

Village of Rhinebeck
76 East Market Street
Rhinebeck, NY 12572

Planning Board Meeting Minutes(draft)

September 1, 2020

Virtual Zoom Meeting

Planning Board Attendance:

David Miller, Chairperson – Present

Michael Ghee – Present

Mary Quinn – Present

Timothy Decker – Present

John Clark – Present

Ryan Dowden, Planning Board/Dept. Clerk – Present

ZEO, John Fenton (Building Inspector) – Present

Announcements:

PUBLIC HEARING

16 Oak Street LLC and Pamela Governale

16 Oak Street

Rhinebeck, NY 12572

OPEN PUBLIC HEARING

Chairman Miller asked for a motion to open the public hearing, motion was made by Mr. Ghee, seconded by Ms. Quinn. All in favor.

The applicant, Pamela Governale, and project sponsor were present and stated that the plan on the agenda is not the updated plan. Image of the house and garage was presented. Ms. Governale stated that the garage is the structure that would be replaced by the plans being presented. Images were shown of neighboring properties, structures, and tree lines. She presented images for the plan including screening and planting materials. Garage doors will be a barn style with double hung windows. Dark blue smooth Hardie Board siding. Lighting fixtures were also presented. Vision images for the property were also presented. Architect Christie Beichert stated that the image shown is not the one attached to the agenda. More detail has been added such as elevations, door and window styles, propane tank locations, heat pump location, parking, and screening. ZEO, John Fenton stated that there were some concerns regarding the propane tank current location stating it is inside the set back. That if it were underground it would not have been a problem. They may need to be put it further back out of the setback and just need to run a longer line. Architect Christie Beichert stated that she thought that the tanks were allowed in the set back and that it was just the mechanical system itself that could not be there. She stated that change is not a problem to make. Chairman Miller asked about any air conditioning units towards the back 1/3 of the building. Chairman Miller asked the clerk if any members

of the public would like to speak. The clerk stated that there was no indication of any member of the public wishing or a neighbor who wanted to speak.

CLOSE PUBLIC HEARING

A motion by Mr. Decker was made to close the public hearing, seconded by Chairman Miller.

Roll Call Vote:

Michael Ghee - Aye

Mary Quinn - Aye

Timothy Decker - Aye

David Miller - Aye

John Clarke - Aye

Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

Discussion amongst the Board continued regarding the windows. All double hung and vertical orientation. Mr. Decker stated that his only issue from the beginning was the mass of it, however he recognizes that approval was granted from the Zoning Board of Appeals. Mr. Clarke complimented the presentation of the plan. Mr. Clarke asked about planting street tree and it was stated that that had already been done by the Tree Commission. Ms. Quinn echoed the same about the presentation.

A motion by Mr. Ghee was made to approve the special use permit as presented for the accessory dwelling unit. Seconded by Ms. Quinn.

Roll Call Voice Vote:

Michael Ghee - Aye

Mary Quinn - Aye

Timothy Decker - Aye

David Miller - Aye

John Clarke - Aye

Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

Old Business:

**The Beck/ Ana Claudia Schultz & Aaron Smyle
6378 Mill Street
Rhinebeck, NY 12572**

Applicant Aaron Smyle presented the revised sign application. Aaron stated that he has modified the dimensions. Aaron stated that the overall dimension is 6.44". Mr. Decker asked about the measurement of the building frontage and it was determined that it is 21'. There were no other concerns brought forth by the board.

A motion by Mr. Decker was made to approve the signage for The Beck. Seconded by Ms. Quinn.

Roll Call Voice Vote:

Michael Ghee - Aye

Mary Quinn - Aye

Timothy Decker - Aye

David Miller - Aye

John Clarke - Aye

Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

Anne Raft Photography

18 Garden Street

Rhinebeck, NY 12572

Chairman Miller asked ZEO John Fenton if the situation had been cleared up. John stated that property owner still has an open building permit, and a temporary CO is pending. ZEO, John Fenton stated that the permit is due to expire at the end of November 2020. He stated that property owner has that timeframe to work with to complete what needs to be finished. ZEO, John Fenton stated that he can operate under a temporary CO. Chairman Miller stated that the property should be reminded that he must pave the lot and if he does not, he can be fined. Anne stated that the photos in the front windows are now on easels to accommodate the setback from the glass. No other concerns were brought forth by the board.

**A motion by Mr. Decker was made to approve the signage permit for Anne Raft Photography.
Seconded by Mr. Ghee.**

Roll Call Voice Vote:

Michael Ghee - Aye

Mary Quinn - Aye

Timothy Decker - Aye

David Miller - Aye

John Clarke - Aye

Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

New Business:

Grady CPA, PC

47 West Market Street, Suite 3

Rhinebeck, NY 12572

Ms. Quinn clarified that the sign will be on Oak Street. Chairman Miller was able to share the application materials and proposed signage. Chairman Miller asked about the signage on the door and whether it was part of the application. Mr. Grady stated that it was not, however, he did submit that application on Friday. ZEO, John Fenton asked if it exceeded the allotted square footage. Mr. Grady stated that the

landlord was not certain what was permitted. Mr. Decker reiterated that it is up to the landlord to divide up the signage for each tenant. ZEO, John Fenton stated that the max would be 30 sq. ft. Mr. Clarke read the code and concluded the max is 30. There was additional discussion regarding the dimensions. Mr. Grady stated that his sign is 6 sq. ft. Sign is 48"x18" and the door decal is 15x24". The clerk stated that the property manager stated he measured the frontage on Oak Street and not West Market Street. Chairman Miller stated that accurate numbers are necessary to move forward with the approval. Mr. Ghee stated that the other occupants of the building may have to free up some door signage. Chairman Miller stated that the application must be tabled until clear measurements are obtained. ZEO, John Fenton stated that Mr. Grady's measurements are accurate, but Tighe & Bond is in question to determine what is available. Mr. Grady is concerned that the other door signs may not have received prior approval. ZEO, John Fenton stated that he can gather this info that has been requested and the applicant can be put back on the agenda for the next meeting for final approval.

Adriana's Bridal/Adriana Peruso

19 East Market Street

Rhinebeck, NY 12572

Chairman Miller and the clerk shared the floor plan for the applicant. The applicant Adrianna stated that all the Board is viewing this evening is the floor plan for her proposed business. Adrianna will be coming back with the sign approval as her sign design is not complete yet. Adrianna gave an overview of who she is and her background in the business. Adrianna stated that this is an "by appt. only" venue. She stated that the max amount of appts. per day will be 4-5. This business will not create high traffic. Chairman Miller stated that sign approval will need to be done prior to opening and putting the sign up. There were no other concerns presented.

A motion by Mr. Decker to accept the site plan for Adriana's Bridal, seconded by Mr. Ghee.

Roll Call Voice Vote:

Michael Ghee - Aye

Mary Quinn - Aye

Timothy Decker - Aye

David Miller - Aye

John Clarke - Aye

Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

Joanne & David Gelb/Charles C. Gelb & Heather Ferreira, Trustees

36 Mulberry Street

Rhinebeck, NY 12572

Postponed until October 6, 2020

Jeffrey & Nancy Mayne/Warren Temple Smith, Architect (representing)

**108 East Market Street
Rhinebeck, NY 12572**

Chairman Miller presented the letter indicating the changes that were being requested. Screening was removed from the side porch, the steps at the front door have been completed and requesting the chimney be permitted and the molding on the gable end. Architect Smith stated that they are requesting an amendment to the allow for there not to be a transom over the front door, and the external chimney. Ms. Quinn asked about what percentage remains from 1800, and it was stated 5 windows, some beams and stone from the foundation. Mr. Decker asked ZEO John Fenton if he approves the front steps, he stated he has seen them and approved them. Ms. Quinn asked about landscaping. Mr. Decker asked about the sidewalk and if it will go across the driveway. Jeffrey Mayne stated that it will be the bluestone sidewalk with a concrete apron for the driveway. Mr. Decker stated that they already have the approval for the setbacks for the garage along with the design.

Mr. Clarke made a motion to approve the amended site plan with the requested changes with the condition that the sidewalk, landscaping, external chimney, elimination of transom over the door, and at least one street tree planted is done, seconded by Mr. Decker.

Roll Call Voice Vote:

Michael Ghee - Aye

Mary Quinn - Aye

Timothy Decker - Aye

David Miller - Aye

John Clarke - Aye

Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

Discussion:

There was discussion regarding the demolition of 6 Mulberry Street (Father Brogan Center). Attorney John Marvin was present. Chairman Miller stated that there is a document pertaining to the demolition and what is needed. He stated that there are additional reports stating that the cost to preserve the building is substantial. Chairman Miller stated that it is important to follow the laws written within the document. Chairman Miller stated that the board is open to discussion the matter but to date has not received anything. ZEO, John Fenton stated that in section 64-4, there are 11 items off Subsection C that must be supported from your application. Chairman Miller stated that until a case is presented, the Board is not in a position to have a view. John Marvin stated that there are really 2 options for buying. John Marvin stated that the only viable use would be multiple apartment units within (exceeding 8) to make it cost effective or tear it down and create 5 lots which would require a cost negotiation with the church. John Marvin then explained the possibility of needing a site variance. John Marvin stated that if the permits are denied, they would have to renegotiate the selling price. John Fenton stated there are areas of the law that would allow them to apply for additional hardships. Attorney John Marvin specifically asked if putting 12 apartments/condos in that building is even something that would be considered. There was discussion about definitions of condos/apartments. Mr. Clarke does not think there is a definition of "condo" in the code. Mr. Decker stated that he does not think there is any

uncomplicated process when dealing with this property...looking at either a demolition permit and mix of housing or change of variance. Chairman Miller suggested for the potential applicant to do his research and determine the most cost effective and viable thing to do. John Marvin stated that he thinks converting that building into something useful is going to be tough. Mr. Clarke stated that he believes that it is the job of the Board to try and preserve the building. Mr. Clarke stated that he recognizes that it may be expensive, he believes that the building is usable. Mr. Clarke stated that he thinks that it should be the premise of the board to preserve and save the historic part of that building. Mr. Clarke stated that there is also the possibility to request an Overlay District from the Village Board that would allow multi-family housing. John Fenton, ZEO, discussed the potential for senior housing, which may be the easiest avenue to take. There is nothing in the use chart that permits this. Mr. Ghee stated that a Nursing Home is already an allowable use for that building. John Fenton cautioned that spot zoning can create a red flag. Mr. Clarke clarified that his notion of "senior housing" is more like for 55 years old and older. Mr. Clarke stated that the residential district should allow for multi-family housing. Chairman Miller stated that his issue is that there needs to be options to the possible buyer. He stated that the buyer must be given the opportunity to make money. Mr. Miller stated that he hopes this informal discussion gives some ideas. Attorney John Marvin stated that he agreed that good ideas were discussed however, they do not have a lot of time to weigh too many options. They will need to go back and seek a possible extension. Mr. Decker stated that he would think that the Church would be actively involved and willing to work with a potential buyer. Mr. Marvin stated that they have been working with Mr. Cole attorney for Good Sheperd. Mr. Decker stated he believes that everyone is going to have an opinion and its something that is going to take some time due to the varying opinions about the building. He does believe that most want the building/property to be used in some capacity and most do not want it to "just sit there empty". Mr. Freedman then stated that when thinking about "senior housing" it comes with a greater expense. Mr. Clarke readdressed the desire for "55 and over" living environment and suggested a possible combination of living space. Mr. Marvin asked where the Board would like to go procedurally with this matter. Mr. Marvin stated that he thinks it important to get a sentiment of what the Board wants to have done. John Fenton restated that it is important to discuss with the church that this process is going to take time and then proceed for a public hearing so it can determine how the Board feels. Mr. Freedman asked that if they apply for a permit to demo the building, and it gets approved, are they now obligated to demo the building. It was stated that they would not be obligated to follow through with a demo. Mr. Marvin then stated that if they get a demo permit and then seek a use variance it likely would be non-existent. Mr. Decker than stated that they would need a demo permit to take away the brick part.

Mr. Freedman owner of 18 Garden Street; ZEO John Fenton asked him about the paving, screening for the dumpster and small triangle area (SW Corner) of landscaping. He stated that he did exactly what was on the drawings. He stated that the seating area will be in the corner. He is waiting for the picnic table. The landscaping was done in the front of the building. In the back, there is large garden bed. The dumpster enclosure is scheduled for after Labor Day and the paving is scheduled to be done in September. Chairman Miller stated that the Building permit is due to expire in November and Mr. Freedman stated it will all be done way before then.

Chairman Miller asked about minutes, the clerk was not able to access his email account, so he is not sure if he has them. Mr. Miller stated they will address the minutes at the next meeting.

ZEO John Fenton stated that the Village Clerk is not able to continue drafting the minutes as she is too busy with other responsibilities for the Trustee Board and Mayor. ZEO John Fenton stated that they will need to seek a new minute's clerk to draft the meeting minutes. John Fenton thinks that it may have to go before the village board to go back to the process.

A motion by for adjournment was made by Mr. Decker, seconded by Mr. Miller, all in favor of the adjournment.

Respectfully Submitted,

Chrissy Eighmy
Planning and Zoning Minutes Clerk
Village of Rhinebeck (10/26/2020)