

Present: Syed Yasin & Joe Boccia, owners/operators
Christine Chale, of Rodenhausen Chale, LLP (Attorney for the Village of Red Hook Planning Board).

Co-Chair Pearson advised applicants present that this Board was not notified of Local Law #4 approved and passed by the Village Board on October 15, 2018 relating to Motor Vehicle Service Stations.

Co-Chair Pearson advised the applicants that a “Motor vehicle service stations may continue to operate as non-conforming uses but cannot be enlarged nor intensified”.

Mr. Boccia advised that nothing is being built and everything is existing, and they are just expanding their store to another building. Co-Chair Pearson said he felt this would be an intensification of use.

Attorney Chale advised that Victoria Polidoro, Esq., reviewed the application and felt that the Board would not have the authority to approve the application as submitted.

Mr. Boccia asked if anything could ever be added. The Board indicated they felt no, but advised the applicants to speak with the Village of Red Hook Zoning Enforcement Officer to discuss other options. Zoning Office hours were provided.

Member Zacharzuk asked Attorney Chale if what the Board was recommending to the applicants was liable or will they be denied. Christine Chale advised that the applicants could discuss any idea with the Building Department/Zoning Officer, but this Board cannot entertain anything but a specific application and this application cannot be entertained. Attorney Chale went over the Local Law #4 and specifically the definition of a “non-conforming use”.

Mr. Boccia said after reading Local Law #4, he understands they could never expand the business to that other building on the lot. Attorney Chale asked what the use of the building is now? Mr. Boccia advised that it is storage for their repair shop. Mr. Boccia asked, what if they don't use the space to expand the current business, can it be used for any other purpose besides what it is being used for now (storage). Attorney Chale said the use of the building has to be looked at as a “whole” and if what you are not doing, or whatever you are doing constitutes an expansion.

Mr. Boccia said what if it is used as another retail store. Attorney Chale said it is not being used as retail now, so the intensity of use is the issue. Attorney Chale advised that their application was specifically to sell something which would not be allowed.

Member Hanson advised applicants that they could attend the Village Board Meeting held on Mondays, because that is the Board that passed the new Law.

Secretary Hart advised applicants Don Cocker, Code Enforcement Officer, would be in next Wednesday after 11:00am.

Agenda Item #2 will be tabled to the February 14, 2019 Planning Board Meeting.

Member Towle advised that the next meeting will be held on February 14, 2019 at 7:00pm.

Co-Chair Pearson made a motion to close the January 10, 2019 meeting at 7:10pm. Motion seconded by Member Towle. All in favor.

Submitted by,

LARA HART, Secretary
Village of Red Hook Planning Board