



VILLAGE OF RHINEBECK

76 EAST MARKET STREET, RHINEBECK, NY
12572

PLANNING BOARD MEETING MINUTES (DRAFT) REMOTE ZOOM MEETING

July 7, 2020

Beginning at 7:00 PM

Zoom Virtual Meeting/
Video-Conference Meeting

Present: David Miller (Chair), Timothy Decker, John Clarke, Michael Ghee, Mary Quinn, John

Fenton, ZEO

Announcement(s):

6376 Mill Street Proposed Project

Rhinebeck, NY 12572

Site Plan Review – The applicant needed additional time to work through the suggestions and comments from the last meeting, and therefore will tentatively return to continue their review process at the July 21, 2020 meeting.

Agenda:

NEW BUSINESS:

Tocci Engineering

6370 Mill Street

Rhinebeck, NY 12572

Request: **Sign Application** – Proposed 2.97 sq. ft. sign. The proposed sign will hang underneath the Hallenback Real Estate sign, the sign will not be illuminated, and will have a black background with white lettering. Located in the Village Center District.

SIGN APPROVAL

Sanya Levi of Tocci Engineering appeared before the Board and presented Tocci's proposed sign application. The Board discussed with Ms. Levi the location of the proposed sign. The proposed sign will hang below the Hallenback Real Estate sign. Ms. Levi confirmed that it would not impede line of sight, and that it does not interfere with pedestrian traffic.

A motion was made by Timothy Decker to approve the sign application as presented with the condition that a photo of the sign once in place be submitted to the Planning Board clerk for the record, seconded by Michael Ghee. All voted aye by roll call in favor.

David Miller, Chair; Aye, Timothy Decker; Aye, John Clarke; Aye, Michael Ghee; Aye, Mary Quinn: Aye. The motion carried by a vote of 5 to 0.

Old Fashioned Mom / Michelle-Marie Heinemann

71 East Market Street (suite 1)

Rhinebeck, NY 12572

Request: **Sign Application** – Proposed 3 hanging signs, measuring 8.54 sq. ft. 3.1 sq. ft. and 3.1 sq. ft. The proposed signs will hang from the existing bracket and will not be illuminated. Located in the Village Center District. (Former location of Sugar Plum Boutique)



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SIGN APPROVAL

Owner, Michelle- Marie Heinemann and her sign designer appeared before the Board to present her proposed sign application. The Board discussed with Ms. Heinemann the need to have a planter located underneath her proposed sign in order to prevent pedestrians injuring themselves by walking into it, and it was a condition of approval for the previous business tenant. Ms. Heinemann agreed with the Board's recommendation and will re-install and maintain a planter with appropriate flowers. The Board asked Ms. Heinemann if the sign will be lit. Ms. Heinemann stated 2 lights are fixed on the existing bracket but do not work at this time. Mr. Clarke discussed with Ms. Heinemann that if she wants to use lights and have the sign lit that it must comply with the code and the current spotlights shown are prohibited. Mr. Clarke explained the lights must have a type of fixture that has shields, or ultimately will shield the light down to direct the light on the sign only. Mr. Clarke suggested another option is to use a 40-watt bulb, but still to shield the light to prevent light pollution. Ms. Heinemann asked the Board about the lighting that was in place on the trees outside by the sidewalk. Chairman Miller explained those temporary lights are the responsibility of the Rhinebeck Chamber of Commerce, and the Chamber only uses them during the holiday season. The Chamber along with the Village Trustee Board are only utilizing them due to the ongoing COVID-19 virus situation as a method to attract patrons to restaurants and retail businesses.

A motion was made by John Clarke to approve the sign application as presented with two conditions of approval; one, that the light fixture installed be compliant with the code and will eliminate any glare; two, a large planter be installed and maintained with an appropriate seasonal flower in order to prevent pedestrians from walking into or underneath the new sign once it is in place. Please provide a photo of the new sign to the clerk after it is in place for the location's records. Seconded by Michael Ghee per conditions. All voted aye in favor by roll call vote. David Miller, Chair, Aye; Timothy Decker, Aye; John Clarke, Aye; Michael Ghee, Aye; Mary Quinn, Aye. The motion carried by a vote of 5 to 0.

William Willig & Marion Faux

69 Livingston Street

Rhinebeck, NY 12572

Request: **Site Plan** – Proposed site plan application for a new 13' x 12' screened porch proposed for the rear of the house. This property is located in the Residential and Historic Overlay Districts.

SITE PLAN APPROVAL

Mr. Willig and Ms. Faux appeared before the Board to present their proposed site plan change to construct a 13' x 12' screened in porch on the rear of their house. Chairman Miller stated this house is in the Historic District Overlay, and on the New York State register of



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historic homes and properties. John Fenton, ZEO, raised the issue of a vicinity map missing from the site plan, and the Board discussed the addition of a vicinity to the final submitted site plan with Mr. Willig. Mr. Decker explained the importance of having the vicinity map present which allows for a better understanding of the neighboring properties, and the impact of an applicant's proposed changes. Mr. Willig expressed that he did work with his architect and updated the official survey map to show the proposed site plan changes as it pertained to the proposed porch and setbacks. He would provide John Fenton and the Board with stamped copies of the updated site plan.

Mr. Clarke raised a concern about the siding below the screen portion of the porch. The siding shown is vertical, and not horizontal to match the house and above the screen. The house is historic and is in the Overlay District therefore the siding needs to be historically compatible and match the house. Mr. Clarke had an additional concern about two new windows that were being planned on the east side of the house, and those should be delineated on the site plan and be historically compatible. Mr. Willig was attentive to the suggestions from the Board and would consult with his architect since some details were changed during the previous interior renovations that took place. John Fenton, ZEO, expressed the need to have all conditions of approval be concise and clear to prevent impacting the final Certificate of Occupancy (CO) to be issued. He added any updated versions of the site plan must be provided to him for a thorough review to happen, and prevention of any "stop work order" being issued. Mr. Ghee shared his previous experience with vertical siding that it always holds water, therefore, causing rot to happen. Mr. Ghee supports the use of horizontal siding instead because when properly installed it does not encounter the same water issues and is accurate to the Historic Overlay District. Mr. Willig stated he would implement the Mr. Ghee's recommendation, and make sure it is detailed on the updated site plan. Mr. Decker addressed the proposed windows that they should match the remaining windows on the house in style, number, and vertical proportion. John Fenton, ZEO, addressed that by having an exterior door there needs to be exterior lighting for that door. Mr. Decker stated that this lighting needs to be a residential fixture style of lighting, and not a spotlight. John Fenton, ZEO, will monitor any conditions of approval, and at the end of the project an as built plan be submitted prior to the CO being issued. Mr. Willig readdressed the window issue stating one of the windows under discussion has been removed, and the other is not delineated correctly on the site plan. Mr. Clarke expressed that as long as the replacement windows are vertically proportioned, he would find that to be satisfactory.

A motion was made by John Clarke, to approve the site plan with two conditions of approval; one, the porch light located on the exterior of the new screened in porch be compliant to the code by using a residential fixture to prevent any type of light pollution; two, the siding installed on the new screened in porch is horizontal and not vertical in keeping with the historical character to match the house. The applicant will provide John Fenton, ZEO, with a current



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version of the site plan so as all discussed delineations are shown, and conditions of approval followed. An as-built site plan at the conclusion of construction will be provided in order to acquire CO. Seconded by Timothy Decker per conditions. All voted aye in favor with conditions by roll call vote.

David Miller, Chair; Aye, Timothy Decker; Aye, Mary Quinn; Aye, Michael Ghee; Aye, John Clarke; Aye. The motion carried by a 5 to 0.

Robert Weinstein
25 Livingston Street
Rhinebeck, NY 12572

Request: **Site Plan and (1) Area Variance(s)** – Proposed hot tub to be located on the eastside of the house 5 ft. within the 10 ft. required setback requiring a side yard variance. Asking for a relief of 5 ft. from the Zoning Board of Appeals. The property is located in the Historic Overlay and Residential Districts.

SITE PLAN REVIEW AND AREA VARIANCE POS/NEG RECOMMENDATION TO ZBA

Mr. Weinstein appeared before the Board to present his proposed hot tub, and request for an area variance to locate the hot tub within the 10 ft. required setback. The Board discussed Mr. Weinstein's proposal focusing on the concern for privacy of the neighboring properties and the possible impact of the hot tub for the neighbors. Mr. Decker added that due to the Third Lutheran Church being the direct adjacent neighbor to the east that sufficient screening should be in place to respect the Church's privacy and use of their side yard. Mr. Weinstein explained that the existing privacy fence, gate, and garden with trees separates and screens the hot tub's location from all adjacent neighbors and street. Mr. Decker stated the continued maintenance of the privacy fence and gate would be included in the final approval process when the applicant returns.

A motion was made by John Clarke for a positive recommendation to the Zoning Board of Appeals for the proposed hot tub location 5 ft. within the 10 ft. required setback. Seconded by Mary Quinn. All voted aye in favor by roll call vote.

David Miller, Chair; Aye, Timothy Decker; Aye, Michael Ghee; Aye, Mary Quinn; Aye, John Clarke; Aye. The motion carried 5 to 0. The applicant will return to the July 21, 2020 meeting to seek final site plan approval.



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Pamela Governale

16 Oak Street

Rhinebeck, NY 12572

Request: **Site Plan, Special Use Permit, and (1) Area Variance** – Proposed 2 car, 2 story, new carriage house with the existing garage to be demolished. The proposed new carriage house will include space for 2 cars, and 2 bedrooms with the first located on the ground floor and the second bedroom located on the upper floor totaling 750 sq. ft. of living space. The upper floor space will be proposed as the accessory dwelling unit. The area variance requested is for the proposed structure to be built 5 ft. in to the 10 ft. required side yard setback, asking for relief of 5 ft. from the Zoning Board of Appeals. This property is in the Residential District.

**SITE PLAN REVIEW
SPECIAL USE PERMIT
POS/NEG RECOMMENDATION, AREA VARIANCE, ZBA**

Pamela Governale appeared before the Board to discuss her proposed carriage house and to seek a positive or negative recommendation to the Zoning Board of Appeals based on her area variance request. Ms. Governale discussed her presentation with the Board providing a history of the property stating how the house's designed like the Delamater House and served as the first schoolhouse in Rhinebeck. Ms. Governale provided additional details of how the proposed carriage house would be used, and how the design would keep with character of the similar structures in the neighborhood. Ms. Governale stated her proposal complements the property by shielding vehicles into the 2 car bays, and due to the topography of the land shields the view of the carriage house from the street. John Fenton, ZEO, expressed a concern that the project narrative and the site plan does not sufficiently explain or delineate the full demolition of the existing 1 car garage. The narrative should be updated, and the site plan should be revised to address the demolition. Mr. Ghee shared some history of this structure stating its poor condition, and difficulty to utilize it indicating the need to demolish. Mr. Ghee inquired about the fuel oil tank location, status moving forward, and indicated that should be shown on the site plan. Ms. Governale indicated that the property will be converted to propane as the heating source, and the fuel oil tank will be removed. The additional infrastructure change is the change to public septic service by applying to access the Village sewer line. Mr. Decker raised a concern of the justification to need an area variance and encroach the side yard setback by 5 ft. when based on the size of the property the proposed carriage house can be moved further into the property. Ms. Governale explained that moving the proposed structure further in to accommodate the 10 ft. setback requirement would impact the ability of the cars safely backing out of the car bays. The cars would be in danger of hitting the rear screened in porch on the house and propane tanks. Chairman Miller stated that the reason for setbacks are to respect and provide separation and privacy for adjacent neighbors.



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Mr. Ghee suggested to modify how the building pivots as it relates to the side property line to the south. Mr. Clarke raised concern about the code regulation that pertains to square footage of the 25% standard, and the accessory structure square footage regulation of not exceeding 75% of the primary structure. A second area variance would have to be obtained to make this proposal compliant. Mr. Clarke suggested possible alternatives to better address the square footage of the proposed structure conflicting with the square footage of the primary structure for it to be compliant with the code. Ms. Governale after taking into consideration the concerns raised by the Board pertaining to square footage calculations will go back to her architect to work to address these concerns, and tentatively return to the Board on July 21, 2020 with a modified narrative and revised site plan.

Gilda Lyons & Daron Hagen

140 East Market Street

Rhinebeck, NY 12572

Request: **Site Plan** – Proposed 13' x 15' new screened porch to be located on the eastside of the house. The property is located in the Historic Overlay and Residential Districts.

SITE PLAN REVIEW

Gilda Lyons appeared before the Board to present her proposal for a new porch. Ms. Lyons explained that the existing porch has significant rot, and decided that instead of just repairing the rot to extend the proposed porch by 5 ft. The proposed new screened in porch will just have a screen and no windows. Mr. Decker raised a concern about the vertical siding shown on the proposed porch. Ms. Lyons was unaware that this detail was shown and would agree to have the siding be horizontal to match the house.

A motion was made by John Clarke to approve the site plan application as presented with the condition that the siding installed be horizontal to match the house and to be historically accurate, and that the paint color applied match the house and be historically compatible. Seconded by Timothy Decker along with the conditions. All voted aye in favor for roll call vote. David Miller, Chair; Aye, Timothy Decker; Aye, John Clarke; Aye, Mary Quinn; Aye, Michael Ghee; Aye. The motion carried 5 to 0.

Discussion:

-Previous Meeting Minutes: Ready for review on July 21, 2020 meeting

Mr. Clarke asked John Fenton, ZEO, about the expansion of the restaurant Gigi Trattoria into the sidewalk and parking area. John Fenton, ZEO, explained that the Dutchess County Executive



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Marcus Molinaro

suspended specific site plan restrictions and had permission to expand to these areas to sustain business during the COVID-19 crisis. Each restaurant establishment had to apply for an event permit to the Village Trustee Board for their approved outdoor dining plan. Mr. Clarke raised an additional concern about the house at 13-15 Livingston Street and their new windows installed, but no dividers or mutons to make it historically accurate. John Fenton, ZEO, will refer to the project's approved site plan and report back to the Board at the next meeting.

Adjournment: Timothy Decker made a motion to adjourn the meeting, seconded by Mary Quinn. All voted aye in favor the meeting was adjourned at 8:48 pm.

*(*The deadline to submit for the July 21, 2020 Planning Board virtual meeting is Friday, July 10, 2020 by 4 p.m. The deadline to submit for the August 4, 2020 Planning Board virtual meeting is Friday, July 24, 2020 by 4 p.m.*)*

Respectfully Submitted,

Ryan Dowden
Planning & Zoning Department Clerk
Village of Rhinebeck