

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 6, 2005

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

ABSENT: none

Call to Order / Determination of Quorum

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

Business Session

- **Agenda.** The issued Agenda was modified to include the Board's consideration of a request for time extension for the Tobias Minor 3-Lot Subdivision, The Gardens request of May 18, 2005, from Jon Adams, Attorney, for a 3 month time extension, and consideration of re-noticing of the Aronson Subdivision public hearing.

- **Consideration of the Regular Meeting Minutes of May 2, 2005**

A motion was made by Ricardo Recchia and seconded by F. Woody Dierze' to accept the May 2, 2005 Regular Meeting Minutes as submitted by the Clerk. All were in favor. Motion carried.

- **Correspondence and Announcements; Time Extension for The Gardens.**

The Chairman read the following letter dated June 6, 2005 from the Town Attorney, Scott Volkman:

"RE: Gardens at Rhinebeck, LLC
Our File No. 25038.0126

I write to you at this time, to resolve an apparent open issue with respect to the above-referenced application. As you recall, the Planning Board adopted a resolution or about December 6, 2004. Among other things, there was a requirement for the application, Gardens at Rhinebeck, LLC, to provide, within forty-five days a bond or other acceptable performance

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guarantee in a form and with a party acceptable to the Town Attorney and the Attorney for the Gardens Condominium Home Owners' Association of undertaking the as yet incomplete required Phase I improvements. Prior to the expiration of forty-five days the applicant requested an extension of that time frame. As I advised the Chairman at that time, it was my opinion that the applicant was negotiating an agreement with the Condominium Association in good faith, but that in my opinion, the Condominium Association was requiring that certain matters be addressed that were not rightfully contemplated by the Planning Board as part of this process as it had to do with private contractual matters.

It was my opinion at the time, and remains my opinion, that the forty-five day period could and should be extended under those circumstances since the applicant was acting and negotiating in good faith. Since that time, the applicant has entered into an agreement dated April 7, 2005 between the Gardens at Rhinebeck, LLC, and the Gardens at Rhinebeck Board of Managers providing for the completion of certain items of work including among other things the deposit of \$55,000.00 to guarantee completion of the improvements. The agreement has been signed by the Gardens and by the Gardens at Rhinebeck Board of Managers and the money has in fact been deposited with their attorney Warren Replansky. I find the agreement acceptable for purposes of the Town's position on the matter.

Therefore, it is my opinion that the condition requiring the satisfactory agreement within forty-five days from December 6, 2004, said date having been tolled in my opinion by the actions of the Condominium Association has in fact been satisfied during the pendency of this process.

At this time, I understand that there is a request for a three-month extension of the Site Plan Approval dated May 18, 2005 from Attorney, Jon Adams. This issue with respect to the agreement with the Condominium Board of Managers is satisfactorily resolved and should not be an issue with respect your deliberations regarding the extension.

Should you have any further questions with respect to this matter please do not hesitate to contact me."

In consideration of the letter request from Attorney Adams and the above letter from the Town Attorney, the Chairman read the following draft extension resolution, prepared by Art Brod, for the Board's consideration:

"The Town of Rhinebeck Planning Board, upon request of Attorney Jon Adams and finding that a diligent effort has been made, and continues to be made, by the Applicant to cooperatively satisfy the conditions and

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requirements for Final Site Plan Approval for Phase 2 of The Gardens, as such are set forth in the Planning Board's resolution of December 6, 2004, hereby extends for a period of three (3) calendar months, i.e. to September 6, 2005, the termination date for satisfaction of all of the stated conditions and requirements. This action notwithstanding, the Planning Board advises there are certain requirements set forth within the resolution that must be met not later than June 30, 2005. In taking this action, the Planning Board advises that any subsequent request for extension of the termination date will be limited, by law, to a period of three (3) calendar months, i.e. to December 6, 2005."

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.

Regular Session (Old Business / Public Hearings)

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

This Application is a continued Public Hearing from the May 2, 2005 meeting, with the Applicant, Mr. Murphy, having requested the Board reschedule this continuation due to an out of town commitment. In consideration of the request, the Chairman, upon motion of Melodye Moore, second by Nicholas McCausland and with unanimous consent of the Board announced a further continuation of this Public Hearing to July 11th at 7:35 p.m.

