APPROVED
RED HOOK PLANNING BOARD
MEETING MINUTES
August 17, 2015

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30 pm and confirmed the agenda as published. A quorum was determined present for the conduct of business. Members present: Chairperson Christine Kane, Kallie Robertson, Brian Kelly and Sam Harkins. Charlie Laing, Brian Walker and Sam Phelan were absent. Also present was Planning Consultant Michele Greig.

Ms. Kane introduced Brian Kelly to the Board. Mr. Kelly was appointed to the planning board by the Town Board August 11.

Kallie Robertson made a motion to adopt the minutes of August 3. Sam Harkins seconded. Kallie Robertson, Christine Kane, Brian Walker and Sam Harkins voted aye; Brian Kelly abstained and the motion was carried.

Jaeger Haus – 5084 Route 9G – Site Plan, Special Permit
Continued discussion on application to construct a 1,400 square foot addition to an existing restaurant located on Route 9G in the RD3 Zoning District.

Applicants Andreas Nowara and Emily Carvajal and Engineer Dan Wheeler were present.

Mr. Wheeler said the applicants had met with the NYS Department of Transportation (DOT) and the Dutchess County Department of Public Works (DPW) at the site and it was agreed by both entities that the main entrance and exit to the restaurant will be off Route 9, and right hand turn exits only will be allowed on to West Kerley Corners Road. Ms. Kane acknowledged that the board had received approval letters from the DOT and DPW for the project.

Ms. Kane said grading and drainage plan should be submitted and a silt fence be shown on the downhill sides of all portions of the site proposed to be disturbed, as per the town engineer's memo of 8-17-15. She asked what type of fence was proposed. Mr. Nowara said that a stockade fence would be installed along the parking lot to block car lights from the neighboring properties. Ms. Kane asked if railroad ties secured with rebar would still be used to delineate the parking spaces. Mr. Nowara said yes.

Ms. Kane asked if they still proposed to have planters on the property along Route 9. Mr. Nowara said they decided instead to plant grass there and install a split rail fence.

Ms. Kane asked how parking would be kept out of the delivery and loading area. Mr. Wheeler said a gate would be installed. Ms. Carvajal said it would be green.

The Board and Mr. Wheeler discussed changes that still need to be added to the site plan.

The Board reviewed a draft approval resolution for Special Permit. Sam Harkins made a motion to grant the Special Permit with conditions as modified by the Board. Kallie Robertson seconded and all members voted in favor.

The Board then reviewed a draft resolution for Site Plan Approval and incorporated some changes and modifications in the conditions. Kallie Robertson made a motion to adopt the Resolution as modified. Sam Harkins seconded and all members voted in favor.

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision, Preliminary Plat and Site Plan

Continued discussion on Sketch Plat/Plan for preliminary subdivision plat and site plan approval to create 102 residential units on approximately 52 acres of land of which approximately 50 will be developed as a Traditional Residential Neighborhood in the TND (Traditional Neighborhood District - Residential) zoning district, and related zoning incentive plan.

Project Manager Richard Rang and Engineer Ron Morrison were present.

The Board reviewed the applicant's responses to concerns raised by the public at the Public Hearing and through the time extension provided for the submission of written comments.

Mr. Rang provided the Board with a letter form attorney Jeffrey Martin indicating that the encumbrance issue with the Movie Theater owner is being resolved. The Board moved on to the issue raised by Steve and Diana Huepler, neighbors to the proposed project, concerning the project's stormwater management system's impact on their property. Mr. Morrison said he and Town Engineer Brandee Nelson had visited the site with the Hueplers. He said that the applicants would install drywells to collect strormwater overflow rather than connect to the existing system.

The Board reviewed the applicant's responses to comments and concerns regarding construction noise and dust, landscape buffers and water usage.

The subject of concerns surrounding the wetlands was addressed. Mr. Morrison said the applicants were against installing a fence along the 100 foot buffer along the wetlands. He said it would impede movement by animals, and described in detail the bio-swales proposed and what plants they would contain.

Further discussion covered the formation of the Homeowners Association (HOA), the Huckleberry Rail Trail connections and recreational amenities, sewage disposal systems, Fire Department access, outdoor lighting, energy, municipal costs, tax implications.

The Board also reviewed responses to traffic concerns raised by residents. The applicant's response was provided by their traffic engineer, Maser Consulting. In particular, the Board asked if it was feasible for the applicant to construct a right turn lane at the intersection of Old Farm Road and Route 9. Mr. Rang said the entire intersection would have to be reconstructed, which would require a permit from the DOT. He said that the applicant's consultant did not recommend a turning lane, because it could create a site distance problem for people turning right while the intersection is not signalized. He noted that eventually, a traffic signal would be installed there.

The Board continued to review responses to traffic concerns, such as the methodology of traffic studies, roadway improvement, and delivery and construction traffic.

Kallie Robertson commented that traffic is already an issue in Red Hook without the proposed project. She asked there were other things that the Planning Board could recommend to the Town. Ms. Kane said the Town and Village have requested the DOT to change the timing of the signal light in the center of the village. The construction project to repair the broken circuit is scheduled to take place next year. She said that would probably alleviate some problems. She added that the Amherst Road/ Firehouse Lane intersection also poses problems because it is an offline intersection.

Ms. Kane said there are still outstanding comments from Greenplan and Crawford & Associates that need to be addressed as the review progresses.

Mr. Morrison asked if a working meeting could be scheduled with the applicants and the consultants to resolve these issues. Ms. Kane said a meeting could be set up between Labor Day and the Board's next meeting September 21.

Michele Greig recommended that the applicants submit a formal proposal for recreational amenities with their acreage. She also recommended that the board request an extension from the applicants on the time to make a decision on preliminary approval on Site Plan.

Project review will continue September 21.

NEW BUSINESS

Horkan Lot Line Alteration – Spring Lake Road
Presentation of application to convey approximately 2.9 acres of land from a 22 acre parcel to a 1.95 acre parcel, and convey approximately .02 acres from the 1.95 acre parcel to the 22 acre parcel in the RD3 Zoning District.

Applicant Michael Horkan and Surveyor Marie Welch were present.

Ms. Welch gave an overview of the project. She said the objective is to combine the existing house and garage on to one lot which the applicant wishes to sell. She noted it would bring the smaller lot into conformance. She said an existing logging road would become a driveway to the larger lot in the rear, which the applicant will retain. She gave the Board a letter stating that soil tests and wetland delineation had been completed on the larger property.

Ms. Welch said the driveways would share the existing entrance.

Sam Harkins made a motion that the Board adopt a Resolution Establishing Lead Agency for an Unlisted Action Undergoing Uncoordinated Review. Brian Kelly seconded and all members voted in favor. A public hearing will be scheduled for September 21.

Lawrence Suda, 102 Station Hill Road, Barrytown – Certificate of Appropriateness
Presentation of application to replace two retaining walls.

Mr. Suda and contractor Brian Williams were present.

Mr. Suda said that retaining walls in his back yard are failing because they are constructed with pressure treated wood that is not holding. He said the front concrete retaining wall is failing as well, causing the supporting beams for the deck to slide. He provided photos of the condition, and described it as an emergency.

Ms. Kane said the Planning Board would refer the application to the Hamlet Design Review Committee. She said the Committee would be concerned with how the finished retaining walls would look. Mr. Suda said the wall would have a railing on the top as required by town code, and would have a stucco finish.

Mr. Suda said the project is underway. Ms. Kane said a silt fence on the site would be required. She asked Board members to visit the site at their convenience before the meeting. The applicants will return September 21.

ADJOURNMENT

There being no further business to come before the board, Brian Kelly made a motion to adjourn. Sam Harking seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood

Kathleen Flood
Secretary

Resolution Granting Special Permit Approval to Jaeger Haus Restaurant and Beer Garden

Name of Project: Jaeger Haus Restaurant and Beer

Name of Applicant: Two NY Fish, LLC

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Two NY Fish, LLC for an existing restaurant and a proposed beer garden to be constructed on an existing patio, with associated off-street parking, landscaping, and access and egress drives on a ± 1 acre parcel (Tax Map Parcel No. 134889-6174-813944-0000) located at 5084 Route 9G in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan (13 Sheets) for the restaurant and beer garden prepared by D.F. Wheeler Engineers, PC dated March 23, 2015 and last revised August 7, 2015; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on July 6, 2015 determined that the proposed action is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, the Planning Board has reviewed the Special Permit application against the requirements of Article VI of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law, with the exception of the requirement that any new structure, parking lot or other outdoor facility appurtenant to the restaurant be setback a minimum of 100' from any property line of an existing residence; and

Whereas, the Zoning Enforcement Officer has reviewed the application and determined on June 18, 2015 and on July 23, 2015 that the restaurant is an existing noncomplying building pursuant to § 143-126 of the Zoning Law and that construction of a beer garden over an existing patio which was used for outdoor seating in the past, and the reduction of the number of parking spaces in front of the building and moving the same number of parking spaces to the rear of the building do not constitute enlargements or extensions of the noncomplying restaurant, and therefore the aforementioned encroachment into the 100' setback does not require an area variance; and

Whereas, due to the location of the property within 500' of a State highway, the Special Permit 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 August 3, 2015 which recommended that the Planning Board rely upon its own study of the facts in the case with due consideration to the County's comments, the Board fully considered each of the comments, and the Site Plan was modified based on those comments to modify access and egress to the site, to provide properly designed handicap parking, to gate the truck loading area, and to verify with NYS DOT that the sign does not impede sight distance; and

Whereas, on August 3, 2015, the Planning Board conducted a public hearing on the Special Permit application at which time all interested persons were given the opportunity to speak; and

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

Now therefore be it resolved, that the Planning Board grants Special Permit approval to Jaeger Haus Restaurant and Beer Garden in accordance with the plans and specifications heretofore submitted upon the following conditions:

A. The applicant shall continue to comply with the requirements of a Special Permit for a Restaurant found in § 143-96 of the Town of Red Hook Zoning Law.

B. The applicant shall meet the conditions of the Site Plan approval for the proposed project.

C. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

In taking this action, 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.

On a motion by **SAM HARKINS**, seconded by **KALLIE ROBERTSON**, and a vote of **CHRISTINE KANE, KALLIE ROBERTSON, BRIAN KELLY AND SAM HARKINS**for, **NONE** against, and **CHARLIE LAING, BRIAN WALKER AND SAM PHELAN** absent, this resolution was adopted on **AUGUST 17, 2015**.

Resolution declared: **ADOPTED** on **AUGUST 17, 2015**

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

K Flood

Kathleen Flood, Clerk to the Board

8/20/15

Date

Resolution Granting Site Plan Approval to Jaeger Haus Restaurant and Beer Garden

Name of Project: Jaeger Haus Restaurant and Beer Garden

Name of Applicant: Two NY Fish, LLC

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Two NY Fish, LLC to construct a ± 1,164 square foot beer garden on the patio of an existing restaurant building with associated off-street parking, landscaping, and access and egress drives on a ± 1 acre parcel (Tax Map Parcel No. 134889-6174-813944-0000) located at 5084 Route 9G in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Site Plan (13 Sheets) prepared by D.F. Wheeler Engineers, PC dated March 23, 2015 and last revised August 7, 2015; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on July 6, 2015 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, due to the location of the property within 500' of a State highway, 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 August 3, 2015 which recommended that the Planning Board rely upon its own study of the facts in the case with due consideration to the County's comments, the Board fully considered each of the comments, and the Site Plan was modified based on those comments to modify access and egress to the site, to provide properly designed handicap parking, to gate the truck loading area, and to verify with NYS DOT that the sign does not impede sight distance; and

Whereas, on August 3, 2015, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

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

Now therefore be it resolved, that the Planning Board grants Site Plan approval to Jaeger Haus to construct a beer garden and associated improvements 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 applicant shall obtain a Highway Work Permit from the NYS DOT for all work proposed within the DOT right-of-way.

2. The applicant shall obtain approval from the Dutchess County Department of Public Works for the egress onto West Kerley Corners Road (CR78).

3. The applicant shall obtain approval from the Dutchess County Department of Health verifying that the existing sewage disposal system is adequate for the proposed use.

4. The Site Plan shall be revised as follows:

   (a) To include the most recent revision date.

   (b) To include the dimensions of the sign on Sheet C-1B and to specify that the sign will be painted wood.

   (c) To show a gate at the truck loading area on Sheet C-1B.

   (d) To show sight distances from the access on Route 9G and West Kerley Corners Road on Sheet C-1B.

   (e) To include a note on Sheet C-1B that parking spaces will be delineated with railroad ties.

   (f) To revise Sheet C-1B to state that 32 parking spaces are proposed (not 30).

   (g) To revise Sheet C-1B to show a curb designed to prevent left turns onto West Kerley Corners Road (if permitted by Dutchess County DPW), and to install a "no left turn" sign at this exit.

   (h) To revise Sheet C-1B to show a wood stockade fence along the southern property boundary, conforming to the requirements of §143-28 of the Zoning Law.

   (i) To show a wood, split rail fence no more than three (3) feet high along the Route 9G frontage between the truck loading area and the Route 9G shoulder, in a location permitted by NYS DOT.

   (j) To provide sediment and erosion controls for the construction of the parking lot as specified by Crawford and Associates in their memo dated August 17, 2015.

   (k) To revise the note on Sheet L-1 to state that "The lighting fixture must be installed so that the bulb is fully shielded."

   (l) To revise Sheet L-1 to show lawn to be planted in the area between the truck loading area and the Route 9G shoulder.

5. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

6. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

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 Town Engineer or Town 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 are general conditions which shall be fulfilled throughout the construction and operation of the project:

1. A Certificate of Occupancy (CO) will not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond, undertaking, irrevocable letter of credit, or other security or performance guarantee satisfactory to the Town Engineer, will be posted to ensure completion of the landscaping in accordance with the approved Site Plan.

2. The applicant shall continue to comply with all conditions imposed by any outside agencies in their permits.

In taking this action, 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.

On a motion by **KALLIE ROBERTSON**, seconded by **SAM HARKINS**, and a vote of **CHRISTINE KANE, KALLIE ROBERTSON, BRIAN KELLY AND SAM HARKINS** for, **NONE** against, and **CHARLIE LAING, BRIAN WALKER AND SAM PHELAN** absent, this resolution was adopted on **AUGUST 17, 2015**.

Resolution declared: **ADOPTED** on **AUGUST 17, 2015**

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

K Flood

Kathleen Flood, Clerk to the Board

8-20-15

Date

617.6

State Environmental Quality Review (SEQR)

Resolution Establishing Lead Agency

Unlisted Action Undergoing Uncoordinated Review

Name of Action: Horkan Lot Line Alteration

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application from Michael J. Horkan for two lot line alterations between a ± 22 acre parcel and a ± 1.95 acre parcel located at 274 and 284 Spring Lake Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated August 6, 2015 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Dutchess County Department of Health.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by **SAM HARKINS**, seconded by **BRIAN KELLY**, and a vote of **CHRISTINE KANE, KALLIE ROBERTSON, BRIAN KELLY AND SAM HARKINS** for, and **NONE** against, and **CHARLIE LAING, BRIAN WALKER AND SAM PHELAN** absent, this resolution was adopted on **AUGUST 17, 2015.**