Town of Red Hook

Agriculture and Open Space Committee

Minutes of September 24, 2012

Attendance: Chairperson Pete Hubbell, Marina Michahelles, John Hardeman and Secretary Linda Keeling

Absent: Norman Greig, Richard Biezynski, Ken Migliorelli, Michael Grady Robertson, Mary Ann Johnson, James Stagias and Town Board Councilman William O'Neill (liaison),

Guests: Christopher Klose of EDC, Robert McKeon (farmer from Crestwood Rd.)

Meeting Opened: Chairperson Pete Hubbell opened the meeting at 7:20 pm. awaiting the possible arrival of another member.

Minutes: The minutes of June 25th and July 23rd could not be voted on as there was not a quorum.

New Business: Chairman Pete Hubbell allowed Robert McKeon to make his presentation to the members present in regards to a potential development on Feller-Newmark Rd. in and around a protected farm within the AB District (ABD)

Robert McKeon passed out the following and made an oral presentation (7:25 – 8:15):

1. **August 20, 2012 Statement of Jeffrey Anzevino, AICP, Director of Land Use Advocacy, Scenic Hudson, Preserve at Lakes Kill, Town of Red Hook Planning Board (two pages attached)**

Ph 3: "As you are probably aware, Scenic Hudson has invested in an assemblage of four conservation easements along this road and the Town of Red Hook holds a Third party Enforcement Right on one of these easements (granted by John F. Feller) as well. Therefore we have an interest as does the town, in ensuring the long term viability of agricultural operations in this area."

Ph 4: "Red Hook has recently adopted a new Centers and Greenspaces plan and amended zoning, which includes a new Agricultural Business District. We support this plan and the new zoning, including the principle that if new subdivisions are to be considered in rural parts of Red Hook, they should be designed as conservation subdivisions. In that context, we feel it is critical to ensure the first projects considered under the new zoning comply with the letter and spirit of the ordinance and master plan."

Ph. 5: "The Town Planning Board has obviously worked with this applicant to design a conservation subdivision project. However, while the proposed development is consistent with certain objectives of a conservation subdivision, the site's context and conditions could result in unanticipated impacts on existing agricultural operations and hazardous conditions along the road. In addition, although currently wooded, approximately 50% of the site is underlain with soils identified by the United States

Department of Agriculture (USDA) as Farmland of Statewide Importance and thus potentially suitable for future agriculture."

2. August 2, 2012 Letter from Robert Fennell, ZEO, T/Red Hook response to Robert McKeon on the maximum number of parcels that can be created through subdivision of the three parcels without the construction of a public or private road (one page attached):
a. landlocked 84.8 acre parcel in ABD zone
b. 9.701 acre parcel in a RD3 zone with 101.7 ft. of road footage.
c. 6.359 acre parcel in RD3 zone with 43 ft. of road footage

Final Fennell statement: "*There is no reconfiguration of these lots that could result in the creation of more than three lots without a public or private road."*

3. ***11 x 17 inch black and white map of THE PRESERVE AT LAKES KILL, Preliminary Subdivision Plat – major Subdivision. February 11, 2011*** (one page attached)

Robert McKeon described the proposal from a Long Island Development firm on Feller-Newmark Rd. Presently, there are 700 acres protected off of Crestwood Rd and borders farm property on Hapeman Hill Rd. The proposal has little road frontage (about 143 ft.). An eleven lot subdivision is proposed, creating a cul-de-sac. Parcels range from ¾ ac. to 1¼ ac. He referred to Section 2, 80A of State law regarding uses of a private road frontage with an open development area (ODA). Robert felt that our code has language allowing for this and a proposal would need Town Board approval. A Homeowner's Association (HA) would need to be established with a community septic system. This would be the first of this kind.

The project is in ABD. The 100 acre farm was formerly a landlocked parcel. There is a 1 house per 10 acre ratio allowed without any deductions. This proposal would set an unintended precedent of cul-de-sacs throughout Red Hook as flag lots, for example: the former Central Hudson right of way, 100 acres would allow for 10 houses per parcel for clustering. Two separate entrances could allow for 20 houses. It doesn't have to be clustered on the one parcel. Set back requirements could be relieved through the ZBA. It could impact the Kerley Corners' farms that were recently protected by allowing higher densities within a cul-de-sac configuration. This is an advantage to the builder as it saves on road costs but does not allow for connectivity (160 ft. road frontage versus a flag lot of 50 ft.). For a conservation road frontage there is no set requirement. Twelve homes would be allowed.

Robert suggested that the partners that are presently protecting farmlands might be dissuaded in the future if extensive flag lots are created near these protected lands.

He felt the entitlement will grant relief from set-back requirements, build-out and easement. Animal farms need to cross the road. It is estimated there will be 110 more car trip per day with this proposal.

Robert McKeon felt with the change in zoning within the ABD, there is no need to come to the AOSC now. Under the present law, partial subdivision goes to AOSC. He felt there is a problem with the Planning Board not having an Ag-related person on their board for input.

Robert McKeon further explained the potential traffic impacts as this is a very curvy section of the road with very poor visibility. It does not meet the town or county specifications. The Developer claims 494 ft. of sight distance but is more like 204 ft. as confirmed by the Developer's engineer. The extensive infrastructure development would probably not be very profitable to the Developer. They are to come before the Planning Board in November. The school district is concerned about bus stops. Robert's group is hiring a planner to figure out the build-out potential in the town with the potential flag lots.

There are 50% of the soils of Statewide importance along with hydric soils. It is not the "breadbasket" but Robert felt it was the best place for raising animals. The location of the houses would be on the best soils. A farmer would have to drive through a 15 ft. wide road through the cul-de-sac to get to a road. John Hardeman added that it is already difficult for a 4 row corn planter to negotiate that road and others at the reduced sizing of 24 ft.

Robert hopes the Developer will be denied the road straightening and restore the farm which would allow for just three houses.

John Hardeman inquired as to the clustering requirement for a Homeowner's Association. Robert explained it is not a requirement under the new law and you would not like to have an Association running a farm operation addressing manure spreader smells. Limiting the type of farm equipment would not be productive for the farmer.

Chairman Pete Hubbell agreed that re-creating small farming operations is not taking precedent over flag lot development as explained.

Robert McKeon stressed the unintended consequences by raising the issue especially since there is no deduction for wetlands. He felt that the specific development proposal needs a variety of input especially since the present zoning law structure does not require the input of the AOSC. It only comes to the AOSC if it is a partial subdivision development.

The 1:10 development without deductions will potentially create many small housing lots which is a headache for farmers. He gave an example of a 40 acre wetlands donated by Buckley which cannot be built on thereby reducing the potential number of houses but does not affect equity in the land.

Eleven lots will increase the number of houses on the road, presently there are only 28 homes. There is a 25 ac. parcel outside the ABD which could allow 8 houses without the need for the road frontage. There's a 40 acre lot presently being farmed which could allow for several houses thereby further impacting the road and farm operations under easements.

Chairman Pete Hubbell thanked Robert for his presentation. Pete will table further discussion for next month's meeting as there is still time on this. There is the possibility of the Ag Committee making a zoning change recommendation to the Zoning Review Committee and the Town Board.

Chris Klose of EDC was concerned that this precedent setting proposal will encourage development in farmlands rather than within and near the village centers.

There was no old business.

Adjournment: The Chairman called to adjourn the meeting at 8:25 pm.

Next meeting: Monday, October 22, 2012, 7:00 pm, town hall.

Respectfully submitted,

Linda J. Keeling, Secretary

Approved 11/26/12

Note: Three documents attached and filed with Town Clerk