

draft
Town of Red Hook Planning Board
Meeting Minutes
June 7, 2004

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 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.

BUSINESS SESSION

The minutes of the May 17, 2004 meeting had been sent to the Board members and reviewed. Since one member who was present at the last meeting, and whose vote would be necessary to accept the minutes, was delayed, it was determined by the Board to defer discussion of the minutes until later in the evening.

The Chair's draft response to the Town Board's April 28, 2004 request for comments regarding proposed Zoning District Maps and related Zoning Code Amendments was reviewed by the Board. After some discussion, The Board requested the Chair to finalize the response and send it to the Town Board. A copy of the response is attached to, and made part of, these minutes.

The Chair announced that a draft of the comprehensive plan for the southeast quadrant of the Town had been prepared by John Clarke of the Dutchess County Department of Planning and Development. He said that in the near future the plan would be presented to Ken Anderson and then to the Planning Board. Sam Phelan reminded the Board that Mr. Anderson's proposed subdivision would be on the agenda for the first meeting in July.

The Board then discussed its schedule for upcoming meetings. Since July 5, 2004 is a holiday, the Board by consensus agreed to hold its first July meeting on July 12, 2004. It would determine at that time whether to hold a second meeting in July.

The Chair asked the Board members if they had comments on the meeting format or any other general matters. He said that he had considered alternating informal workshop meetings with formal meetings but that so far, the large number of project submissions had required bimonthly formal action by the Board.

Sam Phelan said that he would like to see the role of the Hamlet Buildings/Design Review Committee expanded to include all Site Plan and Special Permit applications. He said he would also like to ask the Design Review Committee to draft some standards to help the applicant during the early stages of his project.

The Chair agreed that the applicant should be able to get an idea of what the Board wants early in the proposal process. He said that he and the Planning Board staff were available for pre-submission conferences and that it was essential for applicants to submit their documents, applications and drawings at least ten (10) calendar days before a meeting and

preferably earlier. Timely submissions allow the staff to discuss potential problems with the applicant prior to Board meetings and allow consultants to prepare their reviews.

PUBLIC HEARINGS

Robert and Susan Davis – Woods Road – Special Use Permits

Susan Davis and architect Peter Sweeny appeared before the Board in a continuation of the Public Hearing opened on May 3, 2004. The Special Permit(s) Ms. Davis requested would authorize construction of a single family dwelling on a 20-acre parcel within 1,000 feet of the Hudson River in the LD (Limited Development) and Historic Landmarks Overlay (HL-O) Districts.

The Board, the applicant and Mr. Sweeny discussed the visibility of the proposed house. Mr. Sweeny explained that the house would be built into a hillside to minimize its visual impact. The natural colors used on the roof and the siding would also cause the house to blend into the landscape. While the house would be visible from the Hudson River, it would be inconspicuous., he said. Paul Telesca asked if the house would be visible from Woods Road. Ms. Davis replied that forest surrounds the house and that the house would not be visible from Woods Road, Clermont State Park or the nearby lighthouse. A small section of the house would be visible from an existing house on the neighboring parcel to the south. Mary Lou Muirhead asked whether Woods Road was higher in elevation than the proposed house site. Ms. Davis answered that yes, Woods Road was higher but that several stands of woods and a quarter mile long driveway precluded any view of the house.

The Chair asked for comments from the public, but there were none.

The Chair and Sam Phelan then reported on their field visit to the site. The Chair said that since the site for the proposed house was within 1,000 feet of the Hudson River, the Planning Board was charged with looking for an alternate site beyond that 1,000 foot boundary. Both Board members agreed that topography and wet areas in other parts of the property precluded any other suitable housing sites on the parcel.

Ms. Davis said that her parcel had been part of a larger parcel owned by her husband's family, and that the family was actively seeking conservation easements for both parcels. She said that the family would like to see an easement on the larger parcel prohibiting building or development within 1,000 feet of the River, thus mirroring the Red Hook Town Zoning Code, as well as along Woods Road.

The Board discussed incorporating the easements, a proposed walking trail to Clermont and the design of the house together with the proposed colors and building materials into the conditions for the Special Permit.

The Chair read a letter from the New York State Office of Parks, Recreation and Historic Preservation asking both for landscaping plans showing visual buffers for the house and also for an archeological report. The Board and the applicant agreed that the State had not been supplied with drawings showing the stands of trees on the parcel and that such drawings would show sufficient visual buffers. Ms. Davis said the archeological review was in progress.

The Chair, with input from the Board, filled in part 2 and 3 of the full EAF. The Planning Board determined the Proposed action would cause no potential significant adverse effects on the environments and authorized the Chair to execute a Negative Declaration for this Type 1 Action and directed the Clerk to distribute the Negative Declaration in the manner provided under SEQRA.

Chris Kane made a motion to adopt an offered resolution granting the Special Permits and incorporating the conditions discussed by the Board and agreed to by Ms. Davis. Mary Lou Muirhead seconded the motion, and all members present were in favor. The resolution is attached to, and made part of, these minutes.

The Chair told the applicant that she must submit four (4) sets of site plans which include surrounding forests and landscaping plus four (4) sets of colored building elevations.

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

Stephen Buscarino, Lisa Racano and Marie Welch appeared before the Board in a continuation of the public hearing opened on May 3, 2004. The applicants seek approvals authorizing the development and occupancy of an 80-child Day Care Center pursuant to an Area Variance granted by ZBA on February 12, 2004, on 3.36-acre parcel.

Ms. Welch presented the Board with new drawings intended to resolve some of the problems cited by the consultants. The Chair requested that, before the next Board meeting, all the consultants should meet to work out the technical questions so that the Board can move on to discuss other facets of the project. Sam Phelan reminded the applicants and Ms. Welch that they must submit one final and complete package, not individual segments over a period of time.

The Board and the applicants reviewed the report submitted by the Hamlet Buildings/Design Review Committee. The applicants said they would comply with all the suggestions for changes to the building design except those prohibited by New York State requirements for day care centers.

The Board underscored the applicants' need to finalize approval of the subdivision of which this parcel is a part and to modify the lot lines on the northern boundary as previously discussed with the Board. The applicants said that they must have a negative SEQRA declaration for the day care facility in order to receive Board of Health approval for the entire subdivision.

David Bruner reviewed the landscaping plan he had presented at the previous meeting. He pointed out that the oval section of the driveway in front of the building had been expanded to accommodate more parents stopping for a longer period of time when they drop off their children.

The Chair opened the discussion for public comment.

Phyllis Palmer, 24 North Road in Tivoli, said she still did not understand how the ZBA could grant an enrollment increase from 40 to 80 children. She believed the project was too big and would prefer to see a day care center half the projected size. She thought that the

applicants could add space if there proved to be a need later on. She also objected to the spelling of the name of the facility.

Sharon Wolfson of 94 North Road in Tivoli echoed Ms. Palmer's opinions about the size and name of the facility.

Robert Zises, 22 North Road, Tivoli, said that he, too, objected to the size of the facility. He believed that, if built as proposed, it would be a large, more suburban-type business on a residential lot in a rural area and therefore inappropriate. He would be more agreeable to the plan if the facility were smaller.

Ms. Racano answered that she had discussed her plan with both the Village of Tivoli and the Tivoli Planning Board and that neither group had voiced objections.

The Chair acknowledged letters of objection to the project from Tivoli residents Anita Micossi and Robert Zises. The objections included the scale of the project, traffic problems, toxic runoff into the Tivoli water shed, school bus problems, building design and materials, impact on Town taxpayers, signage, landscaping and the hook-up to Village water. These letters are attached to, and made part of, these minutes.

The Chair read a letter from Steven Barshov, an attorney with Sive, Paget & Riesel, PC., who represented a group of Village of Tivoli and West Kerley Corners property owners. The letter raised a legal objection to the Area Variance granted by the Town of Red Hook ZBA on February 12, 2004 and said that litigation had not begun because the Planning Board had not yet either approved the application based on that Variance or denied it. David Wright suggested that the Chair ask for a legal opinion, and the Board, by consensus, agreed.

The Chair said that the public hearing would remain open and that he would try to arrange a meeting of the technical consultants prior to the applicants' next appearance before the Board.

NEW BUSINESS

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

Lisa Herman, Amy Scholtz and Caleb Scholtz appeared before the Board in support of Ms. Herman's applications for Special Use Permit and Site Plan Approval to authorize the establishment of a boarding stable and riding academy on a 30-acre parcel located at 175 Lasher Road within the RD3 and Certified Agricultural Districts.

Ms. Herman explained that her business would primarily consist of boarding 10-15 horses, exercising them, and holding small classes for riding instruction.

Paul Telesca objected to Ms. Herman's stated business hours of 8 a.m. to 8 p.m. seven (7) days per week. Ms. Herman said classes would only be held a few hours per week; for the remaining time, the facility would be open for clients to visit and exercise their horses. The Board discussed whether the schedule should be restricted out of consideration for the neighbors. The Board will make a final decision following the public hearing.

Christine Kane asked about sanitary facilities for riding students. Ms. Scholtz replied that a portable sanitary facility would be placed near the barn. Christine Kane requested that the applicants depict that location on their site plan as well as landscaping used to visually shield it.

Sam Phelan asked about Ms. Herman's plan for the horse manure from the stable. She said she will have it trucked from the premises. Sam Phelan requested Ms. Herman to depict on her site plan where the manure would be stored between truck pick-ups.

The Board generally agreed that Ms. Herman should also depict outside lighting and the location and size of the proposed parking lot on the site plan.

Paul Telesca made a motion to accept Ms. Herman's applications, set a public hearing date for June 21, 2004 and adopt an offered resolution with the conditions added by the Board. Christine Kane seconded the motion, and all members present voted in favor. A copy of the resolution is attached to and made part of these minutes.

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

John McIlravy and Joseph Berger, P.E., appeared before the Board with applications for Special Use Permit and Site Plan Approval to authorize the establishment of a Place of Worship on Lot 5 of the Daniel Conaghi Subdivision, a 5.023-acre project site on the east side of NYS Route 9G approximately 0.3 mile north of the NYS Route 199 intersection. According to the Application, the project site is located both within the RD3 District and either within or adjacent to a Certified Agricultural District.

Mr. Berger explained that this Buddhist place of worship would be hidden from NYS Rte. 9G by mature trees, that because of its location in the Scenic Corridor, he had included double setbacks and that there would be less than 1 acre of environmental disturbance.

Mr. Berger also acknowledged that the parcel for the site was part of a subdivision that had not yet been granted final approval.

Mr. Berger then described the building as a 6,700 sq. foot, 2 story facility of traditional design. It would have a metal roof and vinyl siding. The building would be thirty-four (34) feet from the ground to the peak of the roof. A cupola would extend another 8 feet in height, which would exceed the thirty-five (35) foot height restriction in the Town Code; however, Mr. McIlravy said the cupola would serve as a skylight and was therefore an exception to the height restriction. The interior of the building would be comprised of the worship area and four (4) apartments—two (2) for the Tibetan lamas who would act as caretakers of the building and two (2) for visitors. There would be a parking area which would accommodate approximately ten (10) cars.

Paul Telesca questioned the seemingly small parking lot size for a projected congregation of forty (40) people. Mr. Berger said that Tibetan lamas do not own cars and that the plan incorporated a grassy area for any parking overflow. He added that the facility would be restricted to forty (40) people by its Board of Health Approval.

Responding to a question about the hours of operation, Mr. McIlravy said that the two lamas would be living at the facility during the week but that there would only be services there on weekends and on special occasions.

Paul Telesca questioned the outdoor lighting depicted on the plan. The lights appeared to be located in the back of the building while the parking area was located in front of the building.

Finally, the Board and the applicant discussed the two apartments. Mr. McIlravy agreed that the apartments could be restricted to use by the caretakers and by visitors.

Mary Lou Muirhead made a motion to accept the applications with the conditions set down by the Board and to schedule a public hearing for June 21, 2004. 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.

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

James Crane appeared before the Board with his application for sketch plan endorsement for the intended creation of a 2.3-acre existing house lot from a 130-acre parcel within the RD5 and Certified Agricultural Districts.

Mr. Crane presented his sketch plan, explaining that the 2.3-acre lot he wished to create was permitted as a one-time, one-lot exception under the Farm Law. He said that, as required by that exception, the lot would be no larger than the minimum allowed in that district (RD5).

Mary Lou Muirhead said that the lot Mr. Crane requested must conform to the lot size required in that district; that is, neither more than nor less than five (5) acres. Other members did not agree with that interpretation of the law. The Board by consensus asked for an interpretation from Keane & Beane, and the Chair said he would make this request.

Paul Telesca suggested that this matter be returned to the agenda on June 21, 2004, and the Board agreed by consensus.

ACCEPTANCE OF MINUTES

Christine Kane made a motion to accept the minutes of the May 17, 2004 meeting. David Wright seconded the motion. Mary Lou Muirhead, Sam Phelan, and David Wright abstained. All others were in favor.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Paul Telesca made a motion to adjourn. David Wright seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10: 50 p.m.

Respectfully submitted

Paula Schoonmaker

Assistant Clerk to the Planning Board

Annexed attachments

Response to the Town Board concerning proposed Overlays and Zoning Amendments

Letter from Anita Micossi

Letter from Robert Zises

Resolution granting Conditional Approval to the Robert and Susan Davis applications for
Special Permits

Resolution accepting Lisa Herman's applications for Site Approval and Special Permit

Resolution accepting the Kunzung Palchen Ling application for Site Approval and Special
Permit

TOWN OF RED HOOK
PLANNING BOARD
7340 South Broadway
Red Hook, NY 12571

TO: Town Board

FROM: Planning Board

RE: Zoning District Maps and Overlays (Referral Dated April 28, 2004)

DATE: June 7, 2004

The Planning Board hereby responds to the Town Board's referral dated April 28, 2004 regarding proposed amendments to the Zoning Code relating to zoning district maps and overlays. The Board discussed the proposed amendments at its regularly scheduled May 17, 2004 meeting and heard a presentation by Jennifer Porter of Keane & Beane. The consensus of the Board is summarized below.

The Board's understanding is that the primary purpose of the amendments is to rectify certain omissions and inconsistencies in the present Zoning Code with respect to the various overlays and maps described therein. The amendments designate the pertinent maps and in effect create the overlays which have, until now, been referenced but not adopted. Thus, the amendments create visual reference materials for use by the various town boards and committees as well as the general public. As portions of the Zoning Code are difficult, if not impossible, to enforce without the adoption of the maps and overlays, the Board believes the amendments are timely and necessary. In addition, the Board concludes that the amendments should serve to render the planning and zoning process more understandable, consistent and fair.

There was discussion at our meeting concerning the content of the various maps and in particular the Historic Features Map. While beyond its purview, the Board feels that the content of all of the maps should be verified and that the public should have an opportunity to review them prior to adoption. The Historic Features Map and the Scenic Features Map are inherently subjective and the Board therefore recommends that the Town Board hear and consider public comment regarding them as part of its decision making process. For technical reasons, the Board's Planning Consultant also recommended that the FEMA 100 Year Flood Zones map that has been in effect pursuant to federal and state legislation for more than two decades be substituted for the Town Flood-Fringe Overlay. The Board believes, however, that even if certain maps require additional consideration and are not adopted initially, adoption of the remaining maps and amendments should not be deferred or delayed.

cc: ZBA; CAC; AAC
Town Attorney

**Town of Red Hook Planning Board
Resolution Granting Conditional Final Approval in the Matter of the Robert and Susan Davis Application for Special Permits to Authorize Construction of a Single-family Dwelling on Woods Road within 1,000 Feet of the Hudson River in the Limited Development (LD) and Historic Landmarks Overlay Districts**

June 7, 2004

Motion made by Christine Kane
Seconded by Mary Lou Muirhead

The Town of Red Hook Planning Board hereby acts as follows on the March 17, 2004, Application by Robert and Susan Davis for Special Use Permits, as supplemented on March 30, 2004, to authorize construction of a single-family dwelling and related site improvements on a 19.22-acre site (TMP 15-6175-00-255660) situate within the Limited Development (LD) and Historic Landmarks Overlay (HL-O) Districts as established under the Town's Zoning Law and the Hudson River National Historic Landmarks District, such Special Use Permits being as follows:

- To authorize pursuant to Zoning Law Section 143-30(A) and (B) the intended building construction and related site development within 1,000 feet of the high water mark of the Hudson River, as depicted on building and site sketches presented by the Applicant, with the dwelling located approximately 397 feet eastward of the high water mark and some 113 feet above the mean water's surface.
- To authorize pursuant to Zoning Law Section 143-46 the intended building construction and related site development within the Historic Landmarks Overlay (HL-O) District, which District is coincident with the portion of the Hudson River National Historic Landmarks District located within the Town of Red Hook.
 1. Determines upon consideration of the Full EAF Part 1 certified by the Applicant, completion of the Full EAF Part 2 by the Planning Board, and in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7(c) NYCRR that the Proposed Action, a Type I Action under SEQRA, will cause no potential significant adverse impacts on the environment and, thus, as duly-confirmed lead agency issues the annexed Negative Declaration deeming an environmental impact statement to not be required.
 2. Finds the proposed use to satisfy the both the 'General Standards' for all special permit uses set forth at Section 143-51 of the Town's Zoning Law.
 3. Further finds the proposed use, due to its location within 1,000 feet of the high water mark of the Hudson River, will not adversely impact any of the environmental factors set forth at Zoning Law

Section 143-30, namely water recharge areas, water table levels, water pollution, aquatic and plant life, drainage patterns, stormwater runoff, flooding, erosion control and essential vegetative growth.

4. Further finds the proposed use, in consideration of its location within the Historic Landmarks Overlay (HL-O) District, will not contravene the objectives and standards established for residential development, by providing in consideration of the former for an unobtrusive siting of the proposed dwelling and related improvements within an estate-type setting and ensuring with respect to the latter that the new construction will complement existing structures and development patterns and be carried out to the extent practicable based upon the Applicant's proposal (and as further intended to be conditioned by the Planning Board) in a manner to have minimum impact on natural features, including meadows, woodlands steeply sloped areas, scenic vistas and open spaces. The Board strongly encourages the applicant to facilitate the establishment of conservation easements on the neighboring parcel restricting further development within 1,000 feet of the Hudson River and along Woods Road.
5. Grants the requested Special Use Permits subject to the following conditions and upon compliance therewith authorizes the Zoning Enforcement Officer to first issue permits and/or other approvals for the intended development and subsequently a Certificate of Occupancy / Use for the establishment of the single-family residential use:
 - Establishment of a conservation easement on the entire 19.22-acre parcel prohibiting further development or subdivision.
 - Approval by the Dutchess County Board of Health of the proposed well and septic system locations and plans.
 - Compliance with the requirements set forth by the NYS Department of Parks, Recreation and Historic Preservation in its letter dated April 30, 2004 relating to an archeological survey of the parcel.
 - Construction of the dwelling at the location depicted in the submitted site plan.
 - Construction of the dwelling according to the design as shown, and with the building materials outlined, on the submitted drawings and elevations. Any significant alterations to the exterior design of the building or to the building materials must be approved prior to construction by the Planning Board.

Roll Call

Christine Kane	yes
John Hardeman	absent
Mary Lou Muirhead	yes

Sam Phelan	yes
Paul Telesca	yes
David Wright	yes
Paul Thomas, Chair	yes

Motion **Approved**

Motion Certified, Filed with Town Clerk and Mailed to Applicant

Paula Schoonmaker, Asst. Clerk

date

The Town of Red Hook Planning Board hereby acts as follows on the Applications by Lisa Herman and Amy Herman Scholz for Special Use Permit and Site Plan Approval to authorize the establishment of a Riding Academy and Boarding Stable pursuant to the Zoning Code Schedule of Use Regulations and related Section 143-98 on a 30-acre project site (TMP 15-6275-00-323335 as modified pursuant to Lot Line Alteration between Herman and Vos authorized on May 17, 2004) situate on the south side of Lasher Road in the RD3 and Certified Agricultural Districts:

1. Accepts the Applications as presented, inclusive of sketch plans, both a Short EAF Part 1 and an Agricultural Data Statement, and a program narrative, as adequate for initiating Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a combined Public Hearing on the Applications for Monday, June 21, 2004, and directs the Clerk to provide timely notice thereof.
4. Further directs the Clerk to circulate the Agricultural Data Statement in the manner provided by law.
5. Requires the Applicants to present a detailed scale drawing indicating the distance between the proposed building, paddock areas, etc. from both the property lines and any water features located on or adjacent to the project site, which drawing should also indicate the location and dimensions of the parking area, the site of the temporary manure pile, any outdoor lighting, the location and size of any signage, the site of a portable sanitary facility and the landscaping used to shield it.
7. Further advises the Applicant that the subdivision review and approval process involving the Herman / Vos Lot Line Alteration must be completed, including filing of the Approved Subdivision Plat and recording of the required consolidation, or merger, deeds, before the Planning Board may complete its consideration of the Applications for the Riding Academy.

The Town of Red Hook Planning Board hereby acts as follows on the Applications by Kunzang Palchen Ling for Special Use Permit and Site Plan Approval to authorize construction and establishment of a Place of Religious Worship pursuant to the Zoning Code Schedule of Use Regulations and related Section 143-78 on a 5.023-acre project site (TMP 15-6172-00-580970 as modified pursuant to subdivision granted Conditional Final Approval on December 1, 2003) situate on NYS Route 9G in the RD3 and Certified Agricultural Districts:

6. Accepts the Applications as presented, inclusive of sketch plans, both a Short EAF Part 1 and a program narrative, as adequate for initiating Planning Board, consultant and public review.
7. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
8. Schedules a combined Public Hearing on the Applications for Monday, June 21, 2004, and directs the Clerk to provide timely notice thereof.
9. Requires the Applicant to submit building elevations and an outdoor lighting plan in a form satisfactory to the Planning Board.