

Town of Red Hook

Agriculture and Open Space Committee

Minutes of November 26, 2012

Attendance: Chairperson Pete Hubbell, Richard Biezynski, Mary Ann Johnson, John Hardeman, Marina Michahelles, Michael Grady Robertson, Town Board Councilman William O'Neill (liaison) (Could not stay, conflict with town board budget meeting) and Secretary Linda Keeling

Absent: Ken Migliorelli, Norman Greig and James Stagias

Guests: Robert McKeon, Ethel Barone (34 acres, 287 Hapeman Hill Rd., Ag property borders two sides of property in question)

Location: Red Hook Town Hall, meeting room.

Meeting Opened: The Chairman opened the meeting at 7:07 pm.

Minutes: There was a quorum. The minutes of *June 25th*, *July 23rd*, *Sept. 24th* and *Oct. 22* were voted on and all were approved.

Motion: Pete Hubbell motioned to accept the last four month's minutes, Richard Biezynski seconded and all agreed.

New Business:

1. Planning Board Referral for Comment On the Preserve at Lake Kill Subdivision:

Chairman Pete Hubbell noted the Planning Board referred the Preserve at Lakes Kill to AOSC for comment. He initiated discuss on the topic. The group must formally present their recommendations.

The group prefers the large parcel for a farmstead as it is in the Agricultural Business District (ABD) and was formally farmed in the past. The parcel off Feller Newmark Rd. calls for an 11 lot subdivision cluster. It was noted that this parcel contains valuable agricultural soils according to Robert McKeon's input and Scenic Hudson's analysis of the potential impact on its involved protected farmlands.

Robert McKeon felt this intensity of development creates a liability and risk for neighbors and the farming community. He handed out a sheet of his concerns.

It was feared that this proposal is an attractive nuisance. If one lot were to go with the larger parcel, it would solve the travel problem. There was a fear of abandonment if the Homeowner's Association (HOA) were to control this large parcel.

Rich Biezynski noted that a Golf Course is owned by someone, whereas a Homeowner's Association's oversight management of drainage and roads could fall to disrepair.

Pete Hubbell felt this proposal sets a precedent as is. A HOA can have many problems with 11 owners, with abandonment of the property the biggest concern.

Mary Ann Johnson stated that all the land is going into an easement due to the clustering.

The group felt ownership should be with one owner with an easier access route developed so the property is more likely farmed.

Guest, *Ethel Barone* who owns 34 acres bordering on two sides of the large parcel is concerned about the environmental changes since many large healthy trees were removed effecting diminished wildlife like turkeys, sewerage infiltration into the Lakes Kill, negative effects on plants and potential erosion from motorized tracks along the Kill.

Robert McKeon noted environmentally the flood rate was based only on the former average of 2.8 inches per year. It does not account for the 100 year flooding we experienced from Hurricanes Irene and Lee last year which caused excessive flooding. (Linda Keeling noted that in June of 2008, 9.5 inches fell in one day.)

Robert McKeon suggested the building lots should be away from the best agricultural soils. He also noted that there would be a 60% increase in road traffic thereby increasing liability for cattle crossings which takes about 45 minutes.

John Hardeman felt that the residential units should be located somewhere else to make the land viable for a farm operation. They should look for alternative homestead site.

Mary Ann Johnson felt it should be Ag friendly.

There was additional discussion regarding easements, the Community Preservation Development Committee and the allowance for a road to be built on an ABD land. The Ag Committee would like to review the conservation easement from the Community Preservation Committee.

Rich Biezyński felt an easement doesn't work for a farm. The private road is counted as frontage which counts as maximum density. He referred to the new zoning which this Committee recommended 10 acres per house.

The Ag Committee agreed that they were against the HOA and recommend connecting the 89+ acre parcel with one of the neighboring parcels for a single ownership. The Committee's reasons are a:

1. Concern for abandonment,
2. Easier access with a wider farm road width, and
3. More likely farmed, creating a more "farm friendly" parcel.

Robert McKeon suggested that with less homes and a common driveway the houses would be further away from farm equipment noises.

Pete Hubbell suggested that if the HOA owns the property, they need to pave the road which is very expensive. This could then eventually be turned over to the town as a future maintenance expense.

Robert McKeon noted there is an impact on Agriculture. The present zoning recommends less than 1 to 40 acres, whereas this is a 1 to 9 acre impact. The Planning Board is meeting Dec. 17th. He noted that there are no farmers on the Planning Board. He felt this precedent proposal will have unintended consequences for ABD parcels being developed for residential use thereby causing a change in zoning.

Mary Ann Johnson indicated the Town Board wanted to remove the Term Easement Law which had involved about 5,000 acres. She and the ZRC looked at and felt it was still a worthwhile program tool and should be retained. She noted that 13 people applied for an easement, the CAC reviewed it but the Assessor gave no reduction. There is a precedent in other states whereby the Assessor is not directly involved. The town reductions were: 8 years = 40%, 10 years = 50 % and 15 years = 75% based upon appraised value.

Robert McKeon said NYS regulated the assessment numbers. In western NYS land is assessed from \$6,800 to \$8,000 per acre. Agriculture receives a fire tax rate reduction; that should be looked into here. For aging farmers the term easement could be a bridge.

Pete Hubbell will write a letter to the Planning Board in regards to the Preserve at Lakes Kill with the group's agreed upon concerns. The Ag Committee would like the Planning Board to refer any proposals affecting farm parcels to the Ag Committee in the future, even though it is not required by town law.

New Business:

Pete Hubbell mentioned that he has served as chairman for two years and would like someone else to take over for next year.

Adjournment: The meeting adjourned at 8:22 pm.

Motion: Pete Hubbell motioned to adjourn the meeting and Rich Biezynski seconded. All agreed.

Next meeting: There will be no meeting in December. Members may want to attend the next Planning Board meeting on Dec. 17th as it relates to the Feller Newmark Major Subdivision (also referred to as the Preserve at Lakes Kill).

Respectfully submitted,

Linda J. Keeling, Secretary

Approved Feb. 25, 2013