

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
June 18, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Kris Munn, Sam Harkins, Charlie Laing, Sam Phelan and alternate Betty Carr. Planner Ted Fink was present for the beginning part of the meeting. Members Brian Walker and Pat Kelly along with planner Michele Greig were absent.

BUSINESS SESSION

Christine Kane said that there were two changes to the agenda. The applicants for the 245 Woods Road, LLC project had requested that the scheduled public hearing be continued to the second meeting in July. Also, Bard College had requested that the baseball field project be removed from the agenda.

Christine Kane said that there was one announcement. She said that new procedures had been set up for people who wished to apply for the Purchase of Development Rights Program or for Community Preservation Fund money.

The June 4, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt the minutes. Charlie Laing seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

Jerrime and Gabrielle Danner – 18 Old Post Rd. North – Certificate of Appropriateness

Jerrime and Gabrielle Danner were present for the public hearing on their application for a Certificate of Appropriateness to construct a 19 ft. x 40 ft. addition and a deck for their existing residence on a 1.23-acre lot in Upper Red Hook in the H (Hamlet) Zoning District.

Christine Kane read the public hearing notice that appeared June 12, 2012 in the Kingston Daily Freeman.

Jerrime Danner explained the project saying that the two story addition would be about 760 sq. ft. He said that the addition would be directly behind the existing house.

Christine Kane then opened the public hearing. There were no comments.

The Board reviewed comments dated June 16, 2012 submitted by the Hamlet Design/Review Committee. The Committee supported the project and recommended that roofing materials, colors, siding and window styles be continued from the existing

house. Mr. Danner said that this was the plan. Asked about siding, Mr. Danner said that the existing house had clapboard siding and that he would investigate wood, vinyl and Hardiboard siding for the addition.

The Board then reviewed comments submitted by Town Historian Wint Aldrich on May 29, 2012. Mr. Aldrich also supported the project and said he hoped the applicants would retain the tree buffer. Mr. Danner said that they would.

Since there were no public comments, Kris Munn made a motion to close the public hearing. Charlie Laing seconded the motion, and all members present voted in favor.

Kris Munn then made a motion to adopt a draft Certificate of Appropriateness for the project. Sam Harkins seconded the motion, and all members present voted in favor.

245 Woods Rd, LLC – 245 Woods Road – Special Permit

This public hearing was continued until July 16, 2012.

REGULAR SESSION – OLD BUSINESS

Greig Farm, Inc. – 128 Pitcher Lane – Special Permit

Norman Greig was present for continued discussion of an application for a Special Permit to allow an existing farm airplane runway on two parcels totaling 123.4 acres in the AB (Agricultural Business) Zoning District.

Christine Kane said that Red Hook Town Board had sent its consent for the Planning Board to serve as Lead Agency for the SEQR review along with its concerns about noise, neighborhood character and compliance with FAA and NYS DOT regulations.

The Board completed the Part 2 EAF, saying that noise impacts would be mitigated by intermittent activity and operation only during daylight hours. Additionally, the Board agreed that the agricultural use of the airstrip was in keeping with the agricultural character of the area.

The Board then reviewed a draft Negative SEQR Declaration. After two small changes were made regarding the variances granted by the ZBA and the rare need for helicopter use during agricultural emergencies, Kris Munn made a motion to issue the Neg Dec as revised. Sam Harkins seconded the motion, and all members present were in favor.

Kris Munn then asked about the two silos discussed at the last meeting. He reminded the Board that the silos were apparently 300 feet apart and that they were on either side of the flight path, approximately 800 ft. from the end of the runway. He said that the question of whether 300 ft. was a safe distance was to be referred to the Town Engineer.

Ted Fink said that the Town Engineer had in turn referred that question to Sharon Perry of the FAA and that Ms. Perry had responded that no “clear zone” was required for a private airstrip. Ted Fink also said that in that same email, dated May 29, 2012, Ms. Perry indicated that the documents Mr. Greig had submitted as a letter of agreement between the Greig Family airstrip and Sky Park were acceptable to the FAA.

Kris Munn said that the determination letter from the NYS DOT, dated March 2, 2012, had recommended a clear 20:1 approach to the airstrip. Mr. Greig said that the DOT

wanted to ensure that airplanes would be able to clear a tall truck on a highway during takeoff and landing. Sam Phelan wondered whether interpretation and enforcement of DOT recommendations and FAA regulations were the Board's responsibility. Kris Munn said that the DOT letter was a determination, not an approval. Kris Munn said he was concerned that a subsequent owner of the land might be unsafe if a clear zone was not established. Mr. Greig said that if a subsequent owner had a plane that would not clear trees or other obstructions, that owner would remove those obstructions.

Several members of the Board said that the final map should include the dimensions of the runway and the measured setbacks of the runway from property lines and roads.

The Board then reviewed a draft approval resolution, adding a condition that the applicant must submit a revised, more detailed map. The Board also clarified that helicopter use would be limited to agricultural use, such as to prevent crops from freezing.

Kris Munn asked whether a runway with a length of 1,950 feet was a safety issue. Mr. Greig said that the FAA had measured the runway using GPS coordinates and that by their calculations the runway was 2,012 feet in length.

Sam Harkins made a motion to adopt the approval resolution as revised. Charlie Laing seconded the motion, and all members present voted in favor.

(At this point, Ted Fink left the meeting)

Tim & Irene Hourihan – Crestwood Road – driveway discussion

Realtor Tom LeGrand was present with a request to revise the driveway configuration for a four lot subdivision in the RD3 Zoning District.

Christine Kane recapped the history of the subdivision, saying that the Board, the property owner and the owner's representatives had spent quite a bit of time coming up with the driveway configuration and the building envelopes. She added that two (2) of the lots had been sold and that the field was currently in active agricultural use for hay production.

Mr. LeGrand said that the two (2) remaining lots would not sell because the shared driveway ran in front of one of the building envelopes. He submitted maps of two alternate driveway configurations and a different building envelope for Lot 4. He said that both plans would result in a significant reduction in pavement.

Christine Kane said that several goals of the subdivision had been to preserve agricultural land and to minimize the number of new parcels adjacent to agricultural land. She said that the driveway had been drawn to go around the active hay field and also to connect with an old farm road located along the side of the parcel. She said that both of Mr. LeGrand's proposed revised driveway plans would encroach significantly on the hay field.

The Board discussed the fact that the original parcel was now in the new Agricultural Business Zoning District and that if the subdivision were discussed now, the lots would have to be smaller and clustered or the owner could apply to the Purchase of Development Rights program.

The Board and the applicant agreed that the currently planned driveway would be about 60 ft. from the front of the proposed house site on Lot 4.

Sam Phelan said that Mr. LeGrand was actually proposing two changes – to revise the driveway and to move a building envelope, both intrusions on the agricultural land. He wondered whether moving only the building envelope would solve the problem. Members agreed that the front yard would then be the hay field which would probably create an even larger incursion into the agricultural land.

Mr. LeGrand said that the current driveway plan ran along the treeline at the edge of the field and that a large number of trees would have to be cut down in order to construct the driveway.

Christine Kane said that she could not support revising the plan, since both of the proposed driveways and the revised house location all would all result in significant encroachments on the agricultural land, making it more difficult to preserve the property's value for agriculture and logistically more difficult for a farmer to farm the parcel, both goals of the original subdivision.

Sam Harkins wondered whether the driveway could be pulled forward a bit, putting more distance between the driveway and the house on Lot 4.

Kris Munn asked whether Mr. LeGrand could show that it was impossible to build at that proposed building site. Mr. LeGrand said that the site was solid rock and that construction was cost prohibitive. Sam Phelan said a house could be built without a basement.

Kris Munn asked whether allowing the owner of a filed subdivision to revise a driveway configuration with a resulting detriment to the goals of the Town would set a precedent and reduce Planning Board credibility.

The Board and the applicant agreed that house and driveway placement on the parent parcel had always been difficult given the wetland, the pond, the steep slopes and the actively hayed field. The Board also looked at a soils map of the lots.

Christine Kane said that Mr. Hourihan had had the option of clustering smaller lots when the subdivision was originally discussed in 2006 and 2007, that the option had been discussed several times and that he had always rejected it. She said that the filed subdivision and driveway plans had been a compromise.

Sam Phelan said he believed that the currently proposed new driveway plans would not work. Christine Kane said that the applicant could combine lot 3 and 4, retaining the house site on Lot 3 and solving the driveway problem.

Christine Kane also suggested changing the orientation of the house. Mr. LeGrand said that while it looked from the map as if the front of the house could be reversed so that it afforded a lake view from the front, there was actually no attractive lake view from that house site.

Sam Phelan said that the Board members appeared to be divided on the issue and that the applicant must decide whether to go forward with an application. Christine Kane said that at first glance, the project would be an application for amended subdivision approval but that she would have to research the issue.

REGULAR SESSION – NEW 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. He said that Mr. 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. He said that the farmland on one side of the road had a provision in the easement for a principal residence but that the farmland on the other side had only a provision for a barn with living quarters in that barn for farm laborers. He said that in order to gain a principal residence for the one piece, a portion of an adjoining Feller parcel, not under easement, could be added through a lot line adjustment. He explained that although all the farmland was included in one tax map parcel, the road created two lots through natural subdivision and that each lot could be sold separately. He said that all the lots were part of the Feller estate.

Mr. Fredricks said that representatives from Scenic Hudson, holder of the easement, were in favor of his plan. The applicant stated that the terms of the easement could not be changed to provide a principal residence location on the one farm lot.

Mr. Fredricks further explained that the small lot that was not under easement already had a principal residence.

Christine Kane said that the Board would have to look at the language of the easement since it appeared that the intent of the easement was that all the farmland be retained together, with one principal residence on one side of the road.

Mr. Fredricks said that the easement also allowed the pieces to be sold separately.

Christine Kane said that Mr. Fredricks' plan would result in the creation of a substandard flag lot on the small remaining lands lot. She suggested merging the two adjacent lots, which would provide the farmland with a principal residence and some land that was not under easement. Mr. Fredricks said that the existing house was part of the problem. The members agreed that the house could be modified or replaced by a new owner.

The Board agreed that the easement language must be reviewed and that since the easement was purchased through the PDR program, the Town would have a copy of all the documents and discussions.

OTHER BUSINESS

Meeting frequency

The Board discussed whether to reduce the frequency of meetings from two meetings per month to one. Christine Kane said that an additional meeting could be called if the agenda load became heavier or there was a reason to call a special meeting.

Kris Munn said he worried that smaller projects would be further delayed. He also said that even with two meetings per month, meetings were running two and a half hours in length.

Sam Phelan said that he would rather cancel a meeting than try to call a special meeting.

Charlie Laing said he believed the present system was satisfactory for now.

ADJOURNMENT

Since there was no further business to come before the Board, Charlie Laing made a motion to adjourn. Sam Harkins seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

Attachments

Certificate of Appropriateness granted to Jerrime and Gabrielle Danner
Negative SEQR Declaration for the Greig Family Airstrip
Special Use Permit granted to Norman Greig

**Town of Red Hook Planning Board
CERTIFICATE OF APPROPRIATENESS**

Date: June 18, 2012

For: Jerrime and Gabrielle Danner

Tax Parcel # 134889-6373-01-206738-0000

The applicants own + 1.23 acres at 18 Old Post Road in the Hamlet of Upper Red Hook. They wish to add 760 sq. ft. (19' x 40') of living space to an existing residence.

The application, drawings, photographs and site plan were sent to the Hamlet/Design Review Committee on May 22, 2012.

The Hamlet/Design Review Committee reviewed the proposed changes and submitted its comments to the Planning Board on June 16, 2012. The Committee recommended that the Planning Board issue the Certificate of Appropriateness.

A public hearing was held June 18, 2012.

The Planning Board has reviewed, discussed the proposed plans, and considered the comments of the Hamlet Design/Review Committee. The Board has determined that the proposed modifications are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Jerrime and Gabrielle for the proposed changes as described above.

Certified by: _____ Date: _____
Clerk

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: June 18, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Greig Farm Private Airstrip

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
NO

Description of Action: The applicant has requested Special Use Permit approval to permit continued use of an existing 2,000 foot long private airstrip. The grass airstrip is used by and proposed for continued exclusive use by the applicant in support of his private airplane operations and the Greig Farm's agricultural operations.

Location: Pitcher Lane and Rockefeller Road, Town of Red Hook, Dutchess County, NY

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).

2. After reviewing the Environmental Assessment Form (EAF) for the project, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. No commercial use of the private airstrip is proposed nor will it be authorized by the Special Use Permit. Exclusive use of the private airstrip by private fixed-wing aircraft, under the ownership or control of the Greig Family Farm, will be authorized by issuance of the Special Use Permit. The Special Use Permit will acknowledge that emergency landings by non-Greig Farm planes can be expected on rare occasions due to unforeseen circumstances and occasional weather anomalies require the use of helicopters to protect the Greig Farm's crops.
4. Farming activities occur within the area of the proposed project and it is proposed in the Town's Agricultural Business (AB) Zoning District. The Special Use Permit will support continued agricultural use of the Greig Farm.
5. No construction activities nor installation of lighting, signage or other land disturbance activities are proposed in conjunction with the application for the Special Use Permit.
6. The application complies with the Town Zoning Law with the exception of minimum lot area and setback distances to property lines. The Town Zoning Board of Appeals granted area variances for divergence from such Bulk Regulations at its meeting on February 8, 2012.
7. The Special Use Permit requires approval or consent, and the applicant will obtain and continue to maintain such approvals or consent assuring compliance with applicable rules and regulations by other agencies including the New York State Department of Transportation, the Federal Aviation Administration, and the Town Board of the Town of Red Hook.

For Further Information:

Contact Person: Paula Schoonmaker, Deputy Planning Board Clerk
Address: Town of Red Hook Planning Board
7340 South Broadway
Red Hook, NY 12571
Telephone: 845.758.4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Town Board of the Town of Red Hook

Sue Crane, Supervisor

Resolution Granting Special Use Permit Approval to Greig Family Airport

Name of Project: Greig Farm Private Use Airstrip

Name of Applicant: Norman Greig

Date: June 18, 2012

Whereas, the Town of Red Hook Planning Board has received an application for Special Permit approval from Norman Greig to permit continued use of an existing private grass airstrip for use by Mr. Greig's aircraft and for the agricultural aviation needs of the Greig Farm; and

Whereas, said private airstrip is located on two parcels of land (Tax Map Parcel No. 6273-00-944725 and 6273-00-8965812) that consist of 30 acres and 93.4 acres in the Agricultural Business (AB) Zoning District in the Town of Red Hook, Dutchess County, New York; and

Whereas, the application required two Area Variances from the Town of Red Hook Zoning Board of Appeals due to the Zoning Law requirements for a minimum lot size of 50 acres for the installation of an airstrip and a 300 foot setback from internal Greig Farm property lines; and

Whereas, since the airstrip will traverse two parcels of land, both part of the Greig Farm operation, the Zoning Board of Appeals granted a zero setback distance for the internal property lines of the two subject parcels and authorized use of the 30 acre parcel in combination with the 93.4 acre parcel by unanimous vote on February 8, 2012, thereby removing the restrictions on the private airstrip due to incompatibility with the Special Permit conditions found at §§ 143-70(A) and (B); and

Whereas, the applicant submitted a Sketch Plan document, dated August 12, 2011 and as revised on March 18, 2012, that provides the dimensions and location of the private airstrip in relation to the Greig Farm property, surrounding properties and public roadways and structures; and

Whereas, the applicant submitted documentation from the New York State Department of Transportation (DOT) and the Federal Aviation Administration (FAA) to demonstrate compliance with Section 249 of the New York General Business Law and with the FAA's Determination of Landing Area Proposal, which together govern the operations of the airport so that it does not: 1) conflict with or affect the safety of public buildings or facilities, or operations on public highways; 2) will not constitute a menace to the safety of operations at other airports in the vicinity; and 3) will not adversely effect the safe and efficient use of navigable airspace by aircraft respectively; and

Whereas, the DOT and FAA documentation have been supplemented with correspondence from the FAA dated May 29, 2012 confirming compliance with the terms of the FAA's Determination of Landing Area Proposal; and

Whereas, the Special Permit approval for the Greig Farm Airstrip also requires Site Plan approval in accordance with § 143-39.1(C)(3)(p) of the Zoning Law; and

Whereas, the Planning Board has reviewed the application and the Sketch Plan document against the requirements of Article VII of the Zoning Law, § 143-114(C)(1), and has determined that the proposal is limited in scope and warrants a Minor Site Plan review due to the airstrip being existing and in use by the Greig Farm, the absence of any construction activities associated with the private airstrip, the lack of any existing or new structures associated with the private airstrip, the lack of existing or proposed parking, signage, or lighting, the incidental and secondary use of the airstrip to the principal agricultural use of the Greig Farm, and the need for the private airstrip to support the agricultural use of the Greig Farm; and

Whereas, on May 7, 2012, the Planning Board, duly circulated the project application and Short Environmental Assessment Form (EAF) to the only other Involved Agency the Town Board of the Town of Red Hook and following receipt of a Resolution dated May 8, 2012 from the Town Board "Consenting to Lead Agency Request" was designated the lead agency for the purpose of conducting a review of the Unlisted action pursuant to SEQR; and

Whereas, on June 18, 2012, the Planning Board, in consideration of the Short EAF and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c) determined that the proposed project will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on May 7, 2012, the Planning Board conducted a public hearing on the Special Use Permit application at which time all interested persons were given the opportunity to speak; and

Whereas, the Planning Board had deliberated on the application and all the matters before it.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants Special Use Permit approval to Norman Greig to operate a private

airstrip in accordance with the plans and documents heretofore submitted upon the following conditions:

1. The applicant will comply, at all times, with the General Standards for Special Permit Uses enumerated in § 143-51 of the Zoning Law.
2. The following specific conditions shall be fulfilled throughout the operation of the Greig Farm Airstrip in accordance with § 143-51(K) of the Zoning Law:
 - A. All representations, proposals, stipulations, restrictions, and similar statements made by the applicant in the record of the Planning Board meetings where Mr. Greig appeared between August 2011 and June 2012, shall be considered conditions of this Special Use Permit Approval.
 - B. The applicant shall continue to comply with all conditions imposed by any of the outside agencies on the private airstrip including but not limited to the DOT letter dated April 16, 2012, the FAA Letter of Determination dated March 2, 2012, and with any additional conditions imposed by the Town Board of the Town of Red Hook.
 - C. The Special Use Permit is for a private airstrip for use by small privately operated airplanes under the ownership or control of the Greig Family Farm. Except for the agricultural requirements of the Greig Farm, takeoffs and landings by helicopters are not authorized by this Special Use Permit.
 - D. The total traffic at the Greig Farm Airstrip will not exceed an average of approximately one takeoff and one landing per week.
 - E. The Greig Family Airstrip shall be operated during daylight hours only. Lighting for use during hours of darkness shall require a new Special Use Permit.
 - F. The applicant shall obtain the approval of the Town Board of the Town of Red Hook for the privately owned runway in accordance with Section 249 of the New York State General Business Law.
 - G. The applicant shall submit payment to the Town of Red Hook for any outstanding fees or expenses due and owing for the review of this application.
 - H. The applicant shall submit three (3) copies of scaled map showing measurements for the dimensions of the runway and for the distances from the runway to the roads and to the property lines.

On a motion by Sam Harkins, seconded by Charlie Laing, and a vote of 5
for, 0 against, and 2 absent, this resolution was adopted on June 18,
2012.

Resolution Certified, Filed with the Town Clerk and Mailed to the
Applicant

Paula Schoonmaker, Deputy Clerk to the Board Date