

Draft
Town of Red Hook
Planning Board
Minutes
March 1, 2004

The meeting was opened at 7:30 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

Members present – John Hardeman, Chris Kane, Mary Lou Muirhead, Sam Phelan, Paul Telesca, David Wright, Chair Paul Thomas. Also present were consultant Art Brod and Town Board liaison Jim Ross.

Mary Lou Muirhead proposed that a resolution be drafted thanking past Chair Marcella Appell for her 25 years of service on the Planning Board. Paul Thomas will draft such a resolution and present it to the Board at the March 15, 2004 meeting.

The Chair introduced new Board members Chris Kane, and Paul Telesca. Both they and the Chair determined to abstain from voting on any resolutions pending their taking the oath of office.

The Board decided to keep to its regular agenda schedule, even though both Paul Thomas and Art Brod will be out of town for the April 5, 2004 meeting. An acting Chair for the April 5, 2004 meeting will be elected at the March 15, 2004 meeting.

The minutes of the January 5, 2004 meeting had been sent to the Board members and reviewed. John Hardeman made a motion to accept the minutes. It was seconded by Mary Lou Muirhead and approved unanimously by the voting members.

There were no non-agenda Announcements or Correspondence to be read.

PUBLIC HEARINGS

Gabriel Accascina – Metzger Road – Richard Hanback, L.S. was present as authorized agent to represent his client's Application for Subdivision Plat Approval for a Minor 2-Lot Subdivision pursuant to an Area Variance granted by ZBA. The proposal would create a 17.32-acre and a 1.21-acre lot from an 18.53-acre parcel in the RD3 District.

The Chair opened the public hearing by reading the Public Hearing Notice which appeared in the Kingston Daily Freeman on February 26, 2004.

Jeanne Douglas asked whether a resolution by the Planning Board was necessary, since any land divided by a town road is automatically divided into two (2) tax parcels. Board members replied that because the said town road had never been dedicated and was instead a "user highway" occupying an easement, the matter did need to come before the Planning Board.

There were no further comments. Mary Lou Muirhead moved to close the public hearing. Sam Phelan seconded the motion. The motion was passed unanimously by the four voting members.

REGULAR SESSION– Old Business

Garbriel Accascina – Metzger Road-Subdivision Plat. Richard Hanback, L.S. was present as authorized agent as the Board moved to discuss the Application for Conditional Final Approval of the proposal early subject to a public hearing.

The Chair reviewed the Environmental Assessment Form and completed Part 2. The Board concluded that the proposed subdivision would have no adverse environmental effects. Mary Lou Muirhead made a motion that the Board issue a Negative Declaration under SEQRA. John Hardman seconded the motion, and the voting members of the Board voted unanimously in favor.

The Chair then read the following proposed resolution:

“The Town of Red Hook Planning Board hereby acts as follows on the October 1, 2003, Application by Gabriel Accascina for Subdivision Plat Approval to authorize pursuant to Area Variance for lot of less than minimum lot area granted by the ZBA a Minor Subdivision creating 1.21-acre and 17.32-acre lots from an 18.53-acre parcel on Metzger Road in the RD3 District, all as depicted on a survey map entitled ‘Accascina Subdivision’ prepared by Richard Hanback, L.S., and dated June 30, 2003:

1. Determines upon examination of EAF Part 1 and completion of EAF Part 2 and in consideration of the ‘criteria for determining significance’ set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an ‘Unlisted Action’ under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Grants Conditional Plat Approval for the ‘Gabriel Accascina Minor 2-Lot Subdivision / Metzger Road’ and authorizes the Chairman to stamp and sign the Subdivision Plat upon the Applicant’s satisfaction of each of the below conditions within the next one hundred eighty (180) calendar days:
 - Stamping of the Subdivision Plat as a ‘non-jurisdictional subdivision’, or ‘for filing purposes only’, by the Dutchess County Health Department.

- Payment of a one-lot cash-in-lieu-of-land recreation fee of nine hundred dollars (\$900.) to the Town of Red Hook for deposit in the Town's Recreation Trust Fund in consideration of the Planning Board's determination that it would not be appropriate to require the set-aside of recreation or other open space land within the Subdivision due to its location and limited scale.
- Securing of written approval for a proposed driveway access location by the Town Highway Superintendent.
- Submission of the Subdivision Plat in the number and form specified under the Town's Land Subdivision Regulations.
- Payment of any outstanding fees or reimbursable amounts due the Town of Red Hook."

Sam Phelan made a motion to adopt the above resolution. David Wright seconded the motion, which was then unanimously approved by the four voting members.

Kenneth and Evelyn Anderson – Baxter Rd and Fisk St. – Subdivision Sketch Plan. Ken Anderson was present.

The Chair reviewed the status of the Andersons' Application for Sketch Plan Endorsement for the creation of an existing farmstead parcel of approximately 36 acres and two vacant land parcels of approximately 12 acres and 34 acres from an 81 acre tract principally in the Town's R1 District and in part within the Village of Red Hook. At the applicant's previous appearance before the Board on January 5, 2004, the Board determined the tract (or at least the Town portion) to be located within a Certified Agricultural District and stated that input from the Agricultural Advisory Committee would be required prior to any further consideration of the application. The Minutes cite an invitation to Mr. Anderson by the Agricultural Advisory Committee to attend its January 8, 2004 meeting for discussion of the proposal, but to date the Planning Board has received no report regarding any outcome of this meeting or discussion

The Chair read a letter from Mr. Anderson's attorney, John Wolf, which criticized delays in the consideration of his client's application and urged speedy action by the Planning Board.

Mr. Anderson stated that because the soils on his land are types 3 and 8, the application need not be reviewed by the Agricultural Advisory Committee.

Mr. Brod replied that because the parcel is within a Certified Agricultural District, the Planning Board is proscribed by law from taking action until it hears back from the Agricultural Advisory Committee.

Sam Phelan brought up a possible road which has been discussed as a bypass around the Village, considered during a review of a prior subdivision of another portion of the Anderson Property, and which would cut through the parcel in question. The Board discussed the inadvisability of postponing the issue, which would shift the problem to future buyers of the future subdivided parcels. It also discussed the possibility of re-drawing the proposed parcel lines so that two (2) of the parcels would be contiguous, making such a road more feasible.

The Board took up the subject of segmentation under SEQRA and agreed to keep it in mind when reconsidering this application.

The Chair stated that the matter needed to proceed in a timely manner. To that end, the Board by consensus agreed 1) to request a report from the Agricultural Advisory Committee within 15 days, 2) to request the Chair to speak with representatives from the Town, the Village, and other concerned parties to determine what, if any, plans were being considered for the possible bypass road, 3) to delegate Sam Phelan and David Wright to conduct a field visit, and 4) to consider the matter of sketch plan endorsement at the April 5, 2004 meeting upon Mr. Anderson's return to Town.

Leonard and Trilby Sieverding – Yantz Road – Subdivision Sketch Plan. Leonard Sieverding appeared before the Board.

The Chair reported that Subdivision Sketch Plan Endorsement had been granted at the December 15, 2003 meeting for the proposed creation of four (4) residential building lots from a 46.12-acre parcel in the RD3 District. Upon review of the applicant's subsequent submission, the Board's consultant noted two procedural deficiencies: first, the matter had never been referred to the Agricultural Advisory Committee as required by law and second, the drawing presented for Subdivision Plat Approval had not been prepared by a licensed land surveyor.

The Board agreed that it should now issue a referral to the Agricultural Advisory Committee and ask the Committee to expedite its report. Beth Mead, a Member of the Agricultural Advisory Committee said that the Committee will meet March 4, 2004 from 4 p.m.-6 p.m. The Committee requires soils maps and the Sketch Plan to review. The Board also advised the applicant that the scheduling of a Public Hearing can take place only upon receipt of drawings prepared by a licensed land surveyor.

The Board's actions were as follows: 1) John Hardeman moved to withdraw the sketch plan endorsement. David Wright seconded the motion, and the voting members of the Board voted unanimously to approve. 2) Paul Thomas and David Wright were delegated to conduct a field visit. 3) The information required under Section 143-47(D)(4) of the Zoning Law will be referred by the Board to the Agricultural Advisory Committee with a request that the Committee offer its report prior to the Board's March 15, 2004 meeting if possible. 4) The matter will be put on the March 15, 2004 agenda for reconsideration of sketch plan endorsement.

Red Hook Land Corp – It's Pool Time – Rte 9 South—Site Plan. Kevin Conrad, tenant, was present to represent this application for Site Plan Proposal to establish a pool business in the Red Hook Land Corp. building and carry out certain improvements on the site.

The Chair read a memo from Zoning Enforcement Officer Robert Fennell stating that a zoning violation existed because of excess signage at the business complex site and that the Zoning Board of Appeals had never granted a variance. The Board was therefore precluded from accepting the site plan application. The Mr. Conrad replied that he was under the impression that the site was no longer deemed to be in violation. The Board stated that appropriate documentation to that effect had to be submitted before it could proceed.

In addition, the Board agreed that the site plan offered by It's Pool Time was too vague. The applicant is required to submit a professionally prepared plan of the current site together with overlays of the proposed improvements and elevations, all drawn to scale. Mr. Brod stated that the Planning Board could waive the "drawings by a licensed professional" requirement and also any subsurface information requirements. The Board agreed that at the very least, the applicant should submit new drawings that included signage, parking, pedestrian access, landscaping, etc. The visible elements of the proposal were of the most concern.

Mr. Conrad stated the Board's concerns were understood but, in consideration of the season, return to the Board before Fall was unlikely.

Jeffrey Agrest – Benner Road – Minor Subdivision. Marie Welch, L.S. was present to represent Mr. Agrest's application for Subdivision Plat Approval from a combined 14.68-acre parcel. The land is located near the intersection of Benner Road and Rokeby Road and is in the R1.5 District.

Ms. Welch stated that an earlier 4-lot proposal was now changed to one which would create one new lot and a lot line alteration. Ms. Welch cited a one-lot exception, and Art Brod agreed that, since only one new lot was to be created, a referral to the Agricultural Advisory Committee was not required. There was general discussion among the Board members. No field visit was deemed necessary.

The following resolution was offered:

"The Town of Red Hook Planning Board hereby acts as follows on the March 1, 2004, Amended Application by Jeffrey Agrest for Subdivision Plat Approval to authorize a lot line alteration and the creation of an existing house parcel and two (2) residential building lots, each 1.5 acres in lot area and only one of which is a 'new lot', from a combined 14.68-acre parcel on Benner Road in the R1.5 District, all as depicted on a Survey Map entitled 'Amendment to Filed Map No. 9526, Minor Two Lot Subdivision and Lot Line Alteration, Prepared for Agrest, Situate in the

Town of Red Hook', prepared by Marie T. Welch. L.S., and dated February 13, 2004:

1. Accepts the Application as adequate for Planning Board, consultant and public review.
2. Classifies the Application as a 'Minor Subdivision / Lot Line Alteration' under the Town's Land Subdivision Regulations and an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, March 15, 2004, at 7:40 p.m. and directs the Clerk to provide timely notice thereof.
4. Advises the Applicant of requirement for Dutchess County Health Department approval of Individual Permits for the 1.5-acre lots."

Sam Phelan moved to adopt the resolution. David Wright seconded the motion. The voting members of the Board voted unanimously in favor of the resolution.

Regular Session – New Business

Joe Ward – 103 Deer Run – Special Use Permit --Joe Ward was present to represent his Application for Special Use Permit to authorize a Class 2 Home Occupation (social worker counseling) within an accessory building on a single family residential parcel in the RD3 District. .

The Board asked Mr. Ward about the nature of his business and how that business would affect the visible elements of the parcel and the activity around the building. It asked Mr. Ward to 1) provide a copy of the certificate of occupancy for the accessory building and 2) submit a written narrative describing the nature of his business, the visible elements associated with that business, the activity generated by the business, photographs, and other pertinent information.

The following resolution was offered:

"The Town of Red Hook Planning Board hereby acts as follows on the January 10, 2004, Application by Joe Ward for Special Use Permit to authorize the delivery of social worker counseling services within an accessory building as a 'Class 2 Home Occupation' on a single-family dwelling premises at 103 Deer Run Road in the RD3 District:

1. Accepts the Application as adequate for Planning Board field review and scheduling of Public Hearing.

2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, March 15, 2004, at 7:35 p.m. and directs the Clerk to provide timely notice thereof pursuant to Section 143-112(A)(2) in both to owners within 200 feet of the Applicant's parcel.
4. Requires the Applicant to submit to the Planning Board at least five (5) calendar days prior to the Public Hearing the following:
 - An overall layout narrative describing the type of counseling services provided, the number of clients served, the hours of operation, and any other pertinent information with respect to the operation and its facility, including specific information as to what permits were secured when the accessory structure was built, its floor area, its other uses, if any, and as to whether the accessory structure is served by water supply, sanitary sewage, kitchen facilities, heat, electricity and other improvements.
 - Discussion from the Applicant's perspective as to how the proposed use satisfies both the 'General Standards' for all special permit uses set forth at Zoning Law Section 143-51 and the 'Specific Standards' for a 'Class 2 Home Occupation' set forth at Zoning Law Section 143-69.
 - Photographs of the single-family dwelling, the accessory structure, and related site improvements on the Applicant's parcel and relationship of the accessory structure to any dwellings within 200 feet thereof.
5. Delegates Planning Board Member Sam Phelan to conduct a field visit to the site and assess, among other factors, satisfaction of the above –cited "General Standards" and "Specific Standards" and whether in their opinion requirement for a preliminary site plan and preliminary building plans and elevations as set forth within Zoning Law Section 143-122(A)(1) might be waived by the Planning Board."

Mary Lou Muirhead made a motion to adopt the resolution. John Hardeman seconded the motion. The voting members of the Board unanimously approved.

Common Fire Foundation – West Kerley Corners Road (CR 78) – Subdivision Sketch Plan. Mark Graminski, engineer, and Jeff Golden presented an application for Sketch Plan Endorsement involving the creation of three (3) residential building lots ranging from 5.9 acres to 37.6 acres from a 52+-acre parcel in an RD3 District.

The Board discussed the common driveway to all three lots and the need for input from the Dutchess County Department of Public Works.

Mr. Graminski has met with the New York State Department of Environmental Conservation, and the DEC has identified two (2) wetlands on the parcel. These wetlands and their 100-foot buffer zones can be avoided. There is, however, a third DEC wetland identified across the road from the parcel whose 100-foot buffer would be affected by the development. A wetlands permit would be needed. Michael Nowicki of Ecological Engineers has identified a fourth wetland, an Army Corps of Engineers wetland, at the front of the parcel where fill would be needed in constructing the driveway. The residences, the remaining driveway and all other improvements, including wells and sanitary disposal systems, would be located away from all the wetlands and their buffers.

The applicant does not intend to cross the wetlands to develop the area of higher ground in the largest parcel. The applicant would be agreeable to an easement to preclude development of this area, and he was advised to discuss the matter with agencies such as the Winnakee Trust or the Dutchess Land Conservancy.

By consensus, the Board agreed to 1) refer the sketch plan to the Agricultural Advisory Committee as soon as it receives the required information from the applicant and 2) delegate Sam Phelan, Chris Kane, and Paul Thomas to conduct a field visit. The matter will be placed on the April 5, 2004 agenda for possible sketch plan endorsement.

Art Brod advised Mr. Graminski that a Special Use Permit would also be required under Zoning Law Section 143-31 because of the intended wetland buffer encroachment.

Meri Puccio – Theresa & Isabella’s Restaurant, NYS Rte 9 North – Site Plan. Ray Quintero was present on behalf of Ms. Puccio to discuss a proposal to add 320 square feet of enclosed space to the restaurant by enclosing an existing outdoor deck.

The applicant has provided photographs of his “work-in-progress”. This work was partially completed without a building permit. The deck will be enclosed by a knee-high wall and windows. There will be no heat, plumbing or electricity.

The Planning Board determined by consensus that 1) that the matter should be referred to the County Planning Department because of its proximity to Route 9, 2) that comments and documentation from the Zoning Enforcement Officer are needed because of the expansion of a non-conforming use and 3) that the applicant should provide plans to landscape and enhance the safety and visual elements of his proposed site.

The following resolution was offered:

“The Town of Red Hook Planning Board hereby acts as follows on the February 12, 2004, Application by Meri Puccio for Site Plan Approval to authorize a 320 s.f. addition to the front of an existing restaurant, ‘Julia &

Isabella', on the west side of NYS Route 9 North in the RD3 District, the building layout and related addition depicted on various sketch plan drawings accompanying the Application:

1. In consideration of the fact that the proposed addition will not increase the overall area of the site occupied by enclosed building area or unenclosed deck area, while shifting some 320 s.f. to the former category, accepts the Application as adequate for Planning Board, consultant and public review.
2. The above notwithstanding, requests the ZEO examine the Application in consideration of four (4) potential zoning issues raised by the Town's Planning Consultant in his Meeting Notes dated February 24, 2004, and advise the Planning Board of his determination in these matters.
3. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
4. Schedules a Public Hearing on the Application for Monday, April 5, 2004, at 7:35 p.m. and directs the Clerk to provide timely notice thereof both within the Town's official newspaper and through individual notice to all property owners within 200 feet of the Applicant's parcel.
5. Refers the Application to the Dutchess County Department of Planning and Development for review and advisory opinion pursuant to Section 239 of the General Municipal Law."

Sam Phelan made a motion to adopt the resolution. Mary Lou Muirhead seconded the motion which was then unanimously approved by the voting members of the Board. The Board did not delegate a field visit.

Bard College – Center for Curatorial Studies – Blithewood Road, Annandale –Site Plan Approval and Special Use Permit.

Peter Setaro, P.E. and John Gall from Bard were present.

Mr. Setaro outlined the proposal to authorize several additions totaling 23,800 sq. feet to an existing arts facility on the Educational Campus. He noted that the land lies within Institutional (I) and National Historic Landmarks Districts and acknowledged that an archeological study will be required.

Questions were raised concerning the relationship of this proposal to the Bard Master Plan. Art Brod suggested that Bard representatives come to the March 15, 2004 meeting, present the updated Master Plan and show how it relates to Bard's two new projects.

The Chair asked for 10 additional copies of the preliminary engineering and architectural drawings for this project so they might be sent out with the SEQRA notice.

The following resolution was offered:

“The Town of Red Hook Planning Board hereby acts as follows in the matter of the proposed construction by Bard College of additions providing for a composite 23,800 s.f. expansion of its existing Center for Curatorial Studies between Blithewood Road and Garden Road within its 550-acre ‘Educational Campus’ and located within the Town’s Institutional (I) District and the Hudson River National Historic Landmarks District, such intended construction preliminarily depicted on a 3-sheet set of ‘Curatorial Center Expansion’ Site Plan drawings (Existing Conditions and Demolition Plan – 1/20/04; Site Plan – 1/13/04; and Details – 1/15/04) prepared by Morris Associates and an architectural rendering prepared by Lohan Caprile Goettsch Architecture:

1. Accepts the above drawings, the Environmental Assessment Form Part 1 certified by Peter Setaro, P.E., on January 21, 2004, and related Applications for Site Plan Approval and Special Use Permit as adequate for purposes of initiating compliance with SEQRA.
2. Classifies the Proposed Action as a ‘Type I Action’ under SEQRA due to its location within the Hudson River National Historic Landmarks District, which classification causes requirement for the conduct of coordinated environmental review among the involved agencies.
3. Declares the Planning Board’s intent to serve as SEQRA Lead Agency for coordinated environmental quality review of the Proposed Action and directs the Clerk to distribute the annexed ‘Notice of Intent to Serve as Lead Agency under SEQRA in the matter of the Bard College Center for Curatorial Studies’ prepared by the Town’s Planning Consultant with the attachments cited therein to the parties noted thereon.
4. Acknowledges in issuing this Notice of Intent that the cumulative impacts of at least one other concurrent project by Bard College, the proposed expansion of the Robbins House dormitory, and perhaps also the updating of the Bard College Master Plan as the basis for the College’s ‘Educational campus’ designation under the Town’s Zoning Law, will require assessment as the intended coordinated environmental review is undertaken for the Center for Curatorial Studies project.”

Mary Lou Muirhead made a motion to accept the resolution. John Hardeman seconded the motion. It was approved unanimously by the voting members.

The Clerk to the Planning Board will send out the annexed Notice of Intent, drawings, and completed Environmental Assessment Forms to relevant agencies.

An escrow account will be set up with a beginning deposit of .1% of the estimated construction cost of \$7 million-- that is, \$7,000.

Bard College – Robbins House—Robbins Road/Annandale – Site Plan and Special Use Permit. Proposal to authorize 16,400 sq. foot addition to an existing dormitory. The land lies within Institutional (I) and National Historic Landmarks Districts. There would be an associated 168-car parking lot.

Peter Setaro, Project Engineer of Morris Associates; Peter Reynolds, Project Architect of Ashokan Architecture; and Chuck Simmons from Bard were present.

Mr. Setaro described the proposed addition as providing some classroom space and north campus amenities as well as beds. He said it was a “C” shaped, energy efficient, low impact structure designed to provide some additional beds but primarily intended to replace current temporary housing. The original dormitory would undergo a face-lift to fit in with the addition. The addition would not need Board of Health approval, as it would hook up with existing water and sewage lines.

The Board asked Mr. Setaro about the parking lot and asked him to provide landscaping drawings of that area.

The following resolution was offered:

“The Town of Red Hook Planning Board hereby acts as follows in the matter of the proposed construction by Bard College of a 205-bed addition to the Robbins House dormitory on Robbins Road and the associated development of a 168-car parking lot within its 550-acre ‘Educational Campus’ and located within the Town’s Institutional (I) District and the Hudson River National Historic Landmarks District, such intended construction preliminarily depicted on a 3-page set of ‘Robbins House Addition’ Site Plan drawings (Existing Conditions – 2/17/04; Site Plan – 2/17/04; and Details – 2/18/04) prepared by Morris Associates and an architectural rendering prepared by Ashokan Architecture:

1. Accepts the above drawings, the Environmental Assessment Form Part 1 certified by Peter Setaro, P.E., on February 20, 2004, and related Applications for Site Plan Approval and Special Use Permit as adequate for purposes of initiating compliance with SEQRA.

2. Classifies the Proposed Action as a 'Type I Action' under SEQRA due to its location within the Hudson River National Historic Landmarks District, which classification causes requirement for the conduct of coordinated environmental quality review among the involved agencies.
3. Declares the Planning Board's intent to serve as SEQRA Lead Agency for coordinated environmental quality review of the Proposed Action and directs the Clerk to distribute the annexed 'Notice of Intent to Serve as Lead Agency in the matter of the Bard College 205-Bed Expansion of the Robbins House Dormitory and associated Development of a 168-Car Parking Lot' prepared by the Town's Planning Consultant with the attachments cited therein to the parties cited thereon.
4. Acknowledges in issuing this Notice of Intent that the cumulative impacts of at least one other concurrent project by Bard College, the proposed expansion of the Center for Curatorial Studies, and perhaps also the updating of the Campus Master Plan as basis for the College's 'Education Campus' designation under the Town's Zoning Law, will require assessment as the intended coordinated environmental review is undertaken for the Robbins House Dormitory project."

John Hardeman made a motion to accept the resolution. Mary Lou Muirhead seconded the motion. It was approved unanimously by the voting members of the Board.

An escrow account will be set up with a deposit of \$12,000.

Updated plans will be considered at the April 5, 2004 meeting. The project will be considered as part of the Campus Master Plan presentation on March 15, 2004.

