

APPROVED

Town of Red Hook Planning Board Meeting Minutes May 4, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m., and a quorum was determined present for the conduct of business.

Members present — Deputy Chair Charlie Laing, Sam Harkins, Wil LaBossier and Pat Kelly. Alternate Kristopher Munn and Planner Michele Greig were also present. Sam Phelan, Christine Kane, and John Hardeman were absent.

BUSINESS SESSION

Charlie Laing confirmed the agenda as printed. There were no announcements. The April 20, 2009 draft minutes had been circulated among the members and reviewed. Pat Kelly made a motion to adopt those minutes. Sam Harkins seconded the motion and all members present voted in favor.

PUBLIC HEARING

(During the discussion of this project, Pat Kelly abstained from voting, and alternate Kris Munn voted to make a quorum).

Bard College - Blithewood Road, Annandale – Amended Site Plan

Peter Setaro, P.E., and Chuck Simmons from Bard College were present for the public hearing on an application to construct a new 36.4 ID x 42.7 ft. high water storage tank at an existing water treatment plant on a ± 305.9-acre parcel in the I (Institutional) Zoning District and the National Historic Landmarks District.

Charlie Laing read the public hearing notice that appeared April 28, 2009 in the Kingston Daily Freeman and then opened the public hearing.

Mr. Setaro explained the project saying that the new tank would provide more consistent water and better water pressure. It would replace two forty-year-old tanks, one of which was already out of service. He said that the tank would be forest green in color, to blend in with surrounding trees. He added that the water treatment plant was also dark green.

Addressing the height of the tank, Mr. Setaro said that the front elevation of the existing water treatment plant was 33 feet. He said that the Bard horticulturist had measured the height of the surrounding trees with balloons and had found the shortest tree to be about 60 ft. and the tallest about 95 ft. He said no trees would be removed for the installation of the tank.

Asked if the new tank would result in more water being drawn from the Sawkill Creek, Mr. Setaro said no, that the College's current permit and allowable draw would remain the same. Asked about discharge from the treatment process, Mr. Setaro said that the College's existing

SPDES permit allows that discharge to flow into the sewer plant, and nothing would change as a result of the new storage tank. Mr. Setaro said that the applicants were currently going through the permitting process with the New York State Department of Health and other regulatory agencies.

The Board then reviewed a letter dated April 21, 2009 from Kenneth Markunas at New York State Office of Parks, Recreation and Historic Preservation. That letter stated that the agency consented to the Board's serving as lead agency for the SEQR review and had no concerns about impacts on historic or archaeological resources.

Charlie Laing noted a referral response from the Dutchess County Office of Planning and Development which said that the project was a matter of local concern.

The Board reviewed a letter dated May 4, 2009 from Jeffrey Anzevino of Scenic Hudson, who expressed that organization's concern about nearby vegetation and the potential visual impacts of the tank. Mr. Setaro said that although new water lines would be installed, the applicants would re-open existing pathways, and no vegetation would be disturbed. Mr. Simmons suggested that the Board let the College install the tank and see how it looks. He said that if visibility from Annandale Road was found to be a problem, the College would install new plantings, since they would want a visual buffer as well.

The Board then reviewed a letter dated May 4, 2009 from William Rudge of NYS Department of Environmental Conservation. That letter also expressed concerns about possible visual impacts and said that a visual assessment was warranted.

The applicants said that the new tank would be approximately 380 ft. to the closest point of the Sawkill Creek and quite a long distance from the Hudson River. The Board generally agreed that these distances would provide an adequate buffer.

The Board then reviewed the Local Waterfront Revitalization Plan consistency form. Asked whether an erosion control plan had been developed, Mr. Setaro said yes. Mr. Setaro also said that the applicant team had developed a contingency plan in case there was ever an overflow. After some revisions, Sam Harkins made a motion to find the project consistent with the LWRP. Wil LaBossier seconded the motion. Patrick Kelly abstained, so Kris Munn voted to make a quorum. All voting members present voted in favor of the motion.

The Board then completed part 2 of the long EAF. The Board generally agreed to append as part 3 of the EAF the aforementioned letter from the NYS Office of Parks, Recreation and Historic Preservation, adding that any potential visual or environmental impacts would be mitigated by 1) the surrounding tall trees and commitment to the installation of new plantings if necessary, 2) the color of the tank and 3) the lack of disturbance to vegetation due to installation of new water lines along existing paths.

Since there were no public comments, Wil LaBossier made a motion to close the public hearing. Sam Harkins seconded the motion. Pat Kelly abstained, so alternate Kris Munn voted to make a quorum. All voting members present voted in favor.

The Board then reviewed a draft Negative SEQR Declaration. Notations were added stating that the tank would be forest green in color and that the applicants would install additional plantings if increased screening from Annandale Road was found to be necessary. The Board also added a notation that the tank and treatment plant would be approved by the NYS

Department of Health. Wil LaBossier made a motion to adopt the Negative SEQR Declaration as amended. Sam Harkins seconded the motion. Pat Kelly abstained, so alternate Kris Munn voted to make a quorum. All voting members present voted in favor.

Finally, the Board reviewed a draft resolution approving the amended site plan. The members generally agreed to add a condition concerning possible additional plantings for screening and a condition that the applicants obtain all permits and approvals listed in the EAF. Sam Harkins then made a motion to approve the amended site plan with the above additions. Wil LaBossier seconded the motion. Pat Kelly abstained, so alternate Kris Munn voted to make a quorum. All voting members present voted in favor.

(Pat Kelly became a voting member for the remaining discussions, and alternate Kris Munn no longer voted)

Karin Roebke – 73 Old Post Rd., Upper Red Hook – Certificate of Appropriateness

Karin Roebke and Eric Johnson were present for the public hearing on an application for a Certificate of Appropriateness to construct a 12 ft. x 24 ft. shed on a 1.7-acre parcel in the H (Hamlet) District.

Charlie Laing read the public hearing notice that appeared April 29, 2009 in the Kingston Daily Freeman and then opened the hearing for public comment.

Ms. Roebke said that the shed would be pine, would be painted the same color as the main house, would be used for storage and would meet all required setbacks.

The Board reviewed a letter from the Town Highway Superintendent confirming that the proposed driveway location was acceptable.

The Board then reviewed comments submitted by the Town Hamlet/Design Review Committee, dated May 4, 2009. The Committee suggested that double hung sash windows and a side-hinged door on the shed would be more in keeping with the style of the main house. The applicant agreed to make sure these elements were part of the shed design.

The Committee also had concerns about the substantial drop off at the location of the proposed driveway. The applicant agreed to make all attempts to see that the grading was as gradual and natural as possible and to see whether the apron between the driveway and the road could be gravel instead of asphalt to reduce stormwater problems.

Since there were no comments from the public, Pat Kelly made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members voted in favor.

Reviewed a draft Certificate of Appropriateness and added language about the shed door and windows, the driveway and the color of the shed. Pat Kelly made a motion to grant the Certificate of Appropriateness with these additions. Wil LaBossier seconded the motion, and all members voted in favor.

Trevor & Joanna Baker – 107 Old Post Rd., Upper Red Hook – Certificate of Appropriateness

Trevor and Joanna Baker were present for the public hearing on an application for a Certificate of Appropriateness to construct a 6' high fence 80' in length on a 0.575-acre lot in the H (Hamlet) District.

Charlie Laing read the public hearing notice that appeared April 28, 2009 in the Kingston Daily Freeman.

Ms. Baker explained that the fence would be neighbor-friendly and would serve as a privacy fence.

Charlie Laing then opened the hearing for public comment.

The Board reviewed comments from the Hamlet/Design Review Committee, submitted May 4, 2009. The Committee suggested that the fence be located as far back from the road as possible and that care be taken to preserve the root systems of the large mature trees along the proposed fence line. Ms. Baker said that the fence would begin behind the house and that she had already discussed the preservation of the trees with the fence installer. She said that the fence would begin behind the largest tree in that line.

Since there were no comments from the public, Sam Harkins made a motion to close the public hearing. Wil LaBossier seconded the motion, and all members present voted in favor.

The Board reviewed a draft Certificate of Appropriateness and added conditions that the fence begin at the rear of the house and behind the largest mature tree in that line, all as shown on a submitted drawing. Wil LaBossier then made a motion to grant the Certificate of Appropriateness with these additions. Sam Harkins seconded the motion, and all members present voted in favor.

OTHER BUSINESS

Belliveau

The Board reviewed a letter from Marie Welch, LS, requesting a 60-day extension to the deadline for meeting the conditions of final subdivision plat approval. Sam Harkins made a motion to grant the extension. Wil LaBossier seconded the motion, and all members voted in favor. The Board generally agreed to inform the applicant and his agent that this would be the final extension for this project.

Horkan

The Board reviewed a letter from Marie Welch, L.S. requesting a 90-day extension to the deadline for meeting the conditions of final subdivision plat approval. Sam Harkins made a motion to grant the extension. Pat Kelly seconded the motion, and all members present voted in favor.

Forest Park Section 1D

The Board reviewed a letter from Planning Board Clerk Betty Mae Van Parys stating that the deadline for meeting the conditions of final subdivision plat approval for the Forest Park Section 1D project had come and gone, that the applicant had requested and been granted a number of extensions, and that she had sent the applicant and his agent several letters about this last deadline but had heard nothing. The Board generally agreed that the Clerk should send the applicant a letter saying that if the Board does not hear from him, the project will expire.

Merrihew

The Board reviewed a letter from Planning Board Clerk Betty Mae Van Parys stating that the deadline for meeting the conditions of final subdivision plat approval for the Merrihew project had come and gone, that the applicant had requested and been granted a number of extensions, and that she had sent the applicant and his agent several letters about this last deadline but had heard nothing. The Board noted that when it granted the applicant the last extension, it informed his agent that there would be no further extensions.

Bottini Fuel (Red Hook Terminal) Storage Tank

The Board discussed a letter from Bob Juliano of Bottini Fuel requesting an extension of a building permit. Because of several questions, the Board generally agreed to that Mr. Juliano should come back with authorization from the owner of the parcel.

Economic Development Committee Task Force

The Board generally agreed to individually fill out the survey from the task force and submit it to Michelle Martin by May 15, 2009.

ADJOURNMENT

Since there was no further business to come before the Board, Sam Harkins made a motion to adjourn. Pat Kelly seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Negative SEQR Declaration for the Bard College Water Treatment Plant Storage Tank project
Resolution granting Amended Site Plan Approval to Bard College
Certificate of Appropriateness granted to Karin Roebke
Certificate of Appropriateness granted to Joanna and Trevor Baker

**State Environmental Quality Review (SEQR)
Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: May 4, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Bard College Water Treatment Plant Storage Tank Amended Site Plan

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant proposes to construct a 36 ft. ID x 42.7 ft. high water storage tank at an existing water treatment plant on Blithewood Rd. at the Bard College Campus.

Location: Blithewood Road, Town of Red Hook, Dutchess County NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated March 2, 2009, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The project site is located in the National Historic Landmark District, which is on the State and National Registers of Historic Places. The Planning Board has reviewed a

letter from the New York State Office of Parks, Recreation and Historic Preservation dated April 21, 2009 and has determined that the project will have no adverse impacts on the archaeological or historic resources of the National Historic Landmark District.

4. The project site has mature trees surrounding the location for the proposed water storage tank. The trees have been ascertained to be of sufficient height to screen the tank from the Hudson River and from Annandale Road (Dutchess County Route 103). The water tank will be forest green in color to match the surrounding trees. Additional plantings will be installed if increased screening from Annandale Road is found to be necessary. Therefore, no significant adverse impacts on aesthetic resources are anticipated.
5. The project site is also located within the Town's Local Waterfront Revitalization Area. In accordance with Section V.C.1 of the Town's Local Waterfront Revitalization Program (LWRP), the Planning Board has reviewed the LWRP policies and has determined that the proposed action is consistent with the coastal policies.
6. The storage tank and the water treatment plant will be approved by the New York State Department of Health.

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Bard College (applicant)

New York State Department of Health

NYS Office of Parks, Recreation, and Historic Preservation

NYS DEC Environmental Notice Bulletin
enb@gw.dec.state.ny.us

Resolution Granting Amended Site Plan Approval

Name of Project: Water Treatment Plant Storage Tank Amended Site Plan

Name of Applicant: Bard College

Date: May 4, 2009

Whereas, the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Bard College to construct a 36 ft. ID x 42.7 ft. high new water storage tank on a $\pm$ 305.9-acre parcel (Tax Map Parcel No. 134889-6172-00-400720-0000) located at Blithewood Road in the I (Institutional) Zoning District and National Historic Landmarks District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed the application for Site Plan approval dated March 5, 2009, a Site Plan prepared by Morris Associates dated March 2, 2009; and

Whereas, the Planning Board has reviewed the site plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the Planning Board considered that agency's comments as detailed in its letter dated April 13, 2009; and

Whereas, on May 4, 2009, the Planning Board declared itself Lead Agency for the purpose of conducting an coordinated review of an Type 1 action pursuant to SEQR, and on March 16, 2009, in consideration of the Full Environmental Assessment Form (EAF) dated March 2, 2009 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed Amended Site Plan will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the Planning Board considered a letter dated April 21, 2009 from the NYS Office of Parks, Recreation and Historic Preservation concerning possible impacts to historic resources on the project site; and

Whereas, the Planning Board considered the comments of Jeffrey Anzevino, of Scenic Hudson, in a letter dated May 4, 2009, concerning the possible visual impacts of the project; and

Whereas, the Planning Board considered the comments of William Rudge, of NYS Department of Environmental Conservation, in a letter dated May 4, 2009, concerning the possible visual impacts of the project; and

Whereas, the Planning Board held a Public Hearing on the Amended Site Plan application on May 4, 2009 at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby grants Site Plan approval for the above project as represented on the plans listed above, all subject to compliance with the following conditions and any other requirements which must be met by law:

- A. That the applicant reimburses the Town for any outstanding fees due and owing for the review of this application.
- B. That a note is added to the plan stating that the applicant will install new plantings if additional screening from County Route 103 is found to be necessary.
- C. That the applicant obtains all permits and approvals listed on Part 1 of the EAF.
- D. That the applicant submit Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required P.E. and L.S. stamps and signatures

On a motion by Sam Harkins , seconded by Wil LaBossier , and a vote of 4 for, 0 against, 1 abstention and 3 absent, this resolution was **APPROVED** on May 4, 2009.

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

Betty Mae Van Parys, Clerk to the Board

Date

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

Date: May 4, 2009

For: Karin Roebke Tax Parcel # 6172-01-162832-0000

The applicant owns 1.70 acres at 73 Old Post Road North in the Hamlet of Upper Read Hook. She wishes to construct a 12 ft. x 24 ft. shed and driveway.

This application, survey, and architectural drawings were sent to the Hamlet/Design Review Committee on April 23, 2009.

The Town Highway Superintendent approved the applicant's proposed driveway location in a letter dated April 29, 2009.

The Hamlet/Design Review Committee reviewed the proposed changes, and submitted its comments to the Planning Board on May 4, 2009. The Committee made observations regarding the proposed driveway and shed design. The Committee did not take exception to the proposed project.

A public hearing was held May 4, 2009.

The Planning Board has reviewed and discussed the proposed plans and the Hamlet/Design Review Committee's observations. The applicant has agreed to paint the shed the same color as the main house and to modify the shed design to include double hung sash windows and a side-hinged door. The applicant has also agreed to take all possible steps to make the driveway grading as gradual and natural as possible.

The Board then determined that the proposed shed and driveway, with the agreed upon modifications, are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no negative visual impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Karin Roebke for the proposed addition as described above.

Certified by: _____ Date: _____

Clerk

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

Date: May 4, 2009

For: Trevor and Joanna Baker Tax Parcel # 134889-6373-01-254977

The applicants own 0.575 acres at 107 Old Post Road North in the Hamlet of Upper Red Hook. They wish to construct a 6 ft. high fence 80 ft. in length on the south side of the property.

The application, survey, and photographs were sent to the Hamlet/Design Review Committee on April 23, 2009

The Hamlet/Design Review Committee reviewed the proposed construction and submitted its comments to the Planning Board on May 4, 2009.

A public hearing was held May 4, 2009.

The Planning Board has reviewed and discussed the proposed plans and the comments from the Hamlet/Design Review Committee. The applicants agreed to begin the fence at the rear of the main house and behind the very large mature tree, per the submitted drawing. They also agreed to install the fence with as little disturbance to the roots of the mature trees as possible.

The Board then determined that the proposed fence, as described above, would be compatible with the historic character of the property as well as with the neighboring properties and the district and that there would be no adverse visual impacts. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Trevor and Joanna Baker for the proposed installation as described above.

Certified by: _____ Date: _____
Clerk

