

DRAFT

**Town of Red Hook Planning Board
Meeting Minutes
December 19, 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, David Wright and Chair Christine Kane. John Hardeman was absent. Planning Consultant Michele Greig, Town Attorney Al Trezza and Town Board liaison Jim Ross were also present.

BUSINESS SESSION

Acting Chair Sam Phelan confirmed the meeting agenda. The Board generally agreed to hold to its regularly scheduled meeting dates of January 2, 2006 and January 16, 2006, even though the Town Hall would be closed during the day on both dates to observe holidays.

The minutes of the December 5, 2005 meeting had been sent to the members and reviewed. Jennifer Fier made a motion to accept the minutes, and Paul Telesca seconded the motion. All members present voted in favor.

PUBLIC HEARINGS

TLC Acreage, LLC – Oriole Mills Road – Subdivision Plat

Robert Capowski and Mitchell Bodian were present for the continuation of the public hearing on an application for Subdivision Plat Approval to create a new 3.1-acre building lot and a 98.0-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.

Several members reported their observations following a visit to the site on December 10, 2005. Paul Telesca said that while the proposed driveway was an improvement over the existing driveway, both had significant slopes and needed mitigation. Jennifer Fier was concerned that significant trees would be removed and that the existing septic system would be crushed during the moving of the existing house to the proposed new lot. The members agreed that the house was in poor shape and that a professional mover was needed. Jennifer Fier proposed that the retention of significant trees over 5-inch caliper be considered as a condition of approval.

Robert Capowski said that the proposed lot line had been changed so that the existing septic system would remain on the larger parcel. He said that he had not yet obtained a letter from the Town Highway Superintendent approving the proposed driveway location.

Peter Barrow, 21 Old Rock City Rd., asked if the two lots could share the existing driveway. The Board generally agreed that more activity should not be added to the existing driveway.

Chris Lindner, 192 Oriole Mills Rd., had noticed perc tests being conducted near Oriole Mills Road and said that, because there was a sharp drop-off on the other side of the road, a septic system in that location would threaten to contaminate a designated wetland on the other side of the road. He asked if the septic system could be moved back. Mr. Capowski said that the County Board of Health would monitor the placement of the septic system and that the DEC would get involved only if the septic system were to encroach on the wetland or the wetland buffer.

Ruth Oja, chair of the Town's Conservation Advisory Committee, read a letter that noted the confluence of several priority open space areas in the Oriole Mills area. She said that it was the location of one of only three undeveloped forested areas in the Town and that it was the site of the earliest mills in the Town. She said that it appeared that roads and driveways were receiving more attention than valuable historic features.

Chris Lindner said that while a gristmill dating back to the 1760's was not on the property, it was one of several historic buildings in the area that formed a sort of historic hamlet. He said that the existing house on the parcel was present on the 1850's map. Mr. Bodian and Jennifer Fier said that while certainly there was a house in that location on the 1850's map, the present house was probably built in the 1930's and was not architecturally significant. Mr. Lindner said that, nevertheless, there were probably significant archaeological remains on the property.

Since the Agricultural Advisory Committee had not yet sent its response and since the applicant had not yet obtained a letter from the Town Highway Superintendent, the Board continued the public hearing to January 2, 2006. The Board asked the applicant to consider how to preserve the maximum number of large trees on the site.

Rondack Construction/ Glen Pond Road Office Buildings – Site Plan

At the request of the applicant, the public hearing was continued to January 2, 2006.

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

At the request of the applicant, the public hearing was continued to January 2, 2006.

REGULAR SESSION (OLD BUSINESS)

Nathan Kalina – Overlook Drive – sketch conference

Nathan Kalina was present to continue discussion of a concept plan to create 5 residential building lots and to extend the existing Overlook Drive, all in the R1.5 Zoning District and Certified Agricultural District.

Asked about his plans for the remainder of the 15.87-acre parent parcel, Mr. Kalina said that he intended to continue farming it.

Mr. Kalina explained that in order to meet the 1-acre minimum lot size required in the R1.5 District for developments served by central water, he had included a 1.87-acre area across the proposed road. This area would be held and maintained in common by the five future lot owners.

The Board generally agreed that it was not in favor of this small common area. Mr. Kalina said that the proposed Overlook Drive extension could not be reconfigured in order to remove it.

The Board said that Mr. Kalina should submit a map of the entire 15.87-acre parcel. That map should contain the soils, the topography, and the wetlands as well as the proposed lots. It also said that he should consider a conservation subdivision layout, which would move the density toward Overlook Drive, leaving the agricultural portion of the parcel open. The Board added that as part of the conservation subdivision plan, Mr. Kalina should be prepared to preclude development on the open portion by means of a legal instrument.

Anderson Commons – Baxter Road, Fisk Street and Glen Ridge Road – Subdivision Plat, Special Permit and Site Plan

Darin Dekoskie, P.E., Keith Lore, and Steve Tinkelman, architect, were present to discuss applications for Subdivision Plat Approval (Sketch Plan), Special Permit and Site Plan Approval to create 51 residential building lots ranging from .12 acres on up and an open space lot from a 65.3-acre parcel, partially in the Village of Red Hook and partially in the R1 District in the Town of Red Hook.

Mr. Tinkelman said that the applicants had received all the necessary variances from the ZBA and that the Red Hook Village Planning Board had issued a negative SEQR declaration for the project in September. He said that the applicants had widened the service roads from 12 to 14 feet and had moved the project back from Baxter Road so more of the existing woods would remain intact. He said that the number of units and total number of bedrooms remained the same as initially proposed.

The Board asked why the service roads were not connected to the public roads and whether that separation did not pose a problem in case of an emergency. Mr. Tinkelman said that the applicants wanted to discourage service trucks from using the public roads and that, at 14 feet, the service roads would allow drivers to go around stopped cars or trucks in case of emergency. The Board asked that the applicants consider pedestrian connections between service and public roads.

Mr. Dekoskie said that he had just received a copy of the Town Engineer's review and would address any concerns raised.

Asked why one side of each unit was a blank wall and whether there were any alternatives, Mr. Tinkelman said that the applicants had shifted each unit over to the lot lines in order to create a usable side yard for that unit rather than an unusable 3 foot side yard setback area. He said that State building codes require that any glass used in the lot-line side wall of such a unit must have a one-hour fire rating. He said that this fire retardant glass was very expensive and that the window would give less privacy to the side yard area of the person next door.

The Board asked about moving the garages on the six larger lots so that they could be accessed from the side rather than the front. Mr. Tinkelman said that the 6 larger lots were a completely different entity and that the house designs would be up to the lot owners. Jennifer Fier urged the applicants to retain some degree of architectural overview.

The Board asked if brick- or stucco-faced chimneys could be used instead of the planned siding-faced chimneys. Mr. Tinkelman said that such a change would cost \$15,000 to \$20,000 per house and that the team must make choices that provide value for the homes but keep them affordable for Red Hook residents. The Board and the applicants agreed that some features could be added later but that others must be built at the outset. The Board and Mr. Tinkelman discussed making the chimney optional and the chimney facing part of the homeowner's expense.

The Board agreed that the Village has stricter design standards than does the Town and that the project must exhibit the same design standards throughout. The Board and the applicants agreed that diversity of style was important. Asked what would happen if several lot owners in a row wanted the same style house or the same color, Mr. Tinkelman said that he would address that subject at the next meeting.

Asked about the open green spaces, Mr. Tinkelman said that they would be mowed fields with no sports facilities. Ms. Greig suggested that the applicants consider benches or low sitting walls and that they consult the Project for Public Spaces. She also told the applicants to make sure that private yards are not included in the figures for open space. Mr. Tinkelman said that the large open space on the eastern portion of the parcel would remain open space and could be dedicated to the Town.

The Board asked if there were any elevations of the proposed mixed-use building. Mr. Lore said that he would sell the space as a pad with provided utilities. It would be up to the new owner to submit a site plan to the Village Planning Board. Once again, the Board suggested that architectural overview be retained.

Christine Kane suggested that a landscape architect review the submitted landscape plan at this early stage. The Board agreed.

The applicants requested that a public hearing date be set and agreed to submit a letter that would waive the timeframes prescribed in NYS Town Law within which a Planning Board must take action on a preliminary or final subdivision plat. The Board scheduled a public hearing for January 16, 2006, provided the applicants submit a subdivision plat and the waiver letter at least 10 days in advance of the meeting.

REGULAR SESSION (NEW BUSINESS)

Martin's Foods (Hannaford's)/ St. Margaret's Home – South Broadway – Subdivision Plat

Amy Dubin of the St. Margaret's Committee, Winthrop Aldrich and Town Attorney Albert Trezza were present with an application for Subdivision Plat (sketch plan) approval to create a 1.437-acre lot containing St. Margaret's Home from a 13.212-acre lot in the B1 Zoning District.

Ms. Dubin said that St. Margaret's Home had been deemed eligible for listing on the State and National Historic Registers. Although Martin's Foods of South Burlington was not interested in finalizing that process, it was willing to donate to the Town a lot containing the historic building so that the Town could then proceed to that end. Ms. Dubin said that the St. Margaret's Committee had hoped that Martin's Foods would create a larger lot for St. Margaret's Home but that the land to the northeast was needed

for the required expansion area of Hannaford's septic system. The land to the south had been part of the original St. Margaret's grounds but was currently forested and used as a visual buffer between NYS Route 9 and the rear of the supermarket, as required by the resolution granting Site Plan Approval to Hannaford in 2001.

The Board generally agreed that if Martin's Foods enlarged the proposed new lot to include the approximately one-quarter acre to the south, the buffer of trees must be maintained and that the buffer would necessarily be part of any planned use of St. Margaret's. A notation to that effect would be added to the subdivision plat. The Board further agreed that Christine Kane would work with Sam Phelan to draft a letter of Planning Board support for enlarging the proposed lot. Finally, the members agreed to conduct individual visits to the site.

Mr. Trezza asked to be sent copies of all correspondence concerning the project.

The Board determined the project to be a Type 1 action under SEQR. Sam Phelan made a motion to establish the Planning Board as Lead Agency for the SEQR review. Paul Telesca seconded the motion, and all members present voted in favor. Notices of Intent would be sent to the Dutchess County Board of Health as an involved agency and the NYS Office of Parks, Recreation and Historic Preservation as an interested agency.

Kevin Kelly/ Hudson Valley Motorcar – South Broadway – site plan conference

Kevin Kelly came before the Board with a concept plan to create a used car lot accommodating approximately 29 cars in an existing shopping center in the B1 Zoning District.

The assistant clerk reported that she had researched the history of the site and found that a new tenant in that building could replace the previous tenant's sign with a new sign of the same or smaller size. She said that the owners of the building had submitted a diagram showing the various uses contained in the building and the dimensions of the space allotted to each use.

Mr. Kelly explained his plan for the site and the improvements he had already made. He said his stand-alone sign would be lighted from the top. He was also proposing to extend the sidewalk and to add plantings and Imperial Locust trees along that sidewalk. He said that surveyor Marie Welch had calculated the parking spaces in the complex and found that a total of 37 spaces were available. He said his business would only need 29 spaces, 16 of which would be for used cars.

The Board said that Mr. Kelly was ready to submit an application for Site Plan Approval. It also asked that subsequent site plans show the DOT right of way.

Martin Willms – Route 9G (Tivoli) – sketch conference

Martin Willms came before the Board with a concept plan to subdivide an approximately 3-acre parcel containing a single-family dwelling from a 33-acre parcel containing 12 trailers in the RD3 Zoning District.

Mr. Willms said that the 33-acre parcel contained a colonial house, a barn and 12 trailers along a private cul-de-sac road, Peachtree Court, which extended into the parcel. Mr. Willms said he wished to create a 3-5-acre lot containing the house and barn, which he

would then sell. He said that the trailer park was a non-conforming use in the RD3 District.

Asked about the water supply, Mr. Willms said that currently all residences on the parcel were supplied by three wells located within the colonial house. He said that he had asked about extending the Village of Tivoli Water District to the trailers and had been encouraged by the response. He said he was not sure where the septic systems for any of the residences were located.

The Board agreed that if the remaining portion of the parcel were protected as open space, the trailers could be considered an open space subdivision. If Mr. Willms decided to proceed with the subdivision, the project would be a Type 1 action under SEQR.

OTHER BUSINESS

Zoning revisions

Ms. Greig distributed draft amendments to the Important Farmlands Law. She said this revision was based on the Agricultural Advisory Committee's current interpretation of the Law. She also said that a key component of this amendment was the removal of the confusing phrase "where practicable". In its place, she had added the possibility of a waiver by the Planning Board from the requirements of the Farmland Law under certain circumstances.

Ms. Greig also said that these draft amendments reference the draft open space subdivision regulations and that the two draft regulations should be seen as complementary. She said that one notable change in the draft open space subdivision regulations was the elimination of required lot sizes. A lot could be as small as permissible by the County Board of Health.

The Board members agreed to review both the amendments to the Important Farmlands Law and the draft Conservation Subdivision regulations and to submit comments as soon as possible.

ADJOURNMENT

Since there was no further business to come before the Board, Sam Phelan made a motion to adjourn. Paul Telesca seconded the motion, and all members present voted in favor. The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk