

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
November 16, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present — Deputy Chair Charlie Laing and members Sam Harkins, Sam Phelan and Wil LaBossier. Christine Kane, Pat Kelly and alternate Kris Munn were absent. Planner Michele Greig arrived for the final three discussions.

BUSINESS SESSION

Charlie Laing announced one change to the agenda, saying that the applicants for the first scheduled public hearing had requested that the hearing be continued to the next meeting. There were no announcements and no minutes to review.

PUBLIC HEARINGS

Michael Anderson – 60 Station Hill Road – Certificate of Appropriateness

At the request of the applicants, the public hearing was continued to December 7, 2009.

Elizabeth Jones/Susan Simon – 38 Spring Lake Rd. – Special Permit and Certificate of Appropriateness

Elizabeth Jones was present for the public hearing on applications for a Special Permit and for a Certificate of Appropriateness to modify an existing barn and to establish a Class 2 home occupation in that barn on a 0.852-acre parcel in the H (Hamlet) Zoning District.

Charlie Laing read the public hearing notice that appeared November 10, 2009 in the Kingston Daily Freeman. Elizabeth Jones explained the project to the public. Charlie Laing then opened the hearing for public comments. There were none.

Ms. Jones said that the Zoning Board of Appeals had granted all three of the requested variances for the project at its meeting on November 9, 2009. She said that there would be no change to the footprint of the building.

The Board reviewed comments from the Hamlet/Design Review Committee. The Committee commended the applicants' commitment to keeping as many of the original elements as possible and replacing lights and windows with more efficient features that were in keeping with the barn's historic character. The Committee asked whether the applicants would create a photographic record of the barn before and during renovation. Ms. Jones agreed.

The Committee also asked the Board to look into the sight distance at the entrance to the parking lot from Spring Lake Road. Ms. Jones said that the current access had existed for many years and that since there was adequate space to turn around in the parking lot, there was no need for drivers to back up into Spring Lake Road to exit the property. The Board

agreed that since there were no hours of operation, no signage, and no frequent clients, the entrance to the parking lot posed no increased problems.

The Board then reviewed a referral response from the Dutchess County Office of Planning and Development. That agency found the project to be a matter of local concern with no comments.

Ms. Jones then submitted cut sheets of the proposed exterior lights, one of which would be mounted over each door. The Board agreed that these lights would comply with the Town's outdoor lighting standards and that the style was in keeping with the historic period of the barn.

The Board and Ms. Jones discussed both the proposed septic disposal system and the water supply for the building. Ms. Jones agreed to submit an engineer's letter certifying that both systems would be adequate for the new offices.

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

The Board then completed the EAF part 2, after which Sam Phelan made a motion to issue a negative SEQR declaration for the project. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution granting a Special Permit for the project. The members added a condition requiring the engineer's letter certifying the adequacy of the septic disposal system and the water supply. Wil LaBossier made a motion to adopt the revised resolution. Sam Phelan seconded the motion, and all members present voted in favor.

Sam Harkins made a motion to grant the Certificate of Appropriateness. Wil LaBossier seconded the motion, and all members present voted in favor.

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

Bob Juliano of Bottini Fuel was present for the continued public hearing on 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 recounted the recent history of the project and said that continued progress had been halted by the requirement for a survey of the complete parcel. He noted that there were several businesses on the parcel, not just the Bottini storage tanks. He requested a waiver of that requirement, offering instead to survey the features of the Bottini project site area, locating the boundaries and other features of the parcel as accurately as possible on the plan without surveying them. The Board generally agreed to that proposal.

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

REGULAR SESSION – OLD BUSINESS

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 ±2.06-acre residential lot and a ±32.19-acre remaining

lands lot from a ±34.25-acre parcel in the R1 Zoning District and the Certified Agricultural District.

Michael Anderson explained that after analyzing the results of deep hole and soil tests, the engineer had added a small amount of land to the proposed parcel in order to adequately contain the septic system and the expansion area. He cited the submitted soil tests and a cover letter from Morris Associates stating that the soil types had dictated the size and configuration of the proposed lot. Mr. Anderson said that a complete application with adjusted and consistent acreage figures had now been submitted.

The Board determined the project to be an Unlisted Action under SEQR. Sam Harkins made a motion to establish the Board as lead agency for the SEQR review. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board referred the project to the Agricultural and Open Space Committee for review and comments.

Michael Anderson said that he would consult with the Highway Superintendent regarding the proposed driveway cut.

A public hearing was scheduled for December 7, 2009.

(At this point, representatives from the Dunkin Donuts project requested that discussion of that matter be delayed until a later time in the meeting)

REGULAR SESSION – NEW BUSINESS

Gwendolyn Bellman & Thomas Hesse – 211 Barrytown Road – Certificate of Appropriateness

Gwendolyn Bellman was present with an application for a Certificate of Appropriateness to remove a building addition from an existing residence and to construct a new addition, on a ±3.5-acre lot in the H (Hamlet) Zoning District.

Ms. Bellman explained that the applicants wish to remove a wooden addition at the rear of an older brick house. They then wish to replace it with an addition at the rear of the house and another addition, connected by a glass breezeway, on the east side of the main structure.

The Board generally agreed that the submitted drawings needed more detail. Geoff Carter, chair of the Hamlet/Design Review Committee, said that he had forwarded numerous questions to the applicant which, when answered, would supply most of the information the Committee would need.

Wil LaBossier made a motion to determine the project to be a Type 2 action under SEQR, thus requiring no further environmental review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board referred the project to the Hamlet/Design Review Committee for review and comments and scheduled a public hearing for December 7, 2009.

(At this point, planner Michele Greig arrived at the meeting)

Ralph & Grace Cort – 186 West Market St. – Minor Subdivision

Ralph and Grace Cort were present with 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.

Mr. Cort explained that the parcel had originally been two (2) lots, one of them landlocked and located at the rear of the lot fronting on W. Market St. The front lot on W. Market Street contained a house built in the 1800's. He said that the lots had been merged over 20 years ago. Subsequent to the merger, he said, he had built an apartment over a garage on what had been the rear parcel. He went on to say that now he wished to subdivide the parcel so that each residence would have its own acreage. He said that he knew that the rear lot must be a flag lot with frontage on West Market St. and must share a driveway with the front lot.

The Board and the applicants agreed that the newest survey, prepared by Marie Welch, L.S. and dated October 23, 2009, showed the driveway encroaching on the neighboring parcel.

Mr. Cort explained that he had requested and been granted six (6) variances by the Zoning Board of Appeals at its meeting on July 8, 2009. He said that he understood that each lot would be substandard size for the Zoning District but that two of the variances had granted relief from that requirement.

The Board generally agreed that Mr. Cort, as with all applicants with similar applications, should have come to the Planning Board first so that he would have been certain to request the correct variances.

Michele Greig explained the flag lot regulations require the 50' wide frontage measurement to extend the entire length of the "pole" on a flag lot, not narrow to 19 ft. as shown on the Corts' plan. In addition, she said that the DEC wetland near the stream must be flagged, and that the 100 ft. buffer to that wetland would encompass nearly all of the proposed rear lot. She said that zoning regulations state that "no more than 25% of the required minimum lot size" may be fulfilled with land within a designated wetland.

The Board discussed the fact that as the lot currently existed, the garage/apartment was an accessory building and that as such, it was limited in size; however, if two lots were created and the garage/apartment became a principal residence, both residences could be enlarged. In addition, each principal residence could become eligible for an accessory building.

The Board also discussed the flag lot regulations in section 143-21C of the Zoning Code, noting that flag lots could be created only in special circumstances. Some members of the Board offered the view that creating a substandard-sized flag lot could be in conflict with those zoning regulations.

The Board outlined a number of problems facing the applicants' plan such as: the land included in the flag could not count as acreage of the rear lot, the principal residence on the rear lot must be located 50 ft. back from the line where the lot first achieved minimum width, the residences could not be located within the 100 ft. buffer of the wetland and/or the stream, etc. These and other issues would necessitate additional requests for variances.

The Board agreed that more members should be present to discuss this application and scheduled the project to return for the December 7 meeting. Additionally, the members agreed to visit the site either individually or in small groups, promising to telephone the Corts first to make sure their dogs were in the house.

REGULAR SESSION – OLD BUSINESS (resumed)

Dunkin' Donuts – NYS Route 9 – Amended Site Plan

Jeff Schiller, P.E. with Morris Associates, 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.

Mr. Schiller recapped the changes made to the plan since the October 19 meeting. He said that pedestrian safety concerns had been addressed with the addition of stop signs, yield signs, and striping for the crosswalks and pedestrian lanes. In addition, he said, the crosswalk would be raised and would act as a speed hump to slow traffic. He said that a parking space in front of the store had been eliminated, a bull nose corner had been added and the handicapped spaces for the Apple-A-Day Diner had been placed opposite the exit for the Dunkin Donuts drive thru lane. He also said that the applicants had added a sidewalk extending from Route 9 to the Dunkin Donuts entrance. The Board commended the applicants on these improvements to the plan.

The applicants noted that additional landscaping had been added to buffer the drive thru lane from the mobile homes on the neighboring parcel. Mr. Sousa said that the volume of the menu/order board would be reduced at night. He added that the store's hours of operation were 5 a.m. to 11 p.m. He said that currently there was no menu/order board.

The applicants said that currently approximately 5 cars could be stacked in the drive thru lane; with the new plan, they said, approximately 10 cars could be stacked. They said that the menu/order board would make the drive thru land faster and more efficient, probably resulting in more people remaining in their cars to order rather than parking and entering the store.

The applicants then turned to a discussion of signage, submitting a letter stating that the parcel owners had the authority to change all the signs, including those of Apple-A-Day Diner, without the permission of the owners of other present or proposed businesses on the parcel.

The Board reviewed the signage regulations for parcels containing more than one business. They discussed the use of a complex sign, free-standing individual signs, and wall-mounted signs. The applicants said that they wished to move the free-standing complex sign to the south side of the driveway. The Board said that directional or traffic signs would not be included in the maximum allowed 60 sq. ft. aggregate signage, but that the Dunkin Donuts Drive Thru sign would. Some members of the Board said that they would prefer to see several smaller individual signs on the property and a small complex sign, while other members said that they would rather see one larger complex sign and no individual signs. Either way, the Board agreed that the applicants' proposed 39 sq. ft. complex sign would need a variance.

Ms. Greig noted the applicants' submission of traffic data. She asked for additional information about the current stacking and proposed stacking in the drive thru lane. She said that the traffic data indicated that even at peak hours, the current stacking capacity was sufficient. Mr. Sardinia said that perhaps that was true on the one weekend that the data was gathered but that frequently more cars were forced to wait in line. He said that the menu board would make a big difference, encouraging more people to remain in their cars and increasing the need for more stacking space. The board asked for a schematic showing the current stacking capacity.

The applicants confirmed that their proposed lighting would comply with the Town's Outdoor Lighting regulations.

The Board referred the plan to the Town Engineer, asking him to pay special attention to the lighting and plans to improve drainage at the curb cut.

The Board also referred the plan to the Dutchess County Office of Planning and Development under GML 239m, to be sent as soon as the additional circulation data was submitted.

Addressing the proposed architecture, the applicants noted that they had changed the gables and added a fieldstone veneer under the large windows on the east, south and west sides of the building. They had also relocated the service door to the rear of the building. They said that the roofing materials would be asphalt shingles and the siding would be hardy plank. They said that they would soon be submitting more accurately colored building elevations, which should be included in the packing to Dutchess County Planning.

OTHER BUSINESS

Anderson Commons

Peter Setaro, P.E. from Morris Associates, architect Steve Tinkelman and Paul Manza were present to discuss the conditionally approved Anderson Commons development on Baxter Road and Fisk Street.

Mr. Setaro said that housing market and economic conditions had changed substantially since the project was conditionally approved in December 2008. He said that TKB Associates had been working with Paul Manza for several months and were now ready to discuss with the Board his inclusion into the project.

Mr. Manza said that he was interested in "greening" the project—adding geothermal heating and cooling, recycling stormwater and grey water, implementing a trail system through the conserved open space area, etc. He said that the housing market was now asking for these features. He said that implementing these features could result in modifications to the plan; for instance, recycling grey water could free up some land otherwise earmarked for the community septic system, while the geothermal systems might need land currently planned for yard or community greenspace.

He also discussed attaching some garages to the houses if requested by senior-aged residents.

Mr. Manza then talked about the economic advantages of breaking up phase 2 into sub-phases, to keep borrowing down or to keep out-of-pocket expenses lower. The Board and applicants agreed that this option had not been clearly expressed in the resolutions of December 2008.

Mr. Tinkelman said that the applicant team needed time to investigate these environmentally progressive ideas and the resulting modifications to the overall development plan. He said that the team would request six (6) month extensions to the expiration dates for the resolutions granting conditional subdivision plat approval and site plan approval, with the goal of coming back to the Board in three (3) months with a revised plan and more information. Ms. Greig noted that the resolution granting the special permit was good for one year and could be extended by the Board for an additional year upon request.

Mr. Setaro said that filing the plat for phase 1, the executive home lots, would satisfy the time constraints for the Planning Board and give the team additional time to work out the plans for phase 2. The Board members noted that there was a fine line between improving the overall plan and changing substantive elements of it.

Ms. Greig said that she would contact Keene & Beane to investigate what options were available to the Planning Board to grant these extensions. She asked the applicants for a letter outlining their progress so far toward meeting the conditions of the various approvals. Mr. Setaro said that he would send such a letter.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Jones/Simon project
Resolution granting Special Permit to Elizabeth Jones and Susan Simon
Certificate of Appropriateness granted to the Elizabeth Jones and Susan Simon

617.7
State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: November 16, 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: Elizabeth Jones & Susan Simon Special Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to modify an existing barn and to establish a Class 2 Home Occupation in that barn.

Location: 38 Spring Lake Road, Town of Red Hook, Dutchess County NY

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 September 24, 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. There will be no additional or change in parking, no signage, and no scheduled hours of operation. Therefore there will be no adverse impacts on wildlife, noise, traffic, water quality, air quality, or other natural resources.

4. The existing historic barn will be restored and modified in keeping with the historic character of the building and the community. Minimal exterior lighting will be added with fixtures in compliance with the Town's Outside Lighting regulations. Therefore, there will be no adverse impacts on aesthetic, cultural or historic resources.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board 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 Zoning Board of Appeals

Elizabeth Jones & Susan Simon (applicants)

Resolution Granting Special Use Permit Approval to Elizabeth Jones & Susan Simon

Name of Project: Elizabeth Jones & Susan Simon Special Use Permit

Name of Applicant: Elizabeth Jones & Susan Simon

Date: November 16, 2009

Whereas, the applicant has submitted an application for Special Use Permit Approval dated September 24, 2009 to the Town of Red Hook Planning Board to modify an existing barn and establish a Class 2 Home Occupation in that building on a $\pm$ 0.852-acre parcel of land located at 38 Spring Lake Road (TMP# 15-6373-01-319857), in the Hamlet (H) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated September 24, 2009, a Short Environmental Assessment Form (EAF), dated September 24, 2009, a site layout, building elevations and floor plan by Peter Sweeny, AIA, dated August 27, 2009 for the proposed barn modification; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-69; and

Whereas, the Planning Board referred the project to the Town of Red Hook Hamlet and Design Review Committee, which determined the project to be acceptable in the Hamlet Zoning District; and

Whereas, the Planning Board referred the project to the Dutchess County Office of Planning and Development, which determined the project to be a matter of local concern; and

Whereas, the parcel is located within 500 ft. of a Certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated November 9, 2009, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, on November 16, 2009, the Planning Board conducted a public hearing on the Special Permit application at which time all interested persons were given the opportunity to speak; and

Whereas, on November 16, 2009, in consideration of the Short EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant

adverse impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board deems the intended use as described within the Application for Special Use Permit, the associated Narrative, and the site plan to satisfy both the “General Standards’ for all special permit uses set forth at Zoning Law §143-51 and ‘Home Occupations Class 2’ as set forth at §143-69.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions and upon compliance therewith authorizes the Building Inspector to issue a Building Permit upon the Applicant’s compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

- A. Letter from certified engineer stating that septic disposal system and water supply are adequate for new office use.

On a motion by Wil LaBossier , seconded by Sam Phelan , and a vote of 4 in favor,
0 against, and 2 absent.

Resolution adopted on November 16, 2009

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

Paula Schoonmaker Ass’t Clerk to the Board

Date

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

Date: November 16, 2009

For: Elizabeth Jones & Susan Simon Tax Parcel # 6173-01-319857-0000

The applicants own 0.852 acres at 38 Spring Lake Road in the Hamlet of Upper Read Hook. They wish to modify an existing barn and to establish a Class 2 Home Occupation in that barn.

This application, survey, and architectural drawings were sent to the Hamlet/Design Review Committee on November 3, 2009.

The Hamlet/Design Review Committee reviewed the proposed changes, and submitted its comments to the Planning Board on November 16, 2009.

A public hearing was held November 16, 2009.

The Planning Board has reviewed and discussed the proposed plans and the Hamlet/Design Review Committee's observations.

The Board then determined that the proposed barn modifications and home occupation are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no negative visual impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Elizabeth Jones and Susan Simon for the project as described above.

Certified by: _____ Date: _____
Clerk