

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
May 7, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:36 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Kris Munn, Charlie Laing, Brian Walker, Sam Harkins and alternate Betty Carr. Members Sam Phelan and Pat Kelly were absent. Planner Michele Greig arrived later in the evening.

BUSINESS SESSION

Christine Kane said that the public hearing for the Estersohn project would not be continued and that the project had been withdrawn. There were no announcements. The April 16, 2012 draft minutes were not available for review.

PUBLIC HEARINGS

Greig Farm, Inc. – 128 Pitcher Lane – Special Permit

Norman Greig was present for the public hearing on an application for Special Permit to allow an existing farm airplane runway on two parcels totaling 123.4 acres in the AB (Agricultural Business) Zoning District.

Christine Kane read the public hearing notice that appeared May 1, 2012 in the Kingston Daily Freeman.

Mr. Greig explained the project saying that he wished to obtain a special permit for an existing 2,000 ft. grass airstrip between Rockefeller Rd. and Pitcher Lane. He said that he had been using the airstrip for agricultural purposes. He also said that he had received a variance to cross between two parcels, both of which belonged to Robert Greig.

The Board determined the project to be an Unlisted action under SEQR. Charlie Laing made a motion to establish the Board's intent to serve as Lead Agency in a coordinated review, with circulation to the Red Hook Town Board as an involved agency. Kris Munn seconded the motion, and all members present voted in favor. Christine Kane then opened the hearing for public comment.

Matthew Nucci, 222 Pitcher Lane, said that the ZBA had described the airstrip as new, not pre-existing. Mr. Greig said that he had been using that airstrip for a number of years. Mr. Nucci also said that Mr. Greig stated that he had one airplane and that recently Mr. Nucci had noticed two planes there. Mr. Greig said that he and a partner together owned two airplanes. He said that the other plane was normally kept in Danbury, CT. but that he had been flying it recently to put some hours on a new engine.

Mr. Nucci then said that the FAA had defined Mr. Greig's runway as an "airport", and he asked whether that meant that it would be open to the public. Christine Kane said that the Town had

both “airstrip” and “airport” in their zoning definitions but that NY State and the federal government only had “airport”. She also read an email that quoted Edmund Buckley from the NYS Department of Transportation. She said that in the email, Mr. Buckley stated that the airstrip would be put on the map as a landmark for pilots flying overhead and in case of an emergency. He said that since the runway would be labeled a “private airport”, a pilot must obtain prior permission from Mr. Greig to use it. Mr. Nucci then asked who would enforce this limited use. Christine Kane said that if there were conditions to the special permit or limits of use, the Town could enforce them. Mr. Nucci said that if other planes could use the airstrip, safety issues arose for the residences nearby. He said that the FAA only considered public places, such as public roads, not private homes or businesses. Christine Kane said that the project was on the May 8, 2012 Town Board meeting agenda and that Mr. Nucci could voice his concerns during the public comment period at the beginning of the meeting.

Kate Karakassis, 152 Pitcher Lane, said that she believed that Mr. Greig’s application was too vague, as was his statement that he did not intend to do anything different from he was currently doing or had done in the past. She said that there should be a specific number of planes allowed, hours of operation, types of planes allowed, etc. She said that there could be lighting added or other improvements that would expand the use and impact of the runway.

Linda Keeling, 238 Pitcher Lane, said that she was concerned that Mr. Greig could conduct flying lessons and that student pilots would pose a danger. Mr. Greig responded that this was a private airstrip. He said that giving flying lessons or airplane rides would be a commercial enterprise and that the strip was not suitable for either one.

The Board then reviewed planner Ted Fink’s memo. Christine Kane said that one focus of the memo was the FAA’s requirement for a letter of agreement between Mr. Greig and the owner of nearby Sky Park. Mr. Greig said that an agreement had been reached using emails and that the emails had been accepted by the FAA as a letter of agreement. Christine Kane said that the Board needed an actual letter with the signatures of both parties.

The Board then reviewed a memo from the Town Engineer dated May 7, 2012. The Town Engineer recommended that the property lines and edge of the pavement should be verified.

Kris Munn wanted to know the distance from the runway to the tallest nearby structures, two silos. It was determined that there was 800 feet of clearance. Mr. Greig said that the silos were 50 and 60 ft. tall. Kris Munn said that the clearance was not adequate given the 20:1 slope recommended by the DOT. Mr. Greig said that his flight path went between the silos, not toward either one.

The Board generally agreed to ask the Town Engineer about any danger posed by the proximity of the silos and whether the distance between them was adequate for safe landings and takeoffs.

Linda Keeling asked whether the Planning Board would be outlining what Mr. Greig could and could not do at the airstrip. Christine Kane said that there were usually conditions attached to a special permit.

Kate Karakassis asked that the Planning Board be very specific. Mr. Greig said that there were no lights, so the airstrip was usable only during the day, that the use was intermittent and that the use was private, not commercial.

Ms. Karakassis said that while Mr. Greig had never abused the use of the airstrip, she was concerned about what would happen should the Greig family sell the property. Charlie Laing said that the Planning Board would set conditions and that the conditions would continue with any subsequent owner.

Ms. Krakassis said that the conditions should prohibit helicopters and lighting and also limit noise levels, the hours of operation, the number of trips, etc. She said that increased use of the airstrip would cause property values of nearby parcels to decrease.

Ms. Keeling added that the Board should limit the size of planes permitted to land at the airstrip and limit the number of planes that Mr. Greig could own.

Mr. Nucci said that he was worried about what others would do since the airstrip had been termed an "airport". Mr. Greig said that he did not want an "airport". He said that the word "airport" had come from the Town, not from him. Kris Munn said that that there were Town regulations that defined both an "airstrip" and an "airport" but that on a state and federal level, only the word "airport" was available for use.

Mr. Nucci asked how the conditions would be enforced. Kris Munn said that usually neighbors noticed violations of conditions and informed the zoning enforcement officer or the building inspector.

Mr. Nucci asked whether the Town or the Greig family would be liable if the airstrip was approved and there was an accident that caused damage.

Since there were no more comments from the public, Sam Harkins made a motion to close the public hearing. Kris Munn seconded the motion, and all members present voted in favor.

The project was tentatively scheduled for the May 21 agenda. Christine Kane reminded Mr. Greig that he must submit either a letter of agreement signed both by him and by the owner of Sky Park or a letter from the FAA stating that Mr. Greig's submittals met that agency's standards for a letter of agreement.

Bard College – Woods Road – Site Plan and Special Permits

Pete Setaro, P.E., Chuck Simmons and Kristen Hall from Bard College, Jim Catella from the Clark Companies, and Don Rudda from Musco Lighting were present for the public hearing on applications for Site Plan approval and Special Permits to construct a baseball field with associated lightning and to amend the Campus Master Plan Update, on a 301.7-acre parcel in the I (Institutional) Zoning District and the National Historic Landmarks District.

Christine Kane read the public hearing notice that appeared May 1, 2012 in the Kingston Daily Freeman.

Pete Setaro gave an overview of the project. He described the synthetic turf and said that while the access road would not be paved, there would be a paved area for the bus turnaround. He said that a gravel parking area would contain about 35 regular parking spaces and 2 handicapped spaces. He said that the drainage system underneath the permeable turf would coordinate with the stormwater pollution prevention plan. He said that approximately 4.9 acres would be disturbed by the project. Finally, he said that an archaeology signoff was still needed from the New York State Office of Parks, Recreation and Historic Preservation, but, he said, the

batting tunnel had been moved to avoid an area of concern noted by archaeologist Christopher Lindner.

Christine Kane then opened the hearing for public comment.

Linda Keeling, 238 Pitcher Lane, asked whether the project would encroach on a wetland. Mr. Setaro said that both the college's and the Board's wetlands experts had agreed that the only suspicious area was simply a low spot with no outlet.

Ms. Keeling then noted that the existing trees absorbed a great deal of stormwater and asked whether the applicants had considered the impact of removing those trees. Mr. Catella said that the turf and all the layers underneath it would be permeable, allowing the water to recharge the soil. He added that in the event of unusually heavy rains, excess water would drain into the three stormwater detention ponds. He added that when the turf wore out and needed to be replaced, the old turf could be recycled.

Mr. Setaro said that there were spaces for 84 people in each of two sections of bleachers. Ms. Keeling asked if there were handicapped accessible areas in the bleachers. Mr. Simmons said that there were 3 or 4 seats in each section.

Mr. Setaro reminded the Board that there was an opening in the outfield fence for emergency vehicle access.

Mr. Catella said that the proposed lights were nearly identical to those used on the soccer/lacrosse field nearby. Mr. Ruddy of Musco lighting said that the siting of the poles was critical. He said that the poles lighting the infield were farther from the field than those lighting the outfield and as a result had to be taller—80 ft.—compared with the 70 ft. outfield poles. He explained that because of the height of the poles, the resulting lights had very little spill and that approximately 90 feet from the pole, the light fell to 0.5 foot candles. He said that while the 80 ft. poles were taller than the 70 poles at the soccer field, the entire baseball field was 10 feet lower than the soccer field. He added that the trees surrounding the field had been measured at 72-88 feet and so would provide additional protection from any unwanted light.

The Board then reviewed the GreenPlan memo. Michele Greig requested some revisions to the plan and suggested that the applicants consider adding an additional stop or yield sign at the junction of the parking lot outlet and the bus exit. Kristen Hall said that the buses carrying visiting teams generally arrived hours earlier than spectators and left much later. The Board agreed that additional signage might not be necessary.

The Board then discussed the applicants' request for a waiver of 7 parking spaces. Michele Greig said that the spaces on the plan were oversized and that more spaces would be gained by reducing the size of each space. The Board and applicants agreed that there were several nearby parking lots that could be used for overflow parking if necessary, that the buses would be parked at remote locations after unloading and that students could easily walk to the field.

Kris Munn asked how many day and night games were planned and whether the schedule was comprised of mostly weekday or weekend games. Kristen Hall said that the league required a minimum of 25 games and allowed a maximum of 40 games. She said that most games would be weekend double headers.

Mr. Setaro said that he would find the additional parking to comply with the required 42 spaces and withdrew the request for a waiver.

Ms. Keeling asked about permeable macadam. Mr. Setaro said that because the site was so close to the Hudson River and therefore at the bottom of the watershed, the field was designed for water quality, not water quantity. Mr. Catella added that the water storage beneath the field could hold a great deal of water and would allow it to disperse slowly into the largely clay soil underneath.

Ms. Keeling asked whether other sites had been considered. Mr. Simmons said that this site was chosen because it was close to the athletic complex and could share parking and other features.

Christine Kane said that the Dutchess County Office of Planning and Development had sent a referral response that the matter was of local concern.

Since there were no more comments from the public, Kris Munn made a motion to close the public hearing. Sam Harkins seconded the motion, and all members voted in favor.

The project was tentatively scheduled for the May 21, 2012 agenda.

REGULAR SESSION – OLD BUSINESS

Teviot, LLC – 40 Davis Lane – Special Permit

Fred Volino and attorney Jon Adams were present for continued discussion of an application for a Special Permit to remove trees within 1000 feet of the Hudson River, on a 62.91-acre parcel in the WC (Water Conservation) Zoning District and the National Historic Landmarks District.

Christine Kane said that several Board members had visited the Teviot site on April 21, 2012 and had seen evidence of extensive tree removal. She added that the members had not discussed the matter during the site visit—they had only asked questions of the applicants.

Charlie Laing said that he had been on the site visit in 2008 as well as the recent visit and that the scope of the tree removal and limbing clearly exceeded the 2008-2009 approval. He said that while he was glad to see that the nesting bald eagles had remained on the site, that the tree work had been timed in accordance with DEC guidelines and that the main house had been successfully restored, he had been disturbed to see the extreme number of trees that had been removed and to see that the understory had been completely cleared. He said that there appeared to be no plan for regeneration. He said that he would like to see a management plan.

Christine Kane said that one of her primary concerns was the threat of erosion on the bluffs overlooking the railroad tracks now that the vegetation had been cleared. She said that while some of that vegetation could have been considered “junk” trees and bushes, it had served to stabilize the hillsides, which were now substantially bare.

She went on to say that the 2008 minutes showed that the applicants had estimated that 53 trees would be removed. She said that clearly many more had been removed.

In addition, she said, there was no support for the trees that had been spared. If the tree containing the eagles' nest blew down, there were no longer a number of similar trees to take its place.

The Board reviewed photographs taken during the 2008 site visit and those taken during the most recent site visit.

Kris Munn agreed that more trees had been cleared than the previous approvals had allowed and that a plan was needed.

Mr. Volino reminded the Board that the applicants had planted 50 trees and 200 dogwood trees. Mr. Adams submitted comments from arborist Mark Barry which, he said, stated that many of the trees needed to be removed.

Kris Munn said the point was that the tree removal had not been approved and that a special permit was needed.

Brian Walker said that it appeared to him that there had been excessive trees removed on the slopes going down to the river. Mr. Volino said that the applicants had tried to re-vegetate the slopes but that planting had failed. Nevertheless, he said, they would try again and that they had no intention of leaving the bluffs bare. Michele Greig quoted parts of an essay submitted by Mr. Adams on American romantic landscapes. She said that these passages described the fragility of the bluffs.

Christine Kane asked for a long-term maintenance plan that would provide support for the remaining trees and a strategy for replacement of diseased, dead and damaged trees with trees of a reasonable size. Charlie Laing said that the applicants must also to address the immediate concerns of potential erosion on the bluffs and other problems caused by the extensive clearing. Mr. Adams agreed to discuss these issues with the arborist.

245 Woods Rd, LLC – 245 Woods Road – Special Permits

Fred Volino and attorney Jon Adams were present for continued discussion of applications for two (2) special permits, one to remove trees and the other to replace an existing house with a new house, both on a 19.22-acre parcel and both within 1000 feet of the Hudson River, in the WC (Water Conservation) Zoning District and the National Historic Landmarks District.

The Board determined the house replacement project to be a Type 1 Action under SEQR. Charlie Laing made a motion to establish the Board as lead agency in the SEQR review, since there were no involved agencies. Hudson River Heritage and The NYS Office of Parks, Recreation and Historic Preservation were interested agencies.

The Board reviewed a letter dated April 16, 2012 from Winnakee Land Trust, holder of the conservation easement on the property, that stated that the organization had no concerns about the house replacement.

Michele Greig said that the EAF part 1 for both the house replacement and the tree removal should be revised, with both the original date and the revised date on the last page. She added that once the revised EAFs were submitted, both projects should be referred to the Dutchess County Office of Planning and Development. Finally, she said that the Town of Saugerties, the Village of Saugerties and the Town of Clermont should be notified of the public hearing under GML 239n.

The Board reviewed photos taken during the recent site visit. The Board and the applicants' agents agreed that the request to remove the 23 trees from this property was to open up a view of the Saugerties lighthouse.

Mr. Adams said that cutting down the trees would create an environmentally better setting. Charlie Laing disagreed. Christine Kane said that this was clearly a viewshed enhancement project. Mr. Volino said that none of the trees proposed for removal was more than 30 or 40 years old.

The Board members reviewed an inventory of the trees proposed to be removed. Mr. Adams said that many were junk trees, such as poplar. Christine Kane pointed out that there were also a number of oaks, sugar maples, and black birches.

Charlie Laing said that this project did not involve restoring a historic landscape as was the contention for the Teviot tree removal—this was making a new cut. Mr. Adams said that a homeowner has that right to cut down trees on his property.

Michele Greig said that in this instance, because of the location of the property, the Planning Board had an obligation to review the proposed actions. She quoted sections of the zoning law regarding development, including tree removal, within 1,000 feet of the river, saying that such development required a special permit and that the Planning Board was required under the law to consider stormwater patterns and runoff, habitat, water recharge areas, aquatic and plant life, etc. She said that because the location was in the Landmarks District, the Board was also required to see that formal and informal landscapes were restored whenever feasible, to consider projects in the context of the overall character of the historic district, and to see that unique open space areas remained forever wild.

Public hearings on both the house replacement and the tree removal were scheduled for May 21, 2012.

Roger Hoffman – 19 Old Farm Rd. – amended Sketch Plan/Subdivision Plat approval

Surveyors Marie Welch and David Noto were present for discussion of an amended application for sketch plan approval to subdivide a 1.611-acre lot from a 10.0-acre parcel in the TND-CC (Traditional Neighborhood-Commercial Center) and TND-R (Traditional Neighborhood-Residential) Zoning Districts.

Ms. Welch said that the applicant had amended his previously submitted application by removing the request for lot line alteration approval. She said that Mr. Hoffman now only wished to subdivide off one lot for his son's automotive repair facility. She said that the project had received variances from the Zoning Board of Appeals for sideyard and rearyard setbacks and for relief from the required number of parking spaces. She said that the small lot would have 18 parking spaces and that two other spaces would be combined to create a handicapped parking space.

The Board reviewed the GreenPlan memo. Michele Greig reminded the Board that it must consider whether there were disadvantages to approving a flag lot. Ms. Welch agreed to check the well and septic system setback requirements with the Dutchess County Health Department and to ensure that a common use and maintenance agreement was developed for the driveway. Michele Greig asked for several notes to be added to the plat.

The Board completed the EAF part 2. Kris Munn made a motion to issue a Negative SEQR Declaration for the project. Sam Harkins seconded the motion, and all members present voted in favor.

The Board then set a public hearing for May 21, 2012.

OTHER BUSINESS

MC Acres – request for extension of deadline

Christine Kane read an email dated May 4, 2012 from Mark Graminski. On behalf of the MC Acres applicants, Mr. Graminski requested a retroactive 90-day extension of the deadline for meeting the conditions of final subdivision plat approval. Mr. Graminski said that more time was needed to obtain Dutchess County Health Department approval.

The Board noted that the applicants had already been given two (2) 90 day extensions after the 180 day deadline to meet the conditions of subdivision approval. Michele Greig said that in September 2010, New York State Town Law had been revised to remove the limit of two extensions for meeting the conditions of final subdivision approval. In light of this change in the law, Charlie Laing made a motion to grant MC Acres an additional 90 day extension. Sam Harkins seconded the motion, and all members present voted in favor.

Anderson Commons – SEQR dispute and DEC request for additional information

Christine Kane reviewed the status of the correspondence with the DEC Commissioner regarding the Anderson Commons SEQR lead agency dispute. She said that in a letter dated April 30, 2012, the Commissioner's office had requested maps and some additional information, to be submitted by May 11, 2012. The Board asked the secretary and Michele Greig to gather and submit that information.

Bard Alumni/ae Center – structural engineer

Kris Munn asked the secretary to obtain a letter from structural engineer John Steinmeier outlining the reasons why fire-damaged framing portions of the proposed alumni/ae center were removed immediately upon their discovery and stating that he had authorized that removal. Kris Munn said that the Town building inspector should have been notified before the removal and that, if possible, the matter should have come back to the Planning Board so that the site plan could have been modified if better plan options were available.

ADJOURNMENT

Since 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