

draft
**Town of Red Hook Planning Board
Meeting Minutes
June 20, 2005**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, John Hardeman, Charles Laing, Sam Phelan, David Wright and Chair Christine Kane. Paul Telesca was absent. Planning Consultant Michele Greig and Town Board liaison Jim Ross were also present.

BUSINESS SESSION

Christine Kane confirmed the meeting agenda as published.

The minutes of the June 6, 2005 meeting had been sent to the Members and reviewed. Jennifer Fier made a motion to accept those minutes. Charles Laing seconded the motion, and all members present voted in favor.

Christine Kane reminded the members about the SEQR workshop to be given June 22, 2005 at 7:30 p.m. at the Town Hall. She also announced a dinner meeting on July 7, 2005 given by the Dutchess County Supervisors & Mayors Association. The featured speaker was Professor Nolan of Pace University.

PUBLIC HEARINGS

Daniel Colnaghi – Route 9G – Subdivision Plat/ Lot Line Alteration

Marie Welch, L.S., was present for a continuation of the public hearing on an application to create one (1) new 5.147-acre lot by revising the Lot Lines of "Lot 2", "Lot 3B", and "Lot 3C", all from a 25.438-acre parcel (Amendment to Filed Map #9575) on the east side of Route 9G, 1200 ft. north of Route 199, in the RD3 District.

Ms. Welch said that she had submitted a letter from Joseph Berger, P.E., L.S., stating that the site could accommodate a water supply and sewage disposal system. She had also submitted an application for Final Plat Approval as well as the completed Local Waterfront Revitalization Plan Consistency Form. She then explained the project to the Board and to the public.

Christine Kane asked if there was any comment from the public. There was none.

Christine Kane read a response from the Farmland Protection Board saying that this proposed subdivision would have no adverse effect on agriculture

Christine Kane then read a letter from Town Attorney Al Trezza, who had responded to note #4 on the subdivision plat, which said that the owners of Revised Lot 2 and Revised Lot 3B would not be permitted to utilize existing frontage on NYS Route 9G without the approval of the NYS DOT and the Town Planning Board. Some members of the Planning Board had wanted that note to totally preclude such access onto Route 9G.

Mr. Trezza said that each lot in the subdivision had adequate frontage for legal ingress and egress from NYS Route 9G and that while Lots 2 and 3B currently accessed NYS 199 via a private road, access onto Route 9G could not legally be banned forever.

Christine Kane and Sam Phelan said that the Board should be concerned both with preserving the scenic corridor and with limiting curb cuts onto Route 9G as a safety issue. Jennifer Fier said that further subdivision of Lot 3C could add yet another curb cut onto Route 9G.

The Board and Ms. Welch agreed to revise the annotation to state that should the owner of Lot 2 ever desire or need access onto Route 9G, he or she must share a driveway and curb cut with Lot 5 via an easement. Likewise, Lot 3B and Lot 3C, together with any subsequent subdivisions of these Lots, must share a single curb cut onto Route 9G.

The Board then considered whether the project was consistent with the Town's Local Waterfront Revitalization Plan. David Wright made a motion that the project be considered consistent with the Plan. Charles Laing seconded the motion, and all members present voted in favor.

Ms. Greig said that in considering the SEQR determination, the Board should review the project's impact on aesthetic and historic resources. David Wright made a motion to issue a Negative Declaration for the project. Sam Phelan seconded the motion, and all members voted in favor.

Christine Kane then closed the public hearing.

Christine Kane then read the draft of an offered resolution granting Final Subdivision Plat Approval with several conditions. Ms. Welch said that condition # 1, requiring Board of Health approval of Lot 5, was impossible and must be changed to requiring certification by a licensed engineer stating that BOH approval was possible. Jennifer Fier said that a condition should be added which reflected the previous discussion about limiting the number of curb cuts onto Route 9G.

Jennifer Fier then made a motion to adopt the revised resolution. Sam Phelan seconded the motion, and all members were in favor. A copy of that resolution is attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

Bard College / Village Dorm Expansion – Annandale Rd. and Cruger Island Rd. (Annandale) – Site Plan

Pete Setaro, P.E., of Morris Associates, Chuck Simmons from Bard, and Brad Will of Ashokan Architecture were present for further discussion of an application for Site Plan Approval for dormitory buildings, approximately 4,600 sq. ft. each, to be built in two phases, two buildings in the initial phase and two at a later time, with associated site improvements, within the Institutional (I) and Hudson River National Historic Landmarks Districts.

Mr. Setaro explained the project, saying that two dorms would be built during the first phase of the expansion and that the access road would be used only by maintenance and emergency vehicles. He said that he had applied to the Department of Public

Works and hoped to have approval for that access road soon. He said that there would be three lights along the access road in front of the dorms and two more on the walkway connecting these dorms with the other dorms in the complex. These lights would match the 12 ft. high lights already used along walkways on the Bard campus. A lantern light would be placed to the side of each doorway. He said the geothermal heating and cooling system would use the same well fields used by the earlier Village Dorms. He concluded by saying that the Board of Health was ready to issue approval as soon as the Planning Board made a SEQR determination.

Mr. Will said while the original Village Dorms were contemporary in style, these dorms would exhibit decorative elements and rooflines from the historic Italianate buildings in the neighborhood. He said that the angled window frames and angled dowels along the bargeboard gave a somewhat modern interpretation to the Victorian elements. He said the colors would be muted, existing trees would be preserved as much as possible, and permeable concrete would be used for the roadways. These dorms would have the same floor plan as the earlier Village dorms.

Ms. Greig said that since Annandale Road had been designated a Scenic Corridor by the Town, Bard must use double setbacks, hide the dorms with vegetation [as described in section 143-48 B 5 (b)], or seek a variance from the ZBA. Mr. Setaro said that Annandale Road was a user highway, not a dedicated highway, and therefore the double setbacks did not apply. Rather, he said, section 143-20 of the Zoning Regulations dictated adding 25 feet to the required front yard setback to establish the building line. Ms. Greig said that the road was in the Scenic District Overlay and as such was governed by the double setback requirement.

Mr. Setaro noted that double setbacks were not required of the earlier Village Dorms. Sam Phelan said that those dorms were nearly hidden from the road; these would not be. The Board generally agreed that these proposed dorms would be an attractive asset to the neighborhood and that historically, such buildings were set close to the road. While the Board hoped that Bard would use historic landscaping near the buildings, such landscaping would not hide the buildings and therefore could not be considered an alternative to the double setback requirement. The Board generally agreed that seeking a variance from the ZBA would be the best way to comply with the regulations.

Mr. Setaro said that Chris Lindner would submit the archaeology report to NYS Office of Parks, Recreation and Historic Preservation on Tuesday, June 21, 2005. He agreed to forward a copy to the Planning Board office. He said that updated drawings would show the access road bypassing any archaeologically significant areas. Finally, he submitted the completed LWRP Consistency Form.

Mr. Setaro also said that 40 extra spaces in existing parking areas would serve the new dorms. He also said that he had contacted the Natural Heritage Program asking for a report on any possible endangered species on the site.

The Board asked Mr. Setaro to submit architectural elevations of the proposed dorms, manufacturer's cut sheets of the proposed lighting along the pathways and the lanterns near the doors. Sam Phelan asked Mr. Will to submit additional architectural details of the proposed buildings.

A public hearing was scheduled for July 11, 2005.

7 Pines, LLC – Norton Road – Subdivision Plat

Tom Mannix, P.E., Tom LeGrand, and Donald Wise were present for further discussion of an application for subdivision plat (sketch plan) approval to create six (6) residential building lots ranging from 5+ acres to 40+ acres from a total 126.7-acre parcel on both sides of Norton Road in the RD3 District.

Christine Kane read the referral response from the Agricultural and Open Space Advisory Committee, which concluded that a satisfactory farmland protection plan had not been put in place.

Mr. LeGrand explained that the applicant was willing to preclude further subdivision of the lots either by deed restrictions or by conservation easements. He added that the team had placed the building envelopes on the less valuable soils and out of sight of the road to the greatest extent possible. He said that these building envelopes could also be spelled out in the deed restrictions. Christine Kane reminded him that the Town was unable to enforce deed restrictions.

Ms. Greig said that the Town Subdivision Regulations state that the Planning Board shall mandate, as far as practicable, clustering. Mr. LeGrand said that clustering on this parcel was not possible because of the wetlands and the slopes.

Following up on Mr. Wise's explanation that he had bought the land primarily to protect his viewshed and the street on which his family had owned a farm for decades, Christine Kane asked Mr. Wise if he had considered putting the land into a conservation easement which would also give him gain tax relief. Mr. Wise said no, that he would rather have the flexibility of the subdivision. He said that each of the six proposed lots had a unique quality.

Mr. Mannix said that he had hired a certified wetlands expert to flag the wetlands. Ms. Greig said that Mr. Mannix's map had only shown wetlands on the west side of Norton Road. Hickory Creek Consulting, the independent third party verification firm, had found previously unflagged wetlands on the east side of Norton and had found the wetlands on the west side to be larger than previously thought.

Mr. Mannix said that for the most part, the proposed building envelopes avoided the valuable soils and had been placed so that, when built, the houses would be hidden from the road. The house on Lot 1 would be in the woods, the house on Lot 3 would be tucked behind a rock outcrop, the house on Lot 4 would be in the woods, the house on Lot 5 would be 150 feet behind a pond, and the house on Lot 6 would be at the edge of a field, not visible from the road. The house on Lot 2 was existing.

Christine Kane asked if an old farm road could act as a shared driveway. Mr. Mannix said the incline was too steep.

The Board determined that the applicant should submit a new map with all the wetlands accurately delineated. This map should also show the soils, the proposed building envelopes and the proposed driveways. The applicant should reduce curb cuts to the fewest possible.

The Board also determined that the applicant should include an notation on the plat, similar to the Ag & Markets notation for agricultural land, advising prospective buyers that the parcel is located near the Old Rhinebeck Aerodrome and that they should expect noise and traffic associated with that facility.

The project was tentatively scheduled to return to the agenda on July 25, 2005.

REGULAR SESSION (NEW BUSINESS)

Historic Hudson Valley – Farm Lane (Annandale) – Site Plan

David Parsons and Geoff Carter of Historic Hudson Valley were present with a conceptual plan for driveway and parking modifications on a section of a total 161- acre parcel in the Institutional (I) District.

Mr. Parsons described HHV's intention to restore North, Swiss and, if possible, Spur Cottages so that they can eventually be available for rent. He said that HHV's current plan is, for the most part, consistent with the site plan submitted and approved by the Planning Board in 1988. Whereas eight (8) parking spaces visible from Annandale Rd were shown on the 1988 plan, the modified plan showed ten (10) parking spaces located behind the buildings. These spaces would be accessed by an old farm road which HHV had planned to uncover and use in the earlier plan but had not yet done so.

Mr. Carter said that HHV also planned to renovate the water and sewer systems, using an existing pump house, and to replace the overhead electric wires with underground service. He said that the buildings would be restored but not changed and that appropriate residential lighting would be used.

Christine Kane said that the Board must decide whether the proposed modifications were substantial enough to require a new site plan review and approval. As a Type 1 action, the project would be subject to a coordinated review, although since it was in the Institutional District, no hamlet review would be necessary. Ms. Greig said that since Montgomery Place was not an educational campus, HHV was not required to submit a master plan.

The Board determined by consensus that the proposed modifications did not require site plan review and approval. The Board would draft a letter saying that it had reviewed the project and, through administrative action, determined that further review was not necessary. The Board would request a letter stating which agency would be conducting the project's SEQR review, however.

Ragnar Manor Farm/ DiStefano– 91 Sengstack Lane (Tivoli) – Subdivision Plat

Candice DiStefano was present with an application to create one new 10-acre lot and an approximately 18.286-acre remaining lands lot from an approximately 28.286-acre parcel in the LD (Limited Development) and Certified Agricultural Districts.

Ms. DiStefano explained that Robin Logan, who owned the parcel across Sengstack Lane, wished to buy the proposed new 10-acre lot in order to protect her view from possible future development. Ms. Logan would give Ms. DiStefano lifetime use of that 10 acres, however, so that Ms. DiStefano's horse farm business would not be jeopardized. Ms. DiStefano added that she was pursuing inclusion in the PDR program

at the same time she was seeking subdivision approval and would continue with her plan to subdivide if she was unable to secure a place in the PDR program.

The Board determined the project to be a Type 1 action under SEQR. Jennifer Fier made a motion to establish the Planning Board as Lead Agency, David Wright seconded the motion, and all members present voted in favor. Copies of the project would be circulated to the Village of Tivoli and NYS Office of Parks, Recreation and Historic Preservation as interested agencies.

The Board also directed Ms. DiStefano to complete and submit an Agricultural Data Statement and a Local Waterfront Revitalization Plan Consistency Form.

The project was scheduled to return on the August 1, 2005 agenda.

Holsapple/ Coon – 23 Metzger Road – Lot Line Alteration

Jacqueline Holsapple and Glen Coon were present with an application to convey 0.097 acres from the 0.80-acre Lands of Oakleigh Holsapple to the adjoining Lands of Glenn Coon, located in the B1 District.

Ms. Holsapple explained that when she subdivided her parcel and sold the resulting building lot to Mr. Coon years ago, she assumed that a certain monument defined the boundary between the two lots. When Mr. Coon's lot was recently surveyed, it was found that the true boundary line made Mr. Coon's lot smaller and that his house no longer had the required setbacks. This lot line alteration would serve to restore the correct setbacks.

Christine Kane noted that while both lots were of a substandard size, the ZBA had already granted a variance in that matter.

David Wright made a motion to establish the Planning Board as lead agency for the SEQR review. Jennifer Fier seconded the motion, and all members present voted in favor.

The Board scheduled the project to return on the July 11, 2005 agenda.

OTHER BUSINESS

Ms. Greig said that a number of situations had arisen during the past months which she believed required revision or clarification of the Zoning and Subdivision Regulations. She specifically mentioned that the cluster regulations and farm law provisions should be revised and that the desired subdivision form should be redefined as a conservation subdivision. She also said that the Town should have lighting guidelines and regulations for Traditional Neighborhood Development. She said that the Town Supervisor had asked her to draft such revisions and guidelines for the Planning Board's review and referral to the Town Board. The Planning Board agreed.

ADJOURNMENT

Advised by Chair Christine Kane that there was no further business to come before the Board, John Hardeman made a motion to adjourn. Sam Phelan seconded the motion, and all members present were in favor. The meeting was adjourned at 11:20 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments:

Resolution granting Final Approval to the Daniel Colnaghi Subdivision

Resolution Granting Final Lot Line Alteration and Minor Subdivision Plat Approval

Name of Project: Colnaghi Lot Line Alteration and Subdivision

Name of Applicant: Daniel Colnaghi

Date: June 20, 2005

Whereas, the Town of Red Hook Planning Board has received an application for final approval for a minor subdivision and lot line alteration from Daniel Colnaghi dated June 14, 2005 to create a new lot of ± 5.147 acres by taking ± 2.291 from an existing lot identified as "Lot 2," ± 0.868 acres from an existing lot identified as "Lot 3B," and ± 1.989 acres from an existing lot identified as "Lot 3C;"

Whereas, after the revisions, the size of Lot 2 will be 9.097 acres, Lot 3B will be 5.274 acres, and Lot 3C will be 7.548 acres; and

Whereas, the parcels are located on the east of NYS Route 9G and north of NYS Route 199 in the RD3 Zoning District and the Scenic Corridor Overlay District in the Town of Red Hook, Dutchess County, New York; and

Whereas, parcels are located within a certified agricultural district and the applicant submitted an Agricultural Data Statement dated May 2, 2005, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the application is subject to the Town's Important Farmlands Law and the Planning Board forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

Whereas, the new Lot 5 is in excess of 5 acres and the applicant has submitted certification by a licensed professional engineer, as permitted by Section 120-18G(2) of the Subdivision Regulations, stating that it is likely that a suitable individual on-site water supply may be developed on the lot, and an approved individual sewage disposal system exists on the lot; and

Whereas, the applicant has submitted a letter from the New York State Department of Transportation giving conceptual approval to a curb cut to serve the new Lot 5; and

Whereas, the Planning Board declared itself Lead Agency for the proposed actions on June 6, 2005, reviewed a Full Environmental Assessment Form Part 1 dated May 2, 2005, prepared a Part 2 EAF and adopted a Negative Declaration for the proposed actions on June 20, 2005; and

Whereas, the Planning Board has determined that the subdivision is consistent with the Local Waterfront Revitalization Plan; and

Whereas, the Planning Board held a Public Hearing on the Lot Line Alteration and Subdivision application on June 6, 2005, which hearing was continued on June 20, 2005.

Now therefore be it resolved, that the Planning Board grants conditional approval to the Daniel Colnaghi Minor Subdivision and Lot Line Alteration subject to the following conditions:

1. A note added to the subdivision plat advising of applicable Health Department permit requirements which must be met prior to the issuance of a building permit by the Town of Red Hook.
2. Annotation of the subdivision plat requiring Lot 2 and the new Lot 5 to share one (1) curb cut on NYS Route 9G should Lot 2 require such access. Likewise, annotation indicating that Lot 3B and Lot 3C, and any lots created by subsequent subdivision of those lots, must share one (1) curb cut on NYS Route 9G, should those lots require such access.
3. Draft copy of easement allowing Lot 2 access to NYS Route 9G through Lot 5.
4. Annotation of the subdivision plat with appropriate required notation with respect to location within a Certified Agricultural District.
5. Payment of 1-lot recreation fee to the Town of Red Hook.
6. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

7. 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 stamps and signatures.

On a motion by Jennifer Fier, seconded by Sam Phelan

Roll Call Vote :

Jennifer Fier:	yes	
John Hardeman	yes	
Charles Laing		yes
Sam Phelan	yes	
Paul Telesca	absent	
David Wright	yes	
Chair Christine Kane		yes

Resolution **Approved**

The Chair is authorized to stamp and sign the mylar and plats when the above cited conditions are met.

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

Paula Schoonmaker, Assistant Clerk to the Board

Date