

APPROVED

Town of Red Hook Planning Board Meeting Minutes March 16, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present — Chair Christine Kane (who arrived during the first public hearing), Wil LaBossier, Sam Harkins, Charlie Laing, and Paul Telesca. Planner Michele Greig was also present. John Hardeman and Sam Phelan were absent.

BUSINESS SESSION

(Since Christine Kane had not yet arrived, Deputy Chair Charlie Laing began the meeting)

Charlie Laing confirmed the agenda. The draft minutes from the February 9, 2009 meeting had been circulated among the members and reviewed. There were no concerns. Sam Harkins made a motion to adopt the minutes as written. Paul Telesca seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

Michael Pollok – 64 Pond View Drive – Special Permit

Tim Ross, P.E., was present for the public hearing on an application for special permit to construct an accessory apartment within a new independent garage on a $\pm$ 32.159-acre parcel in the RD3 Zoning District.

Charlie Laing read the public hearing notice that appeared March 10, 2009 in the Kingston Daily Freeman. Tim Ross then explained the project to the public. He ended by saying that the Health Department had recently approved an individual septic system for the apartment. He also said that the same well that supplied the primary residence was adequate for use by the proposed apartment. Finally, he confirmed that the basement would be partially full and partially a crawl space.

Charlie Laing then opened the public hearing.

(At this time, Christine Kane arrived, but Charlie Laing continued to act as Chair for the remainder of this project's discussion)

Bill Thiry, Lot 57 of Whalesback Estates, said that the project was in violation of three of the deed restrictions placed on the subdivision by developer Phil Seymour. He submitted a copy of those deed restrictions to the Board. Mr. Ross said that he had not been informed about the deed restrictions.

The Board determined that while one of the deed restrictions (Deed Restriction #1, which limited to one the number of residences allowed on each lot) seemed to apply to this project, the Town

Attorney had advised that the Town had no ability to enforce deed restrictions unless a note had been placed on the original subdivision plat specifically giving the Town those enforcement rights. Upon inspection of the subdivision plat, the Board determined that there was no such note. Christine Kane said that, in that case, only the neighbors had legal recourse to enforce the restriction.

Mr. Thiry said that he and the other neighbors had been asked to sign off on a mother-daughter addition to that house when it was owned by Dr. Tuller but that they had not been consulted about this new project. He said that even though the project site was a large lot, the new garage and apartment would be visible from his property.

Wil LaBoissier asked whether the unfinished full basement area should be included as habitable space, since that area could be used as habitable space if finished in the future. Christine Kane said that the Board must consider only the currently planned habitable space, which had been calculated to be 608 sq. ft. She added that a note could be forwarded to the Building Inspector prohibiting the creation of habitable space in excess of the allowed 650 sq. ft.

Since there was no further public comment, Paul Telesca made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members present voted in favor.

Charlie Laing reviewed the EAF part 1 and, with input from the Board, completed part 2. Sam Harkins made a motion to adopt a Negative SEQR Declaration for the project. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution to grant the Special Permit with several conditions. Christine Kane made a motion to adopt that resolution. Sam Harkins seconded the motion, and all members present voted in favor. A copy of that resolution is attached to these minutes.

(At this point, Christine Kane took over as Chair of the meeting)

Stephen Hoffman – 19 Old Farm Rd. – Amended Site Plan

Marie Welch, L.S. and Steve Hoffman were present for the public hearing on an application for amended site plan approval to construct a metal storage building on a $\pm$ 10.020-acre site in the B1 and R1 Zoning Districts.

Christine Kane read the public hearing notice that appeared March 10, 2009 in the Kingston Daily Freeman.

Marie Welch explained the project to the public. She said that the site had adequate parking for the expansion, that the building would have no water supply, that the building would sit on a concrete slab, and that a plan to redirect the current stormwater drainage system was being developed.

Christine Kane then opened the hearing for public comment.

