

APPROVED

Town of Red Hook Planning Board Meeting Minutes July 17, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:50 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the agenda for the evening.

Consideration of the minutes from the July 10, 2006 meeting was tabled until the next meeting.

There were no announcements.

PUBLIC HEARINGS none

REGULAR SESSION (OLD BUSINESS)

Michele Greig recused herself from the following matter and was not in attendance.

Douglas and Theresa Schaff – 71 Starbarrack Road – Lot Line Alteration

Doug Schaff, Terry Schaff and attorney Caroline Ryder were present for continued discussion of an application for Lot Line Alteration to convey approximately 9 acres from a 15.1-acre to the adjoining 3.38-acre parcel, also owned by the Schaffs, in the RD3 Zoning District, with one (1) parcel in the Certified Agricultural District.

Ms. Ryder acknowledged that the Planning Board was required to mandate a farmland protection plan for this project. She then submitted draft language to be added to the revised plat and to the revised deed. She said that this language accomplished the Planning Board's current goal as well as left the door open for amending the map at some future date if, and only if, the Town had amended its zoning regulations by the time a future buyer proposed further subdividing Lot 1.

Ms. Schaff said that the soil on Lot 1 was not very fertile and that no farmer they had contacted had ever wanted to farm it. She said that the agricultural land had been located elsewhere on the original 200+-acre farm and that those lands were now on different lots. She said that the land on Lot 1 had been used for pasture, not cultivation, and that the buildings on Lot 1 were meant to support the 200 acres. One such building was a Dutch barn that dates back to 1723. In the future, Ms. Ryder said, the Town might be more interested in preserving the historic structures than in preserving the agricultural soil.

The Board and the applicants agreed that the word 'future' in Note 5 of the subdivision plat should be changed to 'further'. Additionally, a 6th note would be added to the plat that would incorporate Ms. Ryder's draft language and would accomplish the goals of a farmland protection plan for Lot 1 by limiting any further development to two (2) lots in the northwest corner of that Lot. A note prohibiting any further subdivision on Lot 2 had already been added to the plat. Finally, the Board and the applicants agreed that Ms. Ryder's draft language accommodating possible future changes in zoning regulations and Town priorities should be included in the revised deeds for the new lots.

Sam Phelan made a motion to adopt an offered resolution granting Subdivision Plat/Lot Line Alteration approval to the project, with the conditions described above. Charles Laing seconded the motion, and all members voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

(At this point in the meeting, Michele Greig entered the room and participated in the remaining discussions)

Henry Ruella – Williams Road – Subdivision Plat

Henry Ruella was present for discussion of his application to create one new 10-acre lot and one 10.986 remaining lands lot from a 20.986-acre parcel in the RD 3 Zoning District.

Christine Kane read an opinion from Joel Sachs of Keane & Beane which responded to several questions forwarded by the Board regarding a note on the original subdivision of the IX Investors parcel in 1975 together with several letters from the Planning Board Chair regarding the prohibition of further subdivision and the effect of a 2005 ZBA variance which reduced the needed road frontage for this flag lot to 27.4 ft., one half of the entire road frontage of approximately 54 ft.

Christine Kane also reviewed the history of the original 1975 subdivision and read excerpts from two (2) letters written to the applicants by then Planning Board Chair Richard Hutter. One letter said that a note must be included on the plat saying that there would be no further subdivision of the lots; the other said that sketch plan endorsement had been given on the condition that there would be no further subdivision of the lots.

Mr. Ruella said that his attorney had advised him that this prohibition was 'unenforceable'. He said that he only wished two lots by his present application and that he would put deed restrictions on both new lots prohibiting any further subdivision.

The Board reviewed its classification of the project as an 'Unlisted Action' under SEQR and found that both the Town of Red Hook ZBA and the Town of Milan had agreed to allow the Planning Board to act as Lead Agency for the SEQR review.

Sam Phelan said that configuring this flag-lot parcel with 54 ft. of frontage in 1975 was tantamount to precluding further subdivision since the section of the zoning code governing flag lots mandates strict adherence to the flag lot regulations. One of those regulations, he said, is a minimum 50 ft. of road frontage.

Ms. Greig said that the ZBA variance could only reduce the allowed road frontage on one lot, since there was presently only one lot, not two. She said that the ZBA could not grant a variance for a lot that did not exist.

The Board generally agreed not to endorse the sketch plan.

REGULAR SESSION (NEW BUSINESS)

Glen and Lynda Coon – 7306 South Broadway – Site Plan and Special Permit

Glen and Lynda Coon were present with an application for Site Plan approval and Special Permit to authorize the conversion of a single family residence into two (2) apartments with associated site improvements on a 0.60 parcel in the B1 Zoning District.

Mr. Coon said that he wished to convert a two-story, four-bedroom single family residence into two apartments. He did not plan any additions or external modifications to the house. He did hope to enlarge the driveway and add a turnaround area.

The Board found that although a multi-family residence was a permitted use in the B1 Zoning District, a two-family residence was not. Mr. Coon was encouraged to seek a use variance from the ZBA. If he did apply for a use variance, the ZBA could conduct a coordinated SEQR review with the Planning Board.

The Board assured Mr. Coon that he could immediately install a fence and make other modifications allowed for a single family residence.

OTHER BUSINESS

Possible rescheduling of meeting

Christine Kane said that the Intermunicipal Task Force was scheduled to give a presentation to the Town Board on August 7, 2006, which was also the first scheduled August meeting date for the Planning Board. Since Ms. Greig and Charles Laing would be helping with that presentation and since some members believed that the Planning Board should attend, attempts will be made to find another meeting date or to defer projects scheduled for that meeting until the second August meeting on August 21, 2006.

Scenic Roads

Mary Ann Johnson of the Conservation Advisory Committee presented a draft map of the roads that the CAC would like to see designated as 'scenic'. These roads included those already identified by New York State, those designated in the Open Space Plan, those described in the Master Plan, and others. In addition, Ms. Johnson presented draft written descriptions of the individual proposed scenic roads and some draft criteria by which roads might be designated as 'scenic'.

She said that the Planning Board might require applicants to submit a 'context map' as part of an application for a project on a scenic road. This context map would outline what else was on that road and what made that road 'scenic'. She also distributed some draft regulations regarding such roads, saying that the goal was to give the applicants a clear view of what the Town would like to preserve. The CAC, she said, believes that the Planning Board should have the leeway to gauge what is important on

each 'scenic' road and therefore might choose to preserve a long view, limit building height, prohibit stone wall or tree removal, or any of a variety of other options.

The Board discussed involving the Hamlet Design/Review Committee and the CAC more in project reviews.

Ms. Johnson urged the Board to review the Town of Stanford, NY's scenic roads regulations and also to review the CAC's suggested scenic roads to ascertain whether the descriptions were accurate.

Intermunicipal Task Force

Michele Greig and Charles Laing gave a synopsis of the goals of the Task Force and the processes being undertaken to achieve those goals. Those goals include preserving the character of the Villages as housing growth expands around those Villages, stressing 'walkability' in future development, and designing both residential and commercial buildings for all age groups. Members were urged to attend the August 7, 2006 presentation.

Since there was no other business to come before the Board, Jennifer Fier made a motion to adjourn. Sam Phelan seconded the motion, and all members voted in favor.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk

Attachment

Resolution granting Lot Line Alteration to Theresa and Douglas Schaff

**Town of Red Hook Planning Board
Resolution Granting Final Approval in the Matter of the Douglas and
Theresa Schaff Application for Subdivision Plat/ Lot Line Alteration on
Parcels Located at 71 Starbarrack Road in the RD3 District**

July 17, 2006

Motion made by Sam Phelan

Seconded by Charles Laing

The Town of Red Hook hereby acts as follows on the May 25, 2006 Application by Douglas and Theresa Schaff for Subdivision Plat Approval to authorize the transfer of approximately 9.00-acres from their 15.51-acre (TMP #15-6374-00-475193) parcel to their adjoining 3.38-acre parcel (TMP #15-6374-00-350152) at 71 Starbarrack Road in the RD3 District, with the intended lot line alteration depicted on an accompanying Survey Map entitled 'Lot Line Alteration; Land of Theresa and Douglas Schaff', prepared by Robert Zimmerman, L.S., and dated June 8, 2006:

1. Determines upon consideration of the EAF and the 'criteria for determining significance' set forth at Title 6 Part 617.7.c NYCRR that the Proposed Action, an 'Unlisted Action' under SEQR, will cause no potential significant adverse effects on the environment and, thus, issues a Negative Declaration deeming an environmental impact statement to not be required.
2. Approves the Application for Subdivision Plat Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant's satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:
 - Stamping of the Subdivision Plat as a 'non-jurisdictional subdivision' or 'for filing purposes only' by the Dutchess County Health Department.
 - Addition of notation to plat as follows: "That any subdivision of Lot 1 be limited to two additional lots, said lots to be clustered in the northwest corner of the present Lot 1, on lots as small as will provide well and septic facilities that the Dutchess County Board of Health will approve. This Note together with Note 5 hereon are place hereon in order to promote the preservation of former farmland as open space pursuant to the Zoning Ordinance of the Town of Red Hook."
 - Inclusion in revised property deed the phrase 'subject to the subdivision restrictions which appear as Notes 5 and 6 on Filed Map _____, dated June 8, 2006 and revised to July _____, 2006, to the extent that said map has not been further revised,

amended, stamped by the Planning Board of Red Hook, and re-filed, such that the restrictions no longer appear on the re-filed map.

- Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.
- Submission of Subdivision Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

In taking this action the Planning Board notes there are no new lots, parcels or dwelling sites created and, thus, neither requirement for the reservation of park and/or open space land nor requirement for alternate payment of a recreation fee is applicable to this Application.

Roll Call

Jennifer Fier	yes
John Hardeman	absent
Charles Laing	yes
Sam Phelan	yes
Paul Telesca	absent
David Wright	absent
Christine Kane, Chair	yes

Motion **Approved**

Motion Certified, Filed with Town Clerk and Mailed to Applicant

Paula Schoonmaker, Asst. Clerk

Date