

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
December 19, 2016**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present: Christine Kane, Charlie Laing, Lisa Foscolo, Sam Phelan and Brian Kelly. Also present was planning consultant Michele Grieg and engineering consultant Brandee Nelson. Sam Harkins and Kallie Robertson were absent.

Charlie Laing made a motion to approve the minutes of the December 5 meeting. Sam Phelan seconded and all members voted in favor.

PUBLIC HEARING

DMAJS Associates LLC - Edgewood Drive/Cedar Drive/Overlook Drive - Minor Subdivision
Public Hearing on application to create a 3 lot subdivision from a 29.6 acre parcel in the R 1.5 Zoning District.

Christine Kane read the Public Hearing announcement that was published in the Poughkeepsie Journal and the Daily Freeman. Doug Strawinski was present. He gave an overview of the project for the public. He said that it has not yet been determined who will supply water for the 3 proposed residences, but it would be either private wells or the local water district. He said he has not been able to determine whether or not the subdivision falls within the local water district. He said if they do not tie into the local water district, they will have individual wells.

Ms. Kane asked if there were any questions or comments from the public. There were none. Ms. Kane asked Mr. Strawinski about the status of the access easements. Mr. Strawinski responded that his attorney and the town attorney are still working on the turnaround easement to be given to the town, and the driveway maintenance agreement is nearly complete.

Ms. Kane asked if there were any questions or comments from the public. There were none. Charlie Laing made a motion to close the public hearing. Brian Kelly seconded and all members voted in favor.

The Board and applicant reviewed a draft approval resolution and made some revisions regarding plan notes and other conditions relating to the water supply and approved easement agreements.

Charlie Laing made a motion to adopt the approval resolution. Brian Kelly seconded and all members voted in favor.

OLD BUSINESS

Teviot LLC / 245 Woods Road – Special Permit

Continued discussion of application to remove trees within 1000 feet of the Hudson River on a 19.22 acre parcel and a 62.91 acre parcel in the WC Zoning District and the National Historic Landmarks District.

Attorney Jon Adams and property manager Mark Barry were present. Also present was Planning Board landscape consultant Stefan Yarabeck.

Christine Kane asked Mr. Yarabeck to comment on the most recently revised planting plans. Mr. Yarabeck said that the applicants had redesigned the plan to reflect the board's desires and his comments at the last meeting. He reviewed the revisions to the plan, which restores the romantic landscape, and provides more trees on the tidal buffer and future nesting trees for the Eagles. He said a management plan had been prepared by him and Mr. Barry.

The Board generally agreed that three items be added to the maintenance plan: all stumps should be left in place, the Indiana Bat habitat will be protected by limiting the removal or trimming of trees to between October 1 and March 31, and any trees planted that fail to thrive be replaced.

The Board reviewed an Environmental Assessment Form revised 12-19-16. Charlie Laing made a motion that the Board adopt a Resolution Establishing Lead Agency for a Type 1 action. Sam Phelan seconded and all members voted in favor.

The Board reviewed a Local Waterfront Revitalization Program Consistency Determination (LWRPCD) form prepared by Michele Grieg. Brian Kelly made a motion to adopt the LWRPCD. Lisa Foscolo seconded and all members voted in favor. The Board reviewed SEQR part 2.

A public hearing was scheduled for January 9.

OTHER BUSINESS

Pre-application discussion – Marty Willms, Red Hook Self Storage revised site plan

Martin Willms was present. He said he wanted to add a storage building to his site, and asked the Board to confirm that his lot coverage calculations were correct in showing that another building could be added, or whether a variance would be required. Christine Kane read a memo from Zoning Enforcement Officer Bob Fennell. Mr. Fennell's opinion was that a variance for setbacks was not required. The Board generally agreed.

Mr. Willms said that he plans to request that the Town Board re-zone a small area of his parcel from residential to commercial. The Board agreed that would need to be done in order to apply for an amended site plan

Discussion – January meeting schedule

Since the Planning Board meets one time in January each year, the Board discussed changing the meeting date from the first to the second Monday in January going forward. Ms. Grieg noted that she may not be able to attend. The Board generally agreed to change the meeting date.

There being no further business before the Board, Brian Kelly made a motion to adjourn. Charlie Laing seconded and all members voted in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen Flood". The signature is written in dark ink and is positioned above the printed name and title.

Kathleen Flood
Secretary

Resolution Granting Approval to the Final Subdivision Plat for DMAJS

Name of Project: DMAJS Subdivision

Name of Applicant: DMAJS Associates LLC

Whereas, the applicant, DMAJS Associates LLC, has submitted an application for Final Subdivision Plat approval dated May 6, 2016 to the Town of Red Hook Planning Board for a minor subdivision to create three (3) lots from a $\pm$ 29.772 parcel of land (Tax Parcel Nos. 134889-6172-00-685170-0000) located at Edgewood Drive, Cedar Drive, and Birchwood/Overlook Drive in the R1.5 District, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Plat prepared by Mark R. Graminski PE, LS, PC. consisting of two sheets entitled "Minor Subdivision prepared for DMAJS Associated LLC" dated May 5, 2016 and last revised December 8, 2016 and "Plan Profile Common Drive—Individual Drive Construction Details" dated July 22, 2016 and last revised September 22, 2016; and

Whereas, on August 15, 2016, the Planning Board classified the project as an Unlisted action and declared itself Lead Agency for the review of an Unlisted action undergoing uncoordinated review; and

Whereas, on December 5, 2016, after reviewing the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), the Planning Board determined that the proposed action will not cause any significant adverse impact on the environment, and thus issued a Negative Declaration determining that an environmental impact statement need not be prepared; and

Whereas, the parcels are located within 500 feet of a certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement, dated May 6, 2016, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the Planning Board considered the Agricultural Data Statement in its review of the application; and

Whereas, the applicant proposes two (2) flag lots pursuant to § 143-21C of the Zoning Law and on September 19, 2016, the Planning Board determined such lots meet the minimum requirements for a flag lot and are essential to permit reasonable use of the subdivision tract without adverse environmental impact or in contravention of the public health, safety and welfare; and—

Whereas, on December 19, 2016, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on December 19, 2016; and

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

NOW THEREFORE BE IT RESOLVED that the Planning Board finds that the action will create a need for recreational land and facilities due to the generation of approximately 11 new residents of the Town including four (4) new school age child (based on multipliers provided by Rutgers University, Center for Urban Policy Research "Residential Demographic Multipliers," June 2006). When considering the cumulative demands of all recently approved and pending subdivision applications on Town recreational facilities, there may be a need to expand such facilities in the near future as a result of this and other subdivisions. Based on the present and anticipated future need for park and recreational opportunities in the Town, and the recreation demands that will arise from the future population of this project, parklands should be reserved as a condition of approval of this subdivision. However, the Planning Board has examined the feasibility of locating a park on the subject parcel and has determined that the site is not suitable. Therefore, pursuant to New York State Town Law § 277, the Planning Board has appropriate grounds to required that the applicant deliver payment in lieu of parkland dedication in an amount established by the Town Board, sufficient to allow for expansion of the Town's recreational facilities.

BE IT FURTHER RESOLVED that no building permit may be issued for any lot until the applicant provides the Town of Red Hook Building Department with proof of recordation of the Common Use and Maintenance Agreement for the common driveway with the Office of the Dutchess County Clerk.

BE IT FURTHER RESOLVED that the Planning Board hereby grants Final Subdivision plat approval to DMAJS Associates LLC in accordance with the plans and specifications heretofore submitted, subject to the following conditions and modifications:

- A. The Planning Board authorizes the Chair or her authorized designee to sign the Subdivision Plat after compliance with the following conditions:
 - 1) The subdivision plat sheet entitled "Minor Subdivision prepared for DMAJS Associates" shall be revised to:
 - (i) Add a Plan Note that "The existing vegetation to the north and east of the house site on Lot 3 serves as a buffer between the buildings on this lot and the adjacent farm operations. No clear cutting of the existing vegetation in these areas is permitted."
 - (ii) Revise the second sentence of Plan Note 8 so that it reads: "The applicant shall present the Town of Red Hook Building Department evidence of the recordation of the Common Use and Maintenance Agreement with the Dutchess County Clerk's Office prior to the issuance of a building permit for the first lot (either Lot 1, 2, or 3) proposed to be developed."
 - (iii) Add a note to the subdivision plat that will be filed with the Dutchess County Clerk's Office stating that two sheets entitled "Minor Subdivision prepared for DMAJS Associated LLC" and "Plan Profile Common Drive—Individual Drive Construction Details," including the date and final revision date of both sheets, have been granted approval by the Town of Red Hook Planning Board and are on file with the Town of Red Hook Planning Office.

- 2) The parcel that was formerly shown as part of the ROW dedication is to be merged with the subject parcel and a deed of merger satisfactory to the Town attorney shall be submitted and recorded.
- 3) Submit correspondence from Dutchess County Department of Health to the Town Planning and Building Department stating that DOH agrees to allow individual wells for the proposed subdivision if connection to the existing public water supply system serving Forest Park is not practical.
- 4) Submit certification from a licensed professional engineer that all three lots can support individual wells and septic systems if connection to the public water supply system is not possible.
- 5) Submit a Common Use and Maintenance Agreement for the common driveway in a form, substance and manner of execution acceptable to the Town Attorney for the proposed common driveway.
- 6) Obtain a driveway permit from the Town Highway Superintendent for the proposed common driveway from Birchwood Drive/Overlook Drive.
- 7) Offer an easement in a form, substance, and manner of execution acceptable to the Town Highway Superintendent, Town Board and Town Attorney to allow for a permanent highway maintenance/turnaround/snow storage area on a ± 0.193 acre portion of the applicant's property.
- 8) Submit an Erosion and Sediment Control Plan acceptable to the Town Engineer.
- 9) The applicant shall make a recreational fee payment, in an amount established by the Town Board, for two (2) residential building lots to allow for expansion of the Town's recreational facilities.
- 10) Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- 11) Payment of any and all outstanding escrow balances for consultant review.
- 12) 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 P.E. and L.S. stamps and signatures.
- 13) The applicant shall verify that the corners and angle points of the boundaries of the original tract being subdivided have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-29B(2)(b) and (f) of the Town Code.
- 14) All drainage improvements and structures are to be placed on the applicant's property only. No drainage improvements are to be placed within the Town's ROW.

B. The following conditions shall be met prior to any land disturbance:

1. Prior to any land disturbance, the applicant shall obtain coverage from the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

BE IT FURTHER RESOLVED That Pursuant to § 72-2C of the Town Code, prior to the initial sale, purchase or exchange of any real property within the subdivision, the applicant shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicant shall incorporate the agricultural notice of the Town

Code in any deeds wherein title to any property is to be initially conveyed to a grantee. Appropriate documentation shall be provided to Town Building Department.

BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Chairman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk, and a copy sent to the applicant.

On a motion by **Charlie Laing**, seconded by **Brian Kelly**, and vote of and a vote of **Cristine Kane, Charlie Laing, Lisa Foscolo, Sam Phelan and Brian Kelly** for, **none** against, and **Kallie Robertson and Sam Harkins** absent, this resolution declared:

Adopted on **December 19, 2016**.

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

<u>Kathleen Flood</u>	<u>12-20-16</u>
Kathleen Flood, Clerk to the Board	Date

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Type 1 Action

Name of Action: Teviot Tree Removal

Whereas, the Town of Red Hook Planning Board is in receipt of a Special Use Permit application from Teviot Property LLC for a $\pm$ 62.9 acre parcel located at 40 Davis Lane in the Town of Red Hook, Dutchess County, New York; and

Whereas, a Full Environmental Assessment Form (EAF) dated December 8, 2016 and revised December 19, 2016 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 1 action; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter since no other agency has approval authority with respect to the proposed action.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action, as it is the only involved agency.

Be It Further Resolved, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by **Charlie Laing**, seconded by **Sam Phelan**, and a vote of **Christine**

Kane, Charlie Laing, Lisa Foscolo, Sam Phelan and Brian Kelly for, and **none**

against, and **Kallie Robertson and Sam Harkins** absent, this resolution was adopted

on **December 19, 2016.**