RED HOOK SPECIAL TOWN BOARD MEETING
March 10, 2011

A special meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session at the Town Hall, 7340 South Broadway, Red Hook at 7:30 p.m.

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

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She explained that this is a special Town Board meeting called for the Board to discuss the proposed zoning amendments. The Board will have an open dialogue about what they've heard from the community then she will open for public comment.
Michele Greig, Greenplan, handed out a prepared fact sheet on Centers and Greenspaces. She began by clarifying that a number of comments that were made at the public hearing were based on some misinformation. She reviewed the thirteen questions on the fact sheet and explained each issue. Information about the Traditional Neighborhood District and Agricultural Business District was explained. She stressed that there are no requirements for selling development rights. That is a misunderstanding. She did explain the proposed law in relation to selling development rights, which cannot be bought back. Benefits of the Ag. Business District to the farmers was explained and a survey was sent to those in the Ag. Business District and the Ag. Committee who made comments as well. Those benefits were based on the feedback from the surveys sent to the farmers. The Planning Board under the proposed subdivision regulation would be allowed to require buffers between farms and non-farmland in the case of a conventional development. She did emphasize that no one is required to sell their development rights. Farm Credit, a major lender to commercial farmers, has no problem lending to farms who sell their development rights. Profitability of the business is their consideration. Regarding the aquifer, she pointed out where it lies from Pitcher Lane to Rhinebeck, and from Benner Rd. to Yantz Rd. It has been studied by Russell Urban Mead who determined there would be no adverse impact to the aquifer's quality or quantity. She passed out an article from the Dutchess Planning Federation called "Plan on It" regarding storm water management new regulations. Michele gave a summary of the article and how it relates to the proposed zoning amendments. Adopting the Traditional Neighborhood District would be one of the most important things the Town could do to protect the aquifer.
Councilman Colgan went to the Ag. Committee meeting and one of the subjects were the appraised values of the land in terms of this zoning. He presented a letter from Farm Credit which stated the change in the proposed zoning would not affect the appraised values. The letter was from Jim Waterhouse from Farm Credit.
Supervisor Crane received a letter from N.Y. Farm Bureau related to the zoning proposal. She shared the information from the letter. One item of concern is the comment that the proposal of large lot zoning will have a devastating effect on existing farm operations and discourage the startup of new operations. It said that while the Town expresses the desire to maintain agriculture in the community, New York Farm Bureau strongly disagrees with the methods chosen to accomplish the stated goal. Supervisor Crane said that is very concerning to her because she has had more conversations in the last few months with landowners who are involved in our largest industry, farming. When the owners of our largest industry come to her and say this could be devastating to them, these are the very people we wanted to protect. When they express their fears and concerns that this zoning will negatively impact them they have her attention. She is speaking out because of the personal contact from people whose concern about their welfare was honestly and openly revealed to her. We have to reach some kind of accommodations for that anxiety to be comfortable with this plan.
Michele Greig said the farmers are misunderstanding the zoning law.
Councilman Colgan spoke to the woman from Farm Bureau who wrote the letter. He felt as though she could not defend their point and he was told it was a matter of policy of the Farm Bureau to object to this kind of zoning.

Supervisor Crane asked if he spoke to the attorney who wrote the letter.
Councilman Colgan responded yes she was the attorney from Farm Bureau who wrote the letter. He has a problem with people who fall back on policy without supporting information.
The Board had a short discussion about large lot zoning and why it is not considered.
Supervisor Crane is hearing from people who make their living farming. They are concerned about the asset base. There is a concern for borrowing money and they need to know the land has a value.
Michele Greig said the primary consideration for making loans to farmers is the profitability of the business. Sometimes equipment is used as collateral. She suggested discussing the issue with a loan officer.
Supervisor Crane said the plan looks extremely complex and explained her concerns.
Councilwoman Strawinski said that zoning by and large is complex.
Councilman Colgan referred to a report that said the zoning would not affect the appraised value.
Supervisor Crane commented that appraised values change.
Councilman Colgan agreed. He said bankers and appraisers are good sources to go to.
The Board continued discussion of the proposed zoning amendments regarding the Ag. Business District.
Michele Greig thinks an incredible job was done making the proposed amendments sharp and clear and unambiguous.
Councilman Ross has lots of concerns that were brought up at the public hearing. We had numerous questions about why some parcels were included in the Ag. Business District and why some are not. How was that determined? Did we ever sit down with the farmers who have concerns? We say it was designed to help them but he didn't have the impression it would.
Michel Greig explained there was criteria used to decide what parcels should be included which she listed. Every parcel in the Town was evaluated. Some were taken out after the Ag. Committee evaluated them, particularly the small parcels.
Councilman Ross said there are three properties that were not included and they are adjacent to other farmland. Another property that was in the ABD was Skypark Airport and to his knowledge that property is not tillable. That doesn't make sense and he asked if that's been addressed.
Michele Greig responded that the Skypark property was included in the Community Preservation Plan. There were criteria and suggested going back to look at the criteria to see if it was appropriate or not.
Councilman Ross thinks this should have been part of the whole process and we should take a very close look at it.
Councilman Colgan said a landowner could opt in.
Councilman Ross responded that it isn't that easy to do. It should be worked out and we should find out what the farmers don't like about it. Regarding the Traditional Neighborhood District property owners don't seem too happy with it either. He doesn't see how it resembles our village at all. How does pushing the zoning down here alleviate the traffic on Route 9?
Michele Greig said the first assignment the Task Force was given was to come up with a Traditional Neighborhood Design adjacent to the Village. They would be walkable, village scale lots.
Councilman Ross doesn't see how this is better than our present zoning. He does not see how anyone could vote for this proposed zoning. Look at the public hearings. Anyone concerned about how our citizens felt that are affected most about it, wouldn't vote for it. Every property owner who would be affected by it seemed to be against it. He can't think of anyone at the public hearing that was for it except for Scenic Hudson.
Michele named the Village of Red Hook, the Department of State and Hudson River Valley Greenway.
Councilman Ross agreed, but he said we have to listen to the people that own the property that this zoning affects. It doesn't affect Scenic Hudson it doesn't affect Hudson River Valley Greenway, it doesn't affect them. It affects people who own the property in this Town.
Michele named people who wrote of their concerns regarding the zoning who did not have correct information.
Councilman Ross thinks that if he doesn't have correct information, how about the rest of the citizens in our Town? We as a Board have done a poor job educating them otherwise we wouldn't have so many people opposed.
Supervisor Crane met today with seven landowners who represent about 1640 acres in Red Hook and they are not in favor of this proposal as it stands. That isn't to say they wouldn't entertain further discussion and modification. That is a lot of Red Hook land.
Michele explained the buffer.

Supervisor Crane said a landowner sees a buffer as a taking of land. It is not about what she thinks; it is about what others feel.
Councilman Colgan explained the idea of the buffer. It doesn't apply to farmers. The farmers said they want a buffer on adjacent parcels of non-farm land.
Supervisor Crane told him the biggest concern of those who spoke to her is the loss of equity. Everyone who owns a significant amount of land is concerned about it. Many of them see this zoning as a taking. You may not see it that way. Another issue is the concern of the subjectivity of the Planning Board and the language of the law. She specified examples with the use of the word "may".
Michele Greig said the Ag. Committee suggested using the word "shall" in some cases and gave examples of why that would not be appropriate.
Councilman Ross pointed out how the buffer could take from adjacent land.
Councilman Colgan explained that the option is given to work it out with the landowner to give the farmer the buffer they would like.
Michele Greig explained this is not a setback, not a part of any existing law of record. We see cases when subdivisions have an impact on agricultural land.
Ted Fink, Greenplan, explained that it is appropriate to make sure that if there are any agricultural lands within 500 feet of the property being subdivided that there is some consideration of the farming nature of the property.
Supervisor Crane said another concern is that agricultural zoning does not appear anywhere else in New York State. This is the first time they've had agricultural zoning.
Michele Greig clarified that this is not agricultural zoning. She explained that agricultural zoning is a term that refers to when residential subdivision of any kind is not permitted. It is a zoning tool that prohibits any residential subdivision in a district. She gave examples around the country.
Ted Fink explained that agricultural zoning is a fairly common practice and referred to Pennsylvania who is one of the leaders in this. He also cited a town in western NY.
Supervisor Crane is very much in favor of conservation efforts. It isn't about what she believes or not, it is about the number of people who say they don't want it. She can't ignore that.
Michele explained there were two meetings with the people in the proposed ABD. The Ag. Committee also sent out a survey in the proposed ABD. People came in and met with them. The Ag. Committee was very involved in this and some of their recommendations were included.
Councilwoman Strawinski spoke in relation to the concern that the landowners weren't involved in the process. She cited the many different forms of outreach to the landowners and it is her understanding that many changes made to the plans were at the recommendation and urging of the landowners. Additionally she wonders if the concerns of the ABD will be irrelevant if the PDR goes through because there will be limited development anyway. She is still trying to understand how it is that many of these farmers in opposition have applied for the PDR. She doesn't understand the logic.
Michele explained there are benefits to them and gave examples.
The Board continued discussion of the Agricultural Business District and land uses within it.
Supervisor Crane asked if anyone has spoken to some of the affected landowners.
Michele said they were sent a letter.
The Board continued discussion.
Supervisor Crane asked if anyone spoke to the owners of Hoffman Farm in particular.
Councilman Colgan said he did. Kirchoff builders came in and spoke to them a couple of times and said they were interested in what the Town is doing and said that it is desirable for them. He talked to Roger Hoffman and explained some of the zoning to him. Mr. Hoffman seemed to have different ideas than what the reality was so Councilman Colgan gave him a copy of some of the pages that applied to his land. He is going to pursue it.
Supervisor Crane referred to a letter from Roger Hoffman.
Councilwoman Strawinski asked about the explanation he was given by the petitioners who approached him.
Michel Greig explained that Roger Hoffman believes that he's lost half of his density. She gave examples of what controls density. A number of years ago developers came in with a proposal of 60 dwelling units on the Hoffman property. She explained the difference between the present and proposed laws. She also explained the fee's on each lot in order to get additional funds for PDR's.
Supervisor Crane asked how a developer could afford to develop a property if we require phasing and we require that they pay $25,000 per door to a fund. How would any developer be able to develop land presuming that we want a traditional neighborhood in that area?

Councilman Colgan thinks it is cheap. He gave an example. This is the kind of housing being looked for in communities now. Personally, he feels that is nice to see.
Ted Fink commented that it is a trend being seen nationwide.
Supervisor Crane asked Councilman O'Neill for comments.
Councilman O'Neill said you have to go over the process from seven years ago. What created the Centers and Greenspace Plan was direction from the Town Board to tell the Town where development should occur. When people in the Town started looking at the documents, the first thing they want is the farms to remain farms and the development to be adjacent to the two villages. Half the people who talked about that are not around. In the beginning most of these people probably didn't have anything to say to these planners and the volunteers who have been trying to put this together. Everyone is concerned about equity and the whole focus of the task force is to preserve equity. This plan addresses the issue of equity. Do you want Toll Brothers all over and big houses looking down over the valley? The Town has indicated they don't want that. This concept is called smart growth. Smart growth is the label put on the idea of compact development, walkability, less traffic, etc. It is all fit into the process and is proposed as a win/win. He feels the choices for large parcel owners are pretty adequate. The process has been to come up with a logical and reasonable plan. Reality is that you can't stop development and here it is. It is the best possible plan and we've given people the ability to talk to us. He continued to explain the work the task force has done over the last seven years.
Councilman Colgan said the DGEIF gives the numbers which are a very eloquent impact of the zoning. We should look at the deep aspect of what this zoning will do for the 11,000 people that live here.
Supervisor Crane announced that the Board will continue this discussion on Wednesday, March 16, 2011 at 7:30 p.m. The Board is trying to do justice to all of the citizens. We do the best we can to hear the people. This is not a political contest as much as it is to give a comfort level to the community as to what is being considered here. There are many in this community who are concerned about their future and a lot has changed in the last few years. She opened the meeting to public comment.

PUBLIC COMMENT PERIOD
Tom LeGrand commented that for large landowners, it will definitely reduce their property values. He is a licensed real estate broker and that is his view. His experience has been that a lot of farmers make a living for themselves and look at that land as their retirement. That is what it is about. Regarding the $25,000 per door referred to earlier and who can do it. No one will do it but maybe a large developer. They do not generate wealth for the local economy. He gave examples. This proposed zoning will be a field day for the lawyers because this law is hard to interpret. He respects the land use organizations but what they think should not count because they are not the local property owners and that's who should matter. The statistics show that school population is dropping so there would not be an increase in the enrollment in school districts.
Pete Hubbell referred to the issue of farmers not being able to borrow money. He worked for Farm Credit for ten year as an agricultural lender. They never lent money based on equity of the land. They'd only lend on the capacity of the business. As far as not being able to borrow if there is a conservation easement on the farm, there are lenders that will lend money to farms with conservation easements. He's seen a lot of agricultural lands and there is no impediment to lending. Pete agrees with Jim Waterhouse that rural area's zoning has minimal impact on value of a large rural property.
Jim Stagias spoke about equity. One Board member expressed concern about why landowners are going for the PDR's and not for this plan. There is something wrong with this plan obviously. Maybe it lacks some of the better things the PDR offers, maybe because it is voluntary. It lacks communication, negotiation and compensation. In his case this plan makes him nervous.
Charlie Laing worked for NY City D.E.P., Scenic Hudson, and a land conservancy, is on the Planning Board and is a member of the Task Force. The biggest issue here is you reach a level of comfort with what you know. His concern is the attempt to address the equity issue and provide options and a revenue stream for more PDR's to take place. Incentive zoning would be the way to do that and seems the most equitable way to fund the farmland protection. The great thing about selling development rights is that it is better than taking out loans and you can pay off debt. You have to respond to the community as a whole.
Richard Biezynski, owner of North Wind Farm, wants to save land but we are talking about equity. He explained where equity is lost. Farmers don't want three acre lots. He'd rather have a ten acre neighbor. When you zone out you get no equity. You can't tell him there is the same

value before and after selling development rights. When you zone the way you want to zone you are taking from the larger landowners.
Michele Greig clarified that no one has to sell development rights.
Rich Biezynski heard a statement regarding density housing that there is going to be 12 units per acre at $25,000 a door, now it is a max of four units per acre. That is a change.
Michele said this is the way it's been for a while and the plan has evolved over the years. You cannot use a NY State reference for a farm for our zoning.
Rich Biezynski is not going to sell a ten acre lot but there is that option. Farming on ten acres is going to be the future. How would young farmers afford a ten acre plot? He is for options and he thinks this is taking away options. What a farmer has of value is his land.
Al Trezza told the Board that his farm is presently up for consideration of a PDR with Scenic Hudson. He wasn't going to be involved with this until he was talked to by several farmers. They hired an attorney to determine what their rights are. They indicated that the farmers could put in a petition for protest so they did so. Not one person who signed that petition understands this law and many of them had absolutely no knowledge of it. He commends all the work done but no one knows about it. Every name on that petition with the exception of one was spoken to. They are upset over this and don't know what is going on. The three major landowners in the TND signed the petition because no one approached them. What are you doing as a Town Board? You change their zoning and do not talk to them. Roger Hoffman had no real knowledge of this. The Town Board has to reach out to the people you are affecting, not places like Scenic Hudson. He did not go to the people, they came to him. He knows complex zoning law and this is very complex. It is very subjective. He cited the paragraph about what the Planning Board can do. It is subject to interpretation. It leaves the average landowner subject to the whims of the Planning Board. He would like to see more objective and definite terms in this zoning law. That is one of his concerns.
Michele Greig pointed out that certain terms appear repeatedly in the Town's current subdivision regulations which were adopted in 1993. Most of the terminology is not new.
Al Trezza told her he never liked the zoning laws then either. They can also be subjective. Talk about build out? Let's take specific examples. How about Mr. Sieverding, did he get full build out? No. Tell me one person who got full build out. Nobody gets full build out in front of our Planning Board. Your chances of getting 3200 new homes in this Town are absolutely zip. You probably won't get the 1300 under the proposed zoning from our Planning Board. They have consistently objected to full build out and consistently forced people to accept less than what the law might have entitled them to. He's seen it, he was Town Attorney through a lot of it and he understands. You are not going to get full build out so when they talk about full build out it is not being true to what has transpired over the last 40 years. There is no rampant growth in Red Hook. Last year we had nine new homes. Do not think that Red Hook is going to grow in leaps and bounds. We have not even doubled our population in the last 47 years. We haven't doubled it and we are not going to double it. Any organization, being, animal or any living thing in order to survive has to grow to some extent. This is very detrimental to our Town.
Gerard Hurley owns the land between Rich Biezynski and Al Trezza. He is not a farmer or developer but all his savings is tied up on that land and he considers it his 401K. At first his intention was to build a house, then build next door. He's finding it confusing trying to stay on top of this and he is afraid he will lose out.
Norman Greig, a farmer in Red Hook, thinks Red Hook is a wonderful place. As he sees it we are at an impasse. Since the petition, the Town needs a super-majority and you don't have the vote to pass it. Now for the first time you heard from the inter-municipal representative what the farmers have encountered when they go there. They say "hey, get over it, this is what's happening, we have the votes to pass it". Farmers have been talked about as everyone is in favor of this except the farmers. The truth is we have a lot of common ground. Everyone is in favor of reducing build out, reducing taxes, less traffic, and the ideal way is instead of creating additional units in some other place is to take it off the farmland by letting the farmer voluntarily sell their development rights. You have to balance every equation. Nothing is going to get developed in this economy. He heard tonight that the (proposed) public sewer has nothing to do with the plan, but when you put a public sewer on a piece of property it creates a tax burden so that those land owners have to develop. They can't afford to pay that tax without having houses to offset it. There is a lot of common ground and everyone here can sit down with those people affected by this and work things out or they can say "see you in court". Some sort of compromise is ideal and that is what the farmers are looking for. There are problems with conflicting land use. It's become a full time job for farmers to have to defend themselves from the Town that wants to save them. The misunderstanding happens in a community that doesn't have farmers on their

Planning Board or Town Board. This is not an agricultural plan, this is an open space plan being balanced on the backs of the farmers and they can least afford it.
Michele responded that the Town's current zoning law lists agriculture as a permitted use. It is not a new thing.
Norman Greig responded this is not a permitted use it is an agricultural business zone. It is talking about conflicted land use. Don't take our value.
Al Trezza requested possibly sitting down with everyone and work this out.
Robert McKeon thanked everyone for all of the work done to protect farmland. He thanked residents for supporting farming. He responded to comments he heard and explained what he understood to be in the proposed zoning. Regarding equity, he recommended contacting select real estate appraisers. He named Jim Waterhouse as one appraiser. He understands that Jim said the change in zoning would not cause loss in equity. This is an opportunity to create a revenue source.
Ken Migliorelli agrees with Norman Greig, Rich Biezynski, Tom LeGrand and Al Trezza. He added that equity is being taken away. Regarding Farm Credit, it is his experience that Farm Credit talks out of both sides of their mouth. He ended up using a commercial bank that provided him more. He knows others who've gone away from Farm Credit also.
John Clarke, Dutchess County Planning, has been involved with this in the early stages. It has become more complex because of trying to deal with people's concerns. He's met with farmers and large landowners and came away from that feeling positive. He urged discussions to go forward. He feels the opposition is because people do not understand the law and he's seen this reaction often. People fear change and it is important to see if those fears are founded or unfounded. Talking to those who are affected is important. In terms of equity, there are experts that the Board should reach out to to explain what this does or does not do for large parcels. He was involved with the TND specifically and they did design it specifically like the village. They do not expect it to be built out all at once. The design is such that it is flexible but it is designed specifically to look and feel like a natural, seamless extension of the Village. The Village of Red Hook is small for its business district. Some degree of growth is good for the businesses and will make the Village center survive. Growing the Village is a good thing. Using farmland for something other than farming is not. He suggested some clarifications of the law to clear up misunderstandings. Change whatever is necessary to make it happen. The worst thing to do is to leave the existing zoning in place, changing the zoning is imperative.
Rich Biezynski responded by saying we need communication. John Clarke has been working on it and doesn't understand it.
Al Trezza said the seven people that met with the Supervisor this morning are all in favor of continuing with this law in some fashion. They are not asking to vote no, they are asking that someone sit and listen to the concerns of the people who are actually farming in this community. They have major concerns and need to be listened to. The zoning law can be adjusted to reflect their concerns and still keep the bulk of what is in it.
Councilman O'Neill said they've been listening for weeks to the farmers and he's asked them to tell the task force what it is they are looking for and what they want to replace something with. He's asked it to be put in writing or to designate a spokesman to spell out to the task force what they want.
Al Trezza agrees the landowners should come in to speak to them with some concrete proposals.
Norman Greig told the Board that up until now three Board members have not been listening. Every time they talk about it the farmers are told to get used to it, it's going to happen. If we are going to have a meeting it has to be a meeting where everyone is listening.
Jim Stagias commented that it seems Red Hook will be divided up. Thousands of acres have already been set aside and cannot be developed. It can't be as bad as you think, just because of that fact.
John Clarke said if you look at a map it is not contiguous. It is certainly not the bulk of the land in Red Hook.
Norman Greig said the development rights program is flawed.
Councilman O'Neill said all these farmers are pointing at him and saying that it is a done deal. What he said at the Ag. & Open Space Committee meeting is that they better get serious, this plan is proceeding and it may very well pass. Instead of barking or complaining give us something you want different or in addition to. You can't just sit out there and complain. You have to put something together that this Board can look at.
Ken Migliorelli said they are going to sit down and get something more concrete. Amy Dubin had good ideas as does Richie Biezynski. There is a lot in this plan we do like. Look at the land at Steiner's farm. Landowners are not happy with what is proposed right now. They will get something together.

Supervisor Crane said they will meet again on March 16, 2011 at 7:30 p.m.
Councilman O'Neill wants to make a motion to authorize Greenplan to prepare the final statement which is the next step in the procedure. They just need authorization to move on in the process.
Supervisor Crane does not think the Board is prepared for making a motion tonight. She'd like to make the motion at next week's meeting.
Councilman Ross thinks if they are serious about sitting down with a group of their representations it might change the findings statement.
Michele explained it is a findings statement in order to conclude SEQRA.
Ted Fink explained it is the final step.
Supervisor Crane prefers to wait until next week.
Councilman Ross wants to entertain the motion at next week's meeting.
Councilman O'Neill said in light of these petitions and the legal argument made by the law firm, he feels he wants to make a proposal that the Board send to Joel Sachs the issue of whether we need a super majority given the language in the proposed zoning and the lawyer's petition. He'd like an opinion from a land use lawyer on this.
Supervisor Crane said we cannot subject ourselves to these law suits.
Councilman O'Neill asked what her solution is to just back off? He wants to know where we are legally. The Task Force has had a different impression over the last seven years.
Supervisor Crane wants the dialog to continue.
Attorney Chale suggested holding conversation regarding legal matters for Attorney/ Client session.
Councilman O'Neill said we are only asking that our land use lawyer look into these issues.
Councilwoman Strawinski thinks that would be due diligence.
Councilman Colgan does not want to get stuck in a quagmire. He would like to ask Attorney Joel Sachs.
Supervisor Crane wants to sit with the landowners to see if they come up with something concrete.
Councilman O'Neill wants to know about the petition calling for the super-majority.
Councilman Ross said it is up to the Town Board to figure out if they have enough of a percentage of the property that it calls for a super majority. If the Board determines that and cannot come to any resolution in meeting with them, then it would be the time. We might not have a problem after sitting down with them.
Councilman O'Neill is concerned about the need for 4 out of 5 votes. He is not going to be intimidated by a lawsuit.
Councilman Ross said if the Board thinks we've satisfied their concerns enough, then we will know where we stand.
Supervisor Crane has spent a lot of time on this and she wants to hear the land owners concerns.
Councilman O'Neill thinks they are listing their own concerns.
Councilman Colgan wants to know what the land use Attorney Joel Sachs says about this.
He is not interested in more conversation.
The Board continued with their discussion regarding how to proceed.
Councilman O'Neill and Councilwoman Strawinski want Councilman O'Neill's motion to appear on the agenda for the next meeting.

On a motion of Councilwoman Strawinski seconded by Supervisor Crane moved to adjourn the meeting at 10:35 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk