

TOWN OF RED HOOK PLANNING BOARD
Approved MEETING MINUTES
July 1, 2019

Chairman 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, Bill Hamel, Lisa Foscolo, and Kallie Robertson. Also present was planning consultant Michele Greig. Members absent were Kristina Dousharm and Brian Kelly.

Chairman Sam Phelan noted the upcoming discussion for the Preserve at Lakeskill project would probably have to be tabled due to a lack of quorum on the vote, and also asked if any Planning Board member wanted to add to the agenda. Bill Hamel stated he wanted to add an item for discussion regarding Noah's Ark Antique Store.

Chairman Sam Phelan asked the Board if it had had a chance to review the minutes from the June 3, 2019 meeting, and noted Town Supervisor, Robert McKeon had a comment regarding mining, noting it was probably companies in neighboring communities, and not governmental bodies, who had commented at the meeting. Chairman Phelan assented to this revision to the minutes.

Kallie Robertson moved to accept the revised, June 3, 2019 meeting minutes, Bill Hamel seconded, and all members present voted in favor.

Chairman Phelan introduced Vanessa Kichline as a prospective Planning Board member.

NEW BUSINESS

LA Commons – Amended Site Plan 2019-3

Presentation of application to amend a previously approved site plan for a multi-family dwelling in a 6.3 acre parcel in the RD1.5 Zoning District.

The applicant informed the Board she had revised her "As Built" Site Plan to include everything the Planning Board had asked for, including lighting details, landscaping details, underground propane tank.

Landscaping

Chairman Phelan commented the applicant made a major change to the driveway, which triggered changes to the landscaping, and sidewalk. He also noted the parcel, as a corner lot, has two front yards, and needed to move some of the landscaping to screen emergency fire, sprinkler equipment, air conditioning equipment, and a generator from Route 9 and Rockefeller Road. Chairman Phelan confirmed with Board members they had visited the site. He also voiced a concern regarding the lower branches dying off of the conifer plantings. Kallie Robertson commented the presentation of the parcel looks so different than it did during the winter, since the greenery has filled out, and voiced a concern about the winter appearance of the greenery. Lindsay Schultz stated she planted spruce to screen the equipment.

Michele Greig noted the plans also show arborvitae, which is very attractive to deer, commenting that the applicant is required to maintain the landscaping for the duration of the use. Bill Hamel noted he uses a spray every two weeks. Kallie Robertson noted the area of the parcel, at the corner of

Rockefeller and Route 9, in front of the generator and tanks looked bare. The applicant stated her trees were already planted, and if they become eaten up by deer, she would replace them. Kallie Robertson stated she appreciates the applicant stating she will maintain the landscaping, but also thinks it is a good idea to address it now. Lisa Foscolo suggested planting something in front of the arbor vitae that would cover the lower area of the plants, which would be eaten by deer. Michele Greig noted there is a list of plants that are less attractive to deer, published by Rutgers University. Chairman Phelan stated he was inclined to see what would happen with the landscaping in a year's time. Michele Greig encouraged the Board to address the matter now, rather than later on. Sam Phelan recommended the Planning Board provide this information to prospective applicants. Michele Greig commented the revised plans should include a note on the planting schedule that the applicant is required to maintain the landscaping throughout the use. Lisa Foscolo mentioned that Leland Cypress is a recommended planting. Kallie Robertson mentioned the forsythia planted in front of the solar array for screening purposes, at the SW corner of Rte 9G and Barrytown Road.

Public Hearing, Temporary C of O, SEQR, Review of Previously Approved Special Permit

Chairman Phelan noted the applicant would have a public hearing at the next Planning Board meeting, and also commented he was inclined to recommend to the Building Inspector that a temporary Certificate of Occupancy be granted to the applicant until the public hearing. Kallie Robertson moved to set the public hearing for the July 15, 2019 meeting, and request a temporary Certificate of Occupancy from the Building Inspector. Bill Hamel seconded, and all Board members present were in favor. Michele Greig noted the Board needed to reaffirm the action was still Type II under SEQR with a verbal resolution. Bill Hamel moved to reaffirm, Kallie Robertson seconded, and all Board members present were in favor. Michele Greig and the Board members present reviewed the Special Permit approved on October 15, 2018, for consistency with the amended site plan application. Upon review Board members and Michele Greig concluded no change was necessary to the Special Permit, and Ms. Greig would simply note in in the Amended Site Plan Approval Resolution. Michele Greig also informed the Board the map title block should be revised to read "Amended Site Plan" instead of "As Built", and the Year in Signature Block should read "2019". Ms. Greig also commented the Ag Data Statement from the project's previously approved Site Plan application, could be used for the Amended Site Plan application, since the changes are minor, but asked the applicant to change the date to reflect the current application. Chairman Phelan and Michele Greig noted an Amended Site Plan application carries all of the requirements of a Site Plan application. Michele Greig noted the application was sent to Dutchess County Planning and it was sent back on June 25th, 2019 as a "matter of local concern". Chairman Phelan asked the applicant to have the changes to the plans ready for the next meeting. Michele Greig asked the applicant to submit them by July 9, 2019, so she and the Board could review it.

OTHER BUSINESS

Extension Request - Preserve at Lakeskill

Chairman Phelan noted the applicant met with the Town of Red Hook Highway Superintendent, and further commented the applicant's engineer will be required to submit a statement outlining a revised way of chipping at a stone wall, will not infringe on the abutting property owner. Chairman Phelan further clarified this revised method involves drilling down, using high water pressure, as opposed to chipping out the stone wall. Kallie Robertson asked if that would satisfy the Highway Department. Mr. Phelan replied that the decision lies with Highway Superintendent. Chairman Phelan noted the applicant is working with the Dutchess County Health Department, and the County Water and Wastewater Authority, regarding bonds, easements with the Town regarding septic system clean outs, and storm

water drainage. Bill Hamel recused himself from the discussion. Lacking a quorum to vote on the extension, the Board agreed to table the discussion until the July 15, 2019 meeting.

Extension Request - Shafer's Hudson Valley

Chairman Phelan informed the Board he had received a brief email from Vanessa Shafer, stating her attorney, Warren Replansky, had filed a motion with the court, bringing to light the Town Board had passed a new law, which stated there was no intention of applying the 2018 zoning. Chairman amendment to site plans and special use permits that had been approved by the Planning Board prior to passage of the Zoning amendment. Phelan further informed the Board, according to the motion filed with the court, which the judge's prior decision is no longer valid, since the amendment to Local Law has to be applied. Chairman Phelan stated Joel Sachs and his team will file a letter of support. Kallie Robertson moved to extend the approval 90 days, Lisa Foscolo seconded and all Board members present voted in favor.

Addition to Agenda – Noah's Ark Antique Store

Bill Hamel requested to add to the agenda a discussion of auction activities at the Noah's Ark Antique Store. Mr. Hamel commented the Board had not approved an auction house, and stated he does not know if the store owner is running the auction, or if it is a third party. He informed the Board the business owner stated it is an online auction only, but Mr. Hamel countered he noted there were many cars, and signage on a light pole saying "Lawyer Auction Today", in front of the building, which, Mr. Hamel noted, would not be necessary for an online auction. Mr. Hamel asked the Board if he could show photos of the signage and parked cars to Town of Red Hook ZEO, Bob Fennell. Mr. Hamel also remarked the Board might have deliberated differently, had it known about the auctions, he also noted there appeared to be insufficient parking, and concluded the applicant seemed to be incrementally headed in the wrong direction. Chairman Phelan stated he agreed with Mr. Hamel's request to speak to Bob Fennell, and further commented there seemed to be some chronic issues, including installing a bollard, the old sign from the previous business, the cows in the front yard, with the property. Bill Hamel also commented they have had a number of visits from Bob Fennell. Kallie Robertson commented the business owners never take down their "Open" flag, and Lisa Foscolo commented the garages appear to be always open.

ADJOURNMENT

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

Respectfully submitted,

Anne Rubin, Assistant to
Kathleen Flood
Clerk for the Board