

Draft
**Town of Red Hook
Planning Board
Minutes
March 15, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present—Christine Kane, Sam Phelan, Paul Telesca, David Wright, and Chair Paul Thomas. Members absent—John Hardeman and Mary Lou Muirhead. Also present were consultant Art Brod and Town Board liaison Jim Ross.

BUSINESS SESSION

The next meeting was scheduled for April 5, 2004. Because the Chair will be away on that day, the Board moved to select an Acting Chair for that meeting. The Chair nominated Sam Phelan to be Acting Chair. David Wright seconded the nomination, and all members present voted in favor.

The minutes of the March 1, 2004 meeting had been sent to the Board members and reviewed. Sam Phelan made a motion to accept the minutes. It was seconded by Paul Telesca and approved unanimously.

A resolution commending past Chair Marcella Appell for her service to the Town had been drafted by the Chair and sent to the members for their review and comments. Since Mary Lou Muirhead, who had proposed such a resolution, and John Hardeman were not present at this meeting, the members determined by consensus to defer its discussion until the April 5, 2004 meeting.

The Chair said he had approached Keane and Beane, the Town's land use attorney, about giving a presentation to the Board concerning the various Town map overlays and related provisions of the Zoning Code. The Chair would also like to see the overlays printed in a manageable size for everyday use. Sam Phelan remarked that an old report published by ImPact for the southern gateway area to the Village included overlays of aquifers, historic districts, and other areas referred to in the zoning laws. Art Brod said that all the map overlays have been finished but are not currently specifically referenced in the zoning laws. Mr. Brod will see that the Members receive before the Keane & Beane presentation copies of a draft zoning text amendment that was issued in December 2003 and would specifically incorporate these overlays in the Zoning Code.

Robert McKeon, Chair of the Agricultural Advisory Committee, gave each Planning Board Member a package of information about the Committee and its mission.

PUBLIC HEARINGS

Joe Ward – 103 Deer Run Road – Special Permit.

Joe Ward was present to represent his application for a Special Permit to authorize a Class 2 Home Occupation (social worker counseling by both Mr. Ward and his wife) within an accessory building on a single-family residential parcel in the RD3 District.

The Chair read Mr. Ward's narrative describing the nature of his business, number of clients, hours and days of operation, the building and landscaping, and possible signage. The Chair also reviewed Mr. Ward's Building Permit and Certificate of Occupancy.

The Chair then read the public hearing notice that appeared in the March 9, 2004 Kingston Daily Freeman and opened the discussion for public comment.

The Chair read a letter faxed by Joan and Marshall Foster, 121 Deer Run Road. The letter voiced concerns about the number and severity of illness of clients, the quality of plumbing and electrical work in the accessory building, and the threat of fire from heating devices. The Fosters opposed any signage.

Harvey and Barbara Coopersmith, 90 Deer Run Road, voiced concerns about automobile speed through the development and about this business setting a precedent for others in the residential neighborhood. They also objected to the number of cars they see coming from Mr. Ward's driveway. Lastly, they cited deed restrictions which prohibit any business in the Deer Run development. The Chair replied that deed restrictions are enforceable only through civil action by the neighbors. The Coopersmiths submitted a letter with their objections

Kathy Stewart, Spring Lake Road, made reference to the nearby Deveraux and Eddie Parker facilities and said that she saw no similar danger posed by this home business.

Robert Dupont, 95 Deer Run Road, has been building a home for the past six months on the lot adjoining the Ward parcel. He has not seen any aggravated use of the business building.

Mr. Ward replied that he and his wife see approximately eighteen clients per week and that those clients are typically referred by insurance companies, not by the court. They do not suffer from substance abuse and are not medicated. He sees patients on Saturday only when they must reschedule their regular appointment. There are no employees. Only one car is in the parking area at a time.

Sam Phelan reported that on his field visit he found the business and accessory building to fit the description of a Class 2 Home Occupation. The area was neatly kept, the driveway provides access to fire vehicles, there is a designated parking area, and there is no sign.

Mr. Brod commented that the accessory building and its setbacks satisfy the building permit, albeit retroactively, so the building is not at issue. Only the use is at issue.

There were no further comments from the public or from Board members. Paul Telesca moved to close the public hearing. Sam Phelan seconded, and the board unanimously approved.

Jeffrey Agrest – Benner Road – Subdivision Plat.

Marie Welch, L.S. and Tom LeGrand, realtor, were present to represent Mr. Agrest's application for Subdivision Plat Approval for lot line alteration and creation of one additional residential building lot from a combined 14.68-acre parcel in the R1.5 District.

The Chair read the public hearing notice that appeared in the March 9, 2004 Kingston Daily Freeman and opened the discussion for public comment.

Ms. Welch explained to the Board the creation of two residential building lots, only one of which is a new lot, and the lot line alteration.

The project had been referred to the Agricultural Advisory Committee for review, and the Chair read the Committee's written comments. The Committee suggested possibly saving some land for open space, but it did not agree on the necessity of implementing procedures for farmland preservation. The Committee's full response is annexed to, and made part of, these Minutes.

Ms. Welch said that poor soils on the north side of the parcel precluded placing houses farther off the road. She also recognized that Health Department approval was necessary for the 1.5-acre lots.

Ms. Welch noted that the applicant would be agreeable to a conservation easement on part of the large "L" shaped lot. Christine Kane said that a conservation easement would apply to the entire lot but that sections of the lot would be classified as "unbuildable". There was general discussion about what agencies could hold a conservation easement.

Mr. LeGrand said that division of the front of the large "L" shaped lot at a later time could not be ruled out.

There were no more comments. Sam Phelan made a motion to close the public hearing. David Wright seconded the motion, and the members voted unanimously in favor.

REGULAR SESSION (OLD BUSINESS)

Joe Ward—103 Deer Run Road --Special Permit.

The Chair read the short EAF Part 1 and with input from the Board completed Part 2.

After discussion by the Board, a resolution was offered to approve Mr. Ward's Application for Special Use Permit with the following conditions:

1. only one (1) client may occupy the building and parking lot at a time,
2. business may be conducted only between the hours of 9 a.m. and 6 p.m.,
3. the business shall operate only on weekdays, and
4. there shall be no sign denoting the business.

Sam Phelan moved to adopt the resolution. David Wright seconded the motion, and the Board voted unanimously to approve. A copy of the adopted resolution is in its entirety annexed to, and made part of, these Minutes.

The Chair noted that Mr. Ward will need a Certificate of Occupancy authorizing use of the accessory building in accordance with the special use permit.

Jeffrey Agrest – Intersection of Rokeby Road & Benner Road –Subdivision Plat.

The Chair read the short EAF Part 1 and with input from the Board completed Part 2.

Paul Telesca moved to adopt the resolution offered by the consultant granting Conditional Subdivision Plat Approval. Sam Phelan seconded the motion, and the Board voted unanimously in favor. A copy of the resolution is annexed to, and made part of, these Minutes.

Leonard & Trilby Sieverding – Yantz Road – Subdivision Sketch Plan.

Leonard Sieverding appeared before the Board as it considered his application for sketch plan endorsement involving the creation of four (4) residential building lots from a 46.12-acre parcel in the RD3 District.

The Chair read a report from the Agricultural Advisory Committee. The report recommended preservation of the existing farmland on the largest of the four lots. The full report by the Committee is annexed to, and made part of, these Minutes.

Mr. Sieverding objected to the project's referral to the Agricultural Advisory Committee since in his opinion the Red Hook Town Zoning Law mandates only farmland containing soils of Type 1 and 2 to be reviewed by the Committee. His land contains soils of Type 3 and 8.

There was general discussion about the confusion surrounding the farmland protection provisions. Mr. Brod noted that the confusion is compounded by an error in the publishing of the Town Code. The "Important Farmlands" paragraph (4) of Zoning Law Sec. 143-47, subparagraph (a), subsection (1), had been amended by the Town Board to delete the words "[designated as 'prime farmland' (Classes I and II) by the Soil Conservation Service of the USDA]". When the Zoning Code was reprinted, however, those words were erroneously left in by General Code Publishers.

The applicant, the Board, and the consultant discussed a new version of the site plan submitted by Mr. Sieverding (dated erroneously 4-15-04), specifically providing for a "common area" that widened the combined driveway area of lots 3 and 4 but did not provide required road frontage for both of the lots. This common area is not allowed under Town zoning regulations. However, the consultant noted that a common driveway is necessary for the adjacent lots.

Additionally on the new version, the housing sites were moved back so that they would not be visible from the road. In response to a question by Sam Phelan, Mr. Sieverding said he would be willing to include building envelopes on the final plat.

The Chair said that he would like to see preservation of the open field in the main parcel. Mr. Sieverding responded that he would be agreeable only if the Town would purchase the development rights. Christine Kane suggested a conservation easement or a scenic easement. She noted that if Mr. Sieverding implemented a conservation easement at this stage of the project, the tax benefit to him would be greater than at a later time. The

applicant was advised to contact the Dutchess Land Conservancy for information on conservation easements.

Christine Kane made a motion to grant sketch plan endorsement with the following required modifications:

1. The lot layout be reconfigured to reflect changes shown on the site plan dated (erroneously) 4-15-04 except that the "common area" shown for Lots 3 and 4 is to be eliminated.
2. The reconfigured plan shall provide required road frontage for both Lots 3 and 4 and a common driveway shall be provided to access these lots.
3. Building envelopes as shown on the 4-15-04 plan shall be depicted on the subdivision plat.

David Wright seconded the motion, and the Board voted unanimously in favor.

The Board advised Mr. Sieverding that the project will be classified as a Minor Subdivision and an Unlisted Action under SEQRA.

The applicant was also reminded that he needs an engineering report confirming that soils investigations, including deep tests and percolation tests, have been conducted on each of the proposed lots.

REGULAR SESSION (NEW BUSINESS)

Gino Salvatico – 8299 NYS Route 9 at Scism Road – Special Permit.

Sabatino Salvatico was present as authorized agent with an Application for a Special Use Permit to authorize a Class 2 Home Occupation (woodworking shop) in the RD3 District. This application is pursuant to an Area Variance granted by the ZBA.

Mr. Salvatico described the proposed 1848 square foot building as a new structure to be located behind an existing barn. It may be possible to view a portion of the new building from NYS Route 9. The building will have heat, electricity and water, although there will be no sanitary system. The business consists of custom wood furniture construction and sales. There will be no showroom except for sale of furniture made on the premises, no importing of other furniture or other items for resale, and no outdoor display. There will be one employee.

David Wright made a motion to adopt the following procedural resolution offered by the consultant to accept the Application for a Special Use Permit as adequate for Planning Board, consultant and public review. Christine Kane seconded the motion, and the Board voted unanimously in favor.

The Town of Red Hook Planning Board hereby acts as follows on the February 19, 2004, Application by Gino Salvatico for Special Use Permit to authorize a Class 2 Home Occupation (Woodworking Shop) within an accessory structure, proposed new barn 1848 s.f. in building footprint, on a 10.6-acre parcel at 8299 NYS Route 9 and Scism Road in the RD3 District, such Class 2 Home

Occupation authorized at the square footage proposed pursuant to Area Variance granted by the ZBA on February 11, 2004:

1. Accepts the Application as adequate for Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, April 19, 2004, at 7:35 p.m. and directs the Clerk to provide timely notice thereof in both the Town's official newspaper and to owners within 200 feet of the Applicant's parcel.
4. Refers the Application to the Dutchess County Department of Planning and Development for review and advisory opinion pursuant to Section 239 of the General Municipal Law.
5. Delegates Paul Thomas, Paul Telesca and David Wright to conduct a field visit to the site on behalf of the Board and report their observations at the time of Public Hearing.

Bard College—Annandale Road (CR 103) – Campus Master Plan Update.

Jim Brudvig and Chuck Simmons of Bard College presented an updated version of the College's Campus Master Plan and explained how it related to the two projects, the Robbins House addition and parking lot and the Curatorial Studies addition, currently under review by the Board.

Mr. Brudvig noted that the College's future projects, some 22 in number, are divided into three categories: near-term, mid-term and long-term.

Among the near-term projects highlighted in his remarks were (1) the Curatorial Studies addition which will establish a permanent gallery for some of the art collections now in storage, (2) Robbins House, which will be built in the style of a manor house, providing 205 beds and permitting removal of temporary trailers which currently house 12 students as well as opportunity for some faculty and graduate housing, and (3) a new science facility, which will add 50,000 sq. ft. of new space to an existing building of 20,000 sq. ft.

Possible future projects highlighted include a 50 room hotel, which would have access to Route 9G and which would hook up to Bard's water and sewage system, and an expansion of Stevenson Gymnasium. The College will be expanding the outdoor playing fields soon and will possibly add indoor space in 3-5 years.

Mr. Brudvig stated that the College plans to increase undergraduate student enrollment from the current 1300 to 1500 students while also expanding to some degree its graduate programs. Bard will soon start a conservatory program which would combine the science and music programs. The projected student enrollment growth reflects the addition of 140-150 students needed for an orchestra. In addition, the College plans to add a Master of Arts in Teaching program to the two graduate programs – Masters programs in Curatorial Studies and in Environmental Policy—it already has.

Two projects have been moved from “long-term” to “imminent”. The renovation of Preston Hall into an office facility is, in effect, finished. The renovation of the Manor Cafe, where a second cafeteria was installed, is also complete.

There was general discussion concerning the relationship of the Campus Master Plan Update to the two Bard projects currently under Planning Board review. Sam Phelan and Art Brod collectively requested a summary of proposed square footage increases, student growth, staff and support personnel growth, changes in land and institutional use, and development of land, especially in areas previously identified as green space.

The Board also asked for engineering and environmental assessments. Sam Phelan requested that these assessments be combined with the Master Plan Update overview so that all the pertinent information would be collected in one resource.

Because Bard would like to break ground soon on the Robbins House addition, there was general concern about a rush to complete the Board’s review of the Master Plan. One idea was to amend initially the Master Plan to include only one project, the Robbins House addition, rather than including the entire list of proposed projects. This would allow the Planning Board sufficient time to review the overall Master Plan Update and yet allow the Site Plan for the Robbins House addition to proceed.

One or both of the Bard projects may be on the April 5, 2004 agenda, and the College is in the process of preparing its formal submissions with respect to its Master Plan Update.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Christine Kane made a motion to adjourn. Paul Telesca seconded the motion, and all members were in favor. The Chair declared the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Paula Schoonmaker
Acting Clerk to the Planning Board

Annexed Attachments

Agricultural Advisory Committee’s recommendations regarding the Jeffrey Agrest
Application for Subdivision Plat Approval
Agricultural Advisory Committee’s recommendations regarding the Leonard Sieverding
Application for Sketch Plan Endorsement
Resolution granting Special Use Permit to Joe Ward
Resolution granting Conditional Subdivision Plat Approval to Jeffrey Agrest

**Town of Red Hook Planning Board
Resolution Granting Approval in the matter of the Application by Joe H. Ward for a
Special Permit Authorizing a Class 2 Home Occupation within an Accessory
Building at 103 Deer Run Road in the Rural Development 3 (RD3) District**

March 15, 2004

Motion by Member Sam Phelan

Second by Member David Wright

The Town of Red Hook Planning Board hereby acts as follows on the January 10, 2004, Application by Joe Ward for Special Use Permit to authorize the delivery of social worker counseling services within an accessory building as a 'Class 2 Home Occupation' on a single-family dwelling premises at 103 Deer Run Road in the RD3 District, the subject 288 s.f. accessory building erected pursuant to a Building Permit issued on January 9, 2004, and the subject counseling services described in a program narrative submitted by the Applicant and undated.

1. Determines upon examination of EAF Part 1 and completion of EAF Part 2 and in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Further determines upon examination of the Application, including the related building permit and program narrative, discussion with the Applicant, and upon report of field visit by the Planning Board, that the intended 'Class 2 Home Occupation' will comply with the 'General Standards' pertaining to all Special Permit Uses set forth at Section 143-51 of the Town's Zoning Law and the 'Specific Standards' for a 'Class 2 Home Occupation' set forth at Section 143-69, including through incorporation those underlying standards set forth at Section 143-32.
3. In consideration of the above, approves the Application for Special Use Permit, thus issuing the requested Special Use Permit, and authorizes the Zoning Enforcement Officer to issue a Certificate of Occupancy therefor under the Town's Zoning Law upon the Applicant's compliance with all codes, laws, rules and/or regulations within the purview of either the ZEO or the Building Inspector, subject to the following additional requirements:
 - a. All conduct of counseling services shall occur between the hours of 9 a.m. and 6 p.m.
 - b. There shall be no conduct of counseling services on either Saturday or Sunday.
 - c. There shall be no more than one client counseled at a time with adequate time provided between consultation periods to avoid client overlap on the premises.
 - d. There shall be no signage denoting the business anywhere on the property or on the Town roadway.

4. The Planning Board further conditions the Special Use Permit to require that the 'Class 2 Home Occupation' be maintained at all times in strict compliance with both the aforementioned 'General Standards' and 'Specific Standards'.

In taking this action, the Planning Board waives requirement for submission of more detailed drawings, including a professionally-prepared site plan and building plans and elevations, as set forth within Zoning Law Section 143-122(A)(1).

Roll Call Vote:

Member John Hardeman	absent
Member Christine Kane	yes
Member Mary Lou Muirhead	absent
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chairman Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Acting Clerk to the Board

Date

**Town of Red Hook Planning Board
Resolution Granting Conditional Plat Approval in the matter of the Jeffrey Agrest
Minor 2-lot Subdivision and Lot Line Alteration on Benner Road in the R1.5
District.**

March 15, 2004

Motion by Member Paul Telesca

Second by Member Sam Phelan

The Town of Red Hook Planning Board hereby acts as follows on the March 1, 2004, Amended Application by Jeffrey Agrest for Subdivision Plat Approval to authorize a lot line alteration and the creation of an existing house parcel and two (2) residential building lots, each 1.5 acres in lot area and only one of which is a 'new lot', from a combined 14.68-acre parcel on Benner Road in the R1.5 District, all as depicted on a Survey Map entitled 'Amendment to Filed Map No. 9526, Minor Two-Lot Subdivision and Lot Line Alteration, Prepared for Agrest, Situate in the Town of Red Hook', prepared by Marie T. Welch. L.S., and dated February 13, 2004:

1. Acknowledges review of the Amended Application by the Town's Agricultural Advisory Committee on March 12, 2004, as documented in correspondence from the Committee dated March 13, 2004.
2. Determines upon examination of EAF Part 1 and completion of EAF Part 2 and in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
3. Grants Conditional Plat Approval for the 'Jeffrey Agrest Minor 2-Lot Subdivision and Lot Line Alteration / Benner Road' and authorizes the Chairman to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions within the next one hundred eighty (180) calendar days:
 - a. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision', or 'for filing purposes only', by the Dutchess County Health Department.
 - b. Payment of a one-lot cash-in-lieu-of-land recreation fee of nine hundred dollars (\$900.) to the Town of Red Hook for deposit in the Town's Recreation Trust Fund in consideration of the Planning Board's determination that it would not be appropriate to require the set-aside of recreation or other open space land within the Subdivision due to its location and limited scale.
 - c. Securing of written approval for a proposed driveway access location to each of the 1.5-acre lots by the Town Highway Superintendent.
 - d. Securing of design approval from the Dutchess County Health Department for the installation of an on-site sanitary disposal area on each of the 1.5-acre lots.

- e. Submission of the draft of a consolidation, or merger, deed with it to be acknowledged by the Applicant in writing that such deed must be recorded in the Dutchess County Clerk's Office simultaneously with the filing of the Approved Subdivision Plat as a required step in completing this subdivision plat review and approval process.
 - f. Submission of the Subdivision Plat in the number and form specified under the Town's Land Subdivision Regulations.
 - g. Payment of any outstanding fees or reimbursable amounts due the Town of Red Hook.
4. Encourages the applicant to consider imposition of a conservation easement or similar mechanism to limit development of the westerly portion of the approximately 4-acre existing house lot.

Roll Call Vote:

Member John Hardeman	absent
Member Christine Kane	yes
Member Mary Lou Muirhead	absent
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chairman Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Acting Clerk to the Board

Date

