

APPROVED

Town of Red Hook Planning Board Meeting Minutes April 20, 2009

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, Sam Harkins, and Pat Kelly. Alternate Kristopher Munn was needed for a quorum and so voted at this meeting. Planner Michele Greig was also present. Sam Phelan, Wil LaBossier, Charlie Laing, and John Hardeman were absent.

BUSINESS SESSION

Christine Kane confirmed the agenda and announced that the scoping document for the Centers and Greenspaces plan was available in the planning office and also online at www.redhook.org.

The April 6, 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.

REGULAR SESSION – OLD BUSINESS

Teviot – 40 Davis Lane—Site Plan Approval and Special Permit

Attorney Jon Adams and Tim Lynch, P.E. were present for continued discussion of applications to install a swimming pool, pool house, and helipad on an existing site on a 62.9-acre parcel in the WC (Water Conservation), LD (Limited Development) Zoning Districts and in the National Historic Landmarks District.

Chris Kane noted that both a pool maintenance plan and an orchard management plan had been submitted. Ms. Greig said that she would forward both plans to wetlands expert Karol Knapp. She said that it was still too early for Ms. Knapp to verify the wetlands but that she would encourage Ms. Knapp to visit the site as soon as possible.

Mr. Lynch said that some aspects of the project were time sensitive. He said that the swimming pool area was of particular concern since the applicant wished to begin construction soon. Christine Kane noted that one of the historic structures slated for demolition was part of the pool plan and that a wetland was located near the proposed pool site.

Christine Kane then summarized an opinion from attorney Jennifer Reinke at Keane & Beane, which stated that the proposed demolition of three structures, designated as contributing features to the Historic District and listed on the National Register of Historic Places, was in fact within the purview of the Planning Board due to the question of the project's consistency with the Local Waterfront Revitalization Plan.

The Board then reviewed the applicant's submitted Local Waterfront Revitalization Plan consistency form. Several answers were revised by the applicant, and several questions will be revisited once additional wetlands information is submitted.

The applicants agreed to add a note to the plan saying that an erosion control plan would be implemented.

Christine Kane noted that Woods Road was a designated Scenic Road and that the property to the north had agreed to a 200 ft. no-cut zone to preserve the healthy trees along the road. Mr. Lynch said that he would take the proposal for a conservation easement to his client.

The Board then reviewed a letter, dated April 17, 2009, from Kenneth Markunas at the New York State Office of Parks, Recreation and Historic Preservation, saying that the agency would not support demolition of the three structures listed on the National Register but that, since no state or federal funding was being used for the project, the Planning Board must make the decision about whether the project should go forward as proposed.

Mr. Lynch said that his clients would commit to HABS/HAER level 3 documentation for both the greenhouse and the barn before they were demolished. He said that the team's experts did not believe the brown cottage to be worthy of such documentation. Ms. Greig said that any such documentation should be made available to both the Egbert Benson Historical Society and Hudson River Heritage. Mr. Lynch suggested that after the project site is finished, a public display of the documentation along with photos showing the restoration of the main house could be arranged. This public showing would be in addition to the HABS/HAER documentation.

Ms. Greig said that Mr. Lynch's estimates regarding the expected noise levels from a helicopter landing or taking off, a range from 75-90 decibels, were consistent with her research.

The Board and the applicants agreed that the pair of nesting bald eagles mentioned at the public hearing was located on North Tivoli Bay and would not be threatened by the proposed site modifications.

Ms. Greig said that once the wetlands verification information was submitted, the Board should have all the information it needed to make decisions regarding the applications.

Ms. Greig also said that the area of archaeological interest, located where the septic field was proposed, was connected with the house, not the pool, pool house or helipad, and so a review of that area could proceed separately from the rest of the project.

REGULAR SESSION – NEW BUSINESS

Karin Roebke – 73 Old Post Rd., Upper Red Hook – Certificate of Appropriateness

Karin Roebke was present with an application for a Certificate of Appropriateness to construct a 12'x24' shed on a 1.7-acre parcel in the H (Hamlet) District. She said that she wanted to build a basic pine shed for storage purposes. She said she also was hoping to install a driveway, since the only available parking was on the street. She said that she had checked with the Town Highway Superintendent, who had said that her proposed driveway location would be acceptable.

Ms. Roebke said that the shed would have no concrete foundation or pad but would sit on a material such as gravel or Item 4. She said that she would paint it the same color as the main house.

The Board referred the project to the Hamlet/Design Review Committee and asked for written confirmation from the Highway Superintendent concerning the proposed driveway.

Pat Kelly made a motion to designate the project a Type 2 action under SEQR requiring no further environmental review. Kris Munn seconded the motion, and all members present voted in favor.

The Board set a public hearing for May 4, 2009 at 7:45 p.m.

Tim Hourihan – Crestwood Road – Pre-application conference

Realtor Tom LeGrand was present seeking to change the shared driveway configuration for two (2) of the lots in a 4-lot subdivision approved by the Planning Board on October 15, 2007. He said that present plan for the driveway had prevented the sale of both lots. He said that he understood the Board's priority of keeping the hay field available for agricultural purposes, and he said that his new proposed driveway location would not hamper a farmer, who would simply raise his harrow or other farm equipment to cross the driveway. He said that the approved driveway cuts the hay field anyway; his proposal would not add additional cuts but would improve the saleability of the residential lots. He said that his proposal would also reduce the amount of paving by about 30%.

Christine Kane said that the Board, Mr. Hourihan and his agent Tim Ross had spent a long time arriving at an acceptable driveway plan that would meet the Town's farmland preservation guidelines. Mr. LeGrand said that Mr. Ross was not a realtor and should not have agreed to the approved driveway. Christine Kane said that Mr. Hourihan had been present at several of the meetings during which the driveway was discussed and that he had agreed to the plan.

Christine Kane asked if he had any comparables, showing that similar lots had sold at that asking price in the recent past. Mr. LeGrand said that he had not prepared for that question.

Pat Kelly suggested that Mr. LeGrand present the problem and his proposed solution to the Agriculture and Open Space Committee. Pat Kelly said that since an application had not been submitted, the Board could not make a referral.

Kris Munn said that if Mr. LeGrand was making an economic argument for a driveway change, he would like to see some figures in support of that argument.

Sam Harkins said that he would like to see calculations to support Mr. LeGrand's contention that the proposed driveway would result in less paving than the approved driveway.

Trevor & Joanna Baker – 107 Old Post Rd., Upper Red Hook – Certificate of Appropriateness

Trevor and Joanna Baker were present with an application for a Certificate of Appropriateness to construct a 6' high fence 80' in length on a 0.575-acre lot in the H (Hamlet) District. Ms. Baker said that the fence would provide privacy on the south side of the lot. She said that the fence was double-sided and therefore neighbor friendly and would retain a wood finish.

The Board referred the project to the Hamlet/Design Review Committee for comments. Kris Munn made a motion to designate the project a Type 2 action under SEQR requiring no further environmental review. Pat Kelly seconded the motion, and all members present voted in favor. The Board then scheduled a public hearing for May 4, 2009 at 7:50 p.m.

OTHER BUSINESS

Economic Development Committee Task Force Survey

Christine Kane said that the Economic Development Committee Task Force had sent the Board a questionnaire and had requested a response by May 15. The Board asked the secretary to forward the survey form to all the members so that it could be discussed at the May 4 meeting.

Amendment to Policies and Procedures

Christine Kane said that the Town Attorney had advised her that the Board should have a policy in place stating how public hearings and other agenda items would be rescheduled in the event that a meeting is cancelled. The Board generally agreed that the Chair should be able to reschedule these items to the next available regularly scheduled meeting. Christine Kane said that the Town Attorney had further advised her that only a Planning Board resolution would be necessary to add this amendment to the Board's policies and procedures. Sam Harkins made a motion to add this amendment. Kris Munn seconded the motion, and all members present voted in favor.

The Board also discussed how to limit the amount of time a project may remain active if the applicant makes no progress forward, has not contacted the Board, and has not appeared at a meeting. Christine Kane said that the Town Attorney had advised her that this type of policy amendment would have to be adopted as a local law. Sam Harkins said that the Red Hook Village Planning Board had recently adopted such a policy and that he would find out more about it. The Board asked the secretary to ask for input from the Dutchess County Office of Planning and Development and other area planning boards.

ADJOURNMENT

Since there was no further business to come before the Board, Kris Munn made a motion to adjourn. Sam Harkins seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker