

DRAFT

Town of Red Hook Planning Board Meeting Minutes December 5, 2005

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:40 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier, Charles Laing, Sam Phelan, Paul Telesca, and Chair Christine Kane. John Hardeman and David Wright were absent. Planning Consultant Michele Greig was also present.

BUSINESS SESSION

Christine Kane confirmed the meeting agenda and said the next scheduled meeting would take place on Monday, December 19, 2005.

The minutes of the November 21, 2005 meeting had been sent to the members and reviewed. Michele Greig asked that the following corrections be made:

- p. 2 replace the phrase “had been proposed around the building” with “are proposed along Annandale Road.” The Board generally agreed that plantings had been proposed for both areas.
- p. 3 replace “make a change to the wording” with “could change the wording.”
- p. 4 replace “pedestrian traffic” with “car traffic.”
- p. 6 replace “building a home” with “building a single-family home.”
- p. 6. add the phrase “or the review of the two stages of the action would be segmented, which is contrary to the intent of SEQR” to the end of the first paragraph under “SEQR review”.
- p. 7. Zoning revisions, paragraph 2
 - 1. replace “agricultural overlay map” with “agricultural reserve area” map.
 - 2. replace “holding agency” with “receiving district”.
 - 3. replace “in another location” with “in the receiving district.”
 - 4. replace “allowed density” with “allowable density”.
 - 5. replace “his proposed development” with “his/her proposed development.”
 - 6. replace “buying these units” with “buying these development rights.”
 - 7. delete the final sentence.
- p. 7. Zoning revisions, paragraph 3
 - 1. replace “overlay map” with “reserve area map.”
 - 2. replace “no subdivision” with “no significant subdivision.”
 - 3. replace “overlay area” with “agricultural reserve area.”
 - 4. replace “Conservation subdivisions would only apply to those parcels within the Certified Agricultural District or containing valuable soils but outside the overlay district” with “Therefore, she recommended that the requirement for conservation subdivisions be applied to those parcels within the Certified Agricultural District or containing valuable soils, rather than simply referring to the agricultural reserve area as the Planning Board had previously done.”
- p. 7 Zoning revisions, paragraph 4

1. replace “adopt different zoning regulations” with “amend their zoning regulations.”

Charles Laing made a motion to accept the corrected minutes, and Jennifer Fier seconded the motion. All members present voted in favor.

Christine Kane announced that Ruth Oja of the Conservation Advisory Committee had requested that the date of the meeting between the Planning Board and the CAC be changed from January 2 to January 16, 2005. The meeting time of 6:45 p.m. would remain the same.

PUBLIC HEARINGS

CAFH Order at Tivoli, Inc. – West Kerley Corners Road – Subdivision Plat.

Mark Graminski, P.E. & L.S., Leonard Ross and Bill Daley were present for the public hearing on an application for Subdivision Plat Approval to authorize through consolidation and lot line alteration the creation of one parcel of 9.0 acres and one parcel of 47.0 acres from three parcels of 2.8 acres, 18.1 acres and 35.1 acres in the RD3 Zoning District and Certified Agricultural District.

Christine Kane read the public hearing notice that appeared November 29, 2005 in the Kingston Daily Freeman.

Mr. Graminski explained the project to the Board and the public.

Christine Kane asked if there were any questions or comments from the public. There were none.

Mr. Graminski said that he had added a notation to both the plat and the draft consolidation deeds that said that the “1-lot exception” had been taken.

Mr. Graminski said that although there had been no changes in the plan since the Board had reviewed the sketch plan, he had discovered deed discrepancies that were causing delays in completing the final survey. He asked that the public hearing be continued while the information was rectified. The Board agreed and continued the hearing to December 19, 2005.

TLC Acreage, LLC – Oriole Mills Road – Subdivision Plat

Robert Capowski and Mitchell Bodian were present for the public hearing on an application for Subdivision Plat Approval to create one new 3.0-acre building lot and a 98.1-acre remaining lands lot from a total 101.1-acre parcel, partially in the Town of Rhinebeck and partially in the Certified Agricultural District and the RD3 Zoning District of the Town of Red Hook.

Christine Kane read the public hearing notice that appeared November 29, 2005 in the Kingston Daily Freeman.

Mr. Capowski explained the project to the Board and to the public.

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

Harvey Cohn, 211 Oriole Mills Rd., said that he had looked over the EAF and took issue with the negative SEQR determination. Specifically, he was concerned with stormwater drainage, possible water supply contamination and the placement of the proposed driveway. He said that the parcel was located in a historic area and that the project should be referred to the NYS Office of Parks, Recreation and Historic Preservation for review. He said that Oriole Mills Road was a narrow, winding road and that the addition of a driveway could cause safety problems. Finally, he said that he understood that an equestrian operation was to take place on the remaining lands parcel, and he asked what sort of operation that would be.

Susan Hinkle, 192 Oriole Mills Rd., said that logging was taking place on the parcel with resultant flooding onto her land. She also said that the first mills in Red Hook had been located in that area and that its historic character should be preserved. Finally, she voiced her concern about an additional driveway on the road.

Peter Barrow, 21 Old Rock City Road, asked if anyone had checked the lines of sight from the proposed driveway. He said that the winding road and a nearby rock cliff could impede drivers' views. He noted that other proposed equestrian centers in the Town had not been successful.

Ruth Oja, chair of the Town's Conservation Advisory Committee, said that Oriole Mills Road was a scenic road and was included in the Town's Open Space Plan. As such, she said, that area needed special protections.

Kathy Grande, 22 Old Rock City Road, cited safety concerns about the proposed driveway.

Christine Kane asked if the Town Highway Superintendent had seen the plan. Mr. Capowski said that yes, Mr. Hildenbrand had seen the plan and had verbally approved the proposed driveway location. Christine Kane said that the Board would need a written statement of approval from Mr. Hildenbrand.

Jennifer Fier asked about the septic system on the proposed remaining lands parcel, noting that the septic system for that parcel would be located on the smaller parcel after the subdivision. Mr. Capowski said that he had not done perk tests yet, nor had he formally begun seeking County Board of Health approval. Sam Phelan said that BOH approval would be needed and would be a condition of final approval. Mr. Bodian said that if a suitable site for a new septic system could not be found, he would remove the plumbing fixtures in the existing buildings on the remaining lands parcel.

Michele Greig asked about the speed limit and sight distances on Oriole Mills Rd. Mr. Capowski said that the speed limit was 30 mph but that he was not sure about the sight distances. Ms. Greig asked him to submit the recommended sight distances for that speed and the existing sight distances at the location of the proposed driveway.

Deborah Barrow, 21 Old Rock City Road, asked about the proposed equestrian operation. Mr. Bodian said that no equestrian "operations", such as shows or lessons, were planned. He said that the barn was currently composed of two apartments, which were being renovated into a house, and twelve horse stalls.

Gretchen Juliano, of Kingston, asked whether the Landsmankill Trail (group) had trails through the property and whether it had permission to use those trails. Mr. Bodian said that he had been approached by the group soon after he purchased the property but that the group had not followed up on its request and so did not formally have permission to use the trails.

Sam Phelan asked whether the two proposed parcels could share the existing driveway. Mr. Bodian said that the proposed driveway actually had better sight distances than the existing driveway.

The Board generally agreed that logging on one's own property was permissible as long as it was overseen by a licensed professional.

Christine Kane suggested a joint site visit with the Agricultural Advisory Committee. The Board generally agreed to meet at 10:00 a.m. on Saturday, December 10 at the site. Susan Hinkle asked if the Board could inspect the flooding during that visit.

Mr. Cohn asked if the SEQR could be revised as a result of the site visit. Christine Kane said that it could and that the Board could bring in consultants if necessary.

The public hearing was continued to December 19, 2005.

Rondack Construction/ Glen Pond Road Office Buildings – Site Plan

None of the applicant team was present for the continuation of the public hearing on an application for Site Plan Approval to authorize the construction of two (2) one-story buildings totaling 9600 sq. ft. for business and/or office use on a 1.889-acre site in the B2 Zoning District.

Christine Kane said that the applicants had requested to continue the public hearing to December 19, 2005.

Tom Gardner, 15 Glen Pond Rd, asked to speak. Christine Kane said that since the applicants had requested a continuation of the hearing, were not present at this meeting and had not yet submitted the expected new plan, Mr. Gardner should wait to deliver his comments. Mr. Gardner said that since the public hearing was advertised, he should be allowed to speak.

Mr. Gardner outlined the history of the original subdivision of the Eye Associates parcel, saying that two and only two buildings had been approved. The new plan would increase the number of buildings on the combined parcels to three. He said that a new lot in the B2 District must have 160 ft. of road frontage according to the Town's District Schedule of Area and Bulk regulations but that neither of the two lots created at that time had the required frontage and were both therefore flag lots. He said that the permissibility of two adjoining flag lots was not addressed in the Town Code and that the subdivision should never have been approved since neither lot had the required frontage.

He went on to say that the "pole" of one of the flag lots was only 30 feet wide. Given the required 10 ft. setbacks on each side of the pole, a width of only 10 feet would remain for a driveway that would serve a 42-car parking lot.

Mr. Gardener said that he had recently checked with the County Board of Health and others who had said that no buildings or parking lots should be built near municipal wells. He added that the proposed septic system was barely outside the proposed buffer area of two Village wells.

Finally, Mr. Gardner said he had proposed that the area be considered for a much-needed athletic field but was told that the intrusion of cleats into the ground would pose a danger to the well buffer area. He said that any area deemed too protected for cleats should not be considered for a parking lot.

The public hearing was continued to December 19, 2005.

REGULAR SESSION (OLD BUSINESS)

Robert & Susan Davis – Woods Road – Special Use Permits

Susan Davis was present to request an extension to her Special Use Permits which authorized construction of a single-family dwelling within 1000 feet of the Hudson River on a 19.22-acre parcel in Limited Development (LD) Zoning District and National Historic Landmarks District.

Ms. Davis reviewed the project, saying that in June 7, 2004 she had received Special Permits to construct a single-family home within 1,000 ft. of the Hudson River. She said that she had received a sign-off letter from NYSOPRHP and approval from the Board of Health. She said that due to budget constraints, however, she had not begun construction of the house and now planned to build the house as a modular.

Ms. Davis went on to say that the house would be the same size and have the same floor plan as the one approved in 2004. She said that it would also have the same type of windows, the same roof pitch and the same exterior materials. She added that she was working on the terms of a conservation easement, which she knew must be placed on the remainder of the parcel before a Certificate of Occupancy could be issued.

Paul Telesca made a motion to grant a retroactive extension to the deadline of the Special Permits for one year, from June 7, 2005 to June 7, 2006. Sam Phelan seconded the motion. Jennifer Fier abstained, and all other members present voted in favor.

OTHER BUSINESS

Williams/Verrilli subdivision

Dr. George Verrilli, Phil Williams and attorney Andrew Halperin were present to discuss the proposed 12-lot subdivision off Baxter Road. Mr. Halperin reviewed the history of the project, concluding by saying that he had written to Keane & Beane asking for the release of a letter from that firm to the Planning Board but had received no response. Mr. Williams said that he had tried to contact Town Fire Chief Arvine Coon to discuss Mr. Coon's view of the project but had not been successful. Mr. Halperin said that if Keane & Beane had cited precedents, had advised the Board not to waive the 12-lot maximum on Baxter Road, and would release its communication to the Board for his review, he would advise his clients to revise their plan if he found the Keane & Beane arguments to be compelling. If the Board decided not to release the communication, he asked that it render a decision on the 12-lot application, so that if the application were denied, his clients could pursue the matter in court.

Sam Phelan reminded the Board that it had denied a subdivision on Fraleigh Lane cul-de-sac citing the same 12-lot limit and in so doing had set a precedent.

Christine Kane said that engineer Tim Ross, agent for the project, had asked for a decision only on that aspect of the Williams/Verrilli application and that the Planning Board had complied. It had not rendered a decision on the entire application.

Mr. Williams said that he and Mr. Verrilli were willing to improve the portion of Baxter Road that extended from the beginning of the dead end to the entrance to the proposed development. He said he believed this improvement would allay Mr. Coon's safety concerns.

Sam Phelan said that such improvements would not remedy the concern about the single point of access into the proposed development that would exist only 500 feet from the single point of access onto Baxter Road.

Mr. Williams asked about the requirements of a 4-lot subdivision and was told that a minor subdivision could contain a private road. Mr. Williams said that providing Village water would not be economically feasible for a 4-lot subdivision. Ms. Greig said that Mr. Williams would have to check with the Village Water Board.

Christine Kane said that the applicants needed to either give the Board a letter requesting it to go ahead with its consideration of the current application, submit a revised plan, or withdraw the application.

TDR presentation

Robert McKeon, chair of the Agricultural and Open Space Advisory Committee, said that his committee agreed that the current Important Farmlands Law needed revision so that it would apply more appropriately to the applications coming before the Planning Board and so that it could more effectively protect the viable agricultural areas in the Town.

He then went on to explain the Committee's plan for an Agricultural Reserve Area, which, he said, would protect a critical mass of agricultural land rather than bits and pieces of valuable soils scattered across the Town. He said that map of the Reserve Area coincided almost exactly with the map of the most valuable soils in the Town.

The parcels within the Agricultural Reserve Area would be subject to a mandatory Transfer of Development Rights program, which would work to funnel development away from the agricultural or "sending" areas and toward "receiving" areas, which would thrive with more density. He said that continuing with the current widespread 3-acre zoning would lead to sprawl. He said that the Committee has asked for assistance from the Town Planner or from Dutchess County Planning.

Sam Phelan said that the success of such a program would depend on the appropriate selection of receiving areas and on controlling the impact of density in those areas on such resources as underground aquifers.

The Board discussed possibly combining "up-zoning" with TDR or offering it as an alternate choice.

The Board and Mr. McKeon generally agreed that implementation of either plan would take time and that changes should be made to the Farm Law now so that some parcels no longer qualify for referral to the Ag Committee or for mandatory farmland protection plans.

ADJOURNMENT

Since there were no further matters to come before the Board, Jennifer Fier made a motion to adjourn the meeting. Charles Laing seconded the motion, and all members present voted in favor. The meeting was adjourned at 10:35 p.m.

Respectfully submitted

Paula Schoonmaker
Assistant Clerk