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Town of Red Hook Planning Board
Meeting Minutes
June 6, 2005

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

The Chair confirmed the meeting agenda as published.

The minutes of the May 16, 2005 meeting had been sent to the Members and reviewed. Sam Phelan made a motion to accept those minutes. Jennifer Fier seconded the motion, and all members present voted in favor.

The Chair announced two training sessions open to members. One was an interactive satellite conference at the Cooperative Extension in Millbrook concerning Open Space and Farmland Conservation set for June 21, 2005. The other was a Planning and Zoning Summer School, scheduled for July 15, 2005 in New Paltz. Interested members were urged to contact the Planning Board clerk to make the appropriate registration plans.

The Chair said that since there were currently several large projects undergoing the application process and since the first meeting in July would fall on a federal holiday leaving only one meeting that month, she would like to schedule a second meeting in July. The members agreed by consensus to meet on Monday, July 11, 2005 and Monday July 25, 2005. She asked the Clerk to advertise all changes resulting from this decision and to notify applicants.

The Chair said that two work sessions focusing on Hardscrabble Commons had been scheduled at the request of the applicants. David Wright, Jennifer Fier and the Chair would attend from the Planning Board. The work sessions were scheduled for June 13, 2005.

PUBLIC HEARINGS

Daniel Colnaghi – Route 9G – Subdivision Plat/ Lot Line Alteration
Marie Welch, L.S., appeared before the Board representing an application to create one (1) new 5.147-acre lot by revising the Lot Lines of “Lot 2”, “Lot 3B”, and “Lot 3C”, all from a 25.438-acre parcel (Amendment to Filed Map #9575) on the east side of Route 9G, 1200 ft. north of Route 199, in the RD3 District.

The Chair read the public hearing that appeared May 31, 2005 in the Kingston Daily Freeman. She then opened the hearing for public comment.

Ms. Welch explained the project to the Board and the public. She said that a driveway cut into the proposed new lot had been conceptually approved by the NYS Department of Transportation and that the project had been approved by the Dutchess County Board of Health. She said that the prospective buyers for the proposed new lot were aware of the double setback requirements for development along the Scenic Corridor and that those prospective buyers were also committed to retaining most of the trees and disturbing as little ground as possible.

The Chair read a referral response from the Agricultural and Open Space Advisory Committee which said that the Committee did not consider the soils on the parcel to be valuable agricultural soils. She also read a portion of a letter from the NYS Department of Environmental Conservation's Natural Heritage Program which said that the parcel appeared to contain no habitat for endangered species.

Jennifer Fier asked why the drawing did not show the driveway cut and proposed building site. Ms. Greig said that the drawing should show the proposed driveway. Ms. Welch said that the DOT-approved driveway was not quite in the same location as the one now proposed but that she could apply to DOT for a change in the driveway cut after the subdivision was approved.

Jennifer Fier asked whether additional curb cuts onto NYS Route 9G were planned. Ms. Welch answered no, saying that two lots were now accessed by a shared driveway off Route 199 and the remaining lot could be accessed from Route 9G at an existing pull-off near the intersection with Route 199. The Board generally felt that access from the pull-off was too close to the intersection. The Chair asked what legal mechanism could be put into place to prevent the owners of Lot 2 from requesting a permit for a driveway off Route 9G. Ms. Welch said that the DOT would probably say that the lot already had access from the shared driveway to Route 199. She further said that Lot 2 could not be further subdivided. Ms. Greig suggested that a notation could be added to the plat saying that Lots 2 and 3B would only have access via the internal shared driveway to Route 199. Sam Phelan and the Chair further said that the actual proposed driveway onto Route 9G should be shown on the drawing.

Ms. Greig said that the proposed subdivision was subject to a review of consistency with the Local Waterfront Revitalization Plan because it lay within the Coastal Zone. She said that the area subject to the Plan was generally coincident with the National Historic Landmarks District. She advised the Clerk to hand out the Consistency form to applicants when appropriate.

The Chair asked if there was any comment by the public. There was none.
The Board generally agreed that Ms. Welch should submit revised drawings showing the actual proposed driveway and the Scenic District Overlay line. The drawing should also include a notation prohibiting any further driveway cuts onto Route 9G. In addition, Ms. Welch should submit a draft of the language for that notation for review by the Planning Board attorney. Finally, Ms. Welch must submit the completed Coastal Consistency form.

The public hearing was continued to June 20, 2005.

<u>REGULAR SESSION (OLD BUSINESS)</u>

Rose Marie Reid – 78 Walker Hill (Tivoli) – Special Use Permit
Rose Marie Reid appeared before the Board for further discussion of her application to authorize the establishment a maximum 2-bedroom Bed and Breakfast at her residence on a 6.32-acre parcel in the National Historic Landmarks and RD3 Districts.

Ms. Reid said that she had submitted the full EAF part 1 and a more detailed site plan as requested by the Board on May 16, 2005. She said that guests would be able to park either near the garage or on the horseshoe drive in front of the house. She said she had included a lighting scheme with the site plan and would erect no sign on Rte. 9G.

Due to the parcel's location in the National Historic Landmarks District, the Board determined the project to be a Type 1 action under SEQR. John Hardeman made a motion to issue Notices of Intent to serve as Lead Agency. Sam Phelan seconded the motion and all members voted in favor.

Ms. Greig said that while NYS Office of Parks, Recreation and Historic Preservation would be an interested agency, there were no involved agencies in this review. As a result, John Hardeman made a motion to amend the previous resolution and to declare the Board Lead Agency. Sam Phelan seconded the motion, and all members voted in favor. Ms. Greig said that since there were no involved agencies, no thirty day response time would be necessary.

The Board determined to accept the application and accompanying documents as sufficient for Board and public review and to set a public hearing date for July 11, 2005. It also referred the project to the Dutchess County Office of Planning and Development for review.

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

Richard Hanback, L.S. appeared before the Board for further discussion of an application for Subdivision Plat Approval (Sketch Plan) to authorize 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 Districts.

Mr. Hanback said that he had submitted the density calculations, full build-out and subdivision/soils map requested by the Board and the Agricultural Advisory Committee. He said that there was currently a trail easement granted to the Landsmankill Equestrian Trail. He further said that currently the parcel is owned in partnership by Mr. Williams and Mr. Angelier. At a future time, he said, the smaller proposed lot would be sold and each of the remaining building lots would become the sole property of one of the partners.

Ms. Greig said that Mr. Hanback's proposed farmland protection plan and full build-out fragmented the significant soils into different building lots.

John Hardeman asked how many total acres of significant soils were present on the parcel. Mr. Hanback said 4 ½ acres.

The Chair asked if the corporation would agree to preclude further subdivision. Mr. Hanback said the partners would not agree to such a stipulation.

Sam Phelan said that if one shared driveway were to cross the significant soils and serve 4 proposed building lots, disturbance of the soils would be minimized.

Ms. Greig said that the ideal full build-out and farmland protection plan would show a conceptual cluster housing design which kept houses away from soils and other valuable resources and which minimized the disturbance by driveways of those resources. She said lot lines should be the last item added to the plan and should be used primarily to show that the setbacks required by the Town’s cluster regulations could be achieved.

Mr. Hanback suggested that Board members conduct a field visit to the site.

The Board agreed by consensus that Mr. Hanback should revise his farmland protection plan.

Red Hook Terminal South/ Bottini – 7269 South Broadway – Site Plan
John Metzger, P.E. from M.A. Day Engineering and Brian Bottini appeared before the Board for further discussion of an application for Site Plan Approval to authorize modifications to an existing building and to an existing site to accommodate retail use on a 0.46-acre site in the B1 District.

Mr. Metzger said that some of the parking spaces had been relocated to the back of the building as requested by the Board. The Board was generally concerned that the parking spaces might encroach on the septic area. Mr. Metzger said that the applicant was not sure exactly where that area was and that the parking spaces could be shifted slightly once the precise location was found.

The Board and the applicant discussed sharing parking spaces with the parcel to the north, which was also owned by Mr. Bottini. The Chair suggested that that the applicant use a gravel surface so that parking spaces could be reconfigured when he determined a plan for the northern adjacent parcel at a later date.

Sam Phelan suggested moving the parking from the front/side of the building to the extreme rear of the property and install landscaping at the front of the building. The Chair agreed, saying the applicant could locate the sign in the spot currently designated for parking.

The applicant submitted drafts of two signs, one to be located near the street and the other to be placed on or near the building.

The Board asked the applicant to: correct an error in scale on the drawing, show proposed sign locations on the site plan, submit manufacturer’s cut sheets for the proposed lighting fixtures, show calculated foot candles of light at the property line, submit a plan for lighting the signs (if lighting was proposed), locate the trees at the back of the property and give their size and finally provide a landscaped buffer for the neighbors to the south. The applicant was also directed to submit the results of the well tests as soon as they become available.

Robert and Linda Krausz/ Degli Angeli – 604 Budds Corners Rd. –Subdivision Plat
Marie Welch appeared before the Board to support an application for Subdivision Plat Approval to create a 3.0-acre residential building lot and a 5.096-acre existing house parcel from 8.096-acre parcel in RD3 District.
Ms. Welch said that DEC had flagged the wetlands and that she had applied for the necessary permits from the Dutchess County Board of Health and the Department of Public Works. She said speed studies had been completed and that she had responded to the Town Engineer's comments. She agreed to revise the drawings to include the wells on the adjoining parcels.

The Board determined the project to be an Unlisted Action under SEQR. Jennifier Fier made a motion to issue Notices of Intent to Serve as Lead Agency to the following involved agencies: the NYS Department of Environmental Conservation, the Dutchess County Board of Health and the Dutchess County Department of Public Works. John Hardeman seconded the motion, and all members were in favor. The Board set a public hearing date for July 11, 2005.

REGULAR SESSION (NEW BUSINESS)

David Podolsky/ Susanne Osgood – 267 Hapeman Hill Rd- Subdivision Plat/ Lot Line Alteration
David Pulver appeared before the Board with an application for Subdivision Plat Approval and Lot Line Alteration to authorize conveyance of approximately 1.0 acre from the approximately 22.0-acre Lands of David Podolsky to the adjoining 1.14-acre substandard-sized Lands of Susanne Osgood in the RD3 District.

Mr. Pulver explained that the Susanne Osgood wished to purchase approximately 1 acre of land in order to enhance the view from her residence. He said that while the entire parcel belonging to Mr. Podolsky is in the Certified Agricultural District, the proposed land to be transferred is not currently being farmed. He added that that acre is mostly a steep slope covered by scrubby brush.

Sam Phelan and the Chair questioned whether the Board could approve the proposed action since that action would not bring the Osgood parcel into conformity with zoning in the RD3 district. The Board agreed to ask senior Planning Consultant Ted Fink.

Jennifer Fier, Sam Phelan, Charles Laing and the Chair said they would make informal visits to the site.

OTHER BUSINESS

Common Fire Foundation – Amendment to resolution
Planning Board Clerk Betty Mae Van Parys had found that the Common Fire Foundation had inadvertently been granted Preliminary Plat Approval for a 3-lot subdivision on April 4, 2005. Since Preliminary Plat Approval is not granted to minor subdivisions, John Hardeman made a motion to amend that resolution to read "Resolution Granting Conditional Final Plat Approval". Charles Laing seconded the motion, and all members were in favor.

Proposed Conservation Easement Law
Robert McKeon, Chair of the Agricultural and Open Space Advisory Committee, said he had handed out a draft copy of the proposed law at the May 16, 2005 meeting, not the final copy. He said that the proposed law would allow one type of easement. That easement would be temporary and would apply only to parcels with 10 acres or more of developable open space over the number of acres required in the zoning district. That is, he said, if a person owned a home in the RD3 district, he or she would have to have at least 13 acres to qualify. The residence and 3 acres would be taxed at the normal rate. If deemed developable by the Planning Board or Conservation Advisory Committee, the additional 10 acres would qualify for the program provided the owner agreed to retain the land as open space for a specific number of years. Under the proposed law, that additional10 acres could then be taxed at a lower rate.

The program would be administered by the Town, and transactions would be recorded by the Town Clerk. Mr. McKeon acknowledged that the program was a temporary measure which would serve until permanent measures could be put in place. Asked why tax relief figures were not spelled out, he said that percentages could not be part of a law. He said that there would be substantial penalties for property owners who dropped out of the program before the term was up.

Jennifer Fier asked if the Town would become liable for the property if it took the easement. Mr. McKeon said, no, that the property owner would retain legal ownership.

Sam Phelan asked if the Planning Board could receive copies of the data collected by the Agricultural and Open Space Advisory Committee. Mr. McKeon said he would try to make that data available. He said that there were only 122 parcels over 10 acres in size that were not currently being farmed. He added that his data indicated that if the conservation program were to be enacted, the combined taxes per $100,000 would increase by $22 per year for each homeowner in the Town. If the open space were instead to be developed, the combined taxes would increase at a much higher rate.

John Hardeman said he would like to propose that the Town take easements on parcels under 10 acres, adding that the Building Department could monitor them. Sam Phelan said he would like to remove the 10 acre minimum on easements taken by the Town, but he acknowledged that the 10 acre minimum would be necessary if the owner was to receive tax relief.

Jennifer Fier asked what would happen to the easement if a property went into foreclosure. Mr. McKeon said that the easement would survive but that the new owner would probably have to pay the penalties.

The Chair asked whether an easement could be made permanent. Mr. McKeon said there was no maximum term for the easement.

Ms. Greig said that if the proposed law were adopted, the Town would go through the steps necessary for setting itself up to accept easements. After that, the Town’s ability to accept different types and sizes of easements could be explored.

The Chair said that she would either write a letter to the Town Board saying that the Planning Board generally favored the proposed law or, more likely, attend the public hearing on June 7, 2005 and relay the Planning Board’s thoughts.

ADJOURNMENT
Upon being advised by the Chair that there was no further business to come before the Board, Paul Telesca made a motion to adjourn. John Hardeman seconded the motion, and all members voted in favor. The meeting was adjourned at 11:00 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board