

**APPROVED
TOWN OF RED HOOK PLANNING BOARD
MEETING MINUTES
November 3, 2014**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30pm and confirmed the agenda as published. She announced that the Preserve at Lakes Kill project has been tabled until Nov. 17.

A quorum was determined present for the conduct of business. Members present: Christine Kane, Sarah Gilbert, Charlie Laing, Brian Walker, Sam Phelan and Kallie Robertson. Also present was planning board consultant Michele Greig.

Charlie Laing made a motion to adopt the minutes of October 20. Brian Walker 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, which entitles Board Members to a discount for attending. She said that planning staff have ascertained that training hours can be carried over into the next year.

PUBLIC HEARING

Shapiro/Loopesko – 143 Woods Road – Special Permit

Public hearing on special permit application to remove trees within 1000 feet of the Hudson River.

Christine Kane read the public hearing notice. Daniel Shapiro and Bonnie Loopesko were present to represent their application.

Mr. Shapiro gave an overview of the project, which consists of the removal of 41 trees from their heavily wooded Hudson riverfront property. He explained that a large Black Walnut tree fell on their residence during a storm in July, causing extensive damage, and they now wish to remove other trees that potentially threaten their house and barn. Nine additional trees that pose no threat to the buildings but which have been determined to be dead or dying will also be removed. He displayed a map of the trees to be removed and a corresponding list of the species, sizes and ages of the trees to be removed.

Ms. Kane asked if anyone had questions about the application. There were none. Ms. Kane said she and Brian Walker had visited the site, and noted that some of the trees are within 1000 feet of the Hudson River. She said they did not feel that the view of the house from the river would not be affected by the proposed removal of trees.

The board reviewed a memo dated Nov. 3 from planning consultant Michele Greig, which noted that any action within 500 feet of the River is automatically considered a Type 1 action under SEQR, and therefore, a long environmental assessment form and a Local Waterfront Revitalization Program Consistency Determination form would need to be completed by the applicant and reviewed by the board before closing the public hearing and giving the project approval. Ms. Kane explained to the applicants that the Board would keep the public hearing open until the next meeting so the environmental forms could be completed and submitted by the applicants, and the approvals could be granted at that time.

Mr. Shapiro stated that he would complete and submit the forms required, and further stated that he and Ms. Loopesko were concerned because time was of the essence in removing the trees, and that they did not understand why they had not been asked to complete these forms earlier in the application process. He said the delay is costly, in addition to their ongoing fear of the possibility of another tree falling on either their house or barn. He said they were upset and unhappy and believed they have been treated unfairly, although he understood the board's intent to follow the letter of the law. Ms. Loopesko added that due to the time constraints of November 1 to December 1 for removing the trees due to the Indiana Bat habitat, it gave them very little time to act.

Ms. Kane replied she understood their fears and worries about the delay, but pointed out that the Board made every effort to accommodate the applicants and their schedule during the process and did not intentionally delay progress.

Ms. Greig said that it was essential that procedure be followed correctly and added that the public hearing must also be noticed to the Village of Tivoli. She said that if procedure were not followed and there were a challenge to the approval, it could be thrown out, which would cause the applicants far more delay.

The public hearing will continue Nov. 17.

PUBLIC HEARING

Willms Revocable Trust and R&R Development of Red Hook, Inc. - Lot Line Adjustment
Public hearing on proposed Lot Line Alteration to convey 0.10 acres from a parcel owned by Willms Revocable Trust to a parcel owned by R&R Development of Red Hook, Inc. located on Metzger Road.

Christine Kane read the public hearing notice. Mike Brown was present to represent the applicants. He gave an overview of the project, which transfers 0.10 acres of land from the Willms to the R&R property, so that the R&R property can have a driveway on Metzger Road.

Ms. Kane explained that because the properties are in the Traditional Neighborhood District, it has been determined that a site plan application would need to be submitted for the proposed house location on the R&R property and the applications should be reviewed together.

Mr. Brown agreed to provide a site plan for the single family home for the next meeting Nov. 17.

Sam Phelan made a motion that the Board adopt a SEQR resolution establishing the project as an Unlisted Action Undergoing Uncoordinated Review. Kallie Robertson seconded and all members voted in favor.

The public hearing will continue Nov. 17.

OLD BUSINESS

Martin Schweizer – Lot # 1, Fraleigh Farm Subdivision – Building Envelope Change

Continued discussion of request to shift the established building envelope east to accommodate the proposed dwelling.

Mark Graminski and Martin Schweizer were present. Mr. Graminski presented drawings of the proposed residence and landscaping. Ms. Kane asked if there were any easements on the property. Mr. Graminski said there is an easement/maintenance agreement for the shared driveway. Ms. Greig asked if there was a conservation easement. Mr. Graminski said no.

Sam Phelan said that when the original subdivision was approved, considerable effort was made to minimize the visibility of the he proposed homes from view along Route 199 and Crestwood Road. Charlie Laing said it didn't seem to have developed that way considering where the other nearby homes are sited. Mr. Graminski said perhaps detailed topography was not accurately shown at that time.

Kallie Robertson asked if a condition of the approval should be that the house is a one story house. The Board generally agreed. She said that she had been on the site visit, and she felt the change makes sense for the property.

Ms. Kane asked if anyone felt a public hearing was necessary. The Board generally agreed that there was no need for a public hearing.

The Board reviewed and revised a resolution granting approval to move the building envelope for the subdivision. Charlie Laing made a motion to approve resolution as amended. Sam Phelan seconded and all members voted in favor.

Beauty Depot – Site Plan

Continued discussion of application to renovate and existing commercial space for a salon offering hair and nail services at 17 Glen Pond Road.

Mary Anne Harvey was present to represent the applicant. Ms. Kane said site plan is very minimal for this project, and signage and lighting are provided by the complex and is consistent

with zoning. After reviewing a draft resolution determining that the project is limited in scope and requires no further review under Article VII of the Zoning Law, Kallie Robertson made a motion that the resolution be adopted. Brian Walker seconded and all members voted in favor.

NEW BUSINESS

Montgomery Place – Amended Special Permit

Presentation of proposed minor modifications to a site plan approved July 7 entitled Montgomery Place Maintenance of Scenic Vistas.

Ray Armater, Executive Director of Montgomery Place, was present to discuss the amendments. He said they would like to remove an additional 4 red maples and 19 striped maples that are small now but will grow to fill in the areas now being cleared. He also said that seven trees slated for removal could get caught up in other trees as they are felled, and permission was being sought to remove the trees they may fall on or into as well. The board generally agreed that was reasonable.

The board reviewed a draft resolution granting amended site plan approval to authorize a total of 64 trees. Sam Phelan made a motion to approve the amended Special permit. Sarah Gilbert Seconded and all members voted in favor.

Cokertown Springs – 561 Turkey Hill Road – Lot Line Alteration, Special Permit

Presentation of application for a lot line alteration to combine two adjacent parcels, and a special permit for the collection of spring water and associated bottling works.

Bill Anagnos was present to represent his applications. He said that he wishes to combine two lots he owns into one 5.1 acre lot, which will result in the required acreage to apply for a special permit to collect spring water.

Christine Kane asked if, in the event the application were successful, the buildings currently on the site would be used. Mr. Anagnos said yes.

Charlie Laing asked how many trucks per day would visit the site. Mr. Anagnos said there are about 30 per day during the summer.

Michele Greig clarified that Cokertown Springs is currently a lawful non-conforming use and Mr. Anagnos seeks to become compliant with the current zoning ordinance for collection of spring water. She said that in addition to special permit and a lot line alteration, a site plan application must be submitted, and, due to the location of the project, which will be designated as a Type 1 SEQR action, a Full Environmental Assessment form would be required, as well as a series of hydro geological studies. The general condition and character of the neighborhood would also be taken into consideration during the process, she said.

Mr. Anagnos agreed to complete the application for site plan approval and return before the board at a later date.

OTHER BUSINESS

Pre-Application Discussion: Peter Sweeney, 52-49 9G and 28 Stonybrook Road. Lot Line Alteration/minor subdivision.

Sarah Gilbert recused herself from the discussion.

Mr. Sweeney was present to discuss his plans to subdivide a lot from approximately 80 acres he and his wife Sarah currently own that traverse several different zoning districts and the municipal boundary between the town and the Village of Tivoli. The board discussed the possibilities at length, and there was general agreement that the subdivision could be problematic due to the various zoning districts encompassed.

Mr. Sweeney said they would prefer to sell some acreage that is zoned Agricultural Business District. Christine Kane asked if they had considered selling the development rights through the town's program or with Scenic Hudson since the land involved is adjacent to other protected farmlands as well as an important stream corridor.

Mr. Sweeney agreed to take the comments and suggestions under consideration.

ADJOURNMENT

There being no further business to come before the board, Charlie Laing made a motion to adjourn. Sam Phelan seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood
Secretary to the Board

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Willms Revocable Trust and R & R Development of Red Hook,
Inc. Lot Line Alteration and Site Plan

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application by Willms Revocable Trust and R & R Development of Red Hook, Inc. to convey $\pm$ 0.10 acres from a parcel owned by Willms Revocable Trust to a parcel owned by R & R Development, and a Site Plan application to construct a single family dwelling on the R & R Development parcel located on Metzger Road, Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated September 16, 2014 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by **SAM PHELAN**, seconded by **KALLIE ROBERTSON**, and a vote of **6** for, and **0** against, and **1** absent, this resolution was adopted on **NOVEMBER 3, 2014.**

**Resolution Granting Approval of Schweizer/Maruhashi Building Envelope Revision
to Lot 1 of Filed Subdivision Plat No. 11353G**

Name of Project: Schweizer/Maruhashi Building Envelope Revision

Name of Applicant: Martin Schweizer and Setsuko Maruhashi

Whereas, the applicant has submitted an application to revise the location of a building envelope on Lot 1 of filed Subdivision Plat No. 11353G (Tax Map Parcel No. 134889-6373-00-340819-0000) located in the RD3 Zoning District at 22 Rolling Hills Way, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Building Envelope Revision Plan prepared by Mark R. Graminski PE LS PC dated September 17, 2014; and

Whereas, approval of the revised location of the building envelope will not have a significant adverse impact on the environment greater than that which was initially reviewed for Subdivision Plat No. 11353G pursuant to SEQQR, resulting in the issuance of a Negative Declaration the Town of Red Hook Planning Board; and

Whereas, the parcel is subject to Common Use and Maintenance Agreement for the shared driveway;

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 action 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 Building Envelope Revision to Lot 1 of filed Subdivision Plat No. 11353G in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to the signing of the Subdivision Plat by the Planning Board Chairwoman:
 - (a) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
 - (b) A note shall be added to the plat that any dwelling constructed within the approved building envelope shall be limited to a single habitable story above average finished grade, as shown on Sheet CD.11 ("Elevations—South and East Facades") dated July

17, 2014 and revised September 8, 2014 submitted as part of this application and on file in the Town of Red Hook Planning Office.

- (c) A note shall be added to the plat that trees and shrubs shall be planted along the southern side of the dwelling in the locations and as depicted on afore-mentioned Sheet CD.11 to minimize views of the building from Crestwood Road.
 - (d) 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.
2. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

On a motion by **CHARLIE LAING**, seconded by **SAM PHELAN**, and a vote of 6 for, 0 against, and 1 absent, this Resolution declared **ADOPTED** on **NOVEMBER 3, 2014**.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

11-12-14
Date

**RESOLUTION DETERMINING PROJECT IS LIMITED IN SCOPE AND
REQUIRES NO FURTHER REVIEW UNDER ARTICLE VII**

Name of Project: Beauty Depot

Name of Applicant: Tanya Hoefer

Whereas, the Town of Red Hook Planning Board has received an Application for Site Plan Approval from Tanya Hoefer to establish a service business at 17 Glen Pond Drive in the B2 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the proposed use requires Site Plan Approval pursuant to §143-125 of the Town of Red Zoning Law; and

Whereas, the Planning Board is in receipt of an Application for Site Plan Approval dated September 30, 2014, a Short Environmental Assessment Form (EAF) Part 1 dated September 30, 2014, a Site Plan for the previously approved building at 17 Glen Pond Drive dated February 7, 2006, a floor plan of the proposed use (undated), and photographs of existing outdoor lighting and sign restrictions; and

Whereas, the Zoning Law §143-114C(1) authorizes the Planning Board to waive the requirement for site plan review when a project is limited in scope, with compatible land use, site and building design characteristics, including the establishment of permitted uses within existing complying structures, wherein no substantial site improvements are required or proposed; and

Whereas, the proposed use is the establishment of a permitted use within an existing complying structure; proposed signage will conform with the existing sign design characteristics of the subject property; and no substantial site improvements are required or proposed.

Now therefore be it resolved, that the Planning Board hereby determines that the project is limited in scope and requires no further review under Article VII.

On a motion by **KALLIE ROBERTSON**, seconded by **BRIAN WALKER**, and a

vote of **6** for, and **0** against, and **1** absent, this resolution was adopted on **NOVEMBER 3, 2014**.

Amended Resolution Granting Special Permit Approval to Montgomery Place Maintenance of Scenic Vistas

Name of Project: Montgomery Place Maintenance of Scenic Vistas

Name of Applicant: Historic Hudson Valley

Whereas, the Town of Red Hook Planning Board received an application for Special Permit approval from Historic Hudson Valley dated May 5, 2014 to remove thirty four (34) trees and a corridor of Ailanthus trees and to trim additional trees within 1,000 feet of the Hudson River in order to maintain historic vistas on the Montgomery Place estate on a $\pm$ 175.7 acre parcel of (Tax Map Parcel No. 134889-6173-00-260340-0000) in the Waterfront Conservation Zoning District and Historic Landmarks Overlay (HL-O) District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 of the Town of Red Hook Zoning Law and with the specific standards for development within 1,000 feet of the high water mark of the Hudson River found in § 143-30 and for development within the Historic Landmarks Overlay District found in § 143-46 and found the proposal complied with all applicable sections of the Zoning Law; and

Whereas, on July 7, 2014, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQRA; and

Whereas, the Planning Board reviewed the Town's Local Waterfront Revitalization Program (LWRP) plan in accordance with Section V.C.1 of the LWRP and determined that the proposed action is consistent with the coastal policies; and

Whereas, on July 7, 2014, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on July 7, 2014, the Planning Board conducted a duly noticed public hearing on the Special Permit application at which time all interested persons were given the opportunity to speak; and

Whereas, the parcel is located within a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated May 5, 2014, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on July 7, 2014, the Planning Board granted Special Permit approval to Historic Hudson Valley to remove thirty four (34) trees and a corridor of Ailanthus trees and to trim additional trees within 1,000 feet of the Hudson River; and

Whereas, on October 6, 2014, the applicant proposed minor modifications to the previously approved special permit, specifically to remove an additional four (4) Red Maple and nineteen (19) Striped Maple trees from the view shed known as Map 2, and to remove a total of seven (7) small trees from the view sheds shown on Maps 1 to 4; and

Whereas, the approval of the minor modifications will not have a significant impact on the environment greater than that which was initially reviewed for the proposed action pursuant to SEQR, resulting in the issuance of a Negative Declaration on July 7, 2014 by the Town of Red Hook Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants amended Special Permit approval to Historic Hudson Valley to remove a total of fifty-seven (57) trees and a corridor of Ailanthus trees within 1,000 feet of the Hudson River and to trim additional trees to maintain scenic vistas in accordance with the applications materials and specifications heretofore submitted upon the following conditions:

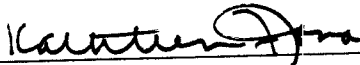
- A. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
- B. This permit authorizes the removal of sixty-four (64) trees and a corridor of Ailanthus trees and the trimming of additional trees as shown on "Map 1 to 4 Images" and the "Maintenance of Scenic Vista Map Key" prepared by the applicant and included in the Special Permit application for the project; the trees identified in the Addendum Request prepared by Ray Armater dated October 6, 2014 (including two maps dated September 2014); and the seven trees identified in _____ prepared by _____ dated _____. No additional tree removal or trimming within 1,000 feet of the Hudson River on the subject property is authorized by this permit. All tree stumps shall remain in place.
- C. Said trees shall be removed only between November 1 and December 1, with the exception of Ailanthus which may be removed at any time.
- D. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant and contained in the Full EAF and the negative declaration adopted by the Planning Board on July 7, 2014 shall be considered conditions of this Special Permit Approval.

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 **SAM PHELAN** seconded by **SARAH GILBERT**, and a vote of **6** for, **0** against, and **1** absent, this resolution was adopted on **NOVEMBER 3, 2014**.

Resolution declared: **ADOPTED** on **NOVEMBER 3, 2014**

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



Kathleen Flood, Clerk to the Board

11-4-14
Date