

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
May 2, 2011

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:30 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Charlie Laing, Sam Phelan, Sam Harkins, Wil LaBossier and alternate Brian Walker. Planner Michele Greig was also present. Members Kris Munn and Patrick Kelly were absent

BUSINESS SESSION

Christine Kane confirmed the agenda as published. The April 18, 2011 draft minutes had been circulated among the members and reviewed. Wil LaBossier made a motion to adopt the minutes as written. Sam Harkins seconded the motion, and all members present voted in favor.

There were three announcements. Christine Kane said that a short course on preventing and defending Religious Land Use and Institutionalized Persons Act lawsuits would be given on May 26 at the Farm and Home Center in Millbrook. Also, David Tobias, Deputy Chief of the NYC DEP would speak on Protecting Wetlands at the Dutchess Land Conservancy's Town Board Breakfast on May 16, 2011. Finally, she called the Board's attention to a report on "agriculture in the Mid-Hudson Valley" published by the Center for Research, Regional Education and Outreach at SUNY New Paltz.

PUBLIC HEARING

Frank Vosburgh/Kesicke Farm Cattle— Middle Rd. – Site Plan

Frank Vosburgh was present for the public hearing on an application for Site Plan approval for a farm market 1 on a ±74.10-acre parcel in the R1.5 Zoning District.

Christine Kane read the public hearing notice that appeared April 26, 2011 in the Kingston Daily Freeman after which Mr. Vosburgh explained the project.

Christine Kane then opened the hearing for public comment. There was none.

Christine Kane noted that Mr. Vosburgh had submitted the requested letter from Annemarie Vosburgh giving him permission to install a sign on her land. She also noted that he had delineated 10 parking spaces around the proposed farm market. Mr. Vosburgh said that all the spaces were at grade level and close to the retail space, so all could qualify as handicapped parking spaces. Christine Kane noted that there was a schedule of required and actual setbacks on the plan.

The Board reviewed a referral response from the Dutchess County Department of Planning and Development. The response was "of local concern".

The Board noted that no lighting or overhead doors were proposed.

Mr. Vosburgh said that the driveway would be compacted gravel and that he would install a sign marking one handicapped space.

Christine Kane reminded the Board that the project had been declared a Type 2 action under SEQR, so no additional environmental review was required.

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

Sam Phelan then made a motion to adopt a resolution granting site plan approval to the farm market 1. Sam Harkins seconded the motion, and all members present voted in favor.

MC Acres – Middle Rd.- amended sketch plan

Mark Graminski, P.E. and L.S. and David Vosburgh were present for the public hearing on an application for final amended subdivision plat approval to create two (2) new residential lots of ± 9.278 acres and ± 18.726 acres and a remaining lands lot of ± 36.622 acres from a total ± 64.626 -acre parcel in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared April 26, 2011 in the Kingston Daily Freeman, after which Mr. Graminski explained the project. He added that the project was now ready to send to the Dutchess County Health Department. Also, he said that Winnakee Land Trust was prepared to hold an easement on the land to be conserved and that the plan had been submitted to DEC for that agency's sign-off on the wetlands delineation.

Christine Kane said that the Town must be named as the back-up holder of the conservation easement and that a final copy of the easement must be submitted before the subdivision plans could be signed. She said that another condition of signing was that a driveway maintenance agreement must be submitted by the applicant and approved by the Town Attorney.

The Board then reviewed a draft Negative SEQR Declaration for the project. Wil LaBossier made a motion that the Neg Dec be issued. Charlie Laing seconded the motion, and all members present voted in favor.

Since there was no public comment, Sam Harkins made a motion to close the public hearing. Sam Phelan seconded the motion, and all members present voted in favor.

The Board then reviewed the conditions of a draft resolution granting amended subdivision plat approval. Having found the conditions satisfactory, Sam Harkins made a motion to adopt the resolution. Sam Phelan seconded the motion, and all members present voted in favor.

OTHER BUSINESS

David Bayliss/Red Hook Automotive Repair – planting boxes

Mr. Bayliss had found the planting boxes approved for his site plan to be too narrow and so had requested that the Board approve boxes of 8' x 4' x 18". Sam Harkins made a motion to approve this revision to the plan. Wil LaBossier seconded the motion, and all members present voted in favor.

CarQuest – minimum open space

After conducting a site visit to the CarQuest property, the Building Department had found that the substantial paving of the parcel had occurred before zoning was enacted and so the violation of the minimum open space regulation was grandfathered. The Board agreed that since the proposed new storage building would be constructed on the paved surface and would not further diminish the open space, John Fragala did not need a variance for relief from the 40% minimum open space requirement. The Board noted, however, that Mr. Fragala still needed a variance for relief from the maximum 15% building coverage regulation.

Community Preservation Project Plan – LWRP consistency

The Board had reviewed the Community Preservation Project Plan online. The members then considered the plan against the Local Waterfront Revitalization Plan, after which Wil LaBossier made a motion that the Board determine the Community Preservation Project Plan to be consistent with the LWRP. Charlie Laing seconded the motion, and all members present voted in favor.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker

Attachments

Resolution granting site plan approval to Kesicke Farm Cattle/Frank Vosburgh
Resolution issuing a Negative SEQR Declaration for the MC Acres minor subdivision
Resolution granting conditional final amended subdivision plat approval to MC Acres

Resolution Granting Site Plan Approval to Kesicke Farm Cattle/Frank Vosburgh

Name of Project: Kesicke Farm Cattle Farm Market 1

Name of Applicant: Frank Vosburgh

Date: May 2, 2011

Whereas, the applicant has submitted an application for Site Plan Approval dated March 2, 2011 to the Town of Red Hook Planning Board to establish a Farm Market 1 on a 74.10-acre parcel located at Middle Road in the R1.5 Zoning District of the Town of Red Hook, Dutchess County, New York.

Whereas, on April 4, 2011, the Town of Red Hook Planning Board determined the project to be a Type II action pursuant to SEQR, and that no further review under SEQR was required; and

Whereas, under GML 239m, the Planning Board referred the project to the Dutchess County Department of Planning and Development, which determined the project to be of local concern; and

Whereas, the parcel is located within 500' of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 4, 2011, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, on May 2, 2011, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and

Whereas, the Planning Board has reviewed the site plan against the requirements of Article VII of the Town of Red Hook Zoning Law; and

Whereas, the Planning Board now wishes to grant Site Plan approval to Kesicke Farm Cattle to establish a Farm Market 1 on a 74.10-acre parcel located at Middle Road in the R1.5 Zoning District of the Town of Red Hook, Dutchess County, New York.

Now therefore be it resolved, that the Planning Board grants Site Plan approval to Kesicke Farm Cattle to establish a Farm Market 1 on a 74.10-acre parcel located at Middle Road in the R1.5 Zoning District of the Town of Red Hook, Dutchess County, New York

in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
- B. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by Sam Phelan, seconded by Sam Harkins, and a vote of 5 in favor,
0 against and 2 absent.

Resolution adopted on May 2, 2011

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

Paula Schoonmaker, Ass't Clerk to the Board

Date

617.7
State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: May 2, 2011

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: MC Acres Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to subdivide $\pm$ 64.63 acres of land (of which 6 acres are located in the Town of Rhinbeck) into three lots ranging in size from $\pm$ 9.28 acres to $\pm$ 36.62 acres. All three building lots would be developed with single family dwellings served by new individual wells and septic disposal systems and a common driveway.

