VILLAGE OF RED HOOK
PLANNING BOARD SPECIAL MEETING
February 9, 2012

Present: Co-Chairman Rodney Morrison, Member Stephen Zacharzuk, Member Mark Mirando and Secretary Lara Hart

Absent: Chairman Pearsall and Member Fredricks

MEETING AGENDA:

#1. Kearney Property, Inc. **Tax Grid #: 6272-11-594590 &** **6272-11-619615**	**Fisk Street**	**Subdivision** **(Anderson Commons)**
#2. Michael Lueck **Tax Grid #6272-10-466723**	**23 East Market Street**	**Sign Application**

Member Zacharzuk made a motion to open the February 9, 2012 planning board meeting at 7:00pm. Seconded by Member Mirando. All in favor.

Co-Chairman Morrison asked if we could reverse the order of the agenda to put Mr. Lueck first.

Secretary Hart asked Attorney Polidoro if we had to open the public hearing first. Attorney advised no. There was no opposition to this change by anyone in the audience.

Mr. & Mrs. Michael Lueck were present for the meeting.

Michael advised the board that everyone in the Town loves their signs and that they have got only positive feed-back and that they have taken down the two ugly ones (wife corrected and indicated took down 3 signs) and put up the ones that matched the other signs which actually downsized from the other one.

Co-Chairman Morrison asked the Board for any comments or thoughts. No comment from board.

Michael advised that they did limited lighting on them so to avoid being obnoxious. Mrs. Lueck advised they wanted to be energy efficient.

Member Zacharzuk asked if they have both signs. Michael advised that there were 2 on each side which they took down and there was one underneath the marque that they took down. Mrs. Lueck advised that the business is in the back of the building and don't have road front and people are still asking where they are located. Member Zacharzuk said that it blends in nice.

Co-Chairman advised that their consensus is that the board likes the sign and is fitting and well done.

Co-Chairman asked for any public comment on the Charlie O's sign application. No comment received.

Co-Chairman asked for a motion. Secretary Hart asked Co-Chairman Morrison to reference CEO Harkin's memo. Co-Chairman read aloud CEO Harkin's memo which read his opinion that after researching prior approvals and not having exact measurements for all signage on the building, it appears that the building is over the size authorized by Section 200-38-a-5-c-2; and is CEO Harkin's recommendation that the applicant submit a copy of the approved site plan and show the total square footage of every sign on the building, and that the applicant seek a variance from said Section 200-38-a-5-c-2.

Mr. Lueck advised that they took the other signs down. Co-Chairman asked this is in reaction. Mr. Lueck said they took both those signs down because they knew with those big signs and them together it would be more in square footage – they took the ones downs on the side and in the rear. Co-Chairman Morrison said that makes sense.

Co-Chairman said with that said, and the adjustment as they say, that they are in compliance.

Member Zacharzuk made a motion to approve signage as submitted. Seconded by Member Mirando. All in favor.

Member Zascharzuk made a motion to open the public hearing at 7:06pm. Seconded by Member Mirando. All in favor.

Pete Setaro of Morris Associates, Applicant Ken and Sean Kearney of Kearney Group and Mr. Robert Spolzino of Wilson Elser (Attorney at Law and counsel to applicant), were present for the meeting.

Pete Setaro gave a brief presentation of the applicant's project which consists of a subdivision of approximately 50 acres which will be subdivided into 51 Lots. Approximately 7 lots toward the south end of the parcel that would tie into the rest of the single family lots that are at Glen Ridge Road. Part of the project will be the through-road that will run from Fisk Street over to Glen Ridge Road, and also tying into the Village of Red Hook water system, part of that which will consist of running a water main from Fisk Street all the way to the through road, so as to provide a complete loop system, to be served

by individual septic systems. Pete said the project had received most of the approvals back in 2006, and they had received conditional approvals from the Town of Red Hook planning board and also the Village, due to some financial issues with the previous applicant, we were not able to complete the project and the Kearney Group has purchased it and so we are back before the Village Planning Board and Town Planning Board. This is a traditional neighborhood development, by that meaning these lots are, accept for 7 single lots which are in the ½ to 2 acre range, the other lots will be more of a cluster, being small lots about 6,000 sq. feet – each units down in the commons section of this project will have an access road which will goes behind each parcel so that along the street run – you won't see any open garages. They have spoken with many of the agencies who have given approval prior and Dutchess County Department of Health and they are going to reissue their prior approvals upon giving them a copy of the SEQR determination which was reaffirmed by the Village. There will be a conservation easement on the parcel somewhere in the neighborhood of possibly 9 acres, on the southern part of the property, which will remain open without any development there.

Co-Chairman Morrison asked Attorney Polidoro if everything has been satisfied with regard to the Ag District notice. Attorney stated that it was re-advertised and notice has been sent to all the farm operations in the Ag District. Co-Chairman asked Attorney Polidoro if there was any input from you that we and the public should hear before we have public comment. Attorney Polidoro wanted to remind the board that there have been some changes made to the site plan and that is not before the board at this point, and tonight is only looking at the subdivision plat which was prepared by Marie Welch. Attorney advised that we have copies, and according to the new foil law, we have to make everything available to the public, and copies of the proposed Resolution are available if anyone would like a copy. Attorney advised that at the last meeting the Board went through some of the conditions. Co-Chairman Morrison invited the public to speak at this time.

<u>George Beekman of 15 Cherry Street</u>

Mr. Beekman advised that he felt this was a great idea and felt it was sorry that it had failed the first time. Mr. Beekman likes the idea and would like to see it move forward.

No other public comment.

Co-Chairman Morrison asked the Board for any comment. No comment received.

Attorney has advised that the applicant has requested a change in the Resolution. Item #4 – "Subdivision approval from the Town of Red Hook Planning Board"… Attorney advised that the

Resolution lists all of the conditions that will need to be met, with the understanding that some of these will be carried over to final approval. With regard to #4, applicant has requested that it be changed to "preliminary" subdivision approval. Co-Chairman Morrison agrees with Attorney Polidoro.

Donald Domkowski of 79 Metzger Road

Mr. Domkowski advised that he received a notice that their property adjoins the property. Attorney advised notice was sent if land was within 500 feet. Mr. Domkowski advised that the copy of the map he was given shows a limited area of shadowing. At this time, Mr. Domkowski came forward to review plans with Pete. Mr. Domkowski pointed out his property location on the plans. Pete pointed to the area of his property and advised that they were required to send the Ag notice to anyone within 500 feet who had an agricultural exemption on their property. Mr. Domkowski feels that with this map, from what he is interpreting, that this area adjoins that part of theirs, and this shaded area is continued. Pete reviewed subdivision map and advised that they copied the vicinity map. Pete said he was actually up in the other side. Co-Chairman Morrison asked Attorney Polidoro if reason for Ag District notice was to only provide the owner/operator with ability to take a look and see if there is any agricultural impact to their operation. Attorney advised correct. Pete advised Mr. Domkowski that he was on the other side of Glen Ridge. Co-Chairman Morrison asked if there was any potential connection. Pete said the only closest thing they would be doing is tying the new access road into that loop on Glen Ridge. Mr. Domkowski felt this would not have any other impact.

Attorney advised that with regard to the "Further Resolved" clause, that with the discretion of the planning board that the conditions of preliminary approval be a condition of final approval, so that it is clear that they will have to meet conditions before coming back for final. Co-Chairman Morrison advised that there are certain things that cannot be done, so he feels this is correct. Pete feels that this resolution is not for a 51 lot subdivision, but 45 lots down in Commons area and 8 single family lots – being a total of 53. Co-Chairman said this may be a typo, but consistent of what has always been there. Pete said yes. Attorney asked if your Title of the Map still says filed Map ... Pete said yes, but it was confusing and it covers the lots down in the Commons area and has a separate plat for more subdivision plats that subdivide those 7 lots up in the back. Pete showed Attorney Polidoro the map which shows lots 46, 47, 48 49 – all the way up to 52. Attorney advised they have 51 lots in the EAF. Attorney and Pete agreed this was a typo. Co-Chairman advised that the original application is for 53 lots, with no change, just a simple typo in the EAF. Attorney Polidoro asked Lara to see the copy of the public hearing notice. Notice listed it is a subdivision application. Co-Chairman asked that the draft resolution was the first time anyone from the public has seen this today. Attorney advised yes. Co-Chairman Morrison

said on the record he will go through the Resolution. Attorney Polidoro advised that the date of the original site plan will need to be filled in on the Resolution.

Co-Chairman Morrison read aloud the "Resolution to Grant Preliminary Subdivision Plat Approval". Copy is on file in Village of Red Hook Building Department. Attorney Polidoro advised that the "Whereas" clauses could be skipped and that you can read the "Resolved" clauses.

Co-Chairman advised in the first Whereas clause that the lot description will be changed to 53. With regard to reading the conditions: Co-Chairman advised that the #4 will be changed to "Preliminary" approval. Co-Chairman added a #3 to the BE IT FURTHER RESOLVED … Attorney Polidoro advised #3 will read as follows… "In the discretion of the Planning Board the conditions of preliminary approval may be made conditions of final approval as appropriate". Co-Chairman Morrison referenced #22 & #23, that the language should be "submission of a satisfactory letter" rather than a "submission of a review letter" from the Red Hook Fire Department and Town Highway Superintendent. Co-Chairman Morrison referenced #15 – Attorney advised that this came up, and that building may be done in pieces, and as part of that, Cohen's road might be cut off at some point and only roughed in with Item #4 to provide for an emergency access. Co-Chairman Morrison asked Pete if that is what he committed to. Pete said yes. Co-Chairman Morrison said that this will be emergency access from the beginning, just not public access. Pete said yes. Attorney Polidoro advised that they had asked the applicant if there would be any traffic impact to that. Pete said this is reasonable and they can figure this out during final, but that there should be a trigger point when the through-road will be put in/finished. Co-Chairman Morrison advised that this leaves it to somewhere be determined at the time, based on how it gets built up. This will provide the applicant to build as necessary or as the market will work, and if there is a problem with the change flow, or a change, this board will require a traffic study at that time. Attorney Polidoro advised that we are requiring a traffic study prior to final. Co-Chairman Morrison asked that with regard to #15 that "prior to final" be added, and keep in "being a temporary or permanent dead end street". Co-Chairman Morrison referenced #12 – Attorney Polidoro explained that the concern is that lets say the first 30 lots are built, and so the road is completely built up to a point and beyond that it is only emergency access, if the Town wants to take that built portion of the road at that point, they would have the ability to, by a separate metes and bounds – but the Town will not be obligated to, but it does offer that possibility.

Co-Chairman Morrison asked that after hearing these potential conditions read and discussed are there any comments from the public.

Christopher Munn - 14 North Drive and Member of the Town of Red Hook Planning Board

Mr. Munn asked about the original submission and lots in question. Pete advised it was a typo and nothing has changed and original was 53. Mr. Munn asked that regarding the WHEREAS clause on the second page… regarding reaffirmation of SEQR and the follow-up studies, were those paid for by the applicant and submitted or were they paid for by the Village Planning Board escrow. Co-Chairman Morrison advised that this Board required them to update their studies and that it is the applicant's consultants that performed the studies, so the applicant paid the consultant and we did not pay - we paid the Town Engineer to review the studies and we pay counsel. Mr. Munn said that with the conditions that the board was going through he wanted to comment about #15 and the permit and that you might want to think about the possibility that if the market turns very sour and hence the project is not built, it may be relevant, and for the Town Planning Committee over the years we always want to consider the possibilities, especially in this state's situation, that if something were to go wrong in the market, or with this project, that we could end up with a road that is there, and while he sincerely doubts it will have any effect on anything in terms of the study Mr. Munn feels that one of the 3 words that are added to the one paragraph that will probably come from the traffic study consultant that basically says no, saying but that is obviously up to this board and we already covered his concern with #25. Co-Chairman explained that with respect to Mr. Munn's concern with the permit and the dead end street – that was also a flag to him because he did not believe that this was a consideration when the project was originally approved, so in introducing that possibility into the language he did not think is was part of the long term plan. Attorney advised that she thinks it is ok to ask for it to be studied in concern of approving it, but thinks that Mr. Munn is correct that we can't stop the applicant from building – but there will be a road bond. Co-Chairman agreed and said he remembers reading that too. Attorney Polidoro said that will need to be worked out with the Town as well because that portion will be in the Town so she does not know who will be responsible for collecting road bonds, or who is responsibilities it is if anything goes sour. Co-Chairman Morrison wanted to voice his thought on why the language might not there, but it seemed different than the original plan, but agrees that there is no problem with studying it, and does not know where the Town would sit on that detail. Mr. Munn says that this condition would always be considered in any project if, what if in the worst case scenario, in terms of construction what if something happens, that is why we have bonding to make sure that we are not in any mess. Attorney advised that is why she put it in – then when you were discussing it she thought maybe it should be taken out. Mr. Munn feels that a temporary or permanent road would be the same. Co-Chairman indicated to put language back in the paragraph #15 - "Cohen's Road being a temporary or permanent dead end street".

Co-Chairman Morrison asked for any other public comment.

Member Stephen Zacharzuk made a motion to close the public hearing at 7:45pm. Seconded by Co-Chairman Morrison. All in favor.

Co-Chairman Morrison asked for any other discussion regarding this Resolution as amended. No comments.

Member Zacharzuk asked that in regard to the lot change to 53 and this being a typo if all documents would be corrected. Attorney Polidoro said no and will not correct any document that were previously approved, but that she feels this is not a subsistent issue because if you do approve the subdivision tonight you are approving it in reference to a particular map. Co-Chairman said it would seem that if someone was looking at this 6 months from now and wondering what occurred, that there should be some mechanism to record the fact of what we discussed here, in writing, because this is also in the EAF. Attorney Polidoro asked Pete if the two extra lots non-residential. Ken Kearney said one is a commercial lot and the other one may be conservation. Pete said lot #1 is commercial and the other lot is a parcel-separate lot. Pete said these are the same plans as before and this was a type on the EAF. Attorney Polidoro asked if we should say there are 51 residential lots and that the EAF says 53. Co-Chairman Morrison asked if the original action called for 53 lots. Pete said they have not changed anything.

Member Stephen Zacharzuk made a motion to adopt the Resolution, as amended. Seconded by Member Mirando. All in favor.

Mr. Kearney thanked the Board, and spoke on the Red Hook Commons property here in the Village of Red Hook, and that property sat vacant 15-18 years and when he first came into the Village he was told to forget about it and it would be too complicated – due to sewer, zoning, contamination, neighborhood issues, and what they did was open up a dialog on 4 different municipal levels – County, Town, Village and State and not everyone agreed, but there was always dialog. Mr. Kearney just hopes that with all due respect that between the Village and Town, that dialog can be established and any other substances can be worked out. Mr. Kearney is too concerned about real estate, but believes that this walkable community with the original design, that this is the concept and that this type of development that will sell in the market. Mr. Kearney and his son are extremely optimistic and they have invested into this project and will invest more as they move forward, and they hope to move forward in all levels and appreciated everyone's support.

Co-Chairman Morrison advised that the original approval reads 51 residential lots and one commercial building to be constructed dated April, 2005. Co-Chairman wanted to make it clear before going into final, that it would be 53 total lots, not all being residential.

Mr. Ken Anderson of 108 Baxter Road, Red Hook

Mr. Anderson spoke on this project being in the works since he thinks in 2007 and that Ken has the experience, referring to the Senior Housing project, and that Ken went in to do that project, and did it wisely, and in a timely way. Mr. Anderson feels that with this big project it takes a lot of wise thoughts, ideas and people to make things work, and is a firm believer that if you want things to work you have to make it happen, and he feels that Ken can do it and hopefully 2 years from now we will look back and see what Ken has accomplished. Mr. Anderson thanked everyone for their cooperation and for all they have done.

Co-Chairman Morrison asked what the next step is in the order of work on this project. Pete advised that this board won't see them for a while now.

Mr. Munn spoke and advised that the applicant's application is not complete in the Town and although you may have your preliminary approval here tonight that as of the last meeting he was told that escrow has not been funded so none of the actual people who work for the Town have looked at this project, and with the dispute between the Town planning board and the Village planning board, if that is what you call it, is purely perceivable, and one of the things that the Town planning board plans to do is respond to what they feel is the required letter so that not only should applicant, in worse case , decides to come in later and cause problems but that the planning board, for performing that, would protect the Town. Mr. Munn said that as a member of the planning board it is his job to make sure that the Town is represented in that manner and that is the reason why they asked for recirculation, which from their perspective, would have been the proper step in terms of any application, particularly because all of the approvals had expired in the Town of Red Hook. Mr. Munn advised that the Town of Red Hook, as concerned by law, considers this a new application, and this did not mean that all things had to be re-drawn or re-surveyed, but that is the way that the Town follows and abides by the law. Mr. Munn feels that once that issues is resolved, that the Town of Red Hook, most of the people being on that board a long time and being a very professional bunch – and Mr. Munn saying to Ken Kearney that he has heard only good things about this project and your work, so it is true there is no pre-disposition against you as a result of any dispute - and beyond that he will say nothing else, and that the application will eventually been seen at the Town Planning Board.

Co-Chairman thanked Mr. Munn for his comments and for coming tonight.

Member Zacharzuk made a motion to accept the Planning Board minutes dated January 12, 2011. Seconded by Member Mirando. All in favor.

Member Zacharzuk made a motion to adjourn the Planning Board Meeting adjourned at 8:00pm. Seconded by Member Mirando. All in favor.

Submitted By:

Lara Hart

Secertary
Village of Red Hook Planning Board