

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**July 6, 2009**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:35 p.m., and a quorum was determined present for the conduct of business.

Members present — Acting Chair Charlie Laing, Sam Harkins, Pat Kelly and Wil LaBossier. Planner Michele Greig was not present. Christine Kane, Sam Phelan and John Hardeman were absent.

**BUSINESS SESSION**

Charlie Laing confirmed the agenda as printed. The June 15, 2009 draft minutes had been circulated among the members and reviewed. Sam Harkins made a motion to adopt those minutes. Pat Kelly seconded the motion, and all members present voted in favor.

Charlie Laing read a press release from the County Executive's office announcing a \$260,000 grant to connect the Village sidewalk at the intersection of Linden Avenue and Park Avenue with the Recreation Park in the Town.

**REGULAR SESSION - NEW BUSINESS**

**Estate of Peter Bulkeley, Carol Wagner, Cicada Group – W. Kerley Corners Rd. – Lot Line Alterations**

Bob Zimmerman, L.S. and David Bulkeley were present with an application for Lot Line Alterations to convey  $\pm 0.06$  acres from the Lands of the Cicada Group to the adjoining Lands of the Estate of Peter Bulkeley and also to convey  $\pm 0.17$  acres from the Lands of the Estate of Peter Bulkeley to the adjoining Lands of Carol Wagner, all in RD3 Zoning District. The Lands of the Estate of Peter Bulkeley are in the Certified Agricultural District.

Mr. Zimmerman explained that the transfer of a strip of land from the Cicada Group to the Bulkeley property would alleviate a sideyard setback problem for a small house located on the southeast corner of the Bulkeley parcel. He said that the house currently is only 7 ft. from the property line.

Mr. Bulkeley said that the Bulkeley family wishes to donate the other strip of land to Carol Wagner, who has gardened on that small strip for many years. Mr. Zimmerman confirmed that there is no septic or any other improvements on that strip of land.

Mr. Zimmerman further explained that the Bulkeley family has already conveyed a conservation easement on the 118-acre farm parcel to the Winnakee Land Trust, with the stipulation that the small house can be subdivided off on a lot of 1 acre or less.

Discussing a farm road located on the Cicada Group land but used to access the rear fields of the Bulkeley farm from W. Kerley Corners Road, Mr. Zimmerman said that it is a "user road" and that the Bulkeley farm has rights to that road, although those rights have never been deeded.

Charlie Laing said that because the Bulkeley house is listed on the National Register of Historic Places as the Heermance House, the project is a Type 1 action under SEQR, and the applicants must submit a long EAF part 1 before the SEQR review can begin.

The Board and the applicants discussed including the subdivision of the small lot from the Bulkeley property as part of the current project, but the applicants said that they wished to proceed with the lot line alterations now and submit an application for subdivision at a later time.

Since the property lies within the Certified Agricultural District, the applicants must also submit an Agricultural Data Statement. The Board referred the project to the Agricultural and Open Space Committee as soon as the Ag Data Statement and long EAF part 1 are received.

The project was scheduled for the July 20, 2009 meeting for further discussion.

## **OTHER BUSINESS**

### **Hammerling – response from Keane & Beane**

The Board discussed a response from attorney Jennifer Reinke regarding two questions that arose during discussions of the Stephen and Kelly Hammerling application for subdivision plat approval. Charlie Laing reviewed the first question that asked whether there currently exists any mechanism as legally binding as a conservation easement that could be used to preserve agricultural land or open space as part of a cluster subdivision (Section 143-33(B)(7)(a)[2] of the Red Hook Zoning Regulations). He said that Ms. Reinke answered that currently there is not such a similarly binding mechanism.

Charlie Laing then reviewed the second question that asked, if similarly binding mechanisms did exist, would the choice of mechanism lay with the Planning Board or with the applicant. He said that the opinion from Keane & Beane stated that the Planning Board must find the mechanism acceptable.

Charlie Laing said that during the course of the review and approval process, the Hammerlings were aware that an easement would be needed and that they proceeded anyway.

The Board then discussed issues that have proved troublesome as recent applications for cluster subdivisions have been reviewed. The Board generally agreed that deed restrictions are relatively easy to ignore or expunge and are enforceable only by neighboring land owners at considerable expense. Third party enforcement rights on a deed restriction for the Town are not be practical, since the Town is not currently set up to monitor or enforce such an obligation.

Sam Harkins asked whether the Town was still taking easements. No one knew for sure.

The Board generally agreed that some mechanism must be created for the small conservation easements that do not meet local land trust criteria but which the Planning Board and the zoning regulations stipulate must be preserved as part of a subdivision approval. Charlie Laing mentioned a proposal by Winnakee Land Trust whereby the Land Trust would take these small areas in several northern Dutchess Towns, and in return, the Towns would fund the monitoring and enforcement costs of the overall collection of easements. The alternative, the Board agreed, would be that the Town must set up a permanent easement program with adequate funding for monitoring and a more solid deed of easement than now exists.

### **Village Planning Board request for comments – St. Paul’s Evangelical Church**

The Board discussed a request from the Red Hook Village Planning Board for information or comments regarding the St. Paul’s Evangelical Church’s application for a demolition permit to destroy the former cemetery office building on the church site. The request stated that the Church is on the National Register of Historic Places and that the building proposed for demolition has been listed as a contributing structure.

Sam Harkins said that the building in question is not the salt box style house but is a garage-type building nearby. He said that the Church hopes to sell part of its property in order to raise funds for the upkeep of the remaining buildings.

Charlie Laing said that since the Church is on the State and National Registers, the project would be a Type 1 action under SEQR. The Board agreed to send a letter advising the Village Planning Board to take a hard look at the proposed demolition and to consider seriously any recommendations and comments from the New York State Office of Parks, Recreation and Historic Preservation. The letter would further advise that the demolition of a contributing structure should be considered a large adverse environmental impact on historic resources in the SEQR review. Finally, the letter would recommend that the Village Planning Board consult all necessary professionals to make sure it was following the correct procedures and thoroughly evaluating any proposed mitigation measures in such a complicated review.

### **Conservation Advisory Committee memo**

The Board reviewed a memo from the CAC regarding that committee’s discussion of the Planning Board’s recent review of Teviot LLC’s application for special permit and site plan approval. The CAC commended both the applicants and the Board for agreeing on several methods of mitigating the environmental impacts of the proposed Outdoor Recreation Facility.

The CAC also agreed with the positive SEQR declaration adopted by the Planning Board for the proposed private helipad, saying that the nesting eagles on the river are still classified as “threatened” and that, alternatively, the helicopter would be permitted to land either at the Ulster-Kingston airport or at the Columbia County airport.

### **Adjournment**

Since there was no further business to come before the Board, Wil LaBossier made a motion to adjourn. Pat Kelly seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker