



VILLAGE OF RHINEBECK

VILLAGE OF RHINEBECK PLANNING BOARD

MEETING MINUTES

May 1, 2018

Beginning at 7:00 PM
Village Hall, 2nd Floor
76 East Market Street
Rhinebeck, NY 12572

Agenda:

Constance Bathrick

15 Chestnut Street
Rhinebeck, NY 12572

Request: 1) **Site Plan Review** – Proposed Addition and two car garage; ZBA determination

David Miller, Chair, reported that the Zoning Board of Appeals approved Ms. Bathrick's variance request of a 10' ft. extension to the planned two car garage.

Warren Temple Smith presented decorative elements that will be featured because Ms. Bathrick wants to recreate as many features to return the house to what was originally built. The elements featured on eluded capitals on the columns, painted cedar shingles, exterior two over two divided light windows, and no window on the neighbor's side of the garage. The space above the rafters will be used for storage. The proposed roof line will provide shape to the contiguous symmetry feature of the house instead of the current flat roof. The Board inquired about the existing fence to remain on the neighbor's side. It was confirmed the fence will remain and the evergreen screening will remain. The sidewalk out by the street is bluestone, and according to John Fenton meets the Village Code. The Board informed Ms. Bathrick it will be a condition of approval. There will be no lighting for the garage, and the exterior lighting on the remainder of the building will remain the same.

A motion was made by Timothy Decker to approve the proposed addition and two-car garage as proposed, seconded by John Clarke with findings as a condition of site plan approval.

Findings: All sidewalks must meet current specifications of the Village Code. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

Maish Freedman

76 East Market Street, Rhinebeck, NY 12572-1697 845-876-1922 845-876-5453 Fax
www.rhinebecknyvillage.org

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16-18 Garden Street
Rhinebeck, NY 12572

Maish Freedman and Warren Temple Smith returned to the board to present new information regarding the ongoing tree matters. A letter was previously sent to the board dated April 25, 2018, from Morris Freedman, owner of Northwoods Holding Group LLC, owners of 18 and 20-24 Garden Street. In summary, Mr. Freedman outlined that after meeting with Planning Board members Michael Ghee and Mary Quinn; the tree located behind the fence at 20-24 Garden Street marked with yellow string will be removed. The large pine tree located at the end of the fence which hangs over the neighboring property will be pruned and all dead branches removed. Finally, all tree work will be completed before any demolition work commences at 18 Garden Street.

The Board asked about planned greenspace, and relocating the propane tanks. The tanks will be relocated, and plantings are included in the plans. Hardi-plank siding will be used for the siding. The rear parking lot will have a motion sensor light for lighting at night. The dumpster will be located by the gazebo. Mr. Freedman inquired about possibly a deli as one of the tenants, and the Board reminded Mr. Freedman no restaurants of any kind can be permitted due to the limited number of parking spaces. The Board informed Mr. Freedman a restaurant as defined under Chapter 120-63; "A retail business (excluding drive-through food establishments) where food and beverages are sold within a building to customers for consumption at a table or counter, or on a patio, or off the premises as carry-out orders." The Board specified for a restaurant to exist there had to be enough parking spaces to support such food service/establishment. Because of the limited parking a restaurant cannot be allowed because the available parking would be unable to accommodate a high volume business.

Negative Declaration-SEQRA

A motion was made by Timothy Decker to give a Negative Declaration under SEQRA for the proposed project at 18 Garden Street, seconded by Mary Quinn. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

A motion was made by John Clarke to approve the application as proposed, seconded by Michael Ghee with findings as a condition of site plan approval.

Findings: All tree matters must be resolved before any work can begin. This application's approvals come under the category of retail business, and not restaurant. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

Nicole McGrath

6423 Montgomery Street
(Former Coldwell Banker office located at Montgomery Row)
Rhinebeck, NY 12572

Request: 1) **Public Hearing – Special Permit and Site Plan Review and Approval** –
Use of space for a boutique fitness studio and Pilate's classes.

A motion was made by Timothy Decker to open the public hearing, seconded by Mary Quinn. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

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David Miller, Chair, asked if anyone present in the public wished to comment concerning the application for a boutique fitness studio with Pilate's classes at 6423 Montgomery Street, at Montgomery Row.

A motion was made by Timothy Decker, to close the public hearing, seconded by Mary Quinn. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

John Fenton, Code Enforcement Officer, reported the approved specific type of gooseneck lighting that should be used at Montgomery Row is being resolved. The type Ms. McGrath's sign will be using is the correct approved type of gooseneck lighting.

A motion was made by John Clarke to approve the proposed special permit and site plan application, seconded by Timothy Decker. As a condition of site plan approval the gooseneck lighting used must be the approved type of gooseneck lighting that both the Planning Board and Piper Woods approved. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

William Hoynes and Deidre Burns

32 Chestnut Street

Rhinebeck, NY 12572

Request: 1) **Side Yard Area Variance** – To remove existing one-story garage and replace it with a two-story garage with upstairs office. The building was re-designed to be smaller and moved farther from the side property line. The required setback is 10' feet. The garage will be 2.7' feet from the property line. The applicant applied for relief of 5'3" feet.

Mr. Hoynes and Ms. Burns returned to the Board with a different design for their proposed new garage after taking into consideration the Board's comments from the first time they were in front of them in September 2017. The previous meeting minutes from September 5th and 19th were provided to the Board for review, and were read into the record by the Chair, David Miller. Ms. Burns explained their previous design to conform with the 10' feet side yard rule would create too much paved asphalt, and reduce the greenspace in the yard. They felt a reduction in greenspace impacts the Village goals of maintaining greenspace. That is why they withdrew that design, and have submitted a new design. The proposed new design is for a two-story single car garage that is smaller and moved back to not conflict with an existing tree, and the neighboring home. The Board did raise the matter of non-conformity. The request is doubling the size of a non-conforming structure. Per the code, 500 sq. ft. is allowed for a single car garage.

