

**RED HOOK TOWN BOARD MEETING**  
**February 23, 2022**

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened by Zoom Videoconference due to COVID-19 pandemic stay in place rules at the Town Hall, 7340 South Broadway, Red Hook at 7:30 p.m.

Present: Supervisor Robert McKeon  
Councilmember William Hamel  
Councilmember Christine Kane  
Councilmember Jacob Testa  
Councilmember Julia Soloman  
Town Clerk Deanna Cochran

Also Present: Attorney Chris Chale  
Jesse Feldmus and Jake Stortini of Petal Creek Farm LLC

Supervisor McKeon opened with the Pledge of Allegiance and reviewed the agenda.

**PUBLIC COMMENT:** There was no public comment.

**ANNOUNCEMENTS:** There were no announcements

**HUDSON VALLEY COMMUNITY POWER UPDATE:**

Supervisor McKeon reviewed the Hudson Valley Community Power, a Community Choice Aggregation program. The three-year contract provides members with a fixed rate despite potential increases in energy costs. Supervisor McKeon expects Red Hook will have future opportunities to join this program with even more municipalities when this contract ends in June 2024.

Email [info@hudsonvalleycommunitypower.com](mailto:info@hudsonvalleycommunitypower.com), call (845) 859- 9099 x2 or visit [hudsonvalleycommunitypower.com](http://hudsonvalleycommunitypower.com) to check your membership status or for more information.

**Resolution Regarding Acceptation of Completion Guaranty for Specified Improvements for Tradition at Red Hook.**

Supervisor McKeon explained the resolution.

Attorney Chris Chale explained this process of guaranty agreement is dictated by provisions of the Town's Code.

**TOWN OF RED HOOK**  
**RESOLUTION NO. 7**  
**DATED FEBRUARY 23, 2022**

**RESOLUTION REGARDING ACCEPTANCE OF COMPLETION GUARANTY FOR SPECIFIED IMPROVEMENTS FOR TRADITION AT RED HOOK**

**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 #9147 D (“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 Town Engineer has provided its letter dated February 16, 2022, a copy of which is on file with the Town Clerk, stating that the improvements required to be completed prior to the issuance of the 21<sup>st</sup> 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

**WHEREAS**, the Town of Red Hook Planning Board by resolution dated February 18, 2022 has authorized acceptance of a cash deposit in the amount of \$54,086.27 securing the completion of the Specified Improvements, subject to approval of the form of guaranty by the Town Board;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Red Hook as follows:

- 1) Acceptance of a completion guaranty in the form and amount approved by the Planning Board as aforesaid and for the purpose referred to herein is authorized upon the following conditions:
  - a) Delivery to the Town Clerk of the original executed Completion Guaranty Agreement substantially the form on file with the Clerk with such changes as may be approved by the officer executing the same in consultation with the Attorney for the Town, together with a cash deposit as specified therein in the amount of \$54,086.27 for completion of the Specified Improvements; and
  - b) Receipt by the Town of payment for any and all outstanding consultant invoices included estimated costs, bringing the escrow account for development review costs fully up to date.

- 2) The Supervisor, Town Clerk, Town Engineer, and Attorney for the Town may take all steps reasonable and necessary in consultation with the Attorney for the Town to implement the intent of this resolution.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session on February 23, at 7:30 p.m., local time via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town, via Videoconference

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK  
RESOLUTION NO. 7  
DATED FEBRUARY 23, 2022**

**RESOLUTION REGARDING ACCEPTANCE OF COMPLETION GUARANTY FOR SPECIFIED IMPROVEMENTS FOR TRADITION AT RED HOOK**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember Julia Solomon	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

**Application for Zoning Amendment**

Jesse Feldmus and Jake Stortini of Petal Creek Farm LLC gave a presentation explaining the zoning amendment application they submitted.

After a recent purchase of a property located on Route 9G/Barrytown Road, formally used as a gas station, Jesse Feldmus and Jake Stortini are proposing a commercial nursery and a greenhouse on the property currently zoned as Residential 5.

Petal Creek Farm currently grows and sells cut flowers, and the greenhouse will give year-round flexibility for growing plants and shrubs. Presently, greenhouses are currently only allowed in Ag and Business District.

They plan on selling their own grown flowers and shrubs, garden related products, and locally grown farm produce.

The application contains detailed maps and plans as well as letters of support from adjacent parcel owners, including Montgomery Place/Bard College.

Councilmember Kane questioned if the adjacent parcel owner was made aware of the proposed sidewalk and if the sidewalk would eventually continue.

Feldmus and Stortini answered the owner was very interested in the sidewalk and is interested in continuing the sidewalk.

Councilmember Kane added there should be some area of protection between the sidewalk and the road edge of Route 9G, perhaps some green space.

Supervisor McKeon added Montgomery Place and perhaps residents on Barrytown Road should be made aware of these plans.

Feldmus answered the neighbors on the west side of this parcel have voiced their support for this project but have not submitted a letter of support.

Councilmember Kane added there will be Public Hearings for this Zoning Amendment. Councilmember Kane asked why they requested to change to the Ag & Business District and not Farm 1 or Farm 2.

Feldmus and Stortini answered that the request was made this way mostly due to the need for the greenhouse. Other options, Farm 1, Farm 2, or a roadside stand, were found to be too limiting for their business plans.

Supervisor McKeon suggested talking to a town planner. Also, a referral needs to be made to the County as with all proposed zoning changes.

Councilmember Hamel asked if cannabis was one of the plants they were planning to grow.

Feldmus and Stortini answered no.

Councilmember Kane added the best place to start is with the town planner. After the Board reviews it, then referrals can be made to the County.

Councilmember Kane added there was a lot of design for a small piece of property and future use would need to be considered as well if this was rezoned.

Feldmus and Stortini answered they considered this, and it is why they requested Ag & Business and not just Business district. An agricultural business was more in character with Red Hook.

Councilmember Kane added there could potentially be a lot of traffic flow in this area due to the Montgomery Place farm stand and the antique store if it opened for in person business.

Feldmus and Stortini answered they have a possible drive planned that could address this potentially future issue.

Councilmember Hamel added this property was located within the LWRP and would be subject to more review.

### **Resolution to Accept the ZEV Infrastructure Grant Award.**

Supervisor McKeon explained the resolution.

Councilmember Kane asked if the bands the Town are receiving are compatible with fast charging.

Supervisor McKeon answered there were supply change problems, and the Town will need to get a new vendor and contractor.

## **TOWN OF RED HOOK RESOLUTION 8 DATED FEBRUARY 23, 2022**

### **APPROVING ACCEPTANCE OF A GRANT FOR FAST CHARGING PEDESTALS IN THE TOWN OF RED HOOK**

**WHEREAS**, the Town of Red Hook has been selected to receive a ZEV Infrastructure grant in the amount of \$153,000 for two fast charging pedestals at the Town Hall in the Town of Red Hook; and

**WHEREAS**, the Town intends to require contractors to submit an application for Central Hudson's make ready program to provide for a portion of the project costs; and

**WHEREAS**, the Project constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment;

**BE IT RESOLVED** by the Town Board of the Town of Red Hook (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

1. The Town Board hereby accepts the ZEV infrastructure grant for two fast charging pedestals in the Town of Red Hook in the amount of \$153,000 on the terms and conditions set forth in the grant application.
2. The Supervisor, or in his absence, the Deputy Supervisor, is hereby authorized and directed to execute and deliver a grant agreement consistent with the grant application.
3. The Supervisor and the Town's other officers, employees and agents are hereby authorized and directed for, and in the name and on behalf of the Town, to do all acts and things required or provided by the provisions of the ZEV infrastructure grant.

**EXTRACT OF MINUTES**

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The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Videoconference	
Councilmember William Hamel	Via Videoconference	
Councilmember Christine Kane	Via Videoconference	
Councilmember Julia Solomon	Via Videoconference	
Councilmember Jacob Testa	Via Videoconference	

The following persons were ALSO PRESENT:

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK  
RESOLUTION 8  
DATED FEBRUARY 23, 2022**

**APPROVING ACCEPTANCE OF A GRANT  
FOR FAST CHARGING PEDESTALS  
IN THE TOWN OF RED HOOK**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember Julia Solomon	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

**CORRESPONDENCE:** John Rossi submitted a letter asking if the fast-charging stations were ADA compliant. Supervisor McKeon confirmed they are ADA complaint and shared the response from the DEC regarding this.

**BOARD REPORTS:**

**HIGHWAY REPORT:** Highway Dept reported the recent work such as paving and patching roads, removal of trees and scheduled training. They reported the recent funds received to replace outdated equipment.

**REC COMMISSION:** The Rec Park is currently closed for the winter season due to the unsafe weather conditions. A list was generated for prioritized work which included tree removal and the repair of the pavilion roof.

**POLICE DEPARTMENT:** In the month of January, the police responded to 68 total incidents, made 5 arrests and 40 tickets were issued.

**WATER DEPARTMENT:** The well rehab was completed. They will meet again 2/24/2022.

On a motion by Supervisor McKeon seconded by Councilmember Hamel to Enter Executive Session to discuss the hire of a potential employee and to enter Attorney Client Session.

Adopted      Ayes   5      McKeon, Hamel, Kane, Testa, Solomon  
                 Nays   0

9:33pm:      On a motion by Councilmember Kane seconded by Councilmember Hamel to exit Executive Session.

Adopted      Ayes   5      McKeon, Hamel, Kane, Testa, Solomon  
                 Nays   0

On a motion by Councilmember Kane seconded by Councilmember Solomon to authorize the Town Supervisor to make employment offers as described in executive session as they relate to the Building Department.

Adopted      Ayes   5      McKeon, Hamel, Kane, Testa, Solomon  
                 Nays   0

On a motion by Councilmember Hamel seconded by Councilmember Testa to authorize the Attorney to the Town to represent the Board in an Article 78 Litigation as described in Attorney Client Session.

Adopted      Ayes   5      McKeon, Hamel, Kane, Testa, Solomon  
                 Nays   0

On a motion by Councilmember Kane seconded by Councilmember Hamel to adjourn the meeting.

Adopted      Ayes   5      McKeon, Hamel, Kane, Testa, Solomon  
                 Nays   0

Respectfully Submitted

Deanna Cochran, Town Clerk