

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
AUGUST 1, 2005

PRESENT: John Varricchio, Chairman
Warren Smith
F. Woody Dierze'
Ricardo Recchia
Nicholas McCausland
Melodye Moore
Michael Trimble
Art Brod, Planning Consultant

ABSENT: none

CALL TO ORDER / DETERMINATION OF QUORUM

The Chairman called this meeting to Order at 7:30 pm and determined a quorum of the Board to be present for the conduct of business.

BUSINESS SESSION

- **Agenda.** The Chairman stated the following additions to the published agenda: Shinebeck / Ettenson Subdivision Extension Request, Knollwood Subdivision Extension Request and Gendron sign permit.
- **Minutes of July 11, 2005**
A motion was made by Ricardo Recchia and seconded by Melodye Moore to accept the July 11, 2005 meeting minutes. All were in favor. Motion carried.
- **Scheduling of Special Meeting**

The Board discussed the need for a Special Meeting in September to handle the number of new applications before this Board. It was determined a Special Meeting would be scheduled for September 19, 2005. All were in favor.

PUBLIC HEARINGS

James Murphy – 74 Violet Hill Road – Special Use Permit.

Chairman Varricchio advised of the continuation of a Public Hearing initially begun at the May meeting and deferred to this time by action of the Applicant.

Mr. Murphy stated he seeks authorization for a detached accessory apartment on a single-family residential premise (TMP 6270-00-236227) on Violet Hill Road between Burger Road and Hilee Lane in the R3A District. The efficiency accessory apartment has been created above an existing garage and occupied

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by an elderly family member. Mr. Murphy showed the Board his Health Department Approval dated November 16, 2004. The Chairman questioned why the Applicant applied for a Building Permit for an intended garage.

Mr. Murphy stated his original plans were to have a personal office above the garage until the need arose for him to assist an elderly family member. The Chairman stated that stamped architectural plans might be determined to be required by the Zoning Enforcement Officer.

With no further questions or comments from the Board or public, Michael Trimble motioned and Melodye Moore seconded to close this Public Hearing. All were in favor.

Urban Builders, Inc. – Ackert Hook Road – Special Use Permit.

This Public Hearing was continued from the July 11, 2005, to permit the Planning Board's conduct of a field visit to address environmental issues which were raised before proceeding with consideration of a decision on this Application.

Neither the Applicant nor a representative was present at this meeting. The Chairman informed the several members of the public who were in attendance to express their opinions concerning this matter the hearing will be continued on September 12, 2005 at 7:35 pm.

William and Susan Koff – River and Ryan Roads – Subdivision Plat.

The Chairman opened this Public Hearing and directed the Secretary to read the annexed Public Notice as it appeared in the Daily Freeman on July 22, 2005.

Mrs. Koff explained their application for Subdivision Plat Approval for the intended subdivision of a 50.588-acre parcel (TMP 6070-00-855640) in the R5A and Hudson River National Historic Landmark Districts into a 19.613-acre existing house lot and three residential building lots of 5.000, 9.066 and 16.909 acres.

The Chairman confirmed SEQRA Lead Agency Notice of Intent was sent less than thirty days ago, on July 22, 2005.

Kay Verrilli read the following statement:

“The Koff's have been my good neighbors across the way for twenty-five years. I commend them because they have been involved citizens. They have shown their concern in issues which they believe would hurt the community and they have shown their interest in preserving features which they believe benefit the community. They have also been good

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citizens of the community by improving their property and the historic structures on it. It is obvious that they regard preservation as a high priority.

That said, I do want to address two items relating to their subdivision plan.

A portion of the Rhinebeck and Connecticut Rail bed runs through their property. That rail route, which was built in 1875 and dismantled in 1939, is an important historic feature of the town. It has been identified in the town's current Comprehensive Plan as a major component of a future public access trail system. That identification is being reinforced in the update presently being worked on by the Comprehensive Plan Committee.

I ask the Planning Board undertake the task of securing the Koff portion of the rail bed for future public access, either in fee ownership by the town or by easement which would maintain the bed for public access and protect any culverts and other natural and man made features that relate to that element of Rhinebeck history. At the very least assurances should be put in place that would disallow any permanent structure or use being located on the bed, which would be irreversible in the future.

Secondly, I believe there is an old foundation at some time converted into a dumping area just off Ryan Road. I believe at one time it was on a list of dumpsites to be investigated by authorities.

Thank you."

James Maguire, neighboring property owner, stated this is a special property in a historic district. The subdivision of this property, in the layout proposed, could preclude any future use of the historic rail bed. Mr. Maguire also stated his concern about the number of proposed lots in the subdivision and the location of Lot #4. In his opinion any house sited on Lot 4 will be visible from his adjacent historic Tea House; further the Koff's have already built a large barn only 10' off the property line clearly visible from the Tea House. Mr. Maguire stated that several years ago when he proposed subdivision of his land of 80 acres into 2 lots the Koff's voiced their concern about the increase in noise and traffic. Mr. Maguire wishes the Board to impose setback requirements to protect his property.

Mrs. Koff stated the garage Mr. Maguire is referring to is actually a barn/shed to house their tractor. The Koff's mow over 7 acres for lawn so they installed a 250-gallon gas tank. The gas tank and barn both were installed with all of the necessary permits. Mrs. Koff stated she has attempted to buffer the driveway from the Maguire's view by planting trees. They do not wish to open the rail bed up for public use; they purchased the 50 acres for privacy. The rail bed is visible

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from their kitchen window. Mrs. Koff also stated her concern about the liability of allowing people to walk on her property. Mrs. Koff stated there are no proposed structures to be built on the rail bed; while determining the layout of the subdivision she tried to be both sensitive and conservation-oriented.

Ryan Dowden, representing the CAC, stated the CAC's earlier concerns concerning this subdivision have been addressed. Warren Smith stated in his opinion that while the rail trail concept is fantastic and he full encourages landowners to protect the rail bed, there is currently nothing in the Rhinebeck law to encourage or force a land owner to offer this resource. Melodye Moore questioned if the use of the rail bed could be linked to the Dutchess County Greenway. Michael Trimble stated he feels it would be wise to prevent building on or improving the rail bed to preserve for future use.

Nicholas McCausland and Melodye Moore walked this site on behalf of the Planning Board. Nicholas McCausland stated he walked the driveway to Lot 4 (the rail bed); nothing in the Zoning Law prevents the applicant from using the railbed, the applicant has no plans for improving the rail bed and he agrees the Planning Board has no authority to prevent the owner from using the rail bed. Lot 1 is where the Koff's home is and while it is a large lot, you can see the rail bed, stone bridge and culvert from the Koff's home; it could be landscaped or screened but it is a pleasant view as it exists today. Lot 2 is the smallest lot and the house would be visible from River Road. Lot 3 is a beautiful, rugged and hilly lot along Ryan Road. Lot 4 is in the very rear of the subdivision; it would be very private with Catskill and river views. Melodye Moore stated Lot 3 could be visible from the road if future owners cut down the trees the Koff's have planted and suggests some provision to keep this screening in place. Mr. Maguire invited the Board to view Lot 4 from his home. F. Woody Dierze' stated he feels the rail trail concept is outstanding and would like to see this community set up a rail trail. Melodye Moore supports what Mr. Dierze' stated and stated that a rail system is established one step, one property at a time. Melodye also stated that the possible dump will be found and reviewed during the archeological review. Mrs. Koff stated archeological review has actually already begun; nothing was found on Lots 2 and 4, but study is continuing on Lot 3. Ricardo Recchia stated he feels the rail trail is a wonderful idea and would hope that if the opportunity ever comes to this community the property owners would see the community benefit; he feels the layout of this subdivision is very aesthetically pleasing and encourages the Board to approve this proposal. Chairman Varricchio stated the Comprehensive Plan Committee has been reviewing the Rhinebeck vision for the past 21/2 years; they are recommending this area be zoned residential 20 acres, therefore he feels this application is coming forth "at the midnight hour".

Linda Souers, Town Board member, commends the Koff's for all of the preservation work they have done but encourages them to move the driveway off the rail bed simply because a new owner could decide to blacktop the driveway

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and not preserve the rail bed. Kay Verrilli stated Winakee Land Trust is working on a easement with Mr. Lichens for his portion of the rail bed, and encourages the Board to think and act on this portion of the rail bed before it's too late for its preservation.

With no further questions or comments to come before the Board at this time, the Chairman stated this Public Hearing will continue on September 12, 2005 at 7:40 pm to allow required time for SEQRA feedback to be received.

Heartland LLC - Rhinebeck Ford – NYS Route 9 North – Special Use Permit and Site Plan.

The Chairman opened this Public Hearing and directed the Secretary to read the annexed Public Notice as it appeared in the Daily Freeman on July 22, 2005. The Chairman stated the Applicant's requests for issuance of a Special Use Permit and grant of Site Plan Approval for expansion of an "Automobile Sales Establishment" on the combined lands of the existing 3.11-acre site (Lot 1, FM 10642) and an adjoining 5.415-acre parcel within the Jeff Decker and Heartland, LLC, Subdivision (Lot 1, FM 10642A).

Mark Graminski, P.E. and L.S., is representing this application and stated the intended development is located within the Highway Business Park (HBP) District and consists of expansion of the existing showroom and service building from 9,400 square feet to 17,800 square feet, revision and addition of access driveways per NYSDOT standards; currently 2 access driveways are on site, one will be abandoned and a new access driveway will be created to allow delivery vehicles to drive on to the site to unload and drive off the site, creation of paved service parking and display parking areas, installation of a new subsurface sanitary sewage disposal system, installation of storm water collection, detention and treatment facilities, and site appurtenances including lighting, landscaping and signage. The lighting will be 15' poles with shoebox fixtures, all in accordance with Town standards. Jeff Walsh, owner, stated the expansion is necessary to better serve the community and wishes the site to be an attractive part of one of the gateways to Rhinebeck. The expansion will not require the removal of trees beyond the tree line, however the existing pile of dirt with trees growing from it will be removed. Planters will be installed to break up the pavement and an attractive, consistent architectural treatment will occur to link the old and new portions of the building.

Frank DiAngelo is concerned with the lighting stating the existing lighting shines into his living room; Mr. DiAngelo also stated his concern with the runoff, which eventually drains into his pond. Mr. Graminski explained two areas on site will be reserved for managing stormwater, the area will be excavated to hold any additional runoff created from the additional paving; vegetation be used for treatment by filtering, as recommended under DEC Regulations Standards. Mr.

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DiAngelo asked if percolation tests have been done. Mr. Graminski stated percolation tests were done last year as part of the subdivision; at that time the tests showed the soils exhibit some clay and that the percolation is slow but adequate. Lester Greenberg appreciates the Applicant is trying to have a successful business but feels growth of a commercial business expanding into a residential area will negatively impact the homes within the area. Robert Burkhardt stated he is concerned with the impact on the wetlands. Kay Verrilli asked what would be between the building and Route 9G. Mr. Graminski stated it would be paved with some access lane way for trucks, some parking and some display area for cars for sale. Mrs. Verrilli then stated she would like to see windows in the service area of the building. Mr. Walsh stated windows could not be installed in the portion of the building housing the service area. Linda Souers suggested windows high near the roofline. Mr. Walsh stated he is not opposed to that. Linda Souers asked about the jurisdiction of the wetlands that is depicted within a proposed paved area. Mr. Graminski stated this portion of the on-site wetlands is an isolated non-jurisdictional wetland that can be filled in.

Ryan Dowden read the following comments from the CAC:

“The CAC has several concerns regarding the Rhinebeck Ford Application:

1. The proposed vehicle loading area is over a wetland area.
2. There will be an additional entrance off State Route 9G creating 3 entrances/exits.
3. Do they have DOH approval for pumping the septic from the main building underground, under the display and parking area, to the leach field near the wetlands and close to Route 9G?
4. No clean outs were noticed for the septic line which, as noted above, runs underground some distance.
5. No landscaping plan was indicated.
6. The CAC would like to see the plan show compliance with exterior lighting standards.
7. Signage was not addressed in the application.
8. CAC would like a SEQRA determination.”

Mark Graminski stated he would review the CAC's concerns along with the concerns stated in a August 1, 2005, review letter from the Town Engineer, D.F. Wheeler Engineers. Warren Smith asked if a buffer along Route 9G has been established as with the I-XL property. Mr. Graminski stated I-XL is in a different zone, the buffer is not required in the HBP District. Art Brod stated the HBP District simply requires a 100' setback for parking and buildings; he questioned whether the display of cars for sale within the 100' setback for parking was in violation of the letter, or at least the spirit, of the Zoning Law? Art Brod also stated it appears the existing used vehicle and preowned vehicle signs may be in

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the NYSDOT right-of-way. Mr. Graminski stated this will be more specifically determined and appropriate notation or dimension placed on the Site Plan. Michael Trimble asked if the storm water detention was approved by the NYSDEC and what is its life expectancy. Mr. Graminski stated the storm water detention plan is consistent with NYSDEC standards and the life expectancy is "in perpetuity"; Mr. Graminski went on to say details for the maintenance plan are being developed and will be provided to the Board. Mr. Trimble suggested trading the trees in the rear of the parking area (between the display/customer and service areas) for additional green area in the front of the site. John Varricchio stated the presence of no setback is a definite concern. Mr. DiAngelo stated that Hook Road was a quiet road; the dealership is testing cars on Hook Road at high rates of speed, and this residential area is turning into a racetrack.

The Chairman stated the Proposed Action has been made the subject of coordinated environmental quality review under SEQRA with the Planning Board's Notice of Intent to Serve as Lead Agency issued less than thirty days ago following the Applicant's submission of Full EAF Part 1. The Chairman also noted that as requested by the Applicant and approved by the Board, Art Brod has initiated arrangements for review of the wetland boundary delineated by Ecological Solutions, LLC (Michael Nowicki) by an independent delineator.

There being no further comments or questions at this time, the Chairman announced the Planning Board will be continuing this Public Hearing on September 12, 2005, at 7:45 pm. to allow the 30-day clock under SEQRA to run for receipt of comment from involved or interested agencies.

Jeff Decker Excavation – Hook Road – Special Use Permit and Site Plan.

The Chairman opened this Public Hearing and directed the Secretary to read the annexed Public Notice as it appeared in the Daily Freeman on July 22, 2005.

The Chairman stated a combined Public Hearing has been scheduled for this meeting on the Applicant's requests for issuance of a Special Use Permit and grant of Site Plan Approval for development of a "Contractor's Yard / Establishment" on a 5.057-acre parcel, Lot 3 within the Jeff Decker and Heartland, LLC, Subdivision (FM 10642A).

Chairman Varricchio stated he visited this site and found substantial disturbance, no excavation permit has been issued; simply this is not the same site as was reviewed for subdivision. Art Brod stated if this is fact there has certainly been a flagrant violation under SEQRA. The Board requested the project engineer review the submitted site plan in consideration of the site disturbance that has occurred and submit modified plans, and related documents, as may be required to the Board. Mr. Graminski stated what are shown on the Site Plan are the original contours and he will provide certification to the Board on what has been

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disturbed. Jeff Decker stated he started working on the clearing last spring; he wasn't aware this was a violation until he received a letter from Jack Maasz, ZEO. No work has taken place after he received the letter. Mr. Varricchio asked the amount of fill used. Mr. Decker stated he would need to check but believes it was approximately 400 yards. Mr. Varricchio observed that this too would have

required a special use permit for "major excavation". Mr. Burkhardt stated his opinion that Hook Road was not built to accommodate big trucks, it simply is not wide enough, Mr. Burkhardt is in a wheel chair and finds it impossible to walk along this road with the commercial trucks traveling. John Pruitt stated this area though primarily residential is home to several light businesses; the businesses are growing and infringing on the residents. Jim Stevenson stated this use is inappropriate for this quiet residential area, by approving you are changing the nature of this neighborhood. An unidentified woman living at 41 Hook Road stated she has a 9 year old child who isn't allowed to ride his bike because of the speed and traffic on Hook Road; the ambulances drive too fast and large trucks take up most of the road. She feels the road needs to be improved and widened if the Town is going to allow this use. Ann DiAngelo stated the aesthetics of Hook Road has dropped tremendously over the past several of years.

The Chairman stated this Public Hearing will be continued on September 12, 2005 at 7:50 pm contingent upon the submission of revised plans by the project engineer.

REGULAR SESSION / OLD BUSINESS)

James Murphy – 74 Violet Hill Road – Special Use Permit.

In consideration of the close of Public Hearing earlier in the meeting, the Chairman read the following draft approval resolution, prepared by Art Brod, for the Board's consideration:

"The Town of Rhinebeck Planning Board hereby acts as follows on the February 22, 2005, Application by James Murphy for Special Use Permit to create a 'Detached Accessory Apartment' on a single-family residential premise (TMP 6270-00-236227) at 74 Violet Hill Road in the R3A District all as depicted on a sketch site plan and a building floor plan accompanying the Application:

1. Determines upon review of the Short EAF Part 1 and completion of EAF Part 2 in consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQRA will not cause any potential significant adverse effects on the environment and, thus, issues a Negative

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Declaration deeming an environmental impact statement to not be required.

2. Finds in consideration of Planning Board field visit, receipt of a report by the Town's Zoning Enforcement Officer, and review of documentation of Dutchess County Health Department approval for an on-site subsurface sanitary sewage system designed to accommodate not less than the total combined number of bedrooms within the principal dwelling and the accessory dwelling unit, that the intended use complies with all of the 'General Standards' for any special permit use as set forth at Section VI(A) of the Town's Zoning Law and all of the 'Additional Specific Requirements' for a 'Detached Accessory Apartment' as set forth at Section VI(B)(5) of the Town's Zoning Law.
3. In consideration of both of the above, issues the requested Special Use Permit for a 'Detached Accessory Apartment' at 74 Violet Hill Road in the R3A District and authorizes the Zoning Enforcement Officer to issue a Certificate of Occupancy therefore upon the Applicant's satisfaction of any other laws, codes, rules and/or regulations within the ZEO's purview."

A motion was made by Michael Trimble and seconded by Nicholas McCausland to adopt the above stated resolution. The motion carried by a unanimous vote of the Board.

Rhinecliff Properties, LLC – Grinnell and Shatzell Streets – Site Plan.

The Chairman stated the Planning Board issued a Negative Declaration under SEQRA for the Rhinecliff Properties project on June 30, 2005, and subsequently closed its Public Hearing at the July 11, 2005, meeting and deferred decision until a work session could be conducted by a delegation of Planning Board members (Warren Smith, Melodye Moore and Michael Trimble) to explore modifications in the intended exterior architectural design. James Chapman stated he has addressed the changes discussed at the work session, presenting modified building elevations and a list of "Choice 1" and "Choice 2" materials to be used. Mr. Chapman stated he would like to use the materials listed under the grouping of "Choice 1" providing it doesn't prove cost prohibitive. F. Woody Dierze' stated his opinion the Applicant has done a great job and he is pleased with the modifications. Michael Trimble stated he finds both Choices 1 and 2 acceptable. Melodye Moore stated she is very happy with the plan. Mr. Chapman also updated the Board on an on-site archaeological investigation and stated a commitment to cause no on-site disturbance from construction activities until the archaeological investigations are concluded and a "sign-off" letter secured from NYSOPRHP.

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With no further questions or comments, the Chairman read the following draft approval resolution, prepared by Art Brod, for the Board's consideration, which resolution was then moved by Michael Trimble and seconded by Melody Moore:

"The Town of Rhinebeck Planning Board hereby acts on the April 4, 2005, Application by Rhinecliff Properties, LLC, as executed by James Chapman, for Site Plan Approval for an intended project known as 'Rhinecliff Hotel', an intended 'country hotel' (lodging, restaurant and catering facility with outdoor terrace and lawn areas) situated at Grinnell and Shatzell Streets (TMP 16-6069-06-355592) and extending in the matter of an associated off-premises parking lot on lands owned by CSX Transportation, Inc. (a portion of TMP 16-6070-00-593550) under Agreement No. NYC-047265, located within the Hudson River National Historic Landmark District, the Town of Rhinebeck Local Waterfront Revitalization Area, and the Rhinecliff Business (RB) and Residential (R1A) Districts, all as classified as a 'Type I Action' under SEQRA due to the status of the former 'Rhinecliff Hotel' structure as a 'contributing structure' within the Landmark District and depicted or otherwise described within the following documents:

By the Applicant

- Project Narrative prepared by the Applicant and dated April 22, 2005.
- May 2, 2005, Addendum to Project Narrative to address the matter of tour buses.
- A 23-sheet set of site civil and building structural drawings prepared by The Chazen Companies and dated March 4, 2005, with sheets SP-2, SP-4 and SP-6 revised to April 22, 2005.
- Above-cited sheet SP-2, Layout Plan, further revised to May 2, 2005, to depict entire proposed 69-car parking lot on CSX lease parcel.
- A set of architectural floor plans and building elevations prepared by David Borenstein, R.A., and dated February 2005.
- A Full Environmental Assessment Form, Part 1, dated March 25, 2005, requiring certification and anticipated modified dating by the Applicant.
- Copy of the above-cited Agreement No. NYC-047265 between CSX Transportation, Inc. and Rhinecliff Properties, LLC, as executed by both parties and which Agreement includes opportunity for CSX to unilaterally terminate the lease upon ninety (90) day notice.

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- Applications for Use and Area Variances dated May 31, 2005.
- Data on proposed packaged Wastewater Treatment Plant submitted on June 20, 2005.

By the Town of Rhinebeck

- Zoning Enforcement Officer's review letter of May 6, 2005, citing inconsistencies with Town's Zoning Law.
- Notice of Intent to Serve as Lead Agency under SEQRA dated May 3, 2005, and issued by the Planning Board with required attachments on May 18, 2005.
- Notice of June 6, 2005, Public Hearing by the Planning Board on Application for Site Plan Approval as published in the Daily Freeman on May 25, 2005, which Public Hearing was held at that time and announced as continued to July 11, 2005.
- Resolution of June 20, 2005, Designating Planning Board as SEQRA Lead Agency.
- Resolution of June 20, 2005, by the Planning Board Authorizing Issuance of Negative Declaration under SEQRA.
- Negative Declaration under SEQRA as issued and distributed by the Planning Board on June 30, 2005.
- Resolution of July 6, 2005, by the Zoning Board of Appeals granting each of three (3) requested Use Variances and nine (9) Area Variances, addressing all of the inconsistencies cited in the Zoning Enforcement Officer's letter of May 6, 2005, '... subject to the provision that the Planning Board may review and may require a reduction in the operations of the hotel, the restaurant, and all the related activities in the event that for any reason at any future time the parking lot lease with the then owner of the "CSX railroad parcel" on the railroad bed to the west of the hotel is terminated'.

By the Dutchess County Department of Planning and Development

- Referral Response Memorandum of June 6, 2005, wherein the Department cited the proposal as '... a matter of some concern', specifically commented on matters of exterior building architecture, parking, and the sewage treatment plant's proximity to residential

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properties and recommended ‘... the Board rely upon its own study of the facts in the case with due consideration of the above comments’.

1. Grants Site Plan Approval for the intended project known as ‘Rhinecliff Hotel’ in acknowledgment of the Use Variances and Area Variances issued by the Zoning Board of Appeals on July 6, 2005, and in accordance with the above-cited documents describing the project, with the Chairman authorized to stamp and sign the Site Plan, consisting of all engineering and architectural drawings cited above except for Sheet SP-7, Alternate Site Parking Plan, subject to the following conditions and related modifications as may be required in the Site Plan to satisfy each of the stated conditions:
 - Acknowledgment in writing by the Applicant that the hotel site (TMP 16-6069-06-355592) and the associated off-premises parking lot (on a portion of TMP 16-6070-00-593550) are integral components of a single project, with no aspect of this Approval to be construed as authorizing the development and or use individually of either the hotel site or the off-premises parking lot.
 - Documentation through ‘sign-off letter’ from the Town Engineer, Daniel F. Wheeler, P.E., of satisfaction of all technical engineering comments he has offered with respect to the intended project.
 - Issuance of State Pollutant Discharge Elimination System (SPDES) Permit for sanitary sewage discharge by NYSDEC.
 - Approval of design plans for the proposed sanitary sewage facilities by the Dutchess County Health Department.
 - Issuance of a highway work / access permit by the Town of Rhinebeck Highway Superintendent.
 - Certification by the project engineer, Chazen Companies, of compliance with EPA Phase II Stormwater Regulations.
 - Refinement of the exterior building elevations, as agreed to with Planning Board representatives on July 26, 2005, to even more explicitly replicate the historic building design, materials for which are set forth as either ‘Choice #1’ or ‘Choice #2’ on the attached schedule dated August 1, 2005.
 - Documentation by the Applicant of the conformance of all proposed exterior lighting installations with the lighting design standards, including matter of fixture design, type of illumination, placement of

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shields, pole and fixture height and range of illumination levels, set forth within Greenway Guide 4.

- Submission through the Zoning Enforcement Officer of an Application for Sign Permit for any intended exterior identification, directional or other signage.
 - Payment of any outstanding fees and/or reimbursable costs due the Town of Rhinebeck.
 - Deletion of the aforementioned Sheet SP7, Alternate Site Parking Plan, and subsequent submission of the Site Plan, as noted above, for stamping and signature by the Chairman as the Approved Site Plan in the form and number of copies prescribed within the Town's Zoning Law and including thereon all required stamps, seals, signatures and certifications as set forth under the Zoning Law and/or the professional licensing standards set forth by the NYS Education Department.
2. Authorizes the Town's Zoning Enforcement Officer to either issue or cause the issuance of a Building Permit to carry out the intended project upon the Chairman's stamping and signing of the Approved Site Plan and further authorizes the ZEO to issue a Certificate of Occupancy for the 'Rhinecliff Hotel' upon the Applicant's completion of all work related to the principal building, other structures, and site improvements depicted on the Approved Site Plan, both on the Rhinecliff Properties, LLC, parcel and the CSX lease parcel, and compliance with both all other codes, laws, rules and regulations within his purview and the operating permit requirements for lodging and restaurant facilities administered by the Dutchess County Health Department.
3. In taking this action, the Planning Board acknowledges the extraordinary circumstance of the 90-day termination clause and, thus, conditions this Site Plan Approval as follows:
- Requires the Town's Zoning Enforcement Officer to explicitly state as an integral part of the above-cited Certificate of Occupancy that the hotel site and the associated off-premises parking lot, while bearing separate tax map parcel numbers and ownerships, are integral components of a single project, with no aspect of the Certificate of Occupancy to be construed as authorizing the occupancy individually of either the hotel site or the off-premises parking lot.

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- Further requires the Town's Zoning Enforcement Officer to explicitly state as an integral part of the above-cited Certificate of Occupancy that the Certificate of Occupancy shall be terminated without any further action required of the Town ninety (90) days following notice by CSX Transportation, Inc. to Rhinecliff Properties, LLC, or their respective successors, of the invoking of the termination clause set forth in above-cited Agreement No. NYC-047265.
4. The above notwithstanding, the Planning Board acknowledges the Applicant's submission for discussion purposes of a contingency parking plan, as depicted on aforementioned Sheet SP-7, Alternate Site Parking Plan, that appears reasonable and upon approval by the Town Board, the Town Highway Superintendent and the Planning Board, and implementation by the Applicant would restore to the project twenty (20) of the required sixty-nine (69) off-street parking spaces that would be lost upon termination of the Agreement between CSX Transportation, Inc. and Rhinecliff Properties, LLC, and would permit a modified Certificate of Occupancy to be issued for more limited use than presently proposed of the 'Rhinecliff Hotel'.

The Planning Board further advises that should the Applicant at any future time be faced with termination, in whole or in part, by CSX of Agreement No. NYC-047265 the Board will work closely and expeditiously with Rhinecliff Properties, LLC, or its successor, to ensure timely consideration in coordination with other Town agencies of the above-cited contingency parking plan and any other or additional proposed parking arrangements that may be set forth by the owner to more fully restore the required off-street parking lost.

5. Lastly, in taking this action, the Planning Board accepts the Applicant's commitment to cause no site disturbance from construction activities until on-going archaeological investigations are concluded and a related 'sign-off' letter is secured from New York State Office of Parks, Recreation and Historic Preservation."

The above resolution granting Site Plan Approval for was adopted upon unanimous roll call vote of the Board.

REGULAR SESSION (NEW BUSINESS)

Welwyn Farm, Inc. / Kristine Stephenson – 24 Welwyn Lane (1152 NYS Route 308) – Special Use Permit.

Ms. Kristine Stephenson is representing herself for this Application and stated she owns and rents a combination of 55 acres in the R3A Zoning District on NYS

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Route 308. The site is a current horse farm, no new construction is proposed. Her daughter/neighbor wishes to hold riding lessons for a few people a few days a week. The Chairman asked the applicant to provide the Board with a written narrative of exactly what the application is highlighting number of lessons, days and hours of operation, signage (if intended), etc.

With no further questions, the Chairman read the following draft procedural resolution, prepared by Art Brod, for the Board's consideration:

"The Town of Rhinebeck Planning Board hereby acts as follows on the May 31, 2005, Application by Welwyn Farm, Inc. / Kristine Stephenson for Special Use Permit to authorize the establishment of a 'Riding Academy' for purpose of giving public horseback riding lessons on an existing 55-acre horse farm located at 24 Welwyn Lane (1152 Route 308) in the R3A District:

1. Accepts the Application as adequate for commencing Planning Board, consultant and public review.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, September 19, 2005, at 7:35 p.m. and directs the Clerk to provide timely notice thereof as required under the Town's Zoning Law.
4. Delegates Planning Board Members John Varricchio and Warren Smith to conduct a field visit to the horse farm at their convenience and that of the Applicant and report their observations at the time of Public Hearing.
5. Refers the Application to the Dutchess County Department of Planning and Development for review and advisory opinion pursuant to Section 239 of the General Municipal Law.
6. Requests the Applicant complement the heretofore submitted Application with a Program Narrative by week's end so such may be considered during field visit, as part of the referral to Dutchess County Planning and during the Public Hearing."

A motion was made by Michael Trimble and seconded by Nicholas McCausland to adopt the above stated resolution. All were in favor. Motion carried.

Gail Lee – Vlei Road – Subdivision Plat.

Mrs. Lee stated she seeks Subdivision Plat Approval to subdivide an 11.689-acre parcel (TMP 16-6269-00-433109) on Vlei Road in the R3A District into Lot 1, a 3.0-acre residential building lot, and Lot 2, an 8.689-acre existing (under construction) house lot. The Chairman requested topographical information be shown on the subdivision map. The Board discussed if the two curb cuts were necessary. The Applicant will consult the Highway Superintendent. Art Brod advised the Application can be accepted only if the proposed lots are dimensionally in compliance with minimum Zoning Law requirements and creation of the new lot does not create any setback deficiencies for the on-going residential construction on Lot 2, including locations of the dwelling, water supply well and sanitary sewage disposal area. The Applicant assured the Board there would be no non-complying conditions created.

The Chairman read the following draft procedural resolution, prepared by Art Brod, for the Board's consideration:

“The Town of Rhinebeck Planning Board hereby acts as follows on the July 15, 2005, Application by Gail M. Lee for Subdivision Plat Approval to authorize the creation of a 3.0-acre residential building lot and an 8.689-acre existing (under construction) house lot from an 11.689-acre parcel (TMP 16-6269-00-433109) situate on the west side of Vlei Road in the R3A District, all as set forth on a Survey Map entitled ‘Lee Subdivision’ prepared by Kirk K. Horton, L.S., and dated July 5, 2005, and subject of a Short EAF Part 1 certified by the Applicant:

1. Accepts the Application as adequate for purposes of initiating Planning Board, consultant and public review.
2. Classifies the Application as a ‘Minor 2-Lot Subdivision, under the Town’s Land Subdivision Regulations and the Proposed Action as an ‘Unlisted Action’ under SEQRA.
3. Schedules a Public Hearing on the ‘Gail M. Lee Minor 2-Lot Subdivision / Vlei Road’ for Monday, September 19, 2005, at 7:40 p.m. and directs the Clerk to provide timely notice thereof as required under the Town’s Land Subdivision Regulations.
4. Delegates Planning Board Members F. Woody Dierze’ and John Varricchio to conduct a field visit to the subdivision site and report their observations at the time of Public Hearing.
5. Advises the Applicant of requirement for review by the Town Highway Superintendent of the proposed driveway access location(s).

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6. Further advises the Applicant that, among other requirements set forth within the Town's Land Subdivision Regulations, either an engineer's opinion letter based upon field observation and testing or individual permits for water supply and sanitary sewage disposal for each of the lots, as issued by the Dutchess County Health Department, must be presented to the Planning Board prior to final approval of the proposed subdivision by the Board, i.e. stamping and signing of the Subdivision Plat by the Chairman."

A motion was made by F. Woody Dierze' and seconded by Melodye Moore to adopt the above stated resolution. The motion carried by a unanimous vote of the Board.

Richard Kopyscianski – 11 Charles Street – Site Plan.

Mr. Kopyscianski stated his application of Site Plan Approval for the conversion of approximately 150 s.f. of storage space within an existing building at 11 Charles Street within the Rhinecliff Business (RB) District into a "Lawyer's Office". Art Brod advised Mr. Kopyscianski has submitted an Application for Site Plan Review with attached Short EAF Part 1; a Full EAF is required due to location is within the Hudson River National Historic Landmark District and therefore a "Type I Action" under SEQRA. Mr. Kopyscianski stated Joan advised of the need for submission of the required Full EAF Part 1 however the ZEO told him it wasn't necessary.

The Chairman asked what the remainder of the building is used for. Mr. Kopyscianski stated the garages are rented as residential garages and the upstairs is used as his personal space. Ricardo Recchia asked if the building has water supply and SDS. Mr. Kopyscianski stated the site does have a well that drains into a cistern, no septic system or bathrooms. The Chairman requested clarification of Mr. Kopyscianski's reported "personal space" use of the second story of the building. Mr. Kopyscianski stated it is not living area; he has a pool table, etc., there. The Chairman asked if it was office space. Mr. Kopyscianski stated that sometimes he works in this space. The Chairman stated that this building is mixed uses of residential/personal, office and garage space and therefore, he feels the Zoning Enforcement Officer needs to submit in writing a determination as to whether this collection of uses is authorized within a single building in the RB District.

The Board concurred with the Chairman and advised Mr. Kopyscianski that the Application for Site Plan Approval would not be accepted and processed until a Full EAF Part 1 has been submitted and a written determination issued by the ZEO.

James and Joan Cody – 249 Pells Road – Subdivision Plat.

This Application is represented by Marie Welch, L.S. The Applicant seeks Subdivision Plat Approval for a 0.446-acre lot line alteration between two adjacent parcels (TMP 6371-00-083400 and -041407) in their ownership on Pells Road in the R3A District. Art Brod stated one of the parcels, some 12.03 acres in land area, has approximately 85 feet (his scaled dimension) of frontage on Pells Road and is the site of an existing driveway and dwelling. The second parcel, of perhaps 10 acres, has no road frontage; the stated intent of the lot line alteration is to provide 40 feet of road frontage for the second lot. Both lots would then be flag lots and, according to a note on the application, would be served by a common driveway.

Mr. Brod stated his opinion this Application may not be entertained by the Planning Board for at least the following two reasons: (1) the heretofore developed parcel has less than the 180 feet of road frontage required within the R3A District and thus is non-complying under the Town's Zoning Law and may not be made more so by act of the Planning Board, and (2) the maximum number of "flag lots" authorized under the Town's Zoning Law within a subdivision of six or fewer lots is one.

Chairman Varricchio concurred and advised Ms. Welch it is not within the authority to authorize the two flag lots which would result upon authorization of the lot line alteration pursuant to the Town's subdivision plat review and approval procedure.

Alan and Gina Mandel – 6 Long Dock Road – Special Use Permit / Site Plan.

The Applicant seeks a Special Use Permit and Site Plan Approval to authorize occupancy of a detached building earlier intended for use as a "Home Occupation" and for which a Special Use Permit was never sought instead as a "Detached Accessory Apartment" on a 6+ acre parcel at 6 Long Dock Road in the R1 District. The principal dwelling at this location is the Kip House, a designated historic landmark building.

Art Brod advised that while only the Application for Special Use Permit is required due to the accessory single-family premise intended use, and noted the Applicant has now presented a Full EAF Part 1 as substitute for the earlier submitted Short EAF.

The Chairman read the below draft procedural resolution, as prepared by the Planning Consultant, for the Planning Board's consideration:

"The Town of Rhinebeck Planning Board hereby acts as follows on the July 22, 2005, Applications by Alan J. Mandel and Gina E. Mandel for

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Special Use Permit and Site Plan Approval for authorization of the occupancy of an existing detached building on a 5.60-acre single-family dwelling premise at 6 Long Dock Road (TMP 16-6070-04-602296-0000) in the R1 District as a "Detached Accessory Apartment", all as depicted on a Site Diagram, undated, and subject of a related Dutchess County Health Department permit for on-site sanitary sewage disposal system:

1. Accepts the Application for Special Use Permit, including the Full EAF Part 1 certified by the Applicant on August 1, 2005, as adequate for commencing Planning Board, consultant and public review.
2. Advises the Application for Site Plan Approval is not required and directs the Applicant to the Town Clerk's Office for consideration of any related fee paid.
3. Classifies the Proposed Action as a 'Type I Action under SEQRA' due to its location within the Hudson River National Historic Landmark District and directs the Clerk to distribute the annexed Notice of Intent to Serve as Lead Agency.
4. Schedules a Public Hearing on the Application for Special Use Permit for Monday, September 19, 2005, at 7:45 p.m. and directs the Clerk to provide timely notice thereof as required under the Town's Zoning Law.
5. Delegates Planning Board Members Melodye Moore and Ricardo Recchia to conduct a field visit to the location and report their observations, particularly with respect to the standards set forth for a "Detached Accessory Apartment", at the time of Public Hearing.
6. Refers the Application for Special Use Permit to the Dutchess County Department of Planning and Development for review and advisory opinion pursuant to Section 239 of the General Municipal Law."

A motion was made by Michael Trimble and seconded by F. Woody Dierze' to adopt the above stated resolution. The motion was carried by a unanimous vote of the Board.

OTHER BUSINESS

Shinebeck, LLC, James Ettenson and Jan Oceanasek – Subdivision.

A letter request from James Ettenson was reported for an extension of time to satisfy the conditions set forth in the March 7, 2005, Planning Board resolution granting conditional subdivision plat approval. The matter is currently in the hands of the Health Department.

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With no further questions or comments the Chairman read the following draft approval resolution for the Board's consideration:

"The Town of Rhinebeck Planning Board hereby extends upon timely request of Applicant James Ettenson the termination date for satisfaction of conditions precedent to Subdivision Plat Approval, as set forth in the Planning Board's resolution of March 7, 2005, from September 3, 2005 to March 2, 2006."

A motion was made by Michael Trimble and seconded by Nicholas McCausland to adopt the above stated resolution. The motion carried by a unanimous vote of the Board members present.

Knollwood Properties – Subdivision.

A letter request from Mark Graminski, P.E. and L.S., for extension of time limits to meet the conditions of the March 7, 2005 Planning Board resolution granting preliminary plat approval was acknowledged by the Chairman. On-going consultation with the Dutchess County Health Department and continuing work on intended conservation easements was reported.

The Chairman read the following draft approval resolution for the Board's consideration:

"The Town of Rhinebeck Planning Board hereby extends upon timely request of the project engineer, Mark Graminski, the termination date for satisfaction of conditions precedent to submission of Final Plat for the Knollwood Major Subdivision, as set forth in the Planning Board's resolution of March 7, 2005, from September 3, 2005, to March 2, 2006."

A motion was made by Melodye Moore and seconded by Michael Trimble to adopt the above stated resolution. The motion carried by a unanimous vote of the Board.

ZEO REFERRAL

Genderon Catering – Sign Permit.

Chairman Varricchio stated he requested the ZEO review the presence of on-site signage at this NYS Route 9G location in comparison to the approved sign permit. The ZEO found the installed sign to not be the same as approved and therefore required this Applicant to come back to this Board.

The Chairman observed the new sign request has the addition of a 'take out' business sign arrow. He advised the Board the Applicant has approval for a

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catering business not a take out business and therefore recommended the application for sign permit be returned to the ZEO. The Planning Board cannot approve a sign for a use that is not authorized.

The Board concurred with the Chairman's recommendation. The Clerk will return the application with the above explanation to the ZEO.

ADJOURNMENT

With no further business before this Board, the Chairman accepted a motion from Michael Trimble seconded by Nicholas McCausland to adjourn this meeting. All were in favor. The Chairman declared this meeting adjourned on Tuesday, August 2, 2005, at 12:08 a.m.

Respectfully submitted,

Joan Winne
Planning Board Secretary / Clerk

Annexed Documents:

- Notices of Public Hearing / Koff Subdivision, Heartland, LLC – Rhinebeck Ford SUP and Site Plan, and Jeffrey Decker Excavation SUP and Site Plan
- SEQRA Lead Agency NOI / Mandel SUP