

APPROVED

Town of Red Hook Planning Board Meeting Minutes May 1, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present — Jennifer Fier, Charles Laing, John Hardeman, Paul Telesca, David Wright and Chair Christine Kane. Sam Phelan was absent. Planning Consultant Michele Greig was also present.

BUSINESS SESSION

Christine Kane confirmed the agenda for the evening. She reminded the members that a fundraising luncheon was planned for May 7, 2006 at Bard College to support the Red Hook Environmental Scholarship Fund.

The minutes from both the April 3, 2006 and the April 17, 2006 meetings had been sent to the members and reviewed. David Wright made a motion to approve the April 3 minutes as written. Paul Telesca seconded the motion. Five members voted in favor. Christine Kane abstained.

Planner Michele Greig had suggested several corrections to the April 17, 2006 minutes. On page 2, she said that 'Dave Wright had made a motion to establish the Board's *intent to serve* as Lead Agency for a coordinated review, with the ZBA as an *involved agency*' (corrections in italics). On page 3, 'Paul Telesca made a motion to adopt a negative SEQR declaration for the proposed site *and subdivision plan*'. On page 4, 'The Board generally agreed to endorse the sketch plan and to file the *adopted* [delete 'draft'] negative declaration needed to set a date for a public hearing.' Charles Laing made a motion to approve the revised minutes. David Wright seconded the motion, and five members voted in favor. Jennifer Fier abstained.

PUBLIC HEARINGS

Michael Lueck – Locust Hill Drive & Budds Corner Road – Special Permit

Michael and Vicky Lueck were present for the public hearing on their application for a special permit to create a two bedroom, one bath apartment above a three bay garage located at 1 Locust Hill Drive in the RD3 Zoning District.

Christine Kane read the public hearing notice that appeared in the April 25, 2006 Kingston Daily Freeman.

Mr. Lueck said that there had been no changes in the proposed plan. He also said that when the plan had been presented at the April 3 meeting, the habitable space had appeared to exceed the maximum allowed for an accessory apartment; however, a closer look at the New York State Building Code had revealed that only space with

ceilings of 7'6" or more could be defined as 'habitable space'. Since the slopes of the roofline brought much of the interior ceiling area below that height, the remaining 'habitable space' was now calculated at 611 sq. ft., well within the 650 sq. ft. maximum.

The Board investigated to see if at least 50% of the ceilings in all of the rooms were 7'6" or higher. This was found to be the case.

Christine Kane asked if there was any comment from the public. There was none.

Christine Kane then reviewed the EAF part 1 and, with input from the Board, completed part 2. She then closed the public hearing.

David Wright made a motion to adopt an offered resolution approving the Special Permit. Paul Telesca seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Eye Associates – Glen Pond Road – Lot Line Alteration

Mark Graminski and Roger Husted were present for the public hearing on an application to authorize conveyance of 0.185-acres from a 1.780-acre parcel to an adjoining 1.889-acre parcel located on Glen Pond Road in the B2 Zoning District.

Mark Graminski said that there had been no changes since the last revised plan had been submitted. He said that the application was for a lot line change for two previously approved lots with the goal of developing one of those lots.

Christine Kane pointed out that the Board had previously requested that a note regarding blacktop removal, soil improvement and the reseeding of the existing driveway area be added to the plat. Mr. Graminski said that he would add this notation to both this subdivision plat and to the site plan map for the proposed Glen Pond Office Buildings. Mr. Graminski agreed to also add a legend outlining the area and bulk measurements, both required and proposed, to the subdivision plat.

Christine Kane also asked that Mr. Graminski make sure that the open space requirement was met on the proposed Glen Pond site plan.

Christine Kane then opened the hearing for public comment.

Tom Gardner, 15 Glen Pond Road, said that neither of the lots would have the required frontage if the proposed lot line change were approved and that therefore both would be 'flag lots'. However, he said proposed Lot 1 did not conform to a 'flag lot' as defined in the Town Subdivision regulations. He said the Town Code says that the flag lot requirements must be 'strictly applied and that applicants must strictly adhere to them and that the configuration of these lots was an attempt to circumvent adherence to the Code.

He also said that the back lot would not have viable access to the road except for the shared driveway, which was narrow and not wholly on that lot. He said that this situation was cause for health and safety concerns.

Eric Gardner, 15 Glen Pond Road, asked if the Board had seen other flag lots like these. Christine Kane said that the subdivision had been approved several years ago and that

there had been discrepancies in the original survey which, when corrected with this plan, have given the lots the shape and boundaries now shown.

Christine Kane reminded the Board that it had previously adopted a negative SEQR declaration for this project.

The Board determined to make some corrective changes (changing 'B1' district to 'B2' district, changing the issuing of a negative declaration to the past tense and adding the date when that declaration was adopted) in an offered resolution approving the lot line alteration. It also determined to add as conditions the notation regarding the area and bulk measurements, the notation regarding the reclamation of the existing driveway, and the submission of revised metes and bounds descriptions of the lots for recording with the County Clerk.

John Hardeman made a motion to adopt the revised resolution. Paul Telesca seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

Leone & Migliorelli (Linden West) – Linden Avenue – Subdivision Plat

Mark Graminski, P.E. and L.S. and Dr. Frank Migliorelli were present for further discussion of an application for Subdivision Plat (sketch plan) approval to create four (4) residential building lots and a remaining lands lot from an approximately 120.4-acre parcel in the R1.5 Zoning District and the Certified Agricultural District.

Mr. Graminski said that no changes had been made to the plan.

Christine Kane read a referral response from the Agricultural and Open Space Advisory Committee which said that not enough information had been submitted and that a farmland protection plan had not yet been formulated.

The applicants and the Board were in agreement that a large part of Lot 4 would be placed in a conservation easement or similar vehicle to prevent further subdivision and that a large part of Lot 3 was being considered by the Town for purchase as recreational land. The applicants noted that, while still preferring to sell that Lot to the Town, they had been waiting for the results of an appraisal for some months.

Addressing the size of the lots intended for development in the northerly portion of Lot 4 at a future date, Ms. Grieg said that clustering would allow these lots to be smaller, which would make them similar in size to other lots in Linden Acres and which might increase the amount of open space in Lot 4. Mr. Graminski said that the larger size would be required for lots located in a floodplain or where a home's sewage disposal system would be located in poor soils. John Hardeman said that many of the older lots in Linden Acres were similar in size to the ones being proposed for this subdivision.

The Board noted that proposed Lots 1 and 2 were one acre in size and located on prime soil. Mr. Graminski said that lots of one acre are permissible where a centralized water supply is assured. He acknowledged that these lots contained more than the minimum frontage, and the Board discussed the possibility of planning for an access to future recreation land on Lot 3 via a driveway along one of those lots, since such a driveway

would be directly across Linden Avenue from Fruitbud Lane, which provides access to the Town's current recreation area.

The Board generally agreed to endorse the sketch plan provided that development pockets were shown where development was planned on Lots 3 and 4 and where Lots 1 and 2 might be located. The Board also agreed to request the Town Board to try to expedite the appraisal of Lot 3 so that the application process could proceed in a timely manner. Finally, it requested two notes be placed on the plat, the first stating the applicants' intent to sell Lot 3 to the Town, if the Town deems that lot to be appropriate for its needs, and the second stating that smaller lots may be considered in the development pocket on Lot 4.

Dr. Migliorelli noted that a trail has also been proposed to run through that parcel.

(At this point, Charles Laing left the meeting due to illness)

Timothy Ross – Williams Road – Subdivision Plat

Tim Ross was present to discuss his application for Subdivision Plat (sketch plan) approval to create two (2) new residential building lots of 2.72 acres and 3.05 acres and one (1) remaining residential building lot of 4.56 acres from a 10.33-acre parcel at 115 Williams Road in the RD3 Zoning District.

Mr. Ross said that he was going to proceed with his plan for a cluster configuration. He added that there had been no other changes. Finally, he said he would contact the Natural Heritage Program to inquire about any endangered species habitats on the parcel.

Christine Kane read a referral response from the Agricultural and Open Space Committee, which preferred the cluster configuration.

The Board classified the minor subdivision as an Unlisted Action under SEQR. Jennifer Fier made a motion to send out Notices of Intent to serve as Lead Agency for the SEQR review. Involved agencies included the Town Highway Superintendent, the Dutchess County Health Department and the NYS DEC. Paul Telesca seconded the motion, and all members present voted in favor.

The Board discussed the issue of the proposed flag lots, considering the language contained in section 143-21 of the subdivision regulations as well as the direction given by the Town Board during its discussion of proposed revisions of the flag lot regulations. Christine Kane noted that the existing house on proposed Lot 1 was included in the Town's historic resources inventory and said that allowing fewer lots would give more buffer to that historic building. She asked if the Board found any special circumstances that mandated two flag lots in this case. While the Board remained divided on this issue, a majority of members agreed to endorse the proposed sketch plan.

Richard Hansen – Hapeman Hill Road & James Court – Subdivision Plat

Ray Jurkowski, P.E., was present for a discussion of an application for Subdivision Plat (sketch plan) approval to now create two new residential lots of 12.57 acres and 3.18 acres and an approximately 7.31-acre remaining lands lot from an approximately 23-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Mr. Jurkowski said that since presenting the application on March 20, 2006 the applicants had decided to propose a 3-lot subdivision instead of a 2-lot subdivision and to change the proposed lot lines. He said that all of the proposed lots would be flag lots and that Lots 2 and 3 would share a driveway from Hapeman Hill Road. He said that any further subdivision on Lot 3 would be prohibited. He also said that research had confirmed that James Court was a Town road. Finally, he said that he had superimposed the soils onto an aerial map of the parcel and that all of the soils were prime or soils of statewide importance.

The Board asked about the history of the parcel. Mr. Jurkowski said that it had been part of the Sheehan subdivision. Both he and the Planning Board clerk will research the history of that subdivision. The Board determined to ask for the history of any parcel that is proposed for subdivision.

The Board generally agreed that this proposed subdivision was subject to the Important Farmlands Law and that the applicant must come back with a farmland protection plan based on a full build-out.

Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – Subdivision Plat, Site Plan & Special Permit

Pete Setaro, P.E., and architect Steve Tinkelman were present to discuss applications for Special Permit, Site Plan and Subdivision Plat Approval to create 51 residential building lots ranging from 0.12 acres and up and an open space lot from a 65.3-acre parcel, partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Mr. Setaro said that he had received a copy of the Town Engineer's review, made applications to both the Dutchess County Health Department and to NYS DEC, and received comments from the Village Engineer. He said he would update the plans when he had heard from all the agencies.

Mr. Tinkelman distributed draft copies of the restrictions for the executive lots, draft copies of the Home Owners Association agreement and draft copies of the architectural review for the Anderson Commons lots.

The Board and Mr. Tinkelman discussed the proposed seven executive lots. Mr. Tinkelman said that the developer wished to leave all design options up to the purchaser of each lot, although building envelopes would be located on the subdivision plat. He said that these lots would not be part of the Traditional Neighborhood Design nor would the owners be included in the Anderson Commons Home Owners' Association. He said that these executive lot owners would, however, be prohibited from clearcutting at the front of the lots, which would allow a screen of trees to create private areas.

The Board asked that the applicants add guidelines about varying the setbacks of the houses and locating the garages so that the doors do not face the street. The Board also asked the applicants to consider restrictions that would address the intent of maintaining a visual buffer by prohibiting the clearcutting not only of the trees but also of the understory vegetation.

The Board and the applicant team also discussed the internal roads. They agreed to ask for input from the Highway Superintendent regarding the calming devices

recommended by the Town Engineer in his note #5. They also agreed to request input from the Town Fire Chief regarding the proposed 20' curb radii, saying that an alternative to enlarging that size would be to lower the curbs at the corners. The applicants also would research timeframe about naming the streets in order to comply with the 911 regulations.

Mr. Tinkelman then outlined the formula for achieving variety among the Anderson Commons homes. Throughout his explanation, he referred to the palette of four roofing colors and four siding colors plus white.

First, he said that the each unit of a three-family building would have a different siding color, although the roof color would be uniform for entire building. There would be 2 strings of 3 three-family buildings. One string of three would mirror the other string, which would provide variety yet some consistency. The colors and design elements of these buildings would be chosen by the developer.

Second, he discussed the duplexes, saying that each unit of the duplex could have a different siding color, different porch, and other different design elements but would share the same roof color. He added that white trim would be used for all 2- and 3-family buildings.

Finally, he said that the single family homes would have a choice of 8 different configurations of siding and roof color combinations. He said that two single-story homes could be side by side but that they would vary in siding and roof color as well as design elements. He said that, except for the street trees, each homeowner could install his or her own landscaping and high-quality vinyl fencing. The street trees would be installed by the developer. He said that the designs provided for flexibility over time, as the homeowner's needs changed or as a house changed owners. A second story could be added to a single-story home, for instance, or a garage could be built where none previously existed. He said that the Village Planning Board had asked whether a homeowner could opt for a two-car garage, which was not included in these designs, or whether a homeowner who wanted to add a second story would go to the Home Owners Association or to the Planning Board with his request. These questions had not yet been decided.

Asked whether the HOA would prohibit, for example, eight single-story homes in a row, Mr. Tinkelman said no, that those choices would be market-driven and that there were enough colors and designs to provide the needed variety along the street.

Asked whether the 3-family buildings would be constructed first, Mr. Tinkelman said that the team had developed no such timeline yet. Asked who would own the 3-family building, Mr. Tinkelman said a different family could own each unit or one family could own the entire building.

Asked if wood fencing could be an option, Mr. Tinkelman said that the developers believed that high-quality vinyl would be less maintenance and more attractive over time. Jennifer Fier disagreed and encouraged the applicants to consider adding wood fencing as an alternative, achieving consistency by requiring a uniform color or height for all types.

The Board asked the applicants to submit cut sheets for the vinyl-clad windows, garage doors, and fencing.

Asked who would own the lot near the executive lots with the drainage retention area, Mr. Setaro said that it could be the responsibility of the Town or of the HOA. He will consult with the Highway Superintendent.

The Board discussed note #2 of the Town Engineer's review which raised questions about approvals when the Town/Village municipal line cut through a home. Christine Kane said that she would research this problem.

The applicants were asked to reconsider the column arborvitae proposed as an evergreen buffer for screening the chain link fence surrounding the sewage disposal system to provide more variety and a better integration with the rest of the landscaping plans.

The Board asked the applicants to address the Town Engineer's questions and concerns in writing, point by point. The applicants should also submit the pertinent cut sheets, not necessarily an entire set of plans. The Board also generally agreed to refer the draft HOA and other documents to Keane & Beane for a legal review.

REGULAR SESSION (NEW BUSINESS)

Ron Cagliostro – Lasher Road – Subdivision Plat

Ron Cagliostro was present with an application for Subdivision Plat (sketch plan) approval to create a 7.146-acre new residential building lot and a 5.718 remaining lands lot from a 12.864-acre parcel in the RD3 Zoning District.

Mr. Cagliostro explained that he wanted to provide a lot for his son.

The Board generally agreed that the entire parcel was in the floodplain, that some of the soils were prime and some hydric, and that a flag lot in that location was problematic. Additionally, federal wetlands could be present on the parcel, which would limit and complicate his subdivision possibilities.

Mr. Cagliostro was urged to investigate other possible ways to provide additional housing on the parcel, such as reconfiguring an existing garage. He was also urged to research the original subdivision of the land. The Planning Board clerk will also research that subdivision.

OTHER BUSINESS

The Board generally agreed to withdraw its revisions to the flag lot regulations from consideration by the Town Board. Christine Kane will write a letter to that effect. Ms. Greig suggested that a flag lot be allowed when the applicant can demonstrate its benefit to the community and that a phrase to that effect be added to the current regulations.

The Board also generally agreed to consider revisions to the conservation subdivision regulations, open space regulations and regulations affecting timber harvesting at its June 5, 2006 meeting.

ADJOURNMENT

Since there was no further business to come before the Board, David Wright made a motion to adjourn. Jennifer Fier seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk to the Board

Attachments

Resolution granting Special Permit to Michael Lueck

Resolution granting Conditional Final Subdivision Plat Approval to Eye Associates

**Town of Red Hook Planning Board
Resolution Granting Special Use Permit to Michael Lueck to Authorize
Creation of a Two (2) Bedroom, One (1) Bath Accessory Apartment above a
Garage at 1 Locust Hill Drive in the RD3 District**

May 1, 2006

Motion made by David Wright
Seconded by Paul Telesca

Whereas, the Town of Red Hook Planning Board received an application dated January 30, 2006 from Michael Lueck for the creation of a two bedroom, one bath accessory apartment above a three- bay garage; and

Whereas, the ± 8.119 acre parcel (TMP 15-6273-00-240997) is located on Locust Drive 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 §143-64; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated January 30, 2006, a Short Environmental Assessment Form (EAF), dated January 30, 2006, a site layout and floor plan (undated) for the proposed accessory apartment; and

Whereas, a public hearing was held May 1, 2006, and

Whereas, the Planning Board has been duly designated Lead Agency in the review of this action and determines in consideration of the Short EAF and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, that the Proposed Action, an 'Unlisted Action' under SEQR, 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 proposed development to satisfy both the "General Standards" for all special permit uses set forth at Zoning Law §143-51 and the 'Specific Standards' for an 'Accessory Apartment within new independent structures' as set forth at §143-66.1.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	absent
Member Paul Telesca	yes
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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Town of Red Hook Planning Board
Resolution Granting Conditional Final Approval in the Matter of the Eye Associates PC Corrective Subdivision Plat and Lot Line Alteration at Glen Pond Road in the B2 District

May 1, 2006

Motion made by John Hardeman
Seconded by Paul Telesca

The Town of Red Hook Planning Board hereby acts as follows on the January 23, 2006 Application by Eye Associates, P.C. for Corrective Subdivision Plat Approval and Lot Line Alteration involving an intended transfer of a 0.185-acre portion of a 1.780-acre parcel with frontage on Glen Pond Road in the B2 District (TMP 15-6272-00-402448) to and for merger with the adjacent 1.889-acre parcel (TMP 15-6272-00-375440) also belonging to Eye Associates, all as depicted on a Survey Map entitled 'Lot Line Alteration prepared for Eye Associates P.C.' prepared by Mark R. Graminski, P.E. & L.S., dated January 13, 2006 and revised to April 6, 2006:

1. Determined in consideration of the Short EAF, and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQRA will not cause any potential significant adverse effects on the environment and, thus, issued a Negative Declaration deeming an environmental impact statement to not be required on April 17, 2006.
2. Approves the Application for Minor Subdivision / Lot Line Alteration' and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and/or requirements within the next one hundred eighty (180) calendar days:
 - a. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - b. 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.
 - c. Addition to Plat of legend outlining Area and Bulk measurements, both required and proposed.

d. Notation on Plat regarding the timely removal of the existing driveway, including the removal of blacktop, application of topsoil, and reseeding, at such time as a common driveway proposed to access the proposed two (2) lots has been installed.

e. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

f. Submission of revised metes and bounds descriptions for both parcels, intended for recording at the Dutchess County Clerk's Office.

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

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	absent
Member Paul Telesca	yes
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