

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
February 9, 2023**

Present: Co-Chair Jim Rogers, Member David Pearson, Member Steve Zacharzuk and Member David Markusen-Weiss

Absent: Chair Beth Pagano

Present: Village Attorney Andrew Lessig

(At the January 12, 2023 meeting Co-Chair Pearson stepped down as Co-Chair and Member Rogers was appointed as Acting Co-Chair)

Co-Chair Rogers opened the February 9, 2023 Planning Board Meeting at 7:01pm with the Pledge of Allegiance.

Co-Chair Rogers acknowledged members present and that there was a quorum for this evening's meeting.

Co-Chair Rogers asked for any comments from the Board regarding the January 12, 2023 minutes. No comments.

Co-Chair Rogers made a motion to approve the Planning Board meeting minutes dated January 12, 2023. Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

Co-Chair Rogers motioned to change the order of the agenda starting with #2 and moving #1 to the end of the agenda. Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

#2. Rhinebeck Bank

7350 South Broadway
Tax Parcel ID #: 6272-14-302461

Present: Dan Wheeler, Engineer

Co-Chair Rogers advised that on January 12, 2023 the Board motioned to classify action as a TYPE II Action with no environmental review, and waived public hearing.

Co-Chair Rogers advised that a response was received from the Dutchess County Department of Planning and Development as a matter of local concern.

Co-Chair Rogers asked the Board for any comments on the application. No comments.

Co-Chair Rogers made a motion to approve the site plan as proposed prepared by D.F. Wheeler Engineers, P.C., dated 11/9/2022 for Rhinebeck Bank located at 7350 South Broadway and listed under Tax parcel ID#: 6272-14-302461 with the following conditions:

- 1. Application shall comply with all Local, County, State & Federal Laws.**

Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

#3. Teresa Fantasia – T-Spoon Bakery

29 W. Market Street

Tax Parcel ID #: 6272-10-413739

Present: Teresa Fantasia, Business Owner
Mark Graminski, P.E., L.S.

Co-Chair Rogers advised that the site plan is to change the use of the business from a Bakery (per Zoning Section 200-10-D – General Business District) to Wholesale Businesses per Zoning Section 200-10-D.

Co-Chair Rogers advised that both uses are allowed uses in the General Business District but require Special Permit.

Co-Chair Rogers advised that on January 12, 2023 the Board classified the action as a TYPE II Action with no further environmental review and waived public hearing.

Co-Chair Rogers advised of the email received from Kerri S. Teed, MPH, Senior Public Health Sanitation with the Board of Health, dated January 17, 2023. Co-Chair Rogers read the email into record. A copy of the email is on file in the building department.

Co-Chair Rogers advised that a response was received from the Dutchess County Department of Planning and Development as a matter of local concern.

Co-Chair Rogers asked the Board for any comments. No comments.

Co-Chair Rogers made a motion to approve the site plan as submitted, prepared by Mark R. Graminski, P.E., L.S., P.C., dated January 21, 2023 and to issue a special permit for T-Spoon

Bakery located at 29 W. Market Street listed under Tax Parcel ID 6272-10-413739 as a wholesale business as permitted under Section 200-10-D-(7) of the General Business District, and to increase their menu items to include wholesale vegetarian items per email from the Board of Health dated January 17, 2023, a copy of which is on record with the building department, with the following conditions:

Application shall comply with all Local, County, State & Federal Laws.

Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

Mr. Graminski advised the Board that he is submitting this evening an updated plan under this approval for a special permit which reflects Board of Health requests for change to title block; to show updated design flows after one year's worth of water meter readings. Co-Chair Rogers advised that the original plans were enough for approval but that the updated plans would be accepted.

Copy of updated plan from Mr. Graminski submitted and accepted by Secretary Hart.

#4. Patricia Wind – Locavore Market

29 W. Market Street

Tax Parcel ID #: 6272-10-413739

Present: Mark Graminski, P.E., L.S.
Clifford Platt, Co-Owner

Co-Chair Rogers advised application is for a site plan to change the use of business from a Grocery Store (per Zoning Section 200-10-B-(20) – General Business District) to an Eating and Drinking Establishment per Zoning Section 200-10-D-(14).

Co-Chair Rogers advised these are both allowed uses in the General Business District.

Co-Chair Rogers advised that on January 12, 2023 the Board classified action as a TYPE II Action with no further environmental review and waived public hearing.

Co-Chair Rogers advised that a response was received from the Dutchess County Department of Planning and Development as a matter of local concern.

Co-Chair Rogers asked the Board for any comments. No Comments.

Mark Graminski said that the updated plans that were submitted with the last application include both. Mr. Graminski said they are related to both projects after discussions with Ron Miller at the Board of Health. Mr. Graminski said this proposal is for 26 seats, and that all information regarding the sewer system was provided to Mr. Miller. Mr. Graminski advised he was also submitting a copy of the Engineer's Report.

Updated plans and engineer's report received and accepted by Secretary Hart.

Co-Chair Rogers made a motion to approve the site plan as submitted, prepared by Mark R. Graminski, P.E., L.S., P.C., dated January 21, 2023 for Locavore Market located at 29 W. Market Street listed under Tax Parcel ID 6272-10-413739 as an eating and drinking establishment which is a permitted use under Section 200-10-B-(14) of the General Business District of the Village of Red Hook Zoning Code, with the following conditions:

Board of Health Approval

Application shall comply with all Local, County, State & Federal Laws.

Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

Agenda Item #5.

Patricia Breinin/Inwood Foundation
Firehouse Lane – Site Plan
Tax Parcel ID: 6272-10-388518

Co-Chair Rogers advised that applicant sent an email dated January 5, 2023 asking for an extension of the site plan approval for Firehouse Lane last approved on March 10, 2022.

Co-Chair Rogers advised that applicant, Patricia Breinin, received site plan approval from the Planning Board on April 12, 2018, and is now asking this Board for a 5th one year extension of the site plan approval.

Co-Chair Rogers advised that the Board of Health has submitted a letter granting an extension of approval of water supply and sewage disposal facilities to January 12, 2026. Copy of letter on file with the building department.

Co-Chair Rogers asked the Board for any comments. No Comments.

Co-Chair Rogers made a Motion to grant a 5th one year extension of the Site Plan approval dated April 12, 2018 to Patricia Breinin/Inwood Foundation with property located at Firehouse Lane and listed under Tax Parcel ID 6272-10-388518, to February 10, 2024. Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

Agenda Item #6.

Catherine Mondello
37 W. Market Street
Tax Parcel ID: 6272-10-403746

Present: Catherine Mondello

Ms. Mondello advised that they are moving their business from 7 East Market to 37 East Market and would like to use their existing approved sign at the new location. Ms. Mondello said they are opening on April 1st.

Member Pearson asked if they were using the existing bracket. Ms. Mondello said yes. Co-Chair Rogers asked if signage would reflect Zoning Law being 96 inches up from the sidewalk. Ms. Mondello said yes. Member Pearson asked if there would be any lighting. Ms. Mondello said no.

Co-Chair Rogers mentioned that the Board received a memo from Chair Pagano, who could not be present this evening, recommending conditions with signage approval.

Co-Chair Rogers made a motion to approve the proposed hanging sign for property located at 37 Market Street, listed as Tax Grid #6272-10-403746, as depicted in submitted proposal. The signage shall not exceed the square footage as provided by the Code of the Village of Red Hook, and that the sign is within the limits allowed and conforms to all provisions of Section 200-38 of the Code of the Village of Red Hook.

Co-Chair Rogers advised that applicant is required to sign and submit required building permit prior to hanging signage. There is no fee for this building permit.

The following conditions are set with approval:

**Cannot occupy more than 25% of any window space;
Cannot have brochure displays outside for business;
Application shall comply with all Local, County, State and Federal Laws**

Motion seconded by Member David Pearson. All in favor. Motion approved.

Ms. Mondello asked if it would be ok to have an outside brochure display for village maps for public use. The Board agreed that this was reasonable.

Co-Chair Rogers made a motion to amend the 2nd condition to read as follows:

Outside brochure display will be permitted for village maps for public use

Motion seconded by Member David Pearson. All in favor. Motion approved.

Agenda Item #7.

Mark Graminski, P.E. L.S.
For RTC Farm, LLC – Mary L. Cookingham
7617 North Broadway
Tax Parcel ID: 6272-07-564993

Present: Mark Graminski, P.E. L.S.

Mr. Graminski advised he was representing RTC Farm, owned by Mary Cookingham, and that this was an application for a lot line alteration of an existing parcel, which parcel was created in a 1997 subdivision.

Mr. Graminski said the purpose of this subdivision was to create a parcel of land for Leigh and Mary's residence and in creating that parcel vs. what was actually constructed, more specifically the driveway, and the driveway wasn't constructed on the entire parcel. Mr. Graminski showed on the plans Route 9 and the flag lot advising when Leigh Cookingham constructed the driveway it was not put on the parcel.

Mr. Graminski said this application is merely to clear that up and move the lot lines so that the driveway is present on the parcel. Mr. Graminski advised there are 2 locations that require amendment to the lot line. Mr. Graminski said in addition they want to provide some protection to the pond which is located on the westerly side.

Mr. Graminski advised that this application was made to both the Town and Village. Mr. Graminski said the application in front of this Board is really easy and in the Town there are multiple parcels involved. Mr. Graminski said this is easy because it involves just a small portion on the west side of Village boundary.

Mr. Graminski advised tax grid numbers will remain the same, but will require a new tax grid number assigned for the property in the Town of Red Hook and this small piece in the Village.

Mr. Graminski reminded it was last year that an application was made to this Board for a minor subdivision to split that parcel we are taking a piece out of.

Mr. Graminski advised he provided adequate notation and provided (lower left hand portion) a lot summary table and identified all the parcels with letters and areas associated with it, and provided a summary of which tax parcels have additions/subtractions. Mr. Graminski advised with this part in the Village it is a total of 0.414 acres.

Mr. Graminski advised this will get added to the composite parcel for the residence lot but will still have its own tax grid number.

Mr. Graminski advised he made a presentation to the Town of Red Hook and at that meeting the Town declared their application as a TYPE II Action and scheduled a public hearing.

Member Pearson asked if Mark was taking a former piece of the flag lot and adding back to the farm, Mark said correct, Member Pearson said you are adding in where the driveway into her property with 2 other slivers, Mr. Graminski said the other sliver, the triangular one, that adds the driveway. Member Pearson asked if the rest of the driveway that leads to Route 9 is on the farm property and not a problem. Mr. Graminski said what exists is an easement and a chain of title for access to Route 9, which allows for complete access to the residence lot. Mr. Graminski said this is a commonly shared roadway. Member David Markusen-Weiss asked if parcel D & E has nothing to do with the driveway. Mr. Graminski advised that was for added protection for the residence.

Co-Chair Rogers asked the Board for any discussions on classifying the Application. No comments.

Co-Chair Rogers made a motion to classify the site plan application for RTC Farm, LLC with property located at 7617 North Broadway listed under Tax Parcel ID#: 6272-07-564993 as a TYPE II action with no further environmental review. Motion seconded by Member David Pearson. All in favor. Motion approved.

Co-Chair Rogers made a motion to schedule a public hearing for the site plan application for RTC Farm, LLC with property located at 7617 North Broadway listed under Tax Parcel ID#: 6272-07-564993 for March 9, 2023 at 7:00pm. Motion seconded by Member David Pearson. All in favor. Motion approved.

Agenda Item #1.

Syed Yasin
3 St. John Street – Laundromat
Tax Parcel ID #6272-10-436749

Present: Dan Wheeler, Engineer
Syed Yasin, Applicant
Andrew Lessig, Village Attorney

Co-Chair Rogers advised that Dan Wheeler, Engineer for the applicant, submitted amended plans on 1/27/2023.

Co-Chair Rogers advised that this Board received a memo from the Village Attorney dated December 19, 2022, which letter listed a lot of items that by Law this Board needs in order to give due consideration and vote on this site plan.

Co-Chair Rogers said we want this laundromat, everyone is excited for it, but the letter was very detailed in laying out deficiencies and this Board is in agreement that the information notes in that memo is necessary for this Board to consider this application and vote on it. Co-Chair Rogers said upon receiving this information we will give it due consideration and vote but this Board will not vote prior to receiving the information outlined in that letter.

Co-Chair Rogers turned the floor over to Mr. Wheeler.

Attorney Lessig advised that the Board will need to reopen the public hearing.

Co-Chair Rogers made a motion to re-open the public hearing for 3 St. John Street, listed under Tax Parcel ID 6272-10-436749 at 7:39pm. Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

Mr. Wheeler advised he wishes not to speak during the public hearing.

The Board discussed closing or continuing the public hearing. The Board felt it should be continued to next month.

Co-Chair Rogers advised that no person was present, and nothing was received via email or regular mail.

7:45pm

Co-Chair Rogers made a motion to continue the public hearing for 3 St. John Street, listed under Tax Parcel ID 6272-10-436749 to March 9, 2023 at 7:00pm. Motion seconded by Member. All in favor. Motion approved.

Mr. Wheeler handed out a letter to all Board members and Attorney Lessig dated February 7, 2023. Copy of letter on file with the building department.

Mr. Wheeler advised that he found Attorney Lessig's letter to be long and in most part inaccurate in that a lot of things asked for are not in the purview of the Planning Board but for the Building Inspector. Mr. Wheeler advised many responses they respectfully decline to give material because as stated it is not the Planning Board prerogative to go after them.

Mr. Wheeler gave an example stating with septic it is traditionally NYS is relegated to the Department of Health and all the planning Board should look for is approval from the Board of Health.

Mr. Wheeler spoke on the Board asking for elevations for all 4-sides and said no, and that there are 2 sides that are 2 feet away from the fence and nothing to them but did agree that it is within the planning boards' purview to look at it.

Member Pearson asked about elevations and felt the Board should be able to see the back wall. Mr. Wheeler said he'd like to see that in writing and appreciated the comment.

Member Zacharzuk asked about the elevations from the north looking at the office. Mr. Wheeler said right, that was fine.

Co-Chair Rogers asked Mr. Wheeler that he admits that elevations are within the jurisdiction of the Planning Board. Mr. Wheeler said yes. Co-Chair Rogers said the Board did not have those tonight. Mr. Wheeler said that was not true. Co-Chair Rogers asked if they were on the site plan. Mr. Wheeler said some are on the site plan and some are not. Mr. Wheeler said his objection was to carte blanche of wanting to see all 4 sides. Co-Chair Rogers said the Board wants to clear up that some of the elevations that this Board is entitled to are not on the plans. Mr. Wheeler said in the letter he says in the next submission, and there are in fact good points in the letter and those things we can see, for example, what Member Zacharzuk stated, that we missed an elevation and will put that in there. Mr. Wheeler said OK, so now we have looked at the septic and elevations.

Mr. Wheeler spoke on the issue of drainage and the response from the Dutchess County Department of Planning. Mr. Wheeler said the letter indicated "to go get those" but it is not their responsibility to get those and traditionally those come from the Planning Board through their consultants.

Secretary Hart advised correct and advised that escrow was collected from Yasin for Engineering review but that she did not receive a memo for tonight's meeting from the Village Engineer. Co-Chair Rogers said OK point taken. Mr. Wheeler said it's an easy fix.

Mr. Wheeler spoke on the internal drawing and recalled that Chair Pagano had a problem separating the different functions inside one building because it was the surveyor's map and he just picked 4 corners of existing building and put a roof on it, and then his job is meets and bounds and significant topographic items, which they included as part of the survey and they went and took it apart showing the half freezer and other half the 2-bay garage and other half being the laundromat and listed the washers and dryers and some tables and chairs.

Mr. Wheeler said the Board was looking for more stuff and getting into colors and he felt no to that request about inside the building. Mr. Wheeler said in regard to the fire exits he felt that it is under the purview of the building inspector, but that the Planning Board can talk about it.

Mr. Wheeler spoke on the existing shop and felt that was not under consideration and that is not part of this application and never was, and they don't feel they need to talk about it. Mr. Wheeler said if the Board feels differently that is a battle for a different day.

Mr. Wheeler spoke on signage and said they put the existing and proposed signage and it is there.

Mr. Wheeler brought up the electric and that the Board has questions about power and the washers and dryers and felt this was way beyond and not the purview of the Planning Board and the only way the planning board could attack that would be in traffic.

Member Markusen-Weiss asked if there was a parking issue too. Attorney Lessig stated yes, and we needed to see an explanation. Mr. Wheeler said he would do that but loathed to put calculations on the drawing but could provide in a separate book. Mr. Wheeler said this could include drainage, parking and sometimes a zoning consideration about how close you were to the side dedicated parking, etc. Mr. Wheeler said there was several good points like asking about handicap parking for the office, and he recalls there was a location for handicap parking for the laundromat, but the Board was correct that there was no marking for the handicap spot for the office.

Mr. Wheeler said there was also a thing about the office door being on the wrong side and the half hike wall, all good comments which will be addressed in the next submission. Member Pearson said this submission. Mr. Wheeler said no, we have not done the next submission yet.

Member Markusen-Weiss said the current plans were a little different from the last submission but there were some issues about the existing window. Mr. Wheeler said you are right about that.

Mr. Wheeler said with handicap parking and parking calculations that will come in a separate book.

Mr. Wheeler said with power to the building – that is generally looked at by the building department, but they can do that, but a Code issue. If the planning Board puts any certain desires on it, which are probably inconsistent with the National Electric Code and the building department,.

Mr. Wheeler spoke on dimensions and the Board asking for dimensions on everything and said that is not a drafting standard and the problem is when you do dimensions you generally leave this one empty so that there is no conflict - so you have 2 of the subdimensions, the overall dimensions, but you leave the third one empty because it increases the probably of screwup and you get people checking it and that does not work. Member Pearson asked so you fudge it? Mr. Wheeler said no you leave it blank. Member Pearson asked is that to avoid catching some mathematical error. David Markusen-Weiss said it is some sort of redundancy.

Member Markusen-Weiss said he did note the incorrect scale on C-1 and asked if he would scale some of this. Mr. Wheeler said no. Mr. Wheeler said generally you don't do that, you leave out the subdimensions, you leave one blank and then there is the overall dimensions.

Member Markusen-Weiss advised Mr. Wheeler that there was a lot of information that the Board sent to you and it seems some of it he plans on addressing and other ones he would like to make the argument that they don't need to be addressed, so how do we collate that list.

Member Markusen-Weiss said we should have a response from Mr. Wheeler point by point as it seems your letter doesn't actually address all of the points. Mr. Wheeler said he begs to differ because in front of the letter he said he would follow as close as possible and the only thing that was added on was the last page – line open 11-11, etc.. that was added as request of the client and 98% of them attempt to follow this (letter section by section). Mr. Wheeler said the response was bullets and not labelled, which made it difficult.

Attorney Lessig said Mr. Wheeler already said he was going to address the bullet points and asked Mr. Wheeler when that might be available. Mr. Wheeler said the Board asks for 10 days prior to meeting so should be the end of this month. Attorney Lessig asked that Mr. Wheeler expand on the letter.

Member Pearson said you should go through the letter in order. Mr. Wheeler said he did but it was not numbered. Member Pearson said he would number it himself.

Co-Chair Rogers said ok we are getting plans, waiting on a response from Delaware. Mr. Wheeler said and the County.

Secretary Hart advised that the County will not accept another submittal until which time the Board accepts the site plan as complete. Mr. Wheeler said the Planning Board declares an application as complete and apparently the Board has not done that.

Co-Chair Rogers said we care close but Mr. Wheeler acknowledges certain things are missing and will give us something and this Board will consider it at the next meeting. Member Zacharzuk said, or it will just go month to month. Mr. Wheeler said he will try and do it.

Co-Chair Rogers said we are still on track to get this done.

Mr. Wheeler said what happens if in the letter it states “we respectfully decline to do this or that... and he gives reason why? Co-Chair Rogers said we will have another conversation and determine the jurisdiction issues you raised and let you know if we stand by our view of jurisdiction or whether we accept your view of our jurisdictions. Mr. Wheeler said there is a predominance of them.

Applicant, Yasin, spoke at this time to advise he will not be adding an EV charging station due to fire concerns.

Applicant, Yasin, spoke about the lighting and reminded the Board that he submitted his lighting proposal with monitor detectors but cannot provide the timing for “on and off” because the time goes one minute to everyday up and down so in the summer it may turn on at 9pm and in the winter at 4pm so has no control over that. Mr. Wheeler said that will be a Board decision. Attorney Lessig said the Board still needs a lighting plan. Mr. Wheeler said it is called a cut sheet. Mr. Wheeler said under the previous and existing there was a comment P or E. E = existing and P = proposed and said there was a cut sheet that proposed what the light is.

Mr. Wheeler spoke on the pattern book and changing the outside, painting, etc. and that the Board had comments, but the pattern book is so big and there is only 2 pages on commercial structures and it is basically an architectural book and they are not changing anything.

Mr. Wheeler said the **façade and the paint**, which was just painted last year which is cinderblock will not be changed. They would be loathed to change it and the plan book seems inapplicable.

Mr. Wheeler referenced the new home being built by Agway which is cinderblock and asked how can that be with a pattern book. Member Pearson said the Planning Board has nothing to do with building of single-family homes. Mr. Wheeler said the book contained several pages about residential structures, so the Board comment is inconsistent. Member Pearson said this Board has nothing to do with that house so why bring it up. Mr. Wheeler said because it is an example of how inconsistent the pattern book is. Member Pearson said that was not our responsibility. Mr. Wheeler said you can say that all you want but it doesn’t change it.

Member Markusen-Weiss said the Board just wants a clear indication of what the plan is and if your proposal is to use the exact same material to make it a clear understanding. Member Markusen-Weiss said just to add the proposal so this Board can weigh in on it.

Mr. Wheeler said there is a NYS requirement that every Board member attend training once a year and he ventures to say that you have not taken those classes.

Co-Chair Rogers stated as a State employee he has many hours of training and feels this Board is good with training. Mr. Wheeler said he does not think, and as far as mandated training they have not done it. Member Pearson said you don’t know that.

Mr. Wheeler said you are asking questions that are inappropriate. Mr. Wheeler said we are done and he didn’t start this war. Co-Chair Rogers said this was not a war and we are so close.

Member Markusen-Weiss said we want this to succeed. Co-Chair Rogers said the most frustrating thing for this Board is that the simplest of changes that you promise to make you

don't do and you come here for another meeting and then this Board has to kick it over and we look like the bad guys. Mr. Wheeler said you are the bad guys and told the Board to read this and read his stuff.

Co-Chair Rogers said let's end on a positive note, we are heading in the right direction and we want this to succeed.

Co-Chair Rogers made a motion to table the site plan application for 3 St. John Street to March 9, 2023 at 7:00pm. Motion seconded by Member David Pearson. All in favor. Motion approved.

Co-Chair Rogers made a motion to adjourn the February 9, 2023 Planning Board meeting at 8:19pm. Motion seconded by Member David Markusen-Weiss. All in favor. Motion approved.

Lara Hart
Secretary
