

APPROVED

**Town of Red Hook Planning Board
Meeting Minutes
August 21, 2006**

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:43 p.m. and a quorum determined present for the conduct of business.

Members present — Jennifer Fier , Paul Telesca, David Wright and Acting Chair Charles Laing. Christine Kane, Sam Phelan, and John Hardeman were absent.

BUSINESS SESSION

Charles Laing said that review of the Williams/Angelier subdivision had been deferred to a future agenda.

Due to a lack of a sufficient number of members who had attended the July 31, 2006 meeting, consideration of those minutes was tabled.

PUBLIC HEARINGS none

REGULAR SESSION (OLD BUSINESS)

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

Darin Dekoskie, P.E., of Morris Associates and Michael Collier from Tinkelman Architecture were present for further discussion of applications for Special Permit, Site Plan and Subdivision Plat Approval to create 51 residential building lots ranging from 0.12 acres and 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.

The applicants responded point by point to the GreenPlan memo. While the applicants said they did not receive the June 19, 2006 review by the Town Engineer, they were confident that their most recent submissions would address most of the concerns raised.

The applicants said that the sidewalks would be 4 ft. in width and agreed to at least a 6” gravel base.

The applicants also said that 2-3” caliper ginko trees would be planted along the alleys and as part of the landscaping at the corners. The Board urged them to install only male ginkgo trees. They agreed.

While Jennifer Fier agreed with GreenPlan that door and window openings in the houses on the ‘executive lots’ be limited to vertical only, saying that such openings were more typical of the architecture in the Northeast, the majority of the Board went along with the applicants’ use of the Smart Code which allows either square or vertical openings. Jennifer Fier said that fewer garage doors should face the street and that only double

hung windows should be allowed. The majority of the Board, however, was agreeable to the plans as presented.

Mr. Collier said that the revised deed restrictions now included Lot A, which would be located within the Village.

The Board reviewed the proposed eleven (11) benches. A majority of the members was agreeable to the benches, which will be made from recycled plastic.

Mr. Dekoskie said that the Stormwater Management Area would be built by the developer in the Town right-of-way. The lot would then be turned over to the Town and would be maintained by the Highway Department. Mr. Dekoskie said he would get a letter from the Town Highway Superintendent agreeing to Town ownership and maintenance of the area.

Jennifer Fier said that the developer should put money in escrow in case problems arose and that establishment of such an escrow account should be a condition of final approval. Alternatively, the Board said that the Town might establish a special tax district and collect fees from the owners of the executive lots which are served by this area. A majority of Board members wished to see a separate Homeowners Association established for the executive lots. This HOA would own and maintain that Stormwater Management Area. Finally, the Board generally agreed to recommend that the Town Board look very closely at this issue, specifically the ownership, maintenance and potential fiscal impacts of that lot.

The Board also agreed that if the Town does take ownership of that area, a lot number would not be required, but if an HOA is established and takes ownership, that lot must be given a lot number on the subdivision plat.

Mr. Collier submitted a draft conservation easement document which would place with Winnakee Land Trust the responsibility for monitoring the large open space to the east of the Commons. The Planning Board will refer that document to Keane & Beane for review.

The Board and applicants then discussed the size and design of the community septic system. Mr. Dekoskie said that the size was determined by multiplying the total number of bedrooms by an estimated water usage of 130/gallons per day, a decrease in the standard estimated usage because water saving fixtures and appliances were being required.

Concerned about future homeowners turning rooms marked 'den' or 'unfinished room' into additional bedrooms, the Board asked if excess septic capacity had been planned for that possibility. Mr. Dekoskie said no, that the septic capacity was based purely on the number of rooms marked 'bedroom' on the plans and that the Health Department was not in favor of planning for possible excess capacity. He said that a 100% expansion area was part of the plan but that that expansion area could only be used to duplicate the original system if that system failed. That expansion area could not be used to accommodate excess sewage if usage turned out to be more than anticipated.

The Board generally was concerned that because of the number of proposed housing units that contain 'dens', the septic system might be overwhelmed. The Board and

applicants discussed monitoring total water usage for a number of years to assess whether the septic fields would be adequate. Michele Greig pointed out that there was little extra land available to expand the system in case problems arose. Finally, the Board generally agreed to send a letter to the Dutchess County Health Department expressing its concerns regarding this issue.

The Board determined that the curb radii were probably adequate on both the alleys and private roads and that the interior street signs would be left up to the Highway Superintendent. Finally, it determined to coordinate review of the legal documents with the Village.

OTHER BUSINESS (two matters)

Conservation Easement application

The Board reviewed the application submitted by Gerald Scott Cantini and Pourn Jinchi Majd for acceptance into the Town's Conservation Easement program. The members assessed the building potential of each lot and its location within the overall development plan for the Town. Finally, it considered the review and environmental assessment completed by the Conservation Advisory Committee.

Jennifer Fier made motion to approve the application. Paul Telesca seconded the motion, and all members present voted in favor.

Next meeting

Since the first September meeting, September 4, 2006, would fall on Labor Day, the Board generally agreed to find out whether the Town's large meeting room would be available on September 11, 2006. If not, the Board might be forced to cancel the meeting and defer projects to September 18, 2006.

(At this point, Jennifer Fier left the meeting, and there was no quorum remaining. Applicants were advised that if they wished to discuss their projects with the remaining Board members, the discussion would merely represent the opinions of the individual Board members and would not officially represent the consensus of the entire Board. The applicants chose to proceed with an informal discussion of their projects.)

REGULAR SESSION (OLD BUSINESS)

Leone & Migliorelli (Linden West) – Linden Avenue – Subdivision Plat

Mark Graminski, P.E. and L.S., was present for further discussion of an application for Subdivision Plat (sketch plan) approval to create three new lots and a remaining lands lot from an approximately 120.4-acre parcel in the R1.5 Zoning District and the Certified Agricultural District.

Mr. Graminski said that this was a new plan, drawn up after discussions with representatives from the Town and from the Planning Board. The new plan shows the addition of a short piece of proposed Town road on Lot 3, providing access to proposed Lots 1 and 2 as well as to the interior of Lot 3. The acreage of all the proposed lots has, however, remained unchanged from previous versions. He said that he understood that since there was no longer a quorum of the Board, no sketch endorsement could be given to this plan.

The Board suggested that Mr. Graminski make some revisions to the language on a note regarding any future development to Lot 4. It also recommended that he submit a formal Farmland Protection Plan that incorporated a clustered build-out that could be referenced should development be sought in the future.

The project could be scheduled for the next Planning Board meeting.

REGULAR SESSION (NEW BUSINESS)

Voski Partners, LLC – Kidd Lane (Tivoli) – Subdivision Plat

Mark Graminski, P.E. and L.S. presented an application for Subdivision Plat (sketch plan) approval to create two (2) residential building lots of 9.454 acres and 9.150 acres from an 18.614-acre parcel, partially in the Village of Tivoli and partially in the RD3 Zoning District of the Town of Red Hook.

Mr. Graminski said that this project had been presented to the Board in December 2004 under a different name. At that time, the Board had given sketch endorsement on the condition that the applicant submit a favorable written response from the Village of Tivoli Planning Board. Mr. Graminski said that he had recently asked for and received a letter from Peter Sweeny, Chair of the Village of Tivoli Planning Board, dated July 24, 2006, and that he had submitted the letter together with his new application. He said he understood that the previous sketch endorsement had expired, that this was a completely new application and that since there was no quorum of the Board, no sketch endorsement could be given at this meeting.

Mr. Graminski went on to say that his plan created road frontage for an otherwise landlocked lot (part of the parcel, with a separate tax map number) within the Village, that it proposed a shared driveway, that the access had already been approved by the Town Highway Department, and that the stream/drainage swale running along the front of the proposed parcels parallel to the road was not a protected stream (per a letter from DEC). He said he would add a note to the plat prohibiting any further subdivision and that his plan created no new residential building lots, since the parcel was technically two lots divided by a municipal boundary line.

The Board noted that the letter from the Tivoli Planning Board raised numerous concerns. First, Mr. Graminski acknowledged that he must obtain from both the County Health Department and the Village of Tivoli a waiver from connection to the Village water and sewer systems. Such a connection, he said, would be prohibitively expensive. Second, asked why he couldn't locate the proposed septic systems farther away from Stony Creek and the intake for the Tivoli Water Treatment plant, Mr. Graminski said that test holes showed that only the proposed locations had adequate percolation. Third, he realized that future home owners must be made aware of their proximity to the Village sewage treatment plant and the possibility of resulting noise and odors. Fourth, the Village had emphasized the need for an effective erosion control and storm water management plan to protect Stony Creek. Mr. Graminski said that he had created such a plan. The other issues raised in the letter concerned compliance with Village regulations.

The Board agreed that the Village of Tivoli must be an involved agency in the SEQR process and that the Village of Tivoli Trustees must specifically be asked for comments. The Board also determined that the proposed project was located on a designated Scenic Road and within the National Historic Landmarks District, that soils of Statewide

importance were present on the parcels, and that it must determine whether the circumstances of the land warranted the creation of two flag lots.

Asked whether the original subdivision of the area contained any notes prohibiting further subdivision, Mr. Graminski presented the plat map of the Verna Choinsky subdivision. There were no notes prohibiting further subdivision.

Since soils of agricultural value were found to be present on the parcels, the Board determined to refer the project to the Agricultural and Open Space Advisory Committee. Mr. Graminski agreed to revise the EAF before this referral was made. He also noted that the house sites had been located outside the important soils.

The project was tentatively scheduled for the next Planning Board meeting.

OTHER BUSINESS

JAMS letter

The Board reviewed the August 9, 2006 letter from Sam Harkins, writing on behalf of JAMS, to the Town Board and the August 10, 2006 letter from Joel Sachs, both pertaining to the July 7, 2006 JAMS application for a lot line change on Crestwood Road. The Board then reviewed Section 120-3A of the subdivision regulations which defines a 'lot line alteration' as a 'minor subdivision'. The Board generally agreed that since the Crestwood Road parcel is within the proposed Agricultural Reserve and since the JAMS application was submitted after the subdivision moratorium went into effect, the Board should continue to stand by its decision not to consider action on the lot line application until after the moratorium is over.

Proposed connector road

The Board reviewed a plan prepared by Morris Associates for a small grid of connector roads extending from Hannaford Road and NYS Route 9 to Metzger Road. It also considered the review comments from Dutchess County Planning. The Board generally agreed that more members of the Planning Board must be included in this review, and it tabled further discussion until a future meeting.

Report from Intermunicipal Task Force

Ms. Greig said that the Intermunicipal Task Force was beginning to focus on planning for future development in and around the Village of Tivoli and the hamlet of Upper Red Hook. She said that the second public meeting was scheduled for September 20, 2006 and would present various tools for achieving the desired development plan.

ADJOURNMENT

Since there was no further business to come before the Board, Dave Wright made a motion to adjourn. Charles Laing seconded the motion, and all members present voted in favor. The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk