

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
April 19, 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.

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

PUBLIC HEARINGS

O Zone Site Plan – 221 Pitcher Lane

Public Hearing on application to operate a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was present. Mr. Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Lew Rose moved to open the public hearing. Brian Kelly seconded, and all members voted in favor.

Ms. LeGare gave an overview of her project site and her business. She noted that the correct address is 148 Pitcher Lane.

Ms. LeGare indicated the parking on areal views of the site.

Letters in support of her business were received from Angela Pollard, Elizabeth Lunceford, Samuel Rose, Jesse Steel, Cinda Sparling, Ken McCarthy, Kate Menconeri, Aurore Stanek, Faith Barr, Alexandra Brodsky, Emily Davison, and Lyndsay Dussling. Resident Jim Rogers spoke in support of the business, which he said integrates well with agriculture. Resident Kristin Pratt said she and her family participate in the business, which she described as an anchor for the community.

Resident Linda Keeling asked if the owner of the building was fined because the business has been operating for over a year without site plan approval. She asked questions about the ADA parking and access to the building. Ms. LeGare said the ADA parking is alongside the building, and the parking area is compact rather than paved. She said she would check the width of the doorways and is in the process of removing any obstructions for handicapped access to the building. Ms. Keeling offered to assist with handicapped access issues. Mr. Phelan said he was not aware of any citations or fines by the town to the owner of the property, Greig Farms. He said that owner and applicant were very quick to cooperate with obtaining site plan approval when notified.

Adjacent neighbor Kate Karakassis submitted an email concerning the parking lot, which is about 60 feet from her home. She cited the zoning ordinance requiring screening for non-residential uses abutting residences. She asked what kind of screening is planned. Ms. LeGare said she planted forsythia along

the property line and has spoken to the property owner about adding to that. Ms. Karakassis said the number of vehicles entering and exiting the parking lot has grown notably, and although she applauds the success of the business, she would prefer a fence over vegetation. The Board generally agreed that a landscaping plan be submitted to address the issue prior to approval.

Mr. Phelan asked if there were any further comments from the public. There were none. Kristina Dousharm moved to close the hearing. Karen Smythe seconded, and all members voted in favor.

Ms. LeGare agreed to submit screening plans and show that her business sign be moved to within 15 feet from the road for the next meeting. Planning consultant Ted Fink commented that evergreens added to the landscape would be helpful.

OLD BUSINESS

ABCider, LLC Cidery Site Plan – 229 Pitcher Lane

Continued discussion of application to establish a hard cider mill and tasting room in the Agricultural Business District.

Applicant Martin Bernstein was present. Norman Greig gave an overview of a parking plan that he submitted at the Board's request and answered questions about the general parking for the entire Farm Market site. Parking and walkways are unpaved grassy areas.

Lew Rose asked the applicant about seating for the cidery. Mr. Bernstein said there will be 24 seats inside and 3 or 4 benches outside. Mr. Rose asked Mr. Bernstein would be agreeable to establishing a limit to the amount of people at the cidery if necessary. Mr. Bernstein said he would agree to serve no more than 75 people at the same time, although he has never had so many customers at once at his other sites. Karen Smythe commented that the establishment would be limited by the number of seats in the cidery. Kristina Dousharm added that limitations are also governed by the square footage of the room. Methods to assure that the Zoning Ordinance requirements that Greig Farm apples be used and processed by ABCider was discussed.

Ted Fink asked if specifications had been provided for the lighting on the barn. Mr. Greig described the existing lighting on the barn, which illuminates the parking areas and provides security lighting for the farm equipment.

The Board reviewed a draft approval resolution. Mr. Phelan emphasized the fact that the project is a cider mill. The tasting room, he said, is considered secondary. Kristina Dousharm moved to adopt the resolution as amended to permit serving cider, pre-packaged snacks, and non-alcoholic beverages only. Brian Kelly seconded, and all members voted in favor.

Greig Farm Airstrip Amended Special Permit- 221 Pitcher Lane

Continued discussion of application to install a second grass airstrip on a 92-acre parcel in the Agricultural Business District.

Applicant Norman Greig was present. Planning consultant Ted Fink said the Board needed to conclude the SEQR process. He commented that the situation is unique in that the Zoning Enforcement Officer (ZEO) Bob Fennell issued a determined March 19 that the application does not meet the zoning requirements, and so the Board has no option at this point but to deny the application. However, SEQR regulations require that for an Unlisted Action under SEQR, the board must issue a Negative or Positive Declaration. A Positive Declaration would mean that the project would present one or more adverse environmental impacts. A Negative Declaration indicates that there is no significant environmental impact. He continued that the way SEQR regulations are structured, the overall requirement is that for any action, the Board must identify the relevant areas of environmental concern, and it does so by evaluating potential impacts in SEQR parts 1 and 2 which indicated no significant environmental impacts. However, section 617.7C, the section entitled 'Criteria for Determining Significance' in the SEQR regulations, compliance with zoning is one of the areas that is covered by SEQR.

Lew Rose asked Mr. Fink where in the Town Zoning Ordinance does it say that the Planning board is bound by the ZEO's interpretation of the Code. Mr. Fink responded by citing sections of the Zoning Code that indicate the authority of the ZEO. He said that the difficulty in this particular case is due to the fact that the ZEO referred the application to the Planning Board, and then later issued a determination that the proposed action is not allowed.

Mr. Rose disagreed with Mr. Fink's interpretation of the code regarding the authority of the ZEO. He did not agree that the Planning Board is bound by the ZEO's determination. He said there is nothing in the Code that says the ZEO determination is binding. Mr. Phelan said that he has operated under that assumption during his entire career with the Planning Board, and that they could sort it out, but not at this meeting. Mr. Rose clarified that he agrees with the ZEO's interpretation in this case, but he still questions whether the Board is bound by it.

Brian Kelly moved to adopt the Negative Declaration. Kristina Dousharm seconded. Karen Smythe questioned whether the Board should adopt the Declaration when there is disagreement over whether the Board is bound by a ZEO determination, which is the substance of paragraph 4 under Reasons supporting This Determination. Brian Kelly asked what the purpose of including paragraph 4, and if it was necessary. The Board generally agreed to remove paragraph 4. Lew Rose moved to approve the Negative Declaration absent paragraph 4. Kristina Dousharm seconded, and the motion passed unanimously.

The Board reviewed a draft Resolution Denying the Amended Site Plan and Special Use Permit. In addition to the unusual circumstance of the ZEO determination issued during the public hearing phase of the application, the Resolution stated that the applicant had failed to submit updated documentation from the New York State Department of Transportation (NYS DOT) and the Federal Aviation Administration (FAA) to demonstrate compliance with Section 249 of the New York State General Business Law and with the FAA's Determination of Landing Area Proposal; that the Red Hook Zoning Law does not contain a definition of an "airstrip", and the Board deliberated on the meaning of 'private' as it pertained to the proposed airstrip when it was revealed that the existing private airstrip was occasionally used by other pilots to take off and land without Mr. Grieg's permission. The board also wrestled with the use of the airstrip as it relates to the agricultural uses of the land, and whether a

second airstrip was even permitted or whether it should be considered a second special use, which is not allowed.

Brian Kelly moved to adopt the Resolution. Lew Rose seconded and all members, by roll call vote, agreed.

Mr. Phelan told the applicant he could appeal to the Zoning Board of Appeals. Mr. Greig commented that he disagreed with the statement in the Resolution regarding providing NYS DOT and FAA compliance statements, because the NYS DOT accepts applications only from municipalities, so he was unable to comply with that requirement.

Mr. Fink concluded with citing section 143-30 of the Town Code, 'The Powers And Duties of the Town Zoning Enforcement Officer' subsection A, that clarifies the authority of the ZEO.

Mighty Donuts Site Plan – 7269 South Broadway

Continued discussion of application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Applicants Dennis Kanuk and Rhianon Jones and Applicant's representatives Ayaka Hale and Zak Hall were present. Kristina Dousharm recused herself.

Mr. Phelan said the applicants have applied to the ZBA for variances to the building height and façade coverage requirements. He said that procedurally, the project is in a holding pattern because the Planning Board needs to make a SEQR Determination prior to any ZBA decisions but cannot do so until comments from the County have been received, and the Planning Board cannot make any decisions until the ZBA does.

Ms. Hale said that the most recent submission responded to comments from the Planning Board's engineer. She reviewed the proposed changes.

Mr. Phelan asked about renovations to the existing masonry building, known as the Bottini building, on the site. Ms. Hale said that new garage doors will be installed and improvements will be made to the exterior. Mr. Phelan encouraged the applicants to include the building in the site plan to avoid having to apply for amended site plan later for the Bottini building. Zak Hall said the main priority is the diner building. He said that the applicants want the Board to move forward with a public hearing at the next meeting. Mr. Phelan said that what is presented at the public hearing should be what is going to exist on the site. He said a total site plan should show how the whole lot will be incorporated into the TND District. Mr. Hall said the building is vacant now, and the applicants are unsure of what type of tenant will occupy it. Michele Grieg said that amended site plan will have to be approved once a tenant has been identified, because plans are too tentative at this point. Mr. Phelan said all the changes the applicants plan to make to the Bottini building regardless of the anticipated tenant should be shown on the site plan. Ms. Greig added that the references to a restaurant and retail space should be deleted.

Mr. Phelan suggested that the proposed fence façade be removed if a variance is granted, and that the location of the diner be moved south to screen the parking lot and open the northern part of the lot for potential development.

Ms. Greig reviewed her comments dated 4-19-21 regarding landscaping and lighting specifications. She requested written responses to Planning Board comments going forward.

Ms. Greig said that she had discussed the project with engineering consultant Brandee Nelson and Planning Board attorney Jennifer Gray, both of whom recommended that a public hearing not be held until a septic layout is submitted for engineering review, and because of the time frames with the ZBA and the fact that SEQR has not yet been concluded and the County has not yet provided their review.

Mr. Phelan decided to schedule a public hearing for May 3.

NEW BUSINESS

Arlyck/ Costello-Baker Lot Line Adjustment – 7 Old Road

Presentation of application to transfer .904 acres of land from the 15.28-acre Arlyck parcel to the 33.78-acre Costello-Baker parcel in the Agricultural Business Zoning District.

Applicant's representative Dan Russel was present. He gave an overview of the project. The project crosses town and county lines with Clermont and Columbia County. Mr. Phelan said each town's Planning Board must approve the project.

Brian Kelly moved to adopt a Resolution classifying the action as Type II under SEQR. Lew Rose seconded, and the motion passed unanimously. A public hearing was scheduled for May 3.

Bradford Certificate of Appropriateness – 45 Old Post Road North

Presentation of application to replace an existing privacy fence.

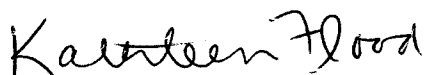
Applicant David Bradford was present. He gave an overview of the project. The Board reviewed comments from the Design Review Committee, who recommended approval of a CoA.

The Board agreed to waive a public hearing and reviewed a draft Certificate of Appropriateness. Karen Smythe moved to adopt it. Kristina Dousharm seconded, and the motion passed unanimously.

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,



Kathleen Flood
Planning Board Clerk

**Resolution Granting Site Plan Approval
ABCider at Greig Farm's Hudson Valley Farmers' Market**

Name of Project: ABCider - Abandoned Cider Mill Processing and Marketing

Name of Applicant: ABCider LLC

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan Review and Approval from ABCider LLC to permit the operation of a Cider Mill on the Greig Farm within the Hudson Valley Farmers' Market building at 229 Pitcher Lane, in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Farmers' Market is located on a 108 acre parcel of land (Tax Map Parcel No. 6274-00-980090) within the Agricultural Business (AB) Zoning District; and

Whereas, the application is for proposed use of an existing 1,600 square foot space for ABCider to sell its cider products and for tasting ciders on tap before purchase within the Farmers' Market building and an adjoining outdoor seating area; and

Whereas, ABCider will market their ciders made from apples grown and processed both on-site and off-site of the Farmers Market building; and

Whereas, the applicant submitted a Site Plan Review and Approval application, dated January 7, 2021, that included a Short Environmental Assessment Form (SEAF) under the State Environmental Quality Review Act (SEQR), and an "Abandoned Hard Cider Tasting Room @ Greig Farm Written Statement and Sketch Plan" indicating that the proposed use will replace an existing art gallery space in the Farmers' Market building, no changes are proposed to the existing exterior lighting, there is proposed to be permanent signage for ABCider on the front of the Hudson Valley Farmers' Market building facing Pitcher Lane, there will be no food preparation but pre-packaged snacks and drinks (but not beer) will be provided for purchase, and the existing shared spaces used for the Farmers' Market tenants' including restrooms, parking, and outdoor spaces located adjacent to the Farmers' Market Building will be used by ABCider's customers; and

Whereas, the Town Zoning Enforcement Officer determined on March 9, 2021 that: "Regarding the Cider Mill - Section 143-1 C .(1) (d) allows, as a Permitted Use with minor site plan approval, a Cider Mill provided that any new building is less than 10,000 s.f. in gross floor area 'selling product, in a tasting room, derived from crops, at least a portion of which come from the premises'. Section 143-4 defines a Cider Mill as 'A facility located on a farm where fruits are processed into cider, pasteurization may or may not be part of the process.' It is my determination that as long as some of the fruit comes from the farm and some processing of the fruit into cider takes place on the farm, then, the proposed use is allowed."; and

Whereas, the Planning Board has reviewed the Site Plan application and the "Written Statement and Sketch Plan" document against the requirements of Article VII of

the Zoning Law, § 143-114(C)(1), and has determined that the proposal is limited in scope and warrants a Minor Site Plan review due to the use of the previously approved Greig Farm Hudson Valley Farmers' Market Building for the Cider Mill, the absence of any construction or grading activities associated with the application, the lack of any changes to existing lighting, the enhancement of the existing parking areas by the Hudson Valley Farmers Market, and the continued incidental use of the Farmers' Market to the principal agricultural use of the Greig Farm; and

Whereas, the State of New York, at Article 22, Section 259 of the Agriculture and Markets Law, "*encourage(s) farmers' markets in the state*" and the Town of Red Hook, by its Comprehensive Plan and Zoning Law has established a goal "*of protecting rural and agricultural lands, discouraging incompatible nearby land uses, and promoting agriculture as a component of the local economy now and in the future,*" among other purposes designed to encourage agriculture; and

Whereas, the Planning Board reviewed the Site Plan Application and the SEAF and determined on February 1, 2021 that the action was a Type II Action pursuant to SEQR because it consists of agricultural farm management consistent with generally accepted principles of farming; and

Whereas, on March 1, 2021, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak and closed the public hearing on April 5, 2021; 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 grants Site Plan approval to ABCider LLC to occupy an existing 1,600 square foot space within the Greig Farm's Hudson Valley Farmers' Market building and an approximately 325 square foot outdoor space in accordance with the plans and documents heretofore submitted upon the following conditions:

1. The applicant will comply, at all times, with the Special Use Permit granted for the Hudson Valley Farmers' Market approved by the Town of Red Hook Planning Board on March 18, 2013.
2. The following specific conditions shall be fulfilled throughout the operation of ABCider in accordance with § 143-51(K) of the Zoning Law:
 - A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant in the Site Plan Application, the record of the Planning Board meetings where ABCider and its representatives appeared between January 2021 and April 2021 and such statements shall be considered conditions of this Site Plan approval.
 - B. The ABCider shall be operated during daylight hours only. Lighting for use during hours of darkness shall require a new Site Plan approval for ABCider as

well as an Amended Special Use Permit for the Hudson Valley Farmers' Market.

- C. The signage used for ABCider shall comply with Section 143-27.D(7) of the Zoning Law, which restricts such signage to a single identity sign not to exceed 12 square feet in surface area per side.
- D. Parking for ABCider will be shared with other uses of the Hudson Valley Farmers Market building. The "Preliminary Site Plan for the Greig Farm - Abandoned Cider" prepared by Decker Surveying and dated April 2, 2021 indicates that a total of 88 spaces plus 8 handicapped spaces are available for the Hudson Valley Farmers Market use. The applicant's documents indicate that parking needs for ABCider, in accordance with Section 143-26.B(1)(a) of the Zoning Law, require that there be 26 spaces available for the use, based upon the interior and exterior dimensions of ABCider's space and the similarity of the use to the parking requirements of a "Restaurant, tavern or other eating and drinking establishment," which requires one parking space per 75 square feet of indoor and outdoor service area. The applicant shall at all times ensure that 26 spaces are available for its use and are suitably drained, graded, surfaced and maintained to avoid nuisances of dust, erosion, or excessive water flow across public highways.
- E. The ABCider space shall be used solely for: 1) the processing of fruits for cider, at least a portion of which must come from the Greig Farm; 2) the tasting of ciders for marketing purposes; 3) the sale and processing of ciders from fruits, at least a portion of which must come from the Greig Farm and from fruits grown, produced and processed locally; and 4) the incidental sale of pre-packaged foods and non-alcoholic drinks for its customers, but no kitchen within the ABCider space. The applicant shall provide an annual report to the Planning Board and Zoning Enforcement Officer demonstrating that at least a portion of the cider produced, available for tasting, and sold are composed of fruits grown and produced on the Greig Farm. Such annual report must contain a listing of the volume of fruits purchased by ABCider from the Greig Farm and the volume of cider processed by ABCider in the Hudson Valley Farmers Market building.
- F. ABCider will comply with all New York State rules and regulations for Farmers' Markets and with all state and local regulations pertaining to alcohol sales including enforcing state law when it comes to age restrictions regarding both sales and tastings.
- G. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of the application.
- H. Submission of Site Plan drawings for stamping and signing in the number and form specified in the Town Zoning Law, including all required stamps and signatures.

On a motion by Kristina Dousharm, seconded by Brian Kelly, and a vote of:

Roll Call Vote:

Chairman Sam Phelan	Aye
Member Kristina Dousharm	Aye
Member Brian Kelly	Aye
Member Lewis Rose	Aye
zmember Karen Smythe	Aye

Resolution declared: Adopted on April 19, 2021
Resolution Certified, Filed with the Town Clerk, and Mailed to the Applicant

Kathleen Flood
Kathleen Flood, Deputy Clerk to the Board

4-30-21
Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: April 19, 2021

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, as Lead Agency, 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: Norman Greig Second Airstrip

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant has applied for Amended Site Plan Review and Approval and Amended Special Use Permit approval to allow the designation and use of a second airstrip on an approximately 92.139 acre parcel of land, located within the Town's Agricultural Business (AB) Zoning District. An existing grass strip of land, that had been used since the 1950's by the Greig Farm, was granted Site Plan and Special Use Permit approvals by the Town of Red Hook Planning Board on June 18, 2012 as a "Private airstrip."

Location: Parcel No. 6373-00-944725
Pitcher and Rockefeller Lanes, Town of Red Hook, Dutchess County NY

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 Part 1 and Part 2 Environmental Assessment Form (EAF) for the action dated October 20, 2020, 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).

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3. No construction or other physical alteration of the parcel proposed for the second airstrip is needed in order to accommodate such second airstrip. In addition, the applicant has not proposed any new lighting, signage, or parking in association with the second airstrip. The applicant has testified that the second airstrip is needed only to allow take-offs and landings in a different wind direction but that no increase in the number of take-offs or landings was proposed.

 4. The Planning Board, during its review of the applications and its conduct of a public hearing on the proposed applications, was presented with a Zoning Determination dated March 19, 2021 by the Town of Red Hook Zoning Enforcement Officer (ZEO) that only one special permit use is allowed per parcel in association with a farm operation in the Agricultural Business Zoning District. The Planning Board therefore, has concluded that approval of a second airstrip is not permitted by the Town of Red Hook Zoning Law and has determined that it must deny approval of such applications, based on Town Zoning Law use compliance as determined by the ZEO.

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)

Norman Greig, (Applicant)

**Resolution Granting Approval to the Final Subdivision Plat for
Arlyck/Costello & Banker Lot Line Alteration**

Name of Project: Lot Line Alteration between Lands of Arlyck and Lands of Costello and Banker

Name of Applicants: Ralph and Elizabeth C. Arlyck, William L. Costello and Johari Banker

Whereas, the applicants have submitted an application for Final Plat Approval to the Town of Red Hook Planning Board to convey \pm 0.904 acres of land from the \pm 15.28-acre Arlyck parcel (Tax Map Parcel No. 103000-190.-1-36) located at 122 Old Road in the Town of Clermont, Columbia County to the adjacent \pm 33.78-acre Costello and Banker parcel (Tax Map Parcel No. 134889-6175-00-682703) located at 7 Old Road in the Agricultural Business (AB), Scenic Corridor Overlay (SC-O), and Historic Landmark Overlay (HL-O) Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Subdivision Plat entitled "Proposed Lot Line Alteration Parcel B William L Costello and Johari Banker and Parcels A1 and A2 Ralph and Elizabeth C. Arlyck" prepared by Daniel J. Russell, PLS of Crawford and Associates Engineering, PC, dated March 19, 2021 and revised April 22, 2021; and

Whereas, on April 19, 2021, the Planning Board classified the proposed action as a Type II action under SEQR pursuant to 6 CRR-NY Part 617.5(c)(16); and

Whereas, the Costello and Banker parcel is located within 500' of a New York State certified agricultural district (Agricultural Districts No. 4 and 20) and the applicants submitted an Agricultural Data Statement dated April 1, 2021 and April 6, 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 Costello and Banker property is encumbered with a conservation easement held by The Scenic Hudson Land Trust, Inc. which was filed with the Dutchess County Clerk's Office on June 30, 2008; and

Whereas, the Planning Board reviewed the conservation easement and determined the proposed project is consistent with the terms of the easement; and

Whereas, the Planning Board notified the Clerk of the Town of Clermont of the public hearing pursuant to General Municipal Law § 239-nn; and

Whereas, on May 3, 2021, 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 May 3, 2021; 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 Ralph and Elizabeth C. Arlyck, William L. Costello and Johari Banker 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 signed by the Dutchess County Department of Health (Permission to File).
 - (2) 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.
 - (3) The applicants shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (4) The applicants shall pay any and all outstanding escrow balances for consultant review.
 - (5) 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 Brian Kelly, seconded by Kristina Dousharm, 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 Smythe	Voting <u>Aye</u>

Resolution was declared adopted on May 3, 2021.

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

<u>Kathleen Flood</u>	<u>4.20-21</u>
Kathleen Flood, Clerk to the Board	Date

Town of Red Hook Planning Board

CERTIFICATE OF APPROPRIATENESS

April 19, 2021

David Bradfield
Tax Parcel # 220821

The applicant, whose property is located at 45 Old Post Road North, Red Hook, wishes to replace an existing privacy fence on a .73-acre parcel in the Hamlet of Upper Red Hook.

The application and supporting documents were sent to the Hamlet Design Review Committee March 30, 2021. The Committee responded April 1 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

The Planning Board has reviewed and discussed the proposed plans and determined that the project proposed 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 visual negative impact.

Because the project is small in scope and replaces an existing fence, the Planning Board generally agreed to waive a public hearing. Therefore,

On a motion by Karen Smythe, 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 David Bradford for the proposed construction described above.

Certified by: Kathleen Flood April 19, 2021
Kathleen Flood, Planning Board Clerk Date