing on the Special Permit application; and

Whereas, on May 4, 2020, the Planning Board opened a duly-noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on May 4, 2020; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Special Permit approval to Steven Bear for the proposed garage in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. The applicant shall revise the plan set as follows:
 - (1) To replace the front, side and rear yard setbacks for the RD3 District with the front, side and rear yard setbacks for the I District on Sheet C1.01.
 - (2) To replace the language regarding the "Variance Required" in the Legend on Sheet C1.01 with "Area variance for 11% building coverage granted by the Zoning Board of Appeals on January 8, 2020."
 - (3) To attach the photos identified in the five photo vantage points on Sheet C1.02.
 - (4) To identify the quantity of each plant/shrub to be planted within the rain garden area on Sheet C1.04.
- B. The applicant shall comply with all of the conditions of the NYSDEC permit ID 3-1348-00147/00002.
- C. No ground disturbance associated with the project shall be conducted from April 15 to October 14 of any given year to avoid impacts to Blanding's turtle.
- D. The applicant shall provide the Planning Board with proof of the filing of the lot consolidation with the Dutchess County Clerk's Office.
- E. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- F. The applicant shall pay any and all outstanding escrow balances for consultant review.
- G. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.
- H. The following condition shall be fulfilled prior to the issuance of a Certificate of Occupancy: The applicant shall remove the smaller of the two existing sheds on the site as shown on the plan set Sheet C1.01.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by Lisa Foscolo, seconded by Brian Kelly, and and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Aye</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lisa Foscolo	Voting <u>Aye</u>
Member Vanessa Kichline	Voting <u>Aye</u>
Member Kallie Robertson	Voting <u>Aye</u>

Resolution was declared adopted on May 4, 2020.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

5-6-2020
Date

**Resolution Granting Approval to the Final Subdivision Plat for
Winnakee Land Trust Inc., Rose, Cohen, Trimarco, Guido,
Van Norstrand, Fisher, and Tabor, Evans & Botero Lot Line Alterations**

Name of Project: Lot Line Alterations between Lands of Winnakee Land Trust Inc., and Lands of Rose, Cohen, Trimarco, Guido, Van Norstrand, Fisher, and Tabor, Evans & Botero

Name of Applicants: Winnakee Land Trust Inc.; Richard F. and Debra A. Rose; Melissa A. Cohen; Joseph A. Trimarco, Joseph A. Trimarco Jr. and Lieselotte Trimarco; Salvatore J. Guido Jr. and Sandra L. Guido; Glenn J. and Jo-Ann Van Norstrand; Craig J. and Joann Fisher; and Jason M. Tabor, Deborah J. Evans, Ixory A. Botero, and Thomas S. Evans.

Whereas, the applicants have submitted an application for Lot Line Alteration dated March 4, 2020 to the Town of Red Hook Planning Board to convey a total of \pm 1.36 acres of land from the \pm 246.455-acre Winnakee Land Trust parcel (Tax Map Parcel No. 134889-6173-00-847544) to seven (7) adjacent residential parcels that range in size from \pm 0.438 acres to \pm 0.697 acres (Tax Map Nos. 134889-6173-15-640429; 134889-6173-15-695284; 134889-6173-12-785546; 134889-6173-16-786413; 134889-6173-16-779400; 134889-6173-16-772389; and 134889-6173-16-764379); and

Whereas, the seven residential parcels and a portion of the Winnakee Land Trust parcel are located in the R1.5 District, while the remaining portion of the Winnakee Land Trust parcel is located in the RD-3, Historic Landmarks Overlay, and Scenic Corridor Overlay Districts; and

Whereas, the parcels are located at Route 9G, 80 Manor Road, 97 Manor Road, 99 Manor Road, 101 Manor Road, 103 Manor Road, 51 Kelly Road, and 111 Kelly Road, in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants submitted a Final Subdivision Plat entitled "Lot Line Adjustment Lands of Winnakee Land Trust Inc. and Lands of Rose, Cohen, Trimarco, Guido, Van Norstrand, Fisher, Tabor, Evans & Botero" prepared by Decker Surveying dated March 4, 2020; and

Whereas, on April 6, 2020, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQQR; and

Whereas, on April 6, 2020, the Planning Board, in consideration of the Short Environmental Assessment Form dated March 3, 2020 and revised April 6, 2020 and the 'criteria for determining significance' set forth in 6 CRR—NY 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, the parcels are located within 500' of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural

Data Statement dated March 13, 2020, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, on May 4, 2020, the Planning Board conducted a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on May 4, 2020; and

Whereas, the Planning Board has deliberated on the application and all matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to Winnakee Land Trust Inc.; Richard F. and Debra A. Rose; Melissa A. Cohen; Joseph A. Trimarco, Joseph A. Trimarco Jr. and Lieselotte Trimarco; Salvatore J. Guido Jr. and Sandra L. Guido; Glenn J. and Jo-Ann Van Norstrand; Craig J. and Joann Fisher; and Jason M. Tabor, Deborah J. Evans, Ixory A. Botero, and Thomas S. Evans in accordance with the plans and specifications heretofore enumerated subject to the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions and modifications:
- (1) The Subdivision Plat shall be revised to include the Agricultural Notice from the Town of Red Hook Code Chapter 72-2B.
 - (2) The Subdivision Plat shall be signed by the Dutchess County Department of Health (Permission to File).
 - (3) The applicants shall verify that the corners of tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer, as required by § 120-24B(2) of the Town Code.
 - (4) The applicants shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (5) The applicants shall pay any and all outstanding escrow balances for consultant review.
 - (6) The applicants shall submit 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.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any

property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicants.

On a motion by Kristina Dousharm, seconded by Lisa Foscolo, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Abstain</u>
Deputy Chairman Brian Kelly	Voting <u>Aye</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lisa Foscolo	Voting <u>Aye</u>
Member Vanessa Kichline	Voting <u>Aye</u>
Member Kallie Robertson	Voting <u>Aye</u>

Resolution was declared adopted on May 4, 2020.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

5-6-2020
Date