

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
December 7, 2020

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Brian Kelly, Kristina Dousharm and Lewis Rose. Also present was planning consultant Michele Greig.

Brian Kelly moved to accept the draft minutes for the November 9 meeting. Kristina Dousharm seconded and all members, by roll call vote, voted in favor.

Mr. Phelan said he would permit a conversation with resident Barbara Hennig under 'Other Business' at the end of the agenda.

PUBLIC HEARINGS

Greig / Nucci Lot Line Adjustment – 221 Pitcher Lane

Public hearing on application to transfer 61.752 acres of land from a 93.467-acre parcel to an adjacent 30.387 parcel belonging to the same owner in the Agricultural Business District, and transfer 0.605 acres of land from the resulting 92.139-acre parcel to a 0.765-acre parcel in the RD3 Zoning District.

Applicant Norman Greig was present. Mr. Phelan read the notice of public hearing that was published in the Poughkeepsie Journal. Lew Rose moved to open the public hearing. Brian Kelly seconded and all members voted in favor. Mr. Greig gave an overview of the project.

Mr. Greig said that the 30-acre parcel which is being increased to 91 acres has two Air B and B units, a garden shop and a recycling center. Mr. Phelan asked if they were all permitted. Mr. Greig said he was not sure about the recycling center, and said that he would refer the person running it to the Planning Board.

Mr. Phelan asked if there were any questions or comments from the public. Kate Karakassis of Pitcher Lane asked Mr. Greig to clarify his comment that the existing runway of the current 93 acre-parcel has been a problem, and said there are actually two existing retail businesses located on the current 30-acre parcel, the garden shop and another retail shop called Ozone, which she says is un-permitted.

Mr. Greig said that the town allows only one special permit per property, and the lot line alteration would put the Greig Farm airstrip on a separate parcel. Ms. Karakassis asked Mr. Greig if he was planning to request a Special Permit for the proposed 30-acre parcel. Mr. Greig said he has no immediate plans to do so.

Amy Durbin, also an adjacent property owner, asked what the reason is for the lot line adjustment, and what the plan is for the proposed second airstrip that she said is being used on the property. Mr. Greig said the second airstrip is not being used. Ms. Durbin said she has seen planes land on the second airstrip. Mr. Greig said he mows the field for the airstrip, and this past year he moved some soil on to the parcel from another area where they had built a pond. Ms. Durbin said she had seen a second airstrip advertised on the Greig Farm website. Mr. Greig denied this.

Mr. Phelan said that the public hearing was for the lot line adjustment proposed, and not the current Greig Farm airstrip or the proposed additional air strip. Ms. Durbin said she was trying to determine what necessitated the lot line adjustment. Mr. Greig said it was to put the existing airstrip, which has a special permit, on a separate parcel. Ms. Durbin asked which air strip. Mr. Greig replied the entire airport. Ms. Durbin described takeoffs and landings that she has seen recently.

Ms. Karakassis asked about illegible and conflicting information on the application forms submitted to the Planning Board that she had requested and reviewed. Mr. Greig said the forms had been corrected and owner consent forms from Mr. Greig's brother Robert have been submitted.

Mr. Phelan asked if there were any other comments or questions from the public. There were none. He asked if any Planning Board members had any comments. Lew Rose suggested that if Ms. Durbin sees activity at the airport that they feel is not allowed they should take a video and submit it to the town. Mr. Phelan added that the Planning Board is not an enforcement agency, and complaints should be directed to the Zoning Enforcement Administrator Bob Fennell.

Brian Kelly moved to close the public hearing. Kristina Dousharm seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Brian Kelly moved to adopt it. Lew Rose seconded and the motion was carried unanimously.

Merrihew Minor subdivision – 7887 Albany Post Road

Public Hearing on application to subdivide a 6.885-acre parcel in the R1.5 Zoning District into three lots 1.825, 1.576 and 3.484-acres in size.

Applicant's representative Marie Welch was present. Mr. Phelan read the notice that was published in the Poughkeepsie Journal. Lew Rose moved to open the hearing. Brian Kelly seconded and all members voted in favor. Ms. Welch gave an overview of the subdivision.

Mr. Phelan asked if there were any comments or questions from the public. There were none. He asked if any Planning Board members had any questions or comments. There were none. Lew Rose moved to close the public hearing. Brian Kelly seconded and all members voted in favor.

Recognizing that there were some engineering and shared driveway issues, the Board generally agreed to defer approval until these concerns are addressed and reviewed by the Planning Board's engineer and attorney.

Ackerman / Sheehan Lot Line Adjustment – 234 Hapeman Hill Road

Presentation of application to transfer 1.031 acres from a 102.7-acre parcel to a 5.022-acre parcel in the Agricultural Business District.

Applicant Brian Ackerman was present. Mr. Phelan read the notice that was published in the Poughkeepsie Journal. Brian Kelly moved to open the hearing. Lew Rose seconded and all members voted in favor. Mr. Ackerman gave an overview of the project. He said that there was an error on the plat; the amount of land being transferred is 1 acre, not 1.031. Michele Greig said that, since the plat that was presented for the public hearing shows 1.031 acres transferred, the change to 1 acre would have to be one of the conditions of approval.

Mr. Phelan asked if there were any questions or comments from the public. There were none. He asked if there were any questions or comments from the Board. There were none. Lew Rose moved to close the public hearing. Brian Kelly seconded and all members voted in favor.

The Board reviewed a draft conditional approval. Lew Rose moved to adopt it. Brian Kelly seconded and the motion passed unanimously.

OLD BUSINESS**Hutchins Cottage Special Use Permit– 230 Linden Avenue**

Continued discussion of application to construct a 26' x 26' cottage on 10.22-acre parcel in the R1.5 Zoning District.

Applicant Paul Hutchins was present. He gave an overview of the project. Landscaping, including the removal of trees and screening, were discussed. On photos provided by Mr. Hutchins, he indicated trees and shrubs that would need to be removed, and a line of small trees that had recently been planted on the property line for screening for the adjacent property. Ms. Greig noted that the applicant is responsible for maintaining screening for the duration of use.

Michele Greig reviewed her comments dated 12-6-20. Ms. Greig asked the applicant to provide a statement from the Zoning Enforcement Administrator that the square footage of the cottage does not exceed 650 square feet, and a statement that there is only one other dwelling on the property. Mr. Hutchins agreed to consolidate his site 2 plans on to one sheet.

A public hearing will be held January 11.

Old Rhinebeck Aerodrome Hangar Replacement Site Plan- 16 Norton Road

Continued discussion of application to demolish two existing storage hangars with one new one in the RD3 Zoning District.

Applicant's representatives Scott Cruikshank and Andrew Howard were present. Mr. Cruikshank gave an overview of the project, including the site plan, building elevations and building materials.

Board members asked the applicants to more precisely determine the building materials and colors that will be used for the proposed hangar.

Mr. Phelan said that the Zoning Enforcement Administrator has determined that the proposed lettering on the building is not a sign.

The Board reviewed EAF parts 2 and 3 and a SEQR Negative Declaration. Brian Kelly moved to adopt the Negative Declaration. Kristina Dousharm seconded and all members voted in favor.

A public hearing will be held January 11.

NEW BUSINESS

Fox- Townsend Certificate of Appropriateness – 113 Old Post Road North

Presentation of application to construct a 6-foot fence around the applicant's yard in Upper Red Hook.

Applicants Aaron Fox and Dominique Townsend were present. Mr. Fox gave an overview of the project. A 6 Ft shadowbox stockade fence is proposed.

Comments from the Design Review Committee were reviewed. The Committee generally felt that full height privacy fence was not typical in the front yard and a side yard that abuts a roadway. They recommended a 3-foot fence. Ms. Townsend said they have a very large dog. She asked if the Design Review Committee would view a wire fence as appropriate. Kristina Dousharm suggested that the applicants discuss that with members of the Committee. The applicants agreed.

Cost Certificate of Appropriateness – 116 Station Hill Road

Presentation of application to modify the entrance to a garage in Barrytown.

Applicant Bruce Cost was present. He gave an overview of his project. Mr. Phelan read comments received by the Design Review Committee. The Committee recommended that a Certificate of Appropriateness be granted.

A public hearing was scheduled for January 11.

Discussion- Barbara Hennig

Ms. Hennig asked permission to address the Board regarding a subdivision that was approved in 2013 composed of three flag lots on Manor Road known as the Catlin Minor Subdivision. She said she purchased the Catlin's former home in 2016. She said the subdivision should not have been approved due to the wetlands present on the land. She said that the shared driveway and the stormwater management system have not been maintained by the Catlins as was required in the subdivision approval. The Catlins have moved away from Red Hook but still own the two existing vacant lots, she said.

Mr. Phelan said that neighborhood has always experienced problems with excessive water runoff, including the house Ms. Hennig purchased which was built over thirty years ago. He asked if there had been any construction on the subdivision. Ms. Hennig said no houses have been built, but the land is under contract to be sold. She added that she feels the flooding on her property is due to is the result of

the failure of the storm water retention ponds that were constructed by the Catlins but have not been maintained.

Kristina Dousharm asked if Ms. Hennig was saying that the work that took place on the parcels, such as extending the shared driveway to the created parcels, worsened water problems. She noted that no other construction has taken place yet.

Ms. Hennig said that the stormwater systems were created, and the problems will now worsen with the construction of additional driveways and septic systems. She said the septic system areas proposed are located in wetlands. Mr. Phelan said the Board of Health will not approve the construction of a septic in a wetland. Ms. Dousharm said that when the subdivision was approved, it would have been a condition of approval that the proposed septic locations would have been approved by the County Board of Health. Ms. Hennig said they were approved on inaccurate mapping. Mr. Phelan said perk tests would have been performed. He asked Ms. Hennig if she was implying that the Board of Health has approved a leach field that will not drain. Ms. Hennig replied that she believes the land has changed since the original Environmental Assessment Forms were completed in 2013. She said a representative of the Board of Health had been to the site recently had told her that the soil needs to be re-tested, and the wetlands need to be re-delineated. Mr. Phelan reiterated that the Board of Health will not grant a permit for a septic system in a wetland. Ms. Hennig said that the approvals from the Board of Health were renewed until 2023. Mr. Phelan said Ms. Hennig should focus on the Health Department and the Department of Environmental Conservation. Ms. Dousharm suggested that Ms. Hennig contact a private wetland delineator and gather information to present to the Health Department, the NYS Department of Environmental Conservation and the Army Corps of Engineers, all of whom continue to have the authority to make decisions and designations on the property.

Lew Rose suggested that maintenance of the stormwater management system needs to be enforced.

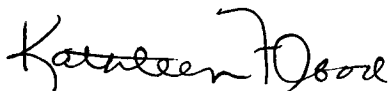
Introduction: Karen Smythe

Mr. Phelan introduced Karen Smythe, a resident who has expressed interest in becoming a Board member.

ADJOURNMENT

There being no further business before the Board, Lew Rose made a motion to adjourn. Kristina Dousharm seconded and all members voted in favor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Flood', written in a cursive style.

Kathleen Flood
Planning Board Clerk

Resolution Granting Lot Line Alteration Approval to Greig and Nucci

Name of Project: Lot Line Alteration: Lands of Robert T. Greig and Matthew W. Nucci/Kathryn A. Grochan-Nucci

Name of Applicant: Norman Greig

Whereas, the applicant has submitted an application for “Lot Line Revision” approval, prepared by Decker Surveying dated October 29, 2020, to the Town of Red Hook Planning Board to modify the lot lines between three existing parcels of land; and

Whereas, the three parcels include Tax Map Parcel No. 6273-00-896812 which consists of $\pm$ 93.467 acres, Tax Map Parcel No. 6273-00-944725 which consists of $\pm$ 30.387 acres; and Tax Map Parcel No. 6373-00-003907 which consists of 0.765 acres; and

Whereas, the proposed Lot Line Alteration will result in 62.357 acres being subtracted from Tax Map Parcel No. 6273-00-896812, which consists of lands that are a part of the Greig Farm operations and such parcel will consist of 31.110 acres following approval; and

Whereas, the proposed Lot Line Alteration will result in 61.752 acres being added to Tax Map Parcel No. 6273-00-944725, which consists of lands that are a part of the Greig Farm operations and such parcel will consist of 92.139 acres following approval; and

Whereas, the proposed Lot Line Alteration will result in 0.605 acres being added to Tax Map Parcel No. 6273-00-003907, which consists of residential lands that are used in association with an existing single-family dwelling and such parcel will consist of 1.370 acres following approval; and

Whereas, the proposed Lot Line Alteration will result in a modification to the boundary of existing, legally established lots and will not result in the creation of any new lots nor create any known nonconformity with respect to any area or bulk requirement established by the Town Zoning Law, the Dutchess County Health Department, the New York State Uniform Fire Prevention and Building Code or other law, rule or regulation; and

Whereas, the proposed Lot Line Alteration is considered a Minor Subdivision in accordance with the Town of Red Hook Subdivision Law; and

Whereas, the subject parcels are located between Pitcher Lane and Rockefeller Lane within the RD3 and AB Zoning Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, a related action entitled the Greig Farm Amended Special Use Permit requiring Site Plan review and approval, is currently before the Town of Red Hook Planning Board that would establish a second private airstrip on the area of the newly created Lot 2 parcel; and

Whereas, such Amended Special Use Permit application for a second private airstrip in addition requires an Area Variance from the Town of Red Hook Zoning Board of Appeals for locating the second runway within 300 feet of a town road, requires Town Board approval to establish the second runway pursuant to General Business Law Section 249, and requires consent of both the New York State Department of Transportation (DOT) and the Federal Aviation Administration (FAA) that such second runway is consistent with the standards of the DOT and FAA; and

Whereas, the Amended Special Use Permit application for a second private airstrip on the newly created Lot 2 parcel area will require modification reflecting the new parcel reconfiguration and such modification is the applicant's responsibility; and

Whereas, the lot lines so altered by the Greig-Nucci Lot Line Alteration action will not create any known non-conformities in the existing uses of the lots including the Greig Farm operations, will not permit or approve any new uses of the newly altered lots, and will not authorize any expansion of the existing uses of the altered lots without further approvals from the Planning Board and/or other agencies; and

Whereas, no new construction is proposed nor authorized by the Planning Board in association with the Greig-Nucci Lot Line Alteration action; and

Whereas, the Planning Board reviewed a Short Environmental Assessment Form (EAF) for the Lot Line Alteration Action dated October 30, 2020, and classified the Lot Line Alteration Action under the State Environmental Quality Review Act as a Type II Action, meaning that no SEQR action was required for the Lot Line Alteration application; and

Whereas, on December 7, 2020, the Town of Red Hook Planning Board, conducted a public hearing on the Lot Line Alteration application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board now wishes to grant Lot Line Alteration approval to Greig/Nucci to allow a revision of the lot lines for the three existing lots of record located on Pitcher and Rockefeller lanes.

Now Therefore Be It Resolved, that the Planning Board grants Lot Line Alteration approval to Greig/Nucci to modify the lot lines of Tax Map Parcel No. 6273-00-896812 (new area of $\pm$ 31.110 acres), Tax Map Parcel No. 6273-00-944725 (new area of $\pm$ 92.139 acres), and Tax Map Parcel No. 6373-00-003907 (new area of $\pm$ 1.370 acres) so that in

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

- A. That the Lot Line Revision Plan: Lands of Greig & Nucci bears the Planning Board's assigned case number.
- B. That the applicant shall verify that the corners of the tracts have been marked by monuments or steel rods.
- C. That the applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of the application.
- D. That the applicant shall submit Lot Line Alteration drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required stamps and signatures.

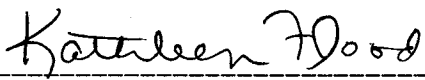
On a motion by Brian Kelly, seconded by Lew Rose, and a vote of

Roll Call Vote:

Chairman Sam Phelan	Aye
Member Kristina Dousharm	Aye
Member Brian Kelly	Aye
Member Lewis Rose	Aye

Resolution declared: Adopted on December 7, 2020

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

	<u>12-8-20</u>
Kathleen Flood, Clerk to the Board	Date

**Resolution Granting Approval to the Final Subdivision Plat for
Sheehan and Ackerman Lot Line Alteration**

Name of Project: Lot Line Alteration between Lands of Sheehan and Ackerman

Name of Applicants: James and Pamela Sheehan and Brian Ackerman

Whereas, the applicants have submitted an application for Final Plat Approval to the Town of Red Hook Planning Board to convey ± 1.031 acres of land from the ± 102.7 acre Sheehan parcel (Tax Map Parcel No. 134889-6372-00-987903) located in the AB District at 234 Hapeman Hill Road to the ± 5.022 acre Ackerman parcel (Tax Map No. 134889-6473-00-025078) located in the RD3 District at 322 Hapeman Hill Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Subdivision Plat entitled "Lot Line Adjustment Lands of Ackerman and Sheehan" prepared by Decker Surveying dated October 30, 2020; and

Whereas, on September 14, 2020, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(16) declaring that no further review under SEQR is required; and

Whereas, the parcels are located within 500' of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural Data Statement dated October 30, 2020, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, on December 7, 2020, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on December 7, 2020; and

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

NOW THEREFORE BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to James and Pamela Sheehan and Brian Ackerman in accordance with the plans and specifications heretofore enumerated subject to the following conditions:

A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions and modifications:

(1) The Subdivision Plat shall be revised as follows:

- (a) To include the Agricultural Notice from Chapter 72-2B of the Town Code.
- (b) To depict only one (1) acre to be conveyed from Sheehan to Ackerman.
- (2) The Subdivision Plat shall be signed by the Dutchess County Department of Health (Permission to File).
- (3) The applicants shall verify that the corners of tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer, as required by § 120-24B(2) of the Town Code.
- (4) The applicants shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- (5) The applicants shall pay any and all outstanding escrow balances for consultant review.
- (6) The applicants shall submit 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.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicants.

On a motion by Lew Rose seconded by Brian Kelly and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Aye</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
and three vacant seats	

Resolution was declared adopted on December 7, 2020.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

12-8-20
Date