

## Town of Red Hook Planning Board

### Approved Special Meeting Minutes / Friday, February 18, 2022

#### 5 PM CALL TO ORDER / DETERMINATION OF QUORUM/ BUSINESS SESSION

Chairman Sam Phelan called the meeting to order at 5 pm. Members present: Sam Phelan, Brian Kelly, Karen Smythe, Kristina Dousharm, and Lew Rose. Also present were Planning Board attorney Jennifer Gray, Planning Board engineering consultant Brandee Nelson and Planning Board Clerk Kathleen Flood.

Mr. Phelan said the special meeting was properly noticed in local media and the town website, and that the meeting was being held virtually via Zoom.

#### NEW BUSINESS

##### **Tradition at Red Hook Site Plan**

Consideration of a proposal by the developers to post a performance bond for construction of a playground in lieu of actual construction which was required to be completed before additional Certificates of Occupancy can be issued.


Applicant's representative Joe Bonura was present. He explained that completion of a playground was required for the developers to be granted the 21<sup>st</sup> Certificate of Occupancy (CO). Although the playground equipment was ordered in August, due to supply chain issues, the equipment will not arrive until April or May. He said the 21<sup>st</sup> CO homebuyers need to move into their new house, and the developers have posted a cash performance bond with the town in the amount of \$54,086 to guarantee the completion of the playground to allow issuance of the 21<sup>st</sup> CO.

Ms. Nelson verified that the amount is sufficient to complete the work. Ms. Gray explained the legal aspects of the process, which includes Town Board approval.

The Board reviewed a draft approval resolution. Ms. Gray noted that the Board needed to determine a completion date for the playground. After some discussion, Karen Smythe moved to require that the playground be completed by September 30, 2022. Brian Kelly seconded, and all members voted in favor. Mr. Kelly moved to adopt the approval resolution. Ms. Smythe seconded, and the motion passed unanimously.

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

Respectfully submitted,



Kathleen Flood  
Clerk to the Board

## **Resolution Approving Amount and Sufficiency of Performance Bond for Specified Improvements for Tradition at Red Hook (formerly Hoffman TND)**

**Name of Project:** Tradition at Red Hook (Formerly Hoffman TND)

**Name of Applicant:** 25 Old Farm Road LLC

**WHEREAS**, the Town of Red Hook Planning Board adopted two Resolutions on April 1, 2019, entitled, respectively, “Resolution Granting Amended Site Plan Approval to Tradition of Red Hook (Formerly Hoffman TND),” (hereinafter referred to as “Amended Site Plan Approval Resolution”) and “Resolution Granting Approval to the Amended Final Subdivision Plat for Tradition at Red Hook (Formerly Hoffman TND),” (hereinafter referred to as “Amended Subdivision Approval Resolution” and together with the Amended Site Plan Approval Resolution, the “2019 Approval Resolutions”), which Amended Subdivision Approval Resolution gave permission to file the Subdivision Plat in Sections, and required that the Section Plats be filed in numerical order; both of which 2019 Approval Resolutions were duly filed in the office of the Town Clerk on April 2, 2019; and

**WHEREAS**, pursuant to the 2019 Approval Resolutions, 25 Old Farm Road Development, LLC (the “Owner”) has been granted conditional final approval by the Town of Red Hook Planning Board for a project as shown on a drawing set prepared by LRC Group, Project Engineers, entitled “Site Plan Submission Set for Tradition at Red Hook,” last revised on May 7, 2019, and including an overall lot layout plan last revised May 7, 2019, and as provided in the proposed subdivision for the 102-lot residential community on drawings prepared by LRC Group, Project Engineers, entitled “Hoffman Property Final Subdivision Plat,” last revised on August 15, 2018 (“Overall Subdivision Plat”), and the Tradition at Red Hook, Final Subdivision Plat, Section Plat #1, #2, #3, #4, and #5,” filed in the office of the Dutchess County Clerk, respectively, as FM #9147C (“Section 1 Plat”), FM #9147D (“Section 2 Plat”); FM #9147E (“Section 3 Plat”); FM #9147F (“Section 4 Plat”); and FM # 4147G (“Section 5 Plat”); and

**WHEREAS**, the Resolution Granting Approval to the Amended Final Subdivision Plat for Tradition at Red Hook (formerly Hoffman TND) approved by the Planning Board on April 1, 2019 includes Exhibit A, Hoffman Recreational Features by Section, last revised March 22, 2019 (“Recreation by Section Exhibit”) which includes certain recreational improvements to be completed prior to the issuance of the 21<sup>st</sup> certificate of occupancy; and

**WHEREAS**, pursuant to Section 143-120 of the Town Code, no certificate of occupancy shall be issued until all improvements shown on the approved site plan are installed and an as-built drawing submitted to the Zoning Enforcement Officer or a sufficient performance guaranty has been posted for improvements not yet completed; and

**WHEREAS**, such completion performance guaranty shall be posted in accordance with the procedures specified within § 277 of the Town Law relating to subdivisions, and the amount and sufficiency of such performance guaranty shall be determined by the Planning Board, and

pursuant to Section 277 of the Town Law the form of security must be approved by the Town Board; and

**WHEREAS**, the Owner has submitted a proposal to guaranty completion with a Completion Guaranty Agreement substantially in the form on file with the Town Clerk including a cash deposit in the amount of \$54,086.27 in order to guaranty completion of certain recreational improvements described in the Recreation by Section Exhibit under Section 2 thereof as conditions to issuance of the 21<sup>st</sup> certificate of occupancy for the Tradition at Red Hook Subdivision, and as shown on Sheet DN-6 SP, Site Amenities Details of the Site Plan, last revised May 7, 2019 (the "Specified Improvements"); and

**WHEREAS**, the Owner has advised, and the Town Engineer has confirmed, that the Owner ordered the requisite playground equipment for the Specified Improvements in September 2021 but due to supply chain disruptions the vendor has advised that the equipment is scheduled to arrive no later than May 6, 2022; and

**WHEREAS**, to date, the Town of Red Hook Building Department has issued twenty certificates of occupancy for constructed homes and the Owner has completed construction of the 21st home with a buyer awaiting occupancy; and

**WHEREAS**, the Town Engineer has provided its letter dated February 16, 2022, a copy of which is on file with the Town Clerk, stating that 1) the improvements required to be completed prior to the issuance of the 21st certificate of occupancy have been completed except for the Specified Improvements, and the Town Engineer has agreed with an estimate in the total amount of \$54,086.27 for the cost of completion of the Specified Improvements, and 2) the Owner has proposed a change in the construction material for the perimeter curbing around the Playground and Tot Lot as shown on Sheet DN-6 SP of the approved plans titled, "Final Site Plan and Overall Subdivision Plat Set," prepared by LRC Group, dated January 16, 2013 and last revised May 7, 2019, from pressure treated timber to concrete curbing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Red Hook hereby finds, based on consultation with the Town Engineer and Planning Board Attorney, that the amount and sufficiency of the proposed cash deposit in the amount of \$54,086.27 for the purposes of securing the performance of the Specified Improvements, as defined herein, to allow issuance of the 21<sup>st</sup> certificate of occupancy, is hereby approved, subject to acceptance by the Town Board of the Town of Red Hook of the performance guaranty in the form and amount approved by the Planning Board herein.

**BE IT FURTHER RESOLVED**, that the Planning Board finds that the Specified Improvements shall be completed on or before September 30, 2022 and the proposed Completion Guaranty Agreement shall be revised to include this term.

**BE IT FURTHER RESOLVED**, that the Planning Board approves the proposed change in construction material for the perimeter curbing around the Playground and Tot Lot as shown on Sheet DN-6 SP of the approved plans titled, "Final Site Plan and Overall Subdivision Plat Set,"

prepared by LRC Group, dated January 16, 2013 and last revised May 7, 2019, from pressure treated timber to concrete curbing.

**BE IT FURTHER RESOLVED**, that the Town Engineer and Planning Board Attorney may take all steps reasonable and necessary to implement the intent of this resolution.

**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 Owner.

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

Chairman Sam Phelan	Voting Yes
Deputy Chairman Brian Kelly	Voting Yes
Member Kristina Dousharm	Voting Yes
Member Lew Rose	Voting Yes
Member Karen Smyth	Voting Yes
and two vacant seats	

Resolution was declared adopted on February 18, 2022.

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

Kathleen Flood  
Kathleen Flood, Clerk to the Board

2-23-22  
Date