VILLAGE OF RED HOOK
PLANNING BOARD MEETING
July 10, 2014

Present:	Acting Chairman Mark Mirando, Member Beth Pagano, Member David Pearson and Member Ray Towle
Present:	Victoria Polidoro, Village Planning Board Attorney Sarah Brown, Senior Associate/Planner – F.P. Clark Associates Attorney Anthony Morando - Cuddy & Feder, LLP Shannon Rutherford, P.E., - VHB, Inc.
Absent:	Member Don Hanson

Acting Chairman Mirando opened the July 10, 2014 Planning Board Meeting at 7:00 pm.

Acting Chairman Mirando asked Board Members if they have reviewed the Planning Board minutes dated May 8, 2014 and June 12, 2014. Board Members said yes.

Acting Chairman Mirando made a motion to accept the planning board minutes dated May 8, 2014. Motion seconded by Member Pagano. All in favor.

Acting Chairman Mirando made a motion to accept the planning board minutes dated June 12, 2014. Motion seconded by Member Pagano. All in favor.

#1. TMC Northeast 2 LLC 7568 North Broadway Site Plan Application
(Proposed CVS)
Tax Map No. 6272-06-490816 & 6272-07-514806

Attorney Morando advised that with regard to the SEQR process that the 30 days has lapsed since lead agency notices were sent, and acknowledged that all involved agencies have responded except for NYSDOT. Attorney Morando acknowledged receipt of comment letters from the Planner, F. P. Clark Associates, and the Engineer, C.T. Male Associates. Attorney Morando advised that they submitted a filing to the Board dated July 3, 2014 addressing those comments as well as previous Board comments. Attorney Morando acknowledged receipt of the letter received from C.T. Male Associates dated July 7, 2014, and that due to comments only being received this week they will address at a later date. Attorney Morando advised that they are hoping tonight's meeting will consist of this Board declaring itself as lead agency and scheduling a public hearing.

Attorney Morando advised that Shannon Rutherford, P.E., of VHB was present tonight and that they have received determination from SHPO confirming that there is no impact on cultural, mainly historical, resources. Attorney Morando acknowledged that they have received DEC determination that there are no water bodies that appear on its regulatory maps at this site; that the Project is not within the NYS protected Freshwater Wetland and that there are no records of sensitive state listed species at this site.

Attorney Morando advised that a revised "sign" plan was submitted with the package which was modified, after discussions with the CEO Harkins and comments from Dutchess County Planning, with regard to the freestanding sign and to include a traditional gable at its top with regard to the sign facing Route 9.

Attorney Morando spoke about the building entrance issues which he believes the layout does comply with both the Pattern Book and Village Code. Attorney Morando did reference his letter to the Board dated July 3, 3014, and did acknowledge the Pattern Book's suggestion pertaining to entrances facing the street, but they truly believe that this site is attractive to pedestrians and serves to connect the Village and sidewalks from Route 9 to the site and to the store entrance, and they are asking the Board to take into consideration the unique benefits pf the Project in conjunction with the needs of CVS and its customers when reviewing the proposed building orientation. Attorney Morando said they believe that this is an attractive entrance in the front, and they believe that beyond the Pattern Book they have encouraged a pedestrian friendly destination.

Shannon Rutherford, P.E., (Site Engineer) came forward at this time.

Ms. Rutherford briefly outlined her response to comments by her letter dated July 2, 2014.

1. Trees at the entrance on Cherry Street: has been modified to have the trees alternate from one another rather than being opposite from one another.
2. Concern of turn movement and congestion in the proximity of the dumpster and compacter: they were able to slide the entire area 10 feet to the right without losing parking spaces.
3. Detailed signage will be added "No Delivery Trucks on Cherry".
4. They have added cut sheets and details of the light fixtures and poles on site.
5. They did take into consideration the request from the County to make provisions for an interconnection to the parcels to the north, providing that all parties agree to that.
6. Trees were added to the front keeping them ornamental. It was noted that Member Pearson is on the Village Green Committee and that he has spoken with Village Green members who confirmed that trees are ok so long as they are pest/urban resistant. Concern about tree growth height was a concern because of possible blocking the front signage. Ms. Rutherford said it is an ornamental tree that can be shaped and trimmed, but that it can be up for further discussion. Ms. Rutherford showed the layout on the site plan of the placement of shrubs in the parking area.

7. Building position in relation to Route 9: Ms. Rutherford advised that the front face is setback approximately 40 feet from the property line allowing the drive-thru to adhere to the 50 foot setback requirement and to allow the 6 vehicle queue.
8. Quantity of parking was calculated using the new parking ratio of one parking space for every 250 square feet plus 10 spaces for employees. An internal crosswalk has been added to the plan connection the parking lot with the entrance at the store.
9. C.T. Male Comments dated June 11th– they did speak with C.T. Male directly with regard to the septic. They have reviewed the letter dated July 7, 2014 and see no issue and noted that they are not all new comments and some comments were reincorporated from their previous letter.
10. Traffic Patterns: The alignment of the driveway directly opposite Old Post Road provides for a nice aligned intersection for allowing easy site and understanding what the other driver is doing and helping vehicles to make logical turning decisions.

Acting Chairman Mirando advised that tonight the Board has two concerns they would like to discuss - 1) store entrance location and 2) circulation of traffic throughout the site. Acting Chairman started with the entrance and advised that according to the Pattern Book and revised Zoning Code they suggest what the entrance location should be, and suggested that with regard to the ADA parking he feels they could move all the handicap spaces to the southern entrance near the southwest corner of the building. Member Pearson feels that what they are proposing now is ideal. Acting Chairman Mirando said he feels this also ties into the circulation issue because of the two way entrance/exit. Acting Chairman Mirando feels that the northern exit needs to widened. Ms. Rutherford explained to the Board what is being proposing for truck entrance/exit near the loading zone. Member Pagano felt that the proposed primary main entrance/exit is dangerous. Acting Chairman Mirando asked if reports have been done with respect to accidents at this location. Attorney Morando reminded the Board that once there is a change to one thing it can trigger other changes so they prefer to go over one thing a time. Attorney Morando advised they did contact NYSDOT and they would not give a response until they receive confirmation until this Board has established itself as lead agency; with regard to accidents, which was also addressed in C.T. Males July7th letter, this had not been addressed yet and there is no report tonight; with regard to the building entrance this project was designed to meet the needs of the Village and the applicant and believe that they have given a lot at this point to this site. Attorney Morando advised that if they move this site it does make the ADA spaces further away.

Member Pagano asked the Planner, Sarah Brown, for comment. Sarah Brown of F.P. Clark Associates was present and advised that they were not suggesting that the rear entrance be eliminated but suggesting possibly two entrances. Ms. Brown asked Attorney Morando if that has been considered? Attorney Morando advised that there are internal issues when relocating entrances and issues with the drive-thru and security. Acting Chairman Mirando said he understands security issues, but feels that putting an entrance at the front corner would be closer to bike racks and benches. Acting Chairman suggested that they offer more layouts of the site plan. Member Towle asked if they do have the entrance in the front, do they have examples from other stores where the pharmacy is actually designed where it is closer to the entrance. Attorney Morando said he thinks that the location of a single entrance to the south western corner is something that CVS cannot do and that two entrances will be very problematic. Member Pagano said she disagrees and feels there is a purpose to the Pattern Book and to say that moving the entrance to the southwest corner is a nonstarter is disrespectful to this Board and the Pattern Book, and feels that the Pattern Book has a purpose and is asking that they change the site plan. Member Pagano said that CVS is already a vibrant and successful party of this community and would like to see that relationship continue, and feels that being offered alternate layouts and site plans would allow everyone to see the possibilities, and feels that we need to think about the needs, wishes and values that the Village has and the way this Board wants to see the Village be integrated as part of the Pattern Book. Member Towle said he felt that he would not go that far in terms of the Pattern Book and feels that we are dealing with property that is fairly unique in terms of the central business district and he likes the fact that parking is in the back and feels that they would want the parking removed from the front and sees a lot of merits to the entrance in the southeast and he feels that this Board does not necessarily need to the follow the pattern book in its entirety for every project and in this case he sees it as a special case and feels that overall this is possibly the best recommendation. Member Pagano disagreed and felt that this board would not know without seeing alternate layouts. Acting Chairman Mirando said he wished someone would have come and spoke to this Board beforehand about suggestions on how to develop this site that would work with everyone and they have to follow the law and cannot disregard the Pattern Book and Zoning Code which are bound together. Attorney Morando advised that they have been involved with this Community and working to produce a good plan for a long time and believes that this Board is aware of the previous Moratorium and prior to that they had meetings wherein to his knowledge he thought that Planning Board members would be invited, so to say that they have not been working with the Village is an insult. Member Mirando said the Village Board was invited but not the Planning Board. Attorney Morando said with regard to the Pattern Book, Zoning Law, Comprehensive Plan, whatever it may be, to say that every single suggestions, recommendation or guideline to be accommodated on every single project is impossible. Attorney Morando again reminded the Board that a change in site plan can affect internal layout. Acting Chairman Mirando said he felt that CVS has many plans for store layouts and felt that they could mirror image an AutoCAD from front to back north to south east to west. Member Pearson said he felt this was a good layout and both pedestrian and car parking friendly, and said the major use will be from people that come by car and although everyone wants a walkable Village he does not see how another 150 ft. is more for a person to walk to the entrance at the southeast corner. Member Pearson has other issues, but it will change everything by changing the entrance location. Acting Chairman Mirando said he has no issue with the parking lot as per say with regard to the entrance and location of the handicap spots, which can be moved, and feels that people will walk no matter what from the rear to the front, which is done presently now at the current CVS.

Acting Chairman Mirando spoke on circulation and the trucks having to make multiple movements in the unloading area and suggested a one way traffic from the south entrance as a one-way entrance only around in a u-shaped fashion coming out at the north. Acting Chairman said he also had issues with the loading dock. Member Pearson said he heard that loading would be only once a week for a few hours per day and that this is a smaller point and the main issue right now is the location of the main entrance. Acting Chairman Mirando said DOT may have a problem with it entrance area, and said he has a problem with the exit at the north too. Acting Chairman Mirando felt that traffic flow would be better with it being one-way first coming from the south entrance, heading easterly, then north and then back to the west. Member Pagano said she felt it was unfortunate that Attorney Morando did not bring his architect to a discussion about the site plan. Attorney Morando said that is an Engineer preview. Attorney Morando advised that Ms. Rutherford was present and that she laid out the site plan. Ms. Rutherford advised that the items that have been discussed with respect to the operational challenges are true, and with respect to picking the site plan up in AutoCAD and rotating it, that can be done, but in the end this is the choice of CVS and they are not in a position to tell this Board “sure” we will give you a double entrance or move the entrance. Ms. Rutherford said they will discuss with CVS and it will be their choice. Member Pagano said she felt it was unfortunate that they are here and not willing to listen to the ideas expressed by the Community and provide this Board with alternatives, and said it would be nice to see those alternatives. Ms. Rutherford said yes they can sketch them and discuss with CVS. Member Pagano said this Board needs to see alternatives and that this Board does want to see CVS continue to be a member of this Community. Member Pearson said he likes the southeast corner entrance and would like to keep it there and suggested adding a sidewalk from the southwest corner, remove and parking space or two, and to have it lead closer to the entrance which would make it more walkable.

Member Pagano suggested that Sarah Brown, Planner, speak at this time. Ms. Brown advised that it would be a good idea to see alternate layouts. Acting Chairman Mirando said he would like to see just basic AutoCAD lines - simple and nothing with great detail. Ms. Brown said the layout with parking in the rear is critical, and that you don’t want to see parking in the front of the building, but with regard to the pedestrian area it would be nice to lead it to the building in some way. Ms. Brown said she understand that the internal layout makes it more difficult for CVS but feels it is worth exploring and asked if it was looked at to turn the building a few degrees. Ms. Brown showed her suggestion on the layout with a diagram paper. Ms. Rutherford said she understood Ms. Brown’s suggestion. Attorney Polidoro made reference to parking space requirement and said the plans will have to take that into consideration and they could ask for a variance. Attorney Morando asked what the issue was. Ms. Rutherford said they are simply noting that is one of the criteria if rotating the building and the 6 vehicles at the queue. Attorney Morando did advise at the beginning stages of discussions with the Village that a 6-car queue is a lot. Acting Chairman asked if they reviewed to see what the average queue is each day. Ms. Rutherford advised that they have that. Attorney Morando said when you propose a site which is code compliant it is unusual to be forced to get a variance. Attorney Polidoro said she was not suggesting a forced variance, but noting that they could apply for a variance if it worked better for the site. Ms. Rutherford and Board members discussed grading challenges. Acting Chairman Mirando suggested tilting the building and get closer parallel to the southern boundary line might be a benefit and shifting the building to the south, and shift the southern entrance. Member Pagano said at this time this Board has made it clear that this Board would like to see alternate site plan layouts.

Acting Chairman Mirando asked Ms. Brown if she had any other comment. Ms. Brown asked about the Village's new Local Law 1 with regard to parking and advised that the Village website referenced 1 parking space for every 200 sq. ft. Ms. Rutherford said they are code compliant whether it was 1 per 200 sq. ft. or 1 per 250 ft. sq. Attorney Polidoro said she will confirm the language and advise Ms. Brown.

George Beekman of 15 Cherry Street was present and advised that a few months ago at a meeting he asked about the right-of-way on the south side and said it feels it has been ignored. Attorney Polidoro advised that it has not been ignored and that she is reviewing the deed, and that she has provided CVS with a copy of the deed. Attorney Polidoro said that the description in the deed is vague. Mr. Beekman said it was not vague. Attorney Polidoro said this is one of the smaller site plan issues is in this fenced area half of it has an access deed and that the purpose of this easement seems to be to allow these properties to get to the back of their property and that CVS and herself are aware of this. Acting Chairman Mirando asked Mr. Beekman about the width of the easement. Mr. Beekman said 14 feet. Attorney Polidoro said she is not sure that covers all sides. Member Pearson asked if it was 14 feet to the north. Mr. Beekman said yes. Acting Chairman Mirando asked if there was a drainage easement and felt that could be a problem. Mr. Beekman said there is no drainage issue and the only issue is if you take away some landscaping which could affect access. Attorney Morando asked Mr. Beekman if the fence there now, along the property line, is a permanent fence. Mr. Beekman said they are stockade and some have gates and some are removable. Mr. Rutherford did advise that they receive a copy of Mr. Beekman's deed has been acknowledged and has required additional title search and is being investigated by the title company and the transactional attorneys and they will take the next step to see how it would be accommodated but that adjustments could be made to accommodate this. Ms. Rutherford gave specifics on the proposed retaining wall. Acting Chairman Mirando asked if the surveyor get any grades on these properties because he was concerned about drainage. Ms. Rutherford said they do not have permission to enter properties but they have walked the area. Ms. Rutherford advised that they have decreased the amount of pavement so there is less storm water coming directly to this basement. Ms. Rutherford advised that they have oversized them and perforated them. Member Pearson said he feels that water will not even get to that retention area. Acting Chairman Mirando said due to late winter and early spring and heavy rain, you have to take into consideration the type of soil. Ms. Rutherford said it will be discussed further with C.T. Male. Member Pearson said he felt this would not cause any problem with other properties.

Attorney Morando asked if they could transmit directly to the consultants. Acting Chairman Mirando said yes as long as everything was sent to the Planning Board prior. Attorney Polidoro advised of the short time tables and said she would appreciate getting direct transmission from Attorney Morando. Member Pagano referenced the 15 day cut-off date for submission of documents. Attorney Polidoro said there is no established cut-off date.

Secretary Hart confirmed that no objections to lead agency notice were received. Attorney Polidoro advised Secretary Hart to send a letter notifying lead agency status to all involved agencies.

Acting Chairman Miando made a motion to declare the Village of Red Hook Planning Board as lead agency for the proposed CVS project. Motion seconded by Member Pagano. All in favor.

Attorney Morando asked for a copy of the lead agency letter.

Document deadline submission date was further discussed. Board Members requested that they have documents 7 calendar days prior to any meeting date.

Acting Chairman Mirando made a motion to adjourn the planning board meeting at 8:40pm. Motion seconded by Member Pagano. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Building Department