

## **APPROVED**

### **Town of Red Hook Planning Board Meeting Minutes March 6, 2006**

#### **CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, Charles Laing, John Hardeman, David Wright, and Chair Christine Kane. Sam Phelan and Paul Telesca were absent. Planning Consultant Michele Greig and Town Council member Jim Ross were also present.

#### **BUSINESS SESSION**

Christine Kane confirmed the meeting agenda.

The minutes from both the February 6, 2006 meeting and the February 27, 2006 meeting had been sent to the members and reviewed. Jennifer Fier made a motion to approve the February 6, 2006 minutes. David Wright seconded the motion, and all members voted in favor. John Hardeman made a motion to approve the February 27, 2006 minutes. Charles Laing seconded the motion. The minutes were approved by a vote of 4 in favor, 0 against, 1 abstention.

#### **PUBLIC HEARINGS**

##### **Martins Foods/ St. Margaret's Home – South Broadway – Subdivision Plat**

Amy Dubin was present for the public hearing on an application for Subdivision Plat approval to create a 1.76-acre lot containing the historic St. Margaret's Home from an 11.59.-acre lot in the B1 Zoning District.

Christine Kane read the public hearing notice that appeared March 1, 2006 in the Kingston Daily Freeman.

Amy Dubin explained the project to the public and the Board. She said that a twenty-foot wide visual buffer of evergreen trees must be maintained along the southeast edge of the proposed smaller lot per the terms of Hannaford's original approval. She said that additional, more deer-resistant plantings would be installed in that visual buffer and that the tree line along U.S. Route 9 would be retained in any plans for future use. The Board generally agreed that discussion of the buffer along Route 9 would properly take place during any future site plan reviews.

Christine Kane then opened the hearing for public comment.

Town Historian Winthrop Aldrich applauded the action, which would allow placement of St. Margaret's Home on the State and National Historic Registers to move forward.

Since there was no further comment from the public, Christine Kane closed the public hearing. The Chair noted that the Board had issued a negative SEQR declaration and completed part 2 of the long EAF at the February 27, 2006 meeting.

Charles Laing made a motion to adopt an offered resolution granting Subdivision Plat approval to the project. John Hardeman seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

### **REGULAR SESSION (NEW BUSINESS)**

#### **Raython Merrihew – U.S. Route 9 – Subdivision Plat**

Marie Welch, L.S. was present with an application for subdivision (sketch plan) plat approval to create two new residential building lots of 1.82 acres and 3.24 acres and one remaining lands lot of 1.825 acres from a 6.88-acre parcel in the R 1.5 Zoning District.

Ms. Welch said that the NYS Department of Transportation would have to approve the driveway locations and that she had found some potential spots with adequate sight distance.

The Board generally agreed that because there were Soils of Statewide Importance on the parcel, Town regulations mandated clustering. Also, since US Route 9 was a designated scenic corridor, double setbacks of 100 ft. were also required.

The Board asked Ms. Welch to locate slopes, rock outcrops, contours and other topographic features on the parcel, which would aid her in considering shared driveways and building envelopes. Meanwhile, the Board referred the project to the Agricultural and Open Space Advisory Committee for review and comments.

### **OTHER BUSINESS**

#### **Kevin Kelly/ Hudson Valley Motorcar – Amended Site Plan**

Christine Kane read a letter from Kevin Kelly, which said that as a tenant of the business complex at 7277 S. Broadway, he was unable to comply with the Board's conditions attached to the amended site plan granted on February 27, 2006. He said that, because of contractual agreements with other tenants, the owners of the complex would not allow him to narrow the southern entrance to the parking lot or to establish a one-way traffic pattern within the parking area and at the curb cuts onto Route 9 and Old Farm Road, as requested by Dutchess County Planning. Mr. Kelly said that the owners would, however, install a 'right turn only' sign at the southern egress and another sign within the parking lot directing drivers who wished to make a left turn onto Route 9 to exit at Old Farm Road.

Jennifer Fier objected to the scaling back of the conditions, citing increased traffic congestion within the complex due to the used car business. Most members agreed that Mr. Kelly did not have the authority to make those changes,

John Hardeman made a motion to amend the approved site plan to include the changes outlined above. Charles Laing seconded the motions, and the motion was carried by a vote of 4 in favor and 1 against. A copy of the amended site plan resolution is attached to, and made part of, these minutes.

**Hooked on Antiques – Amended site plan**

Christine Kane reviewed a ZBA decision which granted a variance to Greg Antonakos, allowing him to move a free standing sign from the location on the approved site plan to a location within the front setback area.

Jennifer Fier asked that the Board allow this amendment to the site plan only for the present tenant. Most members generally agreed that this request was not legal since a variance runs with the property, not the owner or tenant.

David Wright made a motion to amend the site plan with the sign location change. Charles Laing seconded the motion, and the motion was carried by a vote of 4 in favor to 1 against.

**Application viability**

The Board generally discussed how long an application could remain active if the applicant had not appeared before the Board for a year or more and if no steps, such as sketch endorsement, had ever been approved. The Board agreed that there should be a reasonable time limit. Ms. Greig said that since no guidance appeared in Red Hook Town regulations, she would research NYS Town Law for an answer to the question.

**Moratorium**

The Board generally discussed the proposed moratorium currently before the Town Board. The time limit for such moratorium would be one year, and the Town Board and/or its boards and committees must, during that time, work on solutions to the identified problem or problems.

Robert McKeon, Chair of the Agricultural and Open Space Advisory Committee, said that the moratorium would affect only those parcels of 10 acres or more that lay within the proposed Agricultural Reserve. He added that only subdivision applications would be affected, not site plans or special permits. He said that the moratorium would allow time for the Town to develop new tools to both preserve and protect a critical mass of agricultural land.

Mr. McKeon said that although the Committee had begun by looking at the soils of parcels included in the proposed Agricultural Reserve, other criteria such as the availability of water had also been factors in the review.

Christine Kane read a letter from Beth and Sid Mead, who described the difficulties of maintaining an active agricultural business during the current period of residential growth and who urged the Board to support the moratorium.

Charles Laing made a motion to send a letter of support for the moratorium to the Town Board. Jennifer Fier seconded the motion, and all members present voted in favor.

**Zoning Revisions**

Planner Michele Greig reviewed the proposed amendments to the Important Farmlands Law. The Board generally agreed that a pre-application conference composed of the applicant and representatives from the Planning Board, the Agricultural and Open Space Advisory Committee and the Conservation Advisory Committee could result in a better farmland protection plan and more expeditious application process. Some members said that it would be difficult to arrange for representatives of the three groups to meet

on a regular basis. The Board will send a letter to the CAC to determine whether that committee would like to take part in such conferences.

Ms. Greig then reviewed the proposed Conservation Subdivision regulations. The Board generally agreed that sections regarding streetscapes should be added. These sections would address trees, sidewalks, driveways and other issues. Ms. Greig said she would also look for illustrations that more appropriate to the Red Hook Zoning and Subdivision regulations.

Since there was no more business to come before the Board, David Wright made a motion to adjourn. Jennifer Fier seconded the motion, and all members present voted in favor. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Paula Schoonmaker  
Assistant Clerk

#### **Attachments**

Resolution granting Subdivision Plat Approval to Martin's Foods  
Resolution granting Amended Site Plan Approval to Kevin Kelly/ Hudson Valley Motorcar

## **Resolution Granting Final Subdivision Plat Approval**

**Name of Project:** Martin's Foods/ St. Margaret's Subdivision

**Name of Applicant:** Martin's Foods of South Burlington

**Date:** March 6, 2006

**Motion made by:** Charles Laing

**Seconded by:** John Hardeman

**Whereas,** the Town of Red Hook Planning Board has received an application for final plat approval for subdivision plat approval dated December 19, 2005 to create a new 1.76-acre lot and an 9.83-acre remaining lands lot from a 11.59-acre lot ; and

**Whereas,** the parcel is located on U.S. Route 9, in the B1 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the parcels are located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated December 19, 2005, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel on February 27, 2006; and

**Whereas,** the application is subject to the Town's Important Farmlands Law and the Planning Board forwarded the application to both the Town's Agricultural and Open Space Advisory Committee and to the Dutchess County Farmland Protection Bureau for review; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement and the review responses from the Town's Agricultural and Open Space Advisory Committee and the Dutchess County Farmland Protection Bureau; and

**Whereas,** the Planning Board forwarded the application to the New York State Office of Parks, Recreation and Historic Preservation and received a determination of no significance from that agency; and

**Whereas,** the Planning Board declared itself Lead Agency for the proposed action on December 19, 2005, reviewed a Full Environmental Assessment Form (EAF) Part 1 dated December 19, 2005, completed a Part 2 EAF and adopted a Negative Declaration for the proposed action on February 27, 2006; and

**Whereas,** the Planning Board held a Public Hearing on the Subdivision application on March 6, 2006.

**Now therefore be it resolved,** that the Planning Board grants final approval to the Martin's Foods Minor Subdivision subject to the following conditions:

1. Maintenance of a twenty (20) foot wide visual buffer of evergreen trees along the southeast edge of the 1.76-acre lot containing St. Margaret's Home, as depicted on the approved plats. This buffer shall not be removed for any future uses of the St. Margaret's parcel without written permission from the Planning Board and from Martin's Foods of South Burlington.
2. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision', or 'for filing purposes only', by the Dutchess County Health Department.
3. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
4. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.

The Chair is authorized to stamp and sign the mylar and plats when the above cited conditions are met.

Roll call vote:

|                       |        |
|-----------------------|--------|
| Jennifer Fier         | yes    |
| John Hardeman         | yes    |
| Charles Laing         | yes    |
| Sam Phelan            | absent |
| Paul Telesca          | absent |
| David Wright          | yes    |
| Christine Kane, Chair | yes    |

Resolution declared: **APPROVED**

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

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Paula Schoonmaker, Ass't Clerk to the Board

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Date

**Town of Red Hook Planning Board  
Resolution Granting Amended Site Plan Approval in the Matter of Kevin Kelly/  
Hudson Valley Motorcar at 7277 NYS Route 9 in the B1 District**

March 6, 2006

Motion made by Member      John Hardeman

Seconded by Member      Charles Laing

**Whereas**, the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Kevin Kelly/ Hudson Valley Motorcar for a used car business in an existing shopping center in the B-1 District; and

**Whereas**, the ± 1.955-acre parcel is located at 7277 S. Broadway in the Town of Red Hook, Dutchess County, New York; and

**Whereas**, the proposed action requires Amended Site Plan Approval pursuant to the Town of Red Hook District Schedule of Use Regulations; and

**Whereas**, the Planning Board reviewed the application for Amended Site Plan approval dated December 9, 2005, a Site Plan dated January 27, 2006 and revised to February 17, 2006, Landscape Plans (undated) and illustrations of the proposed signage and lighting for the proposed facility and for the freestanding sign; and

**Whereas**, the Planning Board declared itself Lead Agency for the proposed action on February 6, 2006, reviewed a Short Environmental Assessment Form dated December 9, 2005, and adopted a Negative Declaration for the proposed action on February 27, 2006; and

**Whereas**, the Planning Board held a Public Hearing on the Site Plan application on February 27, 2006;

**Now therefore be it resolved**, that the Planning Board approves the Amended Site Plan as depicted in the referenced drawings and authorizes the Chair to stamp and sign the Site Plan upon the applicant's satisfaction of each of the below conditions within the next six (6) calendar months:

- a. Submission of Site Plan drawings in the number and form specified within the Town's Zoning Law.
- b. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
- c. Revised landscape plans showing wider planting strip along Route 9 and the addition of a street tree in front of parking space #1.
- d. Revised drawings showing a parking schedule of the required and proposed parking spaces.

- e. Installation by parcel owner of signs directing right turns only from the southern egress and directing those needing to make left turns onto Route 9 to the Old Farm Road egress.

Roll Call Vote:

|                      |        |
|----------------------|--------|
| Member Jennifer Fier | no     |
| Member John Hardeman | yes    |
| Member Charles Laing | yes    |
| Member Sam Phelan    | absent |
| Member Paul Telesca  | absent |
| Member David Wright  | yes    |
| Chair Christine Kane | yes    |

Resolution declared: **APPROVED**

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

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|-------------------------------------------------|-------|
| _____                                           | _____ |
| Paula Schoonmaker, Assistant Clerk to the Board | Date  |