

## TOWN OF RED HOOK WORKSHOP MEETING

April 17, 2007

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 7:40 p.m.

Present: Deputy Supervisor William O'Neill  
Councilman James Ross  
Councilwoman Sue Crane  
Councilman Harold Ramsey  
Councilwoman Lisa Pullaro  
Town Clerk Sue McCann  
Absent: Supervisor Marirose Blum Bump  
Also Present: Attorney for the Town, Christine Chale

Deputy Supervisor O'Neill opened the meeting with the Pledge of Allegiance.

Deputy Supervisor O'Neill announced that on April 16, 2007 a Declaration of Emergency was recommended because of the flooding, rain, road and bridge closing. Today, Deputy Supervisor O'Neill signed a rescission based upon Highway Superintendent Hildenbrand's assessment that the emergency no longer existed in Red Hook. Deputy Supervisor O'Neill signed, after conferring with members of the Board.

Councilman Ramsey, in regard to the recent storm and flooding, applauded the Highway crew. Five Town roads were closed and are now reopened with the exception of Aspinwall Road because of the bridge. State bridge inspectors will work with Highway Superintendent Hildenbrand to reinspect the bridge before reopening it.

### **St. Margaret's Home**

Attorney Chale received information from Amy Dubin regarding the lease agreement with Mill Street Loft. The Committee asked that the Board discuss the proposed terms, and issues at hand. They would also like the Board to direct Attorney Chale to prepare a lease agreement for approval based on the terms. It is primarily for adult programs.

Councilwoman Crane brought up some concerns regarding the Town insurance liability and the condition of the building.

Attorney Chale ... Amy Dubin said that if the toilets weren't working they'd get Port-A-Potties, if the heating wasn't in good condition that wouldn't be a problem. That is a reason for having a summer program for the time being. It would get some use into the building so it's just not sitting empty. They are talking about leasing from June 1 to August 31 in terms of rent, but would need an additional two weeks before and after so that they could do their prep work. Parking is an arrangement between Mill Street Loft and St. Margaret's.

Councilman Ramsey said they planned on making a deal with Hardscrabble owners until the parking is complete up there. He is concerned with the safety issues of the building.

Attorney Chale ... in regard to ongoing maintenance they are looking to the Town for maintenance of the grounds, mowing and maintaining the area. They are also asking the shed be removed and electricity be provided. They are expecting the Town to handle property and liability insurance. Mill Street Loft will ask each artist to sign a legal waiver of responsibility for the works of art.

Councilman Ramsey is concerned that a lot of work needs to be done to make the building safe before May 15th.

Attorney Chale...in regard to property and liability insurance, she would expect them to have their own liability insurance in place. She also suggested that since we are relying on volunteer efforts we should tell them we will do our best with volunteers before we sign a lease.

Councilman Ramsey said that we will need to clear a walking path and have one that is handicapped accessible. He doesn't feel our Highway Department has the time to take care of that in the next month.

The Board will ask that the people sign an insurance waiver for their art work and will ask Mill Street Loft to be responsible for the keys to the building. They will ask Building Inspector Steve Cole to check the building's plumbing and electric. The Board feels the sanitary facilities should be working. They will have the septic system checked and get an estimate on any work that may need to be done. Building Inspector Steve Cole will also be asked to do a fire inspection and give an occupancy rating. The Town will be responsible for mowing.

Deputy Supervisor O'Neill suggested having a committee member present for the next Board meeting.

Councilwoman Pullaro suggested also having a representative from the Mill Street Loft. She would like to know the status of the in kind vendor contributions so that we can do a cost analysis.

**Regarding Tee Lane**

Attorney Chale suggested having the Town engineer look at the road to see if there are any issues. The Board decided to have the Town engineer and Highway Superintendent Hildenbrand look at Tee Lane.

**Appointments to the Community Preservation Fund Advisory Committee**

Councilwoman Crane ...we received two more resumes, one from Christine Kane, the other from Charlie Laing. Both have land use experience.

Councilman Ross asked why the Board is rushing to appoint this committee.

Councilman Ramsey heard a number of concerns that appointing this committee before the vote is jumping the gun.

Councilman Ross feels we should put the committee in place if the vote passes. The purpose of the committee is to make recommendations to the Town Board about where to spend the money.

Councilwoman Crane has no problem making a decision tonight.

Councilman Ross suggested advertising for the committee if the vote passes.

On a motion of Councilman Ross, seconded by Councilman Ramsey, moved to appoint the Community Preservation Fund Advisory Committee after the vote on May 1st and to look at the applications we have in the interim.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

Councilwoman Crane will prepare a press release asking for volunteers for the committee and get it to Town Clerk Sue McCann.

**Appointment to the Farmland Protection Committee**

On a motion of Councilman Ramsey, seconded by Councilman Ross, move to appoint John Hardeman to the Farmland Protection Committee term to expire December 31, 2008.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

## Appointment to the Ag and Open Space Committee

Robert McKeon, Chair recommends Pete Hubbell to fill a vacancy on the Ag. & Open Space Committee.

Attorney Chale said she believes that Pete would rather serve on the Ag. & Open Space Committee then do appraisals for the Town.

On a motion of Councilwoman Crane, seconded by Councilman Ross, move to appoint Pete Hubbell to the Ag & Open Space Committee term to expire December 31, 2008.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

Town Clerk McCann asked if the Information Technology Working Group should be removed from the appointment list, since it is a working group.

Councilman Ramsey explained that as a working group, it should not be part of the reorganization listing.

Councilman Ross suggested moving it from the appointment list to another part of the list so that the Board is aware of it.

### RESOLUTION 2007 # 72

RE: AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW NO. 2 OF 2007 AMENDING ARTICLE IX "ADMINISTRATION AND ENFORCEMENT" OF CHAPTER 143 "ZONING OF THE TOWN CODE OF THE TOWN OF RED HOOK".

On a motion of Councilman James Ross, seconded by Councilman Harold Ramsey, move to accept the resolution.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

### RESOLUTION 2007 # 73

RE: A LOCAL LAW NO. 3 AMENDING SECTION 57-4 OF CHAPTER 57 OF THE TOWN CODE OF THE TOWN OF RED HOOK ENTITLED "COMMUNITY PRESERVATION FUND" TO REVISE THE TERMS OF THE MEMBERS OF THE COMMUNITY PRESERVATION FUND ADVISORY BOARD AS AUTHORIZED BY CHAPTER 443 OF THE LAWS OF 2006

On a motion of Councilwoman Sue Crane, seconded by Councilwoman Lisa Pullaro, move to authorize Attorney for the Town Christine Chale to make the technical correction on the staggered terms as follows: 3 members, 2 members and 2 members.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

### Resolution regarding the purchase of development rights of the Wil-Hi Farm

Attorney Chale read parts of the resolution and recommended some kind of a deadline for the resolution. 18 months was suggested.

RESOLUTION 2007 # 74

RE: AUTHORIZING FILING OF NEGATIVE DECLARATION, PURCHASE OF DEVELOPMENT RIGHTS OF THE WIL-HI FARM

On a motion of Councilman Harold Ramsey, seconded by Councilwoman Sue Crane move to accept the negative declaration of the SEQR.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

RESOLUTION 2007 # 75

RE: PURCHASE OF DEVELOPMENT RIGHTS OF THE WIL-HI FARM

On a motion of Councilman James Ross, seconded by Councilman Harold Ramsey move to accept the resolution regarding the purchase of development rights of Wil-Hi Farm.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

Attorney Chale will forward to Noela Hopper so she can get it on the County Planning agenda.

Councilman Ross asked about the status of our Town's easements.

Attorney Chale answered that there are two pending applications that we need to get final documents prepared for. She suggests preparing them to include a building envelop that at least identifies the property. We have a form that doesn't really identify any kind of building envelop. In the case of the term easements, she is concerned that there is some lack of clarity.

Attorney Chale had a discussion with the Planning Board about an application now before the CAC for a permanent easement. We need the applicant to tell us what they are looking to do in terms of that easement program. Her understanding is what they were looking for is an easement that would fit into the lot line adjustment.

Planning Board Chair Christine Kane told the Board that it is for a permanent conservation easement. The difference in this project is the Planning Board and the applicants are talking about a permanent conservation easement. The reason is that the project is for a lot line adjustment on an existing lot. There are deed restrictions in place in the current subdivision prohibiting further subdivision. The Town of Red Hook and the Town of Red Hook Planning Board has enforcement authority for that. In Red Hook we consider a lot line adjustment to be a subdivision, and that is what started the whole thing. Our Planning Board attorney advised the Planning Board that because of the declarations in place, we don't have to entertain this application unless there was some extenuating circumstance to indicate there would be a benefit. In discussions with the applicant, one of the things that came up is that this parcel does have an area that is currently being used for agriculture and the deed restrictions in place are not set in the building envelope. A conservation easement that maintains the active hay field for agriculture through specific building envelopes on the parent lot and what could be the new lot if the lot line adjustment goes through could be the extenuating circumstances that make it work.

Attorney Chale asked Christine Kane to address what the size of the parcels will be.

Planning Board Chair Kane answered the parent parcel is about 16 acres. A little over 4 acres would be transferred to an existing one acre lot. The remaining land would be just under 12 acres. It is an R3 zone. Because of the lot line adjustment the question is does it fit under the Town's existing program.

Attorney Chale answered that it clearly doesn't meet the requirements of the existing program. She asked Planning Board Chair Kane, what it is that the applicants are asking the Town to do. Are they asking the Town to vote for two different conservation easements? There will be a 12 acre lot and a 5 acre lot. Our question is what are the building envelopes on those lots and what are the proposed conservation easements that you want the Board to take? That's what we didn't understand.

Planning Chair Kane...the building envelope would be the one shown on the subdivision map. The objective is that the four acre lot would be merged into the existing one acre lot. The one acre lot already has a house on it and there will be a very tight building envelope immediately south of that existing property line. It clearly sounds like it does not fit under the Town's current term easement program. So what happens?

Attorney Chale told the Board that it is up to them. You need to find a public purpose for holding any easement. You have authority to hold an easement but you need to have a purpose to hold the easement. Using the CAC's criteria would give you some findings to base determination on.

Councilman Ross feels we should embrace the applicants for turning a substandard lot into a standard lot and by doing so, provided the Planning Board lets them, which they won't unless these easements are in place, they also short themselves in that they are no longer able to apply for our term easement program and get a reduction in taxes. A term easement provides them a monetary relief of taxes.

Attorney Chale...there is a question of size here. A conservation easement will get you a reduction in value but at some point it gets so small that it doesn't get you a reduction in value regardless of whether you're in this program or not. If you give a conservation easement you may or may not get a reduction in assessment depending on the size of the parcel and the developability of the parcel.

Councilman Ross...our term easement program spells out the amount of reduction depending on how long they keep it in the easement. The idea is to keep the large areas open. In this case they short themselves because they won't qualify for that reduction in the assessment.

Attorney Chale asks if the purpose is to maintain open space there. She suggests the Board go through the criteria to see if it meets them.

Attorney Chale again said to see what the CAC says about this. If you want to consider this you need to see what the building envelope will be. If you do consider this is there a financial cost associated with it.

Planning Board Chair Kane stated that in her opinion there is a term easement program and perhaps there should be a permanent easement program.

Robert McKeon suggested amending the Town Code to accommodate other types of easements.

Attorney Chale disagrees that the code needs to be amended in order for the Board to consider accepting an easement. It doesn't mean that the Board doesn't have power and authority under state law to authorize acquisition. It just has to have a purpose, i.e.; preservation of open space. You need to understand what the building envelope will be.

Councilman Ross said the whole problem is that our present code calls a lot line alteration a subdivision. Therefore our Planning Board felt it was their obligation to require this easement because of that.

Attorney Chale said it's not unusual to have a lot line treated as a subdivision because the same kinds of issues are at play. The question is if the Board is willing to entertain holding a possible easement on both of these parcels. If you are willing, what procedures do you want to go through and would you require a fee.

Councilman Ramsey asked what the possibilities are to go forward.

Attorney Chale answered to take the Planning Board's recommendation and accept it as to the purpose of this easement. The building envelope is another question the Board has to determine.

Councilwoman Crane would like some kind of format applicable to everybody.

Attorney Chale asks if the Board is looking for more information at this point regarding the proposal by the applicants.

Councilman Ross answered the building envelopes.

Property owner Arlene Harkins stated this is 15 acres. We're trying to keep that field open; both sides of the road are open. This particular road is protected. Everybody on that road is in agreement to keep it the way it is. They've been working with all these land things and she doesn't feel it's in her family's best interest to pay \$10,000 to \$11,000 to have someone come out once a year to say "yup, there's no building on that. You're a good girl and you didn't put anything on it".

Attorney Chale said the question is clarification on the building envelope proposed on the 5 acres and then what are the proposed restrictions on that 5 acre parcel and 11 acre parcel. If there's a deed restriction that was on that original subdivision covenant there are a number of laws associated with that subdivision. She assumes those deed restrictions affect more than just this one parcel. It's a common program right? How many different lots are part of that original program? There was a common plan restricting further subdivision.

Marcella Appell ... she doesn't know what she means about common plan. Each one was treated as an individual parcel. The deed on one parcel is not related to a deed on another parcel.

Councilman Ramsey ... we need to know the restrictions. If its farmland can they put a farm structure on that land?

Councilwoman Crane asked if this is this the basis of the creation of a permanent easement to use as a model for the future? We have no description of one. There has to be some consistent format.

Robert McKeon suggested that the Board amend the conservation easement program to allow for smaller parcels and keep the incentive for parcels that are 10 acres or greater.

Councilman Ramsey... then that doesn't fit the restrictions on the five acre parcel. The term easement says you can't subdivide the 5 acre parcel.

Councilwoman Crane...we need to have an entire workshop devoted to the conservation easement program to figure out where we are. We've had a year experience with it and tonight is a perfect example of how many loose ends there are.

Attorney Chale questioned if once they get the information from the applicant, did the Board also want the CAC to look at it in terms of their regular criteria just for information or do they only want the Planning Board to give a recommendation on this particular situation.

Councilman Ross said the Planning Board should come to the Board. The CAC should bring it to the Planning Board, then the Planning Board come to us.

Councilwoman Crane wants to address what a permanent easement should be.

Councilman Ramsey... a verbal recommendation from the CAC would be good enough for him.

Councilwoman Pullaro would like to have the CAC get back their recommendation as soon as possible.

On a motion of Councilman Ramsey, seconded by Councilman Ross move to adjourn the meeting at 10:00 p.m.

Adopted	Ayes 4	Ross, Crane, Ramsey, Pullaro
	Nays 0	
	Absent 1	Blum Bump

Respectfully submitted,

Susan McCann, Town Clerk