

APPROVED

Town of Red Hook Planning Board Meeting Minutes October 2, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:38 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane confirmed the agenda for the evening.

Consideration of the minutes from the September 18, 2006 meeting was tabled, since only three of the members present had attended that meeting.

Christine Kane announced a conference entitled 'Preservation Under Pressure', to be held Saturday, October 28, 2006 at the FDR library in Hyde Park.

Since at least two members will definitely be away for the October 16, 2006 meeting, the clerk will poll all the members to determine whether a quorum would be available for that date or whether the meeting should be rescheduled for October 23, 2006.

PUBLIC HEARING

Brian Williams & Mark Angelier – Yantz and Oriole Mills Roads – Subdivision Plat
Richard Hanback, L.S., and Brian Williams were present for the public hearing on an application for Subdivision Plat Approval to authorize creation of three (3) residential building lots from a 28.44-acre parcel in the RD3 and Certified Agricultural Districts.

Christine Kane read the public hearing notice that appeared September 26, 2006 in the Kingston Daily Freeman. The Board then reviewed part 1 of the EAF and completed part 2. John Hardeman made a motion to accept the EAF. Charlie Laing seconded the motion, and all members present voted in favor.

The Board then generally agreed to accept a draft negative SEQR declaration for the purpose of opening the public hearing.

Mr. Hanback explained the project to the Board and to the public. He said that the houses would be hidden and that clear cutting of trees would be prohibited. He explained that the location of some of the building envelopes had been changed as a result of conversations during the recent site visit.

Christine Kane opened the public hearing and asked if there was any public comment. There was none.

Christine Kane then said that those members present on the site visit agreed that building envelopes for any development now or in the future should be noted on the map.

The Board also defined 'clear cutting', which will be prohibited on all the proposed lots, as not only removing all trees but also as removing wide swaths of trees to create a vista or lawn. For the purposes of this project, only dead and diseased trees may be removed. This language will be added to the plat and will be included in the deed covenants and restrictions.

The Board and the applicants agreed that when there are houses only on Lots 2 and 3, these lots would share a driveway. If one of those lots is further subdivided, creating one additional lot, all three lots will share a driveway. If and when both Lots 2 and 3 are subdivided, creating with Lot 1 a total of five lots (the permitted total for this project), Lots 2A and 2B will share one driveway while Lots 3A and 3B will share a second driveway. Lot 1 will access Yantz Rd. by a single driveway.

The Board asked Mr. Hanback to submit a copy of the permit for the proposed driveway and a copy of a letter approving the conceptual driveway. He should also submit a draft driveway maintenance agreement as well as noting both on the plat and in the covenant and restrictions the plan for sharing driveways when and if the parcel is further developed. He also should submit a letter of feasibility for wells and septic on the proposed new lots.

Since there were no comments from the public, Christine Kane closed the public hearing.

John Hardeman made a motion to adopt the negative SEQR declaration for the project. Sam Phelan seconded the motion, and all members present voted in favor.

REGULAR SESSION (OLD BUSINESS)

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

Mark Graminski, P.E. and L.S., was present for the discussion of an application for Subdivision Plat approval to create four (4) residential building lots and a remaining lands lot from an approximately 120.4-acre parcel in the R1.5 Zoning District and the Certified Agricultural District.

Christine Kane said that at the October 2, 2006 meeting, the applicants had requested a waiver from a full survey of proposed Lot 4. She said she had checked with the Town and had polled the Planning Board members. As a result of this research, the applicants' request for a waiver is approved, and a full survey of Lot 4 will not be required until such time as it is further developed. Until that time, the measurements and descriptions of that lot will be per the deed.

The Board and applicants agreed that the question of how proposed Lots 1 and 2 will access water had not yet been decided, and they also agreed that the Town must be part of that conversation.

Christine Kane reviewed a referral response from the Agricultural and Open Space Advisory Committee. The Committee found some relevant language regarding protected farmland on Lot 3 and Lot 4 to be missing from the plat. It also said that Lots 1 and 2 should more properly be located with the other proposed small lots at the north end of the parcel rather than on prime agricultural soil along the proposed short Town road off Linden Avenue. The AOSC members did agree that the parcel was an appropriate location for small-lot development because of its proximity to Linden Acres.

The Board agreed with the AOSC that the Town should discuss how Lots 3 and 4 would be protected from future subdivision. The Board also said that the Town must discuss with the applicants how Lots 1 and 2 would access water from the main running along Linden Avenue and as well as the specific design of the short proposed road off Linden Avenue.

Mr. Graminski said that he would discuss these topics with the Town Board. He said he would also discuss with the Highway Superintendent language for the plat that would allow driveway access for Lots 1 and 2 only from the proposed new road, not from Linden Avenue. Third, he said he would add notes concerning protected farmland and conservation to the Farmland Protection Plan. Finally, he said he would seek approval from the County Health Department for septic systems on proposed Lots 1 and 2.

The Board generally endorsed the sketch plan. The Board also said that the language on the plat would be referred to Keane & Beane for review to be sure that no segmentation under SEQR would occur. Once Mr. Graminski has revised the Farmland Protection Plan, the Board will forward it to the AOSC with a cover letter.

The project was tentatively scheduled for the November 6, 2006 meeting.

Patrick & Debra Murphy – Feller-Newmark & Hapeman Hill Rds – Subdivision Plat
Michael Dalbo, P.E., Patrick Murphy and attorney Andrew Howard were present to discuss an application (sketch plan) to create two (2) new residential lots of 3.02-acres and 3.152 acres and a 4.896-acre remaining lands lot from an 11.068-acre parcel in the RD3 Zoning District and Certified Agricultural District.

Mr. Dalbo thanked the Board members who, along with members of the AOSC, conducted a site visit to the parcel. He said he hoped that Board would endorse the applicants' revised sketch plan.

The Board determined the project to be an Unlisted action under SEQR. Sam Phelan made a motion to establish the Board as Lead Agency for the SEQR review. David Wright seconded the motion, and all members present voted in favor.

Christine Kane said that the Planning office had researched the history of the original subdivision and could find no restrictions on further subdivision.

The Board reviewed a letter from Mr. Dalbo. The letter described the rock outcrops and rocky ledges on the property. The letter also noted that the proposed house location had been changed in response to conversations during the site visit.

Mr. Dalbo said that he had conducted deep soil tests for possible septic systems and that he would submit the results. He said that he knew he would eventually need Health Department approval.

Although some of the land slated for the driveway to Lot 2 was steep, the first 30 feet was found not to exceed a 10% slope. Mr. Dalbo said that he had received conceptual approval for both proposed driveways.

Mr. Dalbo was asked to submit a letter affirming the conceptual driveway approvals as well as soil tests. The Board said that Mr. Murphy should refer to Section 143-47D(4)(h)[3] and the cluster regulations to make sure he has addressed all the requirements for the Farmland Protection Plan. As soon as all the data are submitted, the project will be referred to the AOSC for review and comments.

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

Ray Jurkowski, P.E. and attorney Andrew Howard were present to discuss 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 also acknowledged the site visit conducted by members of the Planning Board and the AOSC. He said that as a result of the visit, a notation had been made on the map that Lot 3 would be permanently reserved for agriculture. He said that provisions in the deed covenants and restrictions would prohibit further subdivision of any of the lots, would permanently reserve Lot 3 for agriculture and would maintain the views and natural landscape. He also said that Lot 2 had been reduced in size to 1.22 acres, adding 1.8 acres of additional agricultural land to the larger Lot 3.

Mr. Jurkowski said that the revised size of Lot 2 had been determined by deep tests. He said that fill would be needed for a septic system on Lot 2 because of depth to bedrock and that fill would be needed for a septic system on Lot 3 because of heavy clay.

Ms. Greig reminded the applicants that the Important Farmlands Law calls for a conservation easement to be placed on the reserved land, not deed covenants and restrictions.

The Board also said that the intent of the Farm Law was not to create isolated islands of valuable soils but to create pieces that could be linked to create larger fields. Mr. Jurkowski said that the proposed house location on Lot 3 did not block such a connection because the soils to the north are wet. Lot 3, however, could link with valuable soils to the northeast through a natural passage not blocked by the proposed house.

The applicants said that they would create a formal Farmland Protection Plan, citing the adjacent soils to the northeast and the reserved farmland on Lot 3. The topography and soils have already been delineated on the map. The plan will be referred to the AOSC as soon as all necessary documents have been received.

The project was tentatively scheduled for the November 6, 2006 agenda.

Tim & Irene Hourihan – Crestwood Road – Subdivision Plat

Tim Ross, P.E. and Tim Hourihan were present to discussion an application for Subdivision Plat (sketch plan) Approval to create four (4) lots, ranging in size from 4.61 acres to 7.78 acres, all from a 26.87-acre parcel in the RD3 Zoning District.

Mr. Ross said that the applicants had revised their proposed plan and now want to create 4 new residential lots rather than the 7 shown on the previous cluster plan. He said that the houses would be tucked into the woods and would share two driveways, one of which already existed. He said that the houses could not be placed behind the pond because they would encroach on the 100 ft. buffer. The previous plan, he said, clustered the houses onto the southeast corner of the parcel.

Christine Kane said that while this plan addressed several of the issues previously raised, it was not a cluster plan, as required by the Important Farmlands Law. She added that while there were now fewer lots and a large area of open space, the ownership of that open space was fragmented. Some members remarked on the need to consider the designated scenic road and the view shed as part of the review.

The Board asked Mr. Ross to reconfigure the lots to achieve a cluster. Lot 3 or 4 could be a large lot containing the valuable soils. The Board repeated that it favored the fewer number of lots and driveways. Now the Board would like to see a cluster plan with some smaller-sized lots.

Mr. Ross said he would revise the plan and meantime, he would put stakes out where houses were proposed on the parcel. Board members would inspect at the site.

Leonard & Trilby Sieverding – Yantz Road – Subdivision Sketch Plan

Mark Graminski, P.E. and Leonard Sieverding were present to discuss an application for Subdivision Plat Approval to authorize creation of three (3) residential building lots and one (1) remaining lands lot from a 46.12-acre parcel in the RD3 Zoning District and the Certified Agricultural District.

Mr. Sieverding reminded the Board that his plan had received sketch endorsement in April 2006 to create 3 new lots and a large remaining lands lot. He said he now wished to reserve the right to subdivide the large lot one more time in the future. Specifically, he said he wished to subdivide a 5-acre lot that contained the existing farmhouse and barn from the large Lot 4. He would then build a new house for his family on the remainder of the large parcel. He said that he had already done soil testing where a new house would be built and that a common drive would serve all the new lots including the proposed future lot. Asked when he might want to re-subdivide, he said he did not know. The Board said that the timeframe could be a segmentation concern.

The Board pointed out that in order to serve the proposed future house, the common driveway would encroach upon the now proposed lots 1, 2 and 3.

The Board said that if he wished to incorporate plans for this re-subdivision and new house, specific details would have to be included in the conservation easement placed on the large lot. In addition, the building envelope for the proposed new house and the common drive would have to be shown on a revised Farmland Protection Plan.

There was a discussion about what agency would agree to hold the conservation easement. Mr. Sieverding said that in a previous meeting, the Board had said that the Town, as well as other agencies, could hold the easement. The Board said that the Town did not currently hold any permanent conservation easements but that he could ask about that option. Mr. Sieverding was also encouraged to make inquiries with Winnakee Land Trust and Dutchess Land Conservancy.

The Board said that Mr. Sieverding should submit a draft of the conservation easement and a draft of the driveway maintenance agreement. He should also submit new figures showing that, after the future re-subdivision, at least 55% of the parcel would still be open space.

He was also advised to delete the section of a plat note that reserved the right to make future lot line alterations. Ms. Greig asked that the wetlands on the parcel be more definitely delineated. Finally, Mr. Sieverding was advised to make sure that the appropriate language was included on the map concerning a future re-subdivision of Lot 4 and that that language referenced the revised Farmland Protection Plan. This revised Farmland Protection Plan would be referred to the AOSC for review and comments.

Mr. Graminski was asked to fill in a blank space in the topographic map.

The Board referred the grading plans to the Town Engineer for review and comments.

A public hearing was tentatively scheduled for November 6, 2006 at 8:30 p.m.

OTHER BUSINESS

Scenic Roads

The Board members had individually driven the scenic roads proposed by the Conservation Advisory Committee. Sam Phelan said that on Woods Road, the homes were largely not visible from the road and that fact should be added to the description. He also asked that language about keeping farmland visible from the road should be added to the description of Pitcher Lane. On Rockefeller Lane, preservation of the scenic agricultural fields on the north side of the road should be a goal.

Some members agreed that Benner Road was now too developed to be considered a scenic road and should be deleted from the list. They discussed the inclusion of the section of Feller-Newmark Road from Hapeman Hill Road to Crestwood Road.

The members generally agreed that E. Kerley Corners Road, from Williams Road to Route 9 should be added to the list, as should Scism Road.

The Board will next consider the regulations suggested by the CAC.

Town of Rhinebeck recreation fields

Ray Jurkowski, P.E. briefly described some improvements the Town of Rhinebeck proposes for its recreation fields at the corner of Yantz Road and Stone Church Road. He said that the Town would like to improve drainage at the site and add a new soccer field. At some time in the future, the Town may wish to build a structure to house bathrooms and a concession stand. He said that while parking along Stone Church Road will be eliminated, the present parking lot was large enough to accommodate not

only those cars but also the increased number of cars generated by a new soccer field. The Town would re-surface the parking area with crushed stone.

The Board advised Mr. Jurkowski that the Town of Rhinebeck would need to apply for both a special permit and site plan approval. The Board also said that he should look at the Town parking regulations to see if new parking spaces would actually be needed.

ADJOURNMENT

Since there was no more business to come before the Board, Charlie Laing made a motion to adjourn the meeting. Sam Phelan seconded the motion, and all members present voted in favor.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Paula Schoonmaker
Assistant Clerk