

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
May 21, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:34 p.m., and a quorum was determined present for the conduct of business.

Members present — Deputy Chair Charlie Laing and members Kris Munn and Sam Phelan and alternate Betty Carr. Chair Christine Kane and members Sam Harkins, Pat Kelly and Brian Walker were absent. Planner Michele Greig was also present.

BUSINESS SESSION

Charlie Laing confirmed the agenda as published. The April 16, 2012 and the May 7, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt both sets of minutes. Sam Harkins seconded the motion, and all members present voted in favor. There were no announcements.

PUBLIC HEARINGS

245 Woods Rd, LLC – 245 Woods Road – Special Permit

Fred Volino and attorney Jon Adams were present for the public hearing on an application for a Special Permit to replace a house on a 19.22-acre parcel within 1000 feet of the Hudson River, in the WC (Water Conservation) Zoning District and in the National Historic Landmarks District.

Charlie Laing read the public hearing notice that appeared May 15, 2012 in the Kingston Daily Freeman.

Mr. Adams explained the project saying that the proposed house would be only half the square footage of the existing house, would be one story instead of two stories, and would result in reduced impacts on the natural environment. He submitted an information packet outlining the ways in which the proposed house would meet the criteria for building a residence in the WC Zoning District. He said that the 19.6- acre parcel was certainly large enough for the small house and that the entire parcel was under easement. He added that Winnakee Land Trust, holder of the easement, had stated that organization's preference for a white exterior color rather than the yellow and white on the existing house.

Charlie Laing then opened the hearing for public comment.

Linda Keeling, Pitcher Lane, asked whether the proposed house would have a flat roof. Mr. Volino said yes. She asked whether the owners had considered geothermal heating and cooling. Mr. Volino said that the owners hadn't decided about that choice yet. Michele Greig cautioned that digging geothermal wells could trigger an archaeological review. Mr. Volino said that the previous owners had already dug the wells.

Ms. Keeling asked whether photos of the existing house would be taken before it was demolished so that records could be kept at the Egbert Benson Historical Society. Mr. Volino said yes.

Ms. Keeling asked whether any of the house material could be recycled. Mr. Volino said that as much as possible would be recycled but that as far as he knew, the house sections could not be taken apart and re-used, even though it was a modular house.

The Board reviewed the Local Waterfront Revitalization Program consistency form. The members and the applicants discussed the proposed color. Mr. Volino said that the white exterior color was not a stark white and could be considered neutral, which Winnakee Land Trust had preferred over the current yellow and white exterior.

Alexander Zane, 6 Friendship St., Tivoli, asked whether Winnakee had seen both the design and the color of the proposed house. Mr. Volino said yes.

Charlie Laing read a letter dated April 16, 2012 from Lucy Hayden, director of Winnakee Land Trust, in support of the house replacement. Charlie Laing added that Winnakee would continue to hold the easement on the land.

Agreeing that the white color would be less obtrusive than the yellow, the Board continued to review the LWRP consistency form. Sam Phelan made a motion to find that the project was consistent with the LWRP. Kris Munn seconded the motion, and all members present voted in favor.

The Board then completed the long EAF part 2, paying particular attention to the sections on archaeology and historic resources.

The Board reviewed a draft Negative SEQR Declaration and made a revision about the color. Sam Phelan made a motion to issue the Negative Declaration as revised. Betty Carr seconded the motion, and all members present voted in favor.

Charlie Laing noted that the project had been referred to the Dutchess County Department of Planning and Development and that the agency had determined the project to be a matter of local concern.

Since there were no further comments from the public, Kris Munn made a motion to close the public hearing. Betty Carr seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution to approve the house replacement project. Michele Greig reminded the Board that the resolution would actually grant three (3) special permits – one for development within 1,000 feet of the Hudson River, one for development within the National Historic Landmarks District and one for the construction of a single family residence in the Water Conservation Zoning District.

Sam Phelan made a motion to adopt the approval resolution. Betty Carr seconded the motion, and all members present voted in favor.

245 Woods Rd, LLC – 245 Woods Road – Special Permit

Fred Volino and attorney Jon Adams were present for the public hearing on an application for a Special Permit to remove a number of trees within 1000 feet of the Hudson River on a 19.22-acre parcel in the WC (Water Conservation) Zoning District and the National Historic Landmarks District.

Charlie Laing read the public hearing notice that appeared May 15, 2012 in the Kingston Daily Freeman.

Mr. Adams explained the project. He said that in response to the Board's concern over significant trees, the applicants had reduced the number of trees proposed for removal from twenty-three (23) to seventeen (17). He said that arborist Mark Barry wished to remove trees that were leaning or that were competing with more significant trees. Some trees, he said, were garbage trees, such as poplar. Mr. Adams then submitted a new list of trees proposed for removal, a letter from Mr. Barry, a letter from engineer Tim Lynch, a report on vegetation management near the Hudson by Erik Kiviat of Hudsonia and an unsigned document in support of the tree removal project.

Mr. Adams went on to say that the Town of Red Hook did not regulate tree removal on private property. Further, he said, the NYS DEC's Municipal Guide to Forestry advocated removing less desirable trees to promote more significant trees as part of a sustainable forest management program.

Finally, he said that one goal of the project was enlarging the view of the river and that there was nothing wrong with view enhancement.

Charlie Laing then opened the hearing for public comment.

Betty Carr asked how many trees there were in the large clump from which the proposed trees would be removed. Mr. Volino estimated 150 trees and noted the reduction in the number of trees slated for cutting.

Alex Zane, 6 Friendship Lane, Tivoli, said that he found it insulting to term some trees as "garbage". He asked the age of the trees to be removed. Mr. Adams estimated the maximum age at 40 years. Mr. Zane said that a number of much older trees were cut down on neighboring Teviot.

Mr. Adams said that Winnakee Land Trust had signed off on this tree removal plan.

Nancy Guski, chair of the Town Tree Committee, asked that a letter dated May 16, 2012 from the committee be read. The letter noted that the Town had a Tree Committee and a Tree Ordinance and that once a tree inventory was completed, a Forest Management Plan would be developed. The letter listed some of the benefits of mature trees and asked some questions specific to this project.

Charlie Laing said that the Board did have some documentation about the trees proposed for removal and that the Board members were considering the SEQR implications, the possibility of erosion, and the possible development of a replacement and management plan.

The Board then reviewed a report written by Hudsonia biologist Erik Kiviat, who Mr. Adams said conducted a site visit at the applicants' request. The members noted that

Mr. Kiviat discussed the tendency of the clay soils to slump, gully and slide and the tendency of sandy soils to be unstable. They noted that he was concerned about possible erosion.

Sam Phelan said that the Kiviat report was not a document in support of cutting; rather it was in support of a mitigation plan in the event that cutting took place.

The Board determined the project to be a Type 1 action under SEQR, with no involved agencies and with Hudson River Heritage and the New York State Office of Parks, Recreation and Historic Preservation as interested agencies. Kris Munn made a motion to establish the Board as Lead Agency for the SEQR review. Sam Phelan seconded the motion, and all members present voted in favor.

Mr. Zane said that he was glad the Town had a review process before the trees were cut. He asked whether the threat to bald eagle nesting sites had been discussed. Mr. Adams said that there was no indication that the nesting eagles' habitat or their well-being would be affected by the project. He said that NYS DEC monitored the eagles' nest frequently and that the nest tree was at the south end of the neighboring Teviot property, about 600 feet away.

Charlie Laing asked whether Mr. Kiviat's report had persuaded the applicants to revisit the tree cutting proposal. Mr. Volino said that the applicants were agreeable to certain compromises that included keeping or installing low growth vegetation that would forestall erosion while at the same time opening up the viewshed.

Sam Phelan asked whether cutting trees for viewshed enhancement wasn't in conflict with the zoning regulations in that area. Mr. Volino said that opening up a view was acceptable as long as the effects were mitigated. Michele Greig noted that the project must also be consistent with the Local Waterfront Revitalization Program.

Betty Carr noted that the proposed new house on the property was oriented with its front windows to the northwest and that the view being considered would be to the southwest if a guest was inside the house.

Mr. Zane wondered whether CSX had been notified, given the possibility of erosion and soil sliding onto the train tracks below the bluffs. He also suggested that an independent expert visit the site.

Sam Phelan asked whether the trees proposed for cutting had been marked. Mr. Volino said no.

Mr. Adams suggested that the Board might want to take more time to review the newly submitted materials and to consider the project together with the tree management plan being developed for neighboring Teviot.

Kris Munn said that he wanted to have a plan or map showing exactly which trees, together with their species and size, were proposed for cutting as well as the trees nearby.

The public hearing was continued to the June 18, 2012 meeting.

Roger Hoffman – 19 Old Farm Rd. – amended Minor Subdivision Plat approval

Marie Welch was present for the public hearing on an application for minor subdivision plat approval to subdivide a 1.611-acre lot from a 10.01-acre parcel in the TND-CC (Traditional Neighborhood Development-Commercial Center) and TND-Res (Traditional Neighborhood Development-Residential) Zoning Districts.

Charlie Laing read the public hearing notice that appeared May 15, 2012 in the Kingston Daily Freeman.

Ms. Welch explained the project, saying that Mr. Hoffman wished to subdivide off a lot for his son's car repair facility.

Charlie Laing then opened the hearing for public comment. There was none.

Since there were no comments, Kris Munn made a motion to close the public hearing. Betty Carr seconded the motion, and all members present voted in favor.

Since SEQR had been concluded at the previous meeting and a Negative Declaration issued, the Board reviewed a resolution granting minor subdivision plat approval. The members noted that since there would be no residential development, no recreation fee would be required. Kris Munn made a motion to adopt the resolution granting subdivision plat approval. Betty Carr seconded the motion, and all members present voted in favor.

REGULAR SESSION – NEW BUSINESS

Patrick Motors/Ruges/Powers- 7311 South Broadway – Amended Site Plan

No one was present to introduce this project, so the Board continued to the next application.

(Michele Greig left the meeting at this point)

Jerrime and Gabrielle Danner – 18 Old Post Rd. North – Certificate of Appropriateness

Jerrime and Gabrielle Danner were present with an application for a Certificate of Appropriateness to construct a 19 ft. x 40 ft. addition with a deck for an existing residence on a 1.23-acre lot in the H (Hamlet) Zoning District.

Mr. Danner explained the project, saying that the house, built in 1942, was very small. He said that because of the large number of trees and because the house was set back from Old Post Road North, the addition would not be noticeable from the road.

Sam Phelan made a motion to determine the project a Type 2 action under SEQR. Kris Munn seconded the motion, and all members present voted in favor.

The Board then referred the project to the Hamlet Design Committee for review and comments and scheduled a public hearing for June 18, 2012.

ADJOURNMENT

Since there was no further business before the Board, Betty Carr made a motion to adjourn. Kris Munn seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Resolution granting amended Special Permits to 245,LLC for replacement of a dwelling

Resolution granting minor subdivision plat approval to Roger Hoffman

Resolution Amending Special Permits for Replacement of a Single Family Dwelling at 245 Woods Road

Name of Project: 245 Woods Road Single Family Dwelling Replacement

Name of Applicant: 245 Woods Road LLC

Date: May 21, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Amended Special Permits dated March 21, 2012 to authorize the replacement of a single family dwelling on a 19.22 acre parcel (Tax Map Parcel 6175-00-255660) located at 245 Woods Road in the Waterfront Conservation (WC) and Historic Landmarks Overlay (HL-O) Districts in the Town of Red Hook, Dutchess County New York; and

Whereas, special permits were previously granted on June 7, 2004 authorizing the construction of a single family residence on this site pursuant to the Zoning Law §143-30 due to the project's location within 1,000 feet of the Hudson River, and §143-46 due to the site's location within the Historic Landmarks Overlay District; and

Whereas, the June 7, 2004 special permits were granted subject to certain conditions, including the construction of the dwelling at the location depicted in the submitted site plan in accordance with the design outlined on the submitted elevations, and on condition that any significant alterations to the exterior design of the building or to the building materials would require Planning Board approval prior to construction; and

Whereas, the applicant seeks to demolish the previously approved single family dwelling and replace it with a new single family dwelling on the approved location of the existing house but with a different design, which requires Planning Board approval of the exterior design of the proposed replacement dwelling, and therefore requires amended special permits; and

Whereas, the Planning Board has determined that, in addition to special permits required due to the project's location within 1,000 feet of the Hudson River pursuant to §143-30, and due to the site's location within the Historic Landmarks Overlay District pursuant to §143-46, the project also requires a Special Permit due to its location within the Waterfront Conservation District pursuant to §143-53; and

Whereas, the Planning Board has reviewed the general provisions of the Zoning Law governing special permits in § 143-50 of the Zoning Law in addition to the specific standards for development within 1,000 feet of

the Hudson River pursuant to §143-30, development within the Historic Landmarks Overlay District pursuant to §143-46, and development within the Waterfront Conservation District pursuant to §143-53 and has found that the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the property is encumbered with a conservation easement dated February 15, 2008 held by Winnakee Land Trust which includes restrictions on the size, color and design of any dwelling constructed on the site, which restrictions were reviewed by both Winnakee Land Trust and the Planning Board who determined that the proposed replacement house complies with the terms of the conservation easement; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined in its review dated May 21, 2012 that the project was a matter of local concern; and

Whereas, the Planning Board has reviewed the Town's Local Waterfront Revitalization Program (LWRP) plan in accordance with Section V.C.1 of the LWRP and has determined that the proposed action is consistent with the coastal policies; and

Whereas, on May 7, 2012, the Planning Board declared itself Lead Agency for the purpose of conducting a review of a Type I action pursuant to SEQR; and

Whereas, on May 21, 2012, the Planning Board, in consideration of the Full Environmental Assessment Form dated February 27, 2012 and revised May 11, 2012, and the 'criteria for determining significance; set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any significant adverse impacts on the environment and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on May 21, 2012, the Planning Board conducted a public hearing on the Amended Special Permit application during which time all interested persons were given the opportunity to speak; and

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

Now therefore be it resolved, that the Planning Board grants special permit approvals to 245 Woods Road LLC to replace an existing single family dwelling with a new single family dwelling at 245 Woods

Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. Revise the Elevations dated March 20, 2012 to indicate colors of the proposed replacement building.
2. Construction of the dwelling at the location depicted on the plan dated March 20, 2012, which is within the footprint of the existing house that is to be demolished and is consistent with the location of a dwelling shown on the previously approved site plan.
3. Construction of the dwelling according to the design as shown, with the building materials and colors outlined, on the submitted Elevations (4 Sheets) dated March 20, 2012.
4. Any significant alterations to the exterior design of the building or to building materials must be approved by the Planning Board prior to construction.
5. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursements to the Town of costs incurred in reviewing the application.

On a motion by Sam Phelan, seconded by Betty Carr, and a vote of 4 for, 0 against, and 4 absent, this resolution was adopted on May 21, 2012.

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____

Resolution Granting Final Subdivision Plat Approval to Hoffman Subdivision

Name of Project: Hoffman Subdivision

Name of Applicant: Roger Hoffman

Date: May 21, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Final Subdivision Plat approval from Roger Hoffman to subdivide ± 1.6 acres of land from a ± 10 acre parcel (Tax Map Parcel No. 134889-6172-00-204261-0000) located partially within the Traditional Neighborhood Development (TND) Commercial Center Subdistrict and partially within the TND Residential Neighborhood Subdistrict at 19 Old Farm Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by Marie T. Welch LS dated November 28, 2011 and revised February 3, 2012; and

Whereas, on December 5, 2011, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQR; and

Whereas, on May 7, 2012, the Planning Board, in consideration of the Short Environmental Assessment Form dated November 21, 2011 and revised April 23, 2012, and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on May 21, 2012, 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 had deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants approval to Roger Hoffman to subdivide $\pm$ 1.6 acres of land from a $\pm$ 10 acre parcel located at 19 Old Farm Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
2. The applicant shall verify that proposed Lot 1 meets the Dutchess County Health Department requirements, and a note to that effect shall be included on the plat.
3. The Dimensional Requirements Schedule on the plat shall be revised to indicate that the lot width for Lot 1 is 307 feet.
4. The applicant shall submit a Common Use and Maintenance Agreement for the shared driveway in final form acceptable to the Planning Board. Such Agreement shall be filed in the Dutchess County Clerk's office concurrently with the Plat, and evidence of the filing shall subsequently be provided to the Planning Board. A note shall be added to the plat that no building permit shall be issued for either Lot 1 or 2 until the Common Use and Maintenance Agreement has been filed with the Dutchess County Clerk's office.
5. The applicant shall submit a cross easement agreement for the proposed shared parking between Lots 1 and 2 in final form acceptable to the Planning Board.
6. 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 P.E. and L.S. stamps and signatures.
7. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

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

On a motion by Kris Munn, seconded by Betty Carr, and a vote of 4
for, 0 against, and 4 absent, this resolution was adopted on May 21, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board Date