

draft
**Town of Red Hook
Planning Board
Meeting Minutes
June 21, 2004**

CALL TO ORDER/DETERMINATION OF QUORUM

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

Members present—John Hardeman, Christine Kane, Mary Lou Muirhead, Sam Phelan, Paul Telesca, David Wright and Chair Paul Thomas. Also present was consultant Art Brod.

BUSINESS SESSION

The Chair noted the deletion of the Carellaland subdivision proposal from the agenda that had been mailed to the Board members.

The minutes of the June 7, 2004 meeting had been sent to the Board members and reviewed. The Chair noted that he had recused himself from the James Crane matter at that meeting. Mary Lou Muirhead made a motion to accept the corrected minutes. The motion was seconded by David Wright, and all the members were in favor.

The Chair announced that he had scheduled a presentation by John Clarke of Dutchess County Office of Planning and Development for the next meeting on July 12, 2004. The presentation will concern the DCOPD's draft comprehensive plan for the southeast quadrant of the Town and Ken Anderson's proposed subdivision within that quadrant.

The Chair also suggested that the Board begin to alternate formal sessions with workshop sessions, perhaps as early as August 2004.

PUBLIC HEARINGS

Kunzang Palchen Ling (John McIlravy) – NYS Route 9G – Special Use Permit and Site Plan.

John McIlravy and Joseph Berger, P.E., were present in support of applications for Special Use Permit and Site Plan Approval to authorize the establishment of a Place of Worship on Lot 5 of the Daniel Colnaghi Subdivision, a 5.023-acre project site on the east side of NYS Route 9G approximately 0.3 mile north of the NYS Route 199 intersection. The proposed project would be located both within the RD3 District and either within or adjacent to a Certified Agricultural District.

Mr. Berger and Mr. McIlravy presented new elevations of the proposed two story building and a new site plan showing a modified lighting scheme.

The Chair read the public hearing notice that appeared on June 15, 2004 in the Kingston Daily Freeman and opened the hearing for public comment. There was none.

The Chair read a response from the ZEO which stated that the living spaces proposed for the facility fell within the parameters allowed for places of worship by the Zoning Code. The ZEO also found that although the cupola caused the building to exceed the height limit stated in the Code, its function as a skylight and its relatively small area made it allowable under the Code.

Mr. Berger noted that he had modified the lighting plan so that the paths and parking area would be lit at night. Asked if the cupola would emit light at night, Mr. McIlravy said no.

The Chair asked if there were houses on any of the surrounding parcels. Mr. Berger answered that houses had been built on all but one of the surrounding lots.

John Hardeman believed that the "handicapped" section of the parking should be closer to the walkway. Mr. Berger said he would make that revision.

Asked about the number of parking spaces shown on the site plan, Mr. Berger replied that the Code calls for one (1) space for every six (6) parishioners. With an estimated cap of forty (40) parishioners, Mr. Berger believed that there would be more than enough parking. In addition, the lamas who would reside at the facility would not drive, so the project's sponsors would ask for a waiver on the required residential parking spaces. If there were a function that attracted more people, a nearby grassy area could accommodate the overflow from the parking area. Mr. Berger noted that parking on the grass is allowed and encouraged under Greenway.

The consultant asked about the seemingly large size of the proposed building for only forty (40) parishioners. Mr. McIlravy replied that in addition to the worship area, there would be a library, offices, a large meeting foyer, restrooms and the living spaces. The consultant was concerned that the large size of the building might invite more people than the parking area and septic system could accommodate. The Board generally discussed how the site would be affected if the congregation grew or if a different congregation moved into the building.

Mr. Berger replied that as the project is proposed, both the Health Department permit and the DOT permit would limit the number of parishioners to forty (40). He said that any group wishing to increase that number would have to come back before the Planning Board. He added, however, that the septic system had been designed with a 100 percent back-up capability, thus doubling its size and enabling a conversion to a larger system if necessary. Moreover, if additional parking spaces were needed at some future date, a parking area could be placed over the septic field. He noted that proposed project would only use one (1) acre of the five (5) acre parcel.

