

draft
**Town of Red Hook Planning Board
Meeting Minutes
September 8, 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— John Hardeman, Mary Lou Muirhead, Sam Phelan, Paul Telesca, and Chair Paul Thomas. Christine Kane and David Wright were absent. Also present was Town Engineer Dan Wheeler and Town Board liaison Jim Ross.

BUSINESS SESSION

The Board confirmed its next regular meeting for Monday, September 20, 2004. The meeting will take place in the conference room unless there is not enough space, in which case it will be moved to the large Town Board meeting room. The meeting will primarily be a work session.

The minutes of the August 16, 2004 meeting had been sent to the Board members and reviewed. Mary Lou Muirhead made a motion to accept those minutes. The motion was seconded by Sam Phelan, and all members who had been present at that meeting were in favor. John Hardeman abstained.

The Chair asked the Board members to review two memos sent to the Town Board by the Agricultural Advisory Committee and copied to the Planning Board. The memos contain recommendations of the Committee concerning funding for conservation easements and appointment of a Town Planner. The Committee requested that the Planning Board review the memos and provide comments. The Chair asked the Planning Board members to consider the memos during the interim period before the next meeting, at which time he would like the Board to offer its comments.

PUBLIC HEARINGS

Katherine Livecchi – 94 Manor Road – Special Use Permits

Katherine Livecchi appeared before the Board in support of her application for two (2) Special Permits to allow construction of a 4-bedroom single family residence on a 0.62-acre lot at 94 Manor Road in the R1.5 District. One special Permit would allow fill for the sewage disposal system to be placed within the FEMA designated floodplain; the other would allow a portion of the house to be located within 100 feet of the Sawkill Creek, a NYSDEC classified stream.

The Chair read the public hearing notice that appeared August 31, 2004 in the Kingston Daily Freeman. He then opened the hearing for public comment.

Ms. Livecchi explained her site plan to the Board and the public.

Dick Franklin, 95 Manor Road, said he saw no problem with the construction of Ms. Livecchi's proposed house, but he described an existing storm water drainage problem on Manor Road that he believed would in turn cause problems for Ms. Livecchi. He asked that the Planning Board recommend that the problem be addressed by the Town. He planned to meet with Town Highway Superintendent Wayne Hildenbrand within the coming week to discuss the issue.

Ron McKeefrey, 6 West Bard, was concerned about possible contamination of the Sawkill Creek and about trees being removed from the banks of the Creek. Ms. Livecchi said that no trees near the Creek would be removed and that the sewage disposal system would be located at the front of the building, away from the Creek.

Town Engineer Dan Wheeler explained the issues he had raised in his report on the project and said that two of those issues had been resolved in a meeting with the project's engineer Tim Ross. The two remaining concerns could be incorporated as conditions of a resolution approving the special permits. Specifically, the Floodplain Development Permit Application must be completed to the satisfaction of ZEO Bob Fennell, and Marie Welch, L.S., surveyor for the project, must recertify the elevations after at least one story of the house is built. Mr. Wheeler would then sign off on the conditions.

The Chair then closed the public hearing.

The Board agreed by consensus that the drainage problem on Manor Road posed a potential threat to Ms. Livecchi's floodplain mitigation plan and to the Sawkill Creek. Mr. Hildenbrand should be consulted about a solution.

Mary Lou Muirhead made a motion to issue a negative SEQRA declaration for the project. John Hardeman seconded the motion, and all members present were in favor. The Chair read the EAF part 1 and, with input from the Board, completed part 2. The Board determined by consensus to request the Planning Consultant to write a resolution granting approval to both special permits, incorporating the appropriate technical language and required conditions. The resolution would be reviewed at the September 20, 2004 meeting and voted upon.

Kenneth and Evelyn Anderson – Baxter Road, Glen Ridge Road, Glen View Road and Fisk Street – Subdivision Plat and Lot Line Alteration

Ken Anderson appeared before the Board in support of his proposal to divide an 82.48 acre parcel into three portions: a 1.04 annexation parcel, a 34.23-acre "homestead" parcel, and a 47.21-acre "remaining lands" parcel, all principally within the Residential 1 (R1) and Certified Agricultural Districts.

Mr. Anderson explained the division of the parcel into three (3) sections and submitted a draft consolidation deed transferring the 1.04-acre parcel to Mr. and Mrs. John Alessi.

The Chair opened the hearing for public comment. Since there were no comments, the Chair then closed the hearing.

The Board agreed by consensus that the applicant must pay a \$900 recreation park fee for the one "remaining lands" parcel.

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

Mary Lou Muirhead made a motion to adopt an offered resolution granting conditional Subdivision Plat Approval for the project. John Hardeman seconded the motion, and all members were in favor. A copy of that resolution is attached to, and made part of, these minutes.

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

Pete Setaro, P.E. and Darin Dekoski, P.E., both with Morris Associates, and John Gall from Bard College appeared before the Board in support of Special Permit and Site Plan Approval applications that would authorize construction of expansions totaling 19,000 sq. ft. to the existing Center for Curatorial Studies. The site is located on the Bard College campus in the Institutional (I) and National Historic Landmarks Districts.

Pete Setaro explained the proposed additions to the Center and the engineering strategies necessary to cope with resulting drainage changes.

The Chair read the public hearing notice that appeared in the August 31, 2004 Kingston Daily Freeman. He then opened the hearing for public comments. There were none.

Town Engineer Dan Wheeler reported on his review of the project which raised no major engineering issues or concerns.

He also advised that the Board require a letter from the Fire Chief stating that the nearby hydrant would be adequate. Finally he suggested that the Board assure itself that no scenic view would be compromised.

The Chair said that the Board had not received a sign-off letter from the NYS Department of Parks, Recreation and Historic Preservation regarding the archaeological survey of the site. He said that Planning Consultant Art Brod had advised against issuing a negative SEQRA declaration without such a document.

Mr. Setaro said that on past Bard projects, a letter of non-significance from the archaeologist had been sufficient. He said that while archaeologist Chris Lindner had submitted such a letter to the Planning Board, he had not yet written a report for NYSOPRHP.

The Board generally agreed that it had required a sign-off document from NYSOPRHP for several projects in the past several months, that it wanted to set a precedent, and that it would require the NYSOPRHP document in this case. The Chair set a tentative agenda date of October 4, 2004 for the project and continued the hearing until that date.

REGULAR SESSION (OLD BUSINESS)

James and Karen Krakowsky – Feller-Newmark Road – Subdivision Plat

John Marvin, attorney, and Mike Bodendorf, P.E., appeared before the Board seeking final plat approval for the “James and Karen Krakowsky Major 6-lot Subdivision” which would create five (5) new lots and an existing residential lot from a 50.38-acre parcel on Feller-Newmark Road in the RD3 and Certified Agricultural Districts.

Before discussion began, Mary Lou Muirhead recused herself.

The Chair reported that Town Engineer Dan Wheeler had no further concerns about the project.

Mr. Marvin said that he was acting as agent for Mr. and Mrs. Krakowsky. He said that he had revised the Declaration of Easements and Driveway Maintenance Agreement to clarify when a lot owner would be required to contribute to the maintenance of the driveway. He would add points A,B,C, etc. to the final map to indicate which parts of the driveway were commonly held and which were individually owned. He also said that the Krakowskys had set no deed restrictions on the lots.

Mike Bodendorf said that he would revise the drawing to make clear the lot line that divided the common driveway into two sections at the entrance to Feller-Newmark Road. He would also change the shading on the map to make the details more visible.

Asked about the water, Mr. Bodendorf said that all homes on the parcel must have UV lights installed.

The Clerk said that Mr. Marvin must submit a copy of the letter giving him power of attorney before he can sign the mylar and plats for the Krakowskys.

Sam Phelan made a motion to adopt an offered resolution granting conditional final plat approval to the subdivision, reaffirming the previously issued negative SEQRA determination and waiving further public hearing. John Hardeman seconded the motion, and all members were in favor except Mary Lou Muirhead, who had recused herself. A copy of this resolution is attached to, and made part of, these minutes.

REGULAR SESSION (NEW BUSINESS)

Matthew Wallace – Thayer Lane – Special Use Permit

Matthew Wallace appeared before the Board with his proposal to construct a one-bedroom apartment for a relative within a three-bedroom residence to be built on what is currently a vacant lot on Thayer Lane in the R1.5 District.

Mr. Wallace explained that he had received a variance from the ZBA to reduce the setback requirements for a flag lot. He also said he had received Board of Health approval for proposed water and sewage disposal systems for a 4-bedroom house. His main house would have three bedrooms; the apartment would contain the fourth bedroom.

The apartment would be within the main residence, and Mr. Wallace said the special permit was needed because there would be two kitchens in the house. There would be a separate entrance to the apartment through a patio door.

Mary Lou Muirhead made a motion to adopt the following resolution accepting the application and setting a public hearing for October 4, 2004.

The Town of Red Hook Planning Board hereby acts as follows on the August 26, 2004, Application by Matthew Wallace for Special Use Permit to authorize

pursuant to Zoning Law Section 143-65 and an Area Variance with respect to minimum lot width the incorporation of an accessory apartment within a new single-family dwelling on a 1.48-acre lot (TMP 6273-00-176545) on Thayer Lane in the R1.5 District, all as depicted on accompanying Site Layout Plan and Schematic Architectural Building Plans:

1. Accepts the Application as adequate for commencing Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, October 4, 2004, at 7:40 p.m. and directs the Clerk to provide timely notice thereof.

Paul Telesca seconded the motion, and all members present voted in favor.

Nathan Kalina – NYS Route 9G – Subdivision Plat/ Lot Line Alteration

Nathan Kalina appeared before the Board with his proposal to transfer a 0.76-portion of his Lot 2 (Filed Map 7979) located on the east side of NYS Route 9G approximately 2300 feet south of Rokeby Road and within the RD3 District, to the adjacent "Land of Kalina" lying to the south and east.

Mr. Kalina described his lot line alteration to the Board.

Since there appeared to be no planning or zoning concerns, Mary Lou Muirhead made a motion to adopt the following resolution granting sketch endorsement.

The Town of Red Hook Planning Board hereby acts as follows on the August 31, 2004, Application by Nathan Kalina for Subdivision Plat Approval (Request for Lot Line Change) involving an intended transfer of a 0.76-acre portion of a 7.05-acre NYS Route 9G frontage parcel in the RD3 District (Lot 2, Filed Map 7979 / TMP 15-6172-00-566165) to and for merger with the adjacent 'Land of Kalina' lying to the south and east, all as depicted on a Survey Map entitled 'Lot Line Alteration / Land of Kalina' prepared by Robert Zimmerman, L.S., and dated August 28, 2004:

1. Accepts the Application as adequate for Planning Board, consultant and public review.
2. Classifies the Application as a 'Resubdivision of Filed Map 7979 -- Minor Subdivision / Lot Line Alteration' under the Town's Land Subdivision Regulations and the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, October 4, 2004, at 7:45 p.m. and directs the Clerk to provide timely notice thereof.
4. Advises the Applicant of requirement for submission of the draft of a consolidation deed intended for recording in the Dutchess County Clerk's

Office whereby the subdivided 0.76-acre portion of Lot 2, Filed Map 7979, would be merged with the adjacent 'Land of Kalina'.

Paul Telesca seconded the motion, and all members present were in favor.

OTHER BUSINESS

Stephen Buscarino – NYS Route 9G – Subdivision Plat

The Chair read a letter from Marie T. Welch, L.S., agent for Stephen Buscarino, requesting a ninety (90) day extension to satisfy the conditions required for the stamping and signing of the Final Subdivision Plat for the Stephen Buscarino Subdivision, as set forth by the Board on December 1, 2003.

John Hardeman made a motion to grant this final extension to November 25, 2004 with the following resolution:

The Town of Red Hook Planning Board hereby grants, in consideration of the August 25, 2004, letter request from Marie T. Welch, L.S., Agent for Stephen Buscarino, a 90 calendar day extension from August 27, 2004, to November 25, 2004, for the Applicant's satisfaction of the conditions prerequisite to stamping and signing of the Final Subdivision Plat as set forth in the Planning Board's resolution of December 1, 2003, granting Conditional Final Approval. In taking this action, the Planning Board advises the Applicant and his Agent, that no further extension may be granted.

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

Gabriel Accascino – 325 Metzger Road – Subdivision Plat

The Chair read a letter from Gabriel Accascina requesting a ninety (90) day extension to satisfy the conditions required for the stamping and signing of the Final Subdivision Plat for the "Gabriel Accascino Subdivision", as set forth by the Board on March 1, 2004.

John Hardeman made a motion to grant the extension to November 26, 2004 with the following resolution:

The Town of Red Hook Planning Board hereby grants, in consideration of receipt of the August 26, 2004, memorandum request from Gabriel Accascina, Applicant, a 90 calendar day extension from August 28, 2004, to November 26, 2004, for the Applicant's satisfaction of the conditions prerequisite to stamping and signing of the Final Subdivision Plat as set forth in the Planning Board's resolution of March 1, 2004, granting Conditional Final Plat Approval.

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

Red Hook Boat Club – Dock Road (Barrytown) – SEQRA Lead Agency Designation

The Chair requested the Board members to review the Notice of Intent to Serve as Lead Agency issued by the ZBA on August 26, 2004 in the matter of the proposed construction of a pavilion at the Red Hook Boat Club. He asked the members to be prepared for a discussion of the matter at the meeting on September 20, 2004. He said

that the question before the Board was whether to defer Lead Agency designation to the ZBA.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Sam Phelan made a motion to adjourn. John Hardeman seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 9:35 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments

Resolution granting Conditional Final Plat Approval to Kenneth and Evelyn Anderson

Resolution granting Conditional Final Plat Approval to James and Karen Krakowsky

Town of Red Hook Planning Board

Resolution Granting Conditional Final Approval in the Matter of the Kenneth and Evelyn Anderson Minor 2-Lot Subdivision and Lot Line Alteration on Baxter, Fisk, Glen Ridge and Glen View Roads principally in the R1 and Certified Agricultural Districts.

September 8, 2004

Motion made by Mary Lou Muirhead
Seconded by John Hardeman

The Town of Red Hook Planning Board hereby acts as follows on the August 9, 2004, Application for Subdivision Plat Approval by Kenneth and Evelyn Anderson to authorize the creation of a 1.04-acre annexation parcel, a 34.23-acre existing house and barns lot, the 'homestead property', and a 47.21-acre 'remaining lands parcel' from an 82.48-acre parcel, TMP 6272-00-600395, situate on Baxter Road, Fisk Street, Glen Ridge Road and Glen View Road principally within the Residential 1 (R1) and Certified Agricultural Districts within the Town of Red Hook, all as depicted on a Survey Map entitled 'Proposed Subdivision for Lands of Kenneth A. & Evelyn M. Anderson', prepared by Robert V. Oswald Jr. and dated August 6, 2004:

1. Determines in consideration of the Short EAF, the Agricultural Data Statement and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, that the Proposed Action, an 'Unlisted Action' under SEQRA involving no construction or other development activities, 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. Grants the requested Subdivision Plat Approval for the 'Kenneth & Evelyn Anderson Minor 2-Lot Subdivision and Lot Line Alteration' and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and/or requirements within the next one hundred eighty (180) calendar days:
 - a. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - b. Annotation of the Subdivision Plat with appropriate required notation with respect to location within a Certified Agricultural District.
 - c. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.
 - d. Payment of a one-lot cash-in-lieu-of-land recreation fee in the applicable amount to the Town of Red Hook in consideration of

the Planning Board's determination that it would not be appropriate to require the set-aside of recreation, parks or other open space land as part of this action in subdivision plat approval.

- e. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
- f. Submission of an acceptable draft of a consolidation deed whereby the 1.04-acre annexation parcel will be immediately merged upon transfer from the Andersons to Mr. Alessi and which consolidation deed must be recorded in the Dutchess County Clerk's Office so as to obviate what otherwise would be the creation of a non-complying parcel through this act of subdivision plat approval.

Roll Call Vote:

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

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date

**Town of Red Hook Planning Board
Resolution Granting Conditional Final Approval in the Matter of the James and Karen Krakowsky Major 6-Lot Subdivision on Feller-Newmark Road in the RD3 and Certified Agricultural Districts.**

September 8, 2004

Motion made by Sam Phelan
Seconded by John Hardeman

The Town of Red Hook Planning Board hereby acts as follows on the March 24, 2003, Application by James and Karen Krakowsky for Subdivision Plat Approval to authorize the creation of an existing house lot of 3.17 acres and five (5) proposed residential building lots ranging from 3.12 acres to 31.57 acres from a 50.38-acre parcel on Feller-Newmark Road in the RD3 and Certified Agricultural Districts, all as depicted or otherwise described within the following documents:

- Subdivision Plat (a set of 9 drawings SP1 through SP5, PP1 and SD1 through SD3), revised or otherwise uniformly brought forward date-wise to July 19, 2004.
 - Engineering Report: Water Supply and Sewage Disposal System Report for Krakowsky Subdivision, dated July 10, 2003, and revised to July 19, 2004.
 - Engineering Report: Stormwater Pollution Prevention Plan (SPPP) for Krakowsky Subdivision, dated August 6, 2004.
 - Part 1 Environmental Assessment Form, dated March 24, 2003, and revised May 9, 2003.
 - Negative Declaration under SEQRA issued by Town of Red Hook Planning Board on May 19, 2003.
 - Dutchess County Health Department Letter of August 3, 2004, by James T. Napoli, P.E.
 - Town of Red Hook Highway Department Letter of August 5, 2004, by Wayne A. Hildenbrand, Town Highway Superintendent.
 - Declaration of Easements and Driveway Maintenance Agreement, revised with Attorney Edits to August 27, 2004.
1. Waives the scheduling and conduct of a Public Hearing on the Final Plat upon determination that the Final Plat submission is in substantial conformance with the Preliminary Plat approved by the Planning Board on May 19, 2003.

2. Reaffirms the above-cited Negative Declaration under SEQRA issued by the Planning Board on May 19, 2003
Reaffirms the above-cited Negative Declaration under SEQRA issued by the Planning Board on May 19, 2003.
3. Grants Conditional Final Plat Approval for the 'James and Karen Krakowsky Major 6-Lot Subdivision' and authorizes the Chair to stamp and sign the Final Plat upon the Applicant's satisfaction of each of the below conditions within the next one hundred eighty (180) calendar days:
 - a. Modification of the Subdivision Plat drawings and other submitted documents to complete as set forth in Chazen's letter of August 27, 2004, response to technical comments offered by the Town's Planning Consultant through his Meeting Notes of August 16, 2004.
 - b. Response to the question posed by the Planning Consultant in his memorandum of September 1, 2004, as to whether Deed Restrictions are intended and, if so, submission of a draft for examination and comment if necessary by the Planning Board and inclusion in the record file.
 - c. Installation of the common driveway network and associated storm drainage improvements in accordance with the design plans as approved by the Town Engineer and, as applicable, the Town Highway Superintendent, with related provision of a performance guarantee (and associated time limit) for laying the asphalt wearing course as discussed as part of Detail 3 on Sheet SD1.
 - d. Submission of a cost estimate and posting of a performance guarantee with the Town in an amount deemed adequate by the Town Engineer and for a period of not more than three calendar years to insure the laying of the asphalt wearing course.
 - e. Stamping of the Subdivision Plat as 'Approved' by the Dutchess County Health Department.
 - f. Payment of the applicable recreation fee amount for five newly-created single-family dwelling lots to the Town of Red Hook and reimbursement to the Town for any outstanding application fees or reimbursable costs associated with the Application.
 - g. Recording of the Declaration of Easements and Driveway Maintenance Agreement in the Dutchess County Clerk's Office and satisfaction of related requirements administered by the NYS Attorney General's Office.

- h. Submission of Final Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

Roll Call Vote:

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

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date