

Public Hearing

A public hearing 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 on September 5, 2006 at 7:00 p.m.

Present Supervisor Marirose Blum Bump
 Councilman James Ross @7:20 pm.
 Councilwoman Sue Crane
 Councilwoman Jean Bordewich
 Councilman Harold Ramsey
 Town Clerk Sue McCann

Supervisor Blum Bump opened the meeting with the Pledge of Allegiance. Supervisor Blum Bump read the Public Hearing notice for Tim and Irene Hourihan, and section 6 of Local Law #2, 2006. Supervisor Blum Bump also read the letter from the Hourihans requesting relief from the moratorium parcel number 6372-00-443908-0000.

Richard Frankel, Attorney for Tim and Irene Hourihan, gave a brief overview of why they were seeking relief. The Hourihans purchased the property in September of 2004. The property consists of approximately 26.865 acres. They built their home with the intent to subdivide. They are in RD 3 which permits subdivision of no less than 3 acre lots. Shortly after they purchased the property they retained an engineer and surveyor to begin working on a subdivision plan and a sketch map was proposed in October of 2005 to the Planning Board which consisted of 5 lots. Based upon comments and sight plans, another sketch plan was submitted keeping the 5 lot proposal. In April or May of 2006 a sketch plan for cluster development was submitted. It was to be on the June 2006 Planning Board meeting, but the moratorium did not allow them to go ahead. They have expended \$550,000 for the property expecting to be able to subdivide, and have incurred about \$17,000 in fees. The land is not currently farmed – it's been more than 15 years since it was. They are maintaining significant agriculture lands with cluster development. The longer they wait the costs will cause an additional financial hardship and they feel this is an unjust result given how far along they have been in the process.

Attorney Frankel presented the following documents to Town Clerk McCann

- Copy of sketch plan application
- Copy of the May 31 letter from the Planning Board
- Copy of the deed to the property
- Copy of the Hourihans request

Supervisor Blum Bump asked if there are any buildings or structures on the property.

Mr. Hourihan answered just a small shed and his own residence.

Councilwoman Bordewich asked if the residential lot has been subdivided already.

Mr. Hourihan answered no.

Supervisor Blum Bump asks how many lots it will be subdivided into.

Mr. Hourihan answered that the Planning Board wants him to do a cluster, there are 7 lots in a cluster, plus his own home would be 8. That would not be his first choice though. When Councilwoman Bordewich asked what his first choice would be he answered that it would be to do 4, four and a half acre parcels and his own house, making 5 houses. He'd rather have 5 instead of 8.

Mr. Hourihan said that there are no violations on his property and that they are in compliance. This would be the full build out of that parcel. The Hourihans purchased the property because they knew they could subdivide. We paid more money for this property because it could be subdivided; meanwhile I'm carrying a larger mortgage and have engineering, surveying and accounting fees.

Councilwoman Bordewich asked Mr. Hourihan to show where his property is in the map.

Mr. Hourihan would like only 4 lots in the woods however the Planning Board is asking him to cluster with 7 lots. If that is what they want, that's what I will do.

Councilwoman Crane asked if Mr. Hourihan preferred a 4 acre subdivision plus his lot, but because he was asked to cluster, they are looking at 7 lots plus his lot. Is that from an economic point of view to make it affordable? What will be the value of the homes to be built? The answer to her was \$450,000 to \$650,000.

Councilwoman Crane...so your sketch plan approval date is on hold.

Mr. Hourihan replied yes.

Councilwoman Crane asked about the problem of gifting their land.

Mr. Hourihan answered that he originally had a lot he wanted to give to one of his children. And right now I can't do anything with that.

Supervisor Blum Bump... you don't want to give it to one of your children now, it's not for anything in the present, it's because you are afraid that if the zoning changes, you won't be able to do your project. She asks if there are other reasons why they feel they are entitled to relief from the moratorium.

Mr. Hourihan...I believe we have presented everything.

Councilman Ramsey...you have been in front of the Planning Board three times already, the third time with your seven lot subdivision, the second time was with your shared driveway asks why with your original five lot subdivision they didn't go directly to cluster development after the first time to the Planning Board, didn't the Planning Board make that recommendation to them.

Mrs. Hourihan...no

Councilwoman Bordewich clarified that they do not have sketch plan approval at this time and asked if the Ag and Open Space Committee finished their review. She also asked if they have any correspondence from the Planning Board indicating that they are coming back with what they want. The financial hardship is the carrying cost of this. The moratorium is up in only 2 more months.

Mr. Hourihan states that they can't proceed because of the moratorium and have expended a lot of money already.

Councilman Bordewich asks Mr. Hourihan what he has done on the project since the moratorium was passed.

Mr. Hourihan...we can't do anything with it we have to wait to go in front of the Planning Board again.

Councilman Ross...I missed the beginning of the public hearing however I am familiar with the property and have been to a lot of Planning Board meetings and familiar with what they are doing before the was brought to a halt by our moratorium so I have no questions at this time.

Privilege of the Floor:

Rosemarie Zengen, Save Our Town Committee questioned the validity of the moratorium. I don't know if the Hourihans hardship is factual or not but I do know that there is a moratorium in place and the only two gentlemen who voted against the moratorium are Dr. Ross and Mr. Ramsey. What is good for one should be good for all. If this Board received incorrect legal advise on having this moratorium than that should have been addressed, but as far as I am concerned there is a moratorium in place and Mr. Ramsey and Dr. Ross did not vote for that moratorium and what's good for one must be

good for all. If that's what the majority of the Board voted for then you have to stick to it. If it was incorrect for you to pass a moratorium, if there was not justification, however I believe there was, if you believe there was justification you have to stand up and say no more. I know how Dr. Ross and Mr. Ramsey will vote there has been no question however that what they have said from day one. I applaud Dr. Ross and Mr. Ramsey for standing by your guns.

Ann Worrick...I agree with that I am for the moratorium. I have a few concerns besides the moratorium. I fear this project will impact our property negatively. We will become a commercial zone because the Hourihans will be advertising his homes. It will make people drive more on our roads. They drive much too fast on our country road. What will the impact on the water table be? What will happen to the pond? Where does the septic and leach field go? What is the financial hardship? Financial hardship is not the amount of money spent on this land. This is not our problem. We can't worry about people over extending themselves. That's not a real financial hardship.

Michael Rohatyn... feels that Mr. Hourihan is a very prosperous man who has built a large home with a swimming pool. The moratorium is to reign in subdividing. The moratorium is giving us time to rethink the direction this town is taking. He urges the Board to focus on the problems drifting around us.

Robert McKeon speaks as a neighbor, not as a member of the Ag & Open Space Committee. His farm is adjacent to the Hourihans. He hayed their land for several years prior to their purchase. Their land has access to a portion of his farm. The moratorium hardship provision is for a landowner who has financial strain they can't bounce back from. It's not to be used as a convenient loophole for preferential treatment for anyone who may have incurred some expenses in hoping to subdivide their property. The impact must be analyzed. The McKeon's raise cattle and horses and more neighbors would make them have to reassess farming their land. He is concerned that the pond and stream will become polluted because of septic systems.

Paul Vosburgh, co-owner of Kesicke Farm, said that the important thing is that Mr. Hourihan is a builder and that needs to be taken into account for his application for relief. Many of us have made decisions based upon the current zoning and to change that mid course when one has money invested does require that the Board considers relief.

Noreen VanValkenberg said that adding 7 new homes will drastically impact the farming activities in this area. Consider another way, maybe a PDR for this property.

Sam Harkins said that he and his wife wanted an equestrian center and were turned down so they subdivided. He stated that farm animals will create more problems with the water than the homes will. He has had horses for about 12 years and never had horses get out. If you have proper fencing you can keep them in. He doesn't see a problem if the subdivision is done properly.

On a motion of Supervisor Blum Bump, seconded by Councilman Ramsey, moves to close the Public Hearing.

Adopted	Aye 5	Blum Bump, Ross, Crane, Bordewich, Ramsey
	Nay 0	

Respectfully submitted,

Susan McCann