APPROVED
Town of Red Hook Planning Board
Meeting Minutes
October 1, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:30 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Kris Munn, Charlie Laing, Sam Harkins, Sam Phelan, Betty Carr, Brian Walker, and alternate Michelle Turck. Also present was planner Michele Greig.

BUSINESS SESSION

Christine Kane confirmed the agenda. There were two announcements. Christine Kane said that Dutchess Land Conservancy was holding a course on Conservation Easements and Subdivisions on October 29, 2012 and that training credits would be available. Christine Kane also announced that Patrick Kelly had submitted his resignation from the Planning Board and that the Town Board had appointed Betty Carr to fill out his term as a member.

The September 17, 2012 draft minutes had been circulated among the members and reviewed. Sam Harkins made a motion to approve the minutes. Betty Carr seconded the motion, and all members present voted in favor.

REGULAR SESSION – NEW BUSINESS

Todd & Maribeth Catlin – 38 North Drive – Sketch plan for minor subdivision
Todd and Maribeth Catlin were present with an application for Sketch Plan approval to create three (3) residential building lots of 2.72 acres, 4.19 acres and 4.34 acres from an 11.26-acre lot in the R1.5 Zoning District.

Ms. Catlin said that she and her husband were proposing two (2) new building lots with a driveway shared by all three (3) lots.

The Board reviewed a letter dated September 10, 2012 from engineer Tim Lynch, noting that the engineer had found the soils poorly drained and with a shallow depth to bedrock.

Michele Greig reviewed her memo, saying that the applicants needed to submit calculations on the buildable acreage, subtracting wetlands, steep slopes and other unbuildable features. She said that they must also submit sight distance measurements and eventually submit health department approval, a driveway use and maintenance agreement and verification that the water supply was adequate for the increased usage. She said that the Planning Board must consider that the project called for taking one (1) conventional lot and creating three (3) flag lots.

The Board then reviewed the original subdivision, called “Linden Acres – Section 7”, approved in 1992. The members noted that a general note on the plat limited all the lots created at that time, except Lot 1, to a single 3-bedroom home. They further noted that this project site was Lot 1.

The Board then determined the project to be an Unlisted action under SEQR. Sam Harkins made a motion to establish the Board as lead agency for the SEQR review. Betty Carr seconded the motion, and all members present voted in favor.

Generally agreeing that the shallow soils could be a limiting factor for this project, the Board said that the applicants must submit the results of perc tests before a public hearing would be scheduled.

The Board also discussed the issue of the flag lots. Some members said that the neighborhood was already designed for dense development and that there were a number of existing flag lots on both sides of the street. Other members were uneasy about creating three (3) non-conforming lots from a conforming lot with adequate frontage. All members agreed that the perc tests would be an important factor.

Betty Carr made a motion to endorse the sketch plan for the project. Sam Harkins seconded the motion, and all members voted in favor except Kris Munn, who abstained.

The applicants said they would contact the Board when the results of the perc tests were available.

REGULAR SESSION – OLD BUSINESS

Feller Estate – Feller-Newmark Road – pre-application conference
Realtor Paul Fredricks was present to discuss a possible Lot Line Alteration on the Feller Farm.

Christine Kane explained the project to the new Board members, saying that John Feller had placed his farmland, which was bisected by Feller- Newmark Road, under easement before his death and that now several Feller estate parcels were for sale. She said that the farmland on one side of the road (approximately 121 acres) had a provision in the easement for a principal residence but that the farmland on the other side (approximately 16 acres) had only a provision for a barn with living quarters in that barn for farm laborers. She explained that although all the farmland was included in one tax map parcel, the road created two lots through natural subdivision.

Mr. Fredericks said that the terms of the easement allowed the land on each side of the road to be sold separately but that few potential buyers were interested in the 16-acre piece without a provision for building a house. Mr. Fredericks went on to say that in order to gain land for a principal residence for the 16-acre piece and to maximize the value of the total estate, a portion of an adjoining 6-acre Feller parcel, which was not under easement, could be added through a lot line adjustment. A house for the 16-acre lot could be built on that unencumbered added portion. He said that the added portion could then be included in the easement but with construction of the house allowed.

Mr. Fredericks went on to say that the current easement could not be re-worded to allow a residence on the 16-acre piece. Charlie Laing said that doing so would add development to the piece, from which the development rights had already been sold.

Mr. Fredericks said that the assessment for the property was much higher than the property could be sold for on the current market. He said that by adding the possibility of building a house, the total value of the estate would be increased.

Christine Kane said that the lot line alteration would result in the remaining land lot becoming a flag lot. The Board noted that that lot already had a principal residence.

Sam Harkins said that Mr. Fredericks' plan would not cut into the agricultural land and would increase the assessed value of the 16-acre lot, which would be beneficial to the Town. He said that if Scenic Hudson was agreeable, he did not have a problem with the plan.

Christine Kane that the lack of a building envelope for a principle residence on the 16-acre piece was a self-imposed hardship. She said that the adjoining 6-acre lot had an existing residence and could simply be merged with the 16-acre piece to provide a residence. Mr. Fredericks said that the owners would lose value in that case. Christine Kane pointed out 1) that the property owner had been paid for the value of the development rights on the 16 acre parcel at the time that the PDR project was completed and 2) that it was not the Planning Board's job to focus on maximizing value. She said that the Board must focus on achieving the best possible projects for the Town by ensuring that proposed projects meet the guidelines and intent of the Town's development regulations.

Charlie Laing said that in essence, the Board would be creating a new residential lot if it approved the project. Christine Kane said that as the situation stood, there were two lots with houses and an agricultural lot that went with one of the house lots. She said that Mr. Fredericks' plan would create 3 house lots and could undermine the purpose and intent of the PDR project. Charlie Laing said he did not so far find sufficient reason, as defined by the Zoning regulations, to create a flag lot.

Sam Harkins wondered whether the land could be added without creating a flag lot.

Mr. Fredericks said he was currently marketing the farm as two parcels. He said that no one who was willing to take the entire farm was willing to pay what the sellers wanted.

Michele Greig said that the unbuildable features would have to be deducted from the 6-acre parcel. Mr. Fredericks said that the wetlands and most other unbuildable features were located on the 121-acre piece.

Sam Harkins said that the plan would create two (2) farms and would not affect the agricultural land placed under easement. He said that the adjoining 6-acre lot could be subdivided anyway, even if one of the pieces was not merged with the 16-acre piece. Michele Greig said that any unbuildable features on that 6-acre lot would have to be located.

Christine Kane said that the Town of Red Hook had contributed to a PDR project that paid for all the development rights on the farm. She said that now the Feller estate wanted to put a development right back on the 16-acre piece. Sam Harkins disagreed. Sam Phelan asked how the development rights purchase and conservation easement would change if the project were approved. Christine Kane said that she did not believe that the original intent of the easement was that the two lots of the farm be sold separately, and she said she was not sure that the integrity of the PDR would be upheld if Mr. Fredericks' plan was implemented.

The members agreed that they should look at a copy of the easement. Charlie Laing said that, from the letter sent by Michael Knutson, he assumed that Scenic Hudson had reviewed the easement.

Christine Kane said that Mr. Feller had concluded a real estate deal with the sale of the development rights and had been paid for them. She said that the 16-acre lot, from which he had already realized value with PDR, adjoined a lot with a house on it, under the same ownership, that could be merged or sold with the 16 acre piece if the owners wished to correct the situation. She said that, to her mind, the situation should be considered "self-imposed hardship".

Charlie Laing agreed, saying that if the plan was not approved, the decision would not take value away from the estate lands.

Mr. Fredericks summarized how much the price of the lots would increase if his plan were approved. Charlie Laing said that the appraised value of the land at the time of the PDR could be quite different from the appraised value, assessed value or sale price of the land today.

The Board generally agreed to review a copy of the easement. Mr. Fredericks agreed to research the physical features and buildable acreage of the adjoining 6-acre lot.

ADJOURNMENT

Since there was no further business to come before the Board, Betty Carr made a motion to adjourn. Brian Walker seconded the motion, and all members present voted in favor.

Respectfully submitted.

Paula Schoonmaker