

draft
**Town of Red Hook Planning Board
Meeting Minutes
October 4, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:32 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

Members present— John Hardeman, Christine Kane, Paul Telesca, David Wright and Chair Paul Thomas. Mary Lou Muirhead and Sam Phelan were absent.

BUSINESS SESSION

The Board confirmed its next regular meeting for Monday, October 18, 2004.

The minutes of the September 20, 2004 meeting had been sent to the Board members and reviewed. Christine Kane made a motion to accept those minutes. The motion was seconded by Paul Telesca, and all members were in favor.

The Chair announced that discussion of the Bard College/ Robbins House applications had been deferred until October 18, 2004.

OLD BUSINESS (PUBLIC HEARINGS)

**Bard College (Center for Curatorial Studies) – Blithewood and Garden Roads –
Special Use Permit and Site Plan**

No one from Bard was present to support the applications, which would authorize the construction of expansions totaling approximately 19,000 sq. ft. to the existing Center for Curatorial Studies at Bard College in the Institutional and National Historic Landmarks Districts.

The Chair opened the public hearing, which had been continued from September 8, 2004. There was no comment from the public.

The Chair said that Bard had requested the hearing be continued to November 1, 2004, at which time the College hoped to have a sign-off letter from NYS Department of Parks, Recreation and Historic Preservation concerning the required archaeological survey.

Christine Kane made a motion to continue the hearing to November 1, 2004. David Wright seconded the motion, and all members present were in favor.

Matthew Wallace – Thayer Lane – Special Use Permit

Matthew Wallace appeared before the Board to represent his application for a Special Use Permit to authorize construction of a one-bedroom accessory apartment within a new three-bedroom single family dwelling on a 1.48-acre lot on Thayer Lane within the R1.5 District.

The Chair read the public hearing notice that appeared September 28, 2004 in the Kingston Daily Freeman. The Chair then opened the hearing for public comment.

Mr. Wallace explained that the apartment had been designed for a relative and that a sliding glass door would serve as a separate entrance if necessary. Asked if the slightly undersized lot had been an existing lot of record, Mr. Wallace answered yes.

There was no comment from the public. The Chair then closed the hearing.

Paul Telesca made a motion to adopt an offered resolution granting the Special Use Permit. John Hardeman seconded the motion, and all members present voted in favor. A copy of the adopted resolution is attached to, and made part of, these minutes.

Nathan Kalina – NYS Route 9G – Subdivision Plat/ Lot Line Alteration

Nathan Kalina appeared before the Board to represent his application to transfer a 0.76-acre portion of Lot 2, Filed Map 7979 to the adjacent parcel “Red Hook Associates, LLC”, also owned by Mr. Kalina, all on NYS Rte. 9G, approximately 2300 feet south of Rokeby Road in the RD3 District.

The Chair read the public hearing notice that appeared in the Kingston Daily Freeman on September 28, 2004. He then opened the hearing for public comment.

Mr. Kalina explained his proposed transfer of land.

Since there was no comment from the public, the Chair closed the public hearing. He then explained the conditions in an offered resolution which would grant approval to the application.

David Wright made a motion to adopt the offered resolution. Paul Telesca seconded the motion, and all members present were in favor. A copy of the adopted resolution is attached to, and made part of, these minutes.

Lisa Herman (Stony Creek Riding Stable) – 175 Lasher Road – Special Use Permit and Site Plan

Lisa Herman was present in support of her applications to establish a Riding Academy on an approximately 30-acre parcel at 175 Lasher Road in the RD3 and Certified Agricultural District.

The Chair explained that because Ms. Herman had not yet submitted an acceptable site plan, only the Special Permit application would be discussed. He then read the “continuation of public hearing” notice that appeared in the Kingston Daily Freeman on September 28, 2004 and opened the floor for public comment.

Ms. Herman explained the nature and purpose of her proposed facility.

Since there was no comment by the public, the Chair closed the hearing. He explained that an offered resolution granting approval to the Special Use Permit would grant permission only for the proposed use, not for any buildings or site design. The resolution would also issue a negative declaration under SEQRA. He then reviewed the

conditions of the resolution regarding the time allowed to the applicant for submission of an acceptable site plan and then for completion of the project. The applicant agreed to the conditions.

Christine Kane made a motion to adopt the offered resolution. David Wright 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 (NEW BUSINESS)

Jeffrey Agrest – 138 Rokeby Road – Subdivision Plat

Marie Welch, L.S., appeared before the Board in support of Jeffrey Agrest's application for Subdivision Plat Approval to create a 3.00-acre residential building lot and an 8.685-acre existing house "flag lot" from an 11.685-acre parcel on the northeast side of Rokeby Road in the R1.5 and Certified Agricultural Districts.

The Chair reminded the Board that Mr. Agrest had previously subdivided this same parcel. The filing of that subdivision plat had been completed only a few days before this application was submitted. He began discussion of the application by asking the Board if this proposed subdivision would qualify as "segmentation" under SEQRA. The Board members generally agreed that they thought it would.

Ms. Welch countered by saying that the previous subdivision actually involved a separate adjoining parcel owned by Blue Zucchini, LLC, an entity controlled by Mr. Agrest. The Blue Zucchini lot, she said, had been subdivided in the previous action; the parcel owned by Mr. Agrest was the one under consideration for this action.

The Board did not find this argument compelling. In addition, it discussed whether this application could be construed as an attempt to circumvent the Town's farmland protection provisions since Ms. Welch contended that it was subject to the "one lot exception" from scrutiny under those provisions.

David Wright suggested that the Board consult with counsel. The Chair said he would contact Joel Sachs regarding the segmentation issue and report back to the Board.

Because of the parcel's location within the Agricultural District, the application was referred to the Agricultural Advisory Committee after the applicant submits the information required by Zoning Code section 143-47. The matter was tentatively scheduled for reappearance on the November 1, 2004 Planning Board agenda.

OTHER BUSINESS

Planning Federation Workshops –

The Chair urged the members to go to one or more workshops offered by the Planning Federation between October 1, 2004 and December 31, 2004. The members were given several handouts describing the workshops.

Land Use Working Group –

The Chair announced that he had scheduled for October 18, 2004 a presentation of the recommendations made to the Town Board by the Land Use Working Group. The presentation will be Ted Fink of Green Plan. He encouraged all members to attend.

New Applications and Checklists -

The Chair said that planning applications and checklists were being revised and would be ready for distribution to the Planning Board members at the next meeting. He asked that the members review these documents and submit their comments.

Letter from Bob and Susan Davis –

The Chair read a letter from Bob and Susan Davis requesting that the Board accept, in lieu of a sign-off letter from the New York State Office of Parks Recreation and Historic Preservation, a mitigation plan for the archaeological site discovered at the edge of the proposed driveway to their proposed house on Woods Road. Mr. and Mrs. Davis also said that they were still intending to establish a conservation easement prohibiting further building on the parcel but had not yet done it. Both the NYSOPRHP letter and the easement were conditions of the Special Permits granted by the Board on June 7, 2004.

The Chair said that in a telephone conversation, Planning Consultant Art Brod had advised that the proper protocol was to send both the archaeological survey report and the proposed mitigation plan to NYSOPRHP. The Board generally agreed that this would be the correct course of action and that it would await comments from NYSOPRHP. The Planning staff was directed to submit the documents to NYSOPRHP.

Request for Planner –

The Chair distributed copies of a Request for Proposal for a Planner drawn up by Ted Kudzy after consultation with various Town committees and boards. The Chair had been asked for Planning Board response and suggestions.

Members of the Board raised a number of issues, concerns and suggestions. David Wright wondered if having a professional planner work out a site plan or subdivision design at the outset would make the Planning Board irrelevant. John Hardeman asked who would pay this planner, the applicants or the Town. Paul Telesca was concerned that if the planner framed out an applicant's project design and there was some sort of failure, the Town might be liable. Christine Kane suggested that the planner be more of a Master Planner who would look at the large, Town-wide picture and help with broad, conceptual designs for the Town.

John Hardeman said that during discussions of the Hannaford project several years ago, the Planning Board had realized it should draw up a conceptual plan for Hardscrabble Commons, which was clearly going to come before the Board soon. He would be in favor of a type of pre-planning and also of an effort to adjust the zoning code so that it would reflect and support the Town Master Plan.

Paul Telesca cited his experience in Dover, where a master planner was hired to revise the Master Plan and then to revise the zoning code and land use regulations so that they would be consistent with the Master Plan. When those tasks were finished, the master

planner went on to advise the Town, its boards and committees on the larger, conceptual questions and designs. He suggested that Red Hook Town Supervisor Marirose Bump contact the Town of Dover Supervisor Jill Way for suggestions.

The Board generally agreed that revising the Red Hook Town Zoning Code and Land Use regulations to reflect the Master Plan must be a top priority.

The members also generally agreed that they saw a need for two planners. One would be a Master Planner who would first concentrate on revising those documents and then would represent the Town's interests on broader issues of land use planning, not the details of each application. The second planner would be a Detail Planner who would advise the Planning Board on individual applications and the day-to-day workings of the Planning staff on an as-needed basis.

David Wright suggested that an applicant could meet with both the Master Planner and the Planning Board at the beginning of his application process and thus gain input from the Board, not just the Planner, at this early stage. The Chair reminded the Board and the public that applicants are encouraged to come to the Planning Board for a pre-submission conference and said that this offer would be emphasized on the revised Planning applications and checklists.

There was general discussion regarding raising the fees imposed by the Board to reflect more closely the Board's expenses. One suggestion was that raising application fees might make applicants take their designs and plans more seriously. John Hardeman commented that the Board should be cautious about unduly burdening individual community members who may need to subdivide off a single parcel of land in order to fund their retirement.

The Board determined that the Chair would draft a response to the RFP outlining the Planning Board's suggestions. David Wright asked that the Chair circulate the draft among the members and incorporate their comments before submitting the final memo to the Town Board.

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 9:20 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments

1. Resolution granting Special Permit to Matthew Wallace
2. Resolution granting Conditional Final Subdivision Plat Approval/ Lot Line Alteration to Nathan Kalina
3. Resolution granting Special Permit to Lisa Herman

**Town of Red Hook Planning Board
Resolution Granting Approval in the Matter of the Matthew Wallace
Application for Special Use Permit to Authorize Construction of an
Accessory Apartment within a New Single Family Dwelling on Thayer Lane
in the R1.5 District**

October 4, 2004

Motion made by Paul Telesca
Seconded by John Hardeman

The Town of Red Hook Planning Board hereby acts as follows on the August 26, 2004, Application by Matthew Wallace for Special Use Permit to authorize pursuant to Zoning Law Section 143-65 and in accordance with an Area Variance with respect to minimum lot width granted by the ZBA on July 14, 2004, the incorporation of an accessory apartment within a new single-family dwelling on a 1.48-acre lot (TMP 6273-00-176545) on Thayer Road in the R1.5 District, all as depicted on accompanying Site Layout and Schematic Architectural Building Plans:

1. Determines in consideration of the Short EAF and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, that the Proposed Action, an 'Unlisted Action' under 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. Deems the proposed development to satisfy both the 'General Standards' for all special permit uses set forth at Zoning Law Section 143-51 and the 'Specific Standards' for an 'Accessory Apartment within a New Single-Family Dwelling' as set forth at Section 143-65 therein.
3. Issues the requested Special Use Permit 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 documentation of Individual Lot Notification of Approval from the Dutchess County Health Department and compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	absent
Member Sam Phelan	absent
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 Approval in the Matter of the Nathan Kalina
Subdivision/ Lot Line Alteration on NYS Route 9G in the RD3 District**

October 4, 2004

Motion made by David Wright
Seconded by Paul Telesca

The Town of Red Hook Planning Board hereby acts as follows on the August 31, 2004, Application by Nathan Kalina for Subdivision Plat Approval (Request for Lot Line Change) involving an intended transfer of a 0.76-acre portion of a 7.05-acre NYS Route 9G frontage parcel in the RD3 District (Lot 2, Filed Map 7979 / TMP 15-6172-00-566165) to and for merger with the adjacent 'Land of Kalina' lying to the south and east, all as depicted on a Survey Map entitled 'Lot Line Alteration / Land of Kalina' prepared by Robert Zimmerman, L.S., and dated August 28, 2004:

1. Determines in consideration of the Short EAF, the Agricultural Data Statement, and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQRA will not cause any potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Approves the Application for 'Resubdivision of Filed Map 7979 -- Minor Subdivision / Lot Line Alteration' and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and/or requirements within the next one hundred eighty (180) calendar days:
 - a. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - b. Annotation of the Subdivision Plat with appropriate required notation with respect to location within a Certified Agricultural District.
 - c. 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.
 - d. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
 - e. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the Office whereby the subdivided 0.76-acre portion of Lot 2, Filed Map 7979, would be merged with the adjacent 'Land of Kalina' to obviate what otherwise would be the creation of a non-complying parcel through this act of subdivision plat approval.

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

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	absent
Member Sam Phelan	absent
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 Approval in the Matter of the Lisa Herman
Application for Special Use Permit to Authorize Establishment of a Riding
Academy at 175 Lasher Road in the RD3 and Certified Agricultural District**

October 4, 2004

Motion made by Christine Kane
Seconded by David Wright

The Town of Red Hook Planning Board hereby acts on the Application by Lisa Herman (and Amy Scholz) for Special Use Permit to authorize the establishment of a Riding Academy pursuant to the Zoning Law Schedule of Use Regulations and related Section 143-98 of the Town Code on a 30-acre project site (TMP 15-6275-00-323335 as modified pursuant to Lot Line Alteration between Herman and Vos authorized by the Planning Board on May 17, 2004, and the subject of Filed Map #9585A as accepted by the Dutchess County Clerk's Office on July 8, 2004) situate on the south side of Lasher Road in the RD3 and Certified Agricultural Districts:

1. Determines upon consideration of a Short EAF Part 1 certified by the Applicant, completion of EAF Part 2 by the Planning Board, and in consideration of both the Agricultural Data Statement 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 impacts on the environment provided all pertinent submission requirements, design criteria, and review considerations set forth within Sections 143-115 through 143-117 of the Town's Zoning Law are in the view of the Planning Board met by the Applicant prior to completion of the site plan review and approval process, and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Finds the intended use as described within the Application for Special Use Permit dated May 10, 2004, and the associated Narrative, to satisfy, subject to presentation of Site Plan drawings, including exterior architectural plans, deemed suitable by the Planning Board, to satisfy both the 'General Standards' for all special permit uses established at Zoning Law Section 143-51 and the 'Specific Standards' for a 'Riding Academy' or 'Boarding Stable' in an RD3 or RD5 District, including related definitions found within Zoning Law Section 143-4.
3. Issues subject to the conditions set forth below the requested Special Use Permit and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit for construction of building(s) and installation of related site improvements which collectively comprise the 'Riding Academy' and subsequently a Certificate of Occupancy for their use upon the Applicant's timely satisfaction of each the following conditions and/or requirements:

- a. Within one (1) calendar year of the date of adoption of this Resolution, completion of an on-going process and the securing of Site Plan Approval from the Town Planning Board as evidenced by the stamping and signing of the Approved Site Plan by the Chair.
- b. Within six (6) calendar months of the securing of Site Plan Approval by the Planning Board satisfaction of any other pertinent codes, laws, rules or regulations within the purview of the Building Inspector and/or Zoning Enforcement Officer, including but not limited to the Building Code of the State of New York, and the securing of a Building Permit for the intended construction of building(s) and, as pertinent, installation of related site improvements.
- c. Upon completion of both the intended construction of building(s) in accordance with building plans approved by the Building Inspector and/or Zoning Enforcement Officer and the installation of all site improvements depicted on the Approved Site Plan and prior to the use thereof, issuance of a Certificate of Occupancy from the Zoning Enforcement Officer.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	absent
Member Sam Phelan	absent
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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