

## APPROVED

### Town of Red Hook Planning Board Meeting Minutes September 11, 2006

#### **CALL TO ORDER/ DETERMINATION OF QUORUM**

The meeting was opened at 7:37 p.m. and a quorum determined present for the conduct of business.

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

#### **BUSINESS SESSION**

Christine Kane confirmed the agenda for the evening.

The minutes from the July 31, 2006 meeting had been sent to the members and reviewed. Sam Phelan made a motion to approve the minutes as written. Paul Telesca seconded the motion, and all members who had been present for that meeting voted in favor.

The minutes from the August 21, 2006 meeting had also been sent to the members and reviewed. There were several suggested corrections. On p. 3, after the first sentence within the parentheses, "...and there was no quorum remaining", add this sentence: *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.)*

On p. 4, first paragraph, replace "The Board asked Mr. Graminski to" with *The Board suggested that Mr. Graminski*. Also replace "It also asked him to" with *It also recommended that he*. Finally, in the next sentence, replace "The project was scheduled" with *The project could be scheduled*, and delete the final phrase "provided that all requested documents have been submitted."

Paul Telesca made a motion to approve the August 21, 2006 minutes with the above corrections. Charles Laing seconded the motion, and all members who had been present for that meeting voted in favor.

Christine Kane announced a 'briefing' on the Ethical Issues for Planning and Zoning, to be given October 4, 2006, first in Poughkeepsie and then again in Rosendale.

#### **REGULAR SESSION (OLD BUSINESS)**

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

Mark Graminski, P.E. and L.S. and Drs. Leone and Migliorelli were 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 reviewed the history of the plan up to the current revision. He said that he had replaced the words “conservation easement” with “conservation purposes” in the note on proposed Lot 4. Ms. Greig made additional suggestions for wording changes in that note, as outlined in the GreenPlan memo of August 17, 2006.

Mr. Graminski said that he was finishing a Farmland Protection Plan and would be submitting it within the week for referral to the Agricultural and Open Space Advisory Committee. He hoped that the Board would have the information it needed to consider sketch plan endorsement by the October 2, 2006 meeting.

The Board and Mr. Graminski agreed that engineering for the proposed new Town road would be needed for final plat approval.

Mr. Graminski said that the applicants were requesting a waiver from a formal survey of most of proposed Lot 4 at this time. He said that the metes and bounds description from the deed could be used until the final stages of the process. Christine Kane said that she would research whether this would be possible.

Jennifer Fier asked how water would be supplied to the proposed Lots 1 and 2. The Board and the applicant team agreed that this issue would have to be worked out with the Town and that details of the agreement would have to be included on the final plat.

The Board and the applicants agreed that the entrance to the proposed new Town road would need DPW approval. The applicants also agreed that both Lots 1 and 2 would be accessed from the proposed new Town road. Ms. Greig advised that a note to that effect should be placed on the final plat. She also suggested that all the wording on the plat notes be reviewed by the Planning Board attorney.

The project was tentatively scheduled for the October 2, 2006 agenda, provided that all necessary documents have been received.

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

Mark Graminski, P.E. and L.S., was present to discuss his 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 reviewed the plan for the Board. Because soils of Statewide importance were present on the parcel, the Board referred the plan to the AOSC for preliminary comments.

The Board also determined that the project was a Type 1 action under SEQR. Charlie Laing made a motion to adopt a resolution of Intent to Serve as Lead Agency for the SEQR review. Jennifer Fier seconded the motion, and all members present voted in favor. The Dutchess County Department of Health and the Village of Tivoli Board of Trustees were determined to be involved agencies. The NYS Office of Parks, Recreation and Historic Preservation, the Village of Tivoli Planning Board and Hudson River Heritage were determined to be interested agencies.

Mr. Graminski explained that his plan would provide access to a currently landlocked lot (part of the parcel under discussion) within the Village of Tivoli. He said there were no existing houses on the parcel.

The Board was reminded that at the previous meeting, Mr. Graminski had produced plats from previous subdivisions of the parcel. There had been no notes prohibiting this proposed subdivision.

Mr. Graminski said that the proposed septic areas were based on soil testing, which had been witnessed by the Dutchess County Health Department.

Christine Kane summarized portions of a letter dated July 24, 2006 from Peter Sweeny, Chair of the Tivoli Planning Board. She said that the Tivoli Board was concerned about the proximity of the proposed septic systems to the water intake for the Village water treatment plant. Additionally, that Board was concerned about the proximity of the proposed houses to the Village sewage treatment plant and reed bed system. Christine Kane emphasized that notes disclosing potential odors and noise must be placed on the final plat.

Mr. Graminski said that the lot within Tivoli was in the 2-acre Zoning District. He also said that the northerly portion of the parcel was wooded and the southerly portion toward Kidd Lane was an overgrown field.

The Planning Board generally agreed that Mr. Graminski should submit all engineering specs to the Village of Tivoli for its review. The Town Planning Board must receive a sign-off letter from the Village of Tivoli before subdivision plat approval is granted. In addition, Christine Kane said that she would send a letter to the Dutchess County Health Department requesting that it closely scrutinize this project and send its comments back to the Board. Finally, Mr. Graminski must obtain written approval from the Town Highway Department for the proposed driveway location.

The project was tentatively scheduled for the October 16, 2006 agenda.

#### **Richard Hansen – Hapeman Hill Road & James Court – Subdivision Plat**

Richard and Lee Ann Hansen and attorney Andy Howard were present for discussion of an application for Subdivision Plat (sketch plan) approval to create two new residential lots of 3.18 acres and 12.57 acres and an approximately 7.31-acre remaining lands lot from an approximately 23-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Mr. Howard reviewed the project for the Board. He said that when the Town Board granted a waiver from the moratorium, it had reviewed the plan and could have set conditions on the waiver but did not.

Mr. Howard went on to say that the applicants had agreed to prohibit any further subdivision of any of the proposed lots and also to reserve proposed Lot 3 for agriculture. He said that that this plan was in essence a farmland protection plan, since it preserved approximately 12 acres for agricultural use.

Christine Kane explained the intent of the farmland law and the Planning Board's mandate to require clustering. Responding to a suggestion to cluster the proposed houses on Lot 1, Mr. Howard said that the Hansens' septic system was located in the only possible site for additional houses on that lot, making that area unacceptable. Mr. Hansen said that he would agree to reduce the size of the proposed lot 2, but he would not agree to cluster the homes on the MnA soils at the rear of the parcel. He said that the expense and hardship of building a driveway to such a home site would be prohibitive. He also did not favor clustering the two new lots close to Hapeman Hill Road. He said that a potential buyer for Lot 3, with its 12.54 acres, would want a house tucked away from the road with a view of the field, not crowded up against Lot 2 and the road. He said that the house site he had proposed for Lot 2 would minimize the visual impact from both the road and from surrounding neighbors.

The Board proposed conducting a site visit as outlined in section 120-6 of the Town Code. Mr. Hansen was concerned about liability and was not in favor of such a visit.

The Board explained that the next step would be for the applicants to prepare a theoretical full build-out showing all the potential lots along with a farmland protection plan indicating how the important agricultural soils would be protected from development. However, the applicant's attorney indicated that the applicants might reconsider the suggestion of a site visit, so the Board said that it would wait to hear the Hansens' decision about a site visit.

## **OTHER BUSINESS**

### **Connector Road**

Because the map was not available, the Board deferred this discussion until September 18, 2006.

### **Keane & Beane opinions**

Christine Kane reviewed several opinions recently received from land use attorneys at Keane & Beane. One opinion supported an earlier decision by the Planning Board that a lot line change application, submitted by JAMS on a Crestwood Road parcel within the proposed Agricultural Reserve that was submitted after the subdivision moratorium went into effect, could not be considered, and the applicant must apply for a waiver from the moratorium if he wishes to proceed with the application review process,

The Board then reviewed an opinion which addressed a letter from attorney Warren Replansky that challenged the imposition of recreation fees as a condition of final plat approval for the 7 Pines LLC subdivision. This opinion indicated that requiring the recreation fee is proper for all approved subdivisions if suitable recreation land is not dedicated to the Town.

Finally, the Board reviewed an opinion that addressed whether the 'old' recreation fees or the current recreation fees apply to a project that was first submitted at the time the old fees were in effect but was approved after new fees went into effect. That opinion indicated that the fees in effect at the time of approval should be used. In light of that opinion, the Board will advise applicants that the fees in effect at the time of conditional final approval are the fees that must be paid.

**Budget**

Clerk of the Board Betty Mae Van Parys discussed the Planning Board budget for 2007. The Board generally agreed that since its members are now required to take classes and since the Board wished to take several field trips to different communities to see how these communities had handled development and conservation, the budget line for these items should be increased. The other lines should be adjusted to reflect actual costs.

**ADJOURNMENT**

Since there was no further business for the Board, Sam Phelan made a motion to adjourn. Charlie Laing seconded the motion, and all members voted in favor. The meeting was adjourned at 9:27 p.m.

Respectfully submitted.

Paula Schoonmaker  
Assistant Clerk to the Board