

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**March 7, 2011**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Charlie Laing, Sam Phelan, Wil LaBossier, Sam Harkins, Pat Kelly, Kris Munn and alternate Brian Walker. Planner Michele Greig was present for the entire meeting, and Planning Board Engineer Dan Wheeler was present for the first project.

**BUSINESS SESSION**

Christine Kane confirmed the agenda as published. The February 7, 2011 draft minutes had been circulated among the members and reviewed. Sam Phelan made a motion to adopt those minutes. Kris Munn seconded the motion, and all members present voted in favor.

Christine Kane announced a course on the new Stormwater regulations, sponsored by the Dutchess County Planning Federation and scheduled for March 29, 2011 at the Farm and Home Center in Millbrook.

**PUBLIC HEARING**

**New Beginnings Assembly of God – 8059 Albany Post Road – Lot Line Alteration and Site Plan Approval**

George Schmitt, P.E., was present for the public hearing on an application for Lot Line Alteration to convey 0.43 acres from an adjoining parcel, also owned by the applicant, and on an application for Site Plan approval to remove three sheds, construct an addition to an existing church and to add an open pavilion, on a + 3.21-acre parcel in the B1 Zoning District.

Christine Kane read the public hearing notice that appeared March 1, 2011 in the Kingston Daily Freeman.

Mr. Schmitt explained the project saying that the existing lighting would be upgraded to comply with the Town's exterior lighting regulations. He also said that because the Dutchess County Health Department would require the installation of a new septic system if the new classroom were added to the existing church building, the church members had decided not to include the construction of the new classroom in this project. He added that even though it was not now necessary to remove the locust trees near the church building, new birch trees would still be installed along Route 9. Finally, Mr. Schmitt said that the lot line alteration was still necessary as the additional land would bring setbacks into compliance and the new plat would formalize an access easement granted to a neighboring parcel.

The Board completed the EAF part 2 and then reviewed a draft Negative SEQR Declaration. After several revisions were made to reflect the simplification of the site plan, Charlie Laing

made a motion to adopt the Neg Dec. Wil LaBossier seconded the motion, and all members voted in favor.

Christine Kane then opened the hearing for public comments. There were none.

The Board then discussed the project with Planning Board Engineer Dan Wheeler and reviewed his review report dated March 7, 2011. Dan Wheeler said that this most recent report superseded his report of February 28 and reflected the subtraction of the proposed classroom from the project. The Board concluded that because there were only four existing exterior lights on the church building, all of which would be brought into conformance with Town regulations using shielded fixtures and bulbs of less than 50 watts and because now no new lights were proposed, a photometric plan would not be required. Mr. Schmitt said that the deletion of the classroom addition from the project would allow the applicants to continue using the existing septic system so plans for a new system had been deleted.

Since there were no comments from the public, Kris Munn made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members voted in favor.

The Board then reviewed a draft resolution approving the lot line alteration and the site plan. After the resolution was revised to reflect the new site plan, Kris Munn made a motion to adopt it. Sam Harkins seconded the motion, and all members voted in favor.

Then it was noted that a sentence containing information about the preparers, dates and revisions of the subdivision plat and the site plan had not been included in the resolution. Pat Kelly made a motion to adopt the resolution with that added information. Kris Munn seconded the motion, and all members present voted in favor.

## **REGULAR SESSION – OLD BUSINESS**

### **Dunkin Donuts – NYS Route 9 – post approval discussion**

Owner Nelson Sousa was present to discuss inconsistencies between the site plan approved by the Board February 1, 2010 and certain features of the modifications as they had been built. Christine Kane noted that a list had been compiled by the Building Inspector in August 2010.

Mr. Sousa said that some of the lights had been changed to 100 watts because the approved low wattage bulbs had a very short life span and an approved compact fluorescent bulb did not come on quickly in cold weather. He said that a light pole slated to be removed had actually been replaced with a new pole and bulb and that an extra light had been installed on the free-standing sign while a light had been removed from the wall sign. He said that the approved dumpster had proven to be small so he had enlarged it by about 50%. He said he had also installed a height guard in the drive-thru lane, and he had replaced a broken stockade fence with a vinyl fence on the north side.

The Board agreed that Mr. Sousa must file an application for an amended site plan locating and labeling the fence, showing the correct size of the dumpster, locating and labeling the height guard, correctly describing the fence, and correcting the light pole label. He must also prepare a new photometric plan that accurately reflected the lighting on the site. This new lighting plan will be reviewed for conformance with the Town's exterior lighting regulations.

The Board tentatively scheduled Dunkin Donuts for the April 4, 2011 meeting.

**Oaks at Lakes Kill – (formerly Feller Newmark Road development) – Feller Newmark Road – Preliminary Major Subdivision**

Mitchell Markay and Mike Bodendorf, P.E., were present to discuss a preliminary subdivision plat for a 12 lot residential subdivision on a  $\pm$  100.45-acre parcel in the RD 3 Zoning District.

The Board discussed the responses received from involved agencies contacted in the SEQR Lead Agency request circulation. Due to the numerous concerns expressed in the response from the NYS Department of Environmental Conservation, the members agreed that all habitat, vernal pool and other environmental studies and correspondence should be copied to that agency. The Board noted that the Lakes Kill was a DEC classified stream and that the agency had expressed concern about its protection.

Mr. Markay agreed to contact DEC and the NYS Office of Parks, Recreation and Historic Preservation about a possible cultural resources review because of the parcel's proximity to historic barns located on the Parker Training Center property.

A response from the Town Board indicated a concern about a proposed community septic close to identified wetlands and the accompanying transportation corporation, and a response from the Town Highway Department indicated a concern about possible flooding on Feller-Newmark Road.

Michele Greig discussed her memo reviewing the submitted materials. She said that the specific permits that would be needed for the project should be listed on the EAF. She also said that she believed that the preliminary plat should not be reviewed in detail until the environmental issues had been addressed since mitigation of those issues could cause substantial changes to the map. Mr. Markay disagreed, saying that the applicants wished the preliminary plat to be reviewed now.

There was some discussion about whether the lots could be served by a single cul-de-sac with a private road coming from it rather than two cul-de-sacs. Mr. Bodendorf said that such a configuration was not allowed under the current regulations because of frontage requirements. Mr. Bodendorf also said that the applicants had narrowed the width of the access roads to 22 ft. Michele Greig said that this width would need approval from the Highway Superintendent.

Mr. Bodendorf said the applicants would make the radii of the turnarounds as small as the fire department would allow.

Mr. Markay went on to say that the habitat study prepared by the applicants' habitat consultant should not be dismissed simply because it disagreed with the review report submitted by Michael Klemens, an independent consultant contacted by the Planning Board. He discussed three criteria which he said were used to determine whether a property should be considered Blandings turtle habitat, and he said that at least two of these criteria were in doubt for this parcel. Sam Phelan said that the issue was protection of potential habitat and what mitigation measures the applicants were willing to undertake. Mr. Markay repeated that the turtles' use of that area was in doubt since it was unclear whether a turtle had been sighted within .621 miles of the area of disturbance. He said that since the two experts did not agree, the decision should be made by the Planning Board. Charlie Laing said that Hoosic soils were favored by Blandings turtles and were also good sites for development, so the Board should try to protect as much suitable land and connectivity with other turtle sites as possible as compromises are being made for development.

Michele Greig went over the scope of the SEQR review and the responsibilities of the Lead Agency in making its determination. She said that a Positive Declaration should be made if there might be significant adverse environmental impacts and that a Negative Declaration should be issued only when there would definitely be no significant adverse environmental impacts. Christine Kane said that the scope of an Environmental Impact Statement arising from a Pos Dec could be limited in scope to as few as one or two issues.

Mr. Markay argued that various portions of the property should be viewed as being different and that there was no confirmation that the Blandings turtles would use the portion of the parcel slated for disturbance as habitat. He added that 75% of the Hoosic soils found on the property would be preserved with a conservation easement. Michele Greig said that the habitat circle for a moving animal was different from a circle surrounding a static archaeological resource. Sam Phelan summed up by saying that regardless of circles, the development was on the edge of a critical area and that the Board must take a hard look. The members agreed to forward all relevant documents to the DEC and to Dr. Klemens.

The Board and the applicants discussed rain gardens, stormwater retention, and driveway material (Item 4, traditional tarmac or pervious tarmac).

Mr. Markay asked whether additional vernal pool studies would be required. Christine Kane said that determination had not yet been made. Charlie Laing said that the study, conducted by the Town's Conservation Advisory Council under the guidance of the Cary Institute and Cooperative Extension, showed that there were no vernal pools within the development area. He said that nearby vernal pools must be protected, however. The Board noted that the season for field studies was rapidly approaching.

Mr. Markay repeated that the applicants wished their preliminary plat to be reviewed by GreenPlan, the Town Highway department and the Planning Board engineer. He said that the applicants had added many detailed plans but had made no changes in the layout of the lots and driveways other than replacing the two-lane private road with a boulevard. The Board members said that the habitat and species questions should be resolved first. Mr. Markay said that if substantial changes needed to be made at a later date, the applicants would be willing to pay for subsequent reviews by the Planning Board engineer and others.

Charlie Laing said that having so many lots near the protected wetland buffer was a concern. Christine Kane noted that two of the proposed house sites backed up to almost touch the boundary to the adjacent area of the Lakes Kill Creek. She said that most homeowners would want a backyard and any mowing behind these houses would encroach into the adjacent area. The applicants said that subdivision regulations prohibited moving the house sites forward. Mr. Markay said that the applicants would install a split rail fence-- to be maintained by the Homeowners Association—along the boundary and that a deed restriction prohibiting encroachment into the adjacent area would be included in the deeds. The Board noted that the DEC had recommended the installation of a stone wall.

Mr. Bodendorf noted that one of the lots needed a waiver from the front yard setback regulation.

Mr. Markay said that the area of disturbance had been calculated at  $\pm 18$  acres, with 83.74 acres to be preserved with a conservation easement. Mr. Bodendorf said that they had reduced the lots as much as possible. Mr. Markay said that they did not anticipate blasting.

Charlie Laing asked about an old farmhouse on the parcel. Mr. Markay said that he would submit information and photos to SHPO.

The Board agreed to send all habitat and species documents to DEC and to send the applicants' new habitat and species comments to Dr. Klemens in the hope that Dr. Klemens would be able to respond by the next meeting on April 4.

## **OTHER BUSINESS**

### **MC Acres – revised subdivision plat**

Mark Graminski, PE and LS, said that he would be submitting an application for amended subdivision approval, since his clients had not filed the minor subdivision plat approved by the Board on May 3, 2010. He said that circumstances had changed and that the building envelope for proposed Lot 1 would go back to the site shown on the Kesick Farms Farmland Protection Plan filed with the County Clerk together with the Lot Line Alterations approved by the Planning Board on October 1, 2007.

### **Proposed Centers and Greenspaces Zoning Amendments – Final Generic Environmental Impact Statement**

Christine Kane said that the Planning Board had received a copy of the Notice of Completeness and a copy of the Final Generic Environmental Impact Statement. She asked the clerk to make sure that the Town had an accurate record of the Planning Board's comments on the project.

### **St. Margaret's Home – artifacts transferred, SEQR completed**

Christine Kane outlined the archaeological data recovery plan approved by NYSOPRHP on 12/10/2000 and said that the Board had received confirmation that a final report prepared by Greenhouse Consultants had been received both by the Town and by SHPO. She said that the Board had received a letter dated February 18, 2011 from Douglas Mackey, Historic Preservation Program Analyst for Archaeology at OPRHP, stating that the artifacts had been transferred to the New York State Museum with SHPO's approval and that OPRHP had no further concerns with the Hannaford/St. Margaret's SEQR requirements.

### **Public hearing on PDR for West Kerley Corners Rd. properties**

Christine Kane said that the Town had scheduled a public hearing on the purchase of development rights from several properties on W. Kerley Corners Road for Tuesday, March 8, at 7:45 p.m. Pat Kelly and Sam Phelan indicated that one or both would attend on behalf of the Planning Board.

### **Hoffman/Kirchoff/Planning Board correspondence**

Christine Kane briefly outlined a letter received by the Town Supervisor from Roger Hoffman regarding a proposed subdivision on Old Farm Road. She then read her response letter, dated February 23, 2011.

### **New billing procedure for consultants**

Christine Kane proposed that the Town of Red Hook adopt the consultant billing procedures used by other Towns in the region. The Board agreed that a draft of these new procedures be submitted to the Town Board for its approval.

## **ADJOURNMENT**

Since there was no further business to come before the Board, Kris Munn made a motion to adjourn. Pat Kelly seconded the motion, and all members voted in favor.

Respectfully submitted,

Paula Schoonmaker

**Attachments**

Negative SEQR Declaration for the New Beginnings Assembly of God Lot Line Alteration and Site Plan

Resolution granting Lot Line Alteration and Site Plan Approval to the New Beginnings Assembly of God

**617.7**  
**State Environmental Quality Review (SEQR)**  
**Negative Declaration**

Notice of Determination of Non-Significance

**Date of Adoption:** March 7, 2010

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:** New Beginnings Assembly of God Lot Line Alteration and Site Plan Approval

**SEQR Status:** Type I  
Unlisted

**Conditioned Negative Declaration:** YES  
NO

**Description of Action:** The applicant proposes to construct a 2,000 sq. ft. pavilion, to upgrade the landscape, and to convey a total of 0.43-acres of an approximately 2.79-acre parcel to the adjoining 3.21-acre parcel, also owned by the applicant.

**Location:** 8059 Albany Post 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 October 20, 2010 and revised March 7, 2011, 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 applicant will plant additional trees along NYS Route 9.

**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)

## **Resolution Granting Lot Line Alteration and Site Plan Approval to New Beginnings Assembly of God**

**Name of Project:** New Beginnings Lot Line Alteration and Site Plan

**Name of Applicant:** New Beginnings Assembly of God

**Date of Adoption:** March 7, 2011

**Whereas,** the applicant has submitted an application for Lot Line Alteration and Site Plan Approval dated October 20, 2010 and revised March 7, 2011 to the Town of Red Hook Planning Board to convey 0.43 acres from an adjoining parcel, also owned by the applicant, and to remove three sheds and add an open pavilion, on a  $\pm$  3.21-acre parcel in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York.

**Whereas,** the applicant has submitted a Final Subdivision Plat prepared by Spencer S. Hall, L.S. dated September 13, 2010 and Site Plans prepared by Morris Associates dated October 8, 2010 revised November 24, 2010, December 22, 2010, January 28, 2011 and March 7, 2011; and

**Whereas,** on November 1, 2010, the Town of Red Hook Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of a Unlisted action pursuant to SEQR; and

**Whereas,** the Planning Board has reviewed the site plan against the requirements of Article VII of the Town of Red Hook Subdivision Regulations and Article VII of the Town of Red Hook Zoning Law; and

**Whereas,** the Planning Board has reviewed a referral response dated January 11, 2011 from the Dutchess County Office of Planning and Development; and

**Whereas,** the Planning Board has considered comments from the Town Engineer; and

**Whereas,** the parcel is located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 20, 2010, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

**Whereas,** on March 7, 2011, in consideration of the Short EAF 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,** on March 7, 2011, the Planning Board conducted a public hearing on the Subdivision application at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board now wishes to grant Lot Line Alteration and Site Plan approval to New Beginnings Assembly of God to increase by 100% a non-conforming use in the RD3 Zoning District of the Town of Red Hook, Dutchess County, New York.

**Now therefore be it resolved,** that the Planning Board grants Site Plan approval to Paul Raymond to convey 0.43 acres from an adjoining parcel, also owned by the applicant, and to remove three sheds and add an open pavilion, on a  $\pm$  3.21-acre parcel in the B1 Zoning District of the Town of Red Hook, Dutchess County, New York in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of Subdivision and 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.
- B. Submission of letter from Planning Board Engineer stating that applicant has satisfactorily addressed comments 1a, 1b and 1c from the Engineering review of March 7, 2011.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by Kris Munn, seconded by Sam Harkins, and a vote of 7 in favor, 0 against, and 0 absent.

Resolution approved on March 7, 2011

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

\_\_\_\_\_  
2011  
Betty Mae Van Parys, Clerk to the Board      Date

March 8,