

Town of Red Hook

Agriculture and Open Space Committee

Minutes of February 23, 2016

APPROVED 3-29-16

Attendance: Co-chairman Pete Hubbell, Co-chairman Norman Greig, Ken Migliorelli, Mike Robertson, Marina Michahelles, Rich Biezynski, John Hardeman, and Linda Keeling, secretary.

Absent: Hannah Beal, Talea Hekman-Taylor and Town Board Councilman William O’Neill (liaison)

Guests: Chris Klose

Note: AOSC did NOT meet on January 26, 2016

Meeting Opened: *Co-chairman Pete Hubbell* opened the meeting at 7:10 pm.

OLD BUSINESS

1. **Minutes:** There was a quorum (7 of 9).

MOTION: *Ken Migliorelli* motioned to accept the November 24, 2015 minutes, *Norman Greig* seconded, all agreed.

2. **Fence Wording Issue:** *Rich Biezynski* felt agricultural fencing according to the proposed wording still requires permits. The group felt the Zoning Review Committee (ZRC) agreement of understanding is not being applied with the new wording as it has been changed since the last meeting so they can not endorse it. (The ZRC never sent their revised wording to the AOSC secretary.) The issues are height restrictions and perimeter fencing still requiring a permit thereby impeding farming operations. The members noted this issue is still unresolved after 4 years.

The Committee does not want the Town Board to vote on this wording at their upcoming meeting as the wording has been radically changed from the approved AOSC December wording.

The new wording as proposed by the town attorney reads:

“Under Section 74-5 of the Town Code entitled ‘Building Permits’ is under Sec. 3.1 (C), that “Agricultural buildings, as defined in the NYS Uniform Fire Prevention and Building Code, will be required to obtain a permit prior to construction, but will otherwise be exempt from the application of the Uniform Fire Prevention and Building Code. A permit will not be required for Agricultural Fencing that constitutes interior fencing used to separate pastures or temporary fencing used for rotational grazing”

MOTION: *John Hardeman* motioned that we as a committee reject the wording as proposed as unacceptable because it is different from what we approved in December, *Ken Migliorelli* seconded, all agreed.

Pete Hubbell requested that the secretary send an email to the Town Board advising them of the AOSC's decision not to accept the wording and to hold off from voting on this.

3. Recreational Uses of Farms: *Co-chairman Norman Greig* said the Town Code book lists the uses and other ancillary unspecified uses. He relayed his concerns for his farm's issue of a car rally. The ZBA is reviewing his proposal to determine if it is an allowable use. He suggested that if the town code supports ancillary uses which are not a main event then it should support an event like his as it supports farm income. Past events from other farmers like the hot air balloon and mud race events are not listed so these ancillary events set a precedent if it is not listed. Norman indicated that the applicant pays for all the processing fees, lawyers, etc. so a \$500 event could cost several thousands of dollars and is not supportive of agriculture. He proposed ancillary events should be endorsed if it is not a detriment to the community, supports open space and is not allowed by one acre parcels.

Discussion ensued on the wording "ancillary events *but not limited to*". It was felt that all farm events that are not continuous fall within the intent of the wording. Also, limitations could be put on the number of events per year so it allays the fears of the event happening on a weekly basis. *Norman Greig* noted that farming is an ever changing operation and one must be creative in developing uses that might not be presently listed in the Code.

Rich Biezyński questioned how to define non permanent activities and if there is no permanent structure it should not require a permit.

Norman Greig felt it is ridiculous to go before the ZBA for an interpretation which is complicated, costly in time and money. He felt the Code should be rewritten.

John Hardeman added that Kesicke Farm has events six times per season during 6-8 weeks to include a corn maze, pumpkins, hayrides and mud run. The wording would have to cautiously acknowledge fall events.

Permit fees are an encumbrance to a farm businesses, while Agritourism is a positive economic draw for farms and outlying businesses.

Linda Keeling attended the ZBA meeting last night and gave a brief report. *Chris Klose* recused himself as he is a member of the ZBA. She said they focused on 40 cars, 80 people, four times per year so Norman feels he might have a chance.

4. Temporary Uses of Greenhouses: The Zoning Enforcement Officer (ZEO) was requiring a permit for a greenhouse. *Norman Greig* said a 1992 law referenced agricultural buildings with a discontinuous foundation which are not to be considered permanent structures and should not be assessed. The only time one needs a permit is if you install a concrete foundation. Hoop houses do not require a permit.

Several months ago, Norman had the attorneys from NYS call Steve Cole, ZEO, and he felt Steve understood it now. While it is resolved for now, fear is the issue will reoccur especially with a future new ZEO employee's interpretation.

Rich Biezynski noted that a chicken coup is not a permanent structure and cannot be assessed. Some coups are moveable. Other activities could be allowed like a car show. The spite fence issue is a matter of interpretation.

Ken Migliorelli called attention to the fact that farm labor housing is not taxable.

Norman Greig was incensed by the newly proposed historic district law as farm housing is not allowed in the historic district, Waterfront Conservation area, hamlets, R-1 and B-1. The fear is that a farmer like Donny Stickle who is applying for a Purchase of Development Right (PDR) may not be able to live on his farm. The fear is trying to meet setbacks and not being able to live in your own house. The Town Board public hearing is tomorrow Feb. 24th. *Pete Hubbell* suggested some members show up.

5. Changed Meeting Date for March: *Linda Keeling* requested a change in the meeting date for March as there are 5 Tuesdays. She had a request from the Tree Commission for which she does the minutes. Everyone was in agreement. The next meeting will be Tuesday, March 29th.

6. Website Speaker, Dick Wambach: *Linda Keeling* emailed Dick about speaking to us about creating a website link for AOSC, including the 2-23-16 farm list, to the EDC's "Red Hook Hudson Valley" <http://redhookhudsonvalley.com> There were some modifications that came in for the farm list so Linda Keeling will revise it again.

NEW BUSINESS

1. Historic District Local law Public Hearing: On 3/8, the Town Board will hold a public hearing on Local Law C for 2016 regarding the federal historic district along the waterfront, the hamlets (Barrytown and Upper Red Hook) and the B-1 district in Upper Red Hook.

Chris Klose noted the purpose of the law is to protect the historically significant landmark structures with the intent of streamlining the present cumbersome process through an Architectural Review Committee. The proposed law addresses the demolition of historic structures in these areas and the process for protecting our cultural heritage. Tivoli has very restrictive zoning which protects its historic look.

There was a long discussion on how the historic overlay could potentially negatively affect farms within or near these areas.

Norman Greig felt that those owning or contemplating buying an historic building will be hampered by the reviewing committee and it will become extremely costly to live in Red Hook. There is no definition for an historic building and there must be a use for a building in order to be viable.

John Hardeman felt that if an applicant is required to go before the Planning Board they should receive a waiver from any fees. He read the proposed law regarding adding historically significant structures to the present listing thereby potentially impacting structures outside of the current listing.

2. Bard College / Review Along the Sawkill: *John Hardeman* was concerned that the Bard Sawkill Coalition is reviewing the waters along the Sawkill. They will need access across private property. He encourages protection of the waters but would like the AOSC to review their recommendations.

As an aside, *Rich Biezyński* noted the Community Preservation Fund (CPF) has some tax parcels located along the Clay Kill. There is money for easements.

Mike Robertson said there was a meeting on June 17th but he was unable to attend. A Bard professor is spearheading this. Three working groups will provide outreach and stewardship direction through an inventory. Scenic Hudson has worked with him and his wife, *Kallie Robertson*, about planting trees along the Sawkill.

Chris Klose noted the Coalition has no legislative authority. It is merely collecting data on the water quality. Some fear there might be restrictions in the future. *Linda Keeling* mentioned that the Conservation Advisory Commission has been testing the Sawkill for decades.

Motion to Adjourn:

MOTION: *Norman Greig* motioned to adjourn the meeting, *Pete Hubbell* seconded, all agreed.

Adjournment: The meeting adjourned at 8:30 pm

Next Meeting: The next regular meeting will be **Tuesday, March 29, 2016.**

Respectfully submitted,

Linda J. Keeling, AOSC Secretary

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