

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
August 20, 2012

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 Kris Munn, Charlie Laing, Sam Harkins, Sam Phelan and alternate Betty Carr. Brian Walker and Pat Kelly were absent as was planner Michele Greig.

BUSINESS SESSION

Christine Kane said that the only announcement was a reminder that there would be no meeting on Labor Day and that the next meeting would be September 17.

The July 16, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to approve the minutes. Sam Harkins seconded the motion, and all members present voted in favor.

PUBLIC HEARINGS

245 Woods Rd., LLC – 245 Woods Rd. – Special Permit

The applicant had requested by email that the public hearing be continued to the September 17, 2012 meeting. Kris Munn made a motion to continue the hearing until that meeting. Sam Harkins seconded the motion, and all members present voted in favor.

Preserve at Lakes Kill – Feller Newmark Road – Preliminary Subdivision Plat Approval

Christine Kane said that the Board had received a number of emails, letters and other materials. She said that the applicants were not present but that the Board would open the hearing to receive comments. She said that the Board had in hand a prepared draft negative SEQR declaration but that no vote would be taken on that declaration at this meeting. She said that at the conclusion of this session, the Board expected that the public hearing would be continued to the September 17th meeting.

Christine Kane went on to say that the Board would not be responding to comments at this meeting, that the members were still reviewing the project and did not have all the information they had requested, and that this was a hearing on the preliminary plat, not the final plat.

Ann Wyrick, 355 Feller Newmark Road, said that she and her husband had chosen to live in their present home because of their gardening and agricultural interests. She said that Feller Newmark Road had become a short cut between Rte. 199 and Route 9 and a dangerous speedway with sharp curves and blind spots. She was concerned about adding more trips per day from the proposed lots.

Ms. Wyrick was also concerned about years of construction disruption since her house was 35 ft. from the road. She said that the applicants had previously logged the property and that huge trucks had entered and left the property for months. She also said that her well was within 15 ft. of the proposed private road, which was previously a farm access road. She said that she worried about salt, diesel fuel, and other toxic substances running off or spilling into her well. Finally, she was concerned about the proposed community septic system and what would happen to the sewage from so many people in case of a power outage, especially since the system would be located so close to the Lakes Kill creek and the sewage would have to be pumped up a hill.

She urged the Planning Board to have as much concern and compassion for the neighbors as it had for the Blandings turtle and other wildlife.

Mary Feller, 107 Feller Newmark Rd., said that approving this project in this location would create a dangerous precedent. She said that it would undermine Red Hook's long standing efforts to conserve farmland and promote agriculture. She said that much of the farmland on the road, including the Feller farm, had been conserved and that to allow so many residences in the midst of that conserved land would adversely impact all that had been achieved.

She also said that Feller Newmark Road was treacherous and that it could not handle such an increase in the everyday traffic load.

Christopher Klose, Echo Valley Farm, Echo Valley Road, said that his road, too, has become a connection between Route 199 and Route 9, with a resulting increase in speeding traffic. He said that as chair of the Town's Economic Development Committee, he was not at all opposed to development and further recognized the need for it, but, he said, this project ran counter to the promotion of the rural heritage and traditions to which Red Hook has been, and still was, committed.

Moreover, he said, Feller Newmark road was clearly too dangerous for this residential development and in fact could be the most dangerous road in the Town. He said that the Planning Board must oppose this project both on the grounds of safety and on the grounds of the community's future. He said that the Town community had worked for years to create a plan to guide it in a certain direction toward an agreed-upon future and that this development was not consistent with that plan. He said that approval of the project would be precedent setting.

Yoel Myers, 419 Feller Newmark Rd., said that this project would adversely change the character of the neighborhood and asked that the Planning Board not allow it.

Jeffrey Anzevino, senior regional planner at Scenic Hudson, said that Scenic Hudson had a history of conserving farmland in the Town of Red Hook to help sustain the Town's agricultural and tourist economies. He said that Scenic Hudson had an assemblage of four (4) conservation easements along Feller Newmark Road and so had an interest in the long term viability of agriculture there. He said that Scenic Hudson supported the Town's new Centers and Greenspaces zoning amendments, including the principle that new subdivisions must be designed as conservation subdivisions.

He said that Scenic Hudson believed that it was critical that the first development projects approved by the Planning Board comply with both the letter and the spirit of the new regulations and the Master Plan. He said that this project was consistent in some respects with the objectives of a conservation subdivision; however, he said, the site's context and conditions

could result in unanticipated impacts on existing agricultural operations and hazardous conditions along the road.

Mr. Anzevino said that while the land was currently wooded, a large portion of the soil was rated as “of statewide importance” and thus suitable for potential agricultural use.

He cited the dangerous intersection where, according to accepted traffic estimates, approximately 110 vehicles would be entering and leaving each day, increasing the hazards to other vehicles, to pedestrians and to livestock that must move along and across Feller Newmark Road.

Finally, he said that frontage requirements in the Town code allowed three (3) lots for this project and that eleven (11) could be allowed only with the approval of an Open Development Area. He said that such an approval would set a precedent for other parts of Town. He said that the Planning Board must consider all the impacts in its deliberations on the project. He then submitted a copy of his letter to the Board.

Jennifer Schwartz Berkey, Board member of Hudson Valley Greenway, said that the Town’s Final Environmental Impact Statement for the new zoning regulations demonstrated the economic savings from reducing suburban-type development in outlying areas of the Town. She said that this development would be costly to the Town in terms of providing services. In addition, she said, studies had shown that if a community was not consistent with the goals of its Purchase of Development Rights Program and interfered with it by cutting into the landscape, that program was wasted.

Jason Alderman, 314 Feller Newmark Road, said that he was not opposed to development that occurred in accordance with zoning. This project, he said, varied from zoning to the benefit of a private developer and to the detriment of the safety of the neighborhood. He said that in the part 1 Environmental Assessment Form, the applicants stated wherever they could that there would be no adverse environmental impacts. Yet, he said, this development would be a large increase in the density of the neighborhood, with a proportionately large impact on traffic and safety. He said that it appeared that a number of environmental issues had not been adequately addressed, such as the impact on the aquifer and the use of pesticides so close to the Lakes Kill. He said that the public had not seen assessments of these impacts and needed to make sure its interests were protected. Finally, he said that the precedent that this development would set would adversely impact the rural character of the Town.

Mr. Alderman then submitted to the Board a petition containing 344 electronic signatures of people opposed to the project.

Ann Rubin said that she had been part of a Town biodiversity study group in 2009 and that the group had come to realize the severe consequences of fracturing habitat. She said that there were wetlands on either side of these residential lots. She said that a corridor had been saved to allow animals to travel between wetlands but that it was much narrower than the existing large corridor, and she warned about dividing habitats. She also said that even though the septic system may be approved by the Dutchess County Health Department, infrastructures fail and at some point that septic system would fail. She also addressed stormwater runoff, saying that lawns were nearly impervious. She added that lawn chemicals and toxic substances from degrading containers in garages would be washed into the Lakes Kill and into the community water supply.

Robert McKeon, 163 Crestwood Road, said that the applicants had omitted including the required sight distances on the plan. He said that the applicants had also claimed that the speed limit on the road was 30 mph when it was actually 35 mph, and the higher the speed limit, the more sight distance was required. He said that the applicants claimed to have 490 ft. of sight distance on the westerly view, but he said, a driver would have to look through someone else's property to get that distance. He said that by the applicant's own admission, the sight distance in the other direction was only 190 ft., which fell well short of the required distance.

He said that the applicants had tried to buy additional property in 2009 because they knew they did not have adequate road frontage.

He addressed the unsafe road saying that there had been an accident at the site of the project intersection just two weeks ago. He said that the development would bring over 100 cars entering and leaving that intersection each day. He said that there was no way to make it a safe location for the entrance to a cul de sac.

Mr. McKeon went on to say that if the project were approved, there would be adverse impacts on agriculture. He said that eleven (11) neighbors would make any future farming on the property itself substantially more difficult since a farmer would have to enter the field through the cul de sac. In addition, he said, if this kind of layout were approved on this parcel in the AB Zoning District, other people would want it on their parcel in the AB.

He said that, as the owner of the neighboring farm parcel, increased traffic like this would shut his farming operation down. He said that one house 160 ft. away would have been fine, but to give him eleven (11) new residential neighbors and 100 new vehicular trips every day through what was essentially his barnyard was absurd. He marveled that the Planning Board's EAF part 2 stated that the development would cause a "small increase" in traffic. He said that taking a herd of cows from one field to another across Feller Newmark Road was already a risky operation, but adding 100 more cars on the road would increase the danger and liability substantially.

He said that the open space lot, which would adjoin his land with a 360 ft. boundary, would be held in conservation easement by Winnakee Land Trust and owned and operated by the homeowners' association. He said that when he had trespassing problems, he would have to go to the homeowners association, not a single landowner.

He said that many of the landowners on Feller Newmark Road had made personal sacrifices and had put a great deal of effort and financial resources into permanently protecting their land for agriculture. He said that there was a history of farming there, and he asked that the Board allow these landowners to continue farming.

He said that he recognized that the developers had rights, too, and that a minor subdivision with the two existing flag lots and one large parcel would more than allow them to realize a fair economic return. He said that as proposed, the eleven lot development would require an enormous amount of money to be spent before the first house was even begun.

He said that the reason this was a dangerous precedent was because the Board would have to waive road frontage requirements. He said that years ago, 160 ft. of road frontage was required for a residential lot. Later, he said, flag lots with 50 ft. of road frontage were allowed in extraordinary instances. He said that now in this action, road frontage would essentially be waived altogether and that for this proposal there would be only 13 ft. of road frontage for each

lot. He said directly across the street, there was a 31 acre parcel in the back of several smaller lots. He said if this application were approved, the owner of that parcel could want a cul de sac, too, as could the owner of another neighboring 30-acre parcel. He said that the same type of development could be requested then on Rockefeller Lane, Yantz Road and other roads in the Town. He said that by waiving road frontage, the Board would do away with the existing limitations on development and the Town would realize a much greater density. Moreover, he said, previous subdivision applicants had been turned away because they did not have adequate road frontage.

Mr. McKeon said that he had a letter from the Town Zoning Enforcement Officer who stated that the applicant was only entitled to three (3) lots unless the Planning Board decided otherwise, even though there is no benefit to the community.

He ended by saying that it had never been the intention of the new zoning to allow so much flexibility in laying out development that there would be such unintended consequences and that there would in fact be more density realized in these agricultural areas.

Marie Welch, local land surveyor, said that she felt that there was misinformation in the letter printed in the Red Hook Observer, including the statement that 1700 lots that could be created and the residences would cause pollution of the Lakes Kill. She said that one of the biggest polluters was livestock, whose waste runs off into streams, while treated waste from a septic system waste entered the ground where it had a chance to rejuvenate the land. She also said that the Dutchess County Health Department would not approve a system that was not functional.

Finally, she said that the Town needed new lots to provide homes for its young people and to provide recreation fees for the upkeep of its rec facilities. Without new lots, she said, taxes would have to pay for those facilities. She said that there was already a large amount of farm acreage preserved. She said that the sale of new lots also provided money for the purchase of development rights through the Community Preservation Fund transfer fee.

David Pearson, Village of Red Hook, said that his son was involved in the most recent accident at the proposed intersection on Feller Newmark Road. He said that, given the dangerous curve there, it did not make sense to him to have so many cars come out at that point on the road.

He said that he had developed property in another town and that he had been compelled to comply with sight distance requirements. He asked why this developer should not have to meet the frontage and sight distance requirements of this town.

Sue Ciani, 219 Feller Newmark Road, said there was another accident in that area on Feller Newmark Rd. in the spring. She said that the road had many curves and hills

Brian Denu, 243 Feller Newmark Rd, said he did not believe there was adequate sight distance. He said that children could not be seen from the driveway or by drivers coming around the curves. He said that the road became icy and slippery during the winter and that there would be school buses stopping during the school year.

David Podolsky, 249 Hapeman Hill Road, said that the proposed project did not meet the requirements of the Town's Comprehensive Plan, which had been developed years ago to create economic opportunity and also to protect the character of the Town. He said that the developers had logged the property and had left a mess. He said that there was no reason to

go against the plan now or to give this developer a variance from the plan. He said that the Board should deny the application since it was not consistent with the plan.

Elisabeth McKeon, 163 Crestwood Road, said that approval of this development would shut down her family's farm. She said that this would also shut down the people who had brought animals to a large number of Town events, who have brought food to food pantries, who have given tours to scouts, who have hosted events for cancer survivors and therapeutic riders, who have managed the winter farm market, who have helped three young farmers start their own farms in neighboring communities, who supplied chips for the Greig Farm blueberries, who have hired pruners during the winter months, who buy hay from local farms, and who attract Red Hook children to the farm. She said that her family and other farmers on Feller Newmark had made a permanent commitment to the Town, in anticipation of a commitment from the Town to make it possible for them to continue to farm the land. She said that they were simply the current stewards of the land. She said that many people come to see the animals, but, she said, they won't be there unless the Planning Board allows the farmers to farm safely.

Mary Ann Johnson, Hapeman Hill Road, said that she had friends who lived on Feller Newmark Road near the proposed entrance to the subdivision and that as an adult driver, she found it very disconcerting to come out of some of those driveways. She said it was very hard to see. She asked whether the developer had submitted plans to show the mitigation it would take to create the required sight distance. Christine Kane said that the Planning Board review was still in its early stages. Ms. Johnson said that it was crucial that the Board see what it would take to attain the sight distance needed to safely look left and right, adding that she believed that it would take severe cutbacks on the road.

Ann Waryck spoke again, reminding the Board that it had told Bard College that the College could not build its proposed performing arts center in the College's originally desired location because the site was unsuitable. She said that the Board should act with the same strength in this situation.

Ann Rubin said that she wished to respond to an earlier comment about livestock pollution. She said that the farmers in Red Hook did not practice mega-agriculture with its resulting massive waste runoff. She said that farming the way it was practiced here did have an impact but that it had less of an impact on the land than a suburban-type development, especially a development in the project site location with its pervious soils.

She also said that Community Preservation Fund money came also from the sale of existing homes and that new lots would not have to be created to fund the CPF programs.

Christine Kane asked how many people were in the audience, including those in the hallway. It was estimated that 70 people had come to the public hearing. Christine Kane thanked the people who attended the hearing and those who spoke, saying that the comments were thoughtful and well prepared. She said that the hearing was continued to September 17, that materials would be available for review and that even if someone spoke at this meeting, he or she could speak again on September 17. She explained that the Board was in the early stages of its review of this major subdivision and that this was a hearing on the preliminary, not final, application for approval. She said more studies and reviews were being compiled.

REGULAR SESSION- NEW BUSINESS

Glade Keaney – 43 West Willets Road – Minor subdivision

Dan Wheeler, P. E. was present with an application for a two (2) lot minor subdivision on a 6.87-acre parcel on West Willets Road in the RD3 Zoning District.

Mr. Wheeler explained the project saying that the flag pole of one of the proposed lots was 50 ft. wide, as required, and 465.9 ft. long. He said he was not sure what the total road frontage for the two lots was.

The Board reviewed the GreenPlan memo prepared for the project.

Christine Kane asked why the flag lot frontage was the minimum 50 feet.

Mr. Wheeler said that the shared driveway ran along the flag pole. Sam Phelan asked about the slope of the driveway. Mr. Wheeler said that currently two people shared the driveway and that with the subdivision there could be a third. He said that the driveway crossed a stream by way of a culvert.

Mr. Wheeler was asked to provide clarifications on the frontage of each proposed lot, to provide an accurately scaled drawing, to calculate the slope of the driveway and to calculate the buildable acreage of each proposed lot. He was reminded that he must subtract steep slopes, streams and other topographic features as listed in the Zoning Code from the buildable acreage and that the "flag" could not be included in the lot calculation.

He was also asked to provide a copy of the driveway use and maintenance agreement.

Loraine Manning/ Mildred Norton – 66 Hapeman Hill Rd.– Lot Line Alteration

Attorney Angela Lore was present with an application for a lot line alteration to swap 4,344 sq. ft. of land between two (2) adjoining parcels of 3.944 acres and 1.489 acres, in the RD 3 Zoning District.

Ms. Lore explained that the driveway and the well of one lot encroached on the neighbor's property and that this application sought to remedy that situation.

The Board reviewed the GreenPlan memo prepared for the project. Ms. Lore said that she understood that the project would need an area variance for reduced road frontage on one of the lots. Christine Kane said that it was not advisable to reduce a lot with conforming road frontage to a non-conforming lot. Ms. Lore said that she would talk to her clients about swapping land in an area other than the road frontage.

The Board asked Ms. Lore to locate both the well and septic of the Norton property and to provide for all the wells and septic systems the setbacks from the property lines. She was also asked to submit an Agricultural Data Statement.

The Board determined the project to be an Unlisted action under SEQR. Charlie Laing made a motion to establish the Board as the lead agency for the SEQR review. Kris Munn seconded the motion, and all members present voted in favor.

Ms. Lore agreed that even with the Lot Line Alteration, the Manning driveway would only be 5 or 6 ft. from the property line.

The project was tentatively scheduled for the September 17th meeting.

OTHER BUSINESS

Norman Greig – question about airstrip special permit approval

Norman Greig asked about condition 2A of the family airstrip special permit. He said that he believed it was vague. He also said that while he would abide by his statements, he could not force anyone who landed on the airstrip to abide by his statements. He said that the airstrip would be located on FAA maps, which raised the possibility of other people landing there.

Christine Kane said that the Board understood from his previous discussions that the airstrip could be used for emergency landings and for occasional Aerodrome landings. She said that the Board also understood that Mr. Greig had no control over those uses. She said that the Board lastly understood that, because it was short, grass covered and unlit, the runway was unlikely to be used routinely by planes other than Mr. Greig's. She said that the Board was comfortable with these parameters and that all this information had been laid out in the meetings and in the minutes.

Sam Phelan suggested that Mr. Greig obtain copies of the minutes of the meetings at which his project was discussed.

Anderson Commons – “no dispute” letter from DEC

Christine Kane said that the Board had received a letter from the NYS Department of Environmental Conservation saying that in that agency's view, there was no dispute about whether to re-circulate for SEQR lead agency for the Anderson Commons development. She said that one of the issues had been how long a project could lay dormant before it must be restarted from the beginning. She said that this decision implied that there was no time limit.

Preserve at Lakes Kill – discussion

The secretary said that nearly 100 e-mails, several letters and two petitions were in a file and available for the members' review.

Sam Phelan asked which board ultimately must approve a private road. Christine Kane said that the Planning Board had that authority. She said that the Fire Department had looked at the plan and that the turnaround had been slightly modified at the department's request.

She went on to say that the road would not be dedicated to the Town, so it would not need Town Board approval. She said that the Town Board would have to approve an “Open Development Area”, which would give the applicants more flexibility with the road width and a few other items, but that the applicants had not yet decided whether they would request an ODA.

Sam Phelan asked whether a *private* road that was a cul de sac with eleven (11) lots was unprecedented in the Town. The Board agreed that it probably was.

Sam Phelan said that a number of the issues raised at the hearing seemed to be engineering issues but that the one that concerned him was the setting of a precedent that may not be consistent with the Town's comprehensive plan. Charlie Laing said that such a possibility had always existed in the Zoning Code. Christine Kane said that the Planning Board does not set precedent as the ZBA does; she said that the Planning Board decided on a project-by-project basis.

Several members agreed that the site distance was fundamental and that no variance from that distance could be granted.

Christine Kane said that applicants routinely seek preliminary plat approval so that they know whether they should spend money on additional studies and reviews. Charlie Laing said it would have been helpful to have the applicants present to explain the project.

ADJOURNMENT

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

Respectfully submitted,

Paula Schoonmaker