

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
April 16, 2012

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 and members Kris Munn, Charlie Laing, Brian Walker, and Sam Harkins. Sam Phelan and Pat Kelly were absent. Also present were new alternate Betty Carr and planner Ted Fink. Planner Michele Greig arrived later in the evening.

BUSINESS SESSION

The Board welcomed Betty Carr, who had been appointed as an alternate by the Town Board on March 28.

Christine Kane said that the public hearing for the Estersohn project would be continued to the next meeting, May 7, 2012, at the request of the applicant.

There were three announcements. First, short courses sponsored by the Dutchess County Planning Federation-- ZBA Overview and Site Plan Review-- were scheduled for April 24, 2012 at the Farm and Home Center in Millbrook. These courses together were an opportunity for 3 training hours. Second, the Cary Institute announced a forum titled Hydrofracking in Focus, to be held Saturday, May 5 at the Institute. Third, a workshop on applying for state funding using the new Consolidated Funding Application process was to be held Wednesday, April 25 at the Marist College Boathouse.

The March 5, 2012 and the March 19, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt both sets of minutes. Sam Harkins seconded the motion, and all members present voted in favor.

PUBLIC HEARING

Pieter Estersohn – 451 Budds Corners Road – Minor Subdivision

This public hearing was continued to May 7, 2012 at the request of the applicant.

REGULAR SESSION – OLD BUSINESS

Greig Farm, Inc. – 128 Pitcher Lane – Special Permit

Norman Greig was present for continued discussion of an application for a Special Permit to allow an existing farm airplane runway on two parcels totaling 123.4 acres in the AB (Agricultural Business) Zoning District.

Christine Kane reviewed the project history, saying that the applicant had received a variance allowing the airstrip to cross parcel boundaries. Mr. Greig said that both

parcels were part of Greig Farm. He also confirmed that he had withdrawn an application for a variance from the required 300 ft. buffer from any public road. He said that he had shortened his runway to 2,000 ft.

The Board reviewed a letter dated March 2, 2012 from the Federal Aviation Administration addressed to Mr. Greig and a letter dated March 7, 2012 from the NYS Department of Transportation addressed to Supervisor Crane. Both letters asked for additional documents.

Christine Kane said that the FAA had requested a letter of agreement between Mr. Greig and the owners of nearby Sky Park airport. She said that the letter also mentioned the increased summer activity at the Rhinebeck Aerodrome. Mr. Greig said that he understood that all the issues had been addressed.

Planning consultant Ted Fink reviewed a memo he had written regarding the project. He also noted the recommendations, the requests for additional documents and the possible outstanding approval from the Town Board. He said that the approval from the FAA would become effective upon submission of the letter of agreement. Mr. Greig said that the agreement between Sky Park and him had been resolved by email. Christine Kane asked if he had received any subsequent letter or final approval from the FAA. Mr. Greig said he thought that he had. Christine Kane said that the Planning Board would need a copy of the letter and a copy of the agreement.

Mr. Fink went on to say that the NYS DOT asked for additional information so that a State determination could be made about the safety of nearby buildings and roads. Mr. Greig said that the DOT had only asked for an additional map from him and that he had submitted 3 copies of this more detailed map to both the DOT and to the Town Board. He said he had not heard further from the DOT.

Christine Kane said that the Planning Board would try to find out where the Town Board was in its review and consideration of approval for the airstrip.

Mr. Fink asked whether any tree clearing or excavation would be necessary for the project. Mr. Greig said no.

Christine Kane said that originally Mr. Greig had proposed a 2800 ft. runway and had said that the length was needed for safe takeoffs. She asked whether his now shorter runway of 2000 ft. would compromise safety. Mr. Greig said no, that he had added more horsepower to his plane, enabling it to ascend safely from the shorter runway.

Christine Kane said that the Planning Board would try to ascertain whether the Town Board approval was necessary before the Planning Board could vote on the application. Mr. Fink said that in any event, the Planning Board could schedule a public hearing.

Since the SEQR review and lead agency had not been addressed, Mr. Fink said that he would check the thresholds to see whether the project was a Type 2 or Unlisted action under SEQR.

Christine Kane said that the Planning Board would request a copy of the more detailed map from the Town Board. The members then scheduled a public hearing for May 7, 2012.

Kris Munn asked why the airstrip had been located in that particular area. Mr. Greig said that this location offered a longer and higher strip of land with no trees or other obstructions at either end. Kris Munn noted that his proposed location was close to residences on adjoining parcels and asked whether Mr. Greig had considered other locations, since some neighbors had voiced concerns during the ZBA public hearing. Mr. Greig said that it was his understanding that the neighbors had no objections to the current use and that only the Town's intervention had brought up any notion of an expanded use, which he was not considering. He said that a grass strip could only be used during the summer and that with no lights, there could be no night or bad weather use. He said that only the WWI airplanes from the Aerodrome could likely consider landing on such a short a strip. He said that this strip had no impact on residences at either end, that the Farm owned the land for thousands of feet at either end and that this location was best for the prevailing winds.

Asked whether any other planes used the strip, Mr. Greig said that Aerodrome planes landed there if they could not get back to their own landing strip and that one other plane from a company in which he was a partner landed there very occasionally.

Betty Carr asked whether Mr. Greig was making a request for a runway permit or for something bigger. Mr. Greig said he was only requesting a special permit for a grass airstrip, regardless of what others may have inferred.

Betty Carr asked whether Mr. Greig would honor a request from another pilot who wished to land there. Mr. Greig said that that question was out of his hands. He said that once the FAA approved the airstrip, it would be located on a map of approved strips. However, he said, it would also be listed as a private strip and as a 2000 ft. grass strip, which would keep pilots out since they would not be able to ascertain the condition of the strip and since the strip would be described as being so short. Betty Carr asked again whether other planes could land there. Mr. Greig said theoretically yes.

Christine Kane asked Mr. Greig to submit any more recent documents from the FAA or the DOT.

(At this point Ted Fink left the meeting and Planning Consultant Michele Greig arrived at the meeting)

Arvine & Wendy Coon – 7221 Route 9 – Site Plan

Arvine Coon was present for the continued discussion of an application for Site Plan approval to establish a farm market 3 on a 1.65-acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Coon said that he had responded to the GreenPlan memo of March 29, 2012. He said that the two parcels had been merged on April 16, 2012 and that the deed restrictions required by the Town Board as a condition of the rezoning approval had been filed with the Dutchess County Clerk. He also said that the parking spaces had been updated and identified the plantings to be installed.

Michele Greig said that the project application needed to be revised to reflect the fact that the house was no longer being used as an antique store. She also said that the map should be revised 1) to label the correct space as "Farm Market 3", 2) to correct the

dimensions of the greenhouse, 3) to move the handicap parking space to the east, and 4) to clearly delineate the boundaries of the display area, making sure that it conformed to the setback requirements.

The Planning Board agreed that the proposed sign conformed to the signage regulations and that the proposed lights conformed to the exterior lighting regulations.

Christine Kane said that the Dutchess County Department of Planning and Development had reviewed the project and determined it to be “a matter of local concern”.

Since the Board had determined the project to require only minor site plan review and had waived the public hearing, the members then reviewed a draft resolution granting site plan approval. After adding several conditions, Sam Harkins made a motion to adopt the revised resolution. Charlie Laing seconded the motion, and all members voted in favor.

Bard College – Woods Road – Site Plan and Special Permits

Pete Setaro, P.E. from Morris Associates and Chuck Simmons and Kristen Hall from Bard College were present for continued discussion of Bard College applications for Site Plan approval and a Special Permit to construct a baseball field and to present an application for a Special Permit for a Master Plan Update, on a 301.7-acre parcel in the I (Institutional) Zoning District and the National Historic Landmarks District.

Mr. Setaro said that he had submitted a letter from Bard archaeologist Christopher Lindner stating that he had surveyed the area to be disturbed and had only found one location to be of potential concern. He said that the bullpen would be moved to avoid that location. The Board determined that Mr. Lindner could send his reports directly to the NYS Office of Parks, Recreation and Historic Preservation.

Alluding to a report from wetlands and habitat expert Karol Knapp, Mr. Setaro said that Ms. Knapp had concurred with the Bard consultant that the wetland within the baseball field area had no outlet and was a non-jurisdictional wetland. He said that they also concurred that the proposed removal of trees would have no impact on endangered species including Indiana bats. The Board members cautioned that the trees must be taken down very soon.

Mr. Setaro said that the newly submitted proposed amendment to the Campus Master Plan update contained a revised map that located the baseball field and was attached to the 2004 Campus Master Plan. Michele Greig said that she had reviewed the document against Section 143-81 of the Town Code and found it to be complete. Mr. Setaro said he was also submitting a revised project application and EAF that included the amendment.

Mr. Setaro also said that he had received the Town Engineer’s report and had scheduled a conference call for later in the week.

He then asked whether the Board had decided to conduct a site visit to gauge the potential effects of the lights on the surrounding area, including across the river. He said the Board had considered looking at the soccer field lights, which were identical to those proposed for this project. Christine Kane asked whether any more night games were scheduled at the college. Mr. Simmons said that he would check with the athletic

department. Kristen Hall said that she would forward some photos taken of the soccer field at night.

Michele Greig asked whether Mr. Setaro had ascertained the height of the trees surrounding the field. He said that he would get that information to the Board.

The Board generally agreed to schedule a site visit to consider the field lighting. The members also referred the amendment to the Campus Master Plan update to the Dutchess County Office of Planning and Development and scheduled a public hearing for May 7, 2012.

REGULAR SESSION – NEW BUSINESS

Teviot, LLC – 40 Davis Lane – Special Permit

Fred Volino and attorney Jon Adams was present with an application for a Special Permit to remove trees within 1000 feet of the Hudson River, on a 62.91-acre parcel in the WC (Water Conservation) Zoning District and the National Historic Landmarks District.

Mr. Adams said that he had received a letter from the Zoning Enforcement Officer stating that removal of trees had taken place within 1000 feet of the Hudson and that this action was considered development under the Town's zoning regulations, allowable only with a special permit.

Mr. Adams went on to say that he believed that this tree removal was covered by the Board's prior granting of a special permit and site plan approval for the property in 2008. He then submitted a letter and an essay discussing the landscaping objectives during the 19th century American Romantic period. He also submitted the landscape plan from the 2008 project. He said that the landscaping at Teviot was consistent with those objectives. He added that the tree removal had resulted in no erosion or other adverse environmental impacts. He said that there were already meadows in that area and that those meadows had simply been expanded.

Kris Munn asked how many trees had been taken down. Mr. Adams said that he did not know. Christine Kane noted that many of the remaining trees had been substantially limbed.

Charlie Laing said that during the 2008 site visit, the Planning Board members had had questions about the slated removal of a number of mature trees. Mr. Adams stated that those trees had been marked on the landscape plan.

Charlie Laing then asked whether trees other than dead or diseased trees had been taken down along the road. Mr. Volino said no.

The Board members agreed to schedule a site visit for 4:30 p.m. on Saturday, April 21. One objective would be to see whether this tree removal had been part of the previous site plan approval. The members agreed to bring the approved landscape plan to the Saturday site visit.

245 Woods Rd, LLC – 245 Woods Road – Special Permits

Fred Volino and attorney Jon Adams were present with applications for two (2) special permits, one to remove trees and the other to replace a house, both on a 19.22-acre parcel and both within 1000 feet of the Hudson River, in the WC (Water Conservation) Zoning District and the National Historic Landmarks District.

Mr. Adams began by saying that while the principles were the same, the owning entities of Teviot and 245 Woods Rd. were different.

He then said that former owner Bob Davis had put the entire 245 Woods Rd. property under easement, with a small building envelope where the house was located. He said the new owners planned to demolish that house and build a new house that mimicked a structure on the Teviot property. He said that the new house would be on the same footprint as the current house but not cover the entire footprint. He said that the current house was 5,000 sq. ft. and the proposed house would be 1,500 sq. ft. He said that the current driveway, septic and well would remain.

Mr. Adams went on to say that the new house met the restrictions about color, size and design included in the conservation easement, and he submitted an email which he said demonstrated that Winnakee Land Trust had approved the change.

Christine Kane said that the applicants should submit samples of the building materials, exterior colors and exterior lighting.

The Board determined that since the house was approximately 450 feet from the Hudson River, the project was a Type 1 action under SEQR and that Hudson River Heritage and the NYS Office of Parks, Recreation and Historic Preservation were interested agencies. There were no other involved agencies.

Mr. Adams then discussed the application for removing trees at that same property. He said that one cluster of trees and one additional single tree had been marked for removal. He said the goal of this project was to expand the existing view. He added that arborist Mark Barry would oversee the project.

Michele Greig agreed that restoration of the period landscape could be considered an objective.

The Board members generally agreed to visit this site after visiting Teviot, all to begin at 4:30 p.m. on Saturday, April 21. Charlie Laing agreed to explore possible Indiana bat habitat.

OTHER BUSINESS

Estersohn subdivision

Christine Kane said that Mr. Estersohn was weighing his options while evaluating the tax consequences of both a voluntary easement and a required easement. She said that he had been in discussions with Winnakee Land Trust. Michele Greig urged the members to watch the time deadlines, noting that the public hearing for the project had been opened on March 5, 2012.

Anderson Commons

Christine Kane said that she had participated in a conference call with Mr. Kearney's attorney, the attorney for the Village of Red Hook, and two attorneys from the DEC. She said that one of the pivotal issues was how long a project could linger before it became a new action. Also, she said, the DEC attorneys asked what the Town Planning Board would want considered or reviewed that the Village hadn't looked at. She said that she had noted the Town's new zoning regulations. She said that all parties had an opportunity to submit more information and that that a decision about the SEQR Lead Agency should be forthcoming in the next few weeks.

Michele Greig urged the Board to check to see when the clock for the Town's action on the project began or would, since deadlines could result in default approvals. The members agreed that without new application fees, the project application package was not technically complete.

(At this point, Michele Greig left the meeting)

James Greig application for Purchase of Development Rights

The Board noted that James Greig had made application to the Town Board for purchase of development rights funding through the Farmland Protection Program.

Bard alumni/ae center

Kris Munn wanted to know who authorized removing a section of the old Cappacino's restaurant after the roof was removed and structural fire damage was found. He said that the Building Inspector should have been called or the applicants should have come back to the Planning Board for a more extensive site plan review, since changes in the parking, traffic circulation or other aspects of the site plan could have been contemplated. The Board agreed to research the situation.

ADJOURNMENT

Since there was no further business to come before the Board, Brian Walker made a motion to adjourn. Sam Harkins seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Resolution granting site plan approval to Arvine and Wendy Coon

Resolution Granting Site Plan Approval to Coon Farm Market

Name of Project: Coon Farm Market

Name of Applicant: Arvine and Wendy Coon

Date: April 16, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Site Plan approval from Arvine and Wendy Coon to convert an existing $\pm$ 900 square foot building into a $\pm$ 900 square foot "Farm Market 3" and associated site improvements on a $\pm$ 1.65 acre parcel (Tax Map Parcel Nos. 134889-6272-00-204125 and 134889-6272-00-212134) in the AB Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan prepared by Mark R. Graminski PE and LS dated March 17, 2012; and

Whereas, the Planning Board has reviewed the Site Plan application against the requirements of Article VII of the Zoning Law and has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department determined in its review dated March 22, 2012 that the project was a matter of local concern; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on March 5, 2012 determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply; and

Whereas, on March 5, 2012 the Planning Board determined that a public hearing on the Site Plan application is not required since the application requires only minor site plan review pursuant to the Zoning Law § 143-39.1C; and

Whereas, the Planning Board had deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants Site Plan approval to Arvine and Wendy Coon to convert an existing 900 square foot building into a "Farm Market 3" in accordance with

the plans and specifications heretofore submitted upon the following conditions:

1. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Planning Board Chairwoman:
 - A. Confirmation from Dutchess County Clerk's Office that the two parcels have been merged and inclusion of the new Tax Parcel ID number on the Site Plan.
 - B. Plan Note 3 shall be revised to refer to the "parcel" in the singular.
 - C. The Site Plan shall be revised to show the correct location of the farm market in garage in the center of the property, and this shall be labeled "farm market."
 - D. The Site Plan shall be revised to demarcate the "proposed sales display area" between the existing access drive and the existing 36" Pine tree.
 - E. The Site Plan shall be revised to relocate the handicap parking space to the east end of the parking lot.
 - F. Submission of Site Plan drawings for stamping and signing in the number and form specified under the Town's Zoning Law, including all required stamps and signatures.
 - G. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for Planning Board Chairwoman endorsement. One (1) set shall be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Inspector. The applicant must return for approval from the Planning Board if any changes from the endorsed plans are subsequently desired.

2. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
 - A. All proposed improvements shall have been completed in accordance with the approved Site Plan.
3. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
 - A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant shall be considered conditions of this Site Plan Approval.
 - B. The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits.

In taking this action, 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.

On a motion by Sam Harkins, seconded by Charlie Laing, and a vote of 5 for, 0 against, and 2 absent, this resolution was adopted on April 16, 2012.

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

Paula Schoonmaker, Deputy Clerk to the Board Date