

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
June 4, 2012

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Kris Munn, Sam Harkins and alternate Betty Carr. Members Brian Walker, Charlie Laing, Sam Phelan and Pat Kelly along with planner Michele Greig were absent.

BUSINESS SESSION

Christine Kane confirmed the agenda as published. The May 21, 2012 draft minutes had been circulated among the members and reviewed. Kris Munn made a motion to adopt the minutes. Betty Carr seconded the motion, and all members present voted in favor. There were no announcements.

REGULAR SESSION – NEW BUSINESS

Robertson Farm, LLC – 7782 Albany Post Rd. – Site Plan

Michael Robertson was present with an application for minor site plan approval to establish a Farm Market 2 on a $\pm$ 63 acre parcel in the AB (Agricultural Business) Zoning District.

Mr. Robertson said that he had recently bought part of the Simonetti farm on Route 9 and was raising organic vegetables and some livestock. He said that he had two green markets in New York City but that he needed a market location on the farm. He said that there was an existing space that was an old office and horse boarding facility in the barn near the road and that that space would become the farm market. He said the total space was about 360 sq. ft.

Mr. Robertson went on to say that the entrance to the market and the parking spaces were on the back side of the barn. He said that there were about five (5) large parking spaces on a gravel covered parking area. He also said that he planned to use the same sign location and upright posts as were used for the old farm sign. He said that the sign would be a beige background with white lettering outlined in black.

Betty Carr asked whether the traffic circulation into and out of the parking lot would be one way or two ways. Mr. Robertson said that one way seemed safer. He said that there would be no farm vehicles in that location nor would farm vehicles be accessing the farm property there. He said that there could be baby chicks in that barn but that all the remaining livestock would be in other barns or in the pastures.

The Board then reviewed the GreenPlan memo. Christine Kane said that the project required only minor site plan review with no public hearing. She said that the applicant must submit a scaled site plan with measurements showing the location of the sign and

the sign and building setbacks from the property line. She said that the plan should also show the delineated parking spaces, the location of any outside lighting, and the location and design of the “one way” directional signs. She added that Mr. Robertson should also submit cut sheets of the outside lighting and think about how he wanted to delineate the parking spaces.

Christine Kane said that the “Open” sign would cause the total signage to exceed the allowed amount. Mr. Robertson said that he thought the farm sign denoted one activity and the “open” sign would denote simply the farm market, which was another activity. Christine Kane said that all the signs must be counted toward the allowed total, including any signs noting the products available; however, she said that the directional signs did not count in that total. She said that Mr. Robertson could request a variance to increase the amount of signage if he wished. Mr. Robertson said that he would redesign the sign.

Christine Kane also said that the sign must be 15 feet back from the property line. Mr. Robertson said that the existing posts were about 7 feet high. The Board members agreed that Mr. Robertson should make sure that the sign would not obstruct the sight distance for those leaving the farm market.

Christine Kane said that any exterior lighting of 50 watts or greater had to be fully shielded. Kris Munn said that existing lighting also must be brought into compliance with the Town’s regulations. Christine Kane said that any motion sensitive lights should be so labeled.

The Board authorized the secretary to refer the project to the Dutchess County Department of Planning and Development once the new plan had been submitted.

Because the signage as proposed would need no variances, Sam Harkins made a motion to determine the project a Type 2 action under SEQR, requiring no further environmental review. Kris Munn seconded the motion, and all members present voted in favor.

Patrick Motors/Ruges/Powers- 7311 South Broadway – Amended Site Plan

Patrick Sheehan and attorney Wayne Graff were present with an application for amended site plan approval to establish a used car lot and rental car business on a 1.38-acre lot in the TND-CC (Traditional Neighborhood Design-Commercial Center) Zoning District.

Mr. Sheehan said that he had read the GreenPlan memo and in response was submitting the names of the adjoining landowners and a sketch of the front of the building to show where the sign was proposed. He also showed the actual sign so that the Board could see the colors. Christine Kane said that this information should be added to the site plan.

The Board then reviewed the GreenPlan memo.

Christine Kane said that in the TND-CC Zoning District, parking was required to be located on the side or to the rear of the building, which was not shown on the plan. Mr. Sheehan said that the building and site were pre-existing conditions that were allowed according to the zoning regulations. He said that the site was in conformance with the Powers site plan that was approved in 2008. He said that the site was a big parking lot.

He said the entire street was not what the TND was looking for. He said there was no way to comply. He said the cars needed to be visible and in front to be sold. Christine Kane said that the Subaru dealership in Rhinebeck had its car inventory successfully placed in the back and on the side. Mr. Sheehan disagreed.

Christine Kane said that a new site plan application afforded the opportunity to bring a property into compliance and that new zoning regulations had been enacted since 2008. She said that since the Zoning Board of Appeals had determined the used car business to be “retail sales” and a permitted use in the TND-CC, the business now had to comply with the regulations for the TND-CC. Mr. Sheehan disagreed, saying the property was “pre-existing conditions”.

Mr. Graff said that the business was an “as of right” use and that the building was in conformance. He said that the large asphalt parking area was non-conforming but that it was unique and visibly suitable for a car lot, just as a barber pole was indicative of a barbershop. He said nothing could be done to change any of the elements of the property. He said the cars were a product and must be visibly displayed. He said that the Board could not just think about Red Hook—it had to think about the larger public passing by on Route 9. Christine Kane said that the Board must think about the Town.

Mr. Graff said that by bringing the cars up to the sidewalk, Mr. Sheehan was bringing his retail products closer to the front of the site where pedestrians were walking by, which was a goal of the TND-CC.

Mr. Sheehan noted that Hudson Valley Motor Cars had used cars located in the front. Christine Kane said that owner Kevin Kelly had done extensive landscaping, that cars were not the first and only thing a passerby would see, and that that site plan had been approved before the new regulations were enacted. She said that the site had been made more attractive and that there was not a large expanse of asphalt. Mr. Sheehan said that the “sea of asphalt” had been a topic of discussion during Mr. Powers’ site plan review for the NAPA store and that it had been financially impractical then for Mr. Powers to do anything about it. He said that he had no intention of changing the lighting, the landscaping or anything else. He said all those features had been approved in 2008.

Mr. Sheehan said he was going to sell used cars and to rent used cars, scooters and possibly bicycles. He said that in the same way that people did not go to a diner that had no cars visibly parked outside, a car dealer needed a sufficient number of cars in a highly visible location to indicate to the public that the business was successful and had an adequate inventory. Besides, he said, as a sub-tenant it was impractical for him to make any changes to the site. Mr. Graff added that cars were not unattractive.

Christine Kane said that even though Mr. Sheehan was a tenant, the Board could discuss making changes to the site to bring it closer to the goals of the zoning regulations. She said that the tenant could go back to the landlord to relay the requested changes and discuss what was feasible.

Christine Kane suggested that moving the cars back from the sidewalk, moving the car ramp and creating a larger greenspace between the sidewalk and the asphalt would make the site more pedestrian friendly and fit better into a neighborhood development.

Mr. Sheehan said no, he would not touch the plantings. He said the existing strip was good enough. He said he would not move the ramp because it was the only display spot on the property and it was approved on the 2008 plan.

Mr. Sheehan said that small business owners needed to put their products near the road so that people would see them and want to buy them. He said that the problem was not with the business—the problem was with the new zoning regulations. Mr. Sheehan said he did not have money for advertising and needed to have his cars visible to people driving past.

Mr. Graff stated that pedestrians would want to look at the used cars, especially if the best ones were placed in the front row. He said that cars were not unattractive and that placing cars near the sidewalk could be consistent with making an attractive pedestrian way.

Christine Kane suggested that Mr. Sheehan go to his landlord and discuss enlarging the greenspace between the sidewalk and the asphalt. Mr. Sheehan said no, that such a change would be inconsistent with his business goals. Christine suggested that the business sign could come out in front in the larger grass area, which would make his business more visible. Mr. Sheehan said he was not concerned about the sign; he was concerned about the cars. Mr. Graff said that people would not come to a dealership unless they were convinced that there was an inventory to look at.

Mr. Sheehan said that no one in Town relied on just Town residents to support a business. He said that a larger business with a recognizable name could possibly make the requested changes but that he could not and would not.

He said that a year ago, he would not be having this discussion with the Board. He said that he had been misled and had only been told that the use was not permitted in the new zone a few days before a Planning Board meeting, forcing him to go to the ZBA. He said that he had been met with nothing but resistance. He said that he believed the new zone to be entirely inappropriate for the existing businesses.

Mr. Sheehan said that Mr. Powers had spent money in 2008 installing the existing landscaping and he was not going to change it. He said he needed the cars to be as close to the front of the property as possible. Christine Kane said that it was clear that the landscaping had not improved the look of the property as much as everyone had hoped and that this was an opportunity to upgrade. She said that in light of the goals of the traditional neighborhood development, a discussion should take place to see how the front of the property could be enhanced. She said the Board hoped Mr. Sheehan would take the lead in coming up with ways that this business could fit into the neighborhood concept. Mr. Sheehan said that the building and the lot were all pre-existing conditions.

Mr. Graff said Mr. Sheehan was simply renting an office amid large commercial businesses on both sides. He said that Mr. Sheehan's business was a "use of right" and that the Board had just looked at the site in 2008. He said now the Board wanted to look at it again. He said that the nature of the business required cars in the front. He said possibly they could talk about the number of cars out front.

Christine Kane said that the plan showed twelve (12) cars out front, and she asked if this is the number Mr. Sheehan desired. Mr. Sheehan said that the used cars for sale would be out front and the rental cars could be on the side or out back.

Betty Carr asked if the front row of cars could be moved back. Mr. Sheehan said that there was no basis for doing that. He cited the cars at Hudson Valley Motor Cars. Christine Kane said that the owner of that business had increased the green space as requested by the Board. Mr. Sheehan said that Mr. Powers had installed plantings as requested by the Board in 2008. He said he was a subtenant of NAPA, that he had no other businesses anywhere else and that it was not commercially feasible for him to do anything to elements that had just been approved four (4) years ago. He said that the site was what it was.

Christine Kane said that the project must be referred to the Dutchess County Department of Planning and Development under GML 239m. Mr. Sheehan said that he had already lost months on this project and asked that an already submitted plan be sent.

Mr. Graff said that no changes were proposed to the lighting and that there would only be one sign, which would be fastened to the building.

Mr. Sheehan said he was trying to make the business inoffensive. He said that the display cars in the front of the lot were essential for getting attention. He cited the vehicles in front of Triebel's garage as an example.

The Board and the applicant discussed the traffic circulation on the lot and where the employee and customer parking would be for the two businesses. Mr. Graff said that employees would park in the back to maximize the number of spaces for display vehicles. Asked if he had discussed parking with Mr. Powers at NAPA, Mr. Sheehan said yes, that the only constraint was that none of his vehicles could interfere with the NAPA supply trucks, which delivered at night.

Christine Kane asked what would happen if Mr. Sheehan expanded his inventory with more cars. She asked whether he would keep the number in the front to twelve (12). Mr. Sheehan said he would put the best cars in the front and store overflow cars at his property across the river or at sites outside Rhinebeck and Red Hook. Asked whether he would keep the number in the front of the property to twelve (12), Mr. Sheehan said he did not want to box himself in, but he would probably be agreeable to a reasonable number.

Mr. Sheehan said that he would not be servicing any outside vehicles in the near future, although there was an existing shop on the property and the parcel was zoned for a shop. He said that he would be servicing and preparing cars for retail and that he would be detailing the rental cars after they were returned. Asked again whether he would be servicing other vehicles, he said not at the moment, although that use had already been approved. He said that he would not have a registered repair shop now but that it might be a possibility in the future.

Asked again about limiting the number of cars in the front of the property to twelve, as shown on the plan, Mr. Sheehan said that he would have to consider what twelve cars

looked like on the sea of asphalt. He said that he had to have enough cars to look successful.

The Board generally agreed to conduct a site visit to the property. The Board directed the secretary to poll the members for available dates and confirm with Mr. Sheehan. The members agreed to bring their cars, and Mr. Sheehan said he would infill with cars he had already acquired and stored at other locations.

Mr. Graff noted that the parking requirements for a dealership were not the same as for a normal parking lot where people had to open doors and where spaces had to be large enough for handicap vehicles. Mr. Sheehan agreed saying that display cars could be parked close together and that many more cars could be parked in a given space.

The Board said that the plan should be revised to include the names of the owners of adjacent properties, to locate the lighting and to locate the proposed sign. The members authorized the secretary to refer the plan to the Dutchess County Dept. of Planning and Development once the revised plan was submitted.

Kris Munn made a motion to determine the project to be a Type 2 action under SEQR. Sam Harkins seconded the motion, and all members present voted in favor.

The Board asked Mr. Sheehan to check the wattage and lighting fixtures of the existing lighting.

OTHER BUSINESS

Meeting frequency

Christine Kane asked whether the number of meetings per month could or should be cut to one, as in neighboring communities. Some members were in favor; others thought that such a change would slow the progress of small projects, cause the agendas to be overloaded and/or result in a long delay in case a meeting had to be cancelled for any reason. Christine Kane asked the secretary to poll all the members for their opinions.

Anderson Commons – no DEC response yet

Kris Munn asked whether the Board had received a response from the DEC Commissioner yet. Christine Kane said no.

ADJOURNMENT

Since there was no more business to come before the Board, Sam Harkins made a motion to adjourn. Kris Munn seconded the motion, and all members present voted in favor.

Respectfully submitted,

Paula Schoonmaker