

TOWN OF RHINEBECK
PLANNING BOARD REGULAR MEETING MINUTES
JANUARY 3, 2005

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

ABSENT: John Maasz, ZEO

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Varricchio called the meeting to Order at 7:30 p.m. and determined a quorum consisting of all Planning Board Members except Nicholas McCausland to be present for the conduct of business. The Chairman welcomed Mr. Recchia back from a recuperative period and announced Mr. McCausland was reappointed to the Planning Board by the Town Board earlier today at its reorganization meeting for a third 7-year term. Art Brod stated he would be serving as Acting Secretary due to Joan Winne's illness today.

BUSINESS SESSION

- **Agenda.** The Chairman stated the Agenda for the Regular Meeting will stand as issued.
- **Minutes of Prior Meetings.** The Chairman first reported consideration of the November 1, 2004, Regular Meeting Minutes would be deferred until the February meeting. He then turned to the December 6, 2004, Regular Meeting Minutes and advised of a typographical error in the middle of Page 3, "Phase 21" should instead read "Phase 2", and requested a motion for acceptance of the Minutes as distributed by the Secretary and thus corrected. A motion to accept the December 6, 2004, Regular Meeting Minutes was made by Melodye Moore, seconded by F. Woody Dierze' and carried by unanimous vote of the six (6) Members then present.

Nicholas McCausland joined the Meeting at this point and was congratulated by the Board Members on his reappointment.

- **Correspondence and Announcements.** The Chairman reported receipt of a letter from Marie Welch, L.S., advising the Board she would not be returning to the Board with the Josh Aronson Application for Subdivision until the April

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meeting to permit time for the requested archaeological investigation of the subdivision parcel to be undertaken and submitted to NYSOPRHP for review.

The Planning Consultant reminded the Board of two forthcoming events, the conduct of a workshop by Hudson River Heritage during the afternoon of on Sunday, January 9th, on proposed waterfront development projects across the Hudson River in Kingston and the Town Board's conduct of Public Hearings on Monday, January 10th, at 6:30 p.m. on proposed local laws enacting the Town of Rhinebeck Historic Buildings Protection Law and adopting the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP). Mr. Brod reported both documents may be viewed on the Town-Village website.

PUBLIC HEARINGS

Knollwood Properties, LLC – NYS Route 9 South and Ackert Hook Road – Subdivision Plat.

The Chairman opened a continuation of the Public Hearing begun on December 6, 2004, on the September 23, 2004, Application submitted by Mark Graminski, P.E. and L.S., on behalf of Knollwood Properties, LLC (Frank Stortini) for Subdivision Plat Approval for the creation of ten (10) residential building lots ranging from 1.406 acres to 28.317 acres and three (3) annexation parcels involving a combined 134.085 acres generally to the south of the Village of Rhinebeck, to the east of Closs Drive and to the north of Ackert Hook Road and more specifically being the following, all as depicted within a 6-sheet set of Preliminary Plat drawings prepared by Mr. Graminski and bearing the same date as the Application:

- Resubdivision of Lot 4, Filed Map 11615, some 129.180 acres within TOV Rhinebeck, into the 10 lots and one of the annexation parcels, 1.805 acres to be merged with the lands of the Rhinebeck School District,
- Resubdivision of Lot 2, Filed Map 11615, some 3.627 acres within TOV Rhinebeck, to provide for a 0.602-acre annexation parcel which becomes an integral part of proposed Lot 4, and
- Resubdivision of Lot 4, Filed Map 11372A, some 1.278 acres within Village of Rhinebeck, to provide second annexation parcel, 0.311 acres, to be merged with lands of Rhinebeck School District.

Mark Graminski, P.E. and L.S., appeared on behalf of the Applicant and advised the Board of the following: [1] his firm's conduct of a field meeting with the Dutchess County Health Department to examine deep tests and percolation

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tests, [2] progress, but not yet completion, of the field archaeological investigation by Hartgen Associates, [3] pending status of a related Application for Subdivision Plat Approval (Lot Line Alteration) before the Village of Rhinebeck Planning Board, and [4] completion of verification by NYSDEC's Michael Clancy of wetlands boundary delineation by Ecological Solutions, LLC. Mr. Graminski concluded his remarks by requesting this Public Hearing be continued to the Board's February meeting.

Upon acknowledgment of the request by the Chairman, Michael Trimble moved and Nicholas McCausland seconded a motion continuing the Public Hearing on the Knollwood Properties, LLC, Major Subdivision to February 7, 2005, at 7:35 p.m. The motion carried by unanimous vote of the Board.

Vanikiotis & Serroukas – NYS Route 9 North – Site Plan.

The Chairman directed the Clerk annex the legal notice to the Minutes and opened the Public Hearing on this Application for Amendment of Site Plan Approval to authorize the modifications in an existing restaurant depicted on the below drawings:

- Exterior Elevations & Details (EX-1.1) and Furniture Plan (ID-1.4) prepared by Niemitz Design Group, Inc. for "Grill Nine", the apparent new name for what had been "Rolling Rock Café".
- Rendered Front Elevation also prepared by the Niemitz Design Group.

The modifications were further reported in the Planning Consultant's Meeting Notes to involve the following: (1) change in the exterior color scheme, (2) addition of outdoor dining areas, with twelve tables and a total of twenty-four chairs, in part under an awning canopy, to the south of the front entrance and a total three tables and eighteen chairs under umbrellas, to the immediate north of the front entrance, (3) addition of new plantings (and presumably modification and/or addition of pedestrian surfaces) in these areas, (4) addition of porch dining with two tables and twelve chairs on a porch accessed from the private dining room, and (5) while not depicted, modification of the on-site identity sign to reflect the new name, "Grill Nine". The Planning Consultant also confirmed the seating capacity would be reduced from 290 seats to 282 seats, thus causing no issues to be raised about either the sufficiency of parking or the design adequacy of the on-site sanitary sewage facilities.

Gus Serroukas, owner, appeared in representation of the Application. He briefly reviewed the project with the Board and in side conference with neighboring property owners, including Mr. & Mrs. Dowden who reside to the north of the restaurant on NYS Route 9. Mr. Serroukas stated the logo for "Grill Nine" had

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not yet been prepared and advised such change may not be occurring. The Chairman stated the Planning Board would consider at this time the balance of the modifications with it to be understand should the name change later be proposed a separate Application for Sign Permit will be required.

There being no questions or comments from either the Planning Board or the public, the Chairman accepted a motion by Melodye Moore, seconded by Warren Temple Smith, to close the Public Hearing. The motion carried by unanimous vote of the Board. The Chairman closed the Public Hearing.

REGULAR SESSION (OLD BUSINESS)

Vanikiotis & Serroukas – NYS Route 9 North – Site Plan.

Upon the Chairman's reading of the draft approval resolution prepared by the Planning Consultant, Ricardo Recchia moved and Melodye Moore seconded the below resolution:

“The Town of Rhinebeck Planning Board hereby acts as follows on the November 1, 2004, Application by Vanikiotis & Serroukas for an Amendment of Approved Site Plan to authorize certain modifications in the site layout plan and building plans for an existing restaurant establishment on NYS Route 9 North in the General Business (GB) District as parts of a plan for modernization of the ‘Rolling Rock Cafe’, with total seating capacity reduced from 290 to 282, all as depicted within three drawings prepared by Niemitz Design Group, these drawings entitled ‘Exterior Elevations & Details’, ‘Furniture Plan’, and ‘Rendered Front Elevation’:

1. Determines the Proposed Action, an ‘Unlisted Action’ under SEQRA, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Grants the requested Amendment of Approved Site Plan, including recommendation to the ZEO for the issuance of the related Sign Permit, and authorizes the Chairman to stamp and sign the drawings and transmit an executed copy thereof to the ZEO.”

Upon conduct of a roll call vote by the Chairman, the resolution was adopted by unanimous vote of the Planning Board.

REGULAR SESSION (NEW BUSINESS)

Vincent P. Kinlan – White Schoolhouse Road – Special Use Permit.

This Application was reported by the Planning Consultant to involve an existing soil mining operation on White Schoolhouse Road previously permitted by both NYSDEC under the Mined Land Reclamation Law and the Town of Rhinebeck under a Special Use Permit, the latter of which has been determined by the ZEO to have expired.

Neither the Applicant nor any representative appeared to discuss with the Board the submission made on Mr. Kinlan's behalf by Griggs-Lang Consulting Geologists. Any discussion or other consideration of this matter was tabled until the February meeting with the Clerk so directed to advise the Applicant.

J.D. Von Der Leith and Sons, Inc. and Nick & Gretchen Van Der Gritten – Slate Quarry and White Schoolhouse Roads – Subdivision Plat.

Mark Graminski, P.E. and L.S., appeared in representation of this Application involving an intended 10-acre lot line alteration between the 39.9-acre Lands of J.D. Von Der Leith & Sons fronting on White Schoolhouse Road and the 41.56-acre Lands of Van Der Gritten fronting on Slate Quarry Road, with the former party acquiring 10 acres of the latter's land, including a portion of its frontage on Slate Quarry Road.

Mr. Graminski first reviewed the proposal and then discussed with the Board his request that a waiver be granted of requirement for a full metes and bounds survey of the Von Der Leith property. Mr. Graminski stated a full survey of the Van Der Gritten property was available, the 10-acre annexation parcel would be surveyed, and the southerly boundary of the Von Der Leith parcel established to demonstrate this boundary is in part contiguous the proposed annexation parcel. The Board agreed this would be acceptable.

In response to inquiry from both the Board and the Planning Consultant, Mr. Graminski stated his understanding Mr. Von Der Leith was interested in the 10-acre annexation parcel for possible residential development and not for either expansion of, or additional access to, the soil mining operation. In consideration of potential environmental issues, including the matter of segmentation under SEQRA, were this not the case, Mr. Brod requested this understanding be confirmed in a written statement directly from Mr. Von Der Leith. Mr. Graminski stated he understood the request and would follow through with his client.

Subject to confirmation of the above discussion, the Planning Board endorsed by consensus the Sketch Plan and invited submission of a full Application for Minor Subdivision Plat Approval.

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**David Tobias – Tobias Enterprises, Inc. – NYS Route 9G South –
Subdivision Plat.**

Mark Graminski, P.E. and L.S., appeared with his client in representation of this Application for the proposed creation of three (3) residential building lots served

by a common driveway from a 19.251-acre parcel on the west side of NYS Route 9G South immediately north of the Rhinebeck Estates Subdivision.

Mr. Graminski reviewed the details of the intended layout including the common driveway access, the individual lot, driveway, house site, sanitary sewage disposal area and well locations, and the presence of both a portion of NYSDEC Freshwater Wetland KE-28 across the front of the parcel and an “isolated wetland” in the rear of the property. Mr. Graminski also informed the Board of NYSDEC’s issuance about a year ago of a Wetlands Permit (Permit # 3-1350-00160/00001) to the prior landowner to authorize the wetlands and wetlands buffer encroachments associated with the intended common driveway improvement. He further advised of both the conduct of deep tests and percolation tests which establish, in his opinion, the lots as buildable under Dutchess County Health Department design standards, and conceptual approval of the proposed common driveway access location on NYS Route 9G by the Department of Transportation.

Planning Consultant Art Brod recommended the Board’s conduct of a field visit and cited the following four matters as requiring attention before close of any public hearing that may be scheduled: (1) submission of an appropriate Stormwater Pollution Prevention Plan under Phase 2 regulations, (2) submission of a common driveway design plan, (3) submission of a common driveway ownership, easement and maintenance agreement, and (4) submission of an Application for Special Use Permit for the intended wetlands and wetlands buffer encroachment.

F. Woody Dierze’ initiated a discussion of the desirability of establishing “building envelopes” on each of the lots to avoid unnecessary tree removal, or even clear cutting of any of the lots, within the subdivision which would detract from its wooded character and greatly lessen natural buffers between dwellings both within and adjacent to the subdivision. Mr. Tobias stated he agreed with this suggestion and would propose for the Board’s consideration appropriate restrictions, adding that he himself intended to reside on one of the lots.

There being no further discussion, and upon comment from the Planning Consultant there appeared to be no other planning or zoning issues, Chairman Varricchio read the below draft procedural resolution, with a motion to adopt the resolution then made by Warren Temple Smith and seconded by Melodye Moore:

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“The Town of Rhinebeck Planning Board hereby acts as follows on the December 23, 2004, Application by David Tobias – Tobias Enterprises LLC, with Mark Graminski, P.E. and L.S., as Agent, for Subdivision Plat Approval to authorize the creation of three (3) residential building lots ranging from 5.485 acres to 6.931 acres from a 19.251-acre parcel (TMP 16-6270-00-105810) situate on the west side of NYS Route 9G South within the R3A District and immediately north of the Rhinebeck Estates Subdivision, all as depicted on a Survey Map entitled ‘ Minor Subdivision / Lands of Tobias Enterprises LLC’ prepared by Mark Graminski, P.E. and L.S., and dated December 23, 2004, and subject of both an EAF Part 1 certified by Mr. Graminski on December 23, 2004, and a NYSDEC Permit (Wetland Disturbance) for common driveway construction within and adjacent to Freshwater Wetland KE-28 issued on December 26, 2003:

1. Accepts the Application as adequate for commencing Planning Board, consultant and public review, with it acknowledged by the Applicant’s Agent that the Wetland Boundary Validation provided on the Survey Map must be completed and both a Stormwater Pollution Prevention Plan (SWPPP) and an Application for Special Use Permit pursuant to Zoning Law Section V(F) must be submitted to the Planning Board prior to Planning Board close of the Public Hearing and subsequent decision on this Application.
2. Classifies the Application as a ‘Minor 3-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 Application for Monday, February 7, 2005, at 7:40 p.m. and directs the Clerk to provide timely notice thereof.
4. Authorizes the Chairman and Clerk to expand the Public Hearing and notice thereof to be a combined Public Hearing on the Application for Subdivision Plat Approval and the aforementioned Application for Special Use Permit provided the latter Application is received by both the Planning Board Office and Planning Consultant and deemed adequate by the latter not later than January 13, 2005.
5. Should the Application for Special Permit be timely received and deemed adequate, directs the Clerk to refer said 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. Schedules a field visit to the subdivision site for a delegation consisting of the Planning Board Members F. Woody Dierze’, Nicholas McCausland and Melodye Moore and the Planning Consultant for Thursday, January

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13, 2005, at 3:00 p.m., with the Applicant requested to authorize such visit and provide for Mr. Graminski's presence or representation at the time.

7. Refers the Application to the Town Conservation Advisory Council, the Town Engineer and the Planning Consultant for review and comment with request the CAC's and Town Engineer's reports be received by the Planning Board and the Planning Consultant not later than February 2, 2005.
8. Advises the Applicant of requirement for submission of a Common Driveway Design Plan and the draft of a Common Driveway Easement, Ownership and Maintenance Agreement for review by the Planning Board, including related consideration of anticipated CPS-7 Treatment by the NYS Attorney General's Office."

The resolution was adopted by unanimous vote of the Planning Board.

Harry G. James – 463 Mill Road – Subdivision Plat.

Mr. James' appeared on his own behalf and presented based upon a drawing he had prepared a modified subdivision configuration consisting of a 7.93-acre existing house lot and a 7.46-acre residential building lot, these being in combination his total 15.39-acre holding in the R5A and Hudson River National Landmarks Historic District.

Upon initial review the Planning Board and Planning Consultant stated an appropriate Application and Survey Map would have to be prepared and submitted for "resubdivision" of the Subdivision Map recently approved by the Planning Board and filed in the Dutchess County Clerk's Office. The proposal would then be classified by the Board as a "Resubdivision of Filed Map _____, Lot Line Alteration between Lots 1 and 2".

In addition to this procedural matter, the Chairman expressed need for the Applicant's engineer to certify that an approvable SDA site exists on the proposed residential building lot under the modified configuration.

Mr. James stated the Survey Map may include a slightly modified configuration than that shown on his drawing to permit a topographically better driveway access location (nearer to the existing dwelling) for the residential building lot.

The Board advised Mr. James to consult with his professionals and invited him to subsequently return with the requested additional information and full Application.

Richard Kopyscianski – Opus Property Management – Kelley and Shatzell Streets – Site Plan.

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Warren Temple Smith recused himself from any consideration of this Application for it involves a design project being undertaken by his architectural firm.

Jennifer Fier, Architect, and Mr. Kopyscianski appeared in representation of this Application for Site Plan Approval to authorize the construction of a two-story, combined 1,240 s.f. office building on a 0.23-acre site at the intersection of Kelley and Shatzell Streets in the hamlet of Rhinecliff. The proposed structure will replace a small garage on the property.

Ms. Fier first reviewed with the Board alternate layouts for creation of four (4) off-street parking spaces on the parcel, the preferred layout involving two "free spaces" and a pair of "stacked spaces" and the other involving four "free spaces" but both greater visibility of parking from the street, a wider curb cut, more regarding and the construction of a retaining wall. The Board by consensus endorsed the Applicant's preferred layout.

Ms. Fier then reviewed in detail the proposed layout, discussed the intended single tenant occupancy of each of the floors of the building, and revealed, in tandem, with Mr. Kopyscianski, the Dutchess County Health Department's acceptance of the use of two (2) 1,000-gallon sanitary sewage holding tanks at this location based upon the limited sewage generation that would occur, the absence of municipal sewage facilities and the inability of soil conditions (deep clay) to support an on-site sanitary sewage disposal system.

The Chairman cited requirement for access approval by the Town Highway Superintendent. Member Dierze' inquired as to the sufficiency of the intended single stairway access for the second floor office and was informed by the Architect that code requirements are satisfied based upon a combination of the limited floor area served and the presence of windows sufficient in area to be considered usable as emergency exits.

There being no further discussion, Chairman Varricchio then read the below draft procedural resolution as prepared by the Planning Consultant:

"The Town of Rhinebeck Planning Board hereby acts as follows on the December 22, 2004, Application by Richard Kopyscianski, with Jennifer Fier, Architect, as Agent, for Site Plan Approval to authorize construction of an intended two-story, combined 1,240 s.f., office building and undertaking of associated site improvements on a 0.23-acre parcel (TMP 16-6069-06-417779) at the intersection of Kelley and Shatzell Streets in the Rhinecliff Business (RB) District, all as depicted on a set of three architect's drawings (A-1 through A-3) prepared by Warren Temple Smith, Architect, and undated:

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1. Accepts the Application as adequate for purposes of commencing Planning Board, consultant and public review, with the understanding additional data cited within the Town Planning Consultant's initial review comments of December 29, 2004, will however be required prior to close of Public Hearing and ensuing action on the Application by the Planning Board.
2. Classifies the Proposed Action as an 'Unlisted Action' under SEQRA.
3. Schedules a Public Hearing on the Application for Monday, February 7, 2005, at 7:45 p.m. and directs the Clerk to provide timely notice thereof."

A motion to adopt the above resolution was made by Michael Trimble and seconded by Melodye Moore. The resolution was adopted by unanimous vote of the six (6) Board Members participating in consideration of this Application.

At this point Warren Temple Smith returned to his seat on the Planning Board.

REFERRALS

Kristen Baldwin – 6140 NYS Route 9 – Sign Permit.

The Chairman stated an Application for Sign Permit was referred to the Planning Board by the ZEO For review and recommendation.

Upon examination of the referred information, the Planning Board was unable to determine (1) the location of the parcel on which the temporary 8 s.f. freestanding sign is proposed, (2) the proposed location of the sign on the premises, or (3) the status under the Zoning Law of the child care use to which the sign relates.

Thus, the Planning Board directed the Clerk return the Application to the ZEO for additional information and for clarification as to whether the use is at such a limited scale as to be considered by definition a "home occupation" under the Town's Zoning Law or a child care, or day care, facility operating without benefit of required special use permit.

ADJOURNMENT

There being no other business to come before the Planning Board, the Chairman recognized a motion to adjourn by Ricardo Recchia and seconded by Nicholas McCausland. Chairman Varricchio adjourned the meeting at 9:35 p.m.

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Respectfully submitted,

Arthur F. Brod Jr., AICP
Town Planning Consultant / Acting Secretary

Annexed Document: Legal Notice (Vanikiotis & Serroukas Site Plan)