

## **Town of Red Hook Planning Board**

### **Approved Meeting minutes / Monday, February 7, 2022**

Chairman Sam Phelan called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present via Zoom: Kristina Dousharm, Sam Phelan, Lew Rose, Brian Kelly and Karen Smythe. Also present were Planning Board consultant Michele Greig, engineering consultant Brandee Nelson, Planning Board attorney Jennifer Gray and Planning Board Clerk Kathleen Flood.

Lew Rose moved to approve the meeting minutes of January 3, 2022. Kristina Dousharm seconded, and all members were in favor.

Mr. Phelan confirmed the agenda and announced the meeting was being held virtually only and was properly announced and publicized.

#### **PUBLIC HEARINGS**

##### **O'Donnell Certificate of Appropriateness – 130 Woods Road**

Public Hearing on application to construct a new 6,200 Sf single family residence and 1,200 SF pool on a 10.3-acre parcel in the Historic Overlay and Agricultural Business Zoning Districts.

Mr. Phelan read the Public Hearing Announcement that was published in the Poughkeepsie Journal. Karen Smythe moved to open the hearing. Lew Rose seconded, and the motion passed unanimously. Applicant's representative Peter Sweeny was present. He gave an overview of the proposed project, including descriptions of building materials and landscaping.

Mr. Phelan said the Design Review committee has reviewed the project, and their recommendation was that it is consistent with the standards they use for this area. He noted the project is not visible from the road. He asked if there were any questions or comments from the public. Neighbor Hildegard Edling commented that the plans are well designed. She compared the size of the house to others in the area, and said it looks more like a complex rather than a single-family home. Mr. Sweeny explained the mostly single-story floorplan, and assured Ms. Edling that it is indeed a single-family residence, designed for accommodating a growing family and as a retirement home for the O'Donnells.

Lew Rose moved to close the public hearing. Kristina seconded and all members voted in favor.

Brian Kelly commented that he recalled a recent application for a private home home built in the vicinity. He said the Board spend a great deal of time assessing the appropriateness of an attached garage on North Road, resulting in difficulty for the applicants.

Mr. Phelan said he felt that the project Mr. Kelly was recalling was quite visible from North Road and was part of a community setting, as opposed to the O'Donnell project, which is not as visible from Woods Road.

Mr. Kelly referenced written comments received from Mike Billeci, who said the O'Donnell project is visible from North Road and requested that lighting be considered.

Mr. Sweeny said that although lighting issues are usually a site plan consideration, he felt that the O'Donnell's would be agreeable to Mr. Billeci's requests in adhering to town lighting standards.

Mr. Rose moved to adopt a SEQR Type II resolution. Kristina Dousharm seconded, and all members voted in favor.

The Board reviewed a draft Certificate of Appropriateness. Mr. Rose moved to adopt it. Karen Smythe seconded, and the motion passed unanimously.

**Savona's Restaurant - Site Plan – 7255 South Broadway**

Continued Public Hearing on application to create a commercial parking lot with 12 off-street parking spaces behind an existing single-family dwelling on a .26-acre parcel located at 7255 South Broadway. The parking area will serve a restaurant located on the adjacent parcel at 7249 South Broadway. The new parking lot and restaurant on the adjacent lot are in the Traditional Neighborhood Development Center Subdistrict.

Applicants representative Rob Dupont was present. Brandee Nelson described progress that had been made on the site plan regarding lighting and storm water management, and setbacks from the adjacent property's cesspool.

Mr. Rose moved to close the public hearing. Kristina Dousharm seconded, and all members voted in favor.

The Board reviewed parts 2 and 3 of SEQR, and a Negative Declaration. Mr. Rose made a motion to accept the Negative Declaration. Mr. Kelly seconded, and all members voted in favor. The Board reviewed a draft approval resolution. Mr. Rose moved to adopt it. Mr. Kelly seconded, and all members voted in favor.

**OLD BUSINESS**

**Kasselmann Solar -Craig Neville-Manning PV Array-243 Woods Road, Tivoli – Site Plan, Special Permit and Certificate of Appropriateness**

Continued discussion of application to install a ground-mounted medium solar energy system consisting of five arrays totaling 7,670 square feet in size generating a total of 149 kW on a 10.226-acre parcel located at 245 Woods Road in the Limited Development, Historic Landmark Overlay and Scenic Corridor Overlay Zoning Districts.

Applicant Craig Nevil-Manning and applicant's representative Loreen Harvey were present. Ms. Harvey gave an overview of the project. She said that there is a house on the property containing the proposed array, but most of the power generated will serve the adjacent 60-acre parcel immediately to the south, which is also owned by Mr. Nevil-Manning.

Mr. Rose asked why the array was not located on the property that would receive the energy. Mr. Nevil-Manning described problems associated with siting on the southern parcel.

Mr. Phelan asked Planning Board attorney Jennifer Gray to explain how the Zoning Code regulates medium solar arrays in the Historic District. She said section 124-37 (c) (2) includes a limitation for the Historic District. Specifically, solar installations in that district are limited to accessory uses only, meaning that the accessory (in this case, the proposed array to be sited on the north parcel), must be located on the same lot as the principal use (which, in this case, is the south parcel.).

She continued that in reviewing the legislative intent of that limitation when drafting the code, it seemed clear to her that there was considerable debate at the time among town board members about whether solar ground mounted arrays should be permitted at all in historic or residential districts, and she interpreted that to mean that the limitations adopted for the historic district was intended to minimize the size of ground mounted arrays.

She concluded that her opinion was that the proposed ground mounted solar array may serve only the principal use on the lot in which it sits (the northern parcel). However, she said that the Zoning Enforcement Officer (ZEO) of the town has the ultimate authority to determine conclusively what it means to be an accessory use in terms of solar in this district.

Mr. Rose asked if the applicant could combine the two lots. Ms. Gray said that might involve another variance because of the number and size of the existing structures on each parcel. Various scenarios were discussed. Mr. Phelan commented that the Town is not necessarily against solar power; rather, the Zoning Ordinance must be upheld.

Mr. Phelan said he would speak to the ZEO, Bob Fennell, and all parties agreed to explore the options discussed, as well as work out some metering questions.

#### **NEW BUSINESS**

##### **Rose Certificate of Appropriateness – 894 River Road**

Presentation of application to construct a 558 SF addition to an existing 2,700 SF residence in the Historic Overlay Zoning District.

Lew Rose recused himself. Jacqueline Rose was present. She described the project. The Roses have applied for a variance for lot coverage. Mr. Phelan said that if the variance is granted, a public hearing will be scheduled for March 7.

#### **ADJOURNMENT**

There being no further business before the Board, Mr. Rose moved to adjourn. Ms. Dousharm seconded, and all members voted in favor.

Respectfully submitted



Kathleen Flood  
Clerk for the Board

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**617.6**  
**State Environmental Quality Review (SEQR)**  
**Resolution**  
Classifying the Proposed Project as a Type II Action

**Name of Action:** O'Donnell Certificate of Appropriateness

**Whereas**, the applicant proposes to construct a 6,200 S.F. residence and a 1,200 s.f. inground pool on tax map parcel 423348 at 130 Woods Road, Red Hook, and

**Whereas**, after comparing the thresholds contained in 6 CRR-NY617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 CRR-NY617.5(c)(11) and, therefore, SEQR does not apply.

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Lewis Rose, seconded by Kristina Dousharm, and a vote of 5 for, 0 against, and 2 vacant seats, this resolution was adopted on February 7, 2022.

**Town of Red Hook Planning Board**

**CERTIFICATE OF APPROPRIATENESS**

February 7, 2022  
Jamie and Sarah O'Donnell  
Tax Parcel # 423348

The applicants, whose property is located at 130 Woods Road, seek approval to construct a new 6,200 SF residence and 1,200 SF pool.

On February 7, 2021, the Planning Board classified the proposed action as a Type II action under SEQR pursuant to 6 CRR-NY Part 617.5(c)(11).

The application and supporting documents were sent to the Hamlet Design Review Committee December 1, 2021. The Committee responded December 20, 2021, with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicants.

The Planning Board has reviewed and discussed the proposed plans and determined that the project is compatible with the historic character of the property as well as with the neighboring properties in the district and that there will be no negative visual impacts. A public hearing was held February 7, 2022.

Therefore,

On a motion by Lewis Rose, seconded by Kristina Dousharm, and a vote of 5 for, 0 against and 2 vacant seats, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Jamie and Sarah O'Donnell for the proposed construction described above.

Certified by: Kathleen Flood 2-8-22  
Kathleen Flood, Planning Board Clerk Date

Project: Savona Parking

Date: 2-7-22

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Savona parking  
 Date: 2-7-22

**Short Environmental Assessment Form  
 Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Red Hook Planning Board <hr/> Name of Lead Agency	<hr/> Date
Sam Pheln <hr/> Print or Type Name of Responsible Officer in Lead Agency	Chairman <hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)



617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

**Date of Adoption:** February 7, 2022

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 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:** Savona's Trattoria Commercial Parking Lot Expansion

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:**  YES  
 NO

**Description of Action:** The applicant proposes to create a ± 5,400 square foot commercial parking lot with 12 off-street parking spaces behind an existing single-family dwelling on a ± 0.26 acre parcel to serve a restaurant located on the adjacent parcel in the Traditional Neighborhood Development Commercial Center (TND-CC) Subdistrict.

**Location:** 7255 and 7249 S. Broadway 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 Short Environmental Assessment Form (EAF) for the action dated November 4, 2021 and revised November 15, 2021, 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 an area that has been identified as sensitive for archaeological resources on the NYS Historic Preservation Office archaeological site inventory. The project plans were forwarded to NYS Office of Parks, Recreation, and Historic Preservation, which responded in correspondence dated February 3, 2022 that it is their opinion that the project will have no impact on cultural resources. Based on the

foregoing, the Planning Board has concluded that no significant adverse environmental impacts to cultural resources will occur.

4. The Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

**For Further Information:**

Contact Person: Kathleen Flood, Planning Board 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)

## **Resolution Granting Site Plan Approval to Savona's Trattoria Commercial Parking Lot Expansion**

**Name of Project:** Savona's Trattoria Commercial Parking Lot Expansion

**Name of Applicant:** Savona Realty of Red Hook, LLC

**Whereas**, the Town of Red Hook Planning Board has received an application for Site Plan approval from Savona Realty of Red Hook, LLC to create a commercial parking lot with 12 off-street parking spaces behind an existing single-family dwelling on a ± 0.26 acre parcel (Tax Parcel ID No. 134889-6272-17-233209) located at 7255 S. Broadway to serve a restaurant located on the adjacent parcel at 7249 S. Broadway (Tax Parcel ID No. 134889-6272-17-230195) in the Traditional Neighborhood Development Commercial Center (TND-CC) District in the Town of Red Hook, Dutchess County, New York; and

**Whereas**, the applicant has submitted a Site Plan entitled "Commercial Parking Expansion for Savona's Trattoria" prepared by Robert J. Dupont Architect LLC (Sheet A.1 dated November 4, 2021 and revised December 9, 2021; and Sheet A.2 dated November 4, 2021 and last revised January 27, 2022) and a Proposed Drainage Improvements Plan prepared by Christopher R. DiChiaro, P.E. dated January 26, 2022; and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on December 6, 2021 classified the proposed project is an Unlisted action pursuant to SEQR; and

**Whereas**, on February 7, 2022, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) submitted by the applicant dated November 4, 2021 and revised November 15, 2021 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potential significant adverse impact on the environment, and issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

**Whereas**, due to the location of the property within 500 feet of a State Road (US Route 9), the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239-m and the County Planning Department determined in its review dated December 16, 2021 that the project was a matter of local concern; and

**Whereas**, the Planning Board determined that the proposed parking lot will provide parking in excess of what is required by the Zoning Law, and therefore a legal instrument is not required to assure the continued existence of the proposed parking lot to serve the adjacent restaurant; and

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

**Whereas**, on January 3, 2022, the Planning Board opened a duly-noticed public hearing on the Site Plan application, which Public Hearing was continued on February 7, 2022, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on February 7, 2022; 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 Savona Realty of Red Hook, LLC for the proposed parking lot 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 to address the Town Engineer's comments on lighting levels and the need for shielding to address light trespass, to the satisfaction of the Town Engineer.
  - (2) The Site Plan and the Drainage Plan shall be revised to address all comments set forth in the February 7, 2022 review memorandum from Tighe & Bond Engineering to the satisfaction of the Town Engineer.
  - (3) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
  - (4) The applicant shall pay any and all outstanding escrow balances for consultant review.
  - (5) 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 Building Department. 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 Lew Rose, seconded by Brian Kelly, 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 Lew Rose	Voting <u>Aye</u>
Member Karen Smyth	Voting <u>Aye</u>
and two vacant seats	

Resolution was declared adopted on February 7, 2022.

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

Kathleen Flood  
Kathleen Flood, Clerk to the Board

2-8-22  
Date