

Approved
Town of Red Hook Planning Board
Meeting Minutes
November 18, 2013

CALL TO ORDER/ DETERMINATION OF QUORUM

Charlie Laing opened the meeting and confirmed the agenda at 7:30 pm. A quorum was determined present for the conduct of business.

Members present at call to order — Sam Harkins, Brian Walker, Charlie Laing, and Betty Carr. Also present were planning consultant Michele Greig and Planning Board attorney Jennifer Gray. Christine Kane joined the meeting at approximately 7:40.

BUSINESS SESSION

Betty Carr made a motion that the minutes of the Nov. 4, 2013 meeting be approved. Brian Walker seconded and all members voted in favor.

PUBLIC HEARING

Plimpton & Hills - 7311 South Broadway – Site Plan

Charlie Laing read aloud the public hearing notice published in the Poughkeepsie Journal and the Kingston Freeman. Engineer Mark Graminski, Architect Rob DuPont and applicant Calvin Hills were present for the public hearing on an application to convert an existing 6645 sf building into a retail / service center for plumbing, heating and HVAC products for residential and commercial applications on a 1.38 acre site in the TND-CC district.

Mr. Graminski exhibited drawings of the existing site and then described in detail proposed improvements to the site. He said that the project will conform to the new TND zoning regulations by revising parking, landscaping, lighting and traffic flow through the site. He explained that in the near future the applicant plans to submit an amended site plan application for the construction of a showroom with residential units on the second floor sited in front of the retail / service center.

Rob DuPont gave an overview of proposed modifications to the existing building. He distributed drawings of the proposed upgraded façade, exhibited building materials and described color schemes. He described the placement and size of the proposed signs.

Christine Kane asked if the windows on the front of the building would be smaller than the current ones. Mr. DuPont replied no, but new bronze colored mullions and insulated glass would be installed.

The board and applicants reviewed comments about the project from the Dutchess County Department of Planning and Development (DCDPD), the town planning consultant and the town engineer. The excessively wide width of the access driveway to the site and lack of pedestrian access to the entrance of the building was noted in the DCDPD comments. Mr. Graminski said that the appropriate time to change the access and provide a pedestrian walkway would be later when the applicant returns with the revised site plan for the showroom.

Mr. Hills said most customers drive to the retail service center because the products tend to be large and heavy. Brian Walker replied that one of the aspects of the TND district is to encourage pedestrian access, whether it be customers or employees. Planning attorney Jennifer Gray suggested that the situation could be resolved with the requirement that the sidewalk plan be implemented by a specified date if an amended plan has not been presented and approved. The DCDPD also recommended additional landscaping. Mr. Graminski said that landscaping would be increased and parking would be reconfigured when the site plan is amended. Christine Kane said that regardless, this particular application must meet all the landscaping requirements. Mr. Graminski said he thought that it does.

The board reviewed comments from planning consultant Michele Greig and the town engineer, each of whom cited various routine concerns and suggested minor corrections and clarifications. Ms. Greig noted that because there will be no changes to the curb in this site plan, no DOT work permit is required at this time.

Charlie Laing said that the Fire Department and the Water District should be asked to comment on the project. He asked whether there were any comments from the public. There were none. Sam Harkins made a motion to close the public hearing. Brian Walker seconded, and all members voted in favor.

Mr. Laing read aloud the prepared Environmental Assessment Form (EAF) part two, which concluded that the project will have no significant environmental impacts. Upon a motion by Betty Carr, seconded by Sam Harkins and unanimously carried, the board issued a negative SEQR declaration.

The board authorized Mr. Graminski to work directly with the town engineer on points raised in her memo. Michele Greig requested a final photometric plan.

OLD BUSINESS

Preserve at Lakes Kill – Feller Newmark Road – Preliminary Subdivision Plat Approval.

At this point, Christine Kane took over as Chair of the Board. Mike Bodendorf, PE and the applicant's attorney John Wagner were present for continued discussion of an application to create 11 lots on a total 100.45 acres in the Agricultural Business (AB) and RD 3 zoning districts.

Ms. Kane asked whether the applicant was still planning to construct a retaining wall at the entrance to the subdivision. Mr. Wagner said that is the preferred method of addressing the site distance issue, and added that the applicants are willing to add screening to the wall after construction to minimize aesthetic impact, and are also willing to post warning signs.

Ms. Kane read aloud comments from the Conservation Advisory Council (CAC) regarding silt fences, lighting, water quality, road salt, storm water and streams, low impact design, driveways, areas of disturbance and energy use. Discussion ensued on each of the CAC's points.

Regarding silt fence and lighting concerns, the CAC suggested a double row of silt fencing to protect the wetlands, and the installation of only low spillage lighting in certain locations proximate to wetlands.

With respect to issues raised about water quality, Mr. Bodendorf said that during heavy storm events, outflow into the wetlands would probably occur. He said that the applicant could identify snow storage areas on the project plan, and that the proposed storm water infiltration basins are designed to treat road salt in the winter, and to handle potential stream bank erosion.

With respect to low impact storm water system design, Mr. Bodendorf said that space-specific low impact design practices have been considered for the site, and that proposed remedies for sight distance would be evaluated in terms of storm water and hydrologic issues.

In response to concerns about the area of disturbance, Mr. Bodendorf said that silt fencing or construction fencing will be used to avoid disturbance of the wetlands buffer zone during construction. He said that the applicant currently intends to build the proposed homes, which will be energy efficient, but may not meet LEED green building standards. He asked if that was required by the town. Ms. Kane said it is not, but suggested that the applicant review the town's climate action plan.

A letter from town highway Superintendent Theresa Burke dated April 3, 2013 stated that the proposed French drains and retaining wall are features that have not been used on town roads in the past and she is concerned about the burden of future costs and maintenance. She also stated that she does not approve of the retaining wall option. The highway department offered an alternative plan. There were additional concerns about right of way.

Comments from the Town engineer Brandee Nelson, PE, dated April 12, 2013 stated that the French drains proposed do not in comply with town highway specifications. Other issues involving right of way and easement were mentioned by the town engineer. Mr. Bodendorf agreed to take them into consideration.

Ms. Kane read aloud a letter from the town Tree Commission, and two letters opposing the project, one signed by Robert McKeon and the other by Jason Alderman and Elizabeth Livingston.

Mr. Bodendorf said it appeared to him that the application may be denied because the highway department does not approve of the retaining wall. Mr. Wagner said that at this point, there are two choices to increase the sight distance, and they are the retaining wall or grading neighboring properties that would be subject to easements. Either way, he said, the issue will be addressed. He said the issues being raised by the highway department and the town engineer are issues of implementation that can be worked out after a SEQR determination.

Ms. Kane asked Mr. Wagner to clarify that the applicant wants to move forward with both of the site distance mitigation options under consideration. Mr. Wagner affirmed that both processes should be considered in SEQR process.

Jennifer Gray counseled the board that in light of the protracted nature of the application thus far, a SEQR determination was necessary at this point based on the proposed action including both alternatives. Once a SEQR determination is made, she said, the next step is for the board to set a public hearing on the preliminary plat. She said that a public hearing must occur after the SEQRA determination.

Ms. Kane read parts two and three of the draft Environmental Assessment Forms aloud, and opened a discussion about the contents of the documents.

Brian Walker asked if a fence would be installed on top of the retaining wall should the retaining wall be built. The board generally agreed that a fence would probably be required to meet building codes. Charlie Laing asked for more recent figures regarding the number of students served by the school district.

Ms. Kane said she would like to discuss the section about impact on agricultural land resources. She said that although the impact on agricultural soils was addressed, the other aspect, how the project may or may not affect the adjacent farm operation, was not. She was concerned that an increase of traffic by 50% might not be considered minimal when the issue is moving livestock across the road. She questioned whether there was anything else the board could consider to further mitigate the increased traffic on the agricultural uses of the road. She suggested signs warning about livestock crossing. Mr. Laing inquired about signage in general. Mr. Wagner said the applicant mainly focused on signage at the entrance to the project, and had not considered livestock crossing signs. He said the applicant would be agreeable to installing livestock crossing signs, with the highway department's approval. Sam Harkins mentioned that horseback riders also use the road, and agreed with Ms. Kane's objection to a nearly 50% increase in trips in local traffic being described as minimal.

The board then moved on to review a draft SEQR Negative Declaration, consisting of basically the same language as part 3 of the EAF. Ms. Kane asked if any members would care to make a motion on the Negative Declaration. There was no motion offered.

Mr. Harkins remarked that by voting for a negative declaration, it would mean that the board agrees that there is no impact on the agricultural use of the road. Ms. Kane specifically referred to statements under section 10 of the Negative Declaration which described the projected traffic increase as "de minimus...which will have no measurable impact on the existing levels of service for the surrounding road network." She said that the increased traffic may indeed not have any effect on the level of service for the surrounding road network, but that does not necessarily mean that it would not have an adverse effect on the character of the road or the use of the road, which she felt is not adequately addressed in the draft document.

Mr. Wagner said that the appropriate methodology of traffic consultants, wherein adverse impacts on transportation are measured in terms of diminution in the level of service of roadways and intersections, had been employed. He said the document reflects the determination by the traffic engineer to be insignificant because the 106 extra vehicle trips over a 24 hour period would not cause a negative effect, such as long queues forming at stop signs.

Brian Walker commented that the aforementioned methodology does not take into account agricultural use at all. He said a tractor on the road or a horse and rider is a totally different condition than a car going by. He said that although the methodology is a standard, he does not view it as adequate in this particular instance.

Jennifer Gray suggested that if this is an issue that the majority board would like further clarity on, they should ask the traffic engineer originally consulted to give an opinion, or offer another methodology. Betty Carr and Mr. Harkins agreed. Mr. Harkins pointed out that although traffic will not back up at the

stop signs at either end of Feller Newmark Road, what happens between the signs should be of concern, and has not been addressed. Mr. Walker agreed, offering as an example long lines of cars queuing up behind a slow moving tractor or hay wagon, or while waiting for livestock to cross the road.

The board generally agreed to ask the traffic engineering consultant if there is a model that factors in agricultural operations that could be applied to this situation.

OTHER BUSINESS

MC Acres minor subdivision - Christine Kane announced that the board received a letter dated Nov. 8, 2013 from Mark Graminski, PE, requesting a 90 day extension for his client, MC Acres minor subdivision, to finalize the conditions of approval.

Charlie Laing asked if there were specific issues or problems mentioned in the request. Christine Kane said there were not. Sam Harkins made a motion that the extension be granted. Charlie Laing seconded, and all members voted in favor.

Teviot Special Permit - Ms. Kane announced that she had received notification that the owners of Teviot intend to submit a re-vegetation plan, possibly for the Dec. 2 meeting. She asked planning staff to contact the applicant to advise them about deadlines for submission to get on the agenda and to request that they replenish the project escrow account so the board can move forward with its review of the plan, including hiring a landscape architect to review the proposed plan.

Brookmeadow minor subdivision – Christine Kane asked Jennifer Gray if the board could amend this subdivision approval without the authorized representative being present. Ms. Gray said they could. Betty Carr said that at the last meeting, Ken Migliorelli had been asked by the board to provide a statement from Hilda MacDonald regarding their agreement. Michele Greig provided a draft revision for the board to consider. The board generally agreed to table the matter for now.

Since there was no other business to come before the board, Charlie Laing made a motion to adjourn. Sam Harkins seconded it was carried unanimously.

Respectfully Submitted,

Kathleen Flood
Planning Board Secretary

