

APPROVED

Town of Red Hook Planning Board Meeting Minutes November 6, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:32 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Charlie Laing said that Martin and Elisabeth Willms had withdrawn their project from the evening's agenda.

Charlie Laing also said that a letter dated October 11, 2006 from Ruth Pierpont, Director of the New York State Office for Parks, Recreation and Historic Preservation had announced that St. Margaret's Home had been listed on the National Historic Register.

Consideration of the minutes from both the October 2, 2006 and the October 23, 2006 were tabled, since only three of the members present had attended each meeting.

REGULAR SESSION (NEW BUSINESS)

Roger Hoffman – 19 and 25 Old Farm Road – Subdivision Plat and Lot Line Alteration

Marie Welch, L.S. was present with an application for Subdivision Plat (sketch plan) and Lot Line Alteration approval, first to convey 0.187 acres from a 1.187-acre parcel to the adjoining 9.182-acre parcel, then to subdivide from the resulting 10.369-acre parcel a 1.660-acre parcel, all lands owned by Roger Hoffman, partly in the B1 Zoning District, partly in the R1 Zoning District and in the Certified Agricultural District.

Ms. Welch reminded the Board that Steve Hoffman had received site plan approval in 2002 to establish an auto repair facility on Roger Hoffman's parcel. She said that now, Roger Hoffman wished to subdivide off the 1.66-acre lot that contains his son's repair shop. She said that several variances would be necessary to complete that subdivision and that she was now looking for a recommendation to proceed to the ZBA for those variances.

Reviewing the plan, the Board learned that Mr. Hoffman currently accesses both the large and small parcels through an adjoining parcel owned by Red Hook Land Corporation but that both of Mr. Hoffman's parcels technically have their frontage on Old Farm Road. The Board noted that the larger parcel is a flag lot and that the proposed new lot would also be a flag lot.

Jennifer Fier said that the plan should contain a legend with the area and bulk requirements, both existing and proposed, a line showing the boundary between the B1 and the R1 Zoning Districts and parking requirements for the established auto repair facility and antiques store.

Ms. Welch said that she had been trying to find an accurate description of that zoning boundary so that she could show it on the plat. The Planning Board office will research that problem.

The Board and the applicant agreed that four variances were needed because of insufficient front-, side- and rear yard setbacks. All agreed to delay sending the project to Agricultural and Open Space Advisory Committee until the Zoning Board of Appeals has made its decisions. Ms. Welch said that she would submit an Ag Data Statement.

The Board classified the project as an Unlisted Action under SEQR and discussed whether to conduct a coordinated review with the ZBA or to begin its own uncoordinated review. David Wright made a motion to establish the Board as Lead Agency in an uncoordinated review. John Hardeman seconded the motion. Jennifer Fier voted against the resolution because she believed that insufficient information had been submitted. The resolution passed by a vote of four (4) to one (1). The Board then recommended that Ms. Welch take the project to the ZBA.

The Board briefly discussed whether to require more information at the sketch plan phase of a project review. The current regulations only require the applicant to submit a plan drawn to scale.

Poet's Walk/Scenic Hudson – River Road (Barrytown) - Amended Site Plan

Jay Levine, of Scenic Hudson, was present with an application for modifications of the existing Poet's Walk park site (entry sign and information kiosk) on a 120-acre parcel in the LD (Limited Development) and WC (Water Conservation) Zoning District and Certified Agricultural District.

Mr. Levine said that Scenic Hudson wished to standardize the signs and information kiosks at several of its public sites as part of a 'branding' effort. He said that he and his colleagues had only recently realized that the size of the proposed entry sign did not comply with Town regulations. He said that they would reduce the size of the sign but that the color scheme and basic look would remain the same. He said that the kiosk and sign would be placed as close to the locations of the current kiosk and sign as regulations would allow. The previous Poet's Walk site plan will be researched to determine the approved distance of the entry sign from River Road.

Mr. Levine went on to say that there would be no lighting on either the sign or the kiosk, and he agreed to put a note on the plan to that effect.

The Board generally agreed to wait until the revised sign details are reviewed to determine whether the action would be a Type 1 or Type 2 under SEQR.

The project was tentatively scheduled for the December 4, 2006 agenda, if the revised plans have been submitted and reviewed.

Howland Davis Estate/Frances Dennie Davis – 143 Woods Road (Tivoli) – Lot Line Alteration

Cailin Brennan, of the law firm of Connor, Curran and Schram, was present with an application for Lot Line Alteration to convey 0.441 acres and 2.193 acres from the approximately 58-acre Lands of the Estate of Howland Davis to the adjoining 22.7-acre Lands of Frances Dennie Davis, in the Limited Development (LD) and WC (Water Conservation) Zoning District, the National Historic Landmarks District and partly in the Certified Agricultural District.

Ms. Brennan said that the proposed action would give Dennie Davis more river frontage and would put her entire driveway on her land. She said that no new lots would be created.

Ms. Brennan went on to say that she and her colleagues would make revisions to the submitted documents and maps in accordance with the GreenPlan memo. She also agreed to submit an Agricultural Data Statement so that the project can be referred to the AOSC.

The Board determined the project to be a Type 1 action under SEQR because of its location within the National Historic Landmarks District. It identified Hudson River Heritage and NYS Office of Parks, Recreation and Historic Preservation as interested agencies.

David Wright made a motion to establish the Board as Lead Agency for the SEQR review. Paul Telesca seconded the motion. Jennifer Fier voted against the resolution, saying that insufficient information had been submitted. The motion passed by a vote of 4 to 1.

Michele Greig reminded the Board that the Village of Tivoli must be notified of the public hearing when the time comes, in accordance with a new law, General Municipal Law 239nn.

REGULAR SESSION (OLD BUSINESS)

Sycamore Acres/Leonard & Trilby Sieverding – 251 Yantz Road – Subdivision Plat
(note: this discussion was originally scheduled as a public hearing, but the public hearing was never opened for the reasons described in the following account. The public hearing had been scheduled for 8:30 p.m. at the request of the applicant)

Leonard and Trilby Sieverding and attorney Warren Replansky were present in support of an application for Subdivision Plat Approval to authorize the creation of three (3) residential building lots and one (1) remaining lands lot from a 46.12-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

The Board noted that at the October 2, 2006 meeting, it had reviewed a subdivision plat labeled 'Final Minor Subdivision Plat', dated September 22, 2006 and submitted by Mr. Sieverding on September 22, 2006. Mr. Sieverding had acknowledged on October 2nd that, since the time of sketch endorsement on, he had added a note to the plat that retained his right to subdivide the large lot 4 at sometime in the future. At that October 2nd meeting, because of the added note, the Board had told Mr. Sieverding that he must

now submit a Farmland Protection Plan. The Board said that it had then scheduled a public hearing on the plan submitted September 22nd.

The Board said that the Farmland Protection Plan Mr. Sieverding had subsequently submitted on October 27, 2006 referenced, and was attached to, a new 'Final Minor Subdivision Plat'. The Board found the Final Minor Subdivision Plat submitted October 27th to be substantially different from the one submitted on September 22nd. The Board gave Mr. Sieverding the choice of either going ahead with the public hearing on the plan submitted on September 22nd or withdrawing that plan from the public hearing and asking for revised sketch endorsement on the new plan.

Mr. Sieverding disagreed, saying that the plan had been revised in accordance with agreements made with the Board regarding the future subdivision of the parcel. These agreements, he said, had been made at the October 2, 2006 meeting. He said that Chair Christine Kane had understood these changes, had agreed to them, and had scheduled the public hearing with the understanding that these changes would be reflected on a revised plan.

Acting Chair Charles Laing said that the entire Board had scheduled the public hearing, but not on this new plan.

The Board generally agreed that Lots 1 and 2 had not changed from the September plan. The Board also generally agreed, however, that the building envelope shown for Lot 3 (now the largest lot at 30.9 acres) in the newest revised plan had been made larger and had been located farther toward the north. In addition, the driveway to that proposed house had significantly changed. The Board noted that 3.61 acres containing the existing house, barn and other farm buildings had now been subdivided into a proposed lot 4. Finally, the proposed lot to be created by a future subdivision would stretch still farther north and would be located adjacent to the soils of Statewide importance

Mr. Sieverding said that these changes were agreed-upon extensions of his previous plan and not substantively different. He said that his plan had received sketch endorsement in April 2006. He said that the public hearing had been scheduled and should be held.

The Board generally disagreed and said that he must choose the plan with which he wished to proceed. Although he did not agree with the Board's conclusion, Mr. Sieverding ultimately chose to withdraw the September 22nd plan from the scheduled public hearing. He requested that the Board consider sketch plan endorsement on the revised plan.

Mr. Sieverding said that the open space after all proposed subdivision had taken place would be 64.4%. He said the driveway to the house on Lot 3 had been changed to take advantage of gentler slopes.

The Board noted that the proposed future lot shown on the Farmland Protection Plan extended farther north toward the valuable soils than the Board had understood from previous discussions. The Board advised Mr. Sieverding that, should the current subdivision plan be approved, he risked being denied that lot when and if he came back to ask for it with a new application. Mr. Sieverding said that he understood that

possibility and was willing to go ahead with this plan. He said that the lot did not encroach on the valuable soils.

Jennifer Fier asked that Planner Michele Greig review the revised plan thoroughly. John Hardeman disagreed, saying that while the drawings were different, he believed the new plan was in the spirit of previous discussions, and he was in favor of giving revised sketch plan endorsement. With Jennifer Fier dissenting, the other members of the Board generally agreed to endorse the revised sketch plan.

The Board also referred the plan to the Agricultural and Open Space Advisory Committee for review and comments. Mr. Sieverding said his plan had already been reviewed by that Committee. The Board noted that the AOSC had reviewed the plan submitted in April 2006 for sketch endorsement and said that this plan undergone enough changes to warrant another review.

A public hearing was scheduled for December 4, 2006 at 7:35 p.m.

The grading plans for the plan revised to October 26, 2006 were referred to the Town Engineer for review and comments. Mr. Replansky asked that any comments from GreenPlan, the Town Engineer or another individual or group be copied to him.

OTHER BUSINESS

Frank Vosburgh asked to address the Board. He said that the Farmland Protection Plan for the Kesicke Farm proposed subdivision had been submitted before the deadline for this meeting, yet the project had not been included on the agenda. The assistant Planning Board clerk said that submission before a deadline did not guarantee a place on the next agenda but rather on the next available agenda, as stated at the end of each meeting agenda and in the Planning Board Policies. She said this agenda had been full until one project withdrew earlier that day. Mr. Vosburgh asked whether the Kesicke Farm project would be included on the December 4, 2006 agenda. The assistant clerk said it was her policy not to give out that information to any applicant until the next agenda was formulated and approved by the Chair.

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. The meeting was adjourned at 9:40 p.m.

Respectfully submitted

Paula Schoonmaker
Ass't Clerk