

draft
**Town of Red Hook Planning Board
Meeting Minutes
August 16, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

Members present— Christine Kane, Mary Lou Muirhead, Sam Phelan, Paul Telesca, David Wright and Chair Paul Thomas. John Hardeman was absent. Also present were Planning Consultant Art Brod and Town Board liaison Jim Ross.

BUSINESS SESSION

The Board confirmed its next meeting for Wednesday, September 8, 2004, rescheduled because of the Labor Day holiday.

The minutes of the July 12, 2004 meeting had been sent to the Board members and reviewed. Mary Lou Muirhead made a motion to accept those minutes. The motion was seconded by Christine Kane, and all members who had been present at that meeting were in favor. David Wright and Paul Telesca abstained.

The minutes of the August 2, 2004 had also been sent to the Board members and reviewed. Mary Lou Muirhead made a motion to accept the minutes. The motion was seconded by Sam Phelan, and all members who had been present at that meeting were in favor. David Wright and Chair Paul Thomas abstained.

The Chair read a response by Zoning Enforcement Officer Bob Fennell to the Board's request for clarification on whether Board of Health approval must be in place before a building permit is issued. The Board agreed by consensus that a building permit should not be issued for a parcel for which subdivision application has been made while that application is being considered by the Board.

PUBLIC HEARINGS

Three Pond Farm, LLC (Allan and Ronnie Streichler) – 72 South Road – Special Use Permit

Ronnie Streichler appeared before the Board in support of her application for a Special Permit to authorize construction of a new farm building with first level storage and a second level 3-bedroom apartment intended for occupancy by a farm employee in the RD3 and Certified Agricultural Districts.

The Chair read the public hearing notice that appeared in the Kingston Daily Freeman on August 10, 2004. He then opened hearing for public comment. There were no comments.

The Chair then read the response to a referral of the project to the Dutchess County Office of Planning and Development. There were no County concerns.

Ms. Streichler said that she had changed the second level from a 3- to a 2-bedroom apartment. She also understood that she must have Board of Health approval before a Building Permit can be issued.

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

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

OAOA, LLC (Sam and Arlene Harkins) – NYS Route 308 – Subdivision Plat/ Lot Line Alteration

Sam and Arlene Harkins appeared before the Board in support of their application to effect a 0.491-acre lot line alteration between Lots 5 and 6 of the OAOA Subdivision, as approved by the Planning Board late last year.

The Chair read the public hearing notice that appeared in the Kingston Daily Freeman on August 10, 2004. He then opened the hearing for public comment.

Robert McKeon, Chairman of the Agricultural Advisory Committee, said that while the matter had been properly referred, the Committee had not been given enough time to review the proposal. He asked that in the future the Committee be given at least thirty (30) days to respond. He also said that the Committee would like to review any plans for future development of these lots.

The Planning Consultant said that after the proposed adjustment, both lots would be in compliance with both zoning and flood plain “dry land” requirements.

Since there were no further comments, the Chair closed the public hearing.

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

Mary Lou Muirhead made a motion to adopt an offered resolution granting conditional final subdivision plat approval. David Wright seconded the motion, and all members present were in favor. A copy of the resolution is attached to, and made part of, these minutes.

Richard Wyant – 8021 NYS Route 9 – Special Use Permit and Subdivision/ Lot Line Alteration

Richard Wyant and Marie Welch, L.S., appeared before the Board in support of Mr. Wyant’s application for a Special Permit to authorize construction of a residential dwelling and accessory garage within one hundred feet (100’) of NYSDEC Freshwater Wetland CM-25 on a 7.485-acre parcel in the RD 3 District. Mr. Wyant was also concurrently asking for approval of a Lot Line Alteration with his adjoining NYS Route 9 frontage lot so as to create frontage for the residential building site. The NYS Route 9 frontage lot was in the B1 District.

The Chair read the public hearing notice that appeared August 10, 2004 in the Kingston Daily Freeman.

Marie Welch explained both applications.

The Planning Consultant said that the environmental issues involved in the Special Permit application had been reviewed by the Department of Environmental Conservation. In this case, he said, the DEC's Order of Consent was tantamount to a Wetlands Permit. In addition, the Dutchess County Department of Health had approved the septic design and well placement on the site.

The Chair opened the public hearing for comment on the application for Special Permit.

Lorraine DeCarolis, NYS Rte. 9, said that she was in support of both of Mr. Wyant's applications.

The Chair read a letter of support from Drs. George and Cathy Michael, 8033 NYS Route 9. He then read a response from DCOPD which said that the County had no concerns with the Special Permit.

Since there were no further comments on the application for Special Permit, the Chair closed the public hearing.

The Chair then opened the public hearing on the application for Lot Line Alteration. There were no comments from the public.

The Planning Consultant said that since the road frontage property was in the B1 district, a setback of twenty (20) feet from the proposed new lot line and an existing garage must be documented on the plat map. Ms. Welch agreed. This documentation would be a condition of final approval.

There were no further comments on the application for Lot Line Alteration, and the Chair closed the public hearing.

Sam Phelan was concerned that granting a permit allowing construction in a wetland buffer after construction had actually taken place would set a precedent. The Board went on record as opposing any retroactive permits of this kind.

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

Sam Phelan made a motion to adopt an offered resolution granting approval to the Special Permit and conditional final plat approval to the Lot Line Alteration. Christine Kane seconded the motion, and all members present were in favor. A copy of this resolution is attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

James and Karen Krakowsky – Feller-Newmark Road – Subdivision Plat

James and Karen Krakowsky and Mark Del Balzo, P.E., were present seeking final plat approval for the "James and Karen Krakowsky Major 6-Lot Subdivision" consisting of a

3.17-acre existing house lot and five (5) proposed residential building lots (ranging from 3.12 acres to 31.57 acres) from within a 50.38-acre parcel on Feller-Newmark Road in the RD3 and Certified Agricultural Districts.

Mr. Del Balzo stated that the applicants had responded to all concerns expressed in the Board's preliminary sketch plan approval and to the concerns expressed by the Town Engineer and the Highway Superintendent.

The Planning Consultant said there were at least two (2) major items that had to be further addressed. First, if any deed restrictions were to be imposed on the lots, a draft of those deed restrictions must be submitted to the Planning Board for review. Second, the Declaration of Easements and Driveway Maintenance Agreement are incomplete and insufficient. He said that this situation was unique and that the traditional Driveway Maintenance Agreement would not apply in this case. Because of the complications, the Planning Consultant said he would be available to assist the applicant.

The Planning Consultant also said that the common driveways are a required subdivision improvement and must be installed to the Town Engineer's satisfaction prior to the Chair's stamping of the subdivision plat. Since the applicant intends to hold off on asphalt paving until house construction is completed, the Town Engineer will in this instance be approving the base course construction and associated grading and drainage. He will also recommend a performance guarantee, amount and time period, to ensure later completion of the asphalt wearing surface.

Mr. Del Balzo asked if the Board would now grant conditional final approval to the project. The Chair said that the conditions of the preliminary approval had not yet been entirely met and that the Board had not yet seen a report by the Town Engineer. The Planning Consultant said that the Board could waive a public hearing since the final layout of the subdivision was substantially the same as the preliminary layout, which had already undergone a public hearing.

The Board tentatively set another discussion of the project for September 8, 2004.

REGULAR SESSION (NEW BUSINESS)

Katherine Livecchi – 94 Manor Road – Special Use Permit

Katherine Livecchi and John Betz appeared before the Board with an application for two Special Permits to authorize construction of a single-family residence on a 0.62-acre existing lot of record at 94 Manor Drive in the R1.5 Residential District. A portion of the proposed driveway and a portion of the fill for the proposed septic field would lie within the Floodplain Overlay, necessitating the first Special Permit. A second Special Permit would be needed because a section of the proposed house would lie within 100' feet of the Sawkill Creek.

The Planning Consultant said that the application was largely complete except for the delineation on the site plan of a line depicting the 100' boundary from the Sawkill Creek. The applicant said her surveyor would mark the line and would submit the revised site plan.

The Board by consensus set a public hearing for September 8, 2004 and referred the application to the Town Engineer for review and comments.

Mary Lou Muirhead made a motion to adopt the following offered resolution.

The Town of Red Hook Planning Board hereby acts as follows on the Application by Katherine Livecchi for Special Use Permits pursuant to Town Zoning Law Sections 143-30 in the matter of development within one hundred (100) feet of a NYSDEC classified stream, i.e. the SawKill, and 143-31 in the matter of development within the Flood-Fringe Overlay District, i.e. the FEMA-established 100-year floodplain of the SawKill, to construct or otherwise install certain improvements, including septic field fill and driveway, supportive of a single-family dwelling on a 0.62-acre existing lot of record at 94 Manor Drive in the R1.5 District:

1. Accepts the Application inclusive of engineering documentation, i.e. Site Plan and Sewage Disposal System Plan, prepared by Timothy Ross, P.E., and FEMA / NFIP Elevation Certificate by Marie T. Welch, L.S., subject to the depiction of the 100' boundary to be shown on site plan, as adequate for commencing Planning Board, public and consultant review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Wednesday, September 8, 2004, at 7:35 p.m. and directs the Clerk to provide timely notice thereof.
4. Requests the Town Engineer review the Application as pertinent to the factors set forth either at Section 143-30(B) or under Section 143-31 and related Chapter 77, Flood Damage Prevention, of the Town Code.

The motion was seconded by Sam Phelan, and all members present voted in favor.

Kenneth and Evelyn Anderson – Baxter Road, Glen Ridge Road, Glen View Road and Fisk Street – Minor Subdivision Plat

Ken and Evelyn Anderson appeared before the Board in support of their application for subdivision plat approval to divide an 82.48-acre parcel into a 1.04-acre annexation parcel for transfer to John Alessi, a 47.21-acre parcel partially within the Village of Red Hook, and a 34.23-acre "homestead property", all principally within the R1 and Certified Agricultural Districts.

Mr. Anderson outlined the proposed two lots and lot line alteration.

The Planning Consultant explained that Mr. Alessi must only participate in the preparation of the merger deeds and said that it would be helpful if drafts of the merger deeds were ready before the public hearing.

Mary Lou Muirhead made a motion to adopt the following offered resolution accepting the application and scheduling a public hearing for September 8, 2004:

The Town of Red Hook Planning Board hereby acts as follows on the August 9, 2004, Application for Subdivision Plat Approval by Kenneth and Evelyn Anderson to authorize the creation of a 1.04-acre annexation parcel, a 34.23-acre existing house and barns lot, the 'homestead property', and a 47.21-acre 'remaining lands parcel' from an 82.48-acre parcel, TMP 6272-00-600395, situate on Baxter Road, Fisk Street, Glen Ridge Road and Glen View Road principally within the Residential 1 (R1) and Certified Agricultural Districts within the Town of Red Hook, all as depicted on a Survey Map entitled 'Proposed Subdivision for Lands of Kenneth A. & Evelyn M. Anderson', prepared by Robert V. Oswald Jr. and dated August 6, 2004:

1. Accepts the Application inclusive of the Application form, a Short EAF, an Agricultural Data Statement and the aforementioned Survey Map as adequate for commencing Planning Board, public and consultant review.
2. Classifies the Application as a 'Minor 2-Lot Subdivision and Lot Line Alteration' under the Town's Land Subdivision Regulations and the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Acknowledges prior comment of July 12, 2004, by the Towns' Agricultural Advisory Committee on the Applicant's proposal for subdivision of the 82.48-acre parcel.
4. Schedules a Public Hearing on the Application for Wednesday, September 8, 2004, at 7:45 p.m. and directs the Clerk to provide timely notice thereof.
5. Further directs the Clerk to distribute the Agricultural Data Statement in the manner provided under Section 283 of the NYS Agriculture and Markets Law.

Paul Telesca seconded the motion, and all members present voted in favor.

TGS Associates Inc. (Todd, Gary and Scott Baright) – NYS Route 9 South – Pre-Submission Conference

Todd Baright appeared before the Board to present some ideas for upgrading and adding new buildings to Hardscrabble Plaza.

Before discussion began, Mr. Brod stated that he had been employed by TGS Associates in the past but had not been a part of this submission. He added that his past connection with TGS Associates would not affect his review of their plans for Hardscrabble Plaza.

Mr. Baright explained that he would like to add a 2-bay automatic carwash to the east of the existing building. When asked about the proposed car wash's location over a large aquifer, Mr. Baright said that the equipment he planned to install would be a closed system and would reclaim 100% of the water used so that no contaminants could leach into the soil.

Mr. Baright also discussed a plan to construct a 2-story self-storage building. The lower level would have traditional doors and be accessible from the outside. The upper level would be heated and air conditioned and would be accessed from within the building. The building itself would be designed to resemble a traditional village building so that it would be compatible with other architecture in the area. The Planning Consultant said that a self-storage facility or “warehouse” was not allowed in the B1 District but that Mr. Baright could request the Town Board to add “self-storage” to the list of permitted businesses in that District.

The Board generally discussed the traffic flow depicted on Mr. Baright’s sketches. Christine Kane suggested that slanting the parking spaces would help direct the traffic in the desired direction. The Board and the applicant also discussed the possibility of using the planned road stretching across the rear of the Hannaford property and extending through the east end of Hardscrabble Plaza as an access and egress road to the two new businesses. That would leave a more pedestrian area where the current parking lot is located. It was suggested that this pedestrian-friendly area could be emphasized with the businesses selected to surround it.

The Board was not certain whether the agreement between Hannaford, Inc. and the Town included a provision for Hannaford to build the road behind its store or whether Hannaford simply granted an easement for the Town to build the road. The Board directed the Clerk to research the agreement and report back.

Mr. Baright said he did not want to draw businesses away from the Village center. He and the Board generally discussed the types of businesses appropriate to the Plaza location as opposed to businesses more suited to the Village center. Mr. Brod suggested that some businesses could be selected according to their time of operation, thus staggering and maximizing the use of the shared parking area.

The Chair suggested that a sketch of proposed roads and circulation patterns be developed first, followed by ideas for possible businesses. The Board suggested that breaking up the parcel into small components might create walkable business clusters. Mr. Baright was cautious about installing too many roads, which might create storm water drainage and septic space problems.

The Board generally encouraged Mr. Baright to develop a master plan for the entire parcel, even if he only planned to develop a small area at first. The Board was also in favor of mixed uses and agreed that Mr. Baright could make a list of uses he would like to see on the property, even if they were not presently allowed under the current Zoning Code. Among the ideas suggested were a small inn and a conference center with support services for small or home-based businesses. The idea of extending the existing business building was also discussed.

Mr. Baright said he would like to form a group to help him develop a conceptual plan for the parcel. Christine Kane and Sam Phelan indicated they would be interested in being considered for that group. Mr. Baright will also contact John Clarke of the Dutchess County Office of Planning and Development.

FINAL ANNOUNCEMENT

The Chair announced to the Board that Stephen Buscarino and Lisa Racano had withdrawn their applications for a Special Use Permit and Site Plan Approval for the proposed Kidz Kare Day Care on NYS Rte. 9G and West Kerley Corners Road.

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. David Wright seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10:35 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments

Resolution granting a Special Permit to Three Pond Farm (Allan and Ronnie Streichler)

Resolution granting Conditional Final Plat/ Lot Line Alteration approval to OA OA, LLC (Sam and Arlene Harkins)

Resolution granting a Special Permit and Conditional Final Plat/ Lot Line Alteration approval to Richard Wyant

**Town of Red Hook Planning Board
Resolution Granting Conditional Approval in the Matter of the Three Pond Farm, LLC (Allan and Ronnie Streichler) Application for Special Use Permit to Authorize Construction of a Farm Building with Apartment at 72 South Road in the RD3 and Certified Agricultural Districts**

August 16, 2004

Motion made by Mary Lou Muirhead
Seconded by Paul Telesca

The Town of Red Hook Planning Board hereby acts as follows on the June 24, 2004, Application, as amended on July 16, 2004, by Three Pond Farm, LLC (Allan and Ronnie Streichler) for Special Use Permit to authorize the creation and occupancy of a second floor 3-bedroom apartment for occupancy by a farm employee within a new farm building (1,650 s.f. 'footprint') on their farm premise at 72 South Road in the RD3 and Certified Agricultural Districts, such authorization requested pursuant to Zoning Law Section 143-41(C)(2) which provides for the establishment and occupancy of 'Farm Employee Housing':

1. Determines upon review of the Short EAF Part 1 and Agricultural Data Statement certified by the Applicant, its own completion of EAF Part 2 and consideration of 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 cause no potential significant adverse effects on the environment and, thus, authorizes and directs the issuance of a Negative Declaration deeming an environmental impact statement to not be required.
2. Deems upon examination of the site and building sketch plans submitted, and in consideration of both the Applicant's representations and the referral response from the Dutchess County Planning Department, the intended use to conform to all requirements set forth for 'Farm Employee Housing' at Zoning Law Section 143-41(C)(2) provided that the below requirement is satisfied:
 - o Securing of design approval from the Dutchess County Health Department for intended individual on-site water supply and sanitary sewage arrangements.
3. Issues the requested Special Use Permit subject to the following condition which condition must be satisfied prior to the issuance of a Building Permit for the intended construction:
 - o Securing of design approval from the Dutchess County Health Department for intended individual on-site water supply and sanitary sewage arrangements.
4. Authorizes the Building Inspector and/or Zoning Enforcement Officer to first issue a Building Permit, which Building Permit must be applied for through complete application within one (1) calendar year of the Planning

Board's adoption of this resolution, and then a Certificate of Occupancy upon notification from the Planning Board of the Applicant's timely satisfaction of the above condition and the Applicant's compliance with all other pertinent laws, rules, codes or regulations, including the Building Code of the State of New York, under their purview, with it understood the Certificate of Occupancy will be specifically limited through attachment of a list of the above-referenced requirements set forth at Zoning Law Section 143-41(C)(2).

Roll Call Vote:

Member John Hardeman	absent
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 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 Plat Approval in the Matter of the OAOA, LLC (Sam and Arlene Harkins) Minor 2-Lot Subdivision/ Lot Line Alteration on NYS Rte.199 and Crestwood Road in the RD3 and Certified Agricultural Districts**

August 16, 2004

Motion made by Mary Lou Muirhead
Seconded by David Wright

The Town of Red Planning Board hereby acts as follows on the Application by OAOA, LLC (Sam and Arlene Harkins) for Subdivision Plat Approval to authorize a 0.491-acre Lot Line Alteration between Lots 5 and 6 of the OAOA, LLC, Subdivision set forth as Filed Map 11353-B, such intended Lot Line Alteration depicted on a Survey Map entitled 'OAOA, LLC – Sec. 2' prepared by Kirk K. Horton, L.S. and dated July 30, 2004:

1. Determines upon review of the Short EAF Part 1 and Agricultural Data Statement certified by the Applicant, its own completion of EAF Part 2 and consideration of 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 cause no potential significant adverse effects on the environment and, thus, authorizes and directs the issuance of a Negative Declaration deeming an environmental impact statement to not be required.
2. Determines that Lots 5 and 6 will both remain in compliance with the Town's minimum lot area and bulk standards for the RD3 District upon completion the intended lot line alteration, including consideration of the minimum 'dry land' requirement of 2.25 acres, i.e. that portion of an RD3 District lot that must lie outside wetlands, floodplains or stream courses.
3. Approves the Application for Subdivision Plat Approval for the 'OAOA, LLC Minor Subdivision / Lot Line Alteration / Resubdivision of Filed Map 11353-B' and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the following conditions within the next one hundred eighty (180) calendar days:
 - o Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - o Annotation of the Subdivision Plat with like notation as set forth on Filed Map 11353-B with respect to location within a Certified Agricultural District.
 - o 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.
 - o Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

In taking this action, the Planning Board has determined there will be no new or additional lots or dwelling unit building sites created and, thus, deems to be not applicable to this Application the provisions of the Town's Land Subdivision Regulations requiring either the set-aside of recreational or other open space land within a subdivision or the making of a cash payment in-lieu-thereof.

Roll Call Vote:

Member John Hardeman	absent
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 the Town Clerk and Mailed to the Applicant

Paula Schoonmaker, Assistant Clerk to the Board Date

**Town of Red Hook Planning Board
Resolution Granting a Special Use Permit and Conditional Final Approval
for Subdivision Plat/ Lot Line Alteration in the matter of the Richard and Jill
Wyant single family residence at 8021 NYS Rte. 9 in the RD 3 District**

August 16, 2004

Motion made by Sam Phelan
Seconded by Christine Kane

The Town of Red Hook Planning Board hereby acts as follows on the following related Applications:

- July 1, 2004, Application by Richard and Jill Wyant for Special Use Permit pursuant to Section 143-30 of the Town's Zoning Law to authorize development, more specifically a single-family residential dwelling, an accessory garage, and related site improvements including but not limited to a water supply line, septic tank, walkway and portion of driveway, within one hundred feet (100') of the boundary of NYSDEC Freshwater Wetland CM-25 as flagged on September 18, 2003, and validated on June 23, 2004, by Michael Clancy of NYSDEC, such development occurring on a 7.485-acre parcel on the west side of NYS Route 9 in the RD3 District, TMP 6373-00-078785, and all as depicted on an engineer's drawing entitled 'Sewage Disposal Systems for Wyant', prepared by Timothy A. Ross, P.E., based upon survey data, wetland delineation and topographic data provided by Marie T. Welch, dated August 6, 2003, and revised June 21, 2004, and as further subject of a Consent Order executed by NYSDEC on June 1, 2004 and Individual Lot Notification of Approval issued by the Dutchess County Health Department on July 2, 2004, and
 - August 2, 2004, Application by Richard Wyant for Lot Line Alteration with TMP 6373-00-136770, a 2.764-acre parcel in the Business 1 (B1) District, so as to create fifty (50) feet of NYS Route 9 frontage for the 7.485-acre parcel, which parcel currently has only easement access and no public road frontage, as separately depicted by Marie T. Welch on a Survey Map entitled 'Lot Line Alteration prepared for Richard A. and Jill A. Wyant' and dated August 10, 2004:
1. Determines upon review of the Short EAF Part 1 certified by the Applicant, upon its own completion of EAF Part 2, and in consideration of both the terms of the NYSDEC Consent Order 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 cause no potential significant adverse effects on the environment and, thus, authorizes and directs a Negative Declaration be issued deeming an environmental impact statement to not be required.

2. Deems in consideration of the Individual Lot Notification of Approval received from the Dutchess County Health Department, and both in consideration of and in deference to the terms of the NYSDEC Consent Order, the proposed development to both satisfy the 'General Standards' for all special permit uses set forth at Zoning Law Section 143-51 and cause no significant adverse effects with respect to the environmental factors to be taken into account by the Planning Board pursuant to Zoning Law Section 143-30 for development within one hundred (100) feet of the boundary of a NYSDEC Freshwater Wetland.
3. Issues the requested Special Use Permit for construction of a single-family dwelling, accessory garage and related site improvements as depicted on the above-cited engineer's drawing prepared by Timothy Ross, P.E., and authorizes the Building Inspector and/or Zoning Enforcement Officer to first issue a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all other pertinent laws, rules, codes or regulations, including the Building Code of the State of New York, under their purview.
4. Further approves the Application for Subdivision Plat Approval for the 'Richard Wyant Minor Subdivision / Lot Line Alteration', involving an intended 0.374-acre lot line alteration between TMP 6373-00-136770 and TMP 6373-00—78785 and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions within the next one hundred eighty (180) calendar days:
 - Documentation by the land surveyor that all existing improvements on TMP 6383-00-136770 will remain in compliance, or be no less in compliance, with minimum setback requirements as established under the Town's Zoning Law for land within the Business 1 (B1) District or as established by the Dutchess County Health Department in the matter of individual on-site water supply and sanitary sewage arrangements.
 - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - Submission of a satisfactory draft of a consolidation deed whereby the 0.374-acre annexation parcel set forth on the Survey Map will be merged with TMP 6373-00-078785 thus obviating what otherwise would be the creation of a non-complying 0.374-acre lot, such consolidation deed to be recorded in the Dutchess County Clerk's Office after being found satisfactory by the Planning Board.

- Submission of Subdivision Plat drawings in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.
- Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

In taking this action, the Planning Board has determined there will be no new or additional lots or dwelling unit building sites created and, thus, deems to be not applicable to this Application the provisions of the Town's Land Subdivision Regulations requiring either the set-aside of recreational or other open space land within a subdivision or the making of a cash payment in-lieu-thereof.

Roll Call Vote:

Member John Hardeman	absent
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 the Town Clerk and Mailed to the Applicant

Paula Schoonmaker, Assistant Clerk to the Board Date