Cove View Properties, LLC – Primrose Hill Road (CR 84) – 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 May 26, 2005.

The Chairman stated as discussed at the May meeting the Applicant is the owner of a combined 61.859 acres in the Towns of Rhinebeck and Hyde Park. 4.16 acres of the land, including the entire road frontage, is located within the Town of Rhinebeck. The Applicant seeks to subdivide the land into two combined parcels, each in part within the Town of Rhinebeck and in part within the Town of Hyde Park. A proposed lot of 12.48 acres would be created for the existing multi-family use found on the Hyde Park portion of the lot and a second 49.421-acre parcel would be created for an existing single-family dwelling. Each lot would have more than minimum required road frontage (300 feet in the R3A District) within the Town of Rhinebeck.

Michael White, P.E., of Spectra Engineering and Neil Alexander, Attorney, of Cudder & Feder appeared on behalf of the Applicant. Mr. White submitted a revised subdivision map, incorporating revisions required by the Hyde Park

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Planning Board. Mr. White stated the access is from Primrose Hill Road in Rhinebeck; the 25-apartment complex will be on one parcel and the other parcel will have one existing single family dwelling.

Neighbor Jeff Hicks stated it is his opinion the septic system for the apartments has numerous times malfunctioned in the past and suggests the line for the subdivision be moved to allow additional land for repair or expansion of the existing system without infringing on the wetlands.

Ms. DePew, another neighbor, stated she has sighted the threatened Blandings turtle in her pond, she had the turtle photographed and will be forwarding notifications to the NYSDEC and other interested organizations. Niki Wiseman, a resident at the Cove View Apartments, stated concerns about the environment and stated she has also sighted Blandings turtles as well as herons.

The Chairman stated receipt of a memo dated May 17, 2005, from the Hyde Park Planning Board stating the application for the 135 apartment units has been withdrawn. The only Cove View Applications currently before either the Hyde Park Planning Board or the Rhinebeck Planning Board are for a two-lot subdivision. The Chairman requested comments be restricted to the two-lot subdivision.

Marilyn Marninacio read the following letter dated June 6, 2005, into the record:

“Subject: Cove View Apartments

This is to advise you that a group of neighbor's to the Cove View Apartment Complex have been following the chain of events pertaining to the Applications for the building of an additional 135 units at Cove View Apartments.

At present, these Applications have been rejected by the Hyde Park Planning Board.

At tonight's meeting, we believe the owner is applying for a right of way through the existing entrance to the apartment complex and a subdivision of the Rhinebeck acres which adjoin the much larger tract of acreage in Hyde Park.

At a recent meeting attended by several of the neighbors to this property, lists of concerns were voiced, and the attached notice was created as a result of these concerns.

Please also be advised that a Blandings Turtle was sited on the Rhinebeck side of the property in a neighbors pond and will be

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photographed for notification to the department of Environmental Conservation and interested organizations Blandings Turtles have also been sited at the apartment complex and on Hyde Park neighbors properties which are contiguous to this proposed development. More photographs and confirmed sightings will be available for notification purposes.

We know that you will give these concerns your utmost consideration and postpone these applications to allow for further study.

Thank you so much for your attention to this matter.

Rhinebeck and Hyde Park Residents
Residing in the vicinity of Cove View”

Alice Boomhower read the following letter from Tom and Jadeen Murray dated June 6, 2005:

“We write this letter to express our deepest concern about the proposed subdivision of the Cove View area.

We feel this subdivision is a ‘cover-up’ for the plans previously submitted for 130+/- condos.

The development of this land would greatly (to the negative) effect our property that is directly adjacent to the site.

All the development along 9 & 9G has already killed & displaced much of the wildlife (some of which are endangered) that has made it their home.

The immediate environment would be so stressed that the ecological balance would be totally shocked.

The construction & land demolition of this area would cause immeasurable air, light & noise pollution.

The Primrose Hill road exists would definitely cause traffic collisions and congestion for which this road is simply not adequate.

Sewer and drainage systems would further pollute our water supply, which is already been proven not to be properly functioning.

Traffic influx would only multiply the weight of responsibility for our fire and rescue services.

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The above are just a few and only the beginning of our concerns and negative impact of this proposal.

Kindly consider this protest.

Thank you for your time and consideration.”

Michael White stated that while he does not wish to dismiss the environmental or traffic concerns, at this time his clients are only proposing a two lot subdivision, with no potential impact on the environment or the neighborhood. Mr. White stated he has met with the Health Department to discuss the current Sanitary Sewage System and was told that expansion is not possible; the sand filter system may only be replaced in kind. Neighbor Jeff Hicks stated the Attorney for the Applicant agreed at the Hyde Park Planning meeting to expand the land around the septic system for potential expansion. Neil Alexander responded the SDS is an engineering issue and he had agreed only to check into the situation and if it was reasonable and warranted the lot line would be adjusted accordingly. James Esler, former tenant of Cove View Apartments asked why, if the subdivision would only be a line on a map, the subdivision that is occurring. Michael White stated his clients wish to have the current apartment buildings on a separate parcel from the remaining lands; this would also reserve the current development rights in the case of any future zoning changes. Mr. Esler asked if the future development is 135 new units. Mr. White stated that no future development is considered at this time. The property owners simply want to preserve some of their current development rights. Chairman Varricchio stated this current application before this Board is only for subdivision; no development is proposed at this time and again requested the questions and comments be directed only to the application on the table. Roger Weisman asked for verification that no plan for development is currently before any board. Mr. White stated the only application is for a two-lot subdivision. Mr. Weisman asked why the Applicant wants to subdivide simply for the reason of preserving future development rights. Chairman Varricchio stated the Applicant doesn't have to divulge the purpose of subdivision, providing it meets with the current Zoning Code. Wendy Perry asked if not divulging the purpose is segmenting. Chairman Varricchio stated it would be considered segmentation if the applicant has specific future development plans in mind. Leona Knapp asked if at a later date the Applicant chooses to develop the parcel if the Applicant would be required to seek approval from the Rhinebeck Planning Board. Chairman Varricchio stated they would due to the access in Rhinebeck. Jeff Hicks stated his concern with the access location. Chairman Varricchio stated Primrose Hill is a County Road and therefore the County DPW has jurisdiction over the access. Jeff Hicks asked if an additional access is being requested. Chairman Varricchio stated no other access has been requested. Carol Gordon stated she feels the current application is Phase 1 and is leading to a Phase 2 and would appreciate knowing what Phase 2 will be. Chairman Varricchio stated no phased application is on

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the table or has been discussed by the Applicant. Alice Boomhower stated this is a beautiful wetland site that must be protected; rock ledge houses Copperhead and Rattlesnakes, Herons and other protected species have been seen. Michael Trimble asked who flagged the jurisdictional wetlands and would like to see the 100' regulated buffer depicted on the plat, he believes any improvements that might be undertaken to the driveway would require a Special Use Permit. The Chairman stated no physical improvements are proposed. Warren Smith stated he visited the site and found minimal traffic, observed the topography makes development difficult and believes it makes sense to keep the current single driveway access to both proposed parcels. Mr. Smith also stated he wishes to see the hearing kept open so neighbors' concerns can be investigated. Tom Wolf simply wanted to state he is opposed to the approval of this subdivision. Marilyn Marninacio stated her concerns for what this approval will do to the habitat of the turtles. Chairman Varricchio again stated this subdivision request will not physically change the property in any way, the only change will be a line drawn on a map in the County Clerk's Office. Ms. Marninacio stated she is afraid of development. Chairman Varricchio stated that no development is part of this review or approval; if any development application comes to this Board the turtles, the wetlands and any other issues will be studied carefully under SEQRA. Brian Lansing asked what would be a valid reason for this Board to not approve this subdivision. The Chairman stated the application would be denied if the application was incomplete or otherwise inadequate, the proposal was in conflict with zoning, or any serious issues with respect to the subdivision application were brought to light. Mr. Lansing requested a traffic study be conducted. Chairman Varricchio stated the application before this Board will not cause the generation of any additional traffic. Art Brod stated the road and ingress/egress is under the jurisdiction of the County Highway Department. Michael Trimble stated he feels this Board needs complete information on the wetland delineation and designation; moving forward with inadequate or inaccurate information would set a dangerous precedent. Michael White stated he believes all the wetlands are DEC Wetlands and will submit the requested information.

The Chairman accepted a motion from Meldoye Moore and seconded by F. Woody Dierze' to close this Public Hearing. All were in favor. The motion carried unanimously.

Rhinecliff Properties, LLC – Grinnell and Shatzell Streets – 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 May 26, 2005.

The Chairman stated the Planning Board took two key procedural steps at the May 2nd meeting in consideration of "The Rhinecliff". The first was the Board's expression of intent to serve as SEQRA lead agency for coordinated environmental quality review of this Type I Action. This expression led to the

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distribution of a Notice of Intent with accompanying documents on May 18th. Under the 30-day window for response and should all other involved agencies not yet responded in writing, it is likely a SEQRA lead agency has not yet been established. The second was the Board's scheduling of a Public Hearing on the matter within its jurisdiction, Site Plan Approval for this meeting. This will provide an opportunity for detailed presentation by the Applicant and related public input regarding the project pertinent to both SEQRA and Site Plan considerations.

The Chairman also noted the ZBA currently has before it a request for combined twelve (12) "area" or "use" variances to allow this project to go forward and has consented to the Planning Board's role as SEQRA lead agency.

The following response received from Dutchess County Department of Planning and Development was read:

"RE: Referral: 05-247, Rhinecliff Hotel Site Plan

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds the Board's decision involves a matter of some concern and offers the following comments.

ACTION

The applicant is proposing the redevelopment of the former Rhinecliff Hotel and Tavern to establish a hotel and restaurant with tavern and catering facilities associated parking and a sewage treatment plant.

COMMENTS

The proposed redevelopment will change the exterior appearance of the Rhinecliff Hotel, with additional balconies and a change in window placement. Some of the original architectural details, including porch brackets and exposed rafters, do not appear on the proposed elevations. Since the Rhinecliff Hotel is listed on the national Register of Historic places and within a historic district, it would require the applicant to restore the historic architecture of the building's exterior.

The increased intensity of uses on this parcel, particularly the catering facility and restaurants, could potentially cause parking to spill over onto nearby streets. Before approving such intensive uses, the Planning Board should be completely satisfied that the off-street parking will be adequate and effective (convenient). Since the long-term availability of the

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proposed parking on CSX property is uncertain, the Planning Board should also ensure that it can require the applicant to significantly curtail the operation of the catering facility and restaurants once they have been established, should the parking lot become unavailable.

The proposed sewage treatment is very close to residential properties on Grinnell Street. The Board should ensure that this system would not cause odors that would negatively impact these properties.

As an alternative to the proposed turnaround on Grinnell Street, the Board could consider whether a simple pull-off would accomplish the same purpose with less asphalt.

RECOMMENDATION

The Department recommends that the Board rely upon its only study of the facts in this case with due consideration of the above comments.

By
Lynette Wacker
Planner”

The Chairman next read the following letter received on June 4, 2005 from Alec Stais of 19 Grinnell Street.

“I would like to comment on the proposed application by Rhinecliff Properties, LLC with respect to their plan to redevelop the Rhinecliff Hotel site. As a resident of Rhinecliff at 19 Grinnell Street, approximately 100 feet from the edge of the property, I have a strong interest in these plans, and your oversight. I welcome the chance to add a reconfigured hotel and restaurant as it can add to the overall life of the community. However, I do have concerns as to the scope of the development and in particular the potential parking, traffic, parking and noise effects. Grinnell Street is currently an extremely quiet and peaceful street with no new development allowed riverside. A large portion of my enjoyment and investment in the property is derived from this, and I am sure many owners before me.

I would in particular ask the Board to be thoughtful about the parking plan and I see no need for any ‘contingent’ approval of additional parking sites in the event the CSX lease would be terminated. This is something that, should it ever come to pass, would be communicated well in advance to Hotel owners and they can make an application at that time for any needed parking. In fact, the writing of this clause in the Notice of Hearing suggests that the Hotel owners could terminate the lease themselves, thus triggering the ‘backup’ parking automatically. In short, I question the need

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for a parking contingency and this could unnecessarily damage the value of and my enjoyment of my property.

I appreciate the need to balance the interest all parties and I appreciate your considering my views in developing a final decision."

The Chairman then reviewed the following letter from John Maasz, Zoning Enforcement Officer dated May 6, 2005:

"In reviewing your submitted applications and plans for site plan review, building permits, etc., I found the following inconsistencies with your intentions and the requirements of the Zoning Laws of the Town of Rhinebeck:

- A lot line setback of 8 feet for the wastewater treatment plant; Section IV(G)(1)(a) of the law requires a minimum setback of 20 feet for an accessory structure,
- A lot line setback of 9 feet for the planned gazebo, Section IV(G)(1)(a) of the law requires a minimum setback of 20 feet for an accessory structure;
- The use of land in the R1A zoned district for the use of a hotel; Section III(A) does not allow hotels or motels in a R1A zoned district,
- Section V(B) requires a combined total of 66 on-site parking spaces for the proposed use of the property as a hotel and restaurant; your plan indicates between 3 and 23 on-site (Grinnell Street) spaces,
- The use of an area on the CSX (railroad) lot for the parking of motor vehicles in a R1A zoned district; Section III(A) prohibits any use of a property if the intended use is not specifically listed in the "District Schedule of Use Regulations". Parking lots and similar uses are not listed as acceptable in a R1A zoned district,
- The use of an area on the CSX (railroad) lot for the parking of motor vehicles in a RB zoned district; Section III(A) prohibits any use of a property if the intended use is not specifically listed in the "District Schedule of Use Regulations". Parking lots and similar uses are not listed as acceptable in a RB zoned district,
- Proposed parking spaces in the intended CSX parking area are indicated as measuring 9 feet in width by 18 feet in length; Section V(B)(2)(c) requires parking spaces to measure 9 feet in width by 19 feet in length,

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- Proposed parking spaces in the intended Grinnell Street parking area are indicated as measuring 9 feet in width by 18 feet 6-inches in length; Section V(B)(2)(c) requires parking spaces to measure 9 feet in width by 19 feet in length,
- Proposed head-in, off-street parking on Grinnell Street; Section V(B)(2)(e) requires that, other than one- and two-family residences ... all off-street parking shall be designed to eliminate the need to back out onto a public street,
- Proposed head-in, off-street parking on Grinnell Street does not meet the 25 foot parking set back requirement of the R1A zoned district, nor the 10 foot parking set back required for the RB zoned district, as per Section IV(L),
- Proposed parking lot aisle width of 22 feet in the CSX parking lot; Section V(B)(2)(c)(5) requires aisle space of 26 feet for perpendicular parking spaces,
- Proposed open space in the CSX (railroad) parking lot in the R1A zoned district is indicated to be 51%; Section IV(L) requires a minimum open space of 65% in the R1A zoned district.

Therefore, I must regretfully inform you that your proposals cannot be allowed for the above stated reasons. Please be further advised that you may appeal this denial by applying to the Town of Rhinebeck Zoning Board of Appeals within sixty (60) days of the receipt of this letter, requesting an area variance, pursuant to Section XI(B) & (C) of the Town of Rhinebeck Zoning Law.”

Michael Trimble requested a copy of the engineering report on the proposed sanitary sewage plant / system, showing operational details. Richard Kopyscianski stated he is in favor of this application; it is his opinion this application is important to the revitalization of Rhinecliff and the dock/municipal ferry project. Mr. Kopyscianski stated he doesn't believe parking will be a problem for the hotel/restaurants. John Conklin lives on Dutchess Terrace is in favor of this project stating his belief this can only be an improvement and it is important to the revitalization of Rhinecliff. Peter Hoklin stated his support for this project; it will give local and rivers traffic a place to go. Roger Heywood stated he is in support of this application; the hotel will be a positive addition to the hamlet while saving a historic structure. Rocco Lagno stated he feels the applicants have done a fantastic job restoring the building but is concerned what will happen if the sanitary sewage system fails. Dvaid Borenstein, the Applicant's architect, stated the sanitary sewage system will be monitored and has a number of holding tanks to handle any emergency. Sue Sie urged the Board to keep the

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lighting at a pedestrian / residential scale and wishes to see a minimum of trees removed; otherwise she is very excited to see this project happen for Rhinecliff. James Champman stated the only trees to be removed from the hotel site are what is required for the sanitary sewage system. Louis Fernandez stated he is very happy to see the old hotel go and the new hotel open; he encouraged the Board to expedite the process and feels this will be good for Rhinecliff. Jim Mabry supports the application, feels it will benefit the community and encourages the Board to be flexible on the historic restoration. Mr. Mabry also questioned the County's comment on need to reduce use of the facility if CSX terminated the parking lot lease. David Anton congratulated the applicants on a beautiful job. Roger Heywood asked the Board to work in every way with this application; the Chairman stated the Board is doing so but must follow SEQRA and zoning requirements. Peter Huber stated his opinion this project is important to the continuing dock project and revitalization of Rhinecliff. Richard Kopyscianski stated the Rhinecliff Memorial has 3 old style street lamps and that Mr. Chapman has agreed to install the same for the hotel. Michael Trimble stated the Town has design guidelines on lighting the Applicant should consider.

The Chairman stated this Public Hearing must remain open due to the minimum 30-day window provided other agencies for response to the SEQRA NOI which was distributed on May 18, 2005. The Chairman announced, with consensus of the Board, this hearing will continue on July 11, 2005 at 7:40 pm.

Upon suggestion of the Planning Consultant, the Chairman proposed the Board hold a Special Meeting on June 20, 2005, for review of the potential environmental impact of this project. All were in favor. The Special Meeting was set for June 20, 2005, at 7:30 pm at the Rhinebeck Town Hall.

Regular Session (Old Business / Consideration of Applications subject to Public Hearing)

Cove View Properties, LLC. – Primrose Hill Road – Subdivision Plat.

The Board discussed the Application for Approval of a 2-Lot Minor Subdivision with consideration of information given at the Public Hearing and related SEQRA procedures.

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

“The Town of Rhinebeck Planning Board hereby acts as follows on the April 18, 2005, Application by Cove View Properties, LLC, for Subdivision Plat Approval to authorize to the extent within the Town of Rhinebeck the subdivision of a combined 61.859-acre parcel in the Towns of Rhinebeck

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and Hyde Park into two combined parcels of 12.327 acres and 49.532 acres. Each in part in the Town of Rhinebeck and in part within the Town of Hyde Park, and both having road frontage in Rhinebeck in excess of the Town's R3A District minimum standard of 300 feet, all as depicted on a drawing entitled 'Subdivision Plat, Cove View Estates' prepared by Spectra Engineering, Architecture and Surveying, P.C., dated April 1, 2005, and revised to June 2, 2005:

1. Continues to acknowledge that except for a portion of the access driveway including its intersection with Primrose Hill Road all existing improvements on the combined parcel are located within the Town of Hyde Park and all related issues with density of development, setback for existing improvements, etc. are within the purview of the Town of Hyde Park.
2. Further acknowledges receipt of a May 17, 2005, memorandum from the Applicant advising of withdrawal of a related Application for Site Plan Approval by the Town Planning Boards to carry out a multi-family development on a portion of the subdivided acreage which proposed development was similarly in the case of the Town of Rhinebeck limited to consideration of the access driveway and related improvements.
3. Pursuant to the Planning Board's classification of the Proposed Action as an 'Unlisted Action' under SEQRA for which coordinated environmental quality review has neither been initiated nor requested of any other involved agency, determines upon review of the EAF Part 1 submitted by the Applicant, its consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR, and its related completion of EAF Part 2 that the Proposed Action to the extent within the purview of the Town of Rhinebeck Planning Board will not cause a potential significant adverse effect on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
4. Grants Subdivision Plat Approval for the 'Cove View Properties, LLC, Minor 2-Lot Subdivision' to the extent located within the Town of Rhinebeck and authorizes the Chairman to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions within the next one hundred eighty (180) calendar days:
 - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.

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- Submission in acceptable form of proposed merger, or consolidation, deeds intended for recording in the Dutchess County Clerk's Office simultaneously with filing of the Approved Subdivision Plat will be required.
- Submission in acceptable form a proposed common driveway access, ownership and maintenance agreement, including metes and bounds description, intended for recording in the Dutchess County Clerk's Office simultaneously with filing of the Approved Subdivision Plat.
- Payment of any outstanding fees and reimbursement for any outstanding consultant costs incurred by the Town in review of this Application.
- Annotation of the Subdivision Plat to identify criteria under which the wetlands delineation was undertaken, date of the delineation, name of the delineator, and classification of wetland as NYSDEC, ACOE (jurisdictional or isolated)
- Submission of a copy of the resolution of the Town of Hyde Park Planning Board granting approval, with or without conditions, for the intended subdivision.
- Submission of Subdivision Plat drawings in the number and form specified under the Town of Rhinebeck's Land Subdivision Regulations and including any additional requirements which may be set forth by the Town of Hyde Park Planning Board.
- Payment of a one-lot recreation fee to the Town of Rhinebeck in the amount set forth in the Town's fee schedule at the time all other conditions are satisfied and the Subdivision Plat is submitted for stamping and signature."

A motion was made by Ricardo Recchia and seconded by Michael Trimble to adopt the above stated resolution. The Chairman polled the Board. The motion carried by a unanimous vote of the Board.

Regular Session (New Business)

John Rikert – NYS Route 9 South) – Subdivision Plat.

The Chairman reviewed with Mr. Rikert his Application for Subdivision Plat Approval for the creation of a 57.85-acre existing house lot and a 36.54-acre

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residential building lot with direct individual driveway access from NYS Route 9 from a 94.39-acre parcel in the R3A District.

The Application, including Short EAF, copy of NYSDOT permit and Surveyor's Map prepared by Robert Campbell, L.S., was deemed by the Planning Consultant adequate for the Planning Board to proceed with its consideration under the Town's Land Subdivision Regulations and SEQRA. Mr. Rikert stated he has Department of Transportation approval/access permit for the new lot.

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 18, 2005, Application by John W. Rikert for Subdivision Plat Approval to authorize the creation of a 57.85-acre existing house lot and a 36.54-acre residential building lot with direct individual driveway access from NYS Route 9 from a 94.39-acre parcel (TMP 16-6169-00-605470) in the R3A District, all as depicted a Survey Map entitled 'Minor Subdivision / Lands of John W. Rikert' prepared by Robert L. Campbell, L.S., and dated April 23, 2005:

1. Accepts the Application as adequate for 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 Application for Monday, July 11, 2005, at 7:45 p.m. and directs the Clerk to provide timely notice thereof."

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.

Lenka Knapp – 120 Old Albany Post Road – Subdivision Plat.

The Applicant appeared on her own behalf seeking Subdivision Plat Approval for creation of a 4.508-acre existing house lot and a 3.971-acre residential building lot, the latter proposed as a "flag lot", from an 8.479-acre parcel (TMP 135089-6168-00-525610) in the R3A District.

The Planning Consultant advised the Application presented, consisting of Application signed on May 25, 2005, Short EAF, and two drawings prepared by John Decker, L.S., entitled "Survey Map" and "Sketch Plan", does not provide the minimum required level of information on either existing conditions, e.g.

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topography, vegetative cover, water resources, or proposed development, e.g. driveway, house site, SDA, etc., for the Planning Board to proceed with acceptance of the Application. In addition, a “deed overlap” is shown on the survey map; intended resolution should be discussed. The Applicant was informed the ‘flag’ part of the ‘flag lot’ must be a minimum of 3.0 acres excluding the ‘flag pole’

The Applicant stated she understood the requirements discussed and would return at an unspecified date with the necessary information for the Board to continue with this proceeding.

Urban Builders, Inc. on behalf of William Mellors – Ackert Hook Road – Special Use Permit.

The Applicant seeks a Special Use Permit to authorize construction of a single-family dwelling and appurtenances including driveway, water line and portion of sanitary sewage disposal system within a NYSDEC wetland buffer portion of an 11.75-acre parcel (TMP 135089-6169-00-824642) in the R3A District.

The documentation the Board has been provided for review consists of an undated Application, a Full EAF Part 1 dated May 20, 2005, and an Engineer/Surveyor’s drawing entitled “Sanitary Design for William K. Mellors” dated March 22, 2002, revised to July 19, 2004, and approved by the Dutchess County Health Department on February 25, 2005. The Chairman stated before proceeding with this Application, the Planning Board should require documentation of status with NYSDEC. In addition, because this site has a prior history with the Planning Board, he questioned what commitments, if any, might have then been made with respect to long-term use of this property when it was approved for use as a “nature center”? The Chairman asked the Clerk to pull any related project file for reference in consideration of this Application for Special Use Permit.

The Chairman stated if file review identifies no issues and additional required submissions can be made by then, this Application may be considered procedurally at the Planning Board’s Special Meeting on June 20, 2005.

Ramapo for Children – Salisbury Turnpike/Camp Ramapo Road – Site Plan.

Mr. Alfio Cornacchini, Architect, appeared on behalf of this Application for Site Plan Approval for construction of four (4) single-family detached dwellings to serve as staff housing at the existing children’s camp.

The submission includes the Application form dated May 24, 2005, a Short EAF of the same date, and a conceptual development plan prepared by Morris Associates as an aerial photo overlay.

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Art Brod stated the data provided does not meet the minimum requirements for a Site Plan submission and, in the matter of the EAF, includes acknowledgment of requirement for "modification of existing special permit". He advised that while the Planning Board might deal with this matter in pre-submission conference, substantial additional Site Plan detail must be provided, a project narrative should be developed, information should be presented on the status of other required approvals presented, and an Application for Amendment of Special Use Permit must be provided before the Board can accept the Applications and move forward into field visit, consultant review, public hearing, etc. with this matter.

The Chairman stated the ZEO directed this Application to the ZBA and reviewed the Zoning Board of Appeals minutes dated May 4, 2005, which he found to be curious in their wording:

"Camp Ramapo Area Variance – Case #663

Bernie Kosberg, CEO of the Camp stated there are currently 55 buildings on their 200+ acres off Salisbury Turnpike. They wish to erect 4 modular units for year round living for camp counselors. Each unit will be 1,260 square feet. The camp was started in 1922. We have gone through site plan for the dining hall addition and bunkhouse.

David Baldauf feels the primary use is Children's Camp and the addition of 4 buildings just needs Site Plan approval. If the Planning Board has a problem then they can refer it back to us. Jeff, Ramapo rep, feels this is clearly a part of the exiting use and should follow the same procedure as in the past.

After much discussion, this application was rejected and directed to the Planning Board."

The Chairman stated he would speak to the Chairman of the ZBA to find what exactly what the Zoning Board of Appeals wishes the Planning Board to do. In addition, the Applicant stated a full Site Plan would be prepared and a return visit would be paid to the Board when the documentation is ready.

David Tobias – NYS Route 9G South – Subdivision Plat.

The Planning Consultant reported a request has been received from Mark Graminski, P.E. and L.S., for extension of the time for satisfaction of conditions set forth within the David Tobias conditional plat approval resolution due to requirements for completion of the CPS 7 process with the NYS Attorney General's Office and construction of the common driveway.

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

"The Town of Rhinebeck Planning Board upon request of Mark Graminski, P.E. and L.S., and with finding of diligent pursuit hereby extends the termination date for satisfaction by David Tobias of conditions established by Planning Board resolution of January 3, 2005, as precedent to the stamping and signing of the Tobias Minor 3-Lot Subdivision Plat by the Chairman for a period of ninety (90) calendar days from July 2, 2005, to September 30, 2005."

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

Rocco and Gloria Lagno – Ackert Hook Road – Pre-Submission Subdivision Conference.

Mark Graminski represented this Application and stated the Rocco's currently own 64 acres with an existing house and cabins. They first wish first to subdivide the 64 acres into two lots of 6.7 acres and a remaining land parcel. They would then return to the Board at a later date with a further subdivision of the existing house and cabins on separate parcels, after requesting the required Area Variance from the ZBA. The Board suggested the Applicant proceed instead with a single subdivision proceeding, applying for the Area Variance and, should such be granted, returning to this Board with the entire package under a single application.

Other Business

Josh Aronson – Morton Road - Subdivision Plat.

The Chairman acknowledged Marie Welch notified this Board of submission of the requested Archeological Study Report to NYSOPRHP on May 12, 2005. In consideration of this circumstance, she further requested continuation of the Planning Board's Public Hearing on this Application be scheduled for the July 11th meeting. Art Brod stated that while NYSOPRHP is not held to a response time clock on this report, the Planning Board could agree to reopen the Public Hearing at the July 11, 2005 Regular Meeting provided a "sign-off" letter from NYSOPRHP prior to the July 1st agenda deadline.

Michael Trimble motioned and Warren Smith seconded to authorize the Secretary to publish notice of the reopening of the Aronson Public Hearing on

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July 11, 2005, provided NYSOPHRP response is received prior to July 1, 2005.
All were in favor. Motion carried unanimously.

Adjournment

With no further business before the Board, the Chairman accepted a motion from Michael Trimble and seconded Warren Smith to adjourn this meeting. The Chairman declared this meeting adjourned at 11:40 pm.

Respectfully submitted,

Joan Winne
Secretary

Annexed Documents: Public Hearing Notices