APPROVED
Town of Red Hook Planning Board
Meeting Minutes
December 6, 2010

<u>CALL TO ORDER/ DETERMINATION OF QUORUM</u>

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

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

<u>BUSINESS SESSION</u>

Christine Kane said that New Beginnings Assembly of God had requested to be removed from the evening's agenda. The November 15, 2010 draft minutes had been circulated among the members and reviewed. Sam Phelan made a motion to adopt those minutes. Sam Harkins seconded the motion, and all members present voted in favor. There were no announcements.

<u>PUBLIC HEARINGS</u>

Gwendolyn Bellman & Thomas Hesse – 88 & 107 Station Hill Rd. – Certificate of Appropriateness
Architect Alan Baer was present for the continued public hearing on an application for Certificate of Appropriateness to modify and connect two existing principle buildings, on a ± 1.30-acre lot in the H (Hamlet) Zoning District and the National Historic Landmarks District.

Christine Kane said that the public hearing was still open and asked for any public comments. There were none.

Christine Kane then read a letter dated November 26, 2010 from Christopher Gilbert, acting chair of the Hamlet/Design Review Committee. Mr. Gilbert said that the Committee had visited the site and that the members had found the proposed alterations to be in keeping with the character and scope of the hamlet . The Committee recommended that the Board issue a Certificate of Appropriateness.

Mr. Baer said that at the previous meeting there had been some concern about providing enough parking area so that no cars were parked on the street. He said that he had developed an alternate parking plan that would add two more spaces, making six (6) spaces in all. The Board members agreed that since grass pavers would be used for these parking areas, not concrete or blacktop, this alternate plan would provide more parking without visually detracting from the front lawn and streetscape and so would be a better choice.

Asked about the proposed arcade, Mr. Baer said that it would be made of a thin steel framework and five (5) glass panels. He said that the framework would be painted green to match the trim on the church and house and that the glass panels could be opened to provide ventilation. He said that the gently sloping arcade roof would be covered by EPDM, and that there would be radiant heating in the floor.

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

The Board then reviewed a draft Certificate of Appropriateness for the project. Kris Munn made a motion to issued that Certificate. Sam Harkins seconded the motion, and all members present voted in favor.

Michael Rohatyn / Robert & Elisabeth McKeon – 199 Feller-Newmark Rd. – Lot Line Alteration

Mark Graminski, P.E. and L.S., was present for the public hearing on an application for a Lot Line Alteration to convey ± 1.97 acres from the 162.35-acre Lands of Robert and Elisabeth McKeon to the ± 10-acre Lands of Michael Rohatyn and ± 0.47 acres from the Lands of Rohatyn to the Lands of McKeon, in the RD3 Zoning District and partially in Agricultural District 20.

Christine Kane read the public hearing notice that appeared November 30, 2010 in the Kingston Daily Freeman and opened the hearing.

Mr. Graminski explained the proposed transfer of land between the two parcels, saying that there would be no adverse impact on planned improvements on the Rohatyn parcel and no adverse impact on the conservation easement on the McKeon parcel.

The Board then reviewed a draft Negative SEQR Declaration for the project. Kris Munn made a motion that the Board issue that neg dec. Charlie Laing seconded the motion, and all members present voted in favor.

Christine Kane read a referral comment letter from the Agricultural and Open Space Advisory Committee. The Committee concluded that there would be no adverse impacts on agriculture from this project.

Christine Kane then referred to a letter dated December 3, 2010 from Michael Knutson, Senior Conservation Manager of Scenic Hudson. Mr. Knutson confirmed that the conservation easement on the McKeon parcel was held by Scenic Hudson, that the proposed lot line alteration had been provided for in the easement, that the land proposed for transfer was identical to the land outlined in the easement and that all conveyed pieces of land would remain in or be added to the easement.

Charlie Laing asked that the pieces of land slated for transfer be labeled “a”, “b” and “c” on the plat and that a note be added to the plat stating that parcels “a” “b” and “c” would remain in or be added to the easement.

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

The Board then reviewed a draft resolution approving the project. The members added two conditions: first, that a note be added to the plat stating that all parcels of land to be conveyed would remain in or be added to the conservation easement, and second, that the applicant would furnish proof to the Planning Board that a copy of the stamped, signed plat had been received by Scenic Hudson before December 30, 2010, as required by the easement. Charlie Laing then made a motion to adopt the approval resolution with the added conditions. Pat Kelly seconded the motion, and all members present voted in favor.

REGULAR SESSION – NEW BUSINESS

Stewarts Shop – 7243 South Broadway – Amended Site Plan
Tom Lewis was present with an application for Amended Site Plan approval to replace underground gas storage tanks, lighting, building- and free-standing signs, landscaping, and drainage and make other site modifications, on a + 1.44-acre lot in the B1 Zoning District.

Mr. Lewis said that the applicants wished to replace the underground gasoline storage tanks with more secure tanks, change the parking spaces, and upgrade the lighting to LED. He said that the shake shingles currently on the roof would not last and that the applicants wished to replace them with a metal roof. He also said that the current internally lit building sign would be replaced with a same-sized sign lit by regulation-compliant external gooseneck fixtures. He said the proposed plan called for upgraded landscaping and drainage and a new freestanding sign lit by the same gooseneck fixtures proposed for the building sign.

Mr. Lewis said that the applicants' engineers had reduced the exterior lighting as much as they felt they could without jeopardizing the safety of cars and pedestrians in the parking lot, around the gas pumps and on the sidewalk along the store. He said that even after having drastically cut the foot candles at the site, the proposed plan did not quite meet the Town's outdoor lighting standards, and he wondered whether the Board had discretion to allow some leeway with the lighting. Michele Greig said that the Board did not. She said that the applicants should aim to have an evenly lit exterior, which would make it easier for customers' eyes to adjust.

Mr. Lewis then asked that the sign that was labeled "roof sign" be considered a "wall sign" since the mansard style of roof had a wide overhang and the sign would be placed on that overhang.

Asked about the freestanding sign, Mr. Lewis said that it would be a new plastic sign, placed in a small landscaped area at the same location as the present sign. Christine Kane asked whether the applicants could simply light the sign that is currently there. Mr. Lewis said that the current sign is not very visible but he would look into it.

Michele Greig then went over the GreenPlan memo, asking Mr. Lewis to include a maximum measurement for the light pole bases. Asked about business hours, Mr. Lewis said that the store was normally open from 5 a.m. to midnight. Michele Greig asked him to label the essential lights and the non-essential lights, which would be turned off after business hours as required by the town's lighting law.

The Board asked Mr. Lewis to reduce the exterior lighting and to bring in examples of building materials for the roof and the exterior signs as well as the colors proposed.

The Board then determined the project to be an Unlisted Action under SEQR. Kris Munn made a motion to establish the Board as lead agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor. The project was tentatively scheduled for the January 3, 2011 agenda.

Clearwire US, LLC – 35 Twin Towers Dr.– Site Plan
Alan Hinckley was present with an application for Site Plan approval to collocate new equipment on an existing communications tower, on a 3.072-acre parcel in the R1 Zoning District. Mr. Hinckley said that the applicants wished to place three (3) new antennae at a height of 90 ft. on the Town's communications tower, which would make them the lowest antennae on the tower. He said that the panels would provide 4G wireless broadband service and would be affiliated with Sprint. He said that in addition to the antennae, a 3' x 6' equipment box would be placed on the existing platform within the fenced compound. He said finally that the applicants were working on a lease with the Town and were currently within the 30 day waiting period, which he said would end around December 20, 2010.

Mr. Hinckley submitted a copy of the structural integrity report for the tower.

Michele Greig said that the applicants should show the parking spaces on the plan. Mr. Hinckely said that no changes were being made to the parking. Michele Greig said that nevertheless, the parking spaces should be shown and labeled.

The Board said that in the past, neighbors had complained about trash, landscaping damage and trucks coming at inconvenient hours. Mr. Hinckley reminded the Board that the property belonged to the Town, not the applicants. Christine Kane said that the carriers needed to be considerate of the neighbors.

Michele Greig said that the applicants should review the site plan regulations and request waivers from those requirements that did not apply in this case.

The Board then determined the project to be an Unlisted Action under SEQR. Sam Harkins made a motion to establish the Board as lead agency for the SEQR review. Sam Phelan seconded the motion, and all members present voted in favor.

Mr. Hinckley requested a waiver from a public hearing. The Board generally agreed that the public should have an opportunity to comment and scheduled a hearing for December 20, 2010.

The Board also agreed that the structural integrity report should be referred to the Town Engineer for review if the Town Board had not already done so.

Ted Saad/ Choye- 438 Route 199 (Sky Park) – Pre-application conference

Ted Saad and Edward Guski were present for a pre-application discussion of their plan to develop Sky Park, a 100.9-acre parcel with an existing runway in the RD3 Zoning District. Mr. Saad described the project saying that it would include a hotel, a restaurant and a spa, all on a working farm. He said the runway would be removed. He said that the complex would fill a need for such a facility in Northern Dutchess County and that Bard College had been very supportive since people coming to events at the college often have nowhere to stay.

Mr. Saad said that it appeared that the planned facility did not fit current zoning nor would it fit zoning if and when the Centers and Greenspaces zoning amendments were adopted.

Christine Kane said that another applicant had discussed a different plan for that property with the Board, an applicant who also had the property owner's consent, and that the Board was currently investigating how to handle two applications for one property should that situation arise. She said that to date, no one had officially filed an application for the property.

The Board generally agreed that the project would most closely fit the floating Light Industrial Zone but that there were several aspects of the project that would be non conforming. The members said that the applicants could not ask the Town Board to land the Light Industrial Zone on the parcel because they did not own it or have an option to buy it. They could, however, ask the Town Board to amend the Light Industrial Zone so that it would more accurately reflect the business needs and economics of a conference center proposal. The Board said that the applicants should ask a professional planner or attorney to draft language for the proposed zoning amendments so that the Town Board would have some specific proposals to discuss.

The Board also encouraged the applicants to look at the water supply and septic system possibilities on the property.

<u>OTHER BUSINESS</u>

Training hours
Christine Kane said that the Supervisor had asked the Planning Board to decide whether attendance at certain conferences and training sessions could be counted as training hours for members. Christine Kane said she believed that the biodiversity training sessions had previously been approved by the Town Board . Charlie Laing had submitted the biodiversity training and a watershed conference at West Point for consideration.

Pat Kelly made a motion to approve both programs. Sam Harkins seconded the motion, and all members present except Charlie Laing, who recused himself, voted in favor.

Agricultural District 20
The Board was advised that one parcel in the Town of Red Hook, located at 194 Lasher Road, had been added to Agricultural District 20.

Oaks at Lakes Kill – Michael Klemens referral letter
The Board reviewed a letter from habitat authority Michael Klemens regarding a submitted habitat study at the site of the proposed Oaks at Lakes Kill development. The members generally agreed that the letter recommended follow up in-depth field studies at the site during the spring season when more information would be available.

The Board generally agreed to send the applicants a letter summarizing Mr. Klemens' conclusions and requesting that they arrange to fill in the data gaps. Michele Greig said that the Board could also choose to issue a Positive SEQR Declaration for the project and require an Environmental Impact Statement with a scope limited to habitat. She said that such a course of action would provide an opportunity for public input and would also allow the Board to consider alternatives to the proposal, such as no action or a reduced number of lots. The Board agreed that the applicants could also choose to apply to the ZBA for variances to reduce the size of the lots in the cluster and so avoid possible the habitat areas.

ADJOURNMENT
Since there was no more 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

Certificate of Appropriateness granted to Gwendolyn Bellman and Thomas Hesse

Negative SEQR Declaration granted to the Michael Rohatyn-Robert & Elisabeth McKeon Lot Line Alteration

Resolution granting final subdivision plat approval to Michael Rohatyn and Robert & Elisabeth McKeon

Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS

Date: December 6, 2010

For: Gwendolyn Bellman & Thomas Hesse

Tax Parcel # 6172-01-097859-0000

The applicants own ± 1.3 acres at 88 & 107 Station Hill Road in the Hamlet of Barrytown. They wish to construct an arcade to connect two historic buildings, add a front porch, replace a one story kitchen with a two story kitchen/study addition and make other structure and site modifications.

The application, building elevations and site plan were sent to the Hamlet/Design Review Committee on November 5, 2010.

The Hamlet/Design Review Committee reviewed the proposed changes, conducted a site visit on November 19, 2010 and then submitted its comments to the Planning Board on November 26, 2010. The Committee recommended that the Planning Board issue the Certificate of Appropriateness.

A public hearing was held November 15, 2010 and continued to December 6, 2010.

The Planning Board has reviewed and discussed the proposed plans and determined that the proposed modifications are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Gwendolyn Bellman and Thomas Hesse for the proposed changes as described above.

Certified by:_______________________________ Date:______________
Clerk

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: December 6, 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: Michael Rohatyn/ Robert & Elisabeth McKeon Lot Line Alteration

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicants propose to convey a total of ± 1.97 acres from the 162.35-acre Lands of Robert and Elisabeth McKeon to the ± 10-acre Lands of Michael Rohatyn and to convey ± 0.48 acres from the Lands of Rohatyn to the Lands of McKeon.

Location: 199 Feller-Newmark Rd., 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) for the action dated November 4, 2010, 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 McKeon property is located within a certified agricultural district and is subject to the Town of Red Hook's Important Farmlands Law. A conservation easement on the McKeon property is held by Scenic Hudson. An Agricultural Data Statement dated November 4, 2010 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 also forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. The Planning Board considered comments on the Agricultural Data Statement and a review response from the Agricultural and Open Space Advisory Committee. The Board also considered a letter from Scenic Hudson stating that all pieces of land involved in this project will remain in or be absorbed by the conservation easement. The Board determined that since there will be no loss of agricultural land or road frontage protected by the conservation easement, t

7. here will therefore be no significant adverse environmental impacts on agricultural resources as a result of this action.

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)

Michael Rohatyn and Robert & Elisabeth McKeon (applicants)

Resolution Granting Subdivision Plat /Lot Line Alteration Approval to Michael Rohatyn and Robert & Elisabeth McKeon

Name of Project: Michael Rohatyn/Robert & Elisabeth McKeon Lot Line Alteration

Names of Applicants: Michael Rohatyn and Robert & Elisabeth McKeon

Date: December 6, 2010

Whereas, the applicants have submitted an application for Lot Line Alteration approval dated November 4, 2010 to the Town of Red Hook Planning Board to convey a total of ± 1.97 acres from the 162.35-acre Lands of Robert and Elisabeth McKeon to the ± 10-acre Lands of Michael Rohatyn and to convey ± 0.48 acres from the Lands of Rohatyn to the Lands of McKeon; and

Whereas, the subject parcel is located at 199 Feller-Newmark Rd. in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Subdivision plat prepared by Mark Graminski, P.E. and L.S., dated November 5, 2010; and

Whereas, on November 15, 2010 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, the larger parcel is located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated November 5, 2010, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47(4) of the Town's Zoning Law and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and reviewed responses from the Agricultural and Open Space Advisory Committee; and

Whereas, a conservation easement on the McKeon parcel is held by Scenic Hudson, and the Planning Board considered letters from Michael Knutson, Conservation Easement Manager at Scenic Hudson dated November 5, 2010 and December 3, 2010; and

Whereas, on November 15, 2010, the Town of Red Hook Planning Board considered a Short Environmental Assessment Form (EAF) Part 1 and prepared a Part 2; and

Whereas, on December 6, 2010 of the Town of Red Hook Planning Board considered 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 December 6, 2010, the Planning Board conducted a public hearing at which time all interested persons were given the opportunity to speak;

Now therefore be it resolved, that the Planning Board approves the Application for Subdivision Plat/Lot Line Alteration Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

2. Addition of note to plat stating that parcels A, B, and C will remain in or be added to the conservation easement held by Scenic Hudson.

3. Submission by the applicant of proof that Scenic Hudson has received the stamped, signed plats before December 30, 2010 as required by the conservation easement.

4. 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 stamps and signatures.

5. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.

6. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.

7. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the subdivided portions of the 'Lands of Robert & Elisabeth McKeon' would be merged with the adjacent 'Lands of Michael Rohatyn' and the subdivided portion of the 'Lands of Rohatyn' would be merged with the adjacent 'Lands of McKeon'.

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_ Charlie Laing___, seconded by _ Pat Kelly _, and a vote of _6___ for, __0_ against, and__1__ absent, this resolution was adopted on December 6, 2010.

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

____________________________________ _______________
Paula Schoonmaker, Assistant Clerk to the Board Date