

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
March 3, 2014

CALL TO ORDER AND DETERMINATION OF QUORUM

Christine Kane opened the meeting at 7:35 pm. A quorum was determined present for the conduct of business.

Members present — Betty Carr, Sam Harkins, Brian Walker and Christine Kane. Sam Phelan arrived approximately 7:40. Also present was planning consultant Michele Greig.

Ms. Kane announced one change to the agenda. The continued public hearing for the Preserves at Lakes Kill was adjourned until March 17, she said, because the applicant had requested more time to develop their response to the list of questions and concerns submitted to them by the Planning Board.

On a motion by Sam Harkins and seconded by Betty Carr, the minutes of the January 6, 2014 meeting were unanimously approved.

Christine Kane provided information to the board regarding two training programs, a free six month training program in biodiversity assessment beginning in April offered by Hudsonia and the Hudson River Estuary Program, and a forum entitled Green Infrastructure Basics: Managing Storm Water Onsite, which will be conducted by the Cornell Cooperative Extension at the Dutchess Count Environmental Management Council which will occur March 26.

REGULAR SESSION: OLD BUSINESS

Anderson Commons – Fisk St. - Major Subdivision, sketch plan, site plan and special permit.

Continued discussion of applications for subdivision, site plan and special permit approval for construction of a 52 unit development partially in the Village of Red Hook and partially in the RD1 Zoning District in the Town of Red Hook.

Project Engineer Andrew Learn of Morris and Associates was present to represent the applicant. He said that the survey drawings have now been updated. He reviewed the updates.

He responded to comments submitted to the board by town Highway Superintendent Theresa Burke. With regard to sight distances on Cohen's Way (the proposed new road) at Glen Ridge Road, he noted that the previous highway superintendent had approved the sight distance, and said that the applicant will set survey stakes up at the site when the weather allows, for the benefit of the current superintendent. He acknowledged that the applicant understands that the road cannot be designated a town road until it is complete, and that the width of the road will be 24 feet, as required by the town.

Mr. Learn said he believed the applicant has resolved all of the town engineer's comments, with the exception of the maintenance issues regarding the infiltration basins. He said that more details were added to the SWPP to insure proper maintenance. He said that in the event that water had to be removed from them, it would have to be trucked to a water treatment plant, because there is no discharge point on site.

Another concern that needs to be addressed, he said, is the ponds taking in water from the town road. He explained that all the ponds but one are to be maintained by the Homeowner's Association, with the town having the option to maintain them in the event the Homeowner's Association fails to do so, however one of the ponds has been designated as the responsibility of the town to maintain, because it is beyond the Homeowners' Association boundary. He said the Highway Superintendent is concerned about maintaining the pond, and an agreement will have to be worked out.

Another issue related to the same pond is that the outlet to it is directed and will result in a concentrated discharge across a property line with lands owned by the Village of Red Hook. He said that the applicant will approach the Village to work out that detail. He explained that the pond is located on an easement between two lots, and is not a separate parcel.

Mr. Learn said the Town Attorney suggested also that a temporary easement be drawn up for a segment of the proposed Monarch Lane because it will be used as a T-turnaround.

Michele Greig said that although the Fire Chief has not yet provided a written response approving the road, the board could at this point set up a public hearing for the project. The public hearing was scheduled for March 17.

Red Hook Diner – modifications to site plan.

Bob Turner, Tinkelman Architecture, and applicant Terry Karamas were present to discuss proposed modifications to the approved site plan for the Red Hook Diner.

Mr. Turner described the proposed changes. He said that the applicant had originally intended to pour a new concrete entrance, however, they determined that the existing concrete was poured relatively recently and is in good condition. He said the applicant is requesting to re-pour only the handicap access ramps, and proposes installation of a railing to divert people around a potential tripping hazard.

The applicant also wishes to modify the dumpster enclosure. He said the condition of the existing concrete slab was determined as adequate to support a new shed. The applicant will pour new concrete around the shed. Additionally, the applicant proposes to reduce the size of the dumpster area, and that the material of the gate around the enclosure has been changed from cedar to paint-grade spruce because the paint grade spruce is more economical.

Sam Phelan made a motion that the requested modifications be approved. Brian Walker seconded and all members voted in favor.

Brookmeadow minor subdivision – resolution amendment, request for extension of conditional approval

Christine Kane said that the planning board had received the requested letter from property owner Hilda MacDonald acknowledging her agreement to allow Ken Migliorelli to farm her parcel, and stating that if and when that agreement is no longer valid, the vegetative boundary required by the board would be installed.

The Board revised the resolution for approval to reflect this agreement. Betty Carr made a motion to grant the amendment of the amendment for the subdivision approval. Sam Harkins seconded and all members voted in favor.

The applicant also made a request for a 120-day extension of the expiration date of conditional approval, because they are still waiting for approval from the Board of Health. Michele Greig suggested that an extension would not be needed because of the new resolution will restart the clock.

Catlin - minor subdivision – request for 90 day extension of conditional approval

Christine Kane said that the applicant has requested a 90-day extension of their conditional approval due to the weather preventing completion of the common driveway improvements. She noted that the project has received one extension so far. Sam Phelan made a motion to grant the extension. Sam Harkins seconded and all members voted in favor.

MC Acres – minor subdivision request for 90 day extension of conditional approval

Christine Kane said that the applicant has requested a 90-day extension on conditional approval. The applicant cited that the weather has prevented completion of the common driveway survey and design.

Ms. Kane. She suggested that this be the last extension granted.

Sam Harkins made a motion that the extension be granted. Betty Carr seconded. All members voted in favor. Ms. Kane noted that the project has already received a number of extensions and asked the board asked if it was the consensus of the board that the applicant be notified that this is the last extension that will be granted. Sam Harkins asked if the board could legally do that. And when planning consultant Michele Greig said that they could, the board generally agreed that that it would be the last extension granted. Ms. Kane asked planning staff to notify the applicant as such.

Ms. Kane said that the business before the board was concluded, and introduced Sarah Gilbert, who was present to observe the Planning Board in consideration of her application to fill the position of Michele Turck, who resigned from the board in October. Ms. Kane welcomed Ms. Gilbert and thanked her for considering joining the board and attending the meeting. She asked Ms. Gilbert if she had any questions. Ms. Gilbert asked several questions and entered into a discussion with the board about the business of the Board, meeting schedules, training and support materials, and the time commitment for service. The board generally agreed to recommend Ms. Gilbert for service.

There being no other business before the board, Sam Harkins made a motion to adjourn. Betty Carr seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood
Secretary

Resolution Granting Site Plan Approval to Red Hook Diner

Name of Project: Red Hook Diner

Name of Applicant: Terry Keramas–T&C Hospitality Group Inc.

Date: March 3, 2013

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Terry Keramas–T&C Hospitality Group Inc. dated August 30, 2013 to renovate an existing $\pm$ 2,930 sq. ft. restaurant and to construct a $\pm$ 335 sq. ft. addition to the restaurant on a $\pm$ 2.989 acre parcel (Tax Map Parcel No. 134889-6272-00-242393-0000) located at 7329 South Broadway in the TND Commercial Center Subdistrict in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a Site Plan prepared by Tinkelman Architecture PLLC (Sheets PZ-01, PZ-02 and PZ-03) dated August 30, 2013 and revised September 27, 2013, October 11, 2013 and October 25, 2013; 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 County Planning Department determined in its review dated November 4, 2013 the project was a matter of local concern and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on November 4, 2013 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, the Planning Board held a Public Hearing on the Site Plan application on November 4, 2013, at which time all interested persons were given the opportunity to speak; and

Whereas, on March 3, 2014, the applicant proposed minor modifications to the previously approved site plan, specifically changes to the concrete slab; the inclusion of a railing for the handicap ramp; a reduction in the size of the propane tank; a modification to the size of the gates and number of support posts; and the substitution of #1 Grade Spruce for cedar for the fence, as shown revised Sheets PZ-03 and PZ-04, both of which have a final revision date of January 7, 2014; 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 grants Site Plan approval to Terry Keramas–T&C Hospitality Group to renovate an existing $\pm$ 2,930 sq. ft. restaurant and to construct a $\pm$ 335 sq. ft. addition to the restaurant 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 Site Plan by the Planning Board Chairwoman:
 - A. Revise Sheet PZ-03 of the Site Plan to delete Detail 6 (Stockade Fence).
 - B. Include a bicycle rack in the striped, paved area that was formerly three (3) parking spaces.
 - C. Delete the no-parking sign for the aforementioned paved area.
 - D. Submission of 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.
 - E. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
 - A. All proposed improvements shall have been completed in accordance with the approved Site Plan.
3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
 - A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Site Plan Approval.
 - B. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

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 Brian Walker, and a vote of 5 for, 0 against, and

1 absent, this resolution was adopted on March 3, 2014.

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

Kathleen Flood, Planning Board Secretary

____ March 3, 2014 ____
Date

Resolution Granting Final Subdivision Plat Approval to Steiner Farm 2 Lot (Brookmeadow) Subdivision

Name of Project: Steiner Farm 2 Lot (Brookmeadow) Subdivision

Name of Applicant: Hilda MacDonald Trust

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated July 25, 2013 to the Town of Red Hook Planning Board to subdivide a ± 4.24 acre lot from a ± 90.23 acre parcel (Tax Map Parcel No. 134889-6273-00-441702) located in the AB Zoning District on Pitcher Lane, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat prepared by D.F Wheeler Engineers, P.C. consisting of two (2) Sheets (Sheets CS-1 and P-1) dated June 13, 2013; and

Whereas, on September 19, 2011, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, on August 5, 2013, the Planning Board, in consideration of the Short Environmental Assessment Form dated July 21, 2011 and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, the parcel is located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated July 21, 2011, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, on August 19, 2013, the Planning Board conducted a public hearing on the Subdivision Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board determined that the proposed action will create a need for recreational land and facilities, that it is not feasible to locate a park on the subject lands, and therefore requires the applicant to make a recreational fee payment; and

Whereas, on October 10, 2013, the applicant requested that the Planning Board modify condition 1(b)(viii) of the Resolution Granting Final Subdivision Plat Approval dated August 19, 2013 to replace four (4) *Salix purpurea* and four (4) *Sambucus Canadensis* in the agricultural buffer with eight (8) *Viburnum trilobum*; and

Whereas, the amended condition 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 August 5, 2013 by the Town of Red Hook Planning Board as Lead Agency, and the Planning Board on October 21, 2013 adopted an amended resolution granting final subdivision plat approval; and

Whereas, on November 18, 2013, the applicant requested that the Planning Board modify the amended Resolution Granting Final Subdivision Plat Approval dated October 21, 2013 to require the landowner to install the vegetative buffer shown on the plat prior to the issuance of a building permit for the new ± 4.24 acre lot (rather than prior to the signing of the Subdivision Plat by the Planning Board Chairwoman) in order to permit an adjacent landowner to continue to farm the new ± 4.24 acre lot until such time as it is developed; and

Whereas, the amended condition 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 August 5, 2013 by the Town of Red Hook Planning Board as Lead Agency; and

Whereas, the Planning Board now wishes to grant Final Subdivision Plat approval to the Hilda MacDonald Trust.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to the Hilda MacDonald Trust to subdivide a ± 90.23 acre parcel located on Pitcher Lane in accordance with the plans and specifications heretofore submitted upon the following conditions:

2. The following conditions shall be fulfilled prior to the signing of the Subdivision Plat by the Planning Board Chairwoman:
 - (a) Approval from Dutchess County Department of Health for individual well and septic disposal system for the 4.24 acre lot.
 - (b) The following revisions shall be made to the Plat:
 - (i) Revise the acreage of the total lot area in the Site Data box on Sheet CS-1 to 90.23 acres. On a separate line, add Total Acreage of Lands of Frank A. Migliorelli: 228.26 acres.

- (ii) Delete the references to "Sketch Plan" and "Proposed Site Plan" on Sheet P-1.
 - (iii) Replace the reference to 228.26 acres on Sheet P-1 with 86 acres.
 - (iv) Label the 86 acre parcel "Lot 1" and the 4.24 acre parcel "Lot 2."
 - (v) Add a note to the plat that no further subdivision of Lot 2 shall be permitted.
 - (vi) Add a note to the plat that Lot 1 is subject to a conservation easement held by the Dutchess Land Conservancy and no building envelope is associated with this parcel. Cite the liber and page number of the recorded easement.
 - (vii) Include on the plat the proposed landscaping of the vegetative buffer along the western and southern property boundaries of Lot 2, with a Landscape Schedule identifying the location, species, and size of materials at time of planting.
 - (viii) Include on the landscape plan eight (8) *Viburnum trilobum* in the locations where the applicant had previously proposed four (4) *Salix purpurea* and four (4) *Sambucus Canadensis*.
 - (ix) Include a landscape maintenance note with the Landscape Schedule stating that the property owner of Lot 2 shall maintain the vegetative buffer as shown on the plat, or a vegetative buffer of similar or greater thickness and height, throughout the duration of the use.
 - (x) Revise the plat to include a note that no building permit shall be issued for Lot 2 until a copy of the deed filed with the Dutchess County Clerk's Office for Lot 2 has been filed with the Planning Board and the Building Department.
 - (xi) Revise the plat to include a note that no building permit shall be issued for Lot 2 until the vegetative buffer shown on the plat has been installed on the lot, as confirmed by a member of the Planning Board.
 - (xii) The plat shall include a revision date.
- (c) The applicant shall provide the Planning Board with a copy of the deed for Lot 2, which shall include: 1) the Agricultural Notice from Chapter 72 of the Town Code; and 2) the note from the plat stating that the property owner shall maintain the vegetative buffer as shown on the plat, or a vegetative buffer of similar or greater thickness and height, throughout the duration of the use.
 - (d) The applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
 - (e) Payment of recreation fee for one (1) new residential building lot to the Town of Red Hook.
 - (f) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.

- (g) 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.
4. The applicant shall file the deed for Lot 2 simultaneously with filing the plat with the Dutchess County Clerk's Office, and shall provide the Planning Board and the Building Department with a record of the filing prior to the issuance of a Building Permit for Lot 2.
 5. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant and contained in the Short Environmental Assessment Form and the negative declaration adopted by the Planning Board on August 5, 2013 shall be considered conditions of this Subdivision Plat Approval.
 6. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

On a motion by Betty Carr_, seconded by _Sam Harkins_, and a vote of _5_
for, _0_ against, and _1_ absent, this

Resolution declared _approved_ on _March 3, 2014_.

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

Kathleen Flood, Planning Board Secretary

Date