

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
June 4, 2018**

Chairman Sam Phelan called the meeting to order at 7:50 pm.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Brian Kelly and Lisa Foscolo. Kallie Robertson was absent.

Bill Hamel made a motion to accept the minutes of May 21. Lisa Foscolo seconded and all members voted in favor.

PUBLIC HEARING

David and Aimee Sember – 25 James Court – Special Permit

Public Hearing on application to construct a new single family dwelling with an accessory apartment on a 6.9 acre parcel in the Agricultural Business District.

Applicants David and Aimee Sember were present. Sam Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Brian Kelly made a motion to open the public hearing. Lisa Foscolo seconded and all members voted in favor.

Mr. Sember gave an overview of the project. Mr. Phelan asked about the exterior materials. Mr. Sember said it would be hardy board and cultured stone. He described the entrances to the apartment via the garage and the main entrance of the house.

Mr. Phelan asked if there were any questions. Eleanor Davis, 19 James Court, asked if the Sembers would be living in the house. Mr. Sember replied yes. Ms. Davis said she was in support of the project.

Mr. Phelan asked if there were any further questions or comments from the public. There were none. Brian Kelly mad a motion to close the public hearing. Lisa Foscolo seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Bill Hamel moved to adopt it. Brian Kelly seconded and all members voted in favor.

OLD BUSINESS

Stewart's Shops – 7243 So. Broadway – Amended Site Plan

Continued discussion of application to construct a 1,036 sq. ft. addition to an existing store on a 1.44 acre parcel in the Traditional Neighborhood District-Commercial Center.

Applicant Chad Fowler was present. The Board and applicant reviewed a site plan that was revised according the comments received at the Public Hearing May 21. Mr. Fowler proposed to add more pine trees to block headlights shining on neighboring homes on Adams Road, and install a split rail fence to keep people from driving over the yard to Adams Road, with an opening for pedestrians. Lisa Foscolo asked about the possibility of maintaining a pathway. Mr. Fowler said he preferred to leave it grassy and informal.

Mr. Fowler said that due to a complaint of odor from the neighbors, the septic system was investigated, and it was discovered that the leach field distribution box had a broken cover, which will be replaced. He added that septic lines are being changed because the location of the bathroom is being changed.

Mr. Fowler said three trees will have to be removed to accommodate the proposed addition. The Board and Mr. Fowler reviewed the existing and proposed landscaping.

Mr. Phelan asked if a bicycle rack could be installed. Mr. Fowler agreed to install one on the east side of the building. Mr. Phelan asked Johanna and William Moore, residents of Adams Road who were present, if they had any further concerns. Ms. Moore asked if there was adequate room for a fire truck between Conway's and Stewarts. Mr. Fowler said a fire truck could not pass through however apparatus could be moved through. Mr. Moore asked if construction would be done at night. Mr. Fowler said that the ceramic floors will be installed at night for one week of the project, and that all exterior work will be done during the day. He estimated the project will take 6 weeks.

The Board reviewed a draft approval resolution. Lisa Foscolo moved to adopt it with the addition of the bicycle rack, the pedestrian opening in the fence, and a fence detail. Brian Kelly seconded and the motion passed unanimously.

NEW BUSINESS

David Schulz - 12 Wildey Road – Certificate of Appropriateness

Presentation of application to install a deer fence on a residential parcel in the hamlet of Barrytown.

Mr. Schulz was present. Sam Phelan said that the Design Review Committee had not responded to the project yet. Mr. Schulz showed photos of the fence and the gate. He indicated where the fence would be installed between shrubs and trees along the road in his front yard. Mr. Phelan said that the zoning code allows for a 4 foot high fence in a front yard, and if Mr. Schulz wanted to put a 6 foot fence in front, it would require a variance. Mr. Schulz said he would install a four foot high fence along the front.

A public hearing was set for June 18. Mr. Phelan asked Mr. Schulz if he could provide samples or clear photos of the fence for the hearing. Lisa Foscolo made a motion to classify the action as Type II under SEQR. Brian Kelly seconded and all members voted in favor.

ADJOURNMENT

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

Respectfully submitted,



Kathleen Flood
Planning Board Clerk

Resolution Granting Special Permit Approval to Sember Accessory Apartment

Name of Project: Sember Accessory Apartment

Name of Applicant: David and Aimee Sember

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from David and Aimee Sember to construct an accessory apartment within a new single-family dwelling on a \pm 6.9 acre parcel (Tax Map Parcel No. 134889-6372-00-970678-0000) located at 25 James Court in the Agricultural Business (AB) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has confirmed that there are no existing accessory apartments located on the property; and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 and has found that the proposal complies with all of the general standards, including but not limited to: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the AB District; the size of the site in relation to the use, the location, nature and height of the proposed building, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will be provided and will be screened at all seasons of the year from the view of adjacent residential lots and streets; the general landscaping of the site will be in character generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed accessory apartment will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for an accessory apartment within a new single-family dwelling found in § 143-65 and has found that the proposal complies with all of the specific standards, including but not limited to: the accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s); the exterior entrance to the accessory apartment shall be located to the side of the structure; the accessory apartment shall be subordinate to the principal residence and shall contain a maximum floor area of 411 square feet, which is less than 20% of the 2050 sq. ft. of habitable space of the single-family dwelling; the accessory apartment shall have only one (1) bedroom and its occupancy shall be restricted to no more than three (3) persons; there are no other accessory apartments on the property; the lot has been determined by the Zoning Enforcement Officer to conform to the minimum lot area of the AB District since the parcel is part of a previously created residential cluster development; a minimum of two (2) off-street parking spaces shall be provided for the accessory apartment, in addition to two (2) off-street parking spaces for the single-family dwelling, and all of the parking shall be located without encroaching on any

required yard or setback area; the accessory apartment shall be supported by adequate water and sanitary sewage facilities, which will be reviewed and approved by the Dutchess County Department of Health (DCDOH); and

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

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on May 7, 2018 determined that the proposed project is a Type II Action that meets the threshold found in 6 NYCRR 617.5(c)(9) and, therefore, SEQR does not apply; and

Whereas, the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement, dated April 17, 2018, 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 comments on the Agricultural Data Statement in its review of the application; and

Whereas, on June 4, 2018, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on June 4, 2018; 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 Special Permit approval to David and Aimee Sember for an accessory apartment within a new single-family dwelling in accordance with the application materials and specifications heretofore submitted upon the following conditions:

- A. The following conditions shall be fulfilled prior to the applicant obtaining a Building Permit for the proposed project:
 - (1) The applicant shall obtain approval from DCDOH for the proposed well and sanitary sewage disposal system.
 - (2) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - (3) Payment of any and all outstanding escrow balances for consultant review.

- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy:

- (1) The building shall be in compliance with all provisions of the New York State Uniform Fire Prevention and Building Code.
- (2) All proposed improvements shall have been completed in accordance with the approved Special Permit.


C. The following are general conditions which shall be fulfilled throughout the operation of the project:

- (1) This permit authorizes one (1) accessory apartment, a maximum of 411 square feet in gross floor area.
- (2) Two (2) off-street parking spaces for the accessory apartment, in addition to two (2) off-street parking spaces for the single-family dwelling on site, shall be provided at all times.
- (3) The number of occupants of the accessory apartment shall be limited to a maximum of three (3).
- (4) The applicant shall continue to comply with all requirements of § 143-65 of the Zoning Law and with all conditions imposed by any outside agencies in their permits.

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 Bill Hamel, seconded by Brian Kelly, and a vote of 4 for, 0 against, and 1 absent, and 2 vacant seats, this resolution was adopted on June 4, 2018.

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



Kathleen Flood, Clerk to the Planning Board

June 5, 2018

Date

Resolution Granting Amended Site Plan Approval to Stewart's Shop Building Addition

Name of Project: Stewart's Shop Building Addition

Name of Applicant: Stewart's Shops Corp.

Date: June 4, 2018

Whereas, the Town of Red Hook Planning Board has received an application for Amended Site Plan approval from Stewart's Shops Corp. to construct a \pm 1,036 sq. ft. addition to an existing convenience store and install a 10' by 12' storage shed on a \pm 1.44 acre property (Tax Map Parcel No. 134889-6272-17-219182-0000) located at 7243 S. Broadway in the Traditional Neighborhood Development Commercial Center (TND-CC) Subdistrict in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted an Amended Site Plan Site Plan (Sheets T-1, S-1, and S-5 dated March 21, 2018 and last revised May 10, 2018; Sheets S-3 to S-4 dated March 21, 2018) prepared by Scott Edwin Kitchner, PE; and

Whereas, the Planning Board has reviewed the Amended Site Plan application against the requirements of Article VII of the Town of Red Hook Zoning Law and has found that the proposal complies with all applicable sections of the Zoning Law; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on April 16, 2018 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, due to the location of the property within 500' of a State road, the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department issued a review letter dated April 30, 2018 stating that the project was a matter of local concern; and

Whereas, on May 7, 2018, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on May 7, 2018; 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 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 Amended Site Plan approval to Stewart's Shops Corp. to construct a \pm 1,036 sq. ft. addition to an existing convenience store and install a storage shed in accordance with the plans and specifications

enumerated above, subject to the provisions of the Town Code, and subject to the following conditions and modifications:

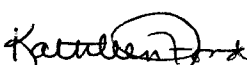
1. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chair or his authorized designee:
 - A. The Site Plan shall be revised as follows:
 - (i) Add a note below the Plant List on Sheet S-3 that states: "The owner or record shall maintain all landscaping as shown on the Site Plan throughout the duration of use."
 - (ii) Include a detail of the split rail fence, including materials, on Sheet S-3.
 - (iii) Include a revision date on Sheet S-3.
 - (iv) Add a bicycle rack on the east end of the building.
 - (v) Show the pedestrian opening in the fence
 - (vi) Provide a detail of the proposed fence
 - B. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
 - C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - D. Payment of any and all outstanding escrow balances for consultant review.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairman endorsement. One (1) set shall 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 Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

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 Lisa Foscolo, seconded by Brian Kelly, and a vote of 4 for, 0 against, and 1 absent, and 2 vacancies, this resolution was adopted on June 4, 2018.

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



Kathleen Flood, Planning Board Secretary

June 5, 2018

Date

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

Name of Action: Schulz deer fence

Whereas, the applicant proposes to install a deer fence around the perimeter of his parcel at 12 Wildey Road, which shall be 4 feet high on the front of the parcel and 6 feet high on the sides and rear; and

Whereas, after comparing the thresholds contained in 6 NYCRR 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 NYCRR 617.5(c)(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 Lisa Foscolo, seconded by Brian Kelly and a vote of 4 for, and 0 against, and 1 absent, this resolution was adopted on June 4, 2018.