

Village of Rhinebeck  
76 East Market Street  
Rhinebeck, NY 12572

Planning Board Minutes  
October 6, 2020

Virtual Zoom Remote Meeting

**Planning Board Member Attendance:**

David Miller, Chairperson – Present  
Michael Ghee – Present  
Mary Quinn – Present  
John Clark – present  
James Davidson – Present (Alternate Member)  
Ryan Dowden, Clerk – Present  
John Fenton, ZEO – Present  
Craig Wallace, Attorney for the Planning Board (Wallace & Wallace, PLLC)

**AGENDA:**

**PUBLIC HEARING**

**6384 Mill Street LLC – Warren Temple Smith, R. A. Agent, Victoria Polidoro, PLLC,  
Christian Paggi, Paggi Engineering, PLLP  
6376 Mill Street/ “The Hub”  
Rhinebeck, NY 12572  
Request: Site Plan – Proposed Lodging Facility**

**OPEN PUBLIC HEARING**

**Motion made by Ms. Quinn to open the Public Hearing, seconded by Mr. Ghee.**

**Roll Call Vote:**

Michael Ghee - Aye  
Mary Quinn - Aye  
James Davidson (Alternate)-Aye  
David Miller - Aye  
John Clarke - Aye  
Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

Chairman Miller announced that to date they have received 5 letters. Letters will be included in the public record.

- October 5<sup>th</sup> – Christian Crouch (Livingston Street)
- October 5<sup>th</sup> – Melanie Rodcamp (Round Lake Rd)
- October 6<sup>th</sup> – Ann (Starr Drive)
- October 6<sup>th</sup> – Debbie Duke (Platt Ave.)

- October 6<sup>th</sup> – Jane Hoffman

The clerk has a list of those on the Zoom call requesting to speak. Chairman Miller gave instruction for using the chat.

Project Sponsors, Warren, Victoria and Christian were present on behalf of the applicant. Project Architect, Warren Temple Smith, presented images of the site plan and discussed the plan in detail. Warren discussed the reasoning/inspiration for the architecture. Project Engineer, Christian then summarized the site conditions as they are currently and what is being proposed. John Fenton, ZEO, asked Christian to show an elevation of the building. The ZEO stated that with talking with the village attorney, he stated that Historical District Chapter 120-39, subsection 4, states that at all commercial buildings within the village center need to have at least 70% glass on the first-floor façade. He questioned whether the building was designed with that in mind. Architect Warren stated that the front is within those parameters. Victoria stated that they can calculate it and provide the exact details at the next meeting.

Project Attorney, Victoria discussed the operating procedures for the hotel rooms. She stated that this is being proposed as a lodging facility (hotel). Victoria stated that an Operational Plan has been submitted to the Village. They have consulted with Dutchess County Tourism and they stressed the need for places to stay. The property owners (to the North) of the Black Walnut tree (that the FD posed as a “hazard”) have agreed to remove the tree. She stated that they have been in communications with Frontier regarding the 8” overhang and there are a few tweaks to work out, but they have agreed to a licensing agreement to have the overhang.

Discussion was then opened to the public:

- Vanessa Bertozzi – 25 Stortini Drive - she addressed her concern of the hotel and the fear of potentially overloading the Village with tourism. While she respects the overall premise of the laws regarding hotels being permitted, she stressed the need to also balance the needs of the village residents. She suggested that the laws should be revisited. She then asked to hear more about the traffic and flow of traffic to/from the parking lot and DOT’s position.

Project Engineer, Christian replied with discussion regarding the traffic flow and DOT. Christian discussed the large vehicle (i.e.: garbage & fire trucks) access.

Chairman Miller stated that a letter was received regarding a concern over the parking. Christian stated that there are currently 43 parking spaces that are striped in the lot which most are not code compliant. Christian stated that the proposed spaces will all be code compliant which resulted in losing a few spots. Christian further discussed the requirements for parking and what is being proposed. Christian stated they will be providing 37 on the site and 6 additional spaces across the street. Christian stated that they are short 4 spaces based on the requirement and the applicant will be paying a “fee in lieu of” for those 4 spaces. Victoria asked Christian to discuss the impact from the amount of (potential) traffic, and he stated that an environmental review would conclude that 100 units/day during peak hours as a significant increase. He stated that

this project would generate less than 10 trips per hour. He added that the traffic impacts are negligent when compared to surrounding businesses. John Fenton, ZEO, stated when he discussed with DOT, their only concern would be if the space would be eventually a restaurant. Christian stated that the analysis is based on the space in the restaurant and even then, the impact would be small. Victoria stressed that this proposal does not include a restaurant.

Craig Wallace, Planning Board Attorney, questioned whether an agreement was issued for the 6 spaces across the street. John Fenton stated that the properties are currently under the same ownership however, if in the future, if that property and the owner were to ever change that would need to be addressed. Victoria stated that they have discussed an easement. Christian stated that they can put it in as a note in the plan.

- Sarah Rosenthal – Round Lake Rd- addressed concern for proper involvement with DOT and requested that the Board require that longform SEQRA review be completed and would be made public and then go for public comment after the review was made. She stated that she believed Mirbeau had to do the same and she wants to have a clear vision for the environmental impact of putting another building in the village. She also addressed the concern for discussing with the county regarding the bus stop that's currently in front of that building and was concerned, as a resident, that the same owners have another business that had racist propaganda in their establishment.

Project Attorney, Victoria asked the Chair, that he limit comments to the use of the site plan as it pertains to the land use not the user and Ms. Rosenthal's comment is not relevant to this application/public hearing. Chairman Miller stated that we are not able to get personal and these are separate corporations. Ms. Rosenthal then questioned how the business across the street can then be utilized if it is a "separate entity". Chairman Miller stated there would need to have a formal agreement between them. Victoria stated that the long form SEQRA environmental assessment form has been submitted and has been available since the project has been submitted. The clerk was unsure and stated that the short form not the long form may have been submitted. Attorney Victoria replied with the short form is what is required for a project of this size. Mr. Clark stated that the long form was completed and part of the submission package by the applicant.

- Deirdre Burns – 32 Chestnut Street, stated that she was happy to hear that a hotel is permitted in the village and as a resident, her concern is that we already have 2 hotels, Air B&B's or short term rentals, and discussed the code referring "meeting the needs of the residents'." She stressed that if it cannot be done now, that the Planning Board address this for future needs. She discussed the agreement need for the parking spaces. She addressed the restaurant and the parking needs if a restaurant were to be there. She is concerned about the potential overwhelming tourism. She addressed the climate

smart community and whether this plan/new construction meets those needs. She also addressed the racism that occurred with the other business of the applicant.

Project Attorney Victoria stated that the long form had been previously submitted. Planning Board Attorney Craig Wallace reminded the board that we must make decisions based on the use and not the user.

- Debbie Duke – 25 Platt Avenue, she seconded the request to maintain local character and meet the needs of the residents. She stressed that Rhinebeck is already unaffordable for many and catering to tourists does not ease the affordability of the housing problem. She stressed the need to look at the comprehensive plan and not just the site plan. She also stressed that the comprehensive plan is 25 years old and suggested the Board review it and pause until we think about what the community wants.
- Jane Hoffman – submitted her concerns/comments in writing so she does not feel as though she needs to discuss them now but wants to echo what other speakers have said before her.
- Kirsten & Leon Greene – Kingston, NY - questioned the 6 parking spaces and why the Amsterdam is not using them anymore. Chairman Miller replied that there was a verbal agreement with the previous owner and when the new owner purchased the property, they no longer wanted to allow the parking. The Greens questioned how the village can enforce a two- party agreement that the village is not party to. Mary Quinn asked if the village should be party to the agreement. Craig Wallace, Planning Board Attorney, stated that the Board can certainly allow the Village to be party to the agreement. It will be a condition of the site plan and if violated, the Village could revoke the approvals. Victoria stated that a written agreement will be submitted for the life of the project. Ms. Greene asked about the architecture of the front of the building and feels as though it does not align with the Dutch colonialism.
- Caroline Morton – 120 Montgomery Street- addressed that the Village master plan takes into consideration of the residents and character of the village....and feels as though this project relies heavily on “technicality” but it does not represent what it means to live here. Addressed concern regarding parking and the imbalance to residents.

The clerk stated he does not have any other speakers on his list. Chairman Miller stated that we are not closing the public hearing as there are other issues that need to be discussed. Chairman Miller stated that he would like to address the Board’s questions:

- Chairman Miller stated that Tighe & Bond submitted 4 page document of questions about the project. Victoria stated that they have held off on submitting any new information prior to the public hearing because they wanted all those residents just learning about the proposal to

become as informed as possible and second, they wanted to be able to address public comment. The response letter has not been sent.

- Chairman Miller stated that a letter has been received from the neighbor at 6378 Mill Street, agreeing to allow the applicant to cut down the walnut tree to the north. Victoria did receive that letter and Chairman Miller stated it will be on record.
- Chairman Miller asked about the current status with Frontier Communications and access. Project Attorney, Victoria stated they are still discussing the specifics of the licensing agreement. Chairman Miller questioned Victoria if Central Hudson is satisfied with moving the transformer. She stated that project engineer, Christian is working with them on that. Victoria stated that they would request this point to be in the condition of approval. Christian further stated that Central Hudson has stated that Central Hudson would prefer that there be a site approval from the Planning Board before they get deeper into the issue as they are worried about spending resources if the plan doesn't move forward. However, at this point there is no indication that the transformer cannot be moved. Chairman Miller stated that DOT needs to go over the entrance/exit, curbing, plantings/trees (possible view obstructions), etc.

Chairman Miller stated that the Public Hearing will continue until the other issues have answers for the site plan review. He added that responses must be made to Tighe & Bond. Christian stated the majority have already been addressed but will provide a line by line response. There was discussion about next meeting date. Public Hearing will be held over until the meeting on November 17, 2020.

Project Attorney, Victoria then commented that its important to recognize that tourism places an important part to the thriving of our village and without tourism much of the businesses would not be able to survive.

Mr. Clark stated that he has reviewed the comprehensive plan again, a plan he was an author of, and on page 94 it talks about redevelopment opportunities and this area was identified a potential redevelopment area.

Chairman Miller stressed that the Village Code states that a lodging facility is permitted, and the Planning Board must adhere to the code and cannot get personal as to who owns it.

**Mr. Miller made motion that the Planning Board defer action on site plan application for 6376 Mill Street, The Hub, Village Center Project subject to the following: respond to the preliminary site plan comments A-J, comments and responses to be reviewed by the village planning department, professional consultants as to adequacy and completeness and set forth in village engineer's Rob Sasser's letter dated September 15, 2020 until November 17, 2020. Seconded by Mr. Ghee.**

**Roll Call Vote:**

Michael Ghee - Aye  
Mary Quinn - Aye

James Davidson (Alternate Member)- Aye  
David Miller - Aye  
John Clarke - Aye  
Aye: 5 Nay: 0 Abstained: 0 Motion carried by a 5 to 0 vote.

**New Business:**

**La Tua Bella and Megan Martino**  
**18 West Market Street**  
**Rhinebeck, NY 12572**  
**Request: Special Use Permit**

Megan Martino was present. Chairman Miller stated that a Special Use Permit is required for the project, so a public hearing is necessary. The Clerk stated at this time, they have changed their sign design so the application tonight is just for the "Special Use Permit" and they will be tentatively returning on October 20, 2020 with a sign proposal.

Chairman Miller asked about the images on businesses website showing people sitting at a bar drinking what looked like wine or champagne and asked if that was permissible. Megan stated that in the past they would give out champagne to clients (bridal parties) but since COVID that is prohibited. John Fenton stated that he believes that if there is an exchange of money for the alcohol products that the liquor authority would need to be involved but is not needed for her intentions. The Board urged Megan to remain within the compliance of the liquor authority.

Ms. Quinn questioned the parking requirements and John Fenton stated there are no changes. The applicant will return to the October 20, 2020 for a public hearing and final approval of their proposed Special Use Permit.

**Continued Business:**

**Henry Stout**  
**139 Montgomery Street**  
**Rhinebeck, NY 12572**

Henry Stout was present. Chairman Miller stated that this is a tricky project due to the fact the village/town line runs through the center of the building. The Town has approved their half of the building.

Chairman Miller stated that it was originally thought that there would be two variances needed. The variance for the side yard is not needed due to an incorrect notation of the side yard being 3'11" when in fact it is 13'11". Therefore tonight, there is only one variance request that will be addressed. The variance request is due to the property being 148 feet from the road. Chairman Miller stated that in the future, the Planning Board will need to discuss and evaluate the building and the U-shape parking area.

The position for the Board this evening is to make a motion to approve of either a positive or negative recommendation to the Zoning Board of Appeals (ZBA) regarding the 148' setback. Chairman Miller questioned Henry of the exact location of the front of the house and what was measured to obtain the 148' measurement. Henry gave an explanation using his site plan. Chairman Miller further discussed that when making a determination that the Board will compare it to surrounding properties however, it is unable to compare it to properties to the right as they are in the Town and the law prevents the Board from doing so. In addition, to the left, is the former Electrical Plant so that too is also not a good comparison. Chairman Miller then stated that the variance must be referred to the ZBA. Chairman Miller asked if there were any comments from the Board.

Ms. Quinn stated that she walked the property last year with Henry and feels it makes sense to have the house there and seems to be no other way to do it.

Mr. Ghee agreed with Ms. Quinn and requested a hard copy of the plans.

**Mr. Clark made a motion to give a positive recommendation to the ZBA to allow the variance, given the findings that because of the configuration of the lot and the 100' setback of the wetlands and the only reasonable position of the septic field, this is an appropriate place for the house to be built. Seconded by Mr. Ghee.**

**Roll Call Vote:**

Michael Ghee - Aye

Mary Quinn - Aye

James Davidson (Alternate)- Aye

David Miller - Aye

John Clark - Aye

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

Chairman Miller stated that they will revisit the site plan to the ZBA's approval.

**Discussion:**

Chairman Miller discussed the need to hire someone to take minutes. A resume from Christine Eighmy has been submitted. Mr. Clark questioned her availability given her involvement in so many organizations. It was stated that she will be able to do the minutes at her leisure now that they are being recorded.

Chairman Miller made a motion for the Board to recommend to the Village Board to hire Christine Eighmy as the official minute's taker. Seconded by Mr. Clark. All in favor. All voted aye.

Chairman Miller asked the clerk to send the unanimous vote of approval and recommendation to Mayor Bassett, and the Board of Trustees.

Mr. Ghee stated that back in the spring Chris Chestney's business on W Market Street, some modifications to his parking area and made 9 striped parking spaces that now cause headlights to shine into the houses on Oak Street. He thinks that is a change to the site plan. Although he does not have problem with it, it's been the precedence that commercial spaces have to put up screening for adjacent residences. He also discussed the use of the parking lot by others. John Fenton stated that he will send him a letter regarding the change and potential negative impact to his neighbors.

Chairman Miller stated that the Board has been issued the correspondence for the petition for the Father Brogan Center. He stressed that nothing is yet happening, there has just been some discussion and at this time nothing is being done with it.

Chairman Miller welcomed Lydia Slaby, the newest member to the Village Board. Lydia is the Planning Board's Liaison to the Village Board.

Chairman Miller stated that the Planning Board is currently seeking to fill a position on the Board. That getting that position filled soon is important. Lydia stated that the application process will be closing on November 19<sup>th</sup>.

No further discussion from the Board.

**Mr. Ghee made a motion for adjournment, seconded by Mr. Miller.**

Respectfully Submitted,

Chrissy Eighmy  
PBZ Minutes Clerk