RED HOOK TOWN BOARD MEETING
November 22, 2010

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 6:30 p.m.

Present:	Supervisor Sue Crane
	Councilman James Ross
	Councilwoman Micki Strawinski
	Councilman Harry Colgan
	Councilman William O'Neill
	Town Clerk Sue McCann
Also Present:	Attorney for the Town Christine Chale
	Michele Greig, Greenplan

MOTION TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE HIRING OF A PARTICULAR PERSON

On a motion of Supervisor Crane seconded by Councilwoman Strawinski moved to go into executive session at 6:30 p.m. regarding the hiring of a particular person.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, O'Neill
	Nays	0	

On a motion of Councilman Ross seconded by Councilman Colgan moved to close executive session at 7:30 p.m.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, O'Neill
	Nays	0	

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance.

ZONING AMENDMENTS TO ARTICLE I OF THE ZONING LAW/DISCUSSION-MICHELE GREIG

Supervisor Crane introduced Michele Greig of Greenplan.
Councilman Colgan expressed his opinion regarding a letter from Rosemarie Zengen read at the last Town Board meeting by Deputy Supervisor Rob Latimer. The letter attacked Councilman O'Neill. Councilman Colgan has worked with Councilman O'Neill for over six years and knows he is working for the best interest for the Town. The minutes of the Ethics Board is on the website today and he read from those minutes from their meeting on November 19, 2010. He would like the issue put to rest and said we should all be mission oriented.
Supervisor Crane will open for public comments after Michele Greig's presentation.
Michele gave the presentation with a summary of suggestions from the Ag. & Open Space Committee. She reviewed the redlined version and referred to a zoning district map from 1999. There were nineteen recommendations from the Ag. & Open Space Committee and the Board discussed the first six with Michele. Those suggestions included:

1) Revision of the definition of "agriculture" to refer to "commercial livestock operations" to distinguish this use from the permitted keeping of one hog per acre on non-farm parcels that are two to ten acres in size, pursuant to section 143-39D
2) Delete reference to "best management practices" in section 143-39
3) Permit "brewery"
4) Clarify that site plan review is not required for hoop houses and other movable structures.
5) Delete requirement that one unit in a newly constructed two-family dwelling must be occupied by the landowner.
6) Clarify that a "cold storage facility" is a facility that is greater than (500?) square feet in size.

Topics to be discussed include:

7) Review language in Subdivision Regulations regarding 200'buffer from agricultural lands, which the Ag. Committee is not sure is strong enough to ensure the maximum buffer would be achieved. Agricultural buffer was defined.

Councilman Ross questioned if our current zoning handles this.
Councilman Colgan would like to hear from the Ag. & Open Space Committee on the issue.

8) Should sawmills continue to be a special permitted use?

The Ag. & Open Space Committee suggests this be a permitted use (143-106)

9) In the definition of "outdoor recreation facility" should the current limit of 200 spectators for arenas or stadiums be increased to permit more spectators?

After some discussion the Board feels that this should be left at 200 spectators.

10) Why require major site plan for a "cold storage"? (Ag. Committee requested no size limit for this use, so major site plan review was included.)

The Board feels yes, there should be a major site plan review.

11) Size limit of 6,000 sq. ft. for "museum or agricultural learning institution."

The Board discussed the size limit issue.

Michele continued the presentation with topics already addressed which included:

12) Setbacks for keeping fowl and farm animals on non-farm parcels two to ten acres in size.

Michele suggested it goes to the Zoning Review Committee and the Town Board agreed.

13) Size of Farm Market 3 (limited to 4,000 sq. ft.). This does not include the square footage of "greenhouse" or "cold storage" which are separate uses.
14) Selling development rights from a parcel over a period of time.
15) Farm labor housing – the definition specifies that this is not housing for a partner or owner of the farm operation since this type of housing is exempt from the property's density calculation.
16) Number of uses per lot.
17) Repair but not sales of farm equipment.
18) Conference center

Michele moved on to review special permitted uses regarding commercial communications receiving and/or transmitting facilities; telecommunications towers, subject to the provisions of Section 143-103. She suggested adding that such uses shall not be permitted within the Historic Landmarks Overlay District.

Councilman Ross asked what that overlay district is.

Michele referred to the area in a zoning map from 1994 and 1999 and pointed out different sections. She discussed areas to be carried over to the new zoning map.

Councilman Ross asked what parcels are for the historic landmark overlay district east of Route 9G that are included on the map.

Michele told him that Hudson River Heritage has a list of all those parcels.

Attorney Chale explained that there is actually a map on file with a federal agency that created that district. It should be in the Village and the Town.

Councilman Ross wants to know what is included in what map. If the Board is going to make rules and regulations in certain areas, they will need to know exactly what the boundaries are and what properties are included in the maps. The Historic Landmark Overlay District is vague and has been vague for the last 30 years.

Michele said the Historic Landmark District is the National Historic Landmark District. She stressed they are just talking about the property east of 9G. She explained overlay districts on the map. Some of the districts will have to be addressed separately. She confirmed the issues the Board wants comments on from the Ag. Committee. Those issues include cold storage facilities, the 200 foot buffer, and consideration of the 200 spectators for an arena or stadium.

Members of the Ag. & Open Space Committee were available for comments. The members in attendance were Chair Mary Ann Johnson, Ken Migliorelli, and Pete Hubbell.

MaryAnn Johnson asked Ken Migliorelli to speak about the issue of cold storage.

Ken Migliorelli explained that the cooler on his farm is currently about 3,000 sq. ft. That is maybe about a tenth of the crop from the orchard. Right now he has to rent cooler space. He gave an example of Hardeman's Orchards retail and cold storage space.

The Board discussed the issue of cold storage capacity with members of the Ag. Committee.

Pete Hubbell explained that there are farms that would need larger cold storage and cited Ken Migliorelli and the Mead orchards.

Ken Migliorelli spoke about the issue of spectators. The Ag. Committee wants to make sure it is economically viable.
Pete Hubble said the topics of cold storage and number of spectators should be discussed with the entire Ag. Committee.
Councilman Colgan would like to resolve the cold storage issue. All we have is a site plan review and he would support it with a site plan review. Some decisions have to be made tonight.
Mary Ann Johnson told the Board that the next Ag. & Open Space Committee meeting is scheduled for November 29th.
The Board asked if they were all thinking of the same thing. Is a cooler and cold storage the same?
Supervisor Crane suggested changing from 500 to 1,000 sq. ft. and then revisit it.
Michele asked about the number of spectators and if they wanted to change that.
Councilman Colgan would keep it at 200.
Councilwoman Strawinski said they are talking about a permanent structure like an arena.
The Board discussed the issue of how many spectators for an arena or stadium.
Supervisor Crane would think 500 should be the minimum.
Ken Migliorelli said that some of the other Ag. Committee members feel that farming changes all the time and providing food and services is coming part of it. We need to bring that back to the table.
Councilman Ross cannot see making it less than 500.
Supervisor Crane suggested making it 500 and it can always be amended.
The Board would like to hear more from the Ag. Committee before making a decision.
Mary Ann Johnson referred to the agricultural buffer. The issue is having a buffer on the residential side of a property away from the farm. She gave examples of reasons for the 200 ft. buffer. The Ag. Committee would like a 200 ft. buffer.
Councilman Ross said if you look at our proposed Ag. Business District it seems we are taking considerably from residential neighbors.
The Board discussed the issue in regard to subdivisions and development.
Councilman Ross feels that the setback should be what the zoning requires. If they want more, it would go to the planning process with the Planning Board. If you change the setback the farmer has the right to farm but you are stripping the rights of the developer of his property if you set it at 200 ft. rather than the 35 ft. that zoning now requires.
Pete Hubbell thinks that having a narrow buffer is a detriment to the agricultural operation.
Councilman Colgan said he is sensitive to the farmers and is inclined to go at least 100 feet.
Councilman Ross would not go for anything more restrictive.
The Board discussed the setback at length.
Planning Board Chair Christine Kane said there are times when double setbacks come in. There are scenarios where you have to have deeper buffers.
Councilman Ross believes that should be between our Planning Board and the developer.
Supervisor Crane said that 100 feet gives the Planning Board leeway.
Ken Migliorelli feels that hopefully a developer could allow that kind of setback and still retain the equity that he is looking for.
Michele clarified the Board's suggestion of changing the setback to a minimum of 100 feet.
The Board will keep it at 200 feet and wait to hear from the public regarding the setback. They settled on some issues and the document will be readied for public hearing.

PUBLIC COMMENT PERIOD
Ken Migliorelli is concerned about the TDR and what is allowable as far as how many parcels would be able to be put on. He is unclear about it.
Michele Greig suggested that he go to a Task Force meeting on Friday morning and she can review it.
Supervisor Crane suggested the Planner meet with the Ag. & Open Space Committee to help clarify some of their questions.
Ken Migliorelli asked how many public hearings there will be.
Attorney Chale handed out resolutions and suggested the Board look at them. She suggested pulling out the zoning map and make a separate local law. You may have fewer needs to change the zoning map. She is trying to keep costs down.
Councilman O'Neill asked about setting the public hearing at the December 14th meeting.
Supervisor Crane said it won't be before January.
Councilman Colgan said it can't be until January.
Councilman O'Neill asked if Attorney Chale is recommending having one resolution being the zoning amendment and the other resolution being the map.

Attorney Chale responded yes.
Michele Greig explained that way if the Board wants to change the text of the local law you can have a public hearing without sending out letters every single time.
Attorney Chale asked the Board to pay particular attention to the map.
Michele Greig will have Dutchess County put notes on the map.
Phil Seymour asked for clarification about the 100 foot buffer zone. There are very few dairy farms in the area. On a windy day you could be 500 feet away and smell it. He lives 75 feet from apple trees and he never has spray on his house. They spray early in the morning when the air is still so the spray goes on the trees and isn't wasted. He is concerned about what he is not hearing, and that is family farms and estate farming. He doesn't see how it is incorporated and the other issue is that mini farms are more sustainable and also need to be addressed.
Linda Keeling addressed Councilman Colgan since he mentioned her letter at the beginning of the meeting. The Ethics hearing was not legal, she had no notification of when it was supposed to be. She went to a meeting and she was told at that time the hearing was going on. The Ethics Board was unethical, they don't follow their own procedures. No person should have to go through that and she did not have the ability to have her lawyer there. She will provide him with sheets numerating what went on.
Rosemarie Zengen disagrees with Councilman Colgan. She praised Deputy Supervisor Rob Latimer for being brave enough to read her letter at the last meeting. She would never have written that letter if Councilman O'Neill would have agreed to a meeting.
Councilman O'Neill would have met with her but he was told that criminal charges were being filed by her and Linda Keeling and there is no way he was going to meet with anyone who filed criminal charges against him.
Rosemarie Zengen said that he had incorrect information, she never filed a criminal complaint against any Town Board member nor would she.
Supervisor Crane asked that the arguing stop.
Rosemarie Zengen is angry because her opinion and that of the residents on S. Broadway is that they do not want a sewer district. She has no idea why her name was brought up at Task Force meetings. She is entitled to her opinion. When she calls Councilman Ross, or Councilwoman Strawinski, they call her back. Anything she wants to say she would say in open forum, there is nothing personal She spoke to people at the Task Force meeting who said he was harsh and aggressive. She and Linda Keeling each have their own opinions. Councilman O'Neill could call and talk to her directly.
Robert McKeon thanked residents for attending their first winter market.
Councilman Colgan said that apparently there is a lobbyist in Town and there is a State law that deals with lobbying in municipalities of 50,000 or more but it does not cover us. It would be appropriate to have small Town lobbyist control. We do have a lobbyist who is being paid.
Supervisor Crane told him that she has no idea what he is talking about. She asked if that is illegal.
Councilman Colgan doesn't know if it is illegal or not but he thinks it should be. It should be publicly known when people are making presentations to the Board as if it is an individual opinion when they are being paid to represent other people.
Councilwoman Strawinski asked him if he could bring a copy of the law.
Supervisor Crane asked about the issue of lobbyists in a township of fewer than 50,000 people and why we need to worry about it.
Attorney Chale knows about a law for Towns with more than 50,000 people but has no idea about a law for fewer than 50,000.
Supervisor Crane will look into it.

On a motion of Supervisor Crane seconded by Councilman Colgan moved to adjourn the meeting at 9:35 p.m.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, O'Neill
	Nays	0	

Respectfully submitted,

Sue McCann, Town Clerk