

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
June 7, 2021**

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform. He explained that people wanting to attend Planning Board Zoom meetings must request a link from the Planning office and wait in the Zoom waiting room to be admitted.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Kristina Dousharm, Lew Rose, and Karen Smythe. Brian Kelly was absent. Also present were planning consultant Michele Greig, and Planning Board Clerk Kathleen Flood.

Karen Smythe moved to approve the draft minutes for May 3 and 17. Kristina Dousharm seconded, and the motion passed unanimously.

Mr. Phelan noted that the Board's July 5 meeting will be cancelled due to the observance of Independence Day. The next meeting will be July 19 with a deadline for submissions July 8 at noon.

Mr. Phelan announced that Will Tatum, a resident of Upper Red Hook, has been appointed to replace Tiffany Nogales, who resigned from the Design Review Committee.

PUBLIC HEARINGS

Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road

Continued Public Hearing on application to construct a pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

The applicants were not present. The hearing was continued to the June 21 meeting, A public comment from Jana Vengrin regarding noise was acknowledged.

Mighty Donuts Site Plan – 7269 South Broadway

Continued Public Hearing on application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Kristina Dousharm recused herself. Applicants Dennis Kanuk and Rhianon Jones, and applicant's representatives Ayaka Hale and Zak Hall were present. Ms. Hale gave an overview of site plan updates.

The Board acknowledged letters of support received for the project from Sarah Carlson, Steve Hobson, Kimberley McGrath, Maartin Reilingh, Carol Gorczynske, Sara Imboden, Jennie Georgio, Theodora Revelas, Amy Linker and Paul Sturtz. Mr. Phelan read parts of Mr. Sturtz's letter that touched on some of the zoning issues that the project faces. Mr. Sturtz is in support of the project, although it does not conform to the TND-CC Zoning.

Alan Monarchi asked if the Board was going to discuss the waivers the applicants have requested from the Planning Board. Mr. Phelan reviewed the waivers and said they would be discussed at the next meeting.

Mr. Phelan said the project will be before the Zoning Board of Appeals (ZBA) Wednesday June 9. He said the Board would not be able to take any further action on the project until the ZBA makes a decision.

The public hearing will be continued June 21.

Bard College Expansions: Kline Commons, Fisher Arts Center

Public Hearing on application for retroactive approval for Kline Commons, a proposed 510 SF addition to the Fisher Studio Arts Building, Certificates of Appropriateness for both projects, and amended Special Use Permit for an updated Master Plan reflecting these additional projects.

Mr. Phelan read the Public Hearing Notice that was published in the Poughkeepsie Journal. Karen Smythe moved to open the public hearing. Lew Rose seconded, and all members voted in favor. Applicant's representatives Liz Axelson, Peter Sweeny, Randy Clum and were present. Ms. Axelson gave an overview of the project.

Mr. Phelan asked if there were any questions from the Public. There were none. He said that the County Planning Department has determined that the project is a matter of local concern.

The Board reviewed comments from the Design Review Committee, who recommended that the projects be granted Certificates of Appropriateness.

There being no comments from the public, Kristina Dousharm moved to close the public hearing. Karen Smythe seconded, and all members voted in favor.

The Board reviewed a draft Resolution Granting Amended Special Permit Approval the April 2021 Bard College Master Plan Update for Additions to Kline Commons and Fisher Studio Arts Building (Christina Tarsell Nature Lab). Lew Rose moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

The Board reviewed a resolution granting a Certificate of Appropriateness for the Kline Commons and Fisher Studio Arts building. Karen Smythe moved to adopt it. Lew Rose seconded, and all members voted in favor.

The Board reviewed a resolution Granting Site Plan Approval to Bard College Additions to Kline Commons and Fisher Studio Arts building. Karen Smythe moved to adopt it. Kristina Dousharm seconded, and the motion passed unanimously.

OLD BUSINESS

Panorama Schoolhouse Site Plan and Special Use Permit – 14 Linden Farm Lane

Discussion to amend an approved application for a child daycare center in the RD3 Zoning District.

