

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
October 5, 2020**

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, Brian Kelly, Kristina Dousharm and Lewis Rose. Also present was planning consultant Michele Greig, and Planning Board attorney Joel Sachs.

Brian Kelly moved to accept the draft minutes for the August 3 meeting with amendments suggested via email by Michele Greig. Kristina Dousharm seconded and all members voted in favor.

Mr. Phelan described how members of the public could participate in the public hearings using the chat feature on Zoom.

PUBLIC HEARINGS

Denu Cottage – 243 Feller-Newmark Road – Special Use Permit

Public Hearing on application for a cottage on a 4.82-acre parcel in the RD3 Zoning District.

Brian Kelly moved to open the public hearing. Lew Rose seconded and all members voted in favor. Applicant Brian Denu was present. He described the project. Parking, lighting, water and the sanitary disposal system were discussed. The Board reviewed comments dated 9-3-20 from Michele Greig. Mr. Denu agreed to shield the light fixture on the outside of the cottage as a condition of the Certificate of Occupancy.

Mr. Phelan asked if there were any questions or comments from the public. There were none.

Brian Kelly moved to close the public hearing. Lew Rose seconded and all members voted in favor.

The Board reviewed a conditional approval resolution. Kristina Dousharm moved to adopt it with an additional condition to shield the outdoor light. Lew Rose seconded and all members, by roll call, voted in favor.

Gendron to DeCicco- Teator Lane- Lot Line Adjustment

Public Hearing on an application to convey .264 acres from a 19.077-acre parcel to an adjoining .619-acre parcel in the Agricultural Business District.

Lew Rose moved to open the public hearing. Kristina Dousharm seconded and all members voted in favor.

Applicant Vincent DeCicco was present. He gave an overview of the project.

Mr. Phelan asked if there were any comments from Board members or the public. There were none.

Brian Kelly moved to close the public hearing. Kristina Dousharm seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Kristina Dousharm moved to adopt it. Lew Rose seconded and all members, by roll call vote, voted in favor.

OLD BUSINESS

Rokeby Heliport – 7211 Albany Post Road – Site Plan and Special Use Permit

Public information session on application to construct and use a 2,933 SF helipad on a 17.72-acre parcel in the Agricultural Business District.

Applicant Jeff Bennett, his attorneys Warren Replansky and Emily Svenson, and acoustical engineer Trey Geir were present. Mr. Phelan stated that this was informational meeting only, for the benefit of the Board and interested public. He said the project requires several variances from the Zoning Board of Appeals (ZBA) and Site Plan and Special Permit approval from the Planning Board. The Planning Board will also conduct the State Environmental Quality Review (SEQR) before the ZBA decides on the variances.

Mr. Phelan stressed that this is not a public hearing; public hearings will be conducted as part of the coming review process. Planning Board attorney Joel Sachs clarified the steps involved in making a SEQR determination, and stated that would not take place tonight.

Lew Rose reviewed the Zoom chat feature for the benefit of members of the public who were present and wanted to ask questions.

Michele Greig recommended that the applicants prepare written responses to the questions from the public.

Mr. Replansky gave an overview of the project. Mr. Bennett described the project site, which includes a barn, a landing pad, a 6' wind sock and lighting. He noted that the lights are about 12 inches tall, shielded, and illuminate the helipad only. He described his flight path, which is over his 17-acre property, and does not go over any homes in the area.

Mr. Bennet said his helicopter is a Robinson R44, a four-seat craft weighing about 1600 lbs. He said it has a very low noise signature, and from the typical cruise altitude of 500 feet, the decent and landing takes about 1 minute and 10 seconds. Once on the ground, the power winds down and there is a cooling off period of 2-4 minutes. He said there is no wind or vibration once the helicopter has landed. It is then turned off; a small electric tub brings the helicopter into the barn. Departures are the same in reverse.

Mr. Bennet said he has 40 years of experience flying helicopters. He said he is not doing flight instruction or charter flights. It is purely for personal use. He said there would be about 50 operations annually, which averages about one per week.

Photos of the site and a flight simulation was shown. Mr. Replansky said Mr. Bennett owns the adjoining property that has a flower shop on it, and there is another adjoining property that has a residence on it.

Lew Rose asked how old Mr. Bennett's helicopter is, and what is the useful life of a helicopter before it might need to be replaced. Mr. Bennett said 12 years or 2,200 hours, at which time it is completely overhauled. He said his helicopter is being overhauled presently and will be ready in about 2 weeks. He said he has owned it for 13 years. He said he is the only person who flies it, often with his family accompanying him, and that it is extremely well maintained.

Mr. Replansky, having noticed a question on the screen about the possibility of having a larger helicopter on the site, said that approval for the helipad could restrict the size of helicopters using the site.

Mr. Bennett reviewed the helicopter industry's "good neighbor policy" to minimize flight paths over houses, not hover or fly circles, and descending at slower speeds to minimize the noise called "blade slap" most people are familiar with.

Mr. Bennett said the helicopter makes less noise than a motorcycle, lawnmower or leaf blower.

Trey Geir described the proposed methods he would employ for monitoring the noise levels. He said the area would first be monitored to determine noise levels over a 24-hour period. Next, spot measures using a hand-held meter would be done with the helicopter flying in and out under the standard procedure, including the warm up and cool down period. Results will then be compared to local and state noise ordinances.

Brian Kelly asked how the noise across the Route 9G is measured. Mr. Geir said they would try to get as close to the road as they could in order to establish the "noise envelope" of the property and what noises exist outside of the property line, and then use that information to illustrate how much noise is added.

Lew Rose asked Mr. Geir if the noise test being proposed is a standard test, or are there other independent organizations who set testing for helicopter noise, and if so, was he proposing to do exactly that, or is he proposing modifications, or are there none. Mr. Geir answered different standards exist depending on the individual site, and whatever standards apply to the Bennett site will be followed. Mr. Replansky said the Department of Environmental Conservation (DEC) has an assessment and mitigating noise program policy which would be considered in investigating noise impacts.

Mr. Rose recommended that the Board hire, at the applicant's expense, an independent expert to evaluate the noise testing proposal the applicant intends to follow.

Sam Phelan asked where Mr. Bennett was landing his helicopter prior to acquiring his Red Hook property. Mr. Bennett replied sometimes at the Kingston airport, other times on his own or a friend's property.

Mr. Rose read a question from Dave Kaiser asking what times of day take-offs and landings would happen. Mr. Bennett replied the great majority would be daytime business hours, with an occasional early morning takeoff and an occasional night landing. He said he flies mostly during the day.

Mr. Rose asked if the flight path differs during rain or snow. Mr. Bennett said most likely he would not fly in bad weather, but if that rare occasion occurred, he would have to alter the course. Mr. Rose asked what the fourth flight path was that was referred to but not part of the film shown. Mr. Bennett said he would fly over his property and then bank east.

Mr. Rose read a set of questions from resident Lisa Pullaro. Regarding fuel storage, Mr. Bennett said his helicopter uses fuel similar to car gasoline, but he fuels his helicopter at airports so there would be no fueling facility on the property. Ms. Pullaro asked what material the helipad is made of. Mr. Bennett said concrete. Ms. Pullaro asked what DOT and or FAA regulation, approvals or filings are required. Mr. Bennett replied none are required for private property. Mr. Bennett was asked if he had received any notices of violations for landing on the property to date. Mr. Bennett replied he had gotten a notice of violation from the town. He was asked if he had continued to use the helipad since he had gotten that notification. Mr. Bennett said he was given permission to fly until the matter was settled, but not long after that the helicopter was sent for an overhaul. Mr. Rose inquired who gave him permission to continue flying. Mr. Bennett replied Bob Fennell, the Zoning Enforcement Administrator.

Continuing with Mr. Pullaro's questions, Mr. Rose asked what the wattage of the lighting around the helipad is. Mr. Bennett said 3000 lumens, which is similar to a house flood light, and there are 4 of them. Mr. Rose asked why it is necessary to install a helipad on his site when there are nearby facilities such as the Kingston Airport. Mr. Bennett replied because he wants to fly from his own property rather than an airport.

Mr. Rose moved on to questions from Johanna and William Moore. They asked about registration of the helicopter and fire prevention apparatus within the barn. Mr. Bennett said all aircraft are required to be registered, insured and airworthy. He said the barn is equipped with a fire extinguisher.

Mr. Rose read questions from Frank Stoppenbach asking if Mr. Bennett planned to live at the heliport or the adjacent parcel that he owns. Mr. Bennett replied no. He asked if Mr. Bennett would be the only person to pilot the helicopter. Mr. Bennett said that was correct.

Mr. Rose addressed questions from Christine Gummere. She asked about the decibel levels of helicopters lifting off and landing, which will be answered by the planned noise studies. Mr. Bennett reiterated that the noise level of his helicopter is less than a lawnmower, a leaf blower or a farm combine.

Mr. Rose turned to questions from meeting attendees via Zoom chat. He asked if there are lights on the helicopter that are used when it lands. Mr. Bennett replied yes, the landing light shines down in front of the helicopter, so it would never shine on a neighboring house.

Mr. Rose asked Mr. Geir if the light would be part of their study. Mr. Geir replied no, his area of expertise is limited to sound.

Mr. Bennett was asked if the heliport would be used for public emergencies. Mr. Bennett said he would offer the use of the helipad to the town if they would like to use it for emergency use.

A resident asked if the project were approved, what would stop the applicant from buying a larger helicopter or starting to fly more, or if the property is sold, someone else flying more, or a larger helicopter. Warren Replansky said that any approval resolution would address these issues with mitigation measures.

A resident asked what variances were needed from the ZBA. ZBA Clerk Anne Rubin said that the area variances applied for are for parcel size, (the Town required 50 acres for a heliport; Mr. Bennett has 17) and setbacks from 11 and 5 Rokeby Road.

Mr. Rose said several people wanted to know why Mr. Bennett did not get approvals before building the helipad. Mr. Replansky replied that Mr. Bennett was unaware until recently that approvals were needed. Mr. Bennett added that NY State law allows this activity on private properties of 10 acres or more with the owner's permission. He said he was unaware of the local law which requires 50 acres.

Mr. Replansky said the application must be referred to the State Department of Transportation.

Mr. Phelan asked if there were any questions or comments from the Planning Board Members. There were none. Mr. Phelan asked Mr. Bennett to clarify that the application is for private use by Mr. Bennett only, and limited to the use of the Robinson R444. Mr. Bennett said that was correct.

Ms. Svenson asked Mr. Phelan to clarify whether the Board wanted written responses to the questions. Mr. Phelan said since a word-for-word transcript and a video recording would be available, he felt there was no need for written responses.

Mr. Rose commented that in his opinion, light could be as much of a bother or nuisance as sound, and he suggested trying to get a measure on light during night landings.

Mr. Phelan asked Mr. Bennett if he could do a demonstration for the Planning Board and the ZBA. Mr. Bennett agreed to do that.

Kristina Dousharm asked Mr. Bennett if he has a commercial or private pilot's license. Mr. Bennett answered that he has an airline transport pilot license, which is the highest rating that one can get, and a commercial helicopter license.

Mr. Phelan said he would be in touch with the applicant and his representatives on the process that would follow. He said the issue would be on the November agenda.

Ms. Dousharm said that the public should be notified that a public hearing will be held as part of the process. Mr. Phelan said members of the public could continue to email questions to planning@redhook.org.

ZBA Chairman Nick Annas said safety issues had not been discussed. Mr. Phelan agreed, and said they could be discussed at the next meeting. He added that he thought the setback limits in the Zoning Code are grounded on safety issues.

Ferguson Barn- 32 Vosburgh Road - Special Use Permit, Site Plan

Continued discussion of application to construct a barn for personal and veterinary uses on a 12-acre parcel in the RD3 Zoning District.

Applicant Gillian Ferguson was present. She gave an overview of the project. Kristina Dousharm asked if trees would be removed. Ms. Ferguson said about 5 trees would have to be removed for the driveway and the barn. Photos of the site were shown to illustrate. She also noted that she had planted many new trees since acquiring the property.

Parking and setbacks were discussed. Michele Greig reviewed her comments dated 10-2-20. A public Hearing was set for Nov. 9.

NEW BUSINESS

7 Pines Minor Subdivision Amendment – Norton Road – Lot 6

Presentation of Application to relocate a building envelope on a 39.6-acre parcel in the RD3 Zoning District.

Applicant's representative Marie Welch was present. Brian Kelly and Lew Rose each said they had visited the site and had no issues with the proposed change. Michele Greig recommended that the metes and bounds be shown, and that the plat should show only the new approved building envelope.

The Board reviewed a draft approval resolution. Brian Kelly moved to adopt it with additional information concerning Winnakee Land Trust approving the changes, and the plat changes mentioned above. Kristina Dousharm seconded and all members, by roll call vote, voted in favor.

OTHER BUSINESS

Curran Open Development Area – Town Board request for recommendation

The Board reviewed the application, which was made to the Town, for access from a private way to a lot along Read Road. The question remained whether West View Lane is a private road or a shared driveway. All agreed that the road is not up to Town specifications. Mr. Phelan said the Planning Board's role is to provide planning advice to the Town Board. Lew Rose suggested that the Board recommend that the road be improved.

Mr. Phelan said his personal opinion was that it is better for the entrance to be sited on West View Lane, but he was concerned about what the rights of the property owners are with regard to West View Lane.

Michele Greig suggested responding to the Town that it is preferable to have the access on West View Lane, but if that is done, there should be a legal agreement that governs long term maintenance and safety and road improvements, and to note that the additional access exceeds the current number of lots using one driveway that is allowed according to the town's subdivision regulations. The Board generally agreed. Mr. Phelan asked Ms. Greig to draft a memo to the Town Board.

Pre-Application discussion – Dante Armento

Charles Anderson and Dante Armento were present. Mr. Anderson said they wanted to discuss turning the Unification Theological Seminary (UTS) property in Barrytown into a substance abuse treatment center serving about 150 clients with about 125 employees. He gave an overview on the need for such a

facility and a description of how the facility would operate. Mr. Armento said the purchase of the property is in the early stages.

Mr. Phelan noted that UTS is located in significant historic and protected areas. Mr. Armato said that they would consider agreements with a land trust to preserve much of the property.

Michele Greig said that she was not sure whether a substance abuse treatment center is an allowed use in that Zoning District. She recommended that the men ask Bob Fennell, the Zoning Enforcement Officer, to determine whether the use fits into one of the categories that is permitted. The property is located in the Institutional and Water Conservation Districts, she said.

Extension Request - Preserve at Lakeskill

Applicant's representative Mike Bodendorf was present. He said the Health Department was ready to sign off. Engineering-wise, all conditions have been met, he added. Easement approvals have not yet been approved by the Town Board, and a road opening permit has not been issued yet.

Mr. Phelan asked for a full list of open items, and timeline for completion.

Brian Kelly moved to grant a 90-day extension. Lew Rose seconded and all members, by roll call, voted in favor.

ADJOURNMENT

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

Respectfully submitted,



Kathleen Flood
Planning Board Clerk

Resolution Granting Special Permit Approval to Denu Cottage

Name of Project: Denu Cottage

Name of Applicant: Brian Denu

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Brian Denu to construct a \pm 518 square foot cottage above an existing garage on a \pm 4.82 acre parcel (Tax Map Parcel No. 134889-6373-00-540143) located at 243 Feller Newmark Road in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the Planning Board has reviewed a site plan prepared by the applicant dated September 29, 2020, a floor plan prepared by the applicant dated May 28, 2020, and a Statement of Compliance certified by the applicant on September 29, 2020; and

Whereas, on September 14, 2020, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(11); 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 generally prevailing in the neighborhood; all structures will be readily accessible for fire and police protection; the character and appearance of the proposed cottage 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; 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 cottage found in § 143-68 and has found that the proposal complies with all of the specific standards, including: the maximum gross floor area devoted to the cottage shall be less than 650 square feet; the cottage will be supported by water supply and sanitary sewage disposal facilities deemed suitable by the Dutchess County Department of Behavioral and Community Health; there are no other cottages or accessory apartments on the property; the cottage satisfies all of the setback requirements for a principal structure in the RD3 District; and the cottage will be located on a lot that is no less than the minimum three acres required in the RD3 District; and

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

Whereas, on October 5, 2020, 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 October 5, 2020; 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 Special Permit approval to Brian Denu for a cottage in accordance with the application materials and specifications heretofore submitted upon the following conditions:

- A. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy for the cottage:
 - (1) The building shall be in compliance with all provisions of the New York State Uniform Fire Prevention and Building Code pursuant to § 143-68D of the Zoning Law.
 - (2) The applicant will replace the existing spot light with a fully shielded fixture.
 - (3) All proposed improvements shall have been completed in accordance with the approved Special Permit.
 - (4) The applicant shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (5) The applicant shall pay any and all outstanding escrow balances for consultant review.
- B. The following are general conditions which shall be fulfilled throughout the operation of the project:
 - (1) This permit authorizes one (1) cottage a maximum of 518 square feet in gross floor area.
 - (2) Two off-street parking spaces for the accessory apartment, in addition to two parking spaces for the single-family dwelling on site, shall be provided at all times.
 - (3) The applicant shall continue to comply with all requirements of § 143-68 of the Zoning Law and with all conditions imposed by any outside agencies in their permits.

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 Brian Kelly, and and a roll call vote, which resulted as follows:

Chairman Sam Phelan Voting Aye
Deputy Chairman Brian Kelly Voting Aye
Member Kristina Dousharm Voting Aye
Member Lew Rose Voting Aye
and three vacant seats

Resolution was declared adopted on October 5, 2020.

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

Kathleen Flood
Kathleen Flood, Clerk to the Planning Board

10-7-2020
Date

**Resolution Granting Approval to the Final Subdivision Plat for
Gendron and DeCicco Lot Line Alteration**

Name of Project: Lot Line Alteration between Lands of Gendron and DeCicco

Name of Applicants: Dennis Gendron and Vincent DeCicco

Whereas, the applicants have submitted an application for Final Plat Approval to the Town of Red Hook Planning Board to convey \pm 0.265 acres of land from the \pm 19.048-acre Gendron parcel (Tax Map Parcel No. 134889-6273-00-850047) located in the AB District at Route 9G to the \pm 0.623-acre DeCicco parcel (Tax Map No. 134889-6273-00-821103) located in the R1.5 District at 21 Teator Lane in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Subdivision Plat entitled "Lot Line Alteration Prepared by Gendron & DeCicco" prepared by Johnson Surveying dated August 4, 2020; and

Whereas, on September 14, 2020, the Planning Board classified the proposed action as a Type II action pursuant to 6 CRR-NY Part 617.5(c)(16) declaring that no further review under SEQR is required; and

Whereas, the parcels are located within 500' of a New York State certified agricultural district (Agricultural District 20) and the applicants submitted an Agricultural Data Statement dated September 28, 2020, 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, on October 5, 2020, 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 October 5, 2020; and

Whereas, the Planning Board has deliberated on the application and all 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 Final Subdivision Plat approval to Dennis Gendron and Vincent DeCicco in accordance with the plans and specifications heretofore enumerated subject to 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) To include the names and addresses of the owners of record.
 - (b) To include the Agricultural Notice from Chapter 72-2B of the Town Code.
 - (c) To include the proposed side yard setback for the eastern property boundary of the DeCicco parcel subsequent to the lot line alteration for the principal and accessory structures.
- (2) The Subdivision Plat shall be signed by the Dutchess County Department of Health (Permission to File).
 - (3) The applicants shall verify that the corners of tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer, as required by § 120-24B(2) of the Town Code.
 - (4) The applicants shall pay to the Town of Red Hook any outstanding fees due and owing for the review of this application.
 - (5) The applicants shall pay any and all outstanding escrow balances for consultant review.
 - (6) The applicants shall submit 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.

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 applicants shall deliver to the prospective grantee a typewritten document containing the agricultural notice set forth in § 72-2B of the Town Code. Further, the applicants 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 applicants.

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

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

Resolution was declared adopted on October 5, 2020.

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

<i>Kathleen Flood</i>	<i>10-6-20</i>
Kathleen Flood, Clerk to the Board	Date

Resolution Granting Approval to Revise the Location of the Building Envelope on Lot 6 of Filed Subdivision Plat No. 12032 (“7 Pines”)

Name of Project: Amendment to Filed Map No. 12032 (“7 Pines”) to Revise the Location of the Building Envelope on Lot 6

Name of Applicant: 7 Pines, LLC

Whereas, the applicant has submitted an application to revise the location of the building envelope and driveway on Lot 6 of filed Subdivision Plat No. 12032 (Tax Map Parcel No. 134889-6272-00-926196) located in the RD3 Zoning District on Norton Road, Town of Red Hook, Dutchess County, New York; and

Whereas, the applicant has submitted a map modification plan entitled “Amendment to Filed Map No. 12032 Construction Envelope Relocation Prepared for 7 Pines, LLC” prepared by Welch Surveying dated September 3, 2020 and revised September 24, 2020; and

Whereas, the Planning Board determined that the revised location of the building envelope and driveway will not result in a significant impact on the environment greater than that which was initially reviewed for the 7 Pines Subdivision (Filed Plat No. 12032) pursuant to SEQR, which resulted in the issuance of a Negative Declaration by the Town of Red Hook Planning Board on February 27, 2006; and

Whereas, the applicant confirmed that the previously approved curb cut to Lot 6 will not be relocated; and

Whereas, the property is encumbered with a conservation easement held by Winnakee Land Trust Inc., which was entered into on February 2, 2007;

Whereas, the applicant submitted a copy of the conservation easement and correspondence from the easement holder Winnakee Land Trust Inc. dated September 20, 2020 stating that they grant permission for the proposed modifications; 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 relocated building envelope on Lot 6 of filed Subdivision Plat No. 12032 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) To delete the previously approved building envelope and the reference to "former house site."
 - (b) To refer to the proposed building envelope as "Approved Building Envelope for Principal and Accessory Structures."
 - (c) To delete references to "R&A".
 - (d) To include metes and bounds for the building envelope.
- (2) The Subdivision Plat shall be signed by the Dutchess County Department of Behavioral and Community Health (Permission to File).
- (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 Brian Kelly, 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>Aye</u>
Member Kristina Dousharm	Voting <u>Aye</u>
Member Lew Rose	Voting <u>Aye</u>
and three vacant seats	

Resolution was declared adopted on October 5, 2020.

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

Kathleen Flood
Kathleen Flood, Clerk to the Board

10-9-2020
Date