

draft
Town of Red Hook Planning Board
Meeting Minutes
March 21, 2005

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:36 p.m. and a quorum determined present for the conduct of business. Town Attorney Al Trezza had recommended that the Board adopt a resolution electing one of its members to serve as Acting Chair for the evening. Sam Phelan made a motion proposing that Christine Kane should serve in that capacity. Paul Telesca seconded the motion, and all members present voted in favor.

Members present — John Hardeman, Mary Lou Muirhead, Sam Phelan, Paul Telesca, David Wright, and Acting Chair Christine Kane. Planning Consultant Ted Fink, Town Board liaison Jim Ross and Town Board member Jean Bordewich were also present.

BUSINESS SESSION

The Acting Chair said that she would be out of town for the April 4, 2005 meeting and that Sam Phelan would chair that meeting.

The Acting Chair confirmed the meeting agenda with the exception of the presentation of two applications by Red Hook Terminal, which had asked to be rescheduled to a later date.

The minutes of the March 7, 2005 meeting had been sent to the Board members and reviewed. The Chair read a list of corrections submitted by Planning Consultant Michele Greig in an e-mail dated March 21, 2005. They were as follows:

p. 2, paragraph 6. "Planning Consultant Michele Greig said that the Board was only allowed to waive the subdivision regulations if not doing so would endanger the health and welfare of the community " to be changed to "Planning Consultant Michele Greig said that the Board was only allowed to waive the subdivision regulations if doing so would not endanger the health and welfare of the community."

p. 3, paragraph 6. "...storm water discharge plan..." to be changed to "...storm water pollution prevention plan..."

p. 4, paragraph 7. "...only one Special Permit form..." to be changed to "...only one Special Permit application form..."

p. 5, paragraph 4. "...had the power to waive the subdivision regulations.." to be changed to "...had the power to waive the zoning regulations..."

p. 5, paragraph 8. "...and density figures should be submitted..." to be changed to "...and a density calculation should be submitted..."

p. 6, paragraph 1. "...working on a zoning package..." to be changed to "...working on an incentive zoning package...."

p. 6, paragraph 8. "...much more candlepower..." to be changed to "...much more foot-candles..."

p. 6, paragraph 9. "She added that the Board should require a letter of no concern be obtained from the Village Planning Board..." to be changed to "She added that the Board should ensure that the application does not require Village Planning Board review and should require a letter of no concern be obtained from the Village Zoning Enforcement Officer and from the Village Planning Board...."

p. 7, second paragraph from bottom. "...Special Use Permit must be amended because acreage was mentioned." To be changed to "... Special Use Permit must be amended because the acreage of the parcel would be affected by the proposed subdivision."

p. 8, paragraph 1. "...a new site would have to be determined. Ms. Greig said that since the community residence was a permitted use in I District, the applicant would not be required to apply for Site Plan Approval." To be changed to "a new site would have to be determined. The applicant stated that the residence would house only 8 people. Ms. Greig said that the proposal would then be for a community residence, and since a community residence was a permitted use in the I District, the applicant would not be required to apply for Site Plan Approval for the proposed residence."

p. 9, paragraph 3. "Ms. Greig said that the parcel was located within the Scenic Corridor and that it contained both prime soils and soils of Statewide Importance. As a result, both a Coastal Assessment form and an Agricultural Data Statement were necessary. Because of its location near the Hudson River, the project also came under the purview of the Local Waterfront Revitalization Plan." To be changed to "Ms. Greig said that the parcel was located within the Scenic Corridor Overlay District and that it contained both prime soils and soils of Statewide Importance. As a result, it was subject to the Important Farmlands Law and an Agricultural Data Statement was necessary. Because of its location near the Hudson River, the project also came under the purview of the Local Waterfront Revitalization Plan and a Coastal Assessment Form."

Sam Phelan made a motion to accept the corrected minutes. The motion was seconded by Mary Lou Muirhead, and all members present were in favor.

The Acting Chair said that TGS Associates had requested the Board to allow GreenPlan's review of the Hardscrabble Commons project be forwarded to TGS agent Art Brod in advance of the April 4, 2005 meeting at which the project is scheduled to appear. The Board generally agreed to allow this review to be forwarded and to make it a policy that any applicant may request and receive a consultant's review, if it is available, in advance of the meeting at which that applicant is scheduled to appear before the Board. The Board added that if the applicant makes adjustments to his project in response to that review, he does so at his own risk, since the Board may not agree with the consultant's advice. The Board determined to incorporate a disclaimer to that effect in a statement of this policy.

The Acting Chair said that the Devereux Foundation had submitted an application for an amendment to its special permit, as required in a resolution adopted by the Board at its meeting on March 7, 2005. Devereux now requested that the Board set a public hearing date. The Board determined, however, that since the application and supporting documents had just been submitted that day, March 21, 2005, and had not yet been reviewed for completeness, a vote on acceptance of the application and possible setting of a public hearing date would be deferred until the April 4, 2005 meeting.

PUBLIC HEARINGS

Dale & Joseph Salvia – Fraleigh Lane – Subdivision Plat

Bob Zimmerman, P.E., was present for the public hearing continued from March 7, 2005 and in support of an application for Subdivision Plat approval to authorize the creation of a 3.0-acre existing house parcel and a 3.014-acre residential building lot from a 6.014-acre parcel (Lot 9) in the RD3 District.

Before discussion of this matter began, Mary Lou Muirhead recused herself from both discussion and any subsequent vote.

Mr. Zimmerman presented a revised map and explained that he had reconfigured the proposed lots so that the size of the proposed flag lot would comply with Town regulations. He said he had also located on that map both existing and proposed houses, wells and septic systems.

Sam Phelan said that in the light of the legal opinion submitted to the Board on March 21, 2005 by Jennifer Porter, attorney with Keane & Beane, the reconfiguration of the lots was not relevant.

The Acting Chair said that the Planning Board had the power to waive the subdivision regulations regarding cul-de-sac roads but was not obligated to waive them.

Planning Consultant Ted Fink said that the Town regulations were consistent with recommendations made by the Institute of Traffic Safety Engineers, which advised no more than twenty (20) lots on a cul-de-sac road.

Todd Abrahams, 235 Fraleigh Lane, asked the Board to locate exactly where the Fraleigh Lane cul-de-sac began. The Board generally agreed that the cul-de-sac began where Echo Valley Road intersected Fraleigh Lane. Mr. Abrahams asked whether the vacant land at the southeast corner of that intersection would be included in the cul-de-sac subdivision and therefore could not be subdivided. The Board generally agreed that the vacant land was included.

Town Attorney Al Trezza asked which section of the Town regulations determined the twelve (12) lot limit. Mr. Fink said that the pertinent paragraph was contained in Section 120-18 of the Town Code.

Sam Phelan asked if there were any mitigating factors in this matter or any factors which constituted hardship for the applicant.

Mr. Zimmerman said that because of the high rate of taxation in Red Hook, people may find it necessary to sell a portion of their land in order to keep their homes.

John Hardeman said that no matter how many houses are built on a cul-de-sac road, there would be a hardship if a tree came down near the entrance to that road.

Sam Phelan said that this matter should constitute a precedent and that if subdivision was allowed on this cul-de-sac, it should be allowed on other cul-de-sacs in the Town.

Jennifer Fier, 56 E. Market Street, said that traffic engineers were typically involved in the number of lots allowed on a cul-de-sac because of their concern with the number of cars entering and exiting a highway.

Robert McKeon, 163 Crestwood Road, cited deed restriction #8 which said in part, "No building except a single one family dwelling house.....and a private garageshall be built upon each lot..."

Mr. Zimmerman cited deed restriction #1 which said in part, "Said premises shall not be divided or subdivided without the written approval of Frank S. Abrahams.....until January 1, 1992."

Town Attorney Al Trezza reminded the Board that it was not empowered to enforce deed restrictions.

Since there was no further public comment, the Acting Chair closed the public hearing.

With input from the Board, the Acting Chair then completed part 2 of the EAF. She said that the significance would be determined by considering the matter's lack of consistency with Town regulations, a concern for traffic safety, and the letter of concern submitted by the Town Fire Chief. The Board generally agreed that these were important issues but not significant as defined under SEQR.

Sam Phelan made a motion that the application be denied based on the Keane & Beane opinion of March 21, 2005 and a previous opinion of January 31, 2005, the Fire Chief's letter to the Board and the application's inconsistency with Town regulations. David Wright seconded the motion. The motion was carried by a vote of four to one with one abstention. A copy of this resolution is attached to, and made part of, these minutes.

REGULAR SESSION (OLD BUSINESS)

Mid-Hudson Valley Federal Credit Union – NYS Route 9 and Metzger Road – pre-submission Site Plan

Bill Spearman, President of the Credit Union; Ray Jurkowski, P.E. with Morris Associates; and Dave Gibson, architect with P.W. Campbell were present with a revised conceptual site plan of a 3,397 sq. ft. banking facility on a 1.604-acre parcel in the B1 District.

Before discussion of this matter began, David Wright recused himself from both discussion and any subsequent vote.

Mr. Jurkowski said that the applicants had revised their plan by incorporating a right-turn-only driveway connecting the facility to NYS Route 9, as had been suggested by the Planning Board.

Mr. Jurkowski said that the applicants had found a second Planning Board suggestion, to put the parking lot at the rear of the building instead of in the front, would likely result in traffic congestion, however. The applicants proposed keeping the parking lot at the front of the building but surrounding it with a 30" high stone wall built on a low berm. This landscaping would effectively shield the parked cars from view while allowing the building to be seen from Route 9. Mr. Jurkowski added that many other buildings along Route 9 currently had parking lots in the front, adjacent to Route 9. He said that the applicants had tried turning the building 90 degrees, as had been suggested by the Planning Board, but that the difficulty of separating the drive-up window traffic from the cars in the parking lot had made this idea prohibitive.

Finally, he said that the applicants were open to adding two more circulation roads to the site, giving access to the rear of the parcel and also to the proposed Hardscrabble Commons.

Planning Consultant Ted Fink said that the building would require a number of area variances and so should be considered an unlisted action under SEQR. He recommended a coordinated review with the NYS Department of Transportation and other involved agencies.

Mr. Fink added that the Board consider other development in the area and that a cumulative impact analysis should be undertaken. He said the implications of the combined storm water drainage and traffic produced by both the Credit Union and Hardscrabble Commons should be studied. He recommended that the applicants could together arrange for a traffic impact study, although the Credit Union would have to submit an EAF before that study could be scheduled.

The Board and the applicants generally agreed that although the Board should look at certain aspects of both proposed projects in tandem, provisions could be made to allow the Credit Union to progress toward completion at a faster rate than Hardscrabble Commons, which was scheduled to be built in phases.

There was a general discussion about a proposed road directly across Route 9 from Old Farm Road which might serve as an entrance to the facility and might allow the closing of the current entrance off Route 9. It was found, however, that Old Farm Road was approximately 150 feet to the south of the Credit Union site. Mr. Jurkowski said the Credit Union would have one access off Route 9 and another access/egress off Metzger Road.

Mr. Fink said that the Greenway Guide suggested locating parking lots to the front and back of a facility. Asked how Greenway related to Red Hook regulations, Mr. Fink said that currently Greenway acted as a guide to creating village-style rather than suburban-style streetscapes. The Acting Chair added that Red Hook was a Greenway Community and that the Town should use the guidelines whenever possible.

Mr. Fink then referred to a plan suggested by John Clarke, Senior Planner with the Dutchess County Department of Planning and Development. This design brought the building forward toward Route 9, separated the building from the street with a sidewalk, and located the parking lot behind the building. Mr. Seaman said that, by bringing the drive-up lanes close to the parking lot, this plan, like those previously suggested, would create traffic congestion and possible risk to pedestrians who had parked their cars and were trying to enter the building. He added that the Credit Union Board had rejected this type of layout.

The Acting Chair said that the Credit Union should be visually linked to the proposed buildings to the south. She added that the Route 9 entrance would likely be the main cause of traffic problems and that these problems could be alleviated by entrances off Metzger Road and from within Hardscrabble Commons.

Sam Phelan requested that the applicants further explore designs incorporating an entrance from Route 9, pulling the building closer to Route 9 and locating the parking lot to the rear, adding sidewalks to direct people from the parking lot around the drive up lanes and to the building, and locating the exit driveway onto Metzger Road.

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

Richard Hanback, L.S. and Brian Williams appeared before the Board in a continuation from November 1, 2004 of the presentation of an application for Subdivision Plat Approval (Sketch Plan and Preliminary Subdivision Plat) to authorize creation of three (3) residential building lots ranging from 3.28 acres to 12.29 acres from a 28.44-acre parcel in the RD3 and Certified Agricultural Districts.

Mr. Hanback explained the project to the Board and said that the applicants were eager to hear comments from the Town Engineer and the Agricultural Advisory Committee, to which the application had been referred.

Mr. Fink said that since the parcel was located in the Certified Agricultural District and contained soils of statewide importance, it came under the purview of the Important Farmlands Law. Therefore, he said, the Planning Board must mandate clustering and a farmland protection plan must be submitted. He added that the Planning Board was not empowered to waive these requirements.

The Acting Chair then read the referral response from the Agricultural Advisory Committee, which stated that the Committee considered the application to be incomplete. The Committee added that it was looking for density calculations and a conceptual plan for a full build-out, not only for the Williams/Angelier parcel but also for the parcel owned by Mr. Williams and located across Oriole Mills Road. The Committee considered both parcels to be part of one farm.

Mr. Hanback said that first, the parcel would not successfully accommodate clustering without a central septic system and a municipal water supply. Second, attempting to cluster would require substantial disturbance to the land, something he had been trying to minimize. Third, he said that the parcel across the road was owned by Mr. Williams but not by Mr. Angelier and so should not be included in the farmland protection plan.

In response to questions about the nature of the farmland protection plan, Mr. Fink said that SEQR required the applicants and the Planning Board to look at both potential development and potential conservation. Therefore, he said that the "full build-out" required for the plan could be purely conceptual and should be based on the number of homes the parcel could support given the restraints of zoning, soils, wetlands and other mitigating factors.

The Board generally agreed that Mr. Hanback must submit a density calculation and conceptual full build-out for the Williams/ Angelier parcel. He could, if the applicants wished, include the Williams parcel across the road but inclusion was not required. As part of the plan, he should sketch in potential building envelopes. Mr. Hanback acknowledged that he must obtain Health Department approval on the approximately 3-acre lot.

Mary Lou Muirhead made a motion to adopt a resolution establishing the Planning Board as the SEQR Lead Agency. John Hardeman seconded the motion, and all members voted in favor.

REGULAR SESSION (NEW BUSINESS)

Eric & Aviva Kafka – 5246 Route 9G – Subdivision Plat

Eric Kafka appeared before the Board with an application to authorize creation of three (3) residential building lots ranging from approximately 3.20 acres to approximately 3.25 acres and one (1) 3.10-acre existing house parcel from a 12.72-acre parcel in the RD3 District.

Mr. Kafka explained his proposed subdivision to the Board, saying that he knew his parcel was in the Scenic Overlay District and that the proposed lots would allow for the required double setbacks.

Mr. Fink said that the parcel was also within the National Historic Landmarks District, which made the project a Type 1 action under SEQR, requiring a full EAF and a coordinated review. He said that the NYS Office of Parks, Recreation and Historic Preservation should be one of the agencies contacted, additionally because the parcel was within sight of the Red Church.

Mr. Fink continued by saying that because the parcel was located on a designated scenic road, the Board should prefer the clustering of any future houses and must ensure that the development be in harmony with local and county comprehensive plans. In addition, the parcel lay within the NYS Coastal Management District, which triggered other requirements. Finally, the section of Stony Creek at the rear of the property was upstream from the Village of Tivoli water supply, which also must be considered in any discussion of the application.

The Board generally agreed that the applicant must submit a topographic map of the parcel, a full EAF and a soils analysis. The Board also agreed that a site visit should be scheduled after these documents are received.

7 Pines, LLC – Norton Road – Subdivision Plat.

Tom LeGrand, Tom Mannix and Marshall Potamkin appeared before the Board with a conceptual subdivision plan to create six (6) residential building lots ranging from 5+ acres to 40+ acres from a total 126.7-acre parcel on both sides of Norton Road in the RD3 District.

Mr. LeGrand said that a plan for subdividing this parcel into twelve (12) lots had come before the Board in the fall of 2004 but had been withdrawn. He said that the large wetlands on the west side of the parcel had been flagged and that the applicants were now asking for only three (3) lots on each side of Norton Road, for a total of six (6) lots.

Mr. Mannix said that building envelopes would be located appropriately, based on the wetlands at the western side of the parcel and the steep slopes at the eastern end. He also said that, in order to facilitate approval by the Board of Health, he would like this project to be considered as two minor subdivisions, not one major subdivision. He said that request was reasonable since Norton Road divided the parcel into two lots. Town Board member Jean Bordewich said that this concept had been discussed and that the parcel must be considered as one entity.

The Board generally agreed that the proposed subdivision must be considered a six-lot major subdivision. The Board also said that the applicants' next step was to submit an application, an EAF and any other required documents.

OTHER BUSINESS

David Wright said he had been contacted by Jeff Golden of the Common Fire Foundation, who said that the NYS DEC would reject his application for a permit if the Board did not issue a negative SEQR declaration by March 24, 2005. The DEC would not be able to reconsider the application for 30 days, which would cause economic hardship for the Foundation.

Mr. Fink said that the Board could not issue a negative declaration without knowing the impact of the proposed road on the nearby federal wetland. He said Mr. Golden could request that the DEC delay its review of the application until the additional information is obtained.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Sam Phelan made a motion to adjourn. Paul Telesca seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 11:00 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments

Letter from Keane & Beane regarding the Salvia proposed subdivision
Resolution denying Salvia application for Subdivision Plat Approval

KEANE & BEANE, P.C.

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MEMORANDUM

Attorney-Client Privileged Communication

Not Subject to FOIL

TO: Town of Red Hook Planning Board

FROM: Jennifer M. Porter, Esq.

RE: Salvia Subdivision

DATE: March 21, 2005

My office has been asked by the Town of Red Hook Planning Board to provide a follow-up memorandum regarding whether there is a rational basis in the record to support the Planning Board's denial of the Salvia subdivision application.

Based upon my review of the information sent to me by the Planning Board including a letter from Fire Chief Arvine Coon, Jr., a letter from a neighboring resident, Robert McKeon, Planning Board Meeting Minutes dated March 7, 2005 and a copy of the deed restrictions for the subject property, I believe there is sufficient documentation in the record to support the Planning Board's denial of the application.

As I indicated in my previous memorandum dated January 31, 2005, the Planning Board has the power to modify the subdivision regulations; however, the Planning Board is not required to do so. In fact, if there is evidence in the record which warrants against modification, such evidence shall be relied upon as the basis for the Planning Board's refusal to modify the applicable subdivision regulations. In this case, the Planning Board has documentary and testimonial evidence which warrants against the grant of the instant application.

Section 120-18.B(4)(a) of the Red Hook subdivision requirements provides that:

- (a) cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining

properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through-road network, not more than twelve (12) single-family residential lots may gain access from either the initial development or extension of such cul-de-sac street.

The Planning Board should note that above-referenced limitation on the number of cul-de-sacs is a reasonable zoning restriction and that the basis for this zoning regulation is to reduce safety-related impacts, i.e., more lots on a cul-de-sac = less accessible area for emergency vehicle access. The Planning Board can rely upon the letter from the Fire Chief to assert that the proposed application within an existing cul-de-sac will result in health/safety/general welfare impacts to the community i.e., safety issue – increased problems getting fire equipment in and out in an emergency situation. The Planning Board can also assert that granting the instant application will create negative precedent.¹

I do not believe based upon the information presented that the applicant has adequately demonstrated that “undue hardship” or “extraordinary circumstances” exist which necessitate a modification of applicable subdivision requirements. See §120-27, Town of Red Hook Code. Moreover, limiting development along cul-de-sacs which have been built to the maximum number of lots permitted would be in keeping with the Town’s Master Plan. Therefore, denial of the above-referenced application is justified. See id.

Please be advised that the Planning Board must set forth in the record the information it has relied upon as the basis for its decision. The Planning Board should discuss the criteria for granting a modification of the subdivision requirements and set forth its reasons as to why the applicant has not satisfied the applicable criteria. The Planning Board should also cite letters in the record and testimony given during the public hearing which assisted in forming the basis for its determination.

cc: Joel H. Sachs, Esq.

¹ The Planning Board should investigate the circumstances regarding the previous subdivision of Lot 1 by Chris Gilbert. The argument regarding negative precedent will be greatly weakened if the Planning Board granted a modification of the subdivision requirements within recent years for another lot along that cul-de-sac. If the subdivision was permitted but the number of lots along the cul-de-sac was still in accordance with applicable zoning requirements, the Planning Board can distinguish that application from the instant application. The Planning Board should also check to see if other cul-de-sacs in the Town were permitted in recent years to expand beyond the twelve (12)-lot requirement.

**Town of Red Hook Planning Board
Resolution Denying Approval in the Matter of the Joseph and Dale Salvia Minor 2-Lot Subdivision at 224 Fraleigh Lane in the RD3 District.**

March 21, 2005

Motion made by Sam Phelan
Seconded by David Wright

Whereas, the Town of Red Hook Planning Board received an application for a proposed two lot subdivision by Dale and Joseph Salvia for a $\pm$ 6 acre parcel of land located in the RD 3 Zoning District at Fraleigh Lane, Town of Red Hook, Dutchess County, New York; and

Whereas, Fraleigh Lane is a cul-de-sac (dead-end) road approximately 1¼ miles long as measured from Echo Valley Road to its terminus; and

Whereas, there are currently a total of 23 dwellings and 3 additional vacant properties on the Fraleigh Lane cul-de-sac; and

Whereas, the Town of Red Hook Subdivision Regulations § 120-18B(4)(a) stipulate that “where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through-road network, not more than twelve (12) single-family residential lots may gain access from either the initial development or extension of such cul-de-sac street;” and

Whereas, the Town of Red Hook Subdivision Regulations § 120-27 authorize the Planning Board to modify the specific requirements of the Subdivision Regulations when compliance with the regulations would cause “unusual hardship or extraordinary difficulties . . . provided that the public interest is protected” and “where, due to the unique circumstances of a particular tract, strict application of this chapter would inhibit achievement of the town’s Master Plan objectives, provided that public health, safety and welfare are protected;” and

Whereas, the Planning Board forwarded the application to the Town of Red Hook Fire Chief Arvine Coon, Jr. for his comments regarding whether granting the subject application would adversely impact the public health, safety and welfare; and

Whereas, the Fire Chief Arvine Coon Jr. expressed concern regarding the public health, safety and welfare if the subject application were approved since the Town’s Subdivision Regulations permit only twelve (12) units on a cul-de-sac and the Fraleigh Lane cul-de-sac currently has twice this amount, there are other parcels on Fraleigh Lane that could possibly be subdivided in the future, an approval may set a precedence for other cul-de-sacs in the Town, and a cul-de-sac that exceeds the requirements of the Subdivision Regulations poses a problem for emergency vehicles accessing the road; and

Whereas, limiting the number of dwellings on a cul-de-sac is a matter of public health, safety and welfare because cul-de-sacs provide the only means of access to the

residents living on the street, and if the street should become blocked because of an accident, fallen tree or utility line, construction activity, or disabled truck, the residents living on the other side of the incident cannot be accessed by emergency services; and

Whereas, the Planning Board sought legal advice from its attorney Keane & Beane, P.C. which advised that there is sufficient documentation in the record to support the Planning Board's denial of the application since the Planning Board has testimonial evidence from the Red Hook Fire Chief that warrants against granting the application, the limitation on the number of units on a cul-de-sac is a reasonable zoning restriction to reduce safety-related impacts, granting the application would create negative precedent, limiting development along cul-de-sacs which have been built to the maximum number of lots permitted would be in keeping with the Town's Master Plan, and the applicant has not adequately demonstrated that "undue hardship" or "extraordinary difficulties" exist which necessitate a modification of the applicable subdivision requirements; and

Whereas, the Planning Board held a public hearing on the application on March 7, 2005, which hearing was adjourned to March 21, 2005, and heard comments from residents on Fraleigh Lane who expressed concern that granting the subject application would set a negative precedent that would permit other landowners on Fraleigh Lane to subdivide their lands which would compromise emergency services on Fraleigh Lane; and

Whereas, the Planning Board conducted a SEQR review of the application and complied with all applicable New York State and local laws and regulations regarding the review of a subdivision application.

Now therefore be it resolved, that the Town of Red Hook Planning Board hereby denies the application for subdivision on the grounds that modifying the requirements of § 120-18B(4)(a) of the Subdivision Regulations would not protect the public health, safety and welfare, would set a negative precedent for future subdivision of lands on Fraleigh Lane and for other cul-de-sacs in the Town, would not be consistent with the Town's Master Plan, and that the applicant has not adequately demonstrated that "undue hardship" or "extraordinary difficulties" exist which necessitate a modification of the applicable subdivision requirements.

Roll Call Vote:

Member John Hardeman	no
Member Mary Lou Muirhead	abstain
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	yes
Acting Chair Christine Kane	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date