

draft
**Town of Red Hook Planning Board
Meeting Minutes
November 1, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:43 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

The Board confirmed its next regular meeting for November 15, 2004.

The minutes of the October 18, 2004 meeting had been sent to the Board members and reviewed. Mary Lou Muirhead made a motion to accept those minutes. The motion was seconded by David Wright, and all members were in favor.

REGULAR SESSION - OLD BUSINESS (PUBLIC HEARINGS)

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

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

The Chair opened the public hearing, which had been continued from October 4, 2004. There was no comment from the public.

The Chair said that Bard had submitted its archaeological report to Albany but as yet had received no reply from NYS Office of Parks, Recreation and Historic Preservation.

Mary Lou Muirhead made a motion to continue the hearing to December 6, 2004. Sam Phelan seconded the motion, and all members present were in favor.

REGULAR SESSION – NEW BUSINESS

Bard College (Manor House Café) – Manor Road – Special Use Permit and Site Plan

Chuck Simmons appeared before the Board in support of applications to authorize the creation of kitchen and dining facilities and some offices within the existing Manor House dormitory. He said that all the renovation had taken place within the building and that no changes had been made to the footprint of the building, the lighting scheme or the parking plan. He said that the renovations met all New York State regulations and that the building was handicapped accessible.

The Chair said that the Town Building and Zoning department had not been advised of these renovations and that permits for the construction had not been obtained in advance. Mr. Simmons said that he believed a permit was not necessary unless the work involved more than 50% of the building, which this renovation did not.

The Chair said that a permit was necessary, however, because the space had undergone a change of use which had not been referenced in the Campus Master Plan Update. In addition, Planning Consultant Art Brod noted a small addition to the building, which would require a special permit and site plan approval from the Planning Board. Mr. Simmons disagreed, saying again that the footprint of the building had not changed. The only exterior modification had been the enclosing of a small porch.

Sam Phelan said that the application process should continue and that a public hearing should be scheduled so that the change of use would become public knowledge. The Board, by consensus, agreed. Since the Board members had conducted a site visit to the Bard campus to inspect the locations of several proposed projects, including the Manor House Café, a further site visit was not needed.

John Hardeman made a motion to adopt the following procedural resolution:

The Town of Red Hook Planning Board hereby acts as follows on the October 18, 2004, Applications by Bard College for Amendment of its 'Educational Campus' Special Use Permit and Site Plan Approval to authorize certain improvements within a portion of, and immediately adjacent to, the Manor House Dormitory to permit use of the converted space and associated limited addition for kitchen and dining facilities and office space, all as depicted on drawings prepared by Robert Nilsson, architect, and dated July 20, 2004:

1. Accepts the Application as adequate for Planning Board, consultant and public review.
2. Classifies the Proposed Action as a Type I Action under SEQRA for which there are no other involved agencies and for which no site disturbance or exterior building modifications, except as heretofore undertaken and completed, will occur, thus obviating requirement for referral to NYSOPRHP.
3. Schedules a combined Public Hearing on the Applications for Monday, December 6, 2004, at 7:50 p.m. and directs the Clerk to provide timely notice thereof.

Sam Phelan seconded the motion, and all members voted in favor.

Brian & Shelly Degli Angeli – 604 Budds Corners Road – Subdivision Plat

Marie Welch, L.S., was present with an application for subdivision plat approval to create a 5.09-acre existing house lot and a 3.00-acre residential building lot from an 8.096-acre parcel in the RD3 District.

Ms. Welch began by saying that she realized that the title to the maps should be amended to read "survey prepared for Degli Angeli" and "Lands of Robert and Linda Krausz."

The Chair read Planning Consultant Art Brod's notes on the matter. He added that the applicant should contact the NYS DEC in order to have the wetland at the rear of the parcel accurately flagged. In addition, the applicant must contact the Town highway superintendent in order to verify that an adequate sight distance would exist for the driveway.

Ms. Welch said that she was aware of the need for an engineer for the project and that Tom Cummings, P.E., had been contacted. She added that the parcel was not in or near an agricultural district.

David Wright made a motion to adopt a resolution granting sketch endorsement with the following required conditions:

1. The maps shall be re-titled to reflect the correct owner of the lands.
2. The DEC shall flag the wetland, and said wetland and its buffer shall be depicted on the map submitted for conditional approval.
3. The Dutchess Co. Department of Public Works must approve in writing the location of the driveway.
4. A certified engineer must provide all necessary engineering data and maps.
5. The applicant shall otherwise comply with the Town of Red Hook subdivision regulations.

Mary Lou Muirhead seconded the motion, and all members voted in favor.

TGS Associates, Inc. – NYS Route 9 and Metzger Road – Site Plan

Todd Baright appeared before the Board in support of TGS Associates' application for site plan approval to modify the existing landscaping and parking areas of Hardscrabble Plaza and to add a car wash and self-storage facility, all within the B1 District.

Mr. Baright described the proposed landscaping changes, saying that the addition of shrubs would help delineate certain parking areas on the site and that a hedgerow around the picnic area near Holy Cow would shield customers somewhat from the traffic along Route 9. He said he would also like to make that picnic area somewhat larger. In keeping with the goal of making the western portion of the Plaza pedestrian-friendly, he would like to add a sidewalk along the Route 9 edge of the parcel. This sidewalk could connect with an existing walkway leading to Hannaford's Supermarket.

Mr. Baright went on to show a proposed change in the traffic pattern of the parking lot. This change would create a one-way lane along the north side of the lot and would lead directly to the existing exit onto Route 9. Sam Phelan asked how Mr. Baright proposed to delineate the parking spaces along this new lane. Mr. Baright said he did not want to install curbing, which would hinder snow removal. The Board and Mr. Baright generally discussed painted lines or possibly using a different type of paving material for each area. Finally, Mr. Baright pointed out the addition of parking spaces for the handicapped placed closer to the businesses.

The Board and Mr. Baright generally discussed the proposed “rollover”-type carwash. Mr. Baright said that while new technology has made it possible to reclaim nearly 100% of the water used by customers, as much as 10% may be lost through evaporation and water dripping off cars as they leave the facility. Mary Lou Muirhead pointed out that the Plaza is located over a large aquifer, which must be protected. Mr. Baright said that all the tanks used to store and filter the wastewater would be sealed. Haulers would remove the sludge remaining after the water had been filtered. The Building Inspector would oversee the installation of the system, and the NYS DEC would monitor its start-up operations. Mr. Baright said that periodic monitoring by environmental or municipal authorities after start-up was not required but that he was committed to maintaining his system to the highest standards. Tangentially, he said that there have been discussions with the Village about possibly extending the municipal water line through Hardscrabble Plaza to Hannaford’s.

Mr. Baright then moved on to a discussion of a proposed road extending from the Hannaford property through the eastern portion of Hardscrabble Plaza. According to Planning Board records, Hannaford’s agreed to build the subsurface of a road reaching to the edge of its property, which possibly has already been done, and then dedicate that road property to the Town. Mr. Baright would then extend that road to service the proposed carwash and proposed self-storage facility.

Mr. Baright said that the self-storage facility would have a gated access for security. The roads within the facility would be large enough for fire trucks to make turns. Building design and landscaping would allow the facility to blend in with the architecture of the neighborhood.

The Chair read a letter dated September 28, 2004 from Zoning Enforcement Officer Bob Fennell stating that although self-storage facilities are not mentioned in the Zoning Code and so would normally be prohibited, the Town has, in the past, viewed them as “retail businesses”, which are allowed in the B1 district. The Chair then read an e-mail dated November 1, 2004 from Scenic Hudson senior regional planner Jeffrey Anzevino urging the Board to require a use variance for the facility before proceeding.

Christine Kane said that it was not proper for the ZEO to interpret the law or to set precedent and wondered if the ZBA had acted on a similar proposal. The Chair read a decision rendered by the ZBA on June 20, 1995 regarding a request by Stan Hapeman for a use variance to authorize the establishment of a self-storage facility in the B1 District. In that decision, the ZBA determined that such a variance was not necessary because a self-storage facility could be classified as a “retail business” and therefore an allowed use. In light of this decision, the Board generally agreed that it would view both the carwash and the self-storage facility as permitted uses and would proceed with the site plan application.

Discussion then turned to the access and egress road cuts off Route 9. Mr. Baright proposed a road along the northern edge of the Hardscrabble property, which would serve any future Hardscrabble Plaza businesses on that northern portion and would also serve a Mid-Hudson Valley Credit Union building which has been proposed for the neighboring parcel to the north. David Wright remembered that, at one time, a road had been planned to run east and west through the middle of the Plaza, with its road cut opposite Old Farm Road. At that time, a traffic light had been proposed for that location.

Mr. Baright said that in his discussions with the Dutchess County Department of Transportation, the DOT had said since a traffic signal had been installed at the intersection of Rokeby Road and Route 9, no new signal would be possible at the Old Farm Road location.

Sam Phelan said he would like to see Mr. Baright's proposed one-way traffic lane through the Hardscrabble parking area made into a one-way street leading to the current exit onto Route 9. There are, he added, currently two problems with that exit—an uphill grade to the street and also informal right and left turning lanes within the exit.

John Hardeman said that the Planning Board has known for years that the roads through Hardscrabble Plaza would be crucial to the build-out of the area and that they must be carefully planned at this early stage. The Board by consensus agreed and referred the project to John Clarke at the Dutchess County Department of Planning and Development for review and suggestions. The Chair said he would contact Mr. Clarke before sending the proposal. The Board also referred the project to Planning Consultant Art Brod and Town Engineer Dan Wheeler. The project was tentatively scheduled for further discussion at the December 20, 2004 meeting.

Brian Williams & Mark Angelier – Yantz and Oriole Mills Roads – Subdivision Plat

Richard Hanback, L.S. and Brian Williams appeared before the Board with an application to subdivide a 28.44-acre parcel into proposed residential building lots of 3.28, 12.86 and 12.29 acres. The parcel is located in the RD3 and Certified Agricultural Districts.

Mr. Williams began by asking whether the “pole” of a flag lot was included when determining whether that lot met the minimum size requirement. David Wright said no, that only the “flag” portion of the lot was considered.

Mr. Williams said that the parcel was mostly wooded and had steep slopes. He planned to clear only a small area on one lot for a house and keep the rest wooded. He said that Mark Graminski, P.E., had begun percolation tests and that so far the results were satisfactory.

The Board questioned the configuration of flag lots and rights-of-way depicted on the map. Mr. Hanback said that that configuration followed the contours of the land. It minimized disturbance of the land and also minimized the number of curb cuts. Mr. Williams said that he would like his driveway to come off Oriole Mills Road.

The Board referred the application to the Agricultural Advisory Committee for review and comments. Mr. Hanback asked that he be present when the Committee discussed the project. He agreed to supply soils and topography maps as well as density figures as part of the referral package. The application was tentatively set for reappearance before the Board at its December 6, 2004 meeting.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, David Wright made a motion to adjourn. Paul Telesca seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 9:45 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board