Approved

Town of Red Hook Planning Board
Meeting Minutes
January 6, 2014

CALL TO ORDER AND DETERMINATION OF QUORUM

Christine Kane opened the meeting and confirmed the agenda at 7:35 pm. A quorum was determined present for the conduct of business.

Members present — Betty Carr, Sam Phelan, Sam Harkins, and Christine Kane. Also present were planning consultant Michele Greig and Planning Board attorney Jennifer Gray.

On a motion by Betty Carr and seconded by Sam Harkins, the minutes of the December 16, 2013 meeting were unanimously approved.

Christine Kane announced that training program will be offered by the National Business Institute in Poughkeepsie March 13, and that the dates for the NY Planning Federation Annual Conference are March 30-April 1.

Ms. Kane read a letter to the board from Karen Unger, Director of the Office of Institutional Support at Bard College thanking the board for their support of Bard's successful application for a grant from the Mid-Hudson Regional Economic Development Council.

PUBLIC HEARING

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

Application for Preliminary Subdivision Plat Approval to create 11 residential lots, one lot for a community septic system, and one open space parcel on approximately 100.45 acres in the Agricultural Business (AB) and Rural Development 3 (RD3) zoning districts.

Project Engineer Mike Bodendorf and John Wagner, the applicant's attorney, were present.

Christine Kane opened the public hearing and noted that numerous comments that have been received by the planning office are being collected and added to the record.

Trish Dantzik, 34 Kristen Lane, read a letter to the board opposing the project signed by her and her husband Dan. They objected to a homeowners association maintaining ownership and control over the parcel which is to be under easement, and the fact that it would not be accessible for farming. They wrote that they felt the planning board's actions are contrary to the town's goal of maintaining agriculture, and gave reasons that the board should rescind the SEQRA negative declaration. They questioned other aspects of the project, including the project's water and wastewater plan, and cited concerns about the increased traffic on Feller-Newmark Road. They asked that the board seek to modify the project to minimize the impacts on the environment by reducing the number of lots.

Chris McDonald, attorney for Whiteman, Osterman and Hanna, stated he represents the Red Hook Community Preservation Alliance. He said he had reviewed project documents, and had concluded that there are three major reasons to oppose the project: exceeding the density, a deficient SEQR review, and the intersection at the entrance of the project. He explained each of these in detail, and concluded that the board should deny the application.

Mary Cha, 1 Crestwood Road, voiced concern about the projected increase of traffic on Feller-Newmark Road. She also pointed out potential problems that she had personally experienced with homeowner's associations.

Don O'Shea, 369 Feller –Newmark Road, read a letter signed by him and his wife Alicia in which they argued for the reduction of lots allowed. They also took issue with the negative SEQRA declaration, especially where community character is concerned.

Claudine Klose, Echo Valley Farm, said that Feller-Newmark road is one of the most historic roads in Red Hook and the proposed project increases the density and changes the character of the road.

Paula Schoonmaker, Barrytown, asked what effect the newly established, narrower right of way (from 50 feet to 33 feet) would have on the retaining wall proposed to achieve adequate site distance. She asked if the wall would be higher. She said that on River Road nearby where she lives there have been several fatalities over the years where retaining walls are close to the road.

Bill O'Neill, 16 Spencer Drive, read a statement opposing the project. He said that he did not feel that the Centers and Greenspaces Plan and the Agricultural Business District would consider the proposed project one of limited development. He described the project as "an awkward, complicated configuration…off an old historic town road never planned for highly concentrated development". He asked the board to listen carefully to the opposition, and vote against the project if they feel it is not appropriate for the location.

Robert McKeon, 163 Crestwood Road, said he disagreed that the proposed changes to the road will make it safer. In fact, he said, it would make it more dangerous than it is already. He described frequent car accidents that occur on the severe curve where the entrance to the proposed development will be. He suggested that the improvements proposed may obtain adequate site distance, but the accident history is not due to visibility issues, but rather due to the horizontal/vertical curve design of the road. He quoted the board's traffic consultant extensively from 2012 planning board minutes to support his argument. He said he thought the SEQR negative declaration contradicts previous findings. He noted differences in site distance on the plans recently submitted. He concluded by citing legal decisions wherein courts have upheld the authority of local planning boards to disapprove a subdivision based on its offsite impacts on public roads, traffic volume and on environmentally sensitive adjoining property.

Chris Klose, Echo Valley Farm, said the project would despoil the Lakes Kill area. He said the future of Red Hook is rooted in the past, and what someone sees when they drive down Feller-Newmark Road 50 years from now is the responsibility of this board.

Karen Jerro, 368 Feller-Newmark Road, asked if the developers had established pricing for the homes that will be built in the proposed development. She provided statistics of home sales in Red Hook over the last 2 years, and cited a developer in Red Hook who had to abandon his project because he could not sell the homes.

Laurie Husted, Chairperson of the Conservation Advisory Council, stated that the Council is not satisfied with the applicant's responses to their concerns thus far, and submitted a list of rebuttals and additional questions and concerns raised by the CAC.

Thad Simerly, 81 Echo Valley Road, said he operates a farm on land he rents from four related people who can't agree on anything, and that he couldn't imagine a group of eleven non-related people to maintain a farming parcel.

Mary Ann Johnson, Hapeman Hill Road, urged the board to listen to the public opposition. She said the project was not ready to move forward, and that it should be revised and made smaller.

William Hamel, 394 Feller-Newmark Road, said that people routinely drive too fast on Feller-Newmark Road, especially younger people. He said signage does not alter peoples driving behavior. Karen Jerro added that horse crossing signs also seem ineffective.

There being no further comments, Christine Kane asked for a motion to close the public hearing. The board asked the applicants if they felt that they had enough time to respond to all the questions and concerns brought up within the 62-day time period that is allowed between the closing of the public hearing and when the board is required to make a decision on the matter.

Robert McKeon asked how the public could continue to have input if the public hearing is closed.

Ms. Kane explained the application process, and noted that this phase is for preliminary approval. She said the board always takes the concerns of the public into consideration as the review process progresses, but the board must be fair to the applicant as well as the public. She stressed that the board does not make the laws, but rather implements the laws that are currently on the books.

She added, with regard to comments made about this project setting precedents, that the planning board is not a precedent-setting entity. She said the zoning board may set precedents, because their decisions may actually change current zoning law. However, the planning board cannot change zoning laws, only implement them.

Mary Ann Johnson said according to law, all meetings are open to the public. Ms. Kane described the difference between meetings open to the public and a public hearing, and acknowledged that all meetings are open to the public. She said the board works hard to insure that everyone, including applicants, are treated equally and fairly, and the board only discusses applications at board meetings, which are open to the public.

Henry Cha, 1 Crestwood Road, asked if there would be legal ramifications should the board deny this project. Ms. Kane said it's possible that the board could be sued if they approved the application or if they denied it. She said the board does not take being sued into consideration when they make decisions. She said the public's comments and concerns are always important to the process.

Michael Brown, Route 199, said that his understanding is that public comments must always be considered even after the close of the public hearing. Jennifer Gray responded that when a public hearing is closed, it is closed to verbal and written comment, however the planning board can allow written comment to be submitted for a period of time after the public hearing is closed, typically for a period of 10 days to 2 weeks.

Claudine Klose [?] asked how the public will learn what the applicant's response is to their questions and concerns. Ms. Kane answered that as the board reviews responses from the applicant at the board meetings, which are open to the public, and they become part of the record.

Ms. Kane asked the board whether they would like to close the public hearing. Betty Carr noted that there will be no second board meeting in January or February due to holidays. Michele Greig said the Fire Department has not reviewed the turnaround of the project, the town engineer needs to provide input, and the highway superintendent has not reviewed the road improvements yet. The board generally agreed to keep the public hearing open for the next meeting, Feb. 3.

The board and applicant discussed the logistics of collecting responses to the comments and concerns aired at the public hearing. It was generally agreed that board will compile a list for the applicants to respond to.

REGULAR SESSION – OLD BUSINESS

Anderson Commons – Fisk Street - Major Subdivision – sketch plan, site plan and special permit

Continued discussion of applications for subdivision, site plan and special permit approval for construction of 52 unit development partially in the Village of Red Hook and partially in the RD1 Zoning District in the Town of Red Hook.

Andrew Learn of Morris and Associates was present to represent the applicant. He said that the applicant is working their way through items identified by the town engineer and planning consultant. He said that the new drawings submitted show that the open space requirement has been met by adding land from each of the executive lots to the open space.

Mr. Learn reviewed with the board recent memos from the town engineer and planning consultant, and said some of the issues have been resolved and others are being corrected. He said that construction progress will be planned so that no more than five acres of the site will be disturbed at a time

Mr. Learn said that the new through road from Fisk Street to Monarch Lane will be paved, and the remainder, through to Glen Ridge road, will be finished with item 4 and gated at each end until the project enters phase 2. Michele Greig said that the highway department and the fire department should be consulted. She said drainage easements should be forwarded to the town attorney for review. She said the plans need to be updated to reflect changes to the open space parcel before the public hearing, Ag Data statements should be sent to farm operators within 500 feet, and the application must be reviewed by the Dutchess County Planning to review the site plan and special permit.

REGULAR SESSION – NEW BUSINESS

Bard College – pre-application conference

Laurie Husted was present to discuss the Bard Regional Demonstration Project to Improve Storm Water Management Using Green Infrastructure at Olin. The project is funded by a grant from the Mid-Hudson Regional Economic Development Council.

Ms. Husted said that she is working on a timeline for the project. She distributed photos of the Olin Hall parking lot southeast of Olin Hall, which is now compacted gravel, which will be replaced by porous asphalt paving on the main parking area. The project is complemented by other green infrastructure practices, including a bio swale to capture and intercept storm water runoff from the adjoining

watershed and the regularly paved main parking lot. The parking lot is .63 acres. Sidewalks and additional lighting will also be installed, and fill from the construction of Olin Hall will be removed and replaced by a constructed wetland.

Discussion focused on the most time efficient process, taking into consideration the project's proximity to wetlands. Ms. Husted said the college would like to build the project over the summer.

ADJOURNMENT

Since there was no other business to come before the board, the meeting was adjourned on a motion by Betty Carr, seconded by Sam Harkins and carried unanimously.

Respectfully submitted,

Kathleen Flood
Secretary