

Town of Red Hook Planning Board

Approved Meeting Minutes / Monday October 17, 2022

Chairman Sam Phelan was not present, he appointed Kristina Dousharm to lead the meeting in his absence. Ms. Dousharm called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present at Town Hall: Kristina Dousharm, Karen Smythe, Arthur Salman, and Lew Rose. Planning Board Clerk, Jordan Rosario, was also present. Consultants, Brandee Nelson and Ted Fink were present via Zoom.

Mr. Rose moved to approve the meeting minutes from September 19, 2022. Ms. Smythe seconded and the motion passed unanimously.

Ms. Dousharm announced the meeting was being held virtually and at Town Hall, it was properly announced and publicized.

PUBLIC HEARINGS

Kasselman Solar -Craig Neville-Manning PV Array-243 Woods Road, Tivoli – Site Plan, Special Permit and Certificate of Appropriateness

Public Hearing on application to install a ground-mounted medium solar energy system consisting of five arrays totaling 7, 336.56 square feet in size generating a total of 149.8 kW on a 19.226-acre parcel located at 245 Woods Road in the Limited Development, Historic Landmark Overlay and Scenic Corridor Overlay Zoning Districts.

Ms. Dousharm read the Public Hearing notice. Ms. Smythe moved to open the Public Hearing, Mr. Rose seconded and the motion passed unanimously. The applicant's representative Loreen Harvey from Kasselman Solar was present. Ms. Harvey gave an overview of the project showing the site plan. There were no public comments. Ms. Smythe moved to close the Public Hearing, Mr. Rose seconded and all members present voted in favor.

The Board read the comments received from the Design Review Committee, which stated "...a recent visit to the neighboring Clermont estate would seem to indicate that the array will in fact be quite visible from many spots on the numerous and well-used trails on the estate. And, as a consequence of the extensive tree removal done by the previous owners of the former Webber estate, the array would appear to be quite visible from woods road as well. We recommend that an extensive reforestation and natural screening plan be requested and executed before a C of A should be granted for this project." Based on this comment, the Board decided to postpone the approval of this project until a site visit was conducted to determine the visibility mentioned by the DRC. Ms. Harvey said she would coordinate a site visit with the property owners.

Red Hook Apartments LLC – 30 Blue Echo Rd – Special Use Permit

Public Hearing on application for existing multi-family dwelling on a 5.5 acre parcel in the R1.5 Zoning District built non-compliantly in 1984 now requiring a special use permit with a site plan to be brought into compliance.

Ms. Dousharm read the Public Hearing Notice. Ms. Smythe moved to open the Public Hearing, Mr. Rose seconded and the motion passed unanimously. The applicants, Jane and Lloyd Levi, were present via Zoom. Mr. Levi showed the Board the updated parking on the site plan and confirmed that the required 24 spaces are there. He also showed the updated dark sky compliant light fixtures. The Board asked Ms. Nelson if she had any comments on the lighting, Ms. Nelson confirmed the fixture is compliant and had no other comments. There were no questions or comments from the public or the Board. Mr. Rose moved to close the Public Hearing, Ms. Smythe seconded and the motion passed unanimously.

Ms. Dousharm read the draft approval resolution. There were no questions. Mr. Rose moved to approve the resolution, Ms. Smythe seconded and all members present voted in favor.

Cara Silvernail Thomson – 68 Pitcher Ln – Special Use Permit

Extended Public Hearing on application to construct a 648 square foot cottage on a 3.01-acre lot in the RD3 district.

Ms. Dousharm read the Public Hearing notice. Ms. Smythe made a motion to open the Public Hearing, Mr. Rose seconded and the motion passed unanimously. The applicant, Cara Silvernail Thomson, was present at Town Hall. Ms. Silvernail Thomson discussed the changes that were made to the site plan since the last meeting, including the elevations and the exterior light fixture. The applicant told the Board that she has a letter from the Highway Superintendent regarding the proposed driveway. The proposed location of the driveway was approved with the condition of removing 1 tree that would obstruct the visibility. The Board thought that the site plan was not complete and asked Ms. Silvernail Thomson to come back at the next meeting with an updated site plan that shows the direction the proposed cottage would face, as well as the location of the exterior light fixture for the parking area, and the pathway that would go from the parking area to the front door. The Public Hearing was extended to November 7, 2022.

OLD BUSINESS

89 Eden Knoll – Certificate of Appropriateness

Continued discussion on application to obtain a Certificate of Appropriateness to relocate and renovate an existing historic structure and construct a new garage on a 144.5 acre parcel in the Historic Overlay District.

The applicant's representatives Scott Sotile and Kate Sandberg from Ferguson & Shamamian Architects were present via Zoom. Mr. Sotile gave a detailed presentation on the project and the history of the renovations on the property, including before and after photos. The Board thought the application was ready to be submitted to the Design Review Committee. The applicants will come back before the Board on November 21, 2022, after the Design Review Committee has had 30 days to review and comment.

NEW BUSINESS

New Beginnings-Shafer Lot Line Alteration – 8059-8053-8049 Albany Post Rd

Presentation of application to alter the lot line of 8059 Albany Post Rd to give 1.008 acres to 8049 and 8053 Albany Post Rd.

The applicants, Vanessa Shafer and Pete Hubbell, were present at Town Hall. Ms. Shafer gave an overview of the project. The purpose of this lot line alteration is so that the Shafer's driveway will be on their property, there is currently a right of way agreement allowing the Shafers to use the piece of the property owned by New Beginnings Assembly of God that their driveway runs through. Mr. Hubbell stated that he has approval from the Attorney General to sell the 1.008 acres of land. There were no questions from the Board. A Public Hearing was scheduled for November 7, 2022.

Bard College Roof Mounted Medium Solar Array & Ground Mounted Large Solar Array – Special Use Permit and Site Plan

Presentation of two applications. One application is to install a medium solar array on the roof of the Stevenson Athletic Center and the other application is to install a ground mounted large solar array in a vacant field on the college campus.

The applicant's representatives John O'Connor and Brendan Boland from Solar Generation were present via Zoom. Dan Smith from Bard College was also present over Zoom. Mr. O'Connor gave an overview of both projects. There was no site plan for the roof mounted solar array. The Board reviewed the ground mounted site plan. They asked if the existing ground mounted solar array shown on the site plan was going to be decommissioned. Mr. O'Connor replied that he didn't know at this time. The Board asked how far the proposed ground mounted array is from the Flood Fringe Overlay District. Mr. O'Connor said he will get that information and update the site plan. Mr. Fink had several comments in his memo to the applicant. Mr. O'Connor said he and Mr. Boland had reviewed the memo and will make the required changes. These applications also require a Certificate of Appropriateness due to the historic district the project is in. Mr. O'Connor will submit an application for a CoA for both projects and return at the next meeting for further review and discussion.

OTHER BUSINESS

Sabroso – Extension Request

Ms. Dousharm read an email from Sabroso's Mexican Restaurant in which they requested an additional extension to meet the conditions of their approval. The additional time is needed due to delays and shortages in construction material. The Board granted an extension of 90 days.

ADJOURNMENT

There being no further business before the Board, Karen Smythe moved to adjourn. Lew Rose seconded and all members present voted in favor.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'JR' or 'Jordan Rosario', with a long horizontal flourish extending to the right.

Jordan Rosario

Resolution Granting Site Plan & Special Permit Approvals
Red Hook Apartments

Name of Project: Red Hook Apartments Site Plan/Special Permit

Name of Applicants: Jane Levi/Red Hook Apartments LLC

Whereas, the Town of Red Hook Planning Board has received applications for Site Plan and Special Permit approvals from Jane Levi/Red Hook Apartments LLC to obtain approval for an existing 12 unit multi-family development on a 5.79 acre parcel of land identified as Tax Parcel ID No. 6272-00-703751-0000 and located at 30 Blue Echo Road in the R-1.5 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a survey of existing conditions of the site dated May 13, 2022 prepared by the applicant's land surveyor, Richard Paul Hanback, showing: a) three multiple-dwelling structures; b) the location of the access drive and 20 parking spaces to serve the apartment dwelling units; c) the location of the existing landscaping on the site; d) the location of the existing water supply line serving the apartment units; e) the septic disposal system serving the apartment units; f) photos of the existing and proposed outdoor lighting to serve the apartment units; and g) related application file materials; and

Whereas, a building permit was issued to construct three apartments in one of the on-site apartment structures by the Town of Red Hook Building Department on February 14, 1984 but a total of six apartments were subsequently constructed and are existing and occupied; and

Whereas, the Town of Red Hook Zoning Board of Appeals on December 8, 2021 reviewed an application for an Area Variance to remedy the existing violation of six apartment units where only three are permitted by Section 143-56 of the Zoning Law and granted the applicant the requested variance; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on March 7, 2022 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(11) and, therefore, SEQR does not apply; and

Whereas, the Planning Board has reviewed the application for a Special Permit against the general standards for a special use permits found in § 143-51 of the Zoning Law and has found that the proposal complies with all of the general standards, including: the

location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the R-1.5 District; the size of the site in relation to the use, the location, nature and height of the existing building in which the use will be located, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will be provided; the general landscaping of the site is in character generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the existing apartments will continue to be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for Multifamily dwellings found in § 143-56 of the Zoning Law and has found that: a) the use is existing and while it contains a greater number of apartment units than are permitted by the Zoning Law, such additional apartment units have been approved by the Town Zoning Board of Appeals for the reasons cited in the Zoning Board's decision dated December 8, 2021; b) adequate central water supply is provided to the site; c) the common sewage disposal facility is existing and shall be and remain in compliance with the requirements of the Town of Red Hook and the Dutchess County Department of Health; d) the number of apartment units existing on the site is 12 dwelling units which is less than the maximum allowed of 40; e) the maximum number of dwelling units within a single structure is and will remain six or less; and f) all other applicable laws, ordinances and regulations will be complied with; and

Whereas, the applicant has proposed the replacement of outdoor lighting for the apartment units so that it meets the requirements of § 143-27.1 and otherwise meets all other provisions of the Town of Red Hook's Outdoor Lighting rules; and

Whereas, the parcel is not located within 500 feet of a NYS certified agricultural district and therefore the requirements of an Agricultural Data Statement do not apply to the subject parcel;

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

Whereas, on October 17, 2022, the Planning Board opened duly noticed public hearings on the Site Plan and Special Permit applications, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearings on October 17, 2022; 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 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 Site Plan and Special Permit approvals to Jane Levi/Red Hook Apartments LLC in accordance with the application materials and specifications heretofore enumerated and upon the following conditions:

- A. The following conditions shall be fulfilled prior to the applicant obtaining a Certificate of Occupancy for all existing apartment units:
 - (1) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (2) The applicant shall pay any and all outstanding escrow balances for consultant review.
- B. The following are general conditions of the special use permit shall be fulfilled throughout the operation of the project:
 - (1) This special permit authorizes the as-built Red Hook apartments project consisting of 12 dwelling units as of the date of approval of the special use permit.
 - (2) Twenty-four off-street parking spaces will be provided and will be available for all 12 apartment units and shall be provided at all times.
 - (3) All exterior lighting fixtures shall be motion sensor controlled and shall remain consistent with Section 143-27.1 of the Zoning Law.
 - (4) The owner of record shall continue to comply with all requirements of the Town of Red Hook Zoning Law and specifically with § 143-56 of the Zoning Law and with any conditions imposed by an outside agency in their permits.

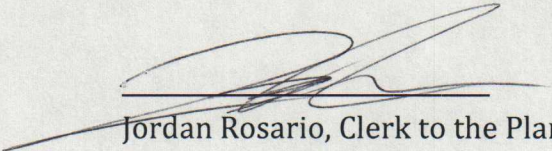
Be It Further Resolved, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, with a copy sent to the applicant.

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

Chairman Sam Phelan	Voting Absent
Member Kristina Dousharm	Voting Aye
Member Arthur Salman	Voting Aye
Member Lewis Rose	Voting Aye
Member Karen Smythe	Voting Aye
& two vacant seats	

Resolution was declared adopted on October 17, 2022.

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



Jordan Rosario, Clerk to the Planning Board

October 18, 2022

Date