

Approved February 6, 2014

Village of Kinderhook

Planning Board

Minutes of January 16, 2014

Present B. Charbonneau; M. Browne; Chair; M. Cabral, Vice Chair; S. Patterson; D. Flaherty ; G. Smith, CEO/ZEO; R. Phillips, Liaison; R. Fitzsimmons, Village Attorney

Also Paul Calcagno; Conny Chase; Robert Altman; Brian Murphy, Trustee; Renee Shur; Diane Welton; Clark Whelton; Gary Spielmann; Barry Herbold; Jim Dunham; Nina Sanacore; Pat Farrell; Bonnie Shannon; Dana Spot; Warren Applegate; Bill Van Alstyne; Eli Heralado; Michael Busch; Barbara Reina, Register Star

Public Hearing 7:15 PM PCJ Development/The Flammerie 43.20-2-31
5 Hudson Street Special Use Permit

M. Browne, Chair opens public hearing and read official notice. C. Chase, owner of Flammerie, talks about application. She is from Germany and husband and business partner Andrew has a CIA Education. They own a food truck business and are looking for somewhere to have a restaurant. They love the feel of the Kinderhook Village and are very excited about their farm to table American French-German style cuisine. They submitted a full plan of menu, hours, seating, etc. for review. M. Browne advises that we will take public comments at this time.

Barry Herbold, 30 Broad Street, owns the building and business on 16 Hudson Street which housed the Pi restaurant for 5 years and he completely supports the new business coming in as the restaurant was never a problem and is a much needed asset to the village.

Eli Herlado, works at library and can speak for the library that they are in favor of the new restaurant coming in and incorporating them with there events like Octoberfest and Big Truck Day in Stuyvesant.

Paul Calcagno, owner of building, thanking Renee Shur for finding the perfect match for this building, they have a 10 year lease and are living upstairs.

Robert Altman, 13 Hudson Street, is in support of the business as long as the noise ordinance is in order in regard to music, food deliveries, garbage removal, etc.

Warren Applegate, 26 Hudson Street, is in support of business, we need more business development in the village for economic growth and it will help our taxes.

Jim Dunham, 13 Eichybush Road, is in support of business and happy that it is compliance with the Comprehensive Plan that he was a member of the Board for the update in 2008.

Clark Welton, 15 Hudson Street, asked about the wood fired oven and if it will cause a lot of air pollution and smoke. G. Smith, CEO answers that it is a UL listed oven that will exhaust less than a fire place and is in compliance with New York State laws.

Bonnie Shannon, 71 Broad Street, completely supports more business in the village without further delay.

William Van Alstyne, in support and agrees with Jim Dunham that this is what the comprehensive plan is all about and that a survey was sent out to residents and the most important thing that came back was economic development in the B1 district and this is a good start.

Diane Whelton, 15 Hudson Street, asked if outdoor music will be allowed and what the hours of operation were. Connie Chase answers that there will be no music outside, all in doors and the hours are open no later than midnight on the weekends and 10-11 during the week, closed Monday and Tuesday.

Mike Bermingham, 47 Hudson Street, in favor and excited for the sewer to go in.

Gary Spielman, Library Board member, is in favor and excited for the library to not be the only business open after 5 in the village and the benefits of combining the two together.

Steve Gilger, 9 Hudson Street, is in support of the business coming in but owns the apartment complex next door and wants to make sure tenants are not woken up at 4 am by a garbage truck or that bands get out of hand or drunken patrons end up on his steps and that the smoke from cooking is not offensive. Connie Chase comments that they are only serving beer and wine and will not be open later than midnight. G. Smith, CEO comments that they are occupying the upstairs as their residence so that they will not want all the noise, etc. either, they are within the New York state building code with ventilation of smoke, 2 hour fire separation between restaurant and living quarters and the Flammerie is becoming GREEN certified. P. Calcagno states that the wood that is used in the fire place has to be pre dried for the type of cooking so almost no smoke is emitted. He is setting up garbage pickup to be the same as the post office so should not be an issue of too early or late. Mark explains the rest of the procedure and no more

public comments were made. Public Hearing is closed at 7:48PM. Residents exit.

Call to Order 7:53 PM

Minutes D. Flaherty made a motion to approve December 5, 2013 Minutes; S. Patterson seconded; all in favor.

Funds Remaining \$806.61

Correspondence NONE

New Business NONE

Old Business PCJ Development/The Flammerie 43.20-2-31
5 Hudson Street Special Use Permit

G. Smith speaks about application. He has issued a building permit to start demolition to make sure there are no structural issues in the building. Construction was stopped to make sure that there will be a 2 hour separation wall between upstairs and downstairs. Bill Wallace is the architect. HPC is looking at approving the signage. The board discusses all aspects of the application and concerns of the public regarding Garbage pickup and placement, Noise, Hours of operation, etc. R. Fitzsimmons, Village Attorney reads and reviews SEQR and board determines it is a negative declaration. B. Charbonneau motions to approve SEQR as a negative declaration; D. Flaherty seconds; all in favor.

B. Charbonneau motions to approve application with the following adjustments:

1. The applicant will obtain all necessary Department of Health approvals for the intended food services;
2. The hours of operation shall be as represented in the application with the addition of Monday and Tuesdays being equivalent to hours of Wednesday and Thursday and any significant expansion of use of the business will require additional review and approval;
3. Any night deliveries including garbage pick up shall be made in a manner to avoid noise and disturbance.
4. Relocation of the dumpster door to face away for the neighbors to the East.

M. Cabral seconds to approve application; all in favor.

M. Browne wants to thank Renee Shur from the board for all her efforts in bringing new businesses to the Village.

Next Meeting February 6, 2014

Adjournment 8:20 PM B. Charbonneau moved to adjourn; S. Patterson seconded; all in favor.

Kristina Berger

Secretary to Planning Board