Applicants Jennifer Manon and Josh Bardfield were present. Ms. Manon said they had decided to change the modality of their childcare facility to Group Family Care for 12 children under 4 and 4 school-age children. Mr. Rose asked if it were a permanent change. Ms. Manon said they would like to expand in the future. Ms. Smythe asked if someone would live on the second floor. Mr. Bardfield said it is required that someone live there.

The Board discussed the various regulatory agencies and permitting requirements for childcare facilities and the Planning board procedures that would be necessary if the applicants want to transition to a larger facility later. Parking was identified as a consideration. It was suggested that the applicants eliminate the four proposed parking spaces for employees from the previously conditionally approved Site Plan.

The Board reviewed a draft amended Special Permit approval. Lew rose moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

The Board reviewed a draft amended Site Plan approval. Karen Smythe moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

O Zone Site Plan – 148 Pitcher Lane

Continued discussion of application to operate a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was not present. Mr. Phelan said that the Board cannot approve of this project because there is a violation on the property. Ms. LeGare emailed a statement granting the Board an extension until such time as the violation is resolved to formally approve the application.

Mimeles and Deitz Certificate of Appropriateness – 203 Barrytown Road

Continued discussion of application to construct a 30 x 25 -foot pool house on a 5-acre parcel in the hamlet of Barrytown.

Applicants David Mimeles and Helen Dietz and applicant's representative Rick Angier were present. Mr. Mimeles gave an overview of the project.

The Board reviewed comments from the Hamlet Design Review Committee recommending a Certificate of Appropriateness and suggesting that the owners reduce their outdoor lighting.

A public hearing will be held June 21.

ADJOURNMENT

There being no further business before the Board, Karen Smythe made a motion to adjourn. Kristina Dousharm seconded, and all members voted in favor.

Respectfully submitted

K. Flood

Kathleen Flood
Planning Board Clerk

Town of Red Hook Planning Board

CERTIFICATE OF APPROPRIATENESS
Bard College Additions to
Kline Commons and Fisher Studio Arts Building

June 7, 2021
Bard College
Tax Parcels # 400720, 600630

The applicant seeks a Certificate of Appropriateness for a ±4,100 square foot addition to Kline Commons located on a ±115-acre parcel (Tax Map Parcel No. 134889-6173-00-600630), and a ±510-square foot addition to the Fisher Studio Arts Building (to create the Christina Tarsell Nature Lab) located on a ±302 acre parcel (Tax Map Parcel No. 134889-6173-00-400720). Both parcels are located on Annandale Road in the Institutional, Historic Landmarks Overlay, and Scenic Corridor Overlay Districts in the Town of Red Hook, Dutchess County, New York.

The application and supporting documents were sent to the Design Review Committee on May 25, 2021, and the Committee responded on June 7, 2021, with the recommendation that the Planning Board grant a Certificate of Appropriateness for the project.

On March 8, 2021, the Planning Board classified the proposed action as a Type II action under SEQR pursuant to 6 CRR-NY Part 617.5(c)(10).

The application for a Certificate of Appropriateness 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 27, 2021, stating that the project is a matter of local concern.

A public hearing on the application for a Certificate of Appropriateness was held June 7, 2021.

The Planning Board has reviewed and discussed the proposed plans and determined that the proposed additions are compatible with the historic

**Resolution Granting Site Plan Approval to Bard College Additions to
Kline Commons and Fisher Studio Arts Building (Christina Tarsell Nature Lab)**

Name of Project: Bard College Additions to Kline Commons and Fisher Studio Arts Building
(Christina Tarsell Nature Lab)

Name of Applicant: Bard College

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Bard College to construct a \pm 4,100 square foot addition to Kline Commons located on a \pm 115 acre parcel (Tax Map Parcel No. 134889-6173-00-600630), and a \pm 510 square foot addition to the Fisher Studio Arts Building (to create the Christina Tarsell Nature Lab) located on a \pm 302 acre parcel (Tax Map Parcel No. 134889-6173-00-400720), located on Annandale Road in the Institutional, Historic Landmarks Overlay, and Scenic Corridor Overlay Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted two sets of plans prepared by PSA Studios, one entitled "Kline Commons Site Plan and Elevations" (Sheets C100, A200 and A201 dated May 7, 2021), and the other entitled "Bard Fisher Arts Nature Lab Site Plan, Floor Plans, and Elevations" (Sheets C100, A101, A200, and A201 dated May 7, 2021); and

Whereas, on March 8, 2021, the Planning Board classified the proposed action as a Type II action under SEQR pursuant to 6 CRR-NY Part 617.5(c)(10); and

Whereas, the existing Kline Commons is a lawful nonconforming building that does not meet the required front yard setback for the Scenic Corridor Overlay District, and the Town's Code Enforcement Officer determined that, since the proposed addition to Kline Commons would be set back from Annandale Road further than the existing building, the addition would not increase the degree of existing nonconformity and it is therefore allowed; and

Whereas, on March 8, 2021, the Planning Board reviewed the proposed project against the requirements of the Scenic Corridor Overlay District pursuant to § 143-48 of the Zoning Law and has found that the proposed project conforms with the requirements of the Scenic Corridor Overlay District; and

Whereas, the Planning Board reviewed the proposed additions against the requirements of the Historic Landmarks Overlay District pursuant to § 143-46 of the Zoning Law and has found that the project conforms with the requirements that new construction complement the appearance of historic structures and development patterns, and will not result in substantial regrading or changes in topography; and

Whereas, the Planning Board has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the parcel is located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated February 16, 2021, 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, 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 27, 2021 stating that the project is a matter of local concern; and

Whereas, on June 7, 2021, 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 June 7, 2021; and

Whereas, the application requires an amended Special Permit for the Bard College Master Plan pursuant to § 143-81 of the Zoning Law, and on June 7, 2021, the Planning Board granted an amended Special Permit for the campus Master Plan; and

Whereas, the application requires a Certificate of Appropriateness for new construction in the Historic Landmarks Overlay District pursuant to § 143-45 of the Zoning Law, and on June 7, 2021 the Planning Board granted a Certificate of Appropriateness for the proposed additions; 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 principal 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 Bard College for the proposed additions to Kline Commons and Fisher Studio Arts Building 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 Zoning Legend on Sheet C100 of the Kline Commons and Fisher Arts Building Site Plans shall be amended to include the Scenic Corridor Overlay District and the Historic Landmark Overlay District.

- (2) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- (3) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (4) The applicant shall submit 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 endorsement by the Planning Board Chairman or his designee. One (1) set will be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Village Engineer. The applicant must return to the Planning Board for approval of any desired changes from the endorsed plans.

- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
- (1) All proposed improvements shall 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 Karen Smythe and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Absent</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
Member Karen Smythe	Voting <u>Aye</u>
and two vacant seats	

Resolution was declared adopted on June 7, 2021.

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

K Flood
Kathleen Flood, Clerk to the Planning Board

6-8-21
Date

Amended Resolution Granting Special Permit Approval to Panorama Family Day-Care Facility

Name of Project: Panorama Family Day-Care Facility

Name of Applicant: Jennifer Mañón

Whereas, the applicant, Jennifer Mañón, submitted an application for a Special Permit to the Town of Red Hook Planning Board to establish a child day-care center for 21 children in an existing building on a ± 3.84 acre parcel (Tax Map Parcel No. 134889-6273-00-468870) located at 14 Linden Farm Lane and Budds Corners Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan entitled “Panorama Child Day-Care Center” (Sheet C-101) prepared by Red Hook Engineering, PC dated February 16, 2021 and revised February 24, 2021 and

Whereas, on February 1, 2021, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(18); and

Whereas, the Planning Board reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 and found that the proposal complied with all of the general standards, including: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the RD3 District; the size of the site in relation to the use, the location, nature and height of the building in which the use will be located, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will be provided; the general landscaping of the site is in character with that generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed child day-care center will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; the use meets the prescribed area and bulk requirements for the RD3 District; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board reviewed the application for Special Permit against the specific standards for a child day-care center found in § 143-77 and found that the proposal complied with all of the specific standards for a special permit, including: the maximum number of children who would be enrolled at any one time would be 21 children; nine (9) off-street parking spaces would be provided; a minimum of 200 square feet of outdoor

recreation and activity area per child will be provided in the rear yard a minimum of 50 feet from all adjacent residential properties, and a row of evergreen trees will be planted to screen the recreation area from adjacent properties; access to the child day-care center will be provided directly from a county highway; and the applicant will be required to operate and maintain the facility in accordance with all applicable laws, rules and regulations; and

Whereas, the Planning Board found the proposal complied with all applicable sections of the Zoning Law; and

Whereas, the parcel is located within 500 feet of a New York State certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 10, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500 feet of the subject parcel; and

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

Whereas, due to the location of the property within 500' feet of a County Highway and a farm operation in a NYS certified Agricultural District, the Special 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 determined in its review letter dated March 9, 2021 that the project was a matter of local concern; and

Whereas, on March 1, 2021, 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 March 1, 2021; and

Whereas, the project also required Site Plan approval; and

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

Whereas, on April 5 2021, the Planning Board granted a Special Permit to Jennifer Mañón for a child day care center for a maximum of 21 children; and

Whereas, on May 21, 2021, the applicant notified the Planning Board that they wish to reduce the scale of the project to permit a family day-care facility with a maximum of 12 children and a resident; and

Whereas, the definition of “nursery school” in the Town’s Zoning Law includes both a day-care center and a family day-care facility, and refers to enrolled children other than the children of the “resident family,” which indicates a family may live at the facility, and both a

day-care facility and a family day-care facility are regulated by the same section (§ 143-77) of the Zoning Law; and

Whereas, on May 25, 2021, the Town of Red Hook Code Enforcement Officer determined there was no change to the proposed use; and

Whereas, on June 7, 2021, the Planning Board determined that the reduction in scale of the facility from 21 to 12 children will not affect the classification of the project as a Type II action under SEQR; and

Whereas, on June 7, 2021 the Planning Board determined the reduction in scale of the facility from 21 to 12 children was consistent with the general standards for a special use permit found in § 143-51 of the Zoning Law and with the specific standards for a family day-care facility found in § 143-77.

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 Jennifer Mañón for a family day-care facility in accordance with the application materials and specifications heretofore enumerated upon the following conditions:

- A. The applicant shall obtain Site Plan approval for the proposed project from the Planning Board.
- B. The applicant shall obtain all necessary permits and approvals to operate and maintain a child day-care center in accordance with the requirements of § 390 of the Social Services Law of New York State, and shall provide a copy of the permits and approvals to the Planning Board.
- C. The maximum number of children enrolled in the family day-care facility on a regular basis shall be 12 children.
- D. Five (5) off-street parking spaces, including one ADA space, shall be provided at all times.
- E. A minimum outdoor recreation and activity area of 200 square feet per child shall be provided in the rear yard at all times, with a minimum setback of 50 feet from adjacent property boundaries, and a row of evergreen trees to screen the recreation area from adjacent properties.
- F. The owner of record shall continue to comply with all requirements of §f 143-77 of the Zoning Law.
- G. The owner of record shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.

- H. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- I. The applicant shall pay any and all outstanding escrow balances for consultant review.

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 Lew Rose, seconded by Kristina Dousharm, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting Aye
Deputy Chairman Brian Kelly	Voting Absent
Member Kristina Dousharm	Voting Aye
Member Lew Rose	Voting Aye
Member Karen Smythe	Voting Aye
and two vacant seats	

This amended resolution was adopted on June 7, 2021.

Resolution Certified, filed with the Town Clerk and mailed to the Applicant

K Flood
Kathleen Flood, Clerk to the Planning Board

6-8-21
Date