

draft
**Town of Red Hook Planning Board
Meeting Minutes
December 20, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. by Chair Paul Thomas and a quorum determined present for the conduct of business.

Members present— John Hardeman, Christine Kane, Mary Lou Muirhead, Sam Phelan, Paul Telesca, David Wright and Chair Paul Thomas. Planning Consultant Art Brod was also present.

BUSINESS SESSION

The Chair confirmed the meeting agenda for the evening, and the Board confirmed its next regular meeting for January 3, 2005.

The minutes of the December 6, 2004 meeting had been sent to the Board members and reviewed. Mary Lou Muirhead made a motion to accept those minutes. The motion was seconded by John Hardeman, and all members were in favor.

There were no public hearings.

REGULAR SESSION (OLD BUSINESS)

**TGS Associates, Inc./ Hardscrabble Plaza – NYS Route 9 and Metzger Road –
Conceptual Site Plan**

Todd Baright and Tom Cummings, P.E. appeared before the Board with a revised plan for modifications and construction within Hardscrabble Plaza on NYS Route 9 in the B1 District. Mr. Baright said he had been working on the revisions with Scenic Hudson and with John Clarke and Noela Hooper of the Dutchess County Department of Planning and Development.

Mr. Baright said that the major change in the plan was the removal of the proposed car wash and the addition of a proposed two story mixed-use building to the east of the existing building. Mr. Baright described the mixed use building as containing retail stores or offices and one handicapped-accessible apartment on the first floor and probably nine (9) or ten (10) apartments on the second floor. He said that the Town needs affordable housing and that this building would be an efficient use of space. Parking would be located behind the building, creating a village or neighborhood appearance. He realized that establishing apartments would require a Special Use Permit.

He also said that in the revised plan, the large Plaza parking lot had been moved approximately twenty (20) feet to the north, thereby lining it up more directly with the exit, giving more room to the entrance and creating more space for pedestrians, tables and landscaping.

Asked about possibly contaminating the large aquifer beneath the Plaza, Mr. Cummings replied that the soil was very sandy and would act as an effective filter.

Planning Consultant Art Brod brought up several points for the applicant to consider. First, Mr. Baright must incorporate in his plan open space for the apartment residents; second, he must develop suitable designs and locations for the sewage disposal systems; and third, he must make sure there would be an adequate stormwater drainage system. Finally, he warned that the sandy soil might cause excessive percolation, which would threaten the aquifer. Mr. Baright agreed that these concerns would be addressed.

Mr. Baright went on to say that Mr. Clarke was currently working on a plan for the entire parcel but that he, Mr. Baright, would only make application for the first stage of the development. Mr. Brod said that as this master plan was being developed, the applicant should contact the Mid-Hudson Valley Federal Credit Union, which may purchase the adjoining parcel.

Christine Kane praised the revised plan saying that Mr. Baright had greatly improved the traffic flow and patio-type areas for pedestrians. She said that green spaces and outdoor lighting for the apartment residents should be incorporated in the plan.

The Board generally discussed the designs of both proposed buildings, suggesting that the appearances could be more varied to give a sense of "neighborhood". The Board encouraged Mr. Baright to reconsider the proportion of the second story windows shown in the mixed-use building and also to consider breaks in the linear appearance of that building. Among the suggestions were: including bay windows, the addition of overhangs or awnings over the doors, a change of color, building material or clapboard direction in the middle of the building, an arched "walk-through" in the middle of the building, division of the roofline to create the appearance of two buildings, and actually dividing the building into two sections connected by a breezeway.

Finally, Art Brod said that while the concept of shared parking works well in an office/residential situation, it is not as successful in a retail/residential situation because both apartment residents and shoppers would be vying for spaces on Saturdays and Sundays.

At the applicant's request, the project was tentatively scheduled for reappearance before the Board on January 3, 2005.

REGULAR SESSION (NEW BUSINESS)

DJ Vosburgh Enterprises LLC – Kidd Lane – Subdivision Plat

Mark Graminiski, P.E. and L.S., was present with an application to create two building lots, one of 9.2-acres and one of 9.5-acres, from an 18.7-acre parcel on Kidd Lane, in part within the TOV (Town Outside Village) of Red Hook and in part within the Village of Tivoli. Within the Village, the applicable zoning for the parcel was 'LC' along Stony Creek and R2A in the remaining portion. The portion lying within the Town was zoned R5. Because the parcel straddled the Town/Village boundary, the parcel had two tax grid numbers.

Mr. Graminski began by saying that he had spoken to Mr. Busso from the Village of Tivoli who had said that, since none of the land lying within its boundaries would be subdivided, the Village would not require a formal subdivision application for the project.

Mr. Graminski also said that the two parcels would be accessed by a common driveway off Kidd Lane. The lots would be located within wooded areas and would be large in size to allow for septic systems in clay soils. He said the relatively flat terrain would allow easy access by emergency vehicles. He agreed that a maintenance agreement would be needed for the driveway.

Art Brod made several observations. First, he said that the entire Village of Tivoli lay within the National Historic Landmarks District, but since Tivoli was not requiring an application, this project could be considered an “unlisted action” under SEQRA as far as the Town was concerned. He also said that since the parcel was within five hundred (500) feet of the Certified Agricultural District, an Agricultural Data Statement would be needed. Third, he said that a Coastal Consistency or Assessment Form would be needed to comply with the Local Water Revitalization Act, and fourth, he said that parcel lay within the Scenic Overlay and that the viewshed should be protected by requiring the designation of building envelopes on the final plats. Further development would be prohibited by the 5 Acre zoning requirement

Mary Lou Muirhead made a motion to adopt the following resolution accepting the application and related documents as sufficient for Board and consultant review.

The Town of Red Hook Planning Board hereby acts as follows on the November 24, 2004, Application by DJ Vosburgh Enterprises LLC for Sketch Plan Endorsement for the creation of residential building lots of 9.2 acres and 9.5 acres through Resubdivision of Lot 3, Filed Map 7621, located in part within the RD5 District and the TOV portion of the Town of Red Hook and in part within the Village of Tivoli, all as depicted on a drawing entitled ‘Minor Subdivision / Sketch Plan’ prepared by Mark Graminski, P.E. and L.S., and dated November 24, 2004, revised to December 20, 2004:

1. Endorses the Sketch Plan subject to concurrence by the Village of Tivoli Planning Board.
2. Classifies the Application as a ‘Minor 2-Lot Subdivision / Resubdivision of Lot 3, Filed Map 7621’ under the Town’s Land Subdivision Regulations and an ‘Unlisted Action’ under SEQRA.
3. Authorizes the timely submission of an Application for Minor Subdivision Plat Approval in full accordance with the requirements therefore set forth in the Town’s Land Subdivision Regulations and with the following additional information:
 - Record of appearance before the Village of Tivoli Planning Board.
 - Documentation of review of proposed shared driveway access intersection with Kidd Lane by the Town Highway Superintendent.

- Agricultural Data Statement due to reported adjacency to lands within Certified Agricultural District and inclusion of associated notation on the Subdivision Map.
- Designation of building envelopes on final plats.
- Coastal Consistency Form if site is determined to lie within the Town of Red Hook Local Waterfront Revitalization Area.
- Flood Hazard Boundary/Elevation Data.
- Draft of proposed shared driveway access, ownership and maintenance agreement.
- Engineering design of intended common driveway improvement.
- Engineer's certification of buildability of proposed lots without waiver under Dutchess County Health Department standards based upon field investigations and in consideration of proximity to Village lands, stream course and associated flood plain, and adjacent residential uses.

David Wright seconded the motion, and all members voted in favor.

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

Bill Dailey and Leonard Ross from the CAFH Order and Mark Graminski, P.E. and L.S., appeared before the Board with an application to consolidate three adjacent (3) parcels totaling 56 acres into one (1) and then subdivide that parcel into two (2) lots of 9.0 acres and 47 acres. All parcels are located in the RD3 District.

Mr. Graminski explained that this proposed action would straighten lot boundaries and resolve one non-conforming lot. He said that after the subdivision, the CAFH structures would be consolidated on one lot, while the other lot would contain the Webjogger equipment and vacant land. He said that CAFH had no plans for development.

Since the parcel was found to contain prime soils and to lie within the Certified Agricultural District, Christine Kane made a motion to refer the application to the Agricultural Advisory Committee for review. Paul Telesca seconded the motion, and all members voted in favor.

Stephen Buscarino – NYS Rte. 9G and West Kerley Corners Rd. – Subdivision Plat

Marie Welch, L.S., and Lisa Racano were present to resubmit an application to subdivide an 11.827-acre parcel into three residential building lots. The parcel is located at the intersection of NYS Rte. 9G and West Kerley Corners Rd. in the RD3 District.

Ms. Welch explained that the Conditional Final Approval for the project granted by the Planning Board on December 1, 2003 had expired and that this subdivision proposal

was the same as the previous plan. Most of the needed documents had already been submitted.

Art Brod advised the Board that even though the project had undergone a public hearing for the prior approval, a new public hearing must be scheduled.

Mary Lou Muirhead made a motion to adopt the following resolution:

The Town of Red Hook Planning Board hereby acts as follows on the December 8, 2004, Application by Stephen Buscarino for Sketch Plan Endorsement for the creation of an existing dwelling lot of 5.0 acres and residential building lots of 3.407 acres and 3.419 acres from an 11.827-acre parcel (TMP 6174-00-838978-00) situate to the northeast of the intersection of West Kerley Corners Road (DC 78) and NYS Route 9G in the RD3 and Scenic Corridor Overlay (SC-O) Districts , all as depicted on a drawing entitled 'Subdivision Map prepared for Stephen M. Bucarino' by Marie T. Welch, L.S., dated September 10, 2003, and revised to December 8, 2004:

1. Endorses the Sketch Plan.
2. Classifies the Application as a 'Minor 3-Lot Subdivision' under the Town's Land Subdivision Regulations and, with the understanding the previous Kidz Kare proposal is not also being reactivated, an 'Unlisted Action' under SEQRA.
3. Authorizes the submission of a timely Application for Minor Subdivision Plat Approval in full accordance with the requirements therefore set forth within the Town's Land Subdivision Regulations and with the following additional information:
 - Documentation of submission to the Dutchess County Health Department and copy of all response correspondence from DCHD.
 - Documentation of review of proposed DC 78 driveway access location by Dutchess County DPW.
 - Documentation of review of proposed NYS Route 9G driveway access location by NYSDOT.
4. Schedules a public hearing for January 3, 2005 at 7:40 p.m.

John Hardeman seconded the motion, and all members voted in favor.

Philip Williams and George Verrilli – Baxter Road – Subdivision Plat

Tim Ross, P.E., and Phil Williams appeared before the Board with an application to create twelve (12) residential building lots from a 21.83-acre parcel on Baxter Road in the R1 District.

Mr. Ross explained that twelve (12) lots was the maximum number allowed for the parcel and that the “roundabout” road serving the lots was a design approved by Town Engineer Dan Wheeler and Town Highway Superintendent Wayne Hildebrandt. He said the road would be a Town road. He also said that rock outcroppings on the parcel had made sketching in suitable lot lines a challenge and had resulted in several flag lots and a shared driveway.

Mr. Ross also discussed the well and septic system placement, saying that the topography of the land limited the number of suitable sites and that grouping the septic systems would allow adequate separation of wastewater from the wells. Asked if tapping into the Red Hook Village water supply would be possible, Mr. Ross said that the expense of that construction would be prohibitive. Planning Consultant Art Brod said that while running a Village water line to the proposed new development might initially be expensive, doing so might result in a density bonus and would certainly give Mr. Ross more flexibility in siting the septic systems.

Mr. Brod also asked Mr. Ross whether the “roundabout” road could be extended to become a through access to Norton Road. Mr. Ross replied that the DEC wetland and stone ridge lying in the path of such a through road would make that change too expensive to consider.

Mr. Brod advised the applicant that he needed to submit a stormwater drainage plan. He also said that, upon his own field visit, he had been surprised at the amount of work already done on the site and that continued disruption of the land could be a violation of SEQRA.

The Board by consensus determined to schedule a field visit to the site for Sunday, January 2, 2005 at 11:00 a.m. The Clerk will post a notice at the Town Hall. The project was tentatively scheduled to reappear on the January 3, 2005 agenda.

OTHER BUSINESS

Ruth Oja - Conservation Advisory Committee

Ruth Oja, Chair of the Conservation Advisory Committee, spoke to the Board about the possible redesignation of her group from a Committee to a Board. A Conservation Advisory Board, she said, would be charged with reviewing any development application that would affect the Open Space Plan. It would remain advisory to both the Planning and Town Boards. This change, she said, would help assure that important conservation and environmental issues would not be overlooked.

Ms. Oja said that the CAC had inventoried sites, created maps and, in 2000, completed the Open Space Plan. The maps, she said, are contained within the Plan.

Asked if the reviews undertaken by a CAB would duplicate those of the Agricultural and Open Space Advisory Committee, she said that agricultural was only one category of open space. The CAC had identified some twelve different categories which would come under the CAB purview.

Sam Phelan said that the first task should be to develop and adopt a serviceable Open Space map that could be used by the Town to identify areas to be protected.

Board members asked whether the CAC did not already have access to development application information and whether it did not already have a voice to comment if it chose to do so. Ms. Oja said yes, that was true, but that currently the onus was on the Committee to seek out that information. If applications were routinely referred to the CAB, the group would be provided with a more formal path both to receive information and to provide a response.

Board members were concerned that, since the CAC currently meets only once a month, the group would be unable to respond in a timely fashion. Ms. Oja said that the group could meet more often.

The Board was also unsure about how it could decide which applications “would affect the Open Space Plan.” Some members said that the twelve open space categories were too vague and could conceivably encompass every application submitted to the Board.

The Board generally agreed that the redesignation of the CAC was a Town Board action. Ms. Oja said that the Planning Board would be asked for its opinion about the matter and that the CAC was open to any suggestions.

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. John Hardeman seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 9:45 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board