

## TOWN OF RED HOOK BOARD MEETING

March 6, 2007

### MINUTES OF PUBLIC HEARINGS

#### CALL TO ORDER

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session at the Town Hall, 7340 South Broadway, Red Hook, at 7:15 p.m.

Present: Supervisor Marirose Blum Bump  
Councilman James Ross  
Councilwoman Sue Crane  
Councilman Harold Ramsey  
Councilwoman Lisa Pullaro  
Town Clerk Susan McCann

Also present: Attorney for the Town Christine Chale

Absent: Deputy Supervisor William O'Neill

Supervisor Blum Bump opened the meeting with the Pledge of Allegiance.

#### PUBLIC HEARINGS

1. To hear all interested persons on the acceptance of a conservation easement from applicants Richard and LeeAnn Hansen for a 12.75 acre parcel located on Hapeman Hill Road, #6372-00-953737, pursuant to the Conservation Easement Law of the Town of Red Hook, Chapter 56 of the Town Code. The public hearing notice was read aloud by Supervisor Blum Bump, who then opened the hearing for public comment at 7:27 p.m.

*Charlie Laing, Planning Board...* The Hansen application came through the Planning Board process. A word of caution as far as the way the Conservation Easement Law is written in the Town. Easements don't generally have a specified term and the easements don't always get tax abatement. Although the law does state 15 years or more, the way the law is written, it is still talking about these term easements, these non-permanent easements. Using that law for permanent easements is not a great fit. The Town Board, CAC, Planning Board or whomever needs to take a close look at whatever needs to be done to make the Town's holding of permanent conservation easements a more solid and a more legally sound program.

*Richard Hansen...* Is that advice based on the fact that Mr. Laing is in the business of selling permanent easements?

Supervisor Blum Bump answered that we will listen to his comments and think about it in light of the law. It is a new law.

*Richard Hansen...* It is black and white.

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey move to close the public hearing.

(The following discussion took place before the vote):

Councilwoman Crane asked the Hansens if it is the tax abatement conservation easement that they are applying for.

*Richard Hansen...* That's the only one there is isn't it?

Attorney Chale said that she spoke to the Hansen's attorney. They were going to be looking to a general Ag exemption and not this exemption. What they are looking for from the Town Board is acceptance of the easement for the purposes of the town line protection provision of their subdivision plan.

Councilwoman Crane...that's different from those percentages of tax abatement related to the term conservation easement. What you are looking for is an Ag assessment on that property and that would work for you. I'm trying to be clear on what it is you are going to be happy with.

*Richard Hansen...* In the easement program I would only be able to get tax abatement on 12.7 acres. So until I use the building envelope I can get Ag assessment on the total 15 acres. I'd like to get the maximum out of this.

*Robert McKeon...*a couple of years ago before we structured this program, we did not want to have the conservation easement enticement to be so great that people would opt out of the Ag assessment program.

Attorney Chale also noted that the Hansen's attorney asked that the action on the item be deferred until next week because they are in the process of finalizing their surveys and they want to make sure they have the correct final description.

After discussion, the vote to close the Public Hearing was taken.

Adopted	Ayes	5	Blum Bump, Ross, Crane, Ramsey, Pullaro
	Nays	0	

2. To hear all interested persons on the acceptance of a conservation easement from applicants Gerald Scott Cantini and Pourn Jinchi Majd for a 22.5 acre parcel located at 194 lasher Road, #6275-00-292219, pursuant to the Conservation Easement Law of the Town of Red Hook, Chapter 56 of the Town Code. The public hearing notice was read aloud by Supervisor Blum Bump, who then opened the hearing for public comment at 7:40 p.m.

*Sam Phelan, Planning Board...* Asked if the Town Board is accepting easements for other than tax abatement purposes? He said the Planning Board frequently runs into these issues about open space, cluster housing, all of which have requirements that there be a dedication of open space and we have a terrible time finding anybody who wants to take these easements.

Councilwoman Crane responded that this appears to be the first application for the Board to accept an actual conservation easement and with that to accept the responsibility of monitoring that conservation easement. There seems to be some indication in the law that we are required to do so. She has not yet thoroughly researched that so she is not absolutely sure. We may be going way out on a limb on this one. She thinks it is possible to do that, and she doesn't think it should be done without a one time fee of some kind to those who are looking to have monitoring year after year. She doesn't think it will be difficult for the Zoning Enforcement officer to check in on small parcels like this once a year.

*Sam Phelan...* Asked if the Board is accepting temporary easements or are they accepting permanent easements.

Councilwoman Crane answered that in this case it is a perpetual easement. This is unique and the first one. We need a system in place to handle this kind of request. She said that she doesn't think we are there yet.

*Robert McKeon, Chairman of Ag & Open Space Committee...* In 2003 the Town Board passed Resolution #15 which calls for the Town to acquire conservation easements. We established this program in 2005 after nearly a year of public comments. It was always the intention to encourage permanent easements. There is some confusion however by the fact that we've established a category called "15 years or more". There were additional benefits on a state and federal level that approves the landowners desire to place a permanent easement on their property. It was always the intention that this program would incorporate permanent easements and in fact we specifically referenced

the need for the Town to hold easements to fulfill requirements that exist in other aspects of our Town Code. It filled that void that Sam Phelan and Charlie Laing referenced.

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey moves to close the Public Hearing.

Adopted	Ayes	5	Blum Bump, Ross, Crane, Ramsey, Pullaro
	Nays	0	

Respectfully submitted,

Susan McCann, Town Clerk