

APPROVED August 24, 2015

# **Village of Kinderhook Zoning Board of Appeals**

## **Minutes of July 27, 2015**

- Present K. Gray; M. Van Allen; D. Sullivan, Chair; G. Seaman;  
R. Fitzsimmons, Village Attorney; G. Smith;  
CEO/ZEO; C. Weaver, Liaison
- Also Aaron Gaylord; Mara Simons-Jones; Tony Jones;  
Matthew Wood; Jack Alvarez; Marilyn Hoffman; Marie  
Rother; Kathy Kearney; Renee Shur; Brian & Grace Von  
Moritz; Jim DiGoia; Dianne Mitchell; George Mayer;  
Susan Gladstone
- Public Hearing 7:15PM D. Sullivan opens the meeting. A. Gaylord,  
Contractor, introduces proposed owners of the catering  
business going into 86 Broad Street, Mara & Tony Jones  
and Jack Alvarez who is the architect on the project. He  
speaks about the business to the public explaining it will be  
a catering business with a commercial kitchen, plan on  
having 4-5 employees 5-6 days a week mostly from 10-5  
with the exception of some Saturday nights for events but  
no later than 9-10 pm. They do not serve alcohol, only  
delver the food. They currently have a space in Chatham  
that they have outgrown and need a bigger space. They  
have 2 cargo vans and a small minivan that is used in the  
operation that come and goes during the day and will have  
2-3 times a week local farms and small box trucks delivery  
food.  
Grace Von Moritz asks about where the employees, food,  
etc. will be exiting and entering the building as there are  
sliding glass door next to her back yard and she is  
concerned about noise and traffic. They will be using the  
back entrance but they are busiest during wedding season  
leaving and coming once a day and no loud trucks or  
anything just a few employees and vans. Grace expresses  
her concern on the exhaust fan running and affecting her  
property where her children play. Arron and Mara both  
agree that they will place it away from that area and keep it  
in mind when Jack finalizes designs. Grace asks if they can  
expand this business at anytime? G. Smith states that she

could not change her business or the exterior of the building without coming back for another permit, which would most likely mean going in front of the board and another public hearing.

Jim DiGoia asks how long she has been in business and Mara states since 2010. He then expressed his concern also on the noise level of the exhaust fan and early morning garbage pick-up and suggests also maybe the pick up more than once a week to avoid animals and smells. Supports this business and feels it is a great addition.

George Mayer point out that the bushes in the back of the parking lot that were required for screening when the hair salon was there have not been placed and would like to see that happen. Also, the dumpster is emptied at 4 am and would like to see that happen later in the day as well.

Marie Roth expresses her concern with the noise of the exhaust fan. G. Smith assures the public that it will be no louder than the traffic passing by but Aaron, contractor, will do everything he can to redirect noise upwards instead of towards the properties as well as keeping it low and baffled. She also asks about waste water and an Ansel system. Aaron, contractor states they will have their own septic system with the proper traps and Ansel system required by the NYS Department of Health.

Matt Wood shows his support for this business and is happy to welcome them.

Renee Shur expresses her support for this business, pleased to have them, they have been great neighbors in Chatham and will continue to do the same in Kinderhook!

Call to Order	7:48 PM
Minutes	K. Gray made a motion to approve June 22, 2015 minutes; G. Seaman seconded; all in favor.
Funds Remaining	\$1,373.48
Correspondence	NONE
New Business	NONE
Old Business	Simons Catering 86 Broad Street 53.7-1-57 Change of Non-Conforming Use

The board discusses concerns of the public and goes through the code book 130-42 A 1-11 with R. Fitzsimmons,

Village Attorney and discusses catering use versus hair salon which was the prior use of the building. 1. Hours will be from 10-5 Monday through Sunday with the exception of Saturday no later than 10 which is about the same. 2. Traffic – less than a hair salon. 3. Employees – less than the salon. 4. Parking – less than the salon. 5. Exterior – nothing changing other than moving the walk in cooler to bring exhaust noise away from residence. 6. Lighting – staying the same, not adding or changing anything outside. 7. Waste – board and applicant agree they will have pickup scheduled between normal business hours of 10-5 and during May – Oct twice a week and Nov - April once a week. 8. Sounds – has already been addresses. 9. Ascetics – applicant will add trees to screen properties from headlights on Saturday night and maintain privacy fence on property. 10. Public Health – NYS Mandates and 11. Sewage – already discusses and NYS Mandated. R. Fitzsimmons does SEQR with board and all answers are NO. G. Seaman motions to approve as a negative declaration as there are no significant adverse environmental impacts; K. Grey seconds; all in favor. D. Sullivan looks for a motion to approve application with the following stipulations: Hours are 10-5 Monday through Sunday with an occasional opening until 10 pm mostly on Saturdays, Lighting outside will be permitted only when the business is open and will be down lit, walk in cooler with exhaust fan will be set to the back of the building away from neighbors; garbage will be scheduled during regular business hours and from May – Oct twice a week and Nov - April once a week. G. Seaman motions to approve; M. Van Allen seconds; all in favor.

Next Meeting

August 24, 2015

Adjournment

8:17 PM K. Grey moved to adjourn; M. Van Allen seconded; all in favor.

Kristina Berger

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Secretary to Planning Board