

APPROVED

Town of Red Hook Planning Board Meeting Minutes December 4, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:35 p.m. and a quorum determined present for the conduct of business.

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

BUSINESS SESSION

Christine Kane said the order of the evening's agenda would be changed, since the applicants for the Sycamore Acres project asked that the public hearing be delayed until their engineer Mark Graminski arrived.

Consideration of the minutes from the November 20, 2006 meeting was tabled until later, since only three of the members present at this time had attended the entire meeting. Paul Telesca had not yet arrived.

REGULAR SESSION (OLD BUSINESS)

Poet's Walk/Scenic Hudson – River Road (Barrytown) - Amended Site Plan

Jay Levine of Scenic Hudson was present for the discussion of an application for modification of the existing Poet's Walk park site (entry sign and information kiosk) on a 120-acre parcel in the LD (Limited Development) and WC (Water Conservation) Zoning District and Certified Agricultural District.

Mr. Levine outlined three changes made to the new sign illustrations. First, the overall size of the entry sign had been reduced by approximately 50% to comply with the Town sign regulations. Second, a note had been added, per the Planning Board's request, to the entry sign illustration stating that neither the entry sign nor the kiosk would be illuminated. Finally, a revised site plan had been submitted that more precisely located both the kiosk and the entry sign. He added that the colors on the submitted illustrations represented as accurately as possible the colors to be used.

Mr. Levine went on to say that he had learned since the last meeting of a variance granted to Scenic Hudson in 1996 that allowed the entry sign to be placed within one (1) foot of the property line. He asked that the variance be extended to include the replacement sign so that the same location could be used. The Board said that the variance did extend to the new sign.

John Hardeman noted that the new entry sign would extend lower than the current sign, and he asked whether it would hinder visibility for cars pulling out of the site. Mr. Levine said that the new sign would actually hang on the side of the pole farthest from the road, so there should not be any visibility problems.

Christine Kane reviewed a submitted Local Waterfront Revitalization Plan Consistency Form. The Board agreed by consensus that the project was consistent. Christine Kane then reviewed the EAF Part 1 and, with input from the Board, completed Part 2. Mr. Levine noted that there was one endangered plant on the site, but the Board concluded that the project would not impact that plant.

(Member Paul Telesca arrived at the meeting at this point)

The Board determined the project to be a Type 2 action under SEQR. Because of the limited scope of the project and because the applicants were proposing to replace signs, not erect new ones, Charlie Laing made a motion to invoke section 143-113(C)(1) of the Zoning Code, which would allow the Board to waive a public hearing or any further review. John Hardeman seconded the motion, and all members present voted in favor.

David Wright made a motion to adopt a resolution approving the amended site plan as proposed. Charlie Laing seconded the motion, and all members present voted in favor. A copy of that resolution is attached to, and made part of, these minutes.

Tim & Irene Hourihan – Crestwood Road – Subdivision Plat

Tim Ross, P.E. and Tim Hourihan were present to discuss an application for Subdivision Plat (sketch plan) approval to create three (3) new residential building lots and one (1) remaining lands lot, ranging in size from 5.61 acres to 7.78 acres, all from a 26.87-acre parcel in the RD3 Zoning District.

Mr. Ross said that at the project's last appearance before the Board, he had presented a cluster plan of 6 new residential lots. Now, in order to avoid the necessity of a community septic system and other infrastructure, the applicants were proposing only 3 new residential lots. These large lots would be set back from the road to keep the front area open, and they would be accessed by shared driveways. The shared driveways had been configured to preserve the open space along the road. There would be no further subdivision on any of the lots, and there would be a "no build" line along the front of the parcel. Mr. Ross added that the parcel was not in the Certified Agricultural District.

Christine Kane said that this plan did not cluster the houses toward the south as requested by the Board at previous meetings. Some members said that this new plan did not provide a buffer for the active agricultural land to the north.

Dave Wright said that during the project's last appearance, he believed that the conversation had moved from the conservation of farmable land to the protection of the scenic road and view shed.

Some members were also concerned that the open space and valuable soils would be fragmented among the lots. They asked that the applicants move the lot line between proposed lots 3 and 4, reducing the size of proposed lot 4, making it a flag lot, and giving the acreage containing the soils of Statewide importance and large open space to lot 3. They said that this change would make the plan more in line with the cluster development regulations. Mr. Ross said that the Town Code mandates cluster development if the subject parcel is part of the Certified Agricultural District but that in other instances, the regulations simply urge the applicants to try to cluster. Christine Kane said that the Planning Board is currently operating on the legal opinion that the

existence of important soils triggers the Important Farmlands Law and the mandate to cluster.

Some Board members were concerned about lot lines extending across the pond, fragmenting ownership of the pond and possibly creating liability and maintenance problems. Since each lot would have pond frontage, other members believed that multiple ownership of the west side of the pond would not cause any more problems than if that side were included with only one of the lots.

Jennifer Fier, Christine Kane and Charlie Laing asked again that the applicants consider redrawing the lot line between lot 3 and lot 4. It was estimated that such a change would give $\frac{3}{4}$ of an acre of additional open space to lot 3. John Hardeman, Paul Telesca and David Wright did not believe that this reconfiguration would add a significant amount of valuable soils to lot 3 and that it would make lot 4 less desirable to a potential homeowner.

The Board endorsed the sketch plan by consensus. The applicants must submit a new application since the project has been reduced from a major to a minor subdivision. The EAF must also be revised and the project circulated again under SEQR. A note must be added to the plat stating that there would be no further subdivision. The applicants should decide whether to redraw the boundary between lots 3 and 4. Finally, once the new documents are submitted, the project will be referred to the Agricultural and Open Space Advisory Committee.

PUBLIC HEARING

Sycamore Acres/Leonard & Trilby Sieverding – 251 Yantz Road – Subdivision Plan

Mark Graminski, P.E., attorney Warren Replansky, Trilby Sieverding and Leonard Sieverding were present for the public hearing on an application for Subdivision Plat Approval to authorize the 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.

Christine Kane read the public hearing notice that appeared November 28, 2006 in the Kingston Daily Freeman.

Mark Graminski explained the project to the public.

Christine Kane reviewed a report from the Town Engineer. Mr. Graminski said that he would address the outstanding concerns and make the requested additions to the plan. He said that the Town code allows for a waiver from mandatory paving of portions of the driveway of a certain grade as long as both the Highway Superintendent and the Town Engineer agree. He said that he would seek that waiver. He said the applicants wished to cover the entire driveway with gravel.

The Board had on file a draft negative SEQR declaration.

Christine Kane opened the public hearing.

Mary Godesky, 190 Yantz Rd, asked for a clarification regarding the actual number of lots requested. She was told that four (4) lots were currently requested and that one

additional lot was being planned for the future. She said that there was no definite timeframe or location planned for that future lot, and she wondered about the legality of such vague plans. She also was concerned about fertilizer run-off which might drain into the nearby pond and swamp and finally onto her property.

Jennifer Fier asked whether a variance from required setbacks would be needed if lot 4 were subdivided from the parcel. Mr. Sieverding said no. The Board instructed the applicants to confirm this.

Christine Kane read the referral response from the AOSC, which said that the members unanimously agreed that they could not recommend approval. She then asked why the applicants proposed separating the existing farm structures from the viable farmland. Some members also questioned the proposed future subdivision of Lot 3 saying that as currently conceived, the new lot line would split the open space and viable soils in two, which contradicts the spirit of the Important Farmlands Law. They suggested reducing the size of the future lot to avoid this split.

Mr. Replansky replied to both concerns, saying first that the Farm Law was not created to preserve old farm structures and that the Planning Board could not mandate that step. Secondly, he said that there was nothing in the state or local cluster development regulations that requires developers to configure smaller lots. Finally, he added that since the land is not actively farmed, there is no need to provide a buffer.

The Board discussed the proposed future lot shown on the Farmland Protection Plan and referenced in note #11 on the plat.

Charles Laing said that the note regarding no further subdivision on lots 1, 2 and 4, should be restored to the plat and that there should be another note added to the plat stating that action on this subdivision application in no way endorses or guarantees that future lot.

Mark Graminski said that he would provide the results of the deep tests.

Christine Kane and Jennifer Fier favored reducing the size of the proposed building envelopes, noting especially those on Lot 2 and Lot 3. These members said that one of the goals of clustering for this subdivision was to tuck the houses in the woods and out of sight, a goal which would be difficult to achieve were the homeowner to extensively clear trees in such large building envelopes. These members also said that clear cutting an area that large could erosion problems.

Mr. Replansky said that his client needed that large space to provide flexibility for siting the house. He said the visibility and erosion concerns could be addressed by adding notes to the plat and in the conservation easement limiting the clear cutting of trees within the building envelopes.

Charles Laing suggested that a percentage of the building envelope remain wooded.

Jennifer Fier questioned why the perimeter of the existing sewage system for lot 4 was not shown. She said that it might encroach on the neighboring proposed lot. Mr. Graminski said that he could add that delineation.

Mr. Graminski said that the subdivision contained 64% open space and that this calculation did not include the building envelopes. Subtracting 2.6 acres for the existing buildings on lot 4, Mr. Graminski said that there would still be 61.4% open space.

Mrs. Godesky clarified the history of the existing buildings, saying that the previous owners had taken down the barn and that most of the current house is relatively new.

The Board and the applicants then reviewed the GreenPlan memo.

Christine Kane reviewed the EAF part 1 and, with input from the Board, completed part 2. The Board agreed that a note should be added stating that a Farmland Protection Plan had been prepared to guide future development of the property.

Responding to Mrs. Godesky's concern about fertilizer run-off, Mr. Graminski said that the applicants had no plans to use fertilizer when reseeded or laying sod after construction is concluded. In addition, he said that his drainage plan would prevent any sediment drainage from running off-site. He said his plan included silt fences and drainage swales with periodic stone dams.

Laurie Espie, Yantz Rd., said that as a neighbor, she supported the subdivision, since Mr. Sieverding had agreed to fewer lots than the allowed maximum.

Kathy Stewart, Spring Lake Rd., said that, like Mrs. Godesky, she was concerned about water quality. She said that substantial stormwater pollution prevention controls had been planned for the Deer Run development across the street from her home but that now those controls have failed. She said that the Town of Red Hook has a Right to Farm law, that Mrs. Godesky has a farm and that she cannot afford to have such runoff draining onto her land.

Since there was no further comment from the public, Christine Kane closed the public hearing.

The Board reviewed the draft negative SEQR declaration. David Wright made a motion to adopt that declaration. Paul Telesca seconded the motion, and five members voted in favor. Jennifer Fier voted against.

Some members wished to review the conservation easement language before any further action was taken. Mr. Replansky said that submission of an acceptable conservation easement could be a condition of final subdivision plat approval. The Board generally agreed that it wished to review the language before the easement went on to the Planning Board Attorney for review.

David Wright made a motion to grant conditional final subdivision plat approval to the project with conditions addressing the concerns discussed above as well as the following: that the applicants must resolve all outstanding engineering concerns to the satisfaction of the Town Engineer, that both a draft driveway maintenance and a draft conservation easement must be approved by the Board and by the Planning Board and/or Town attorney as appropriate, that both documents must be filed with the clerk and referenced by liber and page on the plat, that language regarding tree clear cutting must be added to the conservation easement, that there must be metes and bounds descriptions of both the building envelopes and the conservation easement area, that

the conservation easement area must be shown by shading or dotted fill on the plat, that the septic area for lot 4 must be added, and that notes must be added prohibiting further subdivision on 3 lots and expressly not endorsing further subdivision on lot 3 or the proposed future lot on the Farmland Protection Plan.

John Hardeman seconded the motion. Five members voted in favor. Jennifer Fier voted against. The adopted resolution is attached to, and made part of, these minutes.

The Board generally agreed that issues arising from the non-conformance of the existing house would be addressed by the Zoning Enforcement officer.

REGULAR SESSION (OLD BUSINESS)

Vosburgh/ Kesicke Farm – Middle Road & Rokeby Road – Subdivision Plat and Lot Line Alterations

David Wright recused himself from participating in this review and left the room.

Paul Vosburgh, Frank Vosburgh, Annemarie Vosburgh and Mark Graminski, P.E. were present for a discussion of applications to create 2 new lots and to move 4 lot lines, all from 5 parcels totaling 206.1 acres, partially in the Town of Rhinebeck and partially in both the R 1.5 Zoning District and the RD3 Zoning District of the Town of Red Hook. Also in the Certified Agricultural District.

Christine Kane commended the applicants for submitting a Farmland Protection Plan for the project in its entirety, as requested by the Board at the November 20, 2006 meeting.

She then reviewed the comments set forth in the GreenPlan memo, especially those regarding the relocation of the lots in the northeast and southwest corners of the parcels to the larger cluster in the northwest corner. Another comment noted that one of the proposed driveways would cross a wetland.

Mr. Graminski replied that lots were located in the northeast corner in order to equally distribute equity among the Vosburgh children as well to preserve the best soils. He said that this area is wooded, which would screen the homes, and that the boulders in the soil have made it unusable for agriculture. He said that the lots in the southwest corner would not be visible from the road. Addressing the third comment, he said that an existing farm road, which would become the driveway, already crosses the wetland. He went on to say that he would correct the density calculation and a labeling error.

Christine Kane said that because of the complexity of the plan, the number of existing lots and proposed lots, the wetlands, valuable soils, etc., she was requesting that Mr. Graminski prepare a series of transparent overlays which would allow the Board to see the various facets of the project. Mr. Graminski said he would try.

The Board said that after the density calculations were changed, the project would be ready for review by the AOSC.

The Board also suggested a site visit with the AOSC. The clerk will circulate e-mails to arrive at an acceptable date.

OTHER BUSINESS

January schedule

Because the first Monday in January falls on New Years Day, when the Town Hall is closed, the Board determined to schedule upcoming reviews for its regular third Monday meeting, which would be January 15, 2006.

TGS/ Hardscrabble Commons

Christine Kane read a letter dated November 29, 2006 from Todd Baright for TGS Associates. Mr. Baright said that TGS was withdrawing its applications for Special Permit, Site Plan Approval and Subdivision Plat Approval. He said that TGS had been disappointed that the project had not been given preliminary approval in the fall of 2005 and that the applicants would not be resubmitting for the foreseeable future.

The Board members discussed the fact that the Town Code has no provisions for 'preliminary' approval for site plan, special permit or minor subdivision plat approval. The Board remembered that general signage plans were the only documents needed before a vote on final approval for all applications could have been taken.

ADJOURNMENT

Since there was no more business to come before the Board, Paul Telesca made a motion to adjourn. Dave Wright seconded the motion and all members present voted in favor. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Paula Schoonmaker
Ass't Clerk

Attachments

Resolution granting amended site plan approval to Scenic Hudson
Negative SEQR declaration for Sycamore Acres/Trilby and Leonard Sieverding
Resolution granting conditional final subdivision plat approval to Sycamore Acres/Trilby
and Leonard Sieverding

**Town of Red Hook Planning Board
Resolution Granting Amended Site Plan Approval in the Matter of Scenic Hudson/ Poets Walk on River Road (Barrytown) in the LD (Limited Development) and WC (Water Conservation) Zoning Districts and in the Certified Agricultural District**

December 4, 2006

Motion made by Member David Wright

Seconded by Member Charles Laing

Whereas, the Town of Red Hook Planning Board received an application for Amended Site Plan approval from Scenic Hudson to replace an existing entry sign and an existing information kiosk at a public park

Whereas, the ± 120-acre parcel is located at River Road (Barrytown) in the Town of Red Hook, Dutchess County, New York; and

Whereas, the proposed action requires Amended Site Plan Approval pursuant to the Town of Red Hook District Schedule of Use Regulations; and

Whereas, the Planning Board reviewed the application for Amended Site Plan approval dated October 10, 2006, a Site Plan submitted by Scenic Hudson (undated) and illustrations of the proposed signage and kiosk; and

Whereas, the Planning Board classified the project as a Type 2 Action under SEQR and determined that no further SEQR review was required; and

Whereas, the Planning Board determined that a Public Hearing was not required;

Now therefore be it resolved, that the Planning Board approves the Amendment to the Site Plan as depicted in the referenced drawings and authorizes the Chair to stamp and sign these drawings upon the applicant's satisfaction of each of the below conditions within the next six (6) calendar months:

Payment of any outstanding fees or reimbursable costs due the Town of Red Hook.

Roll Call Vote:

Member Jennifer Fier	yes
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	absent
Member Paul Telesca	yes
Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Paula Schoonmaker, Assistant Clerk to the Board Date _____

617.7

**State Environmental Quality Review (SEQR)
Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: December 4, 2006

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Red Hook Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Sycamore Subdivision

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

Description of Action: The applicant proposes to subdivide a ±46.12 acre parcel of land located in the RD3 Zoning District into four (4) residential building lots ranging in size from ±3.63 acres to ±30.9 acres. The lots be served by individual wells and septic systems and will be accessed from Yantz Road.

Location: Yantz Road, Town of Red Hook, Dutchess County New York

Reasons Supporting This Determination:

1. The Town of Red Hook Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the action dated December 23, 2004, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. Federal jurisdictional wetlands are located on the project site. The wetlands were field delineated and the delineation was verified by an independent third

party. No disturbance to wetlands will occur as a result of the proposed action. During construction of the driveways, erosion and sediment control measures will be installed to mitigate impacts of construction activities on wetlands. The Planning Board has determined that these measures will mitigate impacts to wetlands to the greatest extent practicable.

4. The project site contains soils of statewide importance and is therefore subject to the Town of Red Hook's Important Farmlands Law. The Planning Board forwarded the application to the Town of Red Hook Agricultural and Open Space Advisory Committee for its review. The project site is located adjacent to a certified agricultural district and an Agricultural Data Statement was prepared by the applicant and forwarded by the Planning Board to all owners of farm operations within 500' of the subject parcel. The Planning Board considered comments on the Agricultural Data Statement and review responses from the Agricultural and Open Space Advisory Committee in its review of the application. Proposed development of the parcel has been designed to avoid agricultural soils and these soils will be permanently protected from development by a conservation easement. Future subdivision of the parcel shall be in conformance with a Farmland Protection Plan filed with the Town of Red Hook. The Planning Board has determined that these measures will mitigate impacts on agricultural lands to the greatest extent practicable. .

For Further Information:

Contact Person: Betty Mae Van Parys, Planning Board Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4613

A Copy of this Notice Filed With:

Town of Red Hook Planning Board (Lead Agency)

Marirose Blum Bump, Town Supervisor

Town of Red Hook Town Board

Town of Red Hook Building Department

Dutchess County Department of Health

**Town of Red Hook Planning Board
Resolution Granting Conditional Final Plat Approval in the Matter of the
Sycamore Acres/ Trilby and Leonard Sieverding Minor 4 Lot Subdivision at
251 Yantz Road in the RD3 District**

December 4, 2006

Motion made by David Wright
Seconded by John Hardeman

Whereas, the Town of Red Hook Planning Board received an application for Subdivision Approval from Trilby and Leonard Sieverding to subdivide a 46.111-acre parcel into three (3) new residential building lots and one (1) remaining lands lot; and

Whereas, the parcel is located on Yantz Road in the Town of Red Hook, Dutchess County, New York; and

Whereas, parcel is located within a certified agricultural district and the applicant submitted an Agricultural Data Statement, which the Planning Board forwarded to all owners of farm operations within 500' of the subject parcel; and

Whereas, the application is subject to the Town's Important Farmlands Law and the Planning Board forwarded the application to both the Town's Agricultural and Open Space Advisory Committee and to the Dutchess County Farmland Protection Board for review; and

Whereas, on October 18, 2006 the Town Highway Superintendent inspected the proposed driveway locations and determined that they meet or exceed site distance specifications and are acceptable to the Town of Red Hook Highway Department; and

Whereas, Planning Board considered a letter dated December 6, 2005 from the New York Natural Heritage Program stating that the agency knows of no occurrences of endangered or state listed animals, plants or habitats at the site; and

Whereas, the Planning Board considered the comments on the Agricultural Data Statement and the review responses from the Agricultural and Open Space Advisory Committee and Farmland Protection Board in its review of the application; and

Whereas, the Planning Board declared itself Lead Agency for the proposed action on February 5, 2005, reviewed a Short Environmental Assessment Form Part 1 dated September 22, 2006, prepared a Part 2

Environmental Assessment Form on December 4, 2006 and adopted a Negative Declaration for the proposed action on December 4, 2006; and

Whereas, the Planning Board held a Public Hearing on the Subdivision application on December 4, 2006.

Now therefore be it resolved, that the Planning Board approves the subdivision plat subject to the following conditions:

1. Resolution of outstanding engineering concerns to the satisfaction of the Town Engineer.
2. Installation and implementation of control measures to prevent stormwater run-off from entering neighboring properties.
3. Submission of a Common Use and Maintenance Agreement for the shared driveway and approval of said document by the Planning Board after the Town Attorney's review. Reference on the plat of the required filing of that agreement by date of filing and document number.
4. Submission and approval of a conservation easement for review by the Planning Board and its Attorney, which shall include but not be limited to specific language limiting the cutting of trees within the building envelopes of Lot 1, Lot 2 and future potential Lot 5 (as depicted on the Farmland Protection Plan dated October 26, 2006) to protect the views from Yantz Road, the character of Yantz Road, and against the future erosion of the slopes in those areas. In addition, the conservation easement must meet all requirements of the Town of Red Hook's zoning laws including the provision of third party enforcement rights to the Town. Reference on the plat of the required filing of that agreement by filing date and document number.
5. Addition of the metes and bounds descriptions of any and all building envelopes on the property, whether currently proposed or future.
6. Addition of a metes and bounds description of conservation easement area
7. Portrayal on the plat of the conservation easement area.
8. Portrayal on the plat of the septic disposal system on Lot 4.

9. Submission of certification by a licensed professional engineer that an approvable individual sanitary sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply system may also be developed on each of the proposed lots.

10. Notation on plat stating that there will be no further subdivision of Lot 1, Lot 2 and Lot 4. One (1) additional lot may be subdivided from Lot 3, as depicted on the Farmland Protection Plan dated October 26, 2006, pending approval by the Planning Board; however, the current approval in no way endorses or guarantees that future lot as depicted on the Farmland Protection Plan.

11. Payment of the applicable recreation fee amount for three (3) newly-created single-family dwelling lots to the Town of Red Hook.

12. Reimbursement to the Town for any outstanding application fees or reimbursable costs associated with the application

13. Submission of Final Plat drawings in the number and form specified under the Town's Land Subdivision Regulations.

Roll Call Vote:

Member Jennifer Fier	no
Member John Hardeman	yes
Member Charles Laing	yes
Member Sam Phelan	absent
Member Paul Telesca	yes
Member David Wright	yes
Chair Christine Kane	yes

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Paula Schoonmaker, Assistant Clerk to the Board

Date