

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
November 19, 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, Brian Walker, Betty Carr, Sam Harkins and Sam Phelan. Alternate Michelle Turck was absent. Also present was planner Michele Greig.

BUSINESS SESSION

Christine Kane confirmed the agenda. The October 15, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to approve the minutes. Betty Carr seconded the motion, and all members present voted in favor.

There was one announcement. Christine Kane said that a short course training session titled “Housing Dutchess: Building a 21st Century Housing Stock” would be held Tuesday, Nov. 27th at the Farm and Home Center in Millbrook.

PUBLIC HEARING

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

Michael Bodendorf, P.E., owner Mark Baisch, and traffic engineer Peter Rucillo were present for a continuation of the public hearing on an application for preliminary subdivision plat approval to create 11 lots on a ± 100.45-acre parcel in the AB (Agricultural Business) and RD3 Zoning Districts.

Mr. Bodendorf explained the project saying that it was a conservation subdivision with individual wells and a community septic system. He said that each house would have a generator and that the community septic system would also have a generator in case of a power outage. He said that the access to the lots would be via a cul de sac with a few shared driveways. He said that these measures were meant to meet the criteria of a low impact development as defined by the State of New York. He said that the applicants were using green infrastructure stormwater practices, that they had reduced impervious surfaces wherever they could and that they were promoting groundwater recharge.

Traffic engineer Peter Rucillo from John Collins Engineers said that the company had done a traffic count on Feller Newmark Road to ascertain the number of vehicles at peak hours. He said that the engineers had used that data to extrapolate the increase from the completed development.

Mr. Rucillo went on to say that usually there was about one trip per residential unit during a peak hour—possibly 12 or 13 trips in and out of the development during each peak hour. He said that the increase was estimated to be 15 additional cars on Feller Newmark at peak hours.

He said that a capacity analysis had then been done at the proposed access. He said that given the normal low volume on the road, the level of service would still be considered "A".

Mr. Rucillo explained that the American Association of State Highway and Transportation Officials categorized roads by traffic count or volume. He said that Feller Newmark Road, with fewer than 300 vehicles per day, would be considered "low volume". As such, he said, the standard sight distance requirements did not apply. He said that because the "interaction" between multiple vehicles would be less frequent than on a higher volume road, the sight distance could be reduced. He said that this conclusion was based on analysis using standard methodology.

He concluded by saying that there was adequate capacity for the increased volume, that the pavement structure was sound, and that the reduced sight distance could be supported by the low volume of traffic.

Mr. Bodendorf discussed the reduced sight distance requirement of 205 feet and referred to sight distance profiles. He said that the horizontal and vertical curves at the access point were tight and that even by moving the entrance within that curve, the reduced sight distance could not be achieved in both directions. He said that with the current plan, a driver exiting the subdivision would have adequate sight distance looking to the right but not looking to the left. One solution, he said, would be to cut down the vertical curve on the east side of the access, which would also give the Town an opportunity to improve the drainage in that area.

He said that the applicants would prepare plans showing the proposed mitigation to the road, leaving space for Town drainage improvements.

Asked about the proposed mitigation, Mr. Bodendorf said that the plan was to take about 1 foot off the vertical curve. He said there was no way to improve the horizontal curve to meet the requirements for the Town speed limit of 35 mph. He said that the applicants had considered installing a 3-way stop intersection but believed that cutting the vertical curve would be a better solution.

He said that the engineers had also looked at school buses stopping on the road. He said that since drivers usually look for the blinking lights at the top of a bus, which are 8 feet high, rather than brake lights, which are only 24 inches high, sight distance was adequate even without improvements. He said that this sight distance, too, was 205 ft.

Kris Munn asked about the previous sight distances discussed, measured and noted on older plans. Mr. Bodendorf said the applicants had previously been working to achieve sight distances of 390 feet for 35 mph.

Mr. Bodendorf said that applicants were also considering posting some signs alerting drivers to "dangerous curve" and advising "reduce speed".

Mr. Bodendorf went on to say that the applicants had been asked to prepare an accident analysis and that they would be formally submitting that report. He did, however, distribute draft copies. Mr. Rucillo said that the report covered a 6-year period and documented 10 accidents. He said that a more detailed report would be warranted only if there were 5 or more accidents per year. Mr. Bodendorf noted that the most recent accident at the access location was not included in the report. Mr. Rucillo said that only accidents reported to the police were included.

Christine Kane asked if there were any comments from the public.

Robert McKeon, Crestwood Road, said that there was nothing in the Town code that would allow a reduction of sight distance to 205 ft. He also said that the speed study showed the prevailing speed to be 35 mph and that greater sight distances were required at that speed. Finally, he said that the applicants' proposal and the entire traffic report including the speed study and accident report should be referred to the Town highway superintendent.

Christine Kane said that the project had not yet been referred to the Town highway superintendent because such a referral must come from the Planning Board at a meeting.

Amanda Denu, Feller Newmark Road, asked how the applicants had arrived at the "low volume" of traffic. She said that cars routinely used Feller Newmark Road to avoid the central light. Mr. Rucillo said that traffic was monitored at two locations, to the east and west of the proposed new road, over a two week period. He said that the data indicated that 85% of the vehicles traveled at 35 mph or below and that 15% of the vehicles traveled at higher speeds. He said that the speed on some of the curves should be 25 mph.

Laurie Dahlberg, Feller Newmark Road, questioned the supposition that only one car would leave a house during a peak hour. Mr. Rucillo said that one car leaving from or arriving at a residence during a peak hour (7:30 a.m to 8:30 a.m. or 4:30 p.m to 5:30 p.m.) was an accepted average. He said that other vehicular trips could occur during the day, such as delivery trucks. Thus, he said, the applicants estimated there would be approximately eleven trips into or out of the development during each peak hour.

Ms. Dahlberg said that in such a development often two adults would leave each house during a peak hour plus possibly teenage students who drove to school. Mr. Rucillo said that possibly in other homes, the adults wouldn't leave until 9 or 10 a.m.-- after the peak hour. He said that one trip per house during a peak hour was a statistical average.

Karen Jerro, 368 Feller Newmark Road, said that there were 2 accidents at that proposed intersection in the past year. She attested to the dangerous curves and said that signs alerting drivers to the school bus stop and warning about the curves had been "wiped out". Mr. Rucillo said she would be surprised how modifying a curve by one foot would improve its safety.

Mary Ann Johnson, Hapeman Hill Road, asked Mr. Rucillo to compare a typical straight low volume road to a low volume road that had such sharp horizontal and vertical curves. She also asked him to comment on the impacts of this difference on sight distance. She also said that the applicants had used a standard study of a typical road but that it did not take into account the reality of this road.

Mr. Rucillo said that the reduction of the sight distance on low volume roads was allowed because there were fewer opportunities for "conflicts" or accidents. He said that this allowance was based on statistical studies done all around the state.

George Meyers, 419 Feller Newmark Road, said that rather than looking at just accidents, the applicants and the Town should also look at dangerous incidents such as skidding. He said that the curved road was a favorite of motorcyclists.

Robert McKeon said that with the possible development of other large properties on the road, the amount traffic could increase substantially and the road would no longer be a "low volume"

road. Moreover, he said, the applicants' own study estimated that 106 cars would be leaving and entering the development each day at that dangerous location in the road. He said that recent accidents or incidents there had been less significant because there had been no other cars there to hit. He said that with the increase in cars at that point, more serious accidents would happen, and he asked who would be responsible. He said that government was responsible for the health, welfare and safety of its citizens.

Mr. McKeon also discussed a second letter sent by Scenic Hudson. He said that Scenic Hudson had partnered with the Town to save significant sections of farmland, but, he said, the tone of the letter suggested that if this development was approved in the midst of some of this farmland, the organization would become skeptical of the Town's commitment to farmland preservation and might wonder whether its own dollars had been well spent.

Sue Ciani, 219 Feller Newmark Rd., said that she had been born on Staten Island and had seen the ruinous development there. She said that Red Hook needed to develop wisely to avert problems later.

Ann Wyrick, 355 Feller Newmark Rd., said that everyone knew the sight distances were not up to standards. She said that it was naïve to think that shaving off a hillside would solve the problem. She then referred to the residential development, Feller Newmark Estates, across the street. She said that the Town had not supervised that development well and that the stormwater runoff was excessive and drainage inadequate. She said that there were two pools of stagnant water at the entrance that posed health hazards. She said that the acres of unused former farmland proposed as open space for this development would also be unsupervised and would become a breeding ground for deer, mice and ticks. She said that cluster housing was trendy but was better in an urban setting where municipal water supplies and sewer lines were available, and she warned of the unintended consequences of such a development in a rural area. She asked whether anyone in the room would want to live next to an experimental community septic system.

She went on to say that the water in the area was very hard and that the water for the 11 new wells would need to be treated with chemicals that would eventually enter the Lakes Kill and finally the Hudson River. She added that chemicals used by pest exterminators and others would also pose a threat to the water. She said that three houses, as would normally be allowed on the three lots, was a more feasible number. She concluded by saying that Red Hook's programs had brought new life to agricultural businesses in the Town and that the Board and the community must keep its commitment to those businesses.

Robert McKeon said the public hearing should be continued in order to give the public an opportunity to comment on the Town Highway Superintendent's report. He said that he and others would also be submitting data from their own traffic engineer. He added that the applicants' own traffic study showed that this project alone would increase the traffic on the road by 60% and asked that the Board consider the cumulative traffic impact of such development on the road.

Christopher Klose, Echo Valley Road, asked how the applicants proposed to soften the vertical curve and whether doing so would involve cutting down multiple trees. He said that removing many trees would change the historic appearance and feel of the road and set a bad precedent for preservation of rural character.

Tom Synan, 287 Hapeman Hill Road, asked whether the road would be “softened” by excavating land in the Town right-of-way or whether private land would be reshaped using the power of eminent domain. Christine Kane said that those details would likely not be known until further plans were developed. Mr. Bodendorf said that the current view was that no private property would be involved. He added that there likely would be tree removal but that the size and number of the trees was not known.

Christopher Klose said that the planned modification would turn a country lane into something much different.

Elisabeth McKeon, Feller Newmark Road, said that the more trees that were taken down, the faster cars would travel on the road.

Kris Munn said that as he understood it, the Town Code called for 390 ft. of sight distance on a 35 mph road. He asked why the American Association of State Highway and Transportation Officials called for only 250 ft. on a 35 mph road, approximately 40% lower than the Town regulations. Mr. Rucillo said that the Town might not be aware of the lower thresholds for low volume roads. Kris Munn said the reduced sight distance was an AASHTO standard for any road, not just for low volume roads. Mike Bodendorf said there was a difference in eye heights and that the County went by AASHTO standards. Mr. Rucillo added that when eye heights were raised, sight distances could be reduced. He said that the old standards required sight and stopping distances adequate to see an object 6 inches high. He said the new standards required only sight and stopping distances adequate to see an object 3 ½ feet high.

Kris Munn then asked what the actual sight and stopping distances were at the proposed entrance to the development. Mr. Bodendorf said that the stopping and sight distances were more than adequate on the west side of the entrance but that the road needed modification on the east side of the entrance to achieve 205 ft.

Kris Munn also asked about “level of service”. Mr. Rucillo said that a road’s level of service was based on whether and how long cars were delayed turning left into the site or turning out of the site.

Warren Wyrick, Feller Newmark Road, asked that his driveway be shown on the map since it was adjacent to the development entrance. He said that from his house he can see the speeding cars on the road.

The Board then referred the project to the Town Engineer and to the Town Highway Superintendent. Michele Greig asked that the highway profiles, the accident history and the traffic study be included in the referral package.

Christine Kane then directed the Board’s attention to a letter dated November 14, 2012 from Hayley Carlock, Esq. of Scenic Hudson, saying that the letter focused on the organization’s opposition to the granting of an Open Development Area. She said that an Open Development Area was no longer proposed. She said that the letter also discussed the protection of agriculture in the area and some preservation projects on that road and nearby in which Scenic Hudson had played a role. Michele Greig said that the conservation easement would prohibit further subdivision of those parcels.

Christine Kane then discussed with the applicants some of the upcoming time requirements, saying that a public hearing may only stay open for 120 days and that this hearing would reach

that limit in December. Mark Baisch agreed to submit a letter extending the limit for an additional 90 days.

Christine Kane then reviewed a draft EAF part 3, recapping the reviews already concluded and some ongoing. She noted that the environmental and habitat studies had culminated in changes in the design of the development, that the stormwater pollution prevention plan was being developed, that the soils had been reviewed and that important soils had been preserved, that the recognition of adjacent agricultural businesses had resulted in increased setbacks from property lines, that phase 1A and 1B reviews of archaeology had satisfied the NYS Office of Parks, Recreation and Historic Preservation, that a review of traffic studies was ongoing and that an Open Development Area was probably not necessary.

Michele Greig said that the Town Attorney had determined that an ODA was likely not required but had asked for more information from the applicants. Michele Greig went on to say that contrary to some of the public comments, the 11 lots would be allowed even without an ODA and that the Planning Board would not be waiving lot frontages for the project. She said that the frontages would be on the new road and had been reduced in accordance with the conservation subdivision regulations.

Christine Kane went on to say that impacts on water had been reviewed. Michele Greig said that the community septic system was being designed to standards set by the Dutchess County Water and Wastewater Authority. She said that the system must be approved both by the Dutchess County Health Department and by the NYS Department of Environmental Conservation. She said it would be operated by Dutchess County Water and Wastewater.

Robert McKeon suggested that the entire traffic study be submitted, not just sections. He also suggested that the project be submitted to the Agriculture and Open Space Committee. The Board agreed by consensus to make that referral, asking that comments be submitted by December 17, 2012.

Asked how the applicants were achieving 11 lots on three parcels, Michele Greig said that the three parcels were being combined and that the new zoning regulations allowed 11 lots, down from the 12 lots that would have been allowed under the previous zoning regulations. She said the road frontages on the new road were permitted by the conservation subdivision regulations and that it was immaterial whether the new road was public or private. She said that a portion of the three combined parcels was in the RD3 Zoning District and the remainder was in the AB (Agricultural Business) District. Charlie Laing noted that the cul de sac also limited the development to 12 lots.

Mr. Baisch said that this project had essentially been “moratoriumed” for 6 months while the new zoning code was being reviewed and enacted and that he could make the case that the original lot count of 12 was grandfathered. He said that he had acquiesced to 11 lots.

Robert McKeon said that 11 lots had been achieved by “rounding up” and that the zoning code had no provision for such an action. He said that he was preparing calculations that showed that the new zoning regulations would only allow 8 lots.

The Board then continued the public hearing to December 17, 2012.

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Sketch Plan and Site Plan

Richard Rang, Rodney Morrison, P.E., and landscape architect Henry Thomas were present with applications for sketch plan (subdivision) and site plan approval to create 96 residential units on 50.64 acres in the TND-R (Traditional Neighborhood Development- Residential) Zoning District.

Mr. Morrison said that the applicants had discussed a project on that parcel some time ago but had recently renegotiated with the land owner to increase the acreage. He said that now the project involved 25 acres of developable land and 25 acres of wetland and other undevelopable land.

Mr. Rang described the development as a compact, pedestrian oriented and walkable. He said that there would be a mix of housing types and sizes to encourage a variety of ages and income levels. He said that there would be 96 residential units—40 single family homes, 20 cottages, and the remainder multi-family buildings.

Mr. Morrison pointed out the large wetland area and said that the applicants were discussing how this area could fit into the TND and play a part in the community.

Mr. Thomas talked about the relationship of the development with the existing Old Farm Road, saying that the new development must join with the existing parcels and homes. He said that there would be two entrances from Old Farm Road and that the development would be crisscrossed by streets and lanes. He said that there were several open space areas in addition to the large wetland area and that a green “spine” with trees would provide a passive park-like area running through the middle. He said that the entrances would not be grand but rather would look like a corner with a house. He said that there would be some town homes. He went on to say that all housing types would have a two-car garage and that on-street parallel parking would be available for visitors. He said that each street would have a sidewalk and that a sidewalk would be installed along Old Farm Road.

Charlie Laing asked about water supply, septic and stormwater drainage. Mr. Morrison said that the soils had excellent perc and that the applicants were working toward infiltration throughout, perhaps using porous pavement and rain gardens. He went on to say that the applicants were working on the septic system with Dutchess County Water and Wastewater. Finally, he said that the project site was located between the Village water district and the Rokeby water district, and the current plan was to hook up to both. He said that in that way, the Rokeby system could augment the Village system.

Charlie Laing asked whether the project would be phased, and the applicants answered yes.

Mr. Rang showed some conceptual drawings for the residences. He said that the garages would be in the back. Asked whether each residence must have a two-car garage, and Mr. Rang said that studies had shown that people want a two car garage. He said that current plans showed most houses with basements.

Christine Kane asked about a homeowners’ association. Mr. Rang said that the HOA would be responsible for the alleys and open spaces and possibly for the landscaping. He said that the roads would be dedicated to the Town. He said that each lot would be owned by the homeowner.

Mr. Morrison said that the streets would be 22 feet wide plus a parking width of 8 ft. Mr. Rang said that visitors must also be able to parallel park along Old Farm Road.

John Clark, senior planner with the Dutchess County Department of Planning and Development, said that his agency had consulted on this plan. He said that fire companies typically need streets of 20 ft. for emergency access. He also said that the porous pavement should only be used in the parallel parking lanes. He said that the corner lots would be critical to the appearance of the two entrances and that duplexes would have the two fronts necessary to present a good side from each angle. He said that the development plan showed an incorporation of the principles of the Greenway guidelines and the Centers and Greenspaces Zoning, which would accelerate the review process.

Mr. Rang said that the applicants had had the wetlands delineated, had completed a habitat study and had commissioned a cultural resource survey, stages 1A and 1B.

Michele Greig advised the Board to take a close look at the part 2 EAF early in the process to identify any possible issues of concern and to allow the applicant to prepare a part 3 EAF.

Christine Kane said that the Board members would be very interested in the architectural styles.

OTHER BUSINESS

Hoffman minor subdivision – extension to deadline

Christine Kane read a November 9, 2012 email from surveyor and project agent Marie Welch requesting an extension to the November 17th deadline for meeting the conditions of final subdivision plat approval. Sam Harkins made a motion to grant a 90 day extension. Sam Phelan seconded the motion, and all members present voted in favor.

ADJOURNMENT

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

Respectfully submitted

Paula Schoonmaker