

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
May 20, 2013

CALL TO ORDER/ DETERMINATION OF QUORUM

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

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

BUSINESS SESSION

(Christine Kane had not yet arrived so Deputy Chair Charlie Laing led the business session and first project discussion)

Charlie Laing said that the applicants for the Hoffman project had withdrawn from the agenda and that there were no announcements.

The May 6, 2013 draft minutes had been circulated among the members and reviewed. There was one correction— Sam Harkins was absent from the last meeting, not Brian Walker. Sam Phelan made a motion to adopt the minutes with this correction. Betty Carr seconded the motion, Michelle Turck abstained, and all other members present voted in favor.

REGULAR SESSION – NEW BUSINESS

Helen Dietz & David Mimeles – 203 Barrytown Rd. – Certificate of Appropriateness

Les Rollins and Helen Dietz were present with an application for a Certificate of Appropriateness to raise the roof, add exterior lighting and otherwise modify an existing residence on a 5.017-acre parcel in the H (Hamlet) Zoning District.

Mr. Rollins said that the applicants planned to raise the roof 4 ft. 3 inches to make the inside second floor ceilings 8 ft. 6 inches high.

Ms. Dietz said that the building was originally a barn that had been modified several times. She said that at some point, previous owners had added a one-story addition and a sunroom. She said that her plan was to replace the shingle roof material with standing seam metal and to replace the siding with board and batten. Both she and Mr. Rollins agreed that the building was structurally sound.

Sam Phelan made a motion to determine the project to be a Type 2 action under SEQR, needing no environmental review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then referred the project to the Hamlet Committee for review and comments and scheduled a public hearing for June 3, 2013.

(At this point, Christine Kane took over as chair)

PUBLIC HEARINGS

MC Acres – Middle Rd. - Minor Subdivision Plat

Mark Graminski, P.E. was present for the public hearing on an application for subdivision plat approval for the creation of two (2) residential lots of 8.962 acres and 19.042 acres and one (1) remaining lands lot of 36.623 acres from a total 64.627-acre parcel partially in the AB Zoning District of the Town of Red Hook and partially in the Town of Rhinebeck.

Christine Kane said that before the public hearing could be opened, the Board needed to discuss the previously adopted Farmland Protection Plan, filed with the County Clerk in 2007, as well as the impact of the parcel's rezoning into the new Agricultural Business Zoning District. She said the goal of the discussion was to see whether the current plan, substantially developed as part of the larger Kesicke Farmland Protection Plan, also met the requirements of the new AB zoning regulations.

Michele Greig said that Farmland Protection Plan was still in effect but that the passage of the new zoning regulations required that the Board members look at the new regulations to see whether any of them were more restrictive than those of the FPP. She said that the more restrictive requirements would prevail.

Charlie Laing said he believed that the Farmland Protection Plan had the same criteria and goals for conservation of farmland as those contained in the Agricultural Business District regulations. He said that the Kesicke FPP had been developed after a lengthy process of evaluating soils, clustering lots, etc., all of which were required by the ABD regulations.

Christine Kane said that the ABD regulations required a 4 step design process for subdivision applications, which she summarized as looking at the land first and then deciding where things should be placed. She said that the first step was to identify primary and secondary areas to be conserved – important soils, wetlands, buffer areas, potential trails, farm roads, etc. The Board generally agreed that this step had been completed, with the building envelopes kept out of those areas, during the development of the FPP. Mr. Graminski said that a previously identified wetland had been made into an actual pond with all the proper permits from DEC.

Christine Kane said that the second step of the design process was to align streets and trails. The Board generally agreed that the old farm road and the potential Hucklebush rail trail had been considered, with any building envelopes kept from encroaching on the possible trail and the farm road to be used as a shared driveway. The Board generally agreed that this step had been completed.

Christine Kane went on to say that step three was to identify house sites. She said that in 2007 the Board had spent a great deal of time talking about house locations, the size of building envelopes and possible accessory structures. She said that the house sites and building envelopes of this plan were substantially the same as those drawn in 2007. The Board generally agreed that this step in the design process had been completed.

Christine Kane said that step 4 was to draw lot lines with adequate street frontages and with the goal of keeping the largest possible amount of contiguous agricultural land together. She said that in this case, the Board had permitted two (2) large residential lots with agricultural land and one (1) small residential lot.

Christine Kane then read the following prepared statement:

The Planning Board finds that Farmland Protection Plan, which was prepared for the larger farm of which MC Acres is a part, essentially followed the four-step design process and satisfies the need for that process with respect to the MC Acres subdivision application. Requiring the submission of separate sheets to document each step and formally meet the requirement of the four-step design process would result in the same conservation subdivision design and would therefore be redundant. Based on the foregoing, in accordance with § 120-33B, the Planning Board hereby modifies the specific requirement to submit a separate sheet/plan for each step, and accepts the Farmland Protection Plan dated November 26, 2007 and filed in the Dutchess County Clerk's Office on November 27, 2007 as the plan that shows the cumulation of the four steps.

Sam Phelan then made a motion that the Board adopt the above language. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then discussed the proposed density. Christine Kane said that the request for three (3) lots did not exceed the allowed density under the AB regulations.

The Board then addressed the requirement for a conservation easement. Mr. Graminski said that Winnakee Land Trust was still prepared to hold the easement.

The members looked at the siting standards for structures, section 143-39.1G of the Zoning code, and generally found this plan to be consistent with those standards.

Christine Kane said that the AB regulations required that 80% of the land be conserved as open space and that one individual residential agricultural lot (Lot 1) had less than 80%. Charlie Laing said that the total Kesicke Farm plan actually had approximately 95% total open space. Michelle Turck said that it was clear that Winnakee Land Trust was agreeable to the existing amount of conserved land. Michele Greig called the members' attention to the fact that if the lot line were moved to meet the open space requirement, the agricultural land would be bisected because of the location of a large wetland. Specifically:

In the case of the MC Acres parcel, the property is bisected by NYSDEC wetlands and regulated 100 foot adjacent areas. The proposed lot lines have been drawn to ensure that the two large agricultural fields that are bisected by the wetlands are not divided by property boundaries. The result is to create one small residential lot (which is almost entirely encumbered with wetlands and buffers, leaving only a small area for a house site), and two larger residential lots with agricultural lands, $\pm$ 19 and $\pm$ 36.6 acres in size. The lot line between these two larger parcels could be adjusted to include greater acreage with the 36.6 acre parcel

and thereby include the 80 percent minimum open space in a single parcel. However doing so would divide ownership of the farm field on parcel 2, which is contrary to the intent of the AB District. This is a relatively unique situation that results from the location of the NYSDEC wetlands on the parcel.

The members generally agreed that in this case, it was preferable to leave the agricultural land intact and the lot line where it was.

Sam Harkins then made a motion to adopt the following: the Planning Board has determined that in this particular case, a portion of Lot 2 can be used to meet the minimum required open space. All of the three lots, including Lot 2, will be permanently protected with a conservation easement, in accordance with § 120-21E(5).

Michelle Turck seconded the motion, and all members present voted in favor.

The Board then discussed the common driveway width. Christine Kane said that the common driveway must be 16 ft. in width or have pull offs every 500 ft. Mark Graminski said that the driveway would have both. He agreed to check the plan and make sure that the width was correct.

Christine Kane asked Mr. Graminski to revise the plan to show the correct zoning district.

The Board then completed the EAF part 2, after which Charlie Laing made a motion to issue a negative SEQR determination for the project. Betty Carr seconded the motion, and all members present voted in favor.

Christine Kane then read the public hearing notice that appeared May 14, 2013 in the Kingston Daily Freeman and the Poughkeepsie Journal.

Mark Graminski explained the project, adding that the plans had been submitted to the Dutchess County Health Department and that details about the driveway would be sent to the Town Engineer.

Christine Kane then opened the hearing for public comment. There was none. As a result, Betty Carr made a motion to close the public hearing. Michelle Turck seconded the motion, and all members present voted in favor.

The Board then reviewed a resolution approving the subdivision with conditions, noting that copies of the conservation easement and the driveway maintenance agreement must be acceptable to the Planning Board and that both must be filed along with the subdivision plat. Sam Harkins made a motion to adopt that resolution. Charlie Laing seconded the motion, and all members present voted in favor.

Todd & Maribeth Catlin – 38 North Drive – Minor subdivision Plat

Mark Graminski, P. E. and Todd and Maribeth Catlin were present for a public hearing on an application for subdivision plat approval 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.

Christine Kane asked Mr. Graminski whether he had a list of the trees proposed for removal since that was a SEQR issue that had to be resolved before the hearing could be opened. Mr. Graminski said he did and that he had tried to keep as much vegetation as possible. He said that while he had included the trees in the septic system expansion areas, those trees would not have to be removed unless the expansion area was needed in the future. He said that trees in the stormwater management areas, the primary septic system areas and in the driveway expansion areas would have to be removed, however.

He said that he had discussed with the Town Engineer the possible vehicles for making sure the stormwater management plan was followed. He said there would be minimum maintenance needed once the culverts, rain gardens and other features were constructed, but, he said, that maintenance would have to be carried out on a regular basis for the system to continue to be effective. He said that the Town Engineer would contact the Town Attorney about this issue.

Christine Kane said that likely the Town would want to see the stormwater management system constructed before the lots were sold. Mr. Graminski said that the Town would have to decide how to handle this issue-- that maybe construction could be tied to a building permit. Christine Kane said that without a homeowners' association, there would be no control over who built what when, and that if the system was built before the new lots were sold, the Town could make sure that the system was built correctly and would have a baseline going forward for future reviews. Sam Phelan agreed, saying that all the construction should be done by the current owner.

Mr. Graminski went on to say that cross easements would be needed for proper stormwater management.

Christine Kane asked how many trees were proposed for removal. Mr. Graminski said that he hadn't added them up but that privacy would be maintained both for the new lots and for the existing and neighboring lots. Betty Carr asked whether the trees slated for removal were all alive. Mr. Graminski said yes. Sam Phelan asked Mr. Graminski to look at the plans again and try to save as many trees as possible. Mr. Catlin said that the white pines earmarked for removal were unstable and that some fell over every year. He said that they should not be growing near a house.

The Board then completed the EAF part 2 and reviewed a draft Negative SEQR determination. Sam Phelan made a motion to adopt that Negative determination. Charlie Laing seconded the motion, and all members present voted in favor.

Christine Kane then read the public hearing notice that appeared May 14, 2013 in the Kingston Daily Freeman and the Poughkeepsie Journal. Mr. Graminski explained the project, after which Christine Kane opened the public hearing.

Michael Romberg, who said he was purchasing the house at 28 North Drive, asked whether the addition of two more lots would affect his water pressure. Mr. Graminski said no. Mr. Romberg then asked whether the house sites could deviate from those shown on the plat. Mr. Graminski said that the houses must stay within the designated building envelopes. Mr. Romberg then addressed visibility, saying that trees had been removed that would have provided screening. Mr. Catlin said that the previous owner of 28 North Drive had removed those trees and that the bare patch was on that parcel, not his. Mr. Romberg lastly said that with two small children, he was concerned about construction noise. Michele Greig said that there were some Town noise ordinances but that this issue was not within the Planning Board's purview.

Richard Aldous, 77 Manor Rd., asked about stormwater management, citing flooding problems on Manor Road. Mr. Graminski described the planned management system. Michele Greig confirmed that Mr. Graminski's calculations had been reviewed by the Town Engineer who had agreed that the runoff would not be increased by the addition of these impervious surfaces if the stormwater system was properly installed and maintained.

Kris Munn, 14 North Drive, urged the Planning Board to make sure that the stormwater plans were checkable and enforceable.

Christine Kane then read a letter from Richard and Donna Nebel, 75 Manor Rd. Ms. Nebel cited privacy issues and stormwater runoff and asked that the public hearing be continued to the next meeting, when she and her husband could attend.

Christine Kane summarized a letter from the Town of Red Hook Water Department stating that the two new lots could be supplied with water from the system.

The Board then reviewed a GreenPlan memo. Michele Greig reminded Mr. Graminski that he needed a letter from the Red Hook Fire Chief.

Christine Kane read a letter from Theresa Burke, Town Highway Superintendent, stating that there was adequate sight distance for the shared driveway and that other matters would be addressed upon application for a driveway permit.

Asked about the shared driveway, Mr. Graminski said that the existing driveway was paved and that the expansion in both length and width would be gravel. Some members of the Board were not in favor of covering the width expansion with a different material.

Christine Kane said that the big issue was how to make sure that the Stormwater Pollution Prevention Plan was correctly constructed and maintained.

Sam Phelan asked about the property to the north, the Chen parcel into which the Catlin wetland drained. Charlie Laing said that the calculations showed no change to the runoff into the Chen property.

Mr. Graminski said that flash flooding events would be better managed with the SWPP in place. Asked whether he had taken the implications of the removal of the trees into account when developing the SWPP, he said yes.

The Board generally agreed to continue the public hearing to June 3, 2013.

OTHER BUSINESS

Local Law F

Christine Kane summarized a proposed local law that would clarify the number of members of the Town's Zoning Board of Appeals. The members generally agreed to respond with a letter supporting attention to this matter by the Town Board.

PDR application

Christine Kane said that the Town had received an application for the Town's Farmland Protection Program from the Klose family of Echo Valley Farm.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker

Attachments

Resolution allowing a portion of Lot 2 to be used to meet open space requirements for MC Acres (added June 3, 2013)

Negative SEQR determination for MC Acres minor subdivision

Resolution granting subdivision plat approval to MC Acres, Inc.

Negative SEQR determination for Catlin minor subdivision

MC Acres

Four-Step Design Process

Section 120-28B of the Town's Subdivision Regulations requires that all preliminary plats for a conservation subdivision "shall include documentation of a four-step design process in determining the layout of proposed greenspace, streets, house sites and lot lines. . . Documentation of the design process is achieved by preparing a separate sheet/plan for each step and then preparing a plan which shows the cumulation of the four processes" (§ 120-28B).

The four-step design process includes: 1) the identification of primary and secondary conservation areas; 2) the alignment of streets and trails; 3) the location of house sites; and 4) the drawing in of lot lines.

Primary conservation areas are unbuildable natural features as identified in § 143-23 of the Zoning Law. Secondary conservation areas are special features of the property, such as important farmland, woodlands, fields, pastures and meadows, trails, etc.

The MC Acres parcel is part of a larger farm, which is subject to a Farmland Protection Plan that was prepared for the farm by the applicant under the Town's old "Important Farmlands" law which appeared in § 143-47D(4) of the Zoning Law until the Town Board adopted the "Centers and Greenspaces" amendments to the Town Code in July 2011. The Farmland Protection Plan was approved by the Planning Board and filed with the Dutchess County Clerk's office on November 27, 2007.

In preparing the Farmland Protection Plan, the applicant was required to identify primary and secondary conservation areas (step one). The primary conservation areas identified on the subject property include NYSDEC wetlands, regulated 100 foot adjacent areas, and areas of steep slopes. There are no other primary conservation areas located on the property, other than a subsequently constructed farm pond. Secondary conservation areas include agricultural soils, and the Hucklebush railroad right-of-way, which has been identified as a potential trail on the NYS Greenway Future Trails Map.

The project will be accessed by a common driveway; no streets are proposed (step 2). For the shared portion of the common driveway, the Farmland Protection Plan proposes to utilize an existing dirt farm road in order to minimize impacts to NYSDEC wetlands and regulated 100 foot adjacent areas to the greatest extent possible. The project has been designed so that all building envelopes with improvements are located off the railroad right-of-way, with the exception of a single driveway crossing, which is unavoidable in order to access the parcel.

The property consists entirely of primary and secondary conservation areas, primarily wetlands and buffers, and agricultural soils. House sites (step 3) were located to minimize impacts to these resources to the greatest extent possible. No development is

proposed within NYSDEC wetlands or adjacent areas (the primary conservation areas). To the maximum extent possible, house sites are located away from fields that can be used for agricultural purposes (secondary conservation areas), and in or adjacent to woodlands.

The site is bisected by wetlands. Lot lines (step 4) have been drawn to ensure that the two large agricultural fields that are located on either side of the wetland are not divided by property boundaries. The result is to create one small residential lot and two larger residential lots with agricultural lands.

