

TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
April 5, 2021

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Kristina Dousharm, Karen Smythe and Lew Rose. Brian Kelly was absent. Also present were planning consultants Michele Greig and Ted Fink, engineering consultant Brandee Nelson, and Planning Board Clerk Kathleen Flood.

Mr. Phelan said that two changes were made to the agenda: The Panorama Schoolhouse was moved to the top of the agenda, and the pre-application discussion with Joe Di Maio was cancelled.

Lew Rose moved to approve the minutes of the March 1 and 8 meetings. Kristina Dousharm seconded, and all members voted in favor.

Panorama Schoolhouse Site Plan and Special Use Permit – 14 Linden Farm Lane

Continued discussion of application to establish a child daycare center in the RD3 Zoning District.

Applicants Jennifer Manon and Josh Bardfield were present.

Mr. Phelan said that Dutchess County has reviewed the project and had no comments.

Michele Greig said that a handicapped ramp must be included on the site plan and asked the applicants to discuss where it would be located. Mr. Bardfield said they were considering installing a hydraulic lift instead of a ramp, probably in the rear of the building which would be closer to the handicapped parking.

The Board reviewed a draft approval resolution for Special Permit. Kristina Dousharm moved to adopt it. Karen Smythe seconded, and all members voted in favor.

The Board reviewed a draft approval resolution for Site Plan. Lew Rose moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

PUBLIC HEARINGS

Greig Farm Airstrip Amended Special Permit- 221 Pitcher Lane

Continued public hearing on application to install a second grass airstrip on a 92-acre parcel in the Agricultural Business District.

Applicant Norman Greig was present.

The Board reviewed a determination dated March 19 from Bob Fennell, the town Zoning Enforcement Officer (ZEO), in which he cited section 143-39.1C of the zoning law that states, in part, "There shall be no more than one principal building or use and its customary accessory uses on any one lot. An exception shall be made when the principal use of the lot is agriculture, in which case all of the permitted uses and their accessory uses listed below shall be allowed, in addition to one special permitted use when the uses are clearly incidental and secondary to the principal use of the premises for agricultural purposes and the uses do not alter the suitability for the principal use of agriculture." Mr. Fennell said he interprets that to mean one Special Permit is allowed per lot if it meets that stated criteria.

Mr. Phelan said he had reviewed the intent and purpose of the Agricultural Business District., which are to conserve important farmland to facilitate active and economically viable agricultural use of the lands and to protect against fragmentation of the town's existing farmlands by non-agricultural development. He said that the issue here is whether 2 airstrips would be allowed under one permit. Mr. Greig said it was all for one purpose, and that the grass airstrips would not damage the agricultural infrastructure.

Mr. Phelan said that Mr. Greig has stated often that the existing runway is safe, and if so, he could not understand why another one was necessary. Mr. Greig reiterated his position that a second airstrip enhances safety.

Lew Rose said that an adjacent landowner, Matthew Nucci, had written to the Board that he was concerned planes would be flying over his house. Mr. Greig said that he would not fly over the Nucci house. Mr. Nucci, who was present, asked about the possibility of other planes who might use the airstrip flying over his house. This turned the discussion to the ongoing issue of third-party landings. Mr. Greig estimated that there were 10 third party landings per year, and the reason they happen is because the town originally required him to get FAA approval, and because of that, the FAA put his airstrip on their maps, which can be seen by other pilots. Mr. Nucci asked who is responsible for the safety of the neighbors. Mr. Phelan said the zoning code provides protections and safety considerations. Mr. Nucci asked who enforces the code. Mr. Phelan replied the ZEO. Mr. Nucci remarked that it sounds problematic. Mr. Phelan agreed.

Amy Dubin, another neighbor, said she does not understand why the neighbors should be subjected to the dangers associated with the airstrips being potentially used by student pilots so that Mr. Grieg could pursue what she considers a hobby.

Neighbor Kate Karakassis said that a second airstrip would require a second Special Use Permit, which is not allowed. She said the proposed second airstrip is 700 feet from her home. Mr. Phelan noted that the zoning ordinance allows airstrips within 200 feet of homes. Ms. Karakassis said she feels that Planning Board should deny the application.

Other comments received for the public hearing voiced similar concerns about safety, nuisance, and whether a second runway is necessary.

Mr. Rose asked what is grown on the subject field, and who grows it. Mr. Greig said he and Ken Migliorelli farm the site. Mr. Migliorelli, who was present, said he will plant greens on both sides of the

airstrip. Mr. Greig said he planted peas and a garden. (Audio problems at this point made it difficult to understand what Mr. Greig was saying.)

Kristina Dousharm shared an aerial image and asked how a second runway would affect the viability of the farming on the parcel. Mr. Greig maintained that the airstrips do not impede farming of the land. Ms. Dousharm observed that the original airstrip was sighted along one side of the property, whereas the proposed second one runs through the middle of the field. She said that although she is sympathetic to the neighbors' concerns, the use is allowed and was approved in 2012, and she felt that there will be no increase in air traffic. She said her chief concern was a negative impact of the agricultural land.

Mr. Phelan asked Mr. Migliorelli if he felt the airstrip negatively impacts his farming at the site. Mr. Migliorelli declined to comment, saying only that Mr. Greig knows how he feels about the airstrip. Mr. Phelan asked if the runway affects the value of the field or makes it more difficult to farm. Mr. Migliorelli replied that it affects the farming practice of the field.

Mr. Phelan asked Mr. Greig to make a notation on the site plan that the existing runway is 2000 feet long and indicate each end.

The Board reviewed the Planning Board's 2012 Approval Resolution for the first airstrip. Mr. Rose said he questions the applicant's compliance with the 2012 approval, because it was based on agricultural-related use only.

Mr. Phelan said he felt the main issues are whether two runways can operate on the same permit, and the effect on the use of the field. He noted that the ZEO implied in his statement of determination that only one airstrip can be allowed.

Mr. Phelan asked if there were any further comments from the public. Linda Keeling spoke against the project. There were no further comments.

Kristina Dousharm moved to close the public hearing. Karen Smythe seconded, and all members voted in favor.

Mr. Phelan said he is of the opinion that the existing Permit is for one airstrip.

Planning consultant Ted Fink said that the next step for the Board is to complete SEQR, And zoning regulations are part of the general conditions that apply to the use. He said Mr. Fennell's zoning determination implies that only one runway is permissible under the zoning, in which case, he would have to investigate how this affects SEQR.

The Board agreed to wait until May 3 to complete SEQR and make a decision.

ABCider, LLC Tasting Room Site Plan – 229 Pitcher Lane

Continued public hearing on application to establish a hard cider tasting room in the Agricultural Business District.

Applicant Martin Bernstein was present.

A determination submitted by ZEO Bob Fennell noted that a cider mill is an allowed use as long as some of the apples from Greig Farms are made into cider on the site.

Mr. Bernstein affirmed that a portion of the apples will be pressed on site on the days when the tasting room is not open to the public. He said they would consider doing demonstrations for Market visitors. He discussed how his business benefits local apple growers including the Greig Farm.

Mr. Bernstein said that improvements have been made recently to the parking area. Norman Greig said that since the parking area is gravel and will not be paved, efforts have been made to clearly indicate handicapped parking, and space for 60 cars in the overflow parking area will be delineated using hedging. He described the various current uses in the building.

Mr. Phelan acknowledged letters from the public that had been received from Joel Gordin, who wrote in support of the project, and Amy Dubin, Kate Karakassis and Linda Keeling, who oppose the project. Ms. Karakassis asked if future operators of the cidery would be limited to selling only cider and commented that a 25-foot setback for parking has not been met.

Amy Dubin agreed with Ms. Karakassis. She said the state allows cideries to sell various liquors. She said the project seems like a bar or could become one.

Linda Keeling agreed with Ms. Karakassis and Ms. Dubin. She cited concerns about the surfaces under the handicapped parking lot, and general handicapped accessibility of the building, and criticized the parking plan submitted as inadequate and not safe.

Ken Migliorelli commented that the Brewery established recently on his property on Gusky Road opened with no issues and is family oriented. Matthew Nucci, who lives across the street, agreed with Mr. Migliorelli, and commented that he was not opposed to the project.

There being no further comments from the public, Lew Rose moved to close the hearing. Kristina Dousharm seconded, and all members voted in favor.

Mr. Bernstein said he had no interest in serving wine or liquor, he would like to serve beer in addition to cider. At Mr. Phelan's request, Mr. Fink explained that just as with the cider, the beer would have to be processed with crops from Greig Farm. He cited sections of NYS Agriculture and Markets. Mr. Bernstein said his business is not subject to NYS Agriculture and Markets. Mr. Fink replied that the Planning Board is required to comply with NYS Agriculture and Markets law.

Mr. Rose and Mr. Phelan said they did not recall hearing about beer being offered. Mr. Bernstein said he thought it was included in his proposal. Mr. Fink said he reviewed the application, and there was no mention of beer. Mr. Bernstein said he would not sell beer if it would complicate the approval process.

Discussion followed on how to verify the use of Greig Farm apples, and how to impose conditions on the use.

The applicants will return before the Board April 19 with additional clarification on the parking plan and to allow time to research the sale of beer.

OLD BUSINESS

Nieuwenhuizen Amended Minor Subdivision – 5 Moxie Lane

Continued discussion of application to amend the Lexanne Acres Minor Subdivision, approved in 2009, to relocate the driveway entrance for lot #4 in the Agricultural Business Zoning District.

Robert Nieuwenhuizen was present. The Board reviewed a draft approval resolution. Kristina Dousharm moved to adopt it. Karen Smythe seconded, and the motion passed unanimously.

O Zone Site Plan – 221 Pitcher Lane

Continued discussion of application to operate a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was present.

The Board reviewed a ZEO determination that the use is allowed as an accessory use. Parking and signage proposals submitted by the applicant were viewed, and hours of operation discussed. Ms. LeGare agreed to comply with the zoning code requirement that signs are all 15 feet from adjacent property lines.

Mr. Fink prepared a SEQR Type II Resolution. Lew Rose moved to adopt it. Kristina Dousharm seconded, and the motion passed unanimously. A public hearing was scheduled for April 19.

Mighty Donuts Site Plan – 7269 South Broadway

Continued discussion of application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Applicants Dennis Kanuk and Rhianon Jones, and applicant's representative Ayaka Hale were present. Kristina Dousharm recused herself.

Ms. Hale gave an overview of the site plan updates. The most significant changes were in the parking area. Lighted bollards were added to the parking, and the dumpster enclosure was rotated. Linear lighting is currently installed on the diner car. Ms. Hale asked if the linear lighting installed on the diner car complies with the zoning code. Michele Greig said that since they are not fully shielded it would require a variance. Mr. Kanuk said they have applied to the Zoning Board of Appeals (ZBA) for building height, frontage requirements, and lighting. Mr. Phelan asked if the applicants want to continue to pursue Site Plan review with the Planning Board simultaneously with the ZBA application. Mr. Kanuk said they did. Mr. Phelan said no public hearing would be scheduled until the ZBA commenced their deliberation of variances.

Mr. Phelan recommended that that a sidewalk be extended to the front of the masonry building, where the applicants have envisioned as restaurant and retail space.

Brandee Nelson reviewed her memo dated 4-5-21. She commented that the development scenario provided by the applicants to support their request for waivers does not show a required 100% expansion of the septic. She said there are several different uses that could occur on the site that would have similar development potential and could be more in line with the development that is envisioned for the TND and have a lower water usage. She also encouraged the applicants to do additional soil testing at the site to determine the soil capacity in case the need for septic upgrades arises.

Regarding lighting, she advised the Board to consider requiring lighting in the parking lot.

Michele Greig advised the Board to send the project to the Dutchess County Department of Planning and Development for required review.

Discussion will continue at the next Board meeting.

NEW BUSINESS

Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road

Presentation of application to construct a 30x60 pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

Applicant's representative Floyd Johnson and applicant Juan Contreras were present. Mr. Johnson gave an overview of the project.

Michele Greig said the existing restaurant is a non-conforming use and so cannot expand more than 50%. Ms. Greig said a 442-square foot addition had been constructed in 1986 and advised the applicant to meet with the Town Building Department to discuss how much expansion would be allowed. A letter from the Health Department verifying that the existing septic system is adequate for the expansion would also be required.

Karen Smythe moved to adopt a SEQR Type II Resolution. Kristina Dousharm seconded, and all members voted in favor.

OTHER BUSINESS

Preserve at Lakeskill – extension request


Applicant's representative John Wagner was present. He said that the only conditions of approval that have not been met are in the Town Board's control. He said a road building permit has been obtained from the Town Highway Superintendent.

Mr. Phelan said the applicant needs to resolve any remaining issues with the Town. Lew Rose moved to grant a 90-day extension. Kristina Dousharm seconded, and all members voted in favor. Mr. Phelan said he would ask the Planning Board Attorney to prepare guidelines for granting extensions

ADJOURNMENT

There being no further business before the Board, Karen Smythe made a motion to adjourn. Kristina Dousharm seconded, and all members voted in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen Flood".

Kathleen Flood
Planning Board Clerk

Resolution Granting Special Permit Approval to Panorama Child Day-Care Center

Name of Project: Panorama Child Day-Care Center

Name of Applicant: Jennifer Mañón

Whereas, the applicant, Jennifer Mañón, has submitted an application for a Special Permit to the Town of Red Hook Planning Board to establish a child day-care center in an existing building on a ± 3.84 acre parcel (Tax Map Parcel No. 134889-6273-00-468870) located at 14 Linden Farm Lane and Budds Corners Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan entitled “Panorama Child Day-Care Center” (Sheet C-101) prepared by Red Hook Engineering, PC dated February 16, 2021 and revised February 24, 2021 and

Whereas, on February 1, 2021, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(18); and

Whereas, the Planning Board has reviewed the application for Special Permit against the general standards for a special use permit found in § 143-51 and has found that the proposal complies with all of the general standards, including: the location and size of the use, and the nature and intensity of the operations involved are in harmony with the orderly development of the RD3 District; the size of the site in relation to the use, the location, nature and height of the building in which the use will be located, and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof; proposed traffic accessways will be adequate, and safe and accessible off-street parking will be provided; the general landscaping of the site is in character with that generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed child day-care center will be in general harmony with the character and appearance of the surrounding neighborhood and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights; the use meets the prescribed area and bulk requirements for the RD3 District; and the use will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources; and

Whereas, the Planning Board has reviewed the application for Special Permit against the specific standards for a child day-care center found in § 143-77 and has found that the proposal complies with all of the specific standards for a special permit, including: the maximum number of children who will be enrolled at any one time will be 21 children; nine (9) off-street parking spaces will be provided; a minimum of 200 square feet of outdoor

recreation and activity area per child will be provided in the rear yard a minimum of 50 feet from all adjacent residential properties, and a row of evergreen trees will be planted to screen the recreation area from adjacent properties; access to the child day-care center will be provided directly from a county highway; and the applicant will be required to operate and maintain the facility in accordance with all applicable laws, rules and regulations; and

Whereas, the Planning Board has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the parcel is located within 500 feet of a New York State certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 10, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500 feet of the subject parcel; and

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

Whereas, due to the location of the property within 500' feet of a County Highway and a farm operation in a NYS certified Agricultural District, the Special Permit 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 letter dated March 9, 2021 that the project was a matter of local concern; and

Whereas, on March 1, 2021, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on March 1, 2021; and

Whereas, the project also requires a Site Plan approval; and

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

NOW THEREFORE BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Special Permit approval to Jennifer Mañón for a child day-care center in accordance with the application materials and specifications heretofore enumerated upon the following conditions:

- A. The applicant shall obtain Site Plan approval for the proposed project from the Planning Board.
- B. The applicant shall obtain all necessary permits and approvals to operate and maintain a child day-care center in accordance with the requirements of § 390 of the Social Services Law of New York State, and shall provide a copy of the permits and approvals to the Planning Board.
- C. The maximum number of children enrolled in the child day-care center on a regular basis shall be 21 children.
- D. Nine (9) off-street parking spaces shall be provided at all times.
- E. A minimum outdoor recreation and activity area of 200 square feet per child shall be provided in the rear yard at all times, with a minimum setback of 50 feet from adjacent property boundaries, and a row of evergreen trees to screen the recreation area from adjacent properties.
- F. The owner of record shall continue to comply with all requirements of §f 143-77 of the Zoning Law.
- G. The owner of record shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.
- H. The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- I. The applicant shall pay any and all outstanding escrow balances for consultant review.

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 Kristina Dousharm, seconded by Karen Smythe, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Absent</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
Member Karen Smythe	Voting <u>Aye</u>
and two vacant seats	

Resolution declared: Adopted on April 5, 2021.

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

Kathleen Flood 4-6-21

Kathleen Flood, Clerk to the Planning Board

Date

Resolution Granting Site Plan Approval to Panorama Child Day-Care Center

Name of Project: Panorama Child Day-Care Center

Name of Applicant: Jennifer Mañón

Whereas, the applicant, Jennifer Mañón, has submitted an application for a Site Plan approval to the Town of Red Hook Planning Board to establish a child day-care center in an existing building on a ± 3.84 acre parcel (Tax Map Parcel No. 134889-6273-00-468870) located at 14 Linden Farm Lane and Budds Corners Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board reviewed a Site Plan entitled “Panorama Child Day-Care Center” (Sheet C-101) prepared by Red Hook Engineering, PC dated February 16, 2021 and revised February 24, 2021 and

Whereas, on February 1, 2021, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(18); and

Whereas, the Planning Board has found the proposal complies with all applicable sections of the Zoning Law; and

Whereas, the parcel is located within 500 feet of a New York State certified Agricultural District (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated January 10, 2021, which the Planning Board duly forwarded to all owners of farm operations within 500 feet of the subject parcel; and

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

Whereas, due to the location of the property within 500 feet of a County Highway and a farm operation in a NYS certified Agricultural District, the Special Permit 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 letter dated March 9, 2021 that the project was a matter of local concern; and

Whereas, on March 1, 2021, the Planning Board opened a duly noticed public hearing on the Special Permit application, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on March 1, 2021; and

Whereas, the project also requires a Special Permit for child day-care center and on April 5, 2021, the Planning Board granted the applicant a Special Permit; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or principal 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.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Site Plan approval to Jennifer Mañón, for a child day-care center in accordance with the plans and specifications heretofore enumerated upon the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Site Plan after compliance with the following conditions:
 - (1) The Site Plan shall be amended as follows:
 - (a) To depict a continuous sidewalk at the rear of the building from the ADA compliant parking space to the building, and to depict an ADA compliant ramp or hydraulic lift at the rear of the building, along with a detail of the ramp or lift.
 - (b) To include a landscape maintenance note stating "The owner of record shall maintain the evergreen buffer as shown on the Site Plan throughout the duration of the use."
 - (c) To specify that the four (4) parking spaces proposed in front of the building will be gravel surfaced.
 - (d) To revise the lighting detail to refer to a fully-shielded fixture with a maximum color temperature of 3000K.
 - (2) The applicant shall submit manufacturers cut sheets of a fully-shielded fixture with a maximum color temperature of 3000K.
 - (3) The applicant shall obtain all necessary permits and approvals to operate and maintain a child day-care center in accordance with the requirements of § 390 of the Social Services Law of New York State, and shall provide a copy of the permits and approvals to the Planning Board.
 - (4) The applicant shall obtain approval from the Dutchess County Department Behavioral and Community Health for the day-care center, including but not limited to water supply and wastewater disposal, and shall provide a copy of the approval to the Planning Board.
 - (5) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (6) The applicant shall pay any and all outstanding escrow balances for consultant review.
 - (7) The applicant shall submit 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.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for endorsement by the Planning Board Chairman or his designee. One (1) set will 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 Department. The applicant must return to the Planning Board for approval of any desired changes from the endorsed plans.

B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):

(1) All proposed improvements shall 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 in an amount recommended by the Planning Board Engineer will be posted to ensure completion of these features in accordance with the approved Site Plan.

C. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:

(1) The applicant shall continue to comply with all requirements of § 143-77 of the Zoning Law.

(2) The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.

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 Lew Rose, seconded by Kristina Dousharm, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Absent</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
Member Karen Smythe	Voting <u>Aye</u>
and two vacant seats	

Resolution declared: Adopted on April 5, 2021.

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

Kathleen Flood
Kathleen Flood, Clerk to the Planning Board

4 - 6 - 21
Date

**Resolution Granting Approval to Amend Filed Subdivision Plat No. 12111A
("Lexann Acres") to Revise the Location of the Driveway on Lot 4**

Name of Project: Amendment to Filed Subdivision Plat No. 12111A ("Lexann Acres") to Revise the Location of the Driveway on Lot 4

Name of Applicant: Robert Nieuwenhuizen

Whereas, the applicant has submitted an application to amend Filed Subdivision Plat No. 12111A ("Lexann Acres") to revise the location of the driveway on Lot 4 (Tax Map Parcel No. 134889-6272-00-027132); and

Whereas, the property is located in the R1.5 Zoning District at 5 Moxie Lane and Middle Road in Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a Sketch Plan prepared by the applicant dated December 24, 2020 showing the revised location of the driveway with a curb cut on Middle Road; and

Whereas, the Planning Board determined that the revised location of the driveway will not result in a significant impact on the environment greater than that which was initially reviewed for the Lexann Acres Subdivision (Filed Plat No. 12111A) pursuant to SEQR, which resulted in the issuance of a Negative Declaration by the Town of Red Hook Planning Board on September 21, 2009; and

Whereas, the Town Highway Superintendent submitted correspondence dated January 14, 2020 stating that there is adequate sight distance for the proposed driveway on Middle Road; and

Whereas, the applicant will retain the right to also access the property from Moxie Lane and no revisions to the Common Use and Maintenance Agreement for the existing shared driveway are therefore proposed; and

Whereas, § 120-39 of the Town Code authorizes the Planning Board to approve in writing modifications to an approved plat; and

Whereas, the Planning Board determined that the proposed action will not create a need for recreational land and facilities, and therefore does not require the applicant to make a recreational fee payment; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the amendment to Filed Subdivision Plat No. 12111A to relocate the driveway on Lot 4 in accordance with the plans and specifications heretofore enumerated upon the following conditions:

- A. The Planning Board authorizes the Chairman or his authorized designee to sign the Subdivision Plat after compliance with the following conditions and modifications:

- (1) The Subdivision Plat shall be revised as follows:
 - (a) The applicant shall address all comments set forth in the January 13, 2021 review memorandum from Crawford & Associates Engineering, PC to the satisfaction of the Planning Engineer.
 - (b) The applicant shall submit Subdivision Plat drawings that meet the requirements of Chapter 120 of the Town Code, to the satisfaction of the Town Planner Greenplan Inc.
- (2) The applicant shall submit a driveway permit from the Town Highway Superintendent for the proposed driveway from Middle Road.
- (3) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
- (4) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (5) 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.

On a motion by Kristina Dousharm, seconded by Karen Smythe, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Deputy Chairman Brian Kelly	Voting <u>Absent</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
Member Karen Smythe	Voting <u>Aye</u>
and two vacant seats	

Resolution was declared adopted on April 5, 2021.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

4-6-21
Date

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: O-Zone at Greig Farm

Whereas, the Town of Red Hook Planning Board is in receipt of an application for Site Plan Review and Approval for a proposed sustainability center, bulk-refill market, and agricultural education center within an existing farm building on a parcel of land that is part of the Grieg Farm, owned by Robert Greig and located at 221 Pitcher Lane in the Town of Red Hook, Dutchess County, New York identified by Tax ID as parcel 6373-00-896812, and

Whereas, a Short Environmental Assessment Form (SEAF) dated (undated), submitted at the time of application on 2/12/21, 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 II Action that meets the thresholds found in 6 NYCRR 617.5(c)(4), (9), and (18) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares that no further review under SEQR is required.

On a motion by Lew Rose, seconded by Kristina Dousharm, and a vote of 5 for, and 0 against, and 2 vacant seats, this resolution was adopted by the Town of Red Hook Planning Board on April 5, 2021.

617.6
State Environmental Quality Review (SEQR) Resolution
Classifying the Proposed Project as a Type II Action

Name of Action: Sabroso's Mexican Restaurant

Whereas, the applicant proposes to construct an 1,800 square foot pavilion for outdoor seating for an existing restaurant located at 7909 Albany Post Road (US Route 9) in the R1.5 District in the Town of Red Hook, Dutchess County, New York; and

Whereas, a Short Environmental Assessment Form dated March 24, 2021 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 II Action that meets the thresholds found in 6 NYCRR 617.5(c)(9), and therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as a Type II action and declares that no further review under SEQR is required.

On a motion by Karen Smythe, seconded by Kristina Dousharm, and a vote of 4_ for, and 0 against, 1 absent, and two vacant seats, this resolution was adopted on April 5, 2021.