

**TOWN OF RED HOOK PLANNING BOARD
DRAFT MEETING MINUTES
March 1, 2021**

Chairman Sam Phelan called the meeting to order at 7:30 pm. Mr. Phelan assured compliance with the NYS Open Meetings Law regarding the use of videoconferencing the meeting utilizing the Zoom internet platform. He said that due to a very large agenda, the Board will convene for a meeting Monday, March 8 at 7:30 pm.

Mr. Phelan described ways that the public could ask questions during the public hearings and made one change in the sequence of the published agenda.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Brian Kelly, Kristina Dousharm, Karen Smythe and Alternate Member Lisa Foscolo. Also present were planning consultant Michele Greig, engineering consultant Brandee Nelson, and Planning Board Clerk Kathleen Flood.

Kristina Dousharm moved to accept the draft minutes for the February 1 meeting. Brian Kelly seconded, and all members, by roll call, voted in favor.

PUBLIC HEARINGS

Schultz Cottage Special Use Permit – 16 Echo Valley Road

Continued public hearing on application to convert a workshop above a garage to a cottage on a 3.7-acre parcel in the R1.5 Zoning District.

Applicant Lindsay Schultz was present. Mr. Phelan said the hearing had been opened Feb. 1 but the applicant was not able to attend due to the weather interfering with her internet service. He said that several neighbors had been present and made comments.

Ms. Schultz described the project. She said the cottage would share the water and septic system with the existing house.

Lighting and parking were discussed. Mr. Phelan asked the applicant to revise her site plan to show the parking more accurately, to submit lighting cut sheets for fully shielded lights at the proper kelvin levels and install motion detectors or timers on them. He asked Board members to consider the possibility of additional landscaping between the Schultz and Cavanaugh properties.

Mr. Phelan asked if there were any questions or comments from Board members or the public. Karen Smythe requested clarification of the parking configuration.

Theo Cookingham, a neighbor to the west, asked if the rental would be short or long term. Ms. Schultz said she plans to rent to family. Mr. Cookingham asked Ms. Schultz to be sure her tenants know they will not be allowed access to a nearby pond, which is part of his property.

Adjacent neighbor Jen Cavanaugh requested that the outdoor light be installed with a timer or motion detector. She said that it might be difficult to install landscaping between the properties because of the existence of a Central Hudson right-of-way.

Brian Kelly moved to close the hearing. Kristina Dousharm seconded, and all members voted in favor.

The Board discussed the conditions of an approval resolution drafted by Michele Greig. It was generally agreed that the site plan should be revised to indicate safe and accessible parking shown to scale, update the lighting according to the previous discussion, and provide certification from a licensed engineer that the water supply is adequate for the two dwellings.

Mr. Phelan asked the Board for input on landscaping improvements. The Board generally agreed that the Central Hudson easement makes it difficult to screen the cottage from the Cavanaugh property, and so they would not require it.

Ms. Schultz agreed to provide a revised site plan, lighting specifications, and well information at the next meeting.

7:40 pm Greig Farm Airstrip Amended Special Permit- 221 Pitcher Lane

Public Hearing on application to install a second grass airstrip on a 92-acre parcel in the Agricultural Business District.

Mr. Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Kristina Dousharm moved to open the hearing. Brian Kelly seconded, and all members voted in favor.

Applicant Norman Greig was present. He described the project.

Mr. Phelan asked Mr. Greig if the primary reason for installing a second runway is wind direction. Mr. Greig replied yes.

Mr. Phelan said comment letters had been received from Kate Karakassis, Amy Dubin, Harvey Leidy, Catherine Grochan and Linda Keeling, which would all be entered into the public record. He invited letter writers present to summarize their comments and ask questions.

Mr. Leidy read several parts of his letter, citing concerns about safety in bad weather, community character, use by other pilots, and multiple airstrips on one property.

Mr. Greig replied that the second airstrip was necessary for safety. He said he does not fly in bad weather. He discussed why he chooses not to use other runways in the area that may be available. He said that even with the occasional landings by others, the number of take-offs and landings permitted by the town has not been exceeded. In terms of community character, development rights to the lands south of Rockefeller Lane have been sold, and north of Pitcher Lane are Greig farmlands.

Mr. Leidy acknowledged that Greig Farms is community minded, but maintained that the airstrip is not necessary, and fears unintended consequences.

Kate Karakassis said that Mr. Greig withdrew his application for a variance for relief from the 300-foot setback from the roadways on Feb. 2, 2012, and that he has permission from the town for a 2,000 foot long runway. Mr. Greig denied this. Mr. Phelan said it could be easily verified.

Ms. Karakassis also said that Mr. Greig's permit allows for one flight per week, and to translate that into 52 flights per year is not correct. She stated that between mid-June 2020 and mid-November 2020 she observed and recorded 45 takeoffs from the existing runway. She gave other examples of higher use than Mr. Greig claims.

Ms. Karakassis continued that the proposed new runway is about 720 feet closer to her home. Moreover, she said that the zoning code does not allow a second airstrip. She said only one airstrip is allowed for a Special Use Permit, and a parcel of land is allowed only one Special Use Permit. She said Mr. Greig's application for an 'Amended Special Use Permit' is in error. She said that Mr. Greig should be going before the Zoning Board of Appeals to request a second special permit for the parcel.

Regarding the proposed new location, Ms. Karakassis objected to the second runway because she felt it is not necessary, and the detriment to the neighbors outweighs any advantage to Mr. Greig. She said there is no evidence that the existing runway is unsafe. She quoted from past Planning Board and Zoning Board of Appeals meeting minutes to support her position. She said Mr. Greig invites unknown pilots to land on the runway on his website and Facebook page.

Mr. Greig disputed the information Ms. Karakassis' gave the Board regarding his private airplane, and other points she raised about student pilots and others using the runway.

Mr. Phelan observed that use by others seems to be an issue.

Amy Dubin said the Agricultural Business District (ABD) was created to preserve agricultural parcels for agricultural use and to preserve the agricultural character that is unique to Red Hook. She said the primary parcel that was considered when the ABD was developed is the parcel that contains the airstrip, because it has the highest quality agricultural soil in the town, and the runway prohibits it from being farmed. She agreed with Ms. Karakassis that a second special permit is not allowed on any parcel.

Matthew Nucci, 222 Pitcher Lane said his concern is safety. He also questioned why a second runway is necessary. He agreed with other neighbors who felt the future agricultural use of the lands seemed uncertain.

Theo Cookingham said that in the summer of 2020 he observed a noticeable increase in plane traffic. He described some personal experiences and said he, too, is concerned for safety.

Mr. Phelan asked Mr. Greig if there has been an increase in plane traffic. Mr. Greig acknowledged there was but said that he anticipates less traffic in the future.

Linda Keeling said that application materials posted on the website had been changed. She said she did not see the need for a second airstrip.

Brian Kelly asked for clarification of the direction of the runway relative to Mr. Greig's argument that the second runway is necessary. Mr. Greig described the typical prevailing wind patterns in the region, and said he planned location of the new runway to get maximum length and minimum impact to the neighbors.

Kristina Dousharm said that although she understands the neighbors' objections to a runway, it is an approved use. She said the real issue is one of enforcement and a discussion of what was originally approved and what was the intention.

The 2012 conditional approvals from the Town and the Planning board were reviewed. Mr. Phelan noted that the conditions specifically state that only small planes that are owned or controlled by the Greig Family Farm are allowed to use the runway.

Karen Smythe asked how Mr. Greig attempts to control unauthorized landings. Mr. Greig said it is difficult to intercept unauthorized landings. Ms. Smythe suggested contacting the flight school in Kingston and the FAA to enlist their assistance to curb unauthorized use of the airstrip.

Mr. Phelan summarized the concerns raised during the hearing: the need for and whether two runways are allowed under the same special use permit; concerns about community character regarding air traffic; compliance with the original approval; and what benefits the runway provides to promote the continued viability of agricultural areas.

Mr. Phelan said he would consult with the Town's Zoning Enforcement Officer (ZEO) to get an interpretation of the zoning ordinance questions and encouraged Board members to do their own investigations and talk to people in the community about the project.

Brian Kelly moved to continue the public hearing at the April 5 meeting. Karen Smythe seconded, and all members voted in favor.

ABCider, LLC Tasting Room Site Plan – 229 Pitcher Lane

Public Hearing on application to establish a hard cider tasting room in the Agricultural Business District.

Applicant Martin Bernstein was present. Mr. Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Karen Smythe moved to open the hearing. Kristina Dousharm seconded, and the motion passed unanimously.

Mr. Bernstein gave an overview of the project. He said that although the project shows indoor seating for a maximum of 24 people, indoor seating will not be offered until the pandemic is under control. Outdoor seating will be available upon opening. He said snacks produced by local vendors will be offered for sale. No food will be made on site.

Mr. Phelan asked how much parking the tasting room would require. Mr. Bernstein said he did not know how to calculate that; he felt it was up to the property owner to manage. He added that he may have been misunderstood at the last Planning Board Meeting when he should have said 200 customers

rather than 200 cars. He gave examples of the business volume at his Woodstock tasting room. He said that the tasting room in Woodstock is approximately 600 square feet and they have three parking spaces. The proposed tasting room at Greig Farm Market is 1,600 square feet.

Mr. Phelan said several letters regarding the project had received.

Pieter Eisenhorn of Pitcher Lane said that the establishment proposed sounds like a bar, and he was concerned about the safety of the neighborhood, citing increased traffic and inebriated drivers.

Linda Keeling of Pitcher Lane said her main concern was the inaccessibility for the disabled at the Farm Market. She said there is no ADA parking or access to the second floor for those with disabilities.

Kate Karakassis said that Pitcher Lane is becoming commercialized. She said she opposed the tasting room because it does not conform to the zoning ordinance. She compared the project to a bar or retail liquor store, which are not allowed in the AB District. She said the 1,600 square foot space can accommodate nearly double the seating proposed. She also cited concerns about traffic, and people drinking and driving. She listed six additional businesses at the site and said that parking seems to be a problem because sometimes the lots are full and people park on Pitcher Lane.

Mr. Bernstein said apples from Greig Farm will be used for the cider sold, indicating that the tasting room would fit into the ABD zoning ordinance. Ms. Karakassis said the cider would have to be processed on the site to be allowed. Mr. Phelan said he would confer with the ZEO to get a clear interpretation.

Norman Greig said he plans to make some improvements to the parking lot this spring.

Mr. Bernstein said he would consider adding a cider production component to his project, but he was concerned about serious opposition to his proposed establishment.

Amy Dubin said she was opposed to the project because of the commercialization of Pitcher Lane. She said that according to the zoning code, any commercial property that has 5 retail uses is categorized as a shopping center. She said she felt the site plan submitted was inadequate. She also classified the establishment as a bar, and cited traffic and drinking drivers.

Mr. Bernstein said he understood the concerns about alcohol use, but he rejected the classification of a bar. He talked about the difference between cider and hard liquor and described the typical clientele who enjoy a visit to a tasting room. He described his business as supportive to the community and New York State agriculture.

Mr. Phelan asked if Abandoned Hard Cider is currently sold at Greig Farm Market. Mr. Bernstein said it is, and, although the cider is sold in eight states and many large cities such as New York, LA, and Washington DC, Greig Farms is one of the top two accounts.

Mr. Greig said that he disagreed with comments that the Greig Farmer Market is a shopping mall. He said it is an adaptive re-use of an agricultural building. He said all the sellers described as 'retail businesses' are all part of one business, which is the Farmers Market.

Matthew Nucci spoke in favor of the tasting room and asked if it would be possible to lower the speed limit on Pitcher Lane.

Mr. Phelan asked for comments from Board members. Brian Kelly said the question of whether on-site production is required needs to be settled, and he felt the Board should address the parking and handicapped access at the site.

Kristina Dousharm agreed with Mr. Kelly's comments and said that the use needs to be verified before proceeding.

Karen Smythe commented that the Board should review the parking requirements at the site.

Mr. Phelan said he would reach out to the ZEO for an interpretation of the zoning code, but he felt that on-site production may be a requirement. He told Mr. Bernstein that he would let him know what the ZEO's interpretation is. He asked Norman Greig for an inventory of the parking and uses currently operating at the site.

Kristina Dousharm moved to suspend the public hearing until the April 5 meeting. Karen Smythe seconded, and all members voted in favor.

Panorama Schoolhouse Special Use Permit – 14 Linden Farm Lane

Public Hearing on application to establish a child daycare center in the RD3 Zoning District.

Applicants Josh Bardfield and Jennifer Manon were present. Mr. Phelan read the public hearing notice that was published in the Poughkeepsie Journal. Brian Kelly moved to open the hearing. Karen Smythe seconded, and all members voted in favor.

Jennifer Manon gave an overview of the project. Mr. Phelan said letters of support had been received from Amy Linker, Allison Pulver, Brittney Longobardi, Kris Peterson, Margarete Cook, and Peggy Lubman. Written comments were also received from Linda Keeling. Mr. Phelan asked if there were any comments or questions from the public. Residents Larkin Mitchell, Brenda Elsey, Enrique Piraces, Kristen Kramer, Sara Imboden and Sam Rose spoke in favor of the project.

Linda Keeling said she did not believe the building was suitable for children. She brought up concerns about handicapped access. Ms. Manon and Mr. Bardfield described upgrades to the building, and they would ensure that the grounds and structure would meet the requirements of the County Office of Family and Child Services and Board of Health. Mr. Bardfield said that although there are no handicapped ramps on the site plan, such things would be addressed in the licensing process with the Office of Family and Child Services.

Planning engineering consultant Brandee Nelson commented on the water and septic systems, which will be reviewed and approved by the County Health Department. Mr. Phelan asked Board members if there were any comments or concerns. There were none. Brian Kelly moved to close the public hearing. Kristina Dousharm seconded, and all members voted in favor.

Mr. Phelan said that comments had not yet been received from the County Planning Department, and their response is required before a final decision is made.

Ms. Dousharm noted that in Michele Greig's memo dated 2/25/21 she had noted that lighting requirements and walkway and parking surfaces should be labeled on the site plan

Karen Smythe asked where the light poles were. Mr. Bardfield indicated where they were on the site plan. Ms. Smythe asked if there would be lighting in the employee parking lot. Mr. Bardfield said none was planned. Ms. Dousharm suggested moving one of the light poles to illuminate the employee parking area and said overall she felt low level lighting is preferable.

Brian Kelly said that ADA compliance was an important issue, but he was confident it would be addressed through the school's licensing process.

The applicants will return before the Board April 5.

OLD BUSINESS

Nieuwenhuizen Amended Minor Subdivision – 5 Moxie Lane

Continued discussion of application to amend the Lexanne Acres Minor Subdivision, approved in 2009, to relocate the driveway entrance for lot #4 in the Agricultural Business Zoning District.

The applicant was not present.

NEW BUSINESS

Mimeles/Dietz Pool House Certificate of Appropriateness – 203 Barrytown Road

Presentation of application to construct a pool house and cabana in the hamlet of Barrytown.

Applicant's representative Rick Angier was present. He gave a summary of the project. Mr. Phelan said comments had been received just before the meeting from the Design Review Committee, and that they would be forwarded to Mr. Angier and the applicant. He said the Committee asked for additional information.

Mighty Donuts Site Plan – 7269 South Broadway

Presentation of application to establish a donut and coffee shop in the Traditional Neighborhood Commercial Center Zoning District.

Kristina Dousharm recused herself. Planning Board alternate Lisa Foscolo was present to maintain a quorum.

Applicants' representative Ayaka Hale and applicants Dennis Kanuk and Rhianna Jones were present. Ms. Hale gave an overview of the site plan. Mr. Kanuk gave an overview of the business plan.

Mr. Phelan asked if Board members had any questions. Lisa Foscolo commented on the parking lot to the rear of what is currently the former Bottini building, questioned how people who might park there would navigate to the donut shop safely.

Karen Smythe asked how many parking spaces the donut shop would require. Ms. Hale said there is enough parking for the existing Bottini building to be a restaurant. Ms. Smythe said that donut shop customers would probably not need to park on the far end behind the Bottini building. Ms. Hale agreed.

Mr. Phelan asked how many people could be seated inside. Mr. Kanuk indicated on the proposed floor plan changes that would allow for 14 indoor seats.

Michele Greig reviewed her comments dated 2/26/21. She recommended that the Board circulate for SEQR Lead Agency and offered to assist Ms. Hale in requesting a review of potential impacts to archeological resources from the NYS office of Parks, Recreation and Historic Preservation. Ms. Greig said the sketch plan should be revised to include additional information showing the relationship of the project site to surrounding properties, including streets, trails, and open space networks as well as soil types and topography features.

Ms. Greig then discussed non-conforming aspects of the site plan that would require variances. Specifically, one story buildings are not allowed in the TND-CC district, and the building façade is required to be built along a minimum of 70% of the length of the principal frontage line. The project is now at about 40%. She clarified that the proposed street screen cannot be substituted for façade.

Ms. Greig described the vision and intent of the TND-CC district as resembling more intensive development found in the center of the village, with 2 and 3 story buildings featuring commercial uses on the ground floor and residential uses above.

Ms. Greig said the existing free-standing sign that the applicants propose to use has lost its non-conforming status and therefore cannot be used.

Ms. Greig recommended that the Planning Board engineer review the proposed refuse enclosure, traffic circulation, water and wastewater and utility plan, among other things, and that lighting and landscaping plans should be submitted.

Mr. Kanuk asked if he could apply for a variance for the free-standing sign. Mr. Phelan said that although he can understand why they want to use the sign, free-standing signs are not allowed in the district.

Ms. Greig said that the Board cannot grant sketch plan approval or hold a public hearing due to the need for variances.

The project was placed on the Planning Board's March 8 agenda.

O Zone Site Plan – 221 Pitcher Lane

Presentation of application to establish a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was present. Ms. LeGare acknowledged that her business has been active for a year. She described the O Zone as a sustainability center, with environmental and agricultural education, art displays, and a bulk refill and all-natural products marketplace inside and gardens and educational classes and workshops offered outside.

Mr. Phelan said that the most challenging aspect for the Planning Board is to define what the use is, and how it relates to agriculture. Norman Grieg commented that Greig Farms used the building for a summer camp for 18 years and cited agricultural education as an appropriate use. Planning Board consultant Ted Find commented that if none of the O Zone activities requires a special permit, minor site plan review, which covers parking, lighting and safety is all that is required. He asked about the community composting. Ms. LeGare said she provides a drop-off and pick-up composting service in partnership with the Ulster County Resources Recovery Agency, which processes the compost.

Mr. Phelan asked Ms. LeGare to address these items on a revised site plan for the Planning Board’s April 5 meeting.

ADJOURNMENT

There being no further business before the Board, Brian Kelly made a motion to adjourn. Kristina Dousharm seconded all members voted in favor.

Respectfully submitted,

Kathleen Flood
Planning Board Clerk