

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

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

Village Attorney Victoria Polidoro

Chair Pagano motioned to open the August 8, 2024 Planning Board Meeting at 6:50pm. 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 motioned to approve the minutes of the July 11, 2024 Planning Board meeting. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Agenda Item #1

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

Chair Pagano announced that Marie Welch, via email dated July 31, 2024, has requested that the public hearing and site plan application be tabled to the September 12, 2024.

Chair Pagano made a motion to table the public hearing and site plan application for St. John Street listed under Tax Parcel ID 6272-06-389759 to September 12, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Agenda Item #2

Robert Dupont, Architect
Owners: James & Barbara Murray
12 Garden Street
Tax Parcel ID 6272-10-295638

Present: Rob Dupont, Architect
James & Barbara Murray, Owners

Chair Pagano announced that we have a public hearing scheduled for this evening.

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

Mr. Dupont came forward to speak and advised this project is to create a second dwelling unit on the parcel and that there are actually three buildings on the parcel now consisting of primary dwelling built in 1971 and two buildings behind that that are much older.

Mr. Dupont said one is in relatively good shape but not the other, so they want to use the one for an accessory dwelling unit. Mr. Dupont showed Chair Pagano pictures of the units.

Mr. Dupont said the one building in rough shape, they are going save the foundation and preserve the other one.

Mr. Dupont said he has been working with the Zoning Department regarding minimum size and habitable space so they had no choice but to expand the building but would require a setback variance. Mr. Dupont advise two weeks ago they received their variance approval from the Zoning Board and Mr. Dupont advised it was well received by the Zoning Board and has been well received and supported by everyone in the neighborhood.

Mr. Dupont said since the last meeting they hired an independent engineer because although the records with Dutchess county parcel access show there is an existing septic for a 2 bedroom dwelling and a 1 bedroom cottage, they were told they could not rely on information from parcel access so they brought in an independent engineer; opened existing septic system; submitted a letter indicating deep perk tests done which shows the existing septic is more than adequate for the 2-bedroom load and that said letter will be submitted to the BOH for filing. Mr. Dupont said the building inspector is aware of this as well.

Chair Pagano asked if anyone was present to speak for the public hearing. No one was present.

Chair Pagano advised that no emails or letters have been received by Secretary Hart and that legal notice of public hearing and mailings were completed.

Chair Pagano advised that property is not within 500 feet of a state highway, so no referral is required to be submitted per 239m review.

Chair Pagano confirmed that applicants have received their side yard setback variance from the Zoning Board of Appeals dated July 25, 2024.

Chair Pagano said there was a question about the septic and confirmed receipt of the letter submitted by Mr. Dupont from David Rider, P.E., PLLC dated July 31, 2024 and that this will be a building department issue.

Chair Pagano advised that applicant would submit building plans and that the building department will submit the required SAN34 for septic review & approval, and that this Board can just make a condition upon site plan approval of: BOARD OF HEALTH APPROVAL.

Chair Pagano motioned to close the public hearing at 6:59pm. Motion seconded by member Zacharzuk. All in favor. Motion approved.

Chair Pagano motioned to classify the site plan application for 12 Garden Street as a TYPE II Action requiring no further environmental review required. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano asked the Board for any questions/comments.

Member Pearson asked what the red was on the plans. Mr. Dupont advised it was the footprint extension. Member Pearson asked so you will have to make new footings. Mr. Dupont said correct with new piers for the porch. Mr. Dupont said there is nothing behind the building.

Chair Pagano motioned to approve the site plan for 12 Garden Street per plans submitted dated June 14, 2024 with the following condition:

BOARD OF HEALTH APPROVAL

Motion seconded by Co-Chair Rogers. All in favor. Motion approved.

Agenda Item #3

Robert Dupont, Architect

Owner: Chew Family, LLC

7592 North Broadway

Tax Parcel ID 6272-07-514864

Present: Rob Dupont, Architect

Alex Chew, Owner

Chair Pagano advise application is a continuation of site plan review for use of a commercial structure as a nail salon in the General Business District and a public hearing being scheduled for this evening.

Mr. Dupont submitted a slightly modified site plan to all members.

Chair Pagano motioned to open the public hearing for the site plan application for 7592 North Broadway at 7:02pm. Motion seconded by Member Zacharzuk. All in favor. Motion approved.

Mr. Dupont can come forward to discuss and advised that the owner, Alex Chew, has owned the building for about 3 months now and is moving his nail salon to this location. Mr. Dupont said this was a chiropractic office prior and no change to use. Mr. Chew will be doing interior modifications to the building.

Mr. Dupont said there is a parking table on the plans; existing planters on the south side of the building that were overgrown and have been cleaned out and will be replaced with flowers and bushes; a new business sign shown with one minor modification in that the size of the sign has not changed but owner redid the graphics; and other addition is they located the water supply which is on the plans; and this project is on the sewer system and there is a 1,000 gallon tank which is shown on the plans and they have reached out to Delaware Engineering who did a calculation and determined this system is more than adequate for this use.

Mr. Dupont said there was one comment that they received from the Dutchess County Department of Planning and Development regarding the signage, and that requested modification of downward lighting – 2 gooseneck lights to be shielded will be completed.

Chair Pagano advised this Board recently attended a lighting seminar and asked if this Board would need cut sheets and wattages of the bulbs. Mr. Dupont said ok.

Chair Pagano asked about existing lights on the building and if they all pointed downward. Mr. Dupont said yes and no change to exterior lighting.

Co-Chair Rogers asked if they were taking out the remnants of what was the digital sign. Mr. Dupont advised yes. The base of the sign was discussed. Mr. Dupont said the digital part will be removed and they are adding a pressure treated super structure.

A picture showing existing lighting on the building was discussed.

Chair Pagano advised that no emails or letters have been received by Secretary Hart and that legal notice of public hearing and mailings were completed.

Chair Pagano advised the per Zoning Section 200-10 the new use is a permitted use under #37 – Services miscellaneous/personal/professional.

Chair Pagano confirmed that Mr. Dupont has added the septic and water lines to the plans.

Chair Pagano asked if there would be another office in the building to be rented out. Mr. Dupont said yes but no tenant yet and owner is taking 2/3 of the building for his business.

Chair Pagano advised should you amend the signage to allow for a sub-tenant you will need to return to the planning board for approval. Mr. Dupont said he has made his client aware of this.

Mr. Dupont asked regarding signage and being 2-sided you are allowed to have 15 square feet. Chair Pagano said total area is 15 square feet but can be 2-sided. Mr. Dupont asked if that was per tenant. Chair Pagano said no. Mr. Dupont asked if another tenant comes in his client will have to make his sign smaller. Chair Pagano said correct. Co-Chair Rogers said they cannot put in another sign. Chair Pagano advised no because this was not a business complex.

Chair Pagano confirmed discussions were held regarding comments from Dutchess County Planning and Development.

PUBLIC HEARING:

Mayor Karen Smythe – 8 Park Avenue, Red Hook

Mayor Karen Smythe wanted to remind everyone that across the street is Memorial Park and so to make sure that the property stays well kept; green and attractive to look at.

Chair Pagano spoke on the concerns about the grass area out front on Route 9 - railroad tie grass area and planters and if the owner had to maintain this and Chair Pagano said because of the Village's Pattern Book and that we are a walkable Village that they would like there to be space between highway 9 for pedestrian safety, walkability and uniformity as we go through the Village and feels that green space needs remain and be maintained. Mr. Dupont so even those they are beyond his client's property line they are to be maintained. Chair Pagano said yes. Mr. Dupont said he cannot put concrete in there. Chair Pagano said no. Co-Chair Rogers said this will be a condition of approval.

Mr. Dupont advised his client that he will have to maintain the front grass area. Mr. Chew asked if he could make a sidewalk.

Attorney Polidoro said if he wanted to put a sidewalk in that is a DOT right-of-way and he would need to get a permit from DOT. Chair Pagano said we have a pattern book. Attorney Polidoro said if he was to fill it in with concrete that is a bad idea but if he wants to add a sidewalk that meets ADA requirements, they can talk about that. Chair Pagano said it is not wide enough.

Mr. Dupont spoke of the planting area on the north side and that it is filled with concrete but the one on the side of Mazi has been filled with big cobbles. He said theirs is a concrete one and a pressure treated one with railroad ties and both similar filled with grass and weeds. Chair Pagano said the idea is that we want greenery to abut to the highway. Co-Chair Rogers said when those other properties come before us we will tell them the same thing.

Chair Pagano said we all have to maintain up to the street regardless of the fact if we don't own it.

Attorney Polidoro said there may have been a license agreement at the time of install with DOT and to check with them.

Mr. Dupont said they will abide and advised his client of the Board's decision.

Member Zacharzuk asked at the front of the building what is going to stop people from parking there because it is all paved and when the building was a chiropractor that is where everybody parked. Mr. Dupont said the owner will have to stop them and they are striping the lot to show parking and there is ample parking provided.

Attorney Polidoro asked if they were striping the actual lot. Mr. Dupont said yes.

Member Zacharzuk asked if they can stripe the front to show no parking. Mr. Dupont said absolutely. Attorney Polidoro said something to think about is instead of striping to have them put large planters or something to block it. Member Pearson asked about striping the whole easement driveway. Mr. Dupont said they don't want to do that because people will be driving on it all the time and it will be gone.

Chair Pagano told Member Zacharzuk that they are offering to stripe with cross hatches. Member Zacharzuk said he feels that has to happen but prefers they rip it up and make it green. Co-Chair Rogers said we not quite there yet. Mr. Dupont said they can stripe with cross hatches 4 feet out. Board said ok.

Mr. Dupont asked about specs for lights and what this Board wanted – i.e. dark sky compliant. Chair Pagano said she liked that. Attorney Polidoro said dark sky compliant and need to know kelvins (which is usually 3000 or under and warmer lighting) and don't want per County guidelines no more than 5 foot candles in a parking lot. Mr. Dupont said will this apply for the sign. Attorney Polidoro advised them to look at the Dutchess County Greenway Guide. Mr. Dupont said it was included in the County's letter which indicated fully shielded eliminating glare and projects light downwards.

Mr. Dupont said his client is asking with the northern way out at the curb-cut that the blacktop is in rough shape, but off his property, and if it is the highway department's responsibility. Chair Pagano said if it is in the Street then DOT/State.

Attorney Polidoro said they need to reach out to DOT because whenever the curb cut was put in that there has to be some sort of agreement.

Chair Pagano made a motion to close the public hearing at 7:24pm. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to classify the site plan application for 7592 North Broadway as a TYPE II Action requiring no further environmental review. Motion seconded by Member Markusen-Weiss. All in favor. Motion approved.

Chair Pagano made a motion to approve the site plan for 7592 North Broadway with the following

conditions:

Plan amended to show cross hatch striping 4 feet out in front of the building;

Cut sheets submitted for gooseneck lighting showing downward facing fully shielded fixtures with 3000 kelvins or less.

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

Agenda Item #4

Mark Graminski, P.E., L.S., P.S. for
Paul Sturtz & Polina Malikin, Owners
25 Fisk Street
Tax Parcel ID 6272-10-496612

Present:

Paul Sturtz, Owner

Village Attorney Victoria Polidoro

Chair Pagano asked Mr. Sturtz to come forward to present.

Mr. Sturtz said the village ordinances were amended on June 23, 2023 to allow for hens, honeybees, and animal husbandry for animals less than 250 lbs. Mr. Sturtz said they some Nigerian dwarf goats that weigh 50-60lbs and they were asked to put together a site plan as part of the law to show the 75-foot setback from the property lines and that it was not too complex beyond that. Mr. Sturtz said they have not constructed any buildings.

Attorney Polidoro advised that the law has a calculation of how many goats you can have on the property and asked applicant if he has done that calculation and how many goats are you proposing to have.

Mr. Sturtz said we believe there is 3.75 acres of non-farmland and $\frac{1}{2}$ acre would be for their house and 3.75 would be for the barn and grazing fields; so they are allowed 2 animals under 250lbs per acre so it adds up to around 5 animals for that amount of space. Attorney Polidoro said it is 1.5 acres. Mr. Sturtz said 1.5 acres, sorry. Attorney Polidoro asked how much available land. Mr. Sturtz said the entire lot is 4.22 acres and would estimate about 3.75 non building acres. Attorney Polidoro said so 4 would be allowed. Mr. Sturtz said 2 per $1\frac{1}{2}$ so you would get, if you divide by 3.75, you would get 5. Attorney Polidoro said the way it reads is 2 for every $\frac{1}{5}$ so you have to get to 1.5 in order to get to another 2. Mr. Sturtz said it can be read multiple ways and he has talked to multiple people who read it the way he reads it. Attorney Polidoro said that is fine but reads it differently, and that the first thing they need is that calculation done and to prove out that calculation to show us how much available land you have and how many goats you intend to have. Mr. Sturtz said ok.

Attorney Polidoro advised in a zoning code one dwelling per acre means you have to have an acre in order to have a dwelling. Mr. Sturtz said he has talked to attorneys that read it the way

he reads it. Attorney Polidoro said that is fine and you can have them appeal to the appropriate agencies if you need to, but the way it is interpreted to the Village it reads for every 1.5 acres you get 2. Mr. Sturtz asked so you are saying if you had 4.49 acres you would still only be allowed 4 animals. Attorney Polidoro said trusting your math is correct but yes. Mr. Sturtz said so **anything less than 4 ½ non-building acres** would not get you any fraction... Attorney Polidoro said correct. Chair Pagano said you cannot have a fraction of an animal.

Attorney Polidoro said that it way the code reads and is being applied so we will need to have that calculation and there is a provision in here, and her next question, but does not know how many goats you have right now, but when you received your interpretation from the zoning board you had 5 goats and were allowed to keep those 5 particular goats but this law says that if you have some animals at the time of adoption of this Law you can apply for a special permit to allow for those animals to remain. Attorney Polidoro said so if you had 5 at the time this was adopted you can ask for a special permit to keep that additional goat.

Mr. Strutz asked what is that process. Attorney Polidoro said it is another application that will be reviewed with this and becomes part of this. Mr. Sturtz asked if there was a fee for this. Attorney Polidoro said probably. Mr. Sturtz said one thing that is interesting about all of this is that in the original Law from June 23rd there is no assessment of a fee for this and just says you just have to put together a site plan. Attorney Polidoro said the way the law works is the Law says one thing and the Village adopts a fee schedule every year and fees are always being updated so there is a separate fee schedule that the Village maintains. Mr. Sturtz said honeybees and hens did not have any fees assessed to it but our animals were assessed with this and seems it was decided by the building inspector. Attorney Polidoro said probably because hens and honeybees do not require site plan approval. Chair Pagano said they don't. Attorney Polidoro said they require something different and she is not in charge of fees and if you had 5 at the time of adoption and you want to keep the 5th one because you cannot get there under your calculation, there is a process do that, then it is applied for by a special use permit. Mr. Sturtz said ok.

Member Markusen-Weiss asked how many animals do you have currently. Mr. Sturtz said currently they have 5 and some visiting, but will be taking those away in the next few days. Member Markusen-Weiss asked so how many do you currently have. Mr. Sturtz said 3 babies there now. Member Markusen-Weiss asked of the 5 animals you have are those the 5 animals that were there. Mr. Sturtz said yes.

Member Markusen- Weiss asked how many are male and female. Mr. Sturtz said one neutered male and 4 females. Member Markusen-Weiss asked where did the 3 babies come from? Mr. Sturtz said they were born a few weeks ago from a buck they visited. Member Markusen-Weiss said they are babies from the females. Mr. Sturtz said yes. Member Markusen-Weiss said but not from your Billy-goat. Mr. Sturtz said not ours and that they only have a neutered male.

Member Markusen-Weiss asked if he was aware that the Zoning says that breeding of animals is not permitted. Mr. Sturtz said we read it to mean that there is no breeding operation meaning no more goats than what was there, and that this was a temporary situation. Mr. Sturtz said there is no non-neutered male on the premises and no breeding operation.

Attorney Polidoro said what we are talking about is under your approval from when the Zoning Board said you could have them it prohibited the breeding of those 5 goats and under the current zoning you cannot breed any of them, so the Board is asking moving forward do you acknowledge that. Mr. Sturtz said there is not going to be and no breeding happening on the property. Chair Pagano said you just said you had a female goat that recently had babies. Mr. Sturtz said that is true. Chair Pagano said that is kind of the definition of a breeding animal. Member Markusen-Weiss said if you are artificially inseminating or bringing in a buck breeding is, not knowing the legal definition, but any making of babies is breeding and how he interprets it. Mr. Sturtz said so under the law any females are not allowed to have any babies and have to go to their grave without being mothers. Attorney Polidoro and Chair Pagano said correct and in the Village. Member Markusen-Weiss said or could be breed elsewhere. Chair Pagano said and not brought back to the property until after the babies have been weened and that breeding according to 200-18.1 cannot be within the Village. Mr. Sturtz said ok.

Chair Pagano said if you are going to have your goats breed or you want your goats to have baby goats then the goat will have to leave the property until such time as the babies have been weened. Mr. Sturtz said ok and he did not understand that it didn't have to do with the actual breeding and it has to do with the aftermath of the breeding. Chair Pagano said that affects the number of animals that you have on the property and if by Code you are allowed to have 4 but by the variance you are permitted to keep 5 any number over 5 is in violation of 200-18.1. Mr. Sturtz said ok.

Attorney Polidoro said the question is if the special use permit is required under the calculation, but we can continue that conversation.

Co-Chair Rogers asked if they would be able to produce some kind of proof that your male goat is neutered. Mr. Sturtz said they did not do it and he came from Iowa that way, but has visual but no papers. Attorney Polidoro said visual is ok. Member Zacharzuk said when you purchased it... Mr. Sturtz said they did not purchase it and it was a gift from a friend.

Chair Pagano said that Code requires that adult male animals are neutered so you will have to find a way to satisfy that. Mr. Sturtz said can a veterinary letter satisfy that. Attorney Polidoro and Chair Pagano said yes. Mr. Sturtz said that will be easy for them.

Member Markusen-Weiss asked how the feed was stored and where. Mr. Sturtz said they are in closed containers in the barn. Chair Pagano said that will have to be noted on the plans. Member Markusen-Weiss asked what kind of containers. Mr. Sturtz said they are metal trash cans with secure tops and asked if this Board would like photos. The Board agreed yes.

Member Zacharzuk said how are the tops secured. Mr. Sturtz said they are snug fit tops like you would have with a garbage can and that nothing can get into it. Attorney Polidoro said then you should Mark Graminski note the locations and this plan needs to let us know that you have satisfied all the requirements.

Member Markusen-Weiss asked in terms of animal waste and referenced Zoning 200-18.1. and asked how applicant was satisfying those provisions. Mr. Sturtz said the stalls are cleaned out once per week and the manure-filled straw is spread on the land. Member Zacharzuk asked about spreading manure straw on the land. Chair Pagano said this is done on farms. Attorney Polidoro said she did not know the answer off the top of her head but is an agricultural practice but this is not a farm. Member Zacharzuk said this is not a farm and in the Village. Mr. Sturtz said what is the concern, it is put in a garden and the best thing you can do for a piece of land is spread that and this is not a hog factory. Member Zacharzuk said he is not imagining this is hog factory and imagining what you have there and just asking. Mr. Sturtz said in speaking straw and manure this is accepted across the world. Chair Pagano said you have a very large piece of property in the Village but it is not a farm and within the Village it is extremely uncommon for someone to have a farm and be regularly spreading manure on that farm and part of the questions you are being asked. Mr. Sturtz asked if you are asking everyone who has chickens because there lots of people with chickens and I don't see you asking them about their manure.

Member Markusen-Weiss said you are here because you are not in compliance with Zoning, which you know about, and you also have more animals that you are supposed to have, which you know about, so we are trying to figure out what to do next and trying to make sure you are in compliance, and can understand why you feel you are being singled out, but you are not. Mr. Sturtz said there are no rules adopted about the spreading of straw and where does it say anything in the code. Attorney Polidoro says the code requirement says... that animal waste and uneaten or discarded food must be disposed of in a safe and sanitary manner with a minimum frequency of once per week"..... so that is why they asked you how you are storing it. Mr. Sturtz said that has to do very specifically with creating a good environment for the goats and no different than putting in gardens.

Co-Chair Rogers spoke about when he recently went to Agway to get some fertilizer for his garden, as sanitary as it comes, and when he opened the bag up it was manure, it he put on his

beds and his neighbors asked what did you do? And I explained it would dissipate in a day or two and that was that. This Board is interpreting this for the first time. Mr. Sturtz said they have never got one complaint about the manure because this property is set back and away from neighbors, and they do not have neighbors right up against where they would spread the manure and about 200-200 feet from any property line and doesn't even smell. Co-Chair Rogers said it was mentioned that you have a very large piece of property and we have to make these rules apply to everybody, fairly, so if we don't think through some of these waste disposal things, somebody with an acre with close neighbors -we can't come up with a different interpretation for them than you, so that is why we are working through these pieces. Mr.

Strutz said the fact is, is that nobody else in the Village is going to get goats and only a few lots of over 2 acres – and the ones with 2 acres are not interested in getting small-domesticated animals so sort of a law that just applied to us honestly. Member Zacharzuk said you cannot rule out someone buying a piece of property with 2 acres of more tomorrow.

Member Markusen-Weiss said the question is compliance and if this is disposable or not.

Attorney Polidoro thinks it would be helpful if the applicants would write down their responses and provide a narrative for Section 200-18.1 (A1 – A6) explaining to the Board how you are:

Confining the animals

How you got your calculation

How you are proving your neutering

How you store your feed/food

Member Markusen-Weiss said they want to know how they are complying with 1-6.

Chair Pagano said or how they are going to come into compliance and when they are going to do it.

Chair Pagano said another thing they need to see on their site plan is, regarding the existing fence that needs to relocate to meet the 75 feet, so if you could show us proposed and new area of goat enclosure. Mr. Strutz said he thought it shown that. Chair Pagano said it just shows existing. Member Pearson said it shows the existing line we need to see the new line.

Member Pearson asked about A-5 and a possible typo - he feels should say... there shall be no unenclosed storage OF manure or other odor – or dust producing substances. Co-Chair Rogers asked Mayor Smythe for any comment, and she said the way it was printed was the way it was approved, and we can certainly look at it.

Member Markusen-Weiss asked Mr. Strutz if he has any records on the 5 goats. Mr. Strutz said what would that prove. Member Markusen-Weiss said it would be good to know the 5 goats that are covered by the ZBA, and if they are registered. We want to make sure that the 5 goats you had and what this applies to are the 5 goats you still have.

Mr. Strutz said there are no papers and no AKC situation. Member Markusen-Weiss said a lot of livestock are registered. Mr. Strutz said there is no pedigree. Attorney Polidoro asked how does a vet keep track of which is which, and must be some record or photographs from 2 years ago showing they are the same goats. Mr. Strutz said he does not actually have anything.

Chair Pagano said can we add that we need a letter that the male is neutered. Member Markusen-Weiss said yes and a letter that the 5 animals are the ones properly applied to the ZBA decision.

Mr. Stutz asked if there was anything else. Chair Pagano said this is a good start and we are all learning this at the same time, and we are all working through this very slowly together because, as she said before, you have a very large piece of land in the Village but we do not have farms in the Village and so it's going to take a while to get through this, so we are all on the same page and there are a lot of pages but this is a good start.

Co-Chair Rogers asked if we were clear about what are expectations are for the next meeting, and what we are asking for.

Mr. Stutz said the only thing he is unclear about is if they need to apply for a special use permit.

Attorney Polidoro said because they do have a resolution from the ZBA saying they can have these specific 5 goats - if they cannot prove it's those specific 5 goats there is some opportunity to show that the 5 goats at the time the law was adopted could remain, but you need a special permit, but they still need to all have been there at the time this rule was adopted.

Member Markusen-Weiss asked isn't there something to the fact that the permit was not applied for within what window after the law was adopted. Attorney Polidoro said that is why they are here. Chair Pagano said this is the beginning of curing that violation. Member Markusen-Weiss said right but in order to be grandfathered in, wouldn't you have had to apply for the permit like in a time period. Mr. Stutz said they did not get any notification of this until recently and no process for us to apply for the permit. Chair Pagano asked didn't you get all this when you got your variance. Mr. Stutz said it is very vague what they were being asked for and they thought they would be able to just put a drawing in, but were told it had to be a professionally drawn plan with some other things. Attorney Polidoro said under the law a site plan has certain requirements and the way she sees it is the zoning enforcement officer is responsible for interpreting and said they need site plan. Chair Pagano spoke about #13. Mr. Stutz said that was only following up recently and there is site plan and there is site plans.

Chair Pagano said no, and we only look at one kind of site plan here and we ask every applicant to provide the same information. Mr. Stutz said they were not aware of that and not

professional planners. Chair Pagano said you hired Mr. Graminski and he is well aware of what is needed on site plans. Co-Chair Rogers said he thinks they hired him after they received the notice of violation. Mr. Stutz said yes and why you have this right now.

Member Markusen-Weiss asked about the violation and being corrected within 30 calendar days and we have passed that as well, being dated June 12th and since this site plan is dated July 29th is there any consideration there.

Attorney Polidoro said that is on the enforcement side of things, so it is in their best interest to get this cured as soon as possible because at any time now that 30 days has passed the enforcement action can proceed and they can take them to court and start requesting fines,

but if they are making good faith efforts to come into compliance we may not take that route, but now that the time has passed we can.

Member Markusen-Weiss asked about the 5th goats in terms of the grandfathering in provision = is that grandfathered in provision waived if that application wasn't received in the amount of time that was required after this law was adopted?

Co-Chair Rogers said meaning if the law entitled them to a grandfather benefit that if they did not apply for that benefit would they be denied that benefit – and he did not think so and thinks it is two different things and that not applying for a permit in a timely manner has a consequence and whether you are grandfathered in or not is a separate question that he feel you can't lose the benefit of that clause.

Chair Pagano said she felt that once you are granted the ZBA approval she would agree that they are allowed their 5 goats until such time until one of those original 5 goats is no longer part of the herd.

Co-Chair Rogers said correct and given they haven't applied for the permit in time has its own consequences for the delay, but he doesn't lose the grandfathering.

Attorney Polidoro said she feel if someone else had failed to apply within 90 days they might not get the benefit of it and the reason for the time period is because if it is 3 years later how do you show they were there at the time the law was adopted and it gets harder and harder to prove. Co-Chair Rogers said he understands. Attorney Polidoro said because this was based upon a combination and not zoning they could meet the 5 – show the same 5.

Chair Pagano said that could be included with the letter from the vet – that the male is neutered, and these are the same 5 goats that I have been veterinarian for since July 27, 2023. Co-Chair Rogers said that makes sense.

Member Markusen-Weiss said the only trouble he has is that the herd has now been enlarged. Chair Pagano said that will have to be remedied with this site plan approval.

Chair Pagano said to summarize this meeting this Board will need:

calculation of land and how many goats the land supports (by zoning table)
where and how the feed is stored to be shown the plan
a note on the plan that states that all male goats on the property are neutered
need letter from veterinarian that says adult male in herd has been neutered and that these are the same 5 goats on the property since the time of the granting of your ZBA approval
new locations of the fencing area outside of the 75-foot offset
location of the feed storage
pictures of the feed storage containers

Co-Chair Rogers asked how is it usually handled if an applicant has a different view of language than the Village attorneys. Mr. Sturtz stated this is what Mark Graminski believes as well. Co-Chair Rogers said we don't have to review it, but there are two different ways to look at it and how does it usually get worked out; we make a decision and then they appeal if they don't like it.

Attorney Polidoro advised that Gary Beck would issue a decision, and they can appeal to the zoning board if they disagree, depending on what Gary's formal decision is.

Mr. Sturtz asked for anything else. Chair Pagano said this is a lot to work on before coming back next month, but it will give us both a chance to dig more into the regulations; get a memo from Gary so we are all clear on how to proceed, and you have a very unusual property in the Village, and we are trying to make it work for everybody.

Chair Pagano made a motion to table the site plan application for 25 Fisk Street to September 12, 2024 at 6:30pm. Motion seconded by Member Markusen-Weiss. All in favor.

Agenda Item #4

Village of Red Hook

Lead Agency Designation

Phase II Sewer Expansion

The Board discussed the Phase II Sewer expansion and the Village of Red Hook being named as lead agency for said Phase II Sewer Expansion.

Chair Pagano made a motion that on behalf of the Village of Red Hook Planning Board we consent to the Village of Red Hook serving as lead agency for the application of the STEP Sewer upgrade – Phase II, and requests that the undersigned, Village of Red Hook Planning Board, continue to be notified of SEQR determination, proceedings and hearings in this matter. Motion seconded by Co-Chair Rogers. All in favor. Motion approved.

Chair Pagano made a motion to adjourn the August 8, 2024 planning board meeting at 8:09pm. Motion seconded by member Zacharzuk. All in favor. Motion approved.

Lara Hart

Secretary to the Planning Board
