

APPROVED

Town of Red Hook Planning Board Meeting Minutes June 5, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, John Hardeman, Charles Laing, Sam Phelan, David Wright, and Chair Christine Kane. Paul Telesca was absent. Planning Consultant Michele Greig and Town Board member Jim Ross were also present.

BUSINESS SESSION

The minutes from the May 15, 2006 meeting had been sent to the members and reviewed. Michele Greig said that on p. 4 of the minutes “mathematical formula” should be changed to “*formula method*”. John Hardeman said that the Board’s discussion with Robert McKeon regarding subdivision applications that might be exempt from the moratorium took place after the meeting had been formally adjourned. John Hardeman then made a motion to approve the minutes with the above corrections. David Wright seconded the motion, and four members voted in favor. Christine Kane and Sam Phelan abstained.

Christine Kane reminded members about the Planning and Zoning Class offered July 13, 2006 in Hyde Park by the Association of Towns. Charles Laing, Jennifer Fier, and Christine Kane said they would attend.

Because the first scheduled meeting in July would normally fall on July 3 and the Town Hall will be closed on that day, the Board generally agreed to meet on July 10, 2006 and then again on July 17, 2006 if a second meeting in July is necessary.

REGULAR SESSION (OLD BUSINESS)

Michael Anderson – 60 Station Hill Road (Barrytown)- Certificate of Appropriateness

Contractor Steve Dunning was present for the discussion of an application for Certificate of Appropriateness for the installation of 10’ x 13’ deck and 4’ x 17’ boardwalk on a 0.85-acre parcel in the Hamlet (H) District.

Christine Kane reviewed comments submitted by the Hamlet/Design Review Committee, which said that while the project did not enhance the historic character of the hamlet, it was limited in scope, did not negatively impact any of the historic structures in the neighborhood and was easily reversible. The Committee did suggest that the applicant install additional vegetation to shield the project from the road and from the neighbor.

Jennifer Fier said that the drawings presented should have included a setback legend and should have been more carefully rendered. She also said that all the information should have been combined on one sheet.

Sam Phelan said that the Certificate should require the installation of evergreen plantings between the hot tub and Station Hill Road and also between the hot tub and the neighbor to the west. These plantings should be installed within 20 feet of the deck.

David Wright made a motion to grant the Certificate of Appropriateness with the above additions. Charles Laing seconded the motion, and all members present voted in favor.

The Board also discussed setting standards for documents submitted in support of Certificates of Appropriateness and Special Permits and asked Ms. Greig to draft a list of requirements that either could be included in the zoning or given to the applicant.

Brian Williams & Mark Angelier – Yantz and Oriole Mills Roads – Subdivision Plat

Richard Hanback, L.S., attorney Warren Replansky and Brian Williams were present for a discussion of an application for Subdivision Plat Approval (Sketch Plan) to authorize the creation of three (3) residential building lots ranging from 3.28 acres to 12.29 acres from a 28.44-acre parcel in the RD3 and Certified Agricultural District.

Christine Kane congratulated the applicants on submitting requested information, addressing outstanding problems and presenting a farmland protection plan. She then reviewed the GreenPlan comments, saying that the project presented an opportunity for a through-road which would avoid the primary and secondary conservation areas while preserving the required 55% open space. Mr. Hanback said that a through-road would greatly increase the disturbance to the land, which the applicants did not want. He said that their plan simply called for a shared driveway for lots 2 and 3 and a single driveway for lot 1.

The Board and the applicants discussed a horse trail which is accessed by the Landsmankill Trail Association through a license granted by the applicants. It was generally agreed that there was no easement. Ms. Grieg said that the Landsmankill Trail Association and the Town of Rhinebeck should be considered interested agencies for any additional SEQR information or reviews.

Mr. Hanback said that the desired plan had not changed since June 2005 and that the applicants still sought three (3) lots in the configuration shown on earlier maps. Christine Kane said that because Soils of Statewide Importance are present on the parcel, the Board must require a cluster configuration which avoids those soils. Mr. Replansky said that those small areas with important soils are forested, not farmed, and that with the present configuration, those soils would, in fact, be preserved in the submitted plan. In addition, he said, the applicants only sought three (3) lots, not the five (5) shown on the full build-out. Mr. Hanback referenced a letter from Dutchess County Soil and Water Conservation District which stated that the areas of important soils are not contiguous nor in a "configuration that would render them useful to agricultural production. Further, the letter said that the conversion of the property from woodland to agriculture was not feasible.

Christine Kane asked whether the applicants would add a note to the plat prohibiting further subdivision. Mr. Replansky said no. Christine Kane said that if further

development was envisioned for a future time, the cluster configuration and full build-out must guide the placement of current lot lines and building envelopes.

Sam Phelan asked if the Board would be able to grant the currently requested lot lines but also to reference the full build-out configuration and the conversion of the access to a through road both on the plat and in the resolution, to be used in case further development is proposed in the future.

The Board requested that the applicants confer about the points raised in the discussion. They should then inform the Board in writing as to which plan should be referred to the Agricultural and Open Space Advisory Committee. The plan will be referred without another appearance by the applicants before the Board. The applicants requested that a copy of the letter from the Dutchess County Soil and Water Conservation District be referred to the AOSC at the same time.

REGULAR SESSION (NEW BUSINESS)

Antonio Nogales – 219 Barrytown Rd. (Barrytown)- Special Permit

Tony Nogales was present with an application for Special Permit to authorize the establishment of a home occupation in an existing garage on a 1.96-acre parcel in the (H) Hamlet Zoning District.

Mr. Nogales explained that he wished to renovate his garage in order to make pasta. He would take the finished pasta to other establishments to sell. The business would be part-time and would require no parking, sign, exterior lighting or modifications to the exterior of the garage. There would be no employees, no discernable noise outside the garage, and no large delivery trucks. He said there was no other home occupation on the premises. He said the stove would be fueled by propane and that the business would be subject to the approval and oversight of the Dutchess County Department of Health. He submitted a letter from his plumber attesting to the adequacy of his water supply and wastewater facilities.

The Board classified the project as an 'unlisted action' under SEQR. Charles Laing made a motion to establish the Board as Lead Agency for the SEQR review. Sam Phelan seconded the motion, and all members present voted in favor. The Board also referred the project to Dutchess County Planning under General Municipal Law 239m with a request to expedite the review and comments. Finally, the Board set a public hearing for June 19, 2006.

Meadow Brook Estates – Norton Road – Pre-sketch conference

Herman Sieverding, Leonard Sieverding, Rodney Morrison, P.E., attorney Neil Alexander, and Patrick Carella were present with conceptual plans for a 38-unit townhouse development on 20.08-acre parcel in the R1 Zoning District.

Herman Sieverding said that this plan was completely different from the proposed 4-lot subdivision submitted in 2004, also under the name Meadowbrook Estates. Reviewing the site, he said that the neighborhood was primarily comprised of single family detached homes, that adjoining parcels were owned by, among others, the Village of Red Hook, Dr. George Verrilli and Philip Williams.

He said that there were approximately 9 ½ acres of wetlands on the parcel and 10 ½ acres of developable land. The team had multiplied the developable acres by the nine (9) bedrooms allowed per acre, resulting in an allowed density of 94 bedrooms. The project proposes 90 bedrooms. He said that the units would be single-family and owner-occupied, with possibly a Homeowners' Agreement.

Mr. Sieverding said that the development was consistent with the Town's goals as expressed in the Comprehensive Plan; namely: the preservation of rural character, development near the Village, significant open space, a variety of housing types, and the extension of Village water. He said that the developers would be open to considering participation in the proposed TDR (Transfer of Development Rights) program. He also said that the plan was consistent with the Town's current Zoning regulations regarding multi-family dwellings in the R1 Zoning District and with the variety of design standards as outlined in Section 143-33 of the Town Code.

Mr. Morrison submitted a letter from Arvine Coon, Chair of the Red Hook Village Water Board, which stated that the Village was agreeable to extending its water district to include the proposed development.

Mr. Morrison also said that the approximately 9.6 acres of wetlands had been flagged by Eco Solutions. Of the remaining approximately 10.5 acres of dry land, 6.5 acres were in the proposed development area. The remaining dry acres could be used for a trail or other recreational purposes. He said that the parcel was not in the proposed Agricultural Reserve.

Leo Sieverding said that the private road entering from Norton Road would be 2-way until it reached the townhouse area, at which point it would become one way, circling in front of the townhouses until it again reached the main road exiting the development. He said that there were both 6-unit and 4-unit configurations and that a sidewalk would serve all the units and extend out to Norton Road. He said that each unit would contain approximately 1500 - 1700 sq. ft. of interior space. He also said that frontage on the parcel measured 155 ft., more than the required 90 ft.

Mr. Morrison said that the wetlands were Army Corps of Engineers' wetlands and that a permit would be required if more than 1/10th of an acre were to be disturbed. He said that a common septic system would be located under the common green in the middle of the development. Asked if he had looked at the proximity of the site to the Town aquifer, he said no.

Christine Kane said that because of the Soils of Statewide Importance present on the site, the proposal would be referred to the AOSC once an application is received. The project would also be referred to the Fire Chief.

Christine Kane also cited fourteen (14) e-mails from homeowners living primarily on Norton Road and McManus Road. These e-mails objected to the project because of its size, type, and environmental impact.

Charles Laing said that the TDR program focused on receiving sites that were within walking distance of the Village and that this location did not seem to satisfy that requirement. He also said that townhouses were not in keeping with the existing neighborhood, which is composed of single-family detached houses. Herman

Sieverding disagreed with the objection about walkability, saying that sidewalks were available and the distance to the Village was relatively short.

Sam Phelan was concerned about car traffic from 38 units spilling out onto Norton Road and then onto Route 199.

Sam Phelan also said that to make a real connection to the Village, the developers should consider a through-road from Norton Road perhaps to Baxter Road, which would lead into the Village. Herman Sieverding said he would speak to adjacent property owners.

Charles Laing said that the area set aside for the common septic system was much smaller than that proposed for Anderson Commons, and he was concerned about whether it would be adequate.

Christine Kane said that the Village would have to be consulted about the proximity of the development to Village wells.

She also said that although professing to echo the traditional neighborhood, this was an inward-facing, isolated development. She suggested putting the garages to the rear of the buildings with the private drive ringing the outside of the development circle. A better solution would be to place the units along a through-road. She urged the team to be more creative in their layout.

The Board discussed whether the proposed private road was a cul-de-sac and whether this determination should affect the proposed project.

Ms. Greig said that independent verification of the wetlands and submission of floor plans would be needed to calculate the allowed density. The team agreed to set up the escrow account necessary for hiring a wetlands expert. This could be done before an application was submitted.

Christine Kane said that the team should think about changing the inward-facing layout, locating the garages to the rear of the homes, reconsidering the size and bulk of the buildings, verifying the soils and wetlands, and seriously considering a through road.

OTHER BUSINESS

Hardscrabble Commons

Christine Kane read a letter from Todd Baright saying that the applicant team would return to the agenda during the summer with signage plans in the hope of finishing the subdivision, site plan and special permit approval process. The Board generally agreed to send a reply saying that he need only submit his ideas for a color scheme, locations and designs for traffic direction signs and his concept for the overall Hardscrabble Commons sign. Detailed signage for individual stores and other facilities could be submitted at a later date. The Board would look forward to seeing him in the summer.

Conservation Subdivision regulations

The Board reviewed suggestions for and corrections to the draft conservation subdivision regulations that would replace the current cluster subdivision regulations. Ms. Greig said that the proposed street standards, which were set for a public hearing

on June 6, 2006, would tie into these subdivision regulations. The Board generally agreed to review the corrections and finalize the draft at the June 19 meeting. The Board would then submit the final draft to the Town Board for its consideration.

Farmland Law revisions

The Board generally agreed to defer further review of the Farmland Law in light of the current moratorium.

Susan and Robert Davis Special Permit

Since the Davis Special Permit was due to expire June 7, 2006 and since Susan Davis had recently applied for and received building permits for both a house and a barn, the Board generally agreed to review the new plans to make sure they correspond with the size, house location, colors and architectural details correspond to those approved by the Board in June 2004. The Board further agreed to request documents that would verify progress toward the placement of a conservation easement on the property. Finally, it agreed to research whether the proposed barn should have been included in the plan submitted for approval.

Henry Ruella subdivision

Christine Kane said that the Board's questions concerning the proposed Henry Ruella subdivision had been submitted to Keane & Beane. Ms. Greig said that the ZBA had actually granted two area variances, since two proposed lots would be affected. Christine Kane said she would relay this information to Keane & Beane.

Moratorium

The Board generally agreed that although at the last meeting the Board had discussed exemptions to the moratorium after the meeting had been adjourned, any further formal discussion was moot since those exemptions had been included in the local law.

ADJOURNMENT

Since there was no further business to come before the Board, Jennifer Fier made a motion to adjourn. John Hardeman seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk