

Village of Kinderhook
Zoning Board of Appeals
Minutes of October 28, 2019

Present: Chair David Sullivan; Greg Seaman; Jerry Callahan,
Kim Gray Bill Barford; Village Attorney,
Robert Fitzsimmons; Liaison, David Flaherty

Also attending: Peter Bujanow, Richard Byrne

Call to Order: D. Sullivan opens the meeting at 7:00 pm.

Minutes: B. Barford motion to approve May 28, 2019 minutes, K.
Grey seconds, all in favor.

Funds: \$1,441.62

Correspondence: NONE

New Business: Paul Calcagno
43.20-2-47
5 Broad Street
Use Variance and Area Variance

R. Fitzsimmonds recapped the situation at 3-5 Broad Street.
After purchasing 3 Broad Street and establishing Broad Street Bagel, Mr. Calcagno made improvements to the building and purchased the adjacent residence, 5 Broad Street to act as a buffer to the Shop.

At this time Mr. Calcagno requests that a sliver of land in his adjoining residential property be incorporated into the business area of the Broad Street Bagel which would increase the patio area and decrease the area in the residential property. This would be an Area Variance only. Per code the frontage of the residential property should be 125 feet, and the transfer from residential to commercial would

reduce the residential frontage to 93 feet, the 12 feet in question will transfer to the business property.

J. Callahan note the carriage house located at the rear of 3 Broad Street is situated 15.5 feet from the property line. The business building has previously been used as law offices, bedroom/small apartment at the back of this area will remain outside the lot line adjustment and will remain in the commercial area.

The merging of the residential to commercial lots will require three things:

1. An Area Variance from the Zoning Board as this would alter the lot width, which per code should be 125 feet, reducing it to 93 feet.
2. Mr. Calcagno must revise the original application by filling out items on pages 5, 6 and 7.
3. The Village Board must then change the designation of the small piece of land currently residential to business.

It has been noted that Mr. Calcagnos plans for a Bed and Breakfast at 5 Broad Street has been tabled.

A coordinated review of this Area Variance will be needed between all boards Village, Planning and Zoning and a Public Hearing required prior to the acceptance of this Area Variance; date to be established. A quorum from each board is required.

A brief discussion regarding Public Hearing notification times for each Board . All time requirements will be meet for notification and all surrounding properties will be notified at least 5 days in advance of the Public Hearing.

Dave Sullivan asked if all board member were in agreement to revise the application.

A motion to submit the revised Zoning Application was made by G. Seaman, seconded by B. Bradford, all agreed.

Tentative dates for Public Hearing are November 25th and December 11th, to be determined.

Aaron Morrill
43.20-2-52
15 Broad Street
Revise Parcel Variances

Mr. Richard Byrne, resident of Kinderhook, and Realtor, representing the Morrill family of 15 Broad Street was introduced to the Board.

The Morrill family wishes to split the lot into to (2) plots, the house remaining a residential lot and the small commercial building at the front of the property would be separate from the residential area and remain commercial.

Since its construction in front of the residence in 1840 it has been continually in commercial use as a newspaper office, law office, design studio and art gallery as well as realtor's office.

The building has its own septic tank and leach field. The proposed lot would have a 32 foot frontage and a depth of 144. The 32 foot frontage would leave the residential frontage of 93 feet, requiring an Area Variance for the residential property.

Parking for the commercial building would be on the adjacent street only.

The required footage for the property is 40,000. Sq. ft., eliminating the front building would keep the residential area within the required perimeters. The commercial parcel required 20,000 sq. ft.; its dimensions would be 3,648 sq. ft. well within the requirements.

Mr. Byrne reported that there is interest in the purchase of the residence and separate interest in the commercial building, but no interest in both by any prospective buyer. Monetary interest not the focus of the family, rather a solution to the eventual sale of the property.

The commercial building as not been inspected. Mr. Byrne advised that the roof is in acceptable condition as is the heating. The bathroom and floors are in need of repair.

The commercial building is 1,300 sq. ft. The total property, residence and commercial building are on one (1) acre.

Mr. Byrnes presented pictures of the property and a drawing of the proposed division and was asked by the Board to obtain more accurate drawings and measurements of the proposed division to be included in a forthcoming revision of the Application with the variances enumerated individually.

The final revised Application will be sent to the Planning Board for an Advisory Opinion, after which, if appropriate, 15 Broad Streets revised Area Variance will be included in the Joint Public hearing.

Mr. Fitzsimmonds informed the Board that following the Public Hearing the entire package will be forwarded to County Planning.

Per the code, should the small commercial building not be in use for 18 continuous months it will revert to residential.

Historical Preservation may be a subject to be raised should a request for demolition of the commercial be made.

A question was raised whether there was any other way to separate the property without as many variances. This will be looked into, it cannot be made smaller, but the commercial lot could be made larger.

Motion to have the Variance Application of 15 Broad Street revised was made by K. Grey, seconded by B. Barford, all agreed.

The revised Application will be sent to the Planning Board for an Advisory Opinion, after which, if appropriate, this Area Variance will be included in the Joint Public Hearing.

Next Meeting: November 25, 2019

Adjournment: 7:48 pm K. Grey move to adjourn; B. Barford seconded; all in favor.

Respectfully submitted,

Sandra Fels Barton
Secretary