

draft
**Town of Red Hook Planning Board
Meeting Minutes
September 20, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present— Christine Kane, Mary Lou Muirhead, Paul Telesca, David Wright and Chair Paul Thomas. John Hardeman and Sam Phelan were absent. Also present was Town Engineer Dan Wheeler and Planning Consultant Art Brod.

BUSINESS SESSION

The Board confirmed its next regular meeting for Monday, October 4, 2004.

The minutes of the September 8, 2004 meeting had been sent to the Board members and reviewed. Mary Lou Muirhead made a motion to accept those minutes. The motion was seconded by Paul Telesca, and all members were in favor.

The Chair encouraged Board members to attend the third and final public forum put on by the Town's Working Group on Land Use and Development scheduled for Saturday, September 25, 2004 at the Linden Avenue Middle School. The Working Group will present its report and recommendations and ask for community input about setting priorities for action. The forum will begin at 9:30 a.m. and end at 12:30 p.m. The Chair said he was arranging for the Working Group to give a presentation of its findings and recommendations to the Planning Board at a future meeting.

REGULAR SESSION (OLD BUSINESS)

Katherine Livecchi – 94 Manor Road – Special Use Permits

Katherine Livecchi was present for the Board's final steps in approving two special permits to authorize construction of a 4-bedroom dwelling on a 0.62-acre existing lot of record at 94 Manor Drive in the R1.5 Residential District.

The Chair said that at its meeting on September 8, 2004, the Board had issued a negative SEQRA declaration for the proposed project and had asked the Planning Consultant to write a resolution incorporating the technical language necessary for the special conditions required for these permits.

The Chair also underlined the consensus of the Board that its action in this case should not be considered a precedent for proposed building in a floodplain or within 100 feet of a DEC classified stream. The extenuating circumstances in this particular case had entered into the Board's consideration of the application.

Mary Lou Muirhead made a motion to adopt an offered resolution granting the special permits. David Wright seconded the motion, and all members present were in favor. A copy of the resolution is attached to, and made part of, these minutes.

Lisa Herman (Stony Creek Stable) – 175 Lasher Road – Special Permit and Site Plan

Lisa Herman was present to submit a revised site plan in support of her applications for Special Permit and Site Plan Approval for a proposed riding academy and stable on a 30-acre parcel at 175 Lasher Road in the RD3 and Certified Agricultural Districts.

Town Engineer Dan Wheeler gave a report on a response by Richard Jones, P.E. to Mr. Wheeler's earlier review. Mr. Wheeler advised the Board to move forward with the application, but he wanted to meet with Mr. Jones to discuss grading concerns and a lighting plan.

The Board by consensus determined that the public hearing should be reopened on October 4, 2004 and that there was sufficient documentation to consider the Special Permit application at that time. Since the project was an unlisted action under SEQRA, a negative declaration could be issued as part of the Special Permit approval. The Board did, however, determine by consensus that a more detailed site plan was necessary before Site Plan Approval could be considered. The Board wished to see a more specific lighting plan, a landscape plan, a more delineated parking area (including the number of parking spaces the area could accommodate) and any water pipes to or from the barn. Members also wanted to see dimensions for all buildings and the paddock shown on the site plan.

Mary Lou Muirhead made a motion to adopt the following resolution setting a public hearing for October 4, 2004.

The Town of Red Hook Planning Board hereby acts as follows on the Applications by Lisa Herman (and Amy Scholz) for Special Use and Site Plan Approval to authorize the establishment of a Riding Academy pursuant to the Zoning Law Schedule of Use Regulations and related Section 143-98 of the Town Code on a 30-acre site (TMP 15-6275-00-323335) situate on the south side of Lasher Road in the RD3 and Certified Agricultural Districts:

1. Acknowledges submission of a September 7, 2004, memorandum from Richard Jones, P.E., responding to the Town Engineer's review comments of July 9, 2004, accompanied by a revised Site Plan bearing Mr. Jones' stamp and seal.
2. Schedules a continuation of the combined Public Hearing on the Applications for Monday, October 4, 2004, at 7:50 p.m. and directs the Clerk to provide timely notice thereof.

David Wright seconded the motion, and all members present voted in favor.

WORK SESSION

TGS Associates, Inc. – NYS Route 9 South (Hardscrabble Plaza) – Conceptual Site Plan

Todd Baright, Gary Baright, Tom Cummings, P.E., and Charles Napoli, attorney, were present to continue discussion of proposed changes and additional improvements to Hardscrabble Plaza on NYS Route 9 South in the B1 District.

Todd Baright pointed out changes on the revised conceptual site plan submitted to the Board. Specifically, a sidewalk across the front of the parcel had been added, and the layout for the proposed 2-bay carwash at the rear of the parcel had been reconfigured to simplify the traffic pattern in the plaza parking area. He underscored his desire to make the plaza “pedestrian friendly”.

Mr. Baright said that he was still in favor of constructing a two-story self-storage building, also at the rear of the property. He said he believed that the business could conform to those allowed in the B1 District since such a self-storage facility would be different from a “warehouse”, which is prohibited in the B1 District. The Board advised him to first ask for a determination from the ZEO and from there, if necessary, request an opinion from the ZBA. He was reminded that if a use is not specifically mentioned in the Zoning Code, it is prohibited.

Asked if such a facility could be considered a “personal service” establishment, which is allowed in the B1 District, the Planning Consultant said that “personal service” included such businesses as hair salons and individual tax preparers. The Planning Consultant added that because self-storage businesses are not mentioned at all in the Zoning Code, Mr. Baright could ask the Town Board for a zoning code text amendment and request the inclusion of such a business in the list of those allowed in the B1 District.

Mr. Baright and the Board then turned to a discussion of the proposed road which would cross the rear of the property and connect the proposed road at the northeast end of the Hannford property to the southeast end of property currently owned by Keith Lore. This road would provide an exit for the proposed car wash and the proposed self-storage building. All agreed that if the road were a Town road, it would require nearly an acre of land. One suggestion was that the road could begin as a private road but could be dedicated to the Town so that at some future time the Town could take it over. If that plan were to be undertaken, the proper space allowances would have to be set aside from the beginning. If the Town did take over the road, however, the road could possibly subdivide the parcel into two lots.

The Board was generally in favor of Mr. Baright’s inclusion of the sidewalk and his simplified traffic pattern for the car wash and plaza parking area. It was also conceptually in favor of a proposed driveway to be shared with the adjoining Lore property. It advised Mr. Baright to discuss this possibility with Mr. Lore and also to seek a determination about the self-storage building if he wished to continue in that direction. Although the Board would like to have seen Mr. Baright’s ideas about the remaining undeveloped land in the parcel, it discussed the possibility of considering an application for the car wash in the near future and postponing discussion about the rest of the parcel until a later date.

Brian Bottini – NYS Route 9 South – Conceptual Site Plan

Bob Capowski of Dewkett Engineering and Brian Bottini came before the Board with a conceptual site plan for an antique store, a permitted use in the B1 District.

The Board agreed with the Planning Consultant that the two areas of concern in this proposal were aesthetics and parking. The parking issues were further broken down into those of aesthetics and safety. The Board discussed with the applicant the possibility of locating some of the parking spaces behind the building or sharing the parking spaces with the adjoining Bottini Oil business. Mr. Bottini said that although in most instances the high traffic periods of the two businesses would not coincide, the large oil trucks should be allowed clear passage at all times to the oil storage facilities at the Bottini business. The Board advised the applicant that he must submit building elevations of all four sides, a site plan with parking areas delineated, a lighting plan and a landscaping plan as part of his application.

TKB LLC – Baxter Road, Fisk Street and Glen Ridge Road – Concept Design Plan

Steve Tinkelman, architect, Raphael Alvarez, architect, and Brad Keil presented to the Board several artist's renderings of a conceptual site plan for a development currently titled "Anderson Commons."

Mr. Tinkelman said that of the approximately 47 acres comprising the parcel, 27 acres would to be dedicated to the Town as a park or open space and another 10 acres lie within the Village. The conceptual plan called for approximately 4.5 - 5 acres of land within the Town to be developed as part of Anderson Commons and an additional 6 large executive lots to be placed near Glen Ridge Road. Part of Anderson Commons would be located within the Village.

Anderson Commons, Mr. Tinkelman explained, would consist of 51 dwelling units, most of them single family homes with the remainder duplexes or quads. The project would be focused around one 2-acre green common area and two smaller commons. A series of sidewalks and paths would lead to the common or greenspace areas, and streets within the development would be tree-lined and have sidewalks. All homes would look out onto open space, and service areas would be located at the rear of the buildings.

Mr. Tinkelman went on to say that water for the development could be supplied by the Village and that there would be a centralized sewage disposal system. A homeowners association would regulate and maintain these and other common expenses.

The development would be aimed at a more mature audience. Mr. Tinkelman said the homes would be within walking distance of the Village center and that the plan fostered a sense of community. The buildings themselves would be of a traditional New England design.

The Board was generally in favor of the development plan as it was presented. The Board advised the applicant to meet with the Town Fire Chief when formulating his fire safety plan. The Board also discussed the possibility of a combined Village-Town role in acting as lead agency for the project, which would allow joint public hearings and joint referrals. Mr. Tinkelman and Mr. Keil said that they would meet with both the Village and the Town Agricultural Advisory Committee soon.

Hallmark Homes (Yossi Botnick) – Linden Avenue – Pre-submission Conference

Mark Graminski, P.E. and L.S., was present to explain a proposed multi-family development on a 120 acre parcel off Linden Avenue in the R1.5 and Certified Agricultural Districts.

Mr. Graminski explained that the floodplain and wet areas at the west end of the parcel made building there difficult if not impossible; therefore, the east half of the parcel, which has been under cultivation in the past, would be the preferred location for the proposed townhouses. In addition, Mr. Graminski said that the applicant would like the parcel included in the Town water district, an action which would effectively reduce the minimum required lot area to 1 acre.

The Planning Consultant advised the Board that using public funds to extend the water district into a parcel located within the Certified Agricultural District was prohibited.

Although Mr. Graminski asked that his conceptual plan be referred to the Agricultural Advisory Committee, the Board determined that there was no actual application at this time to refer. Robert McKeon, Chair of the Agricultural Advisory Committee, said that the committee would be glad to meet with Mr. Graminski on a more informal basis but that Mr. Graminski should be able to submit, at the very least, soil and topography maps of the area, the allowable density figures and a map showing the locations of the proposed buildings.

OTHER BUSINESS

Red Hook Boat Club – Dock Road (Barrytown) – SEQRA Lead Agency Designation

Members of the Board had, at its meeting on September 8, 2004, received copies of the ZBA's Notice of Intent to Act as Lead Agency in the SEQRA review of Red Hook Boat Club's proposed construction of a pavilion within the Hudson River Nation Historic Landmarks District and the Town of Red Hook Local Waterfront Revitalization (Coastal Zone) Area.

The Board discussed the fact that whichever body becomes lead agency, that body should review the entire action. The Planning Consultant said that since the action was a Type I action under SEQRA, the determination that the lead agency makes will stand for all the involved and interested agencies.

The Board determined by consensus to send a letter to the ZBA stating that, because of the scope of the review, the Planning Board would offer to take on the role of lead agency. If the ZBA preferred to retain that role for itself, the Planning Board would abide by that preference. The Chair will send a letter to that effect to the ZBA.

Discussion of Memo Concerning Help in Farmland Preservation

The Board discussed a memo written September 1, 2004 by Robert McKeon, Chair of the Agricultural Advisory Committee, to the Town Board and copied to the Planning Board. The memo described the need for the Town to provide a mechanism to help applicants who wish to protect their farmland. Mr. McKeon said that the Committee was asking the Town Board to apply for a grant from the NYS Ag & Markets Farmland Protection Fund. This grant would allow the Winnakee Land Trust to work with applicants and the Town toward the establishment and maintenance of a farmland

preservation program. He said that the Town Board had reacted favorably to the idea and that the Agricultural Advisory Committee would like a letter of support from the Planning Board.

The Board determined by consensus that the Chair should write such a letter of support and submit it to the Town Board.

Discussion of Memo Concerning the Hiring of a Planning Firm

The Board discussed a memo written August 31, 2004 by Robert McKeon, Chair of the Agricultural Advisory Committee to the Town Board and copied to the Planning Board. The memo proposed the hiring of planning firm consisting of planning consultants with a variety of fields of expertise to advise applicants in the early stages of the application process. The professional planning consultant would share an office in the Town Hall several days each week and be available to all the Town committees and Boards. In addition, the consultant would attend Planning Board meetings.

Robert McKeon addressed the Board saying that a planner should become involved in an application at the conceptual stage so that the finished proposal is closer to the goals of the Master Plan. He said that currently the planner reviews the application and documents after they are formally submitted to the Board. He also said that there were numerous Town committees made up of citizen volunteers who could all use the help of a professional planning consultant.

The Board discussed whether it was advisable for a planner to help an applicant draw up his plan and then for that same planner to later review that application on behalf of the Town. Another question, the Board decided, was whether it was beneficial for a Town professional to become involved at a pre-submission stage or whether it was the applicant's responsibility to consult an outside professional site designer, architect, or engineer.

The Board decided to put off further discussion of the matter until the October 4, 2004 meeting.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Paul Telesca made a motion to adjourn. David Wright seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 11.10 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachment

Resolution granting two Special Permits to Katherine Livecchi

**Town of Red Hook Planning Board
Resolution Granting Conditional Approval in the Matter of the Katherine Livecchi
Application for Two Special Permits to Authorize Construction of a Single-family
Dwelling at 94 Manor Road in the R1.5 Residential District.**

September 20, 2004

Motion made by Mary Lou Muirhead
Seconded by David Wright

The Town of Red Hook Planning Board hereby acts as follows on the Application by Katherine Livecchi for Special Use Permits pursuant to Zoning Law Sections 143-30 and 143-31, respectively, for development within one hundred (100) feet of the normal streambank of a NYSDEC classified stream, the Saw Kill, and fill within the Flood-Fringe Overlay District, i.e. the FEMA delineated 100-year flood plain of the Saw Kill, so as to permit construction of a four-bedroom single-family dwelling on an existing 0.62-acre lot of record in the R1.5 District where 1.5 acre is the otherwise authorized minimum lot area, all as depicted or otherwise described within (1) a Floodplain Development Permit Application, (2) engineering documentation, including Site Plan and Sewage Disposal System Plan revised to July 30, 2004, by Timothy A. Ross, P.E., (3) a FEMA / NFIP Elevation Certificate executed by Marie T. Welch, L.S., (4) a Short EAF Part 1, and (5) a sketch plan by Ms. Welch showing the extent of proposed dwelling construction within 100 feet of the Saw Kill:

1. Upon examination of the above documentation, including the Short EAF Part 1 certified by Katherine Livecchi, and its own completion of EAF Part 2 in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR and the opinion of the Town Engineer, determines the Proposed Action, an 'Unlisted Action' under SEQRA, will not cause any potential significant adverse effects on the environment and, thus, deems an environmental impact statement to not be required.
2. Finds the intended development within 100 feet of the Saw Kill, including a portion of the driveway and approximately 50% of the dwelling 'footprint', will not adversely impact the quality of the water resource, cause flooding or erosion, or disrupt aquatic or plant life, and, thus, and issues the requested Special Use Permit pursuant to Section 143-30 of the Town's Zoning Code authorizing such development subject to the Applicant's satisfaction of the following conditions:
 - Securing of a Special Use Permit pursuant to Zoning Code Section 143-31 for placement of fill within the Saw Kill's 100-year flood plain to accommodate a portion of the driveway and the sewage disposal system serving the intended dwelling.
3. Finds the above-cited intended placement of fill within the 100-year flood plain of the Saw Kill will not contravene the standards set forth at Town Code Chapter 77, Flood Damage Prevention, and issues the requested Special Use Permit to authorize such fill pursuant to Zoning Code Section 143-31 subject to the Applicant's satisfaction of the following conditions:

- Issuance of a Floodplain Development Permit by the Town's Zoning Enforcement Officer (ZEO) pursuant to Town Code Chapter 77.
- Submission to the ZEO of an "as built" drawing prepared by a licensed land surveyor certifying to finished floor elevation upon completion of first floor decking.

In taking these actions, the Planning Board acknowledges the extraordinary combined circumstance of the presence of a small 'finger-like' lateral extension of the flood plain at this location, the demonstrated lack of substantial impact that would occur to the flood elevation of the Saw Kill, the substantial setback of more than 80 feet that will still be maintained from the normal streambank of the Saw Kill, and the limited flexibility afforded Ms. Livecchi for siting her proposed dwelling and related improvements due to the limited 0.62-acre area of her existing lot of record.

The Planning Board further notes that Ms. Livecchi might have been caused to shift the rear wall of her proposed dwelling (and thus the entire dwelling) farther from the Saw Kill by requiring a reduction in the area occupied by the sanitary sewage in the front yard of the dwelling. In that such reduction could only be achieved by reducing the bedroom count from the intended 4 bedrooms to 3 bedrooms, and that no substantial potential impacts to the Saw Kill were considered to be present if a setback of 80 feet were authorized, the Planning Board determined that to cause Ms. Livecchi to reduce her intended bedroom count would have caused a private burden greater than any public benefit achieved.

Roll Call

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

Motion **Approved**

Motion Certified, Filed with Town Clerk and Mailed to Applicant

Paula Schoonmaker, Asst. Clerk

date