

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
July 13, 2023**

Present: Co-Chair Jim Rogers; Member Steve Zacharzuk & Member David Pearson

Absent: Chair Beth Pagano and Member David Markusen-Weiss

Co-Chair Rogers made a motion to open the July 13, 2023 Planning Board Meeting at 7:35pm. Motion seconded by Member David Pearson. All in favor. Motion approved.

Co-Chair Rogers asked all to stand for the Pledge of Allegiance.

All members announced their names and Co-Chair Rogers announced that there was a quorum for this evening's meeting.

Member Zacharzuk made a motion to approve the Planning Board meeting minutes dated June 8, 2023. Motion seconded by Co-Chair Rogers. All in favor. Motion approved.

Co-Chair Rogers made a motion to approve the Planning Board special meeting minutes dated June 27, 2023. Motion seconded by Member Pearson. All in favor. Motion approved.

Co-Chair Rogers advised anyone present this evening wishing to speak during a public hearing to please sign-in.

Agenda Item #1.

Michael Pollock

Owner: Thomas LeGrand (consent on file)

49 W. Market Street

Tax Parcel ID#: 6272-06-383756

Present: Attorney Michael Pollock

Attorney Pollock said he was previously located at Firehouse Plaza and moved to this location and has been practicing in the Hudson Valley since 2004.

The proposed signage is a freestanding sign, double sided and being made by David Fell; signage is 32"x48" being 8 feet in height with required 3 feet clearance up from the bottom.

Attorney Pollock submitted a picture for the Board showing the exact location of the signage on the front lawn and in relation to the curb.

Co-Chair Rogers asked if there would be any lighting. Attorney Pollock said no. Attorney Pollock said the print is reflective.

Member Zacharzuk asked if the sign would face outward. Attorney Pollock advised the sign would face both east and west.

Co-Chair Rogers said the proposed signage is 10.4 square feet which conforms to Zoning.

Co-Chair Rogers said due to its location he would like a condition that the signage does not interfere with traffic and if any issue arises that the applicant will need to return to this Board. Attorney Pollock advised that the large tree at the corner is being removed.

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

Co-Chair Rogers made a motion to approve the proposed freestanding sign located at 49 West Market Street, listed as Tax Grid #6272-06-383756, as depicted in the submitted proposal. Said sign 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, with the following condition:

Signage shall not interfere with traffic and if any issues arise applicant will be required to return to this Board to revisit the signage application.

Motion seconded by Member David Pearson. All in favor.

Agenda Item #2

John Halle & Marka Gustavsson
35-39 Garden Street
Tax Parcel ID: 6272-09-240689

Present:

John Halle
Attorney Angela Maier-Lore

Co-Chair Rogers advised that both the applicant and attorney were present on June 8, 2023 to present a lot line alteration and a public hearing was set for this evening.

Co-Chair Rogers made a motion to open the public hearing for 35-39 Garden Street listed under Tax Parcel ID# 6272-09-240689. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Co-Chair Rogers asked if anyone wished to speak. No persons present wishing to comment.

Co-Chair Rogers advised that Secretary Hart received no comments via email or regular mail for tonight's public hearing.

Co-Chair Rogers said application was for a minor subdivision/lot line alteration.

Co-Chair Rogers made a motion to close the public hearing for the proposed minor subdivision/lot line alteration for 35-39 Garden Street listed under Tax Parcel ID 6272-09-240689 at 7:45pm. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Co-Chair Rogers made a motion to approve the minor subdivision/lot line alteration for 35-39 Garden Street listed under Tax Parcel ID 6272-09-240689. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Agenda Item #3

Robert Dupont, Architect

Owner: Joseph Kaufman (consent on file)

7366 South Broadway

Tax Parcel ID 6272-14-320493

Present: Robert Dupont, Architect

Co-Chair Rogers advised that Mr. Dupont was present on June 8, 2023 with a proposed site plan.

Co-Chair Rogers advised that the Dutchess County Department of Planning & Development responded that application is "a matter of local concern".

Co-Chair Rogers advised that this Board will need to classify the action per SEQR.

Mr. Dupont presented and gave a brief update of the proposed project. Mr. Dupont said it was a prior mixed-use building and they are proposing a conversion to 4 apartments.

Mr. Dupont advised that the Health Department advised it was not big enough for a 4-bedroom apartment building so they are in the process of re-designing the system and do not expect to have approval for a few months.

Mr. Dupont went over the conditions that the Board asked for at the June 8th meeting:

Mr. Dupont advised that his client was ok with a lighting plan and advised that they are adding two 10 foot led lamps. A lighting plan was submitted.

Mr. Dupont advised that the 12x14 dumpster enclosure was on the plans and was basically a slab with a wooden enclosure with chain link doors.

Mr. Dupont advised the building was built in 2008 the screening for landscaping was already put in and matured with large forsythias and lilacs bushes. Mr. Dupont provided a picture of the area and advised they are proposing no new landscaping.

Member Pearson asked if the lights would stay on all night. Mr. Dupont said no and probably be turned off around 10pm.

Member Pearson asked about the sidewalk and if they would be continuing it on the east property side. Mr. Dupont said it is not on the survey and there was no discussion of that at the last meeting.

Village Attorney Victoria Polidoro was present and asked how far they were from the sewer area. Mr. Dupont said they are not in it. Attorney Polidoro said she thinks the law is that if you are within a few hundred feet you are required to connect to the sewer. Mr. Dupont said this is the first time he is hearing about that. Attorney Polidoro said it is in the Village's sewer law. Attorney Polidoro advised that they reach out to the Village Engineer, Robert Flores with Delaware Engineering. Attorney Polidoro read from the Sewer Law..... if a public sewer is within 100 feet of the property line – Village Code Section 145-13.

Member Pearson asked if that was 100 feet of a property line that has sewer. Co-Chair Rogers said no and it's if a property line is within 100 feet of the sewer they have to connect to it.

Mr. Dupont asked if the sewer district goes by the edge of parcels. Attorney Polidoro said it is not a district and a service area. Attorney Polidoro advised applicant to look into this.

Co-Chair Rogers advised this Board will not be able to make a decision this evening as applicant will need to get answers to some questions.

Co-Chair Rogers asked Attorney Polidoro if this Board could classify the action this evening. Attorney Polidoro said that can be done tonight and would be a Type II Action.

Co-Chair Rogers made a motion to classify the site plan application for 7366 South Broadway listed under Tax Parcel ID#: 6272-14-320493 as a TYPE II Action with no further environmental review. Motion seconded by Member Pearson. All in favor. Motion approved.

Attorney Polidoro advised that since the application will be tabled to next month the other question regarding construction of sidewalks in the NMU district will be further reviewed.

Co-Chair Rogers said the Board will table this application to get answers for both questions.

Co-Chair Rogers made a motion to table to Site Plan for 7366 South Broadway, listed under Tax Parcel ID 6272-14-320493 to August 10, 2023 at 6:30pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Agenda Item #4

RTC Farm, LLC/ Cookingham
Mark Graminski, P.E. L.S. (consent on file)
7598-7617 North Broadway
Tax Parcel ID# 6272-07-564993

Co-Chair Rogers advised that Mr. Graminski was present at the special meeting held on June 27, 2023 to revisit the proposed lot line alteration application for RTC Farm, LLC. A public hearing was set for July 13th. A public hearing was noticed and published as required and an Agricultural Data Statement was prepared and sent to all required residents w/in 500 feet of Ag district.

Co-Chair Rogers made a motion to open the public hearing at 8:00pm. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Co-Chair Rogers said before we start taking public comments the floor would be opened to Mr. Graminski to present.

Mr. Graminski advised that the purpose of this public hearing is for an amendment of a previous minor subdivision/lot line alteration that was approved by this Board in February, 2023. Mr. Graminski gave a brief update on the proposed lot line alteration and advised this was to provide changes to the lot configuration for the lands owned by Mary Cookingham and that there are multiple tax parcels associated with this application because there are some in the Town and some in the Village. Mr. Graminski advised that this amended minor subdivision/lot line alteration has been presented to the Town Board and approved.

Mr. Graminski advised that the total area associated with this minor subdivision/lot line alteration is 114.972 acres and the reason for the increase is to include the RTC Farm parcels and go from 3 parcels to 4 parcels. and the change is a reconfiguration for multiple parcels and to now have frontage on Route 9.

Mr. Graminski advised that there were also some easements associated with it because of existing utilities currently serving the Cookingham parcel provided for easements for electricity and communication and for cross easements for various parcels.

Co-Chair Rogers was given the public hearing sign-in sheet.

#1. Michael Knutson = Scenic Hudson.

Mr. Knutson advised he worked for Scenic Hudson and was a project manager for the conservation easement program for Scenic Hudson. Mr. Knutson commended the Town for its proactive leadership to step in and purchase Cookingham Farms and conserve a long standing community asset in Red Hook and to protect the gateway into the Village, valuable farm soils and water quality; and wanted to thank the Village for its consideration for smart growth with affordable housing which is part of the reason for this application today.

Mr. Knutson said Scenic Hudson has long advocated for sound community planning and safeguarding the quality of life in the Hudson Valley and assuring that affordable housing to community residents is a key component of why this project and Scenic Hudson is participating in the new Hudson Valley Affordable Housing and Conservation Strategy Coalition.

Mr. Knutson said Scenic Hudson supports this lot line adjustment as it will help facilitate each development and much needed affordable housing in the Village in accordance with the Centers and Greenspace Plan and the conservation of valuable resources.

Co-Chair Rogers asked about the coalition that was mentioned. Mr. Knutson said the Hudson Valley Affordable Housing and Conservation Strategy Coalition, which is a number of land trusts and affordable housing entities. Co-Chair Rogers asked if there was any contact for them. Mr. Knutson said it was launched today but would provide the Board with their contact information.

Attorney Polidoro said she felt it was important for the Board to know that the application has been presented to this Board but has nothing to do with affordable housing or development and that what this Board is reviewing tonight is simple subdivision.

Co-Chair Rogers asked that the planning shouldn't consider, if there is a big picture in the works, isn't it this Board's duty to consider that under SEQR. Attorney Polidoro said sure, but there is a concept under SEQR called segmentation in that you can't review parts of a project as smaller parts when it's really something bigger; and tonight there is no plan for affordable housing and the Zoning/Village does not allow it at this point; so the plan that was just discussed is something the Village would have to later adopt in the future which would require its own SEQR review and analysis.

Attorney Polidoro said what is before this Board is called "as of right" and you can review this without discussing the future plan. Chair Rogers asked if it was your professional opinion that we not engage in segmentation to do this without consideration of the larger plan. Attorney Polidoro said she understands the Board's hesitation given they are talking about a plan and showing a 3-lot subdivision, and you can ask the applicant to explain that, but from her understanding of the situation and Zoning not allowing this we are at least one step from a project before going to the Village Zoning Board so does not know what this Board is considering as part of the larger project. Co-Chair Rogers thanked Attorney Polidoro.

#2. Robert McKeon, Supervisor, Town of Red Hook

Supervisor McKeon thanked all for meeting and said this was a good segway to discuss affordable housing and indicated that at the last meeting some Board members were not familiar of what's being discussed on the Town level and this was just to keep all abreast of what is in the works or being contemplated for affordable housing which is truly aspirational at this point, and there is no developer and this Board will be in charge of what happens, but why we are here tonight is because they are about to close on these properties closing on both the east and west side.

Supervisor McKeon said what they need to do is have their boundaries settled because the conservations easements are going to be placed. Supervisor McKeon said once they have the closing, they will be in a position to convey to a farmer.

Supervisor McKeon advised they will be back next month for the west side because that will require lot line there too.

Supervisor spoke about Abrahams Park which encroaches on the Abraham's property and one item that will be looked at, as well as connection trails to the recreational park, farm will continue and part of the permanent conservation easement, increasing the buffer for the water facilities and will be talking to the Village about their water needs, and showing the blue area on the plans which will be sold to a farmer with covenants placed on the properties to ensure that the properties are actually farmed.

Supervisor McKeon advised that the Town Council decided they wanted to get involved in the acquisition of this after hearing that it was going to be sold for development, and for scenic gateway, incredible soils, and for affordable housing.

Supervisor McKeon advised on the other side there is going to be no residential development and just an area for 2 farmsteads.

Member Zacharzuk said the red parcel (as indicated on the plans) will be sold to a farmer. Supervisor McKeon said the red and yellow. Member Zacharzuk said the blue will remain the Town property. Supervisor McKeon said only until they have a developer who will bring a development proposal to the Village's liking. Member Zacharzuk said then does come off the Village tax rolls. Supervisor McKeon said momentarily but amount is insignificant. Member Zacharzuk asked what is insignificant. Supervisor McKeon said he could get the actual number but is insignificant and just temporary. Member Zacharzuk said so if you don't find the right developer for a year it's off the tax roll. Supervisor McKeon said yes but not providing a lot of tax revenue due to being agricultural property with a barn.

Co-Chair Rogers said the same thing will happen on the west side – going to purchase with conjunction with Scenic Hudson and conserved for farm. Supervisor McKeon said they will work with Dutchess Land Conservancy, whom they have been working with for months, and much of what they are doing is reflective of what each of the sellers wanted to do with the property. Supervisor McKeon said the Town feels very fortunate that they went in this direction.

#4. Bill Hamel – Town of Red Hook.

Mr. Hamel said all his questions were answered during the presentation.

#5. Ken Migliorelli – Town of Red Hook

Mr. Migliorelli said at the June 27th meeting it may have seemed like he was not in support of this project but stated he is 95% happy.

Mr. Migliorelli said he was a little disappointed in that about 20 years ago they created the open spaces committee and named all the members on the committee, and out of all the members 5 members are farming land in the conversation easements so you would think a project of this nature would have been put in front of this committee. Mr. Migliorelli said he is disappointed in the Supervisor, the Town Board, Dutchess Land Conservancy and Scenic Hudson.

Mr. Migliorelli said most people in this room probably do not remember when this was an orchard and said when it was an orchard these buildings - the barn and the shop were all part of the orchard so to see that be that that homestead area be that thin along Route 9 he has an issue with that and knows this Board has not say about how the easement gets set up, and with the Town Board, DCL and Scenic Hudson being here, hopefully they would look and make a change to it and include these buildings, so if somebody – but would love to own these properties – and in that committee would recuse himself from voting but be in on discussions, and feels they should be included. Mr. Migliorelli said he had concerns about 20 years from now if a young farmer wanted to buy this property and wanted to make this into a retail operation that he would be able to.

Mr. Migliorelli spoke about the committee and when these easements were set in place 20 years ago. Mr. Migliorelli said he was very happy and it's a great thing.

Co-Chair Rogers advised that Secretary Hart has received no written or email comments for tonight's public hearing.

Co-Chair Rogers asked for any additional comments.

#5. Julia Solomon – Maizeland Road, Red Hook

Ms. Solomon said she is a member of the Town Board and a liaison for the farm housing committee to Town Board and a Village resident and supports this project and her comment is as a resident role and thinks because this is a big and visionary project and with a lot of ideas it is easy to get out ahead of the actual decision process and looks forward to seeing the conversation unfold at a Village level as some of these aspirations come to reality and happy to know the Village will be involved.

Supervisor McKeon advised that the developer they are talking to right now plans to do a charret (explained that term) ...it's when they meet not only with this Board but will meet with the community to come up with a plan for those 12 acres and one of the things they mentioned that they were talking about was multi-use of that barn and doing work to get that barn up to be used for an agricultural enterprise.

Attorney Polidoro said Supervisor the more you.... Supervisor McKeon said he understands but that his point is that there are possibilities and so they look forward to them coming in front of this Board and they are not coming in front of you.

Attorney Polidoro said you said there is nothing fleshed out.... Supervisor McKeon said there is nothing fleshed out. Attorney Polidoro said but you said they want a charrette. Supervisor McKeon said someday, it's their modus opera and someday do charrettes, if we end up choosing.

Co-Chair Rogers asked if there was a procurement process that has to happen. Supervisor McKeon said it does not have to be to have to be bid out for affordable housing and he is just trying to keep this Board informed and to understand where they are in the process.

Co-Chair Rogers advised that no matter how fleshed out or not fleshed out the plan is.

Attorney Polidoro said if it is fleshed out it is segmentation.

Co-Chair Rogers said to be clear, with the record rolling, a developer has been chosen and a...

Supervisor McKeon said a developer has not been chosen.

Mr. Migliorelli said last week he was told there was a developer.

Supervisor McKeon said a developer has not been chosen but they are talking with a developer, with many years of experience, but there is no agreement and all of that would be a matter of public record and they don't even own the property yet.

Attorney Polidoro said we are supposed to look a project as a whole and if a developer is coming before you to say I am going to develop a 90 lot subdivision you cannot just look at the lot but have to look at the impact, and if there is not a real project it is hard to review something in a vacuum because are we looking at something with 2 houses – 20 houses, so it falls on the applicant to disclose full plans if there are any so the Board can do a full review.

Mr. Graminski advised that this application is for a minor subdivision/lot line alteration period. Mr. Graminski said it is owned by Mary Cookingham – RTC Farm, LLC and just a reconfiguration of existing parcels.

Co-Chair Rogers said this Board needs to classify the action.

Attorney Polidoro asked if a long form was submitted. Mr. Graminski said a short form and that the Ag Data Statement was prepared and distributed.

Attorney Polidoro said with no new development being proposed it would be an unlisted action and this Board will need to complete Part II & III of SEQR.

Co-Chair Rogers made a motion to classify the minor subdivision/lot line alternation for RTC Farm, LLC with property located at 7598-7617 North Broadway, listed under Tax Parcel ID 6272-07-564993 as an unlisted action. Motion seconded by Member Pearson. All in favor. Motion approved.

Secretary Hart asked Attorney Polidoro if the Board had to motion as lead agency. Attorney Polidoro asked if the Town Board circulated or is everyone doing as an uncoordinated review. Attorney Polidoro was advised that the Town did an uncoordinated review. Attorney Polidoro said so the Town did an uncoordinated there is no need for this Board to circulate for lead agency or coordinate.

Co-Chair Rogers read through PART II of SEQR. Part II Completed. Co-Chair Rogers checked box that based on information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

Co-Chair Rogers made a motion to declare a negative declaration for the proposed minor subdivision/lot line alteration application for property located at 7598-7617 North Broadway listed under Tax Parcel ID 6272-07-564993. Motion seconded by Member Pearson. All in favor. Motion approved.

Co-Chair Rogers made a motion to close the public hearing for the minor subdivision/lot line alteration application for property located at 7598-7617 North Broadway listed under Tax Parcel ID 6272-07-564993 at 8:45pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Co-Chair Rogers made a motion to approve the minor subdivision/lot line alteration for 7598-7617 North Broadway listed under Tax Parcel ID 6272-07-564993 as submitted under revised plans dated 05-26-2023. Motion seconded by Member Zacharzuk. All in favor.

Agenda Item #5

Locavore Market (Patricia Wind)

Owner: Jack Dillon (consent on file)

29 W. Market Street

Tax Parcel ID# 6272-10-413739

Patricia Wind – owner of Locavore Market was present

Terese Fantasia - owner of T-Spoon Bakery was present

Co-Chair Rogers said that applicant is present to propose moving indoor seating to outdoor seating. Co-Chair Rogers advised that on February 9, 2023 Locavore Market received Site Plan approval for 26 indoor seats and is proposing to move 12 seats to outdoor area.

Co-Chair Rogers advised that the Building Inspector/Code Enforcement Officer, Bill Johosky, did a site visit on July 5th and recommended that the deteriorating ramp at the side exit door be replaced or removed and that a slab, pavers, or a foundation be put in for a seating area.

Ms. Wind advised that the handicap ramp will be replaced and they have advised the owner, Jack Dillon, to have it fixed.

Ms. Wind said as operator of Locavore Market they came to this Board for prior approval indoor seating and have a great little green space on the side of the building, and with the owner's consent, are proposing outdoor seating. Ms. Wind said they are proposing not to put down any permanent slab or pavers to start and that the owner has aspirations to that that in the future. Ms. Wind said they are proposing to use the ground "as it is" but could use item 4 or gravel to make the surface a little more even.

Member Pearson asked if the area was grass. Ms. Fantasia advised a lot of gravel. Ms. Wind said there is soil, gravel and grass.

Co-Chair Rogers advised that the required referral was forwarded to the Dutchess County Department of Planning and Development and no response has been received, therefore a decision cannot be made by this Board until a response is received.

Member Zacharzuk asked about the recommendation of the Code Enforcement Officer.

Co-Chair Rogers reiterated his recommendation that the existing deteriorating ramp at side exit door be replaced to removed and a slab, pavers or foundation be put in for the seating area, which seems to conflates 2 things and that the area needs works but feels the seating area

should not be contingent upon a slab. Member Zacharzuk said but the ramps needs repairing. Co-Chair Rogers said yes there is a deteriorating ramp that needs to be repaired.

Secretary Hart said if we get a response sooner the Board can hold a special meeting so as to not hold applicant up into next month.

Ms. Wind spoke about the planters around the seating area and asked if the Board has any position on the planters. Member Pearson said he liked the idea of the planters and asked for details. Ms. Wind advised they would be 10" wide – 38" long and 30" high and once plants are put in would become 36-42" in height and made of steel.

Co-Chair Rogers said this Board will need to classify the action.

Co-Chair Rogers made a motion to classify the site plan application for 29 West Market Street listed under Tax Parcel ID 6272-10-413739 as a Type II Action requiring no further environmental review. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Co-Chair Rogers made a motion to waive the public hearing for the site plan application for 29 W. Market Street listed under tax grid # 6272-10-413739. Motion seconded by Member Pearson. All in favor. Motion approved.

Co-Chair Rogers made a motion to table the site plan application for 29 W. Market Street, listed under Tax Parcel ID 6272-10-413739, with no specified date due to possibly holding a special meeting in receipt of response from Dutchess County Department of Planning and Development. Motion seconded by Member Pearson. All in favor. Motion approved.

Co-Chair Rogers advised that with regard to Agenda Item #6 applicant has requested to have their application tabled to the August 10, 2023 Planning Board meeting.

Co-Chair Rogers made a motion to table the site plan application with property located at for 59 Fisk Street listed under Tax Parcel ID 6272-11-598636 to August 10, 2023. Motion seconded by member Pearson. All in favor. Motion approved.

Co-Chair Rogers made a motion to adjourn the July 13, 2023 Planning Board meeting at 8:56pm. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Lara Hart
Secretary
