

Approved June 3, 2021
**Village of Kinderhook
Planning Board
6 Chatham Street
Kinderhook, New York 12106
Minutes of May 6, 2021**

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, Abram Van Alstyne, Tina Lang, Village Attorney Rob Fitzsimmons, Code Enforcement Officer Peter Bujanow, Village Board Liaison Mark Browne, Secretary Carol van Denburgh, Trustee Dorene Weir, Economic Development Director Renee Shur, Andrew Scharoun, Jennifer Ose-MacDonald, Jake Samascott, Mary Ose, Julia Meck, Darren Waterston, Casey Harter, Selena Anguiano and approximately 60 others in attendance.

Call to Order: Meeting called to order at 7:05pm by K.Monahan.

Organizational Meeting: -Annual election of new Planning Board Chair, Vice Chair and Secretary. K.Monahan proposes B.Charbonneau Chair, T.Lang Vice-Chair and S.Patterson Secretary. A.VanAlstyne makes a motion for those named above to be the new Planning Board Officers. S.Patterson seconds, all in favor. B.Charbonneau will now Chair this meeting.

Public Hearing

**Special Use Permit for 8 Broad Street
Jennifer Ose-MacDonald and Jake Samascott, Kinderhook NY
Lot#43.20-1-29 “Three Sisters Tavern”**

7:07pm B.Charbonneau states to those in attendance that they should speak to the Planning Board and not to the applicant. C.van Denburgh states that we have received 12 letters of Support for the project at 8 Broad Street. These letters have been available online and will remain on the Village’s website for the public to read under Planning Board Documents. Support letters received from: D.Waterston, J.Jurgenson, P.Schuler, R. Shur, P.Kenny, L.Yarotsky, J.Wildermuth, A.Anderson, KBPA, K.Voltz, M.Webber, and H. Birckmayer. These will be a part of the permanent record for this project and will be listed under Appendix A for these meeting minutes.

B.Charbonneau opens the public speaker portion of the meeting.

1. J.Cosgrove-He has been a Village resident on Albany Avenue for 20 years. For many years there has been a complete lack of commercial activity. He is thrilled with Jake & Jen renovating the Old Dutch Inn and he fully supports the project and can’t imagine why anyone would oppose it.
2. J.Darman-They have lived in the Village for 12 years and strongly support the Three Sisters Tavern.
3. C.Scoville-They have lived in Kinderhook for 2 years. They wanted to live in a place in the Village where they could walk to businesses and they would love to count the Three Sisters Tavern as another business they can walk to.

4. N.Robinson- Village resident on Railroad Avenue who strongly supports the project. It would complement the existing businesses and the new businesses coming in. Echoes the sentiment that he couldn't see why anyone would oppose this project which is great for the Village.
5. M.Webber-They are new residents in the Town of Kinderhook. They support this project. One reason they moved to this community was the sense of prosper and excitement. She hopes this goes forward.
6. M.Rothstein-Current business owner in the Village who recently purchased the Metzwood building. This project is momentum for people coming in and other small businesses.
7. Brian Murphy-Has lived here for 41 years. Economic Development has started to gain more momentum in the Village and he is fully in favor of the Three Sisters Tavern which is a continuation of the rebuilding of the Village.
8. Wendy & Gary Spielman-Longtime residents of the Village who support the project as a focal point and a wonderful addition.
9. Jack Shaiman-The space would be so wonderful for the community and a great place for people to be able to stay. Let's get it open as it is a wonderful project.
10. Mitch Khosrova-An attorney from the Village of Chatham representing the neighbor of the property, P.Calcagno. He agrees that this is a great project and they are not opposed to it. There is a process that needs to be followed and he has some questions. He has gone through the files and a couple of things he does not understand. There is an application for a restaurant and an inn. The code has no permitted use for an inn (hotels and motels are included). The site plan mentions a bar in the basement. In the records, November 3, 2003, Village attorney letter to the ZBA chair that says it has to be flushed out if it is a bar or a tavern as it is completely different from a restaurant. He has not seen a narrative on this project although the PB considered the application complete. Capacities for the 2nd floor or the basement? Operating hours for any of the operations? This entity is an engine for businesses and his client owns several businesses and he too would have an advantage. Everyone should be treated fairly and equally and the PB and public should know what is going to be there. He states the last special permit granted was May 9, 2005 for 16 offices. A 2002 application was for a restaurant and inn and 2 lots were involved, not just the current 8 Broad Street. The SEQR in this file is from 2019 and he assumes the SEQR will be gone through for this application. The SEQR is now on the DEC's website and boards are asking for it electronically as it automatically fills in information from the address and tax map #. July 24, 2002 letter from then CEO J.Florio in regards to the inn and restaurant. He specifically listed many things that had to be done to the building before any permit or approvals should be issued. In the March 4, 2021 a point was raised by J.Ose-MacDonald on a different application about an encroachment and whether or not the PB would approve something that had an encroachment. His client states there are several encroachments on the property including electrical and water drainage (discussed in SEQR 17A). He saw site plans in the file but not a survey which would show the encroachments as well as the right of ways. A survey

