

(Approved September 5, 2019)

**Village of Kinderhook
Planning Board
Minutes of June 25, 2019 Public Hearing**

Present: Chair, Abram Van Alstyne; Susan Patterson; Bruce Charbonneau; Kevin Monahan; Tina Lang; CEO/ZEO, Glenn Smith; Mayor, James Dunham.

Also Attending: Dorene Weir; George Mayer; Alexander Anderson; Jake Samascott; Jennifer Ose-McDonald; Barry Herbold; Stewart Peckner; Audrey Peckner; Collin Wood and The Columbia Paper Reporter, Emelia Teasdale.

Absent: Village Attorney, Robert Fitzsimmons

Public Hearing: Stewart's Ice Cream Co., Inc.
Site Plan Amendment
44.13-1-8 61 Chatham Street

Chair, A. Van Alstyne opened the public meeting at 7:03 pm. Chuck Marshall the representative from Stewart's explained to the public and the Planning Board that Stewart's is proposing to add a stamped asphalt pad in front of the store. They will eliminate the current 750 sq ft canopy over the gas pumps. They will relocate the two gas pumps in parallel to allow efficiency at the pumps and add a larger 1,100 sq ft canopy with LED lighting.

He stated Stewart's has granted the Village of Kinderhook an easement for the Albany Hudson Electric Trail. They have committed to adding a bike rack and pic-nic table at the junction of the trail. He is requesting the approval of the proposed plans with a negative SEQR Declaration to allow Stewart's to apply for a New York State DOT highway work permit.

Q: Alexander Anderson inquired if the underground gas tanks would be removed.

A: Mr. Marshall responded: Yes, they will be removed per protocol. If they encounter contamination they will call in DEC. If anything is encountered they will remedy per DEC requirements. They are installing a double wall tank that has a brine solution in between the walls that is remotely monitored.

Q: Alexandra Anderson questioned if Stewart's would be adding an Electric car charging station.

A: Mr. Marshall responded: No, not at this time. The current market shows a two hours trickle charge that does not match convenient store turnover. They may add a charging station in the future along the side of the building.

An open discussion of the LED lighting of the canopy: Is LED considered neon lighting? Will the lights be indirect lighting or down lit? What does the village code require?

Mayor Dunham noted village code 130-137 #12 indirect lighting applies to signs not for lighting.

Mr. Marshall explained the proposed LED lights are individual bulbs in a strip. The current lighting is drop box lighting. The proposed area lighting and sign lighting will be LED lighting. The regular pricing sign will be red. The diesel pricing sign will be green. He will install the 5700 yellow hue lighting keeping from a white blinding light.

CEO/ZEO states their proposal meets all NYS building code requirements. He agrees with the 5700 series lighting for safety of customers and employees.

Q: Collin Wood is the neighbor to Stewart's. He inquired if there will be bushes or a fence installed. He was looking to keep the litter off of his property.

A: Mr. Marshall has the authority to approve the installation of 120 ft of 6ft stockade fence. Stewart's, CEO/ZEO, Glenn Smith and Mr. Wood will work together for the installation site of the fence.

A. Van Alstyne closed the Public Hearing at 7:31 pm and opened the regular meeting.

Minutes:

A motion was made by B. Charbonneau to approve the minutes June 6, 2019 meeting with the addition of Stewarts's representative name Tyler Fronte added to the minutes; seconded by S. Patterson; all in favor.

Funds:

\$2,500.00 (New village fiscal year 2019/2020)

Correspondence:

A letter from resident Audrey Peckner, 24 Broad Street was received and read aloud. She is concerned with the lack of traffic control during "The School" exhibits and events in the village. A. Van Alstyne also read aloud the proposed response from Mayor Dunham to Mrs. Peckner. Mayor Dunham inquired if the Planning Board had any additional comments as the letter was submitted to all of the Village Boards. He stated he spoke with The School concerning traffic control at their events. They are willing to sit with the Village Board and Planning Board two months prior to an event and work on a traffic control plan.

A. Van Alstyne stated they support the events and are concerned with the safety of residents and guest to the village but there is nothing before the Planning Board for them to vote on. He stated the Mayor has actions in place and is working on them and they will consider traffic control when an applicant is before the Planning Board.

Mrs. Peckner would like the Planning Board to consider traffic control when an applicant comes before them for a variance for businesses in a residential area. A business would need to submit traffic control plan like hiring of law enforcement, cones, parking on one side of the street only, etc.

Old Business:

Stewart's Ice Cream Co., Inc.
Site Plan Amendment
44.13-1-8 61 Chatham Street

The Planning Board read and answered the questions in the Short Environmental Assessment Form Part II. A motion made by B. Charbonneau accepting a Negative Declaration; seconded by K. Monahan; all in favor.

A motion made by B. Charbonneau approving Stewart's modification to their existing site plan as proposed in their prints with the additional requirement to add a 125 ft of 6ft stockade fencing along the south border agreed upon by Stewart's and the neighbor homeowner; adding area lighting of 5700 Calvin range; seconded by A. Van Alstyne; all in favor.

The Three Sisters Tavern LLC
Social Use Permit
43.20-1-29 8 Broad Street

The Planning Board received a letter dated June 20, 2019 from the Columba County Planning Board stating the proposed action has no significant county-wide or intercommunity impacts associated and therefore the Village of Kinderhook Planning Board may take final action with a simple majority vote. They did offer comments for consideration in their letter.

The Planning Board read and answered the questions in the Short Environmental Assessment Form Part II. A motion made by B. Charbonneau accepting a Negative Declaration; seconded by A. Van Alstyne; all in favor.

A motion made by B. Charbonneau approving the Special Use Permit to operate the Three Sisters Tavern; seconded by K. Monahan; all in favor.

PCJ Development (Paul Calcagno)
Special Use Permit
43.20-2-47 5 Broad Street

A motion made by A. Van Alstyne to deny the Special Use Permit application; seconded by B. Charbonneau; all in favor.

Discussion:

Proposed Parking Law-It is required to receive Planning Board comments on Proposed Local Law No. 1 of 2019 to lift requirements for the B-1 district parking and off street loading before the Village Board takes action. A public Hearing on Proposed Local Law No. 1 of 2019 will be held on July 10, 2019. The Planning Board felt the overall changes are not significant. A. Van Alstyne will draft a letter to the Village Board in support of the changes. He requested his board members send him any comments they would like added to the letter to the Village Board. Mayor Dunham noted it was also a zoning law change so it had to be submitted to the Columbia County Planning Board for review. They did not find it to be a County wide impact.

Next Meeting: August 1, 2019

Adjourn: 8:11 pm B. Charbonneau moves to adjourn; K. Monahan seconds; all in favor.

Respectfully submitted,



Nicole H. Heeder
Secretary