

**APPROVED**  
**Town of Red Hook Planning Board**  
**Meeting Minutes**  
**October 15, 2012**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:32 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Kris Munn, Charlie Laing, Sam Phelan, Betty Carr, Brian Walker, and alternate Michelle Turck. Member Sam Harkins was absent. Also present was planner Michele Greig.

**BUSINESS SESSION**

Christine Kane confirmed the agenda.

The October 1, 2012 draft minutes had been circulated among the members and reviewed. There was one spelling correction. Charlie Laing made a motion to approve the revised minutes. Kris Munn seconded the motion, and all members present voted in favor.

There were two announcements. Christine Kane said that the Dutchess County Planning Federation was offering short courses in the coming months and that training credits were available. She said that all members should have received an email outlining the courses and the nights the courses would be given. She also reminded the members that Dutchess Land Conservancy was holding a course on Conservation Easements and Subdivisions on October 29, 2012 and that training credits would be available.

**PUBLIC HEARING**

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

Attorney Angela Lore was present for continued discussion of an application for a lot line alteration to swap 4,682 sq. ft. of land between two (2) adjoining parcels of 3.944 acres and 1.489 acres, in the RD 3 Zoning District.

Christine Kane read the public hearing notice that appeared October 9, 2012 in the Kingston Daily Freeman.

Ms. Lore explained the project saying that the lot line alteration would resolve the encroachment of the Manning well and driveway on the Norton land. She said that there would be no frontage problems resulting from the action, and that the Manning well would now be 24 ft. from the property boundary. She said that surveyors would soon locate the Norton well and septic and add those features to the plat.

Christine Kane opened the hearing for public comment. There was none. Charlie Laing then made a motion to close the hearing. Kris Munn seconded the motion, and all members present voted in favor.

The Board then reviewed a draft resolution approving the lot line alteration. The members revised the resolution to list the owners of the properties as the applicants, added a condition requiring the location of the Norton well and septic on the plat and added a second condition requiring a note to the plat stating that no new lots were being created by this approval.

Kris Munn then made a motion to adopt the revised resolution. Brian Walker seconded the motion, and all members present voted in favor.

### **REGULAR SESSION – OLD BUSINESS**

#### **245 Woods Rd, LLC – 245 Woods Road – Special Permit**

Continued discussion of application for Special Permit to remove trees within 1000 feet of the Hudson River, on a 19.22-acre parcel in the WC (Water Conservation) Zoning District and the National Historic Landmarks District.

**and**

#### **Teviot, LLC – 40 Davis Lane – Special Permit**

Continued discussion of application for 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.

None of the applicants or their representatives was present.

Christine Kane reminded the Board that the public hearing for the 245 Woods Rd., LLC special permit had been closed on September 17, 2012 and that this action had started the approval deadline clock for the project. She said that under SEQR, the Board was required to consider the cumulative effect of both the Teviot and the 245 Woods Road tree removal projects, and since the Teviot was not as far along in the process, the applicants had been asked to submit a letter waiving the approval deadline for 245 Woods Rd. She said that the applicants had submitted such a letter. She said that she and Michele Greig had had a conversation with attorney Jennifer Gray at Keane & Beane to make sure that the issue was resolved appropriately.

She also said that attorney Jon Adams had said that he would be unable to attend this meeting.

Christine Kane went on to say that documents and materials from both project files had been referred to the Town Engineer for review and comments, with a focus on a review of engineer Tim Lynch's letter dated May 21, 2012. Michele Greig said that the Town Engineer's response letter addressed only part of what the Board needed to know. Christine Kane said that the Board still needed to know about the soils on the properties and the threat of slumping. She said that the Town Engineer's office had recommended that the Board require an erosion control plan. Michele Greig said that before the Town Engineer or anyone else could assess the risk of erosion and slumping, the Board needed to have an accurate picture of the number, age, location and size of the trees that had actually been removed at Teviot. She said that once this information was received, the Town Engineer could be asked to enlarge on her comments.

Christine Kane said that her understanding was that the applicants believed they had already submitted adequate information as well as a re-vegetation plan, which, she said, was focused basically on grasses. She said that at the last meeting, the Board had discussed sending the information it did have to a landscape architect.

The Board members discussed asking the applicants to update the demolition plan they had submitted during the Teviot special permit and site plan review of 2009, which located the 53 trees they planned to remove at that time. Michele Greig proposed asking the applicants to use that plan as a base and to locate the additional trees that had been removed, using the stumps to estimate size and age. She said that such an amended plan had been requested several times before.

Sam Phelan said that he believed that the information the Board had gathered on its site visit and from its own photographs of the site was clear and adequate.

Christine Kane said that the applicants had not indicated a clear time limit for submitting further information and that, if the applicants did not comply or if the Board did not approve this retroactive special permit, no consequences had yet been discussed. Kris Munn asked whether a fine was normally imposed on someone who acted without or in violation of a special permit and, if so, whether that action would be taken by the Town Board. Sam Phelan asked if there had been any formal statement that the applicants were in violation of the original scope of the tree removal. Christine Kane said that the Zoning Enforcement Officer's letter of January 24, 2012 told the applicants that they had cut trees without a special permit and that they should apply for that special permit.

Christine Kane said that the Board could reach out to the applicants, explaining again what information was being requested and asking for a clear statement about whether they had submitted all the documentation they were planning to submit so the Board could move forward.

