

**APPROVED
TOWN OF RED HOOK PLANNING BOARD
MEETING MINUTES
December 1, 2014**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30pm and confirmed the agenda with one change.

A quorum was determined present for the conduct of business. Members present: Christine Kane, Sarah Gilbert, Charlie Laing, Sam Harkins and Kallie Robertson. Also present was planning consultant Michele Greig.

Charlie Laing made a motion to adopt the minutes of November 17. Kallie Roberts seconded and all members voted in favor.

Ms. Kane announced that the New York Planning Federation will hold their annual conference April 12-14, 2015.

CONTINUED PUBLIC HEARING

**Willms Revocable Trust and R&R Development of Red Hook, Inc.
Lot Line Adjustment, Site Plan**

Continued public hearing on proposed Lot Line Alteration to convey 0.10 acres from a parcel owned by Willms Revocable Trust to a parcel owned by R&R Development of Red Hook, Inc. located on Metzger Road, and site plan application to construct a single family dwelling in the TND/ Commercial Center district.

Ms. Kane said the public hearing will be adjourned until the December 15 meeting.

Jennifer Schwartz Berky and Gloria Fox of KingstonCitizens.org were present and requested an opportunity to address the Board. Ms. Schwartz Berky said the mission of KingstonCitizens.org is to encourage transparency, engage citizens and bring about change in the community.

Ms. Schwartz Berky said she wanted to talk specifically to the Board about a proposal by the Niagara Bottling Corporation to purchase and bottle water from Cooper Lake Reservoir which supplies Kingston's water. Ms. Schwartz Berky said the Water Board is considering selling over 25% of the capacity of the lake, which has not been examined scientifically since 1961. She said the Environmental Assessment Form that was submitted by the applicant did not contain all aspects of the action, and was potentially flagged by the Department of Environmental Conservation as a "segmented" action, resulting in a Positive SEQR declaration by the town of Ulster, and full public scoping process that began a week ago and will conclude Jan. 20. She said she and Ms. Fox had come before the board in an effort to reach out and inform the Board that they have a right to participate and comment on the scoping process and consider the regional impact to Red Hook.

Ms. Schwartz Berky concluded that KingstonCitizens.org feels that the project represents a potential limitation to growth and economic development for the region, and added that Niagara Bottling

Company is looking at other springs around the region to collect additional water that would be bottled at the proposed plant, which was not originally disclosed.

OLD BUSINESS

Hoffman Residential Development – 19, 25 and 45 Old Farm Rd. – Major Subdivision - Preliminary Plat and Site Plan

Continued discussion of revised Sketch Plat/Plan for preliminary subdivision plat and site plan approval to create 102 residential units on approximately 52 acres of land of which approximately 50 will be developed as a Traditional Residential Neighborhood in the TND (Traditional Neighborhood District - Residential) zoning district.

Richard Rang, Rod Morrison and Giovanni Palladino were present to represent the applicants. The Board and applicants reviewed a Greenplan comment memo dated 11-27-14 which recommended changes to the Environmental Assessment Form submitted at the last meeting. Michele Greig said that among other things, the applicants should list additional approvals required by the town, specifically sidewalk and road dedication and possible zoning amendments. Ms. Greig advised the Planning Board to recirculate for Lead Agency to the Town Board with the changes to the EAF. As there were no other changes to approvals for other agencies, it was not necessary to recirculate to any other involved agencies.

Since the applicants have not yet firmly established how the project construction will be phased, Ms. Greig suggested changing the response to the project phasing question on the FEAF be "To be determined consistent with the zoning laws", and said a phasing plan should eventually be submitted to the Planning Board. Ms Greig noted that each phase should include a variety of housing types consistent with the Zoning.

Considerable discussion followed regarding the proposed cottage units, 20 of which are required to be compliant with the Zoning Law, which specifically describes the size of a cottage as a maximum of 1200 square feet of gross floor area. The applicants are proposing six different styles of units identified as "cottages" that range from approximately 1200 to 1600 square feet. The applicants maintain that in their experience, units under 1400 Square feet do not sell well, and are more expensive to build comparatively.

Ms. Kane said some town board members had expressed concern that there would not be enough cottages that comply with the 1200 square foot TND Cottage Home. She asked Mr. Rang to explain his position that zoning changes are not being requested, when they are asking for increases in the square footage of the cottages. Mr. Rang's response was that the applicants are not seeking a change in the zoning law's definition of a TND cottage. What they seek is a determination by the Board that the cottage homes proposed "meets the intent of the TND". He cited section 143-49-1-H-2-A-2 of the town code, which states "All developments...must include a minimum residential housing mix of at least three...dwelling types. For at least three dwelling types, no type can comprise less than 20% of the total dwelling units, unless that Planning Board determines that the development as a whole provides a reasonable mix of housing types and the project is consistent with the intent and design of the TND District."

Ms. Greig said she did not agree with Mr. Rang's interpretation of the law. She believed the intent of that provision was for cases where an applicant could not provide 20% of a particular unit type because

they wanted to increase the choice of units offered, allowing them, for example, to provide four or more unit types rather than just three.

Ms. Kane said that the Town's task force has considered increasing the size of a cottage to approximately 1300 square feet, but it's difficult to find that flexibility when the numbers keep changing. One of the things that everyone is struggling with is what the square footage is of each unit as defined by the Zoning Law, which is based on gross square footage, not finished space or habitable space as the applicant's numbers reflect.

Ms. Kane continued that what the Board must concern themselves with is cottage as it is defined in the Zoning Law, which is 1200 square feet of gross floor area, and the fact that 20 cottages are required for the project. Mr. Rang reiterated that the board could make a determination that the intent of the TND is satisfied with what is proposed.

Ms. Kane asked how many of the 20 identified cottage lots will contain a 1200 SF unit. Mr. Rang said if they were required to build 20 1200 SF cottages, they would change the plan and build duplexes on those lots instead since duplex units were not limited by size. He and Mr. Palladino gave various examples of why 1200 SF units do not sell well, and how that can affect the overall finished project. Mr. Rang said they were spending 30 million dollars on this project and might not have a project if they were required to build 20 cottages.

Charlie Laing said that he was amenable to seeing a variety of cottage style homes, but he would not want all the cottage style homes to be 15-1600 square feet. He said he would be happy to compromise if there was a guarantee that a portion of the cottage homes be within the zoning ordinance requirement of 1200 square feet.

Ms. Kane asked, for the sake of discussion, how the applicants would feel if the board required 5 of the cottage lots to be reserved strictly for TND defined cottages. Mr. Palladino equated that with putting him in a box that he could not get out of. He remarked that some TNDs he has worked on have failed because of rigidity.

Charlie Laing asked what the status of the water supply for the project is. Mr. Rang said they are still working with the health department to determine flow rates that are agreeably accurate to all parties.

Christine Kane suggested that the applicants provide the gross floor area, as defined by the Zoning Law, for the currently proposed cottage units, which the Planning Board could consider before making a recommendation to the Town Board.

There being no further business to come before the board, Sam Harkins made a motion to adjourn. Sarah Gilbert seconded and all members voted in favor.

Respectfully submitted,



Kathleen Flood
Secretary to the Board