

Approved August 24, 2020

Village of Kinderhook  
Zoning Board of Appeals  
Minutes of July 27, 2020

- Attending via Zoom: Chair David Sullivan, Greg Seaman, Jerry Callahan, Kim Gray, Bill Barford; Liaison David Flaherty, CEO Peter Bujanow, Village Attorney Robert Fitzsimmons, Applicant Randal Dawkins, Applicants Patricia & Robert Altman, Applicant Tom Riddle, B. VanAlstyne, Renee Shur. In addition to the ZBA meeting agenda, all applications and corresponding documents for this meeting were posted on the Village of Kinderhook website for review.
- Call to Order: D. Sullivan opens the Public Hearing at 7:01pm via Zoom Videoconference. R.Dawkins reviews his application. He wants to put up a fence between 7 Broad Street & 5 Broad Street. He is seeking a portion of the fence to be 8' in height, all located in the rear portion of the property. The reason for the 8' fence is to provide better privacy than a 6' fence. No general audience questions or ZBA member questions. It was noted how well the application was done. D. Sullivan closes the Public Hearing at 7:05pm.
- Minutes: B. Barford motion to approve June 22, 2020 minutes, J. Callahan seconds, all in favor.
- Funds: \$1,640.90
- Correspondence: 1. M.Clary & M.Bell support letter for Riddle garage project (new business).  
2. R.Benziger support letter for Riddle garage and porch project (new business)
- Old Business: D. Sullivan requests the Area Variance Findings & Decision Form will now be completed by C.van Denburgh as the ZBA reviews R. Dawkins' application. Criteria we are reviewing is according to Village Code:
1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties. Concurrence of no.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance? Concurrence of no.
3. Whether the requested variance is substantial? D.Sullivan notes an 2-foot increase. Concurrence of no under these circumstances.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? Concurrence of no.
5. Whether the alleged difficulty was self-created? Even if ZBA determines this was self-created, this is not by itself a determining factor in approval of the application. K.Gray thinks it was self-created. D.Sullivan notes the conditions have not changed since R.Dawkins bought the property 7 years ago. Concurrence of yes.

D. Sullivan states that we have agreement that the benefit to the applicant DOES outweigh the detriment to the Neighborhood or Community. Approval of this application that 4 of the 5 criteria are met. J. Callahan moves to approve the variance, B.Barford seconds, all in favor. Record of the vote is approval on the Area variance Findings and Decision form. Reminder to R.Dawkins to see CEO P.Bujanow for the building permit.

#### New Business:

1. Patricia and Robert Altman  
Area Variance for 8' fence construction  
13 Hudson Street Lot#43.20-2-33  
P.Altman states her application is similar to R.Dawkins'. Plan to construct a fence across the rear property line and the commercial lot that goes around their property. A couple of years ago, an 8' fence, tongue and groove construction was erected along the west property line. Original design of fence changed from stockade fence to tongue and groove construction to match 8' fence already along the west property line. What has changed since they purchased the property is the decaying of the 6' stockade fence on the neighbor's property and the introduction of dumpsters and various items being dumped behind the property. This is what they would like to screen with an 8' fence instead of a 6' fence. The ZBA members do not have any questions. D.Sullivan states the next step in the process will be to have a Public Hearing at the beginning of our August 24<sup>th</sup> meeting via videoconference.

2. Tom and Margaret Riddle

Area Variance for Front Porch Construction

6 William Street Lot#44.17-1-2

T.Riddle states the house was unfinished when purchased. The front door needs to be sheltered from rain and snow. After “shopping” ideas with the HPC, this small 4x8’ sheltered porch got their general approval. Currently house has a 17’ setback to front property line. With a 4’ porch, the setback would need to be cut by 2’ down to 13’.

3. Tom and Margaret Riddle

Area Variance for Garage Construction

6 William Street Lot#44.17-1-2

T.Riddle states house was purchased in an unfinished state. There is no other structure for parking or storage. Would like to construct a single story, 2 car garage with a single overhead door, half for parking, half for workshop. Garage about 24’ wide. Constraints on where it can be placed. Need to maintain clearance from house, septic field in the back they don’t want to encroach on. Existing driveway leads to where they would like to place garage. A variance on a side setback would need to be pursued from 21’ to 11’. The house has a 4’ crawl space. The garage would be additional storage with attic trusses. G.Seaman asks how close to rear property line, T.Riddle states 25’. Only side setback we would need a variance. B