

**TOWN OF RED HOOK PLANNING BOARD  
APPROVED MEETING MINUTES  
NOVEMBER 19, 2018**

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, Kristina Dousharm, Lisa Foscolo, Kallie Robertson and Brian Kelly. Also present was planning consultant Michele Grieg.

Mr. Phelan announced one change to the agenda: the pre-application discussion with Nick Mahedy was removed at Mr. Mahedy's request.

Lisa Foscolo moved to adopt the minutes of November 5. Kallie Robertson seconded and all members voted in favor.

**PUBLIC HEARING**

**Hurley Accessory Apartment – 119 West Kerley Corners Road – Special Use Permit, Site Plan**  
Public Hearing on application to convert a portion of an existing accessory structure into an accessory apartment on a 33.54 acre parcel in the Agricultural Business District.

Applicant Gerard Hurley was present. Sam Phelan read the announcement that was published in the Poughkeepsie Journal. Bill Hamel made a motion to open the hearing. Brian Kelly seconded and all members voted in favor. Mr. Hurley reviewed changes to the site plan that the Planning Board had required, including parking and lighting.

Mr. Phelan asked if there were any questions or comments from the public. There were none. Kristina Dousharm moved to close the public hearing. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution for Special Permit. Kristina Dousharm made a motion to adopt it. Brian Kelly seconded and the motion passed unanimously.

The Board reviewed a draft approval resolution for Site Plan. After revising the resolution to remove conditions of approval that had already been satisfied, Kallie Robertson made a motion to adopt it. Bill Hamel seconded and all members voted in favor.

**NEW BUSINESS**

**AT&T / New Cingular Wireless – 31-33 Twin Towers Drive – Amended Site Plan**  
Presentation of application to replace 6 existing antennas with 6 new antennas; replace 6 existing tower mount amplifiers with 3 new tower mount amplifiers; replace 1 existing remote radio unit with 1 new remote radio unit; install 9 new remote radio units; install 1 new surge arrestor with 1 fiber and 2 DC lines in a new 2" conduit on an existing water/telecommunications tower in the RD3 District.

Applicant's representative Brenda Blask-Lewis of AT&T was present. She gave an overview of the project. She said it is basically a maintenance project with new additions of remote radios geared to

serve first responders and public safety. She said nothing on the ground space or height of the tower would change.

The Board reviewed comments from the planning consultant dated 11-19-18. Michele Grieg recommended that the structural analysis should be reviewed by the town engineer. She asked Ms. Blask-Lewis to provide the original Special Permit for the tower if possible.

Sam Phelan said that he felt a public hearing should be held to inform neighbors. A public hearing was set for December 3.

### **OTHER BUSINESS**

#### **Revised Approval Resolution – From the Ground Brewery Beer Garden**

The applicant had requested modifications to his conditional site plan approval. Hours of operation were corrected, a requirement that solar footpath lights be reviewed by the town engineer was removed, and some conditions were indicated to be satisfied prior to the issuance of a Certificate of Occupancy, rather than prior to the site plan being signed by the Planning Board Chair.

Kallie Robertson made a motion to adopt the revised resolution. Brian Kelly seconded and the motion passed unanimously.

#### **Revised Approval Resolution – Rose Hill Farm**

The applicants had requested that the conditional approval resolution be modified to remove the condition requiring Department of Health approval for food service because they are not planning to serve food prepared on the site until the cidery is well underway. At that time, the applicant said, Health Department approval would come under the purview of the Building Department when they apply for a permit to build a kitchen.

Brian Kelly made a motion to adopt the revised resolution. Kallie Robertson seconded and the motion passed unanimously.

#### **Revised Planning Board escrow establishment fee**

Sam Phelan explained that when an applicant submits a site plan, special permit or minor subdivision project, they are presently required to establish an escrow account with a \$500 deposit. However, the cost of the consultant fees frequently exceeds this amount. A secondary issue is that often an applicant has met all conditions of approval and is awaiting the Planning Chair's signature before the final consultant bills are received.

Mr. Phelan recommended that the Board move to increase the initial escrow deposit for these projects to \$1,000.00, and that the Planning Board Clerk notify all consultants when a project has received conditional approval, and request final invoices within 2 weeks.

Bill Hamel made a motion to recommend that the town increase the escrow requirement from \$500.00 to \$1,000.00 for minor subdivision, site plan and special permit. Brian Kelly seconded and all members voted in favor.

Kristina Dousharm said she had some questions about the recently approved Red Hook Terminal + Bottini site plan, which includes a new retail antique store. She said she did not feel that the applicant has fully complied with the site plan approved by the Board, and that the antiques retailer is displaying merchandise on the lawn of the establishment, which is in violation of local zoning code. Sam Phelan informed Board members that the antiques dealer has been cited by the Zoning Administrator regarding his outdoor display. He explained that the code allows merchants to display outdoors but that it must be taken in at night.

Kallie Robertson asked if a citation had been issued for the car that is parked on the side of the building each day, when all parking is supposed to be in the rear of the building. Mr. Phelan said he did mention that to the Zoning Administrator, who had replied that they had not been cited, but said he would.

It was noted that the handicapped parking sign is not where it is shown on the site plan, and the sign installed where the moveable bollard was to be installed to prevent people from parking in front of the garage doors is inadequate, is frequently observed knocked over on the pavement, and not what would be considered a removable bollard.

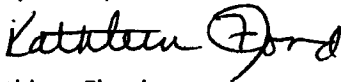
Kristina Dousharm was particularly unhappy with the scarring that remains on the old Bottini building after the removal of the sign. She noted that at the August 28 meeting, the applicant had assured the Board that he would paint the building after the sign was removed.

Mr. Phelan directed the Clerk for the Board to prepare a memo to the ZEO summarizing the items that the Board observed which were not in compliance with the approved site plan.

#### **ADJOURNMENT**

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

Respectfully submitted,



Kathleen Flood  
Clerk for the Board

## Resolution Granting Special Permit Approval to Hurley Accessory Apartment

**Name of Project:** Hurley Accessory Apartment

**Name of Applicant:** Gerard Hurley

**Whereas,** the Town of Red Hook Planning Board has received an application for Special Permit approval from Gerard Hurley to create an accessory apartment through adaptive reuse of a non-dwelling structure on a  $\pm$  33.54 acre parcel (Tax Map Parcel No. 134889-6274-00-104982-0000) located at 119 W. Kerley Corners Road 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 is one (1) single family dwelling and one (1) accessory apartment currently located on the property; and

**Whereas,** § 143-66F of the Zoning Law permits a total of three (3) accessory dwelling units on a single lot provided the lot has a minimum lot area of at least 20 acres, subject to site plan review and approval; and

**Whereas,** the applicant has submitted a Site Plan entitled "OWTS Modification & Design: One Bedroom Apartment Addition" prepared by Martin J. Willms, PE consisting of 6 Sheets (Sheets CS-1 and C-1 to C-5) dated August 1, 2018; 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 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 accessory apartments through adaptive reuse of non-dwelling structures found in § 143-66 and has found that the proposal complies with all of the specific standards, including but not limited to: no exterior changes will be made that will extend the existing foundation of the accessory structure; the accessory apartment is self-contained and will contain  $\pm$  637 square feet of habitable space and only one bedroom; the lot is greater than 1 acre and the accessory structure meets the minimum setback

requirements for the district; a minimum of two parking spaces per dwelling unit shall be provided on the site and shall not encroach on any required yard or setback area; the applicant shall obtain approval from Dutchess County Department of Health for required on-site sanitary sewage and water supply facilities; the accessory structure legally existed on January 1, 1993 and the character of the structure shall be retained; and the applicant will acknowledge, in writing, to the Town of Red Hook that should subdivision of the parcel later be proposed, not less than one acre must be provided for the principal dwelling and its accessory dwelling units if their certificates of occupancy are to be maintained; and

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

**Whereas**, on October 15, 2018, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

**Whereas**, on November 5, 2018, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas**, the parcel is located within 500 feet of a NYS certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 21, 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 Agricultural Data Statement in its review of the application; and

**Whereas**, on November 19, 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 November 19 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 Gerard Hurley for an accessory apartment through adaptive reuse of a non-dwelling structure 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 submit a letter acknowledging that should subdivision of the parcel later be proposed, not less than one (1) acre shall be provided for the principal dwelling and its accessory dwelling units if their certificates of occupancy are to be maintained.
- (2) The applicant shall obtain approval from Dutchess County Department of Health for the proposed sanitary disposal system and well.
- (3) The applicant shall obtain approval from the Planning Board for the Site Plan.
- (4) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- (5) Payment of any and all outstanding escrow balances for consultant review.

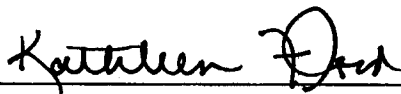
B. The following are general conditions which shall be fulfilled throughout the operation of the project:

- (1) This special permit authorizes 1 one-bedroom accessory apartment with  $\pm$  637 square feet of habitable space.
- (2) Two off-street parking spaces for the accessory apartment shall be provided at all times. This shall be in addition to the four off-street parking spaces required for the existing single-family dwelling and the existing accessory apartment in the mobile home.
- (3) The applicant shall continue to comply with all requirements of § 143-66 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 Kristina Dousharm, seconded by Brian Kelly, and a vote of 6 for, 0 against, and 0 absent, and 1 vacant seat, this resolution was adopted on November 19, 2018.

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

  
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Kathleen Flood, Clerk to the Planning Board

11-20-18  
Date

## **Resolution Granting Site Plan Approval to Hurley Accessory Apartment**

**Name of Project:** Hurley Accessory Apartment

**Name of Applicant:** Gerard Hurley

**Whereas**, the Town of Red Hook Planning Board has received an application for Site Plan approval from Gerard Hurley to create an accessory apartment through adaptive reuse of a non-dwelling structure on a  $\pm$  33.54 acre parcel (Tax Map Parcel No. 134889-6274-00-104982-0000) located at 119 W. Kerley Corners Road 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 is one (1) single family dwelling and one (1) accessory apartment currently located on the property; and

**Whereas**, § 143-66F of the Zoning Law permits a total of three (3) accessory dwelling units on a single lot provided the lot has a minimum lot area of at least 20 acres, subject to site plan review and approval; and

**Whereas**, the applicant has submitted a Site Plan entitled "OWTS Modification & Design: One Bedroom Apartment Addition" prepared by Martin J. Willms, PE consisting of 6 Sheets (Sheets CS-1 and C-1 to C-5) dated August 1, 2018; and

**Whereas**, on October 15, 2018, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

**Whereas**, on November 5, 2018, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

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

**Whereas**, due to the location of the property on a County road, the 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 a review letter dated November 15, 2018 that the project was a matter of local concern; and

**Whereas**, the parcel is located within 500 feet of a NYS certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 21, 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 Agricultural Data Statement in its review of the application; and

**Whereas**, on November 19, 2018, 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 November 19, 2018; 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 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 Gerard Hurley to create an accessory apartment through adaptive reuse of a non-dwelling structure in accordance with the plans and specifications enumerated above upon the following conditions:

- A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairman or his authorized designee:
  1. The applicant shall obtain approval from Dutchess County Department of Health for the proposed sanitary disposal system and well.
  2. 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.
  3. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
  4. 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.

- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy:
  1. All proposed improvements shall have been completed 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 conditions imposed by any of the outside agencies in their permits.



On a motion by Kallie Robertson, seconded by Bill Hamel, and a vote of 6 for, 0 against, 0 absent, and 1 vacant seat this resolution was adopted on November 19, 2018.

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

  
\_\_\_\_\_  
Kathleen Flood, Planning Board Secretary

11-20-18  
Date

## **Resolution Granting Site Plan Approval to From the Ground Brewery Beer Garden, Farm Market 1, and Small-scale Entertainment**

**Name of Project:** From the Ground Brewery Beer Garden, Farm Market 1, and Small-scale Entertainment

**Name of Applicant:** Jakob Cirell

**Whereas,** the Town of Red Hook Planning Board has received an application for Site Plan approval from Jakob Cirell for a Beer Garden, Farm Market 1, and Small-scale Entertainment on a ± 91.34 acre parcel (Tax Map Parcel No. 134889-6274-00-249450-0000) located at 189 Guski Road in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Planning Board has reviewed a Site Plan and a Project Description prepared by Jakob Cirell dated December 8, 2017; and

**Whereas,** the Planning Board has reviewed the 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 October 16, 2017 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; and

**Whereas,** due to the location of the property within 500' of farm operation in a New York State certified agricultural district (Agricultural District 20), 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 November 16, 2017 stating that the project was a matter of local concern; and

**Whereas,** the parcel is located within 500' of a certified agricultural district and the applicant submitted an Agricultural Data Statement dated October 4, 2017, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

**Whereas,** on December 18, 2017, 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 December 18, 2107; and

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

**Whereas,** on December 18, 2017, the Planning Board granted Site Plan approval to From the Ground Brewery Beer Garden, Farm Market 1, and Small-scale Entertainment, which included a number of conditions; and

**Whereas**, on November 19, 2018, the applicant requested that the Planning Board modify certain conditions of the Site Plan approval, including the following: to amend the hours of operation from "Thursday through Saturday" to "Thursday to Sunday;" to delete the need to provide a photometric report for the solar pathway lights, as referenced in the December 15, 2017 Crawford & Associates memorandum; to move the conditions regarding the provision of the NYS Liquor Authority permit, the Dutchess County Department of Health (DCDOH) approval, and the contract for graywater hauling from conditions to be fulfilled prior to signing the Site Plan to conditions to be fulfilled prior to the issuance of a Certificate of Occupancy; and

**Whereas**, these modifications to the conditions of approval 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 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 From the Ground Brewery Beer Garden, Farm Market 1, and Small-scale Entertainment in accordance with the plans and specifications heretofore submitted upon the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:

(1) The Site Plan shall be revised as follows:

(a) Sheet 1 (the "Signature Page") shall be replaced with a page that includes the signature block for the Planning Board and the following Site Plan Notes:

(i) Hours of operation for the Beer Garden, Farm Market 1, and Small-scale Entertainment shall be limited to 12 pm to 9 pm Thursday through Sunday from April through October.

(ii) Only live, non-amplified acoustic music shall be permitted. Such music shall be limited to 1 day per month and shall comply with the Town's noise ordinance. The staging area for live acoustic music shall face west, away from the residences on the east side of Guski Road.

(iii) All outdoor lighting shall be turned off after business hours.

(iv) All trash receptacles shall be emptied daily.

(b) Sheet 2 shall be revised to indicate that the sign will be setback 15' from the eastern property boundary.

(2) The size of the beer garden shall be limited to the 50 x 40 drinking area and a 20 x 40 ADA patio. 'No Drinking Beyond This Point' signs shall be installed beyond the beer garden area, and 'Farm Pond - Keep Out' signs shall be posted by the pond.

- (3) Address all comments in the memorandum by Crawford & Associates dated December 15, 2017 to the satisfaction of the Town Engineer, with the exception of Comment #1 under the heading "Lighting Cut-Sheets" (regarding the photometric report for the solar pathway lights), and Comment #1 under the heading "Dutchess County Department of Health" (regarding correspondence and/or approvals from DCDOH).
- (4) Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law.
- (5) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- (6) 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 Chairwoman 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 Department. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

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

- (1) The applicant shall submit a Branch Office Permit from the NYS Liquor Authority.
- (2) The applicant shall address Comment #1 under the heading "Dutchess County Department of Health" in the memorandum by Crawford & Associates dated December 15, 2017 to the satisfaction of the Town Engineer.
- (3) The applicant shall submit a copy of the contract or invoice with their graywater hauler for the proposed porte-potties.
- (4) A Certificate of Occupancy will not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan.

On a motion by Kallie Robertson, seconded by Brian Kelly, and a vote of 6 for, 0 against, 0 absent, and 1 vacant seat, this resolution was adopted on November 19, 2018.

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

Kathleen Flood  
Kathleen Flood, Clerk to the Board

11-20-18  
Date

## Resolution Granting Site Plan Approval to Rose Hill Farm Site Development

**Name of Project:** Rose Hill Farm Site Development

**Name of Applicant:** Rose Hill Farm 1798 LLC

**Whereas,** the Town of Red Hook Planning Board has received an application for Site Plan approval from Rose Hill Farm 1798 LLC for a cider mill with a tasting room and meeting space, a two-bedroom apartment for farm employees, and a one-bedroom retained farmstead dwelling unit on a  $\pm$  114.58 acre parcel (Tax Map Parcel No. 134889-6373-00-170225-0000) located at 19 Rose Hill Farm in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the Planning Board has reviewed a Site Plan entitled "Rose Hill Farm Site Development" prepared by Proper & O'Leary Engineering (Sheets C1.0, C2.0, C2.1, C4.0, C4.1, B1.1, and B1.2 dated 2/21/18 and last revised 8/17/18; Sheets A1.0, A1.1, A2.0, A2.1, and A2.2 dated 8/1/17 and last revised 5/9/18; Sheets B1.0, B2.0, and B2.1 dated 2/21/18 and last revised 10/25/17 [*sic*]); and

**Whereas,** the Planning Board has reviewed the Site Plan application against the requirements of § 143-39.1 and 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 March 19, 2018 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(2) and (3) and, therefore, SEQRA does not apply; and

**Whereas,** due to the location of the property within 500' of farm operation in a New York State certified agricultural district (Agricultural District 20), 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 October 10, 2018 stating that the project is a matter of local concern; and

**Whereas,** the parcel is located within 500' of a New York certified Agricultural District (Ag District 20) and the applicant submitted an Agricultural Data Statement dated September 24, 2018, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

**Whereas,** the property is encumbered with a conservation easement held by The Scenic Hudson Land Trust, Inc. which was filed with the Dutchess County Clerk's Office on July 7, 1998 and;

**Whereas,** the applicant submitted a copy of the conservation easement and correspondence from The Scenic Hudson Land Trust, Inc. dated September 13, 2017 stating that the proposed activity is allowed within the "Farmstead Complex;" and

**Whereas**, on October 15, 2018, 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 October 15, 2018; and

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

**Whereas**, on October 15, 2018, the Planning Board granted Site Plan approval to Rose Hill Farm for the farm site development, which included as a condition of approval Condition A(3) requiring the applicant to submit a permit from DCDOH for food services; and

**Whereas**, on November 19, 2018, the applicant notified the Planning Board that they do not intend to add food service until such time as the cidery is opened, at which point the applicant shall apply to the Building Department for a commercial kitchen and the Building Department shall require approval from the DCDOH for food service prior to granting a Certificate of Occupancy; and

**Whereas**, the applicant therefore requests that Condition A(3) be deleted from the conditional site plan approval; and

**Whereas**, deletion of the condition 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 amended Site Plan approval to Rose Hill Farm Site Development in accordance with the plans and specifications enumerated above upon the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairman or his authorized designee:

(1) The Site Plan shall be revised as follows:

- (i) To include the name and address of the applicant/property owner.
- (ii) To correct discrepancies between the number of off-street parking spaces shown on the plan and listed in the Zoning Summary Table.
- (iii) To delete the tree planting detail on Sheet C4.1.
- (iv) To verify the final revision date for Sheets B1.0, B2.0, and B2.1.
- (v) To replace references to "accessory apartment" with the term "retained farmstead dwelling unit," and to list the total number of retained farmstead dwelling units on the site before and after construction.

- (vi) To include a signature block for the Planning Board.
- (2) Approval from the Dutchess County Department of Health (DCDOH) for water supply and sewage disposal facilities.
- (3) Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law.
- (4) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- (5) 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 Chairwoman 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 Department. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

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

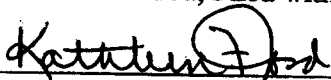
- (1) The farm labor housing shall be in compliance with the applicable provisions of the NYS Uniform Fire Prevention and Building Code and all other applicable laws, ordinance and regulations applicable to other building construction or the operation and maintenance of farm labor/migrant housing pursuant to § 143-41E(2) of the Zoning Law.
- (2) A Certificate of Occupancy will not be issued unless all proposed improvements have been completed 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 conditions imposed by any of the outside agencies in their permits.

On a motion by Brian Kelly, seconded by Lisa Foscolo, and a vote of 6 for, 0 against, 0 absent, and 1 vacant seat this resolution was adopted on November 19, 2018.

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

  
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 Kathleen Flood, Clerk to the Board

11-20-18  
 Date