

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
August 11, 2011**

Present: Chairman Everett Pearsall, Member Paul Fredricks, Member Stephen Zacharzuk, Member Rodney Morrison, Member Mark Mirando & Building Department Secretary, Lara Hart

Chairman Everett Pearsall made a motion to open the Village of Red Hook Planning Board meeting at 7:01pm.

Chairman Pearsall welcomed new planning board member Mark Mirando.

Chairman Everett Pearsall made a motion to accept the minutes from the July 14, 2011 planning board meeting. Seconded by Member Stephen Zacharzuk. All in favor. Minutes approved and accepted.

**#1. David Cohen,
represented by Marie Welch 7370-7372 S. Broadway Subdivision/Lot Line
of Welch Surveying
Tax Grid #:6272-10-324503**

Marie Welch of Welch Surveying was present.

Marie Welch spoke to the Board at this time and explained that when Mr. Cohen purchased this property, he purchased it as two separate parcels in his deed. The tax map department gave it only one grid number – but it is actually 2 separate parcels. The tax map department will allow a lot to be created this way, providing that you do not create any problems. Proposal is for a lot line alteration – to alleviate the condition of the driveway being on the line that is 121.16 feet - they are proposing to move that lot line to the one that is 136.61 feet. Mark Day has been contacted for septic design for board of health approval. This zone is in the NMU zone. Marie Welch indicated that there will be a feasibility study done.

Member Rodney Morrison questioned the underground covered pool, and if that structure is on the lot line. Member Morrison asked that this be shown on the site plan. Marie Welch indicated ok.

Marie Welch indicated that the new map will be prepared referencing previous approved lot line alternation map dated October 11, 2007.

Chairman Pearsall asked if we should first wait for 2 separate grid numbers before giving approval on lot line alteration. Marie Welch indicated it is already two parcels, so you can accept pending provision of grid numbers.

Chairman Pearsall asked the Board for their opinion on granting approval pending assignment of 2 grid numbers. All board members were in agreement.

Chairman Pearsall asked Marie Welch that knowing that this, and that the rear parcel was originally going to be sold to Knollwood, are there any set back issues with existing buildings. Marie Welch said no.

Chairman Pearsall began the Short Form SEQR.

Question A. - No

Question B. - No

Question C (C1-C7) – All answered No

Question D. - No

Question E. - No

This proposed action will not result in any significant adverse environmental impacts.

Chairman Pearsall made a motion to declare Negative Declaration. Seconded by Member Paul Fredricks. All in favor. SEQR signed on this date by Chairman Pearsall.

Chairman Pearsall asked about having a public hearing. Chairman Pearsall indicated that the Board could waive public hearing.

Chairman Pearsall made a motion to approve lot line alteration for 7372 South Broadway, with the following conditions:

1. That the new proposed lot will support septic system for a single family dwelling.
2. Show on site plan the location of the preexisting pool structure.
3. Assignment of a separate tax grid number.\

Seconded by Member Rodney Morrison. All in favor.

**#2. Laura Pensiero – GiGi Hudson Valley 7392 South Broadway Site Plan
Tax Grid #:6272-10-324546**

Laura Pensiero was present.

Laura Pensiero spoke at this time to indicate she would like to have a mobile food truck with 20 ft. long trailer on site. It would go away every evening. This set-up would be for the sale of fast food. They would remove all waste at end of each day.

Chairman Pearsall asked if set-up would be in parking lot/grass area. Laura indicated in the grass - south side of building. Laura said there would be a few picnic tables, but that food is mostly packaged to be taken away. Chairman Fredricks asked if restrooms in main building would be used. Laura said yes.

Chairman Pearsall read letter from CEO Harkins dated August 11, 2011, indicating that he measured the parking lot and that there is a possibility of 24 spots.

Member Rodney Morrison asked if parking on Rt. 9, in front of lot, was permitted. Laura indicated that she did not think parking was possible, so they would be using the parking lot.

Chairman Pearsall advised that CEO Harkins advised that usage was changing from an "M" to an "A". Chairman Pearsall was looking for required parking spaces for Village Zoning Law. Member Fredricks advised that this is mobile unit, and that there is more than enough parking. Member Morrison indicated that they are not using the building, and that there is a parking lot, which makes for a safer place to get in and out. Member Fredricks indicated that 24 spaces is more than enough for parking.

Chairman Pearsall asked if anything was going on in the building now. He was informed in the near future they are hoping for an art/antique store.

Chairman Pearsall indicated then the building would need to be taken into account for parking. Member Morrison said this is a mobile, seasonal use. Laura said that it is equivalent to the time that someone would spend in a drive-thru – they can park their vehicles, but is not a restaurant. Chairman Fredricks indicated that there will picnic tables so people would stay to eat there.

Chairman Morrison indicated that according to Brent Kovalchik (whom was present and spoke during this time) you can't park on Route 9 – that there is available parking internal to the property, so if parking became an issue, the property owner and Laura could work it out inside their property without affecting the street. Chairman Fredricks said there is enough land to increase parking, if needed. Chairman Morrison gave his recommendation to approve application. Chairman Pearsall asked board about approving contingent on if the line of business in the building changes and more parking is required, that parking be addressed to be expanded.

Chairman Pearsall asked the Board if they had any other issues. Chairman Zacharzuk asked that any picnic tables be removed at the end of the season. Laura said yes.

Chairman Pearsall began the Short Form SEQR.

Question A. - No

Question B. - No

Question C (C1-C7) – All answered No

Question D. - No

Question E. - No

This proposed action will not result in any significant adverse environmental impacts.

Chairman Pearsall made a motion to declare Negative Declaration. Seconded by Member Morrison. All in favor. SEQR signed on this date by Chairman Pearsall.

Chairman Pearsall indicated that next step would be to set a public hearing. Member Fredricks asked why we would need a public hearing. Chairman Pearsall indicated because of the change in use. Member Morrison indicated that applicant was not changing the use in the property but occupying space on the property, so not a change. Chairman Pearsall asked the Board of their opinion - Chairman Pearsall indicated that according to CEO Harkins it is a change in use in that changing use from an “M” to an “A”. Brent was present in the audience and advised that this is an allowable use. Chairman Morrison again indicated this was not a change in use, but adding to the use. Member Fredricks agrees with Member Morrison in that usage is outside of the building. Members Zacharzuk and Member Mirando said CEO Harkins advised it was a change in use, therefore they will agree with CEO Harkins. Chairman Pearsall inquired as to if temporary approval could be granted and give permanent approval after a public hearing in September. Chairman Pearsall explained to Laura Pensiero the process of granting temporary approval and then permanent approval pending the outcome of a public hearing. Laura Pensiero spoke at this time to explain to the board the expenses of having this operation for 2 months. Chairman Pearsall again stated CEO Harkins advising of the change in use. Chairman Pearsall indicated that the Board did not agree in the change of use, therefore a public hearing would have to be set. Brent Kovalchik wanted it explained that according to zoning law which you the Board are basing your decision on, how this is a change in use according to the principal use vs. the special use permit and accessory use are in that zone Member Fredricks indicated mainly because CEO Harkins, as zoning enforcement officer, said it was a change in use. Member Fredricks advised that we have to follow the proper procedure. Member Morrison said he sees nothing changing in a month, opinion wise, even if it requires a change in use. The use of the property and building and the vast majority of the space there is not going to change, it is still mercantile use. Chairman Pearsall asked that the Board take a vote for temporary approval.

Chairman Pearsall made a motion to grant temporary approval to GiGi’s Hudson Valley to operate at 7392 South Broadway as listed in application through September 8, 2011, at which time there will be Public Hearing at 7:00pm, and the Board will take up a permanent approval. Seconded by Member Stephen Zacharzuk. All in favor.

Laura Pensiero stated to the Board that she will not be present during fair week.

Chairman Pearsall advised that this matter is tabled to September 8, 2011 at 7:00pm.

#3. Steven Lown – West Side Auto 3 St. John Street Sign Application
Tax Grid #:6272-10-436749

Debbie Lown was present for Steven Lown. Chairman Pearsall advised the Board that the sign is already up on the building.

Debbie Lown spoke at this time to advise that the Board that her son is opening a garage for a second repair shop and hopes to be open in 2 weeks. Sign was already hung because they did not know you needed a permit.

Chairman Pearsall asked if sign is 8ft. x 3ft - Debbie replied yes – for a total of 24 sq. feet which is the maximum size allowed for a sign hanging parallel to the building, so therefore is in compliance. Chairman Pearsall asked what sign was made of. Debbie indicated a thin weather-proof metal and no lights. Chairman Pearsall asked if lights were going to be put up. Debbie indicated not to her knowledge, but that a security system would be installed. Member Fredricks advised Debbie that should Steven intended to install lights he would need to come back in front of the Board. Chairman Pearsall sees no issue -- asked the Board for Comment -- board has no comment.

Chairman Pearsall made a motion to approve the sign application for West Side Auto - 3 St. John Street - for 8ft. x 3ft., made of metal, to be hung parallel to the building, with a condition that the application shall go the building department to obtain the necessary building permit to hang the sign. Debbie asked why another permit. Member Fredricks advised this meeting was for approval of signage. Seconded by Member Fredricks. All in favor.

#4. Kari Feuer – RHCAN 7392 South Broadway Site Plan
Tax Grid #:6272-10-324546

Kari Feuer, co-chairman, was present to talk about the 3-day event to be held at the Emporium (Old Soap Factory) at 7392 South Broadway, Red Hook. Chairman Pearsall asked what was involved. Ms. Feuer advised that a small sign would be posted there in the ground temporarily for approximately one week. They applied to the Board because of a change in use. They will be having art on the walls for the public to view, poetry readings, music. Hours will be Friday 4-8; Sat 1-8 & Sunday 1-5. Ms. Feuer indicated that event to happen inside, but with a little

outside, consisting of food service. Ms. Feuer indicated there will be no exchange of money, free to the public.

Chairman Pearsall asked the Board for comments. Member Morrison spoke on the mercantile to assembly change and that this is not addressed in our code – only in State Building Code as a land use classification, which is what Sam would use to classify the property and, and of which we would base our decisions. Member Morrison states that property is not zoned mercantile. Member Morrison addressed the issue as to the Village zoning book, and if members have a current book. At this time Village Trustee Brent Kovalchik spoke to indicate that the Industrial Zone was changed and it is now Neighborhood Mixed Use Zone. Member Fredricks advised that all members did not have a copy of the new NMU. Brent advised that this NMU has been in effect for over 7 years now, and gave a brief overview of the NMU. Member Morrison feels that this application, as well as Laura Pensiero's, fits under the prevue of an allowable use. Brent advised that you would need to speak with Sam Harkins. Member Fredricks said that in this case, we may not need a public hearing – Member Morison agrees. Member Fredricks said we would have to review the NMU. Chairman Pearsall again said we are advising of the input from CEO Harkins. Chairman Pearsall moved forward with SEQR.

Chairman Pearsall began the Short Form SEQR.

Question A. - No

Question B. - No

Question C (C1-C7) – All answered No

Question D. - No

Question E. - No

This proposed action will not result in any significant adverse environmental impacts.

Chairman Pearsall made a motion to declare Negative Declaration. Seconded by Member Stephen Zacharzuk. All in favor. SEQR signed on this date by Chairman Pearsall.

Chairman Pearsall made a motion to accept and approve the application as submitted from RHCAN for premises at 7392 South Broadway, Red Hook, New York, for the duration of August 19, 2011 – August 21, 2011. Seconded by Member Fredricks. All in favor.

#5. Kearney Property, Inc.
Tax Grid #: 6272-11-594590 &
6272-11-619615

Fisk Street

Subdivision
(Anderson Commons)

Ken Kearney, Mr. Kearney's son (of Kearney Property, Inc.), and Peter Setaro, the project engineer, were all present. Ken Kearney advised the Board of his last project in the Village of the development of the former Perx property into Red Hook Commons – 98 units for affordable housing & Trustco Bank. They are not changing anything regarding this project, this project has been in front of both Boards prior, and will remain a for sale project. Peter Setaro gave a brief overview of the project to the Board. Project was started in 2004-2005 – were in front of this Board and Town Board prior – 53 lots – 8 traditional single family homes – the rest (45 or more) cluster type-smaller lots. Mr. Setaro indicated that prior approval was received from Dutchess County Board of Health, water & sewer. All applications were made to the State Environmental Conservation for permits for storm water and sewage discharge. Sewage discharge for the project will be by subsurface sewage disposal systems. The site is primarily gravel. They have a field where they dug down 10 feet and it is pure gravel. Water supply is from Village – they got confirmation from Dutchess County Health Department that they are planning to reapprove the project - letter dated back from April 6th of approval. They had a meeting in the Village in March/April, 2011, with attorney Victoria Polidoro, Planning Board Member Rodney Morrison, some other planning board members and the Mayor. Victoria Polidoro had written an opinion letter to the Board – outlining what she feels the process should be – and that the site plan approval that was previously obtained in 2006 under Village Law and that the site plan approval is still active – but that the subdivision approval that was received has lapsed. There was also discussion amongst everyone regarding SEQR process. Village Planning Board was the lead agency and Village did declare negative declaration in 2006. Victoria was not involved in the original approval process, but she did review and come back with her opinion that there has not been many changes, no potential impacts, but that she did want an environmental consultant to re-visit the site to see if any changes to federal wet land in back area – or any changes to threatened or endangered species in the area. The findings in 2005-2006 were that there were no threats. Their consultant still feels that there are no threats. It is in Victoria's opinion and applicant's opinion that hopefully as part of the subdivision approval that the planning board will be in a position to just reaffirm previous SEQR determination. Application will be made back to the Town of Red Hook for both conditional subdivision and conditional site plan approval, as both have lapsed, and that process should begin in September.

Member Fredricks asked if all the buildings were in the Village? Peter indicated that 13 lots are in the Village. Ken indicated that there are 21 lots are in the Village. Submitted map was opened and project plan reviewed by members of the Board and Peter Setaro.

Chairman Pearsall asked if plan was still for open area to the northeast to still be conservation area. Peter replied yes.

Ken Kearney said this was a great concept, great plan, walkable community – when things get better this is the model that will work today. Homes will be 1400 to 1800 sq. ft. A community such as this is the future.

Peter Setaro asked if he could obtain a copy of the memorandum from Victoria Polidoro. Secretary will fax copy of memorandum to Ken Kearney, and forward another copy to Member Rodney Morrison.

Chairman Pearsall requested that the Board have time to review all documents and that this application be tabled to the September 8, 2011 meeting. SEQR will have to be reviewed.

Peter Setaro requested that Victoria Polidoro be present at the next meeting.

Member Morrison asked about circulation for lead agency – need to know what steps to take, if we don't have to circulate, why bother. Ken Kearney said that he thinks the memo speaks to that matter. Ken Kearney advised that prior to closing, he wanted this meeting to find out what the position is in moving forward and he requested the meeting.

Chairman Pearsall made a motion to table the Anderson Commons application to September 8, 2011. Seconded by Member Stephen Zacharzuk. All in favor.

Chairman Pearsall made a motion to adjourn the Village of Red Hook Planning Board Meeting at 8:45pm. Seconded by Member Stephen Zacharzuk. All in favor.

Submitted,

Lara Hart Secretary

