

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
October 12, 2017**

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

Absent: Co-Chair Mark Mirando

Present: Clark Kimble, Village of Red Hook Code/Zoning/Fire Enforcement Officer

Chair Pagano opened the October 12, 2017 Planning Board meeting at 7:03pm with the Pledge of Allegiance.

Chair Pagano made a motion to approve and accept the Planning Board minutes dated September 14, 2017. Motion seconded by Member Towle. All in favor.

#1. 50 Baxter Subdivision – Tax Parcel ID #11-632578

Tim Lynch, Engineer was present and gave a brief update.

Chair Pagano made a motion to open the Public Hearing for 50 Baxter Subdivision at 7:04pm. Motion seconded by Member Pearson. All in favor.

No persons present. Chair Pagano advised that no written comments were received for the public hearing.

Chair Pagano advised that Village Planning Board Attorney Victoria Polidoro prepared a Resolution for the Board's consideration for the 50 Baxter Subdivision.

Chair Pagano made a motion to close the Public Hearing at 7:09pm. Motion seconded by Member Towle. All in favor.

Chair Pagano read aloud Resolution #2017-6.

**RESOLUTION TO GRANT CONDITIONAL PRELIMINARY AND FINAL PLAT
APPROVAL**

Baxter 50 Subdivision

WHEREAS, the applicant, Rhinebeck-Red Hook-GB, LLC, has submitted an application for subdivision approval to subdivide a 23.15 acre parcel on Baxter Road in the Town and Village of Red Hook, made up of two parcels identified as Tax Parcels 6272-00-691583 and 6272-11-632578 located in with Town and Village, respectively; and

WHEREAS, the proposal is to subdivide the 23.15 acre parcel into two residential building lots of approximately 10.6 and 12.6 acres; and

WHEREAS, the proposal is shown on a plat entitled, "Subdivision Plan for Baxter 50," prepared by Red Hook Engineering, PC, dated February 20, 2017, as well as a subdivision map entitled, "Subdivision Map Prepared for Rhinebeck-Red Hook-GB, LLC," prepared by Richard Hanback, dated July 25, 2017, last revised August 8, 2017 (the "Subdivision Plat"); and

WHEREAS, on March 6, 2017, the Town of Red Hook Planning Board classified the application as an unlisted action, adopted a resolution to conduct an uncoordinated review of the project; and

WHEREAS, on March 13, 2017, the Village of Red Hook Planning Board issued a request to the Town of Red Hook Planning Board that it conduct a coordinated SEQRA review; and

WHEREAS, on March 20, 2017, the Town of Red Hook Planning Board adopted a resolution establishing intent to be lead agency in a coordinated review and circulated its intent to serve as lead agency to all involved and interested agencies, to which the Village Planning Board consented; and

WHEREAS, on April 7, 2017, the applicant provided an Agricultural Data Statement, and revised the subdivision plat to include a note that no building on proposed parcel 2 shall be located closer than 200 feet to the adjacent property boundary to the south, which is a New York State certified Agricultural District, and no clear cutting of the existing vegetative buffer will be permitted; and

WHEREAS, on August 21, 2017, the Town of Red Hook Planning Board, as lead agency, adopted a determination of non-significance, finding that the project 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 October 12, 2017, during which all those who wished to speak were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Red Hook Planning Board hereby grants preliminary and final plat approval to the Subdivision Plat, and authorizes the Chair to sign the plat after compliance with the following conditions:

1. **Payment of all fees and escrow.**
2. **Department of Health permission to file.**
3. **Approval by the Attorney to the Planning Board of a common driveway easement and maintenance agreement.**
4. **Submission of an undertaking from the applicant's attorney that the approved common driveway easement and maintenance agreement will be recorded with the Dutchess County Clerk simultaneously with or within 30 days after the filing of the Subdivision Plat.**

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

Chair Pagano made a motion to approve and accept Resolution No. 2017-6. Motion seconded by Member Towle. All in favor.

Agenda order changed per Chair Pagano and at the request of applicant #2.

#3. R. Jacob Bump. Site Plan Application. 54 Elizabeth Street. Tax Parcel ID #6272-11-509538

At the request of the Applicant Site Plan Application is tabled to the November 9, 2017 Planning Board Meeting.

Chair Pagano made a motion to table. Motion seconded by Member Pearson. All in favor.

#4. Yum Yum Noodle Bar. Signage Application. Tax Parcel Id #6272-10-440706

Applicant, Erica Mahlkuch was present.

Applicant gave details of the signage proposal and advised that her husband would be installing the sign. Member Towle addressed lighting concerns and that the proposed lights would be shining upward and asked if the lighting could be downward. Applicant advised yes. Member Pearson asked if the support structure would be that of the Flatiron sign. Applicant advised yes. Chair Pagano asked how the lighting would shine downward with the awning. Applicant's husband entered the meeting and reviewed lighting proposal. After discussions it was agreed that the lighting would point towards the sign with a condition that it would not interfere with pedestrians, traffic or tenants.

Chair Pagano made a motion to approve the signage and lighting as proposed for Yum Yum Noodles located at 12 E. Market Street listed under Tax Parcel ID #10-440706 as depicted in submitted application and shall not exceed the square footage as provided by the Code of the

Village of Red Hook, and that the sign in within the limits allowed and conforms to all provisions of Section 200-38 of the Code of the Village of Red Hook, and with a condition that the lighting will not interfere with pedestrians, traffic or tenants of any properties at the corner of Route 199 and Route 9, and that should any issues arise that the applicant shall modify lighting. Motion seconded by Member Towle. All in favor.

#2. Catherine Ackert. 60 E. Market Street. Site Plan. Tax Parcel ID #6272-11-567659

Applicant, Catherine Ackert was present and gave details on her proposal of an Italian Deli. Catherine advised that she has spoken with Clark Kimble, Code Enforcement Officer, and that there may be an issue with seating, so as of right now there is no seating.

Catherine advised that she has been working with Michelle Kelly at the Board of Health and they are working on approval.

Catherine advised that the hours of operation would be 6am-2pm or possibly 7am-3pm, with no evening open hours.

Chair Pagano asked if the Board of Health would allow her to open with patio seating outside. Catherine said she was advised so long as it was 20 seats or less. Clark Kimble spoke at this time and advised that he was working with the Health Department and speaking with the Department of State as to seating and bathroom requirements in the Village. Catherine advised that Michelle Kelly does the inspections for the Board of Health in this area, and that she was told that there would be no problem with the outside seating. Clark Kimble said the issue is with having a bathroom. Clark advised that he will be getting an interpretation from the State.

Catherine advised that the building will need to gutted and the roof replaced and is hoping for an April, 2018 opening. Member Pearson asked if there was a bathroom inside and Catherine advised yes. Member Pearson asked if it would be for the public. Catherine said no just for employees. Chair Pagano asked if the Village Sewer would go to her. Catherine advised yes.

Member Towle asked the applicant what the parameters were for this application, and since they were not opening for some time, asked if tonight was for notification and if she would be returning when everything was ready. Secretary Hart advised she was here for signage approval as well, but that site plan approval could not be given this evening because we have not received a response from Dutchess County Department of Planning and Development. It was discussed that the property owner could apply for a roof permit. Clark Kimble advised that the property owner could do any improvements to his building, but that the applicant would need Board of Health approval to open and operate.

Catherine advised that there is a parking lot in the back but that it is reserved for the owner and that she will be using street parking.

Applicant's signage proposal was discussed. Member Towle gave the requirements for a fascade sign and advised that this application was well within the limits.

Chair Pagano made a motion to approve the facade signage for Catalina's Deli located at 60 E. Market Street listed under Tax Parcel ID #6272-11-567659 as depicted in submitted application and shall not exceed the square footage as provided by the Code of the Village of Red Hook, and that the sign in within the limits allowed and conforms to all provisions of Section 200-38 of the Code of the Village of Red Hook. Motion seconded by Member Hanson. All in favor.

Chair Pagano made a motion to table the Site Plan application for 60 E. Market Street listed under Tax Parcel ID #6272-11-567659 to the November 9, 2017 Planning Board meeting. Motion seconded by Member Towle. All in favor.

Chair Pagano made a motion to close the October 12, 2017 Planning Board meeting at 7:50pm. Motion seconded by Member Pearson. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Planning Board