

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
May 16, 2024**

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

Chair Pagano motioned to open the May 16, 2024 Planning Board Meeting at 6:31pm. 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 April minutes. Board members replied yes and had no comments.

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

Agenda Item #1.

Jean David Michel – Megabrain Comics
21 W. Market Street
Owner: Dillon – consent on file
Tax Parcel ID 6272-06-470753

Applicant came forward and asked this Board for signage approval.

Chair Pagano asked if he had moved into Red Hook. Applicant advised yes and about a month now.

Chair Pagano advised that proposed signage is approximately 7 square feet which is within allowable limits. Chair Pagano asked if they were using an existing bracket. Applicant advised yes and that the owner of the building advised it has been there for years. Chair Pagano advised signage was 10 feet off the ground.

Chair Pagano asked the Board for comment.

Member Pearson asked if it was double sided. Applicant advised yes.

The applicant advised that at some point he would like to add lighting but knew that he would have to return to this Board for lighting approval.

Member Zacharzuk asked what the material was. The applicant advised some sort of composite but was not exactly sure of the name of it, but that Timely Signs made the sign about 7 years ago. The Applicant said some sort of fiberglass/resin composite, but that he can find out and get that information for the Board. Chair Pagano said that will be a condition of approval. Member Zacharzuk said yes.

Chair Pagano made a motion to classify the signage application for Megabrain Comics located at 21 West Market Street as a TYPE II with no further environmental review. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to approve the proposed hanging sign for Megabrain Comics with property located at 21 W. Market Street listed as Tax Grid #6272-06-470753, as depicted in their submitted proposal. The signage shall not exceed the square footage as provided by the Code of the Village of Red Hook, and that the sign is within the limits allowed and conforms to all provisions of Section 200-38 of the Code of the Village of Red Hook with the following condition:

Applicant to provide signage material to the building department.

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

Chair Pagano advised the applicant that he is required to sign and submit a building permit and that no sign shall be permitted to be hung until the applicant has received the required building permit.

Agenda Item #2.

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

Present: Kristina Dousharm, Architect
Zak Hall, Project Manager - KDA
Erin Moylan, Business Owner
Village Planning Board Attorney – Cassondra Britton

Co-Chair Jim Rogers recused himself from this application due to working with the Regulatory body that oversees cannabis licensing.

Chair Pagano advised this was a continuation of a site plan and public hearing from April 11, 2024.

Chair Pagano made a motion to open/continue the public hearing for the site plan application for property located at 7536 North Broadway listed under Tax Parcel ID#: 6272-06-470753. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano said she would like to summarize some things from the April 11th meeting.

Chair Pagano read into record the email received from Howard Luks dated April 27, 2024. Copy of email on file with the building.

Kristina Dousharm read aloud and into record the letter from Delaware Engineering dated May 15, 2024. A copy of the letter is on file with the building department.



DELAWARE ENGINEERING, D.P.C.

28 Madison Avenue Extension
Albany, New York 12203

Tel: 518.452.1290
Fax: 518.452.1335

May 15, 2024

Lara Hart,
Building / Planning / Zoning Department Secretary
Village Hall
7467 S Broadway
Red Hook, NY 12571
Phone: (845) 758-1081
Re: 7536 North Broadway Traffic Review

Dear Mrs. Hart:

Delaware Engineering has received the site response letter dated April 11, 2024 for 7536 North Broadway project prepared by Kristina Dousharm Architecture, PLLC.

Comment response No. 4 is the response to the request to provide a traffic study. The response estimates existing trips (9 total) and proposed trips (42 total). Thus, the increase is 33 trips per peak hour.

We understand the EAF Guidelines that less than 100 trips per hour is not generally a significant increase. However, for this location in the Village of Red Hook this increase is significant. A suggested mitigation is to provide signage to eliminate any left turns out of the site.

If you have any questions or need further information, you can contact me at (518) 452-1290 or via email at rflores@delawareengineering.com.

Sincerely,

A handwritten signature in black ink that reads "Robert Flores".

Robert Flores, P.E. Senior
Project Manager

Kristina advised that they have no objection to the suggestion to provide signage to eliminate any left turns out of the site. Chair Pagano thanked Kristina for reading the letter into record.

