

**Town of Red Hook Planning Board
Meeting Minutes
November 7, 2005**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:34 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the meeting agenda and said the next scheduled meeting would take place on Monday, November 21, 2005.

The minutes of the October 17, 2005 meeting had been sent to the members and reviewed. Jennifer Fier made a motion to accept those minutes, and David Wright seconded the motion. All members present voted in favor.

Christine Kane said that the Empire State Development Corporation had issued a negative declaration in its SEQR review of planned improvements to several small buildings owned by Montgomery Place and located in Annandale.

PUBLIC HEARINGS

Bard College / Science and Computation Center – Campus Road – Site Plan

Peter Setaro, P.E., was present for the continuation of the public hearing on an application for Site Plan Approval of an approximately 54,600 s.f. building and associated site improvements on an approximately 3.0-acre project site within the Institutional (I) and Hudson River National Historic Landmarks Districts.

Mr. Setaro submitted confirmation that the archaeological report for the project had been received by the NYS Office of Parks, Recreation and Historic Preservation on October 3, 2005. That report stated that only one area of the project site could be considered of archaeological significance and that the site plan had been revised to avoid that area. Mr. Setaro also submitted a letter from archaeologist Chris Lindner, preparer of the report. In that letter, Mr. Lindner said that NYS OPRHP had had its allotted 30 days to respond and that the agency's lack of response should be interpreted as a sign-off on the project. Mr. Setaro and Ms. Greig both said that they would check into whether such an interpretation could be made. Christine Kane asked Mr. Setaro to submit a signed copy of Mr. Lindner's letter.

Mr. Setaro said that the Board of Health had informally approved the project and was waiting for a negative SEQR declaration from the Planning Board before issuing a formal approval. He said that the NYSOPRHP sign-off was not necessary for issuance of the required SPDES permit.

Addressing some of the remaining questions about the project, Mr. Setaro said that there would be no transition between the new building and the adjacent historic buildings. He also said that he would check into whether a height variance must be sought from the ZBA. Such a variance had been discussed at previous meetings.

The Board reviewed a rendering of the building at night as it would appear from Annandale Road. The Board asked Mr. Setaro to submit an accompanying explanation which would give the season of the year and the time of night depicted in the rendering. The explanation should also state whether the lights inside of the mostly glass building were all on and at full intensity.

The Board then reviewed the landscape plan. Mr. Setaro agreed to research what ground covers and/or shrubs were proposed for the side of the building facing Annandale Road.

The public hearing was continued to November 21, 2005.

Board members agreed to make individual visits to the site before the next meeting.

Rondack Construction/ Glen Pond Road Office Buildings – Site Plan

At the applicant's request, the Board continued the hearing to December 5, 2005.

TGS Associates/ Hardscrabble Commons – NYS Rte 9 and Metzger Rd. – Subdivision Plat, Site Plan and Special Use Permit

At the applicant's request, the Board continued the hearing to November 21, 2005.

REGULAR SESSION (OLD BUSINESS)

7 Pines, LLC – Norton Road – Subdivision Plat

Tom Mannix, P.E. & L.S., and Tom LeGrand were present for discussion of an application for preliminary subdivision plat approval to create six (6) residential building lots ranging from 5+ acres to 40+ acres from a total 126.7-acre parcel on both sides of Norton Road in the RD3 District.

Mr. Mannix said that on the preliminary plat, he had delineated both the federal and state wetlands and had shown generous buffer areas. He also said that he had delineated an existing ditch and shown a 100 ft. buffer.

Mr. Mannix submitted photos showing the important aspects of each lot.

Mr. LeGrand said that the applicants were still investigating the options for placing a conservation easement on portions of the parcel.

Mr. Mannix said that the cutting of shagbark hickories, a habitat for the endangered Indiana bat, would be prohibited. Christine Kane asked Mr. Mannix to depict the groves of hickory trees on the plat. Mr. Mannix said that the hickories were spread out over the parcel.

Ms. Greig went over the GreenPlan memo prepared during a review of the preliminary plan. The memo centered on clarification of the plan, needed additions and notations to the plan, the status of applications for state and federal permits, required certifications,

the acreage of the wetlands on proposed Lot 2, and the submission of draft deed restrictions and declarations.

Ms. Greig said that while showing a wetland buffer greater than 100 feet was generous, DEC would require that a buffer of exactly 100 feet be shown, since it is a DEC regulated area. She also urged the applicant to continue pursuing a conservation easement and to submit the language of the proposed easement for review.

Disagreeing with Ms. Greig about the need for obtaining DEC permits for stream and wetlands crossings, Mr. Mannix said that since the subdivision was classified as a 'paper subdivision', those permits would be the responsibility of the eventual lot owners, not the responsibility of the developer. Both he and Ms. Greig said that they would check with DEC. Christine Kane asked Mr. Mannix to submit a letter from DEC attesting to DEC's response to the question.

Christine Kane reviewed a letter from U.S. Fish and Wildlife advising that the parcel was suitable habitat for the threatened Blandings turtle and that turtles could be present on or near the proposed subdivision. The Board then reviewed correspondence from the DEC Natural Heritage Program which said that no Blandings turtles had been documented on that parcel. The Board generally agreed that no habitat study was necessary.

Ms. Greig said that DEC would require a notation on the plat concerning the erosion control measures that would be required of all owners of the individual lots. She further said that Mr. Mannix must submit the wetlands calculations for the proposed Lot 2. Finally she asked that Mr. Mannix submit the results of the perc tests on the parcels to the Planning Board. Mr. Mannix said that he would not submit those results, but he agreed that a professional engineer must certify that both an approvable well and an approvable septic system were possible for each proposed lot.

Mr. Mannix revised and initialed the EAF to indicate that no blasting was proposed.

Christine Kane underlined the necessity of resolving several outstanding issues with DEC and the importance of pursuing the easement.

A public hearing was scheduled for December 5, 2005.

REGULAR SESSION (NEW BUSINESS)

Nathan Kalina – Overlook Drive – sketch conference

Nathan Kalina was present with a concept plan to create 5 residential building lots in the Forest Park development and to extend the existing Overlook Drive to intersect the existing Kalina Drive, all in the RD1.5 Zoning District and Certified Agricultural District.

Mr. Kalina explained that he wanted to extend both Overlook Drive and the water main approximately 940 ft. The parcel was within the R1.5 Zoning District, but because central water would be supplied, the lots could be under 1.5 acres in size. The water supply would be from the system maintained by Windemere Highlands Water Company.

The Board told Mr. Kalina that he would need to show a plan for the entire approximately 15-acre parcel, not just the 5.15-acre section proposed for the building lots. Mr. Kalina said he wished to keep the remaining approximately 9.85 acres in open space.

The Board said that Mr. Kalina had several choices to make. Since the 15-acre parcel lay within the Certified Agricultural District, an effort had to be made to protect valuable farmland. Mr. Kalina could proceed with his current 5-lot plan and place a conservation easement on the remaining 9.85 acres. Or, he could choose to calculate the permitted density on the entire 15 acres and then design a conservation subdivision, again setting aside valuable farmland.

Finally, should he decide to proceed with his current plan and lot configuration, Mr. Kalina should decide who would own the stretch of open space across the proposed road from the proposed houses. Mr. Kalina said that possibly that space would be controlled by a homeowners' association.

As Mr. Kalina would be away at the time of the next meeting, the project was scheduled for the December 5, 2005 agenda.

OTHER BUSINESS

Williams/Verrilli subdivision application

George Verrilli, M.D. and attorney Andrew Halperin wished to discuss with the Board the Williams/Verrilli application for a proposed twelve (12) lot subdivision off Baxter Road. Specifically, Mr. Halperin referred to the determination by the Board at its October 3, 2005 meeting not to waive the Town's cul-de-sac regulation in regard to Baxter Road. That regulation limits to twelve (12) the number of lots allowed on a cul-de-sac or dead end road.

Mr. Halperin asked if the Board considered its determination to be a "decision". He said if the Board did consider its determination to be a "decision" and if it did not vacate or withdraw that decision so that dialogue could continue, his client would consider legal action. Mr. Halperin and the Board agreed that the draft minutes which recorded the determination were filed with the Town Clerk on October 10, 2005. Mr. Halperin said that the 30 days would be up on Wednesday, November 9, 2005.

Mr. Halperin then referred to the various opinions considered by the Board before it made its determination. He said that the letter from Town Highway Superintendent Wayne Hildenbrand did not address the issue of the 12-lot limitation and that the concerns expressed in Town Fire Chief Arvine Coon's letter might be misplaced. Finally, he said that the legal opinion from the Board's land use attorney at Keane & Beane had not been made available to him or his clients, although they had requested that letter. Christine Kane responded that any correspondence between a lawyer and his or her client is confidential and not subject to a Freedom of Information Act request.

Mr. Halperin submitted a drawing of the previously proposed Joseph Salvia two-lot subdivision on Fraleigh Lane and said that Fire Chief Arvine Coon's concerns about access by emergency vehicles had been justified in that case because the Salvia property lay toward the end of the cul-de-sac. He then submitted a drawing of the proposed Williams/Verrilli subdivision and said that since that parcel lay toward the beginning of the Baxter Road cul-de-sac, similar concerns about emergency vehicle access were unfounded. He said that Baxter Road only became quite narrow after the proposed curb cut to the proposed Williams/Verrilli subdivision, which should further alleviate Mr. Coon's concerns.

Mr. Halperin also said that the Town regulations state that the 12-lot limit applied when a cul-de-sac was “created” and should not apply to an existing cul-de-sac.

Mr. Halperin concluded by saying that he was not asking the Board to reverse itself and allow the 12-lot subdivision that evening; he was asking the Board to vacate its decision not to waive the twelve (12) lot limit, which would allow further discussion of the matter.

Christine Kane said that since legal action had been threatened, the Board must seek its own legal advice. She said she would contact Keane & Beane about the matter the next day and would contact Mr. Halperin as soon as she had received such advice from the Board's attorney.

Draft Zoning Revisions

Ms. Greig reviewed the draft flag lot regulations discussed at the Board's workshop on October 24, 2005. The regulations would address, among other subjects, maximum and minimum road frontage, the size of the flag lot, and the number of flag lots permitted in a minor or major subdivision. Ms. Greig then introduced several suggestions made by Christine Kane, who had been unable to attend the workshop. The Board agreed on a final draft and generally determined to send the finished draft along with the final draft of the Outdoor Lighting Regulations to the Town Board for its consideration. The Planning Board would send an accompanying note saying that it would forward the proposed changes as it finished each section in case the Town Board wanted to address the sections individually rather than wait for all of them to be completed.

Christine Kane proposed that at its next regular meeting the Board should work on offered drafts of both the conservation subdivision regulations and the amendments to the Important Farmlands Law. She said that she believed the Board should consider who owned adjacent parcels when considering proposed subdivisions in agricultural areas. She said that the Board had seen several applications in which the owner of the parcel under review had ties to an adjacent parcel, either as sole owner or in partnership. John Hardeman disagreed, saying that the Board should focus only on the parcel under review. Christine Kane said that in order to protect viable farmland, the Board might want to look at a larger view of the area in order to see how to shift development away from prime soils. David Wright said that considering adjacent parcels with the same sole owner might be helpful but that, in his experience, land owned in partnership with someone else usually has a different purpose than an adjacent parcel which is owned by only one of the partners.

ADJOURNMENT

Upon being advised by the Chair that there was no further business to come before the Board, John Hardeman made a motion to adjourn the meeting. David Wright seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk

