

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
August 1, 2011

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:34 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Pat Kelly, Kris Munn, Sam Harkins and alternate Brian Walker. Members Charlie Laing, Sam Phelan and Wil LaBossier were absent. Also present was Planner Michele Greig.

BUSINESS SESSION

The July 18, 2011 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt the revised minutes. Brian Walker seconded the motion, and all members present voted in favor (Pat Kelly had not yet arrived, and Brian Walker voted on the motion as part of the quorum).

There were no announcements. At this point Pat Kelly arrived at the meeting.

REGULAR SESSION – NEW BUSINESS

Town of Red Hook – Glen Pond Rd – Lot Line Alteration

Dan Proper from Crawford Associates and Councilman Harry Colgan were present with an application for Lot Line Alteration approval to transfer 0.13 acres from a parcel owned by the Town in the B2 Zoning District to an adjoining parcel in the B1 Zoning District, also owned by the Town.

Mr. Proper said that this lot line alteration was in anticipation of the construction of a new Town highway garage. He said that the subject section of Glen Pond Road, the southern terminus, was not used and would be discontinued. He said that the new building would encroach into the setbacks for that section of the road, necessitating this lot line alteration. Mr. Colgan added that the owners of the adjoining parcels had been contacted and had agreed to the action.

The Board reviewed a GreenPlan memo stating, among other items, that the words “Minor Subdivision” should be added to the plat.

The Board determined the project to be an Unlisted action under SEQR, with the Town Board, the Town Highway Department and the Dutchess County Health Department identified as involved or interested agencies. Kris Munn made a motion to establish the Board as Lead Agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then completed the EAF part 2. Kris Munn said that since this lot line alteration would make possible the siting and construction of the new highway garage,

which could have adverse environmental impacts, the Board should consider these impacts as being possible outgrowths of the lot line alteration project. Michele Greig said the lot line alteration and the construction of the highway garage were two separate projects. She said that there were no significant adverse environmental impacts anticipated from the lot line alteration by itself.

Michele Greig added that the Town Board had already issued a Negative SEQR Declaration for the highway garage project. Several members believed that that project should come before the Planning Board for suggestions on drainage, landscaping, traffic circulation, etc.

The Board then reviewed a draft Negative SEQR Declaration for the project. Sam Harkins made a motion to issue that declaration. Kris Munn seconded the motion, and all members present voted in favor.

The Board then scheduled a public hearing for August 15, 2011.

Bard College--Alumni/ae Offices and Restaurant – 4604 Rte 9G – Site Plan

Ray Jurkowski, P.E., and Chuck Simmons from Bard College were present with an application for Site Plan approval to modify a one-story ± 8,258 sq. ft. building, with associated landscaping, drainage and parking, on a 2.47-acre parcel in the RD3 Zoning District and in the National Historic Landmarks District.

Mr. Jurkowski said that approximately 6,373 sq. ft. of the building would be used as office space, conference area and catering space for the Alumni/ae Center. The remainder would be used for the Two Boots Pizza restaurant. He said that there would be an outdoor dining area attached to the pizza space.

He said that the north parking area already had 34 parking spaces with 2 handicap spaces, that those would remain and that that area was already paved. He said there would be an additional 15 spaces, with one for the handicapped, on the south side, and that this area would be paved. Thus, he said, there would be a total of 49 parking spaces with 3 designated for the handicapped. He said that the parking area in front of the building would be removed and replaced with landscaping. He added that covered walkways would connect both parking areas with the front door. He also said that the building would use the existing water supply and septic system, both of which were adequate for the less intense use.

Mr. Jurkowski went on to say that geothermal wells would be installed at the rear of the property and that the College was working with a lighting engineer to develop a lighting plan that might include table lighting in the outdoor eating area.

Addressing traffic circulation and emergency access, Mr. Jurkowski said that after talking with the Town Fire Dept. the applicants had widened the travel lanes from the curb cut to the parking areas to 26 ft. He said that these wider lanes would also alleviate possible stacking problems.

Christine Kane asked whether the applicants had thought any further about incorporating rain gardens and/or pervious paving in their stormwater management plans. Mr. Jurkowski said that he would check.

