

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
July 9, 2015**

Present: Acting Chairwoman Beth Pagano, Co-Chairman Mark Mirando, Member David Pearson and Member Ray Towle

Absent: Member Don Hanson

Acting Chairwoman Pagano opened the July 9, 2015 Planning Board Meeting at 7:01 pm with the Pledge of Allegiance.

#1. Modern Taco	46 West Market Street	Site Plan Conditions/ Discussion
Property Owner: KDK Realty		
Tenant/Applicant: Mark Brocchetti		
Tax Grid #6272-10-378736		

Present: Ken Giek & Don Sperry, Property Owners
Tom, Tenant

Acting Chairwoman Pagano advised that the parties were present to revisit the approval for the location of the dumpster.

Don Sperry advised that the dumpster has been there for 25 years and said he was assuming that this Board was proposing to move the dumpster to where it would take away two parking spaces in the Village and that there is already parking issues in the Village, and he asked the Board how they came to the conclusion to move the dumpster. Member Pearson said Marie Welch originally had that in the site plan which would take away one parking space. Member Towle said it was mainly for traffic flow and safety because of the one-way coming in and that it would be safer for it to be moved, and would provide better circulation through that site. Mr. Sperry said that in 25 years there has never been a problem, and that the driveway on the westerly side has very limited access anyway.

Member Pearson advised that he did a site visit and at spot 22, which is directly in back of the restaurant on the western side, and he did not see how you could get to that dumpster with that spot being filled with a car. Mr. Giek said the previous owner Charles was there all the time and that it was his dumpster.

Mr. Callejo was present for a separate application issue, so Mr. Giek asked Mr. Callejo if he ever had any problems. Mr. Callejo stated that he never had a problem and that the only vehicle parked in that spot was his vehicle, and that the angle of the dumpster made a difference.

Acting Chairwoman Pagano asked Mr. Callejo how many seats were in his restaurant. Mr. Callejo advised 14. Chairwoman Pagano asked the applicant/tenant, Tom, how many seats were going to be in his restaurant. Tom advised that with the bar possibly 30, but that it could be less. Acting Chairwoman Pagano said there will be twice as many seats so that is the potential for twice as many cars coming in and out and that both original approvals that were granted required the entrance to be on the westerly side of the property, and that this Board was hoping that cars would be entering on the west side to the parking lot. Acting Chairwoman Pagano said that ... say that there is a larger vehicle parked in spot 22 that the concern is that with the dumpster there it would be a very tight fit for a car, especially with a lot of traffic. Mr. Sperry indicated that the dumpster enters at 5:30-6:00am and that there are not a lot of cars in the lot. Applicant/Tom replied to Mr. Sperry saying that said she was not concerned about the truck but that she is concerned about the traffic. Applicant/Tom asked the Board if their concern was not with the garbage truck. Board replied correct.

Mr. Giek asked the Board why they planned on the entrance being on the west side. Co-Chairman Mirando said that is how it was proposed by Marie Welch in the plans. Acting Chairwoman Pagano said that was correct. Member Towle said the east is tight and if you have a car coming in and out at the same time it is tight. Mr. Giek said they have never had any problem there is because no one uses the west driveway and when it was first laid out the west driveway was private, and that all the traffic goes in and out on the east side. Chairwoman Pagano asked Co-Chairman Mirando for the width of a driveway for both ingress and egress at the same time. Co-Chairman Mirando indicated for a two-way it was 12 foot of lane, but that is based on DOT and that what will hinge here is the curb-cut. Member Towle asked if it was about 15. Mr. Giek said he did not know, but that there was never any issue. Applicant/Tom said he could reserve that parking spot for himself.

Co-Chairman Mirando asked if there was any way to push the dumpster back to the south a little more because of where it was now was tight. Member Pearson said in the original proposal it was to move to only lose one parking space, and asked if they would be willing to put it back in space 17. Mr. Giek said to put themselves in the position of the dentist. Member Pearson said he understands but that they could put a new enclosure around it and hide it. Mr. Giek said it would be destroyed in 6 months. Acting Chairwoman Pagano again spoke about seating and operation hours. Mr. Giek said the difference is that everyone else will be gone and that the NYS building employees are gone for 3:30-4:00. Acting Chairwoman Pagano said they have plenty of parking spaces on that site and that the Board's concern is ingress/egress and the location of the dumpster. Co-Chairman Mirando said that he feels the only way to solve this without losing a parking spot is to push back the dumpster another 5-10 feet to the south to add more clearance. Mr. Giek advised that they haul out the snow themselves. Member Pearson said the dumpster is only 3 feet deep and felt it could be pushed back to the west with a smaller dumpster enclosure. Member Towle was agreeable to moving both to the west and south.

Acting Chairwoman Pagano made a motion that the Board is amending the approval previously granted on March 12, 2015 and June 11, 2015 to show that the location of the dumpster will be pushed as far westerly as possible with a new enclosure and that the dumpster be no larger than what it is today and that it will be pushed a minimum of 5 feet to the south in order to allow the flow of traffic in from the west entrance; and that Marie Welch will submit an amended site plan indicating the dumpster location. Motion seconded by Member Towle. All in favor.

Mr. Giek apologized to the Board for not attending the meeting in the beginning because they did not realize the Board would revisit this issue, but thanked the Board for their consideration.

#2. CLOVE – 7 EAST MARKET STREET (SIGNAGE)

Present: Karina/Tenant

Acting Chairwoman Pagano indicated that the applicant submitted a signage proposal for a sign that is approximately 12 x 40 on a metal bracket with guidewires with a minimum of 8 feet rise from the ground to the bottom of the sign; to be two shades of green; ¾" MDO; vinyl applied lettering; double sided; bracket and sign will all be new; guidewires going from top of bracket back to the building.

Acting Chairwoman Pagano made a motion to approve the sign application for CLOVE to be installed at 7 East Market Street, as per plans submitted to this Board and that the sign be in compliance Village of Red Hook Code and CEO Harkins. Motion seconded by Member Towle. All in favor.

#3. CHARLES CALLEJO – 33 E. MARKET STREET – (SITE PLAN)

Present: Charles Callejo

Acting Chairwoman Pagano said this applicant has a mobile food truck and attends fairs is asking this Board for a site plan to keep the truck at this residence and sell his food there in the Village. Mr. Callejo said correct. Acting Chairwoman asked the applicant if the location was where he indicated on his map. Mr. Callejo showed the Board pictures. Acting Chairwoman Pagano asked if he already had his Health Department approval. Mr. Callejo advised yes and that his electric is up to Code. Acting Chairwoman Pagano asked the applicant if he had his commissary contract with the Lodge in Tivoli. Mr. Callejo said yes. Member Towle asked Mr. Callejo about his parking and that he added Mr. Klose's lot and said what will happen when they are no longer there. Mr. Callejo said he was given permission by to use their parking lot while it was available. Mr. Callejo said the main focus is to do festivals from May-November. Member Towle asked what kind of traffic he expected. Mr. Callejo said not a lot of traffic because it is a get-and-go with no seating and that they kept their original phone number so people can call ahead for ordering. Co-Chairman Mirando asked what days he intends to operate. Mr. Callejo said Thursday-Sunday, when they are not doing festivals, which are all

held on the weekends. Member Pearson asked if it was seasonal. Mr. Callejo said yes – May-November. Co-Chairman Mirando said he sees no issues with this.

Acting Chairwoman Pagano made a motion to approve the site plan for 33 East Market Street for the operation of a food truck which will run from May-November on the weekends when not attending festivals. Motion seconded by Member Pearson. All in favor.

#4. REBECCA ROTHSTEIN (LITTLE PICKLES) – 7505 NORTH BROADWAY (SIGNAGE)

Present: Mr. Rothstein

Member Towle said he felt confused as to what the ZBA said and that the more he reads the by-laws the more it is confusing. Member Towle asked how many signs are allowed for a business and read from the Code that “a hanging sign cannot be more than 12 square feet” and asked if that meant they can have as many as they want so long as it does not go over 12 sq. ft.? Acting Chairwoman Pagano said that the part of the Code that the ZBA is referencing is Section 200-38-A-5-C-2 – which says that business or identification signs (which would be plural) not exceeding 12 sq. ft. for any hanging sign (which is singular). Acting Chairwoman Pagano said that there is no definition in the Code as to what defines a “Business”. Mr. Rothstein said that the ZBA said they could qualify this business as two separate businesses being that the playhouse has a full wall and door separating it from the retail store. Member Pearson asked if there was a separate hallway. Mr. Rothstein said yes. Member Towle read Section 200-38-2-C “the total area of hanging or façade signs may be divided by the number of distinct signs equal to the number of businesses”, which he feels means two, which makes this very confusing when looking at 5-C. Mr. Rothstein said that this Board approved 3 signs for his one business and now this is two businesses. Member Towle said the total area of the signage being proposed is 20.5 sq. ft., which is less than 24 sq. ft. Mr. Rothstein again reminded the Board that people still enter their store and tell them they did not know they were there, and that there is no visibility from the north and south and that their current signs are small and set back. Mr. Rothstein said they are asking for signage on the lamp post to be visible from the north and south. Acting Chairwoman Pagano asked if what they really need is what is proposed on the post. Mr. Rothstein said yes. Member Towle asked Secretary Hart what the ZBA said. Secretary Hart said the ZBA declared it 2 separate businesses. Member Towle said this application is forcing this Board to be very clear about what we have in the by-laws as with the same with the ZBA. Acting Chairwoman Pagano said she feels this is a lot of signs and looks cluttered. Mr. Rothstein said this is a large lengthy storefront and trees and other stores obscure their current signage. Acting Chairwoman Pagano asked why the lamppost sign. Mr. Rothstein said for foot traffic. Co-Chairman Mirando asked if the total number of signs would be 6. Mr. Rothstein said yes and that they need exposure. Acting Chairwoman Pagano asked what this means going forward in terms of the property gets split up and it is now two distinctive businesses and what would a future owner ask for, and what would this mean. Co-Chairman Mirando asked if the ZBA addressed the number of signs. Mr. Rothstein said no. Member Towle said we are not giving guidance in terms of by-laws just in the number of signs.

Co-Chairman Mirando said he believes they are working on revisions. Mr. Rothstein said they are a unique building in that they are set back from the street, and with the way the windows are set up they cannot use windows for signage. Acting Chairwoman Pagano said they have to consider the ramifications down the road and asked what if the signs were different and one side says little pickles playhouse and other side said little pickles toys and sweets, removing the center middle sign that is there now, to lessen the number of signs. Member Towle said he likes that balance but does not feel it gives the applicant exposure from all angles. Mr. Rothstein said that would cost them more money due to having the signs re-designed. Acting Chairwoman Pagano said she feels that this Board is uncomfortable with the number of signs and her suggestions were an idea to give more visibility, but also reducing the number of signs. Member Towle asked if there was a window on the north-east side and can they have something in the window. Member Pearson said the window is too far set back in. Mr. Rothstein asked the Board how many signs they will permit. Member Pearson said to take away the north one. Acting Chairwoman Pagano said to have the one sign for "playhouse" and one for "toys & sweets" and one on the lamppost. Member Towle agreed. Mr. Rothstein said the north sign on the eve could go which would enable them to keep the lamppost sign, and they could make the two others on the porch larger without crowding the porch and staying under 24 sq. ft. in total. Co-Chairman Mirando felt that was the way to go. Member Pearson agreed.

Acting Chairwoman Pagano made a motion to approve the signage for Little Pickles Playhouse and Little Pickles Toys and Sweets as two separate businesses, as such the approved signage will be sign in the south bay; a sign in the north bay; a sign not to exceed 20 x 23 oval on the lamppost along with a 6" x 24" open sign; and that the center sign will be removed. Mr. Rothstein said no that sign will remain. Co-Chairman Mirando said that sign will remain.

Member Towle asked if we could make this a special case. Co-Chairman Mirando said the ZBA addressed and this Board addressed a number of times and feels that this Board should approve the porch signs. Acting Chairwoman Pagano said so long as this Board makes it clear that this is a special case and that this Board would not in any way shape or form set a precedence for the number of signs for any other business. Member Pearson said this is a special case because of it being two separate businesses. Acting Chairwoman Pagano said she is concerned that this Board wants to limit the multiple sign to just this particular business and this particular tenant. Co-Chairman Mirando said he agrees that it not set a precedence and that this is a special case and that both Boards have addressed it. Member Towle referred to a "business complex" and read aloud the definition and that this still limits one sign per business and therefore there should really be only sign per business. Co-Chairman Mirando referenced the Sunoco station signage and that also being a special case. Member Towle said the center sign already exists and would approve that sign remaining. Co-Chairman Mirando agreed.

Acting Chairwoman Pagano made a motion to approve the signage for Little Pickles Playhouse and Little Pickles Toys and Sweets as two separate businesses, as such the approved signage will be a sign in the south western bay; a sign in the north western bay parallel to Route 9; a small sign measuring 20x23" oval hanging on the lamppost with a sign placed underneath measuring 6"x 24" indicating "open"; and as a special one-time accommodation to Little Pickles Playhouse and Little Pickles Toys and Sweets the Red Hook Village Planning Board will allow the existing sign currently measuring 1 ft. by 4 1/2 ft. which says "Toys, Sweets and Playhouse" to remain so long as Little Pickles Playhouse and Little Pickles Toys and Sweets is a tenant in that location. Motion seconded by Member Towle. All in favor.

Acting Chairwoman Pagano made a motion to accept the June 11, 2015 Planning Board Minutes. Motion seconded by Co-Chairman Miranda. All in favor.

Acting Chairwoman Pagano made a motion to close the July 9, 2015 planning board meeting at 8:17pm. Motion seconded by Member Pearson. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Planning Board