

**APPROVED
TOWN OF RED HOOK PLANNING BOARD
MEETING MINUTES
OCTOBER 20, 2014**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30pm and confirmed the agenda as published.

A quorum was determined present for the conduct of business. Members present: Christine Kane, Sarah Gilbert, Sam Harkins, Charlie Laing, Brian Walker, and Kallie Robertson. Also present were Planning Board Attorney Joel Sachs and Engineering Consultant Brandee Nelson.

Charlie Laing made a motion to adopt the minutes of October 6. Sam Harkins seconded and all members voted in favor.

Ms. Kane announced that Victoria Polidoro, who is with the town attorney's office, will be a faculty member for a SEQR workshop Dec. 4 in Poughkeepsie, and has offered Board Members a discount for attending. Sam Harkins asked if training hours can be carried over to the next year. Ms. Kane asked planning staff to ascertain whether they could.

PUBLIC HEARING

Old Rhinebeck Aerodrome – Amended Site Plan

Public hearing on application to replace an existing gift shop (to be demolished) with a new one of approximately the same size and in nearly the same location, with the addition of new permanent accessible restroom facilities connected to a new sanitary disposal system on the 115 acre Old Rhinebeck Aerodrome property.

Christine Kane read the public hearing notice. Architect Warren Smith and Aerodrome Board Member Warren Batson were present to represent the Aerodrome.

Mr. Smith described the project which he noted adds permanent restrooms on the lower level of the building. The gift shop is located on the upper level, and will have one staff member. The facility will be handicapped accessible.

Ms. Kane asked if there was any public comment. There was none.

Ms. Kane asked if there would be any signs. Mr. Smith said the applicant would like to transfer the sign from the old building to the new one. He said they would add the international symbols for men's and women's restrooms. With regard to lighting, he said there would be recessed lights on the front porch, and a light on the side porch by the entrances to the restrooms. All lights will go off when the Museum is closed.

Mr. Smith showed the board color samples of the building materials that will be used.

Ms. Kane asked if any of the Board members or public had any questions or comments. There were none. Sam Harkins made a motion to close the public hearing. Brian Walker seconded and all members voted in favor.

Ms. Kane asked Mr. Smith if the project has Board of Health Approval. Mr. Smith said the approval is pending, and it should be sorted out within a week.

The Board reviewed a draft Conditional Approval Resolution, and made a few minor changes. Charlie Laing made a motion to grant approval as amended. Sarah Gilbert seconded and all members voted in favor.

PUBLIC HEARING

Patrick Murphy Accessory Apartment – 163 Hapeman Hill Road

Public hearing on special permit for an accessory apartment on a 3.15 acre parcel located in the RD3 zoning district.

Patrick and Debra Murphy were present to represent their application. Christine Kane read the public hearing notice.

Mr. Murphy distributed copies of scaled drawings of the second floor of the apartment that the Board had requested at the last meeting. He described how his family lived in the apartment over the garage while building his home on the same lot. He said there is a separate septic system approved for a three bedroom residence. Ms. Kane asked if the apartment would have its own well. Mr. Murphy said the well would be shared with his residence.

Ms. Kane asked if there was anyone in attendance who had questions or comments. Beth Bishop, a neighbor, asked what the special permit was for. Ms. Kane explained that in order to continue to use the space over the garage as an apartment, a permit is required. Ms. Bishop asked how many people would live in the apartment, and cited a concern about increased traffic. Mr. and Mrs. Murphy said there would be very little traffic. Ms. Bishop asked about water and septic use. Ms. Kane said that the application included the use of an existing septic and well.

Jim Sheehan, another neighbor, asked if there were five dwellings on the lot. Mr. Murphy said that the land had been subdivided and other homes were built, and there are not five dwellings on his lot. Mr. Sheehan asked for clarification that the house and the proposed apartment have their own septic. Mr. Murphy said they do.

George Verilli said that the Murphy's are good neighbors who have run various businesses from their property including a construction company, and have added two structures that do not appear on the map submitted with the application, most recently one that he described as a pavilion. He asked Mr. Murphy if he had permits for the two structures. Mr. Murphy replied that the pavilion has a permit. Mr. Verilli said he is uncomfortable with the idea that a future owner of the Murphy property would increase commercial activity there. He suggested the Planning Board visit the applicant's site.

Richard Hansen, 25 James Court, told the board he had obtained a copy of the Certificate of Occupancy for the building that would house the proposed apartment. He said the C of O describes the building as a 2240 square ft. 40 x 52 ft. detached garage. He disputed the dimensions, saying that the building is

approximately 2800 square feet and measures 40 x 70. He said that his understanding is that what is allowed is a two car garage and a 650 square foot accessory apartment. Mr. Hansen contended that the current garage is approximately 1440 square feet, leaving 1360 square feet of living area on the first floor alone. He said that the apartment is currently occupied. He distributed photos to support his argument that the building is larger than the applicant stated it to be. He concluded that what the applicants have on their 3+ acre lot is a four bedroom home that they currently live in and a 2,000 sq. ft. house with a garage, and that would normally not be allowed on a 3 acre lot. He added that there is only one septic system designed to serve four bedrooms, and asked where the septic system is for the apartment. He suggested that the board and building inspector visit the site.

Ms. Kane asked if there were any other comments or questions from the public. There were none. Ms. Kane read an anonymous letter opposing the project. The writer stated that there are three occupied apartments currently in the building. Ms. Kane asked Mr. Murphy if there were three currently occupied apartments. Mr. Murphy replied that he has his own septic system for his current residence in response to Mr. Hansen's comments. He said that Mr. Verilli rents an apartment to a tenant that plays the guitar quite loudly, and that he was not aware until recently that he needed a special permit for his apartment. Ms. Kane asked if there were currently three occupied apartments in the building. Mr. Murphy replied no, and stated that he has one full time rental apartment, and "the other" is his brother-in-law who lives with his family. Ms. Kane asked if there was a tenant in the apartment. Mr. Murphy replied yes.

Ms. Kane clarified for the record that the 650 square foot allowance in accessory apartments, defined in the zoning ordinance as "habitable" space, does not include kitchens, bathrooms, hallways or locations where the ceiling height is under 7 feet.

Ms. Kane said it is important that the Board have up-to-date maps, and said if there are other buildings on the property that are not shown on the map it should be updated to show them. Kallie Robertson asked if the pavilion referred to should be shown on the map as well. Mr. Murphy replied that he has a permit for the pavilion, and it is not complete, which is why it is not shown on the map.

Charlie Laing asked if the dimensions of the garage are 40 x 52. Mr. Murphy replied yes. He said he added a 16 foot extension. Brian Walker asked for clarification about the configuration of the second floor plan provided. Sam Harkins asked about the ceiling height on the second floor. Mr. Murphy said it is 8 feet. Kallie Robertson said ceiling height should also be noted, since it matters in defining habitable space. The board and applicants tentatively agreed on a site visit Nov. 8 at 9 am. The board generally agreed to keep the public hearing open and continue it at the Nov. 17 meeting. Ms. Kane asked the applicants to provide accurate, updated drawings for the next meeting.

OLD BUSINESS

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision - Preliminary Plat and Site Plan

Continued discussion of revised Sketch Plat/Plan for preliminary subdivision plat and site plan approval to create 102 residential units on 52.05 acres in the TND-R (Traditional Neighborhood District - Residential) zoning district.

Richard Rang and Rod Morrison were present to represent the applicants.

Mr. Rang said that the applicants would like to Board to declare themselves lead agency for SEQR, and also re-authorize the project's sketch plan.

A Greenplan memo dated Oct. 17 was reviewed, wherein the Hucklebush Rail trail, a proposed but as yet undeveloped rail trail that passes through Red Hook, Rhinebeck and Milan, was mentioned. Christine Kane asked the representatives to show where the old rail bed traverses the project site. Mr. Morrison said although there is no evidence of the rail bed's existence on the site, he pointed on the site plan approximately where he thought it previously existed. Ms. Kane said the Town of Rhinebeck has recently taken steps to ensure that the portion of the trail that passes through Rhinebeck is not built upon, and a committee in Red Hook has proposed a map for the trail that will be presented to the town board soon. Mr. Rang said the Hoffman project could make a trail connection using sidewalks so the trail would not be severed if it is developed.

Joel Sachs said it was his understanding that the sketch plan as presented required zoning amendments to be adopted by the town. Ms. Kane said that the town board is considering changes to the highway specifications for the TND district. Brandee Nelson further clarified that the applicants had made comments about the town's zoning ordinances but never actually requested that any amendments be made, which resulted in a misunderstanding. She said the comments gave the impression that the changes were needed to make the project viable, which actually is not so. The applicant's representatives said that no matter what the town decided to do with the roads, the project can accommodate it, and that the sketch is currently zoning compliant.

The Board discussed recirculating for Lead Agency for SEQR. They reviewed the new Environmental Assessment Form part one that was submitted, and determined that a few corrections need to be made. Mr. Sachs recommended that the Board re-circulate for Lead Agency with the new EAF that has been prepared. It was unclear whether the Board had circulated to the Dutchess County Water and Wastewater Authority originally. It was generally agreed to recirculate for Lead Agency once the new EAF part I was corrected and resubmitted.

The Board moved on to comments from the town engineer. Brandee Nelson said the primary concern before a SEQR determination could be made is the applicant's ability to get a clear affirmation from an entity that will provide an adequate supply of water. Mr. Rang provided copies of a letter to the applicants from the Dutchess County Water and Wastewater Authority saying they would agree to administer the project and requesting that the Town make a request for them to do. Ms. Nelson agreed that while progress is being made, there is still no evidence of a commitment from either the Village or Rokeby to provide adequate water. She added that the process is somewhat complicated by the methods the applicants are employing to determine how much water is needed. Their formula is based Rokeby water use records and the project's a bedroom count, which, she said has actually not yet been established. She wondered if the County Health Department would agree with this method of assessing how much water will be needed.

Mr. Rang asked if the Board would consider sketch endorsement at this point. Ms. Nelson said the town engineers do not see any critical issues, and had no problem recommending to the board that sketch plan approval be granted at this time. Ms. Kane asked the board if they felt comfortable granting sketch endorsement at this time. The board generally agreed that they were. Charlie Laing made a motion that sketch plan approval be granted. Sam Harkins seconded. Kallie Robertson abstained, and the rest of the board voted in favor.

Mr. Rang showed some artistic renderings of streets, and described how the applicants are working toward determining what types of units would be built on what lots in order to meet the quotas for each type of unit. Ms. Nelson asked if any thought had been given to how the project would assure achieving the quota when buyers are given the opportunity to choose which type of dwelling unit to build on their lot, in response to Mr. Rang's example that 13 cottage lots are clearly marked for cottages, while 20 cottages are required to meet the quota for cottages. Ms. Kane agreed, and asked what would happen if no one else requested a cottage.

Mr. Rang replied that the results would ultimately be driven by the market, and suggested that the building department monitor how many of each type of home is built. The Board responded that they did not feel that should be the building department's responsibility. Ms. Kane said that another major subdivision had spent quite a bit of time determining with the board exactly what type of unit would be placed where, and said she was not sure the board would feel comfortable with earmarking 13 lots to cottages when 20 are required. Everyone agreed that it's an issue that will need to be resolved.

Preserve at Lakes Kill – Feller Newmark Road – Major Subdivision – Preliminary Plat Approval

Continued discussion on application for Preliminary Subdivision Plat Approval to create 11 residential lots, one lot for the community septic system, and one open space parcel on approximately 100.45 acres in the AB (Agricultural Business) and RD3 (Rural Development 3) zoning districts.

Mike Bodendorf and John Wagner were present to represent the applicants.

Christine Kane asked Brandee Nelson to update the project from the town engineer's prospective. Ms. Nelson said that she had met on site with Mr. Bodendorf Sept. 22 to review constructability of the proposed retaining wall on Feller Newmark Road. Nancy Guski from the Tree Preservation Committee happened to be there at the same time, she said, reviewing the list of trees slated for removal.

Ms. Nelson said she suggested that the wall be shortened on the western end in order to preserve a 36 inch Oak tree at the end of the wall. The applicants agreed to shorten the wall by five feet so that it would end nine feet from the trunk of the tree. Brian Walker asked if that was within the drip line of the tree. Mr. Bodendorf said based on the size of the tree, he thought so. Ms. Nelson suggested that the board consider requiring the applicant to establish a special escrow to cover the cost of removing the tree if it should die due to damage during construction, and added that she felt it was well worth trying to preserve.

Mr. Bodendorf and Ms. Nelson also discussed drainage behind the wall and the expected slope stability of the land behind the wall. She said the applicant has provided a shoring plan, although she feels that it will probably not be needed. She said they discussed where the applicant's surveyor would install snow fencing indicating the limit of the two rod width so that it will be very clear for contractors to see precisely the limits they need to work within. They also went over road construction sequence and maintenance and protection of traffic along the road during the construction.

Ms. Nelson concluded that is the town engineer's opinion is that the wall can be constructed within the two rod right of way and they will probably be able to preserve the aforementioned Oak tree.

The board reviewed a letter from the Tree Preservation committee concerning the Oak tree and the proper identification of other trees in the area.

The Board reviewed a memo from Greenplan dated Oct. 13. Ms. Kane said that the Fire Department has not commented on the project yet. Brandee Nelson offered to contact the fire chief to see if he intends to comment.

The applicants provided samples of the material for the face of the wall. The Board and applicants generally agreed on the particular veneer named Old Barn Rustic Ledge Stone to be used.

The Board and applicants discussed signage along Feller Newmark Road and in the development. Mr. Bodendorf said the agricultural crossing signs have not yet been plotted because they do not know where the crossings actually occur.

The apron for mailboxes was moved from the west side to the east side of Feller Newmark Road. Kallie Robertson asked where the school bus would stop. Mr. Bodendorf said it would stop on Feller Newmark Road, and that the school district had indicated to him that children would be picked up and dropped off on the same side of the road. Ms. Robertson asked if that was different than what was happening now, and asked about the children who live on the other side of the road. Mr. Bodendorf said he did not know. The board asked the applicant to clarify that information with the school district.

Ms. Kane said that the Board had received a letter from the applicants extending the deadline for a decision on preliminary approval until Dec. 1.

The project will return Nov. 3.

NEW BUSINESS

Willms and R&R Development of Red Hook Inc. Lot Line Alteration – Metzger Road

Presentation of application to convey .10 acres of land from the Willms' parcel to a parcel owned by R&R Development of Red Hook, Inc. to provide 25' of lot frontage on Metzger Road for the R&R Development parcel.

Mike Brown was present to represent the applicant. The applicant has obtained an area variance from the Zoning Board of Appeals.

The Board and applicant made some corrections to the EAF part 1.

Sam Harkins made a motion that the Board grant sketch approval. Sarah Gilbert seconded and all members voted in favor. A public hearing will be held Nov. 3.

Beauty Depot – 17 Glen Pond Drive – Site Plan

Presentation of application to renovate an existing commercial space for a salon offering hair and nail services.

Tonya Hoeffler and Real Estate Agent Mary Anne Harvey were present to represent the application. Ms. Hoeffler said the project would consolidate several offices into one space in the Glen Pond commercial building. Ms. Kane asked if parking is allocated. Ms. Harvey said no. Ms. Kane asked about signs, and Ms. Hoeffler said that she wanted to put one above her door, but she was not sure whether it will be allowed

by the owners of the building. Ms. Kane asked about lighting. Ms. Harvey said she would check with the landlords.

The applicants will return Nov. 3 with details regarding signs, lighting and parking. The board generally agreed that a public hearing would not be required since the application is for space within an existing commercial project.

OTHER BUSINESS

Conditional Approval Extension request – Bard Olin Parking Lot

Rod Morrison was present to represent the applicant. He said that he will submit the plans for Ms. Kane's signature that the EFC has signed off on, with a letter detailing some very minor changes such as pool depth, additional signs, and landscape adjustments.

Charlie Laing made a motion that a thirty day extension be granted, and authorizing Ms. Kane to sign the plans as amended. Sam Harkins seconded and all members voted in favor.

ADJOURNMENT

There being no further business to come before the board, Charlie Laing made a motion to adjourn. Sam Harkins seconded and all members voted in favor. The meeting was adjourned at 10pm.

Respectfully submitted,

Kathleen Flood
Secretary

Resolution Granting Site Plan Approval to Rhinebeck Aerodrome Museum Gift Shop Building

Name of Project: Rhinebeck Aerodrome Museum Gift Shop Building

Name of Applicant: Rhinebeck Aerodrome Museum

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from the Rhinebeck Aerodrome Museum dated June 11, 2104 to construct a $\pm$ 1,360 square foot gift shop with restroom facilities on a $\pm$ 155 acre parcel (Tax Map Parcel No. 134889-6271-00-820860-0000) located at 16 Norton Road in the Rural Development 3 (RD3) Zoning District, in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Rhinebeck Aerodrome Museum is a nonconforming cultural facility in the RD3 District, and the proposed gift shop will be the same size as the existing gift shop (which will be demolished) and will be essentially in the same location and therefore requires only site plan review pursuant to § 143-125A(3) of the Zoning Law; and

Whereas, the Planning Board has reviewed the application for Site Plan against the requirements of Article VII of the Town of Red Hook Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on July 7, 2014 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined in its review dated July 11, 2014 that the project was a matter of local concern; and

Whereas, on October 20, 2014, the Planning Board conducted a duly noticed public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

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

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Site Plan approval to Rhinebeck Aerodrome Museum for a Gift Shop Building in accordance with the applications materials and specifications heretofore submitted upon the following conditions:

- A. The applicant shall obtain approval from the Dutchess County Department of Health for the proposed septic system.
- B. The following revisions shall be made to the Site Plan:
 - i. Identify proposed building colors on Sheet A-2.
 - ii. Include signature blocks for the Town of Red Hook Planning Board and for the Dutchess County Department of Health.
 - iii. Add a note to Sheet SP-1 stating that no modifications to existing parking and loading areas, existing pedestrian paths, existing water supply, existing fire or emergency zones, and existing solid waste facilities are proposed.
 - iv. Add a note to Sheet SP-1 stating that no landscaping is proposed.
 - v. Add a note to Sheet SP-1 stating that if a retaining wall is required, the final design and materials of the wall will be provided as part of the building permit.
- C. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

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

On a motion by **CHARLIE LAING**, seconded by **BRIAN WALKER**, and a vote of **6** for, **0** against, and **1** absent, this resolution was adopted on **OCTOBER 20, 2014**.

Resolution declared: **ADOPTED** on **OCTOBER 20, 2014**

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

Kathleen Flood, Clerk to the Planning Board

Date