



# VILLAGE OF RHINEBECK

## VILLAGE OF RHINEBECK PLANNING BOARD MEETING MINUTES

**February 19, 2019**

Beginning at 7:00 PM  
Village Hall, 2<sup>nd</sup> Floor  
76 E Market Street  
Rhinebeck, NY 12572

Present: David Miller (Chair), Timothy Decker, John Clarke, Mary Quinn, Michael Ghee, John Fenton (Code Enforcement Officer, ZEO)

### Agenda:

#### **PUBLIC HEARING**

**The Kroeg / 4 Fathoms LLC**

**41 E Market Street**

**Rhinebeck, NY 12572**

Request: 1) **Special Use Permit** – Proposed retail/restaurant business that will offer beer and wine for sale, and will feature sampling of the products they have for sale.

#### **Open Public Hearing**

**Motion** made by Timothy Decker to open the public hearing, seconded by Michael Ghee. The motion carried 5 to 0, all voted aye in favor.

Aye: 5      Nay: 0      Abstain: 0

Keith Reichelt returned to the Board to present the proposed special use permit for the proposed business known as “The Kroeg” for public review. Mr. Reichelt proposed “The Kroeg” will feature:

- Seating on the main floor to include 9-12 seats;
- Standing only at bar top area with no seating;
- Patrons can sample or consume beer and wine before purchase;
- First floor food preparation area with sink, dishwasher, existing slop sink;
- Public access is not permitted in the first floor area;
- Restroom on the first floor is for staff only;
- Local food products like honey, salsa, crackers, and other pre-packaged items are available for purchase;
- Displayed assortment packs of beer for purchase displayed on shelves, and not in coolers;
- A fire suppression system for the first floor preparation area because access is only one way in and one way out.

76 East Market Street, Rhinebeck, NY 12572-1697 845-876-1922 845-876-5453 Fax

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**Village of Rhinebeck Planning Board February 19, 2019 Meeting Mins. Cont'd...**

He stated that the business's Board of Health or DOH of Dutchess County application, and New York State Liquor Authority application are pending. The proposed hanging sign will measure 2.5' ft. by 2.5' ft. totaling 4.9 sq. ft. The door decal will 10" in. by 10" in. totaling 0.55 sq. ft. The proposed hanging sign will feature proposed lighting.

The Board had concerns with the proposed lighting that it exceeds the permitted lumens level, and the type of proposed light fixture allowed. The lighting fixture needs to direct the light downward to prevent light pollution. Also, the wattage or the equivalent lumens level for the bulb used has to be 40 watts or the equivalent of 500 lumens instead of what is proposed at 75 watts. Mr. Reichelt stated if the proposed lighting is an issue that he is agreeable to have the proposed hanging sign be approved without lighting. The Board stated that if in the future the applicant wanted the hanging sign to be lit they would have to return to the board for approval.

The Chair asked if there were any neighbors or members of the public present who wished to provide comments, seeing none. Also, there were no comments or objections submitted in writing.

**Close Public Hearing**

**Motion** was made by John Clarke to close the public hearing, seconded by Timothy Decker. The motion carried 5 to 0, with all voting aye in favor.

Aye: 5    Nay: 0    Abstain: 0

**Special Use Permit Approval**

**Motion** was made by John Clarke to grant the special use permit for a retail/restaurant business known as "The Kroeg" with these conditions of approval;

- Parking-in-lieu of payment of \$1,000.00 for 1 parking space;
- One hanging sign with no lighting, and 1 door decal for the front door; No use of sandwich board signs of any kind;
- Seating on main floor 9-12 seats, and standing only at walk-up bar
- After the hanging sign is up, and door decal is up please provide photos of each to the Planning Board clerk for the applicant's file.

Seconded by Timothy Decker. The motion carried 5 to 0 with all voting aye in favor.

Aye: 5    Nay: 0    Abstain: 0

**Amalgamated Agricultural Associates LLC / Victoria Polidoro of Rodenhausen Chale & Polidoro LLP (Agent)**

**6282 Route 9**

**Rhinebeck, NY 12572**

Request: 1) Amend the language in a condition of their approval resolution.

Victoria Polidoro, attorney for the applicant appeared before the board with a request to amend the language in Condition (2) of the applicant's approval resolution. To change the language as it relates to the project receiving Board of Health approval as a condition of approval to a condition of certificate of occupancy or CO. Ms. Polidoro stated that this was a request from the owners who wish to begin work this spring, and desire to submit the necessary permit.

## Village of Rhinebeck Planning Board February 19, 2019 Meeting Mins. Cont'd...

The Board reviewed the previous meeting minutes when the applicant received their approval resolution back at the October 16, 2018 meeting. They asked why the Board of Health application was not submitted following that meeting. Ms. Polidoro stated the engineer, Christian Paggi, did not submit the application until January 30, 2019 because there were revisions made after that meeting, and the holidays impacted the submission to the Board of Health. The owners are aware of the increased risk they are taking, and that adds to the project. They've based this action on preliminary soil testing, and the proposed location of the septic area that they are confident in taking the extra risk.

The Board had concerns about granting this request because of setting a precedent that allowing this action it may impact future applications. The Board requested John Fenton, ZEO, to check with the Board of Health on the status of their application. The Board also wanted to consult with their attorney about this request, and the potential impacts it may cause. The applicant tentatively will return at the March 5, 2019 meeting.

### **Victoria & Family Farm LLC**

**21 Chestnut Street**

**Rhinebeck, NY 12572**

Request: 1) **Site Plan** – Proposed installation of an in-ground pool with a patio, fencing, and landscaping.

Warren Temple Smith, Architect, appeared before the Board to present a proposal to install an in-ground pool, proposed continuation of the existing rear and side yard privacy fences, and proposed landscape features. Mr. Smith presented a proposed scope of work;

- Install a rod iron fence along the front perimeter with a gate, and gates installed for the driveway. The applicant proposed the fence in the front with a gate, and gates for the driveway to keep the public from walking on to the property.
- The remaining privacy fencing along the rear and side yard up to the property line;
- The utilities will remain, and are not planned to be moved.
- A propane tank is planned to be installed to heat the pool, and it will be located by the existing gazebo.
- LED lights will be featured underwater to light the pool.
- At this time the applicant is not proposing a pool house. The applicant is considering a changing room for a future submission.
- The only added lighting details are proposed post lamps at the gates by the driveway using LED bulbs at 40 watts or equivalent to 500-600 lumens.

The Board inquired about the generator that it should be checked to make sure what time of day it cycled, and if necessary change it to make sure it did not impact the neighbors when it cycled.

**Site Plan Approval**

**Village of Rhinebeck Planning Board February 19, 2019 Meeting Mins. Cont'd...**

**Motion** made by Timothy Decker to approve the site plan with conditions for an in-ground pool with safety fencing, a patio, privacy fencing, and landscaped features. Conditions of approval to include;

- The rod-iron fencing in the front plain cannot exceed 4 ft. in height;
- The hedge row is to be maintained, and not to exceed 4 ft. in height;
- Lighting details to include post lamps by the gates at the driveway will conform to the wattage or lumens standards stated in the zoning code;
- Additional detailed landscaping shown have to conform to the standards in the zoning code.

Seconded by Michael Ghee. The motion carried 5 to 0 with conditions. All voted aye in favor.

Aye: 5      Nay: 0      Abstain: 0

**Northwoods Holding Group, LLC / Warren Temple Smith, Architect  
16-18 Garden Street  
Rhinebeck, NY 12572**

Change of site plan without Planning Board Approval –Stop Work Order issued by Zoning Enforcement Officer

Warren Temple Smith, Architect, appeared before the Board to address the stop work order. Mr. Smith explained the owner consulted with him about adding a studio/loft area above the upstairs apartment in the rear of the building, and not having just a dormer. This area would be used by the applicant's mother as a studio space. Mr. Smith advised the owner that this is possible because of the cathedral ceilings, but the area cannot function as a bedroom. He asked if the owner had confirmed this change with the John Fenton, ZEO. If this was allowed, or would they need Planning Board approval. The owner claimed he had spoken to Mr. Fenton, and Mr. Smith proceeded by providing the builder with the revised plans to include this loft/studio area with windows.

John Fenton, ZEO, responded that the only documentation/plans submitted addressed the demolition permit, and the foundation. That at no time did this conversation take place, and he would never give any approval like this without Planning Board review and approval. That no detailed floor plans were ever submitted to the Building Department. Mr. Smith stated the builder failed to submit the plans to the department that he had provided him on site.

The Board stated the proposed addition of a loft/studio area above the 2<sup>nd</sup> floor apartment could not be supported since it was never part of the approved site plan. The applicant has not completed the site plan conditions that deal with trees that have been tagged for removal. The owner can either return to the board with an amended site plan, or a new site plan application to propose a loft/studio area above the upstairs apartment.

**Frank Mazarella, Architect**

**6453 Montgomery Street**

**Rhinebeck, NY 12572**

Request: 1) **Site Plan** – Proposed construction of a garage in the Residential/Historic Overlay District.

Frank Mazarella, Architect, appeared before the Board to propose a one story two car detached garage. Mr. Mazarella explained that the roof of the proposed garage will have a flat roof, and has stairs to access the roof. The owners are artists who want to display their sculptures up on the roof, and be able to use the roof to view them. These were the reasons why he did not design a pitched or gabled roof.

Mr. Mazarella added that there has been an ongoing storm-water issue on the property. The applicant has retained an engineer, and has provided options to re-direct the storm-water runoff. One proposed option was to direct all the collected runoff to the village's storm-water system to the street on Route 9. John Fenton informed Mr. Mazarella any proposed storm-water plan would have to be reviewed by the village's engineer and New York State Department of Transportation's engineer. Mr. Mazarella proposed another option of a swale or bio-swale to handle the runoff. The Board responded that any proposed plan needs to be reviewed by the village's engineer before they could take any action.

The Board had concerns with the overall design of the garage. The property is located in the Historic District Overlay or HDO, and what has been proposed does not satisfy the HDO's regulations. The design is not similar to any of the other garages/carriage houses located on the adjacent properties. Mr. Mazarella stated that the garage will feature;

- Horizontal siding that is similar to the house;
- The roof will be a sloping membrane with pea gravel on top;
- The staircase will be gated, and a fence could be added.

John Fenton, ZEO, stated there would have to be additional proposed safety elements like railings, and other detailed features that would show the roof being able to withstand the weight of the proposed use. The Board advised Mr. Mazarella to review all the standards in Section D of the Historic District Overlay section of the zoning code, and return with a revised proposal.

**Sergia Rebraca/Liberty Public House**

**6415-6417 Montgomery Street, 1<sup>st</sup> Floor and Lower Level**

**Rhinebeck, NY 12572**

Request: 1) **Sign Application** – Proposed replacement of existing sign with a new sign that will be the same size, but a different design. Also, proposal of a second sign using an existing bracket located on the front of the building.

Serg Rebraca, appeared before the Board to present his proposed replacement sign, and proposal for a possible additional sign using an existing bracket on the front of the building. He explained it will measure about 15 sq. ft. The exact measurement for the sign are 3.85 ft. x 3.85 ft. to equal 14.8 sq. ft. The sign had to be 7 ft. from the sidewalk. The design's only change is in lettering, and background color. The

**Village of Rhinebeck Planning Board February 19, 2019 Meeting Mins. Cont'd...**

Board was concerned with the proposal of a second sign, and he would have to confirm he was not exceeding the allowed signage. This calculation would have to be worked out with John Fenton, ZEO. The applicant did not have a completed consent form, or authorization letter from the building's owner. They told the applicant to return to a later meeting if he had a completed form, or authorization letter to receive final approval for the proposed sign.

**Howard Jacobs/Lucky Dragon**

**38 W. Market Street**

**Rhinebeck, NY 12572**

Request: 1) **Sign Application** – Proposed new sign for a new restaurant.

Howard Jacobs appeared before the Board to present his proposed sign change for his new restaurant. He explained the proposed sign will use the same bracket, down lighting, and to be the same size as the last restaurant. He added it hangs 7 ft. from the sidewalk.

**Sign Approval**

**Motion** was made by John Clarke to approve the sign as presented. There will be no use of sandwich board signs, and once it is in place photos of the new sign need to be submitted to the Planning Board clerk for the applicant's file. Seconded by Mary Quinn. The motion carried 5 to 0, all voting aye in favor.

Aye: 5    Nay: 0    Abstain: 0

**Starr Building LLC / Kristina Dousharm Architecture-KDA**

**6415-6417 Montgomery Street**

**Rhinebeck, NY 12572**

Request 1) **Site Plan – Continued from February 5, 2019 meeting** – Proposed renovations, repairs, alterations to the exterior and interior of the building.

Ms. Santiago representative from Kristina Dousharm Architecture appeared before the Board with a revised proposed scope of work, and site plans. She referenced that the historic windows are scheduled to be restored with added storm window to each window. Storm-water drainage will be directed to the existing catch basin system by the new system. The Board stated any new system needs to be reviewed by the village's engineer before it can receive any approvals. She confirmed the iron gate feature outside in the front is scheduled to be removed. Also, that the door ways in the rear of the building will be bricked off to match the rear building.

The Board asked Ms. Santiago if the owners had met with any of the businesses operating in the building, and what happens to these businesses trying to operate with on-going renovation projects. That they would need a description or plans to remedy as part of the proposed scope of work. John Fenton, ZEO, added that not only will the board need this information, but the Board of Health will need that information too. The Board also has asked for short term and long term goals that the owners have for the building, and property. Other details that need to be included:

- Landscaping details;

**Village of Rhinebeck Planning Board February 19, 2019 Meeting Mins. Cont'd...**

- A dumpster enclosure;
- How the parking lot will be repaired, maintained, and screened;
- Plans for all lead remediation and asbestos abatement.

The applicant will tentatively return to the March 5, 2019 meeting.

**Discussion:**

- February 5, 2019 meeting minutes will be reviewed at the March meeting.

**Adjournment:**

**Motion** made by Timothy Decker to adjourn, seconded by John Clarke. The motion carried 5 to 0, all voted aye in favor.

Respectfully Submitted;

Ryan Dowden, Planning Board Clerk, (03/01/2019)

**Village of Rhinebeck Planning Board February 19, 2019 Meeting Mins. Cont'd...**