

Minutes
Special Meeting of the Village Board
Tuesday, July 27, 2021

Present: Mayor Leiser

Trustees: David Flaherty
Dorene Weir
Michael Abrams
James Mark Browne

Also attending: Village Attorney, Robert Fitzsimmons; Janice Abate; James Nadle; Mike Urbaitis; Michael Allen; Sigrid Gray; Stan Gresens; Richard Byrne; Gary Spielmann; Jason Jacoby; Darren Waters; Renee Shur; Gert Domot; Isabel Borland. Don Corleone; Rob Doriet; Joe Ulmschneider; Morag Bell; Michael Clary; Meg Riddle; Tom Riddle; Curt Gobbrecht; Heather Kowalski; Anthony Cottingham; Liz Cottingham; Kevin Monahan; Marr Daves; Robert Colamazino; Ruth Moore; Near Corozig; Jake Samascott; Meredith Lorenzen; Paul Rinehart; Elizabeth Martin; Michael Susi; Sean Sawyer; Pamela Saisbury; Sandra Tolosa; Astrid Montagano; Kristina Lang. Jennifer Ose-MacDonald; Amber Van Mossner; Nolan Robinson; Marissa Rothstein and Paul Calcagno.

A Perpetual Easement between The Hat Factory, LLC (2, 8 Hudson St.) and the Village of Kinderhook

Mayor Leiser opened the Special meeting at 7:00 pm. He noted, the first item on the agenda was the perpetual easement between The Hat Factory LLC. (2, 8 Hudson Street in the village of Kinderhook)

The village attorney Robert Fitzsimmons explained the village received a request for an easement that we all know was the Treasure Shop property and it's actually owned and titled in the name of the Hat Factory, LLC that is currently being developed. The easement request is to install and maintain a grease trap with the connection to the village of Kinderhook's existing wastewater collection system. The grease trap is a village code required piece of infrastructure that collects any grease from the restaurant before it enters the village's sewer system that could possible contaminate it. Their attorney drafted the easement that would allow them to install, place, maintain and repair the grease trap. The easement will include the existing bilco doors and the stairs. Peter Van Alstyne provided a survey map that the village reviewed that delineates the easement request that goes over the bandstand corner property. They provided a Schedule B, which is a metes and bounds description of the easement.

Mr. Fitzsimmons inquired if the Village Board had any questions for him, the board did not. He also noted the meeting is not a public hearing but there were a lot of public present and it was up to the board if they would like to open the meeting to the public for any questions or concerns so they may be addressed.

Mayor Leiser opened the meeting up to any questions or comments the public may have.

Q: Is the grease trap self-contained?

A: Mr. Fitzsimmons answered: Yes, the grease trap is self-contained. It is designed in a manner to be accessed from the top to be cleaned out and not contaminate the village's sewer system. There are sewer, water and electric lines already installed in the area. The grease trap is required for the business and it's required by the village code for him to install.

No further questions or comments were received.

Mr. Fitzsimmons stated with the village considering an easement there's a process called the State Environmental Quality Review and arguably under this easement request it would be a Type II action, which means it's exempt from SEQR review. However, he finds it best that the village consider the easement for potential significant negative environmental impacts with the applicant submitting a Part One short environmental assessment form using the EAF mapper, which puts all the data in. will go through part two with the Village Board noting if the village board believes there's any questions or issues they may stop him and they can discuss. He will give them the proposed questions and the proposed answers.

Mr. Fitzsimmons reviewed Part 2 the Impact Assessment with the village Board answering “No, or small impact may occur” to all eleven questions of the Short Environmental Assessment Form.

A motion made by Trustee Flaherty noting a negative declaration SEQR; seconded by Trustee Weir. All voted “aye”.

Mr. Fitzsimmons noted the easement map and Perpetual Easement has been drafted. He knows the neighbor, Mr. Calcagno has voiced his concerns via email and the village has reviewed those concerns and the concerns he has raised in an email received today. Mr. Fitzsimmons went through the title report, the mapping, the deed, the Treasure Shop deed with the title company looking at deeds back to 1876 and they found no impediment or legal impediment for the easement this use, as offered.

A motion made by Trustee Flaherty granting the authority to have Mayor Leiser sign any and all documents necessary to complete the paperwork for the easement between the Hat Factory, LLC and the Village of Kinderhook; seconded by Trustee Browne. All voted “aye”.

A motion made by Trustee Flaherty to adjourn the Special meeting at 7:10 pm; seconded by Trustee Abrams. All voted “aye”.

Surplus Equipment

A motion made by Trustee Flaherty to list the 2005 Toro Ground master 328-D and the 1989 Toro Ground master 220-D as surplus equipment and to list them on Auctions International to be sold; seconded by Trustee Weir. All voted “aye”.

RESOLUTION BY THE VILLAGE OF KINDERHOOK VILLAGE BOARD AUTHORIZING THE VILLAGE OF KINDERHOOK TO APPLY FOR A GRANT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (OPRHP) FOR A GRANT UNDER TITLE 9 OF THE ENVIRONMENTAL PROTECTION ACT OF 1993 FOR A PARK PROJECT

Resolution by: Trustee Dorene Weir;

Seconded by: Trustee David Flaherty.

WHEREAS, the Village of Kinderhook is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located at Rothermel Park, Kinderhook, NY, a site located within the territorial jurisdiction of this Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees for the Village of Kinderhook hereby does approve and endorse the application of the Village of Kinderhook, for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as

Rothermel Park Playground Improvement and Accessibility Project and located within this community, and be it further

RESOLVED, that, should the Village of Kinderhook Recreation Commission be unable to do so, said property shall be forever maintained by the Village of Kinderhook as a municipal park in this community consistent with the rules promulgated by OPRHP.

Upon question of the foregoing Resolution, the following Board members voted "Aye" in favor of the Resolution:

Mayor Dale Leiser;
Trustee David Flaherty;
Trustee Dorene Weir;
Michael Abrams; and
James Mark Browne.

The following Board members voted "No" in opposition thereto:

_____ ; and
_____.

The Resolution having been approved by a majority of the Village Board, the same was declared duly adopted by the Mayor of the Village of Kinderhook.

Payment of Claim

A motion made by Trustee Flaherty to pay Thomas Wildermuth for the concrete wheelchair ramp and sidewalks at the Village Hall with the court grant funds received; seconded by Trustee Abrams. All voted "aye."

Mayor Leiser made a motion to adjourn the Special meeting at 7:10 pm; seconded by Trustee Flaherty. All voted "aye".

Respectfully submitted,

Nicole H. Heeder
Village Clerk