Steve and Diana Heupler, 51 Jefferson Rd., said that one of the conditions of the original approval for the car repair business was that cars parked overnight or longer were not to be visible to the neighbors. Mr. Heupler said that cars have been parked for long periods outside and have been very visible from neighboring houses. Mr. Hoffman said that the new building would allow him to store such cars inside.

Frank Stoppenbach, 96 Rokeby Rd., said that he was concerned about preserving water quality in the area and about the creeping expansion of business into the residential district. Wil LaBossier explained that current Zoning regulations would allow a business to extend no more than 25 ft. into the residential zone. He said that this application proposed that the storage building extend 24 ft. into the R1 Zoning District.

Mr. Hoffman said that he had established his business five years ago and that the number of cars he stored for restoration or long term repair had outgrown his storage area this past fall. He said that this building was, in part, an attempt to rectify this problem as well as to store car parts and welding materials.

Charlie Laing said that Mr. Hoffman should also consider a visual screen, either by means of a fence or evergreen plantings or a combination of both. Ms. Greig said that section 143-38 of the Town Zoning regulations required businesses such as garages to install visual screening.

Christine Kane noted that the Dutchess County Office of Planning and Development had determined the project to be a matter of local concern.

Frank Stoppenbach said that he was concerned about maintaining the quality of the water supply for the development behind the Hoffman property as well as other properties in the area, and he wished to know more about the redesign of the drainage system. Mr. Hoffman said that he planned to re-route the drainage around the outside of the new building with new culvert pipe and that this plan would protect the water supply. Ms. Welch said that there would be no change to the easement, which permits drainage from Old Farm Road.

Since there was no further public comment, Sam Harkins made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members present voted in favor.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2.

The Board reviewed a draft Negative SEQR Declaration and made some additions regarding visual screening. Wil LaBossier made a motion to adopt the Negative Declaration with those changes. Charlie Laing seconded the motion, and all members present voted in favor.

The Board asked the applicants to develop a landscape plan that would provide a visual buffer around the business and to bring in cut sheets or similar graphic descriptions of the proposed outdoor motion-sensitive lights. Ms. Welch was asked to rectify a typographical error on the plan. The Board also reminded the applicants that their revised drainage plan must be reviewed by the Town Engineer, for which an escrow amount must be provided. The Board scheduled the project for the April 6, 2009 agenda.

REGULAR SESSION- OLD BUSINESS

Red Hook Self Storage – 7320 S. Broadway – Amended Site Plan

Martin Willms was present for continued discussion of his application for amended site plan to construct additional metal storage buildings on a ± 4.451-acre parcel in the B1 & B2 Zoning Districts.

Mr. Willms confirmed that after the Board's site visit on February 14, 2009, he had explored new ideas about the size and location of additional self-storage space. He said that his revised plan included the location of one larger building away from the path of the proposed Town connector

road and the deletion of the originally proposed garage addition. He said that the new building would have a shed roof pitched toward a drainage ditch which would carry stormwater runoff to a new dry well. He said that the distance between the new building and some nearby existing storage buildings would be 27 ft., adequate for both normal and emergency traffic.

Christine Kane said that the Board recognized and appreciated Mr. Willms' willingness to consider and to develop new plans.

The Board and the applicant agreed that the new building would not be visible from the rear of the parcel and that therefore new landscaping would not be needed. The Board also determined that the building coverage for the new plan would still be below the allowed limit.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2. The Board then reviewed a Negative SEQR Declaration for the project and added a phrase about the new dry well. Wil LaBossier made a motion to adopt that revised Negative Declaration. Paul Telesca seconded the motion, and all members present voted in favor.

The Board asked Mr. Willms to revise the plans to delete the garage addition and to recalculate the building coverage figures and also to revise his application and EAF to reflect his desire for only one building.

The Board reviewed a draft resolution to approve the amended site plan with conditions reflecting the discussed revisions to the plan. Paul Telesca made a motion to approve the revised amended site plan with those conditions. Charlie Laing seconded the motion, and all members present voted in favor. A copy of that resolution is attached to these minutes.

Teviot Estate – 40 Davis Lane – Site Plan and Special Permit

Attorney Jon Adams and Tim Lynch, P.E. were present for continued discussion of applications for site plan and special permit to install a swimming pool, pool house, and helipad on an existing site on a 62.9-acre parcel in the WC (Water Conservation), LD (Limited Development) Zoning Districts and in the Historic Landmarks Overlay District.

Mr. Adams said that the use issue for the proposed pool had been resolved by the Town's Zoning Board of Appeals on February 11, 2009. He also said that the NYS Office of Parks, Recreation and Historic Preservation had sent a letter in response to the submitted archaeology report.

Mr. Lynch went over the GreenPlan memo dated February 27, 2009 and the applicant team's responses. He said that the helipad had been moved so that it would comply with the 300 ft. minimum distance to the boundary of any neighboring parcel. He said that the team had also considered the potential impact of the noise and vibrations from a landing helicopter and concluded that neither would substantially add to the existing noise and vibrations from the air traffic that already routinely travels above the river between Albany and New York City.

Ms. Greig said that there was a difference between the noise generated by helicopters and airplanes passing by at a distance and that generated by a helicopter landing nearby. She asked the applicants to submit before the public hearing an estimate of the noise decibels and vibration levels emitted by a helicopter of the type that would typically bring the applicant to his property. She said that the Board could consider limiting the number of times the applicant could use the helicopter to access his property per year and/or the hours during which the helicopter could land or take off. She said that current noise regulations do not apply to moving

vehicles, so it was possible that they would not apply in this case. She said that the Board could also ask the applicants to consider alternatives such as landing at the Kingston or Columbia County Airport. The applicants said that a helicopter would bring the owner to his property and then leave, rather than remain parked on the property.

The Board also asked the applicants to provide cut sheets and the proposed locations for the outdoor lighting that would be used around the pool and pool house, along the paths and elsewhere on the property.

The applicants next discussed their request for a waiver from submission of a plan depicting trees that are slated for removal, with their age and species. Mr. Lynch referred to a letter dated March 5, 2009 from landscape architect Pamela Burton saying that the culling was needed for the overall health of the woods and to widen the views of the river.

The Board and the applicants agreed that the addition of trees between the proposed helipad and the nearest neighbors would help lessen helicopter noise and vibration, although they would not screen the helipad from the neighboring property. Charlie Laing and Wil LaBossier were concerned about the removal of an apparently healthy group of trees in order to expand the view of the river from the house.

The applicants also requested a waiver from independent third party verification of the wetlands, saying that their own professional wetlands experts had already flagged the wetlands and that the team had gone to great lengths to avoid the wetlands. Ms. Greig said that independent third party verification of wetlands was standard procedure and, in this case, the expert might be able to answer such questions as whether draining the pond to enlarge it would be allowable under the nationwide permit, what the impact of chlorinated discharge from the proposed swimming pool would be on nearby wetlands, and what the impact from grading for the helipad would be on nearby wetlands. The Board asked the applicants to also explore alternatives to chlorination for the swimming pool.

Discussing the footpaths, Mr. Lynch said that most were existing and that most were mowed grass. He said that paths connecting the main house, the pool and pool house and the tennis court would be graveled.

Mr. Lynch confirmed that an apple orchard would be installed partially near and partially in a wetland. Ms. Greig said that a wetlands expert could possibly explain the impact of planting such trees in a wetland and that the applicants should consider relocating those trees. The Board also discussed the impact of the various sprays necessary for a successful apple orchard.

Mr. Adams said that the applicants believed that the issue of the demolition of three (3) buildings, which had been determined by Hudson River Heritage and the NYS Office of Parks, Recreation and Historic Preservation to be contributing structures to the National Historic Landmarks District, to be outside the jurisdiction of the Planning Board. Christine Kane disagreed for the Board, saying that since the property was located within the National Historic Landmarks District, the Board believed the issue to be relevant. Mr. Adams said that he would forward a letter supporting his view to the Planning Board so that it can be reviewed by the Board's attorney.

The Board and the applicants reviewed a letter dated February 27, 2009 from Kenneth Markunas, Restoration Coordinator for Historic Sites, of the NYS Office of Parks, Recreation

and Historic Preservation in which Mr. Markunas recommended an actual Phase 2 review, not radial testing, in one area of the property. Mr. Adams said that he would submit a compromise plan to SHPO and ask for a reconsideration of its advisory opinion.

Mr. Lynch said that he would have calculations regarding the seating around the tennis court before the deadline for the next meeting. He said he would also address several remaining small issues regarding the addition of features and notations to the plan.

Ms. Greig said that she had reviewed the applicants' submitted Local Water Revitalization Plan Consistency form and believed that the two large potential issues were, again, cultural and historic resources and wetlands.

Returning to the issue of the requested waiver of a landscape and tree removal plan, the Board asked for a detailed plan only for the bluff overlooking the Hudson River. The Plan should contain size, species and condition of the trees. Charlie Laing said that the landscaping typical of the river estates should be maintained.

The Board also agreed to consider the impact of any trees planted to screen the helipad on existing solar panels belonging to the neighbors. The applicants were asked for more specific details about the proposed trees to be installed.

The Board then generally agreed to require independent third-party verification of the wetlands in those areas of possible disturbance. The Board authorized Ms. Greig to contact wetlands expert Carol Knapp and ask her to conduct third party verification and also to consider the possible impacts of pool discharge and grading.

The Board scheduled a public hearing on the project for April 6, 2009. Christine Kane told the applicants that their revised maps would be referred to the Town Engineer for review and comments.

OTHER BUSINESS

Belliveau extension

The Board considered a request from Marie Welch L.S. to extend the deadline for meeting the conditions for final subdivision plat approval for the James and Mary Belliveau subdivision. Charlie Laing made a motion to grant that request. Sam Harkins seconded the motion, and all members present voted in favor. The new deadline would be April 28, 2009.

Centers and Greenspaces Plan

Christine Kane said that the Board had been asked by the Town Board to review and comment on the proposed Centers and Greenspaces Plan.

Sam Harkins said it appeared that businesses involving horses would not be considered "agricultural". Ms. Greig said no, that any enterprise permitted under the NYS Agriculture and Markets Law would be included in the Agricultural Business District and that no changes had been made regarding what agricultural businesses would be allowed in the Town outside the ABD. She said that, as in the current zoning law, there would be restrictions about the number of horses allowed per acre, etc. in the Residential Zoning Districts. She said that horse businesses are considered agricultural in the Certified Agricultural District and that the Town may not override the regulations for the Certified Agricultural District. She said that the problem was that the Town's current agricultural definitions, which had been carried over into the

Centers and Greenspaces Plan, did not match the newly revised Ag and Markets definitions. The Board generally agreed that the portions of Centers and Greenspaces Plan dealing with agriculture should be amended so that the various definitions match those of the Ag & Markets Law and so that it is clear what commercial animal businesses are included in the definition of “agriculture”.

Wil LaBossier said that the focus of the Plan still seemed to be on residential development and preservation of agriculture but there seemed to be little to promote commercial development. He said that he saw few incentives for technology, green businesses, etc. to locate in the Town. Charlie Laing said that the Village’s commitment to installing municipal sewer service was a commitment to business, which could not thrive without more density in the Village center. Ms. Greig said that an office/industrial district had been created on South Broadway which would accommodate exactly those types of businesses. She added that increased density in all the proposed population centers was essential for commercial growth. The Board generally agreed that while the Plan was generally supportive of office and industrial growth, the Town should develop a separate business incentives plan, which would be more agile and could be more easily revised than the Centers and Greenspaces Plan. The incentives plan could work in tandem with the Centers Plan and could be implemented at the same time as the Centers Plan or shortly thereafter.

Wil LaBossier also brought up a need for increased emphasis on sidewalks to provide pedestrian access to businesses.

Sam Harkins asked whether a landowner whose property had not been included in the Agricultural Business District could petition to be included. Ms. Greig said yes, that a process had been developed to accommodate that landowner’s request.

Charlie Laing asked whether a discussion would take place about revising the Town’s road specifications, which the Board generally believed required new roads to be too wide. The Board discussed the proposed connector road, now constructed at the Town recycling center and proposed to cut through a corner of Red Hook Self Storage, ultimately ending on Glen Pond Rd. Christine Kane said that that road, with its lanes, aprons and right-of-ways, was approximately 67 ft. wide, which she said was out of keeping with “village scale” development. The Board generally agreed to suggest a new look at the Town’s road specifications.

The Board then discussed the Scenic Corridor Overlay. Ms. Greig said that the scenic roads adopted in the 1990’s had been carried over to the new plan. She said that revisions to that list could be made at a later time. Charlie Laing said that a discussion of scenic roads also would lead to a discussion of Village gateways, which had been a topic of great interest to the Village representatives on the Intermunicipal Task Force.

The Board generally agreed that a comprehensive Plan map showing not only the Town but also the Villages be developed.

The Board also generally agreed to draft a letter to the Town Board outlining its suggestions and comments concerning the Centers and Greenspaces Plan.

Miscellaneous

(At this point, Frank Stoppenbach submitted a letter regarding the Centers and Greenspaces Plan and his concern that commercial space was creeping into residential districts)

Christine Kane thanked Jay Greenblatt and Wil LaBossier for offering the Muncity software free of charge to the Planning Board and said that the Town Board approval had been given on March 10, 2009.

Adjournment

Since there was no further business to come before the Board, Wil LaBossier made a motion to adjourn. Charlie Laing seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Michael Pollok Special Permit

Resolution granting a Special Permit to Michael Pollok

Negative SEQR Declaration for the Red Hook Self Storage Amended Site Plan

Resolution granting Amended Site Plan Approval to Red Hook Self Storage

Negative SEQR Declaration for the Hoffman Amended Site Plan

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 16, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Michael Pollok Special Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to establish a one bedroom accessory apartment within a new, independent garage on a 32.15-acre parcel on Pond View Drive in the RD3 Zoning District

Location: 64 Pond View Drive, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. The Town of Red Hook Planning Board has reviewed the proposed action against §143-66 and §143-112 of the Town of Red Hook Zoning Code, and found it to be in compliance with these provisions.
3. After reviewing the Environmental Assessment Form (EAF) for the action dated the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)
Michael Pollok (applicant)

Resolution Granting Special Permit to Michael Pollock

Name of Project: Michael Pollok Special Permit

Name of Applicant: Michael Pollok

Date: March 16, 2009

Whereas, the applicant has submitted an application for a Special Permit dated January 16, 2009 to the Town of Red Hook Planning Board to construct a one bedroom accessory apartment within a new independent garage on a $\pm$ 32.15-acre parcel; and

Whereas, the subject parcel is located at 64 Pond View Drive in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, on January 26, 2009, the Planning Board, declared itself lead agency for the purpose of conducting a review of an Unlisted action pursuant to SEQR; and

Whereas, on March 16, 2009, the Planning Board, in consideration of the Short Environmental Assessment Form dated January 16, 2009 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcel is located within 500 ft. of a certified New York State agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement which the Planning Board duly forwarded to all owners of farm operations within 500 ft. of the subject parcel; and

Whereas, on March 16, 2009, the Planning Board conducted a public hearing on the final subdivision plat, at which time all interested persons were given the opportunity to speak; and

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions and upon compliance therewith authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction:

1. Approval by the Dutchess County Department of Health

2. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
3. Submission of drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

On a motion by Christine Kane , seconded by Sam Harkins , and a vote of 5 in favor, 0 against, and 2 absent.

Resolution APPROVED on March 16, 2009

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

Betty Mae Van Parys, Clerk to the Board

Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: March 16, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Red Hook Self Storage Amended Site Plan

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to construct one new building in an existing self storage business on a ± 4.451 -acre parcel in the B1 and B2 Zoning Districts.

Location: 7320 S. Broadway, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated April 10, 2008, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The project site is located in the Town's Scenic Corridor Overlay (SC-O) District. The proposed additional building will not be significantly visible from the Route 9 corridor as the project will be partially screened by other buildings and existing vegetation.
4. The existing stormwater drainage system together with a proposed new dry well will be adequate for any additional runoff.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Martin Willms (applicant)

Resolution Granting Amended Site Plan Approval

Name of Project: Red Hook Self Storage Amended Site Plan

Name of Applicant: Martin and Elizabeth Willms

Date: March 16, 2009

Whereas, the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Martin and Elizabeth Willms to construct a 20' x 160' new storage building on a ± 4.451-acre parcel (Tax Map Parcel No. 134889-6272-00-346380-0000) located at 7320 S. Broadway in the B1 and B2 Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the application for Site Plan approval dated April 16, 2008, a Site Plan prepared by Robert Zimmerman, L.S. dated September 1, 2000 and revised to December 18, 2000, July 24, 2002, September 4, 2003, March 24, 2008, August 22, 2008, January 28, 2009, February 3, 2009, and February 15, 2009; and

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

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the Planning Board considered that agency's comments as detailed in its letter dated January 16, 2009; and

Whereas, on December 15, 2008, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an unlisted action pursuant to SEQR, and on March 16, 2009, in consideration of the Full Environmental Assessment Form (EAF) dated April 10, 2008 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed Amended Site Plan will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board considered the Town Zoning Board of Appeals' hearings, determination and findings on area variances granted by that Board on September 10, 2008; and

Whereas, the Planning Board conducted a visit to the site on February 14, 2009; and

Whereas, the Planning Board considered the comments of Peter Setaro, P.E., of Morris Associates, in a letter dated February 9, 2009, concerning the location of a proposed Town connector road; and

Whereas, the Planning Board held a Public Hearing on the Amended Site Plan application on January 20, 2009 at which time all interested persons were given the opportunity to speak; 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 hereby grants Site Plan approval for the above project as represented on the plans listed above, all subject to compliance with the following conditions and any other requirements which must be met by law:

- A. That the applicant reimburses the Town for any outstanding fees due and owing for the review of this application.
- B. That the map be revised to reflect the final building location and the corrected bulk regulations table
- C. That the applicant submit 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

On a motion by Paul Telesca , seconded by Charlie Laing, and a vote of 5 for, 0 against, and 2 absent,

this resolution was APPROVED on March 16, 2009.

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

Betty Mae Van Parys, Clerk to the Board

Date

617.7
State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance

Date of Adoption: March 16, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Stephan Hoffman/ Roger Hoffman Amended Site Plan

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to construct a 40' x 100' metal storage building on an existing commercial site on a 10.020-acre parcel in the B1 and R1 Zoning Districts.

Location: 19 Old Farm Road, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated January 30, 2009, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The project site is located near the Town's Scenic Corridor Overlay (SC-O) Zoning District. The proposed building will not be significantly visible from the Route 9 corridor or from neighboring businesses as the project will be partially screened by existing vegetation, existing buildings and new vegetation. New and existing outdoor lighting on-site will be in conformance with the Town's outdoor lighting regulations found in § 143-27.1 of the Town's Zoning Law, which will reduce glare, light pollution and energy use, a beneficial impact on aesthetics and energy use. The Planning Board finds that no significant adverse environmental impacts on aesthetic resources are anticipated as a result of the action.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
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Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Stephen Hoffman (applicant)