

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
November 2, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, Sam Phelan, Sam Harkins, and Charlie Laing. Planner Michele Greig was also present. Wil LaBossier and Pat Kelly were absent.

BUSINESS SESSION

Christine Kane announced a change to the agenda, saying that the Bottini Fuel applicants had requested that their public hearing be continued to November 16. She also announced that the Dutchess County Planning Federation was sponsoring a training session on the subject of SEQR on November 16, 2009 at the Farm and Home Center in Millbrook. She also announced that interviews for the Planning Board vacancy would have to be rescheduled.

The October 19, 2009 draft minutes were not ready for review.

PUBLIC HEARINGS

Bottini Fuel (Red Hook Terminal) – 7345 S. Broadway – Amended Site Plan

At the request of the applicant, this public hearing was continued to November 16, 2009.

Anne Garelick – 130 Crestwood Road – Minor Subdivision

Before discussion began on this project, Sam Harkins indicated that although he was related to the applicant, he had no financial, ownership or access interest in project, so he did not recuse himself from the discussion.

Marie Welch, L.S. was present for the public hearing on an application for subdivision plat approval to create one new residential lot of + 4.282 acres and one remaining lands lot of ± 9.386 acres from a ± 13.668 acre parcel in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared on October 27, 2009 in the Kingston Daily Freeman. Ms. Welch made a correction, noting that the parcel was within 500 ft. of the Certified Agricultural District, not located within it. Ms. Welch went on to explain the project, noting that she had included the building envelope and septic system on the plan as well as language prohibiting the clear cutting of mature healthy trees in and around the building envelope.

Christine Kane opened the public hearing. There were no comments from the public.

The Board completed the EAF part 2 and then reviewed a draft Negative SEQR Declaration. The members agreed to add a sentence noting that the active agricultural land would not be impacted by the building envelope. Sam Phelan then made a motion to adopt the revised

Negative SEQR Declaration. Charlie Laing seconded the motion, and all members present voted in favor.

Since there were no comments from the public, Sam Harkins made a motion to close the public hearing. Charlie Laing seconded the motion, and all members present voted in favor.

The members agreed that the language on the plan prohibiting clear cutting was satisfactory, and Ms. Greig said that a proposed driveway back-up area located within the sideyard setback was not prohibited by Town regulations.

The Board then reviewed a draft resolution conditionally approving the project. The members added a condition requiring Town Highway Department approval of the driveway location. Charlie Laing made a motion to adopt the revised resolution. Sam Phelan seconded the motion, and all members present voted in favor.

Estate of Peter Bulkeley – West Kerley Corners Rd. – Minor Subdivision

Bob Zimmerman, L.S. and David Bulkeley were present for the public hearing on an application for Subdivision Plat approval to subdivide a 0.63-acre lot from a 118.63-acre parcel, in the RD3 Zoning District and in Certified Agricultural District 20.

Christine Kane read the public hearing notice that appeared in the Kingston Daily Freeman on October 27, 2009. Bob Zimmerman explained the project to the public, after which Christine Kane opened the public hearing. There were no comments from the public.

The Board reviewed referral response comments from the Agriculture and Open Space Advisory Committee. The Committee found that the project would have no adverse impacts on agriculture.

The Board requested Mr. Zimmerman to correct a note on the plat to state that the 0.63-acre Lot 1 had been created in conformance with the provisions of Section 143-47D(4) of the Town's Important Farmlands Law, not under the "one lot exception" regulation.

The Board then completed the full EAF part 2 and the EAF part 3. Sam Phelan made a motion to adopt a Negative SEQR Declaration for the project. Charlie Laing seconded the motion, and all members present voted in favor.

Since there were no comments from the public, Charlie Laing made a motion to close the public hearing. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution conditionally approving the project. The Board added a condition regarding the requested note correction and also a condition requiring the addition of a note to the plat referencing the conservation easement on Lot 2 held by Winnakee Land Trust and noting the filing date and document number. Sam Harkins then made a motion to adopt the revised resolution. Charlie Laing seconded the motion, and all members present voted in favor.

REGULAR SESSION—NEW BUSINESS

Elizabeth Jones/Susan Simon – 38 Spring Lake Rd. – Special Permit and Certificate of Appropriateness

Elizabeth Jones and Susan Simon were present with applications for a Special Permit and a Certificate of Appropriateness to modify an existing accessory building and to establish a home occupation in that building on a 0.852-acre parcel in the H (Hamlet) Zoning District.

Ms. Jones explained the project, saying that they wished to restore an existing barn and then move the offices of their home occupation into the barn. She said that the offices would take up about one half of the interior space of the barn. She added that the applicants did not wish to change the footprint of the barn. She said that they wished to install Energy Star windows in a style appropriate to the historic character of the building.

Ms. Jones went on to say that three (3) variances would be needed for the project and that the applicants had already appeared before the Zoning Board of Appeals. She said that the ZBA had scheduled a public hearing for the project for Monday, November 9, 2009.

In answer to questions from the Board, the applicants said that a 3-space parking area was already in existence, delineated by a picket fence and surfaced with loose stone. They said that the business would be open by appointment only and that those appointments were rare. They said that if an appointment were to be scheduled, it would take place between 10 a.m. and 6 or 7 p.m. They said that the business would not be open to the public, so there would be no signage. They also said that there would be one employee.

In response to the applicants' comment that they wished to add lighting above each doorway, Christine Kane explained that such lighting must be noted on the plan and cut sheets of the proposed fixtures submitted. The applicants said that the lights would be historic in appearance and that the bulbs would not exceed 50 watts incandescent.

The Board also asked the applicants to label the picket fence and delineate the parking spaces on the plan.

The Board determined the project to be an Unlisted Action Undergoing Uncoordinated Review under SEQR, with the ZBA as an involved agency. Charlie Laing made a motion to establish the Board as lead agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then referred the project to the Hamlet/Design Review Committee and to Dutchess County Planning. A public hearing was scheduled for November 16, 2009.

Ken Anderson/ Michael Anderson (Anderson Homestead) – 108 Baxter Road – Minor Subdivision

Ken Anderson and Michael Anderson were present with an application for Subdivision Plat approval to create a +1.95-acre residential lot and a +32.30-acre remaining lands lot from a +34.25-acre parcel in the R1 Zoning District and the Certified Agricultural District.

Michael Anderson explained the project saying that perc tests on the property had led the engineers to design a septic system and expansion area that were separated by the proposed house location. He said that the proposed 4 bedroom house would be sited on a ridge and that while there were some mature trees nearby, the house would not be hidden. The Board noted that the soils on the subject parcel were NwD and Su and that there was a wetland along one side of the larger parcel. Mr. Anderson said that the size of the house was dictating the size and shape of the proposed residential lot.

Christine Kane said that since Baxter Road was a cul de sac and 8 lots were currently accessing that road, only 4 additional lots were possible on Baxter Road. Ken Anderson said that he and his son were both aware of that restriction.

The Board and the applicants discussed several alternative configurations to the proposed lot, but because the proposed configuration would preserve the view from Ken Anderson's house and would hide the two houses from each other for most of the year, the applicants said that they wished to keep the current proposed configuration. The Board generally agreed, saying that given the lack of important soils, the restricted development on the road, and other considerations, reducing the size of the proposed lot or changing its location would not result in any tangible advantages.

The Board and the applicants also discussed the proposed lot's proximity to the proposed Anderson Commons development. They concluded that the section of the Anderson Commons lot near the subject lot would remain sloped and wooded, with no possibility for development.

Charlie Laing questioned the length of the proposed driveway. Michael Anderson said that the proposed location of the driveway took advantage of a natural flat area, that the winding driveway would allow the garage to be located at the back of the house and therefore not visible from the road, and that the proposed driveway cut provided the best sight distance.

The Board asked the applicants to locate the Innishannon development on the location map, to request a more extensive soil analysis from their engineer, to discuss the proposed driveway cut with the Town Engineer, and to submit more engineering information regarding the proposed septic system and expansion area. The Board and the applicants agreed that the acreage figures on the application, EAF and plat could be slightly adjusted when the engineering information became available.

The Board then generally endorsed the sketch plan with the above requests.

ADJOURNMENT

Since there was no further information to come before the Board, Sam Harkins made a motion to adjourn. Charlie Laing seconded the motion, and all members present voted in favor.

Respectfully submitted

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Anne Garelick Minor Subdivision

Resolution to grant conditional Subdivision Plat Approval to Anne Garelick

Negative SEQR Declaration for the Estate of Peter Bulkeley Minor Subdivision

Resolution to grant conditional Subdivision Plat Approval to the Estate of Peter Bulkeley

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption:

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: Anne Garelick Minor Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to subdivide a $\pm$ 4.282-acre residential building lot from a $\pm$ 13.668-acre parcel of land (Tax Map Parcel No. 6372-00-537925-0000) in the RD3 Zoning District.

Location: 130 Crestwood Road, 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 Environmental Assessment Form (EAF) for the action dated October 29, 2008, 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 project site contains soils of statewide importance and is located adjacent to active agricultural land. The Planning Board forwarded the application to the Town of

Red Hook Agricultural and Open Space Advisory Committee for its review. 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 parcel. The Planning Board considered comments from the Agricultural and Open Space Committee and on the Agricultural Data Statement in its review of the application. The building envelope for the newly created residential lot will be located within a treed area at some distance from the active agricultural land to the northwest. Clear cutting of the treed area will be prohibited so as to maintain a buffer between the residential lot and the agricultural land. Active agricultural land will not be adversely impacted by the building envelope. Based on the foregoing, the project is not anticipated to have any significant adverse environmental impacts on agricultural resources or businesses.

For Further Information:

Contact Person: Betty Mae Van Parys, 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)

Town of Red Hook Town Board

Anne Garelick (Applicant)

Resolution Granting Final Subdivision Plat Approval to Garelick Subdivision

Name of Project: Garelick Minor Subdivision

Name of Applicant: Anne Garelick

Date: November 2, 2009

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated November 2, 2009 to the Town of Red Hook Planning Board to subdivide a ± 4.282 -acre lot from a ± 13.668 -acre parcel (Tax Map Parcel No. 134889-6372-00-537925-0000); and

Whereas, the subject parcel is located on Crestwood Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Final Subdivision Plat prepared by Marie Welch, L.S. dated August 25, 2008 and revised to January 26, 2009, to September 4, 2009 and to October 21, 2009; and

Whereas, the parcel is located within 500' of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated November 6, 2008, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application was duly forwarded to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

Whereas, on December 1, 2008 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, on November 2, 2009, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any 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 November 2, 2009, the Planning Board conducted a public hearing on the Final Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to Anne Garelick to subdivide a $\pm$ 4.282-acre lot from a $\pm$ 13.668-acre parcel.

Now therefore be it resolved, that the Planning Board grants Final Subdivision Plat approval to Anne Garelick to subdivide a $\pm$ 4.282-acre lot from a $\pm$ 13.668-acre parcel in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant obtains approval for the proposed driveway location from the Town Highway Superintendent.
- B. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
- C. That the applicant obtains approvals from DOH of the proposed well and septic disposal system locations.
- D. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- E. Payment of recreation fee to the Town of Red Hook.
- F. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- G. 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.

On a motion by Charlie Laing, seconded by Sam Phelan, and a vote of 4 for, 0 against, and 2 absent, this

Resolution adopted on November 2, 2009.

