

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
June 1, 2020

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, Brian Kelly, Kristina Dousharm, Kallie Robertson, Vanessa Kichline, Lewis Rose and Lisa Foscolo. Also present were planning consultant Michele Greig, engineering consultant Michelle Mormile and the Board's attorney Joel Sachs.

Brian Kelly moved to accept the draft minutes for the April 6 and May 4 meetings. Lisa Foscolo seconded and all members voted in favor.

CONTINUED PUBLIC HEARING

Sky Park Minor Subdivision, 438 Route 199

Continued public hearing on application to subdivide a 102.114-acre parcel into four residential building lots, 7.971 acres, 30 acres, 37.517 acres and 31.508 acres in size, proposed to be accessed by two shared driveways in the RD3, Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O) and Environmental Protection Overlay (EP-O) Districts.

Applicant's representative Tom Mangione was present.

Sam Phelan asked Mr. Mangione if anything had resulted from the comment by a neighbor at the public hearing about industrial refuse or contamination on the property. Mr. Mangione said he had reached out to the neighbor but received no response.

Mr. Mangione said that the Red Hook Building department has documentation that underground storage tanks were properly removed. The Board generally agreed that any issues had been addressed.

Joel Sachs said he would feel more comfortable if the Board would consider asking the building department to consult the DEC and the Health Department databases to ensure that there is no contamination on the site.

Mr. Mangione said that the deed restrictions for lot 1 had been revised to the Planning Board and applicant's attorneys' satisfaction. Mr. Sachs wanted to review some minor changes to the document and agreed to review those changes with Mr. Phelan before finalizing them.

Lisa Foscolo moved to close the public hearing. Lewis Rose seconded and all members voted in favor.

The Board and applicants reviewed a draft final approval resolution. Language in the conditions of approval concerning the requirement of State Pollutant Discharge Elimination System (SPDES) permits and investigating any possibility of site contamination was revised. Kristina Dousharm moved to adopt the approval resolution as amended. Lisa Foscolo seconded and all members, by roll call, voted in favor. (Kallie Robertson left the meeting before the vote.)

NEW BUSINESS

Ferguson Barn Special Use Permit, 32 Vosburgh Road

Presentation of application to construct a barn for personal and veterinary use on a 12-acre parcel in the RD3 Zoning District.

Applicant Gillian Ferguson and her representative Phillip Williams were present. Mr. Williams gave an overview of the project, and Ms. Ferguson described the structures that currently exist on the property.

Lewis Rose asked Mr. Ferguson approximately what percentage of the new barn would be used for her to treat animals. Ms. Ferguson discussed the way haul-in services work, and said although she does not do much of that type of treatment currently, she anticipates when the barn is built, possibly two to three animals per week.

The Board reviewed the site plan submitted, and an aerial photo to determine the location of the proposed driveway and the neighbor's house. Also reviewed were elevations and floor plan for the proposed barn.

Kristina Dousharm moved to adopt a Type II SEQR resolution. Lisa Foscolo seconded and all members voted in favor.

Mr. Phelan said an application for site plan should be submitted, and a revised site plan that clearly shows the driveway, parking, trees to be removed, and lighting and signage if applicable.

OTHER BUSINESS

Curran Open Development Area, Read Road

Request for comments from the Planning Board from the Town Board.

Applicant's representative Warren Replansky was present.

Mr. Phelan explained that the applicant's lot has adequate frontage on Read Road, but they want to access their lot off of Westview Lane, which serves four lots, but is not a town road.

Mr. Replansky said that the topography of the property would make it difficult and expensive to build a driveway off Read Road. Lewis Rose asked for clarification about the topography. Mr. Replansky said he had no details. Mr. Rose asked if West Road is a private road or a driveway. Mr. Replansky said it is listed as a private road that accesses four lots, two of which have houses.

Mr. Phelan said that a private road should comply with the specifications of a town road, and driveways may not access more than 4 parcels. Mr. Replansky asked where the driveway information was in the zoning code. Michele Grieg said it was in the subdivision regulations. Mr. Replansky said the application is not for a subdivision. Ms. Greig said that regardless, there is a limit to the number of dwellings that can be served by a shared driveway. A private road may serve more than 4 homes, she said, but it would need to be documented that West Road is a private road.

Mr. Replansky said the applicants also own a vacant 10.95-acre parcel on Westview Lane, and a 1.1-acre parcel with a residence on it. Mr. Phelan asked if it was correct, then, that the applicant owns four parcels on Westview Lane, and there is one parcel that Westview Lane via easement that is not owned by the applicant for a total of 5 lots. Mr. Replansky replied that four lots access Read Road over Westview Lane. Considerable discussion ensued about the history of the homesites being served by Westview Lane. Brian Kelly noted that there actually are 3 existing homes on Westview Lane, rather than 2.

Ms. Grieg said that some documentation of the creation of the road should be submitted. Joel Sachs offered to meet with Mr. Replansky and Ms. Grieg before the next meeting to determine the legal status of Westview Lane and the number of lots allowed to use it for access to Read Road. The matter was tabled pending further clarification.

ADJOURNMENT

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

Respectfully submitted



Kathleen Flood
Clerk for the Board

Resolution Granting Approval to the Final Subdivision Plat for Sky Park Subdivision

Name of Project: Sky Park Subdivision

Name of Applicants: Sky Park Developers, LLC

Whereas, the applicant, Sky Park Developers, LLC has submitted an application for Final Subdivision Plat approval to the Town of Red Hook Planning Board to subdivide a \pm 102.114 acre parcel of land (Tax Map Parcel No. 134889-6372-00-472345) located in the Rural Development 3 (RD3), Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Environmental Protection Overlay (EP-O) Districts into four residential building lots, \pm 7.971 acres, \pm 30.000 acres, \pm 31.508 acres, and \pm 32.635 acres in size; and

Whereas, the parcel is located at 438 Route 199 in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant has submitted a Final Subdivision Plat prepared by CPL Architecture, Engineering, Planning entitled "Sky Park Minor Subdivision" Sheet 1-1 dated April 22, 2020, and a Worksheet Map prepared by CPL Architecture, Engineering, Planning entitled "Sky Park Worksheet Map" dated November 20, 2019 and stamped "Received" by the Planning Board on January 17, 2020; and

Whereas, on November 4, 2019, the Planning Board declared its intent to be Lead Agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQRR and no other involved agency objected after notice thereof; and

Whereas, on April 6, 2020, the Planning Board, in consideration of the Full Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Red Hook Fire Chief Steve Fell reviewed the plans and approved the proposed pull-off locations, emergency vehicle turnarounds, and the gravel surfacing of these features; and

Whereas, pursuant to § 120-24B(7) of the Town Code, the applicant submitted certification from a licensed professional engineer, CPL Architecture, Engineering, Planning dated September 5, 2019 that, based on a water feasibility study completed for the site by LBG dated February 21, 2014 and soil deep tests conducted on August 6, 2019, an approvable individual sewage disposal system location exists on each of the four lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the four lots; and

Whereas, the parcel is located within 500 feet of a certified New York State agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 6, 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 May 4, 2020, the Planning Board opened a duly noticed public hearing on the Final Plat, which Public Hearing was continued on June 1, 2020, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on June 1, 2020; 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 finds that the project will create a need for recreational land and facilities due to the generation of approximately 14 new residents of the Town including five (5) new school age child (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Based on the present and anticipated future need for park and recreational opportunities in the Town, and the recreation demands that will arise from the future population of this project, parklands should be reserved as a condition of approval of this subdivision. However, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, pursuant to New York State Town Law § 277, the Planning Board has appropriate grounds to require that the applicant deliver payment in lieu of parkland dedication, and the applicant shall make a recreational fee payment, in the amount established by the Town Board, for three (3) new residential lots to allow for expansion of the Town's recreational facilities.

BE IT FURTHER RESOLVED, that no building permit may be issued for any of the four lots until the applicant provides the Town of Red Hook Building Department with proof of recording the Common Use and Maintenance Agreement for the common driveways with the Office of the Dutchess County Clerk.

BE IT FURTHER RESOLVED, that no building permit may be issued for any of the four lots until the property owner of the lot provides the liber and page number for the filing of the Declaration of Covenants and Restrictions for the lot to the Town of Red Hook Building Department.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to Sky Park Developers, LLC in accordance with the plans and specifications heretofore enumerated upon the following conditions and modifications:

- A. The Planning Board authorizes the Chair or his authorized designee to sign the Subdivision Plat after compliance with the following conditions:
 - (1) The applicant shall revise the subdivision plat as follows:
 - (a) The Agricultural Notice from the Town of Red Hook Code Chapter 72-2B shall be revised to include only the notice, beginning with "It is the policy of the Town of Red Hook. . ." and the notice shall be headed "Agricultural Notice."

- (b) To include the permit number and date of the NYSDEC Freshwater Wetlands Permit for disturbance within the regulated 100 foot adjacent area to the State wetland for the driveway to Lot 3.
- (c) To relabel the "primary building envelope" on Lot 1 as "Principal Building Envelope" on Sheet 2-2.
- (d) To delete "Restricted Area A" and "Restricted Area B" from Sheet 1-2.
- (e) To relabel "Area B" on Lot 1 as "Restricted Area B" on Sheet 2-2.
- (f) To clarify the entire outline of "Restricted Area B" on Sheet 2-2.
- (g) To remove the topography layer on Sheet 2-2 in order to clarify the outlines of the building envelopes and restricted areas.
- (h) To revise Sheet 2-2 to indicate the location of the four building envelopes with metes and bounds, and to indicate the location of "Restricted Area A" and "Restricted Area B" on Lot 1 with metes and bounds, all corresponding to how these features are depicted on Sheet 2-2 dated May 21, 2020.
- (i) Revise the Notes as follows:
- (i) Note 6 shall read: "The four lots depicted on this plat are each governed by a Declaration of Covenants and Restrictions filed with the Dutchess County Clerk's Office. These covenants restrict where buildings and structures may be located on each lot. In the case of Lot 1, the covenants also include restrictions on tree removal and other activities in "Restricted Area A" and "Restricted Area B" in order to protect the view shed of Lot 1 from Route 199. The Declaration of Covenants and Restrictions must be complied with prior to any land disturbance and prior to the issuance of a building permit for any of the four lots."
- (ii) Note 7 shall read: "No construction of buildings is permitted within the 200 foot Agricultural Business Buffer Area, with the exception of farm buildings/structures located within the Accessory Building Envelope on Lot 1."
- (iii) Note 8 shall read: "All work within the regulated 100 foot adjacent area to the NYS DEC wetland on Lot 3 depicted on this plat shall be in accordance with NYSDEC Permit ID 3-1348-00215/00001."
- (iv) Note 14 shall read: "Approval from the Dutchess County Department of Behavioral and Community Health is required for water and sanitary sewage disposal facilities prior to the issuance of a Building Permit for any lot depicted hereon."
- (v) Note 15 shall read: "Proposed driveways shall be 15 feet wide over existing traveled ways, using existing traveled way surfaces. No paving, grading or disturbance shall be permitted to create driveways. Gravel will be added to existing gravel surfaces as needed."
- (vi) Note 16 shall read: "For Lot 3, paving of the driveway and the use of salts and deicing agents on the driveway is prohibited. Furthermore, the placement of item #4 on the portion of the 15 foot wide travelled way located within the 100 foot adjacent area to the NYS DEC wetland will occur prior to house construction on Lot #3, and a silt fence shall be installed downgrade of the driveway during installation of item #4, as depicted on Sheet 2-2."
- (vii) Note 17 shall read: "No further subdivision of any of the four lots is permitted."
- (viii) Note 19 shall be revised as approved by the Planning Board Engineer.

- (j) To depict on Sheet 2-2 the erosion and sediment control measures that will be installed downgrade of the portion of the driveway to Lot #3 that is located within the regulated 100 foot adjacent area to the state wetland.
 - (k) To restore the Location Map on Sheet 1-2.
 - (l) To replace the Planning Board signature block for site plan approval with the signature block for subdivision approval.
- B. The applicant shall amend the Declaration of Covenants and Restrictions for Lot 1 in form, substance and manner of execution acceptable to the Planning Board Attorney.
- C. The applicant shall submit the Declaration of Covenants and Restrictions for Lots 2, 3, and 4 in form, substance and manner of execution acceptable to the Planning Board Attorney stipulating that: no further subdivision of any of the the lots is permitted; construction of structures outside the building envelopes is prohibited; to include the mitigation measures for Blanding's turtle; to require that the Hudsonia report "Backyard Turtle Conservation" and the "Habitat Suitability Assessment" prepared by Ecological Solutions, LLC dated 10/11/19 and last revised 1/9/20 shall be distributed to future homeowners of all four lots. In addition, the covenant for Lot 3 shall prohibit paving of the driveway and use of salts and de-icing agents on the driveway.
- D. The applicant shall obtain a Freshwater Wetlands Permit from the NYSDEC for the disturbance within the regulated 100 foot adjacent area to the State wetland for the driveway to Lot 3.
- E. The applicant shall submit correspondence from the NYSDEC indicating that the revised plan set has been submitted to NYSDEC and that agency is satisfied that the measures from the "Habitat Suitability Assessment Report" last revised 1/9/20 have been incorporated on the plans.
- F. The applicant shall submit verification that the Town of Red Hook Building Department reviewed the NYSDEC Environmental Site Database to verify that there are no records of contamination onsite.
- G. The Subdivision Plat shall be signed by the Dutchess County Department of Health (Permission to File).
- H. The applicant shall submit approval from New York State Department of Transportation for the curb cut or any work proposed within the NYSDOT Right-of-Way.
- I. Submission of the Common Use and Maintenance Agreement in a form, substance and manner of execution acceptable to the Town Attorney for the proposed common driveways for the four lots.
- J. The applicant shall make a recreational fee payment, in an amount established by the Town Board, for three (3) new residential building lots to allow for expansion of the Town's recreational facilities.
- K. The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-24B(2)(2) of the Town Code.
- L. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- M. The applicant shall pay any and all outstanding escrow balances for consultant review.
- N. The applicant 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.

O. The Final Plat must be filed with the Clerk of the Planning Board within 180 days of the date of adoption of this resolution, unless such time is extended by mutual consent of the applicant and the Planning Board.

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 prior to the time the deeds are recorded in the Dutchess County Clerk's Office and prior to the delivery of the deeds to the purchaser of each lot, the applicant shall submit the deeds to all four lots in form, substance and manner of execution acceptable to the Planning Board Attorney, and all four deeds shall refer to the Declaration of Covenants and Restrictions that is applicable to each lot; the deeds for Lots 2, 3, and 4 shall additionally state that there is a covenant on Lot 1 that Lots 2, 3, and 4 have the right to enforce; and the deeds for Lots 3 and 4 shall include the NYSDEC Freshwater Wetlands Notice.

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 Lisa Foscolo and a roll call vote, which resulted as follows:

| | |
|-----------------------------|--------|
| Chairman Sam Phelan | Aye |
| Deputy Chairman Brian Kelly | Aye |
| Member Kristina Dousharm | Aye |
| Member Lisa Foscolo | Aye |
| Member Vanessa Kichline | Aye |
| Member Kallie Robertson | Absent |
| Member Lew Rose | Aye |

Resolution was declared adopted on June 1, 2020.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

Date

6-2-20

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

Name of Action: Ferguson Animal Hospital

Whereas, the applicant proposes to construct a \pm 780 square foot heated barn for farm use, a portion of which would be used for veterinary services on a \pm 12.03 acre parcel located at 32 Vosburgh Road in the RD3 in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated April 28, 2020 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 CRR-NY 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 CRR-NY 617.5(c)(4) and (9) 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 Kristina Dousharm, seconded by Lisa Foscolo, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on June 1, 2020.