

-----X

TRANSCRIPT OF PROCEEDINGS OF THE PUBLIC HEARING
ON THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS
AND THE DRAFT GENERIC ENVIRONMENTAL STATEMENT
ON PROPOSED AMENDMENTS TO THE TOWN OF RED HOOK
ZONING LAW, SUBDIVISION LAW AND COMPREHENSIVE PLAN
TO IMPLEMENT THE CENTERS AND GREENSPACES PLAN

-----X

DATED: January 20, 2011
Red Hook, New York
7:00 p.m. -9:11 p.m.

Donna M. Wells, Court Reporter

MINUTES
OF
PUBLIC HEARINGS

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1

2

APPEARANCES:

3

TOWN OF RED HOOK TOWN BOARD

Sue Crane, Town Supervisor

4

Susan McCann, Town Clerk

Micki Strawinski

5

Harry P. Colgan

William T. O'Neill

6

James M. Ross

7

8

RAPPORT, MEYERS, WHITBECK

SHAW & RODENHAUSEN, LLP

9

Attorneys for Town of Red Hook

35 Main Street, Suite 541

10

Poughkeepsie, New York 12601

BY: CHRISTINE M. CHALE, ESQ.

11

12

13

Greenplan, Inc.

Environment Planners

14

302 Pells Road

Rhinebeck, New York 12572

15

BY: MICHELE GREIG, SENIOR PLANNER

16

17

SPEAKERS:

18

Richard Hansen

Ted Saud

Mark Wildonger

Norman Greig

19

Jim Stages

Pete Hubbell

Linda Keeling

Mary Ann Johnson

20

Paul Fredericks

John Colburn

Phil Seymour

Al Trezza

21

Tom LeGrand

Warren Smith

22

Chris Klose

Trilby Sieverding

23

Dick Franklin

Nick Russo

24

John Douglas

Elizabeth Avis

25

Peter Setaro

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1

2

THE SUPERVISOR:

3

Ladies and Gentlemen, it's almost 7:00. If

4

you would find a seat please. Don't be in a

5

hurry to sit down because I'm going to ask you

6

to rise for the Pledge of Allegiance. Please

7

rise for the Pledge of Allegiance.

8

9

(Whereupon, the Pledge of Allegiance

10

was recited by all in attendance.)

11

12

Good evening and welcome. Thank you all for

13

your endurance in this cold, and your

14

willingness to come out not only in the heat

15

of the summer, which I think was about 95 in

16

the shade when we last met with the Draft

17

Environmental Impact Statement, and here we

18

are tonight on January 20th ready to go to

19

listen to all of you, each and every one of

20

you who has some thoughts, some interests,

21

some suggestions about the new zoning plan.

22

We are here for a public hearing on the

23

proposition, that is, proposed Local Law

24

Number 2 and 3 of 2010. I just want to thank

25

so many people for the work that's gone into

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 this and for the people who have had input
3 into it. We have taken all of your comments
4 so far under consideration and tonight is the
5 night when we will really be here to listen
6 and take more interest in what you have to say
7 and weigh what everyone has to say. I know
8 that it's a cold evening, the seats are hard,
9 but I encourage you to give each other time,
10 three minutes we hope to each speaker. We
11 will start by reading a few letters that have
12 come in recently from people who have not been
13 able to attend tonight, and then we'll go
14 right into the public hearing. I wanted first
15 to thank the Town Board. On my right is Bill
16 O'Neill and Harry Colgan, and on my left is
17 Micki Strawinski and Jim Ross, and the ever
18 popular Sue McCann, the Town Clerk, who does
19 so much work behind the scenes and up front.
20 Thank you so much. Our Town Planner is with
21 us, Michele Greig, representing Greenplan,
22 Inc. She will make a short presentation about
23 these proposed zoning amendments. Our
24 attorney for the Town from Rapport, Meyers,
25 Christine Chale, is with us. Thank you. The

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 court reporter, Donna Wells. Thank you for
3 coming, and Steve Roberts is recording on
4 behalf of PANDA. So people who were not able
5 to come tonight will be able to watch this on
6 PANDA. I believe it will show on Monday night
7 and they'll have a warm ring side seat at
8 home. We have had the privilege of receiving
9 funding for this project and I should
10 acknowledge several entities; one is Hudson
11 River Valley Greenway who has contributed a
12 grant, the New York State Department of State
13 with a Quality Communities Grant, and New York
14 State Department of State Environmental
15 Protection funds Smart Growth Grant. So I
16 think without further adieu because all of you
17 know the background, I think, by now or you
18 wouldn't be here, I will introduce Michele
19 Greig and she will lead us into some
20 discussion before we start the public hearing.

21 BY MS. GREIG:

22 Good evening, everyone. My name is Michele
23 Greig, planning consultant to the Town of Red
24 Hook, and I've been working with the Town
25 Board over the past several years to assist

1
2 them in developing these amendments to the
3 zoning and subdivision regulations and the
4 zoning map. These are two separate Local Laws
5 so there are technically two public hearings
6 that are being held tonight, but because these
7 laws are interrelated the public hearings will
8 be combined into one. The Local Laws have
9 been available on line for the last three or
10 four weeks on the Town's website for viewing.
11 They've also been available at the Town
12 Clerk's office, and the library, and F & M
13 Printing has a copy that they have been able
14 to print off for people that wanted their own
15 copy. In terms of the State Environmental
16 Quality Review Act, the SEQRA review of the
17 proposed action, a Draft Generic Environmental
18 Impact Statement was prepared for the proposed
19 action. It was the subject, as Sue mentioned
20 earlier, Supervisor Crane mentioned earlier,
21 it was the subject of public hearings that
22 occurred last summer. Final GEIS is in the
23 process of being prepared and will be
24 available for public review in a couple of
25 weeks, the FGEIS response to your comments

1
2 that were made on the draft document. The
3 purpose of the proposed amendment is to ensure
4 that as the Town grows it remains a small Town
5 with rural landscapes, which you see on the
6 bottom photograph here, and adjacent to the
7 Village of Red Hook these residential
8 neighborhoods are in keeping with the scale
9 and historic character of residential
10 neighborhoods in the Village of Red Hook with
11 small affordable houses or small affordable
12 housing lots, front porches, sidewalks and so
13 on, walkable mixed use residential
14 neighborhoods adjacent to the Village of Red
15 Hook rather than sprawl type development which
16 is currently allowed on those lands adjacent
17 to the Village of Red Hook and throughout many
18 parts of the community, and we can visualize
19 the difference between sprawl zoning, such as
20 the Town currently has, and small town zoning
21 such as being proposed with these
22 illustrations. If these are the existing
23 conditions in the community sprawl zoning
24 converts open space land to residential lots.
25 Because so many people live a distance away

1
2 from the center of the community businesses
3 are required to have large parking areas which
4 separates them from each other, from one
5 business from the next, which result in
6 commercial strip development developing along
7 the highways of the community. So this is
8 what the Town of Red Hook Comprehensive Plan
9 recommends that the Town avoid and it
10 recommends that it instead develop something
11 called small town development where new
12 development is encouraged to locate in centers
13 rather than on open space and agricultural
14 land. So this is the model that this proposed
15 amendment is trying to achieve. To that end
16 the Town has proposed the creation of two new
17 zoning districts; the Agricultural Business
18 District which you see in the dark green here,
19 and the Traditional Neighborhood Development
20 District just south of the Village of Red
21 Hook. All the other districts will remain as
22 they currently are, the LD and the RD5 and
23 RD3s. It's just these two new districts that
24 are being proposed. The purpose of the
25 Agricultural Business District is to preserve

1
2 irreplaceable agricultural soils, to minimize
3 land use conflicts between agricultural and
4 residential uses, and to encourage agriculture
5 as a component for local economy. Farmers who
6 farm the land would be permitted additional
7 economic opportunities to encourage them to
8 remain in farming. The Traditional
9 Neighborhood District south of the Village of
10 Red Hook -- this is a blow up map of that
11 district -- would be comprised of three
12 subdistricts. The office industrial area here
13 in the purple just south of Hannaford's which
14 is right here. The office industrial
15 subdistrict would permit a conference center,
16 a hotel, light industrial and office uses. It
17 would be required to have a 200 foot buffer
18 area, vegetation buffer area, along Route 9 to
19 preserve the gateway into the community. The
20 residential subdistricts would be on either
21 side of Route 9 in these areas, and they would
22 be allowed to be developed, as I discussed
23 earlier, encouraged to be developed out as
24 residential districts in keeping with the
25 scale of character and historic neighborhoods

1
2 of the Village of Red Hook. They would be
3 within walking distance of this commercial
4 center which would run from the Village line
5 down to Hannaford's, and the residential
6 neighborhoods would support economic
7 development in this commercial center. The
8 commercial center, itself, would be built out
9 like on a main street type shopping area as
10 you can see in this illustration. The current
11 zoning does not permit this type of main
12 street development in that commercial area
13 south of the Village. Instead, it requires
14 deep set backs from the road which can result
15 in the need to put parking in front of the
16 buildings, and it's much more oriented to the
17 automobile. So this is the kind of
18 development that the current zoning is
19 promoting and it would be replaced with
20 regulations that would allow instead for this
21 type of small town main street type shopping
22 district. This district, by the way, the
23 commercial center was, the regulations for
24 that district were designed in consultation
25 with representatives from the Village of Red

1
2 Hook, the elected officials from the Village
3 of Red Hook because they were concerned that
4 the current zoning was going to create a
5 conflict. It was going to potentially compete
6 with businesses in the Village of Red Hook so
7 they were much more interested in seeing
8 something like this developed instead. The
9 proposal has been subject to an environmental
10 review. The EIS determined -- estimated that
11 the current zoning, the Town's current
12 regulations would permit at full build out
13 approximately 3,600 additional residences in
14 the community which will a little bit more
15 than double the Town's current population,
16 would generate around 2,500 school children
17 which would have an impact, of course, on the
18 school district, and would generate
19 approximately 35,000 field trips per day on
20 local roads. In contrast, the proposed zoning
21 would reduce the residential build out by
22 about two-thirds less than the current zoning
23 allows. So there will be fewer residents and
24 fewer school age children, and significantly
25 fewer traffic impacts. The analysis

1
2 determined that the proposed zoning would
3 result in a 64 percent reduction in future
4 traffic impacts, reduction over the current
5 zoning, and because land uses would be better
6 balanced in the community there will be a
7 better balance of residential, commercial and
8 agricultural land uses. The proposed zoning
9 would also result in a significant improvement
10 to the tax base, approximately \$7,000,000
11 additional dollars per year at build out over
12 the current zoning. The proposal is
13 consistent with the vision of the Town's
14 Comprehensive Plan and the Open Space Plan to
15 preserve the Town's rural character, what the
16 Open Space Plan refers to as the Town and
17 Country settlement patterns where there's a
18 distinct difference between what's town and
19 what's country by encouraging new development
20 to locate within and adjacent to existing
21 centers rather than dispersing it throughout
22 the community in a sprawling pattern. The
23 proposal is also consistent with other
24 regional, state and national planning
25 recommendations and all of these documents

1
2 recommend concentrated development in and
3 around existing community centers to reinforce
4 the economic vitality of villages and preserve
5 irreplaceable agricultural resources. They're
6 all calling for the same vision, the same
7 concept that the Town's Comprehensive Plan is
8 calling for and which these amendments are
9 intended to implement. The proposed
10 amendments are the result of over 200 public
11 meetings, presentations, and work shops, and,
12 as Supervisor Crane mentioned, the amendments
13 over the last four years have been revised and
14 changed innumerable times in response to
15 public comments. The amendments have also
16 been reviewed by the various Town Boards and
17 committees, and, again, a document has been
18 revised in response to their comments. So as
19 Supervisor Crane mentioned tonight, the Town
20 Board is going to be hearing from you this
21 evening. The Board will not be responding to
22 comments or answering questions this evening.
23 This is an opportunity to hear from you, so
24 they will be listening very carefully and
25 considering your comments in subsequent

1

2

meetings. Thank you for your time.

3

THE SUPERVISOR:

4

Thank you, Michele. I just ask that you try

5

to listen with open minds to the comments of

6

others even if you disagree with whomever is

7

speaking. Please offer them the respect that

8

you would expect to receive. I'm going to try

9

to really hold people to three to four

10

minutes. As you make your comments please

11

focus on the thrust of whatever it is you have

12

to say. Please say it without drifting into

13

some kind of philosophical speech. We're not

14

here to make speeches, but comments that are

15

directly related to the document that we're

16

talking about. I will declare the public

17

hearing open for tonight and ask that the Town

18

Clerk read the notice of the public hearing.

19

THE TOWN CLERK:

20

"Notice of Public Hearing, Town of Red Hook.

21

Please take notice that a public hearing will

22

be held by the Town Board of the Town of Red

23

Hook on January 20, 2011 at 7:00 p.m. local

24

time at the Red Hook High School cafeteria,

25

103 West Market Street, Red Hook, New York

1
2 12571, to hear all interested persons on Local
3 Law Number 2 proposed of 2010 entitled, A
4 Local Law Amending Chapter 143 entitled Zoning
5 and Chapter 120 entitled Subdivision of Land
6 of the Code of the Town of Red Hook. The
7 proposed amendments would create two new
8 zoning districts. The Agricultural Business
9 District and the Traditional Neighborhood
10 Development District would replace the Town's
11 exist cluster regulations with provisions for
12 conservation subdivisions and would add a new
13 section on open space incentive zoning in
14 addition to other incidental changes
15 necessitated by these amendments. In order to
16 encourage Village scale density within the
17 Traditional Neighborhood Development District
18 the law eliminates the density bonus for
19 provisions of central water in the R1 and the
20 R1.5 Districts. The proposed amendments would
21 apply Town wide. Please take further notice
22 that a public hearing will be held by the Town
23 Board of the Town of Red Hook on January 20th,
24 2011 at 7:00 p.m. local time at the Red Hook
25 High School cafeteria, 103 West Market Street,

1
2 Red Hook, New York 12571 to hear all
3 interested persons on Local Law Number 3 of
4 2010 proposed entitled, A Local Law to Amend
5 Section 143-7 entitled, Zoning District Map of
6 the Code of the Town of Red Hook to adopt the
7 revised zoning district map. The proposed
8 amendments would amend the zoning map to
9 create two new zoning districts; the
10 Agricultural Business District and the
11 Traditional Neighborhood Development District
12 in addition to other incidental zoning map
13 amendments. The Town has previously
14 determined that adoption of the Local Laws
15 constitutes a type one action under the State
16 Environmental Quality Review Act and has
17 prepared a Draft Generic Environmental Impact
18 Statement with respect to this matter. All
19 interested persons will be given an
20 opportunity to be heard in person or by
21 directing comments in writing to the Town
22 Board, 7340 South Broadway, Red Hook, New York
23 12571. All reasonable accommodations will be
24 made for persons with disabilities. In such a
25 case, please notify the Town Clerk in advance

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 at the above address or by phone 845-758-4606
3 so that arrangements can be made. Copies of
4 said proposed Local Laws are available for
5 review at the Town Hall, 7340 South Broadway,
6 Red Hook, New York 12571. Copies of the law
7 will also be made available at the Red Hook
8 Public Library and the Tivoli Free Library,
9 and on the Town website at www.redhook.org.
10 By order of the Town Board of the Town of Red
11 Hook dated December 14, 2010, Sue McCann, Town
12 Clerk, Town of Red Hook." I just want to say
13 that this notice was mailed to all property
14 owners in the Town of Red Hook. It was also
15 sent to the adjacent towns and villages. It
16 was published in the Poughkeepsie Journal and
17 the Daily Freeman on January 5th of 2011, and
18 it's also add on PANDA, so we really did our
19 due diligence to get this information to the
20 public.

21 THE SUPERVISOR:

22 Thank you, Sue. I just would like to say I
23 started out by saying we have some letters to
24 read. I'm going to end with those if there is
25 time to read those aloud tonight. Because so

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 many of you have taken time to come tonight I
3 want to get right into this. I did want to
4 say please keep your comments about this to
5 two to three minutes or so. There's a list in
6 the back of the room. We have already some
7 sign ins for people. We will take them in
8 order of signing in. Please be recognized by
9 the Chair before speaking. Comments must
10 pertain to the subject of the public hearing,
11 and, just to remind you again, that no member
12 of the public is permitted to address the Town
13 Board during a meeting or public hearing
14 unless recognized by the presiding officer,
15 that would be me. All persons speaking will
16 be given respect and courtesy and in return
17 are expected to be respectful and courteous.
18 The use of profane language, slanderous or
19 personal remarks or boisterous conduct
20 including booing or hand clapping is not
21 acceptable. Any persons speaking to the Board
22 with the consent of the Supervisor shall
23 address their remarks to the Board not to
24 other members of the audience in the form of a
25 debate. This is not a debate. We are here to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

listen to you and will listen carefully.
Thank you for coming, and I will recognize the
first speaker who is Richard Hansen.

BY MR. HANSEN:

Under this proposal there are properties
including mine that are excluded from the Ag
Business District. If this law passes we
would benefit from being in it. Not being in
it we would lose some of our permitted uses.
The properties meet all the criteria for the
Ag Business District and then some.
Specifically, conservation easement for
farmland protection. My property was in the
Ag Business District in earlier drafts. I
question how and by whom I was deleted. I
have maps that contradict each other in that
area. If passed for reentry I would have to
go through a process that is not defined at
this time. If this is the case I have no
assurance that I will be successful or what I
would have to spend doing it. I ask that the
Board place my properties in the Ag Business
District prior to the adoption of this law,
and further I ask the Board to take a step

1

2

back and canvas who wants to be in or out of

3

the Ag Business District. Half the people

4

speak for themselves rather than be active

5

through assumptions before any actions are

6

taken. Thank you.

7

THE SUPERVISOR:

8

Thank you, Dick. Again, if you will say your

9

name and either who you represent or where

10

you're from I'd appreciate it. The next

11

speaker is Mark Wildonger.

12

BY MR. WILDONGER:

13

Good evening. My name is Mark Wildonger,

14

planner for Scenic Hudson, Inc., a 48 year old

15

nonprofit environmental organization and

16

separately incorporated land trust dedicated

17

to protecting and enhancing the scenic,

18

natural, historic, agricultural, and

19

recreational treasures of the Hudson River and

20

its valley. Scenic Hudson has established in

21

Red Hook the popular Poets' Walk Park and

22

assisted the Town with its goal of farmland

23

protection by purchasing development rights on

24

nearly 1,800 acres of farmland including

25

preservation efforts that matched financial

1
2 support from Scenic Hudson with funds from
3 both the Town and Dutchess County.
4 Additionally, Scenic Hudson has supported
5 local funding initiatives for the purchase of
6 development rights. Scenic Hudson strongly
7 supports the amendments to the zoning code.
8 The Centers and Greenspaces approach is
9 consistent with the principles outlined in
10 Scenic Hudson's publication, Revitalizing
11 Hudson Riverfronts: Illustrated Conservation
12 & Development Strategies for Creating Healthy,
13 Prosperous Communities. We expect that these
14 amendments will direct growth to areas with
15 existing infrastructure. Likewise, the
16 amendments will safeguard important scenic,
17 historic, ecological, and agricultural areas
18 for local food production and preserve
19 community character. The Town of Red Hook has
20 approached this process very wisely by using
21 several techniques such as purchase of
22 development rights (PDR) and conservation
23 subdivision in order to direct growth to
24 appropriate areas and ensure that future
25 development is designed in a manner compatible

1
2 with Red Hook's community character. The use
3 of PDR also provides a mechanism for
4 landowners to be compensated for the loss of
5 development potential and is a critical tool
6 to help ensure that agriculture remains a
7 viable land use in your community. The
8 Traditional Neighborhood Development District
9 is very thorough in that the purpose and
10 intent of the district is clearly stated along
11 with specific design standards complete with
12 illustrations which should result in the type
13 of development prescribed in the Comprehensive
14 Plan. The center oriented development will
15 also help accommodate and overflow growth from
16 the Village by creating a seamless extension
17 that maintains the feel of traditional,
18 pedestrian friendly main streets with
19 buildings close to the sidewalk, parking on
20 street and behind buildings and reduced set
21 backs. It is important to note that directing
22 future growth in and around the existing
23 Village to sites where infrastructure can more
24 easily be provided will result in a more
25 efficient provision of community services,

1
2 thus reducing future tax burden on residents.
3 Future development in the Agricultural
4 Business District includes more options than
5 in other Hudson Valley communities. The
6 proposed amendments strike a healthy balance
7 between conserving land without extensively
8 restricting the development rights and
9 economic value of larger properties. Scenic
10 Hudson understands that several meetings were
11 held with large landowners to seek an
12 equitable way of implementing recommendations
13 from the Comprehensive Plan into the zoning
14 that do not remove economic value from the
15 land. The most recent amendment allowing
16 agricultural lands an additional special
17 permitted use further underscores the positive
18 collaboration between the Town and
19 stakeholders and provides the flexibility for
20 working farms to generate additional income.
21 In conclusion, Scenic Hudson supports the
22 proposed zoning and subdivision of land
23 amendments. Communities throughout the Hudson
24 Valley must find ways to direct future
25 development to existing built areas and

1
2 adjacent lands that are served with
3 infrastructure. This is especially true for
4 Red Hook which boasts an array of historic,
5 scenic, ecological, and agricultural resources
6 potentially at risk from uncontrolled growth.
7 Scenic Hudson appreciates the opportunity to
8 provide comments on the proposed amendments to
9 the Zoning and Subdivision Law.

10 THE SUPERVISOR:

11 Thank you. The next speaker is Jim Stages.

12 BY MR. STAGES:

13 My name is Jim Stages. I own and operate a
14 farm and farm market north of the Village for
15 about 40 years, and while addressing mostly
16 the area north of Town because that's where I
17 am, I think that it's a good idea to have open
18 space and have everything clean and green, but
19 that comes with a price, and I just wondered
20 who's going to pay the price. However, some
21 of the options that I see in this could be
22 good and useful and could really help maybe
23 keep agriculture. There, again, at what
24 price? Who pays it? Some of the problems I
25 see with this is that, first of all, I don't

1
2 think ABD is the correct designation for this
3 particular law. I think it might rather be
4 called the ALBD, that is the Agricultural
5 Limited Business District because I see when I
6 read it that the businesses that are allowed,
7 including the farm businesses, are limited in
8 their scope and nature. For instance,
9 farmland, it can be so many square feet, no
10 larger. The products you can sell are
11 specified and that's it, and, you know, it
12 seems to me that this is a damper on the
13 business that you are only allowed to conduct
14 with some others on the side. For instance,
15 you're allowed a repair shop, but you cannot
16 sell any equipment or any kind of product
17 there. There, again, limited. That word
18 needs to be put in there because that word
19 properly describes it. I see another problem
20 that other areas that are not in the ABD are
21 allowed to do agriculture. Well, I think that
22 that's a problem because they're allowed to
23 compete with the people who are only allowed
24 to do agriculture and farming and that is an
25 issue with me and it might even constitute a

1
2 restraint of fair trade. I don't know. I'm
3 not a lawyer. I don't know where that's
4 going. Maybe some of you have a better idea
5 on that. With respect to the development
6 rights, they are also limited, and as
7 explained to me the development rights, the
8 development of your property basically in the
9 ABD is about 85 percent has to be left open.
10 At least 15 percent less deductions, roads,
11 set backs, all these kinds of deductions, and
12 I understand it may not be even worth it by
13 the time that all happens, that maybe the
14 case. In fact, I think it is the case. With
15 respect even to your own residence that you
16 want to put on a parcel there are 14
17 stipulations in this new law that you have to
18 abide by in order to build a single residence
19 on the property. One of which is the house
20 cannot be seen from any highway or road and on
21 my parcel that's 3,000 feet of road frontage
22 that is not possible. I think it's unfair and
23 unreasonable. The second option of course you
24 have is the payment option instead of
25 developing your property. I find a problem

1
2 with that and the biggest problem with that is
3 you don't have anything to say about how much
4 it's going to take. It's a take it or leave
5 it deal and that can be disastrous. I'll give
6 you a case in point. I checked into this a
7 long time ago to have my land set aside and I
8 was told while others were getting many
9 thousands of dollars I was told \$50,000 was
10 the price before taxes in order to set my
11 property aside, and, of course, I wasn't going
12 to do that. It just isn't worth it. That's
13 not even a salary for a teacher. If that's
14 the kind of payment you're going to get here,
15 I mean, I don't think that's fair at all.
16 Now, with respect to the business thing again.
17 It looks like because it's limited it looks
18 like they're going to let us survive, but not
19 thrive, and that's not a good thing when it's
20 the only thing you have. As far as the new
21 development south of the Village, it sounds
22 like a good thing in many ways. I mean, I can
23 see it can come with problems with
24 infrastructure. I see it can come with
25 problems with traffic, sewer, water,

1
2 congestion, all those things as well as
3 possibly not carry itself with the tax base.
4 If that happens it spills onto the other
5 people in the Town. Also, I want to say the
6 census was conceived. We have a lot of
7 different situations now than we had in the
8 beginning. We have gone through recession.
9 We are not really that prosperous. There's a
10 project in Town behind the paint store that's
11 half done and bankrupt, so I say it's going to
12 have problems. I just have one more thing. I
13 just want to say that this is one thing I
14 would like to see is that this new law be
15 voluntary instead of mandatory, then it would
16 be a more fair and reasonable thing for
17 everybody involved. It would be more of the
18 American way. Thank you very much for
19 listening.

20 THE SUPERVISOR:

21 Thank you. The next speaker is Linda Keeling.

22 BY MS. KEELING:

23 Thomas -- (INAUDIBLE), Jack Franklin, and
24 Kathy -- (INAUDIBLE) -- have donated their
25 time to me. I am speaking on behalf of the

1
2 citizens opposing sewer taxation. Thank you
3 all for diligently advertising this public
4 hearing. This is a quote from the New York
5 State USGS describing our land as it is now:
6 "The most productive aquifers in upstate New
7 York consist of unconsolidated deposits of
8 sand and gravel that occupy major river and
9 stream valleys or lake plains and terraces.
10 By the way, you have a copy of this.

11 THE SUPERVISOR:

12 Linda, I do not have their names. You have
13 three minutes unless they've signed up to
14 speak.

15 SPEAKER:

16 She can have my three minutes.

17 SPEAKER:

18 She can have my time too.

19 BY MS. KEELING:

20 Thank you very much. Ground water in these
21 aquifers occurs under water table (unconfined)
22 or artesian (confined) conditions.
23 Municipalities, industries, and farms have
24 been built over many of these aquifers because
25 they typically form flat areas that are

1
2 suitable for development and generally provide
3 an ample ground water supply. This
4 development, coupled with the high
5 permeability of these deposits and shallow
6 depth to the water table, makes these aquifers
7 particularly susceptible to contamination from
8 point sources such as landfills and petroleum
9 storage and non point sources such as urban
10 and agricultural run off." Members and
11 supporters of Citizens Opposing Sewer Taxation
12 oppose the proposed Traditional Neighborhood
13 and Agricultural Business Districts amendments
14 especially as it impacts the area extending
15 from the Village of Red Hook's southern
16 corridor to Hannaford Drive. These amendments
17 according to extensive research will: One,
18 reduce the agricultural greenspace land area
19 now allowing rain water to percolate through
20 the sand and gravel replenishing clean
21 drinking water to the aquifer. Two, convert
22 low density agricultural lands to high
23 population densities with the potential for
24 contamination of the aquifer through ever
25 increasing spill incidents. Three, form a

1
2 competing second Village not in keeping with
3 the Greenway Compact which encourages in
4 filling of the present Village business areas
5 within a 1,500 foot radius of its center to
6 encourage walking. This decentralization of
7 the Business District will encourage the
8 failure of existing commerce in the Village.
9 Four, increase traffic volumes as there is no
10 public transportation between the proposed new
11 Red Hook Town Village and the Old Village of
12 Red Hook. Presently, businesses and
13 landowners on the southern corridor are
14 experiencing serious problems getting in and
15 out of their driveways. More traffic
16 congestion creates more traffic casualties for
17 the pedestrians. Five, increase the Town's
18 highway and personnel expenses resulting in
19 increased taxes to all residents in direct
20 defiance to Governor Andrew Cuomo's
21 encouragement of consolidation of duplicative
22 services to reduce government expenses and the
23 consideration of dissolution of villages.
24 Six, decrease the farmer's land rights by
25 impacting their ability to borrow against a

1
2 higher land value. Seven, financially impact
3 adjoining Red Hook citizens properties as a
4 result of a future expansion of the
5 Centralized Sewer District without citizen
6 approval. Business and property owners along
7 Red Hook's southern corridor (South Broadway)
8 have their own costly and functioning septic
9 systems. Insisting these taxpayers pay for
10 duplication of already existing systems is an
11 encumbrance on their ability to make a profit
12 and survive financially. Additionally,
13 proposing an unneeded and costly centralized
14 sewer system will not protect the aquifer but
15 rather increase pollution incidents from oil
16 spills and reduce water infiltration volumes
17 by diverting outflow volumes into the Sawkill
18 Creek. Rather than assuming and proposing the
19 installation of a costly pipe and grinder
20 sewer system will protect the existing
21 aquifer, we believe the aquifer and
22 surrounding environments will be negatively
23 impacted. The Inter-municipal Task Force,
24 chaired by Bill O'Neill, and the Dutchess
25 County Water and Waste Water, led by Bridget

1
2 Barclay, failed to acknowledge or even
3 consider the New York State Department of
4 Environmental Conservation's spill incident
5 reports over the last six years. They have
6 failed to heed the warnings of consultants and
7 taxpayers who are sure the central sewer
8 system will be an additional burden to
9 taxpayers. These spill incidents typify the
10 ongoing hazardous pollution negatively
11 impacting our aquifer presently. Conversely,
12 the present septic systems have not been cited
13 for polluting the aquifer. From 2005 through
14 2010 Dutchess County averaged a whopping 397
15 incidents per year as compared to Columbia
16 County's 87 incidences and Ulster County's 324
17 incidents. Red Hook (including the two
18 Villages and Bard College) had a combined
19 average of 20 incidents per year with the
20 majority occurring in the Village Business
21 District area. Rhinebeck, including
22 Rhinecliff, had 21 incidents per year with
23 Milan averaging three yearly incidents. Hyde
24 Park with more than twice the population of
25 Red Hook averaged 17 incidents per year while

1
2 Pleasant Valley, similar in size to Red Hook,
3 averaged 12 incidents per year or 30 percent
4 less incidents than Red Hook. There were
5 3,344 incidents reviewed from five local
6 communities for the six years. Most of the
7 spills are attributed primarily to businesses
8 from number two fuel oil along with kerosene,
9 transformer oil and hydraulic fluids. The few
10 private home incidents are also attributed to
11 equipment failure, leaking holding tanks or
12 over filled delivery accidents causing soil
13 contamination. It takes very little fuel oil
14 to enter surface streams, ponds and lakes as
15 non point run off and percolate into the
16 aquifer. Only two Red Hook incidents out of
17 the 119 involved raw sewage, one from a home
18 in Tivoli, 10/19/2008, and the other from the
19 Tivoli Sewer Plant, 12/12/2008. Therefore,
20 98.4 percent of the contamination is being
21 generated by other influences and not septic
22 systems. Due to the high non septic pollution
23 incidents in Red Hook it would seem logical to
24 first address and correct the various sources
25 of spill contamination noted here by locally

1
2 legislating business and home inspection
3 verifications similar to inspecting a home for
4 a Certificate of Occupancy. By extrapolation,
5 proposing increased businesses, subdivision
6 housing by in or out of Town developers and
7 the associated impervious roadways will
8 increase the amount of spill incidents over
9 the aquifer. ITF members pushed for this
10 costly Centralized Sewer District by
11 justifying their faulty reasoning by stating
12 it would protect the aquifer. After seven
13 years of spending taxpayer dollars the ITF had
14 to come up with something. The rezoning for
15 the southern corridor and Agricultural
16 District is simply not doable. This is a plan
17 to attract developers with the local taxpayers
18 picking up the added cost of private
19 development. Many of the businesses along
20 Route 9 have recently installed new septic
21 systems, one for about \$100,000, one for about
22 \$30,000 and another for about \$6,000. Several
23 homeowners have also upgraded their systems
24 with thousands of dollars of investment.
25 These local citizens supported their long term

1
2 commitment to a healthy community environment
3 by financially investing in their business to
4 better serve the public. Yet, the Task Force
5 and the Water Authority have plotted against
6 them with an expensive proposal without the
7 citizens' acknowledgement or approval. The
8 Task Force proposed a Central Sewer District
9 without directly contacting the affected
10 citizens in writing and getting input from all
11 of those most affected financially. In
12 addition, this unneeded system requires paying
13 a fee even if not hooked up to the system.
14 This expensive rezoning process has been very
15 undemocratic especially when dealing with our
16 future and the future of our children. This
17 financially burdensome proposal seeks to drive
18 out what little Red Hook business we have
19 struggling to serve our community during these
20 poor economic times. "For Sale" and "For
21 Rent" signs abound in our Village and Town.
22 Even Federal Reserve Chairman Bernanke stated
23 it will take up to five years for the job
24 economy to recover. That means businesses are
25 having a tough time already. We must stop

1
2 this rezoning because it will devastate the
3 Village and Town of Red Hook, drive out the
4 less than financially well healed and forever
5 change the social dynamics of Red Hook. The
6 only way to save farmland is to save the
7 working farmer whose primary income is
8 farming. Rezoning never helps the farmer. We
9 the people, in order to form a more livable
10 and just environment declare these truths to
11 be self-evident that we do not want nor do we
12 support a Central Sewer District in Red Hook
13 or a plan for farmers that will eventually
14 create their demise. We ask that this public
15 hearing remain open, and we support the
16 Dutchess County's Legislature's promised
17 Mandatory Referendum vote in the spring on the
18 proposed Part County Centralized Sewer
19 District. We ask that this rezoning issue
20 also be put to a vote "of the people, by the
21 people and for the people," of Red Hook.
22 Thank you.

23 THE SUPERVISOR:

24 Thank you, Miss Keeling. The next speaker is
25 Paul Fredericks.

1

2

BY MR. FREDERICKS:

3

Paul Fredericks, and I'm speaking for myself.

4

I have a few comments on the proposed zoning

5

map. One, I do not think it's an accurate

6

indication of the land use in the Agricultural

7

Business District. Two, the reason is

8

easement protected and public land should be

9

designated. In some cases they have minimal

10

building envelopes for farmstead complexes and

11

the commercial development is not allowed on

12

the remaining major portion of the farm.

13

Three, there appears to be numerous sites

14

which were restricted through the planning

15

process through the years which were not

16

designated on the map of 2007. Four, citizens

17

who bought parcels of land of 15 to 39 acres

18

which they felt could be subdivided and sell

19

as a retirement fund, college fund or lots for

20

their children will see a considerable loss of

21

value. Their only recourse is seeking a

22

reduction in their assessment to lower taxes

23

which would be passed onto other owners. In

24

1840, after the rent wars in the Hudson Valley

25

a law was passed by the State Legislator

1
2 directing that the land patrons had to sell
3 the land to the tenant farmers. Today we are
4 finding that people who wish to be working
5 family farmers whose main income is from the
6 productive tilling of land cannot afford to
7 purchase because they cannot compete with
8 estate investors with other major primary
9 income who are looking for tax shelters. We
10 should devise a plan so that the working
11 farmers can remain farmers and not have to
12 become inn keepers. In the proposed
13 Neighborhood District the main intent appears
14 a major increase in residential density, 400
15 to 600 condos or apartments at 8 to 12 units
16 per acre. There is minimal increase in
17 commercial development and a major decrease in
18 use of the 46 acres adjacent to Hannaford.
19 The above-mentioned condos and farms were
20 estimated as affordable with a cost of
21 \$305,000 which in reality is beyond the reach
22 of the median income for the Town of Red Hook.
23 Increased residential we are told will require
24 a Central Sewer District and expanded water
25 system. Why weren't other methods of waste

1
2 treatment such as small package treatment
3 plans with in ground leeching considered so
4 that the aquifer is replenished rather than
5 depleted. We are one of the few communities
6 in the County that is blessed with an abundant
7 aquifer and wells. It would be a shame if we
8 had to use the Hudson River for drinking
9 water. It appears that the focus is on open
10 space with total disregard to what those 400
11 with an added 400 plus cars will do to the air
12 quality of the Village and increase the
13 current traffic in the Village. As it is the
14 cars are backed up to Garden Street and south
15 beyond the post office to the north. In
16 conclusion, all and all I feel the proposed
17 plan is not in compliance with State Law which
18 requires a consideration of demographics. The
19 major increase in residential density will
20 result in even greater imbalance between
21 residential and commercial assessment for
22 taxes. There will be a further shift of the
23 burden of taxes from the small and large
24 estates to Village and subdivision taxpayers.
25 The plan benefits a small group and does not

1
2 assist real farming community. I am also
3 disappointed and chagrined that the resultant
4 taxes and sewage district costs were mentioned
5 at official meetings as an economic problem
6 for our residents and a response on numerous
7 occasions was, tell them to move. There are
8 other issues and concerns that fellow speakers
9 and writers have expressed which I am aware of
10 and I did not include in this letter, but I
11 support their positions and comments. Again,
12 my name is Paul Fredericks. My phone number
13 is 758-8891. Thank you.

14 THE SUPERVISOR:

15 Thank you, Mr. Fredericks. The next speaker
16 is Gary Kowalsky.

17 BY MR. KOWALSKY:

18 I'm going to yield my time.

19 THE SUPERVISOR:

20 Thank you, sir. Phil Seymour.

21 BY MR. SEYMOUR:

22 I guess I'm going to play devil's advocate a
23 little bit. First of all, with the proposed
24 community center down south of the Village,
25 anything that takes away -- everybody keeps

1
2 talking about the traffic in the Village.
3 Traffic is a necessity of life in the Village.
4 No traffic, no Village. The majority of
5 people that are newer don't remember what Red
6 Hook was like, the Village, 35, 40 years ago
7 when I moved to Red Hook. There was six bars
8 and no sewers. 5:00 they rolled the sidewalks
9 up, literally. It's come a long ways. The
10 buildings down the street were deteriorated.
11 A lot of them hadn't been taken care of for
12 years. A number of the buildings since then
13 have been torn down and rebuilt, apartments
14 installed in those buildings to make them
15 viable. Anytime you start talking about
16 offices outside the Village you're going to
17 take away from the livelihood of the Village.
18 You look and see how many vacancies there are
19 right now, not good. Years ago, not so many
20 years ago they were talking about higher
21 density housing all the way around the
22 perimeter of the Village which to me makes a
23 lot more sense. We talked about transfer of
24 development rights. This is not Long Island.
25 I don't think they're going to work right

1
2 here. I think what would happen is you would
3 encourage a big developer to come from outside
4 the area like New York City and come in and
5 want to develop that whole area down south of
6 the Village in one shot, and everybody keeps
7 talking about building them, school taxes, big
8 outfit's going to come in and take advantage
9 of that and they're going to build as fast as
10 they can. The local population wouldn't be
11 able to take all that housing. You're going
12 to have other people come in and then your
13 school taxes and population are going to go
14 through the roof, something like when IBM
15 first came to Red Hook. People forget that.
16 As far as agriculture, what I don't see in
17 this whole law is how to handle individual
18 farms, families, subdividing -- for example,
19 the Hoffmans did. You have no provisions for
20 many farms where I think most of the
21 agriculture today is going to be on smaller
22 outfits or smaller land pieces. You look at
23 Heidi and Chuck Simmons. They're a small
24 operation, small piece of property. The
25 average people coming in that want to get into

1
2 agriculture are not going to be able to afford
3 to buy 100 acres and buy all the equipment
4 necessary to farm that. Currently we have
5 cluster housing in our zoning that they can
6 mandate for any development. The figures used
7 in the tables are grossly exaggerated and
8 mostly because of the amount of green space
9 already, the aquifers, wetlands and everything
10 else no where's near that amount of houses can
11 be built in this Town, and who would buy them?
12 Who would come forth to do that? We don't
13 have anything here to attract industry. We
14 don't have inexpensive help. We don't have
15 over abundance of natural resources. If you
16 look at the building permits in the last 20
17 years there is nothing to document a problem
18 with the population and over development in a
19 short period of time in this Town. There's
20 nothing that backs up those types of
21 arguments. Thank you.

22 THE SUPERVISOR:

23 Thank you, Mr. Seymour. The next speaker is
24 John Colburn. Tom LeGrand, please.

25 BY MR. LEGRAND:

1
2 Good evening, distinguished Board members.
3 Thank you for the opportunity to give comments
4 tonight. I am not representing any particular
5 group. I'm just a citizen of Red Hook, New
6 York, but I am, first, in development. I've
7 been in business for 37 years. Somebody
8 should give me a gold watch or something, and
9 I am fully versed in economics because I was
10 -- after the downsizing of IBM in 1992 I was
11 Chairman of the County Economic Development
12 Corporation, so I have a few comments tonight.
13 I grew up in Rhinebeck. We moved to Red Hook
14 in 1997 or '98, and I'm almost neighbors with
15 the Cranes, and it was kind of a blended
16 community, and, really, when I look at the
17 composition of the Red Hook community it's
18 farmers, it's contractors, it's service
19 people. Not the volume of IBMers that we used
20 to have years ago. That has tremendously
21 diminished. Legal people, dirt lawyers like
22 Al Trezza and general community. We are not
23 really a community of wealthy aristocrats. So
24 when we talk about farm protection issues one
25 of the questions that I've always asked over

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 the years when my dear friend, Woody Close,
3 (proper noun subject to change) proposed this
4 farmland protection thing, my question was
5 instead of buying the property why don't you
6 give them free taxes. That way the property
7 can, at some point, go back on the tax roll
8 and if works it works, but anybody that really
9 understands agriculture, and there are some
10 farmers here tonight, and I'm an old farmer
11 myself, understands that real property taxes
12 are not really the issue. The total issue
13 with farming is labor, it's competing with
14 goods from China and places like that that
15 have no regulatory bodies. What's shocking to
16 me is one day when I was over at Hannaford's
17 Supermarket with a friend of mine who happened
18 to be in the agriculture business and we were
19 eyeing those shiny red apples and says to me,
20 LeGrand, do you know where they were born or
21 bred? I says, no. He said they came from
22 China. The amazing thing is that they can
23 ship apples from China to the Hannaford's
24 market in Red Hook, New York, cheaper than
25 they can buy local. So, again, it's got a lot

1
2 more to do with many issues not just real
3 estate taxes. I want to chime into what my
4 good friend, Phil Seymour, said. One of the
5 speakers talked about a development boom.
6 There's been no boom. If you look at the
7 records probably in your peak year you may
8 have had 24 or 26 permits for new homes, but,
9 quite frankly, if Steve Cole was here tonight
10 and we asked how many he's had this year so
11 far and I think maybe the number is zero.
12 Maybe last year you had two or three. These
13 things are kind of cyclical. You do get a
14 pent up demand for building, but what's
15 happening right now, the housing market is
16 extremely depressed and the prices are still,
17 in my view, in a free fall. Paul Fredericks
18 might see things a little differently. But
19 you're competing with existing home sales, so
20 really the only people that are building now
21 are the few people that want to build the
22 house of their dreams or somebody who got
23 their land for free, that's where it is. And,
24 also, any community if it's going to be viable
25 should have growth. You can't say, okay, this

1
2 is where it is. We're not going to have
3 growth because all your shop keepers, all your
4 businesses, they need that increased customer
5 base. I also believe one thing that should be
6 looked at very carefully is trying to develop
7 an alternate Village Center south of the
8 Village. I remember years ago when I think,
9 Sue, you will remember this, I think you and
10 another Board member, Jean Waterwick (proper
11 noun subject to change) consulted me about the
12 location of the Hannaford's Supermarket and
13 the potential that that could have on the
14 Village, and my idea at the time was level the
15 playing field and limit Hannaford to a similar
16 size store than what the IGA could have. I'm
17 not an advocate for the tiberials, but one
18 thing that I understand is that the elderly
19 population in this community, the people who
20 don't have cars and stuff like that, they all
21 depend on having that tiberia market there so
22 they can get to it. I know my dad, God rest
23 is sole, when we lived at 8 Kramer Road in
24 Rhinebeck, which is across from the fair
25 grounds, and, I tell you, as he got old I

1
2 would just shake my head when I seen him on
3 the road with that car, but up the road we had
4 Jamesway and we had the Grand Union and that's
5 where he went. He went from there to there.
6 It was about a half a mile away and thank God
7 he made it back and forth safely. So I think
8 that's a real consideration because, again, a
9 lot of the elderly people in this community
10 and the people that don't drive depend on a
11 vibrant downtown business area, and some days
12 when I drive through that and I see all the
13 "For Rent" signs in the windows it's not too
14 vibrant. Now, a few years ago I was
15 discussing my transfer development rights with
16 Roger Ackley (proper noun subject to change)
17 who is the former Commissioner of Planning,
18 and at that moment in time -- Roger and I were
19 very close friends because I also served as
20 Chairman of the County Water and Waste Water
21 Authority -- he said he didn't think it was
22 practical, and he said in his view -- now,
23 that may have changed since -- the only place
24 that he had ever seen it happen in New York
25 State was a project involving the City of New

1
2 York. He had never seen it work in other
3 communities outside that. Now, that was a
4 couple of years ago so maybe that situation's
5 changed, but I do look at it as really clumsy,
6 and I also feel that the fee, if they can't
7 find somebody to buy their development rights
8 and then they have to pay the Town, I think
9 it's \$24,000 or \$25,000 for a door for a
10 single family unit and \$18,000 for a door for
11 an attached unit, that will kill any project
12 that comes to Town. There's just not that
13 much profit in these projects anymore. The
14 other thing too, my understanding is when you
15 do transfer the rights or buy the rights, my
16 understanding is their real property tax
17 assessment has dropped, so I believe that to
18 be the case. So that means that the average
19 guy that lives in College Park or lives on
20 Whaleback Road or lives over there in Red Hook
21 Estates, they are effectively paying for these
22 programs and our taxes, if you haven't checked
23 your tax bills, are crazy. I've had in my
24 real estate office over the past three or four
25 years people have wanted to come into our area

1
2 from Long Island, Staten Island, and they'd be
3 looking at property, they saw what they liked
4 and then they look at the tax bills and they
5 look at me and they say, LeGrand, we're
6 staying put because our taxes on Staten Island
7 are cheaper than they are in Red Hook, New
8 York. The other issue is with these
9 complicated transfer development right
10 proposals realistically you're going to
11 eliminate the local guys from doing
12 development. Now, Phil Seymour and I
13 developed in this Town for years. The Lore's
14 (proper noun subject to change) have developed
15 and there's other guys there that I can't
16 think of their names, but I always felt the
17 difference was, the difference was when the
18 guys that live in your community do the
19 development they care because they care about
20 the community. They live here and they got to
21 face the public every day. Toll Brothers,
22 which is certainly a good company, I wished I
23 owned their stock years ago, the fact of the
24 matter is they're the only ones. Toll
25 Brothers and large companies like that,

1
2 they're the only ones that are going to be
3 able to do projects in these communities
4 anymore. My last comment is that, you know, I
5 know you guys have worked on this for a long
6 time. I can tell you firsthand it's a
7 different world now from an economic
8 standpoint, and, you know, somebody had said,
9 some other previous speakers had mentioned
10 that they think it's going to be five years
11 before, Bernanke said it's going to be five
12 years before it turns around. All I can say
13 about Bernanke is I believe he's a hell of an
14 optimistic guy. Thank you very much for your
15 time.

16 THE SUPERVISOR:

17 Thank you, Mr. LeGrand. The next speaker is
18 Warren Smith.

19 BY MR. SMITH:

20 Thank you, Supervisor Crane and the Town
21 Board. I did submit a letter. I don't know
22 if you got it yet, but I will briefly go
23 through it. I'm here this evening speaking on
24 behalf of Hudson River Heritage. We have an
25 office just south of Red Hook. I write on

1
2 behalf or I speak on behalf of Hudson River
3 Heritage to offer our endorsement for the
4 proposed changes to your zoning law. The
5 changes as proposed will serve to promote
6 sustainable development and smart growth, and
7 to preserve the qualities of life that the
8 citizens of Red Hook have enjoyed. The
9 proposed zoning revisions reflect many of the
10 essential community and regional goals that
11 our organization has advocated and worked
12 toward for our 35 years of existence. Among
13 these are fostering agriculture, enhancing
14 open space protection, and promoting historic
15 preservation. The changes to the residential
16 cluster development regulations, and
17 especially the addition of an Agricultural
18 Business District or AB District are
19 significant improvements to your existing
20 zoning law. In particular, the many
21 provisions in the Agricultural Business
22 District including the potential for sale of
23 development rights as a means to preserve both
24 viable agricultural use and open space while
25 permitting conservation subdivision

1
2 opportunities under certain circumstances
3 represent the current best practices in land
4 use planning. So I want to thank you for
5 taking on this challenging but essential task
6 and for seeing it through to such a positive
7 conclusion.

8 THE SUPERVISOR:

9 Thank you, Mr. Smith. The next speaker is
10 Christopher Klose.

11 BY MR. KLOSE:

12 Supervisor Crane and Council Members, on
13 behalf of Echo Valley Farm and four
14 generations of my family I'm writing and
15 speaking today in support of the Local Laws
16 Number 2 and 3 proposed. On behalf of our
17 farm and our family I am here to support Local
18 Law 2 and 3. Dating from 1745 and located off
19 Route 199 one mile east of the Village of Red
20 Hook, Echo Valley Farm has been in continuous
21 production of food, fiber and livestock
22 products for more than 250 years. Bordered by
23 the Sawkill on the west it's 103 acres of
24 rolling meadows, hay fields and woodlands,
25 white picket fence, farmhouse and big red

1
2 barns come close to the ideal picture of
3 America's and Red Hook's fast disappearing
4 rural heritage. Since 1943 through thick and
5 through thin it has been our privilege and our
6 responsibility as a family and as members of
7 this community to steward Echo Valley Farm,
8 but as surely as summer gives way to winter
9 one day the farm will pass from our hands into
10 others, and as best we can see, and we have
11 talked a long time and hard about this, we
12 believe these laws before you now will help to
13 preserve and to protect what we have cherished
14 and will cherish, and what we have worked hard
15 and will maintain and work hard for for the
16 rest of our lives. Thank you.

17 THE SUPERVISOR:

18 Thank you, Mr. Klose. The next speaker is
19 Trilby Sieverding.

20 BY MS. SIEVERDING:

21 Thank you. My husband and I own a 46 acre
22 farm in the Town of Red Hook, and certified Ag
23 District Number 20, and our farm is not
24 included in the proposed Ag District. Yet our
25 farm meets every one of the criteria for

1
2 inclusion in the Ag District, and the two
3 farms contiguous to ours are included in the
4 Ag Business District, and it makes perfect
5 sense that ours should be as well. I believe
6 that the criteria for inclusion in the Ag
7 District, in the Ag Business District, that
8 is, does not apply uniformly, and, therefore,
9 I worry about the law being discriminatory.
10 As it exists today we have solid rights to
11 farm under the New York State Ag and Markets
12 Law. The proposed zoning change in Red Hook
13 will take some of those rights away from us.
14 Specifically, under New York State Ag and
15 Markets Law today we can have a horse boarding
16 operation on our farm. Yet under the proposed
17 Red Hook Zoning Law only farms in the Ag
18 Business District will be allowed to have a
19 horse boarding operation. Farm properties
20 outside the Ag Business District are
21 specifically not allowed to, and I would, if
22 you're interested, have you look at
23 definitions on page 51 of the proposed law and
24 compare it to the New York State Ag and
25 Markets Law. If the purpose of the proposed

1

2

Ag Business District is to support local

3

farming why under this proposal will my

4

farming rights be restricted? Thank you.

5

THE SUPERVISOR:

6

Thank you, Ms. Sieverding. The next speaker

7

is Richard Franklin.

8

BY MR. FRANKLIN:

9

First of all, I have to say for everybody

10

who's been making comments, I'm really

11

impressed with the arguments that people have

12

been bringing forth for and against the law.

13

First, I want to be sure that happens, and I'm

14

requesting, is that this go to a referendum.

15

A law of this magnitude belongs to the vote of

16

the people. Now, one thing we've been talking

17

about is basically farming and development

18

rights and what have you. I don't know if

19

anyone understands it. I did a little check

20

of the law and development rights can be

21

bought back. They're not in perpetuity, so be

22

aware of that when you get into the buying and

23

selling of development rights. But what I'm

24

really here to talk about for a minute or two

25

is the fact of the impact on the aquifer. In

1
2 our Red Hook Anandale Town water system we use
3 approximately 28,000,000 gallons of water a
4 year which comes directly out of our aquifer.
5 You add 600 homes to the southern part of the
6 Town or to the same aquifer, not part of the
7 same water district by any means, that's an
8 additional 34,000,000 gallons of water a year.
9 This is a direct drain from the aquifer, and
10 we need to understand that we are also in a
11 gateway area, and I reviewed this with New
12 York State, that says we are prone to
13 droughts. We have had three major droughts
14 since 1960. In one case we were trucking
15 water right here in Red Hook. So when you
16 talk about new programs and you talk about
17 water systems you have to understand where
18 your water's coming from and where it's going
19 to, and water must be returned to the aquifer
20 regardless of how you develop it. 600 homes
21 will bring 1,200 children. The arithmetic is
22 simple. That means more school facilities.
23 We don't have a paid fire department. We have
24 a volunteer department. We may end up with a
25 paid fire department at roughly \$3,000,000 a

1
2 year adding those taxes on top of everything
3 else. So housing does not necessarily bring
4 tax opportunities, business does, and that's
5 the thing we have to begin to look at and that
6 is the core of business. We ought to look at
7 new kinds of businesses, maybe hydroponics. I
8 went through Canada. Canada is loaded with
9 hydroponic systems growing and reusing waters
10 and reusing your systems. No system is a
11 utopia. Hydroponics is not a utopia either,
12 but if you want to keep our children here and
13 we want to move our education forward we have
14 to give them things to look forward to and
15 just extended building and adding areas where
16 we have no parking and no land to add parking
17 makes no sense. I'm not against total new
18 proposals, but I don't think this has been
19 completely thought out, and a little more work
20 has to be done and definitely a referendum has
21 to be held on this issue. I thank you.

22 THE SUPERVISOR:

23 Thank you, Mr. Franklin. The next speaker is
24 Tom Sullivan.

25 BY MR. SULLIVAN:

1

2

Yes, ma'am. I yielded my time already.

3

THE SUPERVISOR:

4

Thank you, sir. Nick Russo.

5

BY MR. RUSSO:

6

My name is Nick Russo, and I own 235 acres in

7

Red Hook. It borders Columbia County. I

8

thought when I bought that property that was

9

my 401k, but as I look at this I don't know

10

what's going to happen to the assessments. Re

11

designating the property to something

12

different than it was originally bought as,

13

R3, that's, I guess, three acre residential,

14

but now that's all going to change and what

15

are we going to do about the assessment

16

values, the redistribution of the wealth in

17

the Town here where some should be lowered and

18

some should be raised. We have to balance the

19

budget. Whatever our budgets are we have to

20

raise taxes for, so I think that's something

21

that should be discussed, and this is all on

22

the assumption that this is going to pass

23

because that tax impact and the redistribution

24

of assessments, lowering some, raising others,

25

so I'm just concerned about that, and, as I

1

2

say, my 401k is going down the tubes I think,

3

if everyone knows what a 401k is, that's a

4

retirement plan. That's all I have to say.

5

THE SUPERVISOR:

6

Thank you, Mr. Russo. The next speaker is

7

John Douglas.

8

BY MR. DOUGLAS:

9

John Douglas, Red Hook, New York. I've lived

10

here my entire life. Some of the things I

11

think need to be brought to your attention

12

again is that approximately over 6,000 acres

13

of the 22,000 acres of Red Hook are under

14

conservation easements of some kind, either

15

under Scenic Hudson, the Town of Red Hook, New

16

York State, Dutchess County, etc. That's over

17

30 percent property in Red Hook. 53 percent

18

or 54 percent, depending on whose numbers you

19

listen to, approximately, are under

20

agricultural today. We've only had

21

approximately 26 or 28 building permits for

22

the last ten years each year on average.

23

That's about 280 new homes over the past ten

24

years I've been building in Red Hook. What

25

you're proposing, and I believe Mr. LeGrand is

1
2 correct, a big contractor will come in and
3 build 600 homes within two years instead of
4 600 homes over 20 years or 30 years, and if
5 you paid attention to the census of the Red
6 Hook Central School District they have
7 approximately 2,300 school students today. In
8 2017 they are predicting, in a newspaper
9 article that's probably a year, 18 months old
10 now, approximately 1,500 or 1,700 school
11 district children, and several speakers also
12 mentioned on jobs. You are now making the
13 Village Center on the south side where you
14 will have companies like barber shops that's
15 mentioned in the plan, banks, other retail
16 stores in direct competition with the stores,
17 barber shops that we have now. Also, if you
18 look at our commercial real estate that we
19 have in the Town of Red Hook which is
20 miniscule compared to the commercial real
21 estate of Rhinebeck, New York, which is about
22 400 acres which has many acres undeveloped,
23 all of our property in the Town of Red Hook,
24 commercial property, is occupied by a
25 building. It may not be being utilized as

1
2 commercial property today. There are homes on
3 some of those pieces of parcels, but they are
4 all occupied by a building. There's not one
5 commercial acre, that I know of, in the Town
6 of Red Hook that's not occupied by a building,
7 and so there is no way presently under the
8 present zoning which was devised by a very
9 smart planning group to be small so we would
10 not have commercial sprawl. We cannot have
11 commercial sprawl. Another thing you need to
12 think about is there's a lot of property under
13 PDR conservation easement. They're on the map
14 that Michele presented tonight to be part and
15 parcel with this new agricultural zone. Now,
16 I ask why, that property's already protected.
17 It's already under conservation easement.
18 Now, do the landowners of this property have
19 the right to now sell if they have 100 acres.
20 Three acres divided by 100, that's 39 lots or
21 35 lots or whatever it is. It's over 30 lots.
22 Do they have the right to sell those lots now
23 to a developer on the southern tier. I don't
24 know. Can they make more money? I thought we
25 paid them so that they couldn't build and now

1
2 do they have the right -- enter this program
3 are they going to be part and parcel with this
4 new zoning? I don't think that's fair. I'm
5 opposed to this zoning the way it is
6 especially when you're mandating that you
7 cannot use vinyl siding and other vinyl
8 products, and you want inexpensive homes, and
9 we spent over half a million dollars for a
10 plan which I don't think, is not in the
11 interests of Red Hook. A traditional
12 neighborhood, traditional neighborhoods in my
13 mind, based on the pictures and on the set
14 backs that have been displayed in the plan,
15 remind me of places like New York City, City
16 of Poughkeepsie, City of Kingston, and if I
17 wanted to live in those places, and at one
18 time I had the opportunity to do that
19 especially right after college I could have
20 moved to New York City, I chose not to. I did
21 not want to live in a brownstone. I did not
22 want to live that sort of style of life. This
23 is not Red Hook folks. This is for a city.
24 This is not Red Hook. Thank you.

25 THE SUPERVISOR:

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1

2

Thank you, Mr. Douglas. The next speaker is

3

Elizabeth Avis.

4

BY MS. AVIS:

5

Thank you for giving us the opportunity to

6

come forward. I want to thank you for the

7

leadership that your Board is taking in

8

designing plans for the community. We do need

9

leadership, and that an anything goes plan is

10

no plan at all, and we're all losers with that

11

type of plan. I wanted to also say how much I

12

appreciate the sidewalk being built. I come

13

to you as a mom right from delivering the kid

14

to his sport, but I appreciate the sidewalks

15

being built from the center of Town out toward

16

the rec park that can also connect the two

17

developments, those families that live in

18

Linden Acres and Apple -- area, and I

19

appreciate living on the farmland out to upper

20

Red Hook. I would like to see more farming,

21

farming encouraged with the plan. For

22

example, if there is a wonderful farm north of

23

the red farm and the buildings are falling to

24

decay and it's a gentleman farmer who's an

25

absentee landlord, for example, that good

1
2 farmland is not being farmed, and so I would
3 hope that this wonderful plan, this very good
4 plan, does somehow close any potential
5 loophole that there would be for a wealthy
6 absentee landowner who would benefit from the
7 open space, but not farm it, and I thank you
8 very much for this opportunity.

9 THE SUPERVISOR:

10 Thank you, Mrs. Avis. The next speaker is
11 Peter Setaro.

12 BY MR. SETARO:

13 Thank you. Good evening. Pete Setaro, Morris
14 Associates. I'm here tonight to talk about
15 the Sky Park Airport property. What I would
16 like to do is just read a relatively short
17 letter. I will give the Town Board a copy of
18 it. I've also spoken with the property owner.
19 He is currently out of town and will be
20 returning on Monday, and he will also be
21 following up with a letter on this also. So
22 Dear Supervisor Crane and Town Board members.
23 I am here tonight representing Sky Park
24 Developers, LLC, the owner of the Sky Park
25 Airport property. Our office was retained in

1
2 2008 to perform a boundary and topographical
3 survey of the property and evaluate potential
4 residential development opportunities. The
5 owners decided for a number of reasons to not
6 pursue any of the potential concept plans
7 developed. Since that time our office has
8 been contacted by prospective investors
9 looking to develop the property. The concepts
10 recently envisioned for this property involved
11 hotel and restaurant uses along with other
12 incidental uses. As you know, these ideas and
13 concepts have been brought before various Town
14 agencies and officials to gauge initial
15 reactions. No formal applications have been
16 made to the Town for these development
17 proposals. In looking at these potential uses
18 on the property, in my opinion both of these
19 uses would fit well into the property and take
20 advantage of many of the special environmental
21 features of the property. The proximity of
22 Red Hook Golf Club, Taconic Parkway, Village
23 shopping opportunities, and the rural
24 character of the area, are terrific marketing
25 opportunities for this property. In reviewing

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 the infrastructure needs for these uses
3 particularly water supply, sewage disposal and
4 drainage, I believe the property can support
5 these uses. However, in my many years of
6 experience representing both municipalities
7 and private developers the first thing that a
8 developer looks at is the zoning district and
9 allowable uses. Currently, the property is
10 zoned RD3 which does allow subject hotel and
11 restaurant uses subject to a special permit
12 application. The proposed zoning is
13 Agricultural Business, which without listing
14 all the proposed uses, appears to primarily
15 allow uses that are centered around
16 agricultural and farming operations. Inns and
17 restaurants are allowed in conjunction with
18 farm or agricultural operations. The property
19 owner is very concerned that the proposed
20 zoning will be a major obstacle in realizing
21 the full potential of the 100 acre property.
22 In this economy it is very difficult to
23 realize a return on investment on farming type
24 operations or businesses especially given that
25 the previous property use was a commercial

1
2 airport. The current RD3 zoning allows the
3 greatest flexibility for the property while at
4 the same time affording the Town of Red Hook
5 the potential for a project that could
6 generate substantial taxes and economic
7 opportunities. Any commercial type
8 development of this property will require a
9 substantial financial investment. In the
10 current economy banks cannot be relied upon to
11 provide the capital to start a project.
12 Approval costs must come from private
13 investors. Without zoning uses that would
14 allow a well thought out project to be
15 proposed it is impossible to attempt to
16 solicit investors. The Town should be
17 commended for their efforts to preserve open
18 space over the years and has been a leader
19 among Dutchess County municipalities in this
20 effort. The Town has done a good job of
21 balancing its rural character with allowing
22 well planned development. In this economy it
23 is even more important to provide the
24 flexibility and to encourage economic
25 development opportunities. Flexibility is the

1
2 key and without a wide range of uses that will
3 allow the needed rate of return on investments
4 economic development opportunities could be
5 very limited. I have spoken to the property
6 owner who is out of Town this week. He is
7 very concerned with the proposed zoning and
8 will submit a letter next week regarding his
9 position on leaving the zoning as the current
10 RD3 designation. This property is the last
11 property in the proposed AB District along
12 Route 199, the adjacent property to the east
13 is RD3. Leaving the current designation as
14 RD3, in our opinion, does not impair the
15 Town's vision for maintaining its rural
16 character. It does, however, give the Town
17 flexibility to consider a development proposal
18 that could be a major economic boost for the
19 Town. We would be glad to meet with any Town
20 officials to discuss the Sky Park property.
21 This is an important property in the Town and
22 should be carefully considered when reviewing
23 zoning changes. On behalf of the property
24 owner, we appreciate the opportunity to
25 present our position and look forward to

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1

2

working with the Town on this matter. Thank

3

you very much. I appreciate your time.

4

THE SUPERVISOR:

5

Thank you, Mr. Setaro. The next speaker is

6

Ted Saud.

7

BY MR. SAUD:

8

Hello. I'm Ted Saud, and we are representing

9

ourselves, and we are one of the developers

10

who has been moved up here to create a project

11

with Sky Park. There are very few large

12

parcels left in Red Hook that can sustain the

13

kind of business that we propose which is a

14

destination resort, restaurant, spa, on a

15

working farm. This project would generate a

16

substantial tax base. It would maintain

17

agriculture. It would create over 100 jobs

18

many of which would be career track. We would

19

build -- (INAUDIBLE) -- and the zoning you're

20

proposing has and will make it impossible for

21

us to raise the kind of funding we need to

22

make this happen. Red Hook is in desperate

23

need of an anchor business that is not a big

24

box store, one that will draw a customer base

25

and that will support local businesses and our

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1

2

farms. Thank you so much for your time.

3

THE SUPERVISOR:

4

Thank you, Mr. Saud. Rosemarie Zenger, Tara

5

Sullivan. The next speaker is Norman Greig.

6

BY MR. GREIG:

7

Good evening. Norman Greig. I'm a farmer in

8

Red Hook. I've been farming here all my life.

9

The agricultural community in Red Hook is

10

pretty vital, and we, my father started

11

farming here 30 years before me, and in the

12

time we've been farming we've kept the housing

13

off that land now for 70 years. We have no

14

plans to develop that land. We want to farm

15

it, and in the neighborhood, the agriculture

16

community, there are more farmers looking for

17

farmland than there is good farmland

18

available. I have people calling me regularly

19

asking isn't there land to rent, we need more

20

farmland. I'm very concerned about the new

21

proposed law because historically Red Hook is

22

developed house by house. In the last 50

23

years there was a big development boom in Red

24

Hook right after they built the Kingston

25

Bridge in 1958 when a number of farms went

1
2 under housing, but since then it's been house
3 by house and the proposal, as I understand it,
4 is to concentrate the development in one area
5 and keep the housing off the farmland and I'm
6 in favor of that. The problem I have with it
7 is that in concentrating the development south
8 of the Village you're talking about building
9 water and sewer. It's a market driven
10 economy. Historically houses weren't built
11 unless lots were available. The farmers I
12 know who are still farming in Red Hook, and
13 there are a number of us, have plans to farm.
14 They don't have plans to build houses. They
15 have no interest in that. Once a house goes
16 on the land it's gone. We're there to make it
17 happen agriculturally. My concern about what
18 the proposal is is that by creating this water
19 and sewer district south of Town you're not
20 saying that we're going to wait until the lots
21 are available. You're going to make an area
22 that's prime for an outside developer to come
23 in and instead of developing Red Hook house by
24 house you're going to develop the remainder of
25 our build out in maybe a five year period of

1
2 time instead of a 50 year period of time.
3 That, as a farmer, is a big problem for me
4 because then the school taxes continue to go
5 up. We pay more in school taxes annually than
6 what my father paid for the farm. Our school
7 taxes continue to go up. This is not what the
8 community's about. Our Town and County taxes
9 continue to go up. This doesn't work, so I'm
10 confused. The whole reason to pass this
11 proposal is to slow down the development and
12 reduce the build out, and by doing that you're
13 going to accelerate the build out so that we
14 get our final build out development
15 immediately rather than in the future. It's a
16 big problem, and while you're doing that --
17 you know -- it's all about creating an
18 opportunity for agriculture. Well, the
19 opportunity for agriculture isn't there. I
20 still have a 16,000 square foot barn that I
21 have no use for, and I go to these meetings
22 over and over again and I say what about that
23 barn. I would like to put something in that
24 barn because if you don't have something in
25 the barn the barn falls down. You have to

1
2 have a reason to maintain it, and everybody
3 says we could give you a 4,000 square foot
4 market or a 3,000 square foot equipment shop,
5 but I said well, what if an Adams should
6 happen to come to Red Hook, and they said oh,
7 no, we have to defend Hannaford. They're
8 doing fine. You know, if you're not letting
9 the farmers at least use the buildings we
10 have, to say nothing of create opportunities
11 for our future -- I mean, the other problem is
12 if the next generation wanted to build a
13 single house on my farm it couldn't happen
14 without triggering a development plan for the
15 whole farm. We don't want to develop the
16 farm. We want to farm the farm, but the next
17 generation wants to come there and live there
18 and farm the farm and that should be possible.
19 You need to think about this law. If you
20 really want to do something for agriculture
21 let's talk about creating not an open space
22 plan or the purchase development rights, but
23 an agricultural plan where development rights
24 could be bought to the agricultural value and
25 then the next generation, the buyer can only

1
2 be a farmer who's a bonafide farmer who's more
3 than happy their income comes from agriculture
4 rather than making farmers the pool boys for
5 the New York City landowners. The long or the
6 short of it is I know you want to reduce the
7 development and reduce the output based on the
8 total build out of the community, but if you
9 were selling development rights for allowing
10 the rest of the farmers to exist to sell their
11 development rights you would reduce the build
12 out far more than creating a development idea
13 that we're going to give to those development
14 rights in the future, and the other problem is
15 that it's a non funded system. You're going
16 to sell development. You're going to sell
17 these units in the development zone, and
18 that's supposed to generate funds to buy
19 development rights in the future. Well, if
20 you sell development rights in, say, \$2,012,
21 and you buy development rights in \$2,050
22 there's never going to be enough money, so to
23 hold out to the farmers that we've got a
24 promise of we're going to buy the development
25 rights in the future to justify the

1
2 development you guys put in by selling us down
3 the river right up front, I have a huge
4 problem with it. I think the idea is good to
5 keep the housing off the land. I think the
6 idea is good to keep your development close to
7 the Village Center, but there's some fatal
8 flaws in the way it's been proposed. Consider
9 this please, and put it to a referendum, and
10 when you talk about Sky Park, there isn't a
11 tillable acre on that parcel. I'm familiar
12 with that site. There isn't a tillable acre
13 there. There's no reason for that to be in
14 the Agricultural Business Zone. If you're
15 going to have an Agricultural Business Zone
16 have it voluntary. Farmers commit to the
17 agricultural assessment and the voluntary
18 program when they put their land in the
19 Agricultural District, and it's easy to draw
20 the Agricultural Business Zone if you're going
21 to have one. You draw it around the land
22 that's committed to the Agricultural District.
23 Those are the people that are actively farming
24 and interested. If they're not in the
25 Agricultural District then they're not

1

2

committed. Straight forward. Thank you. Put

3

it to a referendum.

4

THE SUPERVISOR:

5

Thank you, Mr. Greig. The next speaker is

6

Doug Scheff. The final speaker is Pete

7

Hubbell.

8

BY MR. HUBBELL:

9

Good evening, Ladies and Gentlemen of the

10

Board. I have been, as so many of you know,

11

been instrumentally involved with the Ag and

12

Open Space Committee in both working on the Ag

13

Business District and selecting those sites

14

that are in it, but, first of all, I thought

15

it might be useful to debunk a few statements

16

that were made here. In fact, someone

17

mentioned about taxes going up. Well, most ag

18

farmland is under an agricultural assessment

19

with reduced level of taxes. The idea that

20

Toll Brothers is going to come in and build

21

600 houses is pretty far fetched that that

22

would ever happen. Think of how many houses

23

sold in total in Red Hook in the last year,

24

that probably gives you close to 50 years sell

25

out. Conservation easements, if the easement

1
2 document's written in perpetuity it is in
3 perpetuity. There's no way it can be
4 purchased back, and so I'm speaking in support
5 of the Local Law 2. The fact that this is a
6 limited use, we had many, many sessions in our
7 ag and open space meetings going over the
8 various uses that would be allowed in this
9 district and we greatly expanded the uses over
10 and above what had been there, and there was a
11 comment about a property being excluded from a
12 district, They may petition to get into the Ag
13 Business District. So if you're not happy and
14 you're out petition and you can possibly get
15 in. I can remember going through many
16 different uses from expanding from the old
17 zoning. One in particular was brewery, cider
18 mills, greenhouse and nursery plans where you
19 can actually sell nursery product from on the
20 farm which was not allowed before. We
21 expanded the size of the farm markets that
22 were permitted and made them only require
23 minor site plan review. We allowed inns and
24 restaurants that were not allowed before, cold
25 storages were allowed with, I believe, minor

1
2 site plan review other than for public safety.
3 So to say that this is a limited scope of
4 uses, it's a greatly expanded scope of uses.
5 So that's all I'm going to say at this point.
6 A lot of time and effort when into it. I can
7 remember some of the discussions we had at
8 these meetings. They were very heated.
9 There's members of that committee that are
10 here tonight and know what we went through.
11 Some hadn't been on it that long, some maybe
12 longer, but a lot of time, and effort, and
13 energy went into developing this, and I have
14 no axe to grind. I don't farm. I'm not a
15 real estate broker. I just have
16 three-quarters of an acre in upper Red Hook.
17 I am a real estate appraiser. I've been doing
18 that for close to 30 years. I know how
19 agricultural markets work. I know how
20 development markets work. I know how
21 commercial industrial markets work. I know
22 how open land markets work, and some of the
23 things that were said here tonight by some
24 real estate professionals I may take a little
25 bit of exception to, so that's it for me.

1

2

Thank you.

3

THE SUPERVISOR:

4

Thank you, Mr. Hubbell. Before we take

5

additional comments from people who have

6

already spoken is there anybody who has not

7

spoken that now wishes to speak? Yes.

8

BY MS. JOHNSON:

9

Good evening. I'm Mary Ann Johnson. I live

10

out on Hapeman Hill Road. I am the former

11

Chair of the Town Board of the Agricultural

12

and Open Space Committee, and I am here like

13

Pete to also debunk a few things that I heard

14

tonight. This is not a transfer of

15

development rights program. We have explained

16

that repeatedly through public hearings, in

17

the meetings that we've held at Ag and Open

18

Space. I'm not sure where the confusion is

19

stemming from, but it is not a transfer of

20

development rights, and I think people need to

21

understand that. I was a part of the land use

22

working group so many years ago that started

23

this process, and throughout the whole thing

24

we have reaffirmed the goal that Michele had

25

put up on the board regarding the future of

1

2

Red Hook. At some point you have to act on

3

those goals, and this is the time, and I

4

support this plan, and I support the zoning

5

amendments, and I hope we can move forward.

6

Thank you.

7

THE SUPERVISOR:

8

We have some letters that were received that

9

we'd like to read into the record. The Town

10

Clerk will read one. I have two and others

11

that were received have already been read

12

tonight, so I guess I will start with a letter

13

to the Town Board regarding 2010 Local Law 2

14

proposed. "Thank you for this opportunity to

15

address the Board with concerns about these

16

proposed changes, specifically, the

17

elimination of density bonus for provision of

18

central water. While I am not exactly sure

19

what this bonus is; I believe it is a home

20

building lot size reduction if community water

21

is provided. If this is true, I would like to

22

emphasize the importance and benefits that a

23

community water and/or sewer system brings to

24

the Town and its residents. A safe, adequate,

25

protected and monitored water supply adds

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 great value to any property and its presence
3 will ensure future growth in many positive
4 ways to numerous to mention. This is
5 demonstrated in many other towns where it is
6 mandatory to build and connect to existing
7 water systems whenever and wherever feasible.
8 If the bonus means a smaller lot size, as the
9 parcel does not need to support both water
10 well and septic system, more benefits arise.
11 More building lots yield more tax revenues per
12 acre. In summary, I urge the Board to
13 reconsider its position and give every
14 possible incentive needed to encourage the
15 building and growth of public water and sewer
16 systems within the Town." I have a second
17 letter. I think I'll take a break and take a
18 drink of water and let the Town Clerk read the
19 next letter.

20 THE TOWN CLERK:

21 This letter was received in my office
22 yesterday, January 19th, and it is from John
23 Winthrop Aldrich. "Dear Supervisor Crane,
24 Please accept for the record of the public
25 hearing on Local Law No. 2 (Proposed) and

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 local Law No. 3 (Proposed) this statement. I
3 regret that I will not be able to attend the
4 hearing this evening in person. I have
5 examined the text of these proposed ordinances
6 and the associated maps and I am in
7 wholehearted agreement with the measures in
8 every respect. An enormous amount of
9 thinking, professional effort and discussion
10 has clearly been invested in this endeavor,
11 and the investment has paid off handsomely for
12 the people and well being of our Town. I
13 salute both the consultants and the many Town
14 officials who have persevered and seen this
15 through to completion. The people of Red Hook
16 have arrived at a watershed moment. Will they
17 build on the magnificent -- indeed historic --
18 actions they have recently taken in responding
19 to the questionnaire some years ago that led
20 to a Comprehensive Plan and Open Space Plan
21 that were truly pioneering in their commitment
22 to quality of life values, followed by the
23 passage of our local bond act in support of
24 retention of agricultural open space or will
25 they turn their backs on these initiatives and

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 return to the discredited former values of
3 land development according to "the highest and
4 best use"? The ecological, historic
5 preservation, agricultural, scenic and
6 recreational objectives that are set forth in
7 these measures should be embraced, the Laws
8 should be adopted, and they should become a
9 source of immense community pride to us all.
10 Testifying as a lifelong resident of the Town,
11 a taxpayer for nearly half a century, and one
12 who has been privileged to serve for many
13 years as Town Historian, I view this moment as
14 a profoundly historic one, a moment when at
15 the dawn of its bicentennial Red Hook will
16 finally declare through these amendments that
17 it will be the master of its own future,
18 champion of its own values, and preserver of
19 its beloved heritage and that it will not go
20 the way of Hyde Park and so many other
21 communities that we have watched drift in
22 another direction. If I were to single out
23 one provision that is particularly dear to my
24 heart it would be the rezoning as Agricultural
25 Business of the operating orchard and farmland

1
2 at Montgomery Place. This property is not
3 only one that has been farmed in this fashion
4 for over two centuries and is a contributing
5 feature of a National Historic Landmark, it is
6 one of the most accessible, visible,
7 productive and popular enterprises of its kind
8 in the Hudson Valley. Montgomery Place
9 Orchards demonstrates how stabilizing our
10 agricultural base through measures like these
11 is good news for the Town's economy both short
12 and long term, and good for property values
13 throughout the community. Respectfully
14 submitted, John Winthrop Aldrich Rokeby."

15 THE SUPERVISOR:

16 Thank you, Susan. We received also a letter
17 yesterday to the Town Board of the Town of Red
18 Hook. "Proposed Amendments to the Town Zoning
19 Law. The purpose of this letter is to
20 recommend that the community and the Board
21 vote no regarding the proposed amendment.
22 While I endorse the long term objectives of
23 the Inter-Municipal Task Force, specifically
24 those proposals that endeavor to control where
25 and how future growth should occur, the

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1
2 proposals for the creation of two new zoning
3 districts and Incentive Zoning are unnecessary
4 and discriminatory because the Planning Board
5 can achieve most of the same objectives under
6 the existing zoning law without limiting the
7 economic opportunities now available to many
8 landowners, and it is deficient and inadequate
9 in its response to our existing and projected
10 residential tax burden, and it is biased
11 against the broad economic interests of the
12 community. The proposed law is unnecessary
13 and discriminatory because landowners can seek
14 approval for essentially the same projects
15 under the existing zoning law. However, the
16 proposed law will not only deprive many
17 landowners of economic opportunities they
18 presently have but will enhance opportunities
19 to a small number of large landowners. Most
20 importantly, by continuing the current law the
21 Planning Board will not be required to
22 surrender any portion of its ability to
23 exercise judgement, as may be necessary, in
24 individual situations. Specifically the
25 proposed law is discriminatory, number one,

1
2 landowners with three to 19 acres will be
3 deprived of development options now available
4 to them while those with 20 acres or more will
5 continue to enjoy all existing development
6 opportunities many with greater ease. Two, in
7 at least one identifiable instance the
8 proposed law targets one landowner and
9 emasculates his existing development rights.
10 The proposed law is unnecessary. Number
11 three, there are few, if any, projects
12 identified under the proposed law that can't
13 be sought and approved under the existing law.
14 The proposed law is deficient and inadequate
15 in its response to our existing and projected
16 residential tax burden. Very few
17 opportunities exist at the local level to
18 mitigate this burden other than the expansion
19 of desirable and appropriate commercial
20 enterprises. While it is suggested that the
21 proposed law offers increased opportunities
22 for commercial expansion analysis suggests
23 that the recommendations are deficient and
24 inadequate. For example: One, although they
25 exist no new areas for desirable and

1
2 appropriate commercial expansion were
3 identified. Two, commercial investment in
4 certain existing areas was actually reduced.
5 Three, most of the additional opportunities
6 proposed are compromised by the need to
7 purchase often raise and expand existing
8 commercially zoned structures a combination
9 that in most instances is neither prudent nor
10 economically feasible within our community.
11 Four, development to the optimum limits
12 proposed can only be achieved by paying a
13 special incentive zoning tax that will
14 discourage, if not eliminate completely, both
15 commercial and residential investment. The
16 proposed law is biased against the broad
17 economic interests of the community. The
18 Incentive Zoning proposal raises fees from
19 developers desiring to achieve economic
20 feasibility through optimum density. However,
21 these fees are designated for distribution
22 exclusively in the AB District. While I and a
23 majority of our residents support the merits
24 of open space and the economic health of our
25 legitimate farming community we already pay

1
2 approximately \$2 million annually to do so -
3 the result of TDR bond costs and the
4 transferred agricultural tax savings.
5 Comparatively, the rest of the community is
6 underserved. These fees could, and should, be
7 directed to where they are equally, if not
8 substantially, more beneficial. For example:
9 If they must be exclusive within the AB
10 District then why not to preserve, enhance and
11 sustain those legitimate farm families that
12 can show that their income from farming
13 exceeds, as a minimum, 50 percent of family
14 income or why not distribute among the Red
15 Hook Central School District should it
16 evidence a true need for additional physical
17 facilities as it has sought or our parks and
18 recreation facilities which are regularly said
19 to be underfunded or our libraries in exchange
20 for the current fixed tax contribution they
21 receive or our central sewer system if needed
22 or projects to enhance the physical
23 attractiveness of our central business
24 district if desired or projects to offset tax
25 benefits or contribute to shovel ready

1
2 property planned for commercial development.
3 The devil is in the details. We must not,
4 again, be seduced by arguments for preserving
5 open space, farmland and farming without a
6 full understanding of the true economic
7 details and recognition of the major
8 beneficiaries. It is improbable to expect
9 that attitudes in Albany will soon change
10 regarding policies that strangle our school
11 budgets and are creating an increasing group
12 of wealthy landowners who are able to become
13 legal farmers for tax abatement purposes, but
14 are far from being legitimate farmers. We
15 must not exacerbate these situations by
16 anything less than a full understanding of
17 this proposal. Understand the details of this
18 proposal and vote, no." It is signed Douglas
19 C. Moat. That is the sum of the letters that
20 we have received at the Town Hall to date. I
21 believe there was someone who raised their
22 hand and wanted to speak a second time, and,
23 I'm sorry. I missed who it was. Yes.

24 BY MR. SEYMOUR:

25 I just want to add 25 years, or whatever it

1
2 was, years ago the Master Plan was reworked by
3 a cross section of the community; farmers,
4 developers, everybody. The whole community
5 was represented and there was compromise for
6 the farmers. There was compromise for all
7 kinds of things. Ten years ago we had a
8 change in the Board. Not so much the Board,
9 the supervisor, and there were a lot of
10 political appointments made on the zoning, and
11 the worst thing for any community is to have
12 zoning politically influenced. There was a
13 lot of good comments made today. I don't
14 think anybody's against the active farmers. I
15 think arbitrary taking of any land that has
16 farm soils is a different story. There's land
17 out there that hasn't been farmed in decades.
18 It's overgrown. The cost of bringing that
19 back into true agricultural use is prohibitive
20 money wise. You look at the amount of good
21 agriculture going on in this community. If
22 you've been observing over recent years you've
23 seen small operations come and go because they
24 had a good idea but it wasn't economically
25 feasible. You got to keep all this in mind.

1
2 What I still don't see is small mini farms.
3 Sue and I both had kids grow up in 4H for
4 example. It's important for people as our
5 kids get older and start off in the Village.
6 As our kids get older they want to get into 4H
7 raising animals. 4H is a tremendous program
8 for the development of our villages and towns
9 that kids learn responsibility, learn how to
10 speak publicly. They learn how to manage
11 their time and we have to have more provisions
12 for these mini farms. Some of the laws we
13 have regarding agriculture and animals you can
14 have on the farms is archaic. We used to have
15 on our 11 acre parcel as many as 85 sheep in
16 the spring, but that goes against all the
17 zoning laws where you could only have x number
18 of animals on a piece of property. That needs
19 to be looked at. Things have to be looked at
20 to make farming easier for the farmers that
21 want to farm. I'm talking about a lot of --
22 (INAUDIBLE) -- just wants to buy the land for
23 his own privacy. That doesn't further
24 agriculture. That just takes more land. A
25 lot of that land if they can't farm it but

1
2 it's in an ag district and their taxes are too
3 high they're going to appeal to the assessor.
4 I talked to the Town assessor and he said he
5 couldn't give me a judgment call on whether
6 they could do that or not. So these things
7 have to be looked at, but I think the law has
8 to be more flexible, and I think the idea of a
9 public referendum is good and voluntary in the
10 program as far as the Ag District. Thank you
11 very much.

12 THE SUPERVISOR:

13 There is one more. Mr. Stages.

14 BY MR. STAGES:

15 Someone elaborated on the fact that this isn't
16 a transfer of development rights, but I guess
17 it is called a substitution of development
18 rights, and that's especially troubling to me
19 because the situation allows the Town to move
20 ahead with their plans without ever having to
21 pay for them, and I don't think that that is
22 an economically good situation if you're one
23 of the landowners. You have no leverage. You
24 have no -- it's take it or leave it, and I
25 don't think that's fair. I don't think that's

1
2 the American way. Much better, I think if
3 this was to be a voluntary program at least
4 then you could say, yes, I decided that's what
5 I wanted to do. There's no axe to grind. If
6 that's not the case there's going to be
7 animosity, anger. All that can be avoided by
8 making it a voluntary program. It's a good
9 program. There's good things in it. I say
10 don't throw the baby out with the bath water.
11 Take the good and let people decide for
12 themselves, and I think everybody will be
13 happier in the long run. Thank you.

14 THE SUPERVISOR:

15 Okay. Anyone else? Yes.

16 BY MR. COLBURN:

17 My name is John Colburn. My parents and I own
18 the laundromat on South Broadway. If this
19 zoning change goes into effect with the
20 central sewer you're basically forcing us to
21 sell our building and move because we can't
22 keep it going, and I think it's pretty poor
23 judgment on the part of anybody involved in
24 this, and that's about all I have to say.

25 THE SUPERVISOR:

1

2

Thank you, Mr. Colburn. There is one person

3

in the back of the room that I think I

4

recognize. Mr. Trezza, did you have your hand

5

up?

6

BY MR. TREZZA:

7

Yes, I did. I'm Al Trezza. I'm a dirt lawyer

8

according to Mr. LeGrand. I hope that wasn't

9

in reference to my character, but rather that

10

I own some property in Red Hook. As pointed

11

out by Mr. Klose, his family and my family

12

have been preserving agricultural space in Red

13

Hook since the early 40s, and we continue to

14

do so. I just have a little problem with the

15

idea of this large scale development south of

16

the Village. I think it's too much. I also

17

think that the Town's idea of giving credits

18

to a builder and taking the money and putting

19

it away and ultimately using it to purchase

20

transfer development rights is not going to

21

work because the price is going to go up. One

22

of the things I found about zoning is every

23

time you zone a piece of property invariably

24

you increase the value. Some people say that

25

they're going to lose equity. Yes, they will

1
2 lose equity in the short term. If there's a
3 farmer here that wants to get out and is
4 limited to this cluster of subdivision or
5 conservation subdivision as you outlined in
6 the law they will lose. For example, on my
7 own farm I have 114 acres. Under the
8 conservation zoning you take out my house
9 that's 20 acres off of that and that leaves 94
10 acres. You divide that by 20 there's
11 approximately four more lots. Then if you
12 look at your loan one of the things that you
13 do do is you take out wetlands, can't be used
14 for density. You take out steep slopes, can't
15 be used for density, and you put a 100 foot
16 buffer zone around the wetlands that can't be
17 used for density, but that's -- these people
18 are going to wind up having very minimal lots,
19 very minimal subdivisions to sell, and
20 consequently you can lose equity.
21 Unfortunately, if they do want to sell them
22 they're going to ask for very outlandish
23 prices to these very small lots and will
24 either not be able to sell them or will bring
25 in a money class to Red Hook that has no

1
2 interest in farming, so that's one thing. The
3 other thing I would like to ask you to comment
4 on is the time table and calender as we move
5 along, if you could just give us an overview
6 of what your process to completion is and when
7 you expect to vote. Thank you.

8 THE SUPERVISOR:

9 Have we taken everyone who wishes to speak
10 tonight? We have some options at this point.
11 We can leave the public hearing open for a
12 future date. We have set, I believe in two
13 weeks we have set time aside in this same
14 place exactly two weeks from tonight on the
15 3rd of February where people who perhaps
16 weren't able to come tonight would be able to
17 come and speak with us. It will give us two
18 weeks to give due consideration to the
19 comments that were here, so I would propose
20 that we take that time and declare tonight the
21 public hearing will remain open, and we will
22 meet again on February 3rd at 7:00 here in the
23 Red Hook High School cafeteria to continue to
24 take comments.

25 BY MR. COLGAN:

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

1

2

We have two public hearings open now.

3

THE SUPERVISOR:

4

I'm sorry. You're right. There are two

5

public hearings open, Local Laws 2 and 3. We

6

will continue the public hearing on proposed

7

Local Law 2 and proposed Local Law 3 on

8

Thursday, February 3rd at 7:00 here in the Red

9

Hook High School cafeteria to continue taking

10

comments. I thought it was a motion, but let

11

me make it official. It is a motion. Do I

12

have a second?

13

BY MR. ROSS:

14

I second.

15

THE SUPERVISOR:

16

Second by Councilman Ross. All in favor?

17

THE BOARD:

18

Aye.

19

THE SUPERVISOR:

20

Thank you. We thank you so much for your time

21

and your attention. This is such an important

22

time in our Town Government, and we look

23

forward to meeting with you again. I move

24

that the meeting be adjourned for this

25

evening.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. STRAWINSKI:

Second.

THE SUPERVISOR:

Thank you, Micki. All in favor?

THE BOARD:

Aye.

THE SUPERVISOR:

Thank you. Thank you again. Good night.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOTES