

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
February 11, 2016**

Present: Chair Beth Pagano, Member David Pearson, Member Don Hanson & Member Ray Towle

Absent: Co-Chair Miranda and Secretary Hart

Chair Beth Pagano opened the February 11, 2016 Planning Board Meeting at 7:04 pm.

Agenda was published as Discussions on General Village Matters.

Village Planning Board Attorney Victoria Polidoro was present.

Chair Pagano advised that the Board would like to discuss signage in the Village that some members have observed, wherein the owner/tenant has not come before the Board or received the required building permit. Chair Pagano felt that there have been many applicants before this Board who have gone through the process, but then you have other people who are ignoring it. Chair Pagano asked attorney Polidoro what this Board could do. Attorney Polidoro said the Board, or individually, could fill out a complaint form and file it with Sam Harkins. Victoria Polidoro said there should be a process to any submission of a complaint, and that this is a violation of zoning law and under Zoning Law you would issue a Zoning Violation, and with that comes possible fines or having the sign being taken down. Attorney Polidoro advised that Sam Harkins is in charge of enforcement.

Chair Pagano spoke on the issue of noise violations and if and when other developments occur in the Village what can this Board do to encourage the adoption of a better noise law. Attorney Polidoro advised that the Village's noise law could be improved and the Board could address this by letter to the Village Board or could volunteer to address it and propose updates for the Village Board. Attorney Polidoro advised that noise laws are different from zoning laws because you can authorize your local police to issue a ticket.

Chair Pagano asked if this Board could advise Lara to add an item of discussion to an Agenda. Attorney Polidoro said yes, and you could call a workshop to discuss any issue of the Board.

Chair Pagano asked the members if they had any other concerns.

Chair Pagano asked that once this Board approves an application how does this Board ensure that what was approved is what they got. Attorney Polidoro advised that the way this is supposed to work is that you have a site plan with a resolution. Chair Pagano said once the plan is approved how do they know what is actually realized. Attorney Polidoro said there are two things that can go wrong 1) What was approved was not understood, or things possibly left out. Attorney Polidoro said advised that one way to make sure you are getting what you want is to really pay attention to what is being built. 2) When an applicant is not building according to plan and that is what Sam is supposed to be watching out for through permits and the inspections process.

Chair Pagano advised that CVS does not have a permanent CO and is operating under a temporary CofO. Chair Pagano indicated that all five board members (speaking on behalf of Co-Chair Mirando who is not present) felt that what they approved was not being done in terms of lighting. Member Pearson did not remember the plan, but felt that the light plan showed that the lighting would not be beyond the boundaries of the property. Chair Pagano said there is a lighting plan and it shows that there should not be any light bleeding past the middle of Rt. 9 and they made representations in the January minutes indicating that light levels are 0 or .1 foot candles and that the photometric level is in essence zero at the property lines and that adjacent homes would not be impacted by lighting. Attorney Polidoro said she recalls all of this but asked if anyone went out and checked the lights. Member Pearson said it lights up the white house on the other side of the road. Member Towle said when he thinks of the lighting he feels it does not fit in with the Village at all.

Chair Pagano read a recent memo from Lara which was received from Chad Healy about lighting about the interior shading. Chair Pagano said there are no shades of any kind on the west side of the building facing Route 9. Member Towle said he was there and did not notice any shades. Member Pearson said the inside lights are an issue but the outside lights are a bigger issue. Chair Pagano said the memo also indicated that they were exploring front glass covers to reduce intensity of the floods, and that the parking lot would be turned off one hour after closing and during overnight hours and that there would only be lighting for security measures. Chair Pagano indicated that no lights are being turned off.

Member Pearson read #13 from resolution. Attorney Polidoro said then that should be on the site plan. Member Pearson said this Board expressed to the applicant that they liked the ones in the park. Attorney Polidoro said that was the poles and that the bulbs were not specified. Member Pearson felt that should have included the actual light. Attorney Polidoro advised that next time the Board will pay more attention to the actual fixture and that as the Board goes through more site plan process the Board will become much more aware of these issues and can really pin an applicant down because it is better to prevent it that to have to readdress it.

Chair Pagano feels that the situation with the interior lights was not something they were aware of. Member Pearson said they should be on the south side as well. Member Towle

asked what the recourse is and why they cannot go to warm LED lighting at the front of the building. Attorney Polidoro said these are issues for Sam to address and from conversations with Sam they are cooperating and if they stop cooperating, that is when this Board should discuss withholding the CO or revoking the temporary CO.

Member Towle asked if a Board had adopted something and after a project was completed they decided it was a mistake is there any recourse. Attorney Polidoro advised that once approval is granted that is it, unless something done was illegal.

Member Hanson asked about the greenway guide. Chair Pagano said it is a guide line and it was used. Member Hanson said in the future everything has to be written down. Attorney Polidoro said the Board made sure that most of the important issues made it on to the plan and it is up to Sam to interpret it and enforce it. Chair Pagano asked if they should take the final plans with the resolution and go through it with Sam. Attorney Polidoro advised that the Chair should sign the site plan, and if this is not happening, this procedure should be changed. Attorney Polidoro said the site plan should have a signature block on the plans, and someone should go through the plans and make sure that every condition was met before the Chair signs the plans, and before a building permit issued. Member Pearson feels that this step was missed. Attorney Polidoro said this may not be one of their procedures, but it should be done.

Attorney Polidoro said it is at Sam's discretion to issue a final C.O. Member Pearson asked if the Board could send a letter directly to CVS with their concerns. Chair Pagano asked how Sam can issue a permanent CO if the requirements of the planning board were not met. Attorney Polidoro said Sam is the ultimate decider if the requirements have been met. Attorney Polidoro recommended that the Board sit and talk to Sam, and to go over the plans with Sam to show exactly where the violations are. Chair Pagano spoke on the charging stations and that they are not installed yet. Member Pearson has issues with the trees. Attorney Polidoro said these are the things that Sam should have picked up on.

Member Towle said if Sam is in negotiations with CVS at what extent should he be updating this Board as to what has been done. Attorney Polidoro said if Sam is in negotiations with CVS and they are complying there is no reason to update the Board.

Chair Pagano asked what if they are not complying. Attorney Polidoro said they should file a complaint which would hold up the CO. Attorney Polidoro advised the Board to review the plans and advise Sam. Attorney Polidoro said they could have a workshop meeting.

Chair Pagano asked what if someone builds something illegally and without a plan, which was too big, but within the 25 foot buffer, and now they come in front of this Board. Attorney

Polidoro asked if they are speaking about a specific application. Chair Pagano said no but asked what would happen in this situation. Attorney Polidoro said Sam would find out if there was any illegal construction usually by writing up a violation notice. Member Towle asked if they could be fined. Attorney Polidoro said yes the Village could fine them and take them to court.

Attorney Polidoro did advise that if this Board is calling a meeting and the Board is going to discuss a specific application it should be on an agenda.

Chair Pagano asked if there was something going on with the interior of a building, but if it intrudes upon the exterior what are the obligations of this Board. Attorney Polidoro said normally the interior of a building is not in the Boards jurisdiction, but she was trying to come with some arguments as a way to bring the applicant in because it is impacting the outside. Attorney Polidoro said now in the future this Board will want to discuss lumens from interior to the outside. Chair Pagano said she will be asking Sam to keep this Board in the loop with CVS negotiations.

Attorney Polidoro said Sam will have to enforce the lighting and someone will have to have a light odometer to check for any violations. Member Pearson again reiterated #13 of the Resolution.

The Board thanked Attorney Polidoro for attending.

Chair Pagano made a motion to accept the January 14, 2016 Planning Board Minutes. Motion seconded by Member Pearson. All in favor.

Chair Pagano made a motion to close the February 11, 2016 planning board meeting at 8:03pm. Motion seconded by Member Hanson. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Planning Board
(All of the minutes were transcribed from audio tape - Secretary was not in attendance)