should be present before approval. There is a new entrance (unapproved) with stairs on both sides which allows people to come out on other people's properties. This is a problem when it comes to snow removal as the Barbershop closes earlier than the restaurant. He did not see a required referral from the ZEO (contacted twice). How can all of the construction be going on when there is no approval for what it is going to be yet? He requests that this Public Hearing be held "open" and to be continued next month so we can see exactly what the applicants want to do including hours of operation, capacity, and impacts so a proper SEQR can be done.

Trustee Mark Browne asks if M.Khosrova can submit his questions in writing to the PB.

11. Cindy Novak-Lifelong resident of the Town of Kinderhook. She lived here when it was the Dutch Inn and could not be more pleased to see that someone wants to bring business back to the village. Although a particular individual may own a lot of properties, they have sat vacant and little has been done to fill them. She is in full support and anxious to see this project go forward.
12. Robert & Mark-They are residents at 28 Broad Street for 4 years. Love the energy in the Village and the Farmers' Market during the summer, brings people and attention and they agree that this new business will liven up the village. They do support the Three Sisters project.
13. Donna & Robert McElligott-We want to be historic and support new businesses. In regards to encroachment, there is a sidewalk. Whatever issues there are, we should look toward problem solving rather than preventing a new business from coming forth. Let's not delay this project but rather support them and do what we can to get this great business in place.

T.Lang asks if this plan was approved last year and when they were going to start, the quarantine happened and they were not able to continue. Why is M.Khosrova stating there was no paperwork filed when it was voted on last year? R.Fitzsimmons, Village Attorney discusses the Dutch and it has been a project going on for many years under former ownership. The challenge of no septic field held up the project. Now there is sewer in the business district due to the wastewater treatment grant. They applied for a restaurant and an inn (hotel/motel) and the bar/tavern (restaurant). T.Lang is correct that they submitted an application for an inn and a restaurant, P.Bujanow made the referral. The application was referred to the Columbia County Planning Board as an inn and a restaurant and made a determination on June 20, 2019. In a historic district, on the cultural resource inventory and they consulted with NYS Parks and Historic Preservation and concluded it was a local decision and defers to the Village Planning Board. After the CCPB approval, reviewed by the PB and approved the restaurant use (2019). The inn component of the application was deferred because at that time, the Village code required off-street parking. The off-street parking requirement was evaluated and the Village Board of Trustees removed the off-street parking requirement (Local Law #1 of 2019). Encroachments discussed at a previous meeting and if raised as an issue, we try to resolve to the best of our ability but it does come down to neighborly relations. There is a survey in the file from P.VanAlstyne. M.Khosrova sees an application for an inn and an application for a restaurant but no narrative about capacity, hours of operation, etc. D.Hubbell, counsel for the

applicant, states they will respond to the questions in writing to ensure the SEQR record is complete and he has no objections to the PB in keeping the Public Hearing open. The file on this property is extensive and the same type of project was approved by the PB in 2003 and it did not go through then due to the septic issues. R.Fitzsimmons states the short EAF will be done through the EAF mapper so any possible issues will be flagged. D.Hubbell will provide assistance with this. M.Khosrova asks if there is a narrative available with the hours, capacities. D.Hubbell will provide all of this in writing.

14. Kristi Ambrosetti- Thank you to the business owners for their hard work and they are very excited for this. Business begets current and future businesses and they look forward to this coming to light soon.

15. Meredith Lorenzen- Has been in the Village almost 2 years on Albany Ave. Wants to voice her support and one reason they choose Kinderhook was the businesses within walking distance. She has concerns when there are suggestions to postpone as this can be burdensome on small business owners.

16. Paul Calcagno- Family has run a business in the Village for 40 years and has always called Kinderhook “home”. He has invested money into revitalizing the Village including the sewer system. Since A.Roberts owned the building, he has made numerous complaints of roofing shingles falling off, going onto his properties on both sides causing a hazard for people walking. Lack of a gutter has caused water issues that damaged his building at 10 Broad Street. The Dutch Inn was allowed to deteriorate when there are codes and violations that prevent this from happening. Gave permission to the current contractors to use his property to allow them to repair the building. Past issues included sewer, parking and former owner, R.Guerrero built the building over 50% more than the original plan. Never had 9 rooms upstairs, never had a tavern downstairs, it was a 60-seat restaurant. This will double the business and there will be operational issues. The alley way is 9.5’ and can not take a garbage truck, delivery truck or propane truck. When 6 Broad Street was rebuilt, it was shortened by 20’ to be able to place things. How will deliveries and pickups effect the neighbors? Where will employees park? Things have to be fair and just for everyone. He wants to see The Dutch open but they have to be good neighbors. D.Hubbell requests P.Calcagno to keep his comments towards the project, not the applicants. R.Fitzsimmons confirms. P.Calcagno wants to address all of the issues, not just some. In the past, the PB was very matter of fact on this and the Columbia County Planning Board gave a list to then CEO J.Florio which explained what they expect.

B.Charbonneau adjourns the Public Hearing at 7:54pm and the Public Hearing will be continued at the next Planning Board meeting of June 3, 2021 at 7pm.

Call to Order: B.Charbonneau opens the regular PB meeting at 7:55pm.

Funds Remaining: \$252.11

Minutes: K.Monahan motions to approve the Planning Board minutes of April 1, 2021. A.Van Alstyne seconds; all in favor.

Correspondence: As previously stated in the Public Hearing, 12 letters of support have been received by the Planning Board for the Three Sisters Tavern. The PB has also received 4 letters of support for J.Meck Julia Jayne Pilates from L.Suino, W.Applegate, C.Gibson and R.Shur/G.Bochem. These will be a part of the permanent record for this project and will be listed under Appendix B for these meeting minutes.

Old Business: **Special Use Permit for 8 Broad Street**
Jennifer Ose-MacDonald and Jake Samascott
Lot#43.20-1-29 “Three Sisters Tavern”
B.Charbonneau states that this issue will be tabled for one month. D.Hubbell speaks about the County referral. He wants to make sure the PB is comfortable with the referral that was done under the 2019 application. With the PH remaining open, they will still refer this to County Planning since the parking issue which was identified in the 2019 referral has been resolved with the Local Law that got rid of the parking requirement for hotel uses. R.Fitzsimmons has no problem with a second referral. We will wait for D.Hubbell’s submissions and those along with the application materials can be sent to County Planning. D.Hubbell wants to make sure the SEQR is complete and full. Motion made by T.Lang to make a secondary referral to County Planning upon submission of additional information, K.Monahan seconds; all in favor. M.Khosrova asks for clarification as to where this application is with SEQR. B.Charbonneau states nothing has been submitted yet and we typically do nothing with SEQR until after the Public Hearing. Discussion on when the Special Use Permit was approved for the restaurant and A.O’Brien states it is in the June 25, 2019 PB minutes. D.Hubbell states what was approved in that permit is the same exact scope of restaurant work here, this is essentially a renewal of that Special Use Permit but the SEQR process will be gone through again. J.Ose-MacDonald agrees to holding the Public Hearing open until June 3, 2021.

Site Plan Amendment for 12 Broad Street
Mary Ose via Andrew Scharoun Kinderhook, NY
Lot#43.20-1-31 Proposed retail and rental space

A.Scharoun discusses at the previous meeting (April 1, 2021) where they requested 3 dwelling units and retail space. The retail space was approved but there were questions for parking for the dwelling units. A survey was provided and K.Monahan did a walk through on the property. A.Scharoun submitted the parking and the measurements to C.van Denburgh which is on file on the website under PB documents, 12 Broad Street. B.Charbonneau states the application will be accepted and we will schedule a Public Hearing for June 3, 2021.

New Business: **Home Occupation Permit for 28 Hudson Street**
Julia J Meck
Lot#43.20-2-73 Proposed Julia Jayne Pilates Studio “appointment only”
She recently purchased the home in March 2021 with a 2-car garage with an attached 20’x20’ (400 square foot) workshop. That space would be used as a boutique Pilates studio, appointment only, not a walk-in studio, no retail, for her current clients and new clients. Low impact space and location with support from her surrounding neighbors. More businesses will benefit everyone. B.Charbonneau asks what a pilate is and J.Meck explains it focuses on your core, with equipment and mats for ages 18-85. She is a full-time resident. S.Patterson asks if the workshop is attached to the 2-car garage. J.Meck states yes, it used to be a model train museum. Space needs some cosmetic renovations. B.Charbonneau states it is not in the B-1 District, Customary Home Occupation Class 2

because she is using an auxiliary building. Parking requirements are 2 spaces for the home and 2 spaces for the Pilates studio. A.Van Alstyne states the documents provided show the 4 spaces. He inquires about signage or lighting changes. J.Meck is not 100% sure that she wants a sign but if she does, she will follow the ordinances. T.Lang asks about a previous application for the Pilates Studio in the former Maple Hill Creamery. J.Meck states there have been some changes and this is a better fit especially since she purchased this house. S.Patterson asks about hours of operation and capacity. J.Meck states they are individual appointments with general appointments from 6am-12pm and then she visits clients at their own homes. B.Charbonneau confirms that the studio is 20'x20'. R.Fitzsimmons states that this is a specially permitted use so a Public Hearing is required (June 3, 2021) and should be referred to County Planning. J.Meck asks for explanation of County Planning. They examine any county wide impacts of the proposed project, a procedural step that we need to follow. T.Lang makes a motion to accept the application, A.Van Alstyne seconds, all in favor.

**Site Plan Amendment for 8 Hudson Street & 6 Hudson Street
Darren Waterston & Jay Christiana**

**Lot#43.20-2-42 “The Aviary Restaurant” & 43.20-2-43 “Berkshire Hathaway”
Lot line adjustment with 8 and 6 Hudson Street on a 10'x20' parcel**

D.Waterston looking for a lot line adjustment with 6 Hudson Street owner J.Christiana. There is a 10'x20' plot of land where it would be mutually beneficial to rotate this 200 sq. ft parcel so it would run the length of the back of J.Christiana's building. Now his backdoor steps out onto D.Waterston's property. It would also allow an easement for 6 Hudson Street to access their own building. B.Charbonneau states it would require a change of deed so that would be a lot line adjustment which will require a survey. P.Van Alstyne, Surveyor, will help draw this proposed adjustment. R.Fitzsimmons states we will need written permission from the neighbor. P.Van Alstyne will prepare a survey and demarcate the parcels, he will do a metes and bounds description so deeds can be exchanged and make that transfer after approval by the PB. A Public Hearing will be necessary as it is a subdivision under our code. D.Waterston will need to submit the short form SEQR form, the survey from P.Van Alstyne. Upon receipt, we will set it for Public Hearing. Upon no issues at the Public Hearing, we complete the SEQRA and approve that subdivision and then pick up stamped maps at the Village Office that would be recorded in the County Clerk's office that would effectuate the transfer. A.Van Alstyne confirms with D.Waterston the repositioning of the parcel based on the provided sketch.

**Special Use Permit for 10 Rothermel Lane Ext.
Christine Smith via Casey Harter & Selena Anguiano
Lot#43.20-1-79 Keeping of chickens**

B.Charbonneau states that the current code (which is under review) says the chicken coop has to be 200' from the closest neighbor and the scratch area has to be at least 25' from the boundaryline. C.Harter states they could not get an accurate measurement, they estimated, and she thought dead center of the backyard would be enough. B.Charbonneau states they need to provide a sketch with the lines and their length. R.Fitzsimmons states that a survey is not needed but a sketch to scale with the dimensions of the property with proposed coop, 200' away from a property line, public street or right of way. Mark it off and take some pictures so the PB can review along with some sketches.

M.Browne thanked the PB for their participation and all of their work tonight and all that they do. K.Monahan asks that we leave the documents up on the Planning Board's document page until after the Public Hearings.

Next Meeting: June 3, 2021

Adjournment: 8:24pm - K.Monahan motions to adjourn. T.Lang seconds; all in favor.

Respectfully submitted,

Carol van Denburgh
Secretary to the Planning Board

APPENDIX A

**Correspondence for Three Sisters Tavern
13 letters**

APPENDIX B

**Correspondence for Julia Jayne Pilates
4 letters**