

**VILLAGE OF RED HOOK  
PLANNING BOARD MEETING  
February 12, 2015**

Present: Acting Vice Chair Pagano, Member Pearson, Member Hanson and Member Towle

Absent: Chairman Mirando

---

**Acting Vice-Chair Pagano opened the February 12, 2015 Planning Board Meeting at 7:02 pm.**

**Member Pearson announced that Chairman Mirando could not be present this evening due to illness and that he would like to make a motion to appoint Member Beth Pagano as Acting Vice-Chair for tonight's meeting dated February 12, 2015. Motion seconded by Member Towle. All in favor.**

**Vice Chair Pagano announced that the Board would be going a little out of order with the Agenda placing Agenda Item #5 to #1.**

**#1. Laura Betti  
(PAUSE)**

**12 E. Market Street**

**Signage**

Laura Betti was present and advised the Board that she is proposing a sign at her business that would be 28" round made of the same material of the sign that exists there now, which sign will be made by Dutchess Signs. Ms. Betti said that she will be using the existing hardware. Member Towle asked for the measurement from the bottom to the sign. CEO Harkins was present and advised it was about 10ft. Member Pagano asked if it would be hung from chains. Ms. Betti said there already exists links there and she would be hanging from those. Member Pagano asked if the sign was double sided. Ms. Betti said yes. Member Pagano advised that CEO Harkins gave a calculation on square footage, which is 4.27 sq. ft. which meets Code. Member Pagano asked if there would be lighting. Ms. Betti advised that there is no lighting on the sign but that there is lighting on the front of the building which she has control of the switch to turn on and off. Member Pearson asked how she would hook the chains to the sign. Ms. Betti said there will be holes in the sign and the chain link is about 24" wide and pointed on the submitted picture where the holes would be located. Member Pagano asked the Board for any other comment.

***Vice Chair Pagano made a motion to approve the signage for 12 E. Market Street for PAUSE to use the existing hardware, height from the sidewalk will provide required clearance, using existing hangers, double sided, material will be PVC and that the applicant will comply with all Village of Red Hook building and zoning requirements and that the applicant will obtain***



**#4. Bjanette Andersen  
(Bubby's Take-Out Kitchen)**

**11 Trow Blvd.**

**Signage**

Bjaneete Andersen was present and advised that the sign is hung by the existing bracket that was there, made of wood, and that the sign is approximately 9 1/2 feet from the bottom and they are using existing lighting, which shines only on the sign, which she will be turning off in the evening around 8pm. Vice Chair Pagano asked if it was acceptable per Code to have a sign made of wood with painted on letters. CEO Harkins advised yes. CEO Harkins advised that he will check the sturdiness of the brackets holding the sign.

***Vice Chair Pagano made a motion to approve the signage at 19 West Market Street, Bubby's Take Out Kitchen, as depicted in the application, and that the submission complies with all building and zoning requirements and that the applicant will obtain a building permit from CEO Harkins. Motion seconded by Member Towle. All in favor.***

**#5. Mark Brocchetti**

**46 West Market Street**

**Site Plan/Signage**

Vice Chair Pagano advised that the Board will hear the signage application first. Mark Brocchetti was present and advised that the sign proposal is to have a sign which is the same as what exists there now (24" H x 34.5" W) and to use existing lighting and signage will be on the posts that exists there now. Vice Chair asked if the applicant planned on using the current added sign which says "terry's donuts". Mr. Brocchetti advised no. Vice Chair Pagano asked what materials will be used. Mr. Brocchetti said they will be using a ply wood interior and base and that the two outside sign would be made of plastic and that Dutchess Signs will be making the signs. Vice Chair Pagano asked if the colors depicted in the submission were to remain the same. Mr. Brocchetti said yes. Member Pearson asked if there would be more space at the bottom under the letters. Mr. Brocchetti advised that the picture was cut-off and will have more space below the letters. Vice Chair Pagano asked the Board for any other comment. No comment received.

***Vice Chair Pagano made a motion to approve the signage for 46 West Market Street, Modern Taco, as submitted with a square footage of approximately 5 ¾ sq. ft. to be made by Dutchess Signs, existing lighting on both sides, material will be ply wood interior with a plastic outside, and that the submission complies with all building and zoning requirements and that the applicant will obtain a building permit from CEO Harkins prior to hanging the sign. Motion seconded by Member Hanson. All in favor.***

Vice Chair Pagano advised the applicant that regard to his Site Plan submission the Board referred the application to the Dutchess County Planning Department and they responded that

the application was incomplete for review and required additional materials, but that they provided some preliminary comments for the Board's consideration. Vice Chair Pagano read the letter, dated February 4, 2015, from Dutchess County into record (copy on file with the Building Department). Applicant was provided with a copy of the letter.

Vice Chair Pagano asked CEO Harkins if he had any comments for the applicant. CEO Harkins advised the applicant that he could come and see him and he will go over everything with him. Vice Chair Pagano asked that the applicant meet with CEO Harkins to resolve some of the issues in the letter from Dutchess County.

Vice Chair Pagano asked the Board for any other comment. Member Towle asked about parking spaces and what would be required. Mr. Brocchetti advised that according to his conversation with CEO Harkins they would be required to have 9 parking spaces which is what they have. CEO Harkins advised that the applicant he has to actually show how he calculated the required parking spaces, and that the County wants to see that in writing. Mr. Brocchetti asked if that was based on square footage. CEO Harkins said yes.

Member Towle asked if the 2 buildings to the east had any residences in them. Mr. Brocchetti said no.

Vice Chair Pagano advised Mr. Brocchetti advised that in the owner's consent that was submitted it says 8 seats outdoors, and in the statement of proposal it states 12 outdoor seats. Mr. Brocchetti said his initial proposal was 8 seats and they went over and measured and changed to 12 seats. Vice Chair Pagano said the Board would request more detail with regard to table sizes, especially when dealing with landscaping issues.

Vice Chair Pagano asked about the 2 parking spaces on one of the applicant's surveys that were submitted. Mr. Brocchetti said they do not exist. Vice Chair Pagano advised that is what the County received in their packet which shows the 2 spaces (#29 & #30) and they are saying they don't want them. Mr. Brocchetti said that space is a U-shaped driveway and referred the Board to the other map. Vice Chair Pagano said the two maps are hard to reconcile, and asked that the applicant meet with CEO Harkins.

Member Hanson asked what the owner, KDK Realty, was responsible for, especially when it came to changing the land and parking spaces. Vice Chair Pagano asked the applicant to prepare a more detailed plan and focus on your parcel and show the parking spaces, and do the parking calculations and show that those 2 parking spots on the map do not exist, and put together a more detailed plan based on just your site with a more accurate representation of what you would like to do with the property. Vice Chair Pagano asked to show parking, ingress, egress in terms with driveway and how cars will circulate in and out of the restaurant, location

of tables and landscaping considerations. Mr. Brochhetti asked in regard to landscaping if they were talking about foliage because there is really no place to put anything and a lot of asphalt. Member Towle asked about the interior and if there were going to be extensive changes. Mr. Brochhetti advised the only change would be to make the bathroom handicap accessible. Mr. Brochhetti asked if the tree would have to be cut down. Member Pearson said the letter said retain the tree. Vice Chair Pagano said the County wants the tree to stay, but if you decide when doing your landscaping to move the tree, they want another tree replaced in its place. Mr. Brochhetti said the original plan shows 3 tables and they are looking to have 5 tables.

Vice Chair Pagano said the County will want to see a plan that reflects his building and to not keep giving details that don't relate to the way the site is today.

Vice Chair Pagano asked CEO Harkins if we needed additional comments from the County. CEO Harkins advised that revised plans should be sent to the County for their review and comment.

***Vice Chair Pagano made a motion to table the application for Modern Taco/Mark Brochhetti to March 12, 2015. Motion seconded by Member Hanson. All in favor.***

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

**7568 North Broadway**

**Site Plan Application**

Attorney Anthony Morando and Shannon Rutherford, Engineer were both present.

Attorney Morando advised that submission was made in January, they provided updated photo metrics plan that the Board requested, they provided the cut sheets on separate plans for lighting fixtures that are being proposed, and Shannon Rutherford work very hard to find cut sheets that would match the Memorial Park fixtures. Photos of proposed light fixtures were provided to Board members. Attorney Morando said they are hoping tonight for a resolution of approval.

Vice Chair Pagano said she was unclear as to where the Board ended at the last meeting regarding the west side of the building, and referenced pages 16, 17 & 18 of the Village of Red Hook Pattern Book. Vice Chair Pagano referenced the Planner's letter referring to the Pattern Book suggesting that windowless walls in public view are discouraged. Vice Chair Pagano said CVS had agreed to provide an additional false window which the Planner recommended that it be moved next to the other three windows leaving the blank as the furthest away from the main entrance. Vice Chair Pagano said she interprets that as the west side of the building needs to look as if it is the formal front entrance, which is accordance with the pattern book

and the recommendation of the planner. Attorney Morando said at the last meeting the Board took a consensus vote and not a formal vote; and that at least 4 members did not want the extra window; and asked to relocated trees in the front towards the northern side of the building which they were prepared to do, and is asking if something has changed. Member Pearson said he was looking to have them remove a tree and move the bicycle rack.

Attorney Polidoro said the Resolution that was prepared indicated that the Board required that the applicant remove this all together and in its place add another tree. Attorney Morando said that was the direction he saw. Attorney Polidoro said if that is no longer the case the Resolution needs to be changed. Attorney Morando said the window is a significant cost and he would open this discussion up to Ms. Rutherford. Ms. Rutherford said they will move the bicycle rack and indicated what was talked about was even spacing the trees, and that Member Pearson asked to move one tree over and move the bicycle racks. Ms. Rutherford shows on the plans that one of the bicycle racks would be moved and that they are required to have 19 and they have 20, so half of them (10) would be in the front and the other half, as discussed would be placed in the back (Ms. Rutherford pointed out locations on the plan). Member Pearson said he was fine with what Ms. Rutherford was proposing. Attorney Polidoro said there is a proposed Resolution right with conditions that were based on discussions – Attorney Polidoro read the resolution as prepared with regard to the window and bike racks. Attorney Polidoro advised that the Board needs to be specific with conditions. Ms. Rutherford pointed out on the plans as to what it would look like. Vice Chair Pagano said she read the Resolution and went back to the pattern book and back to the comments of the Planner that this Board retained, it seemed that the pattern book and Planner argued against having two blank walls. Attorney Morando said they may consider moving it, but did not feel it was a mandate or a direction and only a suggestion in the bigger part of the picture of the conversation had last month and this is a budget issue, and they showed substantial documentation that this plan meets the pattern book but that they cannot meet every single recommendation of the pattern book, and maybe the Board needs to discuss this further. Member Towle said he felt that they needed a false window and felt that it did not add anything and when he looked at what Clark Associates said .... “while the false window does provide an interrupted wall, the addition of one false window disrupts the balance of the building” and he agrees with that and feels that it does interrupt the balance and this Board may want to consider other options . Member Towle said aesthetically it is pleasing enough without the false window. Member Hanson feels that this application has been discussed enough and he is ready to vote on a motion. Member Pearson feels that leaving out the fake window and moving the tree is a good look. Acting Vice Chair Pagano said ok.

Ms. Rutherford spoke on the lighting and had pictures of the lights currently located in Memorial Park. Ms. Rutherford gave lighting details and advised that everything is correlated between the lighting plan to match the detail sheets, so that they could very easily identify which light and fixture is being located and in which position. Ms. Rutherford spoke on the pole lights and heights in each row, as discussed. Ms. Rutherford said she would like to confirm the

ornamental lights in particular, specifically as to the pole and mounting bracket. Ms. Rutherford advised that the mounting bracket on the building will be single globes – (showing a picture of the globe) and which globe will be used on street front poles and building. Ms. Rutherford said the globe itself is not ornate and they will continue with that theme and pattern. The bracket will be a single bracket using black on the building, and the pole style, with a base of 2-3 feet, but that it will blend. Ms. Rutherford said the pole shaft seems to be a solid shaft and not pluted (showing diagram and asking Board if they have a preference). Ms. Rutherford said the color will be a patina color (antique green – chart refer to it as Verde green). Ms. Rutherford said with regard to the selection of the pole, and if the board has no preference, they will see what is most readily available. Acting Vice Chair Pagano asked in the old photometric plan they anticipated that they would have to add another light. Ms. Rutherford said they did not have to add another one. Member Towle asked if the lights at the southern end were all 15 ft. Ms. Rutherford pointed to the plan showing which ones were 15 and which ones were 10 due to being ornamental. Attorney Polidoro asked about “B” and the heights associated with it – and that one was 20 and one was 15, and is advising the Board to go with 15 feet. Ms. Rutherford said there is a number associated with it and pointed the numbers out due to them being such small print. Member Pearson asked if there will be 3 globes on the building. Ms. Rutherford said correct.

Acting Vice Chair Pagano asked the Board for any comment on the lighting plan. No comment. Acting Vice Chair Pagano asked Attorney Polidoro if she had a revision of the Resolution that reflects changes that were discussed. Attorney Polidoro said yes and that the Board could go through the conditions.

Board took a 10 minute break at 8:10pm. Board back in session at 8:21pm.

Attorney Polidoro suggested that the Acting Vice Chair read the Resolution aloud, reading just the “NOW THEREFORE” clause and conditions.

Acting Vice Chair asked to take a break so that she could review the proposed Resolution prepared by Attorney Polidoro.

Acting Vice Chair Pagano read the Resolution aloud. Attorney Polidoro said she had some changes to the Resolution; 1) item #2 which is repeated in item #14; 2) Item #2 referring the buffer area on western side of Cherry Street will be changed to the “eastern” side.; 3) Member Pearson asked in item #7 that the word “exact” be removed; 4) Item #5 was discussed with no change required; 5) Item #8 – Acting Vice Chair asked if it should be more specific between what sites are potentially being interconnected. It was agreed that the ending would state “adjacent parcel”; 6) Item #16 - Acting Vice Chair Pagano asked if “ROW” could be changed to “easement”. Attorney Polidoro said it is not called anything on the site plan. Ms. Rutherford

advised that it reads "14 foot alley". Attorney Polidoro asked that they take out alley and put 14 foot "easement area"; 7) Item #10 - Ms. Rutherford asked if the Board would remove "MUTCD" because the sign vendor does not do MUTDC signs and they do graphic signs. Attorney Polidoro asked if it would be a standard control traffic sign verses the one that they proposed. Ms. Rutherford said right and they have a "do not enter sign" (pointing on plan where they will be located and where they need to be). Ms. Rutherford referenced a sign "do not enter" that was useless and would like to have the option to remove it. Acting Vice Chair Pagano agreed. Member Pearson asked if it was redundant. Ms. Rutherford said yes. Acting Vice Chair said that because it is in the plans that it must say either "compliant" or "removed" and that we cannot just leave the "or removed" out. Attorney Polidoro said it was redundant. Acting Vice Chair said it was important to Chairman Mirando and to just leave it as "removed". 8) Item #17 – Ms. Rutherford asked in regard to the bike racks and in proximity to each store entrance – if the wording could be changed to "one" bike rack at the eastern entrance. Member Pearson asked if they were saying that they could not make it near both entrances. Ms. Rutherford said no. Bike rack locations were discussed. The Board agreed to two bikes racks being located elsewhere on the site with at least "one" bike rack in proximity to the eastern store entrance.

Attorney Polidoro asked for any other comments from the Board with regard to conditions. No comment.

Attorney Morando asked for clarification as to the condition about recording the deed Item #2 and Item #14. Acting Vice Chair Pagano advised if they could execute the merger deed at the closing, so it could say "it must be signed and delivered to the Dutchess County Clerk", just in case they do not get it recorded. Attorney Morando advised that yes it can be done at closing. Attorney Polidoro said they are not signing at closing until after the building permit and that is the timing issue. Attorney Morando said there is a timing issue because of delays in everything, and asked if that section said, like the other easement that is being done, "prepared for approval by the Village Planning Board Attorney". Acting Vice Chair Pagano asked how they could get a building permit without owning the property. Attorney Morando just it is a timing thing and they are trying to work it out. Attorney Polidoro said the Board does not have to agree. Attorney Morando said it is just a timing issue. Acting Vice Chair Pagano said they should be able to start as soon as possible, so as long as we have it set up in such a way that the even the temporary Certificate of Occupancy cannot be approved without the merger of the lots, and that the drive-thru window cannot be opened and operated without recording the merger deed. All Board members agreed. Attorney Morando thanked the Board. Attorney Polidoro said what that change involves is item #14 to now read "approval by the Village Attorney of a merger deed to merge tax parcels 6272-06-490816 & 6272-07-514806". Attorney Polidoro advised that in the BE IT FURTHER RESOLVED paragraph that it read "before a temporary or permanent certificate of occupancy for a new structure may be issued....."



Attorney Polidoro advised that if the Board had no further comments they could make a motion to approve the Resolution as amended.

***Acting Vice Chair Pagano made a motion to approve the Resolution as prepared "Resolution To Grant Demolition Permit, Site Plan and Special Use Permit Approval. Motion seconded by Member Pearson. All in favor.***

Attorney Morando thanked the Board.

Acting Vice Chair Pagano asked the Board if they have reviewed the Planning Board minutes dated December 11, 2014 and January 8, 2015 minutes. Board said yes with no changes.

***Acting Vice Chair Pagano made a Motion to accept the December 11, 2014 and January 8, 2015 Planning Board Minutes. Motion seconded by Member Towle. All in favor.***

***Acting Chair Pagano made a motion to close the February 12, 2105 planning board meeting at 8:50pm. Motion seconded by Member Pearson. All in favor.***

Submitted by,

LARA HART, Secretary  
Village of Red Hook Planning Board