

RED HOOK SPECIAL TOWN BOARD MEETING

March 16, 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

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. She explained that the night's meeting is a special Town Board meeting for the discussion of the proposed zoning amendments.

Town Clerk Sue McCann read the news brief that was published in the Poughkeepsie Journal, the Daily Freeman, on the Town's website and at Town Hall, noticing the special meetings on March 10 and 16, 2011.

Supervisor Crane opened by explaining that toward the end of any effort there is a push for people to try to figure out how the change will affect them. This kind of intense interest is not unusual. All of those elected to the Board represent different points of view because their experiences are all different. Overall, for the last 12 or 13 years, she's supported most of what the Town Board has done to protect farms and open space. She explained the open space plan that has been in place for about four years. On March 23 at the Town Board meeting the Board will reveal the Community Preservation Fund plan. She voted around seven years ago to update the Master Plan and explained how the working group collaborated with residents to arrive at a plan. She named a long list of people who participated over time. The plan is complex because it's had input from so many people to come up with the best plan for the future. There has been a flurry of e-mails which tells her someone sent an e-mail telling the Supervisor what they think. She reassured residents that the Board will get through this as fairly, as civilly, and as deliberately as they can. It is her hope that residents will be patient as the Board goes through this.

Councilman Ross has concerns about the Agricultural Business District. It is designed to help the farmers and give them more uses. He is very concerned with the fact that there aren't any farmers in that proposed ABD that are comfortable or happy with that proposal. He thinks the Board has to discuss with them what they see as problems with the proposal. Regarding the Traditional Neighborhood District it seems that many of the property owners in that proposed district have problems with the proposal. He doesn't see how this will help businesses or the property owners or the Town. It doesn't look anything like the way our present Village looks. Our present zoning when it allows for the extra density for sewer and water in this proposed area, pretty much solves that problem. He doesn't see that this does a better job. He doesn't see the development pressure now, the PDR came through a number of years ago and we saved an awful lot of land with that program. He expressed his concern with the proposed PDR that can be transferred elsewhere, that it could encourage the building of a lot more homes that our present zoning would allow and would make it more convenient for a larger outside developer to come in and do just that, ignoring all of our local developers which is basically how our development has proceeded in this Town. He thinks the problems can be worked out if the Board sits with the property owners. Presently, he doesn't see how this proposed zoning will alleviate traffic on Route 9 any better than our present zoning.

Councilwoman Strawinski said after their last meeting she thinks the Board heard loud and clear the necessity to take a little more time to listen to the stakeholders. She met with a small group of large land owners on Sunday and spoke a little to them about their concerns. She hopes they will come forward with a plan that they like and remedies to their concerns. We are moving in the right direction.

Councilman Colgan read the Comprehensive Plan – the Master Plan from about twenty years ago. It had a wonderful idea for the future of the Town. In putting the proposed zoning together they did their best to meet the objectives in that Master Plan. They moved it in the direction to do as much positive work towards that end and he is open to discussion about various aspects of it. The plan was put together with the purpose to save agriculture as industry in this Town and the TND was put together with the intent of supporting a more stable and dynamic business

environment and to allow an easier traffic flow by having alternatives to driving on Route 9. He hopes this will continue to evolve over the future. Having a vital business district is important to the future of the Town to make it a place where young people who were raised here can live here. He explained the different places he's lived over the years and the changes he's seen with the hope that it doesn't happen in Red Hook.

Councilman O'Neill explained that the Centers and Greenspace Plan was presented in 2009 to the Town Board; in the two year period it has been analyzed and evaluated by different levels of County, regional and State government. It has been applauded by many people and awards were presented for sustainable growth and smart growth principles. One has to think there has to be something good about this plan regardless of the local people who worked on it. When you look at people who have applauded it they point out certain things such as the ABD which would protect farmland from development and the TND which was crafted to be consistent with the Village of Red Hook to be complementary to it. We cannot afford a PDR program unless somebody comes up with creative ideas of how to do that. One of them was the Community Preservation Fund. Another tool is called incentive zoning that takes money from the developers. The money that comes from incentive zoning is put into a fund to help pay for development rights. It is not really creative thinking but is put together for a purpose. Negative responses are the only thing heard lately. He asked for anyone with a concern to speak to them about it. He tried to write down the specifics of people's concerns. Each concern can be dealt with easily. Some things have already been done and can be fine tuned. As a simple zoning document it seems to address what people have talked about in Red Hook for 40 years. Citizens want to keep the farmland for farmland. They want to protect the rural character of Red Hook. He told the processes available so farmers don't have to lose equity in their land. You cannot make long range zoning plans just for a particular segment of our society. It has to be measured to apply to everyone in the Town. He is comfortable with the plan as proposed.

PUBLIC COMMENT PERIOD

Supervisor Crane opened for public comments.

John Hardeman told the Board that we all care about this community and its future. How we get there and where we go with it is the problem. He has issues with the TND that is proposed. The Master Plan from years ago was focused on the Village center to keep the Village as it is. That is what makes our community have its charm. With the TND, moving businesses and development south down there in one area will pull from the Village. Traffic is definitely a problem but our traffic patterns and problems are not driven just by this community. It is driven by communities that drive through our Town to get to Kingston. The TND will have the Town built out faster than if the zoning was not touched at all. We've had three major boons in our Town in 60 years. Look at the total number of single family residences, the largest was in the 50's when Linden Acres, Forrest Park and Red Hook Estates went in and that was before zoning. We all know we need controlled growth but he cannot reiterate enough that the TND is not the way to go. When you take theory and put it into practicality, what you get is not what you hoped for. We have time to hash out the issues everyone has. His biggest concern is what the build out is going to be and no one can give true numbers. There are enough questions and not enough answers. We want the best for our Town. The TND will change the character of the Town and the character of the residents. As far as agriculture goes, there are so many issues the Town cannot resolve that the farmers have been fighting for years through the federal government. He appreciates the concern for agriculture.

Amy Dubin told the Board that Councilman O'Neill hit the nail on the head. Regarding the equity issue he said he knew that everyone was thinking about the value of the land to a developer and therefore if the agriculture land was down zoned then that value would be diminished. That is not what is going on in the agriculture district at all. It is not the value of the land to a developer it is the value of the land when you sell. The land is being farmed and reinvested in. It is happening because there is equity in the land and that value can be tapped. Regarding conservation, she explained the issues that the Planning Board deals with. Have confidence that people will do the right thing. She thinks it is not where we are right now. It is not a program that allows for a phasing of development rights. Financially she would not want to sell her development rights. You have to understand that everyone is in agreement on the goals for the Town. One of the Board member said they didn't understand why if you are in favor of the sale of development rights why you would be against the conservation zoning. It is simple because in one case you get compensated and in the other case it is taken away. It is pretty basic. Another thing that concerns her is that a Town cannot down zone for open space. You can do it for a lesser economic use. She does not think we all disagree with the goals, it is

just the message and the message does not allow for creativity the Town would be able to muster going forward.

Paul Fredricks worked on the original Master Plan. This proposed zoning affects many other people in the ABD who don't have farms. He gave examples. The proposed TND is a mirror image of what we have now as far the commercial aspect. The only difference is the high density for housing. Nothing has happened commercially on Route 9. We all agree to save farmland but you have to think about people and how it affects those people who live in the Town like Senior Citizens living on Social Security and young people trying to afford a house. You have to get back to people, and then you can get back on the right track and come up with a good plan

Robert McKeon distributed a handout (excerpts from American Farmland Trust publications). He said there is nothing in this proposal that would prohibit anyone from subdividing a home for their children. Every parcel in the proposed ABD has that opportunity at least one time if not several times. He referred to items in his handout about other towns in New York and random samples of other Towns regarding agricultural zoning. He also pointed out a New York State Planning Federation article.

Rosemarie Zengen commented that Councilman O'Neill has heard substantial reasons to oppose this rezoning. She FOILED the Town and this project cost us over \$250,000. We have a right to say what we believe and this proposal is not substantial and not factual.

Richard Rang represents Kirchoff Properties and Roger Hoffman, landowner in the proposed TND zone. In reviewing the draft zoning law they became aware that the base density allowed on Roger Hoffman's property is somewhat reduced than from the existing zoning. Mr. Hoffman hoped to develop his property in accordance with the Town's master plan zoning. The issue that came to light is under the existing zoning the property can support between 18 and 60 dwelling units. With the proposed zoning the property has a base density of approximately 23 units. Any additional units would have to be purchased through the incentive zoning program which in turn would reduce the potential to complete the transaction with Mr. Hoffman at a fair market value for his property. If the base density of the property were increased to something like 2 dwelling units per developable acre he would still be able to move ahead with the project. As it stands right now the cost effectiveness of the project is not there. They would like to develop the property in accordance with the comprehensive plan. Mr. Kirchoff and Mr. Hoffman understood that the property readily supported the base density.

Councilman Colgan said he's seen a number of plans that have numbers far from the numbers he just mentioned.

Mr. Rang would be happy to sit down with anyone and show them how he arrived at his numbers.

Al Trezza pointed out a couple of items. He read the NY State DEC's definition of wetlands. It is important when you talk about buildable acres because wetlands would be excluded. It is confusing in the proposed zoning law. He pointed out what needed clarification and used Mr. Biezynski's property as an example of the question he has about wetlands and buildable acreage. He thinks we should keep the current buffer for what we have regarding wetlands. The Purchase of Development Rights is predicated on buildable acres, not gross acreage. Councilwoman Strawinski asked why someone would be in favor of selling their development rights to Scenic Hudson. Scenic Hudson figures their buyout on 100% of the acreage. You are going to take out a whole host of areas of the property and potentially wind up with no buildable acreage. The limited development option says you don't take buildable acreage into consideration. He pointed out the section of the plan where that is stated. This needs some attention. This law needs some work. It is very complex and the subdivision process has to be streamlined. In his estimation this is exclusionary zoning.

Pete Hubbell referred to something Al Trezza said about the PDR program. PDR under appraisal is not contingent upon any kind of build out; it is based on gross acreage before and after an easement is in place.

Supervisor Crane asked if Robert Somers from New York State Ag. & Markets sent the review the Town requested.

Ken Migliorelli said they are still reviewing it because it is a very complicated document.

Al Trezza agrees with Pete Hubble regarding the sale of development rights. He read an excerpt from the proposed law regarding the conservation option and the purchase of development rights density bonus that affords a number of lots per buildable acre. It gave an example and he isn't sure what that means. He could interpret it in different ways. It is on page 69, section 149-39.1.

Charlie Laing said the language in the proposed zoning is trying to say is a direction to the appraiser to appraise the land as it is today. The appraiser looks at sales and does an analysis.

Al Trezza said you have to produce what is proposed as a yield plan. He read the section Buildable Acreage of the proposed law regarding surveying and appraising.

Paul Fredricks is trying to understand rezoning of the proposed office/industrial. It is losing a great deal and pointed out what was eliminated. He would like the Board to consider why all those uses have been eliminated in the office/industrial proposal.

Jim Stagias thinks some of the Board members have expressed the possibility of compromise. He made an overlay of the overlay. The Board is asking them to do something in seven days it took them seven years to do. He thinks it is going to take a lot more time. He watched an Omega conference on water. It would affect a lot of people and one of the people on that Board said there are problems with cluster development on water and septic. It said it had to be considered on case by case basis because the percolation and distance required are not the same. It leads him to believe that it may not be an option for some properties.

Amy Dubin researched sewers and the aquifer. You cannot safely build more than five units using a septic system. Is it actually feasible to do cluster housing without central sewer and told where she found the information.

Rosemarie Zengen asked if chambers will be closed after the meeting.

Supervisor Crane responded that representatives of the petition want to meet with her and Councilman Colgan after the meeting because they do not wish to be on tape.

Rosemarie Zengen would like Mr. Trezza to represent the businesses.

Supervisor Crane said that John Clarke will facilitate the meeting.

Al Trezza knows how Mrs. Zengen feels so he will be there on her behalf. He asked another question about the build out of the TND. He referred to a section in the proposed law. If the proposed sewer district is permitted what will the density of the TND become in regards to single family units or multiple family units. The proposed sewer district vote comes up April 8.

Councilman Colgan told him it will not change.

Supervisor Crane said there are considerations having to do with the kinds of units allowed and a developer has to take into consideration if they will sell.

Al Trezza said under the commercial center section (pg. 83) you have 8 units per acre and he asked if that included apartments or is it just businesses.

Councilman Colgan responded yes and 297 would be the cap.

Supervisor Crane said that Al Trezza, Amy Dubin, Ken Migliorelli, Rich Biezynski, John Clarke and Noela Hooper will meet with two of the Board members.

Paul Fredricks asked if the Board can discuss the 46 acres sometime.

Councilman O'Neill asked if the Board could pass a resolution that Greenplan start the finding statement.

Supervisor Crane does not know how we can direct them to start findings. There are still changes to be made.

Councilman Colgan said some findings have already been done and it is a matter of cataloging them.

Councilman O'Neill wants Michele Greig to begin the process.

Supervisor Crane asked Attorney Chale if beginning findings appropriate when there is so much discussion about change.

Attorney Chale understands that Michele is proposing to work on the background portion of the findings.

On a motion of Councilman O'Neill seconded by Councilman Colgan moved to have the Planner develop the findings statement.

Adopted	Ayes	3	Strawinski, Colgan, O'Neill
	Nays	2	Crane, Ross

On a motion of Supervisor Crane seconded by Councilman Colgan moved to adjourn the meeting at 9:03 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk