

Town of Red Hook Planning Board

Approved Meeting Minutes / Monday, November 15, 2021

Chairman Sam Phelan called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present via Zoom: Karen Smythe, Kristina Dousharm, Sam Phelan, Lew Rose, and Brian Kelly. Engineering consultant, Brandee Nelson and Planning Board Secretary were present via Zoom.

Sam Phelan said there was a change to the agenda. Savona's Restaurant was unable to attend therefore they will be placed on the next meeting's agenda scheduled for December 6, 2021.

A motion to approve the meeting minutes of November 1, 2021, was made by Lew Rose, seconded by Kristina Dousharm and all members were in favor.

OLD BUSINESS

Sky Park Amended Subdivision (Lot #3 building envelope revision) – 438 Route 199

Continued discussion of application to amend the building envelope on Lot #3 of the Sky Park minor subdivision, consisting of four lots on a 107.27 parcel in the (RD3), Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Environmental Protection Overlay (EP-O) Districts, approved by the Board June 1, 2020.

Tom Mangione was present, via Zoom, on behalf of Sky Park.

Lew Rose and Sam Phelan went on a site visit prior to the meeting. Lew Rose gave an overview of the findings from this visit. He spoke about the slope on the existing building envelope as compared to the other two building envelopes. Mr. Rose's observation was that the second and third envelopes would be more appropriate for building than the first envelope. Mr. Rose is confident in the proposed envelope revision. Sam Phelan used the map to show the wetlands and the location of the building envelopes. Mr. Rose also mentioned that Tom Mangione had the property staked out prior to the site visit. Mr. Phelan asked for Brandee Nelson's input. Ms. Nelson addressed the amount of acreage needed for the required setbacks. Mr. Phelan asked if a well can be built outside the building envelope. Ms. Nelson deferred to Mr. Mangione for the original approval requirements regarding well and septic. Mr. Mangione discussed his understanding of the original approval requirements. Ms. Nelson informed the Board that the well and septic of future projects on this land will be subject to review and approval by the County's Health Department, therefore, will provide the Planning Board with a measure of protection for providing the accurate amount of space. Mr. Phelan asked if Mr. Mangione had a deep test done on one of the lots and Mr. Mangione said there were three deep tests done. Two of the deep tests were on building envelope A just north of the buffer line and then another in the NW corner of building envelope B. Mr. Mangione foresees no issue with septic systems on these lots.

A motion to approve the Lot 3 building envelope revision was made by Brian Kelly, seconded by Kristinia Dousharm and all members were in favor.

Karen Smythe asked if there was only one house permitted on envelopes A and B and Mr. Phelan confirmed that to be accurate.

Old Rhinebeck Aerodrome Museum Site Plan – 16 Norton Road

Continued discussion of application to replace a 3200-square foot hangar with a new 3600-square foot hangar in the RD 3 Zoning District.

Representative, Scott Cruickshank was present via Zoom.

Scott Cruickshank shared the map with the Board to point out the area adjacent to the new hangar and showed the flags that represent the wetlands. He showed the fence that separates the construction site from the hangar. He explained that the new hangar will be moved 10 feet further from the wetlands than the original hangar was. Mr. Cruickshank showed the cut sheets for the proposed lighting fixtures. He described the fixtures as typically used for residential use as well as those often used in barns. He showed the board which type of light fixture would be going in the various locations needing illumination. Mr. Phelan asked if the lights would be on continually or only as needed. Mr. Cruickshank assured the Board the lighting will be as needed, and it is likely they will be on a timer to ensure that. Brandee Nelson inquired if the fixtures were full cut off and Mr. Cruickshank said the product data states they are “dark sky certified.” Ms. Nelson was satisfied that the fixtures were compliant with the requirements. Mr. Cruickshank wanted to bring a change before the Planning Board that he had not yet had a chance to provide a rendering for. The Aerodrome would like to install a 50-foot and a 30ft hangar door rather than two 40-foot doors. The reason for the change is to accommodate the wingspan of the aircraft they plan to store in this hangar. Mr. Cruickshank also shared a photo of the color scheme to be used.

Mr. Phelan called for questions and there were none. He clarified with the applicant that the revised plans pertaining to lighting be submitted to the board.

A motion to accept the draft approval was made by Kristina Dousharm, seconded by Brian Kelly and all members were in favor.

A motion to approve the revised site plan was made by Karen Smythe, seconded by Brian Kelly and all members were in favor.

NEW BUSINESS

Rowlson-Hall Certificate of Appropriateness – 41 Old Post Road

Presentation of application to install a Gothic picket style fence in the front yard of a residence on a .85-acre parcel in upper Red Hook.

There were no representatives present at the meeting therefore this discussion was postponed until the next scheduled Planning Board meeting on December 6, 2021.

Bear Special Use Permit – 398 Spring Lake Road

Presentation of application to construct a 190 square foot connector between an existing single-family dwelling and a detached two car garage within the regulated 100-foot adjacent area of a NYS DEC mapped wetland on a .6-acre parcel in the Institutional Zoning District.

Representative Phil Zemke was present via Zoom.

Phil Zemke gave an overview of the proposed project. Sam Phelan asked why the applicant did not put this connector in when the garage was built. Mr. Zemke said that the original pitch to the roof was changed and the buildup of rain and snow on the walkway had not been anticipated. However, it has now become evident the need for the connector. Lew Rose asked about a path, dock, and pond on the property that he is not seeing on the map. Mr. Zemke said there is a dock extending from the shore into the lake as well as a path made of blue stone pavers. Mr. Phelan asked about a rain garden that had been put in previously. Mr. Zemke described how the gutters and pipe system work and the plans to mimic that with the new construction. Brandee Nelson said the Board does not see the permit from the Department of Environmental Conservation (DEC) in our records. Mr. Zemke said he had submitted them, but he is willing to resubmit if necessary. The planning secretary will follow up and ensure the permit is made part of the record. Mr. Zemke provided the permit via Zoom for the Board's perusal.

Mr. Phelan called for questions and there were none. A public hearing is scheduled for December 6, 2021. Mr. Phelan and Ms. Nelson reviewed with the applicant what materials are needed for the public hearing.

OTHER BUSINESS

Proposed Local Law G, 2021, Short Term Rentals for Planning Board review

Red Hook Town Board Supervisor, Robert McKeon, was present via Zoom.

Kristina Dousharm gave a comprehensive overview of the Proposed Local Law G. She provided some history of the development of the law and its trajectory thus far.

Sam Phelan asked how many short-term rentals exist and Ms. Dousharm said less than 100. Mr. Phelan asked Karen Smythe if the Village of Red Hook had this before them and she said no but anticipates it coming before the Village Board soon. Ms. Dousharm shared with the Board a document showing the existing short-term rentals and which of those would be affected by Local

Law G. Mr. Phelan asked if people who want to operate a short-term rental would need a site plan and special use permit. Ms. Dousharm said no but will need an annual operating permit from the Town of Red Hook.

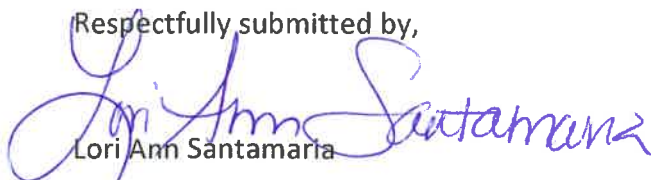
Town Board Supervisor, Robert McKeon, joined the meeting. Mr. McKeon also gave an overview of the Town Board's catalyst for looking into short-term rental properties. He said New York State has deemed that short-term rental properties are not permissible unless municipalities adopt an ordinance to provide for them. A short-term rental is defined as a rental of less than 30 days. This law will not affect long term or seasonal rental properties. The Red Hook Town Board wants to avoid problems and to establish regulations governing short-term rentals by adopting this ordinance. Mr. McKeon also outlined the requirements for short-term rentals. Lew Rose asked if the Planning Board would be required to review all site plans for short-term rentals and Mr. McKeon said that would not be necessary. Mr. McKeon said that the Building and Zoning Department would be doing on-site reviews. Lew Rose asked Mr. McKeon if there was any plan to nominate a Planning Board member to the Intermunicipal Task Force (ITF) to fill the present vacancy. Mr. McKeon said the ITF has gone on "sabbatical" and is planning to be reconstituted in 2022. Mr. McKeon would like the Planning Board to nominate a member to be on the ITF. Karen Smythe asked for the logic behind the 120-day maximum on short term rentals. Mr. McKeon answered that the restriction is designed to preserve the culture of "neighborhoods" and encourage long term rentals that would be a larger contributor to the local economy. Lew Rose asked what the Town Board is seeking from the Planning Board on this matter. Mr. McKeon referenced a letter sent by the Town Board to the Planning Board that can clarify what is sought. Mr. McKeon said that there will be a public hearing on Local Law G on November 30, 2021, via Zoom.

Mr. Phelan encouraged the members to attend the public hearing as an individual. As a Planning Board, Mr. Phelan suggests that members come to the table at the next meeting with generalized comments about features that are of interest or concern. He would like to have those comments foster a conversation that produces a letter to the Town Board giving the Planning Board's ideas, expertise and concerns for their consideration. The members of the Planning Board discussed some points of focus that the Planning Board may want to discuss further at the next meeting after having had ample time to study the proposed law.

ADJOURNMENT

A motion to adjourn was made by Kristina Dousharm, seconded by Karen Smythe, and all members were in favor.

Respectfully submitted by,



Lori Ann Santamaria

Planning Board Secretary

**Resolution Granting Approval to Revise the Location of the Building Envelope on
Lot 3 of Filed Subdivision Plat No. 12677 (“Sky Park”)**

Name of Project: Amendment to Filed Map No. 12677 (“Sky Park”) to Revise the Location of the Building Envelope on Lot 3

Name of Applicant: Sky Park Developers LLC

Whereas, the applicant has submitted an application to revise the location of the building envelope on Lot 3 of filed Subdivision Plat No. 12677 (Tax Map Parcel No. 134889-6372-00-431359) located on Route 199 in the RD3, Waterfront Conservation (WC), Scenic Corridor Overlay (SC-O), and Environmental Protection Overlay (EP-O) Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a plat entitled “Amendment to FM No. 12677 Lot 3 Building Envelope Revision” (Sheet 1-1) prepared by CPL and dated October 22, 2021; and

Whereas, the Planning Board determined that the revised location of the building envelope will not result in a significant impact on the environment greater than that which was initially reviewed for the Sky Park Subdivision (Filed Plat No. 12677) pursuant to SEQR, which resulted in the issuance of a Negative Declaration by the Town of Red Hook Planning Board on April 6, 2020; and

Whereas, § 120-39 of the Town Code authorizes the Planning Board to approve in writing modifications to an approved plat; and

Whereas, the Planning Board determined that the proposed plat modification will not create a need for recreational land and facilities, and therefore does not require the applicant to make a recreational fee payment; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the relocated building envelope on Lot 3 of filed Subdivision Plat No. 12677 in accordance with the plans and specifications heretofore enumerated upon 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 revise the First Bulleted Point Note to add the following sentence at the end of the Note: “All other restrictions and notes of the previous filed plat remain in effect.”
- (b) To revise the Third Bulleted Point Note to read: “Only one principal residence is allowed on Lot 3, and said residence may be located in either Building Envelope A or B.”

- (2) The Subdivision Plat shall be signed by the Dutchess County Department of Behavioral and Community Health (Permission to File).
- (3) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- (4) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (5) 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.

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

Chairman Sam Phelan	Voting aye
Deputy Chairman Brian Kelly	Voting aye
Member Kristina Dousharm	Voting aye
Member Lew Rose	Voting aye
Member Karen Smyth	Voting aye
and two vacant seats	

Resolution was declared adopted on November 15, 2021.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

11-16-21
Date

Resolution Granting Site Plan Approval to Old Rhinebeck Aerodrome Museum Hangar Replacement (West)

Name of Project: Old Rhinebeck Aerodrome Museum Hangar Replacement (West)

Name of Applicant: Old Rhinebeck Aerodrome Museum

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Old Rhinebeck Aerodrome Museum to demolish an existing $\pm$ 3,200 square foot airplane hangar and replace it with a $\pm$ 3,600 square foot hangar in approximately the same location on a $\pm$ 93.940 acre parcel (Tax Parcel ID No. 134889-6271-00-820860) located at 16 Norton Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Site Plan entitled “Old Rhinebeck Aerodrome Museum A. V. Roe RAF Building” prepared by Stantec (Sheets 1 to 3 dated November 19, 2020 and last revised November 5, 2021), and Building Elevations and Floor Plans (including photo-simulations) prepared by Mazzarelli Architecture + Planning, PC (Sheet PB-1 dated September 9, 2021), and exterior lighting cutsheets for Redondo and Venice lights from Steel Lighting Company (17 sheets); and

Whereas, the Code Enforcement Officer determined the proposed lettering on the hangar does not constitute a sign and the proposed replacement project does not require a Special Permit; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on November 1, 2021 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(2) and (9) and, therefore, SEQR does not apply; and

Whereas, the parcel is located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated September 23, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500 feet of the subject parcel; and

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

Whereas, due to the location of the property within 500 feet of a municipal boundary and within 500 feet of a farm operation in a New York State certified Agricultural District, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239-m and the County Planning Department determined in its review dated October 25, 2021 that the project was a matter of local concern; and

Whereas, the Planning Board has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, pursuant to General Municipal Law § 239-nn, the Planning Board notified the Clerk of the Town of Rhinebeck of the public hearing on the site plan application; and

Whereas, on November 1, 2021, the Planning Board opened a duly-noticed public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on November 1, 2021; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or principal 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 Site Plan approval to Old Rhinebeck Aerodrome Museum for a replacement hangar in accordance with the plans and specifications heretofore enumerated upon the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Site Plan after compliance with the following conditions:
 - (1) The Site Plan and Building Elevations shall include a signature block for the Planning Board.
 - (2) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (3) The applicant shall pay any and all outstanding escrow balances for consultant review.
 - (4) The applicant shall submit Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for endorsement by the Planning Board Chairman or his designee. One (1) set will be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Department. The applicant must return to the Planning Board for approval of any desired changes from the endorsed plans.

- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
 - (1) All proposed improvements shall have been completed in accordance with the approved Site Plan.

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 applicant.

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

Chairman Sam Phelan	Voting aye
Deputy Chairman Brian Kelly	Voting aye

Member Kristina Dousharm	Voting aye
Member Lew Rose	Voting aye
Member Karen Smyth	Voting aye
and two vacant seats	

Resolution was declared adopted on Nov. 15, 2021.

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

Kathleen Flood

Kathleen Flood, Clerk to the Board

12-6-21

Date