

APPROVED

Town of Red Hook Planning Board Meeting Minutes May 18, 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 — Chair Christine Kane, Sam Harkins, Sam Phelan and Pat Kelly. Alternate Kristopher Munn and Planner Michele Greig were also present. Charlie Laing, Wil LaBossier, and John Hardeman were absent. Since there was a quorum of members, Kris Munn did not vote.

BUSINESS SESSION

Christine Kane confirmed the agenda as printed. The May 4, 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.

Christine Kane announced that Pattern for Progress was holding a conference entitled *Housing the Hudson Valley: Exploring the Next Generation of Housing Issues* on June 12, 2009 at Marist College. She also announced that the Ulster County Planning Board and New York ReLeaf were holding a seminar on May 27, 2009 focusing on trees as part of site planning and as a tool to protect water resources.

REGULAR SESSION – OLD BUSINESS

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

Attorney Jon Adams, Tim Lynch, P.E, construction supervisor Fred Volino, neighbor Bob Davis and independent wetlands expert Karol Knapp were present for continued discussion on 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.

Karol Knapp, of Aspen Environmental, said that she had visited the estate during the first week in May and had reviewed the wetlands with Nick Basile, the wetlands expert for the applicants. She said that she had no concerns about the wetland near the proposed helipad and none about the proposed enlarging of the existing pond. She said that upon investigating the vegetation of an area near the helipad, she had recommended removing from the plan the “spring stream” label for that location.

She said that she and Mr. Basile had agreed that one area of the wetland near the pool house should be enlarged on the wetlands map and that another finger should be added to that same wetland; however, she said that she believed that the pool facility would not impact the wetland.

She said further that she had some concerns about the area designated for the septic system, not because it was near a wetland but because it was very near a bluff overlooking the river and

near a rock outcrop. She said that the proposed septic area seemed to be unusually far from the house and wondered whether it could be moved closer to the house and farther from the bluff. Mr. Lynch said that the proposed area was the only place where clay was not just below the soil surface.

Ms. Knapp went on to discuss the proposed orchard, saying that the applicants may not plant within the designated wetland since that area is not currently in being used as an orchard. She added that a permit would be difficult to obtain.

Asked about the impact of pool discharge on the nearby wetland, Ms. Knapp said that she did not know enough about the quantity or frequency of the discharge or what sanitizing agent was proposed, but she said that unless the pool would be completely drained each fall, she believed that some backwash or overflow would not be harmful. Mr. Volino said that the applicants planned to use mineral salts that were electrically charged, so there would be no chlorine discharge.

Asked about sediment and erosion control measures, Mr. Lynch said that he had submitted an erosion control plan. He said that since the helipad was just grass, there should be no problem in that area. He said that rain gardens would be installed around the main house, the tennis court and the pool house to collect the stormwater run-off. He added that a revised erosion control plan would be submitted next week.

Mr. Lynch then referred to a letter and some photos he had submitted documenting the condition of the greenhouse/garden shed. He said that the structure was in very poor condition.

The Board and the applicants returned to the Local Waterfront Revitalization Plan Consistency form to look again at questions regarding wetlands, since the Board now had Ms. Knapp's independent report. The Board also looked again at questions regarding the preservation of archaeological, historical and cultural resources. Mr. Lynch said that the applicants believed that discussion of possible archaeological significance in the area of the septic field should be separate because the septic area was a system connected to the main house, which was not part of the Board's review.

The applicants again offered to submit a level 3 HABS/HAER documentation for the buildings they wish to remove and to donate copies to Hudson River Heritage, to the NYS Office of Parks, Recreation and Historic Preservation and to the Egbert Benson Historical Society in Red Hook. Mr. Adams submitted a description of such documentation taken from the Secretary of the Interior's website.

Christine Kane said that the question on the LWRP consistency form about preservation of designated scenic roads was still to be discussed, and she asked the applicant team whether the landowners had made a decision about agreeing to a no-clearcutting easement or restriction along Woods Road. Neighbor Bob Davis said that he had put an easement on his entire property to the north of Teviot and that his sister, Frances Dennie Davis, had put a restriction on clearcutting for a 200 ft. wide swath along the road at her property to the south of Teviot. Mr. Lynch said that the project under review did not impact the trees along the road so that the project was technically consistent with the LWRP. The Board generally agreed, however, to wait until the applicants decide about a restriction before completing its review of the LWRP consistency form.

Sam Phelan said that he had significant concerns about allowing heliports in the Historic District, especially when there was a relatively convenient landing area at Kingston. Pat Kelly said that while the applicant said that he would use the heliport only on weekends during the spring and fall, the frequency might change in the future. Mr. Adams said that a schedule could be worked out. The Board generally agreed that such a schedule would be hard to enforce. Ms. Greig suggested that the board could require an annually renewable special permit for the helipad if approval is given. Sam Phelan maintained his opposition to helipads along the river in the Historic District.

The Board generally agreed that topics to be discussed at the next appearance would include: an archaeological update, the updated orchard plan, an updated site plan and erosion control plan and a decision about the no clearcutting zone along Woods Road. Ms. Knapp suggested that the applicant talk to an experienced grower about their plans for the orchard.

OTHER BUSINESS

Anderson Commons - request for extensions

The Board reviewed a letter dated May 12, 2009 from Peter Setaro of Morris Associates requesting extensions for meeting the conditions of the amended site plan, subdivision plat and special permit approvals for Anderson Commons, all of which were granted on December 1, 2008. Brad Keil, a member of the applicant team, said that the transportation corporation had been approved and that he believed that the homeowners' association had been completed. The Board said that the special permit was good for one year from the date of approval, so no extension was necessary. Sam Harkins made a motion to grant two (2) consecutive 90-day extensions to the subdivision plat approval and one (1) six-month extension to the site plan approval.

Certificate of Appropriateness application

The Board reviewed a revised application for a Certificate of Appropriateness and added several items. The Board generally agreed to begin using the updated application.

ADJOURNMENT

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

Respectfully submitted

Paula Schoonmaker