

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
December 5, 2016**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:35 pm. A quorum was determined present for the conduct of business. Members present: Christine Kane, Charlie Laing, Lisa Foscolo, Sam Harkins, Sam Phelan and Brian Kelly. Also present was planning consultant Michele Grieg and engineering consultant Brandee Nelson. Kallie Robertson was absent.

Brian Kelly made a motion to approve the minutes of the November 21 meeting. Charlie Laing seconded and all members voted in favor.

Ms. Kane announced that Susan Elias had withdrawn her application for an accessory apartment, and that a letter had been received from Central Hudson reminding the Board to refer applicants whose property may be subject to utility easements to Central Hudson's Real Property Services Department.

PUBLIC HEARING

Howland / Town of Red Hook – 7332 South Broadway – Lot Line Adjustment

Public Hearing on application for a lot line adjustment to convey a total of 1.01 acres of land from two parcels owned by Richard V. Howland to the 5.41 acre Red Hook Town Hall parcel.

Town Supervisor Robert McKeon was present. Christine Kane read the public hearing notice that was published in the Poughkeepsie Journal and the Daily Freeman.

Mr. McKeon gave an overview of the project. He said the land is adjacent to the town highway department. He said the department now accommodates the village as well as the town highway department, and the acquisition of an additional acre is an opportunity to maintain the highway complex for the future.

Ms. Kane asked if there were any questions or comments from the public. There were none.

Ms. Kane said that Michele Grieg was satisfied with the revisions that were submitted. Ms. Kane asked if any Board members had questions or comments. There were none. Ms. Kane said she thought this was a good opportunity for the town and makes sense. She asked if there were any further questions or comments from the public. There were none. Ms. Kane stated that the town board was serving as lead agency for the SEQR review of the project. Sam Harkins made a motion to close the public hearing. Lisa Foscolo seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Ms. Kane noted that the Village of Red Hook was notified about the public hearing, and that the project would not be subject to a recreation fee.

Sam Phelan made a motion to adopt the approval resolution. Brian Kelly seconded and all members voted in favor.

OLD BUSINESS

Teviot LLC / 245 Woods Road – Special Permit

Continued discussion of application to remove trees within 1000 feet of the Hudson River on a 19.22 acre parcel and a 62.91 acre parcel in the WC Zoning District and the National Historic Landmarks District.

Matt Nye, property manager and arborist Mark Barry and attorney Jon Adams were present to represent the applicant. Stefan Yarabeck, the Planning Board's landscape architecture consultant, was also present.

Christine Kane gave a brief history of the project for Board members who are new, since it has been approximately 1 ½ years since the applicant has been before the Board. She noted that although Stefan Yarabeck is the Board's consultant, the applicants had requested permission to work directly with Mr. Yarabeck to develop remediation plan, and the Board had granted that request. She said the planting plan submitted was the result of that collaboration, and Mr. Yarabeck had reviewed the submission on behalf of the board in preparation for tonight's meeting. She asked Mr. Yarabeck for his comments.

Mr. Yarabeck said that he had visited the site, and was pleased to see that the bald eagle nesting site was thriving. He said that in his initial report in July of 2014, he had recommended 85 trees be planted. He said he generally approved of the planting plan dated 10-28-14 with the recommendations that oak trees, white pines and red maples should be planted where dogwood trees are shown. He explained that these are the trees eagles prefer for nesting along the river, and the eagles that have been there for approximately 20 years, are nesting in very mature tree, so the planting of those species would provide future nesting sites.

Ms. Kane asked what the size of the trees proposed to be planted was. Mr. Yarabeck said that the pines were 6-7 feet, and the deciduous trees were 2 1/2 to 3-inch caliper, as he had recommended. Michele Grieg recommended that a note stating that should be added to the plan.

Ms. Kane said she recalled that Mr. Yarabeck had noted that no machinery should be used within 350 feet of the eagle's nest. Mr. Yarabeck agreed that is the case, which is why smaller trees that can be hand planted will be used. He added that white pines are fast growing.

Charlie Laing said he would like to see an updated plan, and asked why red maple trees were chosen over sugar maple trees. Mark Barry, the property caretaker, said that the red maples seem hardier. He said sugar maples had been planted but did not thrive well. Mr. Lang commented that there were heritage sugar maple saplings along the bluff that will probably grow in. Mr. Yarabeck also suggested legacy sugar maple trees, which he said are heat and drought resistant.

Michele Grieg recommended that specific cultivars be named in the revised plan. Ms. Kane and Sam Phelan questioned the remediation aspect of the plan because the bulk of the replacement trees are shown by the houses and pool area. Matt Nye said that the proposed shadbush were meant to soften the structures from the view of the river and at the site. Mr. Yarabeck added that the vegetation that had been the understory of the clear cut area has grown in well with the increased sunlight. Mr. Phelan asked if the regeneration on the bluff would be brush-hogged or otherwise cut down in the future. Mr. Barry said only invasive species would be removed. Discussion followed about notes to the plan that should be added to protect the eagle nesting site, and that management practices along the bluff may be done to support and encourage newer saplings, such as the sugar maples, red maples and oaks that may be competing with less desirable species, such as birches. Ms. Kane asked Mr. Yarabeck to come up with some language for a note to be added to the plan to regarding selective thinning along the bluff.

Mr. Phelan asked Mr. Yarabeck how he felt about the effectiveness of the plan in terms of restoring or reconstructing the historical romantic landscape. Mr. Yarabeck replied that the clusters of plantings could be intensified to create the framed views romantic landscaped are known for. He added that his approach was to add trees to support the eagle nesting activity rather than restore the romantic landscape, but that it could be accomplished by adding more shadbush among the proposed plantings.

The Board and applicants summarized the discussion and the recommendations that had emerged for plan revisions, and discussed SEQR forms that need to be revised and resubmitted. The applicants plan to return December 19.

DMAJS Associates LLC - Edgewood Drive/Cedar Drive/Overlook Drive - Minor Subdivision

Continued Discussion of application to create a 3 lot subdivision from a 29.6 acre parcel in the R 1.5 Zoning District.

Doug Strawinski and Mark Graminski were present. Mr. Strawinski and Mr. Graminski updated the Board on efforts to clarify ownership and access for the small piece of property where Overlook and Birchwood meet that has been shown as a separate parcel on past maps but has now been determined, is actually part of lot proposed parcel 3. To provide final clarification Mr. Strawinski obtained a quit claim deed from the Kalina heirs, the former owners, which has been filed with the county.

The Board and applicants reviewed comments from Michele Grieg dated 12-5-16. Mr. Strawinski said that he could not obtain a statement from the Dutchess County Health Department agreeing to allow individual wells because they require preliminary plat approval first. Ms. Greig pointed out that Red Hook's regulations do not provide for preliminary approval for minor subdivisions. Mr. Graminski added that the problem was compounded when the Forest Park water supply indicated they would serve the subdivision, when they had originally said they could not.

Christine Kane stated that since there are two options for providing the new lots with water, i.e., private wells or private water system, this issue could possibly be addressed as a condition of approval, which then would allow the applicants to finalize discussions with the DC Department of Health.

Details of easement agreements that need to be submitted were reviewed.

The Board reviewed part 2 of the Full Environmental Assessment Form and a Negative Declaration. The Negative Declaration was revised to indicate that the properties would receive water either from individual wells or Forest Park. Charlie Laing made a motion to adopt the Negative Declaration. Sam Harkins seconded and all members voted in favor. A public hearing will be held Dec. 19.

OTHER BUSINESS

Pre-application discussion – Dan Smith, Bard College, squash court deck replacement.

Dan Smith was present. He said that Bard College would like to replace the deck on the squash court, which is within 1000 feet of the Hudson River. He wanted to determine whether the project requires Planning Board approval. After discussing the proposed project and viewing photos provided by Mr. Smith, the Board generally agreed that the project was routine maintenance and did not require Board approval.

There being no further business before the Board, Charlie Laing made a motion of adjourn. Sam Harkins seconded and all members voted in favor.

Respectfully submitted



Kathleen Flood
Secretary

**Resolution Granting Approval to the Final Subdivision Plat for
Howland/Town of Red Hook Lot Line Alteration**

Name of Project: Howland/Town of Red Hook Lot Line Alteration

Name of Applicants: Richard V. Howland and the Town of Red Hook

Whereas, the applicants, Richard V. Howland and the Town of Red Hook, have submitted an application for Lot Line Alteration dated November 17, 2016 to the Town of Red Hook Planning Board to convey a total of $\pm$ 1.01 acres of land from two parcels owned by Richard V. Howland (Tax Parcel Nos. 134889-6272-00-310400-0000 and 134889-6272-00-312410-0000) to a $\pm$ 5.41 acre parcel owned by the Town of Red Hook (Tax Parcel No. 134889-6272-00-350421-0000) located at 7332 and 7340 South Broadway in the TND Commercial Center Subdistrict in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Plat prepared by Crawford & Associates Engineering, PC dated November 11, 2016 and last revised November 22, 2016; and

Whereas, on July 18, 2016, the Town of Red Hook Town Board classified the action as an Unlisted action and declared its intent to serve as Lead Agency in a coordinated review of the project; and

Whereas, on July 27, 2016, after reviewing the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Town Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

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

Whereas, on December 5, 2016, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on December 5, 2016; and

Whereas, the Planning Board has reviewed and deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision plat approval to Richard V. Howland and the Town of Red Hook in accordance with the plans and specifications heretofore submitted, subject to the following conditions and modifications:

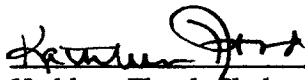
A. The Planning Board authorizes the Chair or her authorized designee to sign the Subdivision Plat after compliance with the following conditions:

1. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
2. Payment of any and all outstanding escrow balances for consultant review.
3. 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.

BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicants.

On a motion by Sam Phelan, seconded by Brian Kelly, and a vote of Christine Kane, Charlie Laing, Lisa Foscolo, Brian Walker, Sam Phelan and Sam Harkins for, none against, and Kallie Robertson absent, this resolution declared: Adopted on December 5, 2016.

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



Kathleen Flood, Clerk to the Board

12-6-16

Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 5, 2016

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: DMAJS Subdivision

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The applicant proposes to subdivide a ± 29.772 acres into three (3) lots, ± 19.123 acres, ± 5.047 acres, and ± 5.602 acres in size. The property is located on Edgewood Drive, Cedar Drive, and Birchwood/Overlook Drive in the R1.5 District. The project will be served by either individual wells or by connection to the public water supply system, and by individual subsurface sanitary disposal systems. Access to the proposed three lots will be provided by a common driveway from Birchwood/Overlook Drive.

Location: Edgewood, Cedar, Birchwood/Overlook Drives, 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 Full Environmental Assessment Form (EAF) for the action dated May 16, 2016, 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. A New York State Department of Environmental Conservation (NYSDEC) regulated wetland

(KE-20) is present on the project site. The wetland was field delineated by the applicant's biologist Michael Nowicki. No development is proposed in the vicinity of the wetland or its regulated 100' adjacent area. Based on the foregoing, no significant adverse environmental impacts to wetlands will result from the proposed project.

4. The Town and Dutchess County Department of Health may approve connection of the three lots to the existing public water supply system. However, in the event such connection is not approved, the applicant has submitted certification from a licensed professional engineer that it is likely that a suitable individual on-site water supply may be developed on each of the proposed lots, pursuant to § 120-20G(2) of the Zoning Law, and the wells will be approved by the Dutchess County Department of Health. The project's total anticipated water usage per day is 1,170 gallons, which will have no measurable impact on existing groundwater supplies in the area. Based on the foregoing, no significant adverse environmental impacts to groundwater will result from the proposed project.
5. The project site is adjacent to two farm operations that are located within the Town's Agricultural Business Zoning District, the northern one of which is also within a certified NYS Agricultural District (Agricultural District 20). The closest proposed house site will be located approximately 165' from the agricultural parcel to the north and approximately 100' from the agricultural parcel to the east; the intervening land area is currently heavily wooded and will remain heavily wooded. The distance between the house site and the adjacent agricultural parcels, in conjunction with the existing vegetation, will buffer the adjacent agricultural lands from the proposed subdivision, as recommended by the Town's Subdivision Regulations, to the greatest extent practicable. An Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcels. The Planning Board considered comments on the Agricultural Data Statement in its review of the application. Based on the foregoing, no significant adverse environmental impacts to agricultural resources will result from the proposed project.
6. The proposed action will create a need for recreational land and facilities due to the generation of approximately 11 new residents of the Town including four (4) new school age child (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). 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. Based on the present and anticipated future need for park and recreational opportunities in the Town, and the recreation demands that will arise from the future population of this project, parklands should be reserved as a condition of approval of this subdivision. However, 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, pursuant to New York State Town Law § 277, the Planning Board has appropriate grounds to require that the applicant deliver payment in lieu of parkland dedication in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, the proposed action will not result in any significant adverse environmental impacts on community resources.
7. The Town of Red Hook Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Kathleen Flood, 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)