

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
February 8, 2024**

Present: Member David Markusen-Weiss (as Acting Chair), Member David Pearson and Member Steve Zacharzuk

Absent: Chair Beth Pagano and Co-Chair Jim Rogers

Acting Chair Markusen-Weiss opened the February 8, 2024 Planning Board Meeting at 6:32pm with the Pledge of Allegiance.

Acting Chair Markusen-Weiss advised of members present and that there was a quorum for this evening's meeting.

Acting Chair Markusen-Weiss asked members if they reviewed the January 11, 2024 planning board minutes; board members replied yes and had no comments.

Acting Chair Markusen-Weiss made a motion to approve the minutes of the January 11, 2024 Planning Board meeting. Motion seconded by Member Pearson. All in favor. Motion approved.

Agenda Item #1.

Robert J. Dupont, Architect
For Red Hook Partners, LLC (owner consent on file)
7385 South Broadway
Tax Parcel ID 6272-10-292549

Present: Robert J. Dupont, Architect

Mr. Dupont came forward and advised that he represents the owner J. Kaufman for proposing project at 7385 South Broadway, Red Hook, which was a prior medical building and proposing a change in use from office space to residential (2 family dwelling) which property is located in the NMU District on a 1/3 of an acre, and an allowed use and advised that he has already met with both the Building Inspector and Zoning Officer and no issues with building or zoning.

Mr. Dupont advised that the building is about 3800 square feet total – 1900 gross square feet per floor and they are proposing 2 - (3)-bedroom apartments (one per floor) and is handicap accessible and has an elevator.

Mr. Dupont advised the entire lot is paved and currently only a 500 gal. septic tank on site and property is not in the new sewer use area and they are not able to connect in.

Mr. Dupont advised they had an Engineer design a new septic system, on site and on the plans, which has already been submitted to the County Health Department and they are hoping for approval by next month.

Mr. Dupont advised since only 2 apartments Zoning required 1 ½ parking spaces for dwelling unit and because they are proposing 3-bedroom apartments they felt that was a little light, so they are proposing 7 parking spaces in the back and entire back lot is paved, so proposing 7 spaces and one handicap.

Mr. Dupont advised there will be no dumpster on site and tenants will use roll-off recycling containers and garbage containers.

Mr. Dupont submitted lighting cut sheets and photometrics. Mr. Dupont said there will be 2 – 10-foot light poles, LED and fully shielded.

Mr. Dupont spoke on the install of the septic - 2 large drywells (1,000 gal. tank) they will need which will allow for a little greenspace.

Member Pearson asked about the asphalt. Mr. Dupont said asphalt does go right to the property line and is all blacktop and sheet drains.

Mr. Dupont advised they are not proposing any change to the exterior but will be proposing one new window in front above the existing door and no signage, and that the existing signage will be removed.

Attorney Polidoro asked if the maximum coverage was on the plans for what is permitted and what is being proposed. Mr. Dupont said can do calculations and put on the plans. Attorney Polidoro said she thinks it is 40%. Mr. Dupont asked if they would be required to remove more asphalt. Attorney Polidoro said they could be, but up to this Board. Mr. Dupont said he will do the calculations.

Attorney Polidoro asked if this property was in front of the sewer plant. Member Pearson said just beyond it. Mr. Dupont said next to it, but not in it. Attorney Polidoro asked if it was within a number of feet of it. Mr. Dupont said he called Robert Flores, Village Engineer, who advised that all the properties in the sewer district were notified to connect and that the sewer district was already at maximum capacity, so if they wanted to connect it they would have to petition and that would not be allowed until more capacity added and in the next phase so they were forced to do a private septic system.

Member Zacharzuk asked if at the front on south side if planning on making a straight driveway back and take out what looks like parking in the front. Mr. Dupont advised no and leaving as is. Mr. Dupont said it is two-way traffic to get around the south side of the building and the curb cut comes out 24 feet wide. Mr. Dupont advised this will be of lighter use than what it was before.

Attorney Polidoro said with 2 apartments 7 spaces is high. Mr. Dupont felt 1 ½ was not sufficient for 2 3-bedroom apartments.

Member Pearson said he would like to see how much asphalt could be removed. Acting Chair Markusen-Weiss said we will need the coverage calculations on the plan.

Member Pearson asked if septic tank would drain into dry wells. Mr. Dupont said yes.

Acting Chair Markusen-Weiss said this Board is waiting on elevations but that the lighting cut sheets were submitted.

Member Pearson asked if they were planning on doing more landscaping. Mr. Dupont said he will talk with the owner. Member Pearson said it would be nice to show some additional plantings.

Acting Chair asked if water was village water. Mr. Dupont said correct. Mr. Dupont indicated on the plans the water lines and indicated there was a remote meter.

Mr. Dupont asked why type of plantings this Board would like to see. Member Pearson indicated low plantings that would not block the windows and maybe add some trees.

Member Zacharzuk asked about the south side if they plan on removing the tree. Mr. Dupont said no because it was inside the curb area. Member Pearson said it is narrow and encroaching already. Member Zacharzuk felt if that tree was removed that the low plantings could be taken right around to the side.

Attorney Polidoro referenced the sewer use area and properties being within 100 feet and felt this Board should request a letter for the file from Robert Flores that you are not required to connect.

Attorney Polidoro asked if they were proposing an EV charging station or bike rack. Mr. Dupont said no to EV but could add a bike rack.

Member Pearson asked about water flowing to the back. Mr. Dupont said it sheet drains and there is a catch basin.

Member Zacharzuk said no lighting on the front. Mr. Dupont said correct, but there is a light at the existing recess door but entrance for the tenants will be in the back and front entrance will be corded off for landlord-property maintenance manager for use of a control area, i.e. power, hot water heater, etc., and access to the small basement.

Member Zacharzuk asked about the first page and septic system going in and asked where the water was going out. Mr. Dupont said it comes in at the northeast corner of the building and he will indicate that on the site plan.

Member Zacharzuk asked if the elevator will remain in service. Mr. Dupont said yes it works.

Acting Chair Markusen-Weiss asked the Board if they had any other comments. No further comments.

Attorney Polidoro said because it's a reuse of an existing structure it can be a TYPE II and done today.

Acting Chair Markusen-Weiss made a motion to classify the site plan application for 7385 South Broadway, listed under Tax Parcel ID 6272-10-292549, as a TYPE II Action with no further environmental review. Motion seconded by Member Pearson. All in favor. Motion approved.

Attorney Polidoro said at some point this should be referred to Dutchess County Planning and Development. Secretary Hart advised it was already sent but no response yet.

Acting Chair Markusen Weiss inquired if the Board was ready to set a public hearing. Attorney Polidoro advised should be contingent upon getting updated plans by March 7, 2024.

Acting Chair Markusen-Weiss made a motion that contingent upon this Board receiving amended plans on or before March 7, 2024 that a public hearing be set for March 14, 2024 at 6:30pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Acting Chair Markusen-Weiss made a motion to table the site plan application for 7385 South Broadway to March 14, 2024 at 6:30pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Agenda Item #2.

Kristina Dousharm, Architect - KDA
Red Hook Community Center
59 Fisk Street
Tax Parcel ID# 6272-11-598636

Present: Kristine Dousharm Architect
Zak Hall, Project Manager - KDA
Sara Ugolini, Director

Acting Chair Markusen-Weiss advised that the building department reached out to the Village Engineer, and it was determined that a sewer review would not be necessary due to existing sewer plans being constructed for the use as a Community Center.

Acting Chair Markusen-Weiss made a motion to open the public hearing for the site plan application for 59 Fisk Street at 6:57pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Ms. Dousharm came forward to speak on where they left from the February 8, 2024 Planning Board meeting:

existing trees – stated were added to the site plan.
parking calculations – stated is now updated.
showing connection to sewer and water – stated is now on the site plan.
talked about EAF – stated is now complete and re-submitted.

Member Pearson has questions about water & sewer lines. Ms. Dousharm said that they know the building is connected to municipal sewer and water. Member Pearson asked then if you know exactly where it is. Ms. Dousharm said they do not but with public records they know the proximity of the water line. Member Pearson said they should know the exact location of sewer lines, and plans only show an approximate location.

Member Pearson asked about lighting and referenced the letter received from the Dutchess County Department of Planning and Development. Secretary Hart advised she provided a copy to Kristina. Ms. Dousharm acknowledged receipt of the letter today and read it and said she knows it has been a typical protocol of this Board to review lighting (referencing the 60-day clause) after issuance of a CO and they are happy to provide whatever the Board needs to review but their intention is to provide lighting in the parking lot and to ensure that it is safe for use. Ms. Dousharm said they can provide foot candle calculations if necessary. Member Pearson spoke on a past application at CVS and it being required.

Acting Chair Markusen-Weiss referenced letter and the County recommending this Board to ask for photometric plan, luminaire schedule and detailed manufactured spec sheets for lighting.

Ms. Dousharm said she feels fixture specifications they provided on the plan shows details and these are custom fabricated, a donated item, and similar to what exists at the Chocolate Factory - and they have looked at it and know that for what they are trying to achieve it will provide the appropriate lighting. Member Pearson asked about spec sheets. Ms. Dousharm said there is not a spec sheet because these are custom fabricated (essentially handmade), and a shielded fixture made by a metal fabricator.

Attorney Polidoro advised the Board that under our Zoning for site plan for lighting they are to show all lighting design and placement and supposed to ensure that lighting is not going off site and where the lumen sheet comes in. Ms. Dousharm felt they showed the lights and that they are shielded and downward facing.

Acting Chair Markusen-Weiss asked them to show where the double and single fixtures go. Ms. Dousharm said they are all double and plan shows a side view. Member Pearson asked then they are all in line with each other. Ms. Dousharm said yes.

Attorney Polidoro advised the Board that they need to decide if they are happy with the information provided or if they need additional information. Member Pearson said the County said we should get photometrics. Attorney Polidoro said ok and the Board should request a photometrics study and this Board is the decision makers, but can waive requirements if you don't think they are necessary to a particular application, but feels since in a residential neighborhood that the County felt there was more sensitivity.

Ms. Dousharm asked what the regulation was on waiving County comments. Attorney Polidoro said it was a matter of local concern and County comments are instructed, but because the County does not require a super majority it is not binding but instructive.

Ms. Dousharm so comments are in a way more general. Attorney Polidoro said they are general but feels as part of Zoning the Board is required to look at lighting. Attorney Polidoro said she will talk to Board after the meeting about that 60-day lighting condition.

Member Zacharzuk asked about the south side and 3 parking and 2 handicaps and proposed lamp at entrance of building and asked if that would provide enough lighting for those spots. Ms. Dousharm said yes. Member Zacharzuk asked about the north side and the 2 handicap spots in the dark.

Attorney Polidoro asked if these were donated fixtures. Sara advised paid for with a donation. Attorney Polidoro said then you can get cut sheets. Ms. Dousharm said no they are custom fabricated and no cut sheet with the fixtures. Member Pearson asked if they could take a picture of that. Attorney Polidoro said someone must have something. Ms. Dousharm said they can take a picture, but advised the Board that they could go see them at the Chocolate Factory. Attorney Polidoro asked if those were LED's at the Chocolate Factory because lighting has changed since the Chocolate Factory.

Mr. Hall spoke and said we can definitely provide photometrics but the question he has is what are the foot-candles that we are trying to hit, and if the Code does not have anything then all that he is showing is that they are not going over the property line, but at what footcandle is not going over the property line because light is interment. Attorney Polidoro said a lot of Boards are specific with footcandle and say you cannot go over your footcandle and have an average, say of 2 foot candles for the whole site – they don't want hot spots, and since you

don't have those numbers what information could you get from this lighting, but you don't want trespassing off sight or a glare onto to neighboring property, so this would give that information. Mr. Hall asked what the threshold would be for that. Attorney Polidoro advised this was a greenway community and the Greenway Guides could apply and when looking at the illumination plans it can help to decide if there is enough of a spread, if you have enough lights, or if there are dark spots.

Mr. Hall asked who is looking at it, and what are they looking at it for. Mr. Hall said he designs lighting and there is no problem. Mr. Hall asked why and maybe this would be the first project in the history of the Village that photometrics is required. Attorney Polidoro said that is not true. Mr. Hall said ok. Mr. Hall asked why is that precedent set at the Red Hook Community Center. Attorney Polidoro said it stems from the County comment letter. Mr. Hall said which is a super majority. Attorney Polidoro said this Board has the right to review the letter and discuss the comments.

Attorney Polidoro advised the Board there is another thing to look at which is the color of the lights because when you look at LEDS there are really cold blue lights and warmer lights. Kristina advised this was discussed at the last meeting and she suggested that the lights be limited to 2700-3000 Kelvin. Attorney Polidoro said that was a reasonable range but that they don't want super bright hot spots that could cause glaring, so those are the kinds of things this Board can give them parameters to work with or you have to have them show you or you can discuss and say this is good enough and work with them. Kristina said they are working to making the parking space safe and work a lot with lighting and they are the ones who suggested that the lighting was the correct color temperature, looked good and is safe.

Member Pearson asked if there was any lighting on the building to help with spaces on the plan. Sara said yes that was lit. Member Pearson asked on the building. Sara said yes.

Member Zacharzuk asked to go back to the north side and 2 sparking spots, and asked if there was light back there. Sara advised no but street lighting which does not belong to them. Kristina said there is street lighting along it. Sara advised they asked central Hudson to add additional lighting to the streetlights and they pay extra for that additional lighting. Member Pearson asked if that was on the plans. Sara said no because they are not on their site. Member Zacharzuk feels this Board needs to know where that lighting is coming from because right now he sees 2 handicap spaces and no lighting. Member Pearson said right.

Attorney Polidoro said an illumination plan would show all of that but there are a few options asking if they were on a time constraint. Kristina advised they have been waiting for the Village Board to take action on the issue that arose involving the NMU District and an issue with flood lights and glaring.

Mr. Hall asked if there was an accident would we say that the Planning Board enforced a Code that they don't have and prevented us from putting the lights up in a timely manner – is that what happens. Attorney Polidoro advised the Board that the question in front of them tonight

is do they have enough information and are you willing to waive, given that the County has asked for this information, do you think you need it for this particular application. Member Pearson said he feels we do need it. Member Zacharzuk said he feels we do need it.

Ms. Dousharm asked if there was public comment.

Member Markusen-Weiss clarified that this Board would need a lighting plan. Member Pearson said he would like more information.

Mr. Hall asked if the Board could specify and if it is the green plan targets. Attorney Polidoro said she recommends the Greenway Guides because you don't have specific guidelines. Mr. Hall said okay and he will design to that standard, but what he does not have is the average foot candle and asked what footcandle they want and needs a parameter. Member Pearson said a photometric guide and we are not the experts.

Attorney Polidoro spoke about the Greenway Guide and standards and believes it was updated for lumens and read from it.... "people begin to feel comfortable at .1 - 1 foot candle, and don't want to see over 1 footcandle average". Attorney Polidoro asked Mr. Hall if he agrees that no more than 1. Member Markusen-Weiss said that sounds fine to him. Ms. Dousharm said it is hard for them to design something with no standard and they just want to do the right thing and they feel they provided the right lighting and if this Board wants calculations they can do, but difficult with lights that are custom fabricated and donated labor and their time is donated and they are just trying to do the right thing and it is dangerous out there. Attorney Polidoro said the Board could set a condition that the lighting does not exceed an average of 1 footcandle and no CO issued until it meets that. Ms. Dousharm said they would be happy to do that. All members were ok with that.

Public Comment for Public Hearing: (7:21pm)

Jennifer Swantz – 21 Reilly Lane, Red Hook, NY

Ms. Swantz spoke and advised she was the President of the Board of Directors of the Red Hook Community Center since 2018 and has watched the use of the center grow and the Center is doing programs in the evenings approximately 4-5 nights per week and in the past years over 10,000 visits and especially in the winter after dark and is really important for safety issues that they have adequate lighting going from the center to the parking lots.

Erin Cannan – 30 Starbarrack Road, Red Hook, NY

Ms. Cannan spoke and advised she has been a long time Red Hook resident, children attend the Red Hook Community Center, and is also a partner with her job at Bard and many students getting off the shuttle and going to the Community Center as volunteers and to use the center itself and seeing growth overtime and feels because students are on foot coming in and out of the center it is important that it is lit and the center will abide with the standards and whatever it is they are supposed to do and works with closely with people who donate their time and it would be helpful if this could get resolved and make the center safe.

Jeung-IL Tsumagari, 57 E. Market Street, Red Hook, NY

Ms. Tsumagari advised she was the Program Director at the Red Hook Community Center and that it would be nice to have the parking lot lit when leaving work at the end of the day and would be nice to assist students leaving at the end of the day to and from the Center and its been growing in use and only going to be expanding and would like this matter resolved.

Acting Chair Markusen-Weiss asked for any other comments from the public.
No further comments. No comments received via mail.

Acting Chair Markusen-Weiss made a motion to close the public hearing for the site plan application for 59 Fisk Street at 7:247pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Attorney Polidoro asked if the Board is ready to move forward tonight.

Attorney Polidoro spoke on the plans and that it looked like the double lamps are missing the shields so the Board may want to make that a condition that all lamps have shields.

Acting Chair Markusen-Weiss went over the conditions:
All lamps are double lamps with shields.
Parking lit no more than 1 footcandle as an average.

Acting Chair Markusen-Weiss asked the Board for any other conditions. Member Pearson said he wants to see more on the plans for the lighting that is coming from the building.

Attorney Polidoro asked Member Pearson if he was concerned that more lights would be required. Member Pearson said no but would like to see existing lighting on the building. Member Zacharzuk said they said the lighting on the north side for the handicap signs is being provided by someone else off their property. Acting Chair Markusen-Weiss said they need to come up with a minimum of .1 and average of 1. Attorney Polidoro said you can say a minimum of 1 and try to get to zero at the property lines and then it is up to them to make that work and the risk is on them now to meet that standard. Acting Chair Markusen-Weiss asked the Board if they were comfortable moving forward with those conditions. All said yes.

Acting Chair Markusen-Weiss said the condition will be that:

A minimum of .1 footcandles in the property and average of not less than 1 footcandle and that we are not illuminating beyond the property line.

Attorney Polidoro suggested that a 3rd condition be:

Before a CO being issued that lighting be demonstrated as compliant.

Mr. Hall said they can do a spot test. Attorney Polidoro said they can provide an as-built to make sure they are compliant.

Member Pearson said they have 60 days to look at it. Attorney Polidoro said you can ask for 60 days but right now you are asking for these requirements and if not met will not get a CO.

Attorney Polidoro said the problem is that the 60-day clause could be considered subjective. Member Pearson said ok because a photometrics plan will work.

Attorney Polidoro said if Board is comfortable there are 3 conditions:

- *All lamps will be double lamps with shields

- *Parking lot shall be lit no more than an average of 1 footcandle with no less than .1 footcandle and zero at the property line

- *Prior to issuance of a CO applicant must provide as-built photometric plan demonstrating compliance with lighting including existing lighting on the building.

Attorney Polidoro advised moving forward, this is not the ideal because we do not have the numbers now, but they are taking the risk that it be designed within these parameters now.

Acting Chair Markusen-Weiss asked if the Board was ok with this.

Member Pearson asked if we would get to see this. Attorney Polidoro said you will get as-builts when it is up.

Acting Chair Markusen-Weiss asked if we approve with this condition or ask them to submit ahead of time and table.

Member Zacharzuk said he would like to see ahead of time and Member Pearson agreed. Acting Chair Markusen-Weiss said he would be ok with it as a condition.

Ms. Dousharm said she is concerned about the time that is going on and the parking lot remaining dark.

Acting Chair Markusen-Weiss asked about SEQR. Secretary Hart advised it was not done at the last meeting.

Acting Chair Markusen-Weiss asked the Board if we were tabling this application. Board members said yes.

Secretary Hart asked Attorney Polidoro if SEQR should be done. Attorney Polidoro suggested waiting until we see numbers and asked Board members about what it would be classified as. Secretary Hart said it was in last month's minutes and that Chair Pagano felt she thought it would be an unlisted action. Attorney Polidoro said it was up to the Board but if they were not

comfortable moving forward without the photometrics plan then should hold off on SEQR but if comfortable moving forward with conditions, then can do.

Acting Chair Markusen-Weiss said a majority of the Board would like the application tabled pending receipt of photometrics plan. Ms. Dousharm said rather than an as-built which is going to show the same thing and the parking lot will be darker for a longer period of time. Member Pearson and Member Zacharzuk want to see numbers.

Mr. Hall said the numbers could be zero. Ms. Dousharm said the numbers could be zero and we could decide that we need no lighting at all.

Mr. Hall said that is where they are getting a little lost because they are providing lighting that meets the needs of the use. Member Pearson said he cannot tell from this plan. Mr. Hall said that is true. Member Pearson said he cannot tell if it lights the other areas of parking. Mr. Hall said that's true, however, if the applicant comes to you with an issue, which is that the lighting in the parking lot, not around it, needs to be improved, he does not understand the delay in improving that, based upon the very generous condition, and won't be happy with 1 footcandle, so he does not know what to do with that. Ms. Dousharm said as a designer it is hard to design something and if we are already in agreement with that, and you tell us what we need and we will make sure that it meets that standard and that burden is on them, and if it doesn't then they are in trouble and will have to come back. Member Pearson said he wants to see the data and what the County asked for. Ms. Dousharm felt that what the County was responding on was the procedure of the 60-day clause. Mr. Hall said It does not make sense referencing pole lighting and the baluster system. Attorney Polidoro said the 60-day condition is subjective and why you need to have the details ahead of time, so that you know where fixtures are going, what they look like and how warm the lights will be and how they will appear on the surface.

Attorney Polidoro said this Board has a lighting plan in front of them but missing the photometrics and why at a standard you can say design to a standard. Ms. Dousharm said there is no standard and we are defining a standard now. Attorney Polidoro said County standards which are applicable in the Village of Red Hook.

Member Zacharzuk said all he can see is 6 double lights and no other lighting.

Acting Chair Markusen-Weiss said application will be tabled pending receipt of a photometric plan of existing and proposed lighting.

Acting Chair Markusen-Weiss made a motion to table the site plan application for 59 Fisk Street listed under Tax Parcel ID 6272-11-598636 for March 14, 2024 at 6:30pm. Motion seconded by Member Pearson. All in favor.

Agenda Item #3

Kristine Dousharm - KDA Architect
For Keil Realty (consent on file)
7536 North Broadway
Tax Parcel ID 6272-06-470753

Present: Kristina Dousharm, Architect
Zak Hall, Project Manager - KDA
Erin Moylan, business owner/tenant

Acting Chair Markusen-Weiss advised that escrow would need to be collected for services of Village Attorney in the amount of \$1500 and for Village Engineer in the amount of \$800.00.

Ms. Dousharm spoke and advised this was an application for what is currently Keils (John Deere) on North Broadway and Erin Moylan, owner, is present who has previously received approval for cannabis storage.

Erin spoke at this time and advised they got site plan approval for storage and is back with a more detailed plan for retail. Erin advised building in rear would be for future events.

Attorney Polidoro asked if public events. Erin said would be private. Attorney Polidoro asked if this was part of it. Ms. Dousharm said this was not part of the application, but they were denoting all future potential uses on the site.

Ms. Dousharm said this is cannabis retail which is by local code and in terms of improvements to the site they are looking at eliminating some of the asphalt and getting some landscaping out by Route 9, which they feel is really important for the site and then, although not part of this application, noting by installing the landscaping it would allow for potentially a cross walk to be added on North Broadway by the Village or someone else. Ms. Dousharm said there is currently an issue that has been discussed about issues with curb cuts and storm drainage and does not allow for crosswalks in locations where needed, so this was something that was looked at right off the bat, if they shift the entrance towards the north and put landscaping in between this property and the dry cleaners that would allow for sidewalk in the stretch – essentially to maybe serve the post office.

Ms. Dousharm advised they submitted the parking calculation and they would be carving out the pieces of existing asphalt – staff parking out back – dumpsters to remain in the same location but with enclosure.

Member Pearson asked how wide existing curb cut was. Ms. Dousharm said pretty wide – basically from the building to the property line – the whole entire front is paved so they are proposing to take asphalt out of front between the building and North Broadway where there was previous parking for all the tractors, and they would just have entrance from North Broadway.

Ms. Dousharm said they would like to propose one way traffic in and out because of the planning that the Village is looking at in terms of Graves Street and the extension to Cookingham Farm property and feels with the traffic light this will better serve and knowing of this goal of the Village having this one way would help that and help to not contribute to more of a backup.

Attorney Polidoro asked if they have an easement because it looks like 2 different lots – the one on Graves Street and one on Route 9. Erin advised that Keil owns both the properties. Member Pearson asked if they had plans to keep it. Attorney Polidoro advised but he could sell it. Erin advised it is in their lease now that they are including that lot. Attorney Polidoro said with one way in and out and in they will need a legal agreement. Ben said they are purchasing the back lot. Attorney Polidoro asked who he was (Ben said sorry). Erin said they are actively negotiating that with the Keils and it's been slow to the game with the State and they are trying to get ahead as much as possible. Attorney Polidoro said if you purchase it as 2 lots they could be sold separately so you need an easement or merge the two lots. Ms. Dousharm said that makes sense.

Acting Chair Markusen-Weiss said Lofty is not approved yet as a retail establishment and asked if they expect that because they are number 1 on the waiting list. Erin said yes. Acting Chair Markusen-Weiss asked Attorney Polidoro if there was any issue with moving forward because they don't have a State license yet. Attorney Polidoro said no, and this Board does not get into licensing.

Acting Chair Markusen-Weiss asked about traffic and any impact. Ms. Dousharm said we would want to talk about how they intend to operate. Erin said it will be difficult to come up with a traffic study because they do not know how many customers they will have day to day and this kind of retail establishment does not exist so they intend to operate with mostly pre order and pick up and people will not lining up and it will be appointment based. Member Zacharzuk said you will have no walk-ins. Erin said they will have walk-ins, and are still working all that out with regulations with the State.

Ms. Dousharm said it is important to look at this potential issue and what the applicants are looking to do is throttle that traffic – say if you were a walk-in and just showed-up they will not have a mob scene in the store – they will advise they are full and ask to park car and walk around and come back at your time.

Attorney Polidoro said with traffic questions we ask to provide a traffic study but the ITE does have a land use code for marijuana dispensary so they should be able to provide numbers. Attorney Polidoro referenced 882WC. Mr. Hall said they don't expect it to be over 100 trips per day. Erin said they are not typically a dispensary and the license they are applying for is a retail license and not a dispensary. Erin said they are a small scale producer and cultivating off site and can only sell what they produce so they will not have the high level traffic as a dispensary.

Attorney Polidoro said you can provide numbers and some information as if you were a regular dispensary.

Member Zacharzuk asked where showing gravel being the main building will that stay gravel. Ms. Dousharm said yes and no change to gravel driveway or greenspace. Attorney Polidoro asked if any of that was in DOT right of way. Member Pearson felt yes. Attorney Polidoro said to change a curb cut you have to go to the DOT.

Attorney Polidoro said this would be a TYPE II Action since it is a reuse of existing building but advised the Board to send a courtesy referral to DOT.

Attorney Polidoro asked if any change in use. Ms. Dousharm said retail to retail.

Member Zacharzuk asked if only providing one handicap space. Ms. Dousharm said yes because parking is all asphalt and looking at minimal parking based on Code and they are looking at 12 spaces and only one handicap is required.

Member Zacharzuk asked about a bicycle rack. Ms. Dousharm and Erin said sure.

Attorney Polidoro asked how many parking spaces total. Acting Chair Markusen-Weiss said plans show 12 non staff and 11 staff. Ms. Dousharm said yes but that 11 staff is just suggesting and a gravel area and no budget to change it. Attorney Polidoro asked for a zoning table on the plans for parking to indicate what zoning says and what is being proposed. Ms. Dousharm said ok.

Member Zacharzuk said in their proposed west elevation they are showing windows and asked if they are being taken out. Mr. Hall said proposal is to update and they will leave but updating the existing door.

Acting Chair Markusen-Weiss said most change is at north elevation and asked if they were adding a window. Ms. Dousharm said yes – they are proposing to restore those.

Attorney Polidoro asked about signage. Erin advised per State they can only have one sign so only proposing one sign. Acting Chair Markusen-Weiss said it was shown at front entrance. Attorney Polidoro said plans need more information on lighting. Acting Chair Markusen-Weiss said to show that it meets signage requirements. Ms. Dousharm said they are still working on graphics. Erin advised the State has to approve graphics. Attorney Polidoro suggested putting TBD for signage but maybe put dimensions. Ms. Dousharm said yes. Acting Chair Markusen-Weiss asked that the plans show that signage complies with Village regulations.

Attorney Polidoro asked if sewer was on the lot. Ms. Dousharm said yes, and they were currently connected. Attorney Polidoro asked to put location of tank and lines on the plans. Ms. Dousharm said sure.

Member Zacharzuk asked if they would be painting lines for parking. Ms. Dousharm said on the asphalt only.

Member Pearson asked what the exclusion 1 was on the photometrics plan. Ms. Dousharm that means it is the neighbor's property and they demonstrated how the lights are not affecting their property.

Attorney Polidoro said if you look at the plans it tells you there is an average of 1 footcandle with some spots being higher and some lower.

Acting Chair Markusen-Weiss made a motion to classify the site plan application for 7536 North Broadway as a TYPE II Action with no further environmental review, and that a courtesy referral be sent to DOT. Motion seconded by Member Pearson. All in favor. Motion approved.

Acting Chair Markusen-Weiss asked the Board for any further comments. No comments.

Acting Chair Markusen-Weiss made a motion to set a public hearing for the site plan application for 7536 North Broadway for March 14, 2024 at 6:30pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Acting Chair Markusen-Weiss made a motion to table the site plan application for 7536 North Broadway to March 14, 2024 at 6:30pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Agenda Item #4

Patricia Breinin – The Inwood Foundation
Firehouse Lane
Tax Parcel ID: 6272-10-388518

Acting Chair Markusen-Weiss advised that the applicant has sent an email requesting that her site plan be extended one year to February 9, 2025 and that applicant received her first site plan approval on April 12, 2018 and applicant has advised that they are still in the process of preparing plans.

Acting Chair Markusen-Weiss advised that Secretary Hart advised the Board that the original Board of Health approval expired on March 28, 2022 and it was determined that this lot is now in the new sewer use area.

Acting Chair Markusen-Weiss advised that the that the Village Attorney has been asked to be retained on this Application and is requesting escrow from the applicant in the amount of \$1,500.00 and that the Village Engineer will need to be retained on this application and is requesting escrow in the amount of \$800.00; and applicant could not be present this evening due to being out of State.

Acting Chair Markusen-Weiss asked Attorney Polidoro about this application and moving forward.

Attorney Polidoro advised that normally you would extend but because there has been a change in conditions, and health department approval being expired and they are now in the new sewer use area the applicant will need to come in with a new site plan showing design of the new sewer and recommends not extending because the Board needs to make sure that where the connection line is that it won't impact the placement.

Attorney Polidoro recommended contacting the applicant to possibly have a meeting with Robert Flores, Engineer, and the building inspector.

Secretary Hart advised she had reached out to the applicant and is waiting to hear back from her.

Acting Chair Markusen-Weiss made a motion to table the site plan application for Firehouse Lane listed under Tax Parcel ID 6272-10-388518 to March 14, 2024 at 6:30pm. Motion seconded by Member Pearson. Motion approved.

Acting Chair Markusen-Weiss made a motion to adjourn the February 8, 2024 Planning Board meeting at 8:11pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Lara Hart
Secretary to the Planning Board