The Planning Board finds that Farmland Protection Plan, which was prepared for the larger farm of which MC Acres is a part, essentially followed the four-step design process and satisfies the need for that process with respect to the MC Acres subdivision application. Requiring the submission of separate sheets to document each step and formally meet the requirement of the four-step design process would result in the same conservation subdivision design and would therefore be redundant. Based on the foregoing, in accordance with § 120-33B, the Planning Board hereby modifies the specific requirement to submit a separate sheet/plan for each step, and accepts the Farmland Protection Plan dated November 26, 2007 and filed in the Dutchess County Clerk's Office on November 27, 2007 as the plan that shows the cumulation of the four steps.

Required Open Space

Section 143-33D of the Zoning Law requires that a conservation subdivision preserve a minimum of 80 percent of a parcel in the AB District as open space.

Eighty percent of the MC Acres parcel is 51.2 acres. However, the largest proposed parcel is only 36.6 acres (approximately 57 percent of the parent parcel).

Section 120-21E(4) of the Subdivision Regulations states that "open space land should generally remain undivided." Section 120-21E(5) states that "a portion of a house lot may only be used for meeting the minimum required open space land if permitted by the Planning Board, and only if such portion is permanently protected with a conservation easement."

In the majority of cases of conservation subdivision, it is preferable to preserve the minimum required 80 percent open space land in single parcel, clustering the residential development on the remaining 20 percent of the property. In the case of farmland preservation, this ensures that the greatest area of land available for agricultural purposes is not fragmented.

In the case of the MC Acres parcel, the property is bisected by NYSDEC wetlands and regulated 100 foot adjacent areas. The proposed lot lines have been drawn to ensure that the two large agricultural fields that are bisected by the wetlands are not divided by property boundaries. The result is to create one small residential lot (which is almost entirely encumbered with wetlands and buffers, leaving only a small area for a house

site), and two larger residential lots with agricultural lands, ± 19 and ± 36.6 acres in size. The lot line between these two larger parcels could be adjusted to include greater acreage with the 36.6 acre parcel and thereby include the 80 percent minimum open space in a single parcel. However doing so would divide ownership of the farm field on parcel 2, which is contrary to the intent of the AB District. This is a relatively unique situation that results from the location of the NYSDEC wetlands on the parcel.

Based on the foregoing, the Planning Board has determined that in this particular case, a portion of Lot 2 can be used to meet the minimum required open space. All of the three lots, including Lot 2, will be permanently protected with a conservation easement, in accordance with § 120-21E(5).

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: May 20, 2013

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: MC Acres Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to subdivide ± 64.63 acres of land (of which 6 acres are located in the Town of Rhinbeck) into three residential building lots ranging in size from ± 8.96 acres to ± 36.62 acres, which will be served by new individual wells and septic disposal systems and a common driveway. A conservation easement will be placed on the three lots prohibiting further subdivision of the lots.

Location: 184 Middle Road, Town of Red Hook, Dutchess County, NY

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) dated March 11, 2011 and revised April 5, 2013 for the project, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. Farming activities occur within 500' of the proposed subdivision. A map note on the subdivision plat gives notice to future purchasers of the proposed lots that farming activities may occur on neighboring lands and may cause noise, odors and dust. A typed document containing the map note regarding farming activities shall be delivered to all prospective purchasers of the lots, and all deeds of the proposed lots will contain references to the map note relative to the hazards and nuisances (noise, odors, and dust) of farming to which residents of such parcels willingly subject themselves, in accordance with Chapter 72 of the Town Code. The proposed project has been designed in accordance with an approved Farmland Protection Plan for the property, which the Planning Board reviewed against the requirements of the Agricultural Business (AB) District and the provisions for conservation subdivision; the proposed house locations have been located, to the extent possible, away from prime and significant agricultural soils, and all three parcels will be encumbered by a conservation easement that will identify the building envelope on each parcel and will prohibit future subdivision of the lots. All three house locations have been situated more than 200 feet from adjacent farmland to the west and south to provide an agricultural buffer between the proposed new dwellings and the adjacent farmland. An Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board. Based on the foregoing, no significant adverse environmental impacts to agricultural resources will occur.
4. NYSDEC wetlands are located on the subject parcel. The wetlands were delineated by the applicant's wetland consultant and field verified by a representative of the DEC. The Final Plat will include a DEC Freshwater Wetlands Validation Block signed by the DEC. No disturbance to wetlands or to the 100' adjacent area will occur as a result of the proposed action. The building envelopes of the three lots are located outside of wetlands and regulated buffer areas. An existing farm road will be utilized as the driveway to proposed Lot 2 and a note has been included on the Plat stipulating that if any improvements are made to the existing farm road within the wetland or regulated 100' adjacent area, a permit from the NYSDEC will be required. A deed restriction for all three lots will prohibit construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the Environmental Conservation Law (ECL) within the freshwater wetland area or 100 foot adjacent area at any time without having first secured the necessary permission and permit required pursuant to Article 24 of ECL from the NYSDEC. Based on the foregoing, no significant adverse environmental impacts to wetlands will occur.
5. A portion of the former Hucklebush railroad right-of-way, which has been identified as a potential trail on the NYS Greenway Future Trails Map, is located on the subject lands. The project has been designed so that all building envelopes with improvements are located off the railroad right-of-way, with the exception of a single

driveway crossing. Thus, impacts to potential future trails have been minimized to the greatest extent practicable.

6. The action will create a need for recreational land and facilities due to the generation of approximately 11 new residents of the Town including 4 new school age children. School-age children place a particularly high demand on the Town's existing recreational facilities. When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Furthermore, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, the applicant will make a recreational fee payment, in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, no significant adverse environmental impacts to recreational resources will occur.

For Further Information:

Contact Person: Paula Schoonmaker, 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)
7340 South Broadway
Red Hook, NY 12571

Resolution Granting Final Subdivision Plat Approval to MC Acres

Name of Project: MC Acres Subdivision

Name of Applicant: MC Acres Inc.

Date: May 20, 2013

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated March 11, 2011 and revised March 8, 2013 to the Town of Red Hook Planning Board to subdivide $\pm$ 64.63 acres of land (Tax Map Parcel Nos. 134889-6271-00-057991 and 135089-6271-00-015801) into three lots $\pm$ 8.962 acres, $\pm$ 19.042 acres, and $\pm$ 36.622 acres in size in the AB Zoning District; and

Whereas, the parcels are located on Middle Road 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. dated March 11, 2011 and revised March 8, 2013; and

Whereas, the parcel is located within 500' of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 11, 2011 and revised April 5, 2013,

which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on May 6, 2013, 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, 2011, the Planning Board, in consideration of the Short Environmental Assessment Form dated April 5, 2013 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, 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 MC Acres Inc.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to MC Acres Inc. 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 wells and septic systems for the three lots.
 - (b) Submittal of letter from the Town Highway Superintendent approving the proposed driveway location.
 - (c) The plat shall be revised to indicate that areas outside the building envelopes are encumbered by a conservation easement held by Winnakee Land Trust.
 - (d) The plat shall be revised to show a 16 foot wide shared driveway, and all driveways shall be reviewed to the satisfaction of the Town Engineer.
 - (e) Verification of the correct NYSDEC wetland number.
 - (f) A NYSDEC Freshwater Wetland Boundary Validation block shall be included on the subdivision plat and signed by the NYSDEC.
 - (g) The plat shall be revised to include notes referencing the deed restrictions pertaining to farming and to the NYSDEC wetland that are on file for each of the three lots in the Dutchess County Clerk's Office. The deeds for the three proposed lots shall include the following two notices pertaining to farming and to NYSDEC wetlands:

“It is the policy of the Town of Red Hook to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural ecological value. This notice is to inform the prospective grantee that the property he is about to acquire lies partially, wholly or within 500 feet of either an agricultural district or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York and that farming activities may occur on such property. Such farming activities may include but not be limited to activities that cause noise, dust and odors.”

“This property contains State regulated freshwater wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the Environmental Conservation Law on this property within the freshwater wetland area or 100 foot adjacent area at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantee’s, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property.”

- (h) The applicant shall submit a Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board.
- (i) The plat shall be revised to include a note that no building permit shall be issued for Lots 1, 2, and 3 until the Common Use and Maintenance Agreement for the shared driveway has been filed in the Dutchess County Clerk’s Office.
- (j) The applicant shall submit the conservation easement for Lots 1, 2 and 3 in final form acceptable to the Planning Board.
- (k) The plat shall be revised to include a note that no building permit shall be issued for Lots 1, 2, and 3 until the conservation easement for the lots has been filed in the Dutchess County Clerk’s Office.
- (l) The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- (m) Payment of recreation fee for two (2) new residential building lots to the Town of Red Hook.
- (n) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- (o) 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 following conditions shall be fulfilled simultaneously with the filing the plat with the Dutchess County Clerk's Office, and a record of fulfilling such conditions shall be provided to the Planning Board and the Building Department prior to the issuance of a Building Permit for the first lot proposed to be developed:
 - (a) The applicant shall file the Common Use and Maintenance Agreement approved by the Planning Board and shall provide the Planning Board with a record of the agreement filing.
 - (b) The applicant shall file the conservation easement in the Dutchess County Clerk's Office and shall provide the Planning Board with a record of the easement filing.
 - (c) The applicant shall file the deed restrictions for the three lots and shall submit the liber and page number for the filing to the Planning Board and the Building Department.
3. Prior to the initial sale, purchase or exchange of each of the three lots, the grantor shall deliver to the prospective grantee a typewritten document containing the notice set forth regarding farming set forth in condition 1.f above.
4. 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.
5. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

On a motion by Sam Harkins, seconded by Charlie Laing, and a vote of 6 for, 0 against, and 1 absent, this

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

Paula Schoonmaker, Secretary

Date

617.7
State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance

Date of Adoption: May 20, 2013

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: Catlin Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to subdivide a $\pm$ 11.26 acre parcel into three residential building lots ranging in size from $\pm$ 3.50 acres to $\pm$ 3.91 acres. All lots will be served by community water and individual septic disposal systems (one of which is already existing), and will be accessed by a common driveway.

Location: 38 North Drive, Town of Red Hook, Dutchess County, NY

Reasons Supporting This Determination:

7. 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).
8. After reviewing the Environmental Assessment Form (EAF) dated September 13, 2012 for the project, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
9. A federal jurisdictional wetland is located on the subject parcel. The wetland was delineated by the applicant's engineer. No disturbance to wetlands will occur as a result of the proposed action. Stormwater runoff will be held and treated before being discharged to the wetland. Based on the foregoing, no significant adverse environmental impacts to wetlands will occur as a result of the action.
10. A Storm Water Pollution Prevention Plan (SWPPP) was prepared for the project and has been reviewed by the Town Engineer. Based on the stormwater system modeling and sizing calculations, the proposed project will not result in an increase in runoff from the site. As a condition of approval, the Planning Board will require a legally binding mechanism for the operation and maintenance of the stormwater practices to ensure continued functioning of the proposed systems. Based on the foregoing, no significant adverse environmental impacts to flooding will occur as a result of the action.
11. Planting gardens that allow for infiltration and treatment of roof water before it infiltrates into the ground will be incorporated into the two new residential lots (Lots 1B and 1C). Based on the foregoing, not significant adverse environmental impacts to groundwater will occur as a result of the action.
12. The project has been designed to minimize impacts to mature trees on site to the greatest extent possible. While some mature trees will be removed, none of these has been determined to be of significance in terms of age, species and condition. Remaining trees on site will maintain the current wooded character of the area and, in conjunction with existing topography, will continue to provide privacy for adjoining

property owners. Based on the foregoing, no significant adverse environmental impacts to vegetation or community character will occur as a result of the action.

13. The action will create a need for recreational land and facilities due to the generation of approximately 8 new residents of the Town, including 2 new school age children. School-age children place a particularly high demand on the Town's existing recreational facilities. When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Furthermore, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, the applicant will make a recreational fee payment, in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities. Based on the foregoing, no significant adverse environmental impacts to recreational resources will occur.

For Further Information:

Contact Person: Paula Schoonmaker, 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)
7340 South Broadway
Red Hook, NY 12571