Location: 184 Middle 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) dated March 11 2011 for the project, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. Farming activities occur within 500' of the proposed subdivision. A map note on the subdivision plat gives notice to future purchasers of the proposed lots that farming activities may occur on neighboring lands and may cause noise, odors and dust. A typed document containing the map note regarding farming activities shall be delivered to all prospective purchasers of the lots, and all deeds of the proposed lots will contain references to the map note relative to the hazards and nuisances (noise, odors, and dust) of farming to which residents of such parcels willingly subject themselves, in accordance with Chapter 72 of the Town Code. The proposed project has been designed in accordance with an approved Farmland Protection Plan for the property; the proposed house locations have been located, to the extent possible, away from prime and significant agricultural soils, and the three parcels will be encumbered by a conservation easement that will identify the building envelope on each parcel and will prohibit future subdivision of the lots. An Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board. Based on the foregoing, the Planning Board has determined that no significant adverse environmental impacts to agricultural resources will occur.
4. NYS DEC wetlands are located on the subject parcel. The wetlands were delineated by the applicant's wetland consultant and field verified by a representative of the DEC. The Final Plat will include a DEC Freshwater Wetlands Validation Block signed by the DEC. No disturbance to wetlands or to the 100' adjacent area will occur as a result of the proposed action. The building envelopes of the three lots are located outside of wetlands and buffer areas. An existing farm road will be utilized as the driveway to proposed Lot 2 and a note has been included on the Plat stipulating that if any improvements are made to the existing farm road within the wetland or regulated 100' adjacent area, a permit from the NYS DEC will be required. Based on the foregoing, the Planning Board has determined that no significant adverse environmental impacts to wetlands will occur.
5. A portion of the former Hucklebush railroad right-of-way, which has been identified as a potential trail on the NYS Greenway Future Trails Map, is located on the subject lands. The project has been designed so that all building envelopes with improvements are located away from the railroad right-of-way, with the exception of a single driveway crossing. Thus, impacts to potential future trails have been minimized to the greatest extent practicable.
6. The action will create a need for recreational land and facilities due to the generation of approximately 11 new residents of the Town including 4 new school age children. School-age children place a particularly high demand on the Town's existing recreational facilities. When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Furthermore, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, the applicant will make a recreational fee payment, in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, the Planning Board has determined that no significant adverse environmental impacts to recreational resources will occur.

For Further Information:

Contact Person: Paula Schoonmaker, Planning Board Deputy 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)
7340 South Broadway
Red Hook, NY 12571

Resolution Granting Final Subdivision Plat Approval to MC Acres

Name of Project: MC Acres Subdivision

Name of Applicant: MC Acres Inc.

Date: May 2, 2011

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated March 11, 2011 to the Town of Red Hook Planning Board to subdivide ± 64.63 acres of land (Tax Map Parcel Nos. 134889-6271-00-057991 and 135089-6271-00-015801) into three lots ± 9.278 acres, ± 18.726 acres, and ± 36.622 acres in size in the RD 3 Zoning District; and

Whereas, the parcels are located on Middle Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by Mark R. Graminski P.E. and L.S. dated March 11, 2011; and

Whereas, the parcel is located within 500' of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 11, 2011, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on March 21, 2011, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQRA; and

Whereas, on May 2, 2011, the Planning Board, in consideration of the Short Environmental Assessment Form dated March 11, 2011 and 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 May 2, 2011, the Planning Board conducted a public hearing on the Subdivision Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to MC Acres Inc.

Now therefore be it resolved, that the Planning Board hereby grants Final Subdivision Plat approval to MC Acres Inc. in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains the permits and approvals listed in the EAF.
- B. Verification of the correct NYS DEC wetland number.
- C. A NYS DEC Freshwater Wetland Boundary Validation block shall be included on the subdivision plat and signed by the NYS DEC.
- D. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- E. That the applicant submits a Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board, files the agreement in the Dutchess County Clerk's Office simultaneously with the filing of the final plat, and provides the Planning Board with a record of the agreement filing.
- F. That the plat be revised to include a note that no building permit shall be issued for Lots 1, 2, and 3 until the Common Use and Maintenance Agreement for the shared driveway has been filed in the Dutchess County Clerk's Office.
- G. That the applicant submits the conservation easement for Lots 1, 2 and 3 in final form acceptable to the Planning Board, files the easement in the Dutchess County Clerk's Office simultaneously with the filing of the final plat, and provides the Planning Board with a record of the easement filing.
- H. That the plat be revised to include a note that no building permit shall be issued for Lots 1, 2, and 3 until the conservation easement for the lots has been filed in the Dutchess County Clerk's Office.
- I. Submittal of letter from the Town Highway Superintendent approving the proposed driveway location.

- J. That the Town Engineer review and approve the proposed driveway and drainage features.
- K. Payment of recreation fee for two (2) new residential building lots to the Town of Red Hook.
- L. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- M. 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 P.E. and L.S. stamps and signatures.

On a motion by Sam Harkins, seconded by Sam Phelan, and a vote of 5 for, 0 against, and 2 absent, adopted this date May 2, 2011.

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____