

draft
**Town of Red Hook
Planning Board
Meeting Minutes
April 19, 2004**

CALL TO ORDER/DETERMINATION OF QUORUM

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

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

BUSINESS SESSION

The minutes of the April 5, 2004 meeting had been sent to the Board members and reviewed. Sam Phelan made a motion to accept the minutes. The motion was seconded by Mary Lou Muirhead, and all the members present were in favor.

The Board discussed its response to a Notice of Intent to Serve as Lead Agency under SEQRA which was sent by the Village of Red Hook Planning Board. The Village Planning Board is considering sketch plans for the development of a low income senior housing facility called Red Hook Commons located on South Broadway. The Board agreed by consensus that the Chair should respond with a letter agreeing that the Village Planning Board is the appropriate lead agency for the project and requesting to be kept informed of its progress.

The Chair said that the Town Board had read into its minutes a report regarding Ken Anderson's agreement to defer Planning Board action on his subdivision sketch plan for ninety (90) days while the County Planning Board works up some possible comprehensive development plans for the southeast quadrant of the Town. Mr. Anderson agreed to this deferral at the April 5, 2004 Town Planning Board meeting. The Chair also reported that he had sent a letter to Roger Akeley, Head of the Dutchess County Department of Planning and Development, underscoring the importance of incorporating the Town's Important Farmlands regulations into any comprehensive plan the County Planning Department may develop and asking Mr. Akeley to designate a contact person who would keep the Town and Mr. Anderson up to date with the County's progress.

Sam Phelan wanted to make sure the Board understood that it had to make a decision about Mr. Anderson's sketch plan application in July, with or without a workable County plan.

The Chair reported on his efforts to involve the Village of Red Hook in the discussion of this comprehensive plan. In March, he sent a letter to Mayor Cohen about Mr. Anderson's proposed subdivision and the Town's proposed bypass road, and last week he discussed Mr. Akeley's offer of County Planning Board assistance with Jay Trapp, Chair of the Village Planning Board. The Chair hopes he has made it clear that the

Town welcomes input from Village agencies during all stages of development of such a plan.

The Chair said that he had deferred a Keene & Beane presentation on Important Farmlands regulations until May. Keene & Beane is working on amendments to clarify the regulations and correct the overlays, and the Chair would like the presentation to focus on the new regulations not the current ones which may soon be outdated. He has invited the entire Agricultural Advisory Committee to attend this presentation.

Sam Phelan said that he has attended two of the Red Hook Town Working Group public meetings, and he urged Board members to attend the third and final meeting on Saturday, May 15, 2004.

PUBLIC HEARINGS

Gino Salvatico – 8299 NYS Route 9 at Scism Road –Special Use Permit

This public hearing was scheduled to take place at 7:35 p.m. Since the applicant was not present at the appointed time, the Planning Board proceeded to the next matter with the expectation of opening Mr. Salvatico's hearing later in the meeting.

Linden Farms and Thomas & Rita Dee – West Kerley Corners Road – Subdivision Plat Approval/ Lot Line Alteration Frank Migliorelli and Mark Graminski, L.S. and P.E., authorized agent, were present to represent an application for Subdivision Plat Approval/ Lot Line Alteration to correct a 0.75-acre deed overlap between Linden Farms and property owned by the Dees located in RD3 and Certified Agricultural Districts.

The Chair read the Public Hearing Notice that appeared on April 13, 2004 in the Kingston Daily Freeman.

Mark Graminski explained that the deed overlap was discovered during preparations by Scenic Hudson to acquire the development rights of the Linden Farms parcel. He said that the proposed new boundaries had been approved by both parties and that both parties were eager to finalize this lot line alteration so that the Linden Farms application to Scenic Hudson could proceed. Mr. Graminski produced copies of the consolidation deeds and said that copies would be filed with the County Clerk.

There were no comments from the public.

The Chair then closed the public hearing.

REGULAR SESSION (OLD BUSINESS)

Linden Farms and Thomas & Rita Dee – West Kerley Corners Road –Subdivision Plat Approval/ Lot Line Alteration

The Chair read the short EAF part 1 and, with input from the Board, completed Part 2. Since the proposal had received a favorable response from the Agricultural Advisory Committee, the Chair then summarized an offered resolution granting Conditional Approval to the Subdivision Plat/ Lot Line Alteration.

Mary Lou Muirhead made a motion to adopt the offered resolution. David Wright seconded the motion, and all members present were in favor. A copy of the resolution is attached to, and made part of, these minutes.

Common Fire Foundation – West Kerley Corners Road (CR 78) – Minor Subdivision Sketch Plan

Mark Graminski, L.S. and P.E., authorized agent, appeared before the Board, which at its April 5, 2004 meeting had conceptually endorsed the Common Fire Foundation's sketch plan for a Minor Three (3) Lot Subdivision from a 52-acre parcel on West Kerley Corners Road in the RD3 District.

Mr. Graminski had no new submissions for the Board and requested that the Board now formally endorse the previously submitted sketch plan with its delineated conservation easement and building envelopes.

David Wright made a motion to adopt the following offered resolution. Sam Phelan seconded the motion, and all members present voted in favor.

The Town of Red Hook Planning Board hereby acts as follows on the Application by Common Fire Foundation for Sketch Plan Endorsement for the creation of three (3) residential building lots served by a common driveway and ranging from 5.9 acres to 37.6 acres from a 52-acre parcel on West Kerley Corners Road in the RD3 District, as depicted on a Sketch Plan prepared by Mark Graminski, P.E. and L.S., and dated February 16, 2004:

1. In consideration of its own review and input provided by the Town's Agricultural Advisory Committee, endorses the Sketch Plan and authorizes submission of an Application for Subdivision Plat Approval subject to the following:
 - Depiction of a 'building envelope' on each of the lots.
 - Placing of a 'conservation easement' on approximately 30 acres of the 37.6-acre lot.
 - Except in the matter of lot line alteration, restriction of any further subdivision of either the 52-acre parcel or any of the three (3) proposed lots.
 - Initiation of Application to NYSDEC for Freshwater Wetlands Permit to allow a portion of the common driveway adjacent to Kerley Corners Road (CR 78) within NYSDEC regulated 100-foot buffer.
 - Initiation of Application to Dutchess County DPW to allow common driveway access on CR 78.
 - Acknowledgment of requirement for common driveway easement, ownership and maintenance agreement.

- Certification from licensed professional engineer of the suitability of the proposed lots to accommodate individual on-site water supply and sanitary sewage arrangements in accordance with regulations administered by the Dutchess County Health Department.
2. Classifies the proposed subdivision as a 'Minor 3-Lot Subdivision' under the Town's Land Subdivision Regulations and the Proposed Action as an 'Unlisted Action' under SEQRA.

Mr. Graminski agreed with the Board that he now must seek the appropriate permits from the stipulated State and County agencies.

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

Stephen Buscarino, Lisa Racano, Marie Welch, L.S. and Tim Ross, P.E., appeared before the Board to represent the applications for Site Plan Approval and Special Use Permit to authorize development and occupancy of an 80-child Day Care Center, pursuant to an Area Variance granted by the ZBA on February 12, 2004, on a 3.36-acre parcel in the RD3 District. Mr. Buscarino and Ms. Racano had distributed a business narrative, site plan and technical plans to each Board member at the April 5, 2004 meeting, and the Board had agreed by consensus to delay discussion of those handouts until the current meeting.

The Chair suggested that the Board hear first from Dan Wheeler, Town Engineer, who had reviewed the technical plans and was asked to give a report. His report brought up several inconsistencies and a lack of numerous specific details in the engineering plans. He added that there was no soils map included in the package. He also had a major concern about the lighting plan. He said the standard number of foot candles for exterior lighting is between two (2) and five (5). The foot candles in this plan ranged from zero (0) to nearly sixteen (16). Moreover, there in one schematic, the poles are shown to be twelve (12) feet high; in the other, they are shown to be twenty (20) feet high. In addition, Mr. Wheeler was concerned about the sewage disposal system shown to lie beneath the playground and also about the groundwater runoff plan as depicted in the engineering plan.

The Chair then asked Planning Consultant Art Brod to give his technical review. Mr. Brod concurred with Mr. Wheeler's comments and added that although the submissions for the project were moving in the right direction, more details were needed. He also agreed with Mr. Wheeler that the lighting depicted in the submitted plan was excessive. He questioned whether the signage was consistent with Town setback regulations and whether the scheduled removal of vegetation for the installation of a septic system for the residence to the north would remove trees that provide a visual buffer in the site plan. He cited numerous errors and unanswered questions in the submitted EAF Part 1. In addition there were inconsistencies between the renderings of the proposed building and the building as depicted on the site plan. There were also certain violations of the zoning laws regarding the distance of the dumpster from the building and the distance of the access driveway from the residential lot line. Mr. Brod added that the applicants must submit building elevations, not just renderings

Mr. Brod asked if the applicants had contacted the New York State Office of Parks and Recreation. He said that they need to have a letter from that Office stating that the project will pose no potential cultural or archeological impact.

The Board discussed the advisability of including in the project team a landscape architect or at the very least someone from a local nursery to recommend a landscape plan. Christine Kane commented that attractive landscaping will often make a project more acceptable to the community. Mr. Brod said that the landscaping shown in the renderings does not appear on the site plan.

The Chair asked if the topographic rise in elevation at the site would be leveled to any extent. Tim Ross answered that no, the rise would remain.

Mary Lou Muirhead asked what time the facility's lights would be turned off. Mr. Buscarino answered that after closing time at 6:30 p.m., only the security lights would be left on.

The Chair asked Mr. Wheeler about the impact of the business on automobile traffic along NYS Rte. 9G and at the intersection with West Kerley Corners Road. Mr. Wheeler said that there were sure to be periods of high traffic volume that coincided with peak child drop-off and pickup times. The Chair asked if the Planning Board should ask the New York State Department of Transportation to look at the project. Mr. Wheeler answered that traditionally the DOT would review the situation when the applicant applied for a highway work permit but that he would ask to make certain. Christine Kane wondered whether the potential traffic congestion created by parents turning left into and out of the facility would be something DOT should look at sooner rather than later. Mr. Wheeler will speak to DOT and report back to the Board.

Mr. Brod asked if a Day Care Center would be eligible for school-related "caution" signage. Mr. Wheeler will ask DOT.

The Chair asked whether the applicants should submit a letter stating that the building design will meet state requirements for a Day Care Center. Ms. Racano said she had consulted with state officials during the design process and had shown them the final plans, but she said it is not state policy to sign off on a building before it is finished. Mr. Ross said that he will write a letter stating that the building, when built, will meet state requirements.

The Chair asked whether the Area Variance granted by the ZBA was the correct vehicle to increase the maximum number of children served from 40 to 80. He asked whether a Use Variance could have been implemented. Mr. Brod said that the Town of Red Hook has often used the Area Variance in this type of situation. Ms. Racano said that the Zoning Enforcement office directed her to the Area Variance. Mr. Ross added that the zoning code does not say that a Child Care Center can serve 40 children per a certain number of square feet of land; the zoning code says that a Child Care Center can serve up to 40 children regardless of the acreage of the parcel. Therefore, Mr. Ross said, the applicants needed an Area Variance to increase the number of children served. Mr. Brod said that many municipalities would not have used an Area Variance. In this case, he said, the Area Variance authorized up to 80 children for the facility. If it is demonstrated that the building needed for that many children would be too big for the

parcel of land, the Planning Board can require the building to be scaled back. The Planning Board has jurisdiction over the building and its effect on its surroundings.

Mr. Ross requested that he be able to submit a soils map as a separate overlay. Mr. Wheeler agreed.

Mr. Ross referred to Mr. Brod's concern over the removal of vegetation during the installation of a replacement septic system for a residence to the north of the proposed facility. Mr. Ross said that replacement of the septic system is not a certainty, just a possibility. Mr. Brod said that in that case it should be labeled "reserved" on the sketch plan.

Christine Kane raised a concern about the play area located over the septic system. Mr. Ross said he would get a letter from the Board of Health stating that this combination is permitted.

Mr. Wheeler said that the water supply, which would come from the Village of Tivoli, would be adequate for the facility.

Christine Kane asked if the facility would impact any of the Village wells. Ms. Welch answered no.

The Board determined by consensus to set a public hearing for May 3, 2004. The hearing will open on that date but cannot close the same night since the thirty (30) day limit for agency responses to the Notice of Intent to Serve as Lead Agency for SEQRA Review will not have expired.

Eugene & Martha Vos and Lisa Herman – Lasher Road—Subdivision/ Lot Line Alteration Sketch Plan

Eugene and Martha Vos appeared before the Board with an application for a Minor Subdivision/ Lot Line Alteration between parcels at 151 and 175 Lasher Road in the RD3 District.

Mrs. Vos explained that the owners of both parcels are in favor of an exchange of property, as denoted on the sketch plan. She said that Town zoning setback requirements have changed over the years, and the Voses would like more land on the front part of their lot.

The Chair said that the Board could not set a public hearing date until the parties submit a survey prepared by a professional. Mrs. Vos said that the survey was almost complete and that she would submit it by the end of the week.

The Chair summarized the following offered resolution granting sketch plan endorsement. Sam Phelan made a motion to adopt the resolution. Mary Lou Muirhead seconded the motion, and all members present were in favor.

The Town of Red Hook hereby acts as follows on the an April 6, 2004, Request by Eugene Vos and Lisa Herman for Subdivision Plat Approval to authorize an intended aggregate 2.06-acre Lot Line Alteration involving their properties at 151 and 175 Lasher Road in the RD3 District, with the intended lot line alteration

depicted on an accompanying sketch map and property description by Robert Zimmerman, L.S.:

1. Endorses the Sketch Plan and authorizes submission of an Application for Subdivision Plat Approval including the required Survey Map.
2. Classifies the proposed subdivision 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. Advises the Applicant that the recording of consolidation, or merger, deeds in the Dutchess County Clerk's Office will be required upon filing of the Subdivision Plat and transfer of the annexation lands, with it further required that drafts of such deeds be submitted to the Planning Board prior to the Chair's stamping and signing of the Subdivision Plat.

Bard College/Robbins Dorm Addition—Robbins Road –update

Peter Reynolds and Robin Androtti of Ashokan Architecture were present to explain recent changes made in the plans for the Robbins Dormitory Addition with an associated parking lot on Robbins Road on the Bard Campus in the Institutional (I) District.

Mr. Reynolds said that although the College had extended its timetable by several months and was now aiming for completion in April, 2006, it was still determined to move the project forward in a timely fashion.

Using comparative site plans, Mr. Reynolds said that the new footprint for the addition was fifteen percent (15%) smaller than that shown on the previous submission. The number of beds had been reduced from 205 to 165, and some of the conference space had been removed. The profile shown in the new drawings is lower, and the parking lot size has been reduced by one half, to accommodate 82 cars.

Mr. Reynolds said that the archeology survey has yet not been completed.

Referring to a letter from the New York State Office of Parks, Recreation and Historic Preservation which expressed concern that the new addition would detract from the historic character of the older building, Mr. Reynolds said that the old building was of no architectural significance and that the planned facelift and balanced addition would enhance the building. He said that the architects had looked to nearby Ward Manor for architectural detail and that when the planned facelift and addition were finished, the two buildings would be linked together visually. Both buildings will reflect the mixture of Dutch, English and Flemish Revival architecture apparent in Ward Manor. Mr. Brod commented that since the Robbins addition does not rely on Federal or State funds, the project does not need a sign-off letter from the Office of Parks, Recreation and Historic Preservation.

Mr. Reynolds said that he plans to return to Bard in about a month with new submissions, and he would like the Planning Board to move ahead and set a Public Hearing at that time.

Gino Salvatico – 8299 NYS Route 9 at Scism Road – Special Use Permit

Having waited throughout the evening for the Applicant's appearance, the Chair opened the Public Hearing on the Salvatico Application for Special Use Permit and determined that neither the Applicant nor any parties interested in this matter were present. The Planning Board members concurred with his suggestion that the Public Hearing be continued to Monday, May 3, 2004 at 7:40 p.m. and that Mr. Salvatico be notified that his presence, either in person or by agent, is required.

Adjournment

Upon being advised by the Chair that there was no further business to come before the Board, Mary Lou Muirhead made a motion to adjourn. David Wright seconded the motion, and all members were in favor. The Chair adjourned the meeting at 9:30 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Annexed Attachments

Resolution granting Conditional Plat Approval in the matter of the Linden Farms/
Thomas & Rita Dee Lot Line Alteration

Town of Red Hook Planning Board

Resolution Granting Conditional Final Plat Approval in the matter of the Application by Linden Farms and Thomas and Rita Dee for a Minor Subdivision/ Lot Line Alteration on parcels located on Linden Avenue, Pitcher Lane and West Kerley Corners Road in RD3 and Certified Agricultural Districts

April 19, 2004

Motion made by Mary Lou Muirhead

Seconded by David Wright

The Town of Red Hook Planning Board hereby acts as follows on the March 22, 2004, Application by Mark Graminski, P.E. and L.S., as agent for Linden Farms and Thomas & Rita Dee, for Subdivision Plat Approval for a combined 0.75-acre Lot Line Alteration to correct a deed overlap involving their combined parcels totaling 265.325 acres in the RD3 and Certified Agricultural Districts, all as depicted on a Survey Map entitled 'Proposed Lot Line Alteration for Linden Farms, Lands of Frank A. Migliorelli and Salvatore J. Leone and Lands of Thomas A. Dee and Rita S. Dee' prepared by Mr. Graminski and dated March 22, 2004:

1. Determines upon review of the Part 1 EAF, completion of EAF Part 2 and consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR 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. Approves the Application for Subdivision Plat Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of the below conditions and requirements within the next one hundred eighty (180) calendar days:
 - Submission of acceptable drafts of consolidation deeds that will upon recording in the Dutchess County Clerk's Office merge each of the annexation parcels with the lands of the appropriate acquiring party, which recording is required immediately upon filing of the Subdivision Plat and the transfer of the lands to obviate what otherwise would be creation of two non-complying parcels, each substandard in lot area and landlocked.
 - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - Submission of Subdivision Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

In taking this action the Planning Board notes there are no new lots or parcels created and, thus, neither the reservation of park and/or open space land nor alternate payment of a recreation fee required.

Roll Call

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

Motion **Approved**

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

_____ Paula Schoonmaker, Asst. Clerk	_____ Date
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