

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
January 8, 2015**

Present: Chairman Mark Mirando, Member Beth Pagano, Member David Pearson,
Member Don Hanson & Member Ray Towle

Present: Planning Board Attorney Victoria Polidoro
(for Applicants #2 & #4)

Chairman Mirando opened the Planning Board Meeting at 7:02pm.

Chairman Mirando made a motion to table the approval of the December 11, 2014 planning board minutes to the February 12, 2015 planning board meeting. Motion seconded by Member Pagano. All in favor.

#1. Casey Scanlon (Scanlon's) Tax Grid #6272-06-461750	7528 North Broadway	Signage Application
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Casey Scanlon was present and advised the Board that he changed the design and presented all Board members with a copy of the new design plan. Mr. Casey said that the structures out on the street would be a totally new structure and the wall structure would be a wood b-carved structure. Chairman Mirando asked if the free standing sign would be wood post. Mr. Scanlon said yes. Member Pagano asked if the applicant would be totally replacing the one in the hedge on street with 2 posts and double-sided wood sign. Mr. Scanlon said correct. Chairman Mirando asked for the total signage area. Mr. Scanlon said he thinks it is 14.79. Chairman Mirando asked for colors. Mr. Scanlon said the letters would be red and the hanger is blue with a white background. Chairman Mirando asked if there was any lighting. Mr. Scanlon said yes but that it was not in the plans and asked if he could return for lighting. Chairman Mirando advised yes. Chairman Mirando asked if the sign on the building was being taken down and replaced. Mr. Scanlon said no, it would just end up with a ¾ inch wood with a vinyl print on top of it and non-dimensional. Member Hanson asked for the reason of the design change. Mr. Scanlon said when he originally submitted his plans he was only going to replace the faces that were existing and received a phone call from CEO Harkins that per Zoning Code he could not have an internally lit sign and that the current signage was overage in size, so he decided to shrink the signage, but felt that would not look satisfactory, so he decided to change the design. Chairman Mirando asked if they were solid posts. Mr. Scanlon said yes, it is whatever that wood is with PVC right on top of it. Chairman Mirando asked if the sign board was slotted. Mr. Scanlon said it has a bracket that is drilled into it. Member Pearson asked how tall the sign

was. Mr. Scanlon said he thinks 8 feet. Member Pearson asked if he knew how high the existing one was. Mr. Scanlon said 10 feet. Member Pagano asked if it was 8 feet to the top of the sign. Mr. Scanlon said yes. Member Towle asked about the outside dimensions of the sign and asked with regard to the measurement of 60x36 where does the 36 go in terms to the sign? Mr. Scanlon showed how it was measured and that it goes from the bottom to the upper top. Chairman Mirando asked Board Members for any other comment. Member Pagaon said she has seen their sign in Rhinebeck and said it was very nice.

Chairman Mirando made a motion to accept the signage application for 7528 North Broadway, Tax Grid #6272-06-461750 as depicted in the plan. Motion seconded by Member Towle. All in favor.

Secretary Hart advised Mr. Scanlon to see CEO Harkins with regard to lighting.

**#2. Marion Abrahams 8 & 10 Eldridge Lane Subdivision/Lot Line Alternation
Represented by:
Marie Welch of Welch Surveying**

Chairman Mirando advised this was a continuation of the Public Hearing.

Marie Welch said as a continuation of a public hearing and that she has a map with her if any person present is interested in looking at it. Marie Welch advised that this was a lot line alteration of two parcels owned by Marian Abrahams on Eldridge Lane, which is u-shaped property of 18,483 sq. ft. around her existing parcel of 4,999 sq. ft. Marie Welch advised that the last time she was in front of this Board they had a proposal that encompassed 3 different land swaps – 2 going to Abrahams and one going to Abrahams and her son Morgan, and it turned out that in doing the third land swap it would have created a non-conforming situation with regard to the rear building line and so they went back to the ZBA for an increase in the amount of the land that could be deducted from the existing larger parcel, so now there are only two parcels of land being exchanged and both are going to the existing house in the front (4,999 sq. ft. parcel). Marie advised that the parcels are now labeled C & D. Marie Welch advised that now they are making the rear lot more non-conforming for which they now have a variance. Marie Welch said she has a copy of the map dated November 9, 2014, which was granted the variance by ZBA.

Chairman Mirando asked about the second owner's signature. Attorney Polidoro asked if because there are two owners if both could sign the map. Marie Welch advised that she had letters of authorizations from the owners, but that she can have both owners sign.

Chairman Mirando asked if it was a Belco door to the basement. Marie said it was not really a Belco door but had a crawl space in that area. Marie Welch said they did dash in the lines on the one side. Attorney Polidoro asked for clarification of the dash line. Marie showed on the map how they defined the lines and that the dash line would be in Parcel "B".

Chairman Mirando asked the public for any comment. No comment.

Chairman Mirando made a motion to close the public hearing for the application of Marian Cole Abrahams for a Subdivision/Lot Line Alteration listed under Tax Grid #6272-11-543598. Motion seconded by Member Pagano. All in favor.

Chairman Mirando advised that Attorney Polidoro prepared a Resolution for said application. Resolution #2015-1. Attorney Polidoro advised the Chairman to read the "NOW THEREFORE" clause. Chairman Mirando read the Resolution as follows:

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 January 8, 2015. The meeting was called to order by Chairperson Mark Mirando.

Moved by: Chairman Mirando
RESOLUTION #2015-1

Seconded by: Member Hanson

**RESOLUTION GRANTING CONDITIONAL PRELIMINARY AND FINAL PLAT
APPROVAL**

ABRAHAMS LOT LINE ALTERATION

WHEREAS, the applicant, Marian Cole Abrahams, has submitted an application for a lot line alteration to alter the boundaries of two existing residential properties located at 8 and 10 Eldridge Road, identified as Tax Grid Nos. 6272-11-543598 & -546606, in the R-10,000 Zoning District; and

WHEREAS, the proposal is shown on the subdivision plat entitled, "Amendments to Filed Map No. 12044", prepared by Marie T. Welch, L.S., dated June 10, 2014, last revised November 19, 2014; and

WHEREAS, on July 21, 2014, the Zoning Board of Appeals granted the applicant a variance to reduce the size of a nonconforming lot located at 10 Eldridge Lane from 18,483 sq. ft. to 13,736 sq. ft. to permit an increase in a nonconforming lot located at 8 Eldridge Lane from 4,999 sq. ft. to 9,746 sq. ft.; and

WHEREAS, on December 17, 2014, the Zoning Board of Appeals amended the granted variance to reduce the size of a nonconforming lot from 18,483 sq. ft. to 13,268 sq. ft. to permit an increase of a nonconforming lot, Lot B, located at 8 Eldridge Lane, from 4,999 sq. ft. to 10,214 sq. ft.; and

WHEREAS, no new lots are proposed to be created; and

WHEREAS, the submittal was accompanied by a Full Environmental Assessment Form (“EAF”) dated September 19, 2014; and

WHEREAS, on October 9, 2014, the Planning Board adopted a determination of non-significance, finding that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a duly noticed public hearing was held on November 13, 2014 and continued to January 8, 2015, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants preliminary and final plat approval to the subdivision plat entitled, “Amendments to Filed Map No. 12044”, prepared by Marie T. Welch, L.S., dated June 10, 2014, last revised November 19, 2014, and authorizes the Chair or his authorized designee to sign the plat after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Addition of an owner’s signature block to provide signatures for Marian I. Cole Abrahams and Keith A. Morgan Jr.**
- 3. Department of Health permission to file.**
- 4. Revise plat to show existing lot line for Lot “D” as a dashed line.**

BE IT FURTHER RESOLVED, that before a building permit may be issued for any improvements to the lots shown on the subdivision plat, the applicant shall provide the Building Inspector with proof of recording of a Deed from Lot A to Lot B for the conveyed lands and a merger deed from Lot B to Lot B to create one parcel.

It is the applicant’s responsibility to track the time within which this approval will expire. No notice will be provided by the Village.

YES Mark Mirando
YES Donald Hanson
YES Beth Pagano
YES David Pearson
YES Ray Towle

/S/ _____
Mark Mirando, Chairman

Chairman Mirando made a motion to adopt Resolution #2015-1 as prepared with the addition of Condition #4. Motion seconded by Member Hanson. All in favor.

#3 Stewarts Shops Corp.

7558 North Broadway

Signage

CEO Harkins advised that the applicant will be returning for the February 12, 2105 planning board meeting for signage.

Chairman Mirando made a motion to table the signage application for the Stewarts Shops to February 12, 2014. Motion seconded by Member Towle. All in favor.

**#4. TMC Northeast 2 LLC
(Proposed CVS)**

7568 North Broadway

Site Plan Application

**Tax Map No. 6272-06-490816 &
6272-07-514806**

Attorney Anthony Morando, Shannon Rutherford, Engineer, Larry Kowalski, Architect with Norr, Tracey Roll from TMC and Gary McCoy of Poyant for signage were all present.

Attorney Morando reiterated December's Board meeting wherein the Board adopted a Negative Declaration and resolved many issues so to move this process forward and are now down to discussions with respect to the Board's comments, building architectural features, signage and lighting. Attorney Morando advised referenced their last submission dated December 23rd with several plans that addresses the issues. Attorney Morando advised that with regard to the sign plan that CEO Harkins has advised that sign plan is Code compliant. Attorney Morando advised that they have provided a modified elevation that shows an illustration of the "fake" window. Attorney Morando asked that the Board be mindful that there is a budget with this project and they did make a strong effort to comply with the pattern book and Code, and that there is a cost benefit analysis done with that, so if something is heard let them know because they may have to pull from something else, but they would like the Board's feedback on these type of items and would like to come to a census on the best way to move forward.

Attorney Morando turned over the conversation to Shannon Rutherford.

Shannon Rutherford came forward to speak and advised that the plan in the submission dated December 23rd had the lighting plan dated Dec. 12th and they have had an opportunity to review, and since there are higher levels at the property line along the north and in certain areas along the south, so they have been in contact with the lighting vendor and have plan

dated Dec. 23rd and has new lighting plans and cut-sheets (copies provided to all Board Members). Ms. Rutherford said the most notable change is that the light levels on the north and south property lines are now 0 or .1 foot candles or very close to that. Ms. Rutherford advised that the cut sheets were included as part of the site plan, and for the most part the type of the fixtures has not changed.

Ms. Rutherford spoke about pole lights advising that they would be a standard steel pole at 20ft height, and that the lumens will vary (Board referred to lighting sheets provided by Ms. Rutherford). Ms. Rutherford advised that they are all directly downcast with flat glass and no globe. Ms. Rutherford said the important issue is that they achieved the requested photometric level, in essence, of 0 at the property lines.

Attorney Polidoro asked with regard to the poles being 20 ft. high is there going to be a concrete barrier. Ms. Rutherford said yes which will be 3ft. in height therefore making the pole height 16 ½ - 17 ft.

Chairman Mirando asked if “Z” coordinate takes into account the change in typography for the storm metric. Ms. Rutherford said it does not and it is relatively flat under the lights and that the 20 ft. is in reference to the ground level as measured from the ground to the light fixture.

Chairman Mirando asked what the grid was for the photo metric data – 10x10ft? Ms. Rutherford said she is not sure, but probably 10 ft. or so. Chairman Mirando asked if the photo metrics were measured in flux? Ms. Rutherford advised foot candles. Chairman Mirando asked if that could be noted on the plan. Ms. Rutherford said it is noted on the chart. Chairman Mirando said more importantly, you have your contours listed, but nothing labeled for what the foot candle intensity is for each one. Ms. Rutherford said all foot candle levels are shown. Chairman Mirando said he would have liked to see the contours labeled. Ms. Rutherford said because of how this works, and the way they influence each other to create an average light the contours are not germane.

Member Pearson asked about the shielding. Ms. Rutherford said it is internal to the light. Member Pagano asked what the height of the building was. Ms. Rutherford said 25 ft. Larry Kowalski advised 24 ft. Member Hanson asked if a citizen was walking past the new CVS would the lighting be startling. Ms. Rutherford said no, unless you were standing directly under a light and looking up, but that adjacent homes should not be impacted by lighting.

Member Pagano asked why 20 feet was chosen, considering that they are all boarding adjacent properties. Ms. Rutherford advised that the standard for CVS is 30 ft. which would not have been appropriate for this area, and when they looked at Zoning Code, they ask for 15-20 ft. height. Ms. Rutherford said if they dropped to 15 feet you would be required to have more of them so there would be a cost factor; and then you would start to see is your max min ratio

with respect to the maximum light level and low light level starts to go up, because as the pole goes closer to the ground you get a higher intensity light. Member Pagano said she is skeptical with 20 ft. in height because of houses that are 10 feet away and that we will not get over flow and they will not be impacted because of the height of the fixture and she would be happier with 15 ft. in height, and also if they could do something on the front of the building and Elmendorph side to use something like what is currently in the Village parking lot. Ms. Rutherford said they opted to use smaller bollard lights in the front at the pedestrian area (referring the Board to lighting sheet BB). Ms. Rutherford said she does have cut sheets and other options. Chairman Mirando said he would like to see those.

Member Towle asked if the height was reduced to 15 ft. how many more lights would be required. Ms. Rutherford advised they would request that the poles to interior and north remain at their 20 ft., they would not be objectionable to any residential neighbors, they are interior, but if they were to look at doing these perimeter poles, it would just be replaced in kind with a lower light level on the driveway coming in, and that the 4 on the property line would go from 4 to 6, and for those Ms. Rutherford said she recommends that they stay with the box lights that are down cast and not a globe light, and along the street frontage if they wanted that for pedestrian and architectural appearance they could do that.

Attorney Polidoro asked for the new average in foot candle. Ms. Rutherford said the average is 2.75, which is lower than the previous one which was 3.06.

Ms. Rutherford said there different finishes and options that can be looked at.

Chairman Mirando asked if they were LED lights. Ms. Rutherford said correct. Chairman Mirando asked if the number was 525 being luminous. Chairman Mirando located the lumens. Ms. Rutherford said there are settings that specify what the lumens level is. Chairman Mirando said he would prefer that the poles match the ones currently in the Village. Chairman Mirando asked Member Pearson if there were poles in Memorial Park. Member Pagano said yes. Member Pagano said she would like the poles to match the ones in the Village parking lot and Memorial Park. Ms. Rutherford asked if there were sheets for those. CEO Harkins advised he could research and provide that information. Chairman Mirando said he will take photos of the light posts. Attorney Polidoro asked if the decorative ones would be on the concrete bollards. Ms. Rutherford said no and that the decorative ones would have a decorative pole (fluted pole) which can be black or bronze, which she would request to be 10 ft. in height, which is more to scale and more to pedestrian scale. Member Pagano asked to look at the photo of the site plan and to see C, A, D & A, and wanted clarification of where the 4 light fixtures were located. Ms. Rutherford showed on the site plan. Member Pagano asked if the 4 that were located along the southern property if they were in the grassy area. Ms. Rutherford advised they were just on the back of curb - you would have parking - a 6 inch curb and immediately behind that curb a concrete base with the light pole. Member Pagano asked if there was something smaller than a

3ft. concrete base. Attorney Polidoro asked if it could be a colored concrete base. Member Pearson asked if it came in colors. Ms. Rutherford typically they do not, and that they are typically a gray/neutral color, and that the poles need to be protected from vehicles and snow plows.

Ms. Rutherford asked to talk about the building lights. Ms. Rutherford started with what was on the plan and started with OB lights being under the drive-thru canopy and the OC lights at the entrance to parking lot – all recessed lights. Ms. Rutherford discussed the lights which would run under the eave of the building and will be recessed, and the purpose is to illuminate the sidewalk, adjacent to the building. Chairman Mirando asked if they would be end to end. Ms. Rutherford asked for Mr. Kowalski's input, and advised yes. Ms. Rutherford discussed the wall pack lighting to be located at the remaining two sides of the building (west and north side). Ms. Rutherford said this light (sheet WP, WP3) is not acceptable for the Route 9 face, but acceptable for the north side at the loading area, height & space is acceptable and no foot candle issues. Member Pagano asked if these were the lights that would illuminate the CVS pharmacy sign. Ms. Rutherford said no these were not for illumination of the sign and only for illumination along the front façade, and they switched to the 10 ft. ornamental lights without all the bollards, adding 4 lights in the front. Ms. Rutherford said there are 2 options: 1) place in a similar to the ornamental lights, with the color you chosen, and racket mount 3 or 4 to the building itself, so that the street front lights and those front facade building lights would be rich, which would make the most sense; 2) if you wanted something simpler that would blend in there is a wall sconce (see sheet provided listed as Colonnade), which would be ornate and are heavier making the bracket mechanism a little larger. Ms. Rutherford felt that either option would be appropriate. Member Pagano asked if using the colonnade, how many would be put on the wall and where would they be located. Ms. Rutherford pointed out locations on the plan and approximately using 4. Ms. Rutherford said the intent is to keep the area pedestrian and accessible. Member Pearson asked about the color of the lights, asking if they had a blue tone. Ms. Rutherford said she thinks more of a white tone and not a blue tone.

Chairman Mirando asked for decision as to height of fixtures and whether to use ornamental or colonnades. Chairman Mirando asked the board for their comments. Member Towle felt that the 15ft. would be more appropriate. Chairman Mirando agreed. Chairman Mirando feels that these options will not impinge on anyone's property, but more of a scale issue. Member Pagano asked about the 3 ft. concrete base, and if they could be brought back a little closer to the property line. Ms. Rutherford said they can look into that. Chairman Mirando asked if it was 3 foot diameter. Ms. Rutherford said 3 foot exposed. Chairman Mirando asked what the diameter was. Ms. Rutherford said 2 foot. Chairman Mirando did not have an issue with the base height. Ms. Rutherford advised that the concrete is part of a foundation for the entire pole, so of the 3 ft., there is another 7 feet down, for concern with wind load. Ms. Rutherford felt that trying to alter the concrete color is not practical, but that they could look into painting it. Ms. Rutherford felt that the Board could look at it after it was poured and decide. Ms. Rutherford said the poles will be lowered to 15 foot and they will discuss with the lighting

vendor sliding them back because in sliding them back then the bumper overhang becomes less of a concern, but CVS has gone to 3 ft. bases across the board, and she does not know what will be allowed to reduce the base because of maintenance and liability concerns; a third option would be to look at means of color.

Chairman Mirando asked about colonnades in the front. Member Pagano said the options were colonnades wall mounted in the posts (showing with papers the height and width); or other being antique street lamps with bracket. Chairman Mirando said he is in favor of ornamental globes. Chairman Mirando asked the Board for comment. Member Pearson asked for the Architect's opinion.

Mr. Larry Kowalski, with Norr Architect, spoke at this time and discussed the Board's concern with elevation which was included in the Dec. 23rd submission under Exhibit "C". Chairman Mirando said he really liked the change in the roof. Member Pagano asked what shingle they decided to use. Mr. Kowalski had an example board, showing a piece of the asphalt shingle, and that this was similar to what was in the area.

Member Pagano asked on the east elevation – on the bottom row of windows – there were window graphics, but that the one closest to the door did not have graphics. Mr. Kowalski said this could have been an oversight. Member Pagano felt that all 3 should be window graphics or all 3 on the window closest to the door clear. Mr. Kowalski said that will be submitted in the signage package. Attorney Morando said the signage package was submitted. Chairman Mirando said he was in Danbury CT and noticed the CVS there street side they had full depth real windows. Mr. Kowalski said that could be due to different municipality requirements. Chairman Mirando said he had a concern with mixing real windows with faux windows. Chairman Mirando asked if they were shiny. Mr. Kowalski said they will be clear glass. Member Pagano asked why on the façade that faces Route 9 is there a reason why the bottom half of the windows, just on the first two, are not all glass. Ms. Rutherford said due to shelving. Chairman Mirando asked why there was a blank wall. Ms. Rutherford, spoke indicating that Mr. Kowalski was not present at the last meeting, and what was discussed was that there was only hardy plank in that area so the thought was do you want to break that up to add some symmetry similar to south elevation, so that was the only thought, if it helped balanced out the front facade. Ms. Rutherford said this is only an option. Mr. Kowalski said he does not feel that windows have to put across the whole side. Member Towle said in terms of cost and having full windows placed across the front, what is involved. Attorney Morando said windows are costing about \$15-20,000 range, so there is an increase with every window. Member Towle said he feels that full windows on the two panels on the left hand side on the west facing side, he does not feel that they are necessary. Member Pearson agreed. Member Towle said it does not add anything to the frontage of the building. Member Pagano does not feel it needs to be 4 across the front, but at the south elevation we have 2 windows 2 blanks and the 3 windows, and at the west elevation we had existing windows, a blank wall, and the false windows. Member Towle

said you only see one side of the building at one time anyway. Attorney Polidoro explained that the question is that the window on the left at the west elevation, should it be removed.

Attorney Polidoro suggested that the Board take public comment and then can decide on the window. Mr. Kowalski asked if the Board agrees with their responses today. Chairman Mirando said he commends the applicant on the front entrance. Member Pagano said she would appreciate the addition of the window since she has to look at it every day. Member Hanson asked if more employees would be added. Ms. Rutherford said it is a larger building, so possibly 1-2 more employees.

8:40pm Chairman Mirando advised the Board will take a 5 minute break.

8:45pm Meeting called back to order.

Chairman Mirando asked with regard to C3 and C5 of utility easement for the water main, if they could change the verbiage to the effect of a proposed 20 ft. wide water easement to be granted to the Village. Ms. Rutherford said sure, and that they will execute an official document and easement plan. Chairman Mirando thanked the applicant for the fence and asked for the height. Ms. Rutherford said details are in the back of the plan, and will be 6 foot chain link fence. Chairman Mirando asked if it was going to be padlocked. Ms. Rutherford said It will be fenced, but yes a pad lock can be added.

Chairman Mirando asked with regard to signage what the sign board was made of. Ms. Rutherford said the sign designer was present.

Mr. Gary McCoy of Poyant was present and advised the Board that the monument sign is aluminum face. Chairman Mirando asks if the sign extend out from the post as shown. Member Pearson asked by the sign extends beyond the roof. Mr. McCoy said the letters, because they are stud mount letters so they stand off. Mr. McCoy said this is how they typically do it, but he can make the roof wide if they want. Member Pearson felt it did not look right. Member Pearson asked if this was standard CVS sticking out of the side. Mr. McCoy said yes. Chairman Mirando asked how far the letters stick out. Mr. McCoy said 3 inches. Chairman Mirando asked if the sign matches the building. Mr. McCoy said yes. Chairman Mirando asked what is to keep this toppling over from wind. Mr. McCoy advised this is a reinforced concrete footing and fully engineered with a stamp. Member Pagano said CEO Harkins will make sure it is done to Code. Chairman Mirando asked if it will match the same shingles as the building roof. Mr. McCoy said it will match the building and hardy plank. Chairman Mirando asked if it as painted red. Mr. McCoy said yes. Member Pearson said if this is CVS standard he is fine with it.

Chairman Mirando asked if there was anyone present that would like to speak at tonight's continuation of the Public Hearing.

#1. George Beekman. 15 Cherry Street, Red Hook.

Mr. Beekman said he is looking forward to this building, and that he was speaking for his neighbor, Craig Anderson of 9 Cherry Street, who could not be present this evening. Mr. Beekman said Mr. Anderson had a concern about the retaining wall and the right of way. Mr. Beekman said with the fence being 6 ft. in height with raising the level another 2 foot that some of the house will end up with 4 foot fence; and also had some concerns with parking right at the back of the houses. Ms. Rutherford asked Mr. Beekman to show exactly on the site plan those parking spaces were. Mr. Beekman showed the area with the existing fence and the area where the elevation will be raised another 2 foot. Ms. Rutherford said the areas vary throughout. Ms. Rutherford advised that it's not a uniform height because the slope of the property naturally slopes from the front to the rear. Ms. Rutherford took out that site plan page and said they could look at the existing grade and the proposed grade. Ms. Rutherford looked at the 217 contour existing and that 218 would be a foot higher. Mr. Beekman said the only question they had was that they will be limited by what they could do with the height of their fence. Ms. Rutherford said there is no room at the pinch point and they are trying to balance things, but they could look at possibly some plantings. Ms. Rutherford said the parking stall itself is 20 foot deep. Mr. Beekman pointed out the drainage. Ms. Rutherford said that was addressed and that there is a yard drain (pointing out on the plan the location). Mr. Beekman said other than those issues they are looking forward to the building. Mr. Beekman said he preferred grass. Attorney Morando said originally pavement was requested. Mr. Beekman said that grass is preferred and that they will have to maintain it. Attorney Morando confirmed that grass was the final decision. Chairman Mirando asked if there were ever any problems in the past with flooding. Mr. Beekman said no. Member Pagano said a drain is being put in and if something should ever come up it will be addressed. Member Hanson asked Mr. Beekman if he ever had any problems with the IGA when they were doing their changes. Mr. Beekman said a couple of times, being only personality problems, because of the noise of trucks coming in and out. Chairman Mirando asked for the house of operation. Ms. Rutherford said this proposed store will match the current CVS which is approximately 8am-10pm. Chairman Mirando asked if trucks would come after hours. Ms. Rutherford said trucks may come within the after hour.

Chairman Mirando asked if there would be automatic dimmers on the lights. Ms. Rutherford said yes, and in general the parking lot lights are turned off one hour after closing to allow the employees to exit with a reasonably lit parking lot, and during the overnight hours there are security lights adjacent the building and that the parking lot lights are turned off, but that there are some building lights and internal lights that will be left on for security measures and at the request of local enforcement agencies.

#2. Arleen Harkins. 72 Crestwood Road, Red Hook & Owner of Historic Red Hook Diner located at 7550 North Broadway, Red Hook (from last month's public hearing).

Mrs. Harkins commended the Board for their comments and questions to CVS and commended CVS for answering and going above and beyond to make this community have a place we can call a center for our Village. Mrs. Harkins said the window issue is small, and is asking the Board to close the public hearing this evening and move forward to finish this application.

#3. Mr. Phil Seymour (representative property owner Mr. Tiberio and resident to the north).

Mr. Seymour said he would like to have more greenspace so the more grass the better. Mr. Seymour with regard to lighting they have to have lighting in the back and would prefer lower lights. Mr. Seymour said this application has come a long way.

Chairman Mirando commended the design team and their legal representation for a fine job and thanked everyone. Chairman Mirando asked for any other comments.

Member Pearson asked to propose a compromise on the blank wall as to a window and asked to look at the elevation. Member Pearson asked for location of bike racks and feels that we do not need 2 bikes racks in the front. Ms. Rutherford said that is required per Code. Member Pearson proposed that the blank space could be covered with a tree. Chairman Mirando proposed to keep all three of the trees there and add one at the fake window. Member Pearson feels that the one in the middle would block the building sign. Ms. Rutherford said the tree would be ornamental. Chairman Mirando said he does not feel this will be a problem. Member Pearson said to rework the bike racks and add two trees at the front of the blank walls and you could be done. Chairman Mirando agreed with that. Ms. Rutherford said the bike rack could remain but will be rotated 90 degrees so that it won't conflict with the change in door entrance to flush; both racks are 9 storage spaces making a total of 18 and in order to keep to Code requirement they could place two of the bikes racks in the rear (showing location on the plan). Ms. Rutherford said moving two racks to the locations she indicated is the best option, which would also accommodate people coming in at the south entrance. Chairman Mirando asked if where there is a little green space in the front if they could add some pavement and sink the bike rack into that. Ms. Rutherford said they could. Member Pearson said esthetically it would look better to split them up. Chairman Mirando had concerns with bikes being stolen. Ms. Rutherford said they would be anchored. The Board agreed with moving bike racks to rear and adding trees at blank wall in front.

Attorney Polidoro asked suggested finishing up conversation regarding lighting.

Chairman Mirando asked if anyone else would like to speak. No person came forward.

Ms. Rutherford advised that she needed direction on lighting. Attorney Polidoro said public hearing could be closed and Board could continue discussion on lighting.

Chairman Mirando made a motion to close the Public Hearing for CVS at 9:10pm. Motion seconded by Member Hanson. All in favor.

Discussion on lights continued and Chairman Mirando said he would prefer 15 foot along southern property line, and would prefer to see ornamentals along the eastern margin on Route 9, which are the same as what is located at Memorial Park. Member Hanson sees Red Hook as Victorian and agrees with Chairman Mirando. Attorney Morando said there will be 5 lights along the southern property line with poles being reduced to 15 feet; in the front 4 – 10ft. ornamentals. Member Pagano said she would like to see ornamentals on the building as well; Chairman Mirando would not like anything on the building. Member Pagano said all one style of light all on the front of the building. Attorney Polidoro said the architect should give his comment on ornamental wall lights. Mr. McCoy discussed with Ms. Rutherford. Ms. Rutherford said from an architectural standpoint, which is to go with the track at the side of the building, is to use a crown style (see page AL25 LED – Antique Street Lamps), and to use the middle example (MT). Chairman Mirando said he would like to see them matching what is in Memorial Park and Village Parking Lot. Ms. Rutherford looked out the window at what was in the Village Lot. Ms. Rutherford said it was a plain globe, with a little cap on it, with no ornamental feature. Ms. Rutherford said they will take pictures of what is currently at Memorial Park and Village Parking Lot. Attorney Morando confirmed that lights will be consistent as to what is in the Park. Board said yes.

Attorney Morando said with regard to the modification of the Easement, with consensus of the Board and representative of the property owners at the south is that it be grass. Board said yes. Attorney Polidoro advised that the Board is asking, for future connection, that the plan shows a maple tree being planted and is asking that the tree be taken off. Ms. Rutherford said the tree will not be removed, but will be moved down.

Chairman Mirando asked if it was ever determined what would happen with the taper street, which is different from the easement, and if it was even conceded to the Village. Attorney Morando advised that it is his understanding that it is part of this property and there are limited rights regarding utilities. Attorney Polidoro advised it was shown on the map as an extension of Graves street and that there is no record of it ever being dedicated to the Village. Chairman Mirando felt that this should be researched. Attorney Polidoro said this was discussed and even if the Village had a right to it they are not interested in it. Attorney Morando said this will also be used for an access and no actual construction. Chairman Mirando asked about ownership. Attorney Morando said there is no questions about ownership and that the current property owners own it. Chairman Mirando asked why has this persisted with a paper issue all along. Attorney Polidoro said it has not persisted it has just shown on the map and

that the map has been filed, and as far as we know this road has never been dedicated to the Village. Chairman Mirando said basically Tiberios own this. Chairman Mirando asked for a legal letter stating this information. Attorney Morando said there is a title policy on the purchase of the property. Attorney Polidoro said part of the issue was that if the Village ever took this as a road there would be some issues because 1) it would separate the property; 2) storm water because if you look at what is under that area, there is water and septic. Chairman Mirando said he would like to see clear title. Attorney Polidoro said one condition of approval would be for the applicant to provide a 20 foot wide access easement for the water access line. Ms. Rutherford said there is an 8 inch line for water at the north and south direction with a water easement in that vicinity (showing the location), which can be abandoned and they will put the water easement in place over the water line.

Chairman Mirando asked at the north turn if there is a height on the flush. Ms. Rutherford said the line continues to the north. Chairman asked if it tied back into the main at Route 9 or is there was a hydrant there to flush it. Mr. Flores of C.T. Male (Village Engineer) was present and indicated no. Ms. Rutherford advised there is a full network of piping and did not know the full network of the water line in the Village. Chairman Mirando asked why there was no hydrant to service the building. Ms. Rutherford said there was a simese connection on the building and a fire suppression system in the building. Chairman Mirando asked if they have spoken with the Fire Company on their requirement. Ms. Rutherford advised that would be part of the building permit application. Attorney Morando said everything will have to meeting Building & Fire Code. Attorney Polidoro said notices were sent to the Fire Company for comment and no response was received.

Member Hanson suggested to move forward and stated that he agreed with the lamp lighting to match what was in Memorial Park.

Attorney Morando said they are requesting that the Board vote on the application and direct the Village Attorney to prepare a Resolution for the next meeting to close this out at the next meeting; and that the lighting plan is now for clean-up items with nothing further to review. Chairman Mirando said he would like to see the photo metrics. Member Pagano said this Board can instruct Attorney Polidoro to have one ready for the next meeting. Chairman Mirando said he agreed. Attorney Morando asked what Chairman Mirando was looking to see. Chairman Mirando said the final review of what is being submitted and that he will not approve anything on blind faith. Attorney Morando said the applicant and attorney would like direction. Member Pagano said Attorney Polidoro will have a Resolution prepared for the next meeting.

Attorney Polidoro reviewed with the Board the Conditions for Approval that will be included in a Resolution:

Payment of all fees and escrow

Department of Health Approval for water & sewer

That all tractor trailers must turn left exiting site

Provision of Sheet C3 to include maintenance of storm water management area. Chairman Mirando requested that it be maintained throughout the growing season and not just once a year. Ms. Rutherford said typically it would be mowed twice because it is a natural area, but if the Board wants it mowed 3 times or once a month, whatever the Board would like. Member Pearson said that is the reason for the fence. Chairman Mirando said higher growth will reduce percolation. The reason for the storm water detention is to allow percolation of excess water into the ground. Member Pearson said all the growth in that area will be natural and will go back into the atmosphere. Chairman Mirando said this will impinge on the ability of the water to perk into the soil. Ms. Rutherford said they are ok either way and they have reduced overall pavement by approximately 12,000 sq. ft., which results in a decrease in the run-off that will hit the pond area and they do not see an issue. Chairman Mirando said he had a concern with a kid drowning. Member Pearson said he does not see how vegetation will cause standing water.

Approval by the Village Attorney of the proposed water line easement, which is to be submitted and approved.

Addition of the following sentence to Sheet 3 regarding the rear access. No improvements, new shrubs or trees are permitted in the reserved area in order to provide for future interconnection for traffic circulation between the sites.

Revision of L1 to remove the tree in the area reserved for future interconnection.

Revision of the "Do Not Enter" sign on the sign elevation to be MUTDC compliant. Chairman Mirando said according to detail sheet they are only 3 feet high. Ms. Rutherford said they are 30 x 30 and are ornamental for CVS and CVS traffic control, and that there is a MUTCD Sign Chart on C3 showing positions of all signs, steel, size and pole height. Chairman Mirando asked for the location of the ornamental sign on the plan. Ms. Rutherford pointed out the location at the north side of the drive-thru where customers are exiting the drive-thru. One side will say "Thank You" and the other side says "Do Not Enter", which is standard practice and this according to Code. Chairman Mirando asked if it was supplementary sign. Ms. Rutherford said yes. Chairman Mirando said he was ok with it.

Revision of December 22, 2014 building elevation to include an additional decorative window panel on the western elevation.

Revision of the December 22, 2014 regarding east building elevation adding an additional pane of window graphics on the lower window pane.

Revision of Sheet C10 to include "decorative" lighting fixtures.

Submission of revised lighting plan which includes details of all lights proposed, locations of all lights proposed and photo metrics. Lighting plan shall keep the foot candles levels in the parking lot under 5; show all poles 15 feet or less; 5 stellar poles at 15 feet or less; shall include 4 decorative lamps on the western side. Ms. Rutherford asked how they wanted to

define the 5 foot candles in the parking lot because the main bulk of it is right adjacent to the sidewalk, and immediately adjacent to the building there are levels that are higher than the 5 foot candle. Member Pagano said the Resolution will be prepared and if this Board has the new lighting plan, and we are approving, than we do not need anything that specific because we will be approving the lighting plan as submitted today on February 12th. Chairman Mirando asked how high the intensity gets up near the building and worried about off-site glare. Ms. Rutherford said it is right where the sidewalk is and are recessed lights.

Change plans to include that the right-of-way southern boundary be grass.

Note to plan: no yellow paint at the light bases, and to be natural colors.

Letter from CEO Harkins that no subdivision approval was required. Member Pagano said what they need is a merger of the two lots because without the merger they are not compliant for the purpose of the drive-thru. Attorney Polidoro said correct, but the applicant has made their case that in this particular case NYS Law does not require subdivision approval and Red Hook Codes does not. CEO Harkins was present and advised that NYS requires a merger of the lots and that the applicant can file that and provide the Board with a copy. Attorney Morando said what they are hearing from Mr. Harkins is consistent of their position. CEO Harkins said that this will be a condition of approval. CEO Harkins advised that the merger does not have to be approved by the Planning Board. Member Pagano said that she just wants a condition that this is a compliant lot. Attorney Polidoro said some conditions may change from tonight's discussions. Chairman Mirando said the guidelines of 5 foot candles, is the recommendation of the Greenway for a maximum, so if it is slightly over he does not have any problem with that.

Chairman Mirando asked for any other comment. No comment. Attorney Morando thanked everyone.

Chairman Mirando made a motion to close the January 8, 2015 planning board meeting at 9:45pm. Motion seconded by Member Pagano. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Planning Board