

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
October 4, 2010

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the agenda as printed. The September 20, 2010 draft minutes had been circulated among the members and reviewed. Sam Phelan made a motion to adopt those minutes. Charlie Pat Kelly seconded the motion, and all members present voted in favor.

Christine Kane said there were two announcements. The Dutchess County Planning Federation was offering a class on Transportation and Land Use scheduled for October 19, 2010 at the Cornell Cooperative Extension in Millbrook. Dutchess Land Conservancy announced a workshop on “Conservation Easements and Subdivisions: What Works and What Doesn’t” on October 25, 2010 at the DLC office in Millbrook.

REGULAR SESSION – OLD BUSINESS

Robert & Linda Lasher – 442 Lasher Road – Special Permit

Neither the applicants nor their attorney were present for continued discussion of an application for a Special Permit to establish an existing residence as a “cottage” in order to allow the construction of a single family residence, on a 2.98-acre parcel partly in the Town of Clermont, Columbia County, and partly in the RD3 Zoning District of the Town of Red Hook. Zoning Board of Appeals Chair Nick Annas was present to discuss the application with the Board.

Mr. Annas explained to the Board what alternatives were available to the Zoning Board of Appeals in their deliberations on a request for an interpretation in the Lasher case and in their review of the Lashers’ request for two variances. He said that the ZBA had scheduled a public hearing for Wed., October 13, 2010. Christine Kane said that that the Planning Board was approaching the issue from a purely planning perspective; that is, whether a house with an accessory cottage would be appropriate for that particular parcel. Both agreed to ask Town Attorney Christine Chale to come to the meeting and to defer further discussion until she arrived. (See further discussion later in these minutes)

REGULAR SESSION – NEW BUSINESS

Stephan Steiner – 340 Metzger Rd. – Minor Subdivision Sketch Plan

Stephan Steiner was present with an application for sketch plan approval to subdivide a 14.501-acre parcel into four (4) residential building lots, in the RD3 Zoning District.

Mr. Steiner explained that the property was near Old Post Road South and O'Leary's restaurant. He said that he and his brother had a residence on proposed Lot 1 and that the parcel's total frontage on Metzger Road was 228 ft. He said further that he understood that because all the lots would be flag lots, a shared driveway would be necessary.

Charlie Laing said that flag lots are an exception to standard subdivision and that the Planning Board was not obligated to approve them, especially when potentially there could be significant adverse environmental impacts. In this case, he said, the only access to the parcel was via a bridge across a stream at the curb cut, which would mean that, if the subdivision were approved as proposed, vehicles from all four lots would have to cross the stream at the bridge. The Board and the applicants discussed whether the stream was in the Metzger Road right of way or on the parcel.

Michele Greig suggested that the applicant look closely at Section 143-21C of the Town Zoning Code for the regulations governing flag lots.

The Board noted that there appeared to be no prime or statewide significant soils on the parcel but that an adjacent property was in the Agricultural District, so an Agricultural Data Statement would be required for any action.

Mr. Steiner said that he had not had an engineer look at potential septic system sites yet.

The Board advised Mr. Steiner to find out whether the bridge across the stream at the front of the property was in the road right-of-way or not, what weight it was built to carry and who was currently responsible for maintaining it. The members also advised him to check with the Highway Department about sight distance at that access point. Finally, the Board told the applicant that he must find out whether and/or how the stream had been classified by DEC and that he would have to have a plan to prevent runoff into the stream.

Finally, the Board advised Mr. Steiner that given the potential environmental impacts, the dubious stream crossing for the shared driveway and the general inadvisability of four flag lots, he should look again at the parcel with the aim of reducing the number of flag lots.

REGULAR SESSION – OLD BUSINESS (continued)

Robert & Linda Lasher – 442 Lasher Road – Special Permit

(Continued from earlier in the meeting. Town Attorney Christine Chale was now present, along with ZBA Chair Nick Annas)

The Board reviewed revised maps that addressed some questions that had been raised at the previous meeting about setbacks, driveway location, and parking. Kris Munn then made a motion that the Board go into an attorney-client session. Pat Kelly seconded the motion, and all members present voted in favor. At the end of the discussion, Pat Kelly made a motion to close the attorney-client session. Kris Munn seconded the motion, and all members present voted in favor.

The Board generally agreed that it now had enough information to schedule a public hearing on the Lasher application for a special permit. Based on this information, the members also generally agreed that they could grant the special permit with the condition that the applicants receive the two needed area variances--one for lot acreage and one for square footage of the

existing structure--from the ZBA. The members agreed that this condition was the only one they could foresee at the time, before the public hearing.

Michele Greig reminded the secretary that a public hearing notice must be sent to the Town of Clermont under GML 239nn and that the project must be referred to the Dutchess County Department of Planning and Development under GML 239m. She said that notices must be sent by certified mail to neighbors within 200 ft. of the subject parcel at least 10 calendar days before the planned public hearing and that Agricultural Data Statements must be sent to all agricultural operations within 500 ft. Although the Board had wished to schedule the public hearing before or concurrently with the ZBA's public hearing, the notification constraints precluded such an action. Therefore, the Board scheduled the public hearing for its next regular meeting, on October 18, 2010, at 7:35 p.m.

The members then went on to agree that historically the Planning Board had treated such bisected parcels as one lot. They also agreed that they were concerned that a ZBA interpretation allowing political boundaries to be treated as natural subdivisions would create substandard and/or landlocked lots that would not be suitable for building. Finally, they generally agreed that, as they understood the zoning regulations, such an interpretation would not correspond with a "lot" as defined in the Town Zoning Code.

OTHER BUSINESS

Lexann Acres – request for extension

The Board reviewed an email dated October 4, 2010 from Mark Graminski, PE & LS, requesting an extension to meet the conditions for final subdivision plat approval for Lexann Acres. Mr. Graminski said that he had not yet been able to get the Health Department stamp and signature on the plat map. Sam Harkins made a motion to grant a retroactive 30 day extension, making the new expiration date October 30, 2010. Charlie Laing seconded the motion, and all members present voted in favor.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker