

Town of Red Hook Planning Board

Approved Meeting minutes / Monday, January 3, 2022

Chairman Sam Phelan called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present via Zoom: Kristina Dousharm, Sam Phelan, Lew Rose, Brian Kelly and Karen Smythe. Also present were Planning Board consultant Michele Greig and Planning Board Clerk Kathleen Flood.

Lew Rose moved to approve the meeting minutes of December 6, 2021. Kristina Dousharm seconded, and all members were in favor.

Mr. Phelan announced the meeting was being held virtually only and was properly announced and publicized. He added two items to the agenda – a pre-application discussion with Ms. Tinnie Sassano of Budds Corners Road, and a request for comments from the NYS Department of Transportation regarding road repairs.

PUBLIC HEARINGS

Rowlson-Hall / Lidofsky Certificate of Appropriateness – 41 Old Post Road

Public Hearing on application to install a Gothic-style picket style fence in the front yard of a residence on a .85-acre parcel in upper Red Hook.

Mr. Phelan read the Public Service announcement that was published in the Poughkeepsie Journal. Karen Smythe moved to open the Public Hearing. Kristina Dousharm seconded, and the motion passed unanimously.

Applicants Celia Rowlson-Hall and Mariana Lidofsky were present. Ms. Lidofsky gave an overview of their project.

Mr. Phelan asked if there were any questions or comments from the public. There were none. Mr. Phelan asked if Board Members had any questions or comments. There were none. Ms. Smythe moved to close the public hearing. Brian Kelly Seconded and all members voted in favor.

The Board reviewed a draft Certificate of Appropriateness. Karen Smythe moved to adopt it. Kristina Dousharm seconded. The approval was, by roll call vote, unanimous.

Kelly-Greenspan Lot Line Adjustment - 239 Starbarrack Road

Public hearing on application to convey ± 1.29 acres from the ± 3.56-acre Greenspan parcel (Parcel A) to the ± 4 acre-Kelly parcel (Parcel B), resulting in a ± 5.29-acre Kelly parcel, and to convey ± 1.29 acres from a second Kelly parcel (identified as "Vacant Parcel") to the Greenspan parcel, with the result that the Greenspan parcel will remain ± 3.56 acres in size. The vacant parcel will be reduced in size to ± 8.89 acres. All three parcels are in the RD3 Zoning District.

Mr. Phelan read the Public Hearing announcement that was published in the Poughkeepsie Journal. Lew Rose moved to open the hearing. Karen Smythe seconded, and all members voted in favor. Applicant's representative Cynthia Fennell was present. She explained the lot line adjustment.

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

Ms. Smythe moved to close the hearing. Ms. Dousharm seconded, and the motion passed unanimously.

The Board reviewed a draft approval resolution. Mr. Rose moved to adopt it. Ms. Dousharm seconded, and all members, by roll call vote, agreed.

Savona's Restaurant Site Plan – 7255 South Broadway

Public Hearing on application to create a commercial parking lot with 12 off-street parking spaces behind an existing single-family dwelling on a .26-acre parcel located at 7255 South Broadway. The parking area will serve a restaurant located on the adjacent parcel at 7249 South Broadway. The new parking lot and restaurant on the adjacent lot are in the Traditional Neighborhood Development Center Subdistrict.

Mr. Phelan read the Public Hearing announcement that was published in the Poughkeepsie Journal. Ms. Smythe moved to open the public hearing. Mr. Rose seconded, and all members voted in favor. Applicant's representative Rob DuPont and applicant Dan Savona were present.

Mr. DuPont gave an overview of the project. He noted that although the restaurant has the required amount of parking, they need additional parking to accommodate staff, special events and weekend business. He described proposed lighting, and said that the applicants had met with Ms. Jen Brown, the closest neighbor. Ms. Brown was present, and said all her concerns have been met, and she is in support of the project. She asked if 6 feet is the maximum allowable height for a fence in her rear yard. Michele Greig confirmed that it is. Ms. Greig said that the Planning Board's engineer had recommended that the proposed lighting lumens and levels be decreased. Mr. Phelan said that the public hearing would be continued to the February 7 meeting pending the submittal of a sub-surface stormwater treatment plan.

Mr. Phelan asked if there were any questions or comments from the public. Resident Linda Keeling said she was concerned with the existing handicapped parking. Mr. Phelan noted that the existing handicapped parking is not part of the site plan being reviewed. Ms. Keeling said her concern is that handicapped individuals must cross the driveway to enter the restaurant. Dan Savona asked Ms. Keeling where she would recommend the handicapped parking be relocated. Ms. Keeling replied closer to the building. It was determined that the only other place to locate the handicapped parking was in the rear of the building. Ms. Greig suggested the applicant check with the Building Inspector to determine if there are ADA requirements regarding the location of handicapped parking spaces before making any changes.

The hearing will be continued Feb. 7.

OLD BUSINESS

Kasselman Solar -Craig Neville-Manning PV Array, 243 Woods Road, Tivoli – Site Plan, Special Permit and Certificate of Appropriateness

Continued discussion of application to install a ground-mounted medium solar energy system consisting of five arrays totaling 7, 670 square feet in size generating a total of 149 kW on a 10.226-acre parcel located at 245 Woods Road in the Limited Development, Historic Landmark Overlay and Scenic Corridor Overlay Zoning Districts.

Mr. Phelan refreshed everyone on the project which was introduced to the Board in September. He said the applicant's had received a variance from the Zoning Board of Appeals to locate the array in the front yard of the parcel.

Applicant's representative Scott Stevens of Kasselman Solar, LLC was present. Landscaping and required fencing around the array were discussed. Ms. Grieg reviewed her memo dated Jan. 3. She said that a Certificate of Appropriateness (CoA) is required in addition to Site Plan and Special Use Permit. Mr. Phelan explained the CoA process to Mr. Stevens and said that fencing and landscaping details should be finalized before submitting to the Hamlet Design Review Committee for the CoA.

Ms. Greig observed that the array is rather large for the house. She asked how the array was sized to the premises. Mr. Scott said he was unaware of plans for further development of the property. The Board generally agreed that an explanation should be provided. They also requested images that show what the project will look like. Mr. Stevens showed some photos of recent projects completed by Kasselman Solar.

Mr. Phelan concluded that because the location is sensitive, the size of the array is of concern. Ms. Grieg suggested that the applicants mark the site of the array and that Board members visit the site. Mr. Stevens agreed to coordinate that with the property owner.

The board reviewed a Type II SEQR resolution. Lew Rose moved to adopt it. Brian Kelly seconded, and all members, by roll call vote, voted in favor.

NEW BUSINESS

O'Donnell Certificate of Appropriateness – 130 Woods Road

Presentation of application to construct a new 8,200 Sf single family residence and 1,200 SF pool on a 10.3-acre parcel in the Historic Overlay and Agricultural Business Zoning Districts.

Applicant's representative Peter Sweeny was present. He described the project. A recommendation to approve the project has been received from the Hamlet Design Review Committee. A Public Hearing will be held Feb. 7.

Pre-Application discussion – Tinnie Sassano- Budds Corners Road

Ms. Sassano was not present.


NYS Department of Transportation request for comments

The Board generally agreed they had no comments or concerns relating to the DOT project of repairing cracks in Route 9 and 9G.

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
Clerk for the Board

Town of Red Hook Planning Board

CERTIFICATE OF APPROPRIATENESS

January 3, 2022

Celia Rowlson-Hall and Mariana Lidofsky

Tax Parcel # 227816

The applicants, whose property is located at 41 Old Post Road North, seek approval to construct a picket fence along the front yard of the residence.

On December 6, 2021, the Planning Board classified the proposed action as a Type II action under SEQR pursuant to 6 CRR-NY Part 617.5(c)(12).

The application and supporting documents were sent to the Hamlet Design Review Committee November 2, 2021. The Committee responded November 16, 2021, with the recommendation that the Planning Board grant a Certificate of Appropriateness to the applicant.

The Planning Board has reviewed and discussed the proposed plans and determined that the project is compatible with the historic character of the property as well as with the neighboring properties in the district and that there will be no negative visual negative impacts. A public hearing was held January 3, 2022.

Therefore,

On a motion by Karen Smythe, seconded by Kristina Dousharm and a vote of 5 for, 0 against and 2 vacant seats, the Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Celia Rowlson-Hall and Mariana Lidofsky for the proposed construction described above.

Certified by: Kathleen Flood 1-6-22
Kathleen Flood, Planning Board Clerk Date

**Resolution Granting Approval to the Final Subdivision Plat for
Kelly and Greenspan Lot Line Alterations**

Name of Project: Lot Line Alterations between Lands of Kelly and Greenspan

Name of Applicants: Kevin Kelly and Stephen Greenspan

Whereas, the applicants have submitted an application for Final Plat Approval to the Town of Red Hook Planning Board to convey ± 1.29 acres from the ± 3.56 -acre Greenspan parcel (134889-6374-00-765249) to the ± 4 acre-Kelly parcel (134889-6374-00-730236), resulting in a ± 5.29 -acre Kelly parcel, and to convey ± 1.29 acres from a second Kelly parcel (134889-6374-00-760287) to the Greenspan parcel, with the result that the Greenspan parcel will remain ± 3.56 acres in size, and the vacant parcel will be reduced in size to ± 8.89 acres; and

Whereas, the parcels are located in the RD3 District at 239, 245, and 273 Starbarrack Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, the applicants have submitted a Final Subdivision Plat entitled "Lot Line Alteration Lands of Kelly & Greenspan F.M. 11700" prepared by Robert L. Campbell L.S. dated November 22, 2021; and

Whereas, on December 6, 2021, the Planning Board classified the proposed project as a Type II action pursuant to 6 NYCRR 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 December 6, 2021, 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 December 20, 2021, the Planning Board opened a duly noticed public hearing on the Final Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the public hearing on December 20, 2021; 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 Kevin Kelly and Stephen Greenspan 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 Agricultural Notice from Chapter 72-2B of the Town Code.
 - (b) To identify the property owner and the current acreage of the vacant parcel.
 - (c) To revise the Zoning District Legend as follows:
 - (i) The Zoning District is RD3.
 - (ii) The minimum lot width should be corrected to 240 feet.
 - (iii) The reference to "85" for the front yard setback should be deleted.
 - (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 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>Aye</u>

Member Kristina Dousharm Voting Aye
Member Lew Rose Voting Aye
Member Karen Smythe Voting Aye
and two vacant seats

Resolution was declared adopted on January 3, 2022.

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

<u>Kathleen Flood</u>	<u>1-6-22</u>
Kathleen Flood, Clerk to the Board	Date

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

Name of Action: Neville-Manning Medium Solar Energy System

Whereas, the applicant proposes to install a ground-mounted medium solar energy system on a ± 19.226-acre parcel located at 245 Woods Road in the Limited Development (LD), Historic Landmark Overlay (HL-O), and Scenic Corridor Overlay (SC-O) Districts in the Town of Red Hook, Dutchess County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated December 17, 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 threshold found in 6 NYCRR 617.5(c)(11) 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 Lew Rose, seconded by Brian Kelly, and a vote of 5 for, 0 against, and 2 vacant seats, this resolution was adopted on January 3, 2022.