Town of Red Hook Planning Board

Approved Meeting Minutes / Monday, December 6, 2021

Chairman Sam Phelan called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present via Zoom: Kristina Dousharm, Sam Phelan, Lew Rose, and Brian Kelly. Karen Smythe joined via Zoom later in the meeting. Engineering consultant, Brandee Nelson and Planning Board Secretary, Lori Ann Santamaria, were present via Zoom.

A motion to approve the meeting minutes of November 15, 2021, was made by Lew Rose, seconded by Kristina Dousharm and all members were in favor.

PUBLIC HEARING

Bear Special Use Permit – 398 Spring Lake Road
Public Hearing on application to construct a 190 square foot connector between an existing single-family dwelling and a detached two car garage within the regulated 100-foot adjacent area of a NYS DEC mapped wetland on a .6-acre parcel in the Institutional Zoning District.

Phil Zamke, applicant's representative, was present via Zoom

A motion to open the public hearing was made by Lew Rose, seconded by Kristina Dousharm and all members were in favor.

Mr. Zamke shared the site plan and gave a comprehensive overview of the project. Mr. Zamke said the project is affected by the Wetlands Law and has received a DEC permit. Mr. Zamke addressed the question by the board concerning what the hard surfaces are for this project. He said there will be additional pavers added to existing pavers. He explained the drainage plan in detail as well as the function of the rain garden. Mr. Zamke said due to DEC restrictions they are only permitted to build between October 15th and April 15th. He showed the floor plan of the garage, connector, and the home.

Mr. Zamke also shared the elevations of the project. Mr. Zamke showed actual photos of the existing home, property, and orientation to the road. He discussed neighboring properties and the project as keeping "with the fabric of the lake community." In addition to the revised site plan and drainage plan the applicant had submitted he also submitted fifteen letters from neighbors commenting in favor of the proposed project.

Sam Phelan asked for any questions and comments from the public and there were none. Mr. Phelan asked for confirmation that the Planning Board is in receipt of all the correspondence from the DEC. Michelle Greig confirmed that the permit from the DEC is on file.

Brandee Nelson commented on the storm water plan. Ms. Nelson referenced the storm water drainage and sediment control. She recommends these systems are kept in place until the site stabilization is completed at the end of construction in the spring. She also said that following construction the storm water will be managed through the existing rain garden as well as the proposed rain barrels. She recommends that those rain barrels be observed by the Building Department and that they are in place prior to the Certificate of Occupancy (CO). Mr. Phelan asked how the rainwater would be disposed of. Ms. Nelson gave an example of using the water for watering gardens. She said that the use of rain barrels is an approved technique by the DEC.

Michelle Greig incorporated Ms. Nelson's two recommendations into the conditions for the special permit. They are noted as conditions A and B.

Kristina Dousharm motioned to close the public hearing, seconded by Brian Kelly and all members were in favor.

A motion to accept the project as Type II under SEQR was made by Lew Rose, seconded by Brian Kelly and all members were in favor.

The Board reviewed the resolution granting the special permit to approve. A motion to approve the special permit was made by Lew Rose, seconded by Kristina Dousharm and all members were in favor.

NEW BUSINESS

Rowlson-Hall Certificate of Appropriateness – 41 Old Post Road
Presentation of application to install a Gothic picket style fence in the front yard of a residence on a .85-acre parcel in upper Red Hook.

Applicant Mia Lidofsky was present.

Ms Lidofsky shared photos of the home, and gave an overview of the proposed project. Sam Phelan asked what materials are planned for the fence. Ms. Lidofsky said the plan is to install a Gothic style, wooden, white picket fence along the front perimeter of the property. She showed a mockup rendering showing the exact placement of the proposed fence.

A motion to classify the project as a Type II under SEQR was made by Lew Rose, seconded by Kristina Dousharm and all members were in favor.

A Public Hearing is scheduled for December 20, 2021. Mr. Phelan reviewed with the applicant the process of the public hearing and advised submitting a site map of the property from Parcel Access.

Savona's Restaurant Site Plan – 7255 South Broadway

Presentation of application to create a commercial parking lot with 12 off-street parking spaces behind an existing single-family dwelling on a .26-acre parcel located at 7255 South Broadway. The parking area will serve a restaurant located on the adjacent parcel at 7249 South Broadway.

The new parking lot and restaurant on the adjacent lot are in the Traditional Neighborhood Development Center Subdistrict.

Rob DuPont, applicant's representative, was present.

Mr. DuPont gave an overview of the proposed project. He said that an underwater storm water retention design is still pending from the project's engineer and he will submit that when it becomes available. He has submitted the specifications for the landscape buffer. He explained that the applicants are sensitive to the impact on the neighbors, and therefore are proposing an evergreen buffer in the rear of the property. Mr. DuPont described the lighting fixtures and will be submitting the cut sheets for the lighting.

Mr. Phelan asked if there was a barrier between Savona's property and Bottini Fuel's property. Mr. DuPont said there is not; it is a flat, grassy area.

Lew Rose asked if the applicant had spoken to the owners of the property bordering the proposed parking. Mr. DuPont replied he has not personally spoken to them and was unsure if Savona's owners have. Mr. Rose said he is quite interested in that feedback and said it will weigh heavily on his decisions about this project. Mr. Rose recommends contacting the neighbor to encourage participation in the public hearing or a letter to the Board in support of the project. He also expressed concern for other neighbors on Adams Road that borders the Savona property. The process of notice of a public hearing will inform and invite these neighbors to participate in the public hearing or forward concerns to the Planning Board.

Brandee Nelson recommended that the existing conditions drawing be updated to reflect all the current structures and trees that are shown in the ariel imagery. Mr. DuPont said that all information provided is from a current survey. He pointed out a temporary tent that provides for expanded outdoor dining. Ms. Nelson said there seems to be two shed structures shown on the arial imagery that is not reflected on the existing conditions drawing. Mr. DuPont said he was not aware of any other structures. He added that there is one mature tree indicated on the site map. Mr. Rose asked about the size of the arborvitae that will be planted. Mr. DuPont said the tree would be between 8 and 10 feet tall. He said the species of plant chosen is extremely fast growing.

Mr. DuPont described an emergency access in the plans that while not required have been added voluntarily. Michelle Greig had a concern about the adequacy of parking for the rental property and cars potentially blocking the emergency access. Lew Rose pointed out another area where parking could obstruct the emergency access. Brandee Nelson commented on the size of a fire emergency vehicle as it relates to the parking spaces. She noted that the emergency access may turn the residential driveway into a commercial use and should be discussed with the Department of Transportation (DOT).

From a traffic circulation standpoint, Ms. Nelson said she does not see the proposed emergency access as a benefit to the applicant, nor is it functional for emergency access purposes. Mr. Phelan said that the Planning Board will not require the emergency access and does not view it as an enhancement to the project. Mr. Dupont said the emergency access will be eliminated from the plan. He said he was also concerned with the parking behind the home, and he wants the applicant to submit dimensions of those spots for the Board. Mr. Phelan said he is also concerned about the lack of a buffer between the Bottini property and the parking lot. Mr. DuPont described it as a grassy area and a curb that would deter people from using Bottini's property to exit Savona's parking lot. Mr. Phelan asked if there will be ground bumpers in front of the parking spots and Mr. DuPont confirmed that there will be.

Mr. Phelan reviewed with the applicant items needed for the public hearing. Mr. DuPont will need to submit cut sheets for the lighting and a letter from NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and revised site plan. Also needed will be the building's interior square footage, the number of tables and parking requirements.

The Board reviewed a State Environmental Quality Review (SEQR) Resolution Classifying the Project as an Unlisted Action. A motion to adopt the resolution was made by Lew Rose, seconded by Brian Kelly and all members were in favor.

A public hearing is scheduled for January 3, 2021.

Kelly-Greenspan Lot Line Adjustment 239 Starbarrack Road

Presentation of application to transfer 1.29 acres of land from an 8.97-acre parcel owned by Kelly to a 3.65-acre parcel owned by Greenspan and transfer 1.29 acres from the same 9.85-acre parcel to a 5.29-acre parcel also owned by Kelly in the RD3 Zoning District.

Cynthia Fennell, applicant's representative, was present.

Ms. Fennell gave an overview of the proposed Lot Line Adjustment. She explained that the motivation for this lot line adjustment is that Mr. Kelly will gain 1.29 acres in order construct a garage on the north side of the property. Mr. Greenspan will not be losing any acreage with this adjustment and all property owners will remain in compliance of the 3-acre requirement. Using the site map, the Board, with Ms. Fennell's help, gained more clarity on the proposed changes. No new lots are being created.

Michelle Greig said it is a Type II action under SEQR. She noted that all three lots will still be complying with the R3 District requirements. She said there are a few revisions that should be made to the zoning district legend on the plat. The property owner of the vacant parcel should be identified under the heading of "owner applicant." She also asked the applicant to indicate on the plan the size of the vacant parcel as well as the resulting size after 1.29 acres is removed. The applicant will provide an amended survey. An Agricultural Data Statement is required, and the surveyor will need to include the AG Data notice on the plat. A notice in the deed is required and can be made a condition of the approval.

A motion to adopt the Type II SEQR Resolution was made by Kristina Dousharm, seconded by Brian Kelly and all members were in favor.

A public hearing is scheduled for December 20, 2021

OTHER BUSINESS

Proposed Local Law G-1, 2021, Short Term Rentals for Planning Board review.

- **LWRP**

Sam Phelan outlined the objective of the Planning Board's discussion regarding the Local Law G-1 for Short Term Rentals (STR). One objective was to clear up any issues regarding the Local Waterfront Revitalization Program Consistency Determination (LWRP), another objective was to hear comments within the authority of the Planning Board from Board members to be incorporated into a letter to the Town Board.

Michelle Greig explained that the law is not geared toward development but the rather use of single-family homes and/or accessory buildings. She said that STR's are Type II actions and therefore not subject to SEQR. Ms. Greig also discussed the proposed restrictions in the Water Conservation Zoning District.

A motion to declare the proposed Local Law G-1 is consistent with the LWRP was made by Lew Rose, seconded by Karen Smythe and all members were in favor.

Lew Rose said he views STRs as family owned and operated businesses. He said he is not aware of any corporations buying property in the town of Red Hook for the purpose of STRs, and his opinion was that the Town and Planning Boards should be flexible towards family-owned businesses. He said he sees STRs as important contributors to the success of the local economy.

Mr. Rose said he would like to see the Town employ the least restrictive approach to regulating STRs. He said he was reluctant to file a letter of support of the Local Law proposal, although he supports allowing STRs. He recommended a registration process for STRs that includes a system for review in the event of legal violations that may result in a penalty. He added that he would support a proposal that would limit the density of STR's in each area.

Brian Kelly commented that he was comfortable with the proposal. He spoke about how housing prices may be affected by STRs, and voiced concern about the potential for an unnecessary bureaucracy to deal with a yearly re-application to operate an STR proposed in the law. He commented that if there are no changes to the original application it should not be necessary to re-apply each year. Mr. Kelly concluded that he thinks the proposed ordinance strikes a balance between needing regulation and providing flexibility.

Kristina Dousharm's major concern was the restriction for second homeowners. She is in favor of permitting both hosted and non-hosted STRs. She said she would support existing STRs being "grandfathered" in. In her opinion, one-bedroom hosted STRs should be permitted in all districts.

Ms. Dousharm said she would like to see the 120-day cap on the number of days an STR can operate in a given year be revisited. She agreed with Mr. Kelly that affordable housing is an issue in Red Hook however, she said STRs are not a contributor to a lack of affordable housing. However, she thinks further discussion on affordable housing is a matter that needs further review.

Ms. Dousharm concluded that, in her opinion, the Town Board's Public Hearing (Date) showed that the proposed legislation on STRs does not represent the public's opinion. She thinks that before moving forward with this ordinance there should be further discussion and research.

Karen Smythe said that while she would not want to penalize second homeowners, it would not be advisable to create an environment where the community is only encouraging second homeowners. She said her understanding of the State Law is that STRs are not permitted without regulation. Therefore, the current STRs in the community are not operating under the law.

Sam Phelan commented that he is in favor of the Local Law G-1. He said he welcomes the permit process of STRs and views it as reasonable.

Supervisor Robert McKeon, who was present via Zoom, clarified the difference between an STR with primary residence versus secondary ownership. He also cited neighboring communities' regulations regarding the number of days an STR can operate for comparison to the 120 days permitted by Local Law G-1. (explain)

Michelle Greig commented that the proposed requirement of all STRs to be the owner's primary residence is a safeguard to the potential problem of affordable housing. Ms. Greig referenced surveys of STRs country wide where the data shows more restrictive guidelines in more densely populated residential neighborhoods. The primary reason for this, she said, is residents in those areas are concerned about the "neighborhood feel" being compromised by STRs.

Mr. Phelan asked if Board members had any concerns about the proposed application process. Brian Kelly reiterated he has no problem with the application process but would like to see the renewal of the application to be simple if no changes have been made since the initial application. Mr. Phelan asked if there were concerns about the restrictions based on location. Kristina Dousharm and Lew Rose are opposed to the use table of the ordinance.

Mr. Phelan summarized that the PB agreed that the ordinance is too restrictive. Also, the members of the PB are in favor of a registration process for STRs and a limit on the density of STRs. Also, there was a consensus that all members are in favor of hosted STRs in all districts and are in favor of non-hosted STRs in the R-1 District and the hamlets.

Mr. Phelan said a letter will be drafted to the Town Board with the findings of the PB's discussion on STRs and will be forwarded to all members for review before it is submitted to the Town Board.

ADJOURNMENT

A motion to adjourn was made by Karen Smythe, seconded by Brian Kelly and all members were in favor.

Respectfully submitted by,

Lori Ann Santamaria
Planning Board Secretary

617.6
State Environmental Quality Review (SEQR)
Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Bear Garage Connector

Whereas, the applicant proposes to construct a 190 square foot connector between an existing single-family dwelling and a detached two car garage on a ± 0.6 acre parcel located at 398 Spring Lake Road in the Institutional Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated October 23, 2021 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the threshold found in 6 CRR-NY 617.5(c)(12) and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Lew Rose, seconded by Brian Kelly, and a vote of 4 for, 0against, 1 absent, and 2 vacant seats, this resolution was adopted on December 6, 2021.

Resolution Granting Special Permit Approval to Bear Garage Connector

Name of Project: Bear Garage Connector

Name of Applicant: Steven Bear

Whereas, the applicant, Steven Bear, has submitted an application for a Special Permit to the Town of Red Hook Planning Board to construct a ± 190 square foot connector between an existing single-family dwelling and a detached two car garage on a ± 0.6 acre parcel (Tax Map No. 134889-6473-05-012773) located at 398 Spring Lake Road in the Institutional (I) Zoning District, in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a plan set entitled "Bear Garage Connector" including a Preliminary Site Plan, Storm Drainage Plan, and Elevations prepared by Phillip Zemke Architect (Sheets C1 and C2 dated September 20, 2021 and last revised November 27, 2021; Sheet A2 dated September 20, 2021); and

Whereas, on December 6, 2021, the Planning Board classified the proposed project as a Type II action pursuant to 6 NYCRR Part 617.5(c)(12); and

Whereas, on January 8, 2020, the Town of Red Hook Zoning Board of Appeals granted an area variance for a previous application for a detached garage to increase permitted building coverage on the subject property from 8% to 11% in a Zoning District which permits a maximum of 5% building coverage; and

Whereas, it was determined that the application for the ± 190 square foot garage connector required referral to the Zoning Board of Appeals for an area variance to increase building coverage on the lot by an additional 0.7%; and

Whereas, on November 10, 2021, the Zoning Board of Appeals granted an area variance for the additional building coverage; and

Whereas, the proposed project requires a Freshwater Wetlands permit from the New York State Department of Environmental Conservation (NYSDEC) for physical disturbance within the regulated 100 foot adjacent area of NYS Freshwater Wetland CM-12; and

Whereas, on November 5, 2021 the NYSDEC issued Permit ID 3-1348-00147/00003 which authorizes construction of a one-story 190 square foot connector/passageway between the existing dwelling and garage, subject to a number of conditions; 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 of the Town of Red Hook Zoning Law and against the specific standards for development within 100' of a NYSDEC-classified wetland in § 143-30 of the Zoning Law, and has reached a finding that the proposed garage connector will have no adverse impacts on water recharge areas, water table levels, water pollution, aquatic and plant life, drainage patterns, stormwater runoff, flooding, runoff, erosion control and essential vegetative growth since stormwater runoff from the new connector will be managed through several practices, including the use of silt fence on the downhill side of the construction site between the connector and the lake during construction to manage erosion and sedimentation, and the capture and treatment of a portion of the connector roof runoff to the existing rain garden and a portion to two new rain barrels, and therefore on December 6, 2021 the Planning Board determined that the proposed garage is consistent with the standards for a special use permit, subject to the imposition of certain conditions; and

Whereas, pursuant to General Municipal Law §239-nn, the Planning Board notified the Clerk of the Town of Milan of the public hearing on the Special Permit application; and

Whereas, on December 6, 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 December 6, 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 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 Steven Bear for the proposed garage connector in accordance with the plans and specifications heretofore submitted upon the following conditions:

A. The applicant shall ensure that the silt fence remains in place and is functional throughout the duration of the construction activities and until the site reaches the NYSDEC definition of stabilization, which is the installation of a non-erodible surface or 80% vegetative cover in the disturbed area.

B. The applicant shall install the rain barrels as shown on the Storm Drainage Plan, and the Building Department shall confirm the installation of the rain barrels prior to issuance of a Certificate of Occupancy for the connector.

C. The applicant shall comply with all of the conditions of the NYSDEC permit ID 3-1348-00147/00003, including but not limited to the requirement that no ground disturbance associated with the project shall be conducted from April 15th to October 14th of any given year in order to avoid impacts to Blanding's turtle.

D. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.

E. The applicant shall pay any and all outstanding escrow balances for consultant review.

F. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.

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 Lew Rose, seconded by Kristina Dousharm, 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 Smyth	Voting <u>Absent</u>
and two vacant seats	

Resolution was declared adopted on December 6, 2021.

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

Kathleen Flood — 12-8-21

Kathleen Flood, Clerk to the Board — Date

617.6
State Environmental Quality Review (SEQR)
Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Rowlson-Hall Certificate of Appropriateness

Whereas, the applicant proposes to install a picket fence along the front yard of their residence on tax map parcel 134889 at 41 Old Post Road in the hamlet of Upper Red Hook, and

Whereas, after comparing the thresholds contained in 6 CRR-NY617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 CRR-NY617.5(c)(12) and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Lew Rose, seconded by Kristina Dousharm and a vote of 5 for, 0

against, and 2 vacancant seats, this resolution was adopted on December 6, 2021.

617.6
State Environmental Quality Review (SEQR)
Resolution Classifying the Project as an Unlisted Action

Name of Action: Savona's Commercial Parking Lot Expansion

Whereas, the Town of Red Hook Planning Board is in receipt of a Site Plan application by Savona Realty of Red Hook, LLC to create a commercial parking lot behind an existing single-family dwelling on a ± 0.26 acre parcel located at 7255 S. Broadway to serve a restaurant located on the adjacent parcel at 7249 S. Broadway in the Traditional Neighborhood Development Commercial Center (TND-CC) Subdistrict in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated November 4, 2021 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

Whereas, after examining the EAF, the Planning Board has determined that there are other no involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as an Unlisted action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action may or will not have a significant adverse effect on the environment.

On a motion by Lew Rose, seconded by Brian Kelly, and a vote of 5 for, and 0 against, 0 absent, and 2 vacant seats, this resolution was adopted on December 6, 2021.

617.6
State Environmental Quality Review (SEQR) Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Kelly/Greenspan Lot Line Alteration

Whereas, the Town of Red Hook Planning Board is in receipt of a Subdivision application by Kevin Kelly and Stephen Greenspan to convey ± 1.29 acres from the ± 3.56-acre Greenspan parcel (Parcel A) to the ± 4 acre-Kelly parcel (Parcel B), and to convey ± 1.29 acres from a second Kelly parcel (identified as "Vacant Parcel") to the Greenspan parcel, all located on Starbarrack Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated November 21, 2021 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the threshold found in 6 NYCRR 617.5(c)(16) and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Brian Kelly, seconded by Kristina Dousharm, and a vote of 5 for, 0 against, and 2 vacant seats, this resolution was adopted on December 6, 2021.