

APPROVED

Town of Red Hook Planning Board Meeting Minutes April 6, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present — Chair Christine Kane, Sam Phelan, Sam Harkins, Charlie Laing, and Pat Kelly. Alternate Kristopher Munn and Planner Michele Greig were also present. Wil LaBossier and John Hardeman were absent. Since there was a quorum, Kristofer Munn did not vote.

BUSINESS SESSION

Christine Kane confirmed the agenda and welcomed new Board member Patrick Kelly. She announced that alternate Rob Tourtelot had resigned and that a new alternate would be needed. She announced two upcoming events—an all-day regional planning event entitled “Building the Next Economy” to be held April 17 and a seminar entitled “Smart Growth” slated for April 23.

The March 16, 2009 draft minutes had been circulated among the members and reviewed. Charlie Laing made a motion to adopt those minutes. Sam Harkins seconded the motion and four members voted in favor. Pat Kelly abstained.

PUBLIC HEARING

Teviot – 40 Davis Lane—Site Plan Approval and Special Permit

Attorney Jon Adams; Tim Lynch, P.E.; contractor Robert Bump; archaeologist Gail Guillet, architect Sam Trimble, and principal property owner Matt Nye were present for the public hearing on applications to install a swimming pool, pool house, and helipad on an existing site on a 62.9-acre parcel in the WC (Water Conservation), LD (Limited Development) Zoning Districts and in the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared March 30, 2009 in the Kingston Daily Freeman. She then opened the public hearing.

Tim Lynch explained the project to the public saying that the proposed pool and pool house had been determined by the ZBA to be an outdoor recreational facility and would be located in the Water Conservation Zoning District, while the proposed helipad would be located in the Limited Development Zoning District. He said that the property needed a functional garage, that the landscape improvements would include adding new trees and removing dead and weak trees, and that the proposed pool and pool house would be naturally screened by stands of mature trees. He said that he had compiled data about the noise levels anticipated by a helicopter landing at or taking off from the proposed helipad. He said at 300 ft., the distance from the helipad to the property line, approximately 85 decibels would be expected. The nearest

neighboring house, he said, was about 200 ft. beyond that property line. He added that the helipad would be used infrequently.

Mr. Lynch also discussed the proposed demolition of three buildings on the property. Mr. Adams said that he had submitted a letter to the planning office arguing that the decision about demolishing the buildings was outside the Planning Board's purview. Christine Kane said that the Board had generally agreed that the issue was within the parameters of the SEQR and site plan reviews and said that Mr. Adams' letter had been forwarded to the Board's land use attorney at Keane & Beane.

Bob Davis, 245 Woods Road, said he was the owner of the property to the north and had grown up on the Teviot estate. He asked whether the small white house on the property was to be removed and was told no. He asked about other site modifications. Christine Kane replied that among the Board's concerns were: a planned orchard at least partly in a wetlands area, the removal of clumps of trees between the main house and the river, and pool discharge into a wetlands. Mr. Davis said that the original landscape design called for small clumps of trees between the river and the main house and that over the years, the trees had matured and the clumps had become too large. He said that the tree groupings should be taken back to their original size.

Matt Nye, describing himself as a partner in the ownership of the property, said that he was trying to rejuvenate the property and bring it back to its original scope. He said that some of the deteriorated outbuildings were a liability.

Sam Trimble said that the garden shed/greenhouse was in poor condition, that the brown cottage, also in poor condition, was a later addition to the property, and that the small assembly barn was in the worst structural condition. He said that even if restoration were attempted, there was little to be salvaged.

Construction contractor Robert Bump said that the red barn assembly structure, although older than the main barn, was in very poor condition, had no permanent foundation and had been cannibalized. He said that a foundation would be necessary before it could be put to any use and that it was condemnable. He said that if it were not in a historic district, this discussion would not be taking place. He said there was nothing of historic value left as a result of its frequent renovations.

Mr. Davis said that the barn building had gone through several different uses and was of no significance. He said that the brown cottage was a later addition and likewise was not significant.

Mr. Nye said that his efforts were focused on restoring the main house and the main barn as well as other historically significant elements of the property.

Mr. Bump said that often a barn was quickly thrown up with no foundation to serve only until a better constructed barn could be built. He felt that this was the case in this situation. He said that the post and beam construction was the only element of interest but that its integrity had been lost through renovations.

Mr. Nye offered to historically document all three buildings before removing them in order to retain the story of the property.

Archaeologist Gail Guillet said that the end point for buildings such as these was a HABS/HAER level 3 documentation before removal so that the information would be available for research. She said that the brown cottage had been incorrectly dated when the historic district was evaluated and that it was historically ill-placed on the landscape. She said that the greenhouse was not a 19th century structure and that she would not have considered it a contributing structure toward the historic designation. She added that the main house had probably been built in the 1840's and the main barn in the late 19th century.

Mr. Davis said that he had always understood that the house was built in 1843 and that the 3 small buildings under discussion had been constructed just prior to World War II.

Christine Kane said that one other concern was the wetland areas, specifically the potential discharge of chlorinated pool water into one wetland area and the placing of orchard trees in another wetland area. Mr. Lynch said that the orchard trees had been removed from the wetlands in the latest revised plan. Mr. Nye said that the orchard would be ornamental and that the owners wished to keep all of the property as natural as possible. He added that the pool water could be treated with ozone and salt, not chlorine. Christine Kane asked him to put the orchard and pool management/maintenance plans in writing so they could be forwarded to the independent wetlands expert, Karol Knapp.

The applicants and the Board agreed that most of the footpaths were existing and that most would be kept as mowed grass. A few between the house, the pool and pool house and the tennis court would be covered with gravel.

Mr. Lynch said that he had submitted a planting list of trees that would be installed as a buffer between the helipad and the neighboring property. He said that many of the white pines and red maples would be large. He added that the applicants had determined that the trees would likely have no impact on the solar panels installed on the neighboring property.

Responding to the Board's request for information about the anticipated noise and vibration levels from a helicopter arriving at or leaving from the proposed helipad, Mr. Lynch said that he could find no evidence that there would be any noticeable vibration levels at a distance of 300 ft. from the helipad. He said that noise levels could be expected to be approximately 85 decibels.

Charlie Laing noted that the Town's noise regulations do not apply to moving vehicles or to noises that are transient. Pat Kelly asked whether the noise from the nearby passing trains would be comparable. Ms. Greig said that the Special Permit needed for the helipad required a hard look at the impacts of noise and vibrations.

The Board asked Mr. Nye to expand on the statement that the helipad would be used infrequently. Mr. Nye said that he and his family would probably use the property most weekends during the spring and fall months. Asked if he could use the Kingston airport instead, he said that if the helicopter bothered his neighbors, he would stop landing at the property.

Mr. Davis said that Mr. Nye and the Board should know that a pair of bald eagles had been nesting on the Tivoli Bay side of the property for years and that two pairs of red tailed hawks have nested on other parts of the estate.

Ms. Guillet said that she and archaeologist Cynthia Blakemore of the NYS Office of Parks, Recreation and Historic Preservation had agreed upon a phase 2 plan to survey the area where

a leach field is proposed in order to discover whether it is archaeologically significant enough to relocate that septic field.

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

REGULAR SESSION – OLD BUSINESS

Stephen Hoffman – 19 Old Farm Road – Amended Site Plan

Steve Hoffman was present for further discussion of an application for amended site plan approval to construct a 40' x 100' metal storage building on a $\pm$ 10.020-acre parcel in the B1 and R1 Zoning Districts.

Mr. Hoffman said that he had decided to move the large arbor vitae trees from between his two buildings to an area behind the parking lot, thereby providing a visual buffer between his business and the neighboring residences. He also planned to change the fencing so that he could access the new building from the existing building. He further said that he had spoken to an engineer who will draft a plan that would redirect the storm water drainage ditch around the new building into a culvert and back to the existing stormwater drainage area behind the business.

Charlie Laing said that during the public hearing, several neighbors commented that the original site plan approval required that parked cars and cars left overnight be hidden from the view of the neighbors but that often those cars were visible. Mr. Hoffman said that the relocated tree line and storage space in the new building should take care of that problem.

Mr. Hoffman said that overhead doors in the side and rear of the new building would allow him to move cars easily from one building to the other.

Mr. Hoffman said that he had submitted photographs of his existing outdoor lighting. He added that all of the existing as well as the new lighting would be motion sensitive. The Board generally agreed that because of the angle of the lights, additional shielding was needed at the top of the lights to prevent upward glare. Mr. Hoffman agreed that any new lights would also comply with the Town's outdoor lighting regulations.

The Board then reviewed a draft resolution granting amended site plan approval to the project. Conditions were added requiring 1) the compliance of existing and new outdoor lighting with the Town's outdoor lighting regulations, 2) the submission of revised plans showing the final location of landscaping and lighting and 3) a note on that revised plan stating that all requirements set forth in the original site plan approval regarding the number of allowed cars, etc. shall still apply. Charlie Laing made a motion to adopt that resolution with the added conditions. Sam Harkins seconded the motion, and four members voted in favor. Pat Kelly abstained.

REGULAR SESSION- OLD BUSINESS

Bard College - Blithewood Road, Annandale – Amended Site Plan

Peter Setaro, P.E., and Chuck Simmons from Bard College were present with an application to construct a new 36.4 ID x 42.7 ft. high water storage tank at an existing water treatment plant on a $\pm$ 305.9-acre parcel in the I (Institutional) Zoning District and the National Historic Landmarks District.

Mr. Setaro explained that for the past several decades, two 8,000 sq. ft. water tanks have supplied water from the Sawkill Creek to a large part of the Bard Campus. Mr. Simmons said that one of those tanks ruptured last year and now the remaining tank does not supply enough water for emergency fire fighting or for normal campus needs. Moreover, he said that the remaining tank is the same age and is in danger of the same type of rupture. He said that the campus has been purchasing water from the Town water district but that the New York State Department of Health has told the college it must proceed with the plan for the new larger tank. He added that the system will be gravity fed.

Asked about plans for the old tanks, Mr. Simmons said that it was unclear yet whether the tanks would be removed or filled with sand and abandoned. He said that they were made from cast iron and lined with cement.

Mr. Setaro said that the new tank would hold 288,000 gallons, would be 42.7 ft. high and would be dark green in color. Mr. Simmons said that the trees around the location are approximately 65-80 ft. high and should provide adequate screening, although one corner of the tank would probably be visible from a location on Annandale Road.

Mr. Setaro said that new water lines would be installed along already established roads. Asked whether any archaeology review had been started, Mr. Simmons said that a comprehensive survey had been done when the water treatment building was constructed and that that same report would be submitted to the NYS Office of Parks, Recreation and Historic Preservation.

Mr. Setaro amended the long EAF to add the NYS Department of Health as an involved agency. He said that he would submit an Agricultural Data Statement.

The Board determined the project to be a Type 1 action under SEQR. Charlie Laing made a motion to establish the Board's intent to serve as lead agency in the SEQR review. Sam Harkins seconded the motion, and four members present voted in favor. Pat Kelly abstained. The Board also referred the project to the Dutchess County Office of Planning and Development under GML 239m.

The Board set a public hearing date for May 4, 2009.

REGULAR SESSION – NEW BUSINESS

AnnMarie Vosburgh – Middle Road – Pre-application Conference

Mark Graminski and AnnMarie Vosburgh were present to discuss a possible four lot subdivision of a ± 18-acre parcel on Middle Road. Mr. Graminski said that the shape of this parcel had been configured as part of the Kesicke Farm multiple lot line alteration project approved by the Planning Board in 2007. He said that the lots that are now proposed were planned in 2007 as part of the Farmland Protection Plan that was filed with the Dutchess County Clerk concurrently with the Lot Line Alteration/Minor Subdivision plat.

Discussing the three (3) proposed clustered lots and the building envelope on the remaining lands lot, Mr. Graminski said that three (3) driveways would be proposed—one shared driveway and two (2) individual driveways. One of the individual driveways would access the building envelope on the remaining lands lot. He also said that the clustered lots could be reduced in size if there was adequate separation between the septic systems and the water supplies.

The Board noted that a conservation easement would be required on the agricultural land in the remaining lands lot and that in a letter dated March 6, 2009, Winnakee Land Trust had expressed interest in holding that easement. Mr. Graminski said that the conservation easement would be filed concurrently with the subdivision plat.

David Vosburgh – Middle Road – Pre-application Conference

Mark Graminski and David Vosburgh were present to discuss two (2) lot line alterations and two proposed subdivisions involving several parcels on Middle Road. Mr. Graminski said that the complicated plan would begin with a land swap/lot line alteration with Mr. Vosburgh's neighbor, Anna Kirshner. Then Mr. Vosburgh would subdivide his resulting parcel into three (3) lots. He would then sell one of the created lots to another neighbor, Mr. Weckesser. Tom Weckesser would then reconfigure his original lot and his newly purchased via a lot line alteration to make two (2) larger lots, one of 3 acres and one of 7 acres. He said that Mr. Weckesser had agreed to a note on the plat saying that the 7-acre lot could not be further subdivided. Mr. Graminski ended by saying that, as with the previous project, a conservation easement must be placed on the resulting farmland, and he noted that Winnakee Land Trust had sent a letter expressing interest in holding that easement.

The Board discussed whether Mr. Weckesser's lot line alteration could create one lot smaller than 3 acres and a resulting agricultural lot larger than 7 acres. Christine Kane said that since Mr. Weckesser's current lot measured just 1 acre, any lot of a larger size might be considered more in conformance with zoning. The Board asked Ms. Greig to investigate whether the Board could create a lot smaller than 3 acres as part of a cluster or as a more conforming lot.

Mr. Graminski said that Mr. Vosburgh wished to move the building envelope on the remaining lands lot, which, he said, would increase the amount of contiguous farmland. Mr. Graminski also said that he would develop a plan showing the minimum lot sizes needed for on-site water and sewer.

The Board discussed the impact of this plan on a proposed trail following the historic Hucklebush railroad bed. The Board generally agreed to check with the Town Trails Committee.

Given the complexity of the plan, the Board told Mr. Graminski that more than would application package would be necessary.

Kirchoff Construction – Old Farm Road – Pre-application Conference

Paula Vincentore, Tom LeGrand, Scott Cruickshank and Mark DeBlazo were present with a plan for a group of high-end rental townhouses that Mr. LeGrand said would incorporate green technology, maintain open space, connect with Village water, provide some sidewalks to Village and Hardscrabble Plaza businesses and utilize a common septic field.

The Board generally agreed that the development was not what the Town was looking for in that area. Christine Kane suggested that the group look at the proposed Centers and Greenspaces Plan. Ms. Vincintore said that the group had alternate plans but that those plans would not fit current zoning. Christine Kane suggested that the group come back with a plan that it actually wanted to develop and that the Town actually would like to see. Ms. Vincintore asked whether the concept of rental units was acceptable. The Board generally agreed that the Town would welcome a variety of housing opportunities.

OTHER BUSINESS

Dutchess County Water and Wastewater Authority – SEQR circulation letter

The Board reviewed a letter from the Dutchess County Water and Wastewater Authority indicating that agency's intent to serve as lead agency for the SEQR review of the Village of Red Hook's plan for a municipal septic system. After some discussion, Sam Harkins made a motion to consent to the agency's serving as lead agency. Charlie Laing seconded the motion, and all members present voted in favor.

Expression of gratitude to Paul Telesca

On behalf of the entire Planning Board, Christine Kane wished to thank Paul Telesca for his years of service on the Planning Board. We all wish him well and hope to see him remain active in other community pursuits.

ADJOURNMENT

Since there was no further business to come before the Board, Pat Kelly made a motion to adjourn. Charlie Laing seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Resolution granting Amended Site Plan Approval to Stephen Hoffman

Resolution Granting Amended Site Plan Approval to Stephan Hoffman

Name of Project: Hoffman Amended Site Plan

Name of Applicant: Stephen Hoffman

Date of Adoption: April 6, 2009

Whereas, the applicant has submitted an application for Amended Site Plan Approval dated January 30, 2009 to the Town of Red Hook Planning Board to construct a 40' x 100' storage building on a + 10.020-acre parcel located at 19 Old Farm Road in the B1 and R1 Zoning Districts of the Town of Red Hook, Dutchess County, New York.

Whereas, on February 9, 2009, the Town of Red Hook Planning Board declared itself the lead agency for the purpose of conducting an uncoordinated review of a Unlisted action pursuant to SEQR; and

Whereas, the Planning Board has reviewed the site plan against the requirements of Section 143-91, the District Schedule of Use Regulations and Section 143-8D of the Town of Red Hook Zoning Law; and

Whereas, the Planning Board referred the project to the Dutchess County Office of Planning and Development and has reviewed that agency's response of March 10, 2009; and

Whereas, on March 16, 2009, 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 impact on the environment, and thus adopted a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on March 16, 2009, the Planning Board conducted a public hearing on the Subdivision application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Amended Site Plan approval to Stephan Hoffman to construct a 40' x 100' storage building on a 10.020-acre parcel in the B1 and R1 Zoning Districts of the Town of Red Hook, Dutchess County, New York.

Now therefore be it resolved, that the Planning Board grants Amended Site Plan approval to Stephan Hoffman to construct a 40' x 100' storage building on a 10.020-acre parcel located at 19 Old Farm Road in the B1 and R1 Zoning Districts of the Town of Red Hook, Dutchess County, New York in accordance with the plans and specifications heretofore submitted upon the following conditions:

- A. 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.
- B. Approval of revised drainage plan by Town Engineer.
- C. Outdoor lighting fixtures, both new and existing, brought into compliance with Town Zoning Code.
- D. Addition of note to map stating that long-term outside storage of cars is not permitted.
- E. Addition of note to map stating that this building shall be used only for storage and that no water supply, floor drains or other discharge systems will be installed.
- F. Submission of revised map showing final landscaping and drainage plans.
- G. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

On a motion by Charlie Laing , seconded by Sam Harkins , and a vote of 4 in favor, 0 against, 1 abstention and 2 absent.

Resolution **ADOPTED** April 6, 2009

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

Betty Mae Van Parys, Clerk to the Board Date _____

