

Approved September 2, 2021

**Village of Kinderhook
Planning Board
6 Chatham Street
Kinderhook, New York 12106
Minutes of August 5, 2021**

This meeting was held in person at the Kinderhook Village Hall,
6 Chatham Street, Kinderhook, NY.

All documents were available to view at:

<https://www.villageofkinderhook.org/planningdocuments.html>

Present: 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, CEO Peter Bujanow, Jennifer Ose-MacDonald, Jake Samascott, A.O'Brien, D.Hubbell, M.Khosrova, and approximately 30 others in attendance.

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

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"**
Continuation of Public Hearing from June 3, 2021
7:00pm B.Charbonneau reopens the Public Hearing for 8 Broad Street. Attorney for the applicant, Amy O'Brien speaks in regards to the amended application. Since the last PB meeting, two supplemental submissions to the application have been submitted. June 21, 2021 and July 26, 2021. This is a 2 special use permit project. A 9 room hotel/inn (top two floors) and a 126 seat restaurant. The owner of the building is JFK8LLC, Jen Ose-MacDonald is the sole member. Jen Ose-MacDonald and Jake Samascott are the only members of the Three Sisters Tavern LLC which is the tenant of the property. A survey was submitted to the Planning Board in April, 2021. An updated survey was submitted on July 26 to show all of the existing conditions on the property as they currently exist. The property will have 2 uses. The hotel/inn component and the restaurant component. Zoning code requires a special use permit for each of these uses, that's why they are seeking two special use permits. This is a Type 2 action regarding SEQRA, because it requires the use of an existing building and no environmental review is required. A very comprehensive SEQRA narrative was provided which addressed all of the environmental impacts which are generally addressed as a Type 1 action and demonstrates how this project will not have any adverse environmental impact. One operational question was access through the basement. There are two stairway access to the basement as shown on the survey, the applicant is willing to designate the western basement entrance as ingress and egress for emergencies only. Another operational question is snow removal. The applicant will comply with the village code regarding snow removal. Another question is in regards to garbage cans and trash removal. The garbage will be in 90-gallon residential cans in the back of the property. Those will be wheeled to the front by a garbage company. Several conversations regarding private property issues and alleged encroachments. Private property disputes are not within the jurisdiction of the Planning

Board. Columbia County Planning Board said this project was for local determination and had no significant county wide impact. The July 26 submission contained the amended survey which showed where the existing conditions are on the property.

B.Charbonneau states to M. Khosrova that we have not received in writing several matters that at the last Public Hearing he had voiced concerns over. M.Khosrova states the applicant has significantly revised the submission. He and his client are not the “opponent”. They are trying to make sure the process is followed properly and everyone is treated the same. It is in the historic district and should be SEQRA 1 but it will not make a difference as there are almost no impacts. He wants to make sure the application has the correct names on it. The impacts of the encroachments have not been addressed. The electrical wires, the water running off of the roof onto the neighboring property. There is no easement for the annex that was built and it is on his client’s property. The Planning Board can put contingencies on any approval that is done and he hopes this will be done to head off any future neighborly disputes.

M.Browne states the applicant would identify one exit point as an emergency exit if it was a contingency of the Planning Board. No further comments. B.Charbonneau closes the Public Hearing at 7:13pm.

Call to Order: B.Charbonneau opens the regular Planning Board meeting at 7:13pm.

Minutes: T.Lang motions to approve the Planning Board minutes of June 3, 2021. K.Monahan seconds; all in favor.

Funds Remaining: \$2694.65

Correspondence: Emails were received from J.Quilty, M. Bird, M.Rothstein, M.Davis, G.Spencer, S.Meier, G.Lytle, A.Anderson (2nd support letter), J.Shainman Gallery and W.Applegate (support letter read aloud) adding their support for The Dutch Inn Project. These will be a part of the permanent record for this project and will be listed under Appendix A for these meeting minutes.

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

T.Lang asks why the rain gutters (as noted in M.Khosrova’s letter) do not get fixed. D.Hubbell, Attorney for the applicant, states they walked the property and the gutters do not direct water onto the other property. The property may be down grade due to topography but all storm water is directed to the rear of the property. The Planning Board is here to do SEQRA, assess the environmental impact but not arbitrate private property disputes. We have council (R.Fitzsimmons) who will advise.

R.Fitzsimmons states the Planning Board has to look at any negative, significant environmental impacts that the project could impose on the Village and its residents. A Type 2 action states the project is exempt from SEQRA review because a previously used commercial building is being repurposed for essentially, the same purpose. M.Khosrova disagrees to this SEQRA interpretation. The Planning Board is going to do the SEQRA review. The long form will be used for this review.

1. Impacts on Land – NO
2. Geological Features-NO
3. Wetlands-NO
4. Groundwater-NO
5. Flooding-NO
6. Air Quality-NO
7. Plants & Animals-NO
8. Agriculture-NO
9. Aesthetic Resources-NO
10. Historic Resources-NO
11. Open Space & Recreation-NO
12. Critical Environmental Areas-NO
13. Transportation-NO
14. Parking-NO
15. Energy-NO
16. Noise, Odor or Light-NO
17. Human Health-NO
18. Consistency with Community Plans-NO
19. Consistency with Community Character-NO
- 20.

R.Fitzsimmons states we have a proposed negative declaration on potential significant environmental impacts. We also have a resolution that will be adopted to adopt the negative declaration for purposes of SEQRA.

D.Hubbell asks if a motion can be made to close the Public Hearing after M.Khosrova and D.Hubbell speak. M.Khosrova states the impacts on the adjoining neighbor is part of SEQRA and part of the Planning Board purview. D.Hubbell states M.Khosrova stated all applicants should be treated the same when they come before the Planning Board. This applicant has been treated differently. They have submitted a 100+ page SEQRA submission, submitted mountains of documentation, had multiple meetings which kept the Public Hearing open. It is a Type 2 action handled as a Type 1. This is a very important project that will provide a lot of economic and social benefit to the Village.

A.Van Alstyne motions to now close the Public Hearing at 7:31pm. K.Monahan seconds.

S.Patterson motions to issue a negative declaration for purposes of SEQRA. A.Van Alstyne seconds; all in favor.

K.Monahan motions to issue a Special Use Permit for the Restaurant Use at 8 Broad Street. T.Lang seconds; all in favor. Be it further resolved, that the following condition and recommendation shall be applied to and become part of the special use permit granted to the property and structure at 8 Broad Street. That the western staircase that provides access to the basement will be gated and used for emergency ingress and egress only. Further that the following nonbinding recommendation is set forth, that the neighbors which bound 8 Broad Street will attempt to resolve the complaint of possible water infiltration caused by water runoff from the roofs of each properties' respective structure.

S.Patterson motions to issue a Special Use Permit for the Hotel/Inn at 8 Broad Street. A.Van Alstyne seconds; all in favor.

New Business: None

Next Meeting: September 2, 2021

Adjournment: 7:38pm – A.Van Alstyne motions to adjourn. K.Monahan seconds; all in favor.

Respectfully submitted,

Carol van Denburgh
Secretary to the Planning Board

APPENDIX A

Correspondence for Three Sisters Tavern 10 emails