

draft
Town of Red Hook Planning Board
Meeting Minutes
May 17, 2004

**WORK SESSION--PRESENTATION BY KEANE AND BEANE ON PROPOSED
OVERLAY MAPS AND CORRESPONDING ZONING AMENDMENTS**

Jennifer Porter, an attorney with Keane & Beane law firm, introduced to the Board eleven (11) map overlays and explained the re-definition of the term "Zoning District Map." The eleven (11) map overlays included: (1) the Town of Red Hook Zoning Map, (2) the Water Resources Map, (3) the Flood-Fringe Overlay Map, (4) the Historic Landmarks District Map, (5) the Wellhead-Watershed-Aquifer Map, (6) the Historic Features Map, (7) the Important Farmlands Map, (8) the Scenic Overlay Map, (9) the Slopes Map, and (10) the Soils Map. Maps 6, 7, 8, 9, and 10 showed different aspects of the Town of Red Hook Environmental Protection Overlay District, as described in Chapter 143, Section 6B of the Town Zoning Code. Together, these eleven maps made up what Ms. Porter titled "The Town of Red Hook Zoning District Map." She stressed the difference between the "Zoning Map", which simply showed the zoning districts, and the "Zoning District Map", a compilation of all the overlays.

Ms. Porter said Chapter 143 of the Red Hook Zoning Code had always made references to maps but that, in the past, there had been no maps available. These new maps would take the written zoning regulations and make them visual. They were a tool, she said, to help clarify the regulations and make them more "user friendly." She underscored the fact that no Town land use or zoning regulations had been essentially changed and that the proposed written amendments to the Town Code work only to connect the existing regulations to the map overlays.

Ms. Porter moved on to explain several miscellaneous details of the overlays. She said that the Environmental Protection Overlay, which consists of five (5) maps, is the most complicated. Sometimes a resource can be protected in several different ways. She also explained that the Light Industrial Overlay described in Chapter 143-6B(5) of the Zoning Code is basically the same as the areas designated RD3 on the Zoning Map.

Ms. Porter said that the overlays should help alleviate the confusion that has surrounded the Important Farmlands section of the Zoning Code. This confusion was compounded by a printing error in the Code Book that has recently been rectified. The Important Farmlands map (part of the Environmental Protection Overlay) would allow land owners, developers and Board members to see more easily which parcels lay within the Certified Agricultural District. Should such land be identified, there would be several options available in the effort to preserve prime soils, soils designated as being of Statewide Importance, and active agricultural land.

Mr. Brod voiced two opinions about the overlays. First, he had some doubt about the accuracy of registration when content from a Federal map is translated onto a Town map. In light of this concern, he would recommend that the Town adopt the FEMA 100 Year Flood Zones map rather than the Town Flood-Fringe Overlay. Second, since information from a Slope map would not trigger any zoning constraints and since much of the slope information about a parcel could be obtained from the topographic data

required from a developer, he believed that an official Slope map would not be necessary.

There was some discussion about the difference between the Historic Landmarks District Map and the Historic Features Map. Ms. Porter explained that the Historic Landmarks District Map reflected an area designated as such by the U. S. Department of the Interior and was primarily relegated to parcels within a relatively narrow corridor along the east bank of the Hudson River. The Historic Features Map had been prepared by Hudson River Heritage approximately twenty (20) years ago from data and nominations submitted by community residents. Information and photographs of these features can be found in a six volume set in the Supervisor's office. These features may or may not be designated "historic" by the Federal government.

Ms. Porter concluded her presentation by urging the Town to look over the maps and to verify the data before adopting any or all of them. She reminded the Board that the data used to construct these maps may be as much as twenty (20) years old. The Chair said that verification of the maps would probably be beyond the purview of the Planning Board. He added that the overlays should be posted so the public can look them over.

In response to a question about whether the maps had to be adopted as a group or whether each could be considered alone, Town Board member Sue Crane said that the Town Board could, if it wished, adopt some but not all the overlays. The Planning Board members generally agreed that even some overlays would help and that a more subjective map such as the Historic Features Map might initiate more debate than a more technical map such as the Soils Map.

The Chair said he would draft a response for the Town Board and would present that response for consideration by the Planning Board at its next meeting on June 7, 2004. He said he believed that while there may be future debate before the Town Board about the two subjective overlays prior to adoption, both the Planning Board and the public need overlays for use in their consideration of development and protection. At a minimum, he said, the public deserves to see what standards are being enforced, and maps would facilitate this understanding. The Chair said he would emphasize in his written response that, although not every overlay may be initially adopted by the Town Board, the Planning Board does want maps and wants the process of developing and adopting accurate maps to continue moving forward.

At this point in the evening, the Planning Board meeting was called to order.

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 8:30 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

Members present—John Hardeman, Christine Kane, David Wright, and Chair Paul Thomas. Mary Lou Muirhead, Sam Phelan and Paul Telesca were absent. Also present were Planning Consultant Art Brod, Town Engineer Dan Wheeler, Town Board Liaison Jim Ross, and Chair of the Hamlet Buildings/Design Review Committee Chris Gilbert.

BUSINESS SESSION

The minutes of the May 3, 2004 meeting had been sent to the Board members and reviewed. There was one correction—the draft minutes erroneously listed Member Paul Telesca as voting in favor of accepting the corrected minutes from the April 19, 2004 meeting. In fact, he abstained from that vote. John Hardeman made a motion to accept the corrected minutes. David Wright seconded the motion, and all members present voted in favor.

The Chair announced that Robert and Susan Davis had deferred consideration of their Special Permit until the June 7, 2004 meeting.

PUBLIC HEARINGS

Eugene Vos and Lisa Herman – Lasher Road – Subdivision Plat/ Lot Line Alteration

Eugene Vos, Martha Vos and Lisa Herman appeared before the Board in support of their application involving an intended lot line alteration between their parcels at 151 and 175 Lasher Road in the RD 3 District.

The Chair read the Public Hearing Notice as it appeared on May 11, 2004 in the Kingston Daily Freeman. He then opened the public hearing.

There were no comments from the public.

The Chair closed the public hearing.

Cary Kittner—54 Station Hill Road (Barrytown)—Certificate of Appropriateness

Cary Kittner appeared before the Board representing her application for a Certificate of Appropriateness, necessary for the issuance of a Building Permit for proposed exterior modifications of her residence on Station Hill Road in the H (Hamlet) District of Barrytown. The application and drawings had been referred to the Hamlet Buildings/ Design Review Committee for comments, as required by the Zoning Code.

The Chair read the Public Hearing Notice as it appeared on May 11, 2004 in the Kingston Daily Freeman. He then opened the public hearing.

Marirose Blum Bump of Steamboat Dock Road in Barrytown asked if the Hamlet Buildings/Design Review Committee had submitted its report. The Chair replied that he had spoken to the Chairman, Chris Gilbert, who had reported that the Committee had no negative comments. He said that the Committee's written report would be in hand before the end of the evening.

Since there were no additional comments from the public, the Chair closed the public hearing.

REGULAR SESSION (OLD BUSINESS)

Eugene Vos and Lisa Herman – Lasher Road – Subdivision Plat/ Lot Line Alteration

The Chair read the short EAF part 1 and, with input from the Board, completed part 2. He then summarized an offered resolution granting Conditional Final Approval to the Subdivision Plat/ Lot Line Alteration.

Christine Kane made a motion to adopt the following resolution. David Wright seconded the motion, and all members present voted in favor.

The Town of Red Hook hereby acts as follows on the April 6, 2004, Application by Eugene Vos and Lisa Herman for Subdivision Plat Approval to authorize an intended aggregate 2.06-acre Lot Line Alteration involving their properties at 151 and 175 Lasher Road in the RD3 District, with the intended lot line alteration depicted on an accompanying Survey Map prepared by Robert Zimmerman, L.S., and dated April 21, 2004:

1. Determines upon consideration of the EAF and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Approves the Application for Subdivision Plat 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:
 - Submission of acceptable drafts of consolidation, or merger, deeds that will upon recording in the Dutchess County Clerk's Office merge each of the annexation parcels with the lands of the appropriate acquiring party, which recording is required immediately upon filing of the Subdivision Plat and the transfer of the lands to obviate what otherwise would be the creation of two non-complying parcels, each substandard in both lot area and other dimensional aspects.
 - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - Submission of Subdivision Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

In taking this action the Planning Board notes there are no new lots, parcels or dwelling sites created and, thus, neither requirement for the reservation of park and/or open space land nor requirement for alternate payment of a recreation fee is applicable to this Application.

Cary Kittner—54 Station Hill Road (Barrytown)—Certificate of Appropriateness

John Hardeman made a motion that the Planning Board act on the request by Cary Kittner for a Certificate of Appropriateness to authorize, subject to Building Permit, the undertaking of exterior modifications to a dwelling at 54 Station Hill Road (Barrytown) in the Hamlet District and that the Board issue the Certificate of Appropriateness in accordance with the drawings, plans and descriptions submitted by the applicant. David Wright seconded the motion, and all members present were in favor.

A copy of the Certificate of Appropriateness is attached to, and made part of, these minutes.

Stephen Buscarino and Lisa Racano (Kidz Kare Day Care) – NYS Route 9G and West Kerley Corners Road – Site Plan and Special Use Permit.

Lisa Racano, Stephen Buscarino, Tim Ross P.E., and Marie Welch L.S. were present in a continuation of the Board's discussion of the proposed 80-child day care center known as Kidz Kare.

The Chair first asked each of the consultants if he had any comments. Mr. Brod said that he had no additional comments beyond those he had made at the April 19, 2004 meeting. Mr. Wheeler said he would defer to the Chair.

The Chair then summarized topics of concern brought up by the public during the Public Hearing on May 3, 2004, by the Planning Consultant and by the Town Engineer. He began by saying that traffic was clearly the primary issue—not the volume of cars generated by the facility but rather safety both within the site and on the highway. Mr. Brod and Mr. Buscarino agreed that the traffic studies they have consulted indicate that the volume of cars on NYS Route 9G would not be substantially increased by the business.

The Chair said that the Planning Board does have jurisdiction over projected traffic circulation within the boundaries of the site, and Mr. Wheeler added that traffic circulation inside the site was key to preventing dangerous traffic back-ups on the highway. The stream of parents dropping off their children must be kept flowing, or, if a parent needs to stop, that vehicle must be directed out of the moving line of cars and into the parking lot. Two suggestions for accomplishing this goal were erecting instructional signs along the driveway and assigning members of the staff outside during peak hours to facilitate traffic flow. The Chair added that the Board could look at the measurements of the driveway, parking lot, and traffic circle or turnaround area. The traffic circle should be wide enough for drivers to pass if one parent stops for an unexpectedly long time.

There was some discussion about how long parents generally stay when they drop off or pick up their child. Ms. Racano said that in her experience the average stay was two to three minutes. Christine Kane and Mr. Brod asked if the stay might be longer in winter, when children must be bundled up before they can leave. Ms. Racano replied that by winter, the staff would know each child's schedule, and the child would be dressed to go out by the time the parent arrives.

Asked about input from the NYS Department of Transportation, Mr. Wheeler said that the DOT was interested only in the highway and the entrance to the site from the

highway. The Chair and Mr. Brod agreed that the Board had all the data it needed to look at traffic circulation within the site.

The second topic brought up by the Chair was the definition of “enrollment of 80 children.” Ms. Racano, Mr. Buscarino and the Board all agreed that this phrase meant that a maximum of 80 children could be “on the books” at any one time.

The third topic was the question of whether an existing state culvert was adequate to handle the increased storm water runoff from the facility. Mr. Wheeler said that some people and municipalities were worried about salt and/or oil runoff entering a nearby stream or aquifer. Mr. Ross said that storm water would be directed into the existing NYS culvert and that the culvert’s capacity was more than sufficient to handle it. Mr. Wheeler said that with judicious use of erosion controls, the applicants could mitigate oil and salt runoff, thereby addressing the issue of water quality.

The fourth topic addressed was whether the applicants’ estimates of water usage at the facility were realistic. Mr. Brod and Mr. Wheeler said that yes, these numbers were consistent with those given in water usage manuals. As far as the Village of Tivoli’s ability to supply that water was concerned, the Chair reminded the Board and the applicants that Tivoli’s sign-off on that issue would be a condition of approval.

Fifth, concern over sewage contamination of a nearby stream was addressed. Mr. Ross said that there was a more than adequate distance between the facility’s leach field and the stream. In addition, the Dutchess County Board of Health must sign off on the project before final approval is granted, and the BOH would look carefully at that at this issue.

Finally, in response to a comment urging the applicants to add more landscaping to screen the building, the Board by consensus commended the applicants on their landscaping plan, believed that the hedgerow would hide the proposed parking lot and some of the building, and agreed that the need for visibility at the intersection of NYS Rte. 9G and West Kerley Corners Road precluded adding more trees or bushes to the landscaping plan.

Chris Gilbert, Chair of the Hamlet Buildings/Design Review Committee, presented the Committee’s comments on the proposed building. He said that overall, the Committee was satisfied with the size and scale of the building. He added, however, that the Committee had suggested some changes in the detailing of the building which it believed would improve facility’s appearance. These suggestions included changes to the building’s façade, doors and windows, dormers and cupola. Some of the suggestions were found to be impossible due to State requirements for Day Care Centers

Ms. Welch and Mr. Ross said that they hoped to make new submissions by May 28, 2004 so that the project could be included on the June 7, 2004 agenda.

Mr. Brod advised the Board that, at this point, making a SEQRA determination was more important than closing the public hearing. Only after the SEQRA determination was made could the project be referred to the Dutchess County Office of Planning and Development for review as a zoning issue. The public hearing could remain open for the sole purpose of accepting the report from County Planning.

REQUESTS FOR EXTENSIONS

Daniel Colnaghi—NYS Rte. 9G and NYS Route 199—Conditional Final Approval

The Chair read a letter from Marie Welch L.S. requesting a ninety (90) day extension of the time allowed to meet the conditions for final approval of the Daniel Colnaghi Minor Subdivision/ Lot Line Alteration located on a 20.4-acre parcel north of NYS Rte. 9G and east of NYS Rte. 199 in the RD3 District. These conditions were set out in the Planning Board's resolution of December 1, 2003 granting Conditional Final Approval.

John Hardeman made a motion to grant the extension. David Wright seconded the motion, and all members present were in favor.

Stephen Buscarino—NYS Rte. 9G and West Kerley Corners Road—Conditional Final Approval

The Chair read a letter from Marie Welch, L.S., requesting a ninety (90) day extension of the time allowed to meet the conditions for final approval of the Stephen Buscarino Minor Subdivision located on an 11.827-acre parcel at the intersection of NYS Route 9G and West Kerley Corners Road in the RD3 District. These conditions were set out in the Planning Board's resolution of December 1, 2003 granting Conditional Final Approval.

John Hardeman made a motion to grant the extension. David Wright seconded the motion, and all members were in favor.

James & Karen Krakowsky—Feller-Newmark Road—Preliminary Approval

The Chair read a letter from James Krakowsky requesting an extension of the time allowed to submit the documents and maps required for Application for Final Approval of the Krakowsky Proposed 6-Lot Subdivision located on a 50.38-acre parcel on Feller-Newmark Road in the RD3 District. These documents and submissions were listed in the Planning Board's resolution of May 19, 2003 granting Preliminary Approval.

Mr. Brod said that the Land Subdivision regulations do not set a time limit on submissions for Final Approval and that therefore no extension was needed.

Adjournment

Upon being advised by the Chair that there was no further business to come before the Board, Christine Kane made a motion to adjourn. David Wright seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10: 05 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Annexed attachments:

Certificate of Appropriateness issued to Cary Kittner

Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS

Date: May 17, 2004

For: Cary Kittner

Tax Parcel #6172-01-180832-0000

The applicant owns 0.82 acres at 54 Station Hill Road, Barrytown. She wishes to do exterior modifications to the dwelling at this site. Proposed modifications: (1) replace wood supports under front porch with concrete block, (2) replace single pane windows on porch with thermal double hung windows of the same size, (3) replace one entry door with two entry doors and move them to center, (4) remove walls between porch and interior – replace with post and beams, and (5) install new windows on east wall of residence.

This application and information, including pictures, were sent to the Hamlet/Design Review Committee on May 7, 2004.

The Hamlet/Design Review Committee met on May 10, 2004, reviewed the proposed changes, and submitted its comments to the Planning Board on May 17, 2004. The Committee recommended that the Planning Board issue the Certificate of Appropriateness

A public hearing was held this date, May 17, 2004.

The Planning Board has reviewed and discussed the proposed plans and determined that the alterations proposed are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to the Cary Kittner proposed modifications as described above.

Certified

by: _____ Date: _____
Paula Schoonmaker, Asst. Clerk to the Board