

APPROVED

Town of Red Hook Planning Board Meeting Minutes June 4, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m. and a quorum determined present for the conduct of business.

Members present — John Hardeman, Charles Laing, Sam Phelan and Chair Christine Kane. David Wright and Paul Telesca were absent. Planner Michele Greig was also present.

BUSINESS SESSION

Ulster Savings Bank had requested to be removed from the evening's agenda.

The May 21, 2007 draft minutes had been sent to the members and reviewed. Charlie Laing made a motion to approve these minutes. John Hardeman seconded the motion, and all members present voted in favor.

The April 16, 2007 draft minutes had also been sent to the members and reviewed. Three corrections were made: Planner Michele Greig and Town Board member Jim Ross were added to the list of those present, "that" was changed to "than" on line 1 of page 6, and on page 4, corrections were made to paragraph 5 which concerned the second SEQR determination option. Sam Phelan made a motion to approve the revised minutes. Charlie Laing seconded the motion, and all members present voted in favor.

The April 2, 2007 draft minutes had also been sent to the members and reviewed. On page 4, "ITTE" was corrected to "ITE". On page 5, "establish the Planning Board as lead agency" was changed to "establish the Planning Board's intent to serve as lead agency". John Hardeman made a motion to approve the revised minutes. Sam Phelan seconded the motion, and all members present voted in favor.

The March 19, 2007 draft minutes had also been sent to the members and reviewed. At the end of the discussion of Forest Park, General Municipal Law "239n" was changed to "239nn". Charlie Laing made a motion to approve the revised minutes. John Hardeman seconded the motion, and all members present voted in favor.

REGULAR SESSION (OLD BUSINESS)

Vosburgh/ Kesicke Farm – Middle Road & Rokeby Road – Lot Line Alterations

Mark Graminski, P.E. and L.S., was present for a public hearing on an application to move 5 lot lines from 5 parcels totaling 206.1 acres, partially in the Town of Rhinebeck and partially in both the R 1.5 Zoning District and the RD3 Zoning District of the Town of Red Hook. Also in the Certified Agricultural District.

Mr. Graminski said that earlier that day, Ms. Grieg had contacted him with some questions and also with some suggestions on how he could clarify the map to obviate these questions

in the future. He said he had made these corrections on a revised map and, knowing that documents and maps must be submitted ten (10) days before a meeting, wondered whether the Board would consider this new revised map. The Board reviewed the changes and, having determined that the changes were not substantive, agreed to consider the new revised map. Mr. Graminski said he would revise the map again to correct a transposed number and the calculations that would be affected by that correction.

The Board accepted a draft negative SEQR declaration, and Christine Kane read the public hearing notice that appeared May 29, 2007 in the Kingston Daily Freeman.

Mr. Graminski explained the lot line changes and the Farmland Protection Plan to the public.

Christine Kane then opened the hearing for public comment.

Larry Burud, 111 Rokeby Rd, said he supported the project.

Anna Kushner, 254 Middle Rd., said she owned two (2) acres in the middle of the Vosburgh and Kesicke parcels and wondered why she had not been contacted about this public hearing. She was told that only those people who owned ten (10) acres or more (and thus might be involved in active agriculture) and were located within 500 ft. of the Vosburgh and Kesicke lands had been contacted, as is required under Town subdivision regulations. Ms. Kushner went on to say that she supported this action. She also said that while conserving open space was a worthy goal, the Town could not force farmers to keep their land in active agriculture.

Christine Kane reviewed the EAF part 1, noting that Mr. Graminski had made the corrections suggested in the GreenPlan memo.

Since some members had not been present at the May 7, 2007 meeting, the Board discussed the fact that the exact number of allowable lots on the parcels could not be determined until extensive engineering had been done. The Board also noted that while the building envelope on proposed lot 31 appeared to be in the middle of a field, it was actually located where a mobile home is currently situated and where there is an existing well and septic system. The Board and the applicants agreed that no further subdivision or development was being proposed at this time.

The Board then reviewed an offered negative SEQR declaration, and the members agreed with its contention that while they had looked at developable areas during discussions of the Farmland Protection Plan, the lot line alterations themselves would create no significant adverse environmental impacts. Ms. Greig suggested some minor changes to the neg dec.

Nathan Kalina, Middle Road, said that he supported the plan as presented.

John Hardeman then made a motion to issue the revised negative SEQR declaration for the project. Sam Phelan seconded the motion, and all members voted in favor. A copy of that SEQR declaration is attached to, and made part of, these minutes.

The Board generally agreed the next step would be the applicants' submission of a letter from an organization willing to take a conservation easement on the lands to be preserved for agriculture. The Board also generally agreed that the easement must be acceptable to the Board and its attorney. The members agreed that if any other uses of the land were

contemplated, such as a gravel pit, the applicants would have to come back before the Planning Board.

Darryl Mosher, 150 Rte 9 North, Rhinebeck, who said he owned 50 acres on the east side of the Kesicke Farm parcels, asked questions about both the constraints and the negotiable features of a conservation easement.

The Board generally agreed to keep the public hearing open in case the easement discussions resulted in minor changes to the Farmland Protection Plan. Mr. Graminski agreed to revise the map in accordance with the latest GreenPlan memo and to begin preparing the consolidation deeds.

The Board continued the public hearing to June 18, 2007.

David Wyant – 239 Rokeby Road – Special Permit

David Wyant was present for a public hearing on an application for Special Permit to authorize establishment of an accessory apartment from a garage attached to an existing house on a 1.6 acre parcel in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared May 29, 2007 in the Kingston Daily Freeman. She then opened the hearing for public comment.

Mr. Wyant explained the project to the public. There was no public comment.

The Board reviewed the ZBA variance granting an additional 103 sq. ft. of habitable space to the accessory apartment, the site plan drawings and the engineer's letter verifying that the septic field would be adequate for the additional bedroom. Mr. Wyant said that he knew he must submit a similar letter verifying the adequacy of the water supply.

Christine Kane then reviewed the EAF part 1 and, with input from the Board, completed part 2. She then closed the public hearing.

Charlie Laing made a motion to issue a negative SEQR declaration for the project. John Hardeman seconded the motion, and all members present voted in favor.

The Board then reviewed an offered resolution granting the special permit. The members generally agreed to add a condition requiring the submission of a letter from a licensed engineer attesting to the availability and adequacy of the water supply. Charlie Laing then made a motion to adopt the revised resolution. Sam Phelan seconded the motion, and all members present voted in favor. A copy of that resolution and a copy of the negative SEQR declaration are attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

JAMS, LLC/Wolfson – 71 Crestwood Road – Lot Line Alteration

Sam and Arlene Harkins were present for a discussion of an application for Lot Line Alteration to convey 4.75 acres from the 16.02-acre Lands of JAMS, LLC to the adjoining 1.00-acre Lands of Wolfson, in the RD3 Zoning District and partially in the Certified Agricultural District.

Christine Kane read a letter from the Dutchess County Agriculture and Farmland Protection board. The letter did not predict a major impact on agriculture from the project but expressed some misgiving over the division of the 16-acre parcel located within the Certified Agricultural District.

Christine Kane then outlined the substance of her conference call that afternoon with the Town Attorney and the applicant, during which the proposed permanent conservation easement, to be held by the Town, was discussed. Christine Kane said that the Town Attorney would develop the appropriate format for the permanent easement. She added that since some of the land would be transferred from the JAMS, LLC parcel, probably two separate easements would be designed. Mr. Harkins said that, upon further consideration, he had decided to decrease the size of the allowable agricultural buildings and limit them to one story in height.

The Board reviewed the concept drawing of the proposed building envelope on the 4.75 acre piece of land proposed for transfer. Christine Kane said that the building envelope as shown on the drawing would preclude siting any building next to the road. The balance of the land would be labeled as a “no build” area. Mr. Harkins said he would allow agricultural fencing. The Board generally agreed not to define “agricultural fencing”.

The Board reviewed an offered resolution granting Lot Line Approval to the project. After some slight revisions to the conditions, Sam Phelan made a motion to adopt the revised resolution. John Hardeman seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Raython Merrihew – U.S. Route 9 – Subdivision Plat

Marie Welch, L.S., was present for a discussion of an application for subdivision (sketch plan) plat approval to create two new residential building lots of 1.82 acres and 3.24 acres and one remaining lands lot of 1.825 acres from a 6.88-acre parcel in the R 1.5 Zoning District.

Ms. Welch said that she had recently submitted a revised map because the NYS Department of Transportation had required a change in the shared driveway curb cut. She said that this curb cut would provide better sight distance. She also said she knew that a reciprocal driveway agreement and driveway maintenance agreement would have to be submitted.

The Board reviewed the ZBA’s March 14, 2007 interpretation of the Important Farmlands Law, which removed Mr. Merrihew’s requirement for a Farmland Protection Plan.

The Board also noted that it had asked the applicant team to tuck the building envelope for the proposed lot A-2 behind the ridge rather than on its crest, since NYS Rte. 9 was a designated scenic road. Ms. Welch said that since the septic system and its expansion area must also fit on that lot, moving the house site might not be possible. She also pointed out that the house site shown was beyond the double setback required in Section 143-48B(1) of the Zoning Code. She did, however, agree to speak to the engineer about the possibility of moving the house location back.

The Board also discussed the placement of the septic system and its expansion area within the prime soils on proposed lot A-3, since, Ms. Grieg said, liquid may percolate

quickly through prime soils and in this case, the septic system was located above an aquifer. The Board asked Ms. Welch to submit perc tests from the soils in that area. The Board would then send those tests along with other pertinent data and documents to the Town Engineer for his review and comments.

Ms. Welch was asked whether the applicants were removing mature trees along Rte. 9. Ms. Welch said no, that Central Hudson had removed those trees as part of its program to clear trees along the utility lines.

The Board determined the project to be an Unlisted Action under SEQR. Involved agencies were identified as the Dutchess County Health Department and the NYS DOT; however, Ms. Greig said that since the project was an unlisted action, the Board did not have to circulate to those agencies. Charlie Laing made a motion to establish the Board as lead agency for the SEQR review. John Hardeman seconded the motion, and all members present voted in favor.

Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – Phasing Plan and Extensions

Pete Setaro, P.E., was present for a discussion of a possible phasing plan and a request for extensions to the expiration deadlines of three (3) approvals for Anderson Commons.

Mr. Setaro said the design and engineering team had been working on the conditions of approval but had been held up by a long wait for a NYS DEC permit to obtain Village water. He said that the DEC permit was a prerequisite for permits and approvals from other agencies.

The Board generally agreed to grant two (2) ninety-day extensions to run consecutively, thus giving the applicants an additional 180 days to meet the approval conditions. Charlie Laing made a motion to grant this extension. John Hardeman seconded the motion, and all members present voted in favor.

Mr. Setaro said he would be back in July with a phasing plan.

REGULAR SESSION (NEW BUSINESS)

Nelson Sousa/Dunkin' Donuts – NYS Route 9 – Conceptual Sketch Conference

Nelson Sousa was present for a discussion of possible changes to the current parking and traffic flow of his Dunkin Donuts store, located on NYS Route 9 in the B1 Zoning District.

Mr. Sousa said that the present drive-through configuration resulted in long wait times and long stacking lines in the drive-through lane. He said he intended to change the traffic flow and install a menu board with an intercom. He said that at a future time, he intended to enlarge the store itself and to develop additional areas on that parcel. He added that the current drive-through lane would become an unloading area for truck deliveries. These changes would result in changes to the parking lot configuration.

The Board discussed how Mr. Sousa could discourage cars from entering the old drive-through lane once the new one was installed.

Ms. Greig suggested that the Board and the applicant look ahead toward the building expansion and make sure that enough parking spaces were available. She also said that segmentation would not be a concern, since Mr. Sousa had disclosed his future expansion plans during these discussions.

The Board generally agreed that Mr. Sousa should go ahead with an application, EAF, and site plan drawings. The members asked him to: include a location map, find the septic system and locate it on the map, provide details of a proposed new dumpster site, check the setbacks along the proposed drive-through lane and plan for additional landscaping, especially along the new drive through lane. The Board suggested tall plantings to shield the cars from neighbors and also trees to provide shade as customers wait in the summer. He was told that the Conservation Advisory Committee had assembled a list of appropriate street trees and plantings.

The Board also generally agreed to defer changes in signage until Mr. Sousa further develops the site.

OTHER BUSINESS

Hansen extension

John Hardeman made a motion to grant a requested 90-day extension to the expiration deadline for the Richard Hansen minor subdivision approval. Sam Phelan seconded the motion, and all members voted in favor.

Escrow money for consultant follow-ups

The Board discussed whether to hold escrow money until projects involving Stormwater Pollution Prevention Plans and other erosion control measures were completed. Christine Kane said that this question was precipitated by complaints from neighbors that erosion control measures had not been implemented at a project site. She said that the Town Engineer had been called to investigate but that the funds in the applicants' account had already been returned.

The Board generally agreed not to hold funds, since such incidents were rare.

Applications for Board vacancy

The Board generally agreed to send a memo to the Town Board stating its desire to participate in the interviews with applicants for the Planning Board vacancy. Christine Kane said that she would write a memo to that effect.

Planning classes

The Board generally agreed to contact Pace University and the Dutchess County Planning Federation to inquire when upcoming planning classes were scheduled. The clerk was asked to make sure these groups had the correct names, postal addresses and e-mail addresses of members.

ADJOURNMENT

Since there was no more business to come before the Board, Charlie Laing made a motion to adjourn. John Hardeman seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk to the Board

Attachments

Negative SEQR declaration for Vosburgh/Kesicke Farm
Negative SEQR declaration for David Wyant
Resolution granting special permit to David Wyant
Resolution granting lot line approval to JAMS, LLC

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 4, 2007

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: Kesicke Farm Lot Line Alterations

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes six (6) lot line alterations on six (6) parcels (Tax Parcel No. 134889-6172-00-822110, 134889-6172-00-980140, 134889-6172-00-057991, 134889-6172-00-895945, 134889-6172-00-875987, 134889-6172-00-831953) totaling ± 209.757 acres located in the R1.5 and RD3 Zoning Districts and the Environmental Protection Overlay District. No new building lots are proposed.

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

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated May 16, 2007 and revised June 4, 2007, 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. The subject lands are located in a New York State certified Agricultural District and contain prime agricultural soils and soils of statewide importance. The proposed action is therefore within the Environmental Protection Overlay District and is subject to the Town of Red Hook's Important Farmlands law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. The application was also forwarded to the Dutchess County Agriculture and Farmland Protection Board for an Agriculture District Impact Review. An Agricultural Data Statement dated March 23, 2006 was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee and the Dutchess County Agriculture and Farmland Protection Board in its review of the application.

The applicant has prepared a Farmland Protection Plan, dated October 26, 2006 and last revised May 15, 2007, for the subject lands. Future development of the subject lands will conform to the Farmland Protection Plan, and a note to this effect (Note 12) is included on the plat. In accordance with the Town's Important Farmlands law and with the Town's cluster regulations (Sections 143-47(4) and 143-33 of the Zoning Law respectively), a conservation easement will be placed on the lands labeled "Protected Farmland Area" on the Farmland Protection Plan to conserve these important farmlands in perpetuity.

The Town's subdivision regulations define a lot line alteration as "a type of minor subdivision." The Town's Important Farmlands law stipulates that "the cluster principle shall be applied to all subdivision applications" (§ 143-47(4)(c)), that a farmland protection plan shall be developed identifying proposed development areas and protected farmland, and that an approved farmland protection plan shall include "an acknowledgement of any conservation easements or any other additional land protection measures to be employed." Further, the Town's cluster regulations require that the required open space lands of a cluster development "be placed under a permanent conservation easement prohibiting further development" (§ 143-33B(6)(a)).

These measures are designed to implement the purpose of the Town's Zoning Law to protect "irreplaceable agricultural land resources" (§ 143-3H) and the purposes of the Important Farmlands law and the cluster regulations is to preserve active agricultural lands (§ 143-33A(2)(a)) and important farmlands (§ 143-47A). The Zoning Law identifies agricultural lands as a significant environmental resource and defines the preservation of these lands as an "important public purpose" (§ 143-47A). It states that "it is in the overall public interest of the Town of Red Hook to protect the important agricultural lands from development in order to maintain their availability for productive use. The Town, therefore, seeks to channel development away

from such farmland” (§ 143-47(4)(a)). The Planning Board has determined that the proposed Farmland Protection Plan and the conservation easement that will be placed on the “protected farmland areas” identified on the Farmland Protection Plan are consistent with the purposes of the Town’s Zoning Law and will protect agricultural resources to the extent practicable. No significant adverse impacts to agricultural resources are anticipated as a result of the action.

4. Since no new lots are being created, no additional traffic will be generated by the proposed action and therefore the Planning Board has determined that no significant adverse impacts to transportation are anticipated as a result of the action.
5. Wetlands regulated by NYS Department of Environmental Conservation and the Army Corps of Engineers exist on site. However, no development is proposed as part of the action and therefore no significant adverse impacts to wetlands will occur.
6. No significant adverse impacts to aesthetic resources will occur as no development is proposed as part of the action. Should development be proposed in the future, such development will conform to the Farmland Protection Plan referenced above which will minimize views of development from Middle Road.
7. An abandoned railroad right-of-way runs through the subject lands. The Town of Red Hook Trails Feasibility Study and Open Space Plan identify the railroad right-of-way for the proposed Hucklebush Rail Trail. The building envelope identified as “lot 1” on parcel #134889-6172-00-057991 has been located so that should this lot be developed in the future, there will remain the possibility of developing a trail in this area. The Planning Board has therefore determined that no significant adverse impacts to recreational resources will occur as a result of the action.
8. The action which is being considered for approval is the action described at the beginning of this Negative Declaration. During the course of the SEQR evaluation, the Planning Board evaluated potential future development on the subject lands to the extent practicable, in light of the lack of certainty about those plans. However, the Planning Board is granting no approvals relating to future development of these lands. Any future development of such properties will be subject to a full and comprehensive environmental review under SEQR in the light of then-present circumstances. While information developed in the course of this SEQR proceeding may be helpful for the Planning Board, it does not bind the Planning Board, nor foreclose future analysis that the Board may require at the time any future development is proposed. The Planning Board has determined that its decision to consider the proposed action as stated herein does not constitute impermissible segmentation, and further determines that the chosen method of review is as

protective of the environment as any other approach would have been, and most likely more protective of the environment, since it allows further examination at a time when future plans are actually developed.

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)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

David Vosburgh, Annmarie Vosburgh (applicants)

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 4, 2007

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: David and Amy Wyant Special Permit

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to establish a one (1) bedroom accessory apartment from a garage attached to an existing house on a 1.60-acre parcel in the RD3 Zoning District

Location: 239 Rokeby 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 December 30, 2006, 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).

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)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

David Wyant (applicant)

**Town of Red Hook Planning Board
Resolution Granting Special Use Permit to David and Amy Wyant to Authorize
Creation of a One (1) Bedroom Accessory Apartment from a Garage Attached to
an Existing House at 239 Rokeby Road in the RD3 District**

June 4, 2007

Motion made by Charles Laing
Seconded by Sam Phelan

Whereas, the Town of Red Hook Planning Board received an application dated August 24, 2006 from David and Amy Wyant for the creation of a one bedroom accessory apartment from a garage attached to an existing house; and

Whereas, the ± 1.6 acre parcel (TMP 15-6172-00-767404) is located on Rokeby Road in the Town of Red Hook in the RD3 Zoning District; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-64; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated August 24, 2006, a Short Environmental Assessment Form (EAF), dated December 30, 2006, a site layout and floor plan (undated) for the proposed accessory apartment; and

Whereas, a public hearing was held June 4, 2007, and

Whereas, the Planning Board deems the proposed development to satisfy both the "General Standards" for all special permit uses set forth at Zoning Law §143-51 and the 'Specific Standards' for an 'Accessory Apartment within an existing single family dwelling' as set forth at §143-64.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit when the following condition is met and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy 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.

1. Submission of letter from licensed engineer attesting to the adequacy of the existing water supply for the addition of the accessory apartment.

Roll Call Vote:

Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____

Resolution Granting Subdivision Plat /Lot Line Alteration Approval to JAMS, LLC and Wolfson

Name of Project: JAMS, LLC/ Wolfson Lot Line Alteration

Name of Applicant: JAMS, LLC

Date: June 4, 2007

Whereas, the applicant has submitted an application for Lot Line Alteration approval dated July 7, 2006 to the Town of Red Hook Planning Board to convey approximately 4.75 acres from the approximately 16-acre Lands of JAMS, LLC to the adjoining approximately 1.0-acre Lands of Wolfson ; and

Whereas, the subject parcel is located at 72 Crestwood Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Subdivision plat prepared by Kirk Horton dated July 6, 2006 and revised to April 22, 2007; and

Whereas, on March 5, 2007 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, the larger parcel is located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated November 9, 2006, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47(4) of the Town's Zoning Law and the Planning Board duly forwarded the application both to the Town's Agricultural and Open Space Advisory Committee and to the Dutchess County Agricultural Farmland Protection Board for their review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and reviewed responses from both the Agricultural and Open Space Advisory Committee and from the Dutchess County Agricultural Farmland Protection Board; and

Whereas, on March 19, 2007, the Town of Red Hook Planning Board considered a Short Environmental Assessment Form (EAF) Part 1 and prepared a Part 2; and

Whereas, on May 7, 2007 of the Town of Red Hook Planning Board considered the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative

Declaration deeming an environmental impact statement need not be prepared;
and

Whereas, on March 19, 2007, April 2, 2007, April 16, 2007 and May 7, 2007, the Planning Board conducted a public hearing on the Preliminary Plat application, at which time all interested persons were given the opportunity to speak;

Now therefore be it resolved, that the Planning Board approves the Application for Subdivision Plat/Lot Line Alteration Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
2. 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.
3. Submission of conservation easement in final form acceptable to the Planning Board and the Board's attorney, and filing of the easement in the Dutchess County Clerk's Office.
4. Delineation on the plat with metes and bounds the area proposed to be under conservation easement and building envelopes.
5. Reference on the plat of the filing date and document number for the conservation easement filed with the Dutchess County Clerk's Office.
6. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
7. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
8. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the subdivided portions of the 'Land of JAMS, LLC' would be merged with the adjacent 'Land of Wolfson'.

On a motion by Sam Phelan, seconded by John Hardeman.

Roll Call Vote:

Chairwoman Christine Kane	yes
Member John Hardeman	yes
Member Charles Laing	yes

Member Sam Phelan	yes
Member Paul Telesca	absent
Member David Wright	absent

Resolution declared: **APPROVED**

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

_____ Paula Schoonmaker, Assistant Clerk to the Board	_____ Date
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