

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
May 7, 2018**

Chairman Sam Phelan called the meeting to order at 7:30 pm.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Brian Kelly, Kallie Robertson and Lisa Foscolo. Also present were engineering consultant Michelle Mormile and planning consultant Michele Greig.

Kallie Robertson made a motion to accept the minutes of April 16. Brian Kelly seconded and all members voted in favor.

PUBLIC HEARINGS

Greig-Jurkowski – Pitcher Lane / Ackerman-Morrow – Hapeman Hill Lot Line Alteration

Public Hearing on application to transfer 4.2 acres from the 38.53 acre Greig and Jurkowski parcel to the adjoining 0.822 acre Ackerman and Morrow parcel in the Agricultural Business District.

Applicant's representative Norman Greig was present. Sam Phelan read the notice that was published in the Poughkeepsie Journal. Lisa Foscolo made a motion to open the public hearing. Kallie Robertson seconded and all members voted in favor.

Mr. Grieg gave an overview of the project. Mr. Phelan asked if there were any questions or concerns from the public. There were none. Brian Kelly made a motion to close the public hearing. Kallie Robertson seconded and all members voted in favor.

Mr. Phelan said that a copy of the Ackerman driveway easement has been obtained. The Board reviewed a draft EAF part two and a SEQR Negative Declaration. Bill Hamel made a motion to adopt the Negative Declaration. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Bill Hamel made a motion to adopt it with one minor deletion. Brian Kelly seconded and all members voted in favor.

Stewart's Shops – 7243 So. Broadway – Amended Site Plan

Public Hearing on application to construct a 1,036 sq. ft. addition to an existing store on a 1.44 acre parcel in the Traditional Neighborhood District-Commercial Center.

Applicant Chad Fowler was present. Sam Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Lisa Foscolo made a motion to open the public hearing. Bill Hamel seconded and the motion was carried unanimously.

Mr. Fowler gave an overview of the project and said the revised site plan showed paneled double doors on the side of the building as the Board had requested.

Mr. Phelan asked if there were any questions or concerns from the public. John Conway, Johanna Moore, Greg and Maria Mannino and Justin Seeley, all neighbors to the establishment, voiced concerns

about odors emanating from the leach fields, customers driving over the lawn on to Davis Road when exiting to avoid Route 9 traffic, and headlight glare in some homes.

Residents also asked questions about additional lighting (none is proposed), an increase in restrooms (none is proposed) and possible increases in water usage (Mr. Fowler said there would be no significant increase).

There being no further comments or concerns from the public, Bill Hamel made a motion to close the public hearing. Kallie Robertson seconded and all members voted in favor.

The Board discussed the issues raised with Mr. Fowler. Three alternative solutions to prevent people from exiting the establishment by crossing the lawn on to Adams Road were: the installation of a split rail fence; the installation of boulders as a barrier; or the installation of an evergreen and deciduous tree line, which would also reduce glare from car headlights on the neighboring homes.

Mr. Fowler said he would look into the complaint about septic system odors, and return before the Board with a revised site plan based on comments at the public hearing.

OLD BUSINESS

Shafer's Hudson Valley – 8053 Albany Post Road – Site Plan, Special Permit

Continued discussion of application to renovate and expand an existing 10-room motel to a 19-room motel on a 5.992 acre parcel, of which 2.3 acres are located within the B1 Zoning District and the remaining 3.6 acres are located within the RD3 Zoning District

Applicant Vanessa Shafer and engineer Tom Field were present. Ms. Shafer gave an overview of the final site plan. She distributed samples of building materials and photos of a 6 foot vertical wood fence which she proposes to place far enough back from the property line to allow the existing vegetation between properties to remain undisturbed.

Engineering consultant Michelle Mormile reviewed comments dated 5-2-18. She said she had contacted Fire Department Chief Steve Fell and had received an email April 17 from him in which he confirmed that the fire department has reviewed the plans, completed a site visit and confirmed that the site is accessible and has adequate water sources.

Ms. Mormile said she had reviewed the applicant's revised Stormwater Pollution Prevention Plan and the Operation & Maintenance manual. She also said that she had an email conversation with Chuck Walter from the NYS DOT, who stated that there are no current or anticipated drainage concerns in the driveway entrance.

Ms. Mormile concluded with a detailed description of Americans with Disabilities Act (ADA) compliance, including parking surfaces, ramps to buildings, the inclusion of seven ADA parking spaces interspersed in the parking areas, and assured the Board that the site plan was ADA compliant.

The Board generally agreed that a hanging light fixture proposed for the porch of the Tourist House which is not fully shielded would be acceptable because it is only 50 watts and is effectively shielded by the porch roof.

Ms. Mormile and Michele Greig jointly addressed questions raised about the open space in the project. A minimum of 40 % open space is required, and the project has over 67% open space.

Ms. Greig reviewed her comments dated 5-4-18. She addressed building setbacks, the open space calculations, and buildable acreage. The Board and applicant took another look at the landscaping plan. It was generally agreed that the proposed landscaping is adequate for screening and noise mitigation.

The proposed fencing was discussed at length, taking into account concerns and suggestions from neighbors. Ms. Shafer said that, should she decide to plant additional vegetative screening material on eastern and southern portions of the property instead of continuing the fence as shown, she would return to the Planning Board to amend the site plan.

Genevieve Trigg, and attorney representing neighbors Tampone, Michaels and Burger, stated that it was her opinion that only the Zoning Enforcement Administrator could interpret calculations for minimum open space and buildable acreage. The Board responded that Mr. Phelan, Michele Greig and attorney Jennifer Gray had reviewed the calculations.

The Board reviewed a draft resolution for conditional approval for Special Permit. Brian Kelly made a motion to adopt it. Bill Hamel seconded and the motion was carried unanimously.

The Board reviewed a draft resolution for conditional approval for Site Plan. Kallie Robertson made a motion to adopt it. Brian Kelly seconded and all members voted in favor.

Rhinebeck Party Rental – 8110 Albany Post Road - Amended Site Plan

Continued discussion of application for amended site plan for change of business use.

The applicant was not present. Mr. Phelan asked board members to visit the site at their individual convenience in preparation for the applicant's next appearance.

Lindsay Schultz – Old Post Road – Certificate of Appropriateness.

Continued discussion of application to construct a new residence in the Hamlet of Upper Red Hook.

Applicant Lindsay Schultz was present. The Board agreed that there had been good communication between the applicant and the Design Review Committee (DRC), and expressed their appreciation to Ms. Schultz for her efforts to working with the DRC.

Comments dated 5-4-18 from the (DRC) were reviewed. Several design changes to the windows, roof and siding were agreed upon by the Board and applicant. The board generally agreed that other certain DRC suggestions would be at Ms. Schultz's discretion.

Ms. Schultz agreed to submit more detailed elevations, building materials and site plan to the Board.

Hutchins Accessory Cottage – 230 Linden Ave. – Special Permit

Continued discussion of application to demolish an existing barn and construct a cottage with attached garage on a 10 acre parcel in the R 1.5 Zoning District.

Applicant Paul Hutchins was present. The Board and applicant reviewed comments from Michele Greig dated 5-3-18. Mr. Hutchins submitted lighting cut sheets, which were approved as dark sky compliant by Michelle Mormile. Mr. Hutchins said that a DCDOH approved sanitary disposal system will be installed for the cottage

The Board reviewed a short EAF part two and SEQR Negative Declaration. Kallie Robertson made a motion to adopt the negative declaration. Lisa Foscolo seconded and all members voted in favor.

A public hearing was tentatively set for May 21.

Norton 337 – Norton Road – Minor Subdivision

Continued discussion of application to create three parcels, 9.2 acres, 5.9 acres and 5.0 acres, from a 20.10 acre parcel in the R1 Zoning District.

Applicant's representative Tim Lynch was present.

The Board and Mr. Lynch reviewed a wetland delineation prepared by Aspen Environmental dated 4-30-18, and a revised subdivision plat that reflects the report.

At the recommendation of Michele Greig in her comments dated 5-6-18, the board requested that the applicant provide calculations for buildable acreage for each lot and the entire site. Ms. Greig cited several sections of the Zoning Law concerning minimum lot area requirements for the R-1 Zoning District for flag lots.

In addition, it was noted that one of the three flag lots (Parcel 3) can achieve access to Norton Road only by disturbing a federal jurisdictional wetland. The Board generally agreed to get a legal opinion from their attorney of whether this is allowable and therefore permissible for Board to approve that flag lot, and notify the applicant when a response is received.

A public hearing will be scheduled when requested calculations are provided, and a well test is completed on one of the smaller lots.

NEW BUSINESS

Michael and Shelly Herrick – 48 Williams Road – Minor Subdivision

Presentation of application to subdivide 10 acres off of a 34.58 acre parcel in the RD3 Zoning District.

Applicant Michael Herrick and surveyor Marie Welch were present.

Michelle Mormile reviewed her comments dated 5-4-18 in which she noted issues with the proposed driveway width and length and an existing culvert pipe on the driveway. She recommended that the applicant review driveway plans with the Town of Red Hook Highway Superintendent to obtain the necessary permits, and to contact the Army Corps of Engineers (ACOE) and the NYS Department of Environmental Conservation to ascertain if any permits or jurisdictional determinations would be required from those agencies.

The Board requested that a full wetland delineation be shown on a revised subdivision plat. Mr. Herrick said he plans to install a 15-inch culvert with a natural bottom beneath 12 inches of soil, which would require an ACOE permit. He invited Board members to visit and walk the site.

Michele Greig summarized her comments dated 5-3-18. She recommended that the applicant contact the US Fish and Wildlife Service and the NYS DEC Natural Heritage Program regarding species that may be prevalent in the area to determine whether a habitat assessment may be necessary. Ms. Greig also cited sections of the Zoning Code that require that buildings on parcels contiguous to land in the Agricultural Business District be sited a minimum of 200 feet from the property line, with no clear cutting of vegetative buffers.

David and Aimee Sember – 25 James Court – Special Permit

Presentation of application to convert an existing garage into an accessory apartment on a 6.9 acre parcel in the Agricultural Business District.

Applicants David and Aimee Sember were present. They agreed to ammended their application to acknowledge that the apartment will be part of a newly constructed home.

Ms. Greig reviewed her comments dated 5-3-18, which state that the Zoning Law requires than an accessory apartment can be permitted only if the lot area is not less that the minimum specified for the zoning district. She noted that this particular parcel was part of a previously approved residential cluster development, and recommended that the Planning Board refer the application to the Zoning Enforcement Officer to determine whether the project would require an area variance.

Kallie Robertson made a motion to adopt a Resolution Classifying the Proposed Project as a Type II Action under SEQR. Lisa Foscolo seconded and the motion was carried unanimously.

OTHER BUSINESS

Extension Request- Preserve at Lakeskill

Lisa Foscolo made a motion to grant a 90 day extension to satisfy the conditional of final approval. Kallie Robertson seconded. Bill Hamel recused himself from the vote. Ms. Foscolo, Ms. Robertson, Brian Kelly and Sam Phelan voted to grant the extension. The motion was carried.

Extension Request – Baxter 50

Bill Hamel made a motion to grant a 60 day extension to satisfy the conditions of final approval. Kallie Robertson seconded and all members voted in favor.

Town Board Referral – Local Law ‘C’ 2018

The Board reviewed the town’s draft Local Law ‘C’ and the accompanying Local Waterfront Revitalization Program Consistency Determination.

It was generally agreed that the definition of restaurant was unclear for those that provide take out service, and raised questions about the drive through window policy and maximum building sizes proposed for the Hamlet B area.

Board members agreed that the proposed law is a significant change to the existing code. They had no specific recommendations and took no formal position on the law. The Board agreed that the proposed Law is compliant with the Local Waterfront Revitalization Program and voted to adopt the LWRP Consistency Determination Form.

ADJOURNMENT

There being no further business before the board, Brian Kelly made a motion to adjourn. Bill Hamel seconded and all members voted in favor.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kathleen Flood".

Kathleen Flood
Planning Board Clerk

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project: _____

Date: _____

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed Lot Line Alteration is an action that will not result in any construction activity or other physical alteration of land. It is proposed so that a pre-existing non-conforming lot of 0.822 acres in the Town's RD3 Zoning district, where a minimum lot size of three acres is required, will be made more conforming by the addition of 4.2 acres from an adjoining parcel with 38.53 acres of land.

The lot, from which the 4.2 acres will be removed, is currently farmed and is located in the Town's Agricultural Business (AB) Zoning district. The 4.2 acre area is not currently farmed and it consists of a forested and a scrub-shrub area of second growth. No changes are proposed to either parcel as a result of the Lot Line Alteration. Therefore, no significant impacts on the environment are expected as a result of the action.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Red Hook Planning Board

April 16, 2018

 Name of Lead Agency
 Sam Phelan

 Date
 Chairman

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency


 J. Theodore Fink, AICP, Town Planner
 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Resolution Granting Lot Line Alteration Approval to Greig Market LLC

Name of Project: Lot Line Revision: Lands of Greig/Jurkowski and Ackerman/Morrow

Name of Applicant: Greig/Jurkowski

Whereas, the applicant has submitted an application for Lot Line Alteration approval, prepared by Decker Surveying dated January 30, 2018, to the Town of Red Hook Planning Board to revise the lot lines between two existing parcels of land; and

Whereas, the two parcels include Tax Map Parcel No. 6373-00-090117 which consists of $\pm$ 38.530 acres and Tax Map Parcel No. 6473-00-025078 which consists of $\pm$ 0.822 acres; and

Whereas, the proposed Lot Line Alteration will result in 4.200 acres being added to Tax Map Parcel No. 6473-00-025078, which contains a single-family dwelling and such parcel will consist of 5.022 acres following approval; and

Whereas, the proposed Lot Line Alteration will result in a modification to the boundary of existing, legally established lots and will not result in the creation of any new lot nor create any nonconformity with respect to any area or bulk requirement established by the Town Zoning Law, the Dutchess County Health Department, the New York State Uniform Fire Prevention and Building Code or other law, rule or regulation; and

Whereas, the proposed Lot Line Alteration is considered a Minor Subdivision in accordance with the Town of Red Hook Subdivision Law; and

Whereas, the subject parcels are located on Hapeman Hill Road within the RD3 and AB Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, no new construction is proposed in association with the action; and

Whereas, the Planning Board reviewed a Short Environmental Assessment Form (EAF) dated April 6, 2018, classified the Action under the State Environmental Quality Review Act as an Unlisted Action, and determined there were no other Involved or Federal Agencies on the Action; and

Whereas, on May 7, 2018, the Town of Red Hook Planning Board, in consideration of the Short EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming that an environmental impact statement need not be prepared; and

Whereas, on May 7, 2018, the Town of Red Hook Planning Board conducted a public hearing on the Lot Line Alteration application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Lot Line Alteration approval to Greig/Jurkowski and Ackerman/Morrow to allow a revision of the lot lines for the existing lots located on Hapeman Hill Road.

Now Therefore Be It Resolved, that the Planning Board grants Lot Line Alteration approval to Greig/Jurkowski to modify the lot lines of Tax Map Parcel No. 6373-00-090117 (new area of ± 34.330 acres) and Tax Map Parcel No. 6473-00-025078 (new area of ± 5.022 acres), so that in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. That the applicant shall verify that the corners of the tracts have been marked by monuments or steel rods.
- B. That the applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of the application.
- C. That the applicant shall submit Lot Line Alteration drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.

On a motion by Bill Hamel, seconded by Brian Kelly, and a vote of

Roll Call Vote:

Chairman Sam Phelan	Aye
Member Lisa Foscolo	Aye
Member Bill Hamel	Aye
Member Brian Kelly	Aye
Member Kallie Robertson	Aye

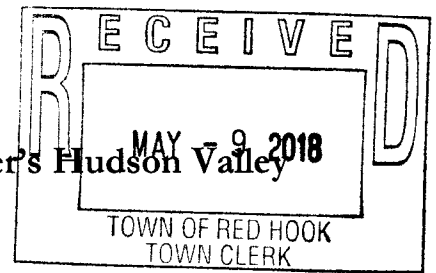
Resolution declared: Adopted on May 7, 2018

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

Kathleen Flood
Kathleen Flood, Town Clerk to the Board

5-8-18
Date

Resolution Granting Special Permit Approval to Shafer's Hudson Valley



Name of Project: Shafer's Hudson Valley

Name of Applicant: Shafer's LLC (Daniel and Vanessa Shafer)

Whereas, the applicant, Shafer's LLC, has submitted an application for Special Permit dated February 26, 2016 to the Town of Red Hook Planning Board to renovate and expand an existing 10 room lodging facility into a 19 room lodging facility, and to retain an existing one-bedroom innkeeper's apartment on a $\pm$ 5.9 acre parcel (Tax Map Parcel No. 134889-6373-00-114822-0000), of which $\pm$ 2.3 acres are located within the Business 1 (B1) Zoning District and the remaining $\pm$ 3.6 acres are located within the Rural Development 3 (RD3) District; and

Whereas, the property is located at 8047 Albany Post Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the Site Plan entitled "Shafer's Hudson Valley: Gaslight Inn Renovations and Additions" prepared by Ryan Biggs/Clark Davis, consisting of the following:

Sheet G001 dated April 2018
Sheet G002 dated 1/31/2017 and last revised 1/26/2018
Sheets A-001, A-011, Y-1.1, Y-1.2, Y-2.1, Y-2.2, Y-2.3, and Y3.1 dated 4/6/18
Sheet A-012 dated 10/27/17
Sheet V101 dated 1/31/17
Sheet V102 dated 8/18/17 and last revised 1/26/18
Sheets C101 to C105 dated 1/31/17 and last revised 1/26/18
Sheets C201 and C502 dated 1/31/17 and last revised 3/10/17
Sheets C501 and C602 to C604 dated 1/31/17 and last revised 5/5/17
Sheet C601 dated 1/31/17 and last revised 4/6/18
Sheets C701 to C703 and C801 to C805 dated 1/31/17 and last revised 8/25/17; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on August 3, 2015 classified the proposed project as an Unlisted action pursuant to SEQRA and Chapter 68 of the Town Code, and circulated the project application and Short Environmental Assessment Form (EAF) dated May 22, 2015 and revised June 1, 2015 and July 24, 2015 to all Involved and Interested Agencies; and

Whereas, on March 7, 2016, due to changes in the project design, the Planning Board re-circulated the project application and a Full EAF dated February 26, 2016 to all Involved and Interested Agencies; and

Whereas, and on January 9, 2017, due to changes in the project design, the Planning Board again re-circulated the project application and a Full EAF dated December 30, 2016 to all Involved and Interested Agencies, and on February 20, 2017 the Planning Board was designated the lead

agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQRA; and

Whereas, on April 2, 2018, after reviewing the Full EAF for the action dated December 30, 2016 and revised April 3, 2017, all of the material submitted by both the applicant and the neighbors, and the Criteria for Determining Significance found in 6 NYCRR 617.7(c), the Planning Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

Whereas, the permitted number of guest rooms in the B1 District is eight guest rooms per acre and the applicant proposes to extend the B1 District 11' 9½" into the RD3 District pursuant to § 143-8D of the Town Code, with the result that the B1 portion of the property will be ± 2.4 acres, which allows for a total of 19 guestrooms; and

Whereas, on July 13, 2017, the Town of Red Hook Zoning Enforcement Officer ("ZEO") determined that the absorption field of the subsurface sewage disposal system was permitted to be located in the RD3 portion of the property; and

Whereas, § 143-18A of the Zoning Law includes setback provisions for accessory structures on residential premises and the proposed use is a lodging facility, not a residential premise, and therefore § 143-18A does not apply to the proposed project; and

Whereas, the applicant submitted correspondence from the New York State Department of Transportation (NYSDOT) dated November 17, 2017 confirming that the proposed curb cut has received conceptual approval from the NYSDOT; and

Whereas, on March 9, 2018 the Town Engineer spoke with Ron Miller of the Dutchess County Department of Health (DCDOH) who stated that the applicant had submitted plans to the Health Department for review; and

Whereas, on September 14, 2017, Stephen Fell, the 1st Assistant Chief of the Red Hook Fire Department, conducted a site visit to review the proposed Site Plan, and identified no issues with the plan that would affect fire access, as outlined in correspondence submitted by the applicant dated October 5, 2017 and as confirmed by Chief Fell in email correspondence to the Town Engineer dated April 17, 2018; and

Whereas, on March 15, 2018, the Town of Red Hook ZEO determined that an on-site apartment for a site manager is an incidental use common to lodging facilities and therefore the existing innkeeper's apartment can be continued in the future; and

Whereas, the parcel is located within 500 feet of a certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated May 22, 2015 and last revised February 26, 2016, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

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

Whereas, the Special Permit application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department issued a review letter dated February 26, 2018 stating that the project was a matter of local concern; and

Whereas, the Planning Board has reviewed the application for Special Use Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and has found that the proposal complies with all of the general standards, including but not limited to: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the B1 District; the size of the site in relation to the use, the location, nature and height of buildings, walls and fences, the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate and the curb cut will be approved by NYSDOT; safe and accessible off-street parking and loading space will be provided and the project will provide a total of 34 off-street parking spaces where 27 spaces are required; parking and service areas will be screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site will be in character generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection, as verified by the Red Hook Fire Department as noted above; the character and appearance of the proposed use and all of its buildings, structures, and signs will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights as there will be minimal noise associated with a lodging facility which depends on a quiet environment for guests, and no fumes, vibration, or flashing lights will be associated with the project; the use meets the prescribed area and bulk requirements for the B1 District and no area variances are required; adequate water and sanitary sewage facilities will be provided to serve the use and will be reviewed and approved by the DCDOH; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; all of which is outlined in greater detail in the Negative Declaration adopted for the project on April 2, 2018; and

Whereas, the Planning Board has reviewed the application for Special Use Permit against the specific standards for a lodging facility found in § 143-92; and

Whereas, the specific standards for lodging in § 143-92B and C require a minimum lot area of two (2) acres in the B1 District for both new construction and for adaptive reuse and the B1 portion of the subject property is 2.4 acres, as discussed above; and

Whereas, the specific standards for lodging in § 143-92A permit a maximum of 8 guestrooms per acre in the B1 District and the applicant has 2.4 acres in the B1 portion of the property, which permits a total of 19 guest rooms and 19 guestrooms are proposed; and

Whereas, the specific standards for lodging in § 143-92D permits uses that are clearly accessory to a lodging facility, and the applicant proposes a reception ("check-in") area, staff space and storage, common areas (including a game room, library, living room, and family room), and an innkeeper's apartment, all of which are customarily incidental to a lodging facility;

Whereas, the proposed lodging facility will serve continental breakfast to guests in the Tourist House, where seating shall be limited to a maximum of 2 seats per guestroom (38 seats), in conformance with § 143-92D(2) of the Zoning Law; and

Whereas, § 143-92E of the Zoning Law requires that adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of Red Hook, the DCDOH, and the New York State Department of Environmental Conservation (NYSDEC), and the applicant has submitted information regarding water supply and sewage disposal facilities that has been reviewed by the Town Engineer and will be approved by the DCDOH as a condition of Site Plan approval; and

Whereas, § 143-92F does not apply to properties in the B1 District; and

Whereas, the Planning Board has found that the proposal complies with all of the specific standards for a special permit for lodging found in § 143-92; and

Whereas, the Planning Board has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on April 16, 2018, the Planning Board opened a duly noticed public hearing on the Special Permit, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board closed the Public Hearing on April 16, 2018 and accepted written comments on the application until April 26, 2018; and

Whereas, the project also requires a Site Plan approval; and

Whereas, the Planning Board has reviewed and deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Special Permit approval to Shafer's Hudson Valley lodging facility in accordance with the plans and specifications heretofore submitted, subject to the provisions of the Town Code, and subject to the following conditions and modifications:

- A. The applicant shall obtain Site Plan approval for the proposed project from the Planning Board.
- B. This permit authorizes a lodging facility with a maximum of 19 guestrooms and a maximum of 38 seats that may be utilized for serving continental breakfast.
- C. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.
- D. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

E. Payment of any and all outstanding escrow balances for consultant review.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

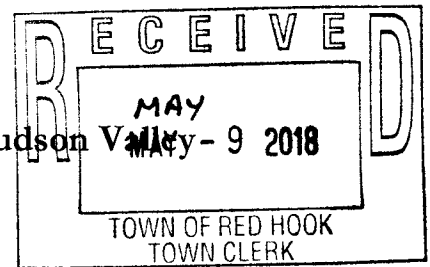
On a motion by Brian Kelly, seconded by Bill Hamel, and a vote of 5 members for (Chairman Sam Phelan, Members Lisa Foscolo, Bill Hamel, Brian Kelly, and Kallie Robertson), 0 against, and 2 vacant positions, this resolution was adopted on May 7, 2018.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

5-9-18
Date

Resolution Granting Site Plan Approval to Shafer's Hudson Valley



Name of Project: Shafer's Hudson Valley

Name of Applicant: Shafer's LLC (Daniel and Vanessa Shafer)

Whereas, the applicant, Shafer's LLC, has submitted an application for Site Plan approval dated May 22, 2015 and revised February 26, 2016 to the Town of Red Hook Planning Board to renovate and expand an existing 10 room lodging facility into a 19 room lodging facility, and to retain an existing one-bedroom innkeeper's apartment on a $\pm$ 5.9 acre parcel (Tax Map Parcel No. 134889-6373-00-114822-0000), of which $\pm$ 2.3 acres are located within the Business 1 (B1) Zoning District and the remaining $\pm$ 3.6 acres are located within the Rural Development 3 (RD3) District; and

Whereas, the property is located at 8047 Albany Post Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Site Plan entitled "Shafer's Hudson Valley: Gaslight Inn Renovations and Additions" prepared by Ryan Biggs/Clark Davis, consisting of the following:

Sheet G001 dated April 2018
Sheet G002 dated 1/31/2017 and last revised 1/26/2018
Sheets A-001, A-011, Y-1.1, Y-1.2, Y-2.1, Y-2.2, Y-2.3, and Y3.1 dated 4/6/18
Sheet A-012 dated 10/27/17
Sheet V101 dated 1/31/17
Sheet V102 dated 8/18/17 and last revised 1/26/18
Sheets C101 to C105 dated 1/31/17 and last revised 1/26/18
Sheets C201 and C502 dated 1/31/17 and last revised 3/10/17
Sheets C501 and C602 to C604 dated 1/31/17 and last revised 5/5/17
Sheet C601 dated 1/31/17 and last revised 4/6/18
Sheets C701 to C703 and C801 to C805 dated 1/31/17 and last revised 8/25/17; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on August 3, 2015 classified the proposed project as an Unlisted action pursuant to SEQRA and Chapter 68 of the Town Code, and circulated the project application and Short Environmental Assessment Form (EAF) dated May 22, 2015 and revised June 1, 2015 and July 24, 2015 to all Involved and Interested Agencies; and

Whereas, on March 7, 2016, due to changes in the project design, the Planning Board re-circulated the project application and a Full EAF dated February 26, 2016 to all Involved and Interested Agencies; and

Whereas, and on January 9, 2017, due to changes in the project design, the Planning Board again re-circulated the project application and a Full EAF dated December 30, 2016 to all Involved and Interested Agencies, and on February 20, 2017 the Planning Board was designated the lead

agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on April 2, 2018, after reviewing the Full EAF for the action dated December 30, 2016 and revised April 3, 2017, all of the material submitted by both the applicant and the neighbors, and the Criteria for Determining Significance found in 6 NYCRR 617.7(c), the Planning Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

Whereas, the applicant proposes to extend the B1 District 11' 9½" into the RD3 District pursuant to § 143-8D of the Town Code, with the result that the B1 portion of the property will be ± 2.4 acres, which allows for a total of 19 guestrooms; and

Whereas, on July 13, 2017, the Town of Red Hook Zoning Enforcement Officer ("ZEO") determined that the absorption field of the subsurface sewage disposal system was permitted to be located in the RD3 portion of the property; and

Whereas, § 143-18A of the Zoning Law includes setback provisions for accessory structures on residential premises and the proposed use is a lodging facility, not a residential premise, and therefore § 143-18A does not apply to the proposed project; and

Whereas, the applicant submitted correspondence from the New York State Department of Transportation (NYSDOT) dated November 17, 2017 confirming that the proposed curb cut has received conceptual approval from the NYSDOT; and

Whereas, on March 9, 2018 the Town Engineer spoke with Ron Miller of the Dutchess County Department of Health who stated that the applicant had submitted plans to the Health Department for review; and

Whereas, on September 14, 2017, Stephen Fell, the 1st Assistant Chief of the Red Hook Fire Department, conducted a site visit to review the proposed Site Plan, and identified no issues with the plan that would affect fire access, as outlined in correspondence submitted by the applicant dated October 5, 2017 and as confirmed by Chief Fell in email correspondence to the Town Engineer dated April 17, 2018; and

Whereas, on March 15, 2018, the Town of Red Hook ZEO determined that an on-site apartment for a site manager is an incidental use common to lodging facilities and therefore the existing innkeeper's apartment can be continued in the future; and

Whereas, the parcel is located within 500 feet of a certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated May 22, 2015 and last revised February 26, 2016, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

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

Whereas, the Site Plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department issued a review letter dated February 26, 2018 stating that the project was a matter of local concern; and

Whereas, the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Town of Red Hook Zoning Law and has found that the proposal complies with all applicable sections of the Zoning Law; and

Whereas, on April 16, 2018, the Planning Board opened a duly noticed public hearing on the Site Plan, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board closed the Public Hearing on April 16, 2018 and accepted written comments on the application until April 26, 2018; and

Whereas, the project also requires a Special Permit and on May 7, 2018 the Planning Board granted the applicant a Special Permit; and

Whereas, the Planning Board has reviewed and deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants approval to the Site Plan for Shafer's Hudson Valley in accordance with the plans and specifications enumerated above, subject to the provisions of the Town Code, and subject to the following conditions and modifications:

- A. The Planning Board authorizes the Chair or his authorized designee to sign the Shafer's Hudson Valley Site Plan after compliance with the following conditions:
 1. Revise the Shafer's Hudson Valley Site Plan as follows:
 - (i) Revise Sheet A-012 (Lighting Plan) to include revised footcandles for the mounted FXI fixture and the revision to the Calculation Summary table to remove the Max/Min column.
 2. Submission of a Highway Work Permit from the NYSDOT for the proposed curb cut.
 3. Obtain approval from the Dutchess County Department of Health for the proposed water supply and wastewater disposal system.
 4. Submission of an acknowledgement letter of coverage from the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).
 5. In the event it is determined by the ZEO that any aspect of the Site Plan is not in conformance with a provision of the Town's Zoning Law, the applicant shall amend the plans to conform with the Town's Zoning Law and seek amended approval from the Planning Board, or secure a variance from the Town of Red Hook Zoning Board of Appeals.

6. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures.
7. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
8. Payment of any and all outstanding escrow balances for consultant review.

When the above conditions have been satisfied, four (4) sets of the above referenced plans shall be submitted for Planning Board Chairman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, one (1) set will be provided to the Town Engineer, and one (1) set shall be filed with the Town Clerk.

Changes to the Site Plan shall require the approval of the Planning Board.

B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):

1. A CO shall not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan.
2. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond in an amount recommended by the Town Engineer shall be posted to ensure completion of the landscaping in accordance with the approved Site Plan.

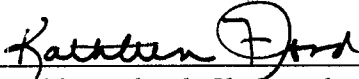
C. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:

1. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by Kallie Robertson, seconded by Brian Kelly, and a vote of 5 members for (Chairman Sam Phelan, Members Lisa Foscolo, Bill Hamel, Brian Kelly, and Kallie Robertson), 0 against, and 2 vacant positions, this resolution was adopted on May 7, 2018.

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


Kathleen Flood, Clerk to the Board

5-9-18
Date

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: May 7 2018

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: Hutchins Cottage

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The applicant proposes to demolish an existing 39' by 21' barn and construct a new structure that will include a one bedroom cottage located over a 33'6" by 24'6" three car garage on a $\pm$ 10.22 acre parcel (Tax Map Parcel No. 134889-6273-00-295435-0000) located in the R1.5 District. The cottage will be served by an existing well and a new subsurface sanitary disposal system.

Location: 230 Linden Avenue, 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 Short Environmental Assessment Form (EAF) for the proposed 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) and that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Kathleen Flood, 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)

617.6
State Environmental Quality Review (SEQR)
Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Sember Accessory Apartment

Whereas, the applicant proposes to construct an accessory within a new single family dwelling on a $\pm$ 6.09 acre parcel located on James Court in the Agricultural Business (AB) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated April 17, 2018 was submitted for the proposed action; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Kallie Robertson, seconded by Lisa Foscolo, and a vote of 5 for, and 0 against, and 0 absent, this resolution was adopted on May 7, 2018.