

draft
**Town of Red Hook Planning Board
Meeting Minutes
July 25, 2005**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:30 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane said that Rosemarie Zengen had requested that her site plan application be deferred until an unspecified future meeting. She then confirmed the revised meeting agenda.

The minutes of the July 11, 2005 meeting had been sent to the Members and reviewed. Jennifer Fier said that she did not think that the minutes accurately reflected the Board's specific exclusion of the porches and entire facades of the Bard Village Dormitories as well as the landscaping from its conditional site plan approval of that project on July 11, 2005. She asked that clarifying language be added both to those minutes and to the approval resolution. She then made a motion to accept the revised minutes. Charles Laing seconded the motion, and all members present voted in favor.

Christine Kane reminded the members about accreditation courses tentatively scheduled for October 15, 2005 and conducted by Pace University. Members were encouraged to fill out the questionnaire and return it to Pace.

PUBLIC HEARINGS

David Podolsky/ Susanne Osgood – 267 Hapeman Hill Rd. – Lot Line Alteration

Donald Pulver and Susanne Osgood were present for the public hearing on an application for Subdivision Plat Approval/ Lot Line Alteration to authorize the conveyance of approximately 1.0 acre from the approximately 22.0-acre Lands of David Podolsky to the adjoining 1.14-acre substandard-sized Lands of Susanne Osgood in the RD3 District.

Christine Kane read the public hearing notice that appeared July 19, 2005 in the Kingston Daily Freeman.

Donald Pulver explained the lot line alteration to the public and to the Board.

Christine Kane opened the hearing for public comment. There was none.

Christine Kane then read a referral response from the Agricultural Advisory Committee that said that although the larger parcel was within the Certified Agricultural District, the

amount of land being transferred to the Osgood substandard-sized lot was relatively small and posed little threat to valuable soils or future agriculture on the larger parcel.

Christine Kane then reviewed the EAF part 1 and, with input from the Board, completed part 2. Jennifer Fier made a motion to issue a negative SEQR declaration for the project. Sam Phelan seconded the motion, and all members present voted in favor.

Christine Kane closed the public hearing. She then read an offered resolution granting conditional final subdivision plat approval to the lot line alteration, explaining the conditions to the applicant. Sam Phelan made a motion to adopt the resolution. Jennifer Fier seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Red Hook Terminal South/ Bottini – 7269 South Broadway – Site Plan

John Metzger of M.A. Day Associates and Brian Bottini were present for the public hearing on an application for Site Plan Approval to authorize modifications to an existing building and to an existing site to accommodate retail use on a 0.46-acre lot in the B1 District.

Christine Kane read the public hearing notice that appeared July 19, 2005 in the Kingston Daily Freeman.

Mr. Metzger explained the proposed building and site modifications to the Board and to the public.

Christine Kane opened the hearing for public comment. There was none.

Mr. Metzger submitted a letter from Town Engineer Dan Wheeler saying that his office had reviewed the well tests and other submitted documents and had no further concerns with the project. Mr. Metzger said that it appeared that the parking area would not encroach upon the septic field but that tri-gallies would be installed if such encroachment was later found to exist.

Mr. Metzger said that there had been two changes in the plan. First, the sign would be illuminated on one side. An arm would extend and point down from the top of the sign. The light would be shielded, and there would be no light on the side adjacent to neighboring residences. Second, the landscaping around the standing sign had been revised to include junipers.

Christine Kane reviewed part 1 of the EAF and, with input from the Board, completed part 2. Jennifer Fier made a motion to issue a negative SEQR declaration for the project. David Wright seconded the motion, and all members present voted in favor.

Christine Kane then closed the public hearing.

David Wright made a motion to adopt an offered resolution granting Site Plan Approval to the project. Charles Laing seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

TGS Associates/ Hardscrabble Commons – NYS Rte 9 and Metzger Rd. – Subdivision Plat, Site Plan and Special Use Permit

Art Brod from Planners East, Todd Baright, Gary Baright and Tom Cummings, P.E., were present for the public hearing on applications for Special Use Permit, Subdivision Plat and Site Plan Approval to authorize the creation of a 6.283-acre lot and a 6.876-acre lot from the 13.159-acre Hardscrabble Plaza site and to authorize modifications to the existing site, construction of a 2-story, mixed retail and apartment building and a 2-story, 24,000 s.f. total floor area, self-storage facility on the proposed Lot 1, all in the B1 District.

Christine Kane explained that the Board had included the subdivision application in its NOI letters for the site plan and special use permit applications in February 2005 and thus a separate NOI for the subdivision application was not necessary.

Christine Kane read the public hearing notice that appeared July 19, 2005 in the Kingston Daily Freeman.

Mr. Brod explained that subdividing the Hardscrabble property into the proposed two lots would allow Phase 1 of the development to go forward without zoning changes. He said that, as configured, Lot 1 would comply with the Town's coverage regulations.

Christine Kane opened the hearing for public comment.

She then read a letter from Donald Domkowski, 79 Metzger Road, that said that while Mr. Domkowski had no objection to the subdivision plan, he was concerned about a road shown on the proposed site plan extending from NYS Route 9 east through the Hardscrabble property to edge of the Land of Domkowski. Mr. Brod replied that the road was purely conceptual and would be contemplated if and only if Mr. Domkowski, or a subsequent owner of Mr. Domkowski's property, decided to develop the Domkowski parcel. If such development did not take place, this access road would not be necessary and would not be built.

Mr. Brod said that in order to accomplish Phase 1 of the plan without zoning changes, five (5) parking spaces from the north edge of the road spine, opposite the mixed-use building, would have to be deleted. He said that after the removal of those spaces, the site would have more than the minimum required number of parking spaces.

Christine Kane read a referral response from the Agricultural Advisory Committee that said that because of the site's location, the project should not be subject to the Town's Important Farmlands regulations but rather should be studied as a possible receiving area for future growth.

Todd Baright outlined several modifications that had been made in response to GreenPlan and Planning Board reviews. He said that the service driveway in front of Holy Cow would be seeded, that more grass islands would be added to the parking area, that trees would be planted to screen the site from the Michael Levy house, that the turning radius from the Hannaford extension road had been improved, that the self-storage building had been modified to more closely match the mixed-use building, that several of the storage units would be made available to community non-profit groups at a greatly reduced rate, that an information gazebo would be placed near the right gate of the storage building, that the berm screening the self-storage building had been removed from the plan and tall plantings substituted, that the roof height of the mixed-

use building had been checked and was well within the maximum allowable under Town regulations, and that color and material samples would be submitted for Board review.

Jennifer Fier said that the dormers now shown on the self-storage building were set too high on the roof and would not be visually pleasing. She suggested that the dormers be moved down on the roof and possibly be enlarged or revised to shed dormers. Mr. Baright said he would take the design back to his architect.

The Board and the team discussed a sidewalk planned along the side of the self-storage building, outside the fence. They concluded that people heading for the mixed-use building would probably not park in that area and that a sidewalk was not necessary there.

The Board asked that Mr. Baright use black ornamental powder-coated metal fencing instead of plastic-clad chain link fencing on the west side of the self-storage building and chain-link fence with black vinyl screenin around the rest of the storage site perimeter. He agreed.

Ms. Greig reported that discussion about road widths was continuing. She said GreenPlan's Ted Fink, the applicants, Town Councilman Harold Ramsey and Town Highway Superintendent Wayne Hildenbrand, among others, had met several weeks ago and that Mr. Hildenbrand was reviewing material advocating road widths narrower than those in the current Town specifications. She said that the Board and GreenPlan hoped to hear from Mr. Hildenbrand soon.

Kathy Stewart, Spring Lake Road, said that she concurred with Dutchess County Senior Planner John Clarke's belief that narrower roads would foster a village-type streetscape and that wider roads would encourage speeding.

Mr. Brod said that no part of the Hannaford extension road would be ceded to the Town during Phase 1 of the development. He also said that the current site plan had road widths consistent with Town specifications but that the roads could be narrowed without altering the other essential elements of the plan.

Ms. Greig said that, in its review of any development, the Planning Board should consider how proposed roads complement that development and that the Board had the right to waive Town highway specifications in consultation with the Town Highway Superintendent.

Ms. Greig said that the Board still must hear from the Highway Superintendent and that a decision about the advisability of an archaeology review must be made. To that end, both the Planning Board Clerk and Mr. Brod would try to find Stage 1A of the archaeology study done for the Hannaford Food Store several years ago. For their part, the applicants must revise the gables in the self-storage building and investigate ornamental metal fencing for the west side of the self-storage facility.

The public hearing was continued to the August 8, 2005 agenda.

REGULAR SESSION (OLD BUSINESS)

Bard College / Center for Science and Computation – Campus Road – Site Plan

Pete Setaro, P.E., of Morris Associates was present for further discussion of an application for Site Plan Approval to authorize construction of an approximately 54,600 s.f. building and associated site improvements on an approximately 3.0-acre project site within the Institutional (I) and Hudson River National Historic Landmarks Districts.

Mr. Setaro said that the issue of light emanating from the mostly-glass building at night had been investigated. He said that Annandale Road. was approximately 270 feet from the building and that trees near the building would block most of the light from spilling out toward the road. There was one corridor of light that would stretch from the building out along a sidewalk that led to the road. A photometric study showed that the footcandles would drop to zero (0) at 90 feet from the building, still 180 feet from the road.

Mr. Setaro said that the Dutchess County Department of Health was reviewing the plan, that the Stormwater Pollution Prevention Plan would be submitted to the Town Engineer soon, and that the Department of Environmental Conservation had concluded that there were no endangered species at risk. He said that the archaeology report would be sent to NYS Office of Parks, Recreation and Historic Preservation soon and that some items would be moved in order to avoid sensitive sites. He said that he would submit a Local Waterfront Revitalization Plan Consistency Form soon. Finally, he reiterated that no additional parking would be needed.

At the Board's request, Mr. Setaro said that he would submit full-sized elevations. He said that a landscape plan was being formulated and would also be submitted. Sam Phelan said the Board needed detailed plans regarding the existing trees and what additional trees would be planted, especially evergreen trees, which would buffer the light from the building.

The Board asked for photographs taken from various locations around the site to further assess any possible light spill from the building.

The Board and the applicant discussed the visibility of the building from NYS Route 9G. They agreed that the potential for visibility would be greater during the winter when the leaves were off the trees; however, the building would be located behind a knoll which would help to block the view. The Board must assess potential glare from the building visible from Route 9G.

The Board scheduled a public hearing for August 8, 2005.

Bard College / Village Dorm Expansion – Annandale Rd. and Cruger Island Rd. (Annandale) – Site Plan

Peter Reynolds of Ashokan Architecture and Chuck Simmons from Bard College were present for continued discussion on an application for Site Plan Approval for dormitory buildings, approximately 4,600 sq. ft. each, to be built in two phases, two buildings in the initial phase and two at a later time, with associated site improvements, within the Institutional (I) and Hudson River National Historic Landmarks Districts.

Mr. Reynolds gave an overview of Italianate architecture in America, saying that it was a very popular, romantic style of the mid-1800's. While Europeans generally built with masonry, Americans used wood and other available materials. He said that the style

was typically one of endless and exuberant variation and that builders freely intermixed architectural details, especially the windows, doors, cornices and siding.

Mr. Reynolds went on to say that the existing buildings along Annandale Road were a mixed group, from the stone Gothic of the original Bard campus to the Manor House of the present campus to the more colonial and stick-style residences. He said that the Village Dorms were designed to be both part of Bard and part of the neighborhood, that they were environmentally “green” buildings sited carefully and classically on the road.

Focusing on the details, Mr. Reynolds said that small porches, such as those on the Village Dorms, were typical of Italianate architecture and that the wider porches seen today on Italianate buildings were often later additions. He said that the proposed doweling on the Village Dorm cornices harked back to ancient Roman entablature with its pairs of vertical brackets and was in keeping with the American tradition of using simple materials in classical patterns. Responding to the Board’s concern that the dowels might look “flimsy”, Mr. Reynolds said that they would add texture and create a play of shadow and light. He said that the elements of innovation, fun and variation were central to the American expression of Italianate architecture and that the dorms should not look as if they were part a museum.

Mr. Reynolds acknowledged that that while the original plans had called for recycled rubber roofing designed to look like tile, time and budget constraints had forced the team to substitute shingles. The roofs over the porches would still be metal, and Mr. Reynolds said that the recycled rubber tiles could be used on the roofs over the windows. He said that cornerboards had been added and that, in response to Planning Board requests, the trim on the windows had been widened.

Jennifer Fier said that the bathroom windows looked like “sliders” and that they appeared to be out of proportion and out of place. Other members of the Board asked about larger or “divided light” windows. Mr. Reynolds said that they were casement windows and that because of their location along the road, they had been designed with privacy in mind.

The Board approved the facades and architectural details as presented by Mr. Reynolds. It said, however, that there were some discrepancies among the drawings submitted so far by the Bard team and said that complete, up-to-date and accurate drawings must be submitted. Mr. Setaro said he would submit a set of construction plans with updated addenda. The Board also asked for complete building elevations, evidence of conceptual driveway approval from the DOT and an updated landscape plan. The Board said that the landscape plan would be reviewed by an outside professional landscape designer and that it must successfully fulfill the role of mitigation in lieu of the double setbacks required for scenic roads by the Town’s Zoning regulations.

Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – Subdivision Plat

Pete Setaro, P.E., of Morris Associates was present to give the Board an update on a proposal to create 51 residential building lots ranging from .12 acres on up, on an open 65.3-acre lot, partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Mr. Setaro said that he hoped the Village would make a SEQR determination for the project in August and that the team would be submitting more detailed plans to the Town in September. He said that he foresaw no problems obtaining the necessary variances from the Town ZBA and hoped to be finished with both the SEQR review and the variances in September.

Kunzang Palchen Ling - NYS Route 9G – Special Use Permit and Site Plan.

Joseph Berger, P.E. and John McIlravy were present to resubmit applications for Special Use Permit and Site Plan Approval for a Place of Worship and associated Guest Rooms on Lot 5, a 5.023-acre parcel, within the Colnaghi Subdivision in the RD3 and Scenic Overlay District.

Mr. Berger said that the only change from the previous submission in 2004 was that the driveway had been moved, which would allow the team to avoid cutting down some large trees on the lot. He said that infiltrators were planned for the septic system in case the overflow parking area over the system was needed in the future. Gravel and grass pavers would be used for the driveways except in the area designed for wheelchair accessibility, which would be blacktopped. The water quality had been tested numerous times to assure stable readings. Mr. Berger said that since the Colnaghi subdivision had been approved, he could now seek Health Department approval.

Mr. Berger described the proposed two-story building as containing worship areas and individual practice areas on the ground floor with apartments for resident lamas and guests on the upper story.

Jennifer Fier said that she did not see two means of egress on the drawings. Mr. Berger said that these were not the final drawings and that the drawings would undergo a code review.

Asked about the building materials and colors, Mr. McIlravy said that a metal roof painted blue and cream colored vinyl siding had been planned but that these were negotiable.

Asked why the entrance to the building was facing away from Route 9G, Mr. McIlravy said that traditionally the entrance to a Buddhist place of worship faced the southeast.

Mr. McIlravy said that he was still agreeable to requests from the 2004 discussions, such as assuring that no prayer flags would be visible from Route 9G.

The Board determined that the landscape plan needed to be updated and more detailed. It also asked Mr. McIlravy to submit samples of proposed materials and colors. Jennifer Fier suggested that he investigate hardiplank as a substitute for vinyl siding.

The Board determined the project to be a Type 1 action, and Sam Phelan made a motion to establish the Board as Lead Agency for the SEQR review. Charles Laing seconded the motion, and all members voted in favor. Involved agencies included the Dutchess County Board of Health and the NYS Office of Parks, Recreation and Historic Preservation. The NYS Department of Transportation was an interested agency. The Board also referred the project to Dutchess County Planning. Finally, the Board scheduled a public hearing for August 22, 2005.

7 Pines, LLC – Norton Road – Subdivision Plat

Tom Mannix, P.E., Tom LeGrand, Donald Wise and Robert Wise were present for further discussion of an application for subdivision plat (sketch plan) approval to create six (6) residential building lots ranging from 5+ acres to 40+ acres from a total 126.7-acre parcel on both sides of Norton Road in the RD3 District.

Mr. Mannix submitted a copy of a letter he had sent to the NYS Fish and Wildlife Service asking for a review of the parcel to assess possible threats to endangered species together with any suggested remediation. He said that the large shagbark hickories, in which bats roost during the summer months, could be left undisturbed with the current driveway plan.

Mr. Mannix also said he had received correspondence from GreenPlan recommending soil testing in any area that had previously been used as an orchard. He said that his research had turned up no such use and that the existing barn had been used for cows.

Third, Mr. Mannix showed the Board a map with revised federal and state wetlands delineated and with an overlay showing the proposed lot lines. He said that the extended wetlands would impact a proposed driveway for Lot 1, which would necessitate a DEC permit. He said that an existing road could serve as a driveway for Lot 3, although it runs through a wetland buffer. Mr. Mannix said he would check to see if a DEC permit for continued use of that road would be possible. Finally, he said that the proposed houses, septic tanks and wells were well outside the wetland buffers.

Christine Kane said that at the last meeting, the applicants had been asked to support their contention that a conservation subdivision was not possible in this case. She said that so far, the applicants had not made that case and that the Planning Board was required under Town regulations to mandate clustering unless shown that the limitations of the land made that type of design impossible. Donald Wise said that if he and his brother were forced to cluster, they would have to design for the maximum number of lots allowable under the Zoning regulations, approximately 16, in order to receive adequate financial compensation for their purchase of the land. He said that they would much prefer to limit the number of houses, hide them from the road and retain the rural character of the neighborhood.

The Board generally agreed that reduced density together with prohibiting any further subdivision was a worthy goal. Christine Kane explained that deed restrictions prohibiting further subdivision were not binding and that the Town had no power to enforce them. The applicants agreed to strongly consider conservation easements.

The Board asked the applicants to submit a written statement providing justification for their contention that clustering in a conservation subdivision would not be possible in this case. This statement should include a description of the method they would employ to guarantee no further subdivision of the parcels.

Mr. Mannix was requested to send a letter to the DEC Natural Heritage Program asking about possible risks to endangered species. He should also begin applying to the DEC for driveway permits over the wetlands and buffers and should speak to that agency about using the existing road as a driveway for lot 3.

In addition, Mr. Mannix should further consider reducing curbcuts by combining the driveways to Lots 4 and 5, thereby also possibly reducing the number of wetlands crossings.

The project was tentatively scheduled to return before the Board on August 8, 2005.

ADJOURNMENT

Advised by Chair Christine Kane that there was no further business to come before the Board, David Wright made a motion to adjourn. Sam Phelan seconded the motion, and all members present were in favor. The meeting was adjourned at 11:35 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments:

Resolution granting Conditional Final Plat Approval to the Podolsky/ Osgood Lot Line Alteration.

Resolution granting Site Plan Approval to the Red Hook Terminal South project.

**Town of Red Hook Planning Board
Resolution Granting Conditional Final Approval in the Matter of the David Podolsky/ Susanne Osgood Lot Line Alteration at 249 & 267 Hapeman Hill Road in the RD3 District**

July 25, 2005

Motion made by Member Sam Phelan

Seconded by Member Jennifer Fier

The Town of Red Hook Planning Board hereby acts as follows on the May 27, 2005, Application by David Podolsky for Subdivision Plat Approval (Request for Lot Line Change) involving an intended transfer of a 1.00-acre portion of a 22.8-acre parcel with frontage at 249 Hapeman Hill Road, in the RD3 District (TMP 15-6373-00-873980 & 15-6373-00-869050) to and for merger with the adjacent 'Land of Osgood' (TMP 15-6373-00-920050) lying to the south and west, all as depicted on a Survey Map entitled 'Lot Line Alteration prepared for Podolsky & Osgood', prepared by J. Charles Boolukos.

1. Determines in consideration of the Short 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 not cause any 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 Minor Subdivision / Lot Line Alteration' and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and/or requirements within the next one hundred eighty (180) calendar days:
 - a. Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - b. Annotation of the Subdivision Plat with appropriate required notation with respect to location within a Certified Agricultural District.
 - c. 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.
 - d. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
 - e. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk's Office immediately upon filing of the Subdivision Plat whereby the subdivided 1.00-acre portion of 'Land of Podolsky' would be merged with the adjacent 'Land of Osgood' to obviate what otherwise would be the creation of a non-complying parcel through this act of subdivision plat approval.

In taking this action the Planning Board has determined there to be no new residential building lots or dwelling unit sites created and, thus, deems not applicable to this Application the requirement for set-aside of recreation or other open space land or the alternate payment of a cash-in-lieu-of-land recreation fee.

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	absent
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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**Town of Red Hook Planning Board
Resolution Granting Site Plan Approval in the Matter of Red Hook Terminal Inc./
South at 7269 NYS Route 9 in the B1 District**

July 25, 2005

Motion made by Member David Wright

Seconded by Member Charles Laing

Whereas, the Town of Red Hook Planning Board received an application for Site Plan approval from Red Hook Terminal, Inc. for a “retail space” in an existing structure in the B-1 District; and

Whereas, the ± 0.46-acre parcel is located at 7269 NYS Route 9 in the Town of Red Hook, Dutchess County, New York; and

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

Whereas, the Planning Board reviewed the application for Site Plan approval (undated), a Site Plan dated January 19, 2005 and revised to June 15, 2005, construction details dated May 19, 2005 and revised to June 15, 2005, and illustrations of the proposed illuminated signage for the proposed retail facility; and

Whereas, the Planning Board declared itself Lead Agency for the proposed action on April 18, 2005, reviewed a Short Environmental Assessment Form (undated), and adopted a Negative Declaration for the proposed action on July 25, 2005; and

Whereas, the Planning Board held a Public Hearing on the Site Plan application on July 25, 2005; and

Now therefore be it resolved, that the Planning Board approves the Site Plan as depicted in the referenced drawings and authorizes the Chair to stamp and sign the Site Plan upon the applicant’s satisfaction of each of the below conditions within the next six (6) calendar months:

- a. Submission of Site Plan drawings in the number and form specified within the Town’s Zoning Law.
- b. Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	absent

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