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

Paula Schoonmaker, Ass't Clerk to the Board

Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: November 2, 2009

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: Bulkeley Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to subdivide $\pm$ 0.63 acres of land with an existing house, well and septic system from a $\pm$ 118.63 acre parcel (Tax Map Parcel No. 15-6274-00-662640) in the RD 3 Zoning District. The proposed lot is being created under the requirements of the Important Farmland and cluster provisions in the Town's Zoning Law. The remaining 118 acres have been placed under a permanent conservation easement.

Location: Dutchess County Route 78 (West Kerleys Corners Road), Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

4. 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).
5. After reviewing the Full Environmental Assessment Form (EAF) for the action dated October 12, 2009 and revised October 19, 2009, 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).
6. The project site is located within a NYS certified agricultural district (Agricultural District 20) and is subject to the Town's Important Farmland provisions in the Town's Zoning Law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for review. 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 parcel. The Planning Board considered comments from the Town's Agricultural and Open Space Advisory Committee and on the Agricultural Data Statement in its review of the application and determined that the proposed action, which consists of subdividing a small lot (less than 1 acre in size) with an existing house from the parent parcel, is consistent with the provisions of the Town's Important Farmland law and is not anticipated to have any significant adverse environmental impacts on agricultural resources.
7. The project site contains a building that is listed on the State and National Registers of Historic Places. It is also located within an area identified by the New York State Office of Parks, Recreation and Historic Preservation as sensitive for archaeological resources. The proposed action will create a small lot with an existing house and associated infrastructure and no development is proposed as part of the action. Therefore, no significant adverse impacts to cultural and historic resources are anticipated.
8. Since the proposed action will create a lot with an existing house, the Planning Board has determined that no new residential dwelling units would result from the proposed action and has therefore determined that the action will not create a need for recreational land and facilities.

For Further Information:

Contact Person: Betty Mae Van Parys, 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)
Sue Crane, Town Supervisor
Town of Red Hook Town Board
David Bulkeley (Applicant)

Interested Agencies:

Hudson River Heritage
NYS Office of Parks, Recreation, and Historic Preservation

Resolution Granting Final Subdivision Plat Approval to Bulkeley

Name of Project: Bulkeley Subdivision

Name of Applicant: David Bulkeley

Date: November 2, 2009

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated October 6, 2009 to the Town of Red Hook Planning Board to subdivide $\pm$ 0.63 acres of land with an existing house, well and septic system from a $\pm$ 118.63 acre parcel (Tax Map Parcel No. 134889-6274-00-662640-0000) in the RD 3 Zoning District in accordance with the requirements of the Important Farmland and cluster provisions in the Town's Zoning Law; and

Whereas, the parcel is located on West Kerleys Corners Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by Robert Zimmerman, L.S. dated October 5, 2009 and revised October 19, 2009; and

Whereas, the parcel is located within a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated October 6, 2009, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

Whereas, on October 19, 2009, the Planning Board declared itself Lead Agency for the purpose of conducting a review of a Type I Action in which no other involved agencies were identified pursuant to SEQRA; and

Whereas, on November 2, 2009, the Planning Board, in consideration of the Full Environmental Assessment Form dated October 12, 2009 and revised October 19, 2009 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 November 2, 2009, the Planning Board conducted a public hearing on the Subdivision Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to David Bulkeley.

Now therefore be it resolved, that the Planning Board hereby grants Final Subdivision Plat approval to David Bulkeley to subdivide $\pm$ 0.63 acres of land with an existing house, well and septic system from a $\pm$ 118.63 acre parcel located on West Kerleys Corners Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- H. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- I. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- J. Addition of note to plat referencing the conservation easement on Lot 2, held by Winnakee Land Trust, by filing date and document number.
- K. Correction of note on plat regarding creation of substandard size Lot 1 in accordance with provisions of Section 143-47D(4) of the Town's Important Farmland Law.
- L. 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.

On a motion by Sam Harkins, seconded by Charlie Laing, and a vote of 4 for, 0 against, and 2 absent, this

Resolution adopted on November 2, 2009.

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

Paula Schoonmaker, Assistant Clerk to the Board Date

