

**TOWN OF RED HOOK PLANNING BOARD**  
**APPROVED MEETING MINUTES**  
**May 17, 2021**

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Kristina Dousharm, Lew Rose, and Brian Kelly. Also present were planning consultants Michele Greig and Ted Fink, engineering consultant Brandee Nelson, and Planning Board Clerk Kathleen Flood.

Brian Kelly moved to approve the draft minutes for April 5 and 19. Kristina Dousharm seconded, and the motion passed unanimously.

Ms. Flood announced that all Board members are required to participate in a NYS Webinar concerning harassment and discrimination, which is offered monthly. Links to the webinar will be emailed to Board members as the dates are announced.

**PUBLIC HEARINGS**

**Simcock Certificate of Appropriateness – 236 Dock Road**

Public Hearing on application to renovate an existing residence on a 1.58 -acre parcel in Barrytown.

Mr. Phelan read the announcement that was published in the Poughkeepsie Journal.

Applicants representative Kyle Wells was present. He gave an overview of the project

Mr. Phelan asked if there were any comments from the public. There were none. Brian Kelly moved to close the public hearing. Kristina Dousharm seconded, and all members voted in favor.

The Board reviewed comments from the Design Review Committee that recommended that the Board approve a Certificate of Appropriateness.

Kristina Dousharm moved to approve a Type II SEQR Resolution, meaning no further review under SEQR is required. Brian Kelly seconded, and the motion passed unanimously. The Board reviewed a draft Certificate of Appropriateness. Brian Kelly moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

**Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road**

Public Hearing on application to construct a pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

Sam Phelan read the public hearing notice that was published in the Poughkeepsie Journal.

The hearing was interrupted intermittently by internet hackers. It took nearly 30 minutes to eliminate the interference by shutting down the meeting and starting a new one.

Brian Kelly moved to open the hearing. Kristina Dousharm seconded, and all members voted in favor. Applicant's representative Floyd Johnson was present. He gave an overview of the project.

Mr. Phelan asked if there were any questions or comments from the public. There were none. The applicants were asked to provide details of the signs, add the existing lighting to the site plan and provide photos of the existing light fixtures.

Michele Greig reviewed her comments dated 5-13-21. She asked if the applicants propose to alter or paint the existing fence in the front. Mr. Johnson answered no. Ms. Grieg offered some comments about the proposed landscaping such as deer resistance and the hardiness of certain plants proposed. She noted that comments have not yet been received from the Dutchess County Department of Planning and Development (DCDPD).

Because of the interference, Mr. Phelan said the public hearing will remain open. The applicants will update the landscape plan and provided information about the existing lighting and signs.

#### **Mighty Donuts Site Plan – 7269 South Broadway**

Continued Public Hearing on application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Board member Karen Smyth joined the meeting. Kristina Dousharm recused herself. Applicants' representatives Ayaka Hale and Zak Hall and applicants Dennis Kanuk and Rhianon Jones were present.

Ms. Hale gave an overview of the changes to the site plan. The most significant change was moving the diner car south in response to comments from the DCDPD.

Public comments from Leslie Fisher, Amy Linker and Patrice Shields were reviewed. Mr. Phelan said the Department of Transportation has agreed to the Planning Board's request to be the lead agency for SEQR.

Brandee Nelson reviewed her comments dated 5-13-21. She said there was no data in the photometric plan that shows a minimum illumination level in the parking lot, and recommended that more lighting be provided there, or that data be provided showing adequate light spillage from the movie theatre parking lot.

Michele Greig reviewed her comments dated 5-13-21. She noted all the comments from the DCDPD have been satisfied.

The applicants described the three waivers requested from the Planning board: the use of natural exterior finish materials, the requirement for a sloped roof, and the requirement for 70% of the façade on the frontage be glazed.

Mr. Phelan said the Planning Board must conclude SEQR so that the Zoning Board of Appeals can close their public hearing and decide on the two variances before them.

The Board reviewed parts 2 and 3 of the EAF prepared by Ms. Greig. Brian Kelly commented that demolishing a residence on the property seemed to him to be a significant change in the use of the land, particularly because the building proposed to be demolished is a residence. He said that he felt the Board has not appropriately addressed this issue, which has come up repeatedly in the public hearing. Lew Rose said there is nothing the applicant or the Planning Board can do about the proposed demolition. Karen Smythe said she felt it is unfortunate for the family renting the existing house, but the property has been advertised for sale for quite a while, and there seemed to be a lack of understanding of the process and communication, which cannot be resolved by the applicants as the potential buyers. Mr. Kelly said that these positions had not been clearly articulated to the tenant, which he (Mr. Kelly) felt was necessary. After more discussion, the Board generally agreed that the change in use is a small to moderate impact for the purpose of SEQR.

At the conclusion of review, Mr. Rose made a motion to adopt a Negative SEQR Declaration. Karen Smythe seconded, and the motion passed unanimously.

The Public hearing will be continued at the next meeting. Alan Monarchi, who resides in the existing rental on the property, commented that the area where the parking lot will be is very dark. He asked the board what was more important in the Traditional Neighborhood District mixed use area: business or residential. Mr. Phelan said he felt there is no answer to that. Mr. Monarchi said the site plan under consideration is not a mix of business and residential. He expressed his frustration with his current circumstances. He asked if there is a governing body that decides what businesses are good for Red Hook. Mr. Phelan said the Community Master Plan is the basis for the Zoning Ordinance, which defines the uses that are allowed in a certain area. Mr. Phelan said he understood the stress that Mr. Monarchi is going through.

At this point, Lew Rose left the meeting, and Kristina Dousharm rejoined the meeting.

### **OLD BUSINESS**

#### **O Zone Site Plan – 148 Pitcher Lane**

Continued discussion of application to operate a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was present. She said she plans to construct a 4-4 1/2-foot pine fence to shield headlights from the adjacent property. Planning Board consultant Ted Fink said he had drafted an approval resolution, but recently learned that the owner of the property had constructed a fence after the last Planning Board meeting that was not approved by the Planning Board and has since been served with a violation notice by the Town Zoning Enforcement Administrator. He said the Board cannot approve any project where a violation exists, even though they generally approve of the project. Mr. Phelan said he would seek legal counsel for the unusual situation. He asked Ms. LeGare if her lease allows her to build the fence. Ms. LeGare said she would send a copy of her lease to Mr. Phelan.

#### **Bard College Expansions: Kline Commons, Fisher Arts Center – Site Plan, Certificate of Appropriateness and amended Special Use Permit**

Continued discussion of application for retroactive Site Plan and Certificate of Appropriateness approval for Kline Commons and a proposed new 510 SF addition to the Fisher Studio Arts Building, and Amended Special Use Permit for the College Master Plan.

Applicants' representatives Liz Axelson, Randy Clum, Peter Sweeny were present. Mr. Sweeny gave an overview of the project.

Michele Greig reviewed her comments dated 5-11-21. She said the project should be referred to the Design Review Committee for Certificate of Appropriateness and be sent to DCDPD for review.

The applicants have requested waivers relating to hardships in showing certain information due to the size of the property. The Board generally agreed to grant the waivers.

A public hearing will be held June 7.

### **NEW BUSINESS**

#### **T-Mobile Site Plan –31- 33 Twin Towers Drive – Site Plan**

Presentation of application to make antenna upgrades on a 2-acre parcel in the RD3 Zoning District.

Applicants' representative Doug Culp was present. He said the project was an update/modernization resulting from T-Mobile's acquisition of Sprint.

Brandee Nelson said it was a standard upgrade and there is no need for additional engineering review.

The Board reviewed a resolution declaring that the project is limited in scope and requires no further review. Brian Kelly moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

### **ADJOURNMENT**

There being no further business before the Board, Karen Smythe moved to adjourn. Kristina Dousharm seconded, and all members voted in favor.

Respectfully Submitted



Kathleen Flood  
Planning Board Clerk

**617.6**  
**State Environmental Quality Review (SEQR)**  
**Resolution**  
Classifying the Proposed Project as a Type II Action

**Name of Action:** Simcock Certificate of Appropriateness

**Whereas**, the applicant proposes to renovate an existing structure on a 1.58-acre parcel at 236 Dock Road in Barrytown;

**And Whereas**, after comparing the thresholds contained in 6 CRR-NY617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 CRR-NY617.5(c)(11) and, therefore, SEQR does not apply.

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Kristina Dousharm, seconded by Brian Kelly and a vote of 4 for, and 0 against, and 1 absent and 2 vacant seats, this resolution was adopted on May 17, 2021.

**Town of Red Hook Planning Board**

**CERTIFICATE OF APPROPRIATENESS**

May 17, 2021

Stephen Simcock  
Tax Parcel # 910940

The applicant, whose property is located at 236 Dock Road, Barrytown, proposes to renovate an existing residence on his 1.58-acre property.

The application and supporting documents were sent to the Hamlet Design Review Committee April 16, 2021. The Committee responded May 3 with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

The Planning Board has reviewed and discussed the proposed plans and determined that the project proposed is compatible with the historic character of the property as well as with the neighboring properties in the district and that there will be no visual negative impact.

Therefore,

On a motion by Brian Kelly, seconded by Kristina Dousharm and a vote of 4 for, 0 against and, 1 absent and 2 vacant seats, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Stephen Simcock for the proposed construction described above.

Certified by: Kathleen Flood 5-18-21  
Kathleen Flood, Planning Board Clerk Date

Project: Mighty Donuts Site Plan

Date: 2021-5-17

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|                                                                                                                                                                            | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?                                                                | <input type="checkbox"/>                  | <input checked="" type="checkbox"/>            |
| 2. Will the proposed action result in a change in the use or intensity of use of land?                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 3. Will the proposed action impair the character or quality of the existing community?                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 7. Will the proposed action impact existing:                                                                                                                               | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| a. public / private water supplies?                                                                                                                                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| b. public / private wastewater treatment utilities?                                                                                                                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?                                                            | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                                                                                   | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |

### ***Short Environmental Assessment Form***

#### ***Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Please see Negative Declaration.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Red Hook Planning Board

May 17, 2021

Name of Lead Agency

Date

Sam Phelan

Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

**Date of Adoption:** May 17, 2021

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:** Mighty Donuts

**SEQR Status:** Type I ☐  
Unlisted ☒

**Conditioned Negative Declaration:** ☐ YES  
☒ NO

**Description of Action:** The applicant proposes to demolish an existing 1,200 square foot single-family dwelling and construct a  $\pm$  1,671 square foot donut shop with 27 off-street parking spaces, a new well and sanitary sewage disposal system, and a reconfigured curb cut on a  $\pm$  1.37-acre parcel (Tax Map Parcel No. 134889-6272-00-237238) in the Traditional Neighborhood Development Commercial Center (TND-CC) District. The donut shop will consist of an  $\pm$  850 square foot one-story vintage modular steel "diner" structure with a  $\pm$  783 square foot back-of-house structure. Also proposed are renovations to an existing on-site masonry building to facilitate future commercial use.

**Location:** 7269 South Broadway (US Route 9), 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 Short Environmental Assessment Form (EAF) for the action dated February 18, 2021 and last revised March 8, 2021, and all of the material submitted by the

applicant, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The proposed donut shop requires area variances for building height (a minimum of two stories is required and a one-story building is proposed) and to allow a facade buildout of 39% where a minimum of 70% is required. The applicant submitted an analysis of the shape of their property in relation to other properties in the TND-CC District. Based on the information presented in the analysis, the applicant's property has one of the lowest ratios of lot depth to lot frontage—the lot, in other words, is shallow in relation to the amount of frontage, with the result that there is less available land area to provide for infrastructure (sanitary sewage disposal system and off-street parking). Without public water and/or sewer services, it would be difficult to achieve 70% facade buildout on this particular property, a relatively unique condition. In the event that public water and/or sewer is extended to the property in the future, the applicant modified the original proposal to move the proposed building 20 feet further south to provide additional room north of the building for future development that could meet the facade buildout requirement. The proposed one-story building has a relatively small  $\pm$  1,633 square foot building footprint, and the vintage modular steel “diner” structure is an unusual building design that does not lend itself to two stories. The intent of the TND-CC District is to ensure that development adjacent to the Village of Red Hook is “designed to conform to the Village's traditional compact, pedestrian-oriented and mixed-use neighborhood pattern” with “buildings and landscaping [that] contribute to the physical definition of streets as public spaces.” The applicant revised the Site Plan to enhance pedestrian features of the site, including sidewalks to connect the proposed building and the existing masonry building to the sidewalk along South Broadway, a principal pedestrian entrance facing the street on the existing masonry building, and a patio and lawn to replace the parking lot in front of the existing building. Moving the proposed building further south makes development on the site more compact, which encourages walking, and it conceals the parking lot behind the building. The addition of large shade trees along the road frontage will provide shade over the sidewalk and a canopy over the road, contributing to the physical definition of the street as a public space. All of these features will encourage pedestrian activity in the area. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact on the Town's adopted land use plan or zoning regulations.
4. The project site is located within an area designated as sensitive for archaeological resources by the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP). The project plans were forwarded to NYS OPRHP, and in correspondence dated March 10, 2021, that agency responded that it is their opinion that the proposed action will not result in a significant adverse environmental impact on archaeological resources. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact on cultural resources.

5. There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities will be limited to the hours of 8:00 am to 8:00 pm pursuant to Chapter 92 of the Town Code. All construction related noise and vibration will cease once construction is completed, and is therefore considered minor due to its temporary nature. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on noise.
6. All proposed outdoor lighting fixtures will be fully-shielded and lighting levels will be consistent with the recommendations of the Illuminating Engineering Society of North America to minimize glare, light trespass, and sky-glow, and to reduce energy use. The color temperature of all proposed outdoor lighting shall be a maximum of 3,000 Kelvin, with the majority of fixtures a maximum of 2,700 Kelvin, to ensure that lighting is not harsh, and does not impact wildlife or circadian rhythms. All nonessential outdoor lighting will be turned off after business hours, leaving only the necessary lighting for site security, which will be reduced to the minimum level necessary. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact from outdoor lighting.
7. The Town 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)

**RESOLUTION DETERMINING PROJECT IS LIMITED IN SCOPE AND  
REQUIRES NO FURTHER REVIEW UNDER ARTICLE VII OF THE ZONING LAW**

**Name of Project:** T-Mobile Telecommunications Update

**Name of Applicant:** T-Mobile Northeast LLC

**Whereas,** the Town of Red Hook Planning Board has received an Application for Amended Site Plan Approval from T-Mobile Northeast LLC to replace existing equipment cabinets; replacing two equipment cabinets on an existing pad; add a Westell cabinet on an existing H-frame; replace an existing antenna platform; replace existing antennas; add a total of three new antennas; replace existing Remote Radio Units (RRU); add a microwave dish; and add four hybrid cables on an existing telecommunications tower on a  $\pm$  2.0 acre parcel (Tax Map Parcel No. 134889-6173-00-802677) located at 31-33 Twin Towers Drive in the RD3 and Historic Landmark Overlay Districts in the Town of Red Hook, Dutchess County, New York;

**Whereas,** the applicant submitted a Sketch Plan prepared by Infinigy Engineering PLLC (Sheets T-1, C-1 to C-7, E-1 to E-3, and N-1 dated 1/20/21 and revised 4/21/21); and

**Whereas,** Section 143-114C(1) of the Zoning Law authorizes the Planning Board to waive the requirement for site plan review when a project is limited in scope, with compatible land use, site and building design characteristics, including the establishment of permitted uses within existing complying structures, or the limited modification of existing conforming uses and complying structures, wherein no substantial site improvements are required or proposed; and

**Whereas,** the proposed project is a limited modification of an existing conforming use on an existing complying structure and no substantial site improvements are required or proposed.

**Now therefore be it resolved,** that the Planning Board hereby determines that the project is limited in scope and requires no further review under Article VII of the Zoning Law.

On a motion by Brian Kelly, seconded by Kristina Dousharm, and a vote of 4 for, 0 against, 1 absent, and two vacant seats, this resolution was adopted on May 17, 2021.

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

K7lood  
Kathleen Flood, Planning Board Secretary

5-18-21  
Date