

draft
**Town of Red Hook Planning Board
Meeting Minutes
August 22, 2005**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 8:13 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, Charles Laing, David Wright and Chair Christine Kane. John Hardeman, Sam Phelan and Paul Telesca were absent. Planning Consultant Michele Greig and Town Board liaison Jim Ross were also present.

BUSINESS SESSION

Christine Kane announced that Gordon Taylor had withdrawn his project from the evening's agenda. She confirmed that because the first Monday of September was a federal holiday, the next scheduled meeting would take place September 19, 2005.

The minutes of the August 8, 2005 meeting had been sent to the members and reviewed. Charles Laing made a motion to accept those minutes. David Wright seconded the motion, and all members present voted in favor.

There were no announcements

PUBLIC HEARINGS

Rose Marie Reid – 78 Walker Hill (Tivoli) – Special Use Permit

Rose Marie and Colin Reid were present for a continuation of the public hearing on an application for Special Use Permit to authorize the establishment of a maximum 2-bedroom bed and breakfast at Mrs. Reid's residence on a 6.32-acre parcel in the RD3 Zoning District and National Historic Landmarks District.

Mrs. Reid said that, in order to appease her neighbors, she had tried to find a boarder for her extra room but that she had had no success. She was therefore moving forward with her application to establish a bed and breakfast.

With the meeting open for public comment, Andrew Wainwright, 63 Walker Hill, read a letter of opposition from Jack and Mary Kelly, who also lived on Walker Hill and who were concerned about the safety of the resident children. Mr. Wainwright continued with his own opposition to the project, saying that Ingrid Brock had opened a bed and breakfast on Walker Hill several years ago and that the resulting dust, traffic speed and presence of strangers were an imposition on the other residents. He said that the Brocks had built a private entrance road at their own expense but that Mrs. Reid's patrons would use the shared road that ran past his house. He said that the shared road had dangerous curves and drop-offs and was not suitable for business use. He also said that he had a small child and was concerned about increased traffic, possible unsafe speeds and the presence of strangers on the road.

Christine Kane reminded the Board and the public that the Planning Board had initially denied the Brocks' application for a Special Use Permit to establish a bed and breakfast on the grounds that the shared driveway posed a danger to the public. That denial was overturned in court, and the Brocks received their Special Use Permit.

Asked if Mrs. Reid needed a permit if she was not going to add a kitchen or make any exterior modifications, Christine Kane said that because the bed and breakfast would be a business, the Town Zoning regulations required a Special Use Permit.

Candice DiStefano, 91 Sengstack Lane, Tivoli, said that the community needed short-term accommodations such as this bed and breakfast for Bard parents who come for commencement or parents' weekend and for others who attend Bard events.

The Board then reviewed the EAF part 1 and discussed completion of part 2. Jennifer Fier said that she was concerned about the safety of the shared driveway. Other Board members said that maintenance of the road was the responsibility of those living on the road and was spelled out in the legally –binding driveway maintenance agreement. The majority of the Board believed that the potential increased traffic generated by the project should be considered a small to moderate impact and that there were no significant large impacts. David Wright made a motion to issue a negative declaration for the project under SEQR. Charles Laing seconded the motion. The motion was carried by a vote of 3 yeases to 1 no.

Christine Kane then closed the public hearing.

Christine Kane read an offered draft resolution approving the Special Use Permit. David Wright made a motion to adopt the resolution, and Charles Laing seconded the motion. The motion was carried by a vote of 3 in favor to 1 opposed. A copy of that resolution is attached to, and made part of, these minutes.

Kunzang Palchen Ling - NYS Route 9G – Special Use Permit and Site Plan.

Joseph Berger, P.E., and John McIlravy were present for the public hearing on applications for Special Use Permit and Site Plan Approval for a Place of Worship and associated Guest Rooms on Lot 5, a 5.023-acre parcel, within the Colnaghi Subdivision in the RD3 and Scenic Overlay District.

Mr. Berger said that the applicants had submitted a landscaping plan that included a legend of materials. He also said that the site plan had been revised to show the new driveway location.

Christine Kane opened the hearing for public comment. There was none.

Mr. McIlravy and the Board agreed that the sign would be green and cream colored, would not be lit and would be located with the proper setback on the south side of the driveway. Mr. Berger agreed to locate the sign on the site plan.

Mr. McIlravy then discussed the building materials saying that hardi plank would be used for the siding and stucco would cover the foundation and columns. Grass pavers would be used in the parking area, and gravel would cover portions of the driveway.

Jennifer Fier was concerned that the blue which the applicant had chosen for the roof color would appear much brighter and more noticeable on the finished structure than it appeared on the paint sample. Mr. McIlravy said that blue symbolized the sky and was traditionally used by Buddhists on places of worship. The Board generally agreed that since the building would be located approximately 200 feet from NYS Route 9G and would be almost entirely hidden by existing trees and a small knoll, the blue color would be acceptable.

Jennifer Fier said that rear of the building, which would face NYS Route 9G, would be more attractive if some plantings were installed.

The Board and the applicant agreed that some time remained for responses to the Board's Notices of Intent to Serve as Lead Agency and since notice had not yet been received from the County Clerk indicating that the Colnaghi subdivision plat had been filed, the public hearing should be continued to September 19, 2005. In the meantime, Mr. Berger would revise the plat to show the location and size of the proposed sign, and the landscaping plan would be revised to include plantings at the rear of the building.

TGS Associates/ Hardscrabble Commons – NYS Rte 9 and Metzger Rd. – Subdivision Plat, Site Plan and Special Use Permit

At the request of the applicant, the Board continued this public hearing until September 19, 2005.

Bard College / Science and Computation Center – Campus Road – Site Plan

At the request of the applicant, the Board continued this public hearing until September 19, 2005.

REGULAR SESSION (OLD BUSINESS)

Ragnar Manor Farm/ DiStefano– 91 Sengstack Lane (Tivoli) – Subdivision Plat

Candice DiStefano was present for continued discussion of her application to create one new 10-acre lot and an approximately 18.286-acre remaining lands lot from an approximately 28.286-acre parcel in the LD (Limited Development) and Certified Agricultural Districts.

Ms. DiStefano said that there had been no changes in her plan since she last came before the Board.

Christine Kane asked about the progress of the possible Purchase of Development Rights. Ms. DiStefano said that that action had not moved forward and that she was in contract with Robin Logan, who wished to purchase the proposed 10-acre lot. Ms. DiStefano assured the Board that both she and Ms. Logan were intending to place a conservation easement prohibiting any building on the entire 10-acre lot.

Since Ms. DiStefano had submitted an Agricultural Data Statement, the Board referred the project to the Agricultural Advisory Committee for review and comments. The Board also asked Ms. DiStefano to submit written documentation of Ms. Logan's intent to purchase the proposed lot as well as written documentation showing that a conservation easement would be put in place.

The Board scheduled a public hearing for September 19, 2005.

Philip Williams and George Verrilli – Baxter Road – Subdivision Plat

Tim Ross, P.E., was present for continued discussion of an application for Subdivision Plat Approval to create twelve (12) residential building lots, ranging from 1 to 3 acres, within a conventional subdivision from a combined 23.15-acre parcel in the R1 District.

Mr. Ross responded to some of the concerns raised in a review by Town Engineer Dan Wheeler. He said that there would be no blasting into the rock outcroppings, just hammering. He also said that no blasting would be necessary to install the sewage disposal systems since they would all would require fill. He also said that because of the difficulty in finding appropriate locations for septic systems, only two lots, numbers 9 and 12, could be considered suitable for a house with an accessory apartment and none would be suitable for duplexes.

Mr. Ross also said that since the applicants would like to dedicate the road to the Town at some future date, the road would meet the specifications agreed upon by the Planning Board and the Town Highway Superintendent.

Christine Kane said that she had visited the site and that clustering would require leveling the contours of the land and otherwise reconfiguring the topography. She said that placement of the septic systems was the limiting factor in the plan.

Charles Laing said that the proposed shared road was a cul-de-sac and that Baxter Road, which led to the proposed road, was also a cul-de-sac. The Board and Mr. Ross would both research the number of lots currently existing on Baxter Road, which might limit the number of lots allowed in the proposed subdivision.

The Board asked Mr. Ross to use darker or heavier lines to delineate the lot lines on the plan, to begin a traffic study, to send a letter to the Natural Heritage Program requesting information on possible endangered species in the area, and to provide an impact study because of the proposed subdivision's proximity to village wells. Mr. Ross said that he would also submit a Stormwater Pollution Prevention Plan showing the use of existing drainage plus some dry swales.

The Board determined to research the number of existing lots on Baxter Road and then to refer the plan both to the Town Fire Chief and to planning attorneys at Keane & Beane.

Bard College / Village Dorm Expansion – Annandale Rd. and Cruger Island Rd. (Annandale) – Site Plan

Chuck Simmons of Bard College was present for continued discussion of an application for Site Plan Approval for dormitory buildings, approximately 4,600 sq. ft. each, to be built in two phases, two buildings in the initial phase and two at a later time, with associated site improvements, within the Institutional (I) Zoning District and Hudson River National Historic Landmarks District.

Mr. Simmons submitted a landscaping plan designed by the Bard horticulturist in response to the plan drawn by Steve Yarabek of Hudson and Pacific Design. He said that Bard would take down some dead trees along Annandale Road, even though those trees were within the County right-of-way and that the College would also fill in the area near the road with native trees and shrubs. He said that the College would also create a

more manicured green area in front of the buildings, as Mr. Yarabek had suggested. He said, however, that because the land along Annandale belonged to the County, the College could not plant an allee of trees there and that Mr. Yarabek's proposed stone wall would be too expensive to install.

The Board and Mr. Simmons agreed that the plantings shown in the Bard design to be adjacent to the building foundations should be pushed out toward the maintenance road. The Board generally agreed that this final landscape plan would provide the mitigation necessary for the Board to waive the required double setbacks on a scenic road.

Mr. Simmons said he would submit a copy of the County's conceptual approval of the maintenance road. With this submission, all conditions of the Board's July 11, 2005 resolution granting Site Plan Approval would be met.

REGULAR SESSION (NEW BUSINESS)

Elizabeth Vondell – 227 Whalesback Rd. – Special Use Permit

Tom Vondell was present with an application for Special Use Permit to authorize the establishment of an accessory apartment in an existing 6-bedroom building on a 1.026-acre substandard-size lot in the RD3 District.

Mr. Vondell said that the building was a 6-bedroom residence which formerly had been used as a licensed group home. He said the applicant intended to reduce the number of bedrooms to four (4). Mr. Vondell also said that the existing doors would be used, as would the existing lighting and parking area. He said that the existing septic disposal system, designed for 6 bedrooms, would be more than adequate for 4 bedrooms. Outbuildings included a 4-car garage and a barn. The parcel was surrounded by mobile homes on all three sides. The applicant would add a kitchen, bringing the number of kitchens in the building to two (2).

Christine Kane asked about concerns raised in a letter written by Richard Jones, P.E. regarding the septic disposal system. Mr. Vondell said that concrete riser covers would be installed as a safety measure. He said he would submit documentation showing that the house was equipped with low-flow water saving devices.

Christine Kane asked whether the proposed apartment was within the 650 sq. ft. limit allowed in the Zoning regulations. Mr. Vondell said he would submit a floor plan.

The Board determined the project to be an 'unlisted action' under SEQR. Charles Laing made a motion to establish the Board as Lead Agency. David Wright seconded the motion, and all members present voted in favor.

The Board scheduled a public hearing for September 19, 2005.

OTHER BUSINESS

Jennifer Fier made a motion to refer the Glen Pond Office Building project to the Town's Design Review Committee for review and comments. David Wright seconded the motion, and all members present voted in favor.

ADJOURNMENT

Advised by Chair Christine Kane that there was no more business to come before the Board, Jennifer Fier made a motion to adjourn. Charles Laing seconded the motion, and all members voted in favor. The meeting was adjourned at 10:25 p.m.

Respectfully submitted

Paula Schoonmaker

Attachment: Resolution granting a Special Use Permit to Rose Marie Reid

**Town of Red Hook Planning Board
Resolution Granting Special Use Permit to Rose Marie Reid to Authorize
Establishment of a Maximum 2-Bedroom Bed & Breakfast within an Existing
Single Family Dwelling at 78 Walker Hill (Tivoli) in the RD3 Zoning District and
Hudson Valley National Historic Landmarks District**

August 22, 2005

Motion made by David Wright
Seconded by Charles Laing

Whereas, the Town of Red Hook Planning Board received an application dated April 8, 2005 from Rose Marie Reid for the establishment of a maximum 2-bedroom bed & breakfast within an existing single family dwelling; and

Whereas, the ± 6.32 acre parcel (TMP 15-6174-00-970496) is located at 78 Walker Hill (Tivoli) in the Town of Red Hook in the RD3 District; and

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-67; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated April 8, 2005, a Full Environmental Assessment Form (EAF) part 1 dated May 27, 2005, a site layout, layout of existing lighting and photographs of the dwelling; and

Whereas, the Planning Board has been duly designated Lead Agency in the review of this action and determines in consideration of the Full EAF part 1, completion of the EAF part 2 by the Planning Board, comments by the Dutchess County Office of Planning and Development, and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, that the Proposed Action, a 'Type 1' under SEQR due to its location within the National Historic Landmarks District, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement is not required; and

Whereas, the Planning Board deems the intended use as described within the Application for Special Use Permit dated April 8, 2005, the associated Narrative, the site plan and the lighting plan to satisfy both the "General Standards" for all special permit uses set forth at Zoning Law §143-51 and the 'Specific Standards' for an 'Bed & Breakfast' as set forth at §143-67.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit.

Roll Call Vote:

Member Jennifer Fier	no
Member John Hardeman	absent
Member Charles Laing	yes
Member Sam Phelan	absent
Member Paul Telesca	absent

Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

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

_____ Paula Schoonmaker, Assistant Clerk to the Board	_____ Date
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SEQR Negative Declaration
Notice of Determination of Non-Significance

August 22, 2005

Lead Agency:

Town of Red Hook Planning Board

Lead Agency Address:

Red Hook Town Hall, 7340 South Broadway, Red Hook, New York 12571

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Implementing Regulations pertaining to said Article, together known as the State Environmental Quality Review Act ("SEQRA").

The Planning Board of the Town of Red Hook, as duly designated SEQRA Lead Agency, has determined that the Proposed Action described below will not have any potential significant adverse effects on the environment and, therefore, issues this Negative Declaration deeming a Draft Environmental Impact Statement to not be required.

Title of Proposed Action:

Rose Marie Reid Bed & Breakfast

SEQR Status:

Type I Action / Proposed Action located within Hudson River National Historic Landmarks District

Description of Proposed Action:

The Proposed Action includes the issuance of a Special Use Permit to authorize establishment of a maximum 2-bedroom bed & breakfast, using existing parking, existing lighting, an existing water supply and an existing sewage disposal system. There will be no signage. Access will be provided by an existing shared driveway.

Location:

78 Walker Hill Road, Tivoli, Town of Red Hook, Dutchess County

Reasons Supporting This Determination:

The Planning Board of the Town of Red Hook has reviewed the EAF Part 1, prepared and certified by the Applicant and dated April 8, 2005, a letter from certified engineer Richard Jones attesting to the adequacy of the existing water supply and sewage disposal system, and a lighting scheme, and the Board has completed the EAF Parts 2 and 3 in consideration of the “criteria for determining significance” set forth at Title 6 Part 617.7.c NYCRR.

The Planning Board has concluded the environmental effects of the Proposed Action will be as follows:

- There will be no substantial adverse change in existing air quality.
- There will be no substantial change in ground or surface water quality or quantity.
- Although there may be a slight increase in traffic on the shared private road, there will be no significant increase in noise levels as a result of the project.
- There will be no significant increase in the amount of solid waste generated as a result of the project.
- The existing water supply and septic disposal system have been determined to be adequate to serve the project.
- There will be no increase in the potential for erosion, flooding or drainage problems.
- There will be no loss of vegetation.
- The project will not cause substantial interference with the movement of any resident or migratory fish or wildlife species.
- The project will not impact a significant natural habitat area.
- The project will not have significant adverse effect on threatened or endangered animal or plant species.
- The project will not have other significant adverse impacts on natural resources.
- The project will not impair the environmental characteristics of a Critical Environmental Area (CEA) as designated by NYSDEC.

- The project will not create a material conflict with the Town's current plans as officially approved or adopted, including but not limited to the Town Master Plan and the Town Zoning Law.
- The project will not impair the character or quality of important historical, archaeological, architectural or aesthetic resources or existing or community character, including nearby properties listed as "contributing structures" within the Hudson River National Historic Landmarks District.
- There will be no major change in the use of energy by either quantity or type associated with the proposed action.
- The potential for a slight increase in traffic is not anticipated to create a hazard to public health since proper maintenance of the private road is a requirement of the road maintenance agreement.
- The project will not cause a substantial change in the use, or the intensity of use, of land including agricultural, open space or recreational resources, or in the capability of land to support these resources.
- Although the project may attract a small number of people for a few days, it will not attract large numbers of people.
- The project will not cause the creation of a material demand for other actions that would result in one of the above consequences.
- The project will not cause changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial significant adverse impact on the environment.
- The project will not, in combination with other projects either on-going or known to be proposed within the vicinity of the Proposed Action, none of which has or would have a significant impact on the environment, cumulatively meet one or more of the criteria set forth at Title 6 Part 617.c NYCRR.

For Further Information:

Contact Person: Christine Kane
Chairman, Town of Red Hook Planning Board

Address: Town Hall, 7340 So. Broadway, Red Hook, New York 12571

Telephone: (845) 758-4613 (Telephone) / (845) 758-0492 (FAX)

Distribution of Copies of This Negative Declaration:

- New York State Office for Parks, Recreation and Historic Preservation, Field Services Bureau, Peebles Island Complex, P.O. Box 189, Waterford, New York 12188
- NYS Department of Environmental Conservation, Environmental Notice Bulletin, enb@gw.dec.state.ny.us