

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**April 7, 2014**

**CALL TO ORDER AND DETERMINATION OF QUORUM**

Christine Kane opened the meeting at 7:35 pm. A quorum was determined present for the conduct of business.

Members present — Betty Carr, Brian Walker, Sarah Gilbert, Sam Phelan, Sam Harkins, Charlie Laing and Christine Kane. Also present was planning consultant Michele Greig, and planning attorney Jennifer Gray.

On a motion by Betty Carr and seconded by Brian Walker, the minutes of the March 17, 2014 meeting were unanimously approved.

**PUBLIC HEARING**

**Anderson Commons – Fisk St. - Major Subdivision, sketch plan, site plan and special permit.**

Continued Public Hearing for subdivision, site plan and special permit for construction of a 52 unit development partially in the Village of Red Hook and partially in the RD1 Zoning District in the Town of Red Hook.

Engineers Andrew Learn and Pete Setaro of Morris and Associates were present to represent the applicants. Christine Kane said that the applicants and town consultants have been working through issues and concerns since the last meeting. She said questions submitted by the Conservation Advisory Council (CAC) had been referred to the town engineering consultant, who had provided responses. She said most of the CAC concerns were addressed in the project's storm water prevention plan which is subject to Dutchess County Department of Health approval.

Michele Greig added that discrepancies in where the municipal boundaries were shown on the subdivision plat and on the site plan were resolved, and lot counts and density calculations have been verified for accuracy.

Betty Carr asked about whether the issues with the town concerning the storm water basin designated 1N had been resolved. Mr. Learn responded the issue of maintenance for that particular basin is still being worked out, and he and the town engineer believe it can be resolved satisfactorily between preliminary and final approval.

Ms. Kane asked if anyone in the audience had comments or questions. Phoebe Prentiss of Fisk Street read a letter to the board from her neighbors Colm and Margaret O'Callaghan. The O'Callaghans cited concerns about the size of the development and safety on Fisk Street and other streets that would lead to the development. They argued that the residents of the project will consume services offered by the village, town and school but will probably pay lower taxes. They wrote that they felt the project will decrease property values, increase obligations and burdens on the schools, and endanger the safety of children in the area with the addition of sidewalks along existing narrow streets.

Ms. Prentiss went on to offer her own concerns. She said that the project will double the population in the south east quadrant of the village, and exacerbate existing problems with storm water and traffic. She predicted that taxes will increase in order to pay for the infrastructure that will be needed to correct the problems. She said she felt the project takes away scenic, useful farmland, and is sited over a major aquifer. She asked who would oversee the water treatment if the homeowners association does not manage it properly, and questioned whether the treatment plant proposed meets the standards of the Dutchess County Water and Wastewater Authority standards. She said the project will drastically change the neighborhood, and was concerned with the construction phasing of the road, among other things.

Ms. Kane responded that many of the subjects Ms. Prentiss brought up were addressed during the SEQR process, which was conducted by the village as lead agency in 2006. She said that when the project returned to the board eight years later, the planning board asked the village to re-open the SEQR, but the village declined. She said the village did update many of the studies when the project applied for re-approval, and reaffirmed the SEQR at that time as well.

Ms. Kane said the phasing of the project and the road has not been finalized. She added that there is no septic treatment plant proposed but rather a community septic system that will be operated by the homeowners association, village and town through a Transportation Corporation.

Ms. Kane asked for a motion to close the public hearing. Jennifer Gray said that the board has two options for how to proceed. She explained that there are three public hearings occurring at once: subdivision, site plan and special permit. The board could close only the subdivision public hearing and keep the site plan and special permit hearings open, or they could close all three public hearings with an agreement by the applicant to waive all of the applicable procedural timeframes that would be triggered by closing the public hearing for site plan and special permit.

Ms. Kane asked the applicants if they would agree to waive the approval time frames for site plan and special permit. The applicants replied they would, and agreed to confirm it in writing. Sam Harkins Made a motion to close all three public hearings. Charlie Laing seconded and all members voted in favor.

The board reviewed the conditions of a draft resolution granting preliminary subdivision approval. On a motion by Sam Phelan and seconded by Sam Harkins, the board unanimously granted preliminary approval for the subdivision.

## **PUBLIC HEARING**

### **Preserve at Lakes Kill – Feller Newmark Road – Major Subdivision – preliminary plat approval**

Continued public hearing on application for Preliminary Subdivision Plat Approval to create 11 residential lots, one lot for the community septic system, and one open space parcel on approximately 100.45 acres in the Agricultural Business (AB) and Rural Development 3 (RD3) zoning districts.

Engineer Mike Bodendorf and Attorney John Wagner were present to represent the applicant.

Mr. Bodendorf said that the applicants have prepared 3 maps in response to the town's traffic engineer's recent review comments. One provides site distance profiles for individual driveways, one summarizes of site distance tabulations for Feller Newmark Road, and one provides a table of elevations along Feller Newmark Road. He said however they are not ready to submit just yet.

Christine Kane announced that the planning board had submitted a summary document of comments made during the previous public hearings to the applicants at the end of January. A response was received March 28. The board also sought comments from the town's traffic engineer consultant in response to issues raised by the town highway superintendent. The traffic consultant asked for additional information (which Mr. Bodendorf made reference to previously) so the review is not yet complete. Ms. Kane opened the meeting to public comment.

Douglas Lee, 20 Crescent Lane, directly across from the project's proposed driveway, said that he feels the intersection in front of his home will become a very dangerous one. He said his understanding is that the developer will need to acquire some of his land to achieve site distance. He said he would not allow that to happen. He noted that the developer could have purchased the property he bought in January and used it to achieve site distance but they did not. He said he would sue the town if necessary to prevent his land from being taken for road improvements.

Ann Wyrick, Feller Newmark Road, said her well is approximately 20 feet from the road and she was worried about what might happen to the quality of their water. She added that her bedroom window is approximately 35 feet from the road, and she is concerned about the increase in traffic. She asked what would happen to everyone's water supply with the addition of 11 new wells.

Trish Dantzik, Kristin Lane, said she understood the position of the board as interpreters of town zoning. She asked that common sense to be inserted in to the equation. She said she feels the project goes against the Centers and Greenspace. She pointed out the frequency of car accidents on the curve in question on Feller Newmark road. She reiterated Mr. Lee's comment that the developer had not taken the opportunity to purchase the land across the street for the purpose of acquiring site distance, and suggested that they would be able to take it instead from Mr. Lee, who had purchased it. She asked to board to consider "the community, where we are headed and how we live."

Ms. Kane clarified that the planning board does not interpret zoning, but rather implements zoning law. She said it is the role of the Zoning Board of Appeals to interpret zoning law.

Bill Hamill, 394 Feller Newmark Road, talked about driving Feller-Newmark road this winter with all the snow. He said 3-4 feet of road width was lost to snow banks this winter. He suggested that the danger factor would be increased during snowy months.

Juliet Wolfe, 394 Feller Newmark Road, said she is concerned about safety. She said it is impossible to see around the curve where the project entry will be. She said when there is a serious accident and someone is hurt or dies, it effects the whole community, and said she felt that there will be serious accidents on Feller Newmark Road.

Dan Dantzik, 34 Kristin Lane, said the level of service the town highway department provides to Feller Newmark Road is not as high as other surrounding roads. He recounted an experience in January driving on black ice that formed on Feller Newmark road, resulting in his having an accident on the curve. He asked if the town could effectively enforce the risk mitigation measures that are being proposed

regarding safety on Feller Newmark Road, and if an increase in the service level of the road had been considered as a mitigation measure. He pointed out that there are numerous measures proposed to mitigate hazards on Feller Newmark Road, and asked the board to consider what the chances are that the applicant will be able to execute 100% of the mitigation plans, and if the town is prepared to enforce the mitigation plans.

Robert McKeon distributed a packet of historical information about Feller Newmark Road. It showed several maps of Feller Newmark road from 1850-1930. Mr. McKeon noted how much the road has changed over the years, and how roads often become decommissioned or cease to exist. He said these maps are not legal documents. He said the highway department does not maintain beyond a few inches from the edge of the pavement on Feller Newmark Road.

Mr. McKeon also made reference to a study that concluded that increased site distance does not improve outcome on a curve such as the one at the entrance of the proposed project. He referenced emails between the town highway superintendent and Mr. Bodendorf wherein Mr. Bodendorf acknowledged that Feller Newmark Road is not suitable for 35 mph speed limit based upon horizontal and vertical alignment. He renewed his arguments about the safety on Feller Newmark Road, and what he perceived to be conflicting reports and statements by traffic engineers.

He said that the plan for Dutchess County to have sole responsibility and authority to maintain the sewage disposal system is not consistent with the town's supplemental standards for conservation subdivision section 120.1

He said the location of wells within 200 feet of the proposed development is required to be shown on the maps but they are not. He added that area wells should have been considered during the SEQR review.

He cited a legal decision that he hoped would encourage the board to deny the application based on the hazardous issues residents of Feller Newmark Road will face. He said the issue is not site distance; it is the capacity of the road.

Karen Jerro, 368 Feller Newmark road, said there is another dangerous curve east of the proposed development entrance. She asked if that curve was also considered given the projected increase in traffic. She asked if the public would be able to review the response provided by the applicants to the planning board's list of concerns.

Ms. Kane said all of the response documents from the applicants and consultants are available for public review by contacting the planning office.

Ms. Kane said that planning board had asked the applicant to address all topics brought up in the public hearing, and the planning board has received a 42-page document from the applicant. In addition, comments have been received from the town planning, engineering and traffic consultants.

Ms. Kane said that state law dictates that a public hearing can be kept open for no more than 120 days, which is April 15 for this project. Given the volume of information that still needs to be reviewed by board members, Ms. Kane asked the board how they would like to proceed.

Sam Phelan asked if it has been resolved what type of the road Feller Newmark is and what rights exist for improvements to the road. Jennifer Gray responded that it has been established as a user road, meaning that the adjacent property owners own to the center line of the road, and the public has an easement for highway use. She said the case law regarding the rights of a municipality or applicant to install improvements outside of the paved portion is inconsistent. She asked the applicant to provide written comments to clarify their position on their legal authority to install improvements on the area between the paved portion of the road and the 33 foot boundary.

Mr. Phelan said the applicant has no legal authority to make improvements. He said they can only do those that are requested by the planning board and approved by the highway department. Ms. Gray said the question is whether the applicant would have to obtain approval from the adjacent landowner to install improvements. She said the planning board cannot require the applicant to make improvements if they would otherwise have to get approval from the adjacent landowners. She said more clarification is needed to establish whether permission from the adjacent landowner is necessary or not. She said that in order to provide her legal opinion to the board she needs a better understanding of what the applicant believes their legal authority is.

Mr. Phelan asked if a final plan has been submitted by the applicant showing the improvements to the road they desire to make. Michele Grieg replied yes, and the plans have been submitted to the town traffic consultant to review, and he has asked for additional information. Mr. Phelan asked if the plan has been also submitted to the town engineer and the highway superintendent. Ms. Greig said the highway superintendent has reviewed the plan. Mr. Phelan asked if the town engineer would review the plan. Ms. Greig said that if the board wanted to submit them to the town engineer for review, they may do that as well. Ms. Kane said that comments were needed from the traffic engineer before the town engineer could comment further. She said there was no point in the town engineer reviewing drainage until the issue of the user road is resolved. She said the town engineer is not weighing in on sight distance or road safety issues; that is the job of the traffic engineer.

Mr. Phelan asked if the board would ever receive a statement from somebody that tells the board whether or not the proposal by the applicant meets national standards. Ms. Kane said the issue of legal authority of the user road must be established first.

John Wagner, attorney for the applicant, said that the question is how wide the user road is legally. He said the case law is clear that a user road is a presumed dedicated road. He said although the adjoining owners do own to the center line, the public has a right to maintain passage and improve passage on the road to make it safer or more convenient. He said the purpose of a user road is to give a right of passage and that it is a paramount right. He said he was never aware of any case that ever stopped someone from improving a user road that was necessary to improve the right to passage and safety along the road, which is what the applicant is trying to do. He said the applicant is willing to make the improvements that are necessary, and he believed the applicant has the authority to do so.

Mr. McKeon said that he thought the question is not about the right of public passage in this instance, but rather whether or not private land should be altered to allow private developers to maximize their lot yields.

Christine Kane asked if the consensus of the board is that they are cognizant of the issues involved with the review and no new issues have been raised. Sam Phelan said that one new issue revealed to him was the proximity of the Wyrick's well to the road, and whether or not there would be any

compensation for damage as a result of road improvements. Ms. Gray said that would be something that could be looked into as the process progresses.

Karen Jerro asked if the 120 days for public hearing include the postponement twice of the public hearing at the request of the applicant. Ms. Kane replied yes. Other members of the public joined in saying that the public was not given the opportunity to review the applicant's response to all the questions and concerns that had been raised. Ms. Kane noted that all documents were available for public review in the planning department office upon request.

Ms. Kane asked the applicants representatives if the applicants would give consideration to waive the 120 day limit to keep the public hearing open. Mr. Wagner replied that he did not have the authority to waive the limit, and he had not discussed it with his client. He said he had not heard anything new, and questioned the purpose of keeping the public hearing open. He said that he felt that he had provided a comprehensive response to all the questions and concerns that the board and public had identified.

Mrs. Wyrick asked if 11 new wells would have an impact on the area water supply. Michele Greig said it had been addressed and reviewed by the town engineers, and it had been determined that it would not be a significant drawdown of water in the area. Mr. Bodendorf added that three test wells will be drilled and tested before the project can be approved.

Mr. McKeon asked if it would be required for the applicant to list and show the location of all wells within 200 feet shown on map as indicated in the zoning regulations. He opined that the point of the public process is to provide the public has access to information so they may to it. He said significant documents were received very recently, and the applicant requested and was granted two adjournments over the 120 days. He said he felt it was not a democratic process. He added that by the time the public had a chance to say anything, the SEQR process had been completed.

Ms. Kane explained the point of the public hearing is for the planning board to gather information to make a decision. She said it is not intended to be a back-and-forth of questions and answers. She said the board is not required to provide individualized answers or provide answers in a public hearing format. She said all of the board meetings are open for the public to attend to gather information. She said the board has been gathering information and the consensus of the board is that no new information is being presented. She said the board could close the public hearing but continue to accept comments in writing for a set period of time. She suggested closing the hearing and accepting written comments for 2 weeks.

Sam Phelan asked what the implications were of closing the hearing and when a final decision must be rendered. Ms. Gray said a decision is required within 62 days. Mr. Phelan asked if all the legal issues could be resolved within that time. Ms. Gray said she felt they could. Mr. Phelan asked if the board could expect her recommendation with regard to Feller Newmark Road at the next board meeting April 21. Ms. Gray said she would do her best. Mr. Phelan said he felt the board cannot deal with other issues until the matter is settled.

Sarah Gilbert asked Michele Greig if traffic statistics projections keep pace with anticipated growth in Red Hook overall. Ms. Greig answered that when a projection is prepared the traffic engineer must consider cumulatively other large projects in the area, and they usually look forward up to approximately two to three years.

Douglas Lee asked the board if they were familiar with Feller Newmark Road. Ms. Kane replied that the board did have a site visit to the road, and board members generally agreed that they travel the road on occasionally.

Charlie Laing made a motion that the public hearing be closed and that the board accept written public comments until 4 pm on April 21. Brian Walker seconded, and all members voted in favor.

Robert McKeon asked when the public would be able to see the project engineer's response to the traffic engineer's request for more information. Mr. Bodendorf said he thought he could have it to the planning department by the end of the week. Ms. Kane asked planning staff to let interested parties know when it is received. The project will be on the agenda again May 5.

### **OTHER BUSINESS**

Christine Kane reviewed two communications the board received regarding the Teviot properties on Woods Road. The first was a memo dated March 17 from Hudson & Pacific Designs, the landscape architect retained by the planning board to review the re-vegetation plan that the property owners have submitted in regard to their tree cutting application. The memo outlines the features of the traditional romantic landscape. Ms. Kane said the next step will be a visit to the site by landscape consultant Steven Yarabek.

The applicant also owns the former Davis property to the north, which was the subject of a letter to the board from the Winnakee Land Trust, holders of an easement on that property. Winnakee wrote to notify the board that the property owners had contacted Winnakee and asked them to approve the removal of some dead and storm damaged trees from that property. During the course of Winnakee's review, evidence of Emerald Ash Borer infestation was discovered on the property. If that is the case, Ms. Kane said, there may be a request to take down additional trees. Charlie Laing said only affected ash trees should be removed and expressed an interest in witnessing the identification of infected trees. Ms. Kane referred him to Shannon Duerr at Winnakee Land Trust, and said that the board has asked Winnakee has to copy the board on all communications and activities on the property.

At Ms. Kane's request, Sam Harkins made a motion that the board move into executive session to discuss threatened litigation regarding the Preserve at Lakes Kill project with Jennifer Gray. Sara Gilbert seconded and all members voted in favor.

### **ADJOURNMENT**

At the conclusion of the executive session, Ms. Kane announced that no voting had taken place nor decisions made during the session. Sam Harkins made a motion to adjourn. Betty Carr seconded and all members voted in favor. The meeting was adjourned at 11pm.

Respectfully submitted,

Kathleen Flood  
Secretary

## **Resolution G ranting Preliminary Subdivision Approval to Anderson Commons**

**Name of Project:** Anderson Commons

**Name of Applicant:** Kearney Property Inc.

**Whereas,** the applicant, Kearney Property Inc., has submitted an application for Preliminary Subdivision Plat approval dated March 26, 2014 to the Town of Red Hook Planning Board for a 53 lot (including 51 residential lots) conservation subdivision on  $\pm$  48.9 acres of land, of which  $\pm$  42 acres are located in the Town of Red Hook (Tax Parcel No. 134889-6272-00-565437) and the remaining acreage is located in the Village of Red Hook (Tax Parcel Nos. 134801-6272-11-619615 and 134801-6272-11-594590); and

**Whereas,** the proposed subdivision is a resubmission of an application that was approved on December 18, 2006 and amended on December 1, 2008 and December 15, 2008, but which expired before all required conditions of approval were met, and which was subsequently modified to reflect amendments to the Town of Red Hook Zoning Law that were adopted in July 2011; and

**Whereas,** the subject parcels are located between Fisk Street, Baxter Road, and Glen Ridge Road in the RD1 District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a Preliminary Subdivision Plat prepared by Welch Surveying entitled "Amendment to F. M. No. 8318-C" consisting of Sheets SZ-101, SZ-102, SZ-103, SZ-101-A, SZ-101-B, SZ-101-C, SZ-104-A, and SZ-104-B dated 3/9/06 and last revised on 1/22/14; and

**Whereas,** the lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundary; and

**Whereas,** on May 25, 2005, the Village of Red Hook Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQR; and

**Whereas,** on September 19, 2005, the Village of Red Hook Planning Board, in consideration of the Full 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 issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas,** on November 16, 2011, the Village of Red Hook Planning Board reaffirmed its prior SEQR determination of non-significance issued on September 19, 2005; and

**Whereas,** Town of Red Hook Planning Board determined that the application did not require any area variances due to the amendments to the Zoning Law that had been adopted in July 2011; and

**Whereas,** the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

**Whereas,** the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 21, 2013, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

**Whereas,** the Planning Board considered the comments on the Agricultural Data Statement in its review of the application; and

**Whereas,** the Planning Board notified the Clerk of the Village of Red Hook of the public hearing pursuant to General Municipal Law § 239-nn; and

**Whereas,** on March 17, 2014, the Planning Board opened a public hearing on the Preliminary Plat, Site Plan, and Special Permit applications, which Public Hearing was continued on April 7, 2014, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on April 7, 2014; and

**Whereas,** the Planning Board had deliberated on the application and all the matters before it.

**NOW THEREFORE BE IT RESOLVED,** that the Planning Board hereby grants preliminary approval to the subdivision plat for Anderson Commons prepared by Welch Surveying dated March 9, 2006 and last revised January 22, 2014 to subdivide Lots # 20-52 and Parcel D consisting of 21.072 acres, which are wholly within the Town of Red Hook, and the portions of Lots # 12, and # 14-19, which are partially within the Town of Red Hook, in accordance with the plans and specifications heretofore submitted upon the following conditions:

- I. Conditions to be met prior to submission of the Final Plat:
  - A. Satisfactorily address all comments set forth in the April 1, 2014 review memorandum from Crawford & Associates Engineering, P.C.
  - B. Revise the plat to include a reference to Detail 5 on Sheet AZ-009 (fencing detail) for the proposed drainage pond located on Lots 47 and 48, and include such fencing within the drainage easement area.
  - C. Revise the plat to show the area of Cohen's Way south of Lot #37 to be

roughed in and surfaced with item 4 for use as an emergency access way until Phase 2 is developed.

- D. Revise the plat to contain the following note: Access to Lots #2 through 20 will be via a privately owned street, as shown on Sheet AZ-003 of the Site Plan.
- E. Revise the plat to clarify that the water main will be completed for the entire portion of Cohen's Way during the first phase of construction.
- F. Delete signature block for the Town ZBA from Sheet AZ-001.
- G. Include Planning Board signature block and owner consent block on subdivision plat.
- H. Revise plat to clearly mark it as "preliminary plat."
- I. The following additional revisions shall be made to the subdivision plat:
  - (i) The General Note on Sheet SZ-101 shall be revised to indicate that Lot A will be subdivided in Phase I.
  - (ii) The title on Sheets SZ-101, 101-A, 104-A and 104-B shall include a reference to Lot A.
  - (iii) Delete the reference to Lot A in the title on Sheets SZ-102, 101-B and 101-C.
  - (iv) Sheet SZ-103 shall be entitled Phase II and shall refer to Lots 46-52.
  - (v) In the Drawing List on the Cover Sheet (AZ-001), Sheets SZ-102 and 103 shall refer to Phase II.
  - (vi) Revision of Sheet CZ 118 and all related sheets to show the outfall easement area from Stormwater basin 1N.
- II. General Conditions that may be carried over to final plat approval:
  - A. Approval from the Dutchess County Department of Health for methods of water supply and wastewater disposal.
  - B. Approval from the Town and Village of Red Hook for the establishment of a Transportation Corporation for ownership and operation of the community septic system, including the posting of all required bonds and security.
  - C. An acknowledgement letter of coverage from the New York State Department of Environmental Conservation (NYS DEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and a SPDES permit from NYS DEC for treatment plant discharge.
  - D. Submission of a Homeowners Association agreement, including covenants and bylaws of the Homeowners Association, in final form acceptable to the Town Planning Board Attorney.
  - E. Proof of formation of the Homeowners Association by filing of the requisite documents with the Office of the Attorney General.
  - F. Verification that the conservation easement for Parcel D will be held by a qualified easement holder.
  - G. Submission of the conservation easement for Parcel D in final form acceptable to the Town Attorney.
  - H. Street names approved by the Town Clerk and Dutchess County E-911.
  - I. Submission of the Common Use and Maintenance Agreement for the shared driveways in a final form acceptable to the Town Attorney.
  - J. Approval by the Town Attorney of the form of all documents required for

the dedication of all public improvements, including an offer of dedication to the Town of the proposed Town road (Cohen's Way) and each of the related drainage easements. If only a portion of Cohen's Way will be fully completed during the first phase of construction, the applicant shall prepare two separate offers of cession, one for the Town portion of the road to the temporary end, and one for the remainder, to enable the Town to accept portions of the road as it is built out.

- K. Submission of a temporary road easement, to the satisfaction of the Town Attorney, for a portion of Monarch Lane next to Cohen's Way to provide for a turnaround in front of the gate until Cohen's Way is completed.
- L. Submission of drainage easement(s) acceptable to the Town Attorney, including but not limited to drainage easements for Stormwater basin 1N and the outfall.
- M. Submission of a sanitary sewer easement(s) acceptable to the Town Attorney.
- N. Submission of a satisfactory review letter from the Town Highway Department regarding sight distance at the intersection of Cohen's Way and Glen Ridge Road.
- O. Receipt of road opening permit from Town Highway Department for curb cut on Glen Ridge Road.
- P. Submission of a satisfactory review letter from the Red Hook Fire Department regarding the proposed temporary gates, road widths, turning radii and overall emergency access on Cohen's Way.
- Q. Submission of written assurance from each public utility company that such company will make the necessary service installations within a time period and according to specifications satisfactory to the Planning Board, which shall include the underground installation of all on-site and, to the extent practicable, off-site extensions.
- R. Acceptance of offers of cession for a water line easement in favor of the Village of Red Hook in form and substance satisfactory to the Village Board of Trustees and the Village Attorney.
- S. The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer, as applicable to Phase 1 and Phase 2.
- T. The applicant shall establish and place with the Town a performance guarantee or other agreement(s) containing such terms and conditions that are satisfactory to the Town Attorney and Town Engineer for the purpose of guaranteeing or securing performance by the applicant with regards to the construction of all public improvements, including the construction and maintenance of Cohens Way and related drainage features from Fisk Street to Monarch Lane (Phase 1) and from Monarch Lane to Glen Ridge Road (Phase 2), for a minimum period of one (1) year, renewable in one (1) year increments.
- U. Payment of recreation fee to the Town of Red Hook for 36.41 residential building lots.

- V. The applicant shall post a cash security with the Town in the amount to be determined by the Town Engineer for engineering inspections of improvements.
- W. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- X. Approval of a Site Plan and Special Permit for the portion of the proposed residential development located in the Town of Red Hook.
- Y. All necessary approvals from the Village of Red Hook for the portion of the proposed residential development located in the Village of Red Hook.
- Z. The Final Plat must be submitted within 6 months of the date of this resolution.

On a motion by Sam Phelan, seconded by Sam Harkins, and a vote of 7 for, 0 against, and 0 absent, this resolution was adopted on April 7, 2014.

Resolution declared: approved on April 7, 2014

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

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Kathleen Flood, Clerk to the Board

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Date