

APPROVED

Town of Red Hook Planning Board Meeting Minutes July 2, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:37 p.m. and a quorum determined present for the conduct of business.

Members present — Charles Laing, John Hardeman, Sam Phelan, David Wright, Paul Telesca and Chair Christine Kane. Planner Michele Greig was also present.

BUSINESS SESSION

Christine Kane said that the Kesicke Farm applicants had requested that the Board adjourn their public hearing with no specified date for resumption. She said that Andrew Howard, attorney for the applicants, had sent a letter raising several legal questions which the Board, by consensus, referred to its attorneys at Keane & Beane for review.

The June 18, 2007 draft minutes had been sent to the members and reviewed. Paul Telesca made a motion to approve those minutes. David Wright seconded the motion, and all members present voted in favor.

Christine Kane read a letter from the New York State Office of Parks, Recreation and Historic Preservation announcing the placement of the Hendrick Martin house on the State Historic Register and its nomination on the National Historic Register. Ms. Greig said that from now on, any project within the immediate vicinity of that site that was not a TYPE II action would be a Type 1 action under SEQR.

Christine Kane reminded the Board that the Dutchess County Planning Federation was offering planning classes on July 12, 2007 at the FDR library in Hyde Park. She also announced a New York State Releaf conference to be held July 19-21, 2007 in Saratoga Springs.

REGULAR SESSION (OLD BUSINESS)

Tim & Irene Hourihan – Crestwood Road – Subdivision Plat

Tim Ross, P.E., was present for discussion of an application for Subdivision Plat Approval to create three (3) new residential building lots and one (1) remaining lands lot, ranging in size from 5.61 acres to 7.86 acres, all from a 26.87-acre parcel in the RD3 Zoning District.

Mr. Ross said that he had added engineering data and proposed septic fields on this revised drawing but that he had not yet added a note prohibiting building in front of a specified contour line.

Mr. Ross went on to say that Glen Brent, the adjoining neighbor, had expressed an interest in purchasing the proposed lot 4 to provide a visual buffer for his house. In this connection, Mr. Brent wanted to see the driveway for Lot 3, which on the current plan

was shared with Lot 4 and followed an old farm lane along the edge of Lot 4 near the Brent property, changed to a location between lots 2 and 3. Asked if Mr. Brent was planning to merge Lot 4 with his present lot, Mr. Ross said no, that Mr. Brent would probably sell Lot 4 when he retired.

The Board noted that this relocation of the driveway would mean that once lot 4 was developed, there would be two new curb cuts, not just one as previously agreed upon.

Christine Kane asked if Mr. Ross had found documentation regarding any type of easement allowing access to the adjoining agricultural field at the rear of Lot 4 by way of the old farm lane. Mr. Ross said that no such documentation had turned up during the most recent title search, but he acknowledged that there was a gate to that field at the end of the farm lane.

Christine Kane noted that during previous discussions, the Board had expressed concern about the proposed fragmented ownership of the pond. Mr. Ross said that multi-ownership was unchanged on this plan.

Ms. Greig confirmed that Mr. Ross had submitted a revised EAF.

The Board then reviewed the GreenPlan memo. Mr. Ross acknowledged that he had placed a note on the plat that expressly stated that an adequate water supply or feasible septic field was not guaranteed. He said that he was treating the project as a "realty subdivision" even though the lots would be larger than 5 acres. Ms. Greig said she would research this point, since the Board may only approve "buildable" lots with an adequate water supply and feasible septic systems.

Christine Kane then read a letter dated June 29, 2007 from Robert McKeon, an adjoining neighbor with active agricultural fields. Mr. McKeon expressed concerns about siting residences so close to farm operations. Mr. McKeon said that homeowners located that close to farms often find the normal noises, animal escapes, long hours, etc. distasteful. He also said that the farm lane had been in continuous use as an access to the adjoining rear field since the 1960's. Mr. Ross said that the farm lane had not been used since the Hourihans had purchased the parcel several years ago. Mr. McKeon asked whether the applicants would agree to allow passage over that farm lane.

Mr. Ross said that since no easement for the farm lane had been found, he could not put a note on the plat allowing such use.

Christine Kane asked whether the applicants would agree to place a conservation easement on the hay field along the edge of Crestwood Road. Mr. Ross said that in previous conversations, the applicants had expressed no interest in an easement, but given newly enacted tax benefits, he would ask again. The Board and the applicants also discussed reconfiguring lots 3 and 4, putting more of the hay field in lot 3 and making lot 4 a flag lot.

Referring to the visible impacts of the houses along a designated scenic road, the board then discussed the recommendation in the Greenplan memo regarding the possibility of additional evergreen plantings to screen the view of the houses from the road. Mr. Ross said that the houses would be tucked behind existing vegetation but since it was not that thick there might be a need for more screening, particularly on lot 2..

Sam Phelan said that he was concerned about prohibiting future subdivision, since two (2) of the lots had sufficient acreage to be further divided. Mr. Ross said that he would add a note on the plat prohibiting any further subdivision. Some members said that, to preserve the hay field under one ownership, the note should also include a prohibition of lot line alterations. Mr. Ross said no, that the goal was to prohibit the creation of additional lots, not to prohibit the reconfiguration of the lots. He said that the plat note should state "no additional lots shall be created." Sam Phelan said that in order to preserve the farmland, he would rather have a conservation easement or a note that included a prohibition on lot line alterations.

Christine Kane said that she would contact Keane & Beane with two questions: first, whether a farmland protection plan was necessary for this project, since the Board had begun its review before the ZBA's re-interpretation of the Important Farmlands Law but had not yet voted on the application, and second, whether the Board had a responsibility to address the disputed easement of the farm lane under common law/continuous use.

Mr. Ross said that he would discuss with the parcel owners: the tax advantages of a conservation easement, revising the driveway layout, and reconfiguring lots 3 and 4.

A majority of the Board members agreed to the requested relocation of the shared driveway between lots 2 and 3. Christine Kane disagreed, saying she thought the result would be too many curb cuts. John Hardeman, on the other hand, said that he thought each lot should have its own driveway and curb cut, since the driveways as proposed would run too close to the houses.

The project was tentatively scheduled for the July 16, 2007 agenda.

OTHER BUSINESS

Red Wing/ Archer mine

The Board reviewed comments sent to the Town of Milan by Town Attorney Christine Chale, on behalf of the Red Hook Town Board, regarding the proposed Red Wing mining operation. Christine Kane informed the Board that the town was involved in the review since one or more of the truck routes proposed for that business would come through the Town of Red Hook.

CAC comments regarding trees for Ulster Savings Bank

The Board reviewed a memo dated June 28, 2007 from Brenda Cagle, chair of the CAC, regarding the Board's discussion about possible tree species for the proposed Ulster Savings Bank. Ms. Cagle underscored the need to choose appropriate trees for spaces near or beneath utility wires. She also said that large trees, such as the red maples discussed at the previous meeting, would require structural soil if planted in the relatively small tree lawn along Route 9.

Ms. Greig said that she had discussed the memo with representatives of Ulster Savings Bank and that they had agreed on a species of honey locust for the Route 9 location. Ms. Greig said that these trees would ultimately form the canopies desired for Traditional Neighborhood Designs.

Scenic roads

The Board reviewed a proposed revised scenic roads map and descriptions of the scenic features of each of those roads. The Board generally agreed to include the portion of Rokeby Road from Middle Road to River Road. It was also mentioned in reference to the description of Route 199 that "Trow Meadow Drive" is now "Meadow Drive". The Board generally agreed that the CAC should contact the Zoning Review Committee and ask them to take up the matter in the near future.

Sam Phelan said that the Zoning Review Committee was planning to take up the topic of scenic roads very soon. Ms. Greig said that she would merge the map and descriptions and send Sam some suggested regulations for the ZRC to review.

Merrihew subdivision

Marie Welch, L.S., asked why the Merrihew project had not been included on the agenda, since it was her understanding that it would be. The assistant clerk said that she had been waiting for Ms. Welch to submit soil tests to the office so that the entire project could be referred to the Town Engineer, a step that the Board had requested and that she understood to be necessary before the Board could proceed in its review. She said that since she had not received those test data nor had she referred the project to the Engineer, she had not included the project on the agenda.

Ms. Welch said that she had submitted those soil tests directly to the Town Engineer on the previous Friday and agreed that she had not relayed that information to the Planning office. Nevertheless, she believed that she had been assured at the previous meeting that the Merrihew project would be on the agenda. She said that when she had objected to the Planning Board clerk that morning, she had been led to believe that the project could be reviewed under Other Business.

Christine Kane said that documents may not be submitted directly to consultants without the prior consent of the Board—these documents must be submitted to the office and then officially referred. Also, documents must be submitted ten (10) calendar days before a meeting, not the Friday before.

Ms. Welch objected to the request for the soil tests at all, saying that the septic percolation was a matter for the Health Department. Ms. Greig said that the tendency for prime soils to percolate so fast that there was not adequate time for bacterial filtration coupled with the location of the proposed septic field within prime soils and over a Town aquifer made this issue a necessary part of the SEQR review. She also reiterated that while the board cannot attach any requirements that are less strenuous than the Health Department it can, as part of its SEQR review, attach requirements that are more strenuous and that is why it requested the soil test information for review.

The Board scheduled the Merrihew project for the July 16, 2007 agenda.

Board policies and procedures

Christine Kane said that the New York Department of State had suggested that Town Boards review their policies and procedures. Ms. Kane said that it appeared that the Planning Board's document needed certain additions, including a chain of leadership in case the chair is away. The Board also agreed by consensus to reference the fee schedule rather than include it in the policy document. Christine Kane said that she

would revise the current adopted Planning Board Policies and Procedures and urged members to e-mail their suggestions to her.

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

The meeting was adjourned at 9:13 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk