

Approved January 7, 2021

**Village of Kinderhook  
Planning Board  
6 Chatham Street  
Kinderhook, New York 12106  
Minutes of December 3, 2020**

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

- Present via Zoom: Chairman Kevin Monahan 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, Economic Development Director Renee Shur, Applicant Darren Waterston, Applicant Julia Meck, Jordan Valdina, Ruth Moore, Emelia Teasdale, Patricia Altman, Stephanie Lally, Todd, Sandra & Astrid, x9726, x7590, x9483.
- Call to Order: Meeting called to order at 7:08pm by Kevin Monahan. Planning Board members introduced themselves to Public.
- Minutes: T. Lang motions to approve the Planning Board minutes of November 3, 2020. A.VanAlstyne seconds; all in favor.
- Funds Remaining: \$1743.66
- Correspondence: Received letter of support dated December 3, 2020 from Renee Shur in support of the proposed Pilates studio (new business) called “Julia Jayne Pilates” to be located inside 5 Hudson Street Office Building. A copy of the letter will remain on file.
- Old Business: Darren Waterston, Site Plan Amendment, SBL#43.20-2-42, 8 Hudson Street, proposed restaurant, “The Aviary Restaurant”. P.Bujanow states this is Darren’s opportunity to present his final site plan amendment hoping for a Public Hearing next month. D.Waterston & Yen Ngo are now the owners of 2, 4 & 8 Hudson Street, an important marker in the Village. They feel a deep commitment to making this the heart and center of the Village. Focus around the restaurant and have other retail and residential spaces. Retail spaces to feature Columbia County food and artisans. First phase of the project is the restaurant. At this point, not much alteration to exterior. Future phases will develop more green space and soften the footprint of the very large (36 space) parking lot. Make it more esthetically pleasing. More significant plantings, trees, garden area, outdoor patio and public space. Working with Historic Preservation Commission and taking their guidance with workshops starting next month. Only exterior alteration of the building will be the main entrance and egress and ADA compliant entrance. Provided documents mark out proposed entrance. HPC working on details of materials. B.Charbonneau asks about outside dining representation on site plan. D.Waterston states it would be in the front in area marked green space. Existing area with a covered patio would be utilized and integrated into the outside area. A.VanAlstyne asks if there will be an internal connection between 2 & 4 Hudson Street buildings. D.Waterston states they will stay separate retail spaces. B.Charbonneau asks about landscape plan taking up 5 parking spaces. Those parking spaces would be shortened, refiguring them but keeping to code in

terms of distances. D.Waterston would like to keep cars parked away from the outdoor dining area. S.Patterson asks about deliveries. D.Waterston says 75% of sourcing is local purveyors. Staff would do a lot of the gathering from local sources. All deliveries to the back garage area on an existing delivery site on an easement shared with the Village of Kinderhook and P.Calcagno. Deliveries would be smaller scale. During the demolition and construction, there will be more activity but when business is open, it would be a very different scale. K.Monahan asks about dumpsters. D.Waterston states they will be inside in an interior delivery room that holds all of the dumpsters and recycling. Pickup will be through the easement. C.VanDenburgh asks for clarification from D.Waterston on his lunch hours written on his spec sheet, should say 11:30am-2:30pm (typo states 2:30am). B.Charbonneau asks R.Fitzsimmons if a Public Hearing is required and a SEQR. R. Fitzsimmons states yes to both. D.Waterston has submitted his SEQR. We want to wait until the Public Comment of the Public Hearing in case any environmental issues are raised by the Public Hearing participants. Discussion of date for Public Hearing. B.Charbonneau would like to keep it the date of the regular meeting. T.Lang would like to move this ahead. A.VanAlstyne concerned over setting a precedent but also wants to move forward. D.Waterston states they are eager to have the crucial acceptance piece. Every day is critical to the timeline. K.Monahan aligned with Kristina to move this ahead and give the public their chance to speak. M.Brown states the Planning Board should vote on this and give the applicant time to respond to public comments. S. Patterson motions to move the Public Hearing up to first available date in December. T.Lang seconds, K.Monahan, A.VanAlstyne, T.Lang and S.Patterson approve, B.Charbonneau opposed. December 17<sup>th</sup> first suggested date, December 16<sup>th</sup> alternative date.

New Business:

Julia Meck, Site Plan Amendment, SBL#43.20-2-31.100, 5 Hudson Street, proposed Pilates Studio “Julia Jayne Pilates”. Julia discusses her business plan. She is a certified Pilates teacher. A studio would be a nice communal addition to the Village. Normally, there are group classes, sign up online, 10-11 spaces available on equipment or on mats. With COVID, limited to about 33% occupancy. Have Health Department come in for approvals, set max capacities, then take clients by appointment only. Hoping to open in January with current clientele she has from her home outdoor studio. Not looking to grow too quickly during COVID, but hopefully in the Spring. S.Patterson asks if this application is a change in use. P.Bujanow states it is a Site Plan Amendment, an amended use in the business zone. J.Meck states no construction necessary. Equipment is free standing, “plug and play” situation. A.VanAlstyne asks if any outdoor lighting changes. J.Meck states “no”. S.Patterson asks what is required of an amended use. R.Fitzsimmons states it was an office space previously and now it is a service establishment, not a special use permit like the restaurant, just a site plan review. When utilizing pre-existing building and spaces without construction, it is deemed a minor site plan. We do not have a Public Hearing requirement. S.Patterson asks about a SEQR. R.Fitzsimmons states technically a SEQR has been done but states we should do a short form SEQR as it is a different use. B.Charbonneau asks if this can be approved this evening. R.Fitzsimmons states it has been our practice if not deemed a major site plan or a major change, we do an expedited site plan acknowledging that it uses the existing building already there and waive any formal site plan requirements and Public Hearing. Motion to waive formal site plan requirements and Public Hearing, go forward with short form SEQRA and if inclined, issue an approval. A.VanAlstyne makes motion, B.Charbonneau second, all in favor. Short form SEQRA by R.Fitzsimmons. Looking for potential significant negative environmental impact by the project.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? NO
2. Will the proposed action result in a change in use or intensity of use of land? NO
3. Will the proposed action impair the character or quality of the existing community? NO
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? NO
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? NO
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? NO
7. Will the proposed action impact existing: public/private water supplies or public/private wastewater treatment utilities? NO
8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources? NO
9. Will the proposed action result in an adverse change to natural resources (wetlands, waterbodies, groundwater, air quality, flora and fauna)?
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? NO
11. Will the proposed action create a hazard to environmental resources or human health? NO

Motion made by B.Charbonneau to issue a negative declaration for purposes of SEQRA. S.Patterson seconds, all in favor.

Motion made by T.Lang to approve site plan for a Pilates studio as a service establishment. A.VanAlstyne seconds, all in favor.

M.Browne looking for feedback on fowl information he sent to Board. S.Patterson in favor of loosening these regulations but wants to see limitations on “processing” of the fowl. M.Browne discusses law of Planning Board members to get 4 hours of training per year. Does not define as structured training, can be studying up on a certain subject and bringing it back to the Planning Board. K.Monahan discussed with M.Browne the idea of alternatives. If we need a quorum, they could step in. Life is busy so having people on stand-by a good idea. Alternate sits in the background and listens and then they could be moved up to voting status. R.Fitzsimmons states Village would have to pass a Local Law establishing the position of alternate for Planning Board and the Zoning Board. Then the Village defines how alternates are used. M.Browne to discuss at the next Village Board meeting.

Next Meeting: January 7, 2021

Adjournment: 8:03pm -S.Patterson motions to adjourn. T.Lang seconds. All in favor.

Carol van Denburgh

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Secretary to the Planning Board