Michele Greig said that attorney Jennifer Gray had suggested that the Board look into the possibility of levying a fine if such a request was not successful.

Sam Phelan said that he had not yet seen any document stating that the applicants were in violation of the law and that they were being cited for this violation. Kris Munn said that the presence of the applicants before the Board showed clearly that they were in violation of the regulations, whether any document made that statement outright or not. Sam Phelan said that he thought the applicants were before the Board because they wanted to rectify a situation.

The members generally agreed to send a letter to the applicants confirming that both projects were now on the same timeframe, reiterating the additional information the Board was requesting and informing the applicants that it was likely that no certificates of occupancy could be issued and no special permits or other approvals could be granted until the issues with these projects were resolved.

Asked specifically what information the applicants should be asked for, Christine Kane said that the Board needed a map on a topographic base showing which trees had been approved for removal and which trees had actually been removed; that the map should reference the demolition plan of 2008-9; and that the map should give a picture of what

that portion of the property had looked like before and what it looked like after the tree cutting. Sam Phelan asked on what basis the Board could make a decision once the applicants submitted this information. Christine Kane said that the information could be passed on to a landscape architect who, using his/her expertise and the site information, could give recommendations on how the applicants could best maintain the stability of the land, restore the appropriate historical landscape of the property, and provide river views.

Christine Kane then summarized a letter from the property's previous owner Susan Davis, who said the tree removal at Teviot had destroyed the "beautifully laid-out English landscape" and who cited the cutting down of a 120 year old weeping hemlock in the front of the house.

Sam Phelan asked whether NYS OPRHP had sent comments. Christine Kane said that in letters received so far, OPRHP was primarily concerned with the disturbance of possible archaeological sites and that the applicants had confirmed that they were not going to dislodge any of the stumps. Charlie Laing asked whether the state was concerned about the impact of the cutting on a Statewide Area of Scenic Significance (SASS). Christine Kane said that OPRHP had requested a more detailed site plan.

The members agreed that there were several ways to calculate how many trees had been removed and how large they had been. They agreed that counting and measuring the stumps could give a fairly accurate assessment of the trees that had been removed.

Since there was no other business to come before the Board, Betty Carr made a motion to adjourn. Brian Walker seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker

**Attachment**

Resolution granting Minor Subdivision/Lot Line Alteration to Lorraine Manning and the Estate of Mildred Norton

**Resolution Granting Final Subdivision Plat Approval to  
Manning/Norton Lot Line Alteration**

**Name of Project:** Manning/Norton Lot Line Alteration

**Name of Applicants:** Lorraine Manning and the Estate of Mildred Norton

**Date:** October 15, 2012

**Whereas,** the applicant has submitted an application for Final Subdivision Plat approval dated July 24, 2012 to the Town of Red Hook Planning Board for a proposed lot line alteration to convey  $\pm$  4,682 square feet of land from the  $\pm$  3.944 acre Manning parcel (Tax Map Parcel No. 6372-00-790520) located at 66 Hapeman Hill Road to the  $\pm$  1.489 acre Norton parcel (Tax Map Parcel No. 6372-00-793554) located at 74 Hapeman Hill Road, and to convey an equal area of land from the Norton parcel to the Manning parcel, in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York; and

**Whereas,** the applicant has submitted a Final Subdivision Plat prepared by Paggi, Martin, and Del Bene, LLP dated May 2012 and revised September 4, 2012; and

**Whereas,** the parcel is not located within 500 feet of a farm operation; and

**Whereas,** on August 20, 2012, the Planning Board declared itself Lead Agency for the purpose of conducting an uncoordinated review of an Unlisted action pursuant to SEQRA; and

**Whereas,** on September 17, 2012, the Planning Board, in consideration of the Short Environmental Assessment Form dated July 24, and the 'criteria for determining significance' set forth in 6 NYCRR Part 617.7(c), determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

**Whereas,** on October 15, 2012, the Planning Board scheduled a Public Hearing on the Subdivision Plat application, at which time all interested persons were given the opportunity to speak; and

**Whereas,** the Planning Board has deliberated on the application and all the matters before it.

**NOW, THEREFORE, be it resolved** that the Planning Board hereby grants approval to Lorraine Manning and the Estate of Mildred Norton to exchange  $\pm$  4,682 square feet of land between the Manning and Norton parcels located at 66 and 74 Hapeman Hill Road in accordance with the plans and specifications heretofore submitted upon the following conditions:

- a The applicant shall verify that the corners of the lot line alteration areas have been marked by monuments or steel rods, as approved by the Town Engineer.
- b The plat shall be revised to show the location of the existing well and septic on the Norton property to demonstrate that these facilities will meet the required setbacks of the Dutchess County Health Department subsequent to the lot line alteration.
- c The plat shall be revised to include a note that each of the  $\pm$  4,682 square feet of land areas will be merged with the adjacent Manning and Norton properties (to obviate what would otherwise be the creation of non-complying parcels through this act of subdivision plat approval).
- d Payment to the Town of Red Hook of any outstanding fees due and owing for the review of this application.
- e Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

In taking this action, the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

On a motion by Kris Munn, seconded by Brian Walker, and a vote of 6 for, 0 against, and 1 absent, this resolution was adopted on October 15, 2012.

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

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Paula Schoonmaker, Deputy Clerk to the Board

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Date