

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

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

Business Session

Agenda. The Chairman noted the Kinlan application for modification of Special Use Permit has been withdrawn.

Consideration of Meeting Minutes.

- **February 7, 2005 Regular Meeting Minutes.** A motion was made by Nicholas McCausland and seconded by Melodye Moore to accept the February 7, 2005 Regular Meeting Minutes as submitted. All were in favor. Motion carried.
- **March 7, 2005 Regular Meeting Minutes.** A motion was made by Melodye Moore and seconded by Michael Trimble to accept the March 7, 2005 Meeting Minutes as submitted. All were in favor. Motion carried.
- **April 4, 2005 Regular Meeting Minutes.** A motion was made by Nicholas McCausland and seconded by Warren Temple Smith to accept the April 4, 2005 Regular Meeting Minutes as submitted. All were in favor. Motion carried

Correspondence and Announcements. The Chairman and/or Clerk will report as may be pertinent on non-Agenda correspondence including but not limited to the following:

- Correspondence from NYSDEC on the Kinlan Soil Mine (Notice of Complete Application, Negative Declaration and Request for Recommendation of Permit Conditions) was reported and Clerk was directed to transmit a copy of the Planning Board's resolution of March 7, 2005, to Mr. Ciesluk in response.
- Correspondence from EnviroClean Products & Services transmitting copy of EPA compliance document, Environmental Stewardship Plan, for Northern Dutchess Rod & Gun Club as required by April 4, 2005, resolution.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

- Out-going correspondence regarding timetable requirements for Gardens at Rhinebeck was reported with the Chairman reading the following letter into the record:

“April 25, 2005

RE: Gardens at Rhinebeck

Mr. Jon Adams,

This letter is to inform you the conditional approval of December 6, 2004, on the above referenced phase 2 Site Plan Application, is due to expire on June 6, 2005.

An extension request must be submitted to the Planning Board Office. The board will meet on May 2, 3005 and June 6, 2005; agenda items must be submitted not later than 10 days prior to each meeting.

At this time the Town of Rhinebeck has a negative escrow balance on this project. The escrow account must be replenished prior to any additional Planning Board action.

If you have any questions, please feel free to call.

Sincerely,

Joan Winne

CC: John Varricchio
Selvin Green”

The Chairman asked the Secretary is a response was received to this letter. Joan stated that no response has been received.

- Correspondence from Marie T. Welch, L.S. advising of completion, subject to NYSOPRHP review, of archaeological evaluation for Joel Aronson Subdivision.

The Chairman read the following letters received on this Application:

“April 26, 2005

In January of this year, we notified the planning board that the application of the tow lot subdivision for Josh Aronson on Morton Road would have to be placed on hold due to the fact that the archeologists were unable to

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

complete the work prior to the onset of the winter weather which was required for the Phase I archeological study required by the New York State Office of Parks, Recreation and historic Preservation. His archeologist, Christopher Linder, had to wait until the ground thawed in spring.

Last week Mr. Lindner and his associates were able to conduct the archeological study necessary and will be submitting the results to OPRHP. In my discussion with Mr. Aronson this week, he said that Mr. Linder determined that there were no significant archeological finds in the areas of disturbance and that he would be forwarding this information to the OPRHP.

I therefore respectfully request that this item be returned to the planning board agenda and hope that the public hearing can be rescheduled for the May meeting.

If you have any questions regarding this information, please do not hesitate to contact me.

Marie T. Welch, L.S.”

and

“May 1, 2005

Dear Ms. Welch,

I recently completed a Stage I Historical Background and Archaeological Reconnaissance study of Josh Aronson’s property on Morton Road on the edge of Rhinecliff, Town of Rhinebeck. This research was undertaken in accord wit the 1994 Standards for Cultural resource Investigations of the New York Archaeological Council, which guidelines the New York State Historic Preservation Office uses to evaluate such studies. There is a high probability of prehistoric sites due to proximity of the two parcels to the Hudson River and a small tributary stream. Sites are know for blufftops in the vicinity (e.g. Wilderstein, near top of Slate Dock Road) like this one, but not for this particular parcel. Shovel testing of the proposed Aronson dwelling footprint and septic on the small lot yielded no evidence of archaeological sites.

I will be completing a full report in the near future. No further investigation is warranted. Please feel free to contact me should you have questions or require more information.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

Sincerely,
Christopher Lindner”

The Chairman observed that while Ms. Welch is requesting the Board to reopen this Public Hearing on June 6, 2005, the report has not yet been submitted to NYSOPRHP. Once submitted the NYSOPRHP has 30 days to respond to this Board. He further stated if documentation can be shown at the June 6, 2005 meeting that the report has been submitted, the Board can reopen the Public Hearing for July 11, 2005. The Board concurred with this position.

Public Hearings

Williams Lumber Inc. – NYS Route 9 North – Site Plan Amendment.

The Chairman opened this Public Hearing which was continued from the April 4, 2005 Regular Meeting and stated the Application for Site Plan Approval is to authorize modification of the existing commercial, i.e. lumber yard, site through construction of three additional structures with a combined 15.064 s.f. footprint for the storage of building materials.

Mr. Graminski stated the Applicant had applied to the Zoning Board of Appeals for relief from minimum side yard setback and maximum building coverage standards to accommodate the intended construction and such variances has been granted. This was confirmed by Art Brod who indicated he had reviewed and found satisfactory the ZBA’s April 6, 2005, grant of the required area variances.

There being no further questions or comments, the Chairman accepted a motion from Warren Smith and seconded by F. Woody Dierze’ to close this Public Hearing. All were in favor. Motion carried.

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

The Chairman opened this Public Hearing and directed the Secretary to read the Public Notice as it appeared in the Daily Freeman on April 21, 2005.

The Chairman stated that as presented at the April meeting, the Applicant was seeking authorization to create 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 would be created above an existing garage, was estimated to be approximately 700 square feet in gross floor area, and would be occupied by an elderly family member.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

The Chairman reported that upon field visit he observed the apartment has already been created. He asked the Planning Consultant to highlight the potential issues raised by this circumstance. Mr. Brod stated the issues include but may not be limited to the following: (1) the submission of architect or engineer stamped drawings for this construction, (2) design approval by the Dutchess County Health Department for water supply and sanitary sewage arrangements, (3) required construction period inspections, and (4) compliance with minimum R3A District Zoning Law requirements, including the 150% minimum land area rule, for development of an accessory apartment in a detached structure.

The Chairman stated that the Zoning Enforcement Officer has reported to the Chairman that this application does comply with the R3A Zoning District requirements. While Mr. Murphy stated he was believed all issues with the Building Inspector were taken care of, Chairman Varricchio said the only documentation presented to this Board involves the erection of a garage pursuant to a 2001 building permit. .

In consideration of the outstanding issues, the Chairman advised that questions will have to be asked and responses provided. Therefore, he stated this Public Hearing will be continued on June 6, 2005 at 7:35 pm.

Regular Session (Old Business)

Williams Lumber Inc. – NYS Route 9 North – Site Plan Amendment.

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 Application of Williams Lumber Inc., Mark Graminski, P.E. and L.S., Agent, for Site Plan Approval to authorize the addition of three new structures with a combined footprint of 15,064 s.f. to provide cover for building materials, as required by Town Zoning Code Section VI(B)(20)(b), on TMP 16-6170-00-829011 and -807040 situate on the east side of NYS Route 9 North in the Highway Business Park (HBP) District, all as depicted on a Site Plan drawing entitled ‘Site Plan Revision for Williams Lumber, Inc.’, prepared by Mark Graminski, P.E. and L.S., and dated February 22, 2005:

1. Acknowledges grant without condition by the Town Zoning Board of Appeals on April 6, 2005, of requested relief to the extent required to accommodate the improvements depicted on the above-cited Site Plan from minimum side yard setback and maximum building coverage standards applicable to the HBP District.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

2. Upon review of the EAF Part 1 submitted by the Applicant, its own completion of EAF Part 2, and consideration of the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR determines the Proposed Action, an 'Unlisted Action' under SEQRA, to cause no potential significant adverse effects on the environment and thus issues a Negative Declaration deeming an environmental impact statement to not be required.
3. Grants Site Plan Approval for the above-described project by Williams Lumber, Inc. and authorizes the Chairman to stamp and sign the final Site Plan upon the Applicant's satisfaction of each of the below conditions and/or requirements within the next six (6) calendar months:
 - a. Submission of final Site Plan drawings in the number and form specified under the Town's Zoning Law.
 - b. Payment of any outstanding fees or reimbursable amounts due the Town of Rhinebeck."

A motion made by Ricardo Recchia and seconded by Warren Smith 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.

James Chapman represented his Application. Mr. Chapman stated he has reviewed the entire Application with the Zoning Enforcement Officer; together they came up with a list of variances that are required. Mr. Chapman additionally presented revised Sheet SP-2 which now includes an actual layout plan for full development of the CSX lot.

Art Brod stated the revisions made are, in general, consistent with the discussion at the Planning Board's April 4th meeting. In particular, outdoor events are no longer intended, a paid parking operation involving commercial non-hotel use of the CSX parking lot is no longer proposed, and a plan to create 69 parking spaces within the CSX lot is now provided.

Mr. Chapman stated he had at the request of the Chairman and Planning Consultant discussed the accommodation of tour buses with his engineers, Chazen Companies and was informed that it would be difficult for tour buses to maneuver in the vicinity of the hotel, particularly at the Shatzell and Grinnell Street intersection. In consideration of this circumstance, Mr. Chapman said if it would please the Board he would state on his web site and brochures that no tour buses would be allowed or welcome. Warren Smith stated his opinion that this Board can't tell a tour bus they can't enter Rhinecliff and he doesn't feel this Board should restrict or discourage tourism. Melodye Moore stated there is

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

limited turnaround room at any historic place along the Hudson. Ricardo Recchia stated that all fire equipment in Rhinecliff can manage to maneuver the streets; possibly the bus could discharge passengers at the intersection and walk the 200 feet to the hotel/restaurant; the bus could go and park somewhere else.

Michael Trimble stated this Board needs to be sure this Application is consistent with the LWRP and requests a complete copy of the Application be forwarded to the CAC. Melodye Moore suggested the hotel owners contact other historic places in Rhinecliff such as Wilderstein; they may be willing to allow a tour bus to park on their site while the occupants have lunch. Melodye Moore also stated it is very important to the community to not discourage tourism.

On another issue, the Chairman stated this Board must have written verification from the ZEO this entire application complies with the Zoning Law or that all required variances have been requested. The Chairman stated that while this Board can move forward with the public review process, a decision on the Application for Site Plan Approval cannot be made until any required variances have been secured from the Zoning Board of Appeals. The Planning Consultant observed the ZBA will not, however, be able to act on any requests for variance until the Planning Board in its intended SEQRA lead agency role conducts required coordinated environmental quality review of the entirety of the Proposed Action, including consideration of any environmental issues that may be raised at the initial Public Hearing.

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 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", situated at Grinnell and Shatzell Streets (TMP 16-6069-06-355592) and extending onto lands owned by CSX Transportation, Inc. under Agreement No. NYC-047265 within the Rhinecliff Business (RB) and Residential (R1A) Districts, all as described within the following documents:

- 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.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 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.
 - A List of Variances Sought dated April 2005.
1. Accepts the Application, subject to the following contingencies, as adequate for commencing Planning Board, consultant and public review:
- Written determination is required from the Zoning Enforcement Officer that the intended project benefits from the full protection afforded non-conforming uses and non-complying structures under the Town's Zoning Law as has been assumed by the Applicant.
 - Applications for all required Area and Use Variances must be filed with the Town's Zoning Board of Appeals.
 - Request for authorization of implementation of the Alternate Parking Plan in the event of loss of the CSX lease must be made to the Town Board.
 - The Full EAF Part 1 must be revised in response to the Planning Consultant's technical comments of May 2, 2005, and complete copies thereof (including location map, photos and a copy of Sheet SP2, as modified) provided to the Planning Board Clerk in the number required to effect the below-cited SEQRA distribution.
 - Twelve (12) full sets of the current project submission, superseding all that has come before and as required to be modified under terms of this resolution, must be filed with the Planning Board Clerk for purposes of the Planning Board, its official record and public review.
 - A full set of the site civil plans, as required to be modified under the terms of this resolution, must be presented to the Planning Board Clerk for transmittal to, and review by, the Town Engineer.
2. Classifies the Proposed Action as a 'Type I Action' under SEQRA in consideration of the project site location within the Hudson River National Historic Landmark District and the listed status of the Rhinecliff Hotel as a

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

'contributing structure' therein, which Type I Action requires the conduct of coordinated environmental quality review under SEQRA.

3. Identifies the NYS Department of Environmental Conservation, the Dutchess County Health Department, the Town Board of the Town of Rhinebeck, the Town of Rhinebeck Zoning Board of Appeals and the Town of Rhinebeck Highway Superintendent as other potential involved agencies and further identifies the NYS Office for Parks, Recreation and Historic Preservation, the NYSDOS Coastal Management Program, the Dutchess County Department of Planning and Development, the Town of Rhinebeck Waterfront Advisory Committee, the Town of Rhinebeck Building Department, and CSX Transportation, Inc., as interested parties with respect to the Proposed Action.
4. In consideration of the other potential listed involved agencies determines the Town Planning Board to have the broadest jurisdiction with respect to the Proposed Action and associated capability of undertaking coordinated environmental review thereof and, thus, declares it to be the intent of the Planning Board to serve as SEQRA Lead Agency and directs the Clerk to distribute a Notice of Intent to Serve as Lead Agency as will be provided by the Planning Consultant to the parties listed thereon.
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. Requires the submission of a Coastal Consistency Form by the Applicant and upon its receipt refers the Application to the Town of Rhinebeck Waterfront Advisory Committee due to its location within the Town of Rhinebeck Local Waterfront Revitalization Area (LWRA) as established by the Town Board upon adoption of the LWRP on February 13, 2005.
7. As noted above, refers the site civil plans to the Town Engineer for detailed technical review and comment, such comment to be received by the Planning Board and provided to the Applicant for information only not less than seven (7) days prior to the scheduled Public Hearing.
8. Schedules a Public Hearing on the Application for the Regular Meeting of Monday, June 6, 2005, at 7:45 p.m. and directs the Clerk to provide timely notice thereof in the form prescribed by the Planning Consultant and as required by NYS Town Law and the Town Zoning Law.

A motion to adopt the above-stated resolution was made by Ricardo Recchia and seconded by Melodye Moore. The resolution was unanimously adopted by the Planning Board upon conduct of a roll call vote by Chairman Varricchio.

Regular Session (New Business)

Baptist Home at Brookmeade – NYS Route 308 East – Site Plan Amendment.

Harold Mangold, Esq., appeared for an initial presentation of an Application for Amendment of Approved Site Plan. The intended modifications involve the installation of a new 12 foot wide emergency access driveway to comply with recent changes in State Building Code requirements and storm water management improvements required to comply with the EPA Phase II Storm Water Regulations.

Mr. Mangold had previously acknowledged in a letter of April 25, 2005, modified plans are not yet complete for the storm water management improvements, with it forecast these plans will be available in June. Mr. Mangold stated he believes the plans will be available for the July 11th meeting.

William Koff – 167 River Road (CR 103) – Subdivision Plat.

Mr. Koff has presented an Application for Subdivision Plat Approval for the creation of an existing house lot of 19.535 acres and three (3) residential building lots of 5.010, 9.134 and 16.909 acres from a 50.588-acre parcel in the R5A District.

The Application was represented by Charles Boolukos, P.L.S., who described the overall layout and stated a letter request had been submitted for certain waivers of informational requirements, including the presentation of site topography.

The Chairman stated a number of comments were received from the CAC regarding this Application. He read the following excerpt from the CAC minutes of April 28, 2005:

“...Planning Board Applications

167 River Road – William and Susan Koff

The application asks the Board to waive the requirements for specific topography, stating that it will submit surveys at the later date. The applicant also states ‘there is no intention to build or sell at this present time.’ The application seems incomplete. It is not clear how this application was found complete by the Zoning Enforcement Officer to be sent to the Planning Board. It raises several questions that are not addressed in the submitted documentation.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

This project is a Type I project, triggering the same treatment under SEQRA as set forth above. Specific concerns that the CAC has are:

- Impact on wetlands – There are streams, ponds and wet areas on the property. The streams are tributaries to the Hudson River.
- Wells and infrastructure – Wells for the proposed home sites have not been driven. The documentation provided does not show proposed well sties or water quality.
- Suburban subdivision – The application is for subdivision with a distinctly suburban character on land located in the National Historic Landmark District, which land has several contributing features to said District, and which land is also in an agricultural district. The results of the proposed subdivision would be a significant adverse environmental impact on the Landmark District.
- Scenic District – The proposed subdivisions is on River Road, an important scenic and historic road, well known throughout the State. Preserving the character of this road is important to the Town of Rhinebeck. The CAC is also concerned that the proposed suburban development is not appropriate for this agricultural land. We are further concerned that there could be a significant impact on wetlands and Hudson River tributaries, which the application does not address. Finally, the application does not substantiate that necessary infrastructure for the proposal can be supported; specifically, water and waste.”

The Chairman next asked the Planning Consultant to review his comments on this Application, with Mr. Brod noting many ran parallel to those independently offered by the CAC and involved matters both of an incomplete Application and the sensitive environment within which it is located.

He stated initial examination of the submission raises a number of concerns including but not necessarily limited to the following:

- Failure to provide specific information regarding all easements affecting the 50.588-acre parcel and, thus, inability to ascertain whether they are being respected by, or how they may have to be modified as a consequence of, the intended subdivision.
- Failure to specifically delineate the boundaries of the several water bodies and wet areas shown on the plan, each of which appears to minimally be an ACOE jurisdictional wet area.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

- Failure to provide the opinion based upon field investigation of a licensed professional engineer the intended residential building lots are developable for not less than a three-bedroom dwelling in accordance with Dutchess County Health Department standards.
- Failure to address sight distance at driveway access locations and associated failure to identify Dutchess County DPW as a necessary participant in the subdivision review process.
- Factual error in the waiver request with respect to characterization of the driveways as “pre-existing”; this does not appear to be the circumstance for Lot 4 and in instance of Lots 2, 3 and 4 purpose of driveway (whatever it may have been) is certainly changing.
- Data provided throughout EAF should reasonably project build-out effect of existing house lot and the three (3) proposed residential lots, development which upon approval of the subdivision could be carried out without return to the Planning Board.

In consideration of the incomplete nature and widespread deficiencies in the submitted EAF and the required referral of this document to NYSOPRHP, County DPW, County Health, WAC and others, securing of professional assistance in completing EAF is recommended.

- If parcel is accurately described as being within a certified agricultural district, failure to submit a required Agricultural Data Statement.
- In anticipation of NYSDOS approval of the Town’s LWRP, a Coastal Assessment Form will also be required.

Further due to a combination of scenic roadway, and National Historic Landmark District and LWRA designations, the Planning Consultant stated there should be some presentation of the criteria upon which proposed house sites, driveway locations, etc. have been selected and what the visibility from, and relationship of, these features will be from the public roadway and neighboring properties.

Last, for purposes of this initial review, Mr. Brod stated the Applicant should be advised that recommendation for conduct of cultural resource evaluations should be anticipated upon NYSOPRHP response to Planning Board referral.

Michael Trimble stated he feels it would be helpful for the Board to be provided with agricultural soil groups of the land, to aid in review of potential environmental impact. The Chairman stated this might be a subdivision the Board should consider for clustering. Mrs. Koff stated she wishes the Board to take into consideration they may wish to sell their existing home and build a new home on

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

the rear lot and the topo of the property really doesn't lend well to clustering. The Applicant would like to know prior to spending the money on professional engineers what the Board wishes are as far as clustering. The Chairman stated the Board has not been provided with adequate information to make any decision at this time. Once the topography information is submitted and other documentation provided a determination may be able to be made. Melodye Moore asked the name of the rail bed. Ms. Koff stated she believes it was the "Hucklebush Line".

The Applicant will take the Board's suggestions under consideration and return when prepared. Mr. Boolukos stated he was not surprised there was a "lot of homework to do" and projected the return date as at least two months away.

Cove View Properties, LLC – Primrose Hill Road (CR 84) – Subdivision Plat.

This Application is represented by Michael White of Spectra Engineering. Mr. White submitted slightly-modified plans providing for a 0.111-acre adjustment between the two proposed lots due to a confirmed well location, these plans bearing a revision date of April 28, 2005. Mr. White stated 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 12.327 acres would be created for the existing multi-family use found on the Hyde Park portion of the lot and a second 49.532-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. Art Brod stated a common driveway agreement would need to be submitted and filed. Warren Smith asked why the Applicant is choosing to subdivide now, after visiting this Board several months ago with regard to development of what will now become Lot 2, which is in the Town of Hyde Park with ingress/egress in the Town of Rhinebeck. Mr. White stated that application was for 139-unit complex; that application has now been withdrawn and no plans have been determined for Lot 2. Chairman Varricchio asked if it was safe to assume the Applicant will ultimately seek to develop Lot 2 to the extent allowed by the Zoning Law. Mr. White stated the Applicant is not sure how the land will be marketed nor is it known what an amended Hyde Park Zoning Law might allow but if it were to be developed it would be to the maximum allowed. Michael Trimble questioned if the Board should require a traffic study of the impact this subdivision will have on Primrose Hill Road. Art Brod stated no new development is proposed at this time; there is no additional traffic. Michael Trimble questioned if this isn't the Applicant's attempt at segmentation. Mr. White and Attorney Neil Alexander stated segmentation occurs when the

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

Applicant has plans for the parcels and chooses to break a project into segments to avoid detailed environmental analysis. F. Woody Dierze' stated he believes it is reality Lot 2 will be developed and wishes the Board take that into consideration.

With no further questions or comments, 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 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 and Hyde Park into two combined parcels of 12.327 acres and 49.532 acres, each in part within 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 'Preliminary Subdivision Plan, Cove View Estates' prepared by Spectra Engineering, Architecture and Surveying, P.C., dated April 1, 2005, and revised to April 14, 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 an 'Unlisted Action' under SEQRA.
3. Acknowledges that except for a portion of the access driveway including its intersection with Primrose Hill Road all 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.
4. Schedules a Public Hearing on the Application for Monday, June 6, 2005, at 7:40 p.m. and directs the Clerk to provide timely notice thereof.
5. Delegates the Chairman and Planning Board Members John Varricchio and Nicholas McCausland to conduct a field visit to the subdivision site and report their observations at the time of Public Hearing.
6. Advises the Applicant that should the Application be approved by both this Planning Board and the Town of Hyde Park Planning Board 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.

TOWN OF RHINEBECK PLANNING BOARD
REGULAR MEETING MINUTES
MAY 2, 2005

7. Further advises the Applicant that should the Application be approved by both this Planning Board and the Town of Hyde Park Planning Board a common driveway access, ownership and maintenance agreement intended for recording in the Dutchess County Clerk's Office simultaneously with filing of the Approved Subdivision Plat will be required. The common driveway shall be deemed in perpetuity to provide exclusive access from Primrose Hill Road to Lots 1 and 2 unless such use of common driveway access is prohibited by a County or State agency of jurisdiction."

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

Adjournment

There being no further business to come before the Planning Board, a motion was made by Warren Smith and seconded by Melodye Moore to adjourn this meeting. The Chairman recognized the motion and second and adjourned the meeting at 9:40 pm.

Respectfully submitted,

Joan Winne, Secretary