

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
May 3, 2021

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Kristina Dousharm, Karen Smythe, Lew Rose and Brian Kelly. Also present were planning consultants Michele Greig and Ted Fink, engineering consultant Brandee Nelson, and Planning Board Clerk Kathleen Flood.

PUBLIC HEARINGS

Arlyck/ Costello-Baker Lot Line Adjustment – 7 Old Road

Public Hearing on application to transfer .904 acres of land from the 15.28-acre Arlyck parcel to the 33.78-acre Costello-Baker parcel in the Agricultural Business Zoning District.

Sam Phelan read the Public Hearing that was published in the Poughkeepsie Journal. Karen Smythe moved to open the hearing. Brian Kelly seconded, and all members voted in favor. Mr. Phelan explained how the public could comment on the public hearing projects by communicating with Board member Brian Kelly.

Applicant's representative Dan Russell was present. He gave an overview of the project.

Mr. Phelan asked if there were any comments from the public. There were none. Brian Kelly moved to close the public hearing. Kristina Dousharm seconded, and all members voted in favor.

Mr. Phelan asked if there were any questions from Board members. Ms. Smythe asked how the lot line alteration would be handled by the two Counties, Columbia and Dutchess, that the parcels are located in. Mr. Russell said that approved maps would be filed with both counties, and the owners will get separate tax bills for their parcel.

The Board reviewed a draft approval resolution. Kristina Dousharm moved to adopt it. Karen Smythe seconded, and the motion passed unanimously.

Mighty Donuts Site Plan – 7269 South Broadway

Public Hearing on application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Applicants Dennis Kanuk and Rhianon Jones, and applicant's representatives Ayaka Hale and Zak Hall were present. Kristina Dousharm recused herself.

(At this point, the meeting was intruded upon by hijackers. Mr. Phelan ended the meeting temporarily to clear out unwanted attendees. The intrusion lasted approximately 20 minutes.)

Sam Phelan read the public hearing announcement that was published in the Poughkeepsie Journal. Mr. Phelan said the applicants are currently before the Zoning Board of Appeals for two variances. Lew Rose made a motion to open the public hearing. Brian Kelly seconded, and all members voted in favor.

Ayaka Hale described for the Board recent changes to the site plan, including moving the donut shop building 14 feet to the south, removing the street screens, the addition of street trees, the removal of signage, and the addition of wheel stops in the parking lot as per comments from the Board and the Board's planning and engineering consultants. She gave an overview of the project for the public. Dennis Kanuk and Rhianon Jones described the vintage diner and their business model.

Alan Monarchi, tenant of the existing residence on the property that is proposed to be demolished, was present. His written comments to the Board were acknowledged. He spoke against the project and said he felt disrespected. Patrick Slater also spoke against the project, saying a donut shop was not a necessity and would create competition for struggling businesses. Bruce Ratcliff agreed with Mr. Slater that many similar niche businesses have suffered due to the pandemic, and the competition that the project would bring may hurt those businesses. Mr. Monarchi added that there were other business opportunities in the town and village that would not involve demolishing his home.

Mr. Phelan said he understood Mr. Monarchi's concerns that his landlord and property manager did not notify him of the project, but the Planning Board cannot respond to that situation. With respect to the comments about there being too many similar businesses in the area, he said it is not the Planning Board's responsibility to try to apportion how land gets utilized within the town of Red Hook, but rather to make sure that businesses are sited appropriately and meet the requirements of the Zoning Ordinance. He said the Planning Board cannot determine whether a business is needed in Red Hook.

Sam Harkins, owner of the Historic Red Hook Diner, said he does not feel that the project fits into the Traditional Neighborhood District-Community Center (TND-CC) zoning regulations, and therefore concessions requested, including variances and waivers requested, should not be allowed.

Mr. Phelan said the public hearing would continue at the next meeting, recognizing that some members of the public were unable to re-join the meeting, and that the project is currently before the Zoning Board of Appeals. He said additional comments that had been received by email would be acknowledged at the next meeting.

Comments from the Dutchess County Department of Planning and Development were reviewed. Discussion followed about the Planning Board's inability to produce a supermajority (due to 2 vacant seats and one Board member recusing herself from deliberations on the project because her firm represents them) to overrule the County's recommendation that the donut shop building be moved further south. Zak Hall said he was concerned that it would delay a possible approval at the next Planning Board meeting. Mr. Phelan said he would consult with the Planning Board's attorney on the matter.

The project lighting plan was discussed. The applicants were directed to provide a detail of the 'tape lighting' proposed on the donut shop diner car.

Michele Greig and Brandee Nelson reviewed their respective comments dated 5-3-21.

The masonry building existing on the site, commonly referred to as the Bottini building, was discussed. Mr. Phelan said that although the future use of the building cannot be determined now, improvements to the building should be part of the site plan.

The public hearing will be continued May 17.

OLD BUSINESS

O Zone Site Plan – 148 Pitcher Lane

Continued discussion of application to operate a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was present. She described some changes she has made to the building for handicapped accessibility.

She said that the landowner had constructed a fence between the O Zone and adjacent landowner Kate Karakassis after the last Planning Board meeting. Mr. Phelan said the fence was not approved by the Planning Board. Ms. Karakassis, who was present, said the fence installed was a 'spite fence' that was installed around her entire parcel. She said she and Ms. LeGare had agreed on a 60' fence between her residential property and the O Zone. Mr. Phelan asked Ms. LeGare to present the fence plan to the Planning Board at the next meeting. He suggested locating the fence close to the parking lot, it can be lower than 6 feet.

Schultz Cottage Special Use Permit – 16 Echo Valley Road

Continued discussion of application to convert a workshop above a garage to a cottage on a 3.7-acre parcel in the R1.5 Zoning District.

Applicant Lindsay Schultz was present. She said that her engineer has advised her to make some improvements to the existing septic system, and they are being reviewed by the County Health Department.

The Board reviewed a draft conditional approval. Brian Kelly moved to adopt it as revised to reflect lighting requirements. Karen Smythe seconded, and the motion passed unanimously.

Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road

Continued discussion of application to construct a pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

Applicant's representative Floyd Johnson was present. He said the pavilion was downsized to 925 square feet. Mr. Phelan advised the applicants to provide a landscape plan and current photos of the project. A Public hearing was scheduled for May 17.

NEW BUSINESS

Simcock Certificate of Appropriateness – 236 Dock Road

Presentation of application to renovate an existing residence on a 1.58 -acre parcel in Barrytown.

Stephen Simcock was present. He gave a history of the house, and an overview of the project. The Board reviewed the Design Review Committee's recommendation for a Certificate of Appropriateness. A public Hearing was set for May 17.

OTHER BUSINESS

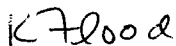
Shafer's Hudson Valley Request for extension

Brian Kelly moved to grant a 180-day extension for site plan and special permit. Kristina Dousharm seconded, and the motion passed unanimously.

ADJOURNMENT

There being no further business before the Board, Karen Smythe made a motion to adjourn. Kristina Dousharm seconded, and all members voted in favor.

Respectfully Submitted,



Kathleen Flood
Planning Board Clerk

**Resolution Granting Approval to the Final Subdivision Plat for
Arlyck/Costello & Banker Lot Line Alteration**

Name of Project: Lot Line Alteration between Lands of Arlyck and Lands of Costello and Banker

Name of Applicants: Ralph and Elizabeth C. Arlyck, William L. Costello and Johari Banker

Whereas, the applicants have submitted an application for Final Plat Approval to the Town of Red Hook Planning Board to convey ± 0.904 acres of land from the ± 15.28 -acre Arlyck parcel (Tax Map Parcel No. 103000-190.-1-36) located at 122 Old Road in the Town of Clermont, Columbia County to the adjacent ± 33.78 -acre Costello and Banker parcel (Tax Map Parcel No. 134889-6175-00-682703) located at 7 Old Road in the Agricultural Business (AB), Scenic Corridor Overlay (SC-O), and Historic Landmark Overlay (HL-O) Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Subdivision Plat entitled "Proposed Lot Line Alteration Parcel B William L Costello and Johari Banker and Parcels A1 and A2 Ralph and Elizabeth C. Arlyck" prepared by Daniel J. Russell, PLS of Crawford and Associates Engineering, PC, dated March 19, 2021 and revised April 22, 2021; and

Whereas, on April 19, 2021, the Planning Board classified the proposed action as a Type II action under SEQR pursuant to 6 CRR-NY Part 617.5(c)(16); and

Whereas, the Costello and Banker parcel is located within 500' of a New York State certified agricultural district (Agricultural Districts No. 4 and 20) and the applicants submitted an Agricultural Data Statement dated April 1, 2021 and April 6, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, the Costello and Banker property is encumbered with a conservation easement held by The Scenic Hudson Land Trust, Inc. which was filed with the Dutchess County Clerk's Office on June 30, 2008; and

Whereas, the Planning Board reviewed the conservation easement and determined the proposed project is consistent with the terms of the easement; and

Whereas, the Planning Board notified the Clerk of the Town of Clermont of the public hearing pursuant to General Municipal Law § 239-nn; and

Whereas, on May 3, 2021, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on May 3, 2021; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to Ralph and Elizabeth C. Arlyck, William L. Costello and Johari Banker in accordance with the plans and specifications heretofore enumerated subject to the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions and modifications:
 - (1) The Subdivision Plat shall be signed by the Dutchess County Department of Health (Permission to File).
 - (2) The applicants shall verify that the corners of tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer, as required by § 120-24B(2) of the Town Code.
 - (3) The applicants shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (4) The applicants shall pay any and all outstanding escrow balances for consultant review.
 - (5) The applicants shall submit 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.

BE IT FURTHER RESOLVED, that pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants shall incorporate the agricultural notice of the Town Code in any deeds wherein title to any

property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicants.

On a motion by Brian Kelly, seconded by Kristina Dousharm, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Aye</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
Member Karen Smythe	Voting <u>Aye</u>

Resolution was declared adopted on May 3, 2021.

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

KFlood
Kathleen Flood, Clerk to the Board

5-4-21
Date

Resolution Granting Special Permit Approval to Schultz Cottage

Name of Project: Schultz Cottage

Name of Applicant: Lindsay Schultz

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Lindsay Schultz to convert the second story of an existing garage into a $\pm$ 620 square foot cottage on a $\pm$ 3.6 acre parcel (Tax Map Parcel No. 134889-6272-00-735847) located at 16 Echo Valley Road in the R1.5 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a plan prepared by the applicant stamped received by the Planning Board on January 27, 2021; a floorplan prepared by the applicant stamped received by the Planning Board on January 4, 2021; and Design and Construction Drawings for an Onsite Wastewater Treatment System for the proposed one-bedroom cottage prepared by Martin J. Willms, PE (Sheets SC-1 and C-1 to C-4) dated April 1, 2021; and

Whereas, on January 11, 2021, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(11); and

Whereas, the applicant proposes a new sanitary sewage disposal system to serve the one-bedroom cottage; and

Whereas, the applicant submitted a well completion report indicating that the on-site well has a yield of 10 gallons per minute (gpm) and the required yield is 5 gpm; and

Whereas, the applicant proposes a Sunlite black goose neck outdoor lighting fixture, which is fully-shielded as required; and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 and has found that the proposal complies with all of the general standards, including: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the R 1.5 District; the size of the site in relation to the use, the location, nature and height of the building in which the use will be located, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will be provided; the general landscaping of the site is in character generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed cottage will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for a cottage found in § 143-68 and has found that the proposal complies with all of the specific standards, including: the maximum gross floor area devoted to the cottage will be less

than 650 square feet; the cottage will be supported by water supply and sanitary sewage disposal facilities deemed suitable by the Dutchess County Department of Behavioral and Community Health; there are no other cottages or accessory apartments on the property; the cottage satisfies all of the setback requirements for a principal structure and for off-street parking in the R 1.5 District; and the cottage will be located on a lot that is greater than the minimum three acres required for a cottage in the R 1.5 District; and

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

Whereas, the parcel is located within 500 feet of a New York State certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated December 1, 2020, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, on February 1, 2021, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on March 1, 2021; 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 has determined that no new residential building lots or principal dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Special Permit approval to Lindsay Schultz for a cottage in accordance with the application materials and specifications heretofore enumerated upon the following conditions:

- A. The following conditions shall be fulfilled prior to the applicant obtaining a Building Permit for the proposed project:
 - (1) The applicant shall submit a scaled drawing showing that the proposed off-street parking for the cottage will be set back a minimum of 25 feet from the front yard.
 - (2) The applicant shall obtain approval from the Dutchess County Department of Behavioral and Community Health for the proposed sanitary sewage disposal system.
 - (3) The applicant shall submit manufacturers cut sheets of proposed lighting fixtures that meet the Town's requirements for fully-shielded fixtures to the satisfaction of the Town Planner Greenplan.
 - (4) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.

- (5) The applicant shall pay any and all outstanding escrow balances for consultant review.
- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy for the cottage:
- (1) The building shall be in compliance with all provisions of the New York State Uniform Fire Prevention and Building Code pursuant to § 143-68D of the Zoning Law.
 - (2) All proposed improvements shall have been completed in accordance with the approved Special Permit.
- C. The following are general conditions which shall be fulfilled throughout the operation of the project:
- (1) This permit authorizes one (1) cottage a maximum of 620 square feet in gross floor area with one bedroom.
 - (2) Two off-street parking spaces for the cottage, in addition to two parking spaces for the single-family dwelling on site, shall be provided at all times.
 - (3) If an LED bulb is used in the proposed Sunlite goose neck fixture, it shall have a maximum color temperature of 3000K.
 - (4) All exterior lighting fixtures shall be motion sensor controlled.
 - (5) The owner of record shall continue to comply with all requirements of § 143-68 of the Zoning Law and with all conditions imposed by any outside agencies in their permits.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

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

Chairman Sam Phelan	Voting: <u>Aye</u>
Deputy Chairman Brian Kelly	Voting: <u>Aye</u>
Member Kristina Dousharm	Voting: <u>Aye</u>
Member Lew Rose	Voting: <u>Aye</u>
Member Karen Smythe	Voting: <u>Aye</u>
and two vacant seats	

Resolution was declared adopted on May 3, 2021.

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

K Flood
Kathleen Flood, Clerk to the Planning Board

5-11-5-21
Date