Michele Greig said that a zoning issue had to be resolved. She said that the uses could be considered 'educational' and the acreage requirement for that definition could be waived since the parcel was essentially contiguous to the Bard Campus. However, she said, there were clearly two principal uses planned—the alumni/ae center and a stand-alone pizza restaurant. She said that since there were other Two Boots pizza restaurants in the country and since this facility would be open to the public as well as cater alumni/ae functions, it could not be considered an accessory use to the alumni/ae center. She said that in the residential zone, only one principal use is permitted on a parcel.

The Board suggested that the applicants appeal to the ZBA for an interpretation. The Board agreed it should not begin the SEQR review until this problem had been resolved.

The Board then reviewed a GreenPlan memo and asked the applicants to address the issues raised.

Pat Kelly asked about the safety of students crossing Route 9G on foot and on bicycles to reach the project building. Mr. Simmons said that now that the College owned a parcel across the road, the NYS Dept. of Transportation might be more willing to entertain plans to make crossing safer.

The Board tentatively scheduled the project back on August 15.

Hilda MacDonald Trust/Brookmeadow (Steiner Farm) – 324 Budds Corners Rd. – Sketch Plan for Minor Subdivision

Realtor Kevin Battistoni was present with an application for Sketch Plan approval to subdivide one (1) 4.24-acre lot from a $\pm$ 228-acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Battistoni said that the subdivision of this flag lot had been anticipated when John Steiner sold his development rights in an agreement with the Town and other parties. He said that the resulting conservation easement, now held by Dutchess Land Conservancy, had been placed on the entire Steiner farm except for the subject 4.24-acres, which was labeled as "excluded from conservation easement" on the conservation easement map and which was described as such in the conservation easement document. Now, he said, Mr. Steiner's daughter was about to sell the farm and wished to retain that small parcel.

Michele Greig said that the entire parcel was in the new Agricultural Business District and that according to the new zoning amendments, subdivision of any sized lot was possible only if there existed ten (10) or more unencumbered acres. She said that in this case, only the 4.24 acres were unencumbered—the remaining acres were encumbered by the conservation easement.

Mr. Battistoni said that in his opinion, the subdivision was agreed to by the Town in 2004, was allowed under the old zoning regulations and should be considered "grandfathered".

The Board and the applicant agreed to refer the issue to Victoria Pollidoro at the Town Attorney's office. The project was tentatively scheduled for the August 15 agenda.

Pieter Estersohn – 451 Budds Corners Road – Sketch Plan for Minor Subdivision

Pieter Estersohn, John Vincent and surveyor Bob Zimmerman were present with an application for Sketch Plan approval to subdivide one (1) 3-acre residential lot from a 25.4-acre parcel in the AB (Agricultural Business) Zoning District.

Michele Greig said that under the new zoning regulations, there was no longer the “one lot exception” and no “Important Farmlands Law”, to which the applicant referred in his application documents. Nevertheless, she said, this application appeared to comply with the new regulation that 80% of the agricultural parcel must be preserved. Under the new regulations, she said, the lot did not have to be exactly 3 acres—it could be as large as 5 acres or as small as the Health Department would allow.

Michele Greig said the EAF should be revised to reflect the zoning changes. She also reminded the applicants that an Agricultural Data Statement was needed and suggested that the Board conduct a site visit to ascertain the best location for the proposed building lot.

The Board determined the project to be an Unlisted Action under SEQRA, with the Red Hook Town Highway Department and the Dutchess County Department of Health identified as involved or interested agencies. Pat Kelly made a motion to establish the Board as Lead Agency for the SEQRA review. Kris Munn seconded the motion, and all members present voted in favor.

Christine Kane asked about a small residential building that existed on the parcel along with the principal residence.

The Board asked Mr. Zimmerman to submit information about the soils, wetlands and any other significant natural features. It also asked the applicant to calculate the habitable space of the small residential building. Finally, the members agreed to conduct a site visit at an agreed upon date and time, ideally before the next meeting. The project was tentatively scheduled for the August 15 meeting.

D. Michael Simpler – 46 Aspinwall Road – Special Permit

Michael Simpler and Richard Jones, L.E., were present with an application for a Special Permit to construct a 24' x36' two-story garage/studio within the Flood-Fringe Overlay District, on a 1.62-acre parcel in the R1.5 Zoning District.

Mr. Simpler said that he wished to construct a 3-car garage with a studio above. He said that the studio would have a bathroom but no kitchen.

Mr. Simpler went on to say that he had discussed the project with the NYS Department of Environmental Conservation and that the agency had written a letter of “no jurisdiction”. He said that the DEC only voiced a concern about possible silt runoff into the Sawkill Creek, a stream classified by DEC as 1A. He said that his proposed building would be 100 ft. from the Sawkill and that he had submitted details of his proposed silt fence with his application documents. He said that the Town Building Department had said that a silt fence was preferable to hay bales. Mr. Jones added that an adequate septic system replacement field could be built on the property without encroaching into the 100 ft. stream buffer area.

Mr. Simpler said that the building would have vinyl siding, dormers, and a steeply-sloped asphalt shingle roof to match the house.

Mr. Jones said that the top of the slab for new building would be 12 inches above grade since the 50 year flood high water mark was about 6 inches above grade. He went on to say that to raise the building above the 100 year flood mark would make the building virtually unusable, so the applicant had planned that nothing valuable except the cars would be stored on the first floor and that the second story would be braced from underneath and laterally. Flood vents would also be used to mitigate flood damage.

Michele Greig said that in order to grant the Special Permit, the Board must see that the applicant had complied with relevant sections of the Town Code, specifically with Section 143-111 and with Chapter 77, entitled Flood Damage Prevention. She said that Chapter 77 was administered by the Zoning Enforcement Officer but that compliance was one of the requirements for the Planning Board's granting a Special Permit.

She said that many requirements of Chapter 77 were actually construction standards; for instance, that the lowest floor of a building should be elevated at least 2 ft, above the highest point of the 100 year flood. Mr. Simpler and Mr. Jones said that complying with such a requirement would be impossible given the topography of the land. Christine Kane said that if the applicant could not meet certain requirements but was offering other methods of mitigation, such as the flood vents, he should write a letter addressing each requirement and stating how he intended to achieve the goal of that requirement by another method. Michele Greig said that Mr. Simpler could show that the building was flood-proofed up to the level recommended by the building standards.

Michele Greig said that the letter should also be forwarded to the Zoning Enforcement Officer with the goal of a sign-off letter from him.

Michele Greig then reviewed her memo.

Pat Kelly made a motion that the Board determine the project to be a Type 2 action under SEQR needing no further environmental review. Kris Munn seconded the motion, and all members present voted in favor.

The Board then scheduled a public hearing for August 15, 2011 and referred the project to the Town Engineer as soon as the letter addressing building standards was submitted.

OTHER BUSINESS

First September meeting

Since the first meeting in September would fall on Labor Day, the Board generally agreed to cancel that meeting and resume its normal meeting schedule on September 19, 2011.

Highway Garage

Several members said they were disappointed that the Town Board had not asked for Planning Board input regarding plans for the proposed highway garage. Kris Munn said that he believed the members could contribute ideas about hazardous waste storage, lighting, traffic circulation, drainage, etc. The members generally agreed to send a letter

to the Town Board saying that they would appreciate the opportunity to review and comment on the plan. The members also agreed to circulate a draft of the letter before it was sent to the Town Board.

Zoning Workshop

The members agreed that they would benefit from a workshop on the new zoning amendments. They believed that other boards and committees would also welcome an informational session. They generally agreed to send a letter to the Town Attorney suggesting an evening workshop sometime in September.

Training hours

Chris Kane reminded the members that they must complete 4 hours of training before the end of December. She said that it was possible that a zoning workshop could count toward those hours.

Adjournment

Since there was no further business before the Board, Pat Kelly made a motion to adjourn. Kris Munn seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachment

Negative SEQR Declaration for Town of Red Hook Lot Line Alteration

617.7
State Environmental Quality Review (SEQR)
Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: August 1, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Town of Red Hook Lot Line Alteration

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The Town of Red Hook proposes to convey a ± 0.13 acre piece of land containing the terminus of Glen Pond Road from one parcel owned by the Town to the adjacent ± 5.28 -acre parcel owned by the Town, in the B1 and B2 Zoning Districts.

Location: 7340 South Broadway, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated July 28, 2011, the Planning Board has concluded that environmental

effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)