

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
June 17, 2013

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 Sam Phelan, Michelle Turck, Betty Carr and Brian Walker. Charlie Laing and Sam Harkins were absent. Also present was planner Michele Greig.

BUSINESS SESSION

There were no changes to the agenda. Approval of the minutes of the June 3, 2013 meeting was postponed until the next meeting.

ANNOUNCEMENTS

Christine Kane made the following announcements:

- Hudsonia has offered to hold a biodiversity program before the end of June. Christine Kane asked the board if anyone was available to attend. There was some interest, and planning staff was asked to respond to Hudsonia regarding times and weekdays board members can attend.
- The closest NY Planning Federation Planning and Zoning Summer School will be offered in Malta, NY. Anyone who is interested in attending should let the planning staff know.
- A workshop, Green Infrastructure for Storm Water Management in the Urban Landscape will be offered Friday June 21, 1-4pm at the NYS Parks Regional Office in Staatsburg for 3 continuing education credits. Betty Carr and Brian Walker are planning to attend.

PUBLIC HEARING

A public hearing was continued for the application of Helen Dietz and David Mimeles for a Certificate of Appropriateness for structural changes to their residence at 203 Barrytown Road.

At the June 3 meeting comments from the Hamlet Review Committee were reviewed. One of the concerns was the height of the finished project.

Les Rollins was present to represent the applicants. Mr. Rollins said that the height will be 41' from the lowest grade, which is in the back of the house. Christine Kane advised Mr. Rollins that if the applicants want to do that, they need to obtain a variance from the Zoning Board of Appeals, because the maximum height is limited to 35'. Alternatively,

the applicants could opt to change the plans so that the height complies with the town code.

Paul Roberts of Barrytown Road asked if there was a drawing of the house as it is now available to view. Ms. Kane said that there are photos of how the home looks now, but no drawings.

Mr. Rollins said that the applicant does not wish to change the plan to include dormers, as suggested by the Hamlet Review Committee.

Michelle Grieg suggested that the hearing be continued at the next meeting, in order for Mr. Rollins to confer with the applicant. The public hearing will be continued July 1.

REGULAR SESSION – OLD BUSINESS

Brookmeadow minor subdivision

Kevin Battistoni was present to represent the applicant, Hilda McDonald Trust. He reviewed the minor subdivision to create a 4.24 acre flag lot parcel on Pitcher Lane that had been designated outside the conservation easement area in the agreement between the Steiner Farm and Dutchess Land Conservancy.

The board reviewed Michele Grieg's memo regarding the project. She said the most significant issue is the need to include on the drawing a septic expansion area as required by the Board of Health, that shows no impact on the federal jurisdictional wetlands on the site.

Ms. Grieg requested that data sheets for wetland delineation be submitted by the person who prepared them. Mr. Battistoni said the work was completed by Michael Nowicki of Ecological Solutions, and he would send the report to her. Ms. Grieg said that, depending on how close the expansion area for the sewage disposal system comes to the wetland, the board might want to consider having the wetland delineation independently verified.

Ms. Grieg continued that since a 200' agricultural buffer cannot be accomplished on the site, the board should consider requiring some vegetative buffering, and possibly changing the location of the house. Mr. Battistoni said there may be some flexibility as to where the house is sited.

Ms. Grieg continued that the plan requires Health Department Approval. A letter of approval was received from the highway superintendent, and the board had previously discussed the need to impose a recreation fee. She said that it appeared from past minutes that the board never formally endorsed the project sketch plan. She said an agricultural data statement needs to be submitted, and a public hearing is required.

Christine Kane requested clarification on the conservation easement. Mr. Battistoni said the lot was originally surveyed out of the easement agreement. Ms. Grieg reminded the board and the applicant to be aware that this subdivision will result in the loss of a building envelope on the larger remaining parcel of land.

Ms. Kane said she thought that the intention of the conservation easement is strict, and there remains the opportunity to expand building needs in the farmstead complex across the street. Ms. Grieg agreed that although it is an unusual situation for the town, the town attorney has reviewed it and found it permissible. Michelle Turck asked if the applicant planned to build a home there or sell the lot. Mr. Battistoni said he does not know.

Sam Phelan made a motion to endorse the sketch plan. Brian Walker seconded. It was passed unanimously. A preliminary plat will be submitted. Drawings delivered to the planning office after the meeting deadlines were not considered at this time.

Catlin minor subdivision

Todd Catlin and engineer Mark Graminski were present for continued discussion of the Catlin subdivision. Discussion began with the issue of possible deed restrictions on the Catlin property brought up at the public hearing June 3.

Mr. Graminski said that the document submitted at the public hearing was a deed restriction for a different property. He said that the Catlins and their attorney had submitted documents, including a title search, to the planning board which demonstrated that there was no deed restriction prohibiting further subdivision. Michele Grieg said she was not sure the deed restriction was for another property, but rather that the restriction had been removed. Mr. Graminski said the deed restriction that was listed was for a subdivision that was done at College Park. Christine Kane said that the planning board's attorney had reviewed the documentation submitted by the applicants and concluded that the deed restriction does not apply to the Catlin parcel. She said that the board's attorney suggested that the board could hire an independent title examiner if they wanted an extra level of assurance or wanted to carry the matter further. Consensus of the members was that the planning board attorney's opinion is sufficient. Mr. Catlin asked if the board could put the matter to a vote. Ms. Kane said a vote on the matter was not necessary.

Mr. Graminski said he would like to submit the plans to the Health Department, and then address the town engineer's final comments before submitting a final plan, if the board would allow it. Ms. Kane said it was a question of whether the board felt comfortable granting approval with conditions based on the town engineers concerns, enforcement of the drainage agreements, and a driveway agreement. Mr. Graminski said that both the applicant's attorney and the applicant had delivered draft agreements for the drainage and common driveway to the town attorney. He said the town attorney was waiting for authorization from the Planning Board before she reviewed the documents. Ms. Grieg explained the Planning Board's standard procedure, which is to require the submission of the agreements in final form acceptable to the Planning Board and the town attorney as a condition of final approval.

Mr. Graminski said that it has not yet been determined how to draft the easement for the drainage. He acknowledged that it could take some time, during which the Health Department could be reviewing the plans, if the planning board granted conditional approval.

Mr. Phelan said that the applicant should be required to install the drainage facilities before a Certificate of Occupancy can be issued for the property. Mr. Graminski replied

that the applicant intends to construct the common driveway and storm water management facilities immediately. It was generally agreed that the applicant would perform this work before the plat is signed.

Ms. Kane observed that the rain garden areas, which are integral to the drainage plan, cannot be constructed until the houses are built. Mr. Graminski replied that could be connected to the Certificate of Occupancy. Ms. Kane said each lot owner should have engineered plans for their rain garden which they must agree to install exactly as shown and asked where that would be shown. Mr. Graminski said the designs for the rain gardens would be included as a deed restriction. Ms. Grieg said it should be noted on the plat as well, because deed restrictions can be dropped. Mr. Graminski said that deed restrictions are the most enforceable. Ms. Grieg replied that only neighbors can enforce deed restrictions. Mr. Phelan agreed that there should be a note on the plat that the rain gardens must be built in order to obtain a Certificate of Occupancy. Ms. Kane added that the engineering plans detailing how to build the rain gardens should be included in the plans. Mr. Graminski said the rain gardens and the details of how to construct them are shown on the plat that will be filed in the Dutchess County Clerk's office.

Mr. Walker clarified his understanding that the rain gardens must be built when the house is built, but that they are engineered and specified with capacities factored in. Mr. Graminski said the rain gardens are based on the assumed impervious area of the roof. If this changes, the design will have to change. They are based on approximately 3000 square foot roof area.

Conversation turned to the common driveway. Ms. Grieg said there should be a condition that the common driveway be inspected by the town engineer. Ms. Carr asked if the utilities would be underground. Mr. Graminski said they would, and that would be the applicant's responsibility as well.

Ms. Kane asked whether the fire department is aware that the existing paved driveway will be widened with a 4' strip of gravel. She asked if the board was comfortable with the dual surface common driveway. Ms. Turck asked if the fire department had commented on the proposed dual driveway surface. Mr. Graminski said he explained it to them personally. A letter of approval from the fire department has not been received to date.

Ms. Carr asked about underground utilities requiring easements. Mr. Graminski said that there probably will be some crossing under driveways.

Ms. Grieg reviewed a long list of conditions that would apply to the project, and added more as the discussion progressed. Conditions were also added to obtaining Certificates of Occupancy, specifically with regard to the rain gardens.

Ms. Kane asked about whether the board needs to address driveway lighting. Mr. Phelan said the planning board has no control over private driveway lighting. Michelle Turck suggested and the board generally agreed that any future lighting on the common driveway, if proposed, would be subject to the town code. This was added to the conditions.

Ms. Grieg said she felt she needs time to work on the language of the conditions, and review them with the town engineer. Ms. Kane asked the board if they felt comfortable approving the project now or if they wanted to wait and give Ms. Grieg more time to finalize the conditions. Mr. Phelan commented that the conditions were very complex, and a careful review of them was in the best interest of the applicant. Ms. Turck agreed. Mr. Phelan asked that Ms. Grieg's draft approval resolution be circulated by the Planning Board in advance of the next meeting. Ms. Kane told the applicant that the consensus was that the board would withhold approval at this time, allowing time for the conditions to be clearly written and allowing Ms. Grieg time to consult with the town engineer. Mr. Graminski asked whether the board would authorize the town attorney to begin reviewing the drainage agreement. The board agreed to that, and also authorized her to review the common driveway maintenance agreement.

Other Business

Regarding the Hoffman TND, Christine Kane announced that the town passed a resolution to request the Dutchess County Water and Wastewater Authority to own and operate the community septic system proposed for the project.

In a separate matter, a letter to the district post office requesting home delivery has been drafted but not yet sent.

Regarding Devereux, the board authorized the town engineer to continue working with the applicant's engineers to come to agreement on issues regarding the area of disturbance of the project. If it turns out that the area of disturbance is over one acre, Devereux will have to draft a SWPPP, and the resolution approving the project will have to be amended.

Ms. Kane asked board members to review their summer calendars to determine if all the meetings will have a quorum.

Since there was no other business before the board, a motion was made by Sam Phelan to adjourn. It was seconded by Michelle Turck, and carried unanimously.

Respectfully submitted

Kathleen Flood
Secretary