

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
April 5, 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.

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

Mr. Phelan said that two changes were made to the agenda: The Panorama Schoolhouse was moved to the top of the agenda, and the pre-application discussion with Joe Di Maio was cancelled.

Lew Rose moved to approve the minutes of the March 1 and 8 meetings. Kristina Dousharm seconded, and all members voted in favor.

Panorama Schoolhouse Site Plan and Special Use Permit – 14 Linden Farm Lane

Continued discussion of application to establish a child daycare center in the RD3 Zoning District.

Applicants Jennifer Manon and Josh Bardfield were present.

Mr. Phelan said that Dutchess County has reviewed the project and had no comments.

Michele Greig said that a handicapped ramp must be included on the site plan and asked the applicants to discuss where it would be located. Mr. Bardfield said they were considering installing a hydraulic lift instead of a ramp, probably in the rear of the building which would be closer to the handicapped parking.

The Board reviewed a draft approval resolution for Special Permit. Kristina Dousharm moved to adopt it. Karen Smythe seconded, and all members voted in favor.

The Board reviewed a draft approval resolution for Site Plan. Lew Rose moved to adopt it. Kristina Dousharm seconded, and all members voted in favor.

PUBLIC HEARINGS

Greig Farm Airstrip Amended Special Permit- 221 Pitcher Lane

Continued public hearing on application to install a second grass airstrip on a 92-acre parcel in the Agricultural Business District.

Applicant Norman Greig was present.

The Board reviewed a determination dated March 19 from Bob Fennell, the town Zoning Enforcement Officer (ZEO), in which he cited section 143-39.1C of the zoning law that states, in part, "There shall be no more than one principal building or use and its customary accessory uses on any one lot. An exception shall be made when the principal use of the lot is agriculture, in which case all of the permitted uses and their accessory uses listed below shall be allowed, in addition to one special permitted use when the uses are clearly incidental and secondary to the principal use of the premises for agricultural purposes and the uses do not alter the suitability for the principal use of agriculture." Mr. Fennell said he interprets that to mean one Special Permit is allowed per lot if it meets that stated criteria.

Mr. Phelan said he had reviewed the intent and purpose of the Agricultural Business District., which are to conserve important farmland to facilitate active and economically viable agricultural use of the lands and to protect against fragmentation of the town's existing farmlands by non-agricultural development. He said that the issue here is whether 2 airstrips would be allowed under one permit. Mr. Greig said it was all for one purpose, and that the grass airstrips would not damage the agricultural infrastructure.

Mr. Phelan said that Mr. Greig has stated often that the existing runway is safe, and if so, he could not understand why another one was necessary. Mr. Greig reiterated his position that a second airstrip enhances safety.

Lew Rose said that an adjacent landowner, Matthew Nucci, had written to the Board that he was concerned planes would be flying over his house. Mr. Greig said that he would not fly over the Nucci house. Mr. Nucci, who was present, asked about the possibility of other planes who might use the airstrip flying over his house. This turned the discussion to the ongoing issue of third-party landings. Mr. Greig estimated that there were 10 third party landings per year, and the reason they happen is because the town originally required him to get FAA approval, and because of that, the FAA put his airstrip on their maps, which can be seen by other pilots. Mr. Nucci asked who is responsible for the safety of the neighbors. Mr. Phelan said the zoning code provides protections and safety considerations. Mr. Nucci asked who enforces the code. Mr. Phelan replied the ZEO. Mr. Nucci remarked that it sounds problematic. Mr. Phelan agreed.

Amy Dubin, another neighbor, said she does not understand why the neighbors should be subjected to the dangers associated with the airstrips being potentially used by student pilots so that Mr. Grieg could pursue what she considers a hobby.

Neighbor Kate Karakassis said that a second airstrip would require a second Special Use Permit, which is not allowed. She said the proposed second airstrip is 700 feet from her home. Mr. Phelan noted that the zoning ordinance allows airstrips within 200 feet of homes. Ms. Karakassis said she feels that Planning Board should deny the application.

Other comments received for the public hearing voiced similar concerns about safety, nuisance, and whether a second runway is necessary.

Mr. Rose asked what is grown on the subject field, and who grows it. Mr. Greig said he and Ken Migliorelli farm the site. Mr. Migliorelli, who was present, said he will plant greens on both sides of the

airstrip. Mr. Greig said he planted peas and a garden. (Audio problems at this point made it difficult to understand what Mr. Greig was saying.)

Kristina Dousharm shared an aerial image and asked how a second runway would affect the viability of the farming on the parcel. Mr. Greig maintained that the airstrips do not impede farming of the land. Ms. Dousharm observed that the original airstrip was sighted along one side of the property, whereas the proposed second one runs through the middle of the field. She said that although she is sympathetic to the neighbors' concerns, the use is allowed and was approved in 2012, and she felt that there will be no increase in air traffic. She said her chief concern was a negative impact of the agricultural land.

Mr. Phelan asked Mr. Migliorelli if he felt the airstrip negatively impacts his farming at the site. Mr. Migliorelli declined to comment, saying only that Mr. Greig knows how he feels about the airstrip. Mr. Phelan asked if the runway affects the value of the field or makes it more difficult to farm. Mr. Migliorelli replied that it affects the farming practice of the field.

Mr. Phelan asked Mr. Greig to make a notation on the site plan that the existing runway is 2000 feet long and indicate each end.

The Board reviewed the Planning Board's 2012 Approval Resolution for the first airstrip. Mr. Rose said he questions the applicant's compliance with the 2012 approval, because it was based on agricultural-related use only.

Mr. Phelan said he felt the main issues are whether two runways can operate on the same permit, and the effect on the use of the field. He noted that the ZEO implied in his statement of determination that only one airstrip can be allowed.

Mr. Phelan asked if there were any further comments from the public. Linda Keeling spoke against the project. There were no further comments.

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

Mr. Phelan said he is of the opinion that the existing Permit is for one airstrip.

Planning consultant Ted Fink said that the next step for the Board is to complete SEQR, And zoning regulations are part of the general conditions that apply to the use. He said Mr. Fennell's zoning determination implies that only one runway is permissible under the zoning, in which case, he would have to investigate how this affects SEQR.

The Board agreed to wait until May 3 to complete SEQR and make a decision.

ABCider, LLC Tasting Room Site Plan – 229 Pitcher Lane

Continued public hearing on application to establish a hard cider tasting room in the Agricultural Business District.

Applicant Martin Bernstein was present.

A determination submitted by ZEO Bob Fennell noted that a cider mill is an allowed use as long as some of the apples from Greig Farms are made into cider on the site.

Mr. Bernstein affirmed that a portion of the apples will be pressed on site on the days when the tasting room is not open to the public. He said they would consider doing demonstrations for Market visitors. He discussed how his business benefits local apple growers including the Greig Farm.

Mr. Bernstein said that improvements have been made recently to the parking area. Norman Greig said that since the parking area is gravel and will not be paved, efforts have been made to clearly indicate handicapped parking, and space for 60 cars in the overflow parking area will be delineated using hedging. He described the various current uses in the building.

Mr. Phelan acknowledged letters from the public that had been received from Joel Gordin, who wrote in support of the project, and Amy Dubin, Kate Karakassis and Linda Keeling, who oppose the project. Ms. Karakassis asked if future operators of the cidery would be limited to selling only cider and commented that a 25-foot setback for parking has not been met.

Amy Dubin agreed with Ms. Karakassis. She said the state allows cideries to sell various liquors. She said the project seems like a bar or could become one.

Linda Keeling agreed with Ms. Karakassis and Ms. Dubin. She cited concerns about the surfaces under the handicapped parking lot, and general handicapped accessibility of the building, and criticized the parking plan submitted as inadequate and not safe.

Ken Migliorelli commented that the Brewery established recently on his property on Gusky Road opened with no issues and is family oriented. Matthew Nucci, who lives across the street, agreed with Mr. Migliorelli, and commented that he was not opposed to the project.

There being no further comments from the public, Lew Rose moved to close the hearing. Kristina Dousharm seconded, and all members voted in favor.

Mr. Bernstein said he had no interest in serving wine or liquor, he would like to serve beer in addition to cider. At Mr. Phelan's request, Mr. Fink explained that just as with the cider, the beer would have to be processed with crops from Greig Farm. He cited sections of NYS Agriculture and Markets. Mr. Bernstein said his business is not subject to NYS Agriculture and Markets. Mr. Fink replied that the Planning Board is required to comply with NYS Agriculture and Markets law.

Mr. Rose and Mr. Phelan said they did not recall hearing about beer being offered. Mr. Bernstein said he thought it was included in his proposal. Mr. Fink said he reviewed the application, and there was no mention of beer. Mr. Bernstein said he would not sell beer if it would complicate the approval process.

Discussion followed on how to verify the use of Greig Farm apples, and how to impose conditions on the use.

The applicants will return before the Board April 19 with additional clarification on the parking plan and to allow time to research the sale of beer.

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.

Robert Nieuwenhuizen was present. The Board reviewed a draft approval resolution. Kristina Dousharm moved to adopt it. Karen Smythe seconded, and the motion passed unanimously.

O Zone Site Plan – 221 Pitcher Lane

Continued discussion of application to operate a zero-waste sustainability services center in the Agricultural Business District.

Applicant Amelia LeGare was present.

The Board reviewed a ZEO determination that the use is allowed as an accessory use. Parking and signage proposals submitted by the applicant were viewed, and hours of operation discussed. Ms. LeGare agreed to comply with the zoning code requirement that signs are all 15 feet from adjacent property lines.

Mr. Fink prepared a SEQR Type II Resolution. Lew Rose moved to adopt it. Kristina Dousharm seconded, and the motion passed unanimously. A public hearing was scheduled for April 19.

Mighty Donuts Site Plan – 7269 South Broadway

Continued discussion of 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 representative Ayaka Hale were present. Kristina Dousharm recused herself.

Ms. Hale gave an overview of the site plan updates. The most significant changes were in the parking area. Lighted bollards were added to the parking, and the dumpster enclosure was rotated. Linear lighting is currently installed on the diner car. Ms. Hale asked if the linear lighting installed on the diner car complies with the zoning code. Michele Greig said that since they are not fully shielded it would require a variance. Mr. Kanuk said they have applied to the Zoning Board of Appeals (ZBA) for building height, frontage requirements, and lighting. Mr. Phelan asked if the applicants want to continue to pursue Site Plan review with the Planning Board simultaneously with the ZBA application. Mr. Kanuk said they did. Mr. Phelan said no public hearing would be scheduled until the ZBA commenced their deliberation of variances.

Mr. Phelan recommended that that a sidewalk be extended to the front of the masonry building, where the applicants have envisioned as restaurant and retail space.

Brandee Nelson reviewed her memo dated 4-5-21. She commented that the development scenario provided by the applicants to support their request for waivers does not show a required 100% expansion of the septic. She said there are several different uses that could occur on the site that would have similar development potential and could be more in line with the development that is envisioned for the TND and have a lower water usage. She also encouraged the applicants to do additional soil testing at the site to determine the soil capacity in case the need for septic upgrades arises.

Regarding lighting, she advised the Board to consider requiring lighting in the parking lot.

Michele Greig advised the Board to send the project to the Dutchess County Department of Planning and Development for required review.

Discussion will continue at the next Board meeting.

NEW BUSINESS

Sabroso Mexican Restaurant Site Plan – 7909 Albany Post Road

Presentation of application to construct a 30x60 pavilion for outside dining at an existing restaurant in the R1.5 zoning district.

Applicant's representative Floyd Johnson and applicant Juan Contreras were present. Mr. Johnson gave an overview of the project.

Michele Greig said the existing restaurant is a non-conforming use and so cannot expand more than 50%. Ms. Greig said a 442-square foot addition had been constructed in 1986 and advised the applicant to meet with the Town Building Department to discuss how much expansion would be allowed. A letter from the Health Department verifying that the existing septic system is adequate for the expansion would also be required.

Karen Smythe moved to adopt a SEQR Type II Resolution. Kristina Dousharm seconded, and all members voted in favor.

OTHER BUSINESS

Preserve at Lakeskill – extension request

Applicant's representative John Wagner was present. He said that the only conditions of approval that have not been met are in the Town Board's control. He said a road building permit has been obtained from the Town Highway Superintendent.

Mr. Phelan said the applicant needs to resolve any remaining issues with the Town. Lew Rose moved to grant a 90-day extension. Kristina Dousharm seconded, and all members voted in favor. Mr. Phelan said he would ask the Planning Board Attorney to prepare guidelines for granting extensions

ADJOURNMENT

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

Respectfully submitted,

Kathleen Flood
Planning Board Clerk