

**RED HOOK TOWN BOARD MEETING**

**April 10, 2018**

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 Harry Colgan  
Councilman William O'Neill  
Councilperson Sarah Imboden  
Councilperson Christine Kane  
Town Clerk Sue McCann

Also Present: Attorney Christine Chale

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

**SUPERVISOR'S REPORT**

The Supervisor's report dated March 31, 2018 was read as follows: Opening balance - \$4,032,265.39, Receipts - \$4,496,616.71, Disbursed - \$1,347,672.62; Balance - \$6,451,209.48  
The revised reports for December 2017, January 2018 and February 2018 were presented but not read.

On a motion of Councilman O'Neill seconded by Councilperson Imboden moved to approve the Supervisor's reports.

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

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Supervisor McKeon pointed out budget adjustments for January, February and March of 2018.

On a motion of Councilman Colgan seconded by Councilman O'Neill moved to approve the budget adjustments.

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

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**TOWN CLERK'S REPORT**

The Town Clerk's report for the period of March 1 – 31, 2018 was read as follows: Total local shares remitted to the Supervisor - \$1,267.54; Amount remitted to NYS Ag. & Markets - \$48.00; Amount remitted to NYS Dept. of Health - \$67.50, Amount remitted to NYS DEC - \$188.96, Total State, County & Local revenue - \$1572.00

On a motion of Councilperson Imboden seconded by Councilman Colgan moved to accept the Town Clerk's report as read.

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

**ANNOUNCEMENTS**

Supervisor McKeon announced the following:

-Red Hook Community Center invites everyone on Saturday, April 28 from Noon – 4:00 pm for their first anniversary celebration.

-Building Department reminds residents that swimming pool regulations will be posted on our Town website.

-Four Eagle Scout candidates, Jack Hobson, Ethan Husted, Patrick Murphy and Chapman Odlum, completed various projects. There will be a ceremony in a few weeks to honor them.

Councilperson Imboden reminded residents of the Town wide clean up on April 21 from 2 – 4 pm starting at the Community Center.

**PUBLIC HEARING**

**HARDSHIP WAIVER APPLICATION – LOCAL LAW #4 2017**

Supervisor McKeon explained that a resident is logging some acres in order to build on a property on Budds Corners Road. They are selling the wood from the property which triggered

the Building Department to inform them of the twelve month moratorium on large scale commercial extractive operations in the Town. The residents requested a waiver from the provisions of the moratorium.

Town Clerk McCann read the Public Hearing notice.

Supervisor McKeon opened the Public Hearing at 7:46 p.m.

Christy Weiboliski, Architect for Tinnie Chan Sassano, reiterated that she is removing trees to build her home and is not doing a large scale extractive operation.

Ken Migliorelli asked what prompted this.

Councilperson Imboden explained that timber harvesting falls under the moratorium.

Ken Migliorelli has a 50 acre wood lot that he will do wood lot management on in a few years.

Supervisor McKeon said the moratorium was put in because we have no zoning regarding large scale extractive operations. We are trying to get reasonable language together. The DEC has regulations but we are trying to see if there are voids in order to protect our natural resources.

Attorney Chale reminded the Board that the moratorium does not apply to timber management or forest management plans. It is excluded from the moratorium.

There were no more comments.

On a motion of Supervisor McKeon seconded by Councilwoman Kane moved to close the Public Hearing.

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

### **PUBLIC COMMENT PERIOD**

Supervisor McKeon opened for comments.

Ken Migliorelli referred to a letter he submitted dated April 10, 2018 regarding Freeborn Lane, clarifying some topics. This has never been a seasonal gate, it was decided to close the road due to an enormous amount of garbage being dumped, and it was intended to be kept closed. There are no adjoining land owners inside the gates, no one was blocked in when W. Kerley Corners was not passable on the west end due to a downed tree, and the Village of Tivoli has been notified. They provided a letter stating what they expect if and when the road changes ownership.

He made recommendations in reference to Freeborn Lane closure and ownership. Those include title search and any necessary documents completed at the cost to Ken, have the road land be attached to the parcel #6274-00-536936, 16.91 acres, and have easements attached to the new parcel stating the request of the Village of Tivoli and allowing Northwind Farm access to Lasher Road.

Supervisor McKeon explained that the Town Attorney will develop a list of requirements. We would not be involved in the subdivision of the land.

### **DISCUSSION/RESOLUTION APPROVING WAIVER APPLICATION – LOCAL LAW 4 OF 2017**

Supervisor McKeon read the resolution.

#### **RESOLUTION 2018 # 18**

RE: AUTHORIZING THE WAIVER FROM THE PROVISIONS OF LOCAL LAW 4 OF 2017, A LOCAL LAW PLACING A TWELVE MONTH MORATORIUM ON LARGE SCALE COMMERCIAL EXTRACTIVE OPERATIONS IN THE TOWN OF RED HOOK, FOR A SINGLE FAMILY HOME SITE PLAN

On a motion of Councilman William O'Neill seconded by Councilperson Sarah Imboden moved to approve the resolution.

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

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### **PRESENTATION – LOCAL LAW C OF 2018, ZONING AMENDMENT – FOOD TRUCKS, DRIVE-THRU AND FORMULA BUSINESSES, HAMLET BUSINESS, TND-CC: SPECIAL PERMIT USES**

Supervisor McKeon introduced our Planner, Michele Greig from Greenplan, who was in attendance to give a presentation regarding zoning. He referred to a draft of Local Law C of 2018 which addresses uses in various commercial districts within the Town.

Michele explained that for the past two years the Town has been reviewing commercial uses in various commercial business districts to make sure they are consistent with the comprehensive plan. She gave a brief overview of what is included in the local law. She asked residents to review the Local Law and familiarize themselves with it. If there are questions, she asked that they be put in writing so that she can respond to them. Her presentation was a summary of the five main items addressed in the Local Law, those being food trucks, the Hamlet Business District, Drive-Thru Businesses, Formula Businesses and Auto-Oriented uses. Currently, there are no provisions in the Town regarding food trucks. The proposal is to include a chapter entitled 'food trucks' which will be allowed in the AB, I, B1, B2, TND-CC and TND-OI districts. They would require a permit from the Zoning Enforcement Officer. It is primarily focused on private property, minimum ½ acre lot, a seasonal permit (9 months) would be required, or a daily permit (3 consecutive days). They would be allowed from March 1 through November 30. Other requirements would include a maximum of three food trucks per lot at a time, a maximum size of 256 sq. feet, side and rear setbacks for the district, minimum of 5 feet front yard setback, and 150 from an existing restaurant. Outdoor seating is allowed, no outdoor lighting, tents or amplified sound or loudspeakers, trash receptacles will be required, and no food preparation allowed outside of the food truck. There will be two exemptions, and those are catering special events on private property in any district, and special events on public property. She pointed out the different districts on a zoning map. The proposal is to create a new district, called the Hamlet Business District (HB District). She explained the scale, uses and setbacks of various districts, and the uses that would be allowed in the HB District. She moved on to Formula Businesses, also known as franchises or chain businesses. She highlighted community character, and impact on tourism. It was noted that local businesses had a greater positive impact on economic growth, job quality, and local tax revenue and community character. She reviewed Drive-Thru Businesses and Auto-Oriented uses.

Supervisor McKeon announced that the presentation will appear on the Town's website. He suggested setting a public hearing in order to get feedback for the May 8<sup>th</sup> meeting.

Councilman O'Neill was in agreement with setting a public hearing.

Councilwoman Kane also agreed.

Councilperson Imboden wants to let people know how to comment now if they have any thoughts regarding the issues.

Supervisor McKeon said if anyone wants to send comments they can send them to Town Clerk Sue McCann or him.

Councilperson Imboden asked since we haven't discussed this as a Board, why would food trucks not be permitted in the new HB district. It seems that it would be a good spot for the trucks.

Michele didn't have an explanation. She thinks it might just have been overlooked. That would be a Board decision and she would be happy to change it.

Supervisor McKeon thinks they should be allowed in the HB. He asked the Board members if that should be amended.

Councilman O'Neill would like time to consider it.

Councilwoman Kane read the HB district in the zoning proposal.

Councilperson Imboden thinks intent should include mention of the highway. The business district is on a highway (State road).

Supervisor McKeon clarified that the district used to be called the Highway Business District many years ago. We are trying to take into account, the surrounding areas.

Councilperson Imboden referred to signage for food trucks. There might be situations where you want signs pointing out the location of food trucks. Should configuration of signs be changed?

The Board discussed the types and sizes of signs for food trucks.

Councilman Colgan said they had too many concerns about signs and we should be very careful.

Supervisor McKeon said our signage zoning is very outdated and should be looked at.

Councilperson Imboden thinks that signage exceptions should be made for food trucks.

Councilwoman Kane gave an example addressing signage for food trucks.

Councilperson Imboden is concerned that signage is too arbitrary. She gave an example.

Councilwoman Kane explained that the clearer we can be the better for implementation or enforcement.

Councilwoman Imboden asked why multi-family dwellings are allowed in the HB District, but single family dwellings are not. Why not allow day camps, community residences and commercial nurseries.

Supervisor McKeon explained that commercial nurseries are really intensive uses. Multi-family dwellings are allowed because of structures within that district are suitable for adaptive re-use.

Councilwoman Imboden asked again, why not a community residence.

Michele explained that they focused primarily on commercial uses. The residential uses are almost identical to the B-1. If you allow too many residential uses in the business districts you might create a land use conflict which discourages use of commercial districts.

Councilman Colgan commented that some community residences have full time staff.

Councilperson Imboden feels that being on Route 9 would be ok. She asked if anyone had thoughts about day camps.

Councilman Colgan would be concerned about safety and traffic.

Supervisor McKeon would be concerned about the impact on neighbors.

Councilperson Imboden commented that the State regulates camps. She asked for clarification about a True Value or an Agway, will it be outside of our definition of a formula business.

Attorney Chale will have to review that. She is not as familiar with the text of the draft.

Councilperson Imboden is concerned about the way the definition is worded.

Supervisor McKeon will set the Public Hearing for May 8 at 7:35 p.m.

Councilperson Imboden asked if we can wait to set a public hearing on a different draft with the proposed zoning changes.

Councilwoman Kane said we would want to get all of the public comments at one time.

Supervisor McKeon commented that it can be amended and we want to get all comments. He agrees with Councilwoman Kane. The consensus is to move forward and get more public input. They reviewed Part 1 of the EAF.

Councilman Colgan is concerned that these laws are going into one action and should be considered separately as individual laws rather than four in one. He objects to the idea of voting for four laws with a single vote.

Supervisor McKeon takes the opposite view, these are all commercial uses and it tries to make commercial uses more compatible. He reviewed the description of the full action of the Coastal Assessment prepared by our Planner.

Councilperson Imboden would prefer discussing the issue before moving ahead with the process. Councilman Colgan agrees.

Attorney Chale explained that the Board is not making a SEQRA determination tonight; you are taking the action as a Type I Action.

Supervisor McKeon said this has been worked on for a while.

Councilperson Imboden answered that it has not been worked on in public.

**RESOLUTION 2018 #19**

RE: CLASSIFYING ACTION AND ESTABLISHING LEAD AGENCY TYPE I ACTION

On a motion of Councilwoman Christine Kane seconded by Councilman William O’Neill moved to approve the resolution.

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

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Supervisor McKeon referred to the resolution setting a public hearing date for May 8 at 7:35 p.m. The public hearing can be continued as needed.

Councilperson Imboden thinks this should be discussed further. It is already out to the public and can be out without having a public hearing. Sometimes the only way they can access a document is to witness the Board discussing it. There has been no opportunity for the Board to discuss or make changes to the draft in public. In the past, we discuss laws in public before setting a public hearing. If we do make changes based on comments, we have to re-notice it, re-set a public hearing and those are all barriers to making changes. She is not in favor of setting a public hearing at this time.

Councilman Colgan agrees.

Supervisor McKeon asked for changes to be submitted at the last meeting and none were.

Councilperson Imboden said it wasn’t discussed at our last meeting.

Supervisor McKeon said we are just soliciting comments with this resolution.



**RESOLUTION 2018 #22**

RE: AUTHORIZING AN EXTENSION TO T&B ENGINEERING, P.C.  
AGREEMENT FOR PROFESSIONAL SERVICES TO INCLUDE PROFESSIONAL  
SERVICES REGARDING HOFFMAN TND

On a motion of Councilwoman Christine Kane seconded by Councilman William O’Neill  
moved to approve the resolution.

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

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**REORGANIZATION**

Complete Streets Committee

On a motion of Councilman O’Neill seconded by Councilman Colgan moved to appoint  
Jen Cavanaugh as Chair, Roger Husted, Theresa Burke, Ted Fink and Cat Viega for terms to  
expire December 31, 2019

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

LWRP

On a motion of Councilman O’Neill seconded by Councilman Colgan moved to appoint  
Emily Majer, Paula Schoonmaker, and Amy Husten to the Local Waterfront Revitalization Plan  
(LWRP) Committee for terms to expire December 31, 2019

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

Town Clerk McCann reminded the Board that we have to appoint someone to the Board of  
Assessment Review. They need training and we just received another letter from D.C. Real  
Property in regard to that Board.

Supervisor McKeon hadn’t heard from someone he thought would be interested and he asked for  
letters of interest.

Town Clerk McCann also asked about groups that have not been active. Can they be eliminated?  
The Intermunicipal Shared Service Highway Working Group hasn’t met since 2009; also the St.  
Margaret’s and the Zoning Review Committee have not been active in years.

Supervisor McKeon doesn’t want to eliminate any of them yet. He asked for letters of interest  
from anyone who’d like to serve on those committees.

**DISCUSSION – HIGHWAY PAVING PROJECTS 2018/2019**

Supervisor McKeon received correspondence from Theresa Burke, our Highway Superintendent,  
in regard to road paving.

Highway Superintendent Burke read the letter asking for authorization to go out to bid for paving  
on Kidd Lane, Sengstack Road and Stonybrook Road. She read the length and width of the  
projects which add to 2.5 miles. Grouping the roads in the bid will save time and money. The  
roads were listed as deficient by the Cornell Pavement Evaluation.

Councilman O’Neill asked about the bridge in that area. Will it impact the paving?

Highway Superintendent Burke told him it will have no impact on the paving. She is waiting for  
the Town Board to start a discussion about what to do about that bridge. There is an engineering  
and funding issue.

Councilwoman Kane asked about the bid involved and the height of the shoulders.

Supervisor McKeon said we hope to get money for some of our infrastructure.

Highway Superintendent Burke then referred to the Echo Valley Road Safety study. The  
Highway Dept. had plans two years ago to pave the whole length, and she described the widths  
and lengths of the road. Paving the area was postponed because the Supervisor raised questions  
about the safety of Echo Valley Road on the wider section. It was decided to do an informal  
safety assessment that will include residents and representatives from the Town, County and  
State Departments. David Orr from Cornell Local Roads, Mark DeBald from D.C.

Transportation Council and Steve Gill from DC DPW are all willing to assist the effort and have  
had success in helping Towns with their assessments. She referred to a survey and participation  
sign up that she prepared for residents of the road.

Councilwoman Kane asked what the underlying issue is.

Highway Superintendent Burke told her it hasn't been paved in more than 15 years and the road is breaking up. She described the features of the road.

Supervisor McKeon asked if they could think about a portion of the road.

Highway Superintendent Burke said she is trying to come up with a time line because of people who are willing to volunteer. She hopes to attempt to do this by mid-May, otherwise it will have to wait until September or October and that's not the best time to be doing this study.

Councilperson Imboden thinks the survey looks good.

Supervisor McKeon is not comfortable with the residents survey and participation sign up prepared by the Highway Department. He doesn't like the part about choosing participants at random.

Highway Superintendent Burke was told by Cornell to keep the group to 8 – 10 people. There is an area for residents to voice their concerns now. She will choose randomly so that everyone gets an opportunity and it's not just certain people who are very vocal about the road. There are many who will give their opinions before they can have a discussion about it. That is what she is trying to avoid. People will also be included who live on the other side of Echo Valley as well as those who it will affect directly.

Supervisor McKeon said it might be good to include the Complete Streets Committee.

Highway Superintendent Burke said if it doesn't over weigh the amount of people. She would be happy to have David Orr from Cornell facilitate this. She would appreciate going forward with this right away so that she can get those letters out this week and get comments back as soon as possible. We have been working on this for over two years now.

Supervisor McKeon asked if we can have one of our engineers at her disposal.

Highway Superintendent Burke is trying to keep this cost free so if the Board wants to designate someone, it's up to him, but she does not have it in her budget to pay for that.

Supervisor McKeon wouldn't want to be penny wise and dollar foolish. He would like to have an engineer available to answer any questions related.

Highway Superintendent Burke told him that David Orr is an engineer and so is the person from the County. She told Supervisor McKeon that if he would like to provide an engineer, but that is up to him.

Supervisor McKeon said if their contribution stops short of making a project determination, let us know and we can provide engineer services.

Highway Superintendent Burke received an estimate for \$7500 for evaluation and another \$25,000 for the redesign and cost evaluation. She is trying to avoid that. If we have to spend \$100,000 to resurface, is it necessary to spend another \$25,000 to \$50,000 to do the entire thing. If you can come up with a design that will make it safer at a lower cost, it would be a win-win for everyone.

Councilwoman Kane asked about the survey. She suggested giving suggestions to check, i.e.; speed, visibility, etc.

Highway Superintendent Burke is going to check with a Town who did that kind of assessment and will ask what type of forms they put out there. She would like to get the letters out at the end of the week.

On a motion of Councilman O'Neill seconded by Councilperson Imboden moved to approve the request from Highway Superintendent Burke.

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

## **CORRESPONDENCE**

Supervisor McKeon shared the following correspondence:

-A letter from NYS Dept. of Public Service talking about sponsoring a series of public statement hearings regarding the March winter storms and resulting power outages. They would like to look into why it took a long time to restore service in NY State.

- Laurie Husted asked on behalf of Bard College, about support for the proposed project to remove the lower Saw Kill dam through the NYS DEC Hudson River Estuary Program Tributary Restoration and Resilience grant funding. A draft letter was provided for the Board's consideration.

Supervisor McKeon asked the Board if they support this.

On a motion of Councilwoman Kane seconded by Councilman O'Neill moved to approve Supervisor McKeon's letter of support regarding the proposed Bard project.

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

-A letter from Todd Baright regarding the anti-business proposal within the new zoning package. He proposed simple regulating with specific zoning codes designed to manage the development, character, signage and feel of formula type stores, not prohibit them. He included thoughts for consideration.

-A letter from resident Ben Senterfit regarding the recreation park west area on Linden Avenue. He and his wife love seeing the space being used more and want it to grow as an easily accessible natural space for the community. Residents are unclear about the plans for that land. He asked for clarification for himself and his neighbors.

Councilperson Imboden would like to see more information regarding the Recreation Park West on the Town's website.

### **PUBLIC COMMENT PERIOD**

Supervisor McKeon opened for comments.

*Norman Greig* commented that he was disappointed with the presentation. If the Board is actually interested in public input they'd at least have a question and answer period. By the time you get to a public hearing everyone feels it's a done deal. His understanding is that the reason for changing the Hamlet District is because of comments that came from residents two years ago. Did it occur to anyone on the Intermunicipal Task Force to query any of the landowners in the district affected? He's owned property there for four years now and no one has ever asked him about what should happen in that district. He also asked why choose to eliminate agricultural support businesses from the gateway to the community. It does not make sense. We pride ourselves on being an agricultural community. The other issue of concern to him is mitigating problems. He explained. We are creating a community with no imagination. It is very disappointing. There are many other uses that could be fantastic for the community. The code is so tight that if it would create any inconvenience, you can't have it. Think about how you are developing this Town, you are on the wrong path.

There were no more comments.

### **ATTORNEY/CLIENT**

On a motion of Supervisor McKeon seconded by Councilwoman Kane moved to go into Attorney/Client session at 9:55 p.m.

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

On a motion of Councilwoman Kane seconded by Councilperson Imboden moved to adjourn the Attorney/Client session at 11:24 p.m.

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

On a motion of Councilperson Imboden seconded by Councilwoman Kane moved to reopen the Town Board meeting at 11:25 p.m.

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

On a motion of Supervisor McKeon seconded by Councilwoman Kane moved to adjourn the Town Board meeting at 11:26 p.m.

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

Respectfully submitted,

Sue McCann, Town Clerk