

## **APPROVED**

### **Town of Red Hook Planning Board Meeting Minutes June 19, 2006**

#### **CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:42 p.m. and a quorum determined present for the conduct of business.

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

#### **BUSINESS SESSION**

Christine Kane confirmed the contents of the agenda but said that the Board would discuss 'Other Business' items at the beginning rather than at the end of the meeting.

The minutes from the June 5, 2006 meeting had been sent to the members and reviewed. There were two corrections: the Town of Rhinebeck and the Landsmankill Trail Association would be *interested* agencies, not 'involved' agencies in the Williams/Angelier subdivision project, and mention should be made about researching the cul-de-sac issue in the Meadow Brook Estates project. Sam Phelan made a motion to approve the minutes with the above corrections. Jennifer Fier seconded the motion, and all members present voted in favor.

Christine Kane said that the Board had received a letter, dated June 12, 2006, from Hudson River Heritage asking that the organization be included as an interested agency when an action was proposed for any parcel located within the Hudson River National Historic Landmarks District.

Christine Kane also announced that at its reorganization meeting earlier this year, the Town Board had reappointed Keane & Beane to act as the Planning Board's land use attorneys.

Christine Kane then referred to a letter dated June 1, 2006 from Robert K. Fennell, 60 Benner Rd., objecting to the rejection of his application for enrollment in the Conservation Easement Program. That rejection had come from the assessor's office.

Finally, Christine Kane summarized a letter dated May 30, 2006 from Sandra Carroll, 29 Edgewood Dr., objecting to the issuance of a burning permit to one of her neighbors.

#### **OTHER BUSINESS**

The Board generally discussed the final revisions to draft conservation subdivision regulations prepared by GreenPlan. Ms. Greig said she would incorporate the changes and circulate the final draft to the members before the next meeting.

## **PUBLIC HEARINGS**

### **Antonio Nogales – 219 Barrytown Rd. (Barrytown)- Special Permit**

Antonio Nogales was present for the public hearing on his application for a Special Permit to authorize establishment of a home occupation in an existing garage on a 1.96-acre parcel in the (H) Hamlet Zoning District.

Christine Kane read the public hearing notice that appeared June 13, 2006 in the Kingston Daily Freeman.

Mr. Nogales explained that he wished to make pasta in his existing garage, which would be renovated for that use. He said there would be no commercial sales from the garage, limited deliveries, no sign, and no exterior lighting.

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

The matter had been referred to Dutchess County Planning under General Municipal Law 239m. That agency responded with a letter of no concern.

The Board generally discussed that while a full-fledged site plan review could be waived in this case, a baseline site plan could be required. This plan would locate the water supply and septic system and would note that no parking, sign, building additions, or exterior lighting would be installed for this project and that there would be no employees.

The Board also generally agreed that the applicant should forward a copy of the Health Department inspection report and the report from NYS Ag and Markets when they are received.

John Hardeman suggested that the Board could adopt a resolution granting the Special Permit with the added note that the Board had waived the site plan requirement because of the limited scope of the project and with added conditions stating that no employees, parking area, sign or exterior lighting would be part of the project and that deliveries would be made during normal working hours. The applicant should locate on his submitted map the building which would contain the operation.

Since there was no public comment, John Hardeman made a motion to close the public hearing. Paul Telesca seconded the motion, and all members voted in favor. Christine Kane closed the public hearing.

Charles Laing made a motion to adopt an offered resolution, adding the waiver and notations discussed above and referencing the submitted map on which the building proposed for the home occupation would be clearly marked. John Hardeman seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

## **REGULAR SESSION (OLD BUSINESS)**

### **7 Pines, LLC – Norton Road – Subdivision Plat**

Tom LeGrand, Donald Wise, and Tom Mannix, P.E., were present for the continued discussion of an application for subdivision plat 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 Zoning District.

Mr. Mannix said that the Dutchess County Health Department wanted him to remove the well and septic locations from the subdivision plat map filed with the County, so these locations will be noted on a separate sheet that will be filed with the Town. The sheet filed with the Town will not be stamped and signed by the Health Department. Ms. Greig said that this second sheet should be referenced by a notation on the plat map filed with the County.

Christine Kane reviewed the GreenPlan memo dated June 14, 2006 which noted that several corrections and omissions were still outstanding.

Mr. LeGrand said that he had not received a copy of Keane & Beane's comments regarding the conservation easement. Christine Kane said that she would forward a copy of those comments to him.

Mr. LeGrand submitted a revised map with shadings and cross-hatching to differentiate between the proposed building envelopes and the proposed accessory areas.

Mr. LeGrand agreed to submit a letter from DEC which states that the agency is agreeable to the wetland crossings for the driveways on lots 1 and 5 as depicted on the revised map.

After reviewing the conditions for final approval, John Hardeman made a motion to adopt an offered resolution granting conditional Final Plat Approval to the project. 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.

#### **Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – Subdivision Plat, Site Plan & Special Permit**

Darin Dekoskie, P.E., and Steve Tinkelman were present for continued discussion of applications for Special Permit, Site Plan and Subdivision Plat Approval to create 51 residential building lots ranging from 0.12 acres and up and an open space lot from a 65.3-acre parcel, partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

#### Site Plan

Christine Kane read an e-mail dated June 19, 2006 from Jay Trapp, who had reviewed the most recent plans for the Town Engineer's office. He had some minor comments but said that the office would wait until additional comments from NYS DEC and the Health Department were in before conducting a detailed review.

The applicants and the Board then reviewed the GreenPlan memo dated June 16, 2006 and recent changes made by the applicants. One new color had been added to the allowed palette, details regarding the benches had been submitted, and cedar fencing had been included in the allowed fencing materials. The applicants were asked to update their materials lists. There were some questions concerning landscaping, sidewalks, the stormwater drainage areas. The proposed street widths (24' for 2-way roads and 22' for 1-way roads) were deemed acceptable.

Speaking about the individual large lots outside the Commons area, Mr. Tinkelman said that while the style, design elements and landscaping would largely be left up to the homeowner, there would be some guidelines regarding the retention of trees along the connector road and the siting of the garages. The Board encouraged the applicants to vary the setbacks in the front yards. The Board also encouraged the applicants to place the restrictions on front yard tree retention and other guidelines in the conservation easement for the open space at the rear of the lots, not in deed restrictions.

The Board addressed the concept that these large lots were a transition from the Traditional Neighborhood Design of Anderson Commons to the more suburban model development seen on Glen Ridge Road. Mr. Tinkelman said that the lots appeared flat and suburban on paper but that in reality, the topography of the land would encourage the flexibility in setbacks and siting that the Board had in mind. Mr. Dekoskie said that the Village would supply the water to the lots but that each lot would have a private septic system. He said that the location of acceptable soils on each lot would also play a role in siting the houses. The Board and the applicants agreed that the language regarding buffering, landscaping and variety should be strengthened.

Asked about the 'live-work' unit, the applicants said that the unit would contain a 2,000 sq. ft. office on the bottom floor and a 2-bedroom apartment on the top. Mr. Tinkelman added that such a unit is allowed under Village zoning.

The Board asked the applicants to clarify which restrictions applied to which lots, since there was some discrepancy in the descriptions, and to make sure that the lot numbers or letters on the site plan conformed to those on the subdivision plan.

The applicants received Keane & Beane's review of the draft Homeowners' Agreement and other documents. They asked if they could reply directly to Keane & Beane, but Christine Kane said that usually the law firm will only reply to the Planning Board chair.

Asked if the width of the sidewalks had been changed from 5 ft. wide to 4 ft. wide, Mr. Tinkelman said that he would review those figures with his clients. Also, the Board asked if the front porches had been changed from 6 ft. deep to 5 ft. deep.

The applicants were asked to add the architectural codes to all sheets of the plan.

The Board discussed the proposed sign for Anderson Commons. The applicants agreed to remove it from the plan. The Board asked for specifications for the street signs.

The applicants said that the pathways in the common area would be gravel. Grass would be planted over the septic system, but no play equipment would be installed. The applicants said that the landscaping near the alleys would be the responsibility of the homeowners. The Board encouraged the applicants to plant at least some trees at the rear of the lots along the alleys.

The Board discussed those rooms labeled on the floor plans as 'den' or 'unfinished study'. The members wished to know whether the applicants had considered the possibility of those rooms becoming bedrooms when they calculated the potential load on the water supply and septic system. Mr. Dekoskie said that those rooms were not considered bedrooms in the calculations. The Board asked the applicants to define the excess capacity of the septic system.

Asked about the ownership of the 2- and 3-family units, Mr. Tinkelman said that each family would own its unit and the land beneath it.

The applicants said that the incentive package had not been finalized in the Village, but Mr. Tinkelman said that he felt confident that the lot lines were firmly in place.

### Subdivision

The Board and the applicants discussed the GreenPlan review. Mr. Tinkelman said that the applicants were still working on the guidelines for the Transportation Corporation, which would control and maintain the common septic system. There were some minor errors to be corrected and some minor issues to be clarified.

The Board and the applicants discussed the benefits and disadvantages of the Town owning and maintaining the stormwater detention area near the executive lots. Mr. Dekoskie said that since the water would be draining the Town roads and drainage network, Town control of the detention areas would be appropriate.

The Board reviewed an offered resolution granting Preliminary Subdivision Plat approval. Sam Phelan requested an additional paragraph concerning the agreement to deviate from the Town subdivision regulations concerning road widths.

The Board asked the applicants to submit a draft of the conservation easement and to submit details of the Transportation Corporation when available.

Sam Phelan made a motion to adopt an offered resolution, with the additional paragraph. Paul Telesca seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

### **Rondack Construction/ Glen Pond Road Office Buildings – Glen Pond Road - Site Plan**

Art Brod and Ron Goodman were present for continued discussion of an application for Site Plan Approval to authorize construction of two (2) one-story buildings totaling 9600 sq. ft. for business and/or office use on a 1.889-acre site in the B2 Zoning District.

Mr. Brod said that there had been no changes in the plan and that the applicants had secured the requested variances from the ZBA on June 14, 2006.

Asked what kind of heating system was planned for the building, Mr. Goodman said that probably propane would be used. The Board asked the applicants to make that addition to the site plan.

The Board reviewed an offered resolution granting site plan approval and the attached conditions.

The Town Engineer will be asked to calculate the amounts needed for the bond mentioned in the resolution.

John Hardeman made a motion to adopt that resolution. Sam Phelan seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

(at this point, both John Hardeman and Planner Michele Greig left the meeting)

### **REGULAR SESSION (NEW BUSINESS)**

#### **Douglas and Theresa Schaff – 71 Starbarrack Road – Lot Line Alteration**

Doug and Terri Schaff were present with an application for Lot Line Alteration to convey approximately 9 acres to the adjoining parcel, also owned by the Schaffs, in the RD3 Zoning District, with one (1) parcel in the Certified Agricultural District.

Ms. Schaff explained that the current lot line separates the existing historic house and the historic barn. She said that the proposed lot line would unite the two buildings and leave a remaining lot with an old labor camp that already has a well, septic system and electric service. She said that several parties were interested in either building an eco-friendly house on the foundation of the labor camp or using the land for agriculture.

Asked about the status of the Central Hudson land at the rear of the lots, Ms. Schaff said that someone is apparently interested in purchasing that acreage. She said that the Central Hudson easement that cuts through the property and parallels the proposed lot line was intended solely for access to the labor camp and the Central Hudson property to the rear.

The Board determined that there would be adequate road frontage for both lots.

Since there are Soils of Statewide Importance on the land, the project was referred to the Agricultural and Open Space Advisory Committee. A cover letter would accompany the referral package asking for the Committee's preliminary comments.

The applicants would be willing to prohibit any further subdivision on the eastern lot.

The Board classified the project as an 'Unlisted Action' under SEQR. Charles Laing made a motion to establish the Board as Lead Agency for the SEQR review. Sam Phelan seconded the motion, and all members present voted in favor. Hudson River Heritage was added as an interested agency.

The applicants were asked to submit a letter stating their willingness to prohibit further subdivision on the eastern lot. They could accomplish this either by deed restrictions coupled with a note on the plat or by placing a conservation easement on the lot.

The Board scheduled a public hearing for July 10, 2006.

#### **Gigi's Farm Market – 227 Pitcher Lane – Special Permit**

Norman Greig, John Storm and Laura Pensiero were present with an application for Special Permit to authorize establishment of a farm market in an existing building on a 108-acre parcel in the RD3 Zoning District and Certified Agricultural District.

Mr. Grieg explained that the building had been continuously used as a farm market; the only change was that a different tenant would be operating the business.

The Board classified the project as an 'Unlisted Action' under SEQR. Jennifer Fier made a motion to establish the Board as Lead Agency for the SEQR review. Paul Telesca seconded the motion, and all members present voted in favor.

The Board reviewed the statement describing the intended business. Ms. Pensiero said that she would be preparing food for her catering business and selling goods over the counter. She said there would be some tables for inside eating. The business would be open during the day.

The Board reviewed the proposed sign and encouraged the applicant to investigate fully shielded 'down lighting'. Cut sheets for the selected lighting will be required. The Board will check to make sure the sign complies with the Town's size requirements.

Mr. Greig said that there were three existing lights in the parking lot and that no new lighting would be added.

The applicants said that they hoped to operate the business year around but would assess that schedule after the summer season.

Some Board members questioned whether the business would be consistent with the description of 'farm market' as defined in the zoning regulations. Mr. Greig said that the applicants wished to grow produce on 10 acres and then sell the produce at the farm market, so, he said, the business would fit the definition. Christine Kane asked the applicants to amend their narrative to include the leasing of the 10 acres and the farming activity. She also said that the previous site plan and resolutions regarding past farm markets at the site would be researched.

The Board asked the applicants to expand their explanation of the proposed business, including hours of operation, what they propose to do with the produce, the extent and nature of the in-house seating, and examples of produce. The members said that they wanted to be sure that the business was not actually a 'restaurant' or an outlet for goods produced elsewhere. They also asked for details of the lighting for the sign, a floor plan of the building, and a site plan of the area.

The Board then scheduled a public hearing for July 10, 2006.

#### **Red Hook Terminal South/ Bottini – 7269 South Broadway – Amended Site Plan**

Joel Sasser was present with an application for Amended Site Plan Approval to authorize modifications to an existing site on a 0.46-acre parcel in the B1 District.

Mr. Sasser said that Bottini Fuel wished to install a 20' x 30' concrete pad with a sideless carport cover to protect empty propane tanks from snow and ice. The installation would be located at the rear of the property, behind a stockade fence. The carport would be 12 ft. high at the peak. A previous concrete pad was removed.

The Board classified the project as an Unlisted Action under SEQR. Jennifer Fier made a motion to establish the Board as Lead Agency for the SEQR review. Paul Telesca seconded the motion, and all members present voted in favor.

The Board asked the applicant to submit a better map, choose a color and calculate the total impervious coverage.

The project was tentatively scheduled for the July 10, 2006 agenda.

### **ADJOURNMENT**

Since there was no further business to come before the Board, Jennifer Fier made a motion to adjourn. Sam Phelan seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:43 p.m.

Respectfully submitted

Paula Schoonmaker  
Assistant Clerk

### **Attachments**

Resolution granting Special Permit to Antonio Nogales

Resolution granting Final Subdivision Plat approval to 7 Pines, LLC

Resolution granting Preliminary Subdivision Plat approval to TKB/ Anderson Commons

Resolution granting Site Plan approval to Rondack Construction/ Glen Pond Office

**Town of Red Hook Planning Board  
Resolution Granting Special Use Permit to Antonio Nogales to Authorize  
Establishment of a Home Occupation (Pasta Making) in an Existing Garage  
at 219 Barrytown Road (Barrytown) in the Hamlet (H) District**

June 19, 2006

Motion made by Charles Laing  
Seconded by John Hardeman

**Whereas**, the Town of Red Hook Planning Board received an application dated April 29, 2006 from Antonio Nogales for the establishment of a home occupation (pasta making) in an existing garage; and

**Whereas**, the ± 1.96 acre parcel (TMP 6272-02-961918) is located at 219 Barrytown Road in the Town of Red Hook in the Hamlet (H) District; and

**Whereas**, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-32; and

**Whereas**, the Planning Board has reviewed an Application for Special Use Permit dated April 29, 2006, a Short Environmental Assessment Form (EAF), dated May 21, 2006, a site layout, photographs taken from Barrytown Road, and elevations of the garage; and

**Whereas**, a public hearing was held June 19, 2006, and

**Whereas**, the Planning Board has been duly designated Lead Agency in the review of this action and 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 cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement is not required; and

**Whereas**, the Planning Board has reviewed comments by the Dutchess County Office of Planning and Development; and

**Whereas**, the Planning Board deems the proposed development to satisfy both the "General Standards" for all Special Permit uses set forth at Zoning Law §143-51 and the 'Specific Standards' for a 'Home Occupation' as set forth at §143-32; and

**Whereas**, the Planning Board has waived the requirement for a detailed site plan review because of the limited scope of the project;

**Now therefore be it resolved,** that the Planning Board issues the requested Special Use Permit with the following conditions and authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

- Copies of reports from both the Dutchess County Department of Health and the NYS Ag and Markets Board shall be submitted as soon as available.
- The occupation shall have no employees.
- There shall be no sign, parking area, exterior lighting or additions to the building.
- Deliveries shall be made during normal working hours.
- There shall be no commercial sales from the building.
- The occupation shall be confined to the existing building noted on the accompanying site survey.

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	absent
Chair Christine Kane	yes

Resolution declared:     **APPROVED**

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

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Paula Schoonmaker, Assistant Clerk to the Board     Date

## **Resolution Granting Final Subdivision Approval to 7 Pines Subdivision**

**Date:** June 19, 2006

**Name of Project:** 7 Pines Subdivision

**Name of Applicant:** 7 Pines LLC

**Whereas,** the applicant has submitted an application for Final Subdivision approval dated October 8, 2005 to the Town of Red Hook Planning Board to subdivide a  $\pm$  126.9 acre parcel (TMP 15-6272-00-35135) into six (6) lots ranging in size from  $\pm$  7.99 acres to  $\pm$  39.28 acres; and

**Whereas,** the subject parcel is located at Norton Road in the RD3 District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant has submitted a Final Plat (Sheets 1 and 2) prepared by Thomas M. Mannix P.E. and L.S. dated May 28, 2006 and revised to June 2, 2006; and

**Whereas,** on June 6, 2005, the Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQRA; and

**Whereas,** on February 27, 2006, the Planning Board, in consideration of the Full EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus issued a draft Negative Declaration deeming an environmental impact statement need not be prepared, which draft Negative Declaration was formally adopted on May 15, 2006; and

**Whereas,** on February 27, 2006, the Planning Board conducted a public hearing on the Preliminary Plat application at which time all interested persons were given the opportunity to speak; and

**Whereas,** on March 13, 2006 the Town Highway Superintendent inspected the proposed driveway locations and determined that they meet or exceed site distance specifications and are acceptable to the Town of Red Hook Highway Department; and

**Whereas,** on May 15, 2006 the applicant was granted Preliminary Plat approval; and

**Whereas,** the Planning Board has determined that the Final Plat is consistent with the Preliminary Plat and that a Public Hearing on the Final Plat is not necessary; and

**Whereas,** the Planning Board now wishes to grant Final Plat approval to 7 Pines LLC to subdivide a  $\pm$  126.9 acre parcel located at Norton Road into six (6) lots ranging in size from  $\pm$  7.99 acres to  $\pm$  39.28 acres.

**Now therefore be it resolved,** that the Planning Board grants final plat approval to 7 Pines LLC to subdivide a  $\pm$  126.9 acre parcel into six (6) lots ranging in size from  $\pm$  7.99 acres to  $\pm$  39.28 acres in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. That the applicant obtains the permits and approvals listed on page 5 of the EAF.
2. That the applicant implements the environmental mitigation measures contained in the Negative Declaration.
3. That the applicant submits correspondence from the NYS Department of Environmental Conservation (DEC) indicating that the proposed locations of the driveways on Lots 1 and 5 are acceptable to the DEC.
4. That the applicant files with the Town Clerk and the Town Building Department a map showing the septic and well locations within the construction envelopes for the six (6) proposed lots.
5. That the applicant includes a notation on the Final Plat filed with the Dutchess County Department of Health that references the map showing the septic and well locations filed with the Town.
6. That the applicant submits the conservation easement in final form acceptable to the Planning Board.
7. That the Final Plat references the liber and page number for the conservation easement filed with the Dutchess County Clerk's Office.
8. That the Final Plat bears the Planning Board's assigned case number.
9. That the applicant shall verify that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
10. Payment of recreation fee to the Town of Red Hook
11. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
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 stamps and signatures.

Motion by John Hardeman, seconded by Jennifer Fier

Roll Call Vote:

Chair Christine Kane	yes
Member Jennifer Fier	yes

Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	absent

Resolution declared: **APPROVED**

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

\_\_\_\_\_  
Paula Schoonmaker, Assistant Clerk to the Board      Date \_\_\_\_\_

## **Resolution Granting Preliminary Subdivision Approval to TKB Subdivision**

**Date:** June 19, 2006

**Name of Project:** TKB (Anderson Commons) Subdivision

**Name of Applicant:** TKB, LLC

**Whereas,** the applicant has submitted an application for Preliminary Subdivision approval dated June 19, 2006 to the Town of Red Hook Planning Board to subdivide three (3) parcels (Tax ID Nos. 6272-11-619613, 6272-11-594590-0000, and 6272-15-600395-0000) totaling  $\pm$  56.3 acres into a total of fifty-six (56) lots ranging in size from  $\pm$  0.127 acres to  $\pm$  26.92 acres, of which Lots # 21-52, the unnumbered Lot labeled “remaining lands” consisting of 26.92 acres, and the unnumbered Lot located between Lots 47 and 48 are wholly within the Town of Red Hook, and Lots # 12, and # 14-20 are partially within the Town of Red Hook and partially within the Village of Red Hook ; and

**Whereas,** the subject parcels are located between Fisk Street and Glen Ridge Road in the RD1 District in the Town of Red Hook, Dutchess County, New York, and;

**Whereas,** the applicant submitted a preliminary subdivision plat prepared by Marie Welch, L.S. consisting of three (3) sheets (Sheet SZ-101 dated March 9, 2006 and revised March 29, 2006, May 8, 2006, and June 9, 2006, Sheet SZ-102 dated March 9, 2006 and revised June 9, 2006, and Sheet SZ-103 dated March 9, 2006, and revised March 29, 2006 and June 9, 2006); and

**Whereas,** the parcels are located within a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated March 8, 2005, which the Planning Board forwarded to all owners of farm operations within 500’ of the subject parcels; and

**Whereas,** the application is subject to the Town’s Important Farmlands Law in Section 143-47 of the Town’s Zoning Law and the Planning Board forwarded the application to the Town’s Agricultural and Open Space Advisory Committee for its review; and

**Whereas,** the Agriculture and Open Space Advisory Committee in its review dated April 10, 2005 recommended that the proposed lands are a rare exclusion to the Town’s obligations under Section 143-47 of the Town’s Zoning Law since they are immediately adjacent to the Village of Red Hook where the Town’s Comprehensive Plan calls for development to be located; and

**Whereas**, the Planning Board considered the comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application; and

**Whereas**, the lands affected by the action straddle the Town of Red Hook/Village of Red Hook municipal boundary; and

**Whereas**, on May 25, 2005, the Village of Red Hook Planning Board, after duly circulating the project application and Full Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of a Type I action pursuant to SEQR; and

**Whereas**, on September 19, 2005, the Village of Red Hook Planning Board, in consideration of the Full EAF and the ‘criteria for determining significance’ set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus issued a draft Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas**, it was determined that the application required referral to the Town of Red Hook Zoning Board of Appeals for several area variances; and

**Whereas**, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

**Whereas**, on October 12, 2005, the Town of Red Hook Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for lot area, lot width, building coverage, and front, side and rear yard setbacks for the residential lots proposed within the “traditional neighborhood” located within the Town of Red Hook; and

**Whereas**, the Planning Board consulted with the Town Highway Superintendent and the Red Hook Fire Department in its decision regarding the road widths of the proposed private roads and the proposed Town road; and

**Whereas**, on January 23 2006 the Planning Board conducted a public hearing on the Preliminary Plat application, which Public Hearing was continued on February 6, 2006, February 27, 2006, and March 20, 2006, at which time all interested persons were given the opportunity to speak; and

**Whereas**, the Planning Board now wishes to grant Preliminary Plat approval to TKB, LLC to subdivide Lots # 21-52, the unnumbered Lot labeled “remaining lands” consisting of 26.92 acres, and the unnumbered Lot located between Lots 47 and 48, which are wholly within the Town of Red Hook, and the portions of Lots # 12, and # 14-20, which are partially within the Town of Red Hook, from three (3) parcels totaling ± 56.3 acres located Fisk Street and Glen Ridge Road.

**Now therefore be it resolved,** that the Planning Board grants preliminary plat approval to TKB, LLC to subdivide Lots # 21-52, the unnumbered Lot labeled “remaining lands” consisting of 26.92 acres, and the unnumbered Lot located between Lots 47 and 48, which are wholly within the Town of Red Hook, and the portions of Lots # 12, and # 14-20, which are partially within the Town of Red Hook, from three (3) parcels totaling ± 56.3 acres located Fisk Street and Glen Ridge Road.

Motion by Sam Phelan, seconded by Paul Telesca

Roll Call Vote:

Chair Christine Kane	yes
Member Jennifer Fier	yes
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	absent

Resolution declared: **APPROVED**

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

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Paula Schoonmaker, Assistant Clerk to the Board      Date

## **Resolution Granting Site Plan Approval to Glen Pond Office**

**Date:** June 19, 2006

**Name of Project:** Glen Pond Office Buildings

**Name of Applicant:** Rondack Construction Services, Inc.

**Whereas,** the applicant has submitted an application for Site Plan approval dated July 14, 2005 and revised January 23, 2006 to the Town of Red Hook Planning Board to construct two (2) one-story commercial office buildings with a combined floor area of 9,693 square feet, with associated site improvements including parking for 41 vehicles, sidewalks, landscaping, signage, lighting, stormwater treatment facilities, an on-site subsurface sanitary sewage disposal system, and connection to the Village of Red Hook municipal water supply, on a 2.074 acre parcel of land (TMP 15-6272-00-402448) located on Glen Pond Road in the Business 2 (B2) Zoning District and the Environmental Protection Overlay (EP-O) District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Site Plan, Sheets SP-1 and GD-1 dated 2/17/06 and revised 2/27/06 and 4/6/06, Sheets EC-1 and LP-1 dated 2/17/06 and revised 2/27/06, Sheet LT-1 dated 2/16/06, and Sheet DN-1 dated 2/17/06; and

**Whereas,** on August 9, 2005 the Planning Board referred the application for Site Plan approval to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the Dutchess County Planning Department in its review dated September 7, 2005 made comments regarding a shared driveway and pedestrian access, which comments were incorporated into the revised Site Plan, and recommended that the Planning Board rely upon its own study of the facts in the case; and

**Whereas,** the parcel, which contains agricultural soils of statewide importance, is subject to the Town's Important Farmlands Law, and on August 9, 2005 the Planning Board forwarded the application to the Town of Red Hook Agriculture and Open Space Advisory Committee for its review; and

**Whereas,** the Agriculture and Open Space Advisory Committee in its review dated September 12, 2005 determined that the site has limited open space and agricultural possibilities and did not recommend any preservation measures be taken; and

**Whereas,** on August 22, 2005, the Planning Board referred the proposed elevations to the Town of Red Hook Design Review Committee, which committee, in its review dated October 1, 2005, made several minor recommendations which were incorporated into the design of the proposed buildings; and

**Whereas**, on September 19, 2005, the Planning Board, after duly circulating the project application and Short Environmental Assessment Form (EAF) to all Involved Agencies, was designated the lead agency for the purpose of conducting a coordinated review of an Unlisted action pursuant to SEQRA; and

**Whereas**, on April 17, 2006, the Planning Board, in consideration of the Short EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potential significant adverse impact on the environment, and thus issued a draft Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas**, on March 15, 2006 the Town of Red Hook Highway Superintendent inspected the proposed driveway location and determined that it is within the site distance guidelines found in the Town Highway Specifications and is acceptable to the Town of Red Hook Highway Department; and

**Whereas**, on May 1, 2006, the Planning Board conducted a public hearing on the Site Plan application at which time all interested persons were given the opportunity to speak; and

**Whereas**, it was determined that the application required referral to the Zoning Board of Appeals for several area variances; and

**Whereas**, on June 14, 2006, the Zoning Board of Appeals conducted a public hearing on the area variance applications at which time all interested persons were given the opportunity to speak; and

**Whereas**, on June 14, 2006, the Zoning Board of Appeals issued its Findings and Decision granting the applicant area variances for construction of a portion of the proposed parking lot accessways within the required rear yard setback and for encroachment of a proposed shared driveway within the required side yard setback; and

**Whereas**, the Planning Board now wishes to grant Site Plan approval to Rondack Construction Services Inc. to construct two (2) one-story commercial office buildings with a combined floor area of 9,693 square feet, with associated site improvements, on a 2.074 acre parcel of land located on Glen Pond Road.

**Now therefore be it resolved**, that the Planning Board grants Site Plan approval to Rondack Construction Services Inc. to construct two (2) one-story commercial office buildings with a combined floor area of 9,693 square feet, with associated site improvements, on a 2.074 acre parcel of land located on Glen Pond Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. Filing of the subdivision plat for Eye Associates Subdivision.

2. That the applicant obtains the permits and approvals listed under item #10 of the EAF.
3. That the applicant implement the environmental mitigation measures contained in the Negative Declaration.
4. That the applicant submit a Common Use and Maintenance Agreement for the shared driveway for the Town Planning Board attorney's review, and that the Site Plan reference the required filing of the agreement by liber and page number.
5. That the applicant submit an easement restricting the storage of fuel on site along with any other practices or activities which may adversely impact the Village of Red Hook wells and well fields, as noted in correspondence from James T. Napoli of the Dutchess County Department of Health dated March 16, 2006, and that the Site Plan reference the required filing of the easement by liber and page number.
6. That the applicant includes details of the proposed sign on the Site Plan.
7. That the applicant includes the proposed elevations as part of the Site Plan.
8. That the applicant deletes the notation "Preliminary: Not for Construction" from the Site Plan.
9. That the applicant will post a performance bond in a form acceptable to the Town and in the amount to be determined by the Planning Board, as recommended by the Town Engineer, for public improvements.
10. That the applicant will post a cash security with the Town in the amount determined by the Planning Board, as recommended by the Town Engineer, for engineering inspections of public improvements.
11. That a Certificate of Occupancy (CO) will not be issued unless all proposed improvements have been completed in accordance with the approved Site Plan. In the event that a CO is requested prior to completion of all proposed landscaping, a cash bond will be posted to ensure completion of the landscaping in accordance with the approved Site Plan.
12. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.
13. 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.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling unit sites 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.

Motion by John Hardeman, seconded by Sam Phelan

Roll Call Vote:

Chair Christine Kane	yes
Member Jennifer Fier	yes

Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Member David Wright	absent

Resolution declared: **APPROVED**

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

\_\_\_\_\_  
Paula Schoonmaker, Assistant Clerk to the Board      Date \_\_\_\_\_