

**TOWN OF RED HOOK PLANNING BOARD**  
**APPROVED MEETING MINUTES**  
**August 3, 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, Lewis Rose and Lisa Foscolo. Also present was planning consultant Michele Greig. Kallie Robertson and Vanessa Kichline were absent.

Brian Kelly moved to accept the draft minutes for the July 6 meeting. Lisa Foscolo seconded and all members voted in favor.

Mr. Phelan announced that Michael Ruella has withdrawn his application for subdivision.

**PUBLIC HEARINGS**

**7:35 Kotler – 987 River Road - Site Plan and Certificate of Appropriateness**

Public hearing on application to construct an 833 SF one-story addition on a two-story house in the Limited Development and Historic Landmark Overlay Districts.

Board member Kristina Dousharm recused herself. Mr. Phelan read the public hearing notice that was published in the Poughkeepsie Journal to open the hearing.

Dawn Santiago of Kristina Dousharm Architecture PLLC was present. She gave an overview of the project and presented elevations for the proposed addition and photos of the existing structure. She said that the barn doors on the addition would be operable in response to a question from the Design Review Committee.

Mr. Phelan asked if there were any questions or comments from the Board. There were none. Ms. Santiago read the comments received from the DRC, who recommended the granting of a Certificate of Appropriateness.

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

Mr. Rose moved to grant a certificate of appropriateness. Ms. Foscolo seconded and the motion carried unanimously.

**OLD BUSINESS**

**Renee Wagar Accessory Apartment – 102 Yantz Road – Special Use Permit**

Continued discussion of application for special permit for an accessory apartment on a 3-acre parcel located in the RD3 Zoning District.

Renee Wagar was present. Mr. Phelan said that the application originated in 2016, and it was determined that the septic system needed to be improved. Mr. Phelan asked if the apartment was within the building. Ms. Wagar replied yes. She said it is a one-bedroom apartment on the first floor. Parking was shown in a photograph.

The Board reviewed comments from Michele Grieg dated 7-31-20, and a letter from the Board of Health approving the septic system for a four-bedroom home. Mr. Phelan asked if there were any questions from Planning Board members. There were none. The Board generally agreed that the parking area was sufficient. A public hearing was scheduled for Sept. 14.

## **NEW BUSINESS**

### **Eden Knolls - 124 Martins Lane - Certificate of Appropriateness**

Presentation of application to renovate an existing guest house and an existing granary building on a 144.5-acre parcel in the Historic Overlay district.

Owner Suzy Welch and representatives Scott Sottile and Kristina Moscow of Ferguson & Shamamian Architects, LLC were present. Mr. Sottile and Ms. Moscow gave a history of the property and presentation of the proposed projects. Ms. Welch spoke about her plans for restoring the historic home and surrounding property to its original beauty.

Mr. Sottile noted that Scenic Hudson holds a conservation easement on the property, and asked if Planning Board approval was needed to change the exterior colors of the main building. Mr. Phelan replied no, painting is considered maintenance. Mr. Phelan asked if any new buildings would be built. Ms. Welch said probably not, however some of the equestrian barns might be removed. Mr. Phelan and Michele Greig reviewed the types of actions which would require a Certificate of Appropriateness, including the demolition of buildings.

A Public Hearing was scheduled for Sept. 14. Mr. Phelan encouraged Board members and members of the DRC to visit the site. Ms. Welch said she would be pleased to host a site visit.

## **PUBLIC HEARING**

### **7:40 Winnakee and Feldman Lot Line Alteration**

Public hearing on application to convey .074 acres from a 245.094 parcel to a 1.36-acre parcel in the RD-3, Historic Landmarks Overlay and Scenic Corridor Overlay Districts.

Sam Phelan recused himself and Brian Kelly took over as chairperson. Mr. Kelly read the public hearing announcement that was published in the Poughkeepsie Journal. Kristina Dousharm moved to open the public hearing. Lisa Foscolo seconded and all members voted in favor. Applicant's representative Warren Rosenthal was present. He described the project.

Mr. Kelly asked if there were any questions or comments from the public or Board members. There were none.

Lew Rose moved to close the public hearing. Kristina Dousharm seconded and the motion passed unanimously.

The Board reviewed a draft approval resolution. Kristina Dousharm moved to adopt it. Lew Rose seconded and, by roll call, all members voted in favor.

### **OTHER BUSINESS**

Mr. Phelan took over as chair.

#### **Extension Request – The Preserves at Lakeskill**

Mr. Phelan gave some background information about the subdivision for newer Board members. Applicants attorney John Wagner and project Engineer Mike Bodendorf were present.

Mr. Wagner discussed progress with the conditions or approval, particularly the fully executed Memorandum of Understanding (MOU) with the Dutchess County Water and Wastewater Authority and executed easements which were required by the Dutchess County Health Department.

Kristina Dousharm expressed irritation with the repeated requests for extension because each time the applicant says they are near conclusion. Mr. Bodendorf said that they could not control when the Health Department's will sign the plans. He said they have had them since approximately April.

Mr. Phelan asked Mr. Wagner to provide a dossier of all documents required for the final approval. Ms. Dousharm requested that he supply prospective dates of approval for those conditions not yet met.

Lew Rose moved to grant an extension of 90 days. Brian Kelly seconded, and all members voted in favor.

#### **Extension Request – Shafer's Hudson Valley**

Applicant Vanessa Shafer was present. She said that the lawsuit challenging the project brought by her neighbors continues to be litigated, and probably will be for about 2 more years. Ms. Shafer asked if it was possible to get a longer extension than 90 days due to the situation.

Michele Greig reviewed the language in the Town Code and said she thought that the Board could grant an extension of 6 months. Lew Rose commented that such a long extension could provide the litigators another theory as to why they might challenge whatever happens.

Mr. Phelan said he was inclined to go along with Mr. Rose. He asked planning staff to provide a history of the extensions thus far. Brian Kelly made a motion to grant a 90-day extension for site plan and special permit. Kristina Dousharm seconded and all members voted in favor.

#### **Pre-Application Discussion – Sheehan to Ackerman Lot Line Adjustment**

Mr. Sheehan was not present.

### **ADJOURNMENT**

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

Respectfully submitted,

*K Flood*

Kathleen Flood  
Clerk for the Board

**Town of Red Hook Planning Board**

**CERTIFICATE OF APPROPRIATENESS**

August 3, 2020

Ted and Sharon Kotler  
Tax Parcel # 372667

The applicant, whose property is located at 987 River Road, Red Hook, wishes to construct a one-story 833 square foot addition to an existing residence on a 9.6-acre parcel in the Limited Development and Historic Overlay Zoning Districts.

The application and supporting documents were sent to the Hamlet Design Review Committee June 29, 2020. The Committee responded August 3 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

The Planning Board has reviewed and discussed the proposed plans and determined that the project proposed is compatible with the historic character of the property as well as with the neighboring properties in the district and that there will be no visual negative impact. Therefore,

On a motion by Lew Rose seconded by Lisa Foscolo and a vote of 5 for, 0 against and 2 absent, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Ted and Sharon Kotler for the proposed construction described above.

Certified by: Kathleen Flood

Kathleen Flood, Planning Board Clerk

8-4-20

Date

**Resolution Granting Approval to the Final Subdivision Plat for  
Winnakee Land Trust Inc. and Fred Feldman Lot Line Alteration**

**Name of Project:** Lot Line Alteration between Lands of Winnakee Land Trust Inc. and Lands of Fred Feldman

**Name of Applicants:** Winnakee Land Trust Inc. and Fred Feldman

**Whereas,** the applicants have submitted an application for Final Plat Approval to the Town of Red Hook Planning Board to convey  $\pm$  0.074 acres of land from the  $\pm$  245.094-acre Winnakee Land Trust parcel (Tax Map Parcel No. 134889-6173-00-847544) located at Route 9G to the  $\pm$  1.36-acre Feldman parcel (Tax Map No. 134889-6173-16-886423 located at 53 Aspinwall Road in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Feldman parcel and a portion of the Winnakee Land Trust parcel are located in the R1.5 District, while the remaining portion of the Winnakee Land Trust parcel is located in the RD-3, Historic Landmarks Overlay, and Scenic Corridor Overlay Districts; and

**Whereas,** the applicants have submitted a Final Subdivision Plat entitled "Lot Line Adjustment Lands of Winnakee Land Trust Inc. and Lands of Feldman" prepared by Decker Surveying dated June 23, 2000; and

**Whereas,** on July 6, 2020, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(16); and

**Whereas,** the parcels are located within 500' of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural Data Statement dated June 25, 2020, 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 August 3, 2020, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on August 3, 2020; and

**Whereas,** the Planning Board has deliberated on the application and all 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 Final Subdivision Plat approval to Winnakee Land Trust Inc. and Fred Feldman in accordance with the plans and specifications heretofore enumerated subject to the following conditions:

A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions and modifications:

- (1) The Subdivision Plat shall be signed by the Dutchess County Department of Health (Permission to File).
- (2) The applicants shall verify that the corners of tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer, as required by § 120-24B(2) of the Town Code.
- (3) The applicants shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- (4) The applicants shall pay any and all outstanding escrow balances for consultant review.
- (5) The applicants 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.

**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 applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants 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 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 applicants.

On a motion by Kristina Dousharm, seconded by Lew Rose, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting Abstain
Deputy Chairman Brian Kelly	Voting Yes
Member Kristina Dousharm	Voting Yes
Member Lisa Foscolo	Voting Yes
Member Vanessa Kichline	Voting Absent
Member Kallie Robertson	Voting Absent
Member Lew Rose	Voting Yes

Resolution was declared adopted on August 3, 2020.

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

Kathleen Flood

Kathleen Flood, Clerk to the Board

8-4-2020

Date