

Approved August 5, 2021

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

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

Present via Zoom: Chairman Bruce Charbonneau, Susan Patterson, Tina Lang, Abram VanAlstyne, Kevin Monahan, Village Attorney Rob Fitzsimmons, 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, A.O'Brien, D.Hubbell, M.Khosrova, P.Calcagno and approximately 20 others in attendance. Code Enforcement Officer Peter Bujanow was absent.

Call to Order: Public Meeting called to order at 7:00pm by Chairman Charbonneau.

Public Hearing #1 **Special Use Permit for 8 Broad Street
Jennifer Ose-MacDonald and Jake Samascott, Kinderhook NY
Lot#43.20-1-29 "Three Sisters Tavern"**
7:00pm B.Charbonneau reopens toe Public Hearing for 8 Broad Street. M.Khosrova (represents P.Calcagno) asks if there will be a new presentation with the new large submission. A.O'Brien & D.Hubbell (represents the applicants, Jennifer Ose-MacDonald and Jake Samascott) go over their supplemental submission which was submitted to the Planning Board on May 24, 2021. They are seeking 2 special use permits; 1. for the restaurant (Three Sisters Tavern) to be located on the basement and first floor of an existing historic building at 8 Broad Street and 2. for the 9-room inn will be located on the two upper floors. The property is in the B1 district where hotels and restaurants are permitted with a special use permit from the PB. These two uses combined together are permitted as a singular hotel use within this zone. The zoning code defines hotels as a facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreation. The code requires a separate permit for each use. This use is consistent with the historic use of the building and has operated as a hotel in restaurant within the village square under multiple owners through various approvals. In 2004, the Village granted these special use permits but due to sewer issues, the project did not move forward. In 2019, there was an approval for the restaurant portion of the project only. Due to parking restrictions, they were not able to obtain the special use permit for the hotel. A local law removed the onsite parking requirements in the B1 district for hotel uses. Applicant is now seeking the special use permit for the hotel and a reapproval of the special use permit that was previously granted for the restaurant in 2019. A lengthy SEQR narrative was completed. This is a Type 2 Action (reuse of a commercial building that is permitted in the zoning code by a special use permit) and environmental review is **not** required. This project will be very beneficial for the Village. No questions from the PB members.

M.Khosrova and his client agree that this is a great project. States the application should be for a hotel that includes a restaurant, there is no permitted use as an inn. The SEQR submitted is still the one from 2019 which is from a different applicant and the narrative and the numbers have changed. Can't be a Type 2 Action (reuse of commercial property) since the last approved use of this property was for office space, not a hotel and restaurant. Should be a Type 1 Action. No exterior sketch provided showing where garbage bins will be, where the propane tanks will go. More information is still needed. 2004 was the last approval for a variance for a restaurant and an inn. William VanAlstyne specifically states in the Feb. 9, 2004 minutes "entrance and egress to the basement area must be through the first floor only. The door at the basement level is to be used as an alarmed emergency fire exit door only. The applicant shall post a sign which shall be in conformance with the code of the Village of Kinderhook instructing patrons to use the first-floor entrance." The map shown shows egress to the downstairs on both sides, not the main entrance which is a change from the historic past. Potential harm to the adjacent property from patrons and issue of snow removal during the winter months. Encroachment issue has not yet been addressed.

A.O'Brien replies that as part of the supplemental submission, a new EAF was prepared (Appendix J), the 2019 was included as part of the full history of the project approval. M.Khosrova asks who the current applicant is. D.Hubbell asks what the legal significance is of the question. The applicant is Jake Samascott and Jennifer Ose-MacDonald.

R.Fitzsimmons, Village Attorney asks M.Khosrova to submit in writing the following open issues: the classification of inn/hotel/restaurant, Type 1 versus Type 2 SEQR, clarification on issues of location of garbage and propane tanks, 2004 variance on the entrance, plan for snow removal, clarify what he means by encroachment on property. P.Calcagno speaks about the physical encroachments. The electrical wires and the service were moved from the front of the building to the side of the building and they do not have an easement for this. They discuss in paperwork an easement for the eaves on the existing and original building. On the extension that was built (kitchen area), there is no easement for the eaves or the building that encroaches on P.Calcagno's property. R.Fitzsimmons clarifies he is talking about water trespass off the roof of the Dutch, and the location of the electrical service and how they access it. P.Calcagno says no, they are talking about the addition to the Dutch Inn, excluding the original building, there is no easement for the eaves or any part of that building to encroach on the property at 10 Broad Street. Not discussing the electrical meters but the electrical service and conduit that was placed on the side of the building and there is no easement for this. The Dutch Inn has never opened as a restaurant with a tavern in the basement and a hotel upstairs after the new construction from R.Guerriero. Not an existing use as it was never opened up as such. There are more than past issues with sewer and parking, but also with egress, garbage, propane. Al Roberts (former owner who was looking to open up The Dutch) purchased 12 Broad Street as an accessory building for garbage, deliveries, propane. M.Khasrova states he has tried to contact the Code Enforcement Officer several times, would like to meet with him and P.Calcagno to show what the encroachments are. R.Fitzsimmons has no objection to this, will try to facilitate, but we would have to involve the applicants counsel as well. The applicant has made the referral to the County Planning Board for this application. The Village Planning Board cannot take action until the County Planning Board issues its opinion or decision. This should happen between now and our next meeting. R.Fitzsimmons suggests we keep the Public Hearing open

and defer any further comment until we are back in session on this application and then address some of these open issues. This Public Hearing closed at 7:25pm.

- Public Hearing #2 **Site Plan Amendment for 12 Broad Street**
Mary Ose via Andrew Scharoun Kinderhook, NY
Lot#43.20-1-31 Proposed retail and rental space
7:25pm A.Scharoun states they are trying to get 3 residences approved for 12 Broad Street. Parking spots were discussed on the last meeting and A.Scharoun has submitted information that he has plenty of parking spaces. No questions and/or comments. This Public Hearing closed at 7:26pm.
- Public Hearing #3 **Home Occupation Permit for 28 Hudson Street**
Julia J Meck
Lot#43.20-2-73 Proposed Julia Jayne Pilates Studio “appointment only”
7:27 J.Meck states she would like to open a small scall pilates studio in her separate building in the back of her 2 car garage with a workshop that has been renovated into a home studio. T.Lang asks why the applicant had to come back, B.Charbonneau states that this application had to have a Public Hearing. No further comments. This Public Hearing closed at 7:28pm.
- Call to Order: B.Charbonneau opens the regular Planning Board meeting at 7:28pm.
- Minutes: A.VanAlstyne motions to approve the Planning Board minutes of May 6, 2021. T.Lang seconds; all in favor.
- Funds Remaining: \$3000.00 (new fiscal year)
- Correspondence: An email was received from A.Anderson adding her support for The Dutch Inn Project. This will be a part of the permanent record for this project and will be listed under Appendix A for these meeting minutes.
- Old Business: **Site Plan Amendment for 12 Broad Street**
Mary Ose via Andrew Scharoun Kinderhook, NY
Lot#43.20-1-31 Proposed retail and rental space
B.Charbonneau states this already has been approved for retail and they are seeking another approval to add 3 apartments. Applicant has demonstrated there is room available for the parking of 6 cars. K.Monahan motions to approve the Site Plan Amendment for 12 Broad Street. A. VanAlstyne seconds; all in favor. In the follow-up correspondence to come via mail from Secretary C.van Denburgh, want to show the approval is contingent upon parking being provided in a usable way.
- Home Occupation Permit for 28 Hudson Street**
Julia J Meck
Lot#43.20-2-73 Proposed Julia Jayne Pilates Studio “appointment only”
J.Meck has provided pictures of what she plans to do, fits the definition of a customary home occupation. Type 2 as she is using the adjacent building and not her direct home, parking spaces for four have been demonstrated which is what is required in this case and we have in writing support from her surrounding neighbors. R.Fitzsimmons states this was referred to County Planning and they said it falls into one of the exemptions for

required referral to County Planning and for SEQR purposes, it is a Type 2 Action as well. The application is free to be considered for approval. S.Patterson said signage was discussed, there will not be any signage so this does not need to go to the HPC. S.Patterson motions to approve the Home Occupation Permit for 28 Hudson Street. K.Monahan seconds, all in favor. Follow-up correspondence will be sent to the applicant from C.van Denburgh.

New Business: None

Next Meeting: July 1, 2021

Adjournment: 7:36pm – T.Lang motions to adjourn. A.VanAlstyne seconds; all in favor.

Respectfully submitted,

Carol van Denburgh
Secretary to the Planning Board

APPENDIX A

Correspondence for Three Sisters Tavern 1 email (A.Anderson)