

## Town of Red Hook Planning Board

### Approved Meeting Minutes / Tuesday, February 21, 2023

Chairman Sam Phelan called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present at Town Hall: Sam Phelan, Kristina Dousharm, Lew Rose, Karen Smythe and Maxine Coleman. Planning Board Clerk, Jordan Rosario, was also present at Town Hall. Member Arthur Salman was present via Zoom.

Mr. Phelan confirmed the agenda as published.

#### PUBLIC HEARINGS

##### **Bard College: Montgomery Place Path & Pedestrian Bridge – Special Use Permit, Site Plan and Certificate of Appropriateness**

Extended Public Hearing on application to construct a pedestrian pathway connecting the Bard College Main Campus and the Montgomery Place Campus in the Historic Landmarks Overlay and Scenic Corridor Overlay Zoning Districts. The proposed path would begin at 1259 River Rd and continue until the Montgomery Place Visitor Center at 55 Montgomery Place.

Bard representative Amy Parrella was present. She discussed site lighting changes that were required by the NYS Office of Parks, Recreation and Historic Preservation. She explained that the agency reopened the case, allowing them an additional 30 days to review the project.

Kristina Dousharm suggested extending the public hearing out to March 20. Karen Smythe moved to do so, and the motion passed unanimously.

##### **Lueck-Sassano Lot Line Alteration**

Public Hearing on an application to alter the lot lines of 2 parcels to convey 2.572-acres from the Lueck property to the Sassano property, located on Budds Corner Rd in the RD3 Zoning District.

Karen Smythe moved to open the hearing. Kristina Dousharm seconded and all members voted in favor. Applicant's representative Marie Welch was present. She gave an overview of the project.

Sam Phelan asked if there were any questions or comments from the public. There were none. He asked if any Board members had any questions or comments. There were none. Ms. Smythe moved to close the hearing. Ms. Dousharm seconded, and all members voted in favor.

The Board reviewed a draft approval resolution. Lew Rose moved to adopt it. Maxine Coleman seconded and all members voted in favor.

##### **RTC Farm-Cookingham Lot Line Alteration**

Public Hearing on an application to alter the lot lines of 3 parcels located at 38 Cookingham Lane in the Agricultural Business District.

Karen Smythe moved to open the hearing. Kristina Dousharm seconded and the motion passed unanimously. Applicant's representative Mark Graminski was present. He gave an overview of the project. He said some of the property is located in the village of Red Hook, and is subject to approval by the Village Planning Board. Access to the properties is via an easement on Cookingham Lane.

Mr. Phelan asked if anyone on the Board had questions. There were none. He asked if anyone from the public had questions or comments. There were none. Kristina Dousharm moved to close the hearing. Karen Smythe seconded and all members voted in favor.

The Board reviewed a draft approval resolution. Ms. Smythe moved to adopt it. Ms. Dousharm seconded and the motion passed unanimously.

### **OLD BUSINESS**

#### **Bard College Ground Mounted Solar Array – Special Use Permit, Site Plan & CoA**

Continued discussion on an application to construct a ground mounted solar array in a vacant field on the College campus.

Applicant's representatives \_\_\_ and John O'Conner were present. He said the transformer will sit on a pre-cast concrete pad that will not go below six inches into the ground, and all posts are designed for minimum ground disturbance, and per requirements by the NYS Office of Parks, Recreation and Historic Preservation.

A decommissioning agreement has been drafted and is being circulated to the Town's attorney and engineer. Mr. Phelan commented that land restoration should be included in the agreement. Board members Lew Rose and Arthur Salman will review the document for the Board.

Mr. \_\_\_ requested that the Board expedite a SEQR Negative Declaration. The Board was reluctant to do so before the Board's engineer reviews the newest plans.

The applicants will return before the Board March 6.

#### **36 Hapeman Hill Rd Roof Mounted Solar Array - Site Plan Review**

Continued discussion application to install a medium size 31.18 kW roof mounted solar array at 36 Hapeman Hill Rd, an 11.33-acre parcel in the RD3 Zoning District.

Mr. Phelan commented that Bob Fennell, the Town Zoning Enforcement Officer is of the opinion that the Board can waive public hearings for projects such as this in order to expedite the process for applicants. The Board generally agreed to waive a public hearing.

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

## **OTHER BUSINESS**

### **Discussion to Change Submission Deadline Dates**

Mr. Phelan met with the Board's planning consultant about changing submission dates to give consultants and members adequate time to review materials. He reviewed other changes being considered, and the Board discussed ways to improve communications between the Board and consultants in general.

### **Discussion on Planning Board Role in LWRP**

Mr. Phelan said the LWRP is a powerful tool for towns, and he has asked the Board's consultant to develop a workshop for the Board. The Board generally agreed to schedule a session before a future meeting.

## **ADJOURNMENT**

Ms. Smythe moved to adjourn. Ms. Dousharm seconded and all members voted in favor.

Respectfully submitted,



Kathleen Flood  
Clerk for the Board

## **Resolution Granting Lot Line Alteration Approval to Lueck and Sassano**

**Name of Application:** Lueck and Sassano Lot Line Alteration

**Whereas**, the applicants, Stephan Lueck and Tinnie Sassano, have submitted an application for Re-Subdivision Plat (lot line alteration) approval dated January 25, 2023 to the Town of Red Hook Planning Board for two parcels of land identified as Tax Parcel No. 6474-00-056096 and No. 6274-00-148062 in the Town of Red Hook; and

**Whereas**, the applicants wish to combine a portion of Tax Parcel No. 6474-00-056096 with Tax Parcel No. 6274-00-148062, both located within the Town’s Residential Development (RD3) Zoning district with no land disturbance activities associated with the application; and

**Whereas**, the subject parcels are located on Budds Corners Road (aka County Route 79) and Red Hook Lane; and

**Whereas**, the applicants submitted a Sketch Plan prepared by Welch Surveying, entitled “Amendment to F.M. No. 12103 and F.M. No. 12103A Lot Line Alteration” dated January 25, 2023; and

**Whereas**, on February 6, 2023, the Planning Board, after reviewing the Short Environmental Assessment Form (EAF), determined that the action was a Type II application and no further review was required pursuant to SEQR; and

**Whereas**, on February 21, 2023, the Planning Board opened a duly noticed public hearing on the Re-Subdivision Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on February 21, 2023; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board hereby grants final approval to the Re-Subdivision Plat for Lueck-Sassano Lot Line Alteration in accordance with the plans and specifications heretofore submitted and upon the following conditions to be met prior to signing of the Final Re-Subdivision Plat by the Planning Board Chair:

- A. The applicants will submit a final re-subdivision plat certified by a licensed land surveyor, bearing the Planning Board’s assigned case number, suitable for filing in the office of the Dutchess County Clerk.

- B. To the extent applicable, the applicant will provide verification that the corners of the tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-29B(2)(b) and (f) of the Town Code.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- D. Payment of any and all outstanding escrow balances for consultant review.
- E. The Final Re-Subdivision Plat must be filed with the Clerk of the Planning Board within 180 days of the date of adoption of this resolution, unless such time is extended by mutual consent of the applicant and the Planning Board.

On a motion by Lew Rose, seconded by Maxine Coleman, and vote of

Roll Call Vote:

Chairman Sam Phelan	Voting <u>Yes</u>
Member Maxine Coleman	Voting <u>Yes</u>
Member Kristina Dousharm	Voting <u>Yes</u>
Member Arthur Salman	Voting <u>Yes</u>
Member Lewis Rose	Voting <u>Yes</u>
Member Karen Smythe	Voting <u>Yes</u>
& one vacant seat	

Resolution was declared adopted on February 21, 2023.

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

<u>Jordan Rosario</u>	<u>February 22, 2023</u>
Jordan Rosario, Clerk to the Planning Board	Date

## **Resolution Granting Lot Line Alteration Approval to RTC Farm and Cookingham**

**Name of Application:** RTC Farm and Cookingham Lot Line Alteration

**Whereas**, the applicants, RTC Farm LLC and Mary L. Cookingham, have submitted an application for Re-Subdivision Plat (lot line alteration) approval dated January 26, 2023 to the Town of Red Hook Planning Board for three parcels of land identified as Tax Parcel No. 134801-6272-07-564993 in the Village of Red Hook and No. 134889-6272-00-758974 and No. 134889-6272-00-795956 in the Town of Red Hook; and

**Whereas**, the applicants submitted a Minor Subdivision - Lot Line Alteration Plan prepared by Mark R. Graminski P.E. L.S. P.C. Consulting Engineer and Land Surveyor dated January 26, 2023; and

**Whereas**, the applicants wish to alter the boundaries of the parcels, as shown on said Plan, in the Town of Red Hook; and

**Whereas**, the subject parcels are located on Albany Post Road and North Broadway; and

**Whereas**, the parcels are located within the Town's Agricultural Business (AB) Zoning district and no land disturbance activities are associated with the application; and

**Whereas**, on February 6, 2023, the Planning Board, after reviewing the Short Environmental Assessment Form (EAF), determined that the action was a Type II action and no further review was required pursuant to SEQRA; and

**Whereas**, on February 21, 2023, the Planning Board opened a duly noticed public hearing on the Re-Subdivision Plat, at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on February 21, 2023; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board hereby grants final approval to the Re-Subdivision Plat for RTC-Cookingham Lot Line Alteration in accordance with the plans and specifications heretofore submitted and upon the following conditions to be met prior to signing of the Final Re-Subdivision Plat by the Planning Board Chair:

- A. The applicants will submit a final re-subdivision plat certified by a licensed land surveyor, bearing the Planning Board's assigned case number, suitable for filing in the office of the Dutchess County Clerk.
- B. To the extent applicable, the applicant will provide verification that the corners of the tracts have been marked by monuments or steel rods, of a type approved by the Town Engineer as required by § 120-29B(2)(b) and (f) of the Town Code.
- C. Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- D. Payment of any and all outstanding escrow balances for consultant review.
- E. The Final Re-Subdivision Plat must be filed with the Clerk of the Planning Board within 180 days of the date of adoption of this resolution, unless such time is extended by mutual consent of the applicant and the Planning Board.

On a motion by Karen Smythe, seconded by Kristina Dousharm, and vote of

Roll Call Vote:

Chairman Sam Phelan	Voting <u>Yes</u>
Member Maxine Coleman	Voting <u>Yes</u>
Member Kristina Dousharm	Voting <u>Yes</u>
Member Arthur Salman	Voting <u>Yes</u>
Member Lewis Rose	Voting <u>Yes</u>
Member Karen Smythe	Voting <u>Yes</u>
& one vacant seat	

Resolution was declared adopted on February 21, 2023.

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

Jordan Rosario  
 Jordan Rosario, Clerk to the Planning Board

February 22, 2023  
 Date

## **Resolution Referring Site Plan to Zoning Enforcement Officer 36 Hapeman Hill Road Medium Size Solar Energy System**

**Name of Project:** Loeb Roof Mounted Solar System

**Name of Applicant:** Philip Loeb/Kasselman Solar

**Whereas,** the Town of Red Hook Planning Board has received an application for Site Plan approval from Philip Loeb/Kasselman Solar to install a medium sized roof-mounted solar system on a building accessory to a residential dwelling and generating approximately 31.18 kW of electrical energy, along with a 260 foot long trench for electrical conduit on a ± 11.33 acre parcel of land owned by Philip Loeb and identified as Tax Parcel ID No. 6372-00-765474, located at 36 Hapeman Hill Road in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Site Plan prepared by kasselman solar dated August 18, 2022 as well as other supporting documents including a SEQR Short EAF; and

**Whereas,** after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on February 6, 2023 classified the proposed project as a Type II action pursuant to SEQR with no further action under SEQR required; and

**Whereas,** the property is not within 500 feet of a State or County Road or other threshold requiring referral to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239-m; and

**Whereas,** the property is located on land within an Agricultural District or on land within 500 feet of lands within an Agricultural District and therefore an Agricultural Data Statement must be filed, forwarded to and filed with the owner(s) of any 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 prior to taking an approval action on the application; and

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

**Whereas,** at the Site Plan Review and Approval sketch plan conference held on February 6, 2023, the Planning Board reviewed the Site Plan application and discussed a field visit to the site by the Town Planner on February 6, 2023 wherein it was confirmed that the subject accessory building is not substantially visible from Hapeman Hill Road; and



**Whereas**, the Planning Board determined that there will be no land disturbance other than trenching and installation of underground electrical lines and an electrical service entry and generator; and

**Whereas**, the Planning Board determined that the proposed project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this article.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board, in accordance with § 143-114.C(1) of the Zoning Law, hereby refers the application to the Town Zoning Enforcement Officer for confirmation that establishment of the medium sized solar energy system on an existing roof of a building accessory to a residential single-family dwelling is a permitted use within an existing complying structure or the limited modification of existing conforming uses and complying structures wherein no substantial site improvements are either required or proposed, and as such the project can proceed without further action by the Planning Board.

**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 Zoning Enforcement Officer 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>Yes</u>
Member Maxine Coleman	Voting	<u>Yes</u>
Member Kristina Dousharm	Voting	<u>Yes</u>
Member Lewis Rose	Voting	<u>Yes</u>
Member Arthur Salman	Voting	<u>Yes</u>
Member Karen Smythe	Voting	<u>Yes</u>

& one vacant seat

Resolution was declared adopted on February 21, 2023.

Resolution Certified, Filed with the Zoning Enforcement Officer and Mailed to the Applicant

Jordan Rosario  
Jordan Rosario, Clerk to the Planning Board

February 24, 2023  
Date