

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**August 17, 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 Phelan, Pat Kelly and Charlie Laing. Planner Michele Greig and alternate Kris Munn were also present. Sam Harkins and Wil LaBossier were absent.

**BUSINESS SESSION**

Christine Kane confirmed the agenda as printed. She then directed the Board's attention to a letter of resignation submitted by John Hardeman. The Board expressed appreciation for John's many years of service on the Board and wished him well in his other activities.

Christine Kane then read a letter dated August 3, 2009 from the Red Hook Village Planning Board saying that St. Paul's Evangelical Lutheran Church had now expanded its proposed demolition plans to include not only the former cemetery office but also the caretaker's house. The letter invited additional comments from the Town Planning Board. Michele Greig said that she believed the house to be one of the oldest buildings in Red Hook, and Charlie Laing noted the very visible location of the house on the main road through the Village and Town. The Board generally agreed to send a letter expressing strong opposition to the demolition of two contributing structures on a site listed on both the State and National Registers of Historic Places.

The August 3, 2009 minutes had been circulated and reviewed. Charlie Laing made a motion to approve the minutes as written. Pat Kelly seconded the motion, and all members present voted in favor.

**REGULAR SESSION – PUBLIC HEARING**

**Lisa Stencel – 94 Old Post Rd. North – Certificate of Appropriateness**

Lisa Stencel was present for the continuation of the public hearing on an application for a Certificate of Appropriateness to construct a 14' x 16' shed and a fence on a 0.33-acre parcel in the H (Hamlet) Zoning District.

Christine Kane noted that the public hearing was still open and invited comments from all interested persons. She then read the referral response from Geoff Carter, chair of the Hamlet/ Design Review Committee. The report stated that all the Committee members had visited the site and that the Committee did not oppose the granting of a Certificate of Appropriateness for the project.

None of the Planning Board members had visited the site. The Board then reviewed the comments received at the first part of the public hearing and the proposed setbacks for both the proposed shed and fence. Sam Phelan said that probably neither structure would be visible from the road.

Since there were no comments from the public, Charlie Laing made a motion to close the public hearing. Pat Kelly seconded the motion, and all members present voted in favor.

The Board then reviewed a draft Certificate of Appropriateness. Sam Phelan made a motion to grant the Certificate as written. Pat Kelly seconded the motion, and all members present voted in favor.

## **REGULAR SESSION – OLD BUSINESS**

### **Daniel Colnaghi – 50 Pinewood Lane & Route 9G – Lot Line Alterations**

Marie Welch, LS, was present for continued discussion of an application to convey a 0.508-acre flag strip from the +5.27-acre Lands of Daniel Colnaghi to the adjoining + 7.54-acre parcel also owned by Daniel Colnaghi and to convey a 0.67-acre flag strip from the +7.54-acre parcel to the +5.27-acre parcel, all in RD3 Zoning District, in the Scenic Corridor Overlay District and in the National Historic Landmarks District.

Christine Kane noted that, as requested, Ms. Welch had submitted a full EAF part 1, a letter dated January 1992 from the NYS Department of Transportation granting the Pinewood Lane access onto Route 199 and prohibiting any other curb cuts, and a driveway maintenance agreement for the lots sharing the Pinewood Lane access.

Ms. Welch said that the flag strip fronting on Route 9G was never meant to be an access and that it could be moved to front on Route 199 because it would not be an access in its new location either.

Ms. Greig said that the letter from the DOT gave permission for three (3) lots to use Pinewood Lane as a shared driveway access. Now, she said, there were four (4). She also asked whether the driveway maintenance agreement had been filed with the County Clerk. Ms. Welch said she did not know but that she would check and, if so, would submit the filing information.

Ms. Greig also said that she had consulted with the Town Engineer who, she said, believed that DOT would have to approve the change. Ms. Welch disagreed but did revise the EAF part 1 to include the necessity of obtaining DOT approval.

The Board determined the project to be a Type 1 action under SEQR, due to the project's location in the National Historic Landmarks District. Charlie Laing made a motion to establish the Board's intent to serve as lead agency for the SEQR review. Sam Phelan seconded the motion, and all members present voted in favor. Ms. Greig recommended that the project be circulated to the DOT as an involved agency and that the driveway maintenance agreement and 1992 letter from DOT be included in the package. She said that an accompanying letter should ask whether a DOT approval was necessary for the proposed change and also ask about whether four (4) lots may share the Pinewood Lane driveway.

The project was also referred to the Agriculture and Open Space Advisory Committee.

### **MC Acres, Inc. & Anna Kirschner – 254 & adjoining parcel on Middle Road –**

### **Minor Subdivision and Lot Line Alteration**

Ann Marie Vosburgh and John Howard were present for continued discussion of an application to swap  $\pm 0.67$  acres between the  $\pm 2.13$ -acre Lands of Anna Kirschner and the adjoining  $\pm 64.62$ -acre Lands of MC Acres, Inc. and to then create two (2) new lots of  $\pm 4.433$  acres and  $\pm 4.735$  acres and a remaining lands lot of  $\pm 55.452$  acres from the MC Acres, Inc. parcel. All the lots were in the RD3 Zoning District of the Town of Red Hook, and the MC Acres parcel was partly in the Town of Rhinebeck.

The Board reviewed a GreenPlan memo regarding the project. As requested, Ms. Vosburgh revised question #10 on the short EAF part 1.

Charlie Laing asked whether the conservation easement must be in place before the subdivision plats were signed. Christine Kane said yes.

Asked whether the old farm road, which already crossed the wetland and would be used as a driveway to lot 2 was in good condition, Ms. Vosburgh said yes. She said it was surfaced with gravel and was used regularly. She said it would not be paved or otherwise improved.

The Board determined the project to be an Unlisted Action under SEQR. Charlie Laing made a motion to establish the Board as Lead Agency for the SEQR review. Sam Phelan seconded the motion, and all members present voted in favor.

The Board noted that the width of lot 1 at the start of the building envelope was only 190 ft, not the required 240 ft. The Board advised the applicants to apply for an area variance since the project could not be approved without it. The Board also said that it would send a letter supporting that variance to the Zoning Board of Appeals since the proposed house location would have the least possible impact on the agricultural use of the property.

The Board also referred the project to the Agriculture and Open Space Committee.

### **Lexann Acres, Inc. – 198 Middle Road – Minor Subdivision**

Ann Marie Vosburgh, John Howard and attorney Andy Howard were present for further discussion of an application to create four (4) new lots from an 18.306-acre parcel in the R1.5 Zoning District.

Christine Kane noted that all the items requested at the previous meeting had been submitted. In addition, she said, Mr. Graminski had reduced the size of the small lots, thereby increasing the size of the larger agricultural lot, and she noted that he had also shown the required shared driveway on the map.

Ms. Vosburgh revised question #10 on the short EAF part 1 as requested.

Michele Greig suggested that the small lots could be reduced even more and that the cluster regulations required the lots be as small as allowed by the topography and the County Health Department. Charlie Laing said that the zoning in that area was R1.5, yet only one of the proposed lots was smaller than 1.5 acres, as allowed by the standard zoning regulations. He said that he recognized that there was a shale outcrop in that location as well as a wetland, but he urged the applicants to try to further reduce the size of the small residential lots. The Board agreed that more information was needed about buildings, septic systems and wells in neighboring lots, soil types and the results of test holes.

Returning to the previous meeting's discussion about a conservation easement for the property, Christine Kane said that she and Charlie Laing were scheduled to meet with Winnakee Land Trust in the near future. Pat Kelly expressed an interest in attending that meeting.

Attorney Andy Howard said that if Winnakee Land Trust maintained its refusal to take the conservation easement, the applicants would approach the Town.

Charlie Laing said that he had understood the 2007 Farmland Protection Plan to require a conservation easement to be placed on the entire Kesicke Farm property at such time that any one of the parcels comprising the farm came before the Planning Board for subdivision plat approval. Christine Kane and Sam Phelan said that they did not understand the FPP in that way, that in their opinion the FPP required an easement on only that part or parcel of Kesicke Farm that was under review for subdivision since the rest of the farm would necessarily remain agricultural if not developed.

The Board determined the project to be an Unlisted Action under SEQR. Charlie Laing made a motion to establish the Board as Lead Agency for the SEQR review. Pat Kelly seconded the motion, and all members present voted in favor.

The Board referred the project to the Agriculture and Open Space Committee.

The Board then reviewed the EAF part 1 and completed the EAF part 2. It then scheduled a public hearing for September 21, 2009 at 7:40 p.m.

## **OTHER BUSINESS**

### **Next scheduled meeting**

Since the next regularly scheduled meeting would fall on Labor Day, the Board generally agreed to hold only one meeting in September, on September 21, 2009.

### **Scenic Roads**

Christine Kane recapped the discussion from the July 20, 2009 meeting, saying that the Board had talked about setting up some sort of permitting process to address development on existing lots along designated scenic roads. Charlie Laing asked whether the building inspector had been checking building permit applications to see whether the lot was on a scenic road.

Michele Greig said that the Board had generally agreed at the previous meeting that such projects would be referred to the Planning Board, which would conduct an abbreviated site plan review to assess only the visual impacts of the project on the scenic road. She described the plan further, saying that if the project was found to have no adverse visual impacts, the Planning Board could waive the public hearing, and the project could be approved in one meeting. The Board would, however, retain the ability to schedule a public hearing for a project. The Board could also refer the project to the CAC or any other committee for review and comments if it so wished. She said that she had drafted regulations reflecting this process.

Christine Kane read a memo dated August 17, 2009 from the CAC which cited Section 143-48D(2) of the draft Scenic Corridor Overlay (SC-O) District regulations which gave the review of such projects to the CAC, after referral by the building inspector. The memo went on to outline the need for a mechanism to view and evaluate the proposed development within the context of the scenic qualities of the road, the need by the CAC for an increased referral response time,

and the ability of the CAC to suggest mitigation measures if it determined there would be adverse visual impacts from the project.

The memo went on to discuss situations other than development that might trigger such a review, such as extensive clear-cutting, grading or excavation.

Kris Munn and Pat Kelly both said that the “trigger” situations described in the CAC memo seemed to them to be different issues than those that would be brought to the attention of the building inspector. Sam Phelan agreed, saying that none of those situations currently required a permit. The Board generally agreed that extensive grading, excavating or tree cutting should require a review and/or permit, even when it was not proposed for a property along a scenic road. The Board agreed to send a memo to the Zoning Review Committee suggesting such a review.

Christine Kane said that she understood the CAC memo to say that the CAC was agreeable to receiving from the Planning Board referrals of projects along scenic roads. Michele Greig said that the Board would refer to the CAC only if the Board was uncertain about some aspect of a project. She said that if the Board found that a project would have no visual impact, it could proceed with an approval without any referrals.

Christine Kane suggested that a mechanism similar to the Certificate of Appropriateness could be created that would be granted to projects found to be consistent with the described scenic qualities of a designated scenic road.

Sam Phelan expressed concern that the decision of exactly which roads should be designated scenic had not been made and that that decision would be lost within the conversation about what the regulations should be. Michele Greig said that the proposed Centers and Greenspaces Plan put back the designated scenic roads, and only those roads, dropped from the official Zoning Map adopted in 1993. Any changes to that list, she said, would come later.

Pat Kelly suggested that the Town Board be encouraged to adopt an interim scenic roads map that could be used by the Planning Board until such time as a final version was adopted as part of the Centers and Greenspaces Plan. The Board generally agreed that such a map would correct the omission of scenic roads from the 1993 zoning map and that a letter should be sent to the Town Board.

## **ADJOURNMENT**

Since there was no further business to come before the Board, Pat Kelly made a motion to adjourn. Charlie Laing seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

## **Attachments**

Certificate of Appropriateness granted to Lisa Stencel

**Town of Red Hook Planning Board  
CERTIFICATE OF APPROPRIATENESS**

Date: August 3, 2009

For: Lisa Stencel Tax Parcel # 6373-01-285944-0000

The applicant owns 0.33 acres at 94 Old Post Road North in the Hamlet of Upper Red Hook. She wishes to install a 24 ft. long fence and construct a 16 ft. x 14 ft. shed on the north side of the property.

The application, survey, and drawings were sent to the Hamlet/Design Review Committee on July 27, 2009

The Hamlet/Design Review Committee reviewed the proposed changes, and submitted its comments to the Planning Board on August 15, 2009. The Committee recommended that the Planning Board issue the Certificate of Appropriateness

A public hearing was held August 3, 2009 and continued to August 17, 2009.

The Planning Board has reviewed and discussed the proposed plans and determined that the proposed shed and proposed fence are compatible with the historic character of the property as well as with the neighboring properties and the district and that there will be no visual negative impact. Therefore,

The Town of Red Hook Planning Board hereby issues this **Certificate of Appropriateness** to Lisa Stencel for the proposed installation and construction as described above.

Certified by: \_\_\_\_\_ Date: August 17, 2009  
Clerk