

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
June 21, 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. He explained that people wanting to attend Planning Board Zoom meetings must request a link from the Planning office and wait in the Zoom waiting room to be admitted.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Kristina Dousharm, Lew Rose, and Karen Smythe and Brian Kelly. Also present were planning consultant Michele Greig, and engineering consultant Brandee Nelson.

PUBLIC HEARINGS

Mimeles and Deitz Certificate of Appropriateness – 203 Barrytown Road

Public Hearing on application to construct a 30 x 25 -foot pool house on a 5-acre parcel in the hamlet of Barrytown.

Mr. Phelan read the Notice of Public Hearing that was published in the Poughkeepsie Journal. Lew Rose moved to open the hearing. Karen Smythe seconded, and all members voted in favor.

The applicants were not present. Mr. Phelan gave an overview of the project. He said that although the applicants were not present, he would hear comments from the public.

Dan Mendelsohn introduced himself as the direct back door neighbor. He said that the pool house is very large and located in an area known as Sneakers Gap, a ravine which is an important natural feature of Barrytown. He was concerned about the visual impact. He said that excavation has commenced, and soil is coming down the slope into the gap. He said that he assumes a large retaining wall will be required to hold up the proposed pool, which will also be visually intrusive.

Mr. Mendelsohn added that the applicants have installed outdoor lighting which lights up the whole ravine and is extremely visually intrusive. He said he has asked to applicants to replace what he described as naked bulbs with more modest downward directed lights. He also asked about town code concerning swimming pools.

Mr. Phelan said that swimming pool construction requires a permit from the Building Department and must conform with state regulations. He said the Planning Board may be limited in terms of how much they can do to address some of Mr. Mendelsohn's concerns.

Neighbor Paula Schoonmaker, 71 Station Hill Road, shared Mr. Mendelsohn's concerns about noise and lighting. She said that the pool was precariously sited on a crevice that leads directly to the Hudson River. She thought the Planning Board and the Building Inspector should look at the environmental ramifications of the project.

Linda Burke, 211 Barrytown Road, agreed with her neighbors, particularly about the noise and light, and added effects to wildlife, especially bats.

Mr. Phelan commented that Certificates of Appropriateness generally concern design and compatibility with the neighborhood, however the concerns of the neighbors go deeper, and these issues are not typically considered by the Design Review Committee, which makes recommendations to the Planning Board for Certificates of Appropriateness.

Ms. Schoonmaker and Mr. Mendelsohn commented that the elevations provided were not very detailed, and the site plan provided was not to scale.

Lew Rose suggested that the neighbors discuss their concerns personally with the applicants before the next meeting. Karen Smythe moved to continue the public hearing July 19. Lew Rose seconded, and all members voted in favor.

Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road

Continued Public Hearing on application to construct a pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

The applicants were not present. The public hearing will be continued to the next meeting. Mr. Phelan and the Board reviewed the revised site plan that had been submitted for landscaping and lighting. He said he was concerned about the landscaping. Kristina Dousharm said perhaps the applicants misunderstood what is required. She suggested that Mr. Phelan confer with the applicants before the next meeting to iron out landscaping, lighting, and handicapped parking. Mr. Phelan asked Michelle Greig and Brandee Nelson to participate in a conference with the applicants and a subcommittee of the Board.

Panorama Schoolhouse Site Plan and Special Use Permit – 14 Linden Farm Lane

Discussion to amend an approved application for a child daycare center in the RD3 Zoning District.

Applicant Jennifer Manon was present. She explained that she wants to move the parking spots from the front of the house to alongside the entry driveway for aesthetic reasons. She added that the location of handicapped parking and ramp are still being considered.

The Board reviewed an Amended Approval Resolution relocating the handicapped ramp and moving the parking spaces. Brian Kelly moved to adopt it. Kristina Dousharm seconded, and the motion passed unanimously.

Mr. Phelan asked if the applicants were considering any additional landscaping along Linden Avenue. Ms. Manon said they had not.

Mighty Donuts Site Plan – 7269 South Broadway

Continued Public Hearing on application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

This project was removed from the agenda

OTHER BUSINESS

Conservation Advisory Committee – discuss collaboration with this committee on Planning Board projects that may present environmental concerns.

Mr. Phelan said he had been contacted by Laurie Husted of the Conservation Advisory Committee (CAC) about the possibility of the CAC advising the Planning Board for applications that involve the extraction of natural resources, projects proximal to wetlands surface water or may adversely affect the quality of wildlife habitat, viewsheds, onsite processing storage materials, storm runoff and large scale subdivisions. He asked Board members how they would feel about referring applications to the CAC.


Brian Kelly said his only concern would be prolonging the application process. Kristina Dousharm agreed. Mr. Phelan said he shares that concern as well. Lew Rose commented that the expertise is valuable, but feedback should be prompt and/or deadlined.

The Board generally agreed that they would welcome advice from the CAC for projects that present the aforementioned conditions and circumstances prior to public hearings and SEQR determinations.

ADJOURNMENT

There being no further business before the Board, Brian Kelly made a motion to adjourn. Kristina Dousharm seconded. Karen Smythe suggested that, before adjourning, they officially extend the public hearings for Sabroso Restaurant and Mighty Donuts to July 19. She made the motion, and Kristina Dousharm seconded, and all members voted in favor of extending the hearings and adjourning the meeting.

Respectfully Submitted,



Kathleen Flood
Planning Board Clerk

Amended Resolution Granting Site Plan Approval to Panorama Family Child Day-Care Facility

Name of Project: Panorama Family Day-Care Facility

Name of Applicant: Jennifer Mañón

Whereas, the applicant, Jennifer Mañón, submitted an application for Site Plan approval to the Town of Red Hook Planning Board to establish a child day-care center for 21 children in an existing building on a ± 3.84 acre parcel (Tax Map Parcel No. 134889-6273-00-468870) located at 14 Linden Farm Lane and Budds Corners Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan entitled “Panorama Child Day-Care Center” (Sheet C-101) prepared by Red Hook Engineering, PC dated February 16, 2021 and revised February 24, 2021; and

Whereas, on February 1, 2021, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(18); and

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

Whereas, the parcel is located within 500 feet of a New York State certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 10, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500 feet of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, due to the location of the property within 500 feet of a County Highway and a farm operation in a NYS certified Agricultural District, 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 determined in its review letter dated March 9, 2021 that the project was a matter of local concern; and

Whereas, on March 1, 2021, the Planning Board opened a duly noticed public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on March 1, 2021; and

Whereas, the project also requires a Special Permit for child day-care center and on April 5, 2021, the Planning Board granted the applicant a Special Permit; and

Whereas, the Planning Board deliberated on the application and all the matters before it; and

Whereas, on April 5, 2021, the Planning Board granted Site Plan approval to Jennifer Mañón for a child day care center for a maximum of 21 children subject to a number of conditions, one of which was that the applicant obtain approval from the Dutchess County Department Behavioral and Community Health for a day-care center; and

Whereas, on May 21, 2021, the applicant notified the Planning Board that they wished to reduce the scale of the project to permit a family day-care facility with a maximum of 12 children and a resident; and

Whereas, the definition of “nursery school” in the Town’s Zoning Law includes both a day-care center and a family day-care facility, and refers to enrolled children other than the children of the “resident family,” which indicates a family may live in the facility, and both a day-care facility and a family day-care facility are regulated by the same section (§ 143-77) of the Zoning Law; and

Whereas, on May 25, 2021, the Town of Red Hook Code Enforcement Officer determined there was no change to the proposed use; and

Whereas, approval from the Dutchess County Department Behavioral and Community Health is not required for a family day-care facility, and therefore the applicant requested that Condition A(4) be deleted from the conditional site plan approval; and

Whereas, on June 7, 2021, the Planning Board determined that the reduction in scale of the facility from 21 to 12 children did not affect the classification of the project as a Type II action under SEQR; and

Whereas, on June 7, 2021, the Planning Board amended the resolutions granting conditional approvals for Site Plan and a Special Permit to allow a family day-care facility for 12 children; and

Whereas, on June 17, 2021, the applicant notified the Planning Board that they wish to relocate the proposed drop-off spaces from immediately in front of the building to south of the building, to maintain the existing location of the driveway to the rear of the building, and to re-orient the proposed ADA parking space; and

Whereas, the applicant submitted a Site Plan entitled “Panorama Child Day-Care Center” (Sheet C-101) prepared by Red Hook Engineering, PC dated February 16, 2021 and last revised June 17, 2021 which depicts the proposed revisions enumerated above, and includes all of the revisions to the Site Plan previously required by conditions A(1) and A(2) in the revised conditional Site Plan approval granted on June 7, 2021; and

Whereas, on June 21, 2021, the Planning Board determined that the proposed revisions will not affect the classification of the project as a Type II action under SEQR.

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 Jennifer Mañón, for a family child day-care facility in accordance with the Site Plan prepared by Red Hook Engineering, PC dated February 16, 2021 and last revised June 17, 2021 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 as follows:
 - (a) To relocate the ADA parking space from the rear of the building to the south of the building, between the four drop-off spaces and the building.
 - (b) To relocate the ADA compliant ramp to the south side of the building.
 - (c) To include a detail of a wooden ADA compliant ramp.
 - (2) The applicant shall obtain all necessary permits and approvals to operate and maintain a family child day-care facility in accordance with the requirements of § 390 of the Social Services Law of New York State, and shall provide a copy of the permits and approvals to the Planning Board.
 - (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 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. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond in an amount recommended by the Planning

Board Engineer will be posted to ensure completion of these features in accordance with the approved Site Plan.

- C. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
- (1) The applicant shall continue to comply with all requirements of § 143-77 of the Zoning Law.
 - (2) The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.

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 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>
and two vacant seats	

This amended resolution was adopted on June 21, 2021.

Resolution Certified, filed with the Town Clerk and mailed to the Applicant

Kathleen Flood
Kathleen Flood, Clerk to the Planning Board

6-27-21
Date