

Approved July 9, 2020

**Village of Kinderhook
Planning Board
6 Chatham Street
Kinderhook, New York, 12106
Minutes of June 4, 2020**

Present: Chairman Abram Van Alstyne, Kevin Monahan, Bruce Charbonneau, Tina Lang, Susan Patterson, Village Attorney Rob Fitzsimmons, Village Board Liaison Rich Phillips, Code Enforcement Officer Peter Bujanow, Mayor James Dunham, Heather Scarano (applicant), Michael and Michelle Shaw (applicants), Mark Browne, Jane & Myna Joseph.

Call to Order: 7:30PM

Minutes: A. Van Alstyne motions to approve the Planning Board minutes of March 5, 2020
S. Patterson seconds; all in favor.

Funds: \$2500.00

Correspondence: 2 notes from the Village Board were requested to be read by Mayor Dunham:

1. The Village Board requests that the Planning Board consider the strain that the Coronavirus pandemic has caused on existing businesses trying to reopen and new businesses trying to open in the Planning Board's procedures and decision-making. Your efforts in arranging this meeting using the difficult video and teleconferencing is an example of trying to assist existing and new businesses in this time when they are under financial strain.
2. The Albany-Hudson Electric Trail will open in the Village within a month or two and eventually connect to the completed Empire State Trail. We are optimistic that the trail will bring business to the Village. The Village Board strongly supports the businesses that will encourage bicyclists to bring their business into the Village including Broad Street Bagel, Unique Nutrition, Saisonier, Dyad, Focaccia, The Flammerie and the new bakery proposed at 3 Albany Avenue. The proposal for 1-3 Broad Street, dropped today from the agenda, with the ice cream store and outside dining, would be a very good example of a development that would bring bicycles and their business into the Village.

Old Business: Applications withdrawn June 4, 2020 by Paul Calcagno for 1-3 Broad Street and 7 Hudson Street

New Business: Heather Scarano, 2 Hudson Street. She has an extra room off of main area looking for local vendors to come in and do a "sip and shop" or occasionally set up vendors to sell their products. K. Monahan asks if this would be a pop-up shop with different vendors or same vendor all the time. Vendors would message H.Scarano if interested and display their items and they would advertise on Unique Nutrition's page. A.VanAlstyne asks if it would be retail items or food items. H.Scarano says handmade items, Pampered Chef, candles, gift items (glasses, décor). S.Patterson asks if space would be rented. H.Scarano

would allow them to do it and people visiting the vendors would perhaps buy teas and people buying teas would visit these vendors. A win-win situation. Not a subletting situation. S.Patterson thinks a restriction on what types of vendors would be there. R.Fitzsimmons states it would be permissible as retail. P.Bujanow states original store permitted as nutrition/smoothie sales with limited seating and over the counter sales. This would change that use to a retail (mixed-use) which would require code considerations. Capacity of space, bathroom, etc. This is why the application came to the Planning Board. H.Scarano states in December for the Candlelight Night that she was encouraged to have vendors in her store. S.Patterson looking for restrictions to make sure vendors in character for the Village as 10 years from now, H. Scarano may not be the person who owns this business. K.Monahan asks what the difference is if she sold candles and smoothies. R.Fitzsimmons states we are modifying previously approved site plan to allow the retail to join the restaurant/smoothie drink service. Now a retail component would be added. A.VanAlstyne asks S.Patterson on what restrictions we should frame them. Think of what kinds of vendors should be allowed in there. P.Bujanow states we would need to review the capacity of the space. H.Scarano is going to withdraw her application and not go forward with this application at this time. T.Lang feels Heather is being discouraged by the Planning Board and we have to be more accommodating if we want businesses in the Village. Could a temporary permit perhaps be given for three months so she could try it out and not discourage any creative thought? R.Fitzsimmons should not impose a time limit as this becomes an enforceability problem. The code says they can have retail and we can't govern what is sold. This is an application where we could waive Public Hearing requirement and waive a formal drawn site plan, make a negative declaration and make a motion to approve site plan tonight. A. VanAlstyne comfortable with this. B Charbonneau agrees, K Monahan seconds. We need to be open minded with business. P Bujanow from a code perspective it is a tight space and to define the occupancy if we don't have an area defined for the retail. Exit and egress may be a concern. Safety is primary concern. H.Scarano understands codes and rules but still, at this point she is going to pass and she appreciates the points everyone made.

Michael and Michelle Shaw, 43 Broad Street. New building to be used as a workshop (automotive interest and woodworking and artistic studio) with facilities (toilet and sink). M.Shaw met with the engineer at Columbia County Health Department. Different options. Could tie into existing septic with a dry well. The engineer explained advantages of putting in a new small system. Application submitted with a new system with a septic tank and small leach field. Soil was inspected, perc test performed. B.Charbonneau asks P.Bujanow why this application came to Planning Board. P.Bujanow explains that it is rare to have a second septic system on a lot this size. 1.14 acre and wants to make sure it will not interfere with other systems. Regulated by Public Health law. R1 Zone, 20,000 square feet, single family zone. How it is placed so it does not interfere with lines of other systems. It needs a site plan review, second septic system on a residential one family size lot. Village Code says one family, one septic system. Setting the precedent for future applications. The building will be fully insulated. Neighbors a distance away. No wells as Village has public water. Not to be rented out or used as a bed and breakfast, personal use only. To tie into existing system would cost quite a bit more. P.Bujanow asks if future applications coming in and they want to add a second system, where will we allow this? R.Fitzsimmons states this is accessory to a single family residence, not something we normally review. 10 or 20 years down the road, can't be listed as a "mother in law apartment". This will provide document in that property's file that this is

accessory to a single-family residence. A.Van Alstyne motion to approve site plan provided for the additional septic system as accessory to their single family residence. Seconded by B.Charbonneau, all in favor.

P.Bujanow asks R.Fitzsimmons about setback requirements for leach fields.

R.Fitzsimmons states there is nothing in the Village Code for that. 25' and 64' are on the Shaw's plans from Columbia County, if there was well water (which the Village has municipal water), there would need to be a 200' setback from septic system to well.

P.Bujanow has a future issue with an amendment to another existing septic system. Columbia County and the Village engineer may be contacted.

A.VanAlstyne asks P.Bujanow to discuss next agenda items which is possible Code additions and changes.

1. Currently, the Village does not have any Geothermal regulations. We do have solar regulations and Geothermal has similar complications like that of solar systems. A Geothermal code needs to be set up to help monitor installations. B.Charbonneau suggests looking at The School who has 13 Geothermal wells, use as a review point. T.Lang asks how a new law is added to the code. P.Bujanow distributed a draft law for approval to the Planning Board, April 2020. R.Fitzsimmons states anytime there is an addition or change in code, Planning Board is the gatekeeper of the new proposed regulations. P.Bujanow to resend this draft law to the Planning Board members.
2. Dumpster law in draft form for the Village Board. R.Fitzsimmons reviewed changes and provisions added for temporary dumpsters and roll offs. All incorporated into revised version of the draft law. Planning Board needs to consider two issues for PODS. 1. Law currently only allows for someone to have POD if open Building Permit. Should we add a 30 day time limit with a 30 day renewal option? 2. Current size limitation on PODS 9'x10'x20' per law but PODS come in 3 sizes per their website: 16x8x8 or 12x8x8 or 7x7x8 so we need to reconcile allowable sizes.
3. Air BnB. P.Bujanow has concerns that he will put into a readable format and will review with Mayor Dunham and send to the Planning Board.

Mayor Dunham has a proposed law to allow 8' fence (from ground) for side and back yards for properties that abut the AHET. This was not referred to the Planning Board. Looking to pass this at the next Village Board meeting. Mayor Dunham reads the proposed law to the Planning Board. Presently 6' fence is allowed. The grade of the trail has been raised about 3' so a 6' fence does not allow privacy. K.Monahan motion to approve, A.VanAlstyne seconds, all in favor.

R.Phillips discusses the annual elections of the Planning Board at the organizational meeting which has yet to take place. K.Monahan would be President, B.Charbonneau would be Vice President and T.Lang would be Secretary. A.VanAlstyne moves to adopt these roles for these board members, S.Patterson seconds, all in favor. R.Phillips thanks A.VanAlstyne for his leadership and congratulations to K.Monahan and thanks the Board for their work.

Next Meeting: July 2, 2020

Adjournment: 8:45 PM - A.VanAlstyne moves to adjourn, S.Patterson seconds, all in favor.

Respectfully submitted,

Carol van Denburgh
Secretary to the Planning Board