KB Lands II- NYS Rte. 9G and West Kerley Corners Road – Subdivision Plat.

Peter Setaro, Engineer, was present as authorized agent for his client's Application for Final Subdivision Plat Approval for the creation of seven (7) residential building lots ranging from 4.3 acres to 11.5 acres from a combined 56-acre tract in the RD3 District. He also requested a waiver of the public hearing on the final plat. The Planning Board had given Preliminary Plat Approval on November 17, 2003.

Art Brod reported that the Board's planning, engineering and legal consultants had concluded that the applicant had met the criteria for conditional final approval, and thus he drafted a resolution for the Board's consideration. The Chair reviewed the draft resolution with the Board.

Mary Lou Muirhead made a motion to adopt the resolution granting conditional final approval and waiving conduct of a public hearing on the final plat. David Wright seconded the motion. The voting members of the Board unanimously approved.

A copy of the adopted resolution is annexed to, and made part of, these Minutes.

Mr. Brod noted that the applicant has 180 days to satisfy the conditions, with the opportunity of not more than two individual extensions, each of 90 days.

Stephen Buscarino/Lisa Racano—Kidz Kare Day Care—NYS Rte. 9G and West Kerley Corners Road – Site Plan and Special Use Permit. . Marie Welch, L.S., was present as authorized agent and was joined by Lisa Racano in the matter of Applications for Site Plan Approval and Special Use Permit for the proposed development and occupancy of an 80 child Day Care Center.

Ms. Welch stated that an Area variance had been granted by the ZBA on February 12, 2003, increasing the possible number of children served from 40 to 80 and that the 3.36 parcel lying within the RD3 District is a portion of a subdivision granted conditional approval by the Planning Board on December 1, 2003.

Ms. Welch further stated that because the facility will be located on Rte. 9G, double setback requirements have been met.

Mr. Brod cited concerns about the lack of documentation to support the application, including professional-level engineering studies, documentation of contact with potential reviewing State and County agencies, landscape sketches, and architectural drawings, elevations and related information.

The Board determined by consensus that the applicant must supply the following information before processing of these Applications may occur under either the Zoning Law or SEQRA: 1) a detailed site plan prepared in accordance with site plan application regulations, 2) professionally prepared architectural information, elevations, materials to be used, exterior appearance, and landscaping plans, with a more natural appearance suggested, and 3) professional-level engineering details relating to proposed water supply, sewage disposal, and lighting. In addition, to satisfy the requirements of his application for a Special Use Permit, the applicant must supply a detailed narrative describing the project including enrollment and staffing numbers, programs, hours of operation, signage, parking, playgrounds, access by public school bus, the use of interior and exterior space and the nature and extent of licensing and monitoring of the use by County and/or State agencies.

Upon receipt of the professional-level drawings and information detailed above plus a Full Environmental Assessment Form Part 1, the project will be returned to the agenda for the purpose of initiation of SEQRA compliance, including possible issuance of Notice of Intent to Serve as Lead Agency for Coordinated Review.

The Board also determined that based both on its request for interested agency status and because the proposed facility would use water from the Village of Tivoli, copies of the proposal, its plans and its documentation would be sent to the Village of Tivoli Planning Board.

ZEO, ZBA or TOWN BOARD REFERRALS

John Hardeman – NYS Rte 199 West – Use Variance.

John Hardeman recused himself for the Board's discussion of the Town ZBA's referral of his Application for Use Variance to authorize retail, studio space, office and/or warehouse use of approximately 7,400 sq. feet of an existing agricultural building in RD3 District.

Mr. Brod suggested both that the proposed uses should be more specifically defined and that at a future date, they would likely come before the Board under its site plan review and approval authority.

Based on the general information presented, the Board by consensus deemed that it was agreeable to uses that 1) preserve the appearance of the structure, 2) do not add appreciably to the number of parked cars or space set aside for parking, 3) do not appreciably alter the exterior of the site, including signage, and 4) do not appreciably increase external activity.

The Board directed report to this effect be sent to the ZBA.

ADJOURNMENT –Upon being advised by the Chair that there was no further business to come before the Board, David Wright made a motion to adjourn. Mary Lou Muirhead seconded, and all voting members were in favor. The Chair declared the meeting adjourned at 11:50 p.m.

Respectfully submitted,

Paula Schoonmaker
Acting Clerk to the Planning Board

**Town of Red Hook Planning Board
Resolution Granting Conditional Final Plat Approval in the matter of the
Application by KB Lands Inc. for Subdivision Plat Approval for a Major 7-
Lot Residential Subdivision at NYS Route 9G and West Kerley Corners
Road (CR 78) in the Rural Development 3-Acre (RD3) District**

March 1, 2004

Motion by Member Mary Lou Muirhead

Second by Member David Wright

Pursuant to the Town of Red Hook Planning Board's Resolution of November 17, 2003, Issuing a Negative Declaration under SEQRA and Granting Preliminary Plat Approval for the KB Lands - II Subdivision and in response to a January 21, 2004, from Peter Setaro, P.E., Agent, the Town of Red Hook Planning Board hereby acts as follows on the Application by KB Lands, Inc. for Final Subdivision Plat Approval to authorize the intended creation of seven (7) residential building lots ranging from 4.320 acres to 11.488 acres from a combined 54-acre tract (TMP 6175-00-87830 and 6175-00-811030) situate to the northeast of the intersection of West Kerley Corners Road (CR 78) and NYS Route 9G in the Rural Development 3-Acre (RD3) District, heretofore classified by the Planning Board as a "Major 7-Lot Subdivision" under the Town's Land Subdivision Regulations and an "Unlisted Action" under SEQRA, all as depicted or otherwise described in the following documents:

- The aforementioned Planning Board Resolution and the Notice of Non-Significance (Negative Declaration) under SEQRA annexed thereto.
- Letter of December 5, 2003, to Morris Associates from Ronald Gehrig, NYS Department of Transportation Permit Engineer – Dutchess County.
- Highway Work Permit issued by Dutchess County DPW, including related acceptance of its conditions by KB Lands, Inc. on January 6, 2004.
- Morris Associates' transmittal letter of January 13, 2004, to the Dutchess County Health Department wherein Realty Subdivision Approval is requested.

- Tivoli Fire Department and Rescue Squad letter of January 14, 2004, to the Town Planning Board advising of the adequacy of the width of the proposed common driveways.
 - Morris Associates' letters of January 21, 2004, and February 20, 2004, to the Town Planning Board transmitting Final Subdivision Plat documents and responding to technical comments offered by the Town Engineer on November 17, 2003.
 - KB Lands, Inc.'s complementary memorandum of January 27, 2004, to the Town Planning Board transmitting drafts of a Declaration of Restrictions, a Well Field Easement, and a Common Driveway Easement and Maintenance Agreement.
 - Review letter of February 2, 2004, to Morris Associates from James Napoli, P.E., Senior Public Health Engineer for the Dutchess County Department of Health.
 - Final Subdivision Plat drawings consisting of the following:
 - o Drawing 1 of 3, entitled 'Final Major Subdivision / KB Lands – II' prepared by Welch Surveying, dated June 30, 2003, and revised to February 19, 2004.
 - o Drawing 2 of 3, entitled 'KB Lands–II Final Subdivision Plan (Major Subdivision' prepared by Morris Associates, dated October 24, 2003, and revised to February 19, 2004.
 - o Drawing 3 of 3, entitled 'KB Lands – II Detail Sheet' prepared by Morris Associates, dated October 24, 2003, and revised to February 19, 2004.
1. Upon examination of the Final Subdivision Plat submission determines the Final Subdivision Plat to be in substantial conformance with the Preliminary Subdivision Plat approved by the Planning Board on November 17, 2003, being identical thereto with respect to lot number and overall configuration, including consideration of driveway access locations, the proposed house sites, and the intended water supply well and sanitary sewage disposal area locations, and, thus, reaffirms the Negative Declaration under SEQRA issued on November 17, 2003, and waives the conduct of a Public Hearing on the Final Subdivision Plat.
 2. Upon examination of the Final Subdivision Plat submission in consideration of the specific requirements set forth in the Planning Board's Resolution of November 17, 2003, and in related discussion with the Applicant, its representatives, and the Planning Board's advisors determines:

- a. The Final Subdivision Plat drawings and related documentation meet the requirements specified within the Town's Land Subdivision Regulations for consideration of Final Plat Approval, subject to any ministerial requirements that may be set forth herein by the Planning Board as conditions precedent to stamping and signing of the Final Subdivision Plat by the Planning Board Chairman.
- b. A Final Subdivision Plat Application Fee of One Thousand _____ Hundred _____ Dollars (\$1,___0.) has been calculated by the Clerk and said amount paid by the Applicant and a continuing Escrow Deposit remains in place for payment of review fees due the Town of Red Hook for planning, engineering and other expert review of the Application for Subdivision Plat Approval, with the requirement for further replenishment of the Escrow Account, if any should be required, acknowledged by the Applicant.
- c. The above cited letter by Mr. Napoli, Senior Public Health Engineer, Dutchess County Health Department, documents the status of the Application for Realty Subdivision Approval submitted by Morris Associates on behalf of KB Lands, Inc. and identifies no required modifications in the design plans that would indicate the intended lots in the number and overall configuration proposed would not be approved by the Department for the employ of individual on-site water supply and sanitary sewage systems.
- d. As discussed by Morris Associates in its above-cited letters of January 21, 2004, and February 20, 2004, to the Town Planning Board, the Applicant's engineering representative has documented the extent of area to be disturbed throughout the Subdivision and reviewed with Patrick Ferracane of the NYS Department of Environmental Conservation the matter of compliance with NYSDEC Phase 2 Storm Water Management Regulations, including consideration of both the calculated extent of disturbed area and the associated plans for the employ of erosion control measures during and beyond the construction period as depicted on the Final Subdivision Plat drawings.
- e. The above-cited letter by Mr. Gehrig, Permit Engineer – Dutchess County, documents the status of the Application to New York State DOT for Highway Work Permit for the proposed common driveway access location on the east side of NYS Route 9G, grants conceptual approval for the proposed access location and advises the required Permit will be issued upon satisfaction of certain ministerial requirements.
- f. As cited above, the proposed common driveway access location has been found to be acceptable and the Highway Access Permit for the

proposed common driveway access location on the north side of West Kerley Corners Road (CR 78) has been issued by the Dutchess County Department of Public Works.

- g. The Applicant and its engineering representative have acknowledged that construction of the common driveway improvements serving Lots 1 through 4 and Lots 5 through 7 is to be considered a required subdivision improvement and must be satisfactorily completed in accordance with design plans approved by the Planning Board upon review by the Town Engineer and to the extent within either Department's jurisdiction, NYSDOT or Dutchess County DPW, prior to the Planning Board Chairman's signing of the Final Subdivision Plat.
- h. The Town Engineer through letter dated February __, 2004, has advised that the technical review comments on the proposed subdivision he offered in a comment letter dated November 17, 2003, have been substantially and satisfactorily addressed by the Applicant.
- i. The Town's Planning Consultant through draft of this resolution states that the Final Subdivision Plat drawings have been modified to his satisfaction to address the ministerial corrections to the Preliminary Subdivision Plat drawings he noted in his review memorandum of November 14, 2003.
- j. As part of its transmittal of January 27, 2004, KB Lands, Inc. submitted to the Town Planning Board the draft of a 'Common Driveway Access, Ownership and Maintenance Agreement(s)', titled by the Applicant's Attorney the 'Easement and Road Maintenance Agreement', which draft Agreement has been examined by the Town's Planning Consultant and reviewed by the Town Attorney on February 24, 2004, both of whom have advised that the draft Agreement is substantially satisfactory but should be expanded to include reference to an 'as-built drawing' and citation of the distances between points of maintenance as set forth on the 'as-built drawing'.
- k. As part of its transmittal of January 27, 2004, KB Lands, Inc. submitted to the Town Planning Board the draft of a 'Declaration of Restrictions', which draft has been examined by the Town's Planning Consultation and reviewed by the Town Attorney on February 24, 2004, and found by both to be satisfactory, including as it does, among other restrictions imposed at the Applicant's discretion, e.g. 'No lot may be subdivided', specific reference to the 'Area to be Deed Restricted to Protect Against Clearing or Future Development', generally the low-lying, stream corridor and/or wetland area located on Lots 2, 3, 4, 5 and 6.

- g. Installation of the proposed common driveways serving Lots 1 through 4 and Lots 5 through 7 in the manner cited in above paragraph 2(g) and submission of an 'as-built drawing' of the common driveway and the subsequent securing of a 'sign-off' letter from the Town Engineer and, as he may deem appropriate, NYSDOT and/or Dutchess County DPW.
- h. Execution of the Well Field 'Easement Agreement' by KB Lands, Inc. and the Village of Tivoli.
- i. Written acknowledgment by KB Lands, Inc. of requirement to record the above-cited 'Easement and Road Maintenance Agreement', 'Declaration of Restrictions' and Well Field 'Easement Agreement' with the Dutchess County Clerk's Office not later than simultaneously with the filing of the Approved Final Subdivision Plat and of requirement to submit related documents, as may be required by State regulation in the matter of the common driveways, to the NYS Attorney General's Office Real Estate Financing Bureau prior to either sale or issuance of a building permit for any of the affected lots.

In granting this Conditional Final Plat Approval, the Town Planning Board further deems as follows:

- 1. The Planning Board concurs with the position set forth by Morris Associates in its letter of February 20, 2004, with respect to delineation of potential federal wetlands within low-lying portions of the Subdivision parcel where no development is proposed and a deed restriction is being imposed.
- 2. The Planning Board approves the placement of proposed dwellings and principal related improvements, i.e. driveway, water supply well and sanitary sewage disposal area, on each of the lots.

Roll Call Vote:

- | | |
|---------------------------|---------|
| • Member John Hardeman | yes |
| • Member Chris Kane | abstain |
| • Member Marylou Muirhead | yes |
| • Member Sam Phelan | yes |
| • Member Paul Telesca | abstain |
| • Member David Wright | yes |
| • Chairman Paul Thomas | abstain |

Resolution Declared: **APPROVED**

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

Paula Schoonmaker, Acting Planning Board Clerk

Date