

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
December 7, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane and members Charlie Laing, Sam Harkins, Sam Phelan, Kris Munn and Pat Kelly. Wil LaBossier was absent. Also present was planner Michele Greig.

(Christine Kane arrived after the first two discussions. In her absence, Charlie Laing chaired the beginning of the meeting.)

BUSINESS SESSION

Deputy Charlie Laing announced one change to the agenda, saying that the applicants for the Belleman/Hesse scheduled public hearing had requested that their hearing be continued to a January 2010 meeting. The remainder of the business session was deferred until Christine Kane arrived.

PUBLIC HEARINGS

Michael Anderson – 60 Station Hill Road – Certificate of Appropriateness

Steve Dunning was present for the continuation of the public hearing on an application for Certificate of Appropriateness to construct a wrought iron fence, pillars and a gate along the front of a 0.85-acre parcel in the Hamlet Zoning District.

Mr. Dunning recapped the project and said that the ZBA had granted the requested variance for the 6 ft. height of the fence and 7 ft. high gate pillars at its November 21, 2009 meeting.

The Board reviewed the Hamlet/Design Committee's comments on the project, focusing on the Committee's suggestions for historically appropriate facing for the gate pillars. Mr. Dunning said that Mr. Anderson was going to use stacked bluestone as the facing. All agreed that this facing would be appropriate.

Charlie Laing then asked if there was any public comment.

Ken Anderson (no relation), 108 Baxter Road, said that he had visited the site and believed that the applicant had a good job clearing brush, choosing wrought iron as the fencing material, and improving sight distance. He said that he supported the project.

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

The Board then reviewed a draft Certificate of Appropriateness for the project. Sam Phelan made a motion to grant that Certificate, Kris Munn seconded the motion, and all members present voted in favor.

Ken Anderson/ Michael Anderson (Anderson Homestead) – 108 Baxter Road – Minor Subdivision

Ken Anderson and Michael Anderson were present for the public hearing on an application for Subdivision Plat approval to create a +2.01-acre residential lot and a +32.24-acre remaining lands lot from a +34.25-acre parcel in the R1 Zoning District and the Certified Agricultural District.

Mr. Anderson said that there had been no changes to the plan since the Board had discussed it at the November 16 meeting. The Board then completed the EAF part 2 and reviewed a draft Negative SEQR Declaration for the project. Sam Phelan made a motion to adopt that Negative SEQR Declaration. Sam Harkins second the motion, and all members present voted in favor.

Charlie Laing read the public hearing notice that appeared December 1, 2009 in the Kingston Daily Freeman. Michael Anderson explained the project to the public and added that he had obtained an approval for the proposed driveway location from the Town Highway Superintendent. Charlie Laing then opened the hearing for public comment.

The Board reviewed a referral response from the Agriculture and Open Space Committee, whose members believed there would be no adverse impact to agriculture as a result of this project.

Since there were no comments from the public, Sam Harkins made a motion to close the public hearing. Pat Kelly seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting conditional subdivision plat approval to the project. Sam Harkins made a motion to adopt that resolution. Sam Phelan seconded the motion, and all members present voted in favor.

(At this point, Christine Kane took over as chair of the meeting)

Thomas Hesse & Gwendolyn Bellmann – 211 Barrytown Rd. – Certificate of Appropriateness

Christine Kane said that the applicants had requested that this public hearing, on an application for a Certificate of Appropriateness to remove a building addition from an existing residence and to construct two new additions on a + 3.5-acre lot in the H (Hamlet) Zoning District, be continued to a January meeting. Accordingly, after reading the public hearing notice that appeared December 1, 2009 in the Kingston Daily Freeman, she opened the public hearing, and the Board agreed by consensus to continue the hearing to the January 4, 2010 meeting.

BUSINESS SESSION (continued)

Christine Kane announced a training session on December 8, 2009 sponsored by Cornell Cooperative Extension in Millbrook. She said that the session would focus on new Greenway Guides.

The draft minutes from the October 19, 2009 meeting had been circulated and reviewed. Sam Harkins made a motion to approve those minutes. Pat Kelly seconded the motion, and all members present voted in favor.

The draft minutes from the November 2, 2009 meeting had also been circulated and reviewed. Sam Harkins Made a motion to approve those minutes. Sam Phelan seconded the motion, and all members present voted in favor.

Finally, the draft minutes from the November 16, 2009 meeting had been circulated and reviewed. Sam Harkins made a motion to approve those minutes. Charlie Laing seconded the motion, and all members present voted in favor.

REGULAR SESSION – OLD BUSINESS

Bottini Fuel (Red Hook Terminal) – 7345 S. Broadway – Amended Site Plan

Bob Juliano of Bottini Fuel was present for continued discussion of an application for Amended Site Plan Approval to relocate an existing 10,000 gal. above-ground fuel oil tank and install a new 20,000 gal. above-ground fuel oil tank, all on a 1.34-acre lot partly in the Village of Red Hook and partly in the Town's B1 Zoning District.

Mr. Juliano noted the revisions that had been added to the plan as requested by the Board. He also submitted a paint chip to show the color the storage tanks would be painted.

The Board reviewed a draft resolution granting conditional amended site plan approval to the project. The members added two (2) conditions, one requiring the submission of a letter from property owner Arnold Colburn giving Bottini Fuel permission to move two sheds, the other requiring the submission of a copy of a Use and Occupancy Permit from the NYS DOT. Pat Kelly made a motion to adopt the resolution as revised. Sam Phelan seconded the motion, and all members present voted in favor.

Ralph & Grace Cort – 186 West Market St. – Sketch Plan Approval

Ralph and Grace Cort were present for continued discussion of an application for sketch plan approval to create two (2) substandard-sized residential lots from a 2.186-acre parcel in the R1.5 Zoning District.

Charlie Laing and Sam Phelan reported on their site visits to the property. Charlie Laing said that the wetland, stream and wetland buffer posed significant problems to the site. Sam Phelan agreed, saying that because of these features, there was not much flexibility to meet the requirements for a lot. He said that a number of additional variances would be required for the subdivision. He said that he believed the property should be one lot, not two. He said that two lots, each with a principal residence, would open up more complications with potential accessory buildings, etc.

Charlie Laing added that, according to the zoning regulations, flag lots were to be an exception to conventional lots, to be granted only under certain circumstances and only when there would be no adverse environmental impact. This project, he said, opened up a variety of problems and did, in his opinion, pose adverse environmental impacts.

Christine Kane said that the plan would create not one but two substandard sized lots, which did not seem in keeping with the spirit and substance of the zoning and subdivision regulations. Also, she said, approving such an application could set a precedent by which other applicants

could claim that their accessory dwellings were principal residences and therefore were entitled to a separate lot.

Sam Phelan made a motion that the Board not endorse the sketch plan because it was not consistent with the objectives of section 143-21C of the zoning law nor with the Area and Bulk Regulations section of the Zoning law. Charlie Laing seconded the motion, and all members present voted in favor.

Dunkin' Donuts – NYS Route 9 – Amended Site Plan

Jeff Schiller, P.E. with Morris Associates, Rich Besgen, an operations manager with Dunkin Donuts, Mario Sardinia and Nelson Sousa were present for continued discussion of an application for Amended Site Plan Approval to reconfigure parking and traffic flow and to construct an addition to an existing building, on a 2.989-acre parcel in the B1 Zoning District.

The Board reviewed comments from the Dutchess County Office of Planning and Development which noted the difficulty of configuring a safe, efficient traffic flow at the business site and the need for further efforts to create architectural elements that were in keeping with the community.

The Board then reviewed a referral response from the Town Engineer who also addressed the complex traffic/pedestrian crossing/multiple business/parking space problems involved in channeling cars to and through the drive thru window. He said that the proposed drainage plans seemed to be an improvement but that the applicants should submit percolation tests to verify that the drainage would be adequate for severe storms.

Mr. Schiller said that the applicants had already incorporated in their newly submitted plan County Planning's suggestion to put all rear parking spaces inside the rear parking area. The applicants also agreed to create an additional handicapped parking space in front of the store or enlarge the existing one, which would decrease the number of cars backing out into oncoming traffic and would improve sight distance for drivers turning left out after leaving the drive thru window. He said the bull nose corners would also be enlarged, which would alleviate some problems for delivery trucks.

Mr. Schiller also said that he had met with representatives of the NYS Dept. of Transportation who said that DOT would not allow a crosswalk in its right of way along NYS Route 9. He said that the applicants would install a sidewalk from the existing sidewalk along Route 9 to the store.

Addressing the interior lighted menu board, the applicants said that the light would be shielded from the neighbors, mostly by the installation of Norway spruce trees. Mr. Sousa said that the menu board would measure approximately 6 ft. wide by 4-5 ft. high. The applicants agreed that the speaker volume at the menu board would be kept as low as possible.

Mr. Schiller said that the applicants had decided to install two free-standing signs, one for each business, rather than the previously proposed complex sign. He said he would revise the proposed aggregate signage figures for the two existing businesses and the one potential business.

The Board generally agreed that the additional traffic data would not add anything useful to the discussion.

The Board and the applicants then discussed the architectural elements of the building. Mr. Schiller said that the colors shown on the elevations still did not match the colors proposed. The applicants agreed to remove the bright orange detail along the eaves of the roof and to submit new elevations with the correct colors. The Board generally agreed that the gabled roofline was an improvement. The applicants said that hardi-plank would surround the freezer addition at the rear of the building and that the dumpster enclosure would be tan in color.

The applicants agreed to add mullions to the large windows and to consider placing shade trees in the parking lot. They also agreed to submit new elevations with the correct colors.

The Board generally agreed that hardi plank siding could cover the entire building, doing away with some proposed fieldstone siding. Christine Kane said that the mullioned windows would complement such a change.

The Board and the applicants also discussed installing some tall shade trees near or around the rear parking lot. The applicants said they would look for some spaces and appropriate species.

Mr. Schiller said that after obtaining a highway work permit from DOT, Morris Associates would oversee the installation of two new catch basins draining into seepage rings. He said that the existing catch basins and seepage rings had become clogged by salt and highway debris, and these would be cleaned and maintained.

Mr. Schiller said that he would like to discuss lighting with Ms. Greig at a later time.

The Board then scheduled a public hearing for January 4, 2010.

REGULAR SESSION – NEW BUSINESS

Daniel Colnaghi – NYS Route 199 and NYS Route 9G – Amended Lot Line Alteration

Marie Welch was present with an application to amend a previously approved Lot Line plan, saying that now the applicant wished to convey a 0.508-acre frontage strip to the adjoining 7.548-acre parcel, to convey a 1.132-acre private drive known as Pinewood Lane to the adjoining 5.274-acre parcel and to designate Pinewood Lane as the frontage strip for that parcel. The parcels involved are located in the RD3 Zoning District, the National Historic Landmarks District and the Scenic Corridor Overlay District.

The Board agreed that this was a new application, even though the previously approved plan was never filed with the Dutchess County Clerk.

Ms. Welch submitted a driveway use and maintenance agreement for the four properties sharing the Pinewood Lane access and disagreed with Michele Greig that a new one was needed. She said that because Mr. Conaghi was the owner of three of the lots and that the same two lots were involved, no new agreement was necessary.

The Board reviewed Ms. Greig's memo. The members asked Ms. Welch to identify on the plat the owners of all the lots involved, to provide on the plat a zoning legend for the three revised lots, frontage and acreage, and to locate the buildings on the lots,

The Board determined the project to be a Type 1 Action under SEQR. Since there were no involved or interested agencies, Charlie Laing made a motion to establish the Board as lead

agency for the SEQR review. Kris Munn seconded the motion, and all members present voted in favor.

OTHER BUSINESS

Anderson Commons extensions

Peter Setaro of Morris Associates, Keith Lore and Brad Keil were present to discuss the progress of the Anderson Commons development. Mr. Setaro said that Paul Manza wished to purchase the project and to incorporate several “green” features into the project. He listed a community garden, geothermal heating and cooling, and recycling of grey water as possible features.

Mr. Setaro went on to say that several of these ideas would involve feasibility studies and research; for instance, he said, the applicants must discuss grey water recycling with the Health Department. He said that the applicants would have more information by March 2010. Asked whether the proposed changes would necessitate changing lot sizes, possibly in order to install geothermal systems, Mr. Setaro said no, no such changes were anticipated.

Mr. Setaro said that the applicants were asking for a 6 month extension to the project approvals, with a promise to come back to the Board in March with additional information.

The Board discussed a letter from Keane & Beane outlining the Board’s options. The Board agreed that the special permit could be extended for one year under the Zoning regulations.

The Board also discussed the reasons for extending the site plan approval and the subdivision plat approval. Among those reasons were: 1) the extraordinary current economic conditions, unavailability of credit and housing collapse, 2) the considerable time and effort expended to develop this TND-type project so far, 3) the opportunity to incorporate significant improvements, specifically environmentally progressive enhancements, 4) consistency of the project with the Greenway and Smart Growth objectives and 5) the significant number of conditions that had been met already, such as approvals by the Town and Village of the transportation corporation.

Sam Harkins made a motion to retroactively extend the Special Permit from December 1, 2009 to June 1, 2010. Pat Kelly seconded the motion, and all members present voted in favor.

Sam Harkins then made a motion to retroactively extend the Site Plan approval from December 1, 2009 to June 1, 2010. Sam Phelan seconded the motion, and all members present voted in favor.

Finally, Sam Harkins made a motion to retroactively extend the Subdivision Plat approval from November 26, 2009 to May 26, 2010. Sam Phelan seconded the motion. The motion was passed with four members voting in favor and two voting against.

The Board tentatively scheduled Anderson Commons for the March 2, 2010 agenda.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker

Attachments

Certificate of Appropriateness for the Michael Anderson fence project in Barrytown
Negative SEQR Declaration for the Anderson Homestead minor subdivision
Resolution granting Subdivision Plat approval to Anderson Homestead
Resolution granting Amended Site Plan approval to Bottini Fuel

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

Date: December 7, 2009

For: Michael Anderson Tax Parcel # 6172-01-162832-0000

The applicant owns 0.89 acres at 60 Station Hill Road in the Hamlet of Barrytown. He wishes to construct a 6 ft. high wrought iron fence on the south side of the property.

The application, survey, and photographs were sent to the Hamlet/Design Review Committee on October 13, 2009

The Hamlet/Design Review Committee reviewed the proposed changes, and submitted its comments to the Planning Board on November 16, 2009. The Committee made several suggestions regarding the facing of the proposed gate pillars but overall recommended that the Planning Board issue the Certificate of Appropriateness

A public hearing was held November 16, 2009 and continued to December 7, 2009.

The Planning Board has reviewed and discussed the proposed plans and determined that the proposed fence is compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Michael Anderson for the proposed installation as described above.

Certified by: _____ Date: December 8, 2009
Clerk

617.7
State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 7, 2009

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: Anderson Homestead Minor Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to to subdivide a 34.25-acre parcel in the R1 Zoning District and the Certified Agricultural District into a ± 2.06 -acre residential lot and a ± 32.19 -acre remaining lands lot. The lots will be served by individual wells and septic systems and will be accessed from Baxter Road.

Location: Baxter Road, Town of Red Hook, Dutchess County New York

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 21, 2009 and revised November 10, 2009, 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. While the soils contained on the parcel are not prime or of statewide importance unless drained, the project site is located within a NYS certified Agricultural District (Agricultural District 20). The Planning Board therefore forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. Proposed development of the parcel has been located so as to maximize the amount of land available for a possible animal grazing operation. The Planning Board has determined that these measures will mitigate impacts on agricultural lands to the greatest extent practicable.

For Further Information:

Contact Person: Paula Schoonmaker, Planning Board Deputy 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)

Town of Red Hook Town Board

Kenneth Anderson and Michael Anderson (applicants)

Resolution Granting Final Subdivision Plat Approval to Anderson Homestead Subdivision

Name of Project: Anderson Homestead Minor Subdivision

Name of Applicant: Kenneth Anderson and Michael Anderson

Date: December 7, 2009

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated November 10, 2009 to the Town of Red Hook Planning Board to subdivide a $\pm$ 34.25 acre parcel of land (Tax Map Parcel No. 15-6272-00-670468) into a $\pm$ 2.06-acre residential building lot and a $\pm$ 32.19 acre remaining lands lot; and

Whereas, the subject parcel is located on Baxter Road in the R1 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Final Subdivision Plat prepared by Morris Associates dated October 22, 2009 and revised November 4, 2009; and

Whereas, the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 16, 2009, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board duly 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 Planning Board established itself as Lead Agency for the proposed action pursuant to SEQR on November 16, 2009; and

Whereas, on December 7, 2009, the Planning Board, in consideration of the Short Environmental Assessment Form (EAF) dated October 21 2009 and revised November 10, 2009 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on December 7, 2009, the Planning Board conducted a public hearing on the Final Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to Kenneth Anderson and Michael Anderson to subdivide a $\pm$ 34.25-acre parcel of land located on Baxter Road into one (1) residential building lot and one (1) remaining lands lot.

Now therefore be it resolved, that the Planning Board grants Final Subdivision Plat approval to Kenneth Anderson and Michael Anderson to subdivide a $\pm$ 34.25-acre parcel of land located on Baxter Road into one (1) residential building lot of $\pm$ 2.06 acres and one (1) remaining lands lot of $\pm$ 32.19 acres in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicants obtain approval from DOH for the proposed septic disposal system and water supply.
- B. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- C. Payment of recreation fee to the Town of Red Hook.
- D. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- E. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

On a motion by Sam Harkins, seconded by Sam Phelan, and a vote of 5 for, 0 against, and 2 absent, this

Resolution adopted on December 7, 2009.

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

Paula Schoonmaker, Assistant Clerk to the Board December 8, 2009
Date

Resolution Granting Amended Site Plan Approval to Bottini Fuel–Red Hook Terminal

Name of Project: Bottini Fuel–Red Hook Terminal

Name of Applicant: Red Hook Terminal, Inc.

Date: December 7, 2009

Whereas, the Town of Red Hook Planning Board received an application for Site Plan approval from Red Hook Terminal, Inc. to relocate an existing 10,000 gal. above-ground fuel oil tank and install a new 20,000 gal. above-ground fuel oil, on a $\pm$ 1.34 acre parcel in the B1 Zoning District at 7345 South Broadway in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the application for Site Plan approval dated June 25, 2009, and a Site Plan prepared by M.A. Day Engineering, P.C. dated April 24, 2008 and revised May 22, 2008, June 5, 2008, July 2, 2008, August 14, 2008, June 24, 2009, October 9, 2004 and December 3, 2009; and

Whereas, the Planning Board has reviewed the site plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined the project was a matter of local concern; and

Whereas, on July 20, 2009, the Planning Board declared itself Lead Agency for the review of the proposed action, and in consideration of the Short Environmental Assessment Form dated July 13, 2009 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined on October 19, 2009 that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board held a Public Hearing on the Site Plan application on October 19, 2009, continued to November 16, 2009, at which time all interested persons were given the opportunity to speak.

Whereas, the Planning Board now wishes to grant Amended Site Plan approval to Bottini–Red Hook Terminal.

Now therefore be it resolved, that the Planning Board hereby grants Site Plan approval to Red Hook Terminal, Inc. to relocate an existing 10,000 gal. above-ground fuel oil tank and install a new 20,000 gal. above-ground fuel oil, on a $\pm$ 1.34 acre parcel in accordance with the plans and specifications heretofore submitted upon the following conditions:

- F. Submission of letter from parcel owner Arnold Colburn giving Bottini Fuel permission to move two sheds.
- G. Submission of Use and Occupancy Permit from the NYS DOT to the Planning Board.
- H. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- I. Submission of 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.

On a motion by Pat Kelly, seconded by Sam Phelan, and a vote of 6 for, 0 against, and 1 absent, this

Resolution approved on December 7, 2009.

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

Paula Schoonmaker, Assistant Clerk to the Board December 8, 2009
Date