A motion was made by Timothy Decker, for a positive recommendation to the Zoning Board of Appeals, to support this request for variance which would allow for a side yard setback of 5'3" ft. on the west side property line, seconded by Mary Quinn with findings as a condition of the positive recommendation.

Findings: Lessened over existing conditions, the side yard setback, is similar to other garages in the Village. There are no windows on the west side of the building.

All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

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John G. Ullman & Associates / Tom Cale of Cale Communications

20 East Market Street
Rhinebeck, NY 12572

Request: 1) **Sign Application** – For a hanging sign measured at 3.94 sq. ft. + door at .55” inches totals: 4.49 sq. ft. A decal located on the front window measuring 2.917 ft. X .854 ft. totals: 2.49 sq. ft. The remaining footage for signs .02 sq. ft.

Tom Cale of Cale Communications presented the proposed sign design with the new dimensions, and stated the lighting would remain the same.

A motion was made by Timothy Decker to approve the sign application as presented, seconded by Mary Quinn. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

Smoky Rock BBQ

6367 Mill Street
Rhinebeck, NY 12572

Request: 1) **Support Lights on Patio (Amendment to Site Plan)**

Owner, Nike Psichas, stated the lights were held up by metal poles, and due to storm damage had to be taken down. To hold the lights up, and the patio be lit they constructed a wooden frame structure. The Board explained there is a difference between lighting steps, and constructing a large connected wooden structure out in the front of the restaurant. Previously what was approved was low voltage path lighting installed to light the front, and installed along the inside of the stone wall. The Board strongly encouraged Ms. Psichas to acquire a lighting engineer, and return with a proposed amended site plan. In the meantime, she will have to dismantle the wooden structure or be in violation of site plan approval that can result in the shutting down of the restaurant until the structure is removed. This was not the appropriate solution nor is it compatible with the standards for the Village Center District, and opposite of what is approved being so close to the Historic District Overlay. John Fenton, Code Enforcement Officer, will follow up with the owner to review what would be allowable in the District, and how to apply it to a revised site plan to then be submitted for approval by the Planning Board.

Discussion Items:

The Board asked John Fenton, Code Enforcement Officer, if any progress had been made in the change in the code from not permitted (X) to special permit (SP) in the Medical/Residential District. The ZEO reported the Village Attorney, Rich Olsen, is looking into case law concerning established zone districts and allowable uses; such as a Craft Workshop being used in neighboring districts if the change has less of an impact than in other districts. Therefore, the owner David Bornstein, cannot proceed with the Planning Board for approval during the same time the Village Board makes the change. In addition, the Planning Board cannot continue the process for the pottery studio until the Village Board makes the change.

A motion was made by Mary Quinn to re-schedule Doug Meyer at 6563 Mill Street public hearing to May 15, 2018, seconded by Michael Ghee. All voted aye in favor.

Aye: 5 Nay: 0 Abstain: 0 The motion carried 5 to 0.

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John Fenton, ZEO, reported on 46 Livingston Street that it is an approved B&B from two years ago, but conditions of approval have not been met. Owners were supposed to move in on 3rd floor, and other violations exist. He can issue an appearance ticket to appear in court, and until then issue a cease and desist with Village PD instructed to monitor the residence.

Mayor, Gary Bassett and Trustee John Rossi gave an update to the Planning Board concerning the status of parking in the Village. They presented a possible solution to elevate the parking issues in the Village by leasing an open area of lawn on the Northside of the Father Brogan Center located on Mulberry Street. The Village could purchase the property, and construct a parking lot which they would maintain. The Board had many concerns which primarily included access off of Mulberry Street, the cost compared to the amount of spaces achieved, the reaction of the Good Sheppard Church Parish Council, and the location of the leech field for the building. The Board suggested the Mayor inquire about an alternative location for parking behind the Methodist Church. The church may need the additional revenue, it is a better location, and it is closer for overflow parking. It could also serve as parking for municipal employees especially for the Town. The Board feels the Village would have a better argument in utilizing the Methodist parking area, and it could provide the resources needed to maintain the property.

EV parking grant the Thompson Mazzerella Park was approached to construct an area in the one front field, but Sally Mazzerella objected to the proposal. The Board suggested they ask the Starr Library if they are in need of additional parking since the funds exist for parking.

Updated on the Village looking into creating loading zones in designated areas around the Village. Proposed zones would be located on Livingston Street on Gigi's side, Garden Street across from the Bike Shop facing south, in front of the Beekman Arms by the postal box, and on Market Street just down from Aba's Falafel. All zones would have a time limit from 7 AM-10 AM. The Mayor plans to meet with the Chamber of Commerce to get the businesses informed, and encourage stock trucks to be used and not semi-truck and trailers. The Board felt it was worth proceeding to take next steps.

Trustee Rossi updated the Board that there is a tax credit for homeowners who have homes or contributing homes in the Historic District Overlay, and are working to maintain the structure.

The Board reviewed the letter from the Office of State Parks and Historical Preservation or SHPPO concerning 138 East Market Street, but felt the letter was not conclusive. They feel strongly that a structural historical engineer should be hired to review if the home can be stabilized and saved on the outside.

A motion was made by Timothy Decker, seconded by Mary Quinn to adjourn at 8:55 pm.

Respectfully Submitted;

Ryan Dowden

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