

**APPROVED
Town of Red Hook Planning Board
Meeting Minutes
July 1, 2013**

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present — Chair Christine Kane, members Charlie Laing, Sam Harkins, Betty Carr and Brian Walker. Sam Phelan and Michelle Turck were absent. Also present was town planner Michele Greig.

BUSINESS SESSION

The minutes for June 3 and June 17, 2013 were approved, with one correction to the June 3 minutes, on a motion by Betty Carr seconded by Charlie Laing and carried unanimously.

PUBLIC HEARING

Helen Deitz & David Mimeles - 203 Barrytown Road – Certificate of Appropriateness

The public hearing regarding the application by Helen Dietz and David Mimeles, for a Certificate of Appropriateness to modify an existing residence on a 5.017-acre parcel in the H (Hamlet) district, was resumed. Les Rollins was present to represent the applicants.

Christine Kane recapped the June 17, 2013 discussion saying that it was determined that the finished height of the project exceeded the town zoning code limit. In a letter to the Board dated July 1, engineer Donald Fegan said that the grade in the rear of the project would be raised sufficiently to ensure that the height of the finished project was within code.

Ms. Kane said the applicants would need a Certificate of Occupancy before anyone takes up residence. Paula Schoonmaker said that the Building inspector had said that the applicants would be required to submit as-built plans to obtain a Certificate of Occupancy. Ms. Kane said that the final height of the project should be within code and should be a condition for obtaining the Certificate of Occupancy.

Ms. Kane asked if anyone in the audience had any comments or questions. There were none. Charlie Laing made a motion to close the public hearing. Sam Harkins seconded, and it was carried unanimously.

In considering granting approval, Ms. Kane noted that the Hamlet Review Committee did not fully endorse the design. Since the applicants decided not to change the original plan, Ms. Kane asked the Board how to properly document the Hamlet Review Committee's concerns. Mr. Laing said that the structure had been previously modified quite significantly, and questioned the Hamlet Review Committee's description of the building as "one of the few surviving intact barns of its type". Mr. Rollins said that the applicants have a genuine interest in keeping the look of a barn. Mr. Walker agreed with Mr. Laing that the residence has already been completely transformed. He added that he felt that raising the grade to bring the height of the

project to code seemed to defeat the purpose of the Town's regulation. However, Mr. Walker said that he would not vote against the project for that reason, given the property's particular grade, which drops dramatically from the front to the rear of the house.

Michele Grieg asked if there was any access to the building that would be impeded by raising the grade. Mr. Rollins said no.

The Board amended the draft Certificate of Appropriateness to include the fact that the Hamlet Review Committee's concerns were reviewed and discussed, and the Board generally agreed that the project is compatible with the historic character of the property and has no negative visual impact. A condition was also added that a Certificate of Occupancy cannot be obtained by the applicants until as-built plans are submitted and approved by the Building Inspector to be sure that the height of the finished project is within required codes.

On a motion by Sam Harkins and seconded by Betty Carr, the Certificate of Appropriateness with those conditions was unanimously awarded.

REGULAR SESSION – NEW BUSINESS

John and Susan Pelosi - 48 Old Post Road North – Certificate of Appropriateness

John Pelosi was present to represent the application for a Certificate of Appropriateness for a fence installed along the perimeter of a 0.3 acre lot in the H (Hamlet) Zoning District.

Mr. Pelosi showed the board photos of the fence, which has already been installed. He explained to the board that he was unaware he needed a permit, since the fence was a replacement for one that had been damaged by snow plows. He described the fence as 8 feet high in some sections of the property and 6 feet high in others. He said that the fence he replaced was higher than the new one.

Christine Kane asked if any trees had been taken down to put the new fence up. Mr. Pelosi said no. Ms. Kane asked how far back from the road the fence was. Mr. Pelosi said 20-30 feet in some areas, but much less in others.

Charlie Laing asked if replacing an existing fence with another of the same height requires a permit. Paula Schoonmaker said that the Zoning Enforcement Officer felt a permit was necessary because the style of the fence was different. She asked Mr. Pelosi if he had added more fence to what was there before. Mr. Pelosi said he did not extend the footprint at all, and added that he had removed part of the original fence when he purchased the house in 2003.

Michele Grieg reviewed the zoning code for fences that stipulates the height of a fence be no more than 6 feet in the side and back yards and no more than 4 feet in the front of a house. Due to the unique position of the property, which is triangular shaped and bordered by three roads, the board established the front of the house as the side that faces Old Post Road North, which is the address.

Ms. Kane requested planning staff to check with Zoning Department to see if a permit was ever issued for the previous fence, and to check with the Assessor's office to see if there is a photo of the old fence. She also requested further clarification from the Zoning Enforcement Officer

about whether replacing the existing fence does indeed require a permit. Specifically, Ms. Kane asked that the Zoning Officer review section 143-125 of the town zoning code.

Ms. Kane said that the project would be referred to the Hamlet Review Committee, and a public hearing was set for July 15. Ms. Kane said that the SEQR determination would be made at that meeting.

Trevor and Joanna Baker - 147 Old Post Road – Certificate of Appropriateness

Trevor and Joanna Baker were present to represent their application for a Certificate of Appropriateness to install a fence on their property at 147 Old Post Road.

Mr. and Mrs. Baker said that they had received a height variance from the Zoning Board of Appeals on June 12, 2013 for the portion of their proposed fence on the Lasher Road Extension.

A public hearing for the project was set for July 15.

REGULAR SESSION- OLD BUSINESS

Hilda McDonald Trust / Brookmeadow (Steiner Farm) – 324 Budds Corners Road – minor subdivision plat

No one was present to represent the applicant, so the board moved on to the next agenda item.

Todd and Maribeth Catlin – 38 North Drive - minor subdivision plat

Discussion resumed concerning the application to create three (3) residential building lots of 2.72 acres, 4.19 acres and 4.34 acres from an 11.26 acre lot in the R1.5 Zoning District. Mark Graminski was present to represent the applicants.

Michele Grieg said that the Town Attorney had requested that a “whereas clause” be added to the project’s approval resolution regarding the recreation fee imposed by the Town. The Board also reviewed a memo from the Town Attorney commenting on the draft easement and maintenance agreement for the shared driveway.

Michele Greig said that in her memo, the Town Attorney requested the plat be revised to show the metes and bounds survey for the common driveway, so that it would be clear to future lot owners exactly what is to be maintained. Mr. Graminski said that the metes and bounds description had been described based on the center line of the driveway. Charlie Laing asked what the width of the common driveway is. Mr. Graminski said 16 feet. Ms. Grieg suggested that it be a condition of approval that the matter be resolved between the applicants and the Town Attorney, to the satisfaction of the Town Attorney. The Town Attorney also asked whether the utilities are part of the common driveway or on individual lots. Mr. Graminski described how they would cross lots 1A and 1C.

Ms. Grieg said that the Town Attorney requested that if utilities and other infrastructure will be installed under the common driveway, it should be shown on the plat and a discussion of that should be included in the driveway agreement since the maintenance of the common driveway will affect the utilities.

Discussion followed as to how the underground utilities should be shown. The Board considered requiring an as-built underground utility plan. The Board discussed whether this would satisfy the Town Attorney's request. Charlie Laing mentioned that a separate map for utilities was included in the set of plans. Ms. Grieg suggested that a condition be added to the draft approval resolution that the applicants respond to the comments on the memo from the Town Attorney dated July 1, 2013 to the satisfaction of the Town Attorney. The Board generally agreed that the Town Engineer would inspect only the installation of the common driveway and the storm water management practices.

Upon conclusion of the review, Sam Harkins made a motion to grant final subdivision plat approval with all of the conditions. Charlie Laing seconded, and the motion passed unanimously.

OTHER BUSINESS

Christine Kane reported that the board has received an email from Laurie Husted of Bard College Sustainability requesting a letter of support to accompany Bard's application for a green infrastructure parking project grant for the public parking area by Olan Hall. Ms. Husted said that Bard would particularly like the Planning Board's letter to address how the grant might provide opportunities for outreach and education for green development, and contribute to tourism and job development.

Ms. Kane suggested the letter might mention the possibility of the Planning Federation and the OPRHP conducting programs at Bard's site as an example of possible outcomes for outreach and education for green development. Ms. Kane asked board members to consider other ideas concerning how the grant project could provide outreach, education, tourism and job development opportunities, and email suggestions to the planning staff. The Board agreed to send a letter of support by July 25.

Ms. Kane announced that the town Zoning Enforcement Officer sent a letter to Teviot LLC dated June 27, 2013 advising them that they remain in violation of the town zoning code. The letter requests that the applicants provide the information the Planning Board requested from the applicants at the last meeting the applicants attended. He asked for a response before July 19. Ms. Kane said that if there is no response, the Planning Board will refer the matter to the Town Board to decide what the next step will be.

Regarding the Brookmeadow minor subdivision application, Ms. Kane said that although Kevin Battistoni had been designated the official representative of original applicant Hilda McDonald, at the last board meeting Mr. Battistoni stated that the property had since been purchased by Frank Migliorelli. She asked planning staff to be sure we had a letter of authorization from the new owner authorizing Mr. Battistoni to remain as representative for the subdivision application.

Betty Carr and Brian Walker talked about a storm water training session they attended at the OPRHP building in Staatsburg. Mr. Walker and Christine Kane also attended the biodiversity workshop hosted by Hudsonia since the last meeting.

Since there was no other business before the board, a motion was made by Charlie Laing to adjourn. It was seconded by Sam Harking, and carried unanimously.

Respectfully submitted

Kathleen Flood
Secretary

Attachments

Certificate of Appropriateness granted to Helen Dietz and David Mimeles
Resolution granting conditional subdivision plat approval to Todd and Maribeth Catlin

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

Date: July 1, 2013

For: Helen Dietz and David Mimeles Tax Parcel # 134889-6172-01-020903

The applicants own 5.01 acres at 203 Barrytown Road in the Hamlet of Barrytown. They wish to raise the roof, add porches and make other modifications on the existing residence.

This application, survey, architectural drawings and photographs were sent to the Hamlet/Design Review Committee on May 21, 2013

The Hamlet/Design Review Committee reviewed the proposed changes, and submitted its comments to the Planning Board on May 28, 2013. The Committee suggested design changes concerning the height of the structure and maintaining its character. These suggestions were reviewed and discussed with the applicant.

A public hearing was held June 3, 2013 and continued to June 17, 2013 and to July 1, 2013.

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

A Certificate of Occupancy shall not be issued until the applicant has submitted as-built plans indicating compliance with height requirements and after inspection by Town Building Inspector.

Therefore, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Helen Dietz and David Mimeles for the proposed addition as described above.

Certified by: _____ Date: _____
Clerk

Resolution Granting Final Subdivision Plat Approval to Catlin Subdivision

Name of Project: Catlin Subdivision

Name of Applicant: Todd and Maribeth Catlin

Date: July 1, 2013

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated May 20, 2013 to the Town of Red Hook Planning Board to subdivide $\pm$ 11.26 acres of land (Tax Map Parcel No. 134889-6173-00-747207) into three lots $\pm$ 3.50 acres, $\pm$ 3.85 acres, and $\pm$ 3.91 acres in size in the R-1.5 Zoning District; and

Whereas, the parcel is located at 38 North Drive in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by Mark R. Graminski P.E. and L.S. consisting of 5 Sheets dated March 8, 2013 and revised April 5, 2013; and

Whereas, on October 1, 2012, 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 May 20, 2013, the Planning Board, in consideration of the Short Environmental Assessment Form dated September 13, 2012 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on May 20, 2013, the Planning Board conducted a public hearing on the Subdivision Plat application, which public hearing was continued on June 3, 2013, at which time all interested persons were given the opportunity to speak; and

Whereas, on May 20, 2013, the Planning Board determined that the proposed action will create a need for recreational land and facilities and therefore required the applicant to make a recreational fee payment; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to Todd and Maribeth Catlin.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to Todd and Maribeth Catlin to subdivide a

± 11.26 acre parcel located at 38 North Drive in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to the signing of the Subdivision Plat by the Planning Board Chairwoman:
 - (a) Approval from Dutchess County Department of Health for septic disposal systems for the Lot 1B and Lot 1C.
 - (b) Revise the plat to show the sight distance for the proposed common driveway.
 - (c) Revise the plat to indicate the size of each parcel calculated in accordance with §143-21C(3) of the Zoning Law.
 - (d) Revise the Zoning Legend on the plat to correctly state the minimum open space requirement (70%) and to include data on how each of the three lots meets the area and bulk requirements.
 - (e) Submittal of letter from the Fire Department verifying that the shared driveway and its surfacing will allow for adequate maneuvering of fire and emergency vehicles.
 - (f) Submittal of completed Notice of Intent for filing for coverage on SPDES General Permit GP-0-10-001.
 - (g) A copy of the NYSDEC receipt acknowledgement letter.
 - (h) The applicant shall construct the common driveway and all stormwater management practices (with the exception of the rain gardens), shall install the culvert, and shall install all utilities and related improvements to the end of the common driveway.
 - (i) The installation of the common driveway and the stormwater management practices shall be inspected by the Town Engineer.
 - (j) The applicant shall be responsible to pay any required engineering fees covering costs of inspection of the aforementioned improvements and shall maintain any required escrow for such inspections, with any excess funds to be returned to the applicant at the time of completion of construction.
 - (k) The applicant shall submit a letter from the Professional Engineer of record on the Stormwater Pollution Prevention Plan confirming the installation of the practices in accordance with the NYSDEC permit requirement.
 - (l) To ensure that current and future property owners inspect and maintain the proposed stormwater management practices, the applicant shall submit a Stormwater Management Operation and Maintenance Agreement, and any related easements and cross easements, in final form acceptable to the Town Attorney and the Planning Board, with a letter signed by the applicant's Professional Engineer of record indicating that

said agreement is consistent with the NYSDEC requirements and any applicable subdivision requirements.

- (m) The applicant's Professional Engineer of record shall present the proposed Stormwater Management Operation and Maintenance Agreement to the Planning Board during a regular Planning Board meeting.
- (n) Revise the plat to include any easements and deed restricted areas identified in the Stormwater Management Operation and Maintenance Agreement.
- (o) Revise the plat to include a note that no building permit shall be issued for Lots 1B and 1C until the Stormwater Management Operation and Maintenance Agreement and related easements and deed restricted areas have been filed in the Dutchess County Clerk's Office.
- (p) Revise the plat to include a note that the future owners of Lots 1B and 1C shall be responsible for installing the rain gardens, as designed and shown on the filed plat, when such lots are developed, and shall submit to the Planning Board and the Town Building Department certification from a licensed professional engineer that the rain gardens have been installed in accordance with the engineered design shown on the filed plat. The note shall further state that no certificate of occupancy shall be issued for Lots 1B and 1C until the licensed professional engineer's certification has been filed with the Town.
- (q) Revise the plat to include a note that any future lighting of the shared driveway, if proposed, shall be consistent with the provisions for outdoor lighting in the Town's Zoning Law.
- (r) Revise the plat to address all comments in the letter from Crawford and Associates dated May 14, 2013 to the satisfaction of the Town Engineer.
- (s) The applicant shall submit a Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Town Attorney.
- (t) Revise the plat to address all comments in the memo from Rapport Meyers dated July 1, 2013 to the satisfaction of the Town Attorney.
- (u) Revise the plat to include a note that no building permit shall be issued for Lots 1B and 1C until the Common Use and Maintenance Agreement for the shared driveway has been filed in the Dutchess County Clerk's Office.
- (v) The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- (w) Payment of recreation fee for two (2) new residential building lots to the Town of Red Hook.
- (x) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

- (y) 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.
2. The applicant shall file deed covenants, the Stormwater Management Operation and Maintenance Agreement and all related easements, and the Common Use and Maintenance Agreement, all as approved by the Planning Board, simultaneously with filing the plat with the Dutchess County Clerk's Office, and shall provide the Planning Board and the Building Department with a record of the filings prior to the issuance of a Building Permit for the first lot (either Lot 1B or Lot 1C) proposed to be developed.
 3. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant and contained in the Short Environmental Assessment Form and the negative declaration adopted by the Planning Board on May 20, 2013 shall be considered conditions of this Subdivision Plat Approval.
 4. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.
 5. Prior to the issuance of a Building Permit for the first lot (either Lot 1B or Lot 1C) proposed to be developed, the Building Department shall request the following information:
 - A copy of the approved subdivision plat and the resolution granting final subdivision approval.
 - A copy of the deed covenant that requires operation and maintenance of the stormwater management practice(s) in accordance with the Stormwater Management Operation and Maintenance Agreement.
 - A record of the filings of deed covenants, the Stormwater Management Operation and Maintenance Agreement and all related easements, and the Common Use and Maintenance Agreement in the Dutchess County Clerk's Office.
 - A copy of the signed Notice of Termination submitted to NYSDEC for the stormwater management practices.
 6. Prior to issuing a certificate of occupancy for Lots 1B and 1C, the Building Department shall require that the property owner submit certification from a licensed professional engineer that the rain gardens have been installed in accordance with the engineered design shown on the filed plat.

On a motion by Sam Harkins, seconded by Charlie Laing, and a vote of 5 for, 0 against, and 2 absent, this resolution certified, filed with the Town Clerk and mailed to the applicant

Kathleen Flood, Clerk to the Board

Date