

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
MARCH 18, 2019**

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, Kallie Robertson, Bill Hamel, Brian Kelly, and Lisa Foscolo. Kristina Dousharm was absent. Also present were planning consultant Michele Grieg and Planning Board attorney Joel Sachs.

Mr. Phelan said that the Board would go into executive session later in the meeting to discuss pending legal matters.

Bill Hamel made a motion to accept the draft minutes of the March 4 meeting. Brian Kelly seconded and all members voted in favor.

Mr. Phelan reviewed with the Board training programs being offered in April to meet continuing education requirements.

PUBLIC HEARING

Donald Sperry – 276 Metzger Road – Lot Line Alteration

Public hearing on application to convey 1.693 acres of land from a 6.974 acre parcel to an adjacent 7.240 acre parcel resulting in a 5.280 acre parcel and an 8.933 acre parcel in the RD3 Zoning District.

Applicant's representative Dana Sperry was present. Sam Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Mr. Sperry gave an overview of the project and answered questions from Board members.

Mr. Phelan asked if there were any questions from the public. Donald Domkowski, an adjoining landowner, asked if any of the wetlands would be disturbed by excavating and backfill. Mr. Sperry replied no, and added that any backfill from the home site will be used on the driveway.

Mr. Phelan said a letter had been received from the Town Highway Superintendent approving the two driveways proposed, and requiring a 20 foot paved apron on the driveway.

Mr. Phelan acknowledged a letter that had been received from the Domkowskis. He asked if there were any more comments or question from the public. There were none. Kallie Robertson made a motion to close the public hearing. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Kallie Robertson made a motion to adopt it. Bill Hamel seconded and all members voted in favor.

OLD BUSINESS

MC Acres / Weckesser Minor subdivision and Lot Line Alteration – Middle Road

Continued discussion of sketch plan application. MC Acres, Inc. proposes to transfer 2.464 acres to lands of Weckesser; Weckesser proposes to transfer .145 acres to MC Acres. MC Acres proposes to subdivide the remaining MC Acres lands into 2 parcels 23.477 acres and 38.829 acres in size.

Applicant's representative Mark Graminski and applicant David Vosburgh were present.

Mr. Graminski said one of the former applicants, Tueu, had been removed from the application. He gave an overview of the revisions to the subdivision plat. He said that the applicant has begun discussing a conservation easement with Winnakee Land Trust.

Michele Grieg asked if the easement would include the railroad bed on the Weckesser property. Mr. Graminski said it would.

Mr. Graminski said driveway details would be provided for Planning Board engineering review. He added that the farm road would need to be improved to be used as a driveway, which would require a permit from the DEC.

Lisa Foscolo moved to approve the sketch plan. Brian Kelly seconded and all members voted in favor.

The Board reviewed a SEQR Lead agency resolution. Brian Kelly moved to adopt it. Kallie Robertson seconded and the motion passed unanimously.

A public hearing was set for April 1.

Cookingham minor subdivision – Village of Red Hook – Plat Signature

This matter was tabled pending final approval from the Village Planning Board.

NEW BUSINESS

Traditions at Red Hook (Formerly Hoffman TND) – Amended Site Plan and Subdivision

Presentation of applications to amend site plan and subdivision, including the construction of a community swimming pool; relocation of dwelling types; changes in the Section Plan, house styles and colors; and revisions to drainage, grading, pavement materials and outdoor lighting fixtures.

Applicant Joe Bonura and project engineer Rod Morrison were present. Mr. Bonura gave an overview and reasoning for the proposed amendments to the subdivision and site plan. They detailed drainage improvements, updated hardy board colors, revised outdoor lighting fixtures, and a new one story house to be added to home options.

The Board and applicants reviewed comments from the Planning Board's planning and engineering consultants. Joel Sachs said that the existing SEQR analysis of the project was still valid, and recommended that the Negative Declaration granted previously by the Board be reaffirmed. Lisa Foscolo moved that the board reaffirm the Negative Declaration. Bill Hamel seconded and all members voted in favor.

A Public Hearing was set for April 1.

OTHER BUSINESS

Shafer's Hudson Valley extension request

Sam Phelan said that the legal issues associated with this project have not been resolved entirely. Brian Kelly made a motion to extend the deadline to satisfy the conditions of approval by 90 days. Lisa Foscolo seconded and all members voted in favor.

Dominic Tampone was present. He said the Supreme Court had issued a decision regarding the project, and therefore Mr. Phelan was incorrect in saying the legal issues have not been resolved entirely. Mr. Phelan said he did not know what the applicants or the Town will do now that a decision was handed down, and the Board was acting to ensure that the project's approval does not lapse while other issues are being worked out.

Kallie Robertson moved to enter executive session to discuss pending litigation. Brian Kelly seconded and all members voted in favor.

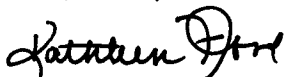
At 9:45 pm the Board returned to regular session. Kallie Robertson was not present. Brian Kelly made a motion to authorize Mr. Sachs to file a Notice of Appeal to the Article 78 decision regarding Shafer's Hudson Valley rendered March 13, 2019. Lisa Foscolo seconded and all members voted in favor.

Mr. Phelan said that much of the decision handed down was concerned with Local Law C of 2018, because it was passed after the project was approved but has not been applied to the project. He suggested the Planning Board make a recommendation to the Town Board to draft and consider an amendment to Local Law C 2018 stipulating that it not be applied to applications that were conditionally approved prior to the Town Board's adoption of the law. Lisa Foscolo made the motion. Brian Kelly seconded and all members voted in favor.

ADJOURNMENT

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

Respectfully Submitted,



Kathleen Flood
Clerk for the Board

Resolution Granting Approval to the Final Subdivision Plat for Sperry

Name of Project: Sperry Lot Line Alteration

Name of Applicant: Donald Sperry

Whereas, the applicant, Donald Sperry, has submitted an application for Final Subdivision Plat approval to the Town of Red Hook Planning Board to convey \pm 1.694 acres of land from a \pm 6.974 acre parcel (Tax Map Parcel No. 134889-6272-00-407019-0000) located at 276 Metzger Road to an adjacent \pm 7.239 acre parcel (Tax Map Parcel No. 134889-6272-00-406075-0000), also owned by the applicant, in the RD3 Zoning District, in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Decker Surveying dated January 19, 2019 and last revised March 5, 2019; and

Whereas, on February 4, 2019, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on March 4, 2019, after reviewing the Short EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Planning Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

Whereas, the parcels are located within 500 feet of a New York State certified Agricultural District (Agricultural District 20) and the applicants submitted an Agricultural Data Statement, dated January 13, 2019, 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 July 20, 2018, the Town of Red Hook Highway Superintendent issued a driveway permit for the proposed project, and on March 7, 2019, in correspondence to the Planning Board, the Highway Superintendent waived the requirement that the proposed driveway be paved in its entirety; and

Whereas, on March 18, 2019, the Planning Board opened 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 March 18, 2019; and

Whereas, the Planning Board has reviewed and 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 Final Subdivision plat approval to Donald Sperry in accordance with the plans and specifications enumerated above, subject to the following conditions and modifications:

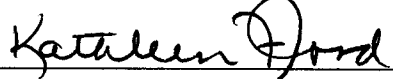
- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions:
- 1) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - 2) Payment of any and all outstanding escrow balances for consultant review.
 - 3) 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.
 - 4) The applicant shall verify that the corners of the land to be conveyed 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.

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 applicant shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicant 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 applicant.

On a motion by Kallie Robertson, seconded by Bill Hamel, and a vote of 5 for 0 against, 1 absent, and 1 vacant seat, this resolution was adopted on March 18, 2019.

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



Kathleen Flood, Clerk to the Board

3-19-19
Date

617.6

State Environmental Quality Review (SEQR)
Resolution Classifying the Project as an
Unlisted Action Undergoing Uncoordinated Review

Name of Action: McAcres Subdivision and Lot Line Alterations

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application by McAcres Inc. and Tom Weckesser to convey ± 2.464 acres of land from the McAcres parcel located in the AB District to the Weckesser parcel in the RD3 District; to convey ± 0.145 acres from the Weckesser parcel to the McAcres parcel; and to subdivide the McAcres parcel into two parcels ± 38.829 and ± 23.477 acres in size, located at Middle Road, Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated March 11, 2019 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted 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 Dutchess County Department of Health and New York State Department of Environmental Conservation.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as an Unlisted action undergoing uncoordinated review.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action may or will not have a significant adverse effect on the environment.

On a motion by Brian Kelly, seconded by Kallie Robertson, and a vote of 5 for, and 0 against, and 1 absent, this resolution was adopted on March 18, 2019.