

**Village of Kinderhook**  
**Planning Board/Public Hearing Meeting**  
**FINAL Minutes of February 4, 2016 Meeting**

**Present:** Dave Flaherty-Chair, Susan Patterson-Vice Chair, Mark Browne, Matthew Cabral, Bruce Charbonneau

**Absent:** -

**Others Present:** Paul Calcagno, Connie Chase, James Dunham, Steve Gilger, Stuart Peckner, Peter Van Alstyne, Village Attorney-Robert Fitzsimmons, Village Trustee-Richard Phillips, Village Building Inspector-Glenn Smith, Village Economic Development Director-Renee Shur

**Call to Order:** D. Flaherty brought the meeting to order at 7:07 pm.

**Public Hearing:** Minor Subdivision - Hudson St./Paul Calcagno - 43.20-2-3  
Peter Van Alstyne, Licensed Land Surveyor, presented to the public a map indicating a two lot subdivision in the Village, #5 & #7 Hudson St., former bookstore, now Flammerie Restaurant (#7) and the building behind, former Certified Reports (#5), right of Post Office. The proposed plan is to separate the restaurant from the building behind as indicated on the map, leaving both parcels access by an existing easement and both parcels meeting zoning codes.  
Open Public Discussion:

Connie Chase, owner of the Flammerie Restaurant and leasee of Paul Calcagno's building, expressed her concern regarding her existing lease which states "shared use of parking lot". With the proposed subdivision, Ms. Chase request is to have one parking space designated for her use, where her trailer would be parked. Ms. Chase stated she will request an Addendum through the Planing Board if P. Calcagno will not agree to this one parking space. Attorney R. Fitzsimmons clarified her concern indicating that the Planning Board also had initial concerns since the site plan specifically had a place for Ms. Chase to park her trailer whether that was within or without the boundary that Mr. Calcagno was creating. Mr. Calcagno's response to the Board was pursuant to the lease he was giving that area for Ms. Chase to park her trailer. Although the lot line will not include where Ms. Chase will park her trailer, she has the right, as Mr. Calcagno represented to the Board, within the lease to continue to use that parking space. Mr. Calcagno also had stated that Ms. Chase may have rights to purchase the property in her lease agreement at the end of her lease termination. Mr. Calcagno and Ms. Chase would have to negotiate at that time whether to continue to lease or take the spot. The Planning Board did not feel that a modification of the site plan would be needed at that time since Mr. Calcagno is providing space that is in compliance with the site

plan which was approved. Ms. Chase was in agreement with Attorney Fitzsimmons clarification.

Ms. Chase also requested that the Flammerie Restaurant, building #7, remain the physical address for this building since existing business transactions, liquor license, etc. all indicate #7 as the physical address. Attorney Fitzsimmons stated the address is set by the County 911 and suggest Ms. Chase reach out to County 911 and make her request since it is currently an established number.

Mr. Calcagno was asked if he intended to subdivide Parcel #1 (indicated on map), which includes the stand-alone house behind building #5. Mr. Calcagno stated, at present, he has no intentions to subdivide parcel #1. If that should change, it would have to be addressed by the Planning Board at that time.

Steve Gilger, Manager of 9 Hudson Street apartments, had concerns regarding his septic system, propane tank, smoke, trailer issues, exits, dumpster, and multiple subdivisions. His issues would be taken into consideration by the Planning Board, however, most were unrelated to subject at hand.

Motion to close the Public Hearing: D. Flaherty; Second: M. Cabral. Motion carried.

**Workshop:**

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**Minutes:**

Motion made to approve the minutes of the January 7, 2016 meeting: M. Cabral; Second: M. Browne. Motion carried.

**Funds Remaining:**

\$10,366.95

**Correspondence:**

None

**New Business:**

P. Calcagno discussed his plans to reinstall the original store front entrance of 1 Broad St. (left side of building, former Lynn Strunk Real Estate Office). Once complete, he would like to utilize this portion of the building as an extension of the bakery, in that the bagel shop would remain as is, but, the use of the kitchen area and equipment would be utilized by this new area, which would be a family eatery. Focaccia would be served with untraditional toppings, roasted vegetables, organic, natural/healthy ingredients, sustainable and locally sourced seasonal foods, salads, and calzones. "Take-Out" service would be offered, but, no delivery service. Initial hours of operation would be from 4 pm to 10 pm. Other than the installation of the store front, a seating design (mostly booths, approximately seating for 50 people) would need to be created and expansion of the existing bathroom for handicap accessibility constructed. Door in back of the building would be used for handicap access since it is at ground level. Inside the brick wall would be exposed, ceiling and wood flooring would remain, all which match the interior of the bagel shop.

The “corporation” would remain the same. In the future and with customer growth, P. Calcagno would like to see this space open from 11 am - 10 pm, 5 or 6 days a week and the bagel shop be open from 6 am - 9 pm. The question of catering service from this location was asked and P. Calcagno stated the basement is being prepped for that type of service with the installation of wash tables, insulation, windows, concrete flooring and drain lines/grinders connected to the sewer, and all meeting health codes. P. Calcagno would also like to file for a liquor license. Due to the minimum amount of work that needs to be done in this building, P. Calcagno is looking at a possible April opening. A Change of Use Permit would be needed since the existing space was used as an office space, a Site Plan Review (previously submitted can be used/amended), and the issuance of a Special Use Permit would also be needed. P. Calcagno to prepare application and necessary documents, working with Village Building Inspector/CEO Glenn Smith, for the March meeting of the Planning Board. A Public Meeting will need to be arranged.

P. Calcagno updated the Planning Board regarding the Dutch Inn and a number of legal issues that have gone through various levels of the NYS Court System. Closure of these legal issues is expected in 2016.

P. Calcagno apartment updates: seven apartments are currently rented, 4 above the bagel shop, 2 behind the former Certified Reports building, and one above the Flammerie. One more will be available in about a month, above Blake Realty.

**Old Business:**

Minor Subdivision - Hudson St./Paul Calcagno - 43.20-2-3

M. Browne requested clarification of the property line as indicated on the map. P. Van Alstyne indicated the property line is approximately 1/2 foot outside of the fence that runs along the right side of the entrance road to the Post Office. The existing fence would be included in the small piece where the restaurant sits, #7. The parking spot that Mr. Calcagno will be providing to leasee, Ms. Chase, is outside of this area. Mr. Browne indicated that it was previously agreed that this is an addendum to the existing site plan. Attorney Fitzsimmons reviewed the “Short Environmental Assessment Form” for completeness.

Motion made to issue a negative declaration for the purposes of SEQRA: S. Patterson; Second: M. Cabral. Motion carried.

Motion made to approve the site plan as discussed, to separate the parcels: S. Patterson; Second: B. Charbonneau. Motion carried.

It was requested that Kristina Berger, Secretary to the Planning Board, collect the fee from Mr. Calcagno and to file one copy with the existing site plan.

**Adjournment:**

Motion to adjourn at 7:46 pm: M. Cabral; Second: S. Patterson. Motion carried.

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Jacqueline Bujanow, Acting Secretary  
Planning Board