

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
April 11, 2024**

Present: Chair Beth Pagano; Member David Pearson and Member David Markusen-Weiss

Absent: Member Steve Zacharzuk and Co-Chair Jim Rogers

Present: Village Attorney, Vicotria Polidoro

Chair Pagano motioned to open the April 11, 2024 Planning Board Meeting at 6:35pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano asked all to stand for the Pledge of Allegiance.

Chair Pagano announced members present and that we had a quorum for this evening's meeting.

Chair Pagano asked the Board if they reviewed the March minutes and submitted comments, if any, to Secretary Hart. Board members replied yes.

Chair Pagano made a motion to approve the minutes of the March 14, 2024 Planning Board meeting. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano announced that there would be a change in the order of the agenda.

Agenda Item #1. (listed as #5 on original Agenda)

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

Chair Pagano announced that Secretary Hart received an email from the applicant, Patricia Breinin, dated April 1, 2024, requesting to withdraw the site plan application.

Chair Pagano made a motion to withdraw the site plan application for Firehouse Lane listed under Tax Parcel ID# 6272-10-388518 as requested by applicant dated April 1, 2024. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Agenda Item #2. (listed as #1 on original Agenda)

Kristina Dousharm Architecture, PLLC - for the Red Hook Community Center
59 Fisk Street
Tax Parcel ID# 6272-11-598636

Present: Kristina Dousharm, Architect
Sara Ugolini – RHCC Director

Kirstina Dousharm advised that they had left off with this Board requesting photometrics which have been submitted.

Member Pearson asked about the lighting across the road. Kristina advised across the road is the Baxter Street property and felt it was important to note here that they did this upon the Board's request and that they are mapping existing street lights and that one noted in red is definitely extending beyond the property because the Board asked that they look at lights around the building, along the building and in the vicinity of the building. Chair Pagano asked if the red one was the Street lamp. Kristina said yes.

Chair Pagano advised that applicant had located and marked existing lighting as requested.

Chair Pagano reminded that the public hearing was held on February 8th and closed on February 8th.

Chair Pagano advised that applicant has indicated lighting on the building on the plans.

Chair Pagano made a motion to declare the site plan application for 59 Fisk Street as a Type II Action requiring no further environmental review. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano advised that the Village Attorney has prepared a Resolution for this Board's consideration. A copy was given to Kristina Dousharm.

**VILLAGE OF RED HOOK
PLANNING BOARD**

A meeting of the Village of Red Hook Planning Board was convened in public session at the Village Hall, 7467 South Broadway, Red Hook, New York on April, 2024. The meeting was called to order by _____.

Moved by:

Seconded by:

RESOLUTION TO GRANT SITE PLAN APPROVAL

Red Hook Community Center

WHEREAS, the applicant, Red Hook Community Center, Inc. has submitted an application for site plan approval for a change of use and to add additional parking lot lighting to an existing parking lot at the property located at 59 Fisk Street, Red Hook, tax parcel number 6272-11-598636 (the “Property”), in the Neighborhood Mixed-Use (“NMU”) Zoning District (the “Project”); and

WHEREAS, the Project is depicted on plans prepared by Kristina Dousharm, AIA dated January 29, 2024 and a lighting plan prepared by Kristina Dousharm, AIA and undated (the “Site Plan Set”); and

WHEREAS, the proposed new light fixtures are being custom fabricated to match the existing fixtures at the Chocolate Factory, except that the lights will be shielded; and

WHEREAS, municipal uses, including civic buildings, and professional services are permitted uses in the NMU District; and

WHEREAS, by letter dated January 23, 2024, the Village Engineer indicated that the requirement of an engineering review of the wastewater requirements for the change of use was being waived because the current system was recently installed by the Village of Red Hook and designed to meet the wastewater needs of the applicant; and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development (DCDPD) which responded on February 8, 2024 that it was a matter of local concern and provided comments on the need for lighting details; and

WHEREAS, the applicant has responded to the concerns raised by DCDPD and the Planning Board and provided additional lighting details, including a photometric plan; and

WHEREAS, the applicant provided a Short Environmental Assessment Form dated January 19, 2024; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(18), reuse of a residential or commercial structure, where the proposed use is a permitted use under the Zoning Law, including by special permit, and the action does not meet or exceed any thresholds in 6 NYCRR § 617.4, is a Type II SEQRA action; and

WHEREAS, a duly noticed public hearing was opened on February 8, 2024 and closed on February 8, 2024, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby classifies the Project as a Type II SEQRA action.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Site Plan Set, and authorizes the Chair or her authorized designee to sign the Site Plan Set after compliance with the following conditions:

1. **Payment of all fees.**
2. **Revision of the Site Plan Set to include a note stating that all light fixtures will be shielded.**

BE IT FURTHER RESOLVED, that before the Building Inspector may issue a Certificate of Occupancy for the improvements shown on the Site Plan Set,

1. **The Building Inspector shall confirm that all lighting was installed in accordance with the approved Site Plan Set and does not exceed the values in the photometric plan.**
2. **The applicant shall provide a .pdf of the signed Site Plan Set to the Planning Board Secretary for her files.**

Beth Pagano, Chair	_____
David Markusen-Weis	_____
David Pearson	_____
Jame Rogers	_____
Steven Zacharzuk	_____

Beth Pagano, Planning Board Chairperson

VOICE VOTE	Aye-	Absent-	Nay-	Motion Carried/Denied
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Chair Pagano read aloud from the NOW THEREFORE... paragraph.

No Board comments.

Chair Pagano made a motion to approve said Resolution to Grant Site Plan Approval for property located at 59 Fisk Street. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Next 2 applicants were not present - brief intermission was taken.
 Secretary Hart attempted to contact both applicants. Applicants showed up.
 Chair Pagano called the meeting back to order.

Agenda Item #3 (listed as #4 on original Agenda)

Catherine Ackert
46 W. Market Street
(Owner: Brochetti Catering, LLC – owner’s consent on file)
Tax Parcel ID: 6272-10-378736

Present: Catherine Ackert

Chair Pagano advised that the Village Engineer responded and advised that this does not require a sewer review and what is there is adequate for the proposed use.

Chair Pagano made a motion to open the public hearing at 6:53pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano advised that no written comments via mail or by regular mail have been received.

Chair Pagano asked if anyone was present wishing to speak.
Chair Pagano put on the record that no persons were present to speak.

Note: Savannah Williams was on the sign-in sheet, but she did not come forward to speak.

Chair Pagano made a motion to close the public hearing at 6:56pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Catherine Ackert advised this site plan was for an Italian deli and that they will be utilizing local farms and that it will be offering a chopped salad bar and feel this is much needed in this area.

Chair Pagano said that all required amendments that the Board requested at the March 14th meeting were completed.

No board comments.

Chair Pagano made a motion to approve the site plan as submitted, dated February 26, 2024 For property located at 46 West Market Street and listed under Tax Parcel ID 6272-10-378736, WITH THE FOLLOWING CONDITIONS:

Any proposed lighting shall not interfere with the visibility of traffic and shall shield direct light from adjoining streets and properties and prior to issuance of a CO applicant must demonstrate compliance with lighting.

Site Plan shall comply with all Local, County, State and Federal Laws.

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

Agenda Item #4 (listed as #3 in original Agenda)

Marie Welch, L.S. for Thomas LeGrand
St. John Street
Tax Parcel ID: 6272-06-389759

Present: Marie Welch, L.S.

Chair Pagano advised that this Board scheduled a public hearing for this evening.

Chair Pagano advised that a response to the referral received from Dutchess County Department of Planning and Development dated March 29, 2024 indicated that the site plan was listed as “incomplete”. Letter on file with the building department.

Chair Pagano made a motion to open the public hearing for the site plan application for St. John Street at 7:01pm. Motion seconded by Member seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano put into record that per Secretary Hart no written comments via email or by regular mail were received.

A sign-in sheet was provided to Chair Pagano. Chair Pagano asked that all who wish to speak please sign the sign-in sheet.

Marie Welch spoke and advised that Mr. LeGrand is the owner of two 2 pieces of property – one fronting at 49 West Market Street and a vacant piece of property to the north of it.

Marie Welch advised of the recent lot line that was approved and that this proposal was for a two-story building - roughly 40 x 30 feet – 1200 sq. ft. per floor for a total of 2400 square feet and object is to have an office space on lower flower and a residential unit on the upper floor.

Marie advised they were here to show parking layout and that some stuff has not been done regarding engineering but that engineering review has not been done yet but wanted to address parking because they think it is too much parking and want to make it more attractive and allow for more landscaping.

Marie spoke about the Board asking for a traffic study and said they are assuming it is more to see how many parking spaces are needed because for office space and an apartment you would not increase significantly. Marie said the engineer who will be doing the septic will be dealing with that.

Marie said at this point we can open the public hearing, but they are not ready to close the public hearing tonight but wanted to address any comments from the public.

#1. Kristen Luks. 51 West Market Street, Red Hook

Kristin Luks asked if there was a site plan available to look at. Marie said yes and put it out.

Kristin Luks asked what the percentage of coverage on the lot is, and how much is asphalt due to her concern of rain and standing water on St. John Street and on the sidewalks and asked where all the rain is going.

Marie Welch advised should be able to permeate the ground due to being all gravel parking area. Mr. LeGrand said they are reducing what is there, as it is too much, and wants to be able to look in and see green and said with existing parking lot he is proposing to shrub around so you won't even see that, and it's all sand so if there was a water issue he would put a drywell in.

Mr. LeGrand advised they are putting a sewer system in that will be at 100% capacity.

Kristin Luks said she appreciates that.

Kristin Luks asked about parking and if parking would be for only the use of the property and not renting parking spaces out. Mr. LeGrand advised correct, and that they have had some people parking there, but will be adding new signage for that. Mr. LeGrand said he is not proposing retail and only a professional office with 9-4 hours.

Kristin Luks asked if trees and telephone poles were added to this. Marie said no, but poles are already there, and lighting will be added with the next submission.

Kristin Luks said she asked because of the large ones in the back that may have to come down. Marie said she did not see any but there is one on the corner.

Kristin Luks said she finds that people speed around that corner and just wants to make sure there would be visibility there but in looking at the plans sees that this is more than 13 feet back. Kirstin felt good about that.

Kristin Luks said she had some questions about the setback and asked the Board to look at Zoning Section 200-10-E-(2) and that if you are in a general business district that abuts a residential district you have to match the setbacks of the residential district.

Chair Pagano advised that they did request clarification from the Zoning Enforcement Officer and read the memo from Thomas Keith, ZEO, dated April 11, 2024 into record.

TO: Planning Board Chair and Members
FROM: Thomas Keith, Zoning Enforcement Officer
DATE: April 11, 2024
RE: Site Plan – LeGrand – St. John Street

The Chair of the Planning Board has asked that I interpret the following:

Zoning Section 200-10-E-(2) YARDS. All buildings and structures constructed on lots which abut nonbusiness districts shall be so located as to conform in respect to the abutting yard width with the side or rear yard requirements as the case may be for the district against which the lot abuts.

It is my interpretation that if a Village Road is in between it, it cannot be considered abutting.

Kristin Luks said she finds that interesting because on the zoning map you can see that the zoning line is actually in the center of the road and yellow/purple section meet in the center of that road, so she does not agree with that.

Marie asked what line she was concerned with, and that they are 30-40 feet from the property line and the building is 60 feet.

Kristin asked about front setback. Marie said it is whatever the other houses are along that street. Kristin said she is saying shouldn't it match that residential district based on 200.

Marie said it does not abut a residential district over here. Kristin said it does. Marie said it's only saying on the side it abuts. Marie said only the side it abuts, and you cannot make the whole lot conform to one side. Kristin said ok.

Kristin asked if they would be submitting elevations and if someone would be reviewing them against the Pattern Book. Chair Pagano said yes. Kristin asked if that would be shared with the public and can they come back and comment on that too. Chair Pagano advised that this Board will not be closing this public hearing tonight.

Kristin said that was all and thanked the Board.

#2. Howard Luks. 51 West Market Street, Red Hook

Howard Luks advised that Kristin covered it all.

#3. Savannah Williams. 47 West Market Street, Red Hook

Savannah Williams spoke and advised that their property backs up to this lot and asked about the driveway and the large trees along it that she thinks is that property and asked how high it will be, and wonders about those trees because they do come over the property and asking if they will be cutting them.

Marie Welch said generally saying a 2-story building is about 32-36 feet high.

Savannah asked how many units will be in the apartment building. Marie Welch advised one.

Savannah said she appreciates that Red Hook does need housing and hopes it is reasonably priced housing, and just to keep in mind that this is a nice quiet slow neighborhood and to make sure there is clearance in viewing.

Marie Welch said they are not interfering with or changing site distance.

#3. Kym Bradley-Rickard – 3 Scism Circle, Red Hook

Kym Bradley-Rickard spoke and wanted to see where the entrance to the driveway would be. Marie showed where the entrance would be and not even across from Scism. Kym said no she is asking to know where it is in comparison to the turn because being where she is on Scism Circle, and she walks a lot and knows there is a lot of traffic and people speeding through that area. Marie said if you look on the North side there is a sidewalk and driveway for the Frontier building and another piece of sidewalk and a catch basin, so it is basically opposite this opening, to the lot on the north.

Kym said when she heard about this she had a concern with the turn because people sort of turn it into a one way and cut the corner so her concern is if people are turning in here, and coming out at Frontier she has concerns that someone coming out of that spot would cause an accident and spoke about all the driveways. Kym said she felt adding another driveway could cause more traffic and problems in that area.

Marie said in that case he would have to move his building and would not be able to get a septic system in or come in a different direction and lose parking spaces.

Kym mentioned Beth talking about a traffic study and typically a traffic study is counting the number of cars that go through there and speeds that go through there.

Marie said that is typically done in determining when you have a lower than posted speed limit and want if you want to limit your site distance because everyone is going 40 mph instead of the posted 55 mph. Marie said at the last meeting the acting Chair requested that but did not

specifically say what he wanted in that traffic study so hopefully we can get some clarification on that. Kym said clarification would be great. Marie said she sees no significant impact. Kym said being on the road everyday she does. Marie said 2-3 more cars which is not significant. Kym said if you have 14 parking spots, which looks like is laid out, that is not 2-3 more cars and potentially 14 cars. Marie said parking spaces 1-8 do exist and Mr. LeGrand would like to eliminate 3 or more spaces for shrubbery so potentially you may have 4 spaces on this lot and the other 8 that are already existing.

Chair Pagano said when Mr. LeGrand submits the revised site plan this Board will address it.

Kym said she does not see 8 cars fitting in the existing parking lot. Marie said they are too scale. Kym said with that having 14 cars on that space is more than just 2 or 3 especially when you are moving a driveway after a relatively hard turn and that is her concern, and said she is not necessarily against having parking but relatively it can be a dangerous turn to begin with and contending adding one extra driveway seems a little extra dangerous, especially if walking through that area because there is sidewalk on one side and often obstructed in areas which then puts you on the road and if a car is coming in it gets narrow.

#5. Zak Hall – 7531 North Broadway, Red Hook

Mr. Hall said both he and Kristina have offices around the corner and see no issue with this proposal.

Chair Pagano asked for any other comments. No other comments.

Chair Pagano made a motion to table/continue the public hearing for the site plan application for St. John Street listed under Tax Parcel ID 6272-06-389759 to May 9, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Mr. LeGrand asked the Board as far as septic system he will give a letter from Engineer, but final approval will be subject to BOH Approval. Chair Pagano said absolutely.

Chair Pagano made a motion to table the site plan application for St. John Street listed under Tax Parcel ID 6272-06-389759 to May 9, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Agenda Item #5 (listed as #2 on original Agenda)

Kristina Dousharm Architecture, PLLC – For Lofty Supply
7536 North Broadway
Tax Parcel ID 6272-06-470753

Present: Kristina Dousharm, Architect
Erin Moylan, Business Owner
Victoria Polidoro, Village Attorney

Chair Pagano asked Attorney Polidoro if the Board could convene into executive session.

Village Attorney Victoria Polidoro asked if it was for attorney-client session for advice of counsel. Chair Pagano said yes.

Chair Pagano made a motion to convene into Executive Session at 7:23pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to reconvene from Executive Session at 7:36pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Kirstina Dousharm spoke and said we left off there was a question about incidental use and asked if we could start with that.

Chair Pagano advised that this Board received clarification from the Village Code Enforcement Officer and read into record.

TO: Planning Board Chair and Members

FROM: Thomas Keith, Zoning Enforcement Officer

DATE: April 11, 2024

RE: Site Plan – LOFTY – 7536 North Broadway

At the March 14, 2024 Planning Board meeting the Board requested an interpretation of Village Zoning Section 200-10-B-(30) – MICELLANEOUS RETAIL STORES, including the making of articles to be sold at retail on the premises, provided that any such manufacturing and processing shall be incidental to the retail business and not more than five persons, shall be employed in such manufacturing or processing.

After review of Village Zoning, it was determined that there is no definition for either manufacturing or processing.

I determine that the use should be allowed so long as items processed are sold on the retail site.

After speaking with the mayor, it was determined that the Village Board will be meeting to review Districts and the drafting of a definition for both manufacturing and processing.

In Erin's proposal dated 2/8/2024 and in her narrative dated 4/11/2024, odor was addressed by the applicant wherein she advised that they will install proper HVAC and carbon filters and there will be no smell.

I would recommend that the Board set a condition that if odor becomes an issue a violation will be issued.

Kristina said they do understand that the storage in the red barn was an issue and the issue resolved and contents will be removed off site. Chair Pagano said that will lead to another condition that the approval from August, 2023 will be revoked.

Kristina said their plans have remained unchanged since their submission dated February 28, 2024 and she knows there was a pretty extensive discussion on some issues, and they are prepared to offer any additional clarifications tonight, but they are looking to understand what information this Board is looking for.

Chair Pagano said she wanted to put on record that a letter from the Village Engineer, Delaware Engineering, dated March 19, 2024 was received which indicated that"subject building is equipped with an existing 1,000 gal. septic tank and a simplex pump and that specifications meet the previously stated capacity requirements", and a copy of the letter was forwarded to all Board members for their review.

Chair Pagano read into record another clarification memo from Thomas Keith, Zoning Enforcement Officer:

TO: Planning Board Chair and Members

FROM: Thomas Keith, Zoning Enforcement Officer

DATE: April 11, 2024

RE: Site Plan – LOFTY – 7536 North Broadway

At the March 14, 2024 Planning Board the Board asked that I determine if trucks were permitted on Village Streets, more specifically Graves Street.

After review of Village Code Article V - Section 190-32 – it shall be unlawful for any motor vehicle having a gross weight in excess of five tons to operate on any street located in the Village of Red Hook, EXCEPT if said vehicle is making local deliveries.

After reviewing Village Code Article V - Section 190-45 – trucks in excess of the weights indicated are hereby excluded from the following street or parts thereof, EXCEPT for the pickup and delivery of materials on such street. This applies for ALL streets.

Chair Pagano advised that the Board received a response to the referral from Dutchess County Department of Planning and Development, dated February 28, 2024. Kristina said they did receive a copy and that their submission dated February 28th had responses to their comments.

Kristina said they addressed parking and dumpster enclosure. Kristina said comments were received and they have not changed anything but answered every point.

Kristina spoke on some of the comments:

Driveway width should be reduced 18 feet. Which they accommodated

They contacted DOT as a condition of approval

Proposed 20-foot isle was not wide enough to accommodate vehicles backing out and their response was to change parking spaces to be angled

Proposed number of parking spaces 23 was double – they are asking if parking is to be removed it be a condition on approval, but up to this Board, but they know the angled parking along the front is parking for customers of Lofty retail and the parking in the back in the gravel area is overflow parking for staff and they do not see a practical reason they would want to eliminate it and want to focus on street speed and asphalt along North Broadway so they are focusing on site plan and budget on refurbishing that area and creating a really nice landscaping along the street.

Chair Pagano asked if there was a limit on the number of people that could be in the shop at any one time. Erin Moylan advised that there was no regulation and based on the capacity of the building. Zak said correct and based on a building standpoint it goes by square footage of the building. Kristin said it was mercantile. Zak said based on mercantile it is 50 ft. for each person and they are at 1800 sq. ft. which is a lot of people.

Chair Pagano asked about the 5 employees that the zoning officer was talking about- asked if that was all the employees.

Kristina said they are committed to keeping the processing to that and they understand the processing portion of the building will have 5 employees or less and a separate part of the building.

Kristina said in going through the County comment they think it has all been handled and we talked about dumpster enclosure and intent of haulers to enter and exit on Graves Street; modified traffic pattern to have a one way traffic off of North Broadway with a do not enter sign at the end of ample parking and two-way traffic at Graves Street to allow trucks – which was updated with their 2/28/2024 submission. Kristina spoke on photometrics and that they amended plans to include both front and back, and that the question of adding one additional light fixture onto the entrance at Graves Street, that they are willing to do, but as a citizen how much light to do you want, but up to this Board to decide, but they understand the concern about safety and security and are prepared to add an additional light, but also they don't want to pull in a larger thread, which is Cookingham East and all the impacts of Cherry & Graves Street.

Zak said for an additional, at the max, this is going to put another car onto Graves Street every 3-4 minutes during its peak hour according to Institute of Transportation.

Kristina said we all live here and know how Keils operated and what that looks like, and according to Transportation guidelines they will be completely eliminating heavy duty 7 & 8 vehicular traffic; greatly reducing medium class and that the biggest trucks to be coming in and out of here are box trucks – UPS trucks and they are not having 18 wheelers deliver on a regular basis.

Kristina said mostly it is UPS truck sized vehicles and the traffic pattern they are trying to promote is to have one way traffic come in and go out and make a right-hand turn. Kristina said if it makes sense to have signage limiting left hand turn and making a right turn onto Graves.

Member Pearsons asked if they would be adding a sign at Graves Street. Kristina said they can - and this is the discussion to have with this Board. Kristina advised that currently it is 40-foot wide and they are narrowing to 18 feet for the one way and what that will allow is for a lot of greenery.

Kristina said she looks to the Board about the additional lighting at Graves Street, but we are already under very strict guidelines from the State regarding security and not sure if this is an issue.

Kristina spoke about Board's concern of future issues and they will pull off those future issues and clarify that it is non cannabis storage.

Erin Moylan stated that 4% of sales tax generated goes back to local municipalities.

Chair Pagano noted that the public hearing is still open and asked if anyone had any comments:

PUBLIC HEARING COMMENCED:

#1. HOWARD LUKS – 51 W. Market Street, Red Hook

Mr. Luks asked of the Village has done any traffic study and asked if they have ever been to Great Barrington on a Saturday, where there is a dispensary, and felt this Village is not equipped to support this much traffic; there is not enough parking and traffic backs up to CVS and goes down his street, which is St. John Street, and feels on a Saturday that St. John Street will turn into a busier street than our main thoroughfare and has heard nothing from the Village to prepare for this and would like to understand what the traffic study is doing; what you are doing for peoples' safety in terms of spike in traffic and what you are doing for parking and there is no infrastructure here for this. Mr. Luks said he would like to hear how all of this is being accounted for.

Chair Pagano said these are all things that the Board will address during the process of site plan approval, and we go by the information that professionals give us.

Mr. Luks asked if you have gotten professional to come in and do a traffic study; have you spoken to neighboring Towns like Great Barrington to talk to them about what happens once you open a dispensary.

Chair Pagano said we have information that has been provided to us.

Attorney Polidoro said the applicant has submitted updated traffic study information in response to questions raised by this Board at prior meetings which have not been raised yet.

Kristina said the National Transportation Institute has ... Zak spoke up and wanted to address to presupposition and the presupposition is that Wellness, which was the first legal retail in Massachusetts, was a milestone development for cannabis retail and he drove there all the time. Mr. Luks said he does not need his presupposition. Zak said he is the professional that will tell him about the traffic study, and this is not that and we have our clients and they grow it, they process it and they sell it – it's a mom and pop, which is not Theory's business by the way, and they used the Institute of Transportation guidelines so 22 trips per 1000 square feet, the ITE actually calls out marijuana as a use that generates traffic, and they determined that it's 22.6 cars every 1000 square feet every peak 60 minutes, so everyday there is a peak 60 minutes and they are saying at the top of that peak its 22 trips that are generated. That math equals 1 new car on Gaves Street every 3-4 minutes.

Mr. Luks felt that was a lot of traffic for a tiny little street. Mr. Luks said his issue is not with the dispensary as a business but with the infrastructure of the Village and the Village's ability to support it.

Zak said you should look Cookingham East and affordable housing development going in. Kym Bradley Rickard spoke and said the Zoning does not allow for that at the moment. Zak said this will generate way more and at the top apex of the 60 minutes at peak one 1 car are every 3-4 minutes.

Mr. Luks said this is not on you or on the dispensary and on the Village.

Chair Pagano said the purpose of the public hearing is to take comments from the public. Mr. Luks said but you have not responded. Chair Pagano said this Board needs to respond in the process of approving the applicant not necessarily in the public hearing. We take comments and use those comments to inform our future decision making based upon expert advice given, expert documentation given, and the advice of the County, and/or Zoning Officer and that all informs, but we hear your issue.

Mr. Luks said what you just read and what they just advised studies comes in from the business themselves, and obviously the business is going to provide what benefits the business, so is asking for what the Village has done independent of the business.

Chair Pagano said the Village relies on information that we are given from professionals that have more experience than we do, and this information that the applicant has provided comes from the Institute of Transportation engineer's common trip generation rates, so this is a professional study.

Mr. Luks said so the Village has done no independent research themselves.

Kristina said it is actually not about that and the data she is referencing is universal, so this is not saying that this business is going to generate - we are giving it the benefit of the doubt - saying... Zak spoke and said this is an open book and a State standard so we did the math and a result.

Mr. Luks said he understands and can manipulate data to make it work too.

Attorney Polidoro said the Planning Board has taken information and as part of this process the planning board will have to do a review, so right now the Planning Board has been given information – general engineering information on how these sites work so now the Board needs to decide whether the information given is sufficient or whether it should take the next step and ask the applicant for additional information, which can be peer reviewed later on. The Planning Board is not in the business of doing independent investigation, and not its job, and in the business of reviewing applications and when in need getting peer reviews done in order to access if application is complete and accurate. It is the applicant's job to provide this information to the Planning Board so not unusual for the applicant to provide this information.

The NYS SEQR regulations say there is generally a traffic impact when it gets to 100 peak trips per hour, so in the board sense, that is not something that automatically says a large impact. So now the Board has to consider with this particular site and in this particular neighborhood, on these particular roads with these particular numbers whether its going to be.

Mr. Luks said Kristina already admitted that we cannot handle the traffic that comes down Main Street which already backs up to CVS and what happens is when the light is red they already come down St. John Street and when you open a highly coveted business that is going to get a lot of traffic there needs to be better infrastructure or change in traffic patterns. The community itself is where everybody goes when there is traffic overflow.

Erin spoke and said she they were also residents of the Village and they have watched traffic patterns in considering coming here and wanting to figure out their own pattern and with proposing no egress back out onto North Broadway so hopefully, and there shouldn't be with this pattern, anyone going left out onto North Broadway and exiting out on to St. John's and this should be mitigated with their proposal and with their hours of operation closing at 8:00pm.

#2. Ryan Ebert – 7536 North Broadway

Ryan Ebert spoke about him being a hopeful employee of this business and their planning for this process and being friends with a lot of Red Hook community members for quite some time now and that he understands the community side of things and the need for this business as well.

Ryan spoke on the micro licensing and growing at a very small scale and processing at a small scale and their environmental impact is much lower and that was sort of the business model and they are very sensitive to people that live in this area.

Ryan said they do not plan on being a retail shop that has people around the street and came up with the idea of people placing orders ahead of time and they will be starting with delivery first, and that their doors will not even be open until renovations are done and people can come inside and pending this approval.

Ryan said their platform will be mostly digital; and parking spots are not there to keep people inside for very long and that people will be there to pick orders and exit on Graves and leave.

Ryan said they put a lot of thought into traffic flow and amount of people at the shop and it will not be like Great Barrington. If you look at Great Barrington recently it is not like that because there are 10 dispensaries in a ¼ mile radius. Mr. Ebert advised that no dispensary can open up within 2000 square feet of them because the State has given them proximity protection.

Ryan said this is a small-scale operation.

Chair Pagano asked for any further comments.

Chair Pagano advised that Secretary Hart received a letter from Kim Keil dated April 11, 2024, which letter was read aloud and into record. Copy on file in the building department.

Chair Pagano said this Board will continue the public hearing.

Kristina asked for clarity and what else this Board and continuing the public hearing will be a third meeting.

Chair Pagano said correct but once the public hearing is closed the time clock starts and we need to make more progress. Kristina said understood and asked what this Board feels is still outstanding.

Chair Pagano said as this Board did not receive any new submission after comments made at the March 14th meeting so as a Board they would like to see responses to those comments and then continue. Kristina said so essentially everything verbally discussed. Chair Pagano said yes

and has to be put into the plans. Zak said that is a formality because we just answered it and we are here to answer any questions that the Board may have. Kristina said the reason we did not submit any changes, and she can give copies tonight or submit after the meeting, but they have responded to everything and the only changes that need to be made to the site plan is the removal of 2 labels for future use; and we have not talked about whether or the Board is in favor of the additional light at end of Graves Street.

Chair Pagano said respectfully, you are more than welcome to hand us comments from the March 14th meeting, but this Board has not had an opportunity to review it. Kristina handed out their comment letter dated April 11, 2204, and wanted to know if there was anything additional that this Board is asking for. Zak felt we should read the full response. Chair Pagano said it still will not be discussed tonight. Zak said we just went through them. Chair Pagano said this Board usually has about a week to review submitted items before discussing at a meeting. Zak we are not asking for approval tonight. Kristina said the comments made at the March meeting now discussed for a second time but has not heard any additional comments.

Chair Pagano said respectfully since this Board has not had an opportunity to review this, we don't know if we have any further comments or if anything is subject to revision based on this.

Zak said what you are saying is we have zero – this conversation did nothing for the Board in understanding. Chair Pagano said it did. Zak said we took the time to meet with the public and we are for that and in making progress for our client and closing a public hearing helps with that progress. Chair Pagano said maybe this Board opened the public hearing too early in the process but be that as it may we are here and does not think this Board is ready to approve this site plan. Kristina said she agrees and just wants to be prepared for next time but has not heard any new information so they are responding to the comments both orally and in writing and there is nothing they can add to the site plan since February.

Attorney Polidoro said the Board has not had the discussion yet and thinks they are going to continue the hearing and discuss possibly what information, if any, they need.

Chair Pagano said having just received this we don't know.

Kristina said all this is - is a response to the Board's questions from the minutes and not new information. Chair Pagano said ok. Kristina said this is old stuff – i.e. bike rack.

Kristina said she would rather have this discussion and be prepared for the next meeting and know if there is anything else they need to clarify or any other open issues. And if not, she feels confident that they have addressed all the issues, and the Board can read comments at their leisure.

Attorney Polidoro said one thing that would be helpful is at the last meeting the Board asked about the traffic and whether the road could handle it and if we could get an opinion and have that general data but the Board may want something more specific. If this Board feels that is what they need they should identify that, so they can pull that together.

Kristina said happy to provide any data or reviews, and as licensed professionals with NYS they have provided the Board with a traffic study per the Institute of transportation. Zak said that is something an engineer cannot give you.

Member Markusen Weiss said one item not discussed today was the odor issue.

Kristina said with the odor issue as they understand was an issue of storing product in the red barn, which was previously approved by this Board, and they are no longer going to do that and they understand that it has created a nuisance. Zak said we are not adding to an existing nuisance but removing it in its entirety. Erin said they recognized that and advised that the barn was not equipped with electricity, HVAC or proper filtration, so it did not work and will never happen again.

Kristina said the processing was detailed in a letter and forwarded today and how they are moving on with odor issue in this operation.

Chair Pagano asked about SEQR. Attorney Polidoro said it was classified as a TYPE II in February.

Erin advised that as per regulations of NYS Under Cannabis Management they are allowed to cultivate on site as retail processing but realized that was not the greatest fit for the Village, so although they are within regulation they will be growing off-site, which they feel is a very thoughtful consideration.

Chair Pagano said she loves the greenery being added but commented on water & sewer lines being added. Kristina pointed out on the plan where that was.

Chair Pagano asked about the asphalt and drainage. Kristina asked what about it showing existing and proposed and that they are only refurbishing what exists and eliminating asphalt.

Member Markusen-Weiss said the parking lot is on the site plan but the back parking is just gravel and that they are not proposing the stripe that. Kristina said they are not, and they are open to have this discussion now. Zak said you cannot stripe gravel but could add curb stops. Kristina said but do we want that because their intention is to make less parking. Attorney Polidoro said this Board should consider if they want curb stops.

Zak said we need to determine if we have too much – not enough – but that they are meeting Code. Kristina does not want to encourage a whole parking situation in the back. Chair Pagano

said retail requires 8 spaces so if we have the handicap and 7 up here and then 5 staff for the processing and then you put 5 curb stops in the back and leave the rest gravel. Kristina said that sounds lovely.

Attorney Polidoro asked the Board if they wanted the opportunity if moving forward in this direction to re-evaluate if more parking was needed. Chair Pagano said if we can do that if acceptable. Kristina asked what that would look like as a condition. Attorney Polidoro said there would have to be some note that says... "upon notification from the Zoning Administrator, after first year of use, that possibly an additional number of curb stops would have to be added".... Kristina said that would be find, and they would hold spots to the western side and clean it up, get rid of poles holes and let that be gravel.

Member Markusen-Weiss said the traffic flow seems fine to him. Chair Pagano said she likes the proposal on in one way and out the other.

Chair Pagano asked about people turning left on Graves Street or all go right. Kristina asked what if they were to put a sign that says "delivery trucks must exit right". Attorney Polidoro said it's in the Planning Board's prevue to request that kind of signage but would want a basis for that requirement, so would have to be about how the site works or an opinion to rely on. Chair Pagano recommended knowing what lies left on Graves and little Cherry Street and that corner with a 3-way stop she would like to limit traffic making a left onto Graves. Kristina said they are on Board with that.

Member Markusen-Weiss asked about the lighting. Zak said light could go into the parking lot and neighbors back yard. Member Markusen-Weiss said he is not for the light. Kristinas said they are not encouraging pedestrian traffic back there, but if this Board feels it is desirable they can add.

Chair Pagano asked if that was something that can be reviewed after one year like the parking. Attorney Polidoro said lighting is hard because when you put in electricity it has to be planned for now. Kristina said they would have to run electric down to that.

Chair Pagano asked if the Masonic has lights. It was reviewed and determined that there was lighting at the Masonic and 3 Street lights on Graves Street.

The Board decided no additional lighting would be required in the back.

Chair Pagano asked applicants if they had any other comments.

Kristina felt everything was covered: parking use; parking paving; lighting; elevations of building; signage; odor; traffic; operations.

Member Pearson asked about delivery trips. Kristina referred to their letter dated April 11, 2024 - #3 and #17 – which addresses that.

Kristina said she appreciated all the feedback tonight.

Attorney Polidoro asked the Board if they needed an additional traffic study. Chair Pagano said she felt uncertain but a big thing in their letter that this Board should address.

Kristina asked if we could talk about that now and if this Board would like us to have an additional consultant say something they would respectfully like to know that now, so as to prepare for next month, but will tell you as a licensed architect, what a traffic engineer will do is refer to the Institution of Transportation data, which is what they provided and will tell you that the information for a cannabis use is not by definition a significant increase and doesn't warrant an additional study.

Attorney Polidoro said the Board may get concurrence that no significant impact but they might weigh in with the size of Graves Street and the traffic.

Kristina said the County already weighed in on that and they fine tuned both driveways and does not see them hiring a traffic engineer consultant to overrule what the County has already said.

Chair Pagano said the County was talking about ingress and egress and not addressing the number of cars going in and out.

Zak asked if they were to eliminate that back parcel to Graves Street would they require a traffic study. Chair Pagano said that would make it worse due to going back out and all traffic to Route 9.

Chair Pagano asked if the Village could have someone independently look at these numbers. Attorney Polidoro said yes and would have to hire a traffic consultant and request escrow.

Chair Pagano felt because we have heard a lot about traffic that if the Village could independently verify these numbers we would solve lots and bring to a closure many issues and then we also have an expert in addition to the applicants that the Board can hang their hat on.

Kristina asked what standard are we trying to bring.

Zak said you the Board with SEQR in itself asks ...are you having a significant increase in traffic.... and if you go to State guidelines they say how do you define that and you say it goes with 100 peak hour trips.

Attorney Polidoro said it's to show you chose the right category for the numbers to say what you say they said.

Zak referenced Mr. Howard's prior comment about manipulating numbers and that if they manipulated numbers they didn't manipulate times 3 and there is an increase of 33 peak hour trips... are they 3 times wrong, and this is what the traffic engineer will say.

Chair Pagano said we are not there yet and that this Board has been welcoming to Lofty but we also heard a lot tonight about community and in connection with your site plan and thinks if we get a verification however is best to do that, of what has been presented by the applicant that we do a lot for community.

Kristina asked that the Board want a peer review of their traffic data. Chair Pagano said that the Village independently obtains.

Attorney Polidoro said but not going further than confirming that they chose the right category and presented numbers properly.

Member Pearson said and whether the street can handle that traffic. Erin said wasn't that already handled. Kristina said that is a separate issue and whatever the street can handle, and understands as a member of this community, but that is not something that is quantifiable.

Chair Pagano agreed it was a different issue. Member Pearson said yea.

Erin said they want people to feel comfortable and she feels confident in saying that they have addressed every single Board comment, and they are trying to make this as wonderful for everyone as possible, but let's just do that and make sure that everyone understands that and will do it for the comfort of everyone.

Chair Pagano said this Board follows the guidelines that are given and hold public hearings for the purpose of hearing what the community has to say and when the community makes comments, they are taken into consideration within the zoning guidelines and pattern book guidelines.

Chair Pagano advised this Board has agreed to request an independent review.

Kristina confirmed this Board wants an independent peer review of the Institute of Transportation numbers upon trip generation rates to make sure they used the correct math. Chair Pagano asked Attorney Polidoro her opinion. Attorney Polidoro said that is what she heard but there are two issues:

1. If curb is the right size – which was addressed with adding the condition.
2. Do you trust the data that you have been given by the applicant?

Chair Pagano said Vicotria and Lara will figure out who is best to do the review.

Secretary Hart advised that applicant already submitted escrow for engineer review.

Chair Pagano made a motion that the Village of Red Hook Board retain an engineer to review the traffic information that has been provided by the applicant for the site plan application for 7536 North Broadway listed under Tax Parcel ID 6272-06-470753. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Attorney Polidoro said she will reach back out to Robert regarding the peer review.

Chair Pagano made a motion to table/continue the public hearing for the Lofty site plan application for 7536 North Broadway listed under Tax Parcel ID 6272-06-470753 to the May 16, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to table the site plan application for 7536 North Broadway listed under Tax Parcel ID 6272-06-470753 to the May 16, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to adjourn the April 11, 2024 Planning Board meeting at 9:03pm. Motion seconded by Member Pearson. All in favor. Motion approved.

Lara Hart
Secretary to the Planning Board
