

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
December 10, 2015**

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Present: Chair Beth Pagano, Co-Chair Mark Mirando, Member David Pearson, Member Don Hanson & Member Ray Towle

Chair Beth Pagano opened the December 10, 2015 Planning Board Meeting at 7:00 pm with the Pledge of Allegiance.

Chair Beth Pagano advised that she received a call from Sue Mora asking if she could come to the planning board meeting to discuss an issue that she has. Chair Pagano said if the Board was ok they could allow Ms. Mora to stand and speak.

Sue Mora, residing at 7579 Old Post Road, Red Hook was present.

Ms. Mora advised that she wrote a letter to the Village Board, which letter she read aloud. Ms. Mora's letter was written as a complaint to the current lighting at CVS. A copy of said letter is on file for review in the office of the Village of Red Hook Building Department.

Ms. Mora advised that she spoke at the previous planning board meeting during the CVS review and also spoke privately with CVS reps regarding her lighting concerns and Ms. Mora said she was assured that they would show respect with regard to lighting, but feels that they have not shown respect.

Ms. Mora feels that no one is in favor of the lighting and that it is excessive and asked why the lights remain on 24 hours per day. Ms. Mora suggests diffusers or baffles inside with the interior lighting. Ms. Mora also suggested possibly using shades on the windows. Ms. Mora said the intensity of the lighting is excessive.

Ms. Mora thinks that it should be looked into very carefully to see if they did something they were not supposed to do, or if it was approved, then speak to them about the lighting concerns. Ms. Mora asked if a letter was received from Richard Gordon. Chair Pagano said it was not received. Chair Pagano advised that the letter could be sent to her and she could print it out and then submit to Secretary Hart.

Chair Pagano advised that CEO Harkins is addressing the issue and that this Board needs to go back and look at the plans that were presented and approved for outside lighting. Chair Pagano said once they determine what lumens were approved they will determine what lumens have been put in the lights. Chair Pagano said she believes that Sam Harkins has already spoken to

them about the lights being on 24 hours and that they supposedly advised Sam Harkins that the lights would be turned off 45 minutes after the last employee leaves, but she does believe that this is happening. Chair Pagano said with regard to interior lights, that is another issue because those lights are not part of a site plan approval and that Sam Harkins is looking into this with Village Officials and the Village Attorney as to what procedure we can follow. Chair Pagano said this Board will continue to go over the issue with Sam.

Chair Pagano suggested that Ms. Mora or anyone with concerns should address them to the Village Board. Chair Pagano said she had a letter from Historic Red Hook.

Sheryl Griffiths was present and asked if we had a copy of her letter. Chair Pagano said we did not have her letter. Secretary Hart advised that she did not have her letter but would look into it. Chair Pagano said there is a process to see if CVS followed what was approved, and if they did not, they will not get their Certificate of Occupancy. Ms. Griffiths asked how she will know if this has been addressed. Member Pearson said by attending the meetings. Ms. Griffiths advised that she did not live in the Village. Ms. Mora said that it affects people on the outside of the Village as well. Chair Pagano said the Village is part of the Town, and something that the Town residents use so it is also a Town issue as well as a Village, and the Village has jurisdiction because it is in the Village, but appreciates members of the Town coming in to express.

Chair Pagano said the issue will be addressed and the procedure has begun and that everyone should continue to express their concerns to this Board and attend the Village Board meeting, because that is what will keep the ball rolling and get the concerns expressed to the CVS people.

Co-Chair Miranda asked if the lights were not being turned off. Chair Pagano said no. Member Pearson felt if the lights inside were affecting the outside he feels something should be done about it. Member Hanson advised residents to contact CVS CEO's. Chair Pagano said the more sound that CVS hears than the more likely that we will have to use less persuasion to get change affect.

Co-Chair Miranda said that their insurance carrier may require a certain amount of lighting. Chair Pagano said they could put shades on the lights. Secretary Hart advised that Sam Harkins was looking into the lighting and that the file was up-to-date with escrow. Chair Pagano advised that planning board minutes are posted online.

**#1. Ricardo Fernandez Gonzalez
Tax Grid #6272-10-413739**

21-29 West Market Street

Site Plan

Applicant, Ricardo Fernandez Gonzalez was present.
Dan Wheeler, Engineer, was present.
Building Owner, Jack Dillon, was present.

Dan Wheeler advised that this was an existing site and that the applicant is looking to convert this into a tapas. Mr. Wheeler said they are proposing 20 seats indoors and 4 tables with chairs outdoors. Mr. Wheeler advised that Board of Health approval is pending, but that it was submitted, and that the existing system is adequate for 15-20 seats. Mr. Wheeler spoke about today's regulations of systems and that they are in the process of calculating usage. Mr. Wheeler spoke on the basic floor layout of 15-20 depending upon health department approval and physical location.

Member Towle asked for Mr. Wheeler to address traffic and parking. Mr. Wheeler advised that they have street parking; municipal lot parking and parking at the rear at St. John's Street and West Market. Mr. Wheeler said they are not really counting on the Village lot because everyone does, but that they have a fair amount of off-street parking. Member Towle asked about the parking behind the building and the access to the restaurant itself. Mr. Wheeler point to parking on the site plan and the handicap parking and that the dumpster is screened in and showed where entrance could be made. Applicant advised of the side door that will be used for service for outside seating, or they can use the front door. Applicant spoke on the walkway located on the side. Member Towle asked if during the summer if the side door be used as access to come in to the building. The Applicant said yes, and that there is an existing walkway in that area. Owner, Jack Dillon, advised it was 12-13 feet wide. Applicant said there is plenty of walkway and will be paved in. Mr. Wheeler said there will be space for tables and chairs and a passage way that will be paved. Co-Chair Mirando asked if the septic was approved years ago and if there was any reserve capacity. Mr. Wheeler advised not only is there not a reserve capacity, but every time the Health Department comes in they want it opened up, checked and recalculated. Co-Chair asked if there was a grease trap. Owner, Jack Dillon, advised yes. Co-Chair Mirando asked if there was any time frame on health department approval. Mr. Wheeler advised 4 weeks.

Co-Chair Mirando asked about parking spots. Mr. Wheeler said they were 18-x10. Co-Chair Mirando asked if there was a full curb cut at St. John's Street. Mr. Wheeler said he did not believe so, and that he does not think there is a curb at St. Johns, but only at the north side. Co-Chair Mirando asked if only a gravel parking lot. Mr. Wheeler said yes. Member Pearson asked if lines would be painted. Mr. Wheeler said not, but that the handicapped space would be paved, and that they want to keep it crushed stone due to storm water issues.

Member Pearson asked about seating area and the possibility of dumpster odor. Mr. Wheeler said the dumpster would be picked up routinely. Applicant said the dumpster is large and they have never noticed an odor issue and if there was an issue it would be addressed immediately. Applicant said that ROJO is a small place, a Tapas, and they are conscious of the environment and will have as little waste as possible. Mr. Wheeler does not see this as a full blown commercial operation with tons of organic waste, but it will be in plastic bags. Applicant did advise that the dumpster is not as close as it appears on the plans to the outside seating.

Member Towle asked in regard to the proposed signage and lighting which direction the lighting would be. Applicant advised downward. Co-Chair asked if they were using existing brackets. Applicant said yes and that they are using the existing sign and just repainting it. Chair Pagano said the proposed lighting looks like it is based and on the ground. Mr. Wheeler said no and explained the position of the lighting and that the light will shine down. Chair Pagano asked how and where it would be mounted and if there were two lights with one at each side. Applicant said yes to two lights at each side. **Mr. Wheeler said lighting was not on the site plan and that he would amend to show lighting.** Chair Pagano asked about the base of the lights and applicant advised that the poles are already there. **Mr. Wheeler said they will submit a lumen diagram to show the intensity at various distances from the base, and to show that there is no spillage over the property lines.**

Chair Pagano asked about the light mounting with the sign. Applicant gave details on the bracket and lighting and that the light would be downward from the arms and not the building. Co-Chair Mirando asked if lighting would be on a timer. Applicant said yes and they would be turned off at closing.

Chair Pagano made a motion to approve the signage for ROJO located at 21-29 West Market Street as submitted, being the same sign and size as the existing signage previously known as the Tiki Boutique, with lighting to be mounted on the metal bar with 2 lights pointing downward on the sign, and that the lighting will be turned off when business is not in operation. Co-Chair Mirando asked if the sign was a minimum of 8 feet from the ground, and owner, Jack Dillon, confirmed it was. Motion seconded by Member Pearson. All in favor.

Co-Chair asked about the wall mounted lantern. Applicant said it was located at the side door which would also be on a timer.

Chair Pagano said the plan shows 10 parking spaces but said that the back parking lot is for all the buildings and that she does not know how much parking is already being used in the existing back lot. Owner, Jack Dillon stated that would be a question he has as well because when he did renovations and was in front of the planning board he was granted approval on that lot. Co-Chair Mirando said there is off-street parking and the lot parking. Mr. Dillon said he was told that when you are within so many feet from the municipal parking lot you don't have to worry about off-street parking. Co-Chair asked when that was. Mr. Dillon said 2006-2007. Co-Chair Mirando said this issue comes up over and over again. Mr. Dillon said approval was made on that decision. Chair Pagano said the Code may have been modified in the interim and she does not see it in the Code right now. Chair Pagano said in the past we required applicants to have parking in the back of the building as well, and our concern is if there is enough parking spaces given the uses on site. Co-Chair Mirando referred to off-street parking under Section 200-33.

Mr. Wheeler said they are proposing 10 spaces which is acceptable for the restaurant plus they have Market Street and St. Johns Street, and pointed out on the site plan other spaces that could be used for parking, so that adds an additional 5 spaces, and he feels that they could put spaces in that location. **Chair Pagano asked if he could add those spaces on the amended plan. Mr. Wheeler said sure.** Co-Chair Mirando asked if the 800 sq. ft. included the outside area. Mr. Wheeler said no and that it was seasonal. Co-Chair Mirando said the plan did indicate total floor area. Mr. Wheeler said that he can add 5 spaces on the plan, which gives extra parking. Applicant said they will have more parking than required. Co-Chair Mirando said he does not see parking as an issue. Chair Pagano asked about the cut-away on the fence at the front and back of the seating area. Applicant showed the fence diagram. Member Pearson asked about the dumpster fence and if it was the wooden one on the drawing. Applicant said yes. Applicant said there would be a metal fence fixture in front with a garden planter and the back being open, and that there would be one wooden fence in front of the dumpster. Chair Pagano asked if the cedar fence would surround the dumpster. Applicant said no. Mr. Wheeler asked if the question was how many sides the wooden fence would be on. Chair Pagano asked the Board if they wanted fencing around the dumpster. Member Pearson asked that it be two sides. Applicant said that would ok and that they would make it an "L" shaped.

Member Towle asked to clarify the square footage of the restaurant and that 8 parking spots are required. Mr. Wheeler said yes.

Mr. Wheeler asked the Board if they would be willing to give approval with conditions. Co-Chair Mirando said that this has been done in the past. Member Towle asked what the time frame was for completion of this restaurant. Applicant said at least 2-3 months. Member Towle felt it would not be a problem for the applicant to return next month. Applicant said she thinks that the Board of Health is waiting on Planning Board approval. Chair Pagano felt that everything should be done simultaneously and that the applicant should return. Owner, Jack Dillon, pointed out the location of the septic on the proposed site plan.

Chair Pagano made a motion to table the application of ROJO to the January 14, 2016 planning board meeting. Motion seconded by Member Hanson. All in favor.

Applicant asked the Board if everything was amended and re-submitted and they attend the next planning board meeting, will they get approval. Chair Pagano said one contingency will be Board of Health approval, but they should be in a position to approve next month. Applicant said they need site plan approval in order to get board of health approval. **Secretary Hart will check with Sam Harkins on whether an applicant is required to have site plan approval in order to obtain Board of Health approval.**

Chair Pagano made a motion to waive a public hearing for the application of ROJO. Motion seconded by Co-Chair Miranda. All in favor.

Owner, Jack Dillon, asked if the Board could look into the use of the municipal parking lot for additional parking. **Secretary Hart will check with Sam Harkins and confirm where it is in the Village Zoning Code.**

Co-Chair Miranda made a motion to accept and approve the November 12, 2015 planning board minutes. Motion seconded by Member Pearson. All in favor.

Chair Pagano made a motion to close the December 10, 2015 planning board meeting at 8:20pm. Motion seconded by Member Towle. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Planning Board