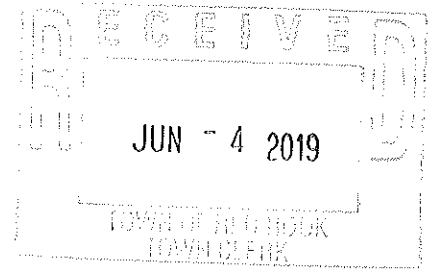


**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
May 20, 2019**



Chairman Sam Phelan called the meeting to order at 7:30 pm.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Kristina Dousharm, Lisa Foscolo and Kallie Robertson. Brian Kelly was absent. Also present was planning consultant Michele Greig.

Bill Hamel moved that the draft minutes for May 6 be approved. Kallie Robertson seconded and all members voted in favor.

Mr. Phelan asked Bill Hamel to summarize for the Board a meeting that he and Mr. Hamel attended with representatives from Bard College to discuss the status of the College Master Plan.

Mr. Hamel said that the College wants to withdraw the most recent application. When asked why by fellow Board members, Mr. Phelan said he felt that the College is having difficulties looking out at the long term at this point. He said they want to focus on a five year plan. Lisa Foscolo asked if the USDA Grant was still being sought by the college. Mr. Phelan said no. Mr. Hamel added that he thought that was the impetus for withdrawing.

Mr. Phelan said an important issue with a five year plan is how to look at cumulative effects over a fairly long period of time. To illustrate his point, he said that what everyone is feeling today are the cumulative effects of changes at Bard over the last 20 years.

PUBLIC HEARING

Savona's Restaurant – 7249 South Broadway- site plan

Public Hearing on application to install an 865 Sq. Ft. seasonal outdoor patio in front to the building and related landscaping.

Mr. Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Applicant's representative Rob Dupont was present. He gave an overview of the project and distributed photos of outdoor dining furniture and planters.

Lisa Foscolo asked where servers would access the patio. Mr. Dupont replied through a gate that accesses the existing back patio to the kitchen. Ms. Foscolo asked how many additional seats there would be. Mr. Dupont said approximately 20.

Mr. Phelan said the County Planning Department has reviewed the site plan and had no comments. He asked if there were any questions or comments from the public. There were none. Kallie Robertson moved to close the public hearing. Lisa Foscolo seconded and all members voted in favor.

Ms. Foscolo asked if there would be umbrellas over the tables. Mr. Dupont said he did not think umbrellas would be needed. The Board generally agreed that if umbrellas are used, they should all be the same.

The Board reviewed a conditional Approval Resolution, and added some language specific to the outdoor furniture and planters. Kristina Dousharm moved to adopt it as amended. Bill Hamel seconded and all members voted in favor.

OTHER BUSINESS

Request for extension – Preserve at Lakeskill

Applicant's engineer Mike Bodendorf was present. Bill Hamel recused himself.

Mr. Bodendorf said the Dutchess County Department of Health has indicated they are ready to approve the wastewater and water supply. He said he does not yet have the report assessing the proposed changes to Feller Newmark Road that was prepared by a firm hired by the applicants, but he will forward it to the Planning Board's engineering consultant and the Highway Superintendent when he receives it.

Mr. Phelan said that the last extension ran out April 1, and a 90-day retroactive extension will end June 30. Lisa Foscolo asked if there was any way to extend it further. Mr. Phelan said 90-day extensions are the traditional way to do things, and he thought keeping it in the forefront was beneficial.

Kristina Dousharm made a motion to grant a 90 day extension. Kallie Robertson seconded and the motion passed unanimously.

Mr. Phelan noted that Board members had been given a memo from Planning Board Attorney Joel Sachs outlining the law relative to extensions and the Planning Board's responsibilities relative to extensions.

From the Ground Brewery – Department of Health modifications

Applicant Jakob Cirell and Ken Migliorelli were present. Mr. Cirell explained that the Dutchess County Department of Health will not permit the space if there are porta-potties, and he cannot afford to install a septic system. He said he has to change his business plan slightly in that he cannot serve draft beers, but he can fill beverage containers known as growlers, which is any size container with a lid, which can be consumed on site without Health Department approval. He said he was before the Board to be sure that the changes would not involve amending the approved site plan. The Board generally agreed that the site plan need not be amended.

Mr. Cirell and Board members also discussed regulations concerning having food trucks on the site, expanding the area where beverages can be consumed, and signage. The Board generally agreed that signs can be changed as long as the placement and size is consistent with the site plan. However, if Mr. Cirell wants to enlarge the area where beverage consumption is allowed, he would have to return to the Board for Amended Site Plan.

SEQR Lead Agency Circulation – Town/Village of Red Hook Solar PV Co-location at Village of Red Hook Well Field

Town engineering consultant Brandee Nelson was present. She explained that the Town of Red Hook and the Village of Red Hook have entered into a municipal agreement for a community solar project. She said she is assisting the Village with the SEQR process for the proposed project, which consists of

installing a large scale, ground mounted solar farm at the Village's 16 acre well field site, which is owned by the Village but is located within the Town. She said approximately 9 acres will be used for ground mounted solar panels.

Ms. Nelson said the Village is intending to move forward under Monroe Proceeding, which is immunity from local zoning. She said the Village has declared their intent to be lead agency for SEQR, and the Town Planning Board was identified an involved agency, and they are asking the Planning Board to formally recognize the Village as lead agency.

Ms. Nelson stressed that although Monroe Proceeding offers immunity from local zoning, the project will comply with zoning setbacks in the B2 Zoning District. Kallie Robertson asked if there were any specific zoning regulations other than setbacks that the Village was trying to avoid by using the Monroe Proceedings. Ms. Nelson replied no. When Bill Hamel later asked a similar follow up question, Ms. Nelson further explained that using Monroe Proceedings allows the Village to condense and streamline the approval process so that the developer can take advantage of various incentives on behalf of the municipalities that will expire over the next few months. Supervisor Robert McKeon, who was present, added that the Public Service Commission dictates very tight deadlines for projects in the utilities que, and if deadlines are not met the Commission drops the project. He said the Town has already spent significant funds on feasibility studies.

Neighboring businesses and the Glen Ridge Road neighborhood were discussed. Ms. Nelson said the setbacks from the residential area were increased to 150 feet, and a solid 8 ft. stockade fence and additional landscaping have been proposed as well. Kristina Dousharm asked if the neighboring businesses will have screening. Ms. Nelson replied no.

Ms. Dousharm said that there was talk that citizens were concerned about contaminating the well water. Ms. Nelson said that the proposed panels do not incorporate the element Cadmium Telluride.

Lisa Foscolo moved to approve the Village as Lead Agency for SEQR. Kallie Robertson seconded and all members voted in favor. The Board generally agreed to recommend that the Village assure full compliance with the Town's solar array ordinance and to reach out to adjoining business owners to inquire about their desire for screening from the solar array.

Town Board Referral – Amendment to the Town's Comprehensive Plan Town Board Referral – Local Law E of 2019

Supervisor McKeon was present. He explained that the amendment to the Town's Comprehensive plan addresses the current zoning districts, including light industrial. He said Local Law E restricts commercial extraction of soils, water and timber in the town. He said that Cokertown Springs has been grandfathered and limited to 99,000 gallons per day or less. He also discussed proposed soil extraction and timber clearing limitations.

Mr. Phelan asked Board members to carefully review the proposed Local Law for the next Planning Board meeting so they can prepare comments and recommendations to the Town Board.

The Board and Mr. McKeon briefly discussed the baseball fields in the Rec Park. Kristina Dousharm said she has been approached by many residents who are of the opinion that another large field is needed

rather than another smaller one. Mr. McKeon described the upgrades and improvements that will take place.

ADJOURNMENT

There being no further business before the Board, Bill Hamel made a motion to adjourn. Lisa Foscolo seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood
Clerk for the Board

Resolution Granting Amended Site Plan Approval to Savona's Trattoria Patio

Name of Project: Savona's Trattoria Patio

Name of Applicant: Stephen Savona/Savona Realty of Red Hook

Whereas, the Town of Red Hook Planning Board has received an application for Amended Site Plan approval from Stephen Savona/Savona Realty of Red Hook to install an 865 sq. ft. seasonal outdoor patio in front of an existing restaurant located on a ± 0.93 acre parcel (Tax Map Parcel No. 134889-6272-17-230195-0000) at 7249 S. Broadway in the Traditional Neighborhood Development Commercial Center (TND-CC) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan (Sheet A.1) prepared by Robert J. Dupont Architect LLC dated April 24, 2019; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on May 6, 2019 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) and therefore no further SEQR review is required; and

Whereas, due to the location of the property within 500' of a State road and a farm operation in a New York State certified agricultural district (Agricultural District 20), 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 issued a review letter dated May 20, 2019 stating that the project was a matter of local concern; and

Whereas, the parcel is located within 500' of a certified agricultural district and the applicant submitted an Agricultural Data Statement dated April 24, 2019, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on May 6, 2019, the Planning Board waived the requirement that the outdoor café be required to provide additional outdoor trash receptacles since all food and beverages will be served to guests on the patio by staff; and

Whereas, the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Town of Red Hook Zoning Law and has found that the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on May 20, 2019, the Planning Board opened a duly noticed public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on May 20, 2019; and

Whereas, the Planning Board had 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 Site Plan approval to Stephen Savona/Savona Realty of Red Hook to install a seasonal outdoor patio in accordance with the plans and specifications heretofore enumerated upon the following conditions:

A. The Planning Board authorizes the Chairman or his authorized designee to sign the Site Plan after compliance with the following conditions:

(1) The Site Plan shall be revised as follows:

(a) To add the following notes:

(i) No outdoor service bar shall be permitted. All food and beverages shall be dispensed from the interior of the restaurant.

(ii) No outdoor music or sound amplified from the interior of the building shall be permitted.

(iii) Tables, chairs, planters, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located, and shall be similar in style and materials as those shown in the photographs attached to the site plan. Planters shall be painted to match the building.

(iv) If umbrellas are used they shall all be the same.

(v) The operator of the outdoor cafe shall be responsible for maintaining a clean, litter-free and well-kept appearance within and immediately adjacent to the area of their activities.

(a) To revise the Bulk Regulations to include the proposed building and lot coverage.

(2) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

(3) Payment of any and all outstanding escrow balances for consultant review.

(4) Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Department. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Compliance:

(1) A Certificate of Compliance will not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan.

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 Kristina Dousharm, seconded by Bill Hamel, and a vote of 5 for, 0 against, 1 absent, and 1 vacant seat, this resolution was adopted on May 20, 2019.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

5-21-19
Date