Town of Red Hook Planning Board
Approved Minutes / Monday June 2, 2025

<u>6:30 PM CALL TO ORDER / DETERMINATION OF QUORUM/ BUSINESS SESSION</u>

Chairperson Sam Phelan called the meeting to order at 6:30pm. Board members present at the Town Hall were Kristina Dousharm, Arthur Salman, Maxine Coleman, and Brent Kovalchik. Planning Board Clerk Katie Khakhar was present in person. Planning Board consultants Ted Fink and Brandee Nelson were present via Zoom and Attorney Jennifer Gray was present via Zoom.

Sam Phelan confirmed the agenda as published. Kristina Dousharm made a motion to approve the minutes of the May 19, 2025, meeting. Maxine Coleman seconded, and all members voted in favor.

<u>PUBLIC HEARINGS-</u>

Waxman Certificate of Appropriateness- Privacy Fence- Applicant Alex Waxman

Public Hearing for an application for a 100ft long 6 ft high privacy fence along west property line on parcel 388906 located at 1077 River Road in the LD Historic Landmark Overlay and Barrytown Districts.

Applicant was not present. The Public Hearing was deferred to after New Business.

<u>OLD BUSINESS-</u>

Avella Certificate of Appropriateness – Roof and Front Porch- Applicant Jack Avella- Applicant Representative Kevin Roberts

Presentation of an application to replace / rebuild front porch and replace roof on parcel 234772 located at 30 Old Post Road N in the Hamlet District.

Applicant Jack Avella was present in person. The Planning Board members reviewed the project and the proposed materials for the roof. They confirmed the porch would remain the same Design. The members reviewed the Design Review Committee's comments received May 22nd, 2025. They were in favor of the proposed reconstruction project.

The Planning Board members reviewed the certificate of Appropriateness. Brent Kovalchik moved to approve the COA. Kristina Ducharme seconded, and all members voted in favor.

NEW BUSINESS-

Robbins Site Plan- Solar Project- Applicant Lawrence Robbins- Applicant Representative Adam Katzman for Autonomous Energies LLC

Presentation of an application to increase the size of their existing solar array to meet the needs of their increased electrical load on parcel 725412 located on 48 Williams Road in the RD 3 District.

Applicant Representative, Adam Katzman with Autonomous Energies, LLC, was present via Zoom. Kristina Ducharme recused herself from the discussion as the applicant is a client of Kristina Dousharm Architecture. Adam Katzman reviewed the project, including the placement of the solar panels and the materials of the roof. He explained that the existing solar panels array is currently a 5.36 kW system that is placed on the garage roof and the additional panels will be placed on the roof of the main house.

The board members discussed the view from the road and where the house is within the parcel. They noted the house is not visible from the road nor from any other neighbors. The board discussed the memo from Brandee Nelson from Tighe & Bond who stated the total size of the solar array categorizes it as a medium solar array which needs Site Plan approval.

The board members discussed whether the applicant would need a new interconnection agreement with Central Hudson. Adam Katzman confirmed that they have a new interconnection agreement and would submit that to the board.

The board scheduled a Public Hearing for June 16, 2025.

PUBLIC HEARINGS –

Waxman Certificate of Appropriateness – Privacy Fence- Applicant Alex Waxman

Continued Public Hearing for an application for a 100 ft long 6 ft high privacy fence along west property line on parcel 388906 located at 1077 River Road in the LD, Historic Landmark Overlay and Barrytown Districts

Applicant Alex Mack Waxman was present via Zoom. He reviewed the application to install a six-foot high, 100-foot-long privacy fence along the western side of the property. He also reviewed the viewpoints from both River Road and Barrytown Rd.

The board members reviewed the proposed fencing materials and the comments from the Design Review Committee which supported the project.

Public Comments.- Constituent Jay Quentas spoke in favor of the project.

Kristina Ducharme made a motion to approve the certificate of appropriateness. Maxine Coleman seconded, and all members voted in favor.

Kristina Ducharme made a motion to close the public hearing. Brent Kovalchik seconded, and all members voted in favor.

OTHER BUSINESS - Continued Discussion of Consistency Determination for Acquisition of 2.37 Acre Waterfront Site

The Planning Board Members submitted questions to the Town Board on May 24, 2025. They began their discussion by reviewing each of the Town Board's responses received on May 28, 2025.

The board members discussed if the existing parking was adequate and the clear need for an updated septic system. They also discussed that the action is more clearly defined as acquiring and converting from a private club to a public park.

The board members debated if the action would promote tourism as defined in policy 1A. Maxine Coleman challenged the language from the presentation during the May 16, 2025, Town Board Public Hearing, specifically the phrase "Town residents to use free of charge". Other members argued that if the Town Board has no intention to remodel the site, how would that promote tourism as many aspects of the parcels are inadequate as is. Maxine Coleman and Arthur Salman agreed that the Town Board has not provided enough information to make an accurate determination as to how this action would promote tourism.

Constituent Cary Kittner suggested the Planning Board members choose not to execute this exercise and instead draft a letter to the Town Board explaining this action was against their moral compass.

Sam Phelan responded that the question before the board is not the question of eminent domain, but that of acquisition and use.

The board members debated the language within policies 21 and 21A and how they relate to policies 1A and 2. They argued whether demand exists. Kristina Dousharm clarified her point of view that it is important to establish whether demand exists, because if so, it has implications for other issues.

Regarding policy 5, the board members discussed the status of the Barrytown Road Bridge and whether it was intended to be used as a public road. Kristina Dousharm added that the maintenance of that roadway would require specific equipment. Sam Phelan countered the Town's response ensured the bridge and roadway would be maintained by the Town. Maxine Coleman added she felt the sewer, dock, bulkhead repair, and boat ramp were inadequate facilities. Arthur Salman stated there was not enough information provided by the Town, and therefore he believed it was inconsistent with the policy.

Arthur Salman and Maxine Coleman interpreted the language in policy 9 to suggest the Town should provide habitat studies, which were not conducted.

Regarding policy 19, the board members discussed the language. Arthur Salman noted it spoke of increasing access, and he does not have enough information to believe it is consistent. Sam Phelan interpreted the word 'access" to refer to roadway access to the parcels. Maxine Coleman interpreted the language within section 19 subsection 2 to refer to the use of the parcels and facilities.

Regarding policy 23, the board members discussed whether the site has historical significance to the community. Kristina Dousharm believed the Boat Club itself is the culturally significant aspect. Sam Phelan countered the significance lies within the site itself because turning it into a public park ensures it cannot be sold in the future.

An unnamed member of the public commented that after it is a park, it can be sold with an act of Legislature.

The board members debated the intent of policy 23. Attorney Jennifer Gray clarified that the law of statutory construction dictates you start with plain language, and if that is ambiguous or vague, you then look at the intent.

The board members found the following policies inconsistent with the Local Waterfront Revitalization Plan:

- 1
- 5
- 9 (Kristina Dousharm, Maxine Coleman and Arthur Salman voted no. Sam Phelan and Brent Kovalchik voted yes.)

- 19 (Kristna Dousharm, Maxine Coleman, Arthur Salman and Brent Kovalchik voted no, while Sam Phelan voted yes.)
- 21 (Kristina Dousharm, Maxine Coleman and Arthur Salman voted no. Sam Phelan and Brent Kovalchik voted yes.)
- 21 A (Kristina Dousharm, Maxine Coleman and Brent Kovalchik voted no. Sam Phelan voted yes. Arthur Salman's vote was not recorded)
- 23 (Kristina Dousharm, Maxine Coleman and Arthur Solomon voted no. Sam Phelan and Brent Kovalchik voted yes.)

The board members found the following policies consistent with the Local Waterfront Revitalization Plan:

- 2 (Sam Phelan, Arthur Salman, Maxine Coleman and Brent Kovalchik voted yes. Kristina Dousharm voted no.)
- 20
- 20A
- 24
- 24A
- 24B
- 25A
- 30
- 41

The board members found all remaining policies Not Applicable to the Local Waterfront Revitalization Plan.

Attorney Jennifer Gray stated that there should not be revisions made through email discussions and suggested the board either make a motion the Chairman to authorize the final language or discuss the final language at a Planning Board Meeting.

Maxine Coleman made a motion to set a Special Meeting on Tuesday June 10, 2025, at 4:30 pm held at the Red Hook Town Hall. Brent Kovalchik seconded, and all members voted in favor.

Public Comments were heard as follows:

Roxanne Fisher raised concerns regarding safety and ADA access stating the site is currently not ADA compliant. She added there were two fatal drownings in 2021, but the dangers of the river were not addressed by the Town Board.

An unnamed member of the public asked when the planning board anticipates receiving an environmental impact study. Town Planner, Ted Fink responded it was prepared, and the Town Board has had it since April 2025.

Cary Kittner spoke about how the LWRP could not anticipate the use of eminent domain, therefore it proves impossible for this advisory board to morally move forward with this procedure.

Al Trezza raised concerns regarding the deed of the bridge on Barrytown Road and the roadway towards the Boat Club stating there was no proof the railroad does not own the bridge.

Richie Ross stated using nearby boat clubs to determine the demand for this parcel created contradictions among the discussion. Arthur Salman clarified that the contrary statement in question was only in response to a question he proposed.

Stacy Cordell commented that the Town Board is rushing this eminent domain procedure.

Paul Dorval questioned if the Town Board takes over the Boat Club, what is the proposed operation plan? Sam Phelan clarified that the Planning Board only has the information the Town Board has provided, and they share similar concerns.

Bonnie Day asked what is the status of the Town’s acquisition of land from Bard College to develop a park?

Marco Provell, constituent of the Town of Standford, stated the Town Board taking this Boat Club will change his, and other families, way of life.

Roxanne Fisher stated there are hundreds of people that visit Poet’s Walk daily, and anticipates the same increase to the Boat Club, yet the Town Board has not provided any safety plans.

Rob Zaworski stated 1% of 11,000 people is 110 people and the site is not equipped to handle that volume especially if they all bring boats.

A member of the public raised concerns regarding the questions submitted to the Town Board and the answers from the Town Board. He clarified that the Planning Board could have asked more direct questions, and the Town Board should have provided better answers. As a result, this process was very difficult.

Teddy Blank thanked the Planning Board members for taking the time to visit the Boat Club.

Maxine Colean made a motion to adjourn the meeting. Kristina Dousharm seconded, and all members voted in favor.

Respectfully submitted,
Katie Khakhar
Clerk for the Board