

TOWN OF RED HOOK PLANNING BOARD
Revised¹, Approved MEETING MINUTES
July 15, 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, Kristina Dousharm and Brian Kelly. Also present was planning consultant Michele Greig. Member absent was Kallie Robertson.

Chairman Sam Phelan asked the Board if it had had a chance to review the minutes from the July 1, 2019 meeting, and tabled the discussion regarding the minutes for the next meeting, since several members had not had a chance to review them.

PUBLIC HEARING

LA Commons – Amended Site Plan 2019-3

Public Hearing for an 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.

Chairman Phelan noted an Amended Site Plan application is required to have a public hearing, just as a Site Plan application would. Chairman Phelan confirmed the public hearing was noticed prior to the July 4th holiday, and noted this was a presentation of the final site plan, and asked applicant Lindsay Schultz and her contractor, Matthew Braydich to present the amendments to the original project.

Matthew Braydich, of Cort Contracting, indicated the changes to the previously approved site plan, illustrated on the smart screen, as follows:

- The existing driveway was moved due to grading and DOT requirements, and guardrails,
- The original sidewalk angle changed to a position a little less close to the house,
- The landscaping angles were changed, and original and revised plantings were noted, as a result of conversations with the excavating company, Sam Phelan, and Crawford & Associates engineering firm,
- A generator, as a backup power source for the sprinkler system was installed, and noted on the plan,
- A 2000 gallon, underground holding tank for the sprinkler system was installed, and noted on the plan,
- The propane tank was relocated underground
- Mr. Braydich noted the septic remained unchanged from the original Site Plan, though the primary and reserve systems are now correctly labeled,
- Mr. Braydich also noted the parking lot lighting recommended by the Town engineer was too cost prohibitive, resulting in the selection of a lower priced option, with the same or less lumens and color temperature, also approved by the Town engineer. Mr. Braydich further noted the exterior lighting is oriented downward, the motion lights are 3000 K temperature, and finally, that the Town engineer approved the new light fixtures, and the bulbs.

Mr. Braydich noted a letter, from the Town engineer, mentioned an area on the plans and asked if there was a deck, to which Mr. Braydich replied there is no deck, and the noted structure is an 8'x8' bump-out to ease the grading from the side of the house down to the driveway. Mr. Braydich stated the plans had been submitted and approved by Town Building Inspector, Steve Cole. Mr. Braydich confirmed with Chairman Phelan and Michele Greig he had addressed every point in the GreenPlan Memo, pursuant to

the project. Chairman Phelan asked the Board for further comments. As there were none, he asked for a motion to open the public hearing. Bill Hamel so moved, Lisa Foscolo seconded, and all Board members present were in favor. Chairman Phelan asked if Board members had visited the site, and if there were any questions. As all had visited the site, and there were no questions, Chairman Phelan asked for a motion to close the public hearing. Brian Kelly so moved, Kristina Dousharm seconded, and all Board members present were in favor.

The Board and Michele Greig reviewed the conditions of approval, noted in her memo to the Board, and in the Amended Site Plan Approval, as follows:

The landscaping maintenance requirement, by the owner of record, must be noted on the Amended Site Plan.

The title block must read "Amended Site Plan For Multi-Family Residence", with the correct date.

All fees and escrow must be paid.

The revised, Amended Site Plan, must be submitted in 4 copies, in the required format, to the Planning Office for signature.

The above conditions must be satisfied for the applicant to obtain a Certificate of Occupancy.

Chairman Phelan asked the Board for a motion to conditionally approve the Amended Site Plan. Kristina Dousharm so moved, Lisa Foscolo seconded, and all Board members present were in favor.

NEW BUSINESS

Bear-Lynch Special Use Permit 2019-2

Presentation of application to construct a two car, detached garage, less than 100 feet from a NYSDEC wetland, on a 0.6 acre parcel, in the RD3 Zoning District.

Chairman Phelan noted the parcel is in the Institutional Zoning District, which he thought was possibly an error. Timothy Lynch, the applicant's representative, noted the applicant came to the Planning Board in 2005, for a Special Permit, to add a bathroom onto his house. Michele Greig commented there were a number of nearby properties on that side of the road, which were zoned Institutional, and thought perhaps they had been at one time owned by the Institutional Facility occupying the parcel on the opposite side of the road. Ms. Greig comments the variance would have still been required in the RD3 Zoning District. Ms. Greig also noted any parcel divided by a road automatically becomes two parcels, which could also be in two different zoning districts. Chairman Phelan asked Mr. Lynch, to indicate the precise location of the house and parking area on the parcel, which he noted sits between the roadway and Spring Lake, on a small rise. Mr. Lynch indicated the position of the driveway, and noted it will be set back one foot from the setback of the house. Chairman Phelan asked if the house meets the front yard setback requirements, and commented it is not in a Hamlet District, and so there are no design requirements. Bill Hamel commented the house, according to the GreenPlan Memo, is thirty percent larger than is permitted by zoning, and stated he is not certain this calculation includes the 2005 bathroom addition. Mr. Lynch stated he does not know. Michele Greig noted 5% lot coverage is allowed in the District, 9% is what is currently existing, and the proposed garage would bring it to 12%. Kristina Dousharm commented the Board is uncertain whether or not the existing 9% includes the 2005 bathroom addition, with which Ms. Greig agreed. Chairman Phelan and Michele Greig agreed even if the lot were in the RD3 Zoning District, the permitted lot coverage would only be increased to 7%, and that the applicant has already surpassed the RD3 District's permitted lot coverage. Ms. Greig stated the existing non-conformity would be increased, which is why a variance would be required. Chairman

Phelan noted he spoke with Town Building Inspector, Steve Cole, about this project, and stated Mr. Cole also agreed a variance would be necessary. Ms. Greig noted the project is before the Planning Board because the project is within the 100 foot wetland buffer, and also noted, in addition to the Planning Board Special Permit, the applicant would need a New York State Freshwater Wetlands Permit. Chairman Phelan and Michele Greig confirmed with Mr. Lynch he is aware of this, and Mr. Lynch stated he is already working on it. Michele Greig noted the parcel is within the 100 foot NYSDEC buffer for freshwater wetlands, and further commented the Board would need at least conceptual NYSDEC approval before moving ahead. Bill Hamel asked if the applicant would need to come before the ZBA first, to which Michele Greig replied they would. Chairman Phelan asked Mr. Lynch what the applicant's time frame is on the project, to which Mr. Lynch replied they would like to get going on the project. Chairman Phelan commented the applicant would have to get the NYSDEC Permit, and the ZBA variance before coming back to the Planning Board. Michele Greig commented it is a Type II Action, as a minor accessory building, and further noted, since the applicant started with the Planning Board, the Board could go ahead and classify it as such under SEQR.

Chairman Phelan asked if the Board is comfortable with the project, since he does not want to send the applicant out to get approvals and variances, if the Board is not comfortable. Bill Hamel stated he is not since the applicant's request more than doubles the permitted lot coverage, and further stated since the parcel is within the NYSDEC 100 foot wetland buffer, he stated he wants to review the DEC response, to see if it would alleviate his concerns. Chairman Phelan commented if the DEC were to find no impacts to the water quality, the the issue of runoff into the lake might come up. Mr. Lynch stated the applicant was planning to install a rain garden, and an unpaved, gravel driveway, to mitigate runoff. Michele Greig commented the applicant will have to include the driveway in the calculation of lot coverage, to which Mr. Lynch replied it is not yet included in the lot coverage calculation. Kristina Dousharm asked Mr. Lynch to indicate the location of the septic system, and noted the applicant is limited in space, to redo the septic system, because he is using the available space for the proposed garage, and further noted the existing septic is on a very small area. Ms. Dousharm also noted if the applicant was simply repairing the existing system, he would not have to meet current code requirements, which would only come into play, if the applicant were replacing the system. Ms. Dousharm informed the Board the septic system would only have to be updated if the applicant changed the number of bedrooms, and further noted the addition of a bathroom does not trigger a requirement to update the system. Chairman Phelan commented he did not know how old the existing septic system is. Michele Greig commented the NYSDEC would probably review the existing septic system as part of the freshwater wetland permit application.

Michele Greig recommended Mr. Lynch include the driveway and the 2005 bathroom addition in the lot coverage calculation before going to the ZBA, and noted the calculation could end up being higher than what is stated in the Planning Board application. Mr. Lynch stated the lot coverage could end up being close to what is stated, since the dimensions of the driveway will not change very much from the existing driveway. Kristina Dousharm asked what was planned for the upper level of the garage, to which Mr. Lynch replied it would be a storage space. Chairman Phelan asked Mr. Lynch if the garage would have plumbing, to which Mr. Lynch replied it would not, just an exterior hose. Brian Kelly and Lisa Foscolo stated they would wait for the DEC response before deciding whether or not they were comfortable with the project. Mr. Lynch presented the Board with the 2005 Bathroom Addition Planning Board application. Michele Greig asked the Planning Office to find a copy of the 7-1-2005 Approval for the Special Use Permit associated with the bathroom addition. Chairman Phelan asked for a motion to declare the proposed Action Type II under SEQR. Bill Hamel so moved, Lisa Foscolo seconded, and all Board members present voted in favor.

Mead Orchards – Sun Common Site Plan 2019-4

Presentation of application to install a Medium-Sized Solar Energy System, as roof mounted solar panels, at Mead Orchards, in the AB Zoning District.

The applicant's representative, Lea Springstead, of Sun Common, stated the project is for a roof-mounted, solar energy installation, comprising 123 395 Watt solar panels, measuring a total of 2,699 SF, divided between a larger storage and packing shed, having 2084 SF of panels, and a smaller garage-workshop having 614 SF of panels. Chairman Phelan asked her what would be the system's output, to which Ms. Springstead replied direct current would be 48.5, and alternating current would be 40. Chairman Phelan asked Michele Greig to go through the GreenPlan Memo, pursuant to the project. Ms. Greig stated the project was in the Agricultural Business Zoning District, and would only need Minor Site Plan Review, with no public hearing, and the proposed Action would be Type II under SEQR. Chairman Phelan asked Ms. Springstead to state the purpose of the installation, to which she replied it would be for farm use, and would generate a range of electricity less than is currently required up to 110% of that. Michele Greig commented no signage is permitted, except for the manufacturer's badge, which may only be 36 square inches in size, and contain emergency contact information, which Ms. Greig noted, should be included on the project Site Plan. Ms. Greig also stated the Board needed to confirm the panels were being mounted on lawfully permitted buildings for such a use, and further noted the installation must not exceed height requirements of the zoning district, and cannot exceed the highest point of the roof, and be installed at the same angle as the roof. Ms. Greig also noted the applicant would need a NYS Unified Solar Permit, as a condition of approval. Ms. Greig notified the Board it would need to confirm there was nothing prohibiting a project of this type in the conservation easement. Chairman Phelan, commented the installation would also have to be approved by the utility if it is going to be hooked up, and also. Ms. Greig asked Ms. Springstead if she already had the interconnection agreement with the utility company, to which Ms. Springstead replied she did have it. Chairman Phelan asked if the easement was held by Dutchess Land Conservancy, to which Ms. Springstead replied she was not sure. Michele Greig noted the Agricultural Data Statement submitted by the applicant would have to be revised to include the farm operations on the opposite side of the road. She also notified the Board and Ms. Springstead the application would have to be sent to Dutchess County Planning for review, but that a public hearing was not required.

Kristina Dousharm recused herself, since Sun Common is her client. Chairman Phelan asked the Board for any further questions, and there were none. Chairman Phelan asked for a motion to classify the project as Type II under SEQR. Lisa Foscolo so moved. Bill Hamel seconded and all Board members present were in favor. Michele Greig noted the applicant would need to submit the revised site plan to the Planning Office, for the next meeting on August 5, 2019.

OTHER BUSINESS

Extension request – Preserve at Lakeskill (tabled from the 7-1-19 meeting)

Chairman Phelan asked Mike Bodendorf, representing the applicants, to update the Board regarding the June 20 meeting with the Town Highway Superintendent, and also asked for an estimated time frame for the applicants to obtain a permit to build the road. Mr. Bodendorf stated the applicants' geotechnical engineer needed to provide a letter to the Town, stating the road could be constructed

within the allowed ROW, and stated he expected this to add approximately one week to construction. Mr. Bodendorf also stated there was one revision to the drainage easement, and further stated there would be updates to the performance bond to include the cost of drilling and hydraulics, and a schedule. Mr. Bodendorf responded he expected to have the updated road bond by the middle of next week, and the revised drainage easement by the end of this week. Chairman Phelan asked if the Town attorney was in agreement with all of this at the meeting, to which Mr. Bodendorf replied she was. Chairman Phelan also asked if the Town engineer had agreed to allow the applicants' engineer to do the drilling, to which Mr. Bodendorf replied the Town engineer had agreed verbally. Mr. Bodendorf added Crawford Engineering had not asked for additional plans at the meeting. Chairman Phelan asked Mr. Bodendorf to state what needed to occur, before the Town Highway Superintendent could make a decision. Lisa Foscolo asked Mr. Bodendorf if he could get clarification on what is needed from the Town engineer, to which Mr. Bodendorf replied he would follow up the Town engineer to confirm whether or not anything additional would be needed. Chairman Phelan also asked Mr. Bodendorf to have a conversation with the Town Highway Superintendent regarding what needed to happen in order for the applicants to submit a formal application for a road permit, and recommended the applicants get the performance bonds and easement squared away, as well as confirm with the Town engineer regarding the plans. Chairman Phelan asked if a 90 day extension was sufficient, to which Mr. Bodendorf replied he thought it would be. Chairman Phelan asked for a motion to grant a 90 day extension, retroactive to June 30, 2019, to the Preserve at Lakeskill Project. Lisa Foscolo so moved, and Brian Kelly seconded. Chairman Phelan, Brian Kelly, Lisa Foscolo, Kristina Dousharm voted in favor of the extension, *and Bill Hamel recused himself.*

Extension request – Rose Hill Farm

Chairman Phelan noted the applicants were waiting on Dutchess County BOH approvals for new water and septic, and asked for a motion to grant the requested 90 day extension. Brian Kelly so moved. Lisa Foscolo seconded, and all Planning Board members present were in favor.

Discussion – Sawkill Dam Removal

Board member Bill Hamel stated he attended a meeting, on Chairman Phelan's behalf, with Town Historian, Emily Majer, and Hudson River Heritage representative, Warren Temple Smith, Town Supervisor, Robert McKeon, and *Managing Director of Montgomery Place, Amy Husten.* Mr. Hamel reported the NYSDEC Estuaries Program wants to demolish one of two dams, above the waterfall, on land owned by Bard College, for research purposes, to better understand if dam removal would improve upward migration of eels. Mr. Hamel noted there are over 3000 private dams in New York State, but only the two on the Sawkill had the same landowner on both sides of the water, which simplifies the permitting process. Mr. Hamel also stated the Dam is listed on the National Historic Register as a contributing feature, and Michele Greig commented it is referenced in historic documents.

Mr. Hamel stated the Dam is 200 years old. Mr. Hamel stated Bard College, for the past two years, has not wanted to demolish an Historic Register feature, and also stated the NYSDEC has offered Bard College an unrestricted grant of \$350,000, for educational purposes to demolish the dam. Brian Kelly asked what the criteria were for obtaining the grant. Bill Hamel stated Bard would have to obtain a permit from the Planning Board, and informed the Board, Town Supervisor, Robert McKeon stated at the meeting, that Bard could go ahead and get the grant, but obtaining it would provide no guarantee that they would receive approval from the Town. Michele Greig stated in order to receive funding from New York State, Bard would also need approval from the New York State Historic Preservation Office (SHPO). Bill Hamel commented SHPO is very opposed to removing the dam, and added Hudson River

Heritage is also opposed. Michele Greig noted she had heard of an iteration of the project in which would remove the dam, but keep the lake, and further stated she was not sure how that would work. Bill Hamel commented this was discussed at the meeting, but it was not clear if this was being considered. Hamel commented Bard was only interested in removing the lower dam, and further noted the upper dam was the site of the Bard Micro Hydro project. Mr. Hamel further noted the eel ladders are already in place, and reiterated the lower dam is 200 years old, and so adaptation to the current environment has long since taken place. Mr. Hamel also stated he felt cautious about the project, since the Sawkill also supplies water to the Town. Chairman Phelan noted Historic Hudson has easements for Montgomery Place, of which the dam is a major feature. Lisa Foscolo noted the grant money is not so much in terms of Bard's overall needs. Brian Kelly agreed, but noted the grant would allow Bard to do some things it would not otherwise be able to do. Bill Hamel commented there is deferred maintenance on the dam that would end up costing Bard money, and if the dam is removed they will also save on this maintenance, in addition to the grant money. Chairman Phelan asked the Board to visit the site.

Discussion – August 2019 Meetings Quorum Check

Chairman Phelan asked all Board members present to confirm their availability for the August 5 and August 19, 2019 meetings. On August 5 Chairman Phelan and Kallie Robertson will be absent, and Brian Kelly will chair the meeting, with Kristina Dousharm recusing herself from the Mead Orchards Solar Panel discussion. On August 19 Chairman Phelan, Lisa Foscolo, and Kristina Dousharm will be absent, and Kallie Robertson will chair. Brian Kelly's availability for this meeting remained unconfirmed. Chairman Phelan commented prospective Planning Board member, Vanessa Kichline, would have to attend both meetings for there to be a quorum. Chairman Phelan and the Board also confirmed there would be a September 16, 2019 Planning Board meeting, but did not presently confirm a quorum.

ADJOURNMENT

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

Respectfully submitted,

Anne Rubin, Assistant to
Kathleen Flood
Clerk for the Board