

draft
**Town of Red Hook Planning Board
Meeting Minutes
November 15, 2004**

CALL TO ORDER/ DETERMINATION OF QUORUM

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

Members present— Christine Kane, John Hardeman, Sam Phelan, Paul Telesca, David Wright and Chair Paul Thomas. Mary Lou Muirhead was absent. Planning Consultant Art Brod and Town Board Liaison Jim Ross were also present.

BUSINESS SESSION

The Board confirmed its next regular meeting for December 6, 2004.

The minutes of the November 1, 2004 meeting had been sent to the Board members and reviewed. David Wright made a motion to accept those minutes. The motion was seconded by Paul Telesca, and all members were in favor.

The Chair reminded members that a Land Use Planning class would be given on November 16, 2004 at the Dutchess County Cooperative Extension in Millbrook. Interested members were urged to attend.

The Chair also announced that a meeting concerning the proposed Anderson Commons development would take place on Wednesday, December 1, 2004 at 7:30 p.m. at the Town Office Building. Arranged by Deputy Supervisor Bill O'Neill, the meeting would involve two members from the Village Planning Board, two or three members of the Town Planning Board and other Village and Town officials. Sam Phelan, David Wright and the Chair said they would attend.

REGULAR SESSION (OLD BUSINESS)

Jeffrey Agrest – 138 Rokeby Road – Subdivision Plat

Marie Welch, L.S., was present to support an application for Subdivision Plat Approval to create a 3.00-acre residential building lot and an 8.685-acre existing house "flag lot" from an 11.685-acre parcel on the northeast side of Rokeby Road in the R1.5 and Certified Agricultural Districts.

Ms. Welch explained the previous application for and approval of the subdivision and lot line alteration of the Agrest lands. She recounted the history of the ownership of the parcels and noted that she had not found them on a 1999 map of the Certified Agricultural District but that, for an unknown reason, they were now included in the District. She also said that Mr. Agrest had sought the advice of Town Attorney Al Trezza and that Mr. Trezza had advised him to subdivide first one parcel and then the other.

The Chair recalled for the Board the details of the previous subdivision and said that the application for this present subdivision arrived at the Planning Board Office just one day after the plats for the previous subdivision had been filed with the County.

The Chair then read a letter from Keane & Beane defining “segmentation” under SEQRA and declaring that “it is our determination that the proposed subdivision constitutes improper segmentation”. He also read a referral response from the Agricultural Advisory Committee which said that the Planning Board should not have approved the previous subdivision without requiring a farmland protection plan for the remaining land. Finally, he read a letter from Mr. Agrest explaining the history of the ownership of the lands and the reasons he believed the subdivision should be approved. These documents are attached to, and made part of, these minutes.

The Chair then asked Ms. Welch if she had any comments in response to the above documents. Ms. Welch said that first, the “1.5-acre lot” mentioned in the Agricultural Advisory Committee response should be corrected to read “3-acre lot.” Second, she said that Mr. Agrest had attempted to find a farmer who would plant corn on the land but had been unable to find one. Third, she said that Mr. Agrest had asked for the subdivision of one 3-acre lot instead of two 1.5-acre lots because he believed that the Board of Health would not approve sewage disposal systems for the smaller lots, which are located on rocky soil. Finally, she said that the submission of the current application just one day after the finalizing of the previous subdivision had not been intentional. She said that she and the applicant had been waiting for Board of Health approval for the previous subdivision.

The Chair and Christine Kane said that they had been under the impression that the original intent of the previous subdivision was to keep the large “L-shaped” “remaining lands” free from further development. The Board and Ms. Welch had discussed a conservation easement for that portion, although the Chair also found in the minutes from the March 15, 2004 meeting that Mr. LeGrand had said that “division of the front of the large ‘L’ shaped lot at a later time could not be ruled out”.

Ms. Welch said that her understanding of the definition of “segmentation” included an attempt to evade an environmental review. She said no one had made such an attempt in this matter.

Christine Kane said that the Town’s Farmland Protection regulations were not only intended to preserve working farmland; they were also intended to preserve valuable soils.

Planning Consultant Art Brod said that whether Mr. Agrest had sole or partial ownership of the lots was not a determining factor in the segmentation issue. In reality, Mr. Agrest exercised control over the lots, and that was the determining factor.

Mr. Brod added that the Board had several options open to it. It could, as the Keane & Beane letter had outlined, reject the application altogether or accept the application and require a farmland protection plan for the remaining land. It could also issue a positive declaration under SEQRA and thereby force a full Environmental Impact Statement. The Board, he said, was not required to take action on the application immediately; it could bring the application back at a later date.

The Board by consensus requested the Planning Consultant, with input from the Keane & Beane opinion, to draft a resolution rejecting the application as improper segmentation under SEQRA. The Board tentatively scheduled the application for a reappearance before the Board on December 6, 2004, at which time members would vote on the resolution.

Planning Consultant Art Brod said that the Town could avert future problems of this kind by passing a provision saying that once a "parent" parcel is subdivided, it may not be re-subdivided for a certain number of years.

NEW BUSINESS (WORK SESSIONS)

Landmark Properties/ Mark Baisch – Spring Lake and Turkey Hill Roads – Conceptual Subdivision

Mark Baisch and Jun Lyle Kamesaki appeared before the Board with a conceptual development plan proposing to set aside an existing mill site and construct an approximately 18 unit "clustered" residential development consisting of single family homes on a 64.081-acre parcel at the corner of Spring Lake and Turkey Hill Roads in the RD3 District.

Mr. Baisch explained that the plan called for developing approximately 30% of the parcel and leaving the remaining 70% "natural". A homeowners' association would own the undeveloped portion and abide by restrictions set by the Town. He said that a central water supply and shared septic systems would allow houses to be built on relatively small lots in a "cluster" design. He said that he had not drawn up a formal site plan yet; at this stage, he wanted to know how the Planning Board viewed the conceptual plan.

Planning Consultant Art Brod reported on his site visit to the parcel. He said he had discussed with Mr. Baisch the possibility of combining townhouses with single family homes. Building townhouses would allow some units to share a septic system. Mr. Baisch had understood that the Board of Health would allow some single family dwellings to share a septic system, but, Mr. Brod said, that likely would not be possible. While a combined water supply was certainly possible, individual septic systems would probably be required, necessitating somewhat larger lot sizes. As a consequence, about 40% of the parcel would probably need to be developed, leaving approximately 60% undeveloped.

While Mr. Baisch agreed, saying that, at present it appeared that perk tests would dictate the size of the lots, he also said he would like to explore centralized septic systems with the Board of Health. Newly developed systems have recently been more favorably received by the state agencies. Mr. Baisch said one of these systems would allow more land to remain in a natural state.

Mr. Brod went on to say that since the mill had functioned as an asbestos plant in the past, a thorough environmental review of the building and the nearby pond would be essential. Mr. Baisch agreed.

Mr. Baisch expanded on the proposed homeowners' association saying that the each home owner would own about 20,000 square feet of land as a home site plus 1/18th (or a similar fraction, depending on the final number of lots) of the undeveloped land. The

Town would prepare binding covenants for that open space. The homeowners' association would also own and maintain the private road and the central water supply.

Christine Kane asked about the proposed access point to the development. Mr. Baisch said that he was in negotiation for that access. She also said that the Fire Chief should be consulted about the width and shape of the private road. Finally she asked if there were any agricultural soils on the parcel. Mr. Baisch said there were no quality soils and that the parcel was not in the Certified Agricultural District.

Mr. Baisch said that his potential homebuyer was a telecommuter or empty nester who wanted the country lifestyle but not the responsibility of a large tract. He estimated the size of the homes would range between 2,500 – 3,000 square feet. He said he would build the homes and predicted most would be of the Craftsman or possibly lodge style.

Sam Phelan asked about the paper mill, currently a grandfathered industrial use. Mr. Baisch said that the paper mill and the nearby pond would be subdivided off, leaving approximately 55 acres for residential use. Asked about the mill's appearance, Mr. Baisch said that he was open to suggestions about visual buffering or other improvements. Sam Phelan asked if the mill was currently in compliance with all environmental regulations. Mr. Baisch answered that, yes, it was in compliance and had a current SPDES permit.

Christine Kane asked about the minimum number of units Mr. Baisch could consider. He answered that the minimum number might be 15 and the maximum could be 20. He said he would like to settle on about 18 units and that he was not asking for a larger number than the Zoning Code allowed. He agreed that he would develop a yield plan to arrive at the maximum number of houses allowed and negotiate from there.

The Chair asked about varying the size of the houses. Mr. Baisch answered that he had planned to offer a range of home sizes.

Planning Consultant Art Brod said that this type of subdivision project could be accommodated under the current "clustering" regulations. Another alternative, he said, would be to ask the Town Board for a Declaration of Open Development Area, an action which would relax the standard frontage requirements.

The Planning Board requested Mr. Baisch to consult with the Town Fire Chief regarding the optimum configuration of the proposed private road and other safeguards such as the installation of a dry hydrant. Specifically, it asked that he consider alternatives to the proposed cul-de-sac. It also said that Mr. Baisch must resolve the access issue, taking care not to further reduce an already undersized lot by taking land for a road without replacing an equal amount of land from another parcel. Finally, the Board asked Mr. Baisch to plot an emergency access road, possibly through the mill site.

Norton West/ 7 Pines, LLC– Norton Road – Conceptual Subdivision Plan

Tom LeGrand and Thomas Mannix, L.S. and P.E., came before the Board with a conceptual proposal for a 7-lot major subdivision on a 66.8-acre parcel on Norton Road in the RD3 District.

Mr. Mannix described the parcel as not lying within the Certified Agricultural District but as having substantial wetlands. He said the home sites would have sizeable setbacks from the road and that the driveways would be located so as to avoid steep slopes. There would be one common driveway which would serve three lots. The remaining four lots would have individual driveways.

Mr. Mannix and Mr. LeGrand also said that Norton West was one half of an entire proposed development, which would include a large parcel on the east side of Norton Road.

The Board by consensus agreed that, at a minimum, the applicants must return with a sketch of the entire proposed development, including the parcels on both sides of Norton Road. In addition, the wetlands must be flagged and certified by the DEC, and maps showing those delineations must be submitted at a very early stage in the application process. The Board also wanted to know if any wetlands had been identified by the Corps of Engineers. Finally, the Board said that the applicants must submit slopes and soil information on the entire site and show that all proposed lots would have adequate frontage.

The proposed subdivision was tentatively scheduled for a reappearance before the Board on December 6, 2004.

OTHER BUSINESS

Forms and Fees

The Board members had been given revised application forms and checklists to review. There were no suggestions.

The Board members had also been given a revised schedule of fees to consider. The Board by consensus agreed that the Planning Board Office must be self-supporting and that, in light of rising expenses, it must increase most application processing fees. It did, however, agree that pre-submission conferences should be encouraged and should remain free of any fees. In addition, it decided to divide Special Permits into two categories: residential and non-residential. A different fee would apply to each category.

The Board directed the Assistant Clerk to type up a second revised fee schedule and to circulate it among the members before the next meeting.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, Christine Kane made a motion to adjourn. Sam Phelan seconded the motion, and all members present were in favor. The Chair adjourned the meeting at 10:10 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk to the Planning Board

Attachments:

Letter from Keane & Beane, Attorneys-at-law, dated 11/11/04
Response from the Agricultural Advisory Committee, dated 11/01/04
Letter from Jeffrey Agrest, dated 11/01/04