

RED HOOK TOWN BOARD MEETING

March 8, 2016

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

Present: Supervisor Robert McKeon
Councilman James Ross
Councilman Harry Colgan
Councilman William O'Neill
Councilperson Sarah Imboden
Town Clerk Sue McCann

Also Present: Attorney for the Town Christine Chale
Michele Greig, Greenplan Inc.

Supervisor McKeon called the meeting to order and opened with the Pledge of Allegiance.

SUPERVISOR'S REPORT

The Supervisor's report dated February 29, 2016 was read as follows: Opening balance - \$3,155,167.99; Receipts - \$507,754.90; Disbursed - \$689,295.95; Balance - \$2,973,626.94.

On a motion of Councilman Colgan seconded by Councilperson Imboden moved to accept the Supervisor's report.

Adopted Ayes 5 McKeon, Ross, Colgan, O'Neill, Imboden
Nays 0

Copy attached

Budget Adjustments

Supervisor McKeon referred to budget adjustments and pointed out the reserve account in the amount of \$113,648.00. In anticipation of the upcoming Town Hall Campus Improvement Project, it is requested that the HZ Capital Building Reserve be moved to the A Fund to help fund the project. Appropriate the reserve funds transfer and increase appropriation line: A0.03.1620.201 Buildings – Pave Parking Lot \$113,655.41.

On a motion of Councilman O'Neill seconded by Councilperson Imboden move to approve the budget adjustments.

Adopted Ayes 5 McKeon, Ross, Colgan, O'Neill, Imboden
Nays 0

Copy attached

TOWN CLERK'S REPORT

The Town Clerk's report for the period February 1 – 29, 2016 was read as follows: Total local shares remitted to the Supervisor - \$2,115.15; Amount remitted to NYS Ag. & Markets - \$50.00; Amount remitted to NYS Dept. of Health - \$22.50; Amount remitted to NYS DEC - \$28.34; Total State, County & Local revenue - \$2,215.99

Abstracts

December 2015: Vouchers 19696 – 19833; Total abstract – \$134,779.58

January 2016: Vouchers 19834 – 19916; Total abstract - \$259,538.04

February 2016: Vouchers 19917 – 20090; Total abstract - \$255,039.09

Copy attached

On a motion of Councilman Ross seconded by Councilman Colgan moved to accept the Town Clerk's report.

Adopted Ayes 5 McKeon, Ross, Colgan, O'Neill, Imboden
Nays 0

ANNOUNCEMENTS

Supervisor McKeon announced the following:

-Solarize Northern Dutchess launch event is March 17 from 6 – 7:30 p.m. at the Elmendorph Inn. If residents chose to participate in solar they can receive a 10% discount.

- Replacement of the Sawkill Bridge at Rock City (Routes 199 & 308) at Fork in the road. All traffic will be re-routed to Routes 9G and 308 going East and West in and out of the Town of Red Hook. Work is scheduled to begin on April 7 and anticipated to be completed sometime in August 2016. There will be a public meeting at Milan Town Hall.
 - Upper Route 9G advisory group will hold a public workshop on April 27 at Town Hall from 4 – 6 p.m.
 - Nancy Redkey has a Parkinson’s Awareness Month Proclamation that she’d like the Town to adopt.
 - Hudson River Valley Greenway will meet on March 23 at 10 a.m. at the Wallace Center at the FDR Library
 - DC Agricultural Society and Rhinebeck Farmer’s Market have scholarships for agriculture students from Rhinebeck and Red Hook.
 - Red Hook Film Festival – May 6 & 7
 - Town Hall restrooms renovations are complete.
 - Town Hall parking lot project is underway.
- Councilperson Imboden announced:
- The Ruth Oja Scholarship for Red Hook High School Senior is available again this year for any student interested in environmental studies.
 - Solarize Northern Dutchess launched on March 5, the next event is on March 17 in Red Hook Village Hall and there will be another workshop in Tivoli on April 2 from 3 – 5.
 - April 2 a 175th Anniversary of Montgomery Place celebration

PUBLIC COMMENT PERIOD

Supervisor McKeon opened for comments. There were none.

SEQRA – LOCAL LAW C (PROPOSED) ENTITLED “ZONING” – REVISED

Supervisor McKeon and the Board reviewed the Environmental Assessment Forms Parts 2 and 3 line by line. In regard to Part 2, number 10, Impact on Historic and Archeological Resources, additional answers were required and reviewed. The SEQRA status is a Type I Action. In Part 3 he suggested reading the negative declaration which incorporates specific language in order for the public to understand the rationale. The Planning Board met and reviewed the proposed action and submitted their determination. All information will be available at the Town Clerks Office and on the Town’s website.

On a motion of Councilman O’Neill seconded by Councilperson Imboden moved that the proposed Local Law is consistent with the Local Waterfront Revitalization Plan.

Adopted	Ayes	5	McKeon, Ross, Colgan, O’Neill, Imboden
	Nays	0	

Supervisor McKeon referred to correspondence from Dutchess County Planning. The Zoning referral was submitted to them and they concluded that the proposed zoning is a matter of local concern. The Planning Board also recommended two words being inserted. It will be discussed. Attorney Chale read the negative declaration.

RESOLUTION 2016 #18

RE: ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE FOR LOCAL LAW NO. C (PROPOSED) OF 2016, AS REVISED, REGARDING ZONING

On a motion of Councilman William O’Neill seconded by Councilperson Sarah Imboden moved to approve the resolution adopting the negative declaration as read by the Town Attorney.

Adopted	Ayes	5	McKeon, Ross, Colgan, O’Neill, Imboden
	Nays	0	

Copy attached

PUBLIC HEARING

Supervisor McKeon opened the public hearing. Town Clerk McCann read the public hearing notice. Notice was published in the official Town newspapers on February 26, posted on the Town’s website, posted in Town Hall, referred to Dutchess County Planning and the Town Planning Board. The notice, local law, and resolution were also e-mailed to both Villages, the Town and Village of Saugerties, Town of Milan, Town of Rhinebeck, Town of Clermont and the Town of Ulster.

Supervisor McKeon acknowledged correspondence from John Lyons, Kimberly Garrison, and Genevieve Trigg. Michele Greig will address some of the issues raised in the correspondence. He passed out excerpts from the comprehensive plan that addresses language calling for the need for this type of legislation and addresses development within the commercial area adjacent from the hamlets. He also provided an additional handout on historic districts in the United States.

PUBLIC COMMENTS

Supervisor McKeon opened for comments.

Norman Greig opened by saying he missed Rosemarie Zengen because she took the lead when she didn't agree with something. He went on by saying he takes exception, as a second generation farmer, with a zoning code that states where farmers, farm principals and farm workers can live and where they can't live. It seems inappropriate and prejudice. Secondly, he addressed the fact that this Board is in denial about the Planning Board. The Planning Board and the ZBA want blank checks when you start and the Town has a zoning code so complicated that no one can understand it without experts present and they are billed directly to the applicant. That is not right. The third point is to expand significantly the purview of the Planning Board before you fix this problem, is again, not right. He has a problem with a committee of lay people telling an owner what to do in some instances.

Peter Hubbell presented a letter to the Board and highlighted some of its points. He walked through Upper Red Hook on Saturday. It has an interesting mix of housing, is a very working class neighborhood and has been for well over 200 years. The property owners have done a good job in maintaining their properties. 50% of the homes have vinyl, aluminum or manufactured siding that does not pre-date 1900. How is that historical? Are you going to tell these homeowners that they have to replace their siding? Upper Red Hook does not want to be a museum. Homeowners can figure out what to do with their property without a Town committee or Board telling them what kind of windows, roof, door, trim they should put on their house. That is overreach. The existing zoning does not mention the overreach. It is unconscionable. He doesn't understand how in SEQRA the Board can say there is no impact on values (home). How can you say that without a study? Now you have a Town committee telling you what you can or can't do to your house. You are going to have to have higher priced items, architect fees, higher costs to maintain your house. Now we have solar. Is there historical solar? It doesn't make sense and he asked that the Town take out the part of the zoning that has to do with doors, windows, etc. We don't need it in Upper Red Hook. Residents are surprised at this. At the very least we should have more input. In regard to the hardship clause, you are asking a homeowner to turn over potentially confidential financial information to prove it. He thinks the whole thing needs to be thought over and re-written.

Ellen Allard has lived in Red Hook all her life and asked who is going to foot the bill for all of this? Most of us cannot afford the materials. Who will foot the bill to check on this? It is one more thing we have to pay for. She is starting to think it is time to get out of Red Hook.

Garth Burger agrees with Pete Hubbell 100%. He added that when you are subject to extra requirements, a homeowner will throw up their hands and say they are not going to bother and do nothing which is worse. Rather than taking care of their property they say it's too much of a hurdle. He thinks that is an important matter.

Dominic Tampone concurs with the others and feels this law is overreach. The intention might have been a good idea, but where you end up is dramatically different. This is a financial burden, it is overreach about what local government can and cannot require of us, and from a regulatory standpoint he has concerns about people disclosing their financial information. The burden is enormous. The overall sense is that people are concerned this is overreach of local government. Regarding notification, he feels it did not include the B1 district and it doesn't include the word 'motel' but it does mention hotel and inn. He is looking for full transparency. The public should have the opportunity to review and understand. It is important to understand how it impacts people. The Town website was very well done but the link didn't work until today. He also said that it was in a local newspaper once this time but wasn't previously published. He contends that the addendum on the website was the old addendum that does not include the new wording of the new law. Overall publication was questioned. What law is being voted on? Why is he bringing this up? Transparency is his concern. We are inviting all kinds of unnecessary expenses to the Town.

Councilmen Colgan and Ross want to leave the public hearing open until after the public hears from Michele Greig. The Board agreed to keep it open.

Supervisor McKeon asked Michele Greig to respond to comments.

Michele Greig responded to correspondence received from attorneys. She stressed that there is no intensification of the B1 district that is proposed. The proposed local law slightly reduces density of lodging in the B1 district. She explained the difference in the proposed local law. She

stressed that the B1 district is permitted more than one principle building or use. She gave an example. A health spa is currently allowed in the B1 district, and she explained the purpose of providing a definition. Parking in the B1 district already has required setbacks for off street parking. There has never been a cap on the number of guestrooms in the B1 district and it is not proposed in this local law. Allowed are 8 guestrooms per acre of property. The B1 district is not the focus of this law. The focus is on historic preservation. With regard to a specific application for a hotel or motel in the B1 district the preparation of this commenced in 2012. The local law does not affect that application except for slightly reducing permitted density of that lodging facility. That proposal before the Planning Board is independent of this action.

Supervisor McKeon began to address the comments from the public hearings. He referred to the handout. Our comprehensive plan calls for us to have an ordinance such as this to protect historic resources within our Town. It is required by law to have a provision for hardship. In reference to the concern about property values, property values within historic districts throughout the nation are actually valued higher. Historic districts throughout the nation also have varying degrees of preservation regulations. He gave examples. Our law is about as gentle a way to propose to review the structures. We don't tell you what to do, it allows an advisory committee to look at alterations unless going with like kind of repairs. It is only if significantly altering, demolishing or building anew in the district. Regarding the need to have more expensive features to this home, it is not in this law. We are not looking for people to upgrade their buildings. It is to protect the historic district in the Town.

Councilperson Imboden added we are not asking for upgrades or expensive replacements on properties. We paid careful attention to the cost of application. The Task Force decided that the initial application process would have no cost. Paint color was brought up and there is no guidance in the law for the Design Review Committee. It is up to them to work with the homeowner to decide what is appropriate for each project. A lot of thought was put into this law and they tried to make sure it doesn't cause undue financial burdens to people.

Councilman Colgan explained building permits and how the Design Review Committee would work with a homeowner. It has been a positive factor for many residents who've done work on their homes.

Councilman Ross commented that many of the things in the proposed new law are already in place. His problem with this is that every time we try to control more, it never makes it smoother or cheaper for an applicant. He's never seen it simplify the process, he's seen it make it more complicated. If things are working, he doesn't see the need to add another layer.

Supervisor McKeon explained the primary focus is to extend the language as required in the comprehensive plan. We would have to amend our comprehensive plan if we go in a different direction. He spoke about other issues in the B1 district and asked for patience to consider requests that were addressed previously.

Pete Hubbell commented that in real estate it is "location, location, location". He is in favor of a lot of historic preservation and thinks there should be architectural review for any additions on homes so they are in keeping with the community. But what we don't need is specific new requirements. If he had to replace his roof with 'like kind' he couldn't afford it. He agrees with Councilman Ross that if you add another layer, it adds a layer of cost. He is concerned about specific wording in the proposed local law. Take some of the words out he wouldn't have an objection to the proposed law. He recommended making revisions before voting on it.

Supervisor McKeon said we are rarely accused of not having enough specificity. There is sensitivity to some of the concerns raised. Many comments relate to a perceived requirement of expending funds. We made the process shorter and simpler. This law is to make sure something inappropriate doesn't happen.

Pete Hubbell commented that once you start getting so specific, where does it end?

Rich Biezyński suggested that something be stated so that when an applicant goes to a committee they don't have to go through an expense. It seems that there is a misunderstanding.

Pete Hubbell explained there is an interpretation problem. Don't be so specific.

Supervisor McKeon said we will take suggestions and address them immediately. We took 4 ½ years to write this from start to finish.

Paula Schoonmaker reassured people that there is nothing in this law that says you need an architect and sketches were fine. There were three fairly substantial projects on her street and only one of those required an architect. It is a discussion not a dictatorial thing.

Supervisor McKeon explained some of the positives. He asked people to keep an open mind. This law is designed to protect some of our historic heritage.

Dominic Tampone appreciates the forum and the Supervisor's comments from the standpoint of understanding our concerns. Overall concern is there is a degree of ambiguity in the law. The

intent is good, but he urged the Board not to vote on this yet. Leave it open because it still needs a little work. There has to be some form of consensus.

Kim Garrison thanked the Board for extending the public hearing for people to have a chance to digest the local law. The main focus is historic preservation and in terms of lodging uses it is why we are so concerned. We respectfully disagree with the issue of lodging in the proposed local law. Our interpretation is different. She shared her concerns with various uses. There are changes and she asked the Board to consider those changes and the impact on the neighbors. She thanked the Supervisor for addressing concerns. She asked that notice be sent to neighbors who will be impacted in order to provide more transparency

Rich Biezynski spoke about intent of the law. What was the Board's intent?

Supervisor McKeon explained the preamble to the law. It does articulate the purpose of the law. He asked if the Board wanted to close the public hearing.

On a motion of Councilman O'Neill seconded by Councilperson Imboden moved to close the public hearing.

Adopted	Ayes	5	McKeon, Ross, Colgan, O'Neill, Imboden
	Nays	0	

Supervisor McKeon thanked everyone for participating. We want everyone to feel their voice is being heard. He doesn't agree that lodging has been the focus of this legislation.

Councilman O'Neill read the resolution.

RESOLUTION 2016 # 19

RE: AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF RED HOOK OF LOCAL LAW C (PROPOSED) OF 2016, AS REVISED AS LOCAL LAW NO. 1 OF 2016

On a motion of Councilman William O'Neill seconded by Councilman Harry Colgan moved to approve the resolution.

Adopted	Ayes	4	McKeon, Colgan, O'Neill, Imboden
	Nays	1	Ross

Copy attached

CONSIDERATION OF RESOLUTION APPROVING NEGATIVE DECLARATION REGARDING NYS RT. 9 SIDEWALK IMPROVEMENTS PROJECT (TAP GRANT)

Supervisor McKeon said we are at the point where we need to do some SEQRA work. He referred to information in the Board's packets.

Attorney Chale reviewed the full EAF with the Board. It is a Type I action because of its proximity to St. Margaret's Home.

Councilman Colgan read the resolution.

RESOLUTION 2016 #20

RE: ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE REGARDING NYS ROUTE 9 SIDEWALK IMPROVEMENTS

On a motion of Councilman Harry Colgan seconded by Councilperson Sarah Imboden moved to approve the resolution.

Adopted	Ayes	5	McKeon, Ross, Colgan, O'Neill, Imboden
	Nays	0	

Copy attached

REORGANIZATION 2016

Councilperson Imboden will reach out to Lisa Foscolo about a position on the Planning Board.

CENTRAL HUDSON REQUEST TO REPLACE STREET LIGHTS WITH LED LIGHTS

Supervisor McKeon explained that Central Hudson wants authorization to replace streetlights with LED's when needed. He will ask Pat Courtney from NYSERDA to give a presentation to compare options. Mid-Hudson Streetlight Consortium could help the Town reduce the cost if the Town takes over ownership.

Councilman Colgan asked what the boundary is between what we own and what they own. Supervisor McKeon answered that is what will be explained in the presentation. He will ask Denis Collet to work with Pat Courtney to do a presentation.

ADOPTION OF CREDIT CARD POLICY – HIGHWAY DEPARTMENT

Supervisor McKeon asked Councilman Colgan for an update. Councilman Colgan has been talking to Highway Superintendent Theresa Burke. The intent is to get a credit card for the exclusive use by the Highway Superintendent to make purchases for parts at a savings. It would be easier to use a credit card rather than go through the process of reimbursement. It will be well controlled and reviewed by the Town Board and the Purchasing Agent. He will have information at the next meeting. Councilperson Imboden clarified her comments regarding credit card use. She suggested that a Department Head could potentially have a credit card. Saying Department Head gives us more latitude in the future. Councilman Colgan has looked into other Town’s policies. Our Highway Superintendent is the only person who needs it right now. We can expand it if needed. He will speak to Theresa.

CORRESPONDENCE

Supervisor McKeon shared the following correspondence:
-D.C. road salt bid for the 2016-2017 winter season. There will be a meeting for Towns on March 25 at 9:00 a.m. to review the County bids to see if we are interested.
-DOS training on April 6 regarding planning and zoning. Village of Tivoli is going to have a session for their ZBA on March 27.
-Executive Director Lucy Hayden resigned from Winnakee Land Trust, the new director is Gregg Swanzey
-D.C. Emergency Management will do a citizens disaster preparedness training on March 30, at the Red Hook Firehouse in the evening. Sign up with the Town Clerk.

PARKINSON’S AWARENESS MONTH PROCLAMATION

Supervisor McKeon explained the resolution.

RESOLUTION 2016 #21

RE: PROCLAIMING APRIL AS PARKINSON’S AWARENESS MONTH IN THE TOWN OF RED HOOK

On a motion of Supervisor Robert McKeon seconded by Councilman James Ross moved to approve the resolution.

Adopted Ayes 5 McKeon, Ross, Colgan, O’Neill, Imboden
 Nays 0

Copy attached

On a motion of Supervisor McKeon seconded by Councilperson Imboden moved to go into executive session at 9:55 p.m. for the purpose of the hiring/firing of a particular individual.

Adopted Ayes 5 McKeon, Ross, Colgan, O’Neill, Imboden
 Nays 0

On a motion of Councilperson Imboden seconded by Councilman Colgan moved to close the executive session at 11:12 p.m.

Adopted Ayes 5 McKeon, Ross, Colgan, O’Neill, Imboden
 Nays 0

On a motion of Councilperson Imboden seconded by Councilman Colgan moved to adjourn the meeting at 11:14 p.m.

Adopted Ayes 5 McKeon, Ross, Colgan, O’Neill, Imboden
 Nays 0

Respectfully submitted,

Sue McCann, Town Clerk