

draft
**Town of Red Hook Planning Board
Meeting Minutes
August 2, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present—John Hardeman, Christine Kane, Mary Lou Muirhead, Paul Telesca, and Acting Chair Sam Phelan. David Wright and Chair Paul Thomas were absent. Also present were Planning Consultant Art Brod and Town Board liaison Jim Ross.

BUSINESS SESSION

The Board confirmed its next meeting for August 16, 2004 and, due to the Labor Day holiday, rescheduled its first September meeting for Wednesday, September 8, 2004. The first workshop meeting will take place Monday, September 20, 2004. Thereafter, the first meeting of each month will primarily be an action meeting. The second meeting of each month will be a workshop meeting, at which the Board will discuss new submissions and possibly review ongoing proposals.

PUBLIC HEARINGS

Kunzang Palchen Ling – NYS Route 9G – Special Use Permit and Site Plan

John McIlravy, Joseph Berger, P.E., and David Bruner, R.L.A. were present in a continuation of the public hearing opened on June 21, 2004. Mr. McIlravy sought approvals to authorize the establishment of a House of Worship with associated Resident and Guest Rooms on Lot 5, a 5.023-acre parcel, within the Colnaghi subdivision in the RD3 and Scenic Overlay Districts and adjacent to Agricultural District properties.

The Acting Chair read a report submitted by Chair Paul Thomas concerning his visit to the site.

There was general discussion about the necessity of preserving mature trees on the site so as to buffer the visual impact of the building. The applicants said that several extra parking spaces could be dropped from the plan if including them would require the removal of mature trees.

Harish Patel, 19 Pinewood Lane, was concerned about possible access to the proposed facility from Pinewood Lane. Mr. Berger replied that the only access would be from Rte. 9G.

Clark Bridgeman, 14 Pinewood Lane, said that he had counted at least twenty-five cars at the current House of Worship on Pinewood Lane. He was also concerned about the visibility of the traditional prayer flags that would be hung from trees and on lines from the building.

Mr. McIlravy answered that occasionally as many as twenty-five cars might congregate at the facility but that as a rule the number would be much smaller. The applicants agreed

that no prayer flags would be hung within 125 feet of the property line or within the scenic corridor overlay.

The Acting Chair closed the public hearing.

Both the planning consultant and the town engineer had reviewed the revised submissions and given their reports. Mr. Berger submitted a response to the town engineer's report and agreed to comply with all issues not previously addressed.

The consultant said that the proposed 2' x 6' sign must be moved back from its proposed location in the highway right-of-way to at least fifteen (15) feet from the front property line and the applicant agreed. The applicant also agreed that there would be no light to illuminate the sign. The Board by consensus asked the applicant to submit an alternate color scheme for the sign, one that used more natural colors and that would be more in keeping with its location in the scenic corridor. The applicant should also submit samples of the exterior building materials. Again by consensus, the Board determined that the Planning staff would make the final decision about the sign colors.

The consultant also said that the parking lot aisle must be twenty-six (26) feet wide, not twenty-four (24) feet wide as shown on the drawing. Mr. Berger said that the twenty-four (24) foot width would comply with Greenway, but Mr. Brod said that the Planning Board was not empowered to waive the twenty-six (26) foot width requirement. The applicant said that the driveway would have a gravel surface except for the driveway entrance and for areas marked for handicapped accessibility. Those would be asphalt. Concrete bumpers would be used to delineate the parking spaces.

The Board and the applicant agreed to set a limit of four (4) persons to be housed in the resident and guest rooms.

Since it appears that conditional final approval of the Colnaghi Subdivision will expire prior to satisfaction of conditions imposed under the Planning Board's December 1, 2003, resolution, as extended in May 2004, Marie Welch, L.S., requested a final extension until November 25, 2004. Mary Lou Muirhead made a motion to grant that extension, and Christine Kane seconded the motion. All members present voted in favor. The Board reminded the applicant that the Colnaghi subdivision must be stamped by the Planning Board Chair and filed in the Dutchess County Clerk's Office before the Kunzang Palchen Ling site plan can be stamped and signed by the Chair.

The Acting Chair read the EAF Part 1 and, with input from the Board, completed EAF Part 2.

Christine Kane made a motion to adopt an offered resolution issuing a SEQRA Negative Declaration for the project and granting conditional approval for both the site plan and the special use permit, incorporating the conditions discussed by the Board and agreed to by Mr. McIlravy. John Hardeman seconded the motion, and all members present voted in favor. A copy of the resolution is attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

Stephen Buscarino and Lisa Racano (Kidz Kare Day Care) – NYS Route 9G and West Kerley Corners Road – Special Use Permit and Site Plan

Marie Welch, L.S., Tim Ross, P.E., David Bruner, L.L.A. and Tom Shepardson, attorney, appeared before the Board to participate in its discussion of exterior design and visual impact modifications to the day care facility proposed for a site northeast of the intersection of NYS Route 9G and West Kerley Corners Rd. in the RD 3 District.

The planning consultant said that he had received an archaeological report about the site and that he would expect, upon consideration of the artifacts found and mitigation proposed, the issuance of a "sign-off" letter from NYSOPRHP.

The Acting Chair reviewed the Board's requests made at the July 16, 2004 meeting. In response to those requests, the applicants had staked out the perimeter of the proposed building on the site and floated balloons to the height of the exterior walls so that the mass of the building could be assessed. The applicants also agreed to move the sign to a location just north of the driveway and out of the highway right-of-way. Finally, Mr. Bruner said he would supplement the landscaping to better screen the front of the building.

The Acting Chair read a report by consulting architect Warren Temple Smith. The Board generally favored his suggestions to increase the roof pitch thereby making the building more harmonious with others in the neighborhood and also to add gabled porches to the front and the south side to relieve the flat planes. Tim Ross said that the applicants had already planned to erect an awning over the front door but that a porch on the south side would be expensive and impractical given the number of doors required for a day care center. Mr. Bruner believed that he could develop a landscaping solution which would achieve the desired result for the south wall; related discussion occurred of the use of arbors or a pergola to achieve a more positive visual effect. There was general agreement that adding a gabled porch to the front would possibly allow the dormers to be eliminated from the design and a cupola substituted.

Mr. Shepardson said that he and the applicants had been under the impression that they had already complied with all requests made by the Board and by the Design Review Committee for design changes. The Acting Chair responded that the Board has not yet voted on the project and that modifications could still be required.

The Board agreed by consensus that the roof pitch be increased to 10/12, that a porch be added to the front of the building, that an arbor or pergola be designed for the south wall and that a cupola be considered for the roof.

The Acting Chair asked that new building elevations consistent with all the recommended modifications be submitted. He said that when the new elevations, the new landscaping plan and the NYSOPRHP "sign off" letter are received, the application package should be complete.

REGULAR SESSION (NEW BUSINESS)

Three Pond Farm, LLC (Allan and Ronnie Streichler) – 72 South Rd – Special Use Permit

Ronnie Streichler appeared before the Board in support of her application for Special Use Permit to authorize construction of a new farm building with farm equipment storage on the first level and a 3-bedroom apartment for a farm employee on the second level.

The building would be located on her working farm in the RD3 and Certified Agricultural Districts.

The planning consultant and the Board generally agreed that Ms. Streichler's application was complete and that there were no significant planning or zoning issues.

Because of the farm's proximity to the Columbia County line, the Board directed the Clerk to refer the project to Dutchess County Office of Planning and Development.

A public hearing was set for August 16, 2004. Christine Kane made a motion to adopt the following offered resolution:

The Town of Red Hook Planning Board hereby acts as follows on the June 24, 2004, Application, as amended on July 16, 2004, by Three Pond Farm, LLC (Allan and Ronnie Streichler) for Special Use Permit to authorize the creation and occupancy of a second floor 3-bedroom apartment within a new farm building (1,650 s.f. 'footprint') on their farm premise in the RD3 and Certified Agricultural Districts, such authorization requested pursuant to Zoning Law Section 143-41(C)(2) which provides for the establishment and occupancy of 'Farm Employee Housing':

1. Accepts the Application, inclusive of zoning, SEQRA and agricultural forms and both site and building sketch plans, as adequate for initiating Planning Board, public and consultant review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Directs the Planning Board Clerk to distribute the Agricultural Data Statement in accordance with the requirements of Section 283 of the New York State Agriculture and Markets Law.
4. Schedules a Public Hearing on the Application for Monday, August 16, 2004, at 7:35 p.m. and directs the Clerk to provide timely notice thereof.
5. Refers the Application to the Dutchess County Department of Planning and Development for advisory review and comment pursuant to Section 239 GML.

Mary Lou Muirhead seconded the motion, and all members present were in favor.

OAOA, LLC (Sam and Arlene Harkins) – NYS Route 199 – Subdivision/ Lot Line Alteration

Sam and Arlene Harkins were present with their application to effect a 0.491-acre lot line alteration between Lots 5 and 6 of the OAOA, LLC Subdivision, as approved by the Planning Board in 2003. The parcels are located on NYS Route 199 in the RD3 and Certified Agricultural Districts.

Having confirmed that more than the required minimum acreage of "dry land", 2.25 acres, would remain outside the flood plain on each of the lots if the lot line alteration were approved, the Board had no other zoning or planning concerns.

A public hearing was set for Monday, August 16 at 7:40 p.m. The project was referred to the Agricultural Advisory Committee, and the Board requested a response within ten (10) days.

Mary Lou Muirhead made a motion to adopt the following resolution:

The Town of Red Planning Board hereby acts as follows on the Application by OAOA, LLC (Sam and Arlene Harkins) for Subdivision Plat Approval to authorize a 0.491-acre Lot Line Alteration between Lots 5 and 6 of the OAOA, LLC, Subdivision set forth as Filed Map # 11353-B, such intended Lot Line Alteration depicted on a Survey Map entitled 'OAOA, LLC – Sec. 2' prepared by Kirk K. Horton, L.S. and dated July 30, 2004:

1. Accepts the Application, inclusive of the above survey map, Short EAF and Agricultural Data Statement, 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 the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Due to location within the Certified Agricultural District refers the Application to the Farmland Advisory Committee for review and comment with response requested prior to August 16, 2004.
4. Schedules a Public Hearing on the Application for Monday, August 16, 2004, at 7:40 a.m.

Christine Kane seconded the motion, and all members present were in favor.

Bard College (Center for Curatorial Studies) – Blithewood and Garden Roads – Special Use Permit and Site Plan

Peter Setaro, P.E., Darin Dekoski, P.E., and John Gall appeared before the Board to present a revised site plan, elevation drawings and other data for expansion of the Center for Curatorial Studies, located on the Bard College Campus in the Institutional (I) and National Historic Landmarks Districts. The project was first presented March 1, 2004.

Mr. Gall said that the expansion would allow more display area for artifacts that currently are in storage.

Mr. Setaro explained that the proposed expansion had been reduced from 24,000 sq. ft. to 19,000 sq. ft. He added that archaeologist Chris Lindner had submitted a report and had found nothing of significance at the site. Mr. Setaro suggested that securing of a "sign off" letter from NYSOPRHP be a condition for final approval of the site plan.

Mr. Setaro addressed several technical issues. He said that no trees would be removed for the project and that drainage patterns would remain the same. The parking area would be enlarged and surfaced with "Item 4". He said there would be no increase of

visibility from Annandale Road. Finally, he said that he had received a report on the project from the Town engineer and that he would respond to the issues raised.

The planning consultant said that because the project was a minor extension of an existing facility, he recalled the Board being inclined to consider an Amendment of the Educational Campus Special Use Permit for this project prior to moving into fuller consideration of the Bard Collage Campus Master Plan Update.

The Board set a public hearing for Wednesday, September 8, 2004 at 7:35 p.m. Mary Lou Muirhead will conduct a site visit and report back to the Board.

John Hardeman made a motion to adopt the following offered resolution:

The Town of Red Hook Planning Board hereby acts as follows on the January 21, 2004, Applications by Bard College for Site Plan Approval and Special Use Permit, as amended on July 22, 2004, to authorize, in tandem with an Amendment to the Campus Master Plan and related 'Educational Campus' designation, a composite 19,000 s.f. building expansion and related site improvements of an existing arts facility, the Center for Curatorial Studies, located within its 550-acre campus and more specifically situate between Blithewood and Garden Roads, all as depicted on a 3-sheet set of 'Curatorial Center Expansion' Site Plan drawings (C 1.1 / Existing Conditions and Demolition Plan, C 1.2 / Proposed Site Conditions, and C 1.3, Details) prepared by Lohan Caprile Goettsch Architects, Inc. and issued on July 23, 2004, and related data submitted to the Planning Board:

1. Accepts the Applications, inclusive of the revised Site Plan and related data prepared by Morris Associates and Buckhurst Fish & Jacquemart, as adequate for commencing Planning Board, consultant and public review.
2. Deems, pursuant to the NOI issued on March 8, 2004, the Planning Board the 'Lead Agency under SEQRA' for coordinated environmental quality review of the Proposed Action, a 'Type I Action' due to its location within the Hudson River National Historic Landmarks District.
3. Schedules a combined Public Hearing on the Applications for Wednesday, September 8, 2004, and directs the Clerk to provide timely notice thereof.
4. Refers the Applications to the Dutchess County Department of Planning and Development for advisory review and comment pursuant to Section 239 GML.
5. Delegates Member Mary Lou Muirhead to conduct a field visit to the project site on behalf of the Board.
6. Advises the Applicant that the Planning Board will not be in a position to issue a 'determination of significance' under SEQRA until required field archaeology has been completed and a report thereon submitted to, and found acceptable, by both the Planning Board and NYSOPRHP.

Mary Lou Muirhead seconded the motion, and all members present were in favor.

John Gall will bring revised elevations to the Planning staff so that the project can be referred to the Dutchess County Office of Planning and Development.

Richard Wyant – 8021 NYS Route 9 – Special Use Permit

Jill and Richard Wyant, Marie Welch, L.S. and attorney Drayton Grant were present in support of the Wyant's application for a special use permit authorizing the construction of a residential dwelling and accessory garage within one hundred (100) feet of a NYSDEC Freshwater Wetland on a 7.485-acre parcel in the RD3 District.

Ms. Grant told the Board that the Wyants had entered into a consent order regarding this project with NYSDEC. In addition, they had received approval from the Dutchess County Health Department for the proposed sewage disposal system and well.

The Acting Chair asked if a consent order was equivalent to a DEC Wetlands Permit. Ms. Grant replied that the Board of Health would not have stamped the drawing without permission from the DEC. The drawing contains a required mitigation plan with which the applicant must comply. The applicant was asked to submit a copy of the consent order to the Planning staff.

Christine Kane asked about driveway access and road frontage for the parcel. Mr. Wyant replied that he had a right-of-way through the adjoining parcel which did have road frontage and which he also owns. The Board generally agreed that Mr. Wyant should apply through the subdivision plat approval process for a lot line alteration to add the driveway section to the parcel under consideration. Upon being advised the applications for special use permit and lot line alteration could be processed concurrently, Mr. Wyant agreed to do so.

The Board set a public hearing date for both applications for Monday, August 16, 2004 at 7:45 p.m.

Christine Kane made a motion to adopt the following offered resolution:

The Town of Red Hook Planning Board hereby acts as follows on the July 1, 2004, Application by Richard Wyant for Special Use Permit pursuant to Section 143-30 of the Town's Zoning Law to authorize development, more specifically a single-family residential dwelling, an accessory garage, and related site improvements including but not limited to a water supply line, septic tank, walkway and portion of driveway, within one hundred feet (100') of the boundary of NYSDEC Freshwater Wetland CM-25 as flagged on September 18, 2003, and validated on June 23, 2004, by Michael Clancy of NYSDEC, such development occurring on a 7.485-acre parcel on the west side of NYS Route 9 in the RD3 District, and all as depicted on an engineer's drawing entitled 'Sewage Disposal Systems for Wyant', prepared by Timothy A. Ross, P.E., based upon survey data, wetland delineation and topographic data provided by Marie T. Welch, dated August 6, 2003, and revised June 21, 2004, and the related August 2, 2004 Application by Richard Wyant for Lot Line Alteration with TMP 15-6373-00-136770 to create fifty (50) feet of NYS Route 9 frontage for the 7.485 parcel, as separately depicted by Marie T. Welch, L.S.

1. Accepts the Applications, inclusive of the above-cited engineer's drawing, a Short EAF, Agricultural Data Statement, and Individual Lot Notification of Approval by the Dutchess County Health Department as adequate for Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a combined Public Hearing on the Applications for Monday, August 16, 2004, at 7:45 p.m. and directs the Clerk to provide timely notice thereof.
4. Refers the Special Permit Application to the Dutchess County Department of Planning and Development for advisory review and comment pursuant to Section 239 General Municipal Law.
5. Requests the Applicant submit to the Board documentation of NYSDEC review and determinations on this matter.

OTHER BUSINESS

The Acting Chair read a memo from ZEO Bob Fennell. Mr. Fennell requested Board review of the building department's practice of granting one building permit for a single family dwelling on a parcel that was at the same time being considered for subdivision approval by the Planning Board.

The Board by consensus determined to ask the Building Inspector and the ZEO if Board of Health approval must be in place before a building permit is issued.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Christine Kane made a motion to adjourn. John Hardeman seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10:20 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachment

Resolution granting conditional site plan approval and special use permit for Kunzang Palchen Ling

**Town of Red Hook Planning Board
Resolution Granting Conditional Site Plan Approval and Conditional
Approval for Special Permit in the Matter of the Kunzang Palchen Ling
House of Worship on NYS Route 9G in the RD3 and Scenic Overlay
Districts**

August 2, 2004

Motion made by Christine Kane
Seconded by John Hardeman

The Town of Red Hook Planning Board hereby acts as follows on the Applications by Kunzang Palchen Ling Special Use Permit and Site Plan Approval to authorize the construction and establishment of a Place of Worship with Resident and Guest Rooms pursuant to the Zoning Law Schedule of Use Regulations and related Section 143-78 on a 5.023-acre project site (Lot 5 of the Colaghni Subdivision) situate on NYS Route 9G in the RD3 and Scenic Overlay Districts, all as depicted on the following Site Plan drawings:

- Site Plan and Erosion Control Plan prepared by Berger Engineering and Land Surveying, dated May 5, 2004, and revised to July 22, 2004.
 - Site Details prepared by Berger Engineering and Land Surveying, and dated July 22, 2004.
 - Landscape Sketch Plans, two sheets, prepared by David Dew Bruner, RLA, undated and stamped received by the Planning Board on July 22, 2004.
 - Architectural Sketch Plans, seven sheets, including building elevations and floor plans, unattributed, variously dated December 2003, May 2004 and July 2004, and stamped received by the Planning Board on July 22, 2004.
1. Determines upon review of the EAF Part 1 and completion of EAF Parts 2 and 3, as necessary to reflect the maximum 60-person congregation cited by the Applicant and provided for through the engineering design and improvements plans, 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. Deems, in consideration of both its review of the Application for Special Use Permit and a June 14, 2004, opinion letter received from the Town's Zoning Enforcement Officer, the intended use to satisfy both the General Standards for Special Permit Uses established at Zoning Law Section 143-51 and the Specific Standards for a 'Place of Worship' in the RD3 District set forth at Zoning Law Section 143-78.

3. Issues subject to the conditions set forth below the requested Special Use Permit and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue a Building Permit for the proposed approximately 6,700 s.f. building and a subsequent Certificate of Occupancy for the intended Place of Worship with Resident and Guest Rooms:
 - Securing of Site Plan Approval from the Town Planning Board.
 - Satisfaction of any other pertinent codes, laws, rules or regulations within the purview of the Town's Zoning Enforcement Officer, including but not limited to the Uniform Building Code of the State of New York.
 - Requirement that the Certificate of Occupancy specifically limit occupancy of the structure to a congregation of not more than sixty (60) persons and further that the occupancy of the resident and guest rooms be limited to occupancy, whether permanent or temporary, by a total of not more than four (4) persons.
4. Deems the proposed layout to satisfy the extraordinary requirements set forth at Zoning Law Section 143-48 for development within the Scenic Overlay (SC-O) District and grants Site Plan Approval in accordance with the above-cited Site Plan drawings and subject to the conditions and requirements of the Special Use Permit as set forth immediately above and further authorizes the Chair to stamp and sign the Site Plan upon the Applicant's satisfaction of each of the below conditions within six (6) calendar months of the Planning Board's adoption of this resolution, including related requirement that documentation of the stamping by the Chair and filing in the Dutchess County Clerk's Office of the Colaghni Subdivision Plat, as conditionally approved by the Planning Board on December 1, 2003, and which approval was subsequently extended for a period of ninety (90) calendar days to July 28, 2004, be submitted:
 - Securing of required highway access permit from NYSDOT.
 - Securing of required design approval from the Dutchess County Health Department for intended on-site water supply and sanitary sewage arrangements.
 - Resolution to the satisfaction of the Town Engineer of any outstanding technical comments on the above-cited Site Plan drawings, including any related compliance items, these comments and items considered by the Planning Board to principally include the matters listed in paragraphs 5, 11, 13, 15 and 27 of D.F. Wheeler's July 27, 2004, letter to the Board.
 - Revision of the Site Plan drawing to either eliminate the proposed free-standing identity sign or provide for both a signage design plan consistent with Town requirements and a modified location consistent with minimum Town setback requirements.

- Revision of the Site Plan to depict installation of a gravel driveway and parking lot with bumpers.
- Revision of the Site Plan to incorporate comments made by the Chair through his field visit.
- Revision of the Architectural Sketch Plans to include additional information on all proposed exterior building materials, colors, textures and finishes such as presented through the renderings, which matter will be returned to the Board by the Chair for consideration of the Board's acceptance.
- Submission of revised Site Plan drawings for stamping in the number and form specified under the Town's Zoning Law, including specific attribution and dating of all drawings provided.
- Payment of any outstanding fees or reimbursement amounts due the Town of Red Hook.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Paul Telesca	yes
Member David Wright	absent
Chairman Paul Thomas	absent
Acting Chair Sam Phelan	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date

