

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
DECEMBER 17, 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, Kallie Robertson and Brian Kelly. Lisa Foscolo was absent. Also present was planning consultant Michele Grieg.

Brian Kelly made a motion to approve the draft Dec. 3 minutes. Kristina Dousharm seconded and all members voted in favor.

PUBLIC HEARING

Pfaff Lot Line Alteration – 283 West Kerley Corners Road

Public Hearing on application to convey ± 1.432 acres of land from the ± 8.982 acre Cider Studios, Inc. parcel to the adjacent ± 0.768 acre West Kerley, LLC parcel. The resulting parcels will be ± 7.55 acres and ± 2.2 acres in size. Both parcels are already developed with a single family home and individual water and sanitary sewage disposal systems.

Applicant's representative Marie Welch was present. Sam Phelan opened the hearing by reading the public hearing notice that was published in the Poughkeepsie Journal. Ms. Welch gave an overview of the project.

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

Bill Hamel moved to close the hearing. Kristina Dousharm seconded and the motion was carried unanimously.

The Board reviewed a draft Conditional Approval Resolution. Bill Hamel made a motion to adopt it. Kristina Dousharm seconded and all members voted in favor.

NEW BUSINESS

MC Acres / Treu / Weckesser Minor subdivision and Lot Line Alteration – Middle Road

Presentation of sketch plan application. MC Acres, Inc. proposes to transfer 2.513 acres to lands of Weckesser; Weckesser proposes to transfer .145 acres to MC Acres. MC Acres proposes to transfer 1.212 acres to lands of Treu, and subdivide the remaining MC Acres lands into 2 parcels 22.218 acres and 38.829 acres in size.

Applicant Dave Vosburgh and Tom Weckesser were present. Mr. Vosburgh and the Board discussed the history of the property, and he described the lot line alterations.

Michele Grieg reviewed her comments dated 12-13-18. She said that the Board had approved three subdivisions in 2010, 2011 and 2013 but the conditions of approval were never met and the projects lapsed. In 2006 (last revised in 2017), a Farmland Protection Plan was filed with the Town and County for the property formerly known as Kesicke Farms Inc., which includes the 58.77 MC Acres parcel in this application. In 2013, when the Planning Board conditionally approved a subdivision of the same lands,

the 'Four Step Design Process' required for conservation subdivisions was waived by the Planning Board. Ms. Grieg recommended in her memo that the applicant should submit a copy of the plat approved in 2013 so the Board can compare it with the current proposal and determining whether the waiver is still relevant or needs to be revised.

The Farm Protection Plan filed also included protections for the Hucklebush Rail Trail (HRT), part of a regional network of trails included in the *Town of Red Hook Trails Plan*. The Board agreed with Ms. Grieg's concern that the proposed project could potentially impact the future development of the trail. In her comments, Ms. Grieg wrote that the proposed lot line alteration enlarging the Weckesser property would make these lands available for development. She said that the Planning Board had spent considerable time in its initial review of these lands discussing protection of the rail trail, and the Weckesser lot was originally configured to ensure that the railroad right-of-way would remain in as undeveloped a state as possible to allow for potential future development of the trail. In addition, the proposed subdivision would create one or two new driveways bisecting the HRT, in addition to one existing driveway crossing.

Mr. Weckesser asked for clarification. Mr. Phelan explained that although there are no immediate plans to use the HRT, it has been designated by the Town as a key segment to be developed as a multi-use path. He compared the protection of the trail to protection of agricultural lands, noting that although certain lands may not be used for agricultural purposes, the Town protects them for posterity. Mr. Weckesser said it was his plan to eventually build a home on his property and indicated where he would like to site it, which was on the raised rail bed of the HRT. Mr. Phelan said that could be problematic. Discussion followed concerning trail protection, the Planning Board's obligation in that endeavor, and legalities that may apply.

This led to a conversation about building envelopes not shown on the plans, and driveways. The Board directed the applicants to establish building envelopes for each property, and to give more thought to the overall plan, based on the evening's discussion.

OTHER BUSINESS

Continued Discussion – Planning Board Escrow policy

Town Board member Christine Kane was present. The Board reviewed the Town's fee document as it was edited by the Town Attorney and found it acceptable.

ADJOURNMENT

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

Respectfully submitted,



Kathleen Flood
Clerk for the Board

Resolution Granting Approval to the Final Subdivision Plat for Cider Studios, Inc. and West Kerley, LLC

Name of Project: Cider Studios, Inc. and West Kerley, LLC Lot Line Alteration

Name of Applicants: Cider Studios, Inc. and West Kerley, LLC

Whereas, the applicants, Cider Studios, Inc. and West Kerley, LLC, have submitted an application for Lot Line Alteration to convey ± 1.432 acres of land from the ± 8.982 acre Cider Studios, Inc. parcel (Tax Parcel No. 134889-6274-00-455781-0000) to the adjacent ± 0.768 acre West Kerley, LLC parcel (Tax Parcel No. 134889-6274-00-455765-0000) located in the RD3 Zoning District at 281 and 283 West Kerley Corners Road, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Plat prepared by Welch Surveying entitled "Lot Line Alteration Prepared for Cider Studios, Inc. and West Kerley, LLC" dated November 14, 2018 and revised December 3, 2018; and

Whereas, on November 5, 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, the project was subsequently modified and on December 3, 2018, the Planning Board rescinded the previously adopted Lead Agency Resolution and adopted a new resolution declaring the Planning Board Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on December 3, 2018, after reviewing the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Planning Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

Whereas, the parcels are located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural Data Statement dated October 12, 2018 and revised November 14, 2018, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, on December 17, 2018, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on December 17, 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 dwelling units will be created, and thus deems not applicable to this
Cider Studios, Inc. and West Kerley, LLC Final Plat Approval

application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision plat approval to Cider Studios, Inc. and West Kerley, LLC in accordance with the plans and specifications heretofore enumerated, subject to the following conditions and modifications:

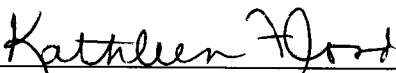
- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions:
- 1) Submission of a Common Use and Maintenance Agreement in a form, substance, and manner of execution acceptable to the Town Attorney.
 - 2) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - 3) Payment of any and all outstanding escrow balances for consultant review.
 - 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 P.E. and L.S. stamps and signatures.
 - 5) The applicants shall verify that the corners of the original tracts being subdivided have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-24B(2) of the Town Code.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicants.

On a motion by Kristina Dousharm, seconded by Bill Hamel, and vote of 5 for, 0 against, 1 absent, and 1 vacant seat, this resolution was adopted on December 17, 2018.

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

 _____ Kathleen Flood, Clerk to the Board	12-18-18 _____ Date
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