Chair Pagano read aloud a memo from the Village of Red Hook Zoning Officer, Thomas Keith, dated May 16, 2024. Copy of memo on file with the building department.

TO: Planning Board Chair & Members
FROM: Thomas Keith, Zoning Officer
DATE: May 16, 2024
RE: LOFTY Site Plan – 7526 North Broadway

In response to the email that this office received dated April 27, 2024 from Howard Luks pertaining to Zoning Section 200-18 please be advised that it is my interpretation that per Zoning Section 200-43 the discontinuance of the use has not lapsed and the non-conforming use can be continued for this site plan application.

Chair Pagano advised that this Board received the notice of the last date of business for Keil Equipment of June 5, 2023 and that the lease agreement was signed on September 15, 2023, therefore no lapse in use has occurred.

Chair Pagano asked if anyone else was present for the public hearing. Secretary Hart advised no one signed in.

Chair Pagano advised this Board would keep the public hearing open for 3 minutes.

Attorney Britton advised that there is no law requiring the meeting to remain open for 3 minutes.

Chair Pagano made a motion to close the public hearing for the site plan application for property located at 7536 North Broadway, listed under Tax Parcel ID# 6272-06-470753 at 6:46pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano advised that this Board addressed outstanding issues from the April 11th meeting as follows:

Incidental use was discussed. Interpretation received from Zoning officer. Use was approved.
Letter from Village Engineer received – septic capacity requirement approved
Trucks being permitted on public streets was addressed. Interpretation received from Zoning officer that trucks can use public streets for delivery.
Board asked for a peer review of the applicant's submitted traffic study. Village Engineer submitted report and copies submitted to all parties and read aloud this evening.
One way traffic off North Broadway
Application previously classified as a TYPE II Action (2/8/2024)

Board decided that applicant to add 5 curb stops in the back with the following condition: “upon notification from the Zoning Administrator, after first year of use, that possibly an additional number of curb stops would have to be added”
Board decided no additional lighting in the rear required.

Chair Pagano advised that Attorney Polidoro has prepared a Resolution for this Board’s consideration.

Member Zacharzuk advised the Chair that she said one traffic would be off Graves Street but was North Broadway and missed one item about the signage on Graves Street and that “all delivery trucks must exit right”. Chair Pagano apologized and said this will all be a part of the Resolution.

Chair Pagano read aloud said Resolution.

**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 May 16, 2024. The meeting was called to order by _____.

Moved by:

Seconded by:

RESOLUTION TO GRANT SITE PLAN APPROVAL

Lofty Supply

WHEREAS, the applicant, Kristina Dousharm Architecture, PLLC, has submitted an application for site plan approval to convert a former retail equipment shop with onsite repairs into a retail cannabis dispensary with accessory manufacturing and processing on property located at 7536 North Broadway, Red Hook, tax parcel number 134801-62720-06-470753 (Parcel 1) and 134801-6270-10-489743 (Parcel 2) (the “Property”), in the General Business Zoning District (the “Project”); and

WHEREAS, pursuant to Section 200-10 of the Zoning Law, miscellaneous retail stores are permitted uses in the GB District subject to site plan approval, 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; and

WHEREAS, by memorandum dated April 11, 2024, the Village Zoning Enforcement Officer determined that the Project was a permitted use so long as the items processed are sold onsite; and

WHEREAS, the Applicant has indicated that the onsite manufacturing will not result in odors; and

WHEREAS, the Project is depicted on a site plan set entitled “Lofty Supply” prepared by Kristina Dousharm Architecture, PLLC, dated January 26, 2024 last revised February 28, 2024 Sheets A1.0, A2.0-A2.3, A3.0 (collectively, the “Site Plan Set”); and

WHEREAS, the buildings identified as “future events” and “future removal” are not being reviewed by the Planning Board as part of this Project and any required approvals for such use and removal must be sought from the appropriate Village agency at the time such uses are proposed; and

WHEREAS, by letter dated March 19, 2024, the Village Engineer indicated that the septic satisfied capacity requirements for the Project; and

WHEREAS, by letter dated May 15, 2024, the Village Engineer indicated that the proposed traffic increase would be significant locally and recommended that impacts could be mitigated by prohibiting left hand turns onto Graves Street; and

WHEREAS, the nonconforming use of the driveway on Parcel 2 (tax lot -489743) for use by commercial traffic has not lapsed; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(18), the reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance is a Type II action under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on February 8, 2024, the Planning Board classified the Project as a Type II SEQRA action; and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law, which responded on February 28, 2024, that it was a matter of local concern with comments; and

WHEREAS, a duly noticed public hearing was held on March 14, 2024 and closed on May 16, 2024, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the Site Plan Set, including the proposed monument sign, 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 and escrow.**
- 2. Revision of the Site Plan Set to include a note on Sheet 2.0 to read as follows:
“No uses other than storage are currently proposed in the structures identified as “Future Events” and “Future Removal” and the applicant shall return to the**

Planning Board for site plan amendment approval prior to any changes or modifications in use.”

3. Revision of the Site Plan Set to include a note on Sheet 2.0 to read as follows: “No more than 5 persons shall be employed for the processing of cannabis on the Property.”
4. Revision of the Site Plan Set to include a note prohibiting the outdoor drying, storage, or processing of cannabis.
5. Revision of the Site Plan Set to include a note prohibiting storage of cannabis in buildings 2 and 3.
6. Revision of the Site Plan Set to include five curb spots for employee parking on the southern portion of Parcel 1.
7. Revision of the Site Plan Set to include the following note: There shall be no odors emanating from the facility beyond the Property line. In the event that there are odors the Zoning Enforcement Officer may require that additional odor mitigation be installed and/or determine that the Property is in violation of its site plan approval.
8. Revision of the Site Plan Set to include signage prohibiting left hand turns onto Graves Street, in form and location approved by the Village Engineer.
9. Planning Board Attorney Approval of an access easement between Parcel 1 (6272-06-470753) and Parcel 2 (6272-10-489743) and proof of recordation of the approved easement with the Dutchess County Clerk.
10. Conceptual approval from the NYS Department of Transportation for changes in the traffic pattern from US Route 9.
11. Approval by the Dutchess County Department of Behavioral and Community Health for the methods of water supply and wastewater disposal.

BE IT FURTHER RESOLVED, that it is ongoing condition of this approval, that after six months of operation, or anytime thereafter, the Zoning Enforcement Officer may require the Applicant to add an additional five curb stops for parking based on demonstrated need for additional parking at the Property.

BE IT FURTHER RESOLVED, that before the Building Inspector may issue a Certificate of Occupancy for the improvements shown on the Site Plan Set, 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-Weiss _____
David Pearson _____
Jim Rogers _____
Steven Zacharzuk _____

Beth Pagano, Planning Board Chairperson

VOICE VOTE Aye- Absent- Nay- Motion Carried/Denied

Attorney Britton advised that the Board needed a seconded for the motion.

Chair Pagano made a motion to approve said Resolution as written. Member Markusen-Weiss seconded.

Chair Pagano took a roll call for the motion:

Beth Pagano, Chair	YES
David Markusen-Weiss	YES
David Pearson	YES
Jim Rogers	RECUSED
Steven Zacharzuk	YES

ALL IN FAVOR. MOTION APPROVED.

Agenda Item #3

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

Present: Marie Welch, L.S.
Thomas LeGrand, Owner

Chair Pagano advised that this is a continuation of a site plan application and public hearing.

Chair Pagano made a motion to open/continue the public hearing. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano read into record a letter received from Timothy A. Ross, P.E. dated May 10, 2024. A copy of the letter is on file with the building department.

Timothy A. Ross, P.E.
115 Williams Road
Red Hook, N.Y. 12571
(845) 756-3201
Cell (845) 625-8295

May 10, 2024

Ms. Beth Pagano
Chair of The Village of Red Hook Planning Board
7467 S. Broadway
Red Hook, N.Y. 12571

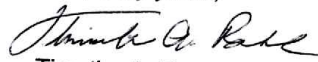
Re: LeGrand project on St. John Street
Village of Red Hook
Tax Map # 134801-6272-06-389759-0000

Dear Ms. Pagano:

I was recently contacted by Mr. Thomas Legrand to review the suitability of the aforementioned parcel for installation of an Onsite Wastewater Treatment System to serve a professional office and two bedroom apartment. To that end we performed a deep soils test and found the conditions to be excellent.

It is for this reason that it is my professional opinion that the parcel in question is well suited for the intended use and I am certain will be approvable by The Dutchess County Board of Health. Should you have questions or concerns regarding this matter please contact me on my cell phone at (845) 625-8295.

Very truly yours,


Timothy A. Ross, P.E.



Marie Welch advised she was not able to get plans to the Board prior to the deadline but had revised drawings for this evening. Chair Pagano advised that they can be provided to the Board. but the Board will review them for discussion at the June 13th meeting.

Marie advised that all she did was to eliminate some of the parking spaces; show a row screening of shrubbery along the easterly side of existing parking and advised that there is a street light at the corner and not proposing other lighting except maybe some lighting someone if they were going up the stairs for an apartment.

Mr. LeGrand came forward to say that this is a small parcel and the street light lights it up and feels no need for any additional lighting and doesn't want to create too much lighting. Tom stated that around 4pm business will be out of there anyway.

Marie Welch submitted 4 copies of the plans.

Chair Pagano asked if anyone was present to speak on this application. No persons present.

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 June 13, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Marie asked Chair Pagano about her prior request to document the distance between the street and the proposed driveway, which she also added to the map. Chair Pagano said she wants it to show on the map where your proposed driveway aligns up with what's already on the street. Marie Welch advised that was shown on the plans. Chair Pagano said ok.

Marie advised that she would be submitting 2 more copies of the plans.

Agenda Item #4

Ben Abrahams – Upstate Pines

Owner: Todd Abrahams – consent on file

South Broadway

Tax Parcel ID: 6272-14-271441

Tom LeGrand came forward to let the Board know that he manages the property.

Co-Chair Jim Rogers recused himself from this application due to working with the Regulatory body that oversees cannabis licensing.

Mr. LeGrand said this building is owned by the Colburn family and the applicants wants to occupy the space formerly known as the dance center for a dispensary and that they have worked with the Town and received final approval.

Mr. LeGrand said there is only a little sliver that is actually in the Village. Mr. LeGrand advised basically they made modifications to the site when in front of the Town Board and created a traffic flow and eliminated parking along Route 9 and will be adding grass in that area, and at the north side there will be a dedicated handicap entrance with 2 handicap spots in front of the building. Mr. LeGrand advised that all parking will be along the fence to the south and at the other side the blacktop will be removed and replaced with grass and street trees and everything will be signed for traffic flow.

At this time Kristina Dousharm came forward and said as a member of the Town of Red Hook Planning Board the reason this is in front of this Board is because they have a sliver that they did not know what to do with it and that the whole site plan was approved by the Town of Red Hook and said she thinks they should start with what is relevant.

Chair Pagano advised that the total amount of land involved within the Village is .012 acre and on that property is no lighting, no parking and no part of the building, so this Board is only reviewing that tiny portion from a dance studio to a retail use.

Chair Pagano advised this parcel was located in the NMU District and as advised by the Village Attorney all change of use requires site plan approval which is why you are here, and that retail is an allowed use.

Chair Pagano said this Board is only looking at the change in use and referral has been sent to the County.

Secretary Hart advised that the referral has not been sent to the County because this Board needs to motion to waive review before submitting with submitted site plan documents.

Kristina Dousharm said it has already been reviewed by the County. Secretary Hart advised that she called the County and was informed this Board would need to submit another referral, and suggested this Board waive review of the lighting, parking, landscaping due to receiving prior approval and that this Board would be looking at the change in use.

Kristina said since the change of use was already discussed at the Town level as part of the 239m review with the Town. Kristina spoke on parcels which are realistically in one Municipality and asked is there a mechanism which this Board can say it has already been reviewed and 239 review completed can they approve and waive public hearing.

Chair Pagano said the problem this Board has is that the County asked for another referral and the attorney for the planning board recommended a public hearing so given this information and we rely on our experts so feels this is how this Board should proceed.

Kristina asked what is the utility in having a 239m public hearing. Chair Pagano said the utility is that we dot our i's and cross our t's and follow the rules.

Kristina asked if it makes sense to not go through the project, and that it's one use to another use and the applicants can just go through the process – and is that fair to say. Chair Pagano said that is fair to say.

Kristina said from a Town perspective they have spent a lot of time hearing this application but that she is not here as their representative but as a part of the Town Planning Board. Chair Pagano said and that is why we are not talking about this plan right now.

Tom LeGrand said he tried to correct this by calling Dutchess County Real Property and was advised to not even go there.

Kristina asked if we can just let the wheels of bureaucracy turn and that applicants do not have to present anything, and that the anticipation is that this Board will come back next month and open and close the public hearing and have a resolution for the Board to consider.

Member Zacharzuk asked if that was the proposal down north at the Town of Red Hook Planning Board. Kristina said she can answer as one member and felt yes, and already reviewed the project, and we are advising on what has been done.

Member Markusen-Weiss said there was already a resolution from the Town.

Kristina said they reviewed ingress, egress, landscaping, lighting – all the things required.

Member Zacharzuk asked why the Red Hook Town Planning Board is being represented here.

Kristina said she is here because she had happened to be here and cares about this community and wanted to redirect why they are here. Chair Pagano said you are way ahead of yourself and had no idea that this Board was going to say. Kristina said that is wonderful.

Beth recommended that this Board motion to waive the right to review of lighting, parking and landscaping as none of these items are part of the sliver of land in the Village and opened up for comments from this Board.

Member Pearson said part of the building is on the sliver of land. Mr. LeGrand said it is on the survey. Board looked at survey.

Chair Pagano asked applicants if there was any landscaping on the parcel? Applicants replied no. Chair Pagano asked applications if there was any lighting on this parcel. Applicants replied no. Chair Pagano asked is any parking on this parcel. Applicants replied no and advised they gave up the parking there.

Chair Pagano asked Board members for any comments. No comments.

Chair Pagano made a motion that the Village of Red Hook Planning Board shall waive site plan review for lighting, parking and landscaping as these items were all addressed with the site plan approval granted by the Town of Red Hook, on April 2, 2024. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to a set the public hearing for the site plan application for Upstate Pines with property located on South Broadway listed under Tax Parcel ID 6272-14-271441 to June 13, 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 Upstate Pines with property located on South Broadway listed under Tax Parcel ID 6272-14-271441 to June 13, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Member Rogers rejoined the meeting.

Agenda Item #5

TOWN OF RED HOOK – LEAD AGENCY

Chair Pagano advised that the Town of Red Hook has submitted a request that the Town of Red Hook serve as Lead Agency regarding the following: TOWN OF RED HOOK WATER SEWER DISTRICT FORMATION WITH DISCHARGE TO VILLAGE OF RED HOOK WWTP.

Chair Pagano said the Town of Red Hook is applying for grants to create a sewer district from Firehouse Lane to Hannanfords and they need the Village's approval to designate them as Lead Agency to apply for grants.

Co-Chair Rogers said, so the Town wants to create a sewer district from Firehouse Lane to Hannanfords and to do that they have to expand the plant and they would expand our plant as well. Chair Pagano said yes that was her understanding.

Member Zacharzuk asked if that caps the Village and what would the Village do.

Member Rogers asked will there be room when we need to expand for village needs.

Member Zacharzuk mentioned the prior applicant Tom LeGrand and having the 2 properties with one being maybe 10 feet away and him having to have a septic.

Co-Chair Rogers said he imagines that they just want to be lead agency so perhaps there is not a lot of consequence for this particular decision tonight but imagines that the Village wants to

expand with the amazing work that is happening with the Village Sewer System to homes and businesses off Broadway, which would make a ton of sense, for long term planning.

Co-Chair Rogers felt that the problem is if they are the lead agency does that implicate our ability to add to the agenda or make sure that the agenda of things being considered is the ability of the Village's ability to expand it owns sewer capacity in its own water treatment space and not sure if he wants to say yes to this.

Chair Pagano said that was an excellent question and referred to Steven Appenzeller, Village of Red Hook Trustee, was present this evening.

Mr. Appenzeller advised the Board that there is a capacity study underway looking at the sewage treatment plant and that the plant was built and designed in a modular way that additional frames (being the technical term) can be added, and each frame has an incremental amount of effluent that can be treated and put into a safe form for discharge, and right now it's working fairly close to capacity with some head room, but apart from any sewage district that might be part of the Town that connects ultimately to that, there is other developments, such as Cookingham east, and some other properties, as well as expansion within the Village that will exceed the current as built capacity and as part of that there will be an expansion for the Villages' need and then if the Town goes ahead with their district their funding would then encompass additional frames or capacity for their portion of the effluent, which is kind of a modular basis and likely be done in phases as different areas are hooked and different amounts of sewage to be treated.

Chair Pagano asked about Cookingham East and where does the capacity come in; and is there a possibility that the Town could get grants to expand our wastewater treatment facility and if the Village for some reason not have that ability. Co-Chair Rogers said that was a good question.

Mr. Appenzeller increment capacity is a step function that you can't match exactly but if you put in 10,000-50,000 gallons – and he cannot speak to the engineering specifics for that, but possible what the Town puts in may provide additional capacity for that. Mr. Appenzeller said that Rupco would need to fund the expansion for their portion of effluent brought into the sewage.

Co-Chair Rogers said the other point of it is that if I am a grantor and I am looking to evenly distribute grants across the State, perhaps the Village wants a grant to expand our own capacity for things like Cookingham and other things we need, and if the Town gets it, then we may be less able to get it, but he does not understand the benefit to being the lead agency and does not understand well enough to vote on it and does not want to give up our right to be lead agency for environmental review if there is some benefits to it.

Chair Pagano said they are asking to be lead agency for environmental review for the Town and asked if it's because Firehouse Lane is still in the Village.

Mr. Appenzeller said the treatment plant would be in the Village but all of the new sewer system and connections to the properties would be in the Town and as far as lead agency, with valid questions, he cannot speak about that.

Member Pearson felt being lead agency does not eliminate us.

Member Markusen-Weiss said the way it works, in his understanding, is when there is competing jurisdiction either one has to be lead agency and because most of the work would be in the Town it makes most sense that the Town be lead agency, but with that being said when they did Cookingham we granted them lead agency and us not commenting was maybe a conflict of interest because they were lead agency over a thing they were brokering and he was concerned that there were environmental issues that weren't resolved in that one, and what would maybe give him pause here.

Chair Pagano said she feels by granting them lead agency doesn't necessarily obviate our ability to comment.

Co-Chair Rogers said no it doesn't but would propose that we have the Village attorney or whoever our access is to legal counsel actually explain the rights and responsibilities of lead agency before we vote to lose that right at a Village level, and we are not ready to vote and we should table this.

Co-Chair Rogers said we are not going into another situation where if we don't act today the Town Supervisor loses a grant opportunity.

Chair Pagano said the Town comes in, drops things on our lap and says they need it approved now and she cannot overrule and hears the sense of this Board that they don't want to approve this tonight.

Co-Chair Rogers made a motion to table this agenda item. Member Zacharzuk seconded this motion. All in favor. Motion approved.

Member Zacharzuk said the Town has a tendency to drop things at the last second and in an article in the Daily Catch that the engineering outfit that the Town is using is coming in and saying you have to act now, and grant money is there, and everything is a push and what they are pushing for he does not know.

Co-Chair Rogers felt this is a deliberative body and doing very well and with time and due consideration we come out the right way and we tend to push back with things when asked to make last minutes decision and happy we table this.

Co-Chair Rogers said if the Town already selected a developer for the so called low income moderate housing project they ought to tell us if they expect us to vote in any way as presented, because as it was presented to us like the last major debate on this issue there was no developer selected and it was presented to us that we would have the right to select that developer and so he certainly hopes that no developer has been selected for that because there has been no competitive bidding and no RFP process and we cannot get the lowest cost without competitive bidding so he will say on the record if the Town has selected a developer they better go back to the drawing board because that is an automatic no for him.

Chair Pagano made a motion to adjourn the May 16, 2024 Planning Board meeting at 7:31pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Lara Hart
Secretary to the Planning Board
