

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
August 10, 2023**

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

Chair Pagano opened the July 13, 2023 Planning Board Meeting at 6:34pm with the Pledge of Allegiance.

Chair Pagano announced all members present and that there was a quorum for this evening's meeting.

Chair Pagano asked all members if they reviewed the July 13th planning board minutes. Board members replied yes and had no comments.

Chair Pagano made a motion to approve the minutes of the July 13, 2023 Planning Board meeting. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Agenda Item #1.

Locavore Market

Owner: Jack Dillon (consent on file)

29 W. Market Street

Tax Parcel ID# 6272-10-413739

Chair Pagano advised that owners, Patricia Wind & Terese Fantasia could not be present this evening but advised that the only outstanding item was this Board from July 13th was the response from Dutchess County Department of Planning and Development.

Chair Pagano advised that the County submitted a response dated August 7, 2023 stating this application was a matter of local concern.

Chair Pagano advised at the last meeting held on July 13th the Board discussed 2 conditions: that that the outdoor ramp located at side of entrance/exit be repaired or replaced and that the side entrance/exit door remain open for customer ingress and egress.

Chair Pagano asked the Board for comment. No comments.

Chair Pagano made a motion to approve the proposed site plan application for 29 W. Market Street listed under Tax Parcel ID 6272-413739 moving 12 seats from inside to outside for outdoor seating, with the following conditions:

- 1 outdoor ramp located at side entrance/exit be repaired or replaced.**
- 2 the side entrance/exit door remain open for customer ingress and egress during business hours.**

Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Agenda Item #2

Robert Dupont, Architect

Owner: Joseph Kaufman (consent on file)

7366 South Broadway

Tax Parcel ID 6272-14-320493

Present: Robert Dupont, Architect

Chair Pagano asked that before this Board begin discussion, she would like to refer to the Village of Red Hook Zoning Section 200-12 (Neighborhood Mixed Use) and a request that any changes in the current use refer to Section 200-16 which is site plan. Chair Pagano read #1 – Procedure which states application for a permit shall be made to the Code Enforcement Officer and once the Code Enforcement office has approved the change in use it will then come to the Planning Board for site plan approval. Chair Pagano advised after consultation with the Code Enforcement Officer who was asked after the planning board was asked, that this Board deem that site plan application for 7366 South Broadway be classified as a non-conforming use.

Mr. Dupont said he has read the zoning as well and the language for NMU is mixed use and this was a business office below and approved for an apartment on top and they are changing the use but feels it is still allowed as the neighborhood mixed use.

(Note: Member Rogers entered the meeting),

Chair Pagano referred again to 200-16 and that this first goes to the Code Enforcement Officer then comes to the planning board and the Code Enforcement Officer did list this as a non-conforming use and that this needed to be made a matter of record.

Mr. Dupont said that did happen. Secretary Hart advised Chair Pagano that this was recommended to the Board by the Code Enforcement Officer.

Mr. Dupont asked what impact this would have? Chair Pagano said the impact would be if it was ever sold. Mr. Dupont said they are still going to move forward with it. Chair Pagano said you can move forward but needed to be established formally and on the record.

Mr. Dupont gave a brief outline of the building and proposal of four 1-bedroom apartments (2 above and 2 below) and no change to footprint. Mr. Dupont said they are in the process of gaining Board of Health approval for an augmented private septic system and that he put a call into Robert Flores (Village Engineer) who advised they are not in the sewer district. Mr. Dupont advised that regarding the sidewalk concerns there is a perfectly good sidewalk across the street. Member Pearson said he noticed that, and that the sidewalk comes to the east and not to this property. Mr. Dupont advised that the front is a drainage swale which collects storm water. Mr. Dupont said lighting plan was submitted last meeting showing 10 foot light poles which will be shielded. Mr. Dupont said a dumpster enclosure is being constructed and on the plans. Mr. Dupont advised sprinklers being installed.

Chair Pagano asked the Board for comments. No comment.

Chair Pagano made a motion to approve the proposed site plan for 7366 South Broadway listed under Tax Parcel ID 6272-14-320493 dated May 18, 2023 as amended and submitted to the Board on July 13, 2023 contingent upon the following conditions:

Board of Health Approval

The Planning Board is hereby granted the right to require adjustments to the exterior lighting up to a maximum of 60 days after the issuance of a Certificate of Occupancy, but limited to the adjustment, dimming and /or shielding of the lighting fixtures only.

Site Plan will move forward with the project being classified as a non-conforming use due to being in the NMU District and the change to all residential use which does not conform to the NMU District under Section 200-12.

Agenda Item #3

Red Hook Community Center
59 Fisk Street
Tax Parcel ID# 6272-11-598636

Sara Ugolini, Executive Director, was present.

Chair Pagano advised application was referred to the Dutchess County Department of Planning and Development and they replied on August 7, 2023. Chair Pagano read the letter in record which indicated that... *The Department does not consider this application complete for review under General Municipal Law section 239-l and 239-m as the materials submitted do not include lighting photometrics, light fixture specification sheet(s), landscaping plan, etc., materials as requested by the planning board. The Department requests that the Board resubmit this application when the above-mentioned information is available.*

Sara Ugolini spoke and advised she was the Executive Director for the Community Center and that they are proposing 6 lamp posts, that they hold programming from 8am until 9pm, depending on what is going on. Ms. Ugolini said KDA offered their expertise with preparing the site plan which lists all the uses.

Ms. Ugolini said she did not understand the process of how this Board gets involved. Chair Pagano said whoever is proposing the change in use should have come to the Planning Board and to the building/code enforcement officer. Sara asked how does it come to you? Chair Pagano said the Director at that time should have come to the Village building department and had conversations beforehand.

Chair Pagano advised we are just beginning our conversations and the County needs to be satisfied and asked if this Board feels they need to collect escrow for Village counsel review, because this is once again a non-conforming use.

Member Rogers asked since we are contemplating change to zoning re: NMU District in an effort to change. Chair Pagano said it is not our purview. Member Rogers said he understands it is not out purview but felt under any reading of Law intended by the people that created the NMU that every single structure be a place where people live where business is conducted but that both can happen there so hopefully this Board will clarify that, so people won't keep getting jammed-up. Member Rogers felt as far as escrow given their limited budget and being a not-for-profit organization that the attorney have to make this decision for all applications and this Board not put the burden on this applicant.

Ms. Ugolini advised if they had to create an apartment in the building it would take away from their programming.

Chair Pagano suggested going to the ZBA for an interpretation/appeal.

Member Rogers said applicant must wait for the County referral anyway, so felt this Board should make a referral to the Board of Trustees to address this issue and spend Village monies with their attorneys. Member Rogers felt we can do both and move this forward while the other issue is being examined.

Chair Pagano said this Board would need to have further discussions because this is complicated and there is the Law of unintended consequences.

Member Rogers asked if we must wait for the County no matter what, suggesting before she goes to the ZBA we can get the Village to look at this. Member Rogers said he did not want to send her off on the road to an Appeal if we think it's the whole Village's interest to resolve this matter of law that will apply to everybody and would like to move her application along and put it on the Village.

Chair Pagano feels the ZBA is her best option because they can make a determination on this one use, which will apply until the building is sold. Member Rogers said if that is the most expeditious thing for her while we are waiting for the County then agreed for her to get in front of the ZBA. Chair Pagano said the ZBA can grant them a use variance and get them back here. Secretary Hart said there is a ZBA meeting in 2 weeks.

Chair Pagano advised there are still things they will need for this Board such as a lighting plan and board of health approval. Sara advised that the BOH is in all the time. Secretary Hart advised they were in the new sewer. Chair Pagano said the sewer will need to be on the plans; a zoning table showing parking requirements and the parking that is there. Chair Pagano said plans indicate proposed site plan. Sara said one page is current and one page is proposed showing 6 lights. Chair Pagano said this Board will need more information and details on lighting; a landscape plan; drainage to be shown on the plans and as stated that the Board of Health is in all the time so you should have a piece a paper somewhere that says they approved the change in use from a church. Sara said she will check on that.

Chair Pagano said this Board will not request escrow and involve the attorney at this time.

Chair Pagano asked the Board if they wanted a signage proposal with elevations or the plans to just show the sign with dimensions and materials, etc. The Board asked for signage proposal with elevations.

Chair Pagano made a motion to table the site plan application for 59 Fisk Street listed under Tax Parcel ID 6272-11-598636 to September 14, 2023 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Agenda Item #3

Erin Moylan

Owner: Keil (consent on file)

7536 North Broadway

Tax Parcel ID# 6272-06-470753

Member Rogers said due to being an employee of the NYS Office of Cannabis Management he recuses himself from this application. Member Rogers left the meeting at 7:15pm.

Erin Moylan advised they are proposing storage use of cannabis and that the retail will be a whole separate application when they return to this Board. Erin said this is new for all of us and looks forward to working together.

Chair Pagano advised that a review of the building department records show that this barn received a building permit on 2-15-1996 for storage. Chair Pagano asked which barn it was. Erin said it was the red pole barn.

Member Zacharzuk asked about lighting with 8 cameras. Erin advised they all have flood lights attached to them so if activity is sensed they will come on. Member Zacharzuk asked otherwise it is all dark. Erin said yes. Erin said they are LED. Chair Pagano asked about brightness. Member Zacharzuk asked if all 8 could be activated at one time. Erin advised there will only be 3 on the exterior of the building. Member Zacharzuk said plans show 5. Erin said based on the camera type they can adjust it. Chair Pagano asked with the lights that go with the camera does this Board need more information about lighting. Erin asked if there needs to be lights because the cameras have night vision, so lights are not necessary and that there are options for this. Chair Pagano asked the Board if they were ok with the 60-day lighting clause condition. The Board agreed.

Chair Pagano made a motion to approve the proposed site plan for storage use at 7536 North Broadway listed under Tax Parcel ID 6272-06-470753 with the following condition:

The Planning Board is hereby granted the right to require adjustments to the exterior lighting up to a maximum of 60 days after the issuance of a Certificate of Occupancy, but limited to the adjustment, dimming and /or shielding of the lighting fixtures only.

Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Chair Pagano made a motion to adjourn the July 13, 2023 Planning Board meeting at 7:31pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Lara Hart
Secretary
