

APPROVED

Town of Red Hook Planning Board Meeting Minutes April 16, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m. and a quorum determined present for the conduct of business.

Members present — Sam Phelan, Charles Laing, Paul Telesca, and Chair Christine Kane,. Jennifer Fier, David Wright and John Hardeman were absent. Planner Michele Greig and Town Board member James Ross were also present.

BUSINESS SESSION

Christine Kane confirmed the evening's agenda. She then announced that a breakfast meeting concerning "Enforcement of Local Land Use Laws" would be held in Rosendale on Wednesday, May 9, 2007. She also said that the Town's Intermunicipal Task Force would present its recommendations to the Town Board on that same date, May 9, at 7:00 p.m. at the Red Hook firehouse.

Since there were not enough members present who had also attended the March 19, 2007 meeting or the April 2, 2007 meeting, consideration of the minutes from those meetings was tabled.

PRESENTATION -- conservation easements

Cari Watkins-Bates, Farmland Protection Project Manager from Scenic Hudson, spoke to the Board about the land trust arm of Scenic Hudson. She said that Scenic Hudson was a regional organization and dealt only with purchases or with permanent easements deeded by the landowner to the trust or to a municipality, not with term easements. She said that Scenic Hudson also partnered with municipalities in the purchase of development rights or easements.

Ms. Watkins-Bates went on to say that Scenic Hudson has been interested in "legacy landscapes" and easements that preserve valuable ecological or scenic areas. She said that other than farmland projects, the agency has focused on land with connections to the Hudson River; for instance, the agency would consider land seen from the river, tributaries that empty into the river or land with scenic views of the river.

Addressing agricultural land preservation, Ms. Watkins-Bates said that Scenic Hudson has typically worked on projects involving parcels of 100 acres or more or on projects that build on parcels already protected. She said that the organization is interested in protecting a critical mass of contiguous agricultural parcels. She added that the agency has no precedent for accepting easements required by the granting of a conservation subdivision.

Asked if Scenic Hudson was currently looking for projects in Red Hook, Ms. Watkins-Bates said yes, mostly because the Town had, through its bond issue, committed to partnering in purchase of development rights projects.

Asked about the criteria Scenic Hudson uses in evaluating an agricultural parcel for easement or PDR, Ms. Watkins-Bates said that size, connection with other conserved parcels, soils, agricultural production, and streams or other natural resources all enter into the discussion. She said that Scenic Hudson usually partners with a municipality in those projects.

Asked about non-agricultural land in Red Hook, Ms. Watkins-Bates said that lands with ecological or scenic significance might interest the organization, as could land in the National Historic Landmarks District or land buffering the DEC-owned land around Tivoli Bays.

Addressing the financial costs of placing an easement, Ms. Watkins-Bates said that the costs that are typically borne by buyers in a real estate transaction would usually be paid by the trust, and the costs typically borne by the seller would be paid by the landowner. If a landowner donates the easement, Scenic Hudson usually pays the expenses for drafting the needed documents. In addition, because the land under easement must be monitored at least once a year forever and because the trust may need to go to court in the future to enforce the terms of the easement, the landowner is expected to make a contribution to Scenic Hudson's stewardship endowment fund to help defray those costs. This contribution is requested whether the easement is purchased or donated and usually averages about \$10,000.

Asked about trails, Ms. Watkins-Bates said that the trust has in the past been involved in trail projects and would be interested in a project such as the Town's proposed trail along the Central Hudson easement, especially if that trail led to the river.

Christine Kane asked if the trust had received inquiries about conservation easements required as part of a conservation subdivision. Ms. Watkins-Bates said that Scenic Hudson had received a few inquiries in the last few years but had not taken on such projects. She said that other municipalities and other local land trusts had become involved.

Sam Phelan said that the Town had recently begun accepting easements and asked her to comment. Ms. Watkins-Bates said that only land trusts and municipalities were allowed to hold easements. She said that in areas where there were fewer land trusts, municipalities tended to take a more active role in taking easements. She went on to say that in Red Hook, the Town has in the past reserved third party enforcement rights in case a land trust dissolved leaving no enforcement or monitoring agency for an easement. She said that this was normal.

Addressing additional questions, Ms. Watkins-Bates said that an easement involving a package of adjoining parcels is usually initiated by the landowners. Asked if the trust's criteria for easement consideration were on the Scenic Hudson website, she said no but that posting those criteria had been discussed.

Finally Ms. Watkins-Bates stressed that the local land trusts were all very different and that if the same questions were posed to each land trust, each would give a very different answer.

OTHER BUSINESS

Connector road

Pete Setaro of Morris Associates was present to discuss a proposed grid of connector roads extending from the rear of Hannaford's to Metzger Road.

Mr. Setaro said that in 2002, the Town had received a grant to design the grid and that in 2006, it had received another grant to construct two (2) sections of that grid. He said that in order to comply with the conditions of that grant, he would have to submit the final plans in May. He said that the overall plan had been designed by John Clarke, senior planner with Dutchess County Planning.

He went on to say that the proposed road would be 22 ft. wide with one or two 7 ft. parking lanes. He said that a sidewalk, at least on one side to start, and street trees were part of the plan, although the details of the lighting plan were still under discussion. He said that there would be a 5 ft. tree lawn between the sidewalk and the parking lane and that the conduit would be buried.

The Board discussed with Mr. Setaro some of the ideas raised during the Board's September 18, 2006 review of this road. Specifically, the Board suggested traffic calming devices and a roundabout at the proposed crossroads. The Board then gave Mr. Setaro a copy of the section of the September 18, 2006 minutes concerning the connector road discussion. The Board generally agreed that the plan for these roads could serve as a model for future development.

The Board and Mr. Setaro reviewed a GreenPlan memo which advised that sidewalks, tree lawns and other improvements be installed at the same time the roads are constructed, not later. Christine Kane said that since the Town has now been designated a Tree City, trees along the proposed roads could be part of the overall planting plan for the Town.

PUBLIC HEARINGS

JAMS, LLC

Sam and Arlene Harkins were present for the continuation of a public hearing on application for Lot Line Alteration to convey 4.75 acres from the 16.02-acre Lands of OAOA, LLC to the adjoining 1.00-acre Lands of Wolfson, in the RD3 Zoning District and partially in the Certified Agricultural District.

Christine Kane asked for any comment from the public. There was none.

Christine Kane reviewed the discussions from the last meeting, saying that the Board had generally agreed that more information was needed before a SEQR determination could be made. She said that the Board had asked the Town Attorney whether the Town's requirements for a permanent conservation easement were the same as those for a term tax abatement easement and whether a lot line alteration would negate participation in the Town program.

Christine Kane also said that according to a note on the original 2003 OAOA, LLC subdivision plat, the Town Planning Board was given the power to enforce the deed restriction prohibiting further subdivision. By law, neighbors and other lot owners in the same subdivision also have the right to enforce that deed restriction. Christine Kane said

that the Planning Board should have written consent from all those involved before proceeding with any action. Mr. Harkins agreed to provide those letters.

Mr. Harkins submitted a letter from the Dutchess Land Conservancy stating that the agency was not interested in holding an easement on the properties. He said he was waiting for an answer from Winnakee Land Trust.

The Board generally agreed that it still did not have answers to the legal questions involved. The applicant said that he had received requests from both the Planning Board, on behalf of the Town Attorney, and from the Conservation Advisory Committee requesting a map showing the existing lots, the proposed lot line alteration and all proposed building envelopes on both lots. He said he had also been asked for a statement or narrative outlining his reasons for and plans for the lot line alteration. He said he would submit those documents.

The Board generally agreed that a conservation easement would be an essential part of a negative SEQR declaration. Since the acceptance of an easement was not yet assured, the members asked Ms. Greig what options were open to the Board regarding the issuing of a SEQR declaration at this point. Ms. Greig said that the applicant could submit the requested information to the CAC and to the Town Board and ask for an indication of how favorable these groups were toward the acceptance of such an easement. If the Town Board seemed favorable, the Planning Board could proceed toward issuing a negative declaration.

The second option, Ms. Greig said, was that the Planning Board could issue a conditional negative SEQR declaration. However, this would require a thirty (30) day public comment period, so this option could possibly be more time consuming.

The Board generally agreed that the first option seemed more advisable in this situation, and it also generally agreed to draft a letter to the Town Board summarizing the plan, the review process so far, and the Planning Board's objectives.

The public hearing was continued to May 7, 2007.

Bard College – Campus Rd. (Annandale) – Site Plan

Pete Setaro of Morris Associates and Chuck Simmons from Bard College were present for a public hearing on an application for Site Plan approval to construct an addition for chemistry laboratories to the Center for Science and Computation on a 115-acre parcel in the I (Institutional) Zoning District and the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared April 10, 2007 in the Kingston Freeman. She then opened the public hearing.

Christine Kane read a referral response from Dutchess County Planning. The response said the project was a matter of local concern. She also read two letters from the NYS Office of Parks, Recreation and Historic Preservation asking for additional archaeological information and a data retrieval plan. Mr. Simmons said that the data retrieval plan had been submitted in early March.

Pete Setaro described the 19,000 sq. ft. addition and the archaeologically sensitive area that had been found on the site. He said that in order to construct the addition, the loading area for the building must be changed, the road must be shifted, and the

stormwater management area must be enlarged. He said that he had recently submitted an updated Stormwater Pollution Prevention Plan to the Town Engineer.

He said that revisions to the geothermal well fields were still under review but that all the area designated for the fields had been disturbed and no archaeologically significant sites would be involved.

Christine Kane asked if there was any comment from the public. There was none.

Sam Phelan asked whether the plantings agreed upon for the main section of the building had been installed yet and whether this type of planting was going to be continued along the proposed addition. Mr. Simmons referred to the landscape plan for the addition and said that yes, the plantings along the length of the entire building would be uniform. After reviewing the landscape plan, the Board and the applicants agreed to rearrange the plantings in order to fill in empty spaces along the higher areas of the hillside along Annandale Road and to soften the long horizontal line of the building.

Mr. Setaro discussed the College's plan to locate the geothermal well fields where the maintenance garage is now and to move the garage. He asked whether that relocation could be part of the current approval. Ms. Grieg said that that move had been mentioned in the initial information submittal but that the applicant must briefly amend the application and EAF to include the relocation. Mr. Simmons said that the new site planned for the garage had already been disturbed and used as a parking area, so no new archaeological study was needed.

The Board asked that Bard archaeologist Christopher Lindner submit a letter attesting to the fact that the proposed garage site needed no archaeological review. It also asked the applicants to submit their plan for the garage site to the Town Engineer for his review.

Sam Phelan made a motion to close the public hearing. Paul Telesca seconded the motion, and all members voted in favor. Christine Kane closed the hearing.

The project was tentatively scheduled for the May 7 agenda, provided that the requested documents, a sign-off letter from NYSOPRHP and a favorable Engineer's report on the entire project are all received.

REGULAR SESSION (NEW BUSINESS)

Gardner Exhaust – 15 Glen Pond Road – Amended Site Plan

Eric Gardner was present with an application to construct a 1400 sq. ft. addition to an existing custom fabrication facility on a 2.25-acre parcel, partly in the Village of Red Hook and partly in the B2 Zoning District in the Town.

Mr. Gardner explained that he would like to construct a 30 ft. x 40 ft. addition to the existing building. He said the design would be similar to an old-style "bank barn" and would continue the barn look of the current building, with the same siding and roofing materials and the same colors. He said that since the additional space would be used for storage, no additional parking or lighting would be needed. The height of the addition would be below the 35 ft. maximum allowed, and the addition would be well within the setbacks. The existing water supply and septic would not need to be expanded.

Since the addition would be less than 4,000 sq. ft., Charlie Laing made a motion to classify the project as a Type 2 action under SEQR, in accordance with 6NYCRR 617.5 (C) (7). Sam Phelan seconded the motion, and all members present voted in favor.

The Board asked Mr. Gardner to revise his site plan by removing the reference to a well, by adding a location map, and by measuring the total parking area. In addition, he was asked to submit a narrative outlining the various aspects of the site plan that would not be changed by this addition or that would be constructed in keeping with the existing building. These items should include: lighting, parking, siding and roofing materials, water supply and septic.

The Board referred the project to Dutchess County Planning under General Municipal Law 239m and will ask that agency to expedite a response.

Ms. Greig noted that since the project is within 500 ft. of the Red Hook Village municipal boundary, a notice of the public hearing must be sent to the Village under General Municipal Law 239nn.

A public hearing was scheduled for May 7, 2007.

OTHER BUSINESS (continued)

Fee schedule

The Board discussed changing the Planning Board Fee Schedule to avoid confusion about the imposition of recreation fees on lots created by a subdivision. It generally agreed to delete the sentence, "There will be no fee charged for lands left in the Agricultural District after subdivision or for existing dwellings," and to replace it with sentences that more specifically meet the Department of Agriculture and Markets criteria. The Board also generally agreed to refer this revision to the Town Attorney for her review.

Zoning Review Committee

Sam Phelan, the Planning Board's representative to the Zoning Review Committee, said that he was on a subcommittee studying revisions to the current parking standards. Ms. Greig said that she would send him recommendations and examples from the National Parking Association and also the parking standards recommended for Traditional Neighborhood Developments. She said that current recommendations suggest broad categories for calculating parking needs, such as "retail" rather than the narrower "drug store". Sam Phelan asked that she also send him examples of communities that have implemented these revised parking standards.

Additional announcement

Christine Kane said that there were only a few seats left for the Dutchess Land Conservancy breakfast for municipal board members. She said that this year's topic is the Community Preservation Act and that the breakfast would be held on Monday, April 23, 2007. Interested Board members should contact DLC to make a reservation.

ADJOURNMENT

Since there was no further business to come before the Board, Sam Phelan made a motion to adjourn. Charlie Laing seconded the motion, and all members voted in favor. The meeting was adjourned at 10:05 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk