

Approved
Town of Red Hook Planning Board
Meeting Minutes
August 3, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:50 p.m., and a quorum was determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the agenda as printed. The July 6, 2009 draft minutes and the July 20, 2009 minutes had been circulated and reviewed. Michele Greig had three suggestions for correcting the July 20 minutes. Sam Harkins made a motion to approve both sets of minutes as revised. Wil LaBossier seconded the motion, and all members present voted in favor. There were no announcements.

REGULAR SESSION – PUBLIC HEARINGS

Estate of Peter Bulkeley, Carol Wagner, Cicada Group – W. Kerley Corners Rd. – Lot Line Alterations

Robert Zimmerman, L.S., and David Bulkeley were present for the public hearing on an application for Lot Line Alterations to convey + 0.06 acres from the Lands of the Cicada Group to the adjoining Lands of the Estate of Peter Bulkeley and also to convey + 0.17 acres from the Lands of the Estate of Peter Bulkeley to the adjoining Lands of Carol Wagner, all in the RD3 Zoning District. The Lands of the Estate of Peter Bulkeley were in Certified Agricultural District 20.

Christine Kane read the public hearing notice that appeared July 28, 2009 in the Kingston Daily Freeman. Bob Zimmerman explained the project to the public saying that the Estate wanted to give a small piece of land to Carol Wagner in memory of Peter Bulkeley and to buy a small piece of land from the Cicada Group to provide additional side yard space for a small house in the southwest corner of the Bulkeley property.

Since the full EAF part 2 had been discussed and completed by the Board at the July 20, 2009 meeting, Wil LaBossier made a motion to adopt a negative SEQR declaration for the project. Pat Kelly seconded the motion, and all members present voted in favor. Christine Kane then opened the public hearing. There were no comments from the public.

Christine Kane read a referral response from the Agricultural and Open Space Advisory Committee. The memo stated that the committee agreed that there would be no adverse agricultural impacts as a result of this project.

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

The Board reviewed a draft resolution granting conditional approval for the project. Pat Kelly made a motion to adopt the resolution. Wil LaBossier seconded the motion, and all members present voted in favor.

Lisa Stencel – 94 Old Post Rd. North – Certificate of Appropriateness

Lisa Stencel was present for the public hearing on an application for a Certificate of Appropriateness to construct a 14' x 16' shed and a fence on a 0.33-acre parcel in the H (Hamlet) Zoning District.

Christine Kane read the public hearing notice that appeared July 28, 2009 in the Kingston Daily Freeman. Lisa Stencel explained the project, saying that she wished to place both the shed and the fence along the north side of her property and that she would subsequently remove a smaller shed at the rear of the parcel. She said that the fence would be 24 ft. long and 6 ft. high.

Christine Kane said that the setback questions from the last meeting had been cleared up and that new Town zoning regulations allowed the reduced setbacks shown on Ms. Stencel's plan and noted on her application. She also reminded the Board that the project would comply with coverage regulations. She then opened the public hearing.

Harriet Oppenheimer, 98 Old Post Road North, said she did not oppose the shed but she did oppose the proposed location of the shed. She said that if the shed were placed where it was proposed, she would feel "boxed in" because it would block her view from her patio. She said that she had received a verbal pledge years ago from a different owner that there would be no additional buildings on the property. She said further that she would be agreeable to Ms. Stencel placing the new shed where the smaller shed was currently located, at the rear of the property.

Ms. Stencel said that she wanted to place the new shed along the side of her property partly because Ms. Oppenheimer's dog was tied on a long lead but could enter Ms. Stencel's property and reach Ms. Stencel's son in his play area. She said that Ms. Oppenheimer's flexible plastic construction fence did not contain the dog. Additionally, she said that the shed at the rear of the property was on a slope and also hard to reach during bad weather. Finally, she said that her new leach field stretched into that area at the rear of the property.

Ms. Oppenheimer said she thought the new shed would be a garage. Ms. Stencel said no, it would contain a lawn mower, her son's outside toys and other outside equipment.

Ms. Oppenheimer offered to install an electric fence to keep her dog in the yard.

Leigh Bahnatke, 96 Old Post Road North, said she simply wanted to know about the proposals.

Ms. Oppenheimer submitted photos showing some debris in Ms. Stencel's yard which she said Ms. Stencel's ex-husband had promised he would clean up. Ms. Stencel said that the debris was left over from the installation of the new septic system and that she would get it cleaned up as soon as she could.

Ms. Stencil submitted photos showing a number of houses on Old Post Road North with sheds along the side property line. She said that her proposed shed would not be out of character with the neighborhood, that it would be wood-sided and stained to match her house, and that as proposed, the shed would comply with all setback and coverage regulations.

Ms. Oppenheimer said that Ms. Stencil had not stated a specific time when the old shed would be removed. Ms. Stencil said that she would have to install the new shed, transfer the outdoor equipment from the old shed, and possibly temporarily store some other articles while she renovates a room in her house before she would be able to remove the old shed.

The Board generally agreed to continue the public hearing until August 17, 2009 at 7:40 p.m. and to await comments from the Hamlet/Design Review Committee. Wil LaBossier and Pat Kelly said they would visit the site before the next meeting.

REGULAR SESSION – NEW BUSINESS

Daniel Colnaghi – 50 Pinewood Lane & Route 9G – Lot Line Alterations

Everett White, surveyor for Welch Surveying, was present with an application to convey a 0.508-acre flag strip from the ± 5.27 -acre Lands of Daniel Colnaghi to the adjoining ± 7.54 -acre parcel also owned by Daniel Colnaghi and to convey a ± 0.67 -acre flag strip from the ± 7.54 -acre parcel to the ± 5.27 -acre parcel, all in RD3 Zoning District, the Scenic Corridor Overlay District and the National Historic Landmarks District.

Mr. White explained that Kunzang Palchen Ling, located on a parcel just to the north, was possibly interested in purchasing the Colnaghi parcel at the intersection of Rtes. 9G and 199 but did not wish to have the two parcels separated by a flag strip that provided frontage for a parcel behind the Kunzang Palchen Ling parcel. The lot line alteration would relocate the frontage strip from Route 9G to Route 199 and allow the two parcels on Rte. 199 to adjoin each other. Mr. White confirmed that the flag strip would never be used for access to the rear parcel and pointed out a note to that effect on the 2005 subdivision map. He said that the rear lot had access from Pinewood Lane.

The Board said that the no-access/no driveway note from the 2005 plat must also be carried over to any new plat developed for that area. Further, the Board asked that the lines denoting NYS Route 199 and Route 9G be continued on the map to show the intersection. Finally, the Board asked the applicant to submit a copy of the signed driveway agreement for the four (4) lots along Pinewood Lane.

Since the subject lots had been found to be within the National Historic Landmarks District, the Board asked Mr. White to submit a full EAF part 1 as required for a Type 1 action under SEQR. The Board also asked for a letter from an engineer confirming that both lots could get Health Department approval. Ms. Greig said that approval from the NYS Department of Transportation would also be necessary. Because the subject lots were located within 500' of the Certified Agricultural District, the Board referred the project to the Agricultural and Open Space Committee as soon as an acceptable full EAF part 1 was submitted. The Board agreed that Ms. Greig should review the EAF part 1 before the project went to the AOSC.

MC Acres, Inc. & Anna Kirschner – 254 & adjoining parcel on Middle Road – Minor Subdivision and Lot Line Alteration

Mark Graminski, PE and L.S., was present with an application to swap ± 0.67 acres between the ± 2.13 -acre Lands of Anna Kirschner and the adjoining ± 64.62 -acre Lands of MC Acres, Inc.

and to then create two (2) new lots of ± 4.433 acres and ± 4.735 acres and a remaining lands lot of ± 55.452 acres from the MC Acres, Inc. parcel. All the lots were in the RD3 Zoning District of the Town of Red Hook, and the MC Acres parcel was partly in the Town of Rhinebeck.

Mr. Graminski recounted the 2007 Kesicke Farm lot line alterations project and the resulting Farmland Protection Plan which had been filed with the County Clerk as part of the plat package. He said that the current proposed lot line alteration improved the required shared driveway. He said that he needed to correct the acreage figures on the map.

Mr. Graminski disagreed with Michele Greig's memo comment that the proposed plan did not comply with the filed Farmland Protection Plan. Ms. Greig said that the two small proposed lots were too large and that the intent of the Important Farmlands Law was to preserve the largest possible contiguous amount of farmland. She said that the plan must be consistent with Town zoning regulations regarding cluster subdivisions. Mr. Graminski argued that the plan was consistent, that the two new residential lots were small and that when the proposed plan was viewed along with an aerial view of the parcel and a soils map, it was clear that the proposed lots and building envelopes left the agricultural fields intact. In fact, he said, the current proposed plan left more agricultural land intact than the previously agreed upon plan. The Board generally agreed.

Responding to a question about whether a proposed driveway crossing a wetland would need a DEC permit, Mr. Graminski said no, that the crossing utilized an old farm road and would not be paved or otherwise improved. He said that the DEC would need to verify the wetlands. The Board asked him to add a note to the plan stating that any improvements to that farm road/driveway would need DEC approval.

Mr. Graminski then submitted a revised EAF that addressed several comments in Ms. Greig's memo.

Mr. Graminski said that this plan would need a relaxation of bulk standards for proposed lot 1, since that lot only would only have a width of 190 ft. at the start of the building envelope, not the required 240 feet. The Board agreed that such request would require a variance and that the Board could send a letter of support to the ZBA if a conditional approval were granted.

The Board then reviewed a letter dated February 6, 2009 from Winnakee Land Trust stating that that organization was prepared to negotiate an Agricultural Conservation Easement for the property.

Christine Kane reminded the Board that the Hucklebush Rail Trail had been proposed by the Town years ago and said that the MC Acres plan should address that proposal.

The Board generally endorsed the sketch plan for the project and told Mr. Graminski to proceed with his final application. The Board deferred initiating SEQR until it received that application.

Lexann Acres, Inc. – 198 Middle Road – Minor Subdivision

Mark Graminski, P.E. and L.S., Anne Marie Vosburgh, John Howard and attorney Cailin Brennan were present with an application to create four (4) new lots from an 18.306-acre parcel in the R1.5 Zoning District. He said that this subdivision, like the previous application, was part of the 2007 Farmland Protection Plan for Kesicke Farm.

Referring to Ms. Greig's memo on the project, Mr. Graminski said that the two (2) proposed flag lots shared an entrance; the Board said that the Zoning regulations require a shared driveway. Mr. Graminski agreed that such a driveway was feasible. Ms. Greig said that this project should be considered a cluster subdivision, and as such, the proposed small lots should be made as small as the Health Department would allow, leaving as much agricultural land as possible in the largest lot. Mr. Graminski said he could probably make the small lots still smaller.

The Board also discussed whether to maintain the size of lot 2 and relocate the driveway in order to create a buffer between that lot and the agricultural field to the west.

The Board then reviewed a letter dated May 14, 2009 from Lucy Hayden at Winnakee Land Trust saying that because the adjoining landowner was not interested in placing an easement on his property, the Land Trust was not interested in taking an easement on Lexann Acres.

The applicants said that they had argued for the easement, saying that it would eventually be part of a much larger contiguous piece of farmland, but that the land trust had maintained its position.

The Board generally agreed to endorse a revised layout of the parcel with reduced sizes for the smaller lots and an increased amount of protected agricultural land. Christine Kane said she would talk more fully to Lucy Hayden at Winnakee Land Trust.

OTHER BUSINESS

The Board generally agreed to defer further discussion of the proposed Scenic Roads map and regulations until the August 17 meeting.

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 Bulkeley, Wagner, Cicada Group Lot Line Alteration
Resolution granting Lot Line Alterations to the Estate of Peter Bulkeley, Carol Wagner and the
Cicada Group

State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: August 3, 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: Estate of Peter Bulkeley, Carol Wagner, Cicada Group Lot Line Alterations

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The application proposes to convey $\pm$ 0.06 acres from the Lands of the Cicada Group to the adjoining Lands of the Estate of Peter Bulkeley and also to convey $\pm$ 0.17 acres from the Lands of the Estate of Peter Bulkeley to the adjoining Lands of Carol Wagner.

Location: West Kerley Corners 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 July 11, 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 Bulkeley parcel contains a structure, known as the Heermance House, that is listed on the NYS and National Registers of Historic Places. Since there will be no disturbance to any of the buildings or to the parcel from this project and since a conservation easement has been placed on the parcel that will protect the historic buildings and lands and any artifacts on those lands, the Planning Board has determined that this project will have no adverse impacts on the archaeological or historic resources.

. 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)

David Bulkeley as executor for the Estate of Peter Bulkeley (applicant)

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

Resolution Granting Lot Line Alteration Approval to the Estate of Peter Bulkeley, Carol Wagner and the Cicada Group

Name of Project: Estate of Peter Bulkeley, Carol Wagner and Cicada Group Lot Line Alterations

Name of Applicant: David Bulkeley (executor), Carol Wagner, the Cicada Group

Date: August 3, 2009

Whereas, the applicant has submitted an application for Lot Line Alteration approval dated June 24, 2009 to the Town of Red Hook Planning Board to convey $\pm$ 0.06 acres from the Lands of the Cicada Group to the adjoining Lands of the Estate of Peter Bulkeley and also to convey $\pm$ 0.17 acres from the Lands of the Estate of Peter Bulkeley to the adjoining Lands of Carol Wagner, and;

Whereas, the subject parcels are located at 411 West Kerley Corners Road in the RD3 Zoning District, and the Bulkeley parcel is also located in the Certified Agricultural District 20 in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted a Subdivision plat prepared by Robert Zimmerman, L.S., titled "Lot Line Alteration Between Bulkeley, Wagner and Cicada Group", dated May 25, 2009; and

Whereas, on July 20, 2009 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting a review of a Type 1 Action pursuant to SEQR; and

Whereas, the Bulkeley parcel is located within a certified agricultural district (Agricultural District 20), and the applicant submitted an Agricultural Data Statement dated June 7, 2009, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the application is subject to the Town's Important Farmlands requirements as enumerated in of § 143-47(4) of the Town's Zoning Law, and the Planning Board duly forwarded the application to the Town's Agricultural and Open Space Advisory Committee for its review; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and reviewed the response from the Agricultural and Open Space Advisory Committee; and

Whereas, on August 3, 2009, the Town of Red Hook Planning Board, in consideration of the Full Environmental Assessment Form (EAF) 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, on August 3, 2009, the Planning Board conducted a public hearing on the Lot Line Alteration application, at which time all interested persons were given the opportunity to speak;

Now therefore be it resolved, that the Planning Board approves the Application for Subdivision Plat/Lot Line Alteration Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
2. 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 stamps and signatures.
3. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
4. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
5. Submission of an acceptable draft of two consolidation deeds, one for each conveyance, intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the subdivided portion of the 'Land of the Estate of Peter Bulkeley' would be merged with the adjacent 'Land of Carol Wagner' and whereby the subdivided portion of the 'Land of the Cicada Group' would be merged with the adjacent 'Land of the Estate of Peter Bulkeley'.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling unit sites 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 Patrick Kelly , seconded by Wil LaBossier , and a vote of 4 in favor, 0 against, and 3 absent.

Resolution adopted on August 3, 2009

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

Betty Mae Van Parys, Clerk to the Board

Date