

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
January 4, 2010

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane and members Wil LaBossier, Sam Harkins, Sam Phelan, Kris Munn and Pat Kelly. Charlie Laing was absent. Also present was planner Michele Greig.

BUSINESS SESSION

Christine Kane confirmed the agenda as published. There were no announcements. The draft minutes from the December 7, 2009 meeting had been circulated to the members and reviewed. Michele Greig made two suggestions for revisions on page 4. Sam Phelan made a motion to approve the minutes with those revisions. Pat Kelly seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

Thomas Hesse & Gwendolyn Bellmann – 211 Barrytown Rd. – Certificate of Appropriateness

(Gwendolyn Belleman had requested that the public hearing for her project be continued to the next available meeting. Since the subject of rescheduling or cancelling the January 18 meeting would be taken up under Other Business, the Board agreed by consensus to address the date of the continuance of this public hearing at that time.)

Daniel Colnaghi – NYS Route 199 and NYS Route 9G –Amended Lot Line Alteration

Marie Welch L.S. was present for the public hearing on an application to amend a previously approved Lot Line plan, saying that now the applicant wished to convey a 0.508-acre frontage strip to the adjoining 7.548-acre parcel, to convey a 1.132-acre private drive known as Pinewood Lane to the adjoining 5.274-acre parcel and to designate Pinewood Lane as the frontage strip for that parcel. The parcels involved are located in the RD3 Zoning District, the National Historic Landmarks District and the Scenic Corridor Overlay District.

Christine Kane read the public hearing notice that appeared December 29, 2009 in the Kingston Daily Freeman.

The Board completed part two of the full EAF. It also agreed by consensus that because of this project's similarity with the previous Colnaghi project, the Board's finding on October 5, 2009 of the previous project's consistency with the Local Waterfront Revitalization Program would apply also to this project. Wil LaBossier then made a motion to adopt a Negative SEQR Declaration for the project. Kris Munn seconded the motion, and all members present voted in favor.

Christine Kane then opened the public hearing. Ms. Welch explained the project, and Christine Kane invited public comment. There was none.

The Board reviewed a memo from Planner Michele Greig and agreed by consensus to refer the existing driveway common use and maintenance agreement to the Town Attorney to ascertain whether it needed revision.

Christine Kane reminded the Board and the public that the NYS Department of Transportation had sent a letter, dated September 15, 2009, during the review of the previous plan stating that the agency had no objections to four (4) lots using Pinewood Lane as an access onto NYS Rte 199.

Since there was no comment from the public, Kris Munn made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution approving the project. Several conditions were added: submission of a driveway common use and maintenance agreement acceptable to the Town attorney, notation on the plat of the filing date and document number of the common use and maintenance agreement, amendment of the zoning legend to add the lot area of the two flag lots, and addition to the plat of the names of neighboring property owners. The Board also added a section stating that no recreation fee would be due since no new residential lots were being created.

Sam Harkins then made a motion to adopt the resolution with the above revisions. Pat Kelly seconded the motion, and all members present voted in favor.

Dunkin' Donuts – NYS Route 9 – Amended Site Plan

Jeff Schiller, P.E. with Morris Associates, Rich Besgen, an operations manager with Dunkin Donuts, Mario Sardinha and Nelson Sousa were present for continued discussion of an application for Amended Site Plan approval to reconfigure parking and traffic flow and to construct an addition to an existing building, on a 2.989-acre parcel in the B1 Zoning District.

Christine Kane read the public hearing notice that appeared December 29, 2009 in the Kingston Daily Freeman. Jeff Schiller then explained the project to the public, after which Christine Kane opened the hearing for public comment.

Peter Girardi, 17 Laura Lane, said that a large, deep puddle routinely formed where the driveway meets NYS Rte.9, forcing pedestrians to either get wet walking through the puddle or walk into the street to circumvent the water. He said that the area became more dangerous in cold weather when ice formed. He said that the problem was a serious concern to senior citizens and others who tried to walk every day.

Christine Kane noted that Mr. Girardi had also submitted a letter, dated December 16, 2009, stating these concerns, and she asked Mr. Schiller to go over the applicants' plan to address them.

Mr. Schiller said that existing dry wells may not be deep enough to access the gravel beneath a layer of clay that runs along Route 9, so the applicants planned to clean the existing drainage system of accumulated debris and sink the dry wells deeper. They also planned to install additional dry wells plus a network of perforated pipe to pick up the storm water and distribute it

to the seepage rings. Mr. Schiller then submitted a preliminary storm water drainage report for review.

Mr. Girardi then asked about the possibility of improving the sidewalk on the northern edge of the property. Mr. Schiller said that an entirely new sidewalk is planned.

The Board and the applicants then discussed the revised building elevations. The Board agreed that the removal of the orange trim and the addition of mullions in the windows made the buildings more consistent with the character of the Town architecture. Most members were agreeable to extending the hardiplank on each exterior wall all the way to the sidewalk rather than installing the previously proposed stone. Ms. Greig said that the plank should be 5" wide and have a smooth face. The Board agreed to the colors proposed for the roof, the exterior walls, the trim and the signs.

The Board then reviewed a GreenPlan memo dated January 3, 2010. The members advised the applicants to check with the Town Tree Committee about two trees slated for removal. The memo also noted several inconsistencies between the plan and the notes or within the plan itself. The applicants agreed to clarify which outside lights would be left on while the business was closed and said that the light poles would be 15 ft. high. Sam Phelan asked about interior lights left on while the business was closed and said that while he understood that some lights were necessary for security, the applicants might see whether they could reduce that lighting.

The Board agreed that the addition of two shade trees in the parking lot area was an improvement and asked whether one more could be added along Route 9. The Board also asked about the volume of the menu board at night. Mr. Sardinia said that there was a "night volume" setting that was 50% lower than the normal volume.

After reviewing the terms of the original special permit granted to the business by the Planning Board on June 6, 1994, the Board agreed by consensus that that special permit still applied and that this new site plan was in compliance.

The Board reviewed the signage, specifically the sign on the Dunkin Donuts building, the externally lit free-standing sign and the signs for the Apple-A-Day diner, agreeing to the colors, sizes and methods of illumination. The applicants said that seasonal plants would be installed at the base of the free-standing sign near Route 9.

The Board referred the storm water drainage plan to the Town Engineer for review and asked the applicants to respond to the comments and corrections in the GreenPlan memo. Pat Kelly then made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members present voted in favor.

The members reviewed the EAF part 1, dated October 22, 2007 and revised November 20, 2009, and then completed the EAF part 2. Pat Kelly then made a motion to issue a negative SEQR declaration for the project. Wil LaBossier seconded the motion, and all members present voted in favor.

The project was tentatively scheduled for the next Planning Board meeting.

OTHER BUSINESS

Bard Village Dorm Expansion

Chuck Simmons recapped the Bard Village Dorm Expansion project submitted to the Planning Board in 2005 and said that he and the other applicants had assumed the subsequent approvals granted in October 2005 were for all four (4) buildings in the proposed plan, not just the two denoted as “phase 1”.

Sam Phelan said that although the Board had understood where all four buildings would be located, the details had been reviewed for only the two along Annandale Road. Michele Greig added that the SEQR review had been completed for all four buildings but approvals had been given for only two.

Mr. Simmons said that in that case, he would add one of the remaining rectangular buildings from the previous project to the newly proposed “L” shaped buildings of phase 4 of the Village Dorm expansion.

The Board advised Mr. Simmons to contact Christopher Lindner about the progress of the archaeological review of the site and to revise any necessary drawings or documents to reflect the addition of the rectangular building.

After discussing the building timeline for the dorms, the Board then agreed by consensus to cancel its second January meeting, since the Town Hall would be closed for Martin Luther King Day, and to schedule its next meeting on February 1, 2010. The Bard project was tentatively scheduled for that meeting.

Thomas Hesse & Gwendolyn Bellmann – 211 Barrytown Rd. – Certificate of Appropriateness (deferred from the beginning of the meeting)

At the request of the applicants, the public hearing was continued to February 1, 2010.

ADJOURNMENT

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

Respectfully submitted

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Colnaghi Amended Lot Line Alteration
Approval resolution granting Amended Lot Line Alteration to Daniel Colnaghi
Negative SEQR Declaration for the Dunkin Donuts Amended Site Plan

617.7
State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: January 4, 2010

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: Daniel Colnaghi Amended Lot Line Alteration

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to convey a 0.508-acre frontage strip to the adjoining 7.548-acre parcel (Tax Parcel No. 6172-00-580970) and to convey a 1.132-acre private drive known as Pinewood Lane to the adjoining 5.274-acre parcel (Tax Parcel No. 6172-00-620967), in the RD3 Zoning District, the National Historic Landmarks District and the Scenic Corridor Overlay District.

Location: NYS Routes 199 and 9G, 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 Full Environmental Assessment Form (EAF) for the action dated August 6, 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).

3. The project site is located within 500' of a farm operation located within a NYS certified agricultural district (Agricultural District 20). 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 the Agricultural Data Statement in its review of the application and determined that the proposed lot line alterations are minor and are not anticipated to have any significant adverse environmental impacts on agricultural resources.
4. The project site is located in the Hudson River National Historic Landmark District, which is 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. However, no new lots would be created by the proposed action and no development is proposed as part of this action. Therefore, no significant adverse environmental impacts on cultural and historic resources are anticipated.
5. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board reviewed the LWRP policies on October 5, 2009 and determined that the proposed action is consistent with the coastal policies.
6. The Planning Board has determined that no new residential building lots or 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
Daniel Colnaghi (Applicant)
NYS DEC Environmental Notice Bulletin
enb@gw.dec.state.ny.us

Interested Agencies:

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

Resolution Granting Final Subdivision Plat Approval to Colnaghi Lot Line Alteration

Name of Project: Colnaghi Amended Lot Line Alteration

Name of Applicant: Daniel Colnaghi

Date: January 4, 2010

Whereas, the applicant has submitted an application for Lot Line Alteration/Subdivision Plat approval dated November 13, 2009 to the Town of Red Hook Planning Board to convey a 0.508-acre frontage strip to the adjoining 7.548-acre parcel, to convey a 1.132-acre private drive known as Pinewood Lane to the adjoining 5.274-acre parcel and to designate Pinewood Lane as the frontage strip for that parcel, in the RD3 Zoning District, the National Historic Landmarks District and the Scenic Corridor Overlay District., in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by Marie T. Welch, L.S. dated July 24, 2009 and revised August 7, 2009, October 16, 2009, November 19, 2009, November 23, 2009 and December 17, 2009; and

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

Whereas, the Planning Board considered the comments on the Agricultural Data Statement in its review of the application; and

Whereas, on December 7, 2009, the Planning Board declared itself Lead Agency for the purpose of conducting a coordinated review of a Type I Action pursuant to SEQRA;

Whereas, the subject lands are located within the Town of Red Hook Waterfront Revitalization Area and the Planning Board reviewed the Town's Local Waterfront Revitalization Program and determined on January 4, 2010 that the proposed action is consistent with the coastal policies; and

Whereas, on January 4, 2010, the Planning Board, in consideration of the Full Environmental Assessment Form dated November 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 January 4, 2010, 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 Daniel Colnaghi.

Now therefore be it resolved, that the Planning Board hereby grants Final Subdivision Plat approval to Daniel Colnaghi to convey a 0.508-acre frontage strip to the adjoining 7.548-acre parcel, to convey a 1.132-acre private drive known as Pinewood Lane to the adjoining 5.274-acre parcel and to designate Pinewood Lane as the frontage strip for that parcel located on NYS Routes 199 and 9G in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. Submission of a common use and maintenance driveway agreement acceptable to the Town Attorney.
- B. Amended lot area of flag lots on zoning legend of final plat.
- C. Notation on plat of names of adjacent property owners.
- D. Verification that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
- E. Submission of an acceptable draft of two consolidation deeds, one for each conveyance, intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat.
- F. Notation on the plat of the filing date and document number of the common use and maintenance agreement.
- G. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- H. 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.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling unit sites will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

On a motion by Sam Harkins, seconded by Pat Kelly, and a vote of 6

for, 0 against, and 1 absent, this resolution adopted on January 4, 2010

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

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: January 4, 2010

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: Dunkin' Donuts at Red Hook Amended Site Plan

SEQR Status: Type I
 Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to expand an existing fast food restaurant, reconfigure the drive-thru and parking, and associated site development and improvements on a ± 2.989 acre parcel of land located in the B1 Zoning District.

Location: 7329 S. Broadway, 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 22, 2007 and revised November 20, 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).
3. Architecture, building materials and colors will be compatible with the historic character of the Village of Red Hook and the Town's hamlet areas, consistent with the land use and design objectives set forth in the Town's Master Plan and Zoning Law. Existing lighting will be brought into conformance with the Town's lighting regulations, and the site will be enhanced with additional landscaping. These improvements will have beneficial impacts on community or neighborhood character.
4. The drive-thru will be reconfigured and the Planning Board has determined that the proposed vehicle stacking lanes will be adequate to prevent obstruction of adjacent pedestrian and vehicular ways. In addition, on-site drainage features will be improved to prevent ponding on site and on the adjacent roadway. No adverse impacts to traffic and transportation networks are anticipated.
5. Sound levels of the menu board will be tuned to normal speaking volumes, and landscaping will be planted between the menu board and the property line. The Planning Board has determined that no significant noise impacts on adjacent residential uses will result from the proposed action.

For Further Information:

Contact Person: Paula Schoonmaker, Planning Board Deputy 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)
Nelson Sousa/Dunkin Donuts (applicant)