

draft
**Town of Red Hook Planning Board
Meeting Minutes
January 3, 2005**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

Members present— John Hardeman, Christine Kane, Sam Phelan, David Wright and Chair Paul Thomas. Mary Lou Muirhead and Paul Telesca were absent. Town Board Liaison Jim Ross was also present.

BUSINESS SESSION

The Chair confirmed the meeting agenda for the evening, and the Board scheduled its next regular meeting to be held February 7, 2005. The second meeting in January was cancelled due to a federal holiday.

The minutes of the December 20, 2004 meeting had been sent to the Board members and reviewed. David Wright said that he had not made the motion to adjourn the meeting. Sam Phelan made a motion to accept the corrected minutes. It was seconded by David Wright, and all members present were in favor.

The Chair said that the Town Board had sent out an RFP for a planning consultant and that the current consultant, Art Brod, had chosen not to apply. As a result, he said, the Planning Board would probably have a new planning consultant by the February 7, 2005 meeting. The Chair said he would try to inform the Planning Board members as soon as the Town Board made its decision. Meanwhile, the Chair said he would like to draft a letter to Mr. Brod expressing the Board's appreciation for his years of service. The Chair said he would circulate that letter to the members for review and comments.

PUBLIC HEARINGS

Bard College / Robbins House Residence Hall – Robbins Road – Application for Site Plan Approval

No one was present for the continuation of the public hearing and discussion of the application for site plan approval to construct a 50,000 square foot addition to Robbins Dorm and an associated 70-car expansion to the existing associated parking lot.

The Chair said that there had been no new submissions for the project. He asked if there was any comment from the public. There was none.

Christine Kane made a motion to continue the hearing to February 7, 2005. Sam Phelan seconded the motion, and all members present voted in favor.

Stephen Buscarino – NYS Route 9G and West Kerley Corners Road – Application for Subdivision Plat Approval

Marie Welch, L.S., was present in support of this re-application for creation of three (3) residential lots from an 11.827-acre parcel in the RD3 District.

The Chair read the public hearing notice that appeared December 28, 2004 in the Kingston Daily Freeman.

Ms. Welch explained the subdivision plan. She added that all proposed lots had received approval from the Dutchess County Board of Health and that the proposed driveways had been approved by both the NYS Department of Transportation and conditionally approved by the Dutchess County Department of Public Works.

The Chair then opened the hearing for public comment. There was none.

Christine Kane asked whether the roughed in driveway already present on the parcel was the driveway approved by the County. Ms. Welch said no, that an access had been roughed in for vehicles and equipment. She said that the County would approve a driveway site when it had received all the data it needed to make that decision.

Since there were no further questions or comments from either the Board or the public, the Chair closed the public hearing.

David Wright made a motion to adopt an offered resolution granting conditional subdivision plat approval to the project. John Hardeman seconded the resolution, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Bard College / Updated Campus Master Plan – Application for Amendment of “Educational Campus” Special Use Permit

Jim Brudvig, of Bard College, and Frank Fish, planning consultant with Buckhurst, Fish & Jacquemart, Inc., were present for the continuation of the public hearing for Bard’s application to amend its “Educational Campus” Special Use Permit to incorporate the projects and schedule set forth in its Campus Master Plan Update.

The Chair asked if there were any comments from the public. There were none. The Chair then closed the public hearing.

Mr. Fish was asked about the answer given to question 19 of section A (Site Description), page 7 and page 19, of the Environmental Assessment Form. While the Board agreed with Mr. Fish that none of the specific projects outlined in the Master Plan Update were in or contiguous to any Critical Environmental Areas, it determined that the Bard campus itself was contiguous to several CEA’s, and it requested Mr. Fish to change the answer to that question. Mr. Fish asked for a copy of Planning Consultant Art Brod’s recommended changes to the Master Plan Update and EAF.

The Chair announced that no responses had been received to the Board’s Notice of Intent to act as lead agency in the SEQRA review.

The Board then discussed the proposed Lodge, which Mr. Fish said was among the projects to be started within two years. Christine Kane asked if Board approval of the Master Plan Update would give Special Permit approval to the Lodge, a unique project

among the proposed buildings. Mr. Fish said that the Lodge had been classified as an “Inn”, an allowed use under the zoning regulations, although Bard would have to apply for the required Special Permit. Some Board members believed that Board approval of the proposed updated Campus Master Plan would amend the Educational Campus Special Use Permit and would thereby, and at the same time, grant the required Special Permit to the Lodge as well as the other included projects. Mr. Fish disagreed, saying that he believed that the Lodge would require a separate Special Permit as well as a site-specific EAF and Site Plan Approval.

The Chair asked Mr. Brudvig if anyone had expressed interest in establishing the Lodge. Mr. Brudvig said that two groups had been mildly interested.

The Board then discussed the correct classification of the proposed Lodge. It was found that an “Inn” must be limited to ten (10) rooms. The proposed Lodge, as currently envisioned, would have approximately forty (40) rooms. A “conference center” would be allowed by Special Permit but must be primarily used as an educational building. A “motel” or “hotel” would require a text amendment to the zoning regulations. Bard would have to request such a text amendment from the Town Board.

The Chair read a letter dated October 9, 2003, from Joel Sachs of Keane & Beane, P.C. to the Town Board. In the letter, Mr. Sachs said that the proposed Lodge should be classified as a “hotel” or “motel” and that such an establishment in the Institutional District must be related to the educational function on the campus. He also said that a text amendment to the Zoning Code would be required.

The Chair said that he would like to research this issue further and to consult with Mr. Sachs. He asked if Mr. Brudvig would like to take the Lodge out of the current Master Plan Update so that the Board could consider it at a later time. Mr. Brudvig was agreeable to this idea, saying he did not want to hold up other more immediate projects. Mr. Fish said he would ask Mr. Sachs to draft a one or two sentence text amendment for the Town Board’s consideration.

Discussion of the Master Plan Update and related EAF was continued to February 7, 2005.

OLD BUSINESS

Philip Williams and George Verrilli – Baxter Road – Application for Subdivision Sketch Plan Endorsement

Tim Ross, P.E., came before the Board to continue discussion of an application to create twelve (12) residential building lots from a 21.83-acre parcel on Baxter Road in the R1 District.

Mr. Ross said that he had spoken to Pete Setaro, P.E., of Morris Associates, who was supervising work on a neighboring parcel. Mr. Ross said they agreed to combine the storm water drainage from both parcels into a common containment area.

The Chair read member Paul Telesca’s written comments from his individual visit to the site. He also described his and Christine Kane’s observations from a field visit on January 2, 2005.

The Chair questioned the density, saying that the proposed houses seemed tightly packed given the conditions of the land. He asked if two lots could be subtracted. Mr. Ross said that the proposed housing sites fit the topography and that fewer lots would reduce the cost effectiveness of the subdivision.

Sam Phelan asked if inclusion in the Village water system was possible. He went on to say that access to municipal water would open up clustering options. Mr. Ross said that installing such a system would be too expensive and that, because of the constrictions of the topography, there would be no density boost.

The Board then discussed the proposed “roundabout” road. Mr. Ross said he had consulted both Town Engineer Dan Wheeler and Town Highway Superintendent Wayne Hildenbrand about the design but that he had not yet spoken to Fire Chief Arvine Coon. Mr. Ross added that the road was planned to be a Town road.

Sam Phelan asked if some of the housing lots could be pushed forward to create some open space. He said that the parcel was a naturally wooded area and that this design preserved no open space.

The Chair said that the proposed plan was a conventional subdivision in an area where the Town is trying to encourage a different type of subdivision design. In an effort to find other options, he said he would ask the Town planning consultant and possibly Dutchess County planners to review the project. The application was tentatively scheduled for reappearance before the Board on February 7, 2005.

Hardscrabble Plaza/ TGS Associates – NYS Route 9 South – Conceptual Site Plan

Todd and Gary Baright presented a revised site plan and revised architectural drawings for modifications and construction within Hardscrabble Plaza on NYS Route 9 in the B1 District.

Todd Baright read from his prepared statement describing recent changes in the plan. Among those changes were the addition of sufficient parking spaces to accommodate both apartment residents and retail shoppers on weekends, the incorporation of a 3,000 square foot green area for apartment residents, a revised road network, and numerous architectural changes to the mixed-use building. He also said that since storage spaces tend to fill slowly, he planned to construct the self-storage building in two phases.

The Board discussed the roughed-in road from the end of the paved section on the Hannaford property to the edge of Hardscrabble Plaza. The clerk will check with Town Engineer Dan Wheeler to find out how much has been done on that road.

Christine Kane was concerned about children crossing the internal road to access the green space. She asked if the green space could be placed behind the parking lot serving the mixed-use building. Other Board members said that the green space could stay where it had been proposed if crossing could be made safer with speed bumps or other forms of traffic management.

Asked about signage, Mr. Baright said that he planned one sign for the Plaza as a whole at the entrance off NYS Route 9. Individual store signs would be placed above each store.

Mr. Baright said in conclusion that John Clarke, senior planner with the Dutchess County Department of Planning and Development, had suggested a network of roads that afforded focal points from each direction. Several of these focal points were conceptual buildings at this time. The Board agreed that some of the internal roads would not be required to conform to Town specifications.

The Board generally agreed that Mr. Baright's revised site plan and architectural drawings showed much improvement. It advised Mr. Baright to submit an application for approval of a site plan that conformed to the one presently before the Board. Mr. Baright must also apply for a special permit authorizing the mixed-use building. Meanwhile, since only a portion of the parcel would be developed during the first phase, the Board must consult with its planner to decide the scope of the SEQRA review.

Regular Session (New Business).

Dale & Joseph Salvia – Fraleigh Lane - Application for Subdivision Plat Approval

Bob Zimmerman, P.E., appeared before the Board with an application to create a 3.0-acre existing house parcel and a 3.014-acre residential building lot from a 6.014-acre parcel (Lot 9, FM 3687 and 3687-A) on Fraleigh Lane in the RD3 District.

Mr. Zimmerman gave a history of the parcel and a previously proposed subdivision plan on that parcel.

The Chair said that the soils on the parcel were classified as "of statewide importance", and the Board wondered if their presence triggered farmland protection requirements under section 143-47 of the Zoning Code. In addition, the Board questioned whether a lot could be added on a cul de sac which already had more lots than currently allowed by the Zoning Code.

The Chair said he would consult Keane & Beane on both issues.

Frank & Susan McCann – 298 Yantz Road – Application for Special Use Permit

Sue McCann appeared before the Board requesting a Special Use Permit for the creation of an accessory apartment within an existing single-family dwelling on a 2.221-acre lot at 298 Yantz Road in the RD3 District.

Ms. McCann explained that the proposed apartment would be used by a family member. She would like to add a deck, a kitchen, exterior stairs and an exterior door. There would be no increase in the number of bathrooms.

The Board determined that the proposed apartment would comply with the size and area limitations described in the zoning regulations.

Christine Kane made a motion to adopt the following procedural resolution:

The Town of Red Hook Planning Board hereby acts as follows on the December 23, 2004, Application by Frank & Susan McCann for Special Use Permit to authorize the creation of an Accessory Apartment pursuant to Zoning Code Section 143-11 and

143-64 within an existing single-family dwelling located at 298 Yantz Road in the RD3 District:

1. Accepts the Application as adequate for commencing Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, February 7, 2005, at 7:35 p.m. and directs the Clerk to provide timely notice thereof.
4. Requests the ZEO examine the Application for compliance with Zoning Code Section 143-64(D).

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

OTHER BUSINESS

The Board members had been sent draft copies of proposed fee changes to review. The Board generally agreed to send this revised fee schedule to the Town Board and request its adoption.

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. Christine Kane seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10:20 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachment

Resolution giving Conditional Final Plat Approval to Stephen Buscarino

Town of Red Hook Planning Board

Resolution Granting Conditional Final Approval in the Matter of the Stephen Buscarino Minor 3-Lot Subdivision on NYS Route 9G and West Kerley Corners Road in the RD3 District.

January 3, 2005

Motion made by David Wright
Seconded by John Hardeman

The Town of Red Hook Planning Board hereby acts as follows on the December 20, 2004, Application by Stephen Buscarino, with Marie T. Welch, L.S., as Agent, for Subdivision Plat Approval for the creation of a 5.0-acre existing house lot and two (2) residential building lots of 3.407 acres and 3.419 acres, from an 11.827-acre parcel (TMP 6174-00-838978-00) situate to the northeast of the intersection of West Kerley Corners Road (CR 78) and NYS Route 9G in the RD3 District, all as depicted on a Survey Map entitled 'Subdivision Map prepared for Stephen M. Buscarino' prepared by Marie T. Welch, L.S., dated September 10, 2003, and revised to January 3, 2005, described in letters from the Dutchess County Department of Public Works dated November 29, 2004 and December 20, 2004, and from the NYS Department of Transportation dated November 10, 2004, and demonstrated as to 'buildability' under Dutchess County Health Department requirements through related submissions by Timothy Ross, P.E.:

1. Determines upon review of the EAF Part 1 submitted by the Applicant and, with consideration of the 'criteria for determining significance set forth at Title 6 Part 617.7.c NYCRR, its own completion of EAF Parts 2 and 3 that the Proposed Action, an 'Unlisted Action' under SEQRA, will not cause any potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Grants Conditional Subdivision Plat Approval for the 'Stephen M. Buscarino Minor 3-Lot Subdivision' and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions within the next one hundred eighty (180) calendar days:
 - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - Inclusion of a notation on the Subdivision Plat that no building permit may be issued for construction on either Lot 1A or 1B may be issued until an Individual Permit for such lot has been issued by the Dutchess County Health Department.

- Similar inclusion of notations on the Subdivision Plat with respect to Dutchess County DPW (Lot 1A) and NYSDOT (Lot 1B) access permit requirements.
- Payment of a 2-lot cash-in-lieu-of-land recreation fee to the Town of Red Hook.
- Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the Application.
- Submission of Subdivision Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

Roll Call Vote:

Member John Hardeman	yes
Member Christine Kane	yes
Member Mary Lou Muirhead	absent
Member Sam Phelan	yes
Member Paul Telesca	absent
Member David Wright	yes
Chairman Paul Thomas	yes

Resolution declared: **APPROVED**

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

Paula Schoonmaker, Assistant Clerk to the Board Date _____