The consultant said that although it was unusual to propose such a large building for such a limited use, it was allowed. He said that the site visit should ascertain whether the impact of the proposed facility on the neighborhood would be greater than that of the surrounding residences.

Mr. Berger said that, if necessary, a notation could be made on the site plan that parking spaces could be added over the septic field. He added, however, that significantly providing for some large future membership, which the parishioners do not foresee and

do not intend, would greatly increase the environmental disturbance of the project, something the parishioners wish to avoid.

The Chair said that he would conduct a site visit and report back to the Board. The Board requested from the applicant an elevation showing the rear of the building, a landscaping scheme if any landscaping is planned, a floor plan of the building, and a notation on the site plan about possible additional parking spaces. The Clerk was directed to refer the project to the Dutchess County Office of Planning and Development. In view of the thirty (30) days allowed for a response from the DCOPD, the public hearing was continued until August 2, 2004.

Lisa Herman – 175 Lasher Road – Special Use Permit and Site Plan

Lisa Herman was present in support of her applications for Special Use Permit and Site Plan Approval to authorize the establishment of a boarding stable and riding academy on a 30-acre parcel located at 175 Lasher Road within the RD3 and Certified Agricultural Districts.

Ms. Herman submitted all the revised documents and drawings requested by the Board at the June 7, 2004 meeting. The Chair read the revised narrative which included modified hours of operation and defined the number of cars accommodated in the parking area.

The Chair then read the public hearing notice that appeared June 15, 2004 in the Kingston Daily Freeman and opened the hearing for public comment. There was none.

In answer to specific questions, Ms. Herman said that the parking lot area would be covered with Item Four and that the outdoor lighting would consist of flood lights pointed toward the ground.

The Board then considered whether it needed drawings of the proposed house and barn. The consultant said that the Board could waive the requirement for elevations and plans, leaving that responsibility to the Building Inspector. The Board, however, determined that because of the size of the barn and the planned translucent roof, it would like to see what the proposed barn would look like.

The Board directed the Clerk to refer the project to the Town Engineer and to Dutchess County Office of Planning and Development for review and comments, asking both to expedite their responses. It asked the applicant to submit elevations of the barn, together with the proposed building materials and colors. It also asked for a drawing of any proposed sign, with dimensions and placement on the site plan. The public hearing was continued until the July 12, 2004 meeting.

Gino Salvatico – 8299 NYS Route 9 at Scism Road – Special Use Permit

Gino Salvatico appeared before the Board in a continuation of the public hearing opened on April 19, 2004. He supported his application for Special Permit to authorize the conduct of a Class 2 Home Occupation, a woodworking shop with associated retail sales of items made on the premises, within a new 1848 s.f. barn on a 10.06-acre parcel in the RD3 District.

The Chair asked for any comments from the public. There were none.

The Chair then reported on his site visit. He said that the proposed woodworking shop would be located behind an existing barn and would not be visible from the road.

The Chair then closed the public hearing.

The Board determined that it did not need an additional site plan or any building elevations or drawings. It would leave building and site considerations to the Building Inspector.

The Chair then read the short EAF part 1 and, with input from the Board, completed part 2.

Mary Lou Muirhead made a motion to adopt an offered resolution granting the Special Permit. Paul Telesca seconded the motion, and all members were in favor. That resolution is attached to, and made part of, these minutes.

Stephen Buscarino and Lisa Racano (Kidz Kare Day Care) – NYS Route 9G and West Kerley Corners Road – Site Plan and Special Use Permit.

Marie Welch, L.S.; Tim Ross, P.E.; Thomas Shepardson, attorney; Lisa Racano, Stephen Buscarino and David Bruner, L. A. were present in a continuation of the public hearing begun May 3, 2004. The applications under consideration would authorize facility construction and establishment of use for the proposed Kidz Kare Day Care Center located on the northeast of the intersection of NYS Route 9G and West Kerley Corners Road in the RD3 District.

Ms. Racano responded to the Board's request for an archeological and cultural impact review. She said that a review had been requested from the NYS Office of Parks, Recreation and Historic Preservation on April 28, 2004. When no response was forthcoming after thirty (30) days, Ms. Welch contacted NYSOPRHP. The office apologized for having mislaid the request. The office promised a response soon.

The Chair asked if the public had any comment.

Keith Lore, 7 Lore Lane in Red Hook, said he was in favor of the facility. He believed it would be a positive addition to the community.

The Chair summarized the Town Engineer's review of the new submissions. Mr. Wheeler said that while a few minor questions remained, his major problems had been addressed and he had no objection to the Board moving forward in the application process. In his separate review, Planning Consultant concurred, saying that these few technical issues were not an impediment to making a SEQRA determination.

The Chair then read a letter of support for the project from David Cohen, Mayor of the Village of Red Hook, dated June 16, 2004.

The Board had received several letters concerning the validity of the ZBA Area Variance upon which any Planning Board approval of the proposal would be based. The Chair read a letter dated June 7, 2004 from attorney Steven Barshov, of Sive, Paget & Riesel,

P.C. who represented Robert Butscher, 47 Broadway, Tivoli; Michael J. Behan, Jr., P.O. Box 63, Tivoli; Jason Butscher, 47, Broadway, Tivoli; Raina Kattelton, 47 Broadway, Tivoli; Amy Knoblauch Dubin, Doriedale Farm, W. Kerley Cors. Rd. and Pitcher Lane, Red Hook; Alison and John Lankenau, Sengstack Rd, Tivoli, Anita Micossi, P.O. Box 433, Tivoli; Phyllis Palmer, 24 North Rd., Tivoli; Peter and Paula Superti, 102 Old Post Rd. North, Red Hook; Peter Sweeny, Tivoli; Sarah Sweeny, Tivoli; Robert Zises, 22 North Rd., Tivoli; and anonymous property owner, West Kerley Cors. Rd., Tivoli. Mr. Barshov alleged that the ZBA had exceeded its authority in doubling the number of children allowed at the proposed day care center and that therefore the variance was illegal.

The Chair then read a letter dated June 10, 2004 from attorney Gregory Faucher of Shanley, Sweeney, Reilly & Allen, P.C. the firm representing Stephen Buscarino and Lisa Racano. Mr. Faucher maintained that the project's opponents had not challenged the ZBA's decision within the thirty (30) day time limit. He also stated that the Planning Board could not reconsider the determination of the ZBA.

The Chair had contacted Joel Sachs, attorney with Keane & Beane, for clarification. In a letter dated June 14, 2004, Mr. Sachs agreed that the time limit for challenging the ZBA's variance had expired. In a phone conversation with the Chair, he also said that the Area Variance had been the correct variance in that instance. Finally, when asked whether the Planning Board could issue a Special Permit to Kidz Kare but stipulate an enrollment of fewer than eighty (80) children, Mr. Sachs said no. The Planning Board must either allow it with the eighty (80) child enrollment or not approve the application.

Finally, the Chair read a letter from the Village of Tivoli Architectural Review Committee. The letter listed some requested modifications of the building's design and elements. The Board believed that this Committee had not seen the newly submitted designs with the modifications made in response to the comments from the Town's Buildings/ Design Review Committee. It agreed with the consultant that where possible, the applicants had responded to the Town's Design Review Committee and that the environmental review should proceed.

The Board directed the consultant to request an expedited response from the NYS Office of Parks, Recreation and Historic Preservation concerning the potential archaeological and cultural impact of the project. For his part, the consultant asked that the lighting diagram be modified to reflect the revised shape of the "drop off" circle. He also said that four (4) more parking spaces had to be found either in the drop off circle or in the parking lot. The applicants agreed to add those spaces to the parking lot. Third, he said that the applicants must request an amendment to the Buscarino Subdivision, which was conditionally approved on December 1, 2003, reflecting the intended lot line change for the parcel. Finally, he said that the space allotted to each car for cuing along the circle had to be lengthened. Mr. Ross agreed.

Since no further public comment was forthcoming, the Chair closed the public hearing. Then, with input from the Board, he began the process of filling in the full EAF part 2 and the Visual Addendum. The Board determined that in order to complete the EAF part 2, the new submissions must be referred back to the Town's Design Review Committee. It directed the Clerk to do so, and it also directed the consultant to draft an EAF part 3.

The Board discussed the role of the Building/Design Review Committee in this and other projects. Sam Phelan and Mary Lou Muirhead would like to see the Committee meet with applicants early in the application process. Mary Lou Muirhead also said that a response to the Tivoli Architectural Review Committee was necessary. The consultant reminded the Board that the Design Review Committee's role was advisory and that it was the Planning Board that had to be satisfied with the building's appearance. He added that landscaping and lighting were part of the aesthetics of the project.

Sam Phelan said he was concerned about the reaction of Tivoli residents to the appearance of the facility as those residents drove out of the Village. Ms. Racano said that the landscaper had hidden the building as much as possible without affecting the sight distance at the intersection of NYS 9G and West Kerley Corners Road.

Finally, Ms. Welch acknowledged that the applicant must finalize the lot line changes for the subdivision of which this project is a part.

James and Sonia Crane – 151 Stony Brook Road / Intersection with NYS Route 9G – Subdivision Plat.

Marie Welch, L.S., and James Crane appeared again before the Board seeking Sketch Plan Endorsement for the intended creation of a 2.3-acre existing house lot from a 130-acre parcel within the RD5 and Certified Agricultural Districts.

Before discussion began, the Chair recused himself, and Sam Phelan became Acting Chair solely for this matter.

A letter dated June 17, 2004 from Jennifer Porter, attorney from Keane & Beane, clarified a question from the June 7, 2004 meeting concerning the lot size allowable under the one-lot exception of the Farm Law. Ms. Porter stated that the lot must conform to the size mandated in the zoning district. Therefore, Mr. Crane must either apply for a variance or request a 5 acre lot as his one-lot exception. The applicant chose to apply for the five (5) acre lot, and a revised sketch was submitted. The revised application will be submitted at a later date.

Mary Lou Muirhead made a motion to endorse the revised sketch plan. John Hardeman seconded the motion, and all members voting in this matter were in favor. The Board set a public hearing for July 12, 2004.

The consultant said that the Board must look at the soils on the parcel and determine whether the matter should be referred to the Agricultural Advisory Committee.

Fred Cartier – Starbarrack Road – Subdivision Plat.

Marie Welch, L.S. appeared before the Board on behalf of clients Cartier, Wambach and Martin / Rishin who seek Sketch Plan Endorsement and initiation of the Subdivision Plat Approval process for intended lot line alterations and grant of access easement affecting Lots 1 through 4, Filed Map 5179, in the RD3 District.

The Board found no objections to the sketch plan as submitted. Accordingly, Christine Kane made a motion to grant sketch plan endorsement and to set a public hearing for

July 12, 2004. Paul Telesca seconded the motion, and all members were in favor. This resolution is attached to, and made part of, these minutes.

Red Hook Boat Club – Dock Road / Barrytown – Special Use Permit(s) and Site Plan.

John Stone and Bob Rogers appeared before the Board in a pre-submission conference concerning an application for Special Permit and Site Plan Approval. The Boat Club proposes to construct an approximately 2,200 s.f. roofed pavilion within 17 feet of the Hudson River on the Boat Club's Barrytown property.

The Board and the consultant reviewed a ZBA Area Variance granted June 9, 2004 reducing the rear yard setback from 25 feet to 17 feet and enlarging the coverage from 5% to 12%. It was found that the rear yard setback required under the Schedule of Area and Bulk Regulations was actually 50 feet. In addition, no SEQRA review was done before the variance was granted.

The Board agreed by consensus that the Boat Club must have the correct variance and SEQRA determination from the ZBA before it can submit applications to the Planning Board. As a Type 1 Action under SEQRA, such a proposal would be subject to a coordinated review and a full EAF. Once it reached the Planning Board, the proposed project would be subject to referrals to the Dutchess County Office of Planning and Development and the Hamlet Buildings/Design Review Committee. It would also need a Certificate of Appropriateness, Site Plan Approval, and several Special Permits because its location in the Historic Landmark District, within 1,000 feet of the Hudson River, and within the FEMA 100 Year Flood Plain District. These Permits could be sought concurrently.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Christine Kane made a motion to adjourn. John Hardeman seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10: 55 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Annexed Documents

Resolution granting Special Permit to Gino Salvatico
Resolution granting Sketch Plan Endorsement to Fred Cartier

**Town of Red Hook Planning Board
Resolution Granting Approval in the matter of the Application by Gino Salvatico
for a Special Permit Authorizing a Class 2 Home Occupation within an Accessory
Building at 8299 NYS Rte 9 and Scism Rd. in the Rural Development 3 (RD3)
District**

June 21, 2004

Motion by Member Mary Lou Muirhead

Second by Member Paul Telesca

The Town of Red Hook Planning Board hereby acts as follows on the February 19, 2004, Application by Gino Salvatico for Special Use Permit to authorize a Class 2 Home Occupation (Woodworking Shop with associated retail sales of items made on the premises) within an accessory structure, a proposed new barn 1848 s.f. in building footprint, on a 10.06-acre parcel at 8299 NYS Route 9 and Scism Road in the RD3 District, such Class 2 Home Occupation authorized at the square footage proposed pursuant to Area Variance granted by the ZBA on February 11, 2004, and occurring within a building described in a narrative submitted by the Applicant and at a location noted on the Applicant's sketch plan:

1. Determines upon review of the EAF Part 1, completion of EAF Part 2 and in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR the Proposed Action, an 'Unlisted Action' under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Waives in consideration of the location and the compatible building type proposed, the lack of any new or expanded sanitary sewage facilities and the limited amount of traffic that will be occurring, any requirement for submission of more detailed site and/or architectural plans as part of the special use permit review process, not to be construed as limiting the authority of the Zoning Enforcement Officer and/or Building Inspector to require such plans in carrying out their responsibilities in review of the subject project.
3. Finds the intended use as described within the Application and represented before the Planning Board to satisfy both the General Standards for Special Permit Uses established at Zoning Law Section 143-51 and the Specific Standards for a Class 2 Home Occupation set forth at Zoning Law Section 143-69, including the referenced definition at Zoning Law Section 143-4 and the related limitations stated at Zoning Law Section 143-32.

4. Issues the requested Special Use Permit and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue a Building Permit for the proposed 1848 s.f. barn and a subsequent Certificate of Occupancy for the Class 2 Home Occupation (Woodworking Shop with associated retail sales of items made on the premises) upon the Applicant's satisfaction of any other pertinent codes, laws, rules or regulations within the purview of the Zoning Enforcement Officer, with the Certificate of Occupancy to clearly state the requirement for both initial and continuing compliance, except as authorized by the ZBA in the matter of square footage, with the standards set forth at Zoning Law Sections 143-32, 143-51 and 143-69.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Chairman Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Acting Clerk to the Board

Date

The Town of Red Hook Planning Board hereby acts as follows on the Application by Fred Cartier on behalf of Cartier, Wambach and Martin / Rishin for Sketch Plan Endorsement and Subdivision Plat Approval to authorize lot line alterations and the grant of a driveway access easement affecting Lots 1 through 4 of Filed Map 5179, situate on Starbarrack Road in the RD3 District, and depicted on a Survey Map entitled 'Amendment to File Map No. 5179 / Lot Line Alteration prepared for Cartier, Martin & Rishin, and Wambach' prepared by Marie T. Welch, L.S., and dated May 26, 2004:

1. Accepts the Application as adequate for Planning Board, consultant and public review.
2. Endorses the Sketch Plan in consideration of its intent to correct location errors that occurred during driveway construction.
3. Classifies the Application as a 'Minor Subdivision / Lot Line Alteration / Resubdivision of Lots 2 through 4, Filed Map 5179' and the Proposed Action as an 'Unlisted Action' under SEQRA.
4. Schedules a Public Hearing on the Application for Monday, July 12, 2004. and directs the Clerk to provide timely notice thereof.
5. Advises the Applicant of requirement for submission of draft consolidation, or merger deeds, for Planning Board review prior to stamping and signing of the Subdivision Plat and as intended for subsequent recording in the Dutchess County Clerk's Office upon transfer of Parcels B and C to their intended owners.