

Town of Rhinebeck Planning Board  
Regular Meeting Minutes  
February 3, 2014

**PRESENT:** Michael Trimble, Chairman  
Melodye Moore, Vice-Chair  
Richard Murray  
Sharon Sherrod  
F. Woody Dierze'  
Art Brod, Planning Consultant

**ABSENT:** Robert Babirad  
Jesse Hewitt

**CALL TO ORDER / DETERMINATION OF QUORUM**

The Chairman called the meeting to order at 6:30pm and determined a quorum of the Board to be present for the conduct of business.

**BUSINESS SESSION**

**Meeting Agenda.** The Chairman stated the agenda will stand as posted.

**Acceptance of Meeting Notes.** The Chairman accepted a motion from Melodye Moore seconded by F. Woody Dierze' to accept the Meeting Notes as prepared by Art Brod as a guidance in consideration of the matters set forth on the Agenda. All present were in favor. Motion carried.

**Meeting Minutes of January 6, 2014.** The Chairman accepted a motion from Melodye Moore seconded by Sharon Sherrod to accept the January 6, 2014 Meeting Minutes as prepared by the Planning Board Secretary. All present were in favor. Motion carried.

**REGULAR SESSION / OLD BUSINESS (PUBLIC HEARINGS)**

**Jonna Paoletta – 340 Wurtemberg Road – Special Use Permit and Site Plan**

The Chairman opened this Public Hearing and stated this item first involves the conduct of the required Public Hearing on Applications for Special Use Permit and Site Plan Review and Approval under Town Code Chapter 125, Zoning, in matter of the proposed expansion of the “Olde Rhinebeck Inn” from a three-bedroom to a four-bedroom Bed & Breakfast Establishment on TMP 135089-6269-00-651272 in the Rural Countryside (RC5) District, being a Type I Action under SEQRA.

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The Chairman continued to state Town Code Chapter 125, Zoning, Section 125-68(PP) now authorizes by Special Use Permit as many as five guest rooms within a B&B acknowledged Ms. Paoella holds a current "Permit to Operate as a Rooming House" issued by the Dutchess County Health Department.

Ms. Jonna Paoella stated in 2009 she received an Area Variance from the Zoning Board of Appeals to increase the number of bedrooms in her Bed and Breakfast Establishment from 3 to 4; at that time the number of guest rooms was limited to three. When Ms. Paoella received the Area Variance she was not aware of the additional requirements for Planning Board approval. These requirements recently came to light and she is attempting to obtain the necessary permits to continue with her 4 bedroom Bed and Breakfast Establishment.

Board members Jesse Hewitt and Michael Trimble visited this site and reported no observed issues or concerns.

With no further questions from the Board or the Public, the Chairman read the following draft SEQRA Resolution, prepared by Art Brod, for the Board's consideration:

SEQRA Resolution

"The Town of Rhinebeck Planning Board hereby acts as follows on the December 11, 2013, Applications by Jonna Paoella for Special Use Permit and Site Plan Review and Approval under Town Code Chapter 125, Zoning, Sections 125-21, District Schedule of Area and Bulk Regulations, Section 125-68(PP), Specific Standards for a Bed & Breakfast Establishment, and Section 125-73, Uses subject to Site Plan Approval, in the matter of the legalization of a Bed & Breakfast Establishment with four guest rooms ('Olde Rhinebeck Inn') on TMP 135089-6269-00-651272 at 340 Wurtemberg Road in the Rural Countryside (RC5) District, as heretofore subject of a Certificate of Occupancy granted by the Town Code Enforcement Officer (c. 2004) and a current Permit to Operate a Rooming House as issued by the Dutchess County Health Department, being a Type I Action due to its location within or adjacent to property listed on the National Register of Historic Places for which the Planning Board, as sole involved agency, is serving as Lead Agency under SEQRA:

1. Determines upon review of the EAF Part 1 and its own completion of EAF Part 2 in consideration of both the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR and the historic preservation policies underlying the National Register of Historic Places designation, that the Proposed Action, as described in the Application and being a Type I Action, will cause no potential significant adverse impact on the

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environment and, thus, issues a Negative Declaration (Determination of Non-Significance) deeming an environmental impact statement to not be required and stating such will not be prepared.

2. Authorizes the Chairman to so execute the Full EAF and directs the Planning Board Clerk to distribute and file the Full EAF with Negative Declaration annotation and other documentation as may be pertinent to a Type I Action in the manner set forth within the SEQRA Implementing Regulations, Title 6 Part 617.12 NYCRR.”

A motion was made by Melodye Moore and seconded by Sharon Sherrod to adopt the above stated resolution. The motion carried by a unanimous vote of the Board members present. Robert Babirad and Jesse Hewitt were absent.

The Chairman then accepted a motion from Melodye Moore seconded by F. Woody Dierze’ to close this Public Hearing. All present were in favor. Motion carried.

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

Approval Resolution

“The Town of Rhinebeck Planning Board hereby acts as follows on the December 11, 2013, Applications by Jonna Paoella for Special Use Permit and Site Plan Review and Approval under Town Code Chapter 125, Zoning, Sections 125-21, District Schedule of Area and Bulk Regulations, Section 125-68(PP), Specific Standards for a Bed & Breakfast Establishment, and Section 125-73, Uses subject to Site Plan Approval, in the matter of the legalization of a Bed & Breakfast Establishment with four guest rooms (‘Olde Rhinebeck Inn’) on TMP 135089-6269-00-651272 at 340 Wurtemberg Road in the Rural Countryside (RC5) District, as heretofore subject of a Certificate of Occupancy granted by the Town Code Enforcement Officer (c. 2004) and a current Permit to Operate a Rooming House as issued by the Dutchess County Health Department, and for which a Negative Declaration (Determination of Non-Significance) has been issued by the Planning Board:

1. In consideration of the Application for Special Use Permit under Town Code Chapter 125, Zoning, Section 125-73, to authorize establishment of a ‘Bed & Breakfast Establishment’ with four guest rooms:
  - a. Determines the proposed use to in no way contravene any of the General Standards for all special permit uses set forth at Section 125-67.

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- b. Further determines the proposed use to be in conformance with the Specific Standards for a 'Bed & Breakfast Establishment' as set forth at Section 125-68(PP).
  - c. Grants the Special Use Permit pursuant to said Chapter 125 of the Town Code and subject to the following prerequisite conditions and/or requirements:
    - (1) Payment of any outstanding fees or reimbursable amounts due the Town of Rhinebeck with respect to the submission, review and processing of this Application under the Town Code Chapter 125, the Town's fee schedule and executed escrow agreement.
    - (2) Securing of Site Plan Approval for the proposed use.
2. In consideration of the Application for Site Plan Review and Approval under Town Code Chapter 125, Zoning, inclusive of both a sketch plan drawing dated December 10, 2013, and the aforementioned Permit issued by the Dutchess County Health Department:
- a. Waives any further site plan requirements as set forth within the Town Code.
  - b. Approves the Application for Site Plan Approval and authorizes the Chairman to so note on the sketch plan drawing upon the Applicant's satisfaction of each of the below condition and/or requirement within six (6) calendar months of the adoption of this resolution:
    - (1) Payment of any outstanding fees or reimbursable amounts due the Town of Rhinebeck with respect to the submission, review and processing of this Application under the Town Code Chapter 125, the Town's fee schedule and executed escrow agreement.

In taking this action the Planning Board further authorizes the Town Zoning Enforcement Officer to issue a Certificate of Occupancy for the proposed 'Bed & Breakfast Establishment' with four guest rooms upon his determination all other codes, laws, rules or regulations within the purview of the ZEO and/or Building Inspector, including but not limited to the requirements of the NYS Uniform Building Construction and Fire Prevention Code are satisfied."

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A motion was made by Sharon Sherrod seconded by Richard Murray to adopt the above-stated resolution. The motion carried by a unanimous vote of the Board members present. Robert Babirad and Jesse Hewitt were absent.

**The Quentin Johnson Irrevocable Trust – 12-14 Old Primrose Hill Road – Subdivision Plat**

The Chairman opened this Public Hearing and stated the Application for Subdivision Plat under Town Code Chapter 101, Subdivision of Land, is represented by Marie Welch, LS, in the matter of lot line alterations precedent to transfer and consolidation of portions of the Trust's Lands, totaling 9.342 acres, within the Rural Countryside (RC5) District with those of the adjacent Lands of Patrick & Mary Kelly and Lands of Carl Meyer, being a Type I Action under SEQRA.

Art Brod stated his review of the Application and supporting information, including Site Resource Analysis Assessment, Surveyor's Map, EAF Part 1 and Agricultural Data Statement, found no planning, zoning or environmental issues present.

Ms. Welch stated she complied with the noticing of the Public Hearing and provided the Planning Board Clerk the proof of the newspaper notice of public hearing, certified mail receipts and a picture of the sign posted on the road frontage of the property.

With no further questions or comments from either the Board or public, the Chairman read the following draft resolution, prepared by Art Brod, for the Board's consideration:

SEQRA Resolution

"The Town of Rhinebeck Planning Board hereby acts as follows in the matter of the proposed lot alterations by the Quentin Johnson Irrevocable Trust, as represented by Marie T. Welch, L.S., and set forth on a Survey Map prepared by Ms. Welch entitled 'Lot Line Alteration / The Quentin Johnson Irrevocable Trust' and dated November 27, 2013, which would be implemented through transfer and consolidation of portions of the Trust's Lands with adjacent Lands of Patrick & Mary Kelly and Lands of Carl Meyer, being a Type I Action due to its location within or adjacent to property listed on the National Register of Historic Places for which the Planning Board, as sole involved agency, is serving as Lead Agency under SEQRA:

1. Determines upon review of the EAF Part 1 and its own completion of EAF Part 2 in consideration of both the 'criteria for determining significance' set

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forth at Title 6 Part 617.7.c NYCRR as well as the agricultural protection policies set forth within the NYS Agriculture and Markets Law and the historic preservation policies underlying National Register of Historic Places designation, that the Proposed Action, as described in the Application and being a Type I Action, will cause no potential significant adverse impact on the environment and, thus, issues a Negative Declaration (Determination of Non-Significance) deeming an environmental impact statement to not be required and stating such will not be prepared.

2. Authorizes the Chairman to so execute the first page of the Full EAF and directs the Planning Board Clerk to distribute and file the Full EAF with Negative Declaration annotation and other documentation as may be pertinent to a Type I Action in the manner set forth within the SEQRA Implementing Regulations, Title 6 Part 617.12 NYCRR.”

A motion was made by Melodye Moore seconded by F. Woody Dierze’ to adopt the above-stated resolution. The motion carried by a unanimous vote of the Board members present. Robert Babirad and Jesse Hewitt absent.

Approval Resolution

“The Town of Rhinebeck Planning Board hereby acts as follows in the matter of the proposed lot alterations by the Quentin Johnson Irrevocable Trust, as represented by Marie T. Welch. L.S. and set forth on a Survey Map prepared by Ms. Welch entitled ‘Lot Line Alteration / The Quentin Johnson Irrevocable Trust’ and dated November 27, 2013, which would be implemented through transfer and consolidation of portions of the Trust’s Lands with adjacent Lands of Patrick & Mary Kelly and Lands of Carl Meyer and for which a Negative Declaration (Determination of Non-Significance) has been issued by the Planning Board:

Approves the Application for Subdivision Plat Approval and authorizes the Chairman to stamp and sign the Subdivision Plat upon the Applicant’s satisfaction of each of the below conditions and/or requirements within one hundred eighty (180) calendar days of the Planning Board’s adoption of this resolution:

1. Submission of Subdivision Plat drawings in the number and form specified within Town Code Chapter 101, including thereon both all required stamps, seals and certifications set forth within Chapter 101, and notation as required under the NYS Agriculture and Markets Law pertaining to the relationship of the property shown on the Subdivision

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Plat to lands within a certified agricultural district and the related preference afforded agricultural activities.

2. Stamping of the Subdivision Plat in the form required above as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
3. Submission for review by the Planning Board as to sufficiency and subsequent recording in the Dutchess County Clerk's Office simultaneously with the filing of the Approved Subdivision Plat draft of consolidation, or merger, deeds whereby each of the annexation parcels will be combined with the parcel to which it is being annexed, thus obviating what otherwise would be the creation of non-complying parcels.
4. Payment of any outstanding fees or reimbursable amounts due the Town of Rhinebeck with respect to the submission, review and processing of this Application under the Town Code Chapter 101, the Town's fee schedule and related executed escrow agreement."

A motion was made by Melodye Moore seconded by Sharon Sherrod to adopt the above-stated resolution. The motion carried by a unanimous vote of the Board members present. Robert Babirad and Jesse Hewitt absent.

**Red Wing Properties, Inc. (Kinlan Mine) – 234-286 White Schoolhouse Road – Special Use Permit**

The Chairman stated this Application involves the conduct of a Public Hearing on Applications for Special Use Permit and Site Plan Review and Approval under Town Code Chapter 125, Zoning, in the matter of proposed renewal of Special Use Permit to continue mining within 9 acres of 38 acre life-of-mine area within the Rural Countryside (RC5) and Soil Mining Overlay (SM-O) Districts and to introduce within the 9 acre area sub-aqueous mining with related installation of DEC-approved "turtle fence", being an Unlisted Action under SEQRA.

Paul Griggs is representing this application. Mr. Griggs stated the Application is to renew the Kinlan Soil Mining Permit under the new owner, Red Wing Properties. The mine is 38 acres of a 241 acre parcel and has been mined as permitted by the DEC and the Town of Rhinebeck. The Application is not proposing any increase in intensity; a 9 acre lake will be created in the southwest portion of the present mining site.

Chairman Trimble stated the Application is for a new permit and not a renewal being the last permit expired in September 2013 and both timely request for

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renewal was not made and substantial changes are proposed in the operation. Michael Trimble continued to state that due to the unauthorized clear-cutting of trees without the necessary approvals this applicant is under investigation by both the Town violation and the DEC for possible violations. The Planning Board is prohibited from acting on any application with a standing violation. Mr. Griggs stated he has responded to the DEC complaint. Michael Trimble stated the Town's Zoning Code prohibits clear-cutting; at the site visit Paul Dougherty said the property will be farmed and Mr. Trimble has requested a copy of the lease with the farmer. The site was visited by Michael Trimble, CAB, Kathy Kinsella and Bob Wyant of the Highway Department.

The Chairman placed letters from the following neighbors into the record:

- o Susan Greenberg
- o Leslie Dunkenberg
- o George Reskakis
- o Conservation Advisory Board

After reading each of the letters, Chairman Trimble responded that the Planning Board will review and restrict as necessary, the hours of operation, truck size, etc.

The Chairman then read the following letter from Kathy Kinsella, Town Highway Superintendent:

"I am in receipt of your request for comments regarding an application before the Planning Board for renewal and modification of a Special Use permit for the continued mining of sand and gravel and related actions on the property owned by Red Wing Sand and Gravel on White Schoolhouse Road, parcel #855330. Red Wing purchased the site of an existing gravel mine, formerly owned by Vincent P. Kinlan, last year. The applicant seeks to continue current mining operations at the location and additionally, to introduce sub-aqueous mining.

The property and the soil mine in question are accessed from White Schoolhouse Road. Those restrictions, in part, date back to the Planning Board's granting of a special use permit and include that "all trucks employed in the haulage of sand and gravel from the Kinlan Soil Mine shall be limited to no more than 10-wheel, 12 cubic yard capacity, as recommended by the Town Highway Superintendent and Town Engineer." (Town of Rhinebeck Planning Board Minutes, March 7, 2005). The permit also limits hours of operation, including the hauling of mine product, to between the hours of 7:00 am and 5:00 pm Monday through Friday. No mining activities, including hauling, are permitted on Saturday or Sundays.

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The above restrictions have been in place since the granting of a special permit. As I understand the application currently before the Planning Board, the applicant wishes to expand operations, which would potentially increase truck size, capacity, and trip generation. In order for such a request to be reviewed, the applicant should provide a projected trip generation study, including types, sizes, capacities, and the number of trucks, and also include any other equipment or vehicles that will be entering and existing the site. This information would be important in assessing the impact that nay additional traffic may have on White Schoolhouse Road.

In additional to trip generation, please note that I have the following concerns related to any possible increase of truck traffic or truck sizes on White Schoolhouse Road:

- Weight impact on White Schoolhouse Road Bridge  
Large vehicle navigation of curves on White Schoolhouse Road, south of its intersection with Hilltop Road
- The speed, length, and agility of vehicles navigating the interstation of CR 19, a.k.a. Slate Quarry Road and White Schoolhouse Road.
- There is an alternative entrance to the driveway currently serving the site. It is further south, located between two lots adjacent to the mine site. It functions as a service road for the farmland. I ask that the applicant and the Planning Board evaluate the possibility of the site using that entrance, so that the two alternatives may be compared.

Thank you for the opportunity to comment on this application. If you have any questions or if you would like me to comment of any specifics of the proposal, please let me know. "

Charles Wessler, Bollenbecker Road, stated he moved here 13 years ago and doesn't want his life disrupted by noise every day; when Mr. Decker was mining the site was very quiet with the exception of a few trucks.

Richard Murray stated his opinion the property was purchased in good faith by Red Wing, that the permit could be renewed and suggested the neighbors discuss their concerns with Red Wing.

Paul Griggs stated he encourages the neighbors to speak with the owner and visit past sites Red Wing has mined; Red Wing is a family-owned and operated business, a neighbor and community-oriented friendly business.

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Art Brod stated the prior Special Use Permit limited hours of operation, days of operation and truck size. At no place within either the present Application or the NYSDEC permit is there mention of limiting the truck size and the DEC permit authorizes mining on certain days not authorized within the prior Town Special Use Permit. Mr. Brod suggested the Applicant address these issues in writing.

F. Woody Dierze' stated the words 'blasting in sand' are written in the EAF and requested clarification. Mr. Griggs stated no blasting is proposed. Mr. Dierze' stated the Application should therefore be revised.

Sharon Sherrod stated the Landsman Kill runs as little as 200 feet away from the mined area and she is concerned for effects on both water quality and habitat for wildlife.

Michael Trimble suggested and Melodye Moore motioned with F. Woody Dierze' seconding that the Planning Board schedule this item for discussion only at its Special Meeting on February 18, 2014, and continue the Public Hearing on Monday, March 3, 2014, at 6:35 pm. All present were in favor. Motion carried. Robert Babirad and Jesse Hewitt absent.

**Paul Matthies – Old Post Road – Subdivision Plat**

The Chairman stated this Agenda involves continuation from December 16, 2013, as deferred on January 6, 2014, of the required Public Hearing on an Application for Subdivision Plat Review and Approval in the matter of the proposed consolidation of TMPs 6170-00-423704 and -486696 totaling 13.66 acres in the LWRA and Rural Countryside (RC5) District. The Proposed Action is an Unlisted Action under SEQRA.

The purpose of the continuation was to provide opportunity for the Board to secure input from the Town's Land Use Attorney, John Lyons with respect to the issues raised by the Chairman and CAB as summarized in the below.

- *The substantial extent of both parcels occupied by NYSDEC wetlands or NWI wetlands and/or FEMA flood plain as identified by using Parcel Access and Geo Access.*
- *The relationship of the extent of wetland to the requirement set forth at Town Code Chapter 101, Subdivision of Land, Section 101-6-1 stating "no less than three-fourths (75%) of the minimum lot area within any zoning district must be fulfilled by land which is outside any regulated wetland, water body, or a FEMA-designated one-hundred-year floodplain".*

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- *In consideration of the above, as well as to address what could be construed to be a segmentation issue under SEQRA, inquiry as to zoning district classification of the individual parcels and the Applicant's intended use for the combined parcel?"*

Michael Trimble reported his conversation with Attorney John Lyons; the lot must be 75% dry with it to be construed that a new lot is being created by consolidation.

Marie Welch, L.S., reported LRC Group has submitted the required SDS certification and water will be served by the Village water system. Michael Trimble stated the water access will need to be in the deed. The Applicant is also suggesting driveway access from within the Village; the Planning Board will need the survey showing this access.

Upon representation by Ms. Welch that required additional information might be then be available, the Chairman accepted a motion from Melodye Moore seconded by F. Woody Dierze' to continue this public hearing on Monday, March 3, 2014, at 7:00 pm. All present were in favor. Motion carried. Robert Babirad and Jesse Hewitt absent.

**REGULAR SESSION (OTHER OLD BUSINESS)**

**Mensch Grasmere, LLC – NYS Route 9 and Mill Road – SEQRA Compliance**

The Chairman stated this Agenda item involves the Planning Board's consideration , in its SEQRA Lead Agency role, of the draft Final Generic Environmental Impact Statement (FGEIS) prepared by Art Brod, with input as pertinent from the Applicant's project team, in the matter of the proposed Grasmere Farm Hotel Development on a parcel with a minimum of 250 acres to be created consisting of 25.2-acre TMP 6169-00-451779, 29.5-acre TMP 6169-00-554765 and the balance of a minimum of 195.3 acres from TMP 6169-00-320500 in the Rural-Agricultural (RA10) and Hudson River National Historic Landmarks Districts and the Town of Rhinebeck Local Waterfront Revitalization Area (LWRA).

Art Brod recommended the Planning Board first discuss any modifications the Board feels should be made in the draft and then deem the FGEIS, with those modifications incorporated, complete and then file and circulate the FGEIS in accordance with the pertinent provisions of 6 NYCRR Part 617.

F. Woody Dierze' questioned whether. Mr. Brod stated he understood this to be the case; John Montagne, The Applicant's lead consultant from GPI, concurred.

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

"The Town of Rhinebeck Planning Board, as duly-confirmed SEQRA Lead Agency, hereby acts as follows in the matter of a Proposed Action by Mensch Grasmere, LLC ('Applicant'), involving development of the 'Grasmere Farm Hotel' within a 250-acre set-aside of a 525-acre property (TMP 135089-6169-00-451779, -554765, and – Part 320500) on Mill Road and NYS Route 9 South in the Rural Agricultural (RA-10) and Hudson River National Historic Landmark Districts and the Town's Local Waterfront Revitalization Area, being the subject of an Application for Special Use Permit for a 'Country Inn II' submitted to the Planning Board on July 1, 2013, and heretofore classified as a Type I Action under SEQRA for which coordinated environmental quality review is required:

1. Determines, subject to the inclusion of language making it clear that the day-users of the spa facility are included within the project traffic generation and are among the Hotel guests who will be entering from Mill Road, the Final Generic EIS prepared by the Planning Board in consultation with its principal consultants, PLANNERS EAST Incorporated and Morris Associates Engineering Consultants, PLLC, is complete through its incorporation by reference of the Draft Generic EIS prepared by the Applicant's principal consultant, Greenman-Pedersen, Inc., its presentation of revisions to the Draft Generic EIS addressing the Town's Green Building Standards and the revised NYSDEC-issued Full EAF, and its response to comments received at either the Public Hearing or in writing concerning the Draft Generic EIS, including a modification in the proposed development to redeploy the Mill Road Access as an 'entrance only' driveway for hotel guests.
2. Directs the Planning Board Clerk to undertake or otherwise cause the filing, distribution and publication of the annexed 'Notice of Completion of Final Generic Environmental Impact Statement', including both distribution in accordance with 6NYCRR 617.12(b) to all parties listed within the above Notice, and publication (without distribution list) in the Town's official newspaper.
3. Schedules Planning Board review and discussion of any comments received on the Final Generic EIS as an Agenda item for its Special Meeting of February 18, 2014.
4. Authorizes the Town Planning Consultant to prepare a working draft of a Findings Statement for distribution to the Planning Board following its

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review and discussion of any comments received on the Final Generic EIS. The working draft is to be provided for purposes of review and discussion by the Planning Board at its Regular Meeting of March 3, 2014, at which time a date may also be established for continuation of the Public Hearing begun on November 18, 2013, in the matter of the above-cited Application for Special Use Permit.

Annexed Document: Notice of Completion of Final Generic EIS

“State Environmental Quality Review

**Notice of Completion of Final Generic Environmental Impact Statement**

**Lead Agency:** Town of Rhinebeck Planning Board

**Address:** Town Hall  
80 East Market Street  
Rhinebeck, New York 12572

**Date:** February 5, 2014

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York Environmental Conservation Law and Chapter 125, Zoning, of the Code of the Town of Rhinebeck.

A Final Generic Environmental Impact Statement (Final GEIS) has been completed by the Lead Agency for the Proposed Action described below. Consideration of the Final GEIS is invited by both Involved Agencies and Interested Agencies and Persons. Comments are requested in writing and will be accepted in writing by the contact person until 4:00 p.m. on Tuesday, February 18, 2014.

**Name of Proposed Action:**

Grasmere Farm Hotel Development

**SEQRA Status:**

Type I Action

**Description of Proposed Action:**

Applications to the Town Planning Board, including but not limited to Subdivision Plat Approval, Special Use Permit, Wetlands Permit and Site Plan Approval, as well as permits, approvals and compliance determinations from other local, Town, County, State

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and federal agencies, in the matter of a Proposed Action by Mensch Grasmere LLC involving the development of Grasmere Farm Hotel, consisting of (1) the adaptive re-use of the 16,000 s.f. Grasmere Manor House for a boutique hotel phasing up to 110 guest rooms, suites and stand-alone 'eco-cabins'; (2) a top restaurant, culinary and event center set in and around the property's existing 25,000 s.f. Edwardian Stone Barns and Carriage House; 3) a spa facility featuring an array of spa treatments and wellness programs, and (4) related infrastructure improvements within a 250-acre set-aside of a 525-acre property (TMP 135089-6169-00-451779, -554765, and – Part 320500) in the Rural Agricultural (RA-10) and Hudson River National Historic Landmark Districts and the Town's Local Waterfront Revitalization Area.

#### **Location:**

Mill Road and NYS Route 9 South, Town of Rhinebeck, Dutchess County

#### **Potential Environmental Impacts:**

Potential environmental impacts examined in the Draft GEIS included topography and slope, soils and geology, water and water supply, surface water resources and stormwater management, wastewater, terrestrial & aquatic ecology, historic/cultural resources, land use and zoning, visual character, noise, traffic, utilities, community services and LWRP coastal policies. Alternatives and growth-inducing impacts were also considered.

Comments offered during review of the Draft GEIS have been addressed in the Final GEIS and modifications to the overall project development plan have been proposed, including redeployment of the Mill Road Access as an "entrance only" driveway for Hotel guests.

#### **A copy of the Final GEIS may be obtained from:**

Contact Person:       Joan Winne  
                                  Secretary, Town of Rhinebeck Planning Board  
                                  for  
                                  Michael Trimble  
                                  Chairman, Town of Rhinebeck Planning Board

Address:                 Town Hall  
                                  80 East Market Street  
                                  Rhinebeck, New York 12572

Telephone:             (845) 876-3409  
                                  [town.planning@rhinebeck-ny.gov](mailto:town.planning@rhinebeck-ny.gov) (E-mail)

The Final GEIS is posted on the Town web-site, Rhinebeck-NY.gov. The Final GEIS is also available for examination during normal business hours in the Town Clerk's Office and at both the Starr Library in Rhinebeck and the Morton Free Library in Rhinecliff.

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#### **Distribution and Publication of this Notice**

A copy of this Notice is being sent to the following:

- New York State Department of Environmental Conservation  
Main Office  
625 Broadway  
Albany, New York 12233-1750
- Environmental Notice Bulletin  
625 Broadway  
Albany, New York 12233-1750  
enb@gw.dec.ny.us (E-mail)
- Supervisor Elizabeth Spinzia  
Town of Rhinebeck  
Town Hall, 80 East Market Street  
Rhinebeck, New York 12572
- Mensch Grasmere, LLC  
Attn: Jonathan Mensch  
P.O. Box 777  
Rhinebeck, New York 12572

A copy of this Notice and the Final GEIS is being sent to the following:

#### Involved Agencies:

- New York State Department of Environmental Conservation  
Region 3 Office, Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, New York 12561
- New York State Department of Transportation  
Region 8 Office / SEQRA Unit  
4 Burnett Boulevard  
Poughkeepsie, New York 12601
- New York State Department of Health  
Bureau of Public Water Supply  
*(updated address to be inserted)*
- Dutchess County Health Department  
Environmental Health Division  
387 Main Street  
Poughkeepsie, New York 12601

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- Mayor and Village of Rhinebeck Board of Trustees  
Village Municipal Building, East Market Street  
Rhinebeck, New York 12571
- Town of Rhinebeck Zoning Board of Appeals  
Town Hall, 80 East Market Street  
Rhinebeck, New York 12572
- Town of Rhinebeck Highway Superintendent  
Town Hall, 80 East Market Street  
Rhinebeck, New York 12572
- Town of Rhinebeck Zoning Administrator  
Town Hall, 80 East Market Street  
Rhinebeck, New York 12572

#### Interested Agencies and Persons:

- Department of the Army  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278-0090
- New York State Office for Parks, Recreation and Historic Preservation  
Field Services Bureau  
Peebles Island Complex / Post Office Box 189  
Waterford, New York 12188
- New York State Department of Agriculture and Markets  
10B Airline Drive  
Albany, New York 12233
- New York State Department of State  
Coastal Management Program  
41 State Street  
Albany, New York 12231-0001
- Dutchess County Department of Planning and Development  
27 High Street  
Poughkeepsie, New York 12601
- Town of Rhinebeck Conservation Advisory Board  
Town Hall, 80 East Market Street  
Rhinebeck, New York 12572
- Town of Rhinebeck Building Inspector  
Town Hall, 80 East Market Street

# Town of Rhinebeck Planning Board

## Regular Meeting Minutes

### February 3, 2014

Rhinebeck, New York 12572

- Town of Rhinebeck Supervisor  
Town Hall, 80 East Market Street  
Rhinebeck, New York 12572

#### Lead Agency Consultants:

- Raymond Jurkowski, P.E., Planning Board Engineer  
Morris Associates Engineering Consultants, PLLC
- Arthur F. Brod Jr., Town Planning Consultant  
PLANNERS EAST Incorporated
- John Lyons, Planning Board Attorney  
Grant & Lyons, LLP

A copy of this Notice without the incorporated distribution list is also being published in the official newspaper of the Town of Rhinebeck and posted on the Town's web-site."

A motion was made by Melodye Moore seconded by Richard Murray to adopt the above stated resolution. All present were in favor. Jesse Hewitt and Robert Babirad were absent.

#### **REGULAR SESSION (NEW BUSINESS)**

##### **Grace Bible Fellowship Church – NYS Route 9 North – Sketch Plan Conference / Special Use Permit and Site Plan**

The Chairman stated this Agenda item involves the conduct of a Sketch Plan Conference with the Planning Board in the matter of proposed site grading, drainage improvements and recreational field development on existing church property (TMP 6271-00-074528) in the Rural Countryside (RC5) District.

Art Brod stated that as determined by the Interim ZEO there are zoning issues present with the proposed establishment of a recreational field for it is not set forth under Town Code Chapter 125, Zoning, as an accessory use to a "religious institution" and must therefore be considered as a "not-for-profit / non-commercial outdoor recreation use" and a co-principal use of the property. I understand if the recreational component is to proceed these issues would have to be addressed through relief granted by the ZBA including but perhaps not limited to the matters of minimum required acreage and minimum required setback(s).

The balance of the intended project appears to raise no significant planning or zoning issues and appears appropriately directed to (1) addressing an existing

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drainage problem on the site and (2) creating a fill pad as the prospective location (subject to DCHD approval) of the expanded sanitary sewage system that will be required if the church's intended plan for expansion are to be ever carried out.

Rod Morrison, LRC is representing this Application. Mr. Morrison stated he will make application to the ZBA and asked whether the Planning Board might initiate the SEQRA compliance process at this time.

Chairman Trimble said this was possible and Art Brod proposed for the Planning Board's consideration the draft resolution:

SEQRA RESOLUTION

"The Town Of Rhinebeck Planning Board hereby acts as follows on the prospective Applications by Grace Bible Fellowship Church in the matter of proposed site grading, drainage improvements and recreational field development on existing church property (TMP 6271-00-074528) in the Rural Countryside (RC5) District and adjacent to a property listed on the National Register of Historic Places:

1. Classifies the Proposed Action as a Type I Action under SEQRA for which the NYS Department of Environmental Conservation and the Town of Rhinebeck Zoning Board of Appeals are other involved (permitting, approving or financing) agencies.
2. In the presence of the above circumstance declares it to be the intent of the Planning Board to serve as lead agency for required coordinated environmental review of the Proposed Action under SEQRA, and, thus, directs the Planning Consultant to prepare the required Notice of Intent to Serve as Lead Agency under SEQRA for issuance by the Clerk in accordance with the pertinent provisions of the SEQRA Implementing Regulations, 6 NYCRR Part 617."

The Chairman accepted a motion from Melodye Moore seconded by Richard Murray adopt the above-stated resolution. All present were in favor. Motion carried. Jesse Hewitt and Robert Babirad were absent.

**Richard Kopyscianski – Grinnell Street – Sketch Plan Conference / Subdivision Plat, Special Use Permit and Site Plan**

Chairman Trimble stated Agenda item first involves the conduct of a Sketch Plan Conference and then, if considered timely by the Board, continuing presentation of Applications for Special Use Permit and Site Plan Review and Approval in the

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matter of the proposed construction of a single-family dwelling on combined TMPs 6089-06-365756 and -375763 totaling 1.41 acres in the Rhinecliff Hamlet (Rc-H) and Rhinecliff Overlay (Rc-O) Districts and LWRA.

Warren Temple Smith, RA, is representing this project and began by saying the matter before the Planning Board also includes the Application for Subdivision Plat Review and Approval which is required to effect the intended consolidation of the two existing lots which in their combination are the proposed building site.

Michael Trimble stated the Applications all appear pretty straight forward and the proposed work appears to be consistent with the Town's design guidelines.

Art Brod stated his opinion the Applications submitted are quite complete and no significant planning, zoning or environmental issues are immediately evident.

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

Resolution Accepting and Processing Applications

"The Town of Rhinebeck Planning Board, following conduct of required sketch plan conference with the Applicant's representative, hereby additionally acts as follows in the matter of Applications by Richard Kopyscianski for Subdivision Plat Approval, Special Use Permit and Site Plan Review and Approval to authorize the consolidation of TMPs 6089-06-365756 and -375763 totaling 1.41 acres in the Rhinecliff Hamlet (Rc-H) and Rhinecliff Overlay (Rc-O) Districts and LWRA into a single lot and the construction thereon of a single-family dwelling and related site improvements as depicted on a Site Plan (C1), Architectural Plans (A1, A4 and A5) and Perspectives (P1 through P4), all as prepared by Warren Temple Smith Architects LLC, and otherwise the subject of a Full EAF Part 1 and Coastal Assessment Form:

1. Accepts the Applications as adequate for commencing review by the Planning Board, the Board's consultants and the public.
2. Classifies the Proposed Action as a Type I Action under SEQRA for which, in the presence of a heretofore-issued design approval by the Dutchess County Health Department for proposed on-site sanitary sewage disposal facilities, there are no other involved (permitting, approving or financing) agencies, thus making the Planning Board the Lead Agency under SEQRA.

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3. Schedules a combined Public Hearing on the Applications for Monday, March 3, 2014, at 7:05 p.m. and directs the Clerk to undertake and/or otherwise cause noticing and posting thereof in strict accordance with the provisions of Town Code Chapter 101, Subdivision of Land, Section 101-4.4 (D), and Town Code Chapter 125, Zoning, Sections 125-66 and 125-77.
4. Delegates Planning Board members Michael Trimble and Richard Murray to conduct a field visit to the project site and report their observations at the time of Public Hearing.
5. Refers the Applications to the Town Conservation Advisory Board for review and comment.
6. Refers the Applications to the Town Historian for review and comment.
7. Refers the Applicant to the Town Waterfront Advisory Committee for review and recommendation as to consistency with pertinent Town coastal policies as set forth within the Town's Local Waterfront Revitalization Program.
8. Without prejudice to requirement for careful consideration by the Planning Board of any input that arises through the continuing review process as set forth above, authorizes the Planning Consultant to prepare working drafts of resolutions with recommended conditions and/or requirements incorporated for consideration by the Board under SEQRA and the Town Code when, and if, timely."

A motion was made by Sharon Sherrod seconded by F. Woody Dierze' to adopt the above-stated resolution. All present were in favor. Motion carried. Jesse Hewitt and Robert Babirad were absent.

**Carmichael Road Enterprises LLC – Wildercliff, 524 Mill Road and Morton Road – Sketch Plan Conference / Subdivision Plat, Special Use Permit and Site Plan**

The Chairman stated this Agenda item first involves the conduct of a Sketch Plan Conference and then, if deemed timely by the Planning Board, the presentation of Applications for Subdivision Plat Approval, Special Use Permit and Site Plan Review and Approval in the matter of the proposed consolidation of existing parcels TMPs 6069-00-772030 and 6068-00-754945 totaling 37.7 acres in the Historic Preservation (HP20) District and LWRA and rehabilitation of existing dwelling and site appurtenances and construction of tennis court.

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Dawn McKenzie, RLA with Insite Engineering, is representing this Application. She stated that in addition to other building and site improvements the Applicant wishes to construct a tennis court on their adjacent parcel as part of the site rehabilitation. Art Brod stated the issue is if the tennis court were to be developed on its own parcel it would be considered a principal use subject to the requirements for an outdoor recreation facility, and therefore the lots must be combined to accommodate the Applicant's intention.

Art Brod stated in his review of the three Applications to be quite complete and on their face raise no significant planning, zoning or environmental issues.

There being no questions, the Chairman stated his concurrence and read the following draft procedural resolution, prepared by Art Brod, for the Board's consideration:

Resolution Accepting and Processing Applications

"The Town of Rhinebeck Planning Board, following conduct of required sketch plan conference with the Applicant's representative, hereby additionally acts as follows in the matter of Applications by Carmichael Road Enterprises LLC for Subdivision Plat Approval, Special Use Permit and Site Plan Review and Approval to authorize the consolidation of TMPs 6069-00-772030 and 6068-00-754945 into a single parcel totaling 37.7 acres (Wildercliff) in the Historic Preservation (HP20) District and LWRA and both rehabilitation of the existing dwelling and site appurtenances and construction of a tennis court thereon, said tennis court being a fourth accessory structure, all as depicted in a set of Engineering Drawings prepared by INSITE Engineering, Surveying & landscape Architecture, P.C., dated January 21, 2014, and a set of Architectural Drawings prepared by Imagine Architecture, P.C., revised to November 2, 2013, and otherwise subject otherwise the subject of a Full EAF Part 1, a Coastal Assessment Form and Agricultural Data Statement:

1. Accepts the Applications as adequate for commencing review by the Planning Board, the Board's consultants and the public.
2. Classifies the Proposed Action as a Type I Action under SEQRA for which the Dutchess County Health Department and the NYS Department of Environmental Conservation are other involved (permitting, approving or financing) agencies.
3. In the presence of the above circumstance declares it to be the intent of the Planning Board to serve as lead agency for required coordinated environmental review of the Proposed Action under SEQRA, and, thus, directs the Clerk to issue the annexed Notice of Intent to Serve as Lead

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Agency under SEQRA in accordance with the pertinent provisions of the SEQRA Implementing Regulations, 6 NYCRR Part 617.

4. Schedules a combined Public Hearing on the Applications for Monday, March 3, 2014, at 7:10 p.m. and directs the Clerk to undertake and/or otherwise cause noticing and posting thereof in strict accordance with the provisions of both Town Code Chapter 101, Subdivision of Land, Section 101-4.4 (D), and Town Code Chapter 125, Zoning, Sections 125-66 and 125-77.
5. Delegates Planning Board members F. Woody Dierze' and Sharon Sherrod to conduct a field visit to the project site and report their observations at the time of Public Hearing.
6. Refers the Application to the Town Conservation Advisory Board for review and comment.
7. Refers the Applications to the Town Historian for review and comment.
8. Refers the Applicant to the Town Waterfront Advisory Committee for review and recommendation as to consistency with pertinent Town coastal policies as set forth within the Town's Local Waterfront Revitalization Program.
9. Refers the Applications for Special Use Permit and Site Plan Review and Approval to the Dutchess County Department of Planning and Economic Development for review and advisory opinion pursuant to the requirements of Section 239 (l) and (m) of the NYS General Municipal Law.
10. Requests further technical review of the Applications by the Town's Planning Consultant and, without prejudice to requirement for careful consideration by the Planning Board of any input that arises through the continuing review process as set forth above, authorizes the Planning Consultant to prepare working drafts of resolutions with recommended conditions and/or requirements incorporated for consideration by the Board under SEQRA and the Town Code when, and if, timely."

A motion was made by Sharon Sherrod seconded by F. Woody Dierze' to adopt the above stated resolution. The motion carried by a unanimous vote of the Board members present. Robert Babirad and Jesse Hewitt absent.

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**TOWN BOARD, ZBA and ZONING ENFORCEMENT OFFICER REFERRALS**

**Local Law No. \_\_, 2014, Zoning Code Amendment / Re: Moratorium on Application of Green Building Standards**

The below draft resolution was prepared by the Planning Consultant and offered by the Chairman for the Planning Board's consideration:

"The Town of Rhinebeck hereby recommends the Town Board enact Local Law No. \_\_, 2014, Moratorium on Green Building Standards, and offers its assistance in working diligently with other affected parties during the moratorium period to devise a means to implement 'green building' energy conservation objectives through a process easily understood and administered within this community and with standards economically practicable and appropriately suited to the type and scale of development proposed."

A motion was made by Melodye Moore seconded by Sharon Sherrod to adopt the above-stated resolution. All present were in favor. Motion carried. Robert Babirad and Jesse Hewitt were absent.

**David Davidowich -- 2 Charles Street, Rhinecliff – Hetta Glogg Sign Permit**

The below draft resolution was prepared by the Planning Consultant and offered by the Chairman for the Planning Board's consideration:

"The Town of Rhinebeck Planning Board finds the 18" x 31" projecting wall sign proposed by Timely Signs for installation by Hetta Glogg at 2 Charles Street to be consistent with both the Town of Rhinebeck's Design Guidelines and the pertinent standards for such installations within the Rhinecliff Hamlet (RH) Rhinecliff Overlay (Rc-O) Districts. The Planning Board recommends the requested Sign Permit be granted."

**OTHER BUSINESS**

There was no "Other Business" to come before the Planning Board.

**ADJOURNMENT**

With no further business before the Board, the Chairman accepted a motion from F. Woody Dierze' seconded by Sharon Sherrod to adjourn this meeting. All

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present were in favor. The Chairman declared this meeting adjourned at 9:25 pm.

Respectfully submitted,

Joan Winne  
Planning Board Secretary