

**TOWN OF RED HOOK PLANNING BOARD**  
**DRAFT MEETING MINUTES**  
**July 19, 2021**

Deputy Chairman Brian Kelly called the meeting to order at 7:30 pm. Mr. Kelly assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the in-person meeting utilizing the Zoom internet platform. Chairman Sam Phelan attended via zoom from 7 Williams Lane, Nantucket MA.

A quorum was determined present for the conduct of business. Members present: Brian Kelly, Sam Phelan, Kristina Dousharm, Lew Rose, and Karen Smythe. Also present were engineering consultant Brandee Nelson and Planning Board Clerk Kathleen Flood.

Mr. Kelly made one change to the agenda. He moved the Mighty Donuts continued public hearing project to the top of the agenda.

Kristina Dousharm moved to approve the June 7 and 21 draft meeting minutes. Lew Rose seconded, and all members voted in favor.

**PUBLIC HEARINGS**

**Mighty Donuts Site Plan – 7269 South Broadway**

Continued Public Hearing on application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Applicants Dennis Kanuk and Rhianon Jones and applicant's representatives Ayaka Hale and Zak Hall were present. Kristina Dousharm recused herself. Ms. Hale gave an overview of the changes to the project. She said that the diner will now be housed in the existing building at the site, along with a retail space. The existing residence with a private driveway will remain. She reviewed related changes, including the removal of an existing shed, the re-calculation of parking spaces, and relocation of the dumpster enclosure. Outdoor seating will be provided for the donut shop, and the landscaping, pathways, and ADA access was rearranged.

Mr. Kelly asked if there were any questions from the public. There were none. He asked if there were any questions or comments from Planning Board members. Lew Rose asked if the applicants had withdrawn their variance requests from the Zoning Board of Appeals. They replied that they had. He asked if the waivers requested of the Planning Board were also being withdrawn. Ms. Hale replied yes.

Karen Smythe asked if the proposed curb cuts are existing. Ms. Hale replied yes. Ms. Smythe asked if the exterior overhang on the building includes the front. Ms. Hale replied an overhang is proposed for the south side only, over the outdoor seating area. Ms. Smythe asked if the

existing residence has its own septic. Ms. Hale replied that it does. An additional system will be built for the donut shop and retail space.

Brandee Nelson commented that the lighting and parking proposed is compliant with town code.

Lew Rose moved to close the public hearing. Karen Smythe seconded, and all members voted in favor.

Mr. Rose moved that the project be changed to a Type II SEQR action. Sam Phelan seconded, and all members voted in favor. Mr. Phelan said that comments have not yet been received from County Planning. The applicant's agreed to make changes to the application to reflect the changes to the site plan.

The applicants will return before the Board August 2.

### **Mimeles and Dietz Certificate of Appropriateness – 203 Barrytown Road**

Continued Public Hearing on application to construct a 30 x 25 -foot pool house on a 5-acre parcel in the hamlet of Barrytown.

Applicants David Mimeles and Helen Dietz and applicant's representative Rick Angier were present.

Sam Phelan recused himself temporarily. Kristina Dousharm re-joined the meeting.

Brian Kelly acknowledged that there were residents attending via zoom. Christine Gummere, Daniel Mendelsohn, and Paula Schoonmaker, who had all submitted written comments of concern to the Board, were present.

Mr. Kelly said there was some confusion regarding the size of the proposed pool house and asked the applicants to clarify the dimensions. The applicants confirmed the size of the building proposed is 30 x 25 feet. Mr. Kelly displayed a survey that was submitted by the applicants. It was noted that the size of the proposed pool house on the survey needs to be changed to 30 x 25, and the location of the pool, fence, and all required setbacks should be shown, especially the distance from the class C watercourse flowing through the Sneakers Gap ravine.

Lew Rose said that he had conferred with Planning Board attorney Jennifer Gray regarding the scope of Planning Board review under a Certificate of Appropriateness due to the broad range of comments received from neighbors since the public hearing was opened. He said the Board attorney's opinion is that the review is limited, however the pool structure and required fence must be included. Ms. Gray recommended that the public hearing be re-noticed for August 2 to include the pool.

Mr. Rose continued that the standard for the Board's review is that new construction shall not detract from the historic significance of the property, district, or adjacent regulated structures, or from the community character of the district, and that review of new construction shall be limited to visual compatibility and minimizing impacts on any adjacent regulated structures, a very limited review. He said many of the issues raised in the comment period are issues for the Building Inspector rather than the Planning Board. He said that the Planning Board can look at lighting in terms of character and glare, but the town code excludes the lighting fixtures themselves from review by the Planning Board.

Mr. Rose recommended that the applicants review section 143-18 of the Zoning Code, which governs accessory structures. He noted that three accessory structures are permitted on residential lots, however on lots larger than 5 acres (which the applicant's is), five accessory structures are allowed with a Special Use Permit obtained from the Planning Board. Since a shed and two other structures are shown on the survey submitted, a Special Use Permit will be required for the addition of the pool house and pool.

Paula Schoonmaker, 78 Station Hill Road, commented that on the Environmental Assessment Form (EAF), the applicants referred to the pool house as a cottage, which is a defined accessory building under the Zoning Code. (A pool house is not defined in the Town Code.) The applicants were advised to revise the EAF to describe the building as a pool house. Mr. Rose asked if the pool house would have running water. The applicants said it would. He asked if it would be connected to the septic system serving the main residence. They replied it would.

Brian Kelly said there was a question in the zoom chat whether there would be a bedroom in the pool house. Helen Dietz replied maybe, maybe not. Ms. Dietz expressed exasperation with the Planning process regarding her project. She said she felt that the neighbors were against the project, which is stressful. Daniel Mendelsohn, 130 Station Hill Road, said the documents made available to the public before the June 21 meeting did not sufficiently show what the project will look like. He said that his concern was what he would see from his property on the other side of Sneaker's Gap, which he felt may not be architecturally harmonious with the neighborhood. He added that the existing outdoor lights on the applicant's house are visually intrusive.

Brian Kelly displayed the submitted elevations shown. Rich Angier described the proposed building. Because the elevations have changed, it was agreed that new elevations be submitted. Mr. Mendelsohn asked if it were possible to see an elevation for the entire project.

The Board and applicants continued to discuss what should be submitted and what Planning Board approvals are required. Kristina Dousharm explained how the applicants could access the Town Code, and the applicants were recommended to speak to Steve Cole in the Building Department.

**Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road**

Continued Public Hearing on application to construct a pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

The applicants were not present. The hearing will be continued August 2.

**OTHER BUSINESS**

**Extension request – Preserves at Lakeskill**

Applicant’s attorney John Wagner and engineer Michael Bodendorf were present. Mr. Wagner reviewed his letter requesting further extension. He noted progress made since the last extension.

Sam Phelan moved to grant a 90-day extension. Lew Rose seconded, and all members voted in favor.

**ADJOURNMENT**

There being no further business before the Board, Lew Rose made a motion to adjourn. Karen Smythe seconded, and all members voted in favor.

Respectfully Submitted,

Kathleen Flood  
Planning Board Clerk