TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
October 2, 2017

Deputy Chairman Sam Phelan called the meeting to order at 7:30 pm and announced two changes to the agenda: the Kramer application for a Certificate of Appropriateness was deleted from the agenda, and the extension request for the Preserves at Lakeskill major subdivision would be tabled until Oct. 16.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Lisa Foscolo and Brian Kelly. Christine Kane, Kallie Robertson and Sam Harkins were absent. Also present was planning consultant Michele Grieg.

Brian Kelly made a motion to approve the minutes of the Board's September 18 meeting. Lisa Foscolo seconded and all members voted in favor.

PUBLIC HEARING

Horkan (Kuenster)/Rotger – 274 Spring Lake Road -Lot Line Alteration

Public hearing on application to convey 3.46 acres of land from the 12.79 acre Rotger parcel to the 19.313 acre Horkan (to be acquired by Kuenster) parcel in the RD3 Zoning District.

The applicant's representative and surveyor Marie Welch was present. Sam Phelan read the public service announcement that was published in the Poughkeepsie Journal and the Kingston Freeman. Ms. Welch gave an overview of the project.

Mr. Phelan asked if there were any questions from the public or the board. There were none. Mr. Phelan asked about DEC wetlands on the site. Ms. Welch indicated the wetlands on the plat. She said that she would ask the DEC to sign off on her subdivision plat. Michele Grieg said that for the purposes of SEQR, the house site should be shown, and it must be outside of the 100 foot wetlands buffer zone.

Mr. Phelan asked if there were any other comments or questions from the public. There were none. Bill Hamel made a motion to close the public hearing. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Brian Kelly moved to adopt is with some revisions regarding notes on the plat and the proposed building envelope. Bill Hamel seconded and all members voted in favor.

David Podolsky – 249 Hapeman Hill Road – Lot Line Alteration

Public hearing on application for a lot line alteration between a 12 acre parcel and an adjacent 9 acre landlocked parcel of the same owner, resulting in a 3.5 acre parcel with an existing house, well and septic, and a 17.5 acre vacant flag lot in the RD3 Zoning District.

The applicant's representative and surveyor Marie Welch was present. Sam Phelan read the public service announcement that was published in the Poughkeepsie Journal and the Kingston Freeman. Ms. Welch gave an overview of the project. She said that the proposed flag lot has 60 feet of road frontage, and that the applicant would provide a feasibility study to show that a home can be built on the larger parcel, due to environmental constraints on the site.

Mr. Phelan asked if there were any further comments or questions from the public or Board. There were none. Lisa Foscolo moved to close the public hearing. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Lisa Foscolo made a motion to adopt if. Brian Kelly seconded and all members voted in favor.

Hannaford Supermarket – Amended Site Plan
Public hearing on application to restripe and place identification signs on 6 existing parking spaces, change the color of the building, replace the existing signage in the front of the building, relocate the Welcome sign, and replace the face of the monument sign on Route 9.

The applicant's representative Brandee Nelson of Tighe and Bond Engineering, PC was present. Sam Phelan read the public hearing announcement that was published in the Poughkeepsie Journal and the Kingston Freeman. Ms. Nelson gave an overview of the project.

Mr. Phelan asked if there were any comments or questions. There were none. Brian Kelly made a motion to close the public hearing. Bill Hamel seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Lisa Foscolo made a motion to adopt it with a condition that the kelvin level of the new LED sign was lowered from 7000 to 3500. Bill Hamel seconded and the motion was carried unanimously.

Hesse-Bellman – 88 Station Hill Road – Certificate of Appropriateness
Public hearing on application to construct a 1 car detached garage in Barrytown.

Because the applicant or a representative was not present, the hearing was not opened.

NEW BUSINESS

Janet Johnson – 4939 Route 9G – Certificate of Appropriateness
Presentation of application to construct a 12' x 22' deck and 12' x 22' addition and related upgrades.

Applicant Steve Falk, the project builder, was present. He gave an overview of the project.

The Board reviewed comments from the Design Review Committee, who were in favor of the project, and recommended that it be approved.

A public hearing was scheduled for Oct. 16.

Hagen-Heidt – 19 Barryton Road – Certificate of Appropriateness
Presentation of application to install a ground mounted PV solar system.

Applicant Timothy Heidt and solar contractor Joe Doherty were present. Mr. Doherty said the property is screened by evergreen trees from Barrytown Road and Route 9G. Two arrays are proposed; one 64 x

13 feet and a future one 3 x 5 feet. Each are tilted at 35 degrees with the high end at 12 ½ feet. Mr. Heidt said they will be ground mounted because he has a flat roof.

Brian Kelly asked how the power would be delivered to the house. Mr. Doherty said a 15 inch conduit pipe will be buried along the driveway, routed underneath a culvert.

The Board reviewed comments from the Design Review Committee. The committee was concerned that the array was not concealed enough from neighbors and passersby. Mr. Heidt said he did not have many siting alternatives aside from his yard and his roof, neither of which is appropriate.

The Board asked the applicant to mark where the arrays will be placed on his property so that they could view the site at their convenience. The Board and applicants discussed various ways to soften the industrial look of the arrays.

A public hearing was scheduled for October 16.

Kenner – Botstein – 215 Kidd Lane – Certificate of Appropriateness
Presentation of application to construct a 1200 SF addition and 200 SF deck on an existing residence.

Project builder and applicant's representative George Smith was present. He said the existing house site in the middle of a wooded 5 acre lot, and is not visible from Kidd Lane.

Mr. Smith described the modern, rather unusual design of the addition in detail. Mr. Phelan commented that standards of design in the Historical District have not really been established, acknowledged that Kidd Lane is eclectic, and that the project cannot be seen from the road.

Mr. Smith said he appreciated the town's interest in preserving historical homes, but this particular home was built in the 1980s. Brian Kelly said that because it cannot be seen from the road, he was not uncomfortable with the unusual design, but he felt that the comments received from the Design Review Committee were not substantive. Mr. Phelan agreed.

The Board requested that Mr. Smith provide a list of building materials and scheduled a public hearing for Oct. 16.

ADJOURNMENT

There being no further business before the board, Bill Hamel made a motion to adjourn. Brian Kelly seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood

Kathleen Flood
Clerk of the Board

Resolution Granting Approval to the Final Subdivision Plat for Kuenster, Rotger, and East Bridge Realty, LLC

Name of Project: Kuenster, Rotger, and East Bridge Realty, LLC Lot Line Alterations

Name of Applicants: Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC

Whereas, the applicants, Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC, have submitted an application for Lot Line Alterations to convey ± 2.392 acres of land from the ± 12.79 acre Rotger parcel (Tax Parcel No. 134889-6373-00-854555-0000) to the ± 19.313 acre Kuenster parcel (Tax Parcel No. 134889-6373-00-790535-0000), and to convey ± 1.367 acres of land from the Rotger parcel to the ± 8.6 acre East Bridge Realty, LLC parcel (Tax Parcel No. 134889-6373-00-738435-0000), all located in the RD3 Zoning District on Spring Lake Road, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Plat prepared by Welch Surveying entitled "Lot Line Alterations Prepared for Kevin Kuenster and East Bridge Realty, LLC and Kirk and Scott Rotger" dated June 8, 2017 and last revised September 18, 2017; and

Whereas, on September 18, 2017, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on September 18, 2017, after reviewing the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Planning 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 parcels are located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural Data Statement dated June 9, 2017 and last revised September 18, 2017, 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 Agricultural Data Statement in its review of the application; and

Whereas, the applicants submitted a copy of the "Declaration of Easement Common Driveway and Maintenance Agreement" dated February 8, 2016 for the shared driveway between the lands of Kuenster and Berko that was previously reviewed by the Town Attorney in the context of the Horkan Lot Line Alteration approved by the Planning Board on September 21, 2015; and

Whereas, on October 2, 2017, 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 October 2, 2017; 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 Kevin Kuenster, Scott and Kirt Rotger, and East Bridge Realty, LLC 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) The subdivision plat shall be revised as follows:
      (a) To show the location on the Kuenster property of the proposed house site, which shall be located outside the New York State Department of Environmental Conservation (NYSDEC) wetland and its 100' adjacent area.
      (b) The plat shall include the NYSDEC Freshwater Wetland Boundary Validation Block, which shall be signed and dated by the NYSDEC. Alternatively, the sheet entitled "Wetland Delineation Plan prepared for Kevin Kuenster and Kate Staples" prepared by Mark R. Gramnski P.E., L.S., P.C. dated June 6, 2017 shall be included as Sheet 2 of the Subdivision Plat to be filed with the Dutchess County Clerk's Office.
      (c) Add a Plan Note that states that: "An individual water supply and sanitary sewage disposal system permit must be issued by the Dutchess County Department of Health for the parcels labeled East Bridge Realty, LLC and Kuenster prior to the issuance of a building permit for that lot."
   2) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
   3) Payment of any and all outstanding escrow balances for consultant review.
   4) 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.
   5) The applicants shall verify that the corners and angle points of the boundaries of the original tract being subdivided have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-29B(2)(b) and (f) of the Town Code.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

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 **Bill Hamel**, seconded by **Brian Kelly**, and vote of **Sam Phelan, Bill Hamel, Lisa Foscolo and Brian Kelly** for, **none** against, and **Christine Kane, Kallie Robertson and Sam Harkins** absent, this resolution was adopted on **October 2, 2017**.

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

Kathleen Flood

Kathleen Flood, Clerk to the Board

10-4-17

Date

Resolution Granting Approval to the Final Subdivision Plat for Podolksy

Name of Project: Podolsky Lot Line Alteration

Name of Applicant: David J. Podolsky

Whereas, the applicant, David J. Podolsky, has submitted an application for Lot Line Alteration dated June 9, 2017 to the Town of Red Hook Planning Board to convey ± 8.5 acres of land from a ± 12 acre parcel owned by the applicant (Tax Parcel No. 134889-6372-00-873980-0000) to a ± 9.2 acre parcel owned by the applicant (Tax Parcel No. 134889-6373-00-869050-0000) located on Hapeman Hill Road in the RD3 District, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Welch Surveying entitled "Lot Line Alteration Map Prepared for David J. Podolsky" dated June 9, 2017 and last revised August 21, 2017; and

Whereas, on June 19, 2017, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on September 18, 2017, after reviewing the Short Environmental Assessment Form and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Planning 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 parcels are located within 500 feet of a certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated June 9, 2017, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

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

Whereas, the applicant proposes one (1) flag lot pursuant to § 143-21C of the Zoning Law and on September 18, 2017, the Planning Board determined such lot meets the minimum requirements for a flag lot and is essential to permit reasonable use of the subdivision tract without adverse environmental impact or in contravention of the public health, safety and welfare; and

Whereas, on October 2, 2017, 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 October 2, 2017; 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 David J. Podolsky 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) The subdivision plat shall be revised to:
      (a) Add a Plan Note that states that: "An individual water supply and sanitary sewage disposal system permit must be issued by the Dutchess County Department of Health for Parcel II prior to the issuance of a building permit for that lot."
      (b) Add a Plan Note that states that: "Any change to the location of the proposed house site and/or the SDS area shown on this plat for Parcel II must be approved by the Town of Red Hook Planning Board."
   2) Submit certification from a licensed professional engineer that an approvable individual sanitary sewage disposal system location exists on Parcel II and that it is likely that a suitable individual on-site water supply may also be developed on Parcel II.
   3) Obtain a driveway permit from the Town Highway Superintendent for the proposed driveway from Hapeman Hill Road to access Parcel II.
   4) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
   5) Payment of any and all outstanding escrow balances for consultant review.
   6) 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.
   7) The applicant shall verify that the corners and angle points of the boundaries of the original tract being subdivided have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-29B(2)(b) and (f) of the Town Code.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicant shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicant shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

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 applicant.

On a motion by **Lisa Foscolo**, seconded by **Brian Kelly**, and vote of **Sam Phelan, Bill Hamel, Lisa Foscolo and Brian Kelly** for, **none** against, and **Christine Kane, Kallie Robertson and Sam Harkins** absent, this resolution was adopted on **October 2, 2017.**

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

Kathleen Flood   10-4-17

Kathleen Flood, Clerk to the Board   Date

Resolution Granting Amended Site Plan Approval to Hannaford Supermarket

Name of Project: Hannaford Supermarket Renovations

Name of Applicant: Hannaford Bros. Co., LLC

Whereas, the Town of Red Hook Planning Board has received an application for Amended Site Plan approval from Hannaford Bros. Co., LLC to renovate the parking lot at an existing Hannaford Supermarket for "Hannaford to Go" service, to replace existing signs with new signs, and to change the colors of the building on a ± 14.18 acre parcel (Tax Map Parcel No. 134889-6272-00-298202-0000) located at 35 Hannaford Drive in the Traditional Neighborhood Development (TND) Commercial Subdistrict in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan prepared by Stantec dated July 21, 2017; and

Whereas, the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Town of Red Hook Zoning Law and has found that the proposal complies with all applicable sections of the Zoning Law with the exception of sign size and sign lighting, for which the applicant was previously granted area variances from the Zoning Board of Appeals on June 11, 2003; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on September 18, 2017 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(1) and (2) and, therefore, SEQR does not apply; and

Whereas, due to the location of the property within 500' of a State road and a farm operation in a New York State certified agricultural district (Agricultrual District 20), the site plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department issued a review letter dated September 11, 2017 stating that the project was a matter of local concern; and

Whereas, the parcel is located within 500' of a certified agricultural district and the applicant submitted an Agricultural Data Statement dated August 24, 2017, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on October 2, 2017, the Planning Board opened a duly noticed public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on October 2, 2107; 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 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 Site Plan approval to Hannaford Bros. Co., LLC for Hannaford Supermarket Renovations in accordance with the plans and specifications heretofore submitted upon the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:

1. The Signage Plan shall be revised to add a note that the LED lights for the proposed signs shall be a maximum of 3,500 Kelvin.

2. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

3. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

4. Payment of any and all outstanding escrow balances for consultant review.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Department. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Compliance:

1. A Certificate of Compliance will not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan.

On a motion by **Lisa Foscolo**, seconded by **Bill Hamel**, and a vote of **Sam Phelan, Bill Hamel, Lisa Foscolo and Brian Kelly** for, **none** against, and **Christine Kane, Kallie Robertson and Sam Harkins** absent, this resolution was adopted on **October 2, 2017**.

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

Kathleen Flood

Kathleen Flood, Clerk to the Board

10-4-17

Date