

APPROVED

Town of Red Hook Planning Board Meeting Minutes January 2, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m. and a quorum determined present for the conduct of business.

Members present — John Hardeman, Charles Laing, Sam Phelan, David Wright, and Chair Christine Kane. Jennifer Fier and Paul Telesca were absent. Planning Consultant Michele Greig was also present.

BUSINESS SESSION

Christine Kane confirmed the meeting agenda.

The minutes of the December 19, 2005 meeting had been sent to the members and reviewed. Sam Phelan made a motion to accept the minutes as written. David Wright seconded the motion, and all members present voted in favor.

Christine Kane distributed copies of portions of the minutes of the Red Hook Village Planning Board meetings during which the Anderson Commons project was discussed. She asked the members to read through these copies and become familiar with issues discussed by the Village and the applicants.

Since the Town Hall will be closed on January 16, 2006 to observe Martin Luther King Day, the Board generally agreed to reschedule its next meeting for January 23, 2006.

PUBLIC HEARINGS

TLC Acreage, LLC – Oriole Mills Road – Subdivision Plat

Robert Capowski and Mitchell Bodian were present for a continuation of the public hearing on an application for Subdivision Plat Approval to create one new 3.0-acre building lot and a 98.1-acre remaining lands lot from a total 101.1-acre parcel, partially in the Town of Rhinebeck and partially in the Certified Agricultural District and the RD3 Zoning District of the Town of Red Hook.

Christine Kane read a letter from Town Highway Superintendent Wayne Hildenbrand which said that the sight distances for the proposed new driveway were better than those for the existing driveway but that part or all of some nearby rock outcrops could be removed to further improve visibility. Mr. Capowski said that most or all of those rock outcrops were located on the adjacent Central Hudson land but that if any were located on Mr. Bodian's land, Mr. Bodian would remove them.

Christine Kane then read a referral response from the Agricultural and Open Space Advisory Committee that said that while the Committee had no objection to this action, it warned against allowing further development to occur near agricultural land. The

Committee also asked that reducing the size of the proposed lot be explored. The Board generally agreed that, under the Town's Subdivision regulations, the lot could be no larger and no smaller than that allowed in the zoning district.

Asked if any development was planned in the near future or within the next two years, Mr. Bodian said that his plan was to renovate the apartments in the existing barn, to move the existing house to the smaller proposed parcel and to sell both parcels. He said if there are no buyers, he might be forced to revisit his plans.

Christine Kane acknowledged the submission of letters from people who had expressed opinions before the Board at the December 19, 2005 meeting. She then summarized two new letters from the Louis August Jonas Foundation. Gretchen Juliano, Development and Alumni Services, was concerned about increased traffic on Oriole Mills Road, since that road runs through Camp Rising Sun, which houses approximately 60 children during the summer months. Herbert Klein III, CEO of the Jonas Foundation, wrote that the LAJF Board of Directors was concerned that this action was a prelude to development of the larger parcel and that such development would greatly increase traffic along Oriole Mills Road. He said that such an increase would significantly impact the safety of the campers and staff at Camp Rising Sun.

Susan Hinkle, 192 Oriole Mills Rd., said that in addition to the information she had given in her letter, she was asking the Board to consider the negative impact on her property of stormwater runoff from the logging of the Bodian parcel. She said that Mr. Bodian had stated that the loggers were selectively removing trees over 16 inches in diameter and that as a result of the resulting runoff, she was unable to use her driveway or her garage. She said that she had consulted both Town Engineer Dan Wheeler and engineer Peter Setaro of Morris Associates. She said that both had agreed that the situation should be reviewed, and she asked that the Board require that the situation be remedied before further action is taken. She said that she had called NYS DEC and had been told to contact the Town.

Mr. Bodian said that Greg DeSilva, a licensed forester, had overseen the logging and that only certain trees had been removed, not every tree over 16 inches in diameter. He added that the logging operation was finished. He also said that he had not done any drainage work since purchasing the property and that he had no maps showing previous drainage work.

Christine Kane said that Town Engineer Dan Wheeler had been away but that he would be asked to review the project and to respond before the next meeting. The Board generally agreed that logging is allowed in the RD3 District without a Town permit. John Hardeman said that the autumn had been very wet and that with such saturated soil, Ms. Hinkle may have suffered the runoff problem without the logging. Finally, the Board generally agreed that since this runoff problem was some distance from the proposed new lot and driveway, it might not be a problem that appropriately could be addressed by the Planning Board but rather should be worked out between Mr. Bodian and Ms. Hinkle.

Harvey Cohn, 211 Oriole Mills Rd, said that his driveway was across the street from Mr. Bodian's existing driveway and that there was a great deal of stormwater runoff currently from Mr. Bodian's existing driveway. He was concerned that the situation would be exacerbated by the proposed new driveway.

Susan Ellis, of the Town's Conservation Advisory Committee, asked the Board to 1) consider the area as priority open space, 2) request an archaeological review of the land around the house and barn and 3) realize that even though the proposed driveway would be an improvement over the existing driveway, two driveways would be worse than the one existing driveway.

J. Winthrop Aldrich, Town Historian, said that because the Oriole Mills Road area was the site of the first mills in the Town, the entire area should be reviewed with an eye toward possible eligibility for the State and National Historic Registers and that its industrial and residential history was important to the Town. He urged the Board to gather more information before acting on the subdivision application and to look into conservation easements on the parcel. He asked the Board not to dismiss the existing house as a 1930's residence of no historic significance. He said that the house could have been altered and could actually be an important element of the historic area. Finally, he asked that, if the one-lot exception were granted, the Board add a condition stating that the driveway be limited to that house and not used as a pass-through to future development.

Deborah Barrow, 21 Old Rock City Road, emphasizing the current and potential traffic problems on the road both to residents and to Camp Rising Sun, asked whether the Town Highway Superintendent had used NYS sight distance standards or the more strict Town sight distance standards. She also said that certain features of the existing house indicated to her that it was built much earlier than the 1930's.

Ruth Oja of the Town's CAC confirmed that the house had been included in the Town's survey of historic features.

The Board generally agreed to confer with Town Engineer Dan Wheeler about the runoff problems, possible mitigations, the driveways and the possible extent of the Town's ability to remedy it as part of this application. Additionally, it would ask Town Highway Superintendent Wayne Hildenbrand whether he had used State or Town standards to assess the safety of the driveways. Finally, it would request Geoffrey Carter, Chair of the Town's Hamlet/ Design Review Committee, to review the matter of the historic significance of the existing house and to make suggestions to the Board.

The public hearing was continued to January 23, 2006.

Rondack Construction/ Glen Pond Road Office Buildings – Site Plan

At the request of the applicant, the public hearing was continued to January 23, 2006.

CAFH Order at Tivoli, Inc. – West Kerley Corners Road – Subdivision Plat

At the request of the applicant, the public hearing was continued to January 23, 2006.

REGULAR SESSION (OLD BUSINESS)

Rosemarie Zengen – 7310 South Broadway – Amended Site Plan

Rosemarie Zengen and Linda Keeling were present to discuss an application for Amended Site Plan Approval for the addition of a 10 ft. x 15 7/8 ft. shed on an approximately 2.95-acre parcel in the B1 District.

Ms. Zengen said that she had submitted the full site plan requested by the Board at the October 17, 2005 meeting. She explained that there were eight apartments on the property--one in the main house and seven in other buildings. She said that the exterior lighting and parking areas were shown on the site plan and that she had measured the existing signage on the property. She said that Building Inspector Steve Cole had found adequate setbacks for the proposed shed.

The Board reviewed the September 26, 1988 and October 3, 1988 Planning Board minutes which granted site plan approval to Angela Barnao, Ms. Zengen's aunt. The Board found the property to be substantially in compliance with the four (4) conditions outlined in those minutes. There is currently no parking on the west side of the building used as an antiques store. Shrubs at the front of the property are trimmed to improve site distance. Three (3) exterior lights have been placed on the antique shop. These lights shine down in such a way as not to disturb the neighbors. Signage is limited to several signs directing customer parking and one "Antiques shop" sign nailed to a tree.

Sam Phelan made a motion to determine the project to be a type 2 Action under SEQR requiring no further review. David Wright seconded the motion, and all members voted in favor.

The Board then generally agreed that the project was limited in scope and therefore required no further site plan review, as permitted by Section 143-114C(1) of the Zoning regulations.

Sam Phelan made a motion to adopt a resolution amending the site plan to include a shed. David Wright seconded the motion, and all members present voted in favor. A copy of this resolution is attached to, and made part of, these minutes.

REGULAR SESSION (NEW BUSINESS)

Robison/ Vos – Lasher Road – Lot Line Alteration

Marie Welch, L.S. was present with an application for a Lot Line Alteration to authorize conveyance of 0.252 acres from the lands of Patricia Robison to the adjacent lands of Eugene and Martha Vos, to rectify a survey error, located on Lasher Road in the RD3 Zoning District.

Ms. Welch explained that the applicants' surveys showed a boundary overlap and that both parties had executed "quit claim deeds" for the overlap area. She said that ZEO Bob Fennell had recommended that the boundary line be set through an action by the Planning Board.

The project was determined to be an Unlisted Action under SEQR. Charles Laing made a motion to establish the Planning Board as Lead Agency. John Hardeman seconded the motion, and all members voted in favor. There were no involved or interested agencies identified.

The Board generally endorsed the sketch plan, and a public hearing was scheduled for January 23, 2006.

OTHER BUSINESS

Zoning revisions

Ms. Greig had distributed copies of draft amendments to the Important Farmlands Law for the Board's review and comments. She said that these amendments were meant to clarify the law, not change it. Christine Kane asked that the Board members review these amendments and contact Ms. Greig with comments and any suggestions that might add further clarification. She asked that members respond before January 16, 2006 so that Ms. Greig would have time to make any revisions prior to the Board's next meeting.

Ms. Greig also said she would send via e-mail draft revisions to the "cluster subdivision" regulations. She said that these revisions would actually change the current regulations, renaming this type of development "conservation subdivision" and adding specific language which would give the Planning Board and the applicants more flexibility in determining the size and configuration of lots. She said that these regulations and the amendments to the Farm Law would reference each other and that they should be considered complementary.

Ms. Greig went on to say that a workshop was being planned, under the auspices of the Northern Dutchess Alliance, which would introduce the theory and practice of conservation subdivisions to local engineers, developers and surveyors. The Alliance hopes to hold this workshop in February.

Finally, Ms. Greig said that the value of lots included in conservation subdivisions have been found to appreciate more quickly, even if those lots are smaller than lots in a conventional subdivision, because home buyers want to live near permanently protected open space.

ADJOURNMENT

Since there was no further business to come before the Board, David Wright made a motion to adjourn. Charles Laing seconded the motion, and all members voted in favor. The meeting was adjourned at 9:30 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk

Attachments

Resolution granting amended site plan approval to Rosemarie Zengen

**Town of Red Hook Planning Board
Resolution Granting Amended Site Plan Approval to Rosemarie Zengen to
Authorize Placement of a 10 ft. x 16 ft. shed at 7310 South Broadway in the B1
Zoning District**

January 2, 2006

Motion made by Sam Phelan
Seconded by David Wright

Whereas, the Town of Red Hook Planning Board received an application dated April 14, 2005 from Rosemarie Zengen for the placement of an approximately 10 ft. x 16 ft. shed on a ± 2.95 acre parcel (TMP 15-6272-00-305346) located at 7310 South Broadway in the Town of Red Hook in the B1 District; and

Whereas, the proposed action requires an Amendment to the Site Plan Approval pursuant to the Town of Red Hook District Schedule of Use Regulations; and

Whereas, the Planning Board has reviewed an Application for Amended Site Plan Approval dated April 12, 2005, a Short Environmental Assessment Form (EAF) part 1 dated April 15, 2005, and a site plan; and

Whereas, the Planning Board has reviewed the minutes of the September 26, 1988 and October 3, 1988 Planning Board meetings, at which Site Plan Approval was granted to Angela Barnao, and has found the property to be substantially in compliance with the four (4) conditions governing lighting, parking, landscaping and signage; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that Proposed Action is a 'Type II' Action that meets the thresholds in 6 NYCRR 617.5 (c)(7) and, therefore, is not subject to review under SEQRA; and

Whereas, the Planning Board determined the project to be limited in scope, with compatible land use, site and building design characteristics and thus requires no further site plan review in accordance with the Red Hook Town Zoning Code section 143-114C(1); and

Whereas, the Planning Board has reviewed the setbacks for the proposed shed and finds them to be in compliance with the Town's District Schedule of Area and Bulk Regulations; and

Now therefore be it resolved, that the Planning Board grants Amended Site Plan Approval in accordance with the attached Site Plan and authorizes the Chair to stamp and sign the Site Plan upon the applicant's satisfaction of each of the below conditions within six (6) calendar months of the Planning Board's adoption of this resolution,

- Submission of revised Site Plan drawings for stamping in the number and form specified under the Town's Zoning Law, including specific attribution and dating of all drawings provided.
- Payment of any outstanding fees or reimbursement amounts due the Town of Red Hook.

Roll Call Vote:

Member Jennifer Fier	absent
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	absent
Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

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

_____ Paula Schoonmaker, Assistant Clerk to the Board	_____ Date
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