

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
August 16, 2010

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:50 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Kris Munn, Sam Harkins and Charlie Laing. Sam Phelan, Pat Kelly, Wil LaBossier and alternate Brian Walker were absent.

BUSINESS SESSION

Christine Kane said there were two announcements. First, Central Hudson asked that the Board refer applicants seeking approvals for properties that may be subject to Central Hudson easements to Central Hudson's Special Services Division. Second, NY Municipal Insurance Reciprocal was offering online courses in land use and zoning. Christine Kane said that members taking these courses could be eligible for training credits.

The draft minutes from the July 19, 2010 meeting had been circulated and reviewed. Sam Harkins made a motion to approve the minutes as written. Kris Munn seconded the motion, and all members present voted in favor.

Since the next regularly scheduled meeting would fall on Labor Day, the Board generally agreed to reschedule the meeting to Tuesday, September 7, 2010.

REGULAR SESSION – NEW BUSINESS

**CSX / Classical American Homes Preservation Trust – Dock Road, Barrytown –
Minor Subdivision Sketch Plan**

Marie Welch, L.S., was present with an application to subdivide a \pm 1.787-acre lot from a \pm 79.9-acre parcel owned by CSX Transportation in the H (Hamlet) Zoning District. She said that the subject land had been owned by the railroad for decades and was currently wooded. She said that Richard Jenrette owned Edgewater, the estate across the road, and wished to protect the view from the entrance to his property. Eventually, she said, the estate, along with several others now owned by Mr. Jenrette, would pass into the ownership of the Classical American Homes Preservation Trust. She said that at some future time, the Trust might decide to open the estate for public tours and that the proposed lot could be used for parking. She concluded by saying that the contract for sale restricted the use of the proposed parcel to either landscaping or parking. No other use would be permitted, and should any other use be attempted, the land would revert back to the ownership of the railroad. Largely because of this reverter clause, she said, seeking a lot line alteration was not an option.

Ms. Welch confirmed that the parcel was on a Town road and that the Trust had applied for an area variance because the proposed parcel would be only 1.787 acres in a 5-acre zone. The Board noted that the Zoning Board of Appeals had granted the variance on July 14, 2010.

Because the subject properties were located in the National Historic Landmarks District, the Board determined the project to be a Type 1 action under SEQR. Kris Munn made a motion to adopt a resolution establishing the Board's intent to serve as lead agency for the SEQR review. Charlie Laing seconded the motion. However, since the Board could discover no involved agencies or need for circulation of letters of intent, Kris Munn and Charlie Laing retracted their motions. Charlie Laing then made a motion to establish the Board as the lead agency for the SEQR review. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then reviewed a draft Local Waterfront Revitalization Program consistency form. After the Board and Ms. Welch had agreed on several revisions, Kris Munn made a motion to find the project consistent with the LWRP. Charlie Laing seconded the motion, and all members present voted in favor.

The Board then reviewed the full EAF part 1 and completed parts 2 and 3. While generally agreeing that no significant adverse environmental impacts would occur because of the project, the members chose to wait until the next meeting at which time a draft SEQR document could be reviewed. The Board then scheduled a public hearing for September 7, 2010 at 7:35 p.m.

OTHER BUSINESS

Peter and Sarah Sweeny application for term conservation easement

The Board generally agreed to defer discussion of this application until the next meeting.

Board review of and comments on proposed Centers and Greenspaces rezoning amendments

Christine Kane noted that member Pat Kelly had submitted his comments by email since he was away.

Sam Harkins questioned why some farm businesses, especially equine activities, were excluded from permitted uses outside the ABD. The members generally agreed that all activities defined as agricultural by the Agriculture and Markets Board should be permitted uses on parcels outside the Agricultural Business District but within the Certified Agricultural District. The members also generally agreed that if the Town wants to promote agricultural business, farmers within the proposed ABD or Certified Agricultural District should not have to prove that theirs is an agricultural business if it is included under the NYS Ag and Markets definition.

The members also generally agreed that allusions to amounts of income received from agricultural activities should be deleted from the definition of "farm" since the definition already included the Agricultural Exemption, which is based on farm income.

The Board went on to suggest that the word "lot" be changed in several places in the text to "dwelling unit" or "residential use" so that different types of residences would be included in the new regulations. The members also agreed that there was a trend toward constructing "in-law" additions to houses or accessory apartments on residential lots, and they believed that these types of accessory structures should be taken into account in the regulations governing cul-de-sacs and other residential designs and infrastructure.

The members discussed the proposed regulations allowing deed restrictions and plat notes rather than conservation easements for the preservation of agricultural land and open space on parcels of less than ten (10) acres. The Board agreed that finding a land trust that would take such a small easement was often difficult and that the Town easement program did not yet work

as well as it could. Nevertheless, the members agreed that since a deed restriction was enforceable only by neighbors who were willing to go to court and since plat notes were sometimes overlooked or not transferred to a new plat during a change of lot ownership, a conservation easement was the only effective method of preserving land.

The members generally agreed to add a strong note to its comment report expressing their grave concern about the allowing of deed restrictions and urging the Town Board to take this opportunity to develop a viable conservation easement program that would include outlining criteria for acceptance, requiring one-time contributions from the easement landowners to pay for long term monitoring required under the program, collecting baseline documentation, and developing a written description of monitoring and stewardship duties. In this same vein, the Board asked that all references to “similar mechanisms” be deleted, since only conservation easements would be allowed.

The Board also discussed the proposed replacing of the requirement for a Farmland Protection Plan covering all contiguous parcels of a farm as soon as any development is proposed with a provision allowing a farmer to plan a conservation subdivision on only one of his parcels if he chooses to develop only that one. The members acknowledged that requiring a farmer to consider development on parcels that he does not currently wish to develop could hasten the subdivision and sale of that farmland. However, the members generally agreed that requiring an overall plan for the entire farm was a more effective way of conserving its agricultural value than allowing pieces of the farm to be developed one at a time. The Board suggested language in the Conservation Subdivision regulations that would reinstate the concept of the Farmland Protection Plan.

Other suggested changes included: replacing a specific maximum lot size with “as small as possible given the topography of the land and Health Department standards”, adding references to agriculture in various places throughout the text, questioning whether the Town should automatically become the contingent holder of a conservation easement should the initial holder default, and suggesting that the Town Board request input from the Fire Department before finally determining the maximum length of a cul-de-sac road.

The Board agreed to review a draft copy of its comments at its next meeting on September 7 and to make changes or add other suggestions if necessary.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker