

Approved December 3, 2020

**Village of Kinderhook  
Planning Board  
6 Chatham Street  
Kinderhook, New York 12106  
Minutes of November 5, 2020**

This meeting was held remotely as part of the Village of Kinderhook's COVID-19 response plan.

Present via Zoom: Vice Chairman Bruce Charbonneau, Susan Patterson, Tina Lang, Abram Van Alstyne, Village Attorney Rob Fitzsimmons, Code Enforcement Officer Peter Bujanow, Village Board Liaison Mark Browne, Secretary Carol van Denburgh, Village Clerk Nicole Heeder, Economic Development Director Renee Shur, Applicant Darren Waterston, Yen Ngo, Jordan Valdina, Joyce Eggleston, x1498, x9726, x7590,x2388.

Absent: Chairman Kevin Monahan

Workshop: B. Charbonneau states there are some items for site plan review in this presentation but not all of items. P.Bujanow states since there was an existing restaurant there, this is a site plan revision or amendment, no change in use, just a relocation, reallocation. B.Charbonneau states the old restaurant was in a different building and it has been vacant for 15 years. Applicant D.Waterston asks if it is distinguished by one address or how is it determined that there are multiple connected buildings. B.Charbonneau asks if D.Waterston is buying all of the buildings, D.Waterston states yes. There is 2-4 address (front buildings on Hudson) and 8 Hudson which is essentially a conglomerate of all of this structure. P.Bujanow states originally there was a passageway that interconnected all of the buildings. Gift shop and passageway to fudge shop and then the restaurant all as an existing use at the time. R.Fitzsimmons is called upon regarding a "Special Use Permit." It was a restaurant and it is going to be a restaurant, call it an amendement to a siteplan to conform with the intended use. If additional requirements based off the site plan list, they can provide during the meeting or after the meeting tonight.

D.Waterston introduces his business partner, Yen Ngo. Jordan Valdina, the architect and engineer is also introduced. D.Waterston discusses his vision. Community is very important especially now with COVID. He and Yen have been discussing for several months and they met Carol Knauss, who has been very generous in allowing them to have this meeting as the property does not close for another 2 weeks. The building and site is the center and hearth of the Village which inspired the idea to create a center of community, gathering and food. There is a metal structure, steel framed building, just over 3000 sq feet. Ceiling is dropped and broken up into several smaller spaces. Want to take out all of the non-supporting structures and return it back to the vaulted space which will be the restaurant. The other space with the large bay of windows, which is a continuation of the footprint of the restaurant, will be a lounge area and for private events, and a community gathering area. Darren has been in Kinderhook for 3 years and with this property wants to create something very extraordinary and special.

Call to Order: Meeting called to order at 7:15pm by Bruce Charbonneau.

Minutes: T. Lang motions to approve the Planning Board minutes of October 1, 2020. S. Patterson seconds; all in favor.

Funds Remaining: \$1936.06

Correspondence: None

Old Business: -Review of Planning Board Application for amendments and updating. B.Charbonneau worked on PB application, was many pages. We need to come to a workshop for everyone to work on and understand.

- Proposed Zoning Law change (Local Law No. 7 of 2020) to the two agricultural uses under General Uses in the Use Regulations table. M.Browne asks R.Fitzsimmons to help with the proposed change in law. Change in agricultural uses within some areas in the Village. Concerns that there would need to be modifications to supplemental regulations (guinea hens, chickens, etc.). Discussions with Mayor Leiser, Trustees and former Mayor Dunham to look at again for evaluation and a better/total solution then back to Planning Board for approval, and then back to Local Law Public Hearing and adoption through the Village Board.

New Business: - Darren Waterston, Site Plan Amendment, SBL#43.20-2-42, 8 Hudson Street, proposed Restaurant, "The Aviary Restaurant". The area marked in green on the provided map represents the footprint of the restaurant and lounge together. To the right of that are offices, past Unique Nutrition and behind that is an easement shared between the Village and P.Calcagno, the bagel shop owner. D.Waterston hopes to have access to this easement but it is not on the boundary of this property. Next is a dentist office and the old restaurant. The parking lot holds 37 parking spaces. B.Charbonneau asks where do you get in and out? D.Waterston says considering opening up the brick wall that is the side wall to the steel framed building. 2 points of egress that would combine all of those spaces. First would be the existing entrance where one would go to the dentist office and the second would be the one created by opening of the wall into the steel framed building. B.Charbonneau asks if the building has sewer. Confirmed by J.Valdina. B.Charbonneau says likely the State will ask to put a grease trap in there based on past experience. B.Charbonneau asks where the kitchen will be located. D.Waterston states it will be built within the framework of the metal space. It is both an open and enclosed kitchen, still in the design process. M.Browne asks hours of operations, lighting, signs and how trucks will service the restaurant. Y.Ngo states evening hours 5-10, maybe Fri & Sat 10:30 or 11pm, maybe a small lunch menu if a need for the Village. For deliveries, hoping that they are able to use the back easement where P.Calcagno's bagel shop is. 10-15 minutes for the delivery process. This is the best way to go directly to restaurant rather than go from the front. Signage to honor the look of the Village, very thoughtful and natural looking, not looking to create big signage but not thought through yet. B.Charbonneau states if elevations to be changed, which you will if you put a door in, we need a piece of paper with that on it. This is in the Historic District so HPC will need to look at it also, so make it all part of the site plan here. M.Browne suggests to think about these things in advance as there are rules on signage (size of sign, lettering, no neon signs) so best to package this all together as one amendment. Y.Ngo says thinking of taking away existing wooden sign in front. Make something natural, ivy or wood, goes

with the space. B.Charbonneau propose to accept this as a preliminary site plan. Motion by A.VanAlstyne, second by S.Patterson. S.Patterson said most of these items well defined in Village Code and CEO can advise as you move forward. Want to lay out things to consider. B.Charbonneau states using existing site plan, we would like to see is planned exit and entrance, where garbage will go and how you going to store it, an elevation, PB does not have say on what building looks like but HPC does, SEQR form (NYS form where you are required to swear you are not impacting the environment anymore then it already is and PB has to agree with you). S.Patterson would like to add consideration for some landscaping. D.Waterston says that will be included as an accommodation for outdoor space will be considered. Designate and block out some green space against the building and provide dimensions. S.Patterson discusses hours of operation and how PB approves reasonable hours with 3 or 4 exceptions throughout the year for special events. B.Charbonneau states we will write that in as part of the permit and any other special things that we need. R.Fitzsimmons confirms we will need to go to a Public Hearing. B.Charbonneau says to get on agenda for next meeting for Final Site Plan, assuming all will be approved, we then need to set up and hold a Public Hearing (60 days from now). D.Waterston needs to request a demolition permit prior to the Amendment to the Site Plan getting approved for the drop ceiling demolition. B.Charbonneau states if within the four walls, Planning Board has no say. P.Bujanow would need to issue the permit. P.Bujanow states NYS Law says any demolition, interior or exterior, have an asbestos survey completed prior to any work commencement. Environmental firm to come in and evaluate the facility and prepare a report that gets submitted to Code Enforcement Officer. A demolition permit then gets issued, work gets done and Environmental firm comes back, inspects and issues a letter of certification. Then the next construction phase can begin. D.Waterston states the Environmental firm coming next week. P.Bujanow suggests D.Waterston get onto the next HPC agenda. First week of June is the proposed opening date. Timelines are very critical. Thanks everyone for thinking ahead. A.VanAlstyne asks about cuisine. D.Waterston states it will feature local purveyors, farmers and growers, eating seasonally and locally. B.Charbonneau states the letter from Carol Knauss will become part of the file.

- Pop-Up Shops. D.Waterston is open to help in using his building for this purpose. M.Browne speaks about this subject. 2016 Comprehensive Plan to investigate strategies to update zoning for Pop up Store. Short term temporary rental event from 1-6 months. Three scenarios: 1. Existing approved site plan and owner wants to temporarily set up something separately, collecting money separately in the same space. 2. Vacant space and owner wants to get pre-approval for a pop-up shop. 3. Business separate from owner who wants to get pre approval before the negotiate a contract with the owner. M.Browne to work with R.Fitzsimmons and R.Shur on this for a workable solution to present back to the Planning Board. P.Bujanow looks at fire, health and safety issues and State codes that all need to be taken into consideration. Potentially doubling occupancy with the addition of a second store. M.Browne states this works better in a vacant space. Westfield, NY is used as an example of this concept. P.Bujanow suggests using Van Buren Hall for this idea. M.Browne wants to be mindful of our local businesses. M.Browne to continue to work on and bring back to the Planning Board.

-M. Browne discusses Mills Park directional sign to direct people from the AHET into the Village. (Columbia County Historical Society, MVB site, restrooms, Bike repair shop). Sign to be drawn up and brought to PB and HPC to make sure in compliance with sign regulations. B.Charbonneau states PB does not have any control over Village

signs. M.Browne will show the design to the PB to make sure everyone comfortable with the sign.

Next Meeting: December 3, 2020

Adjournment: 8:01 PM -T.Lang motions to adjourn. Seconded by S. Patterson. All in favor.

Carol van Denburgh

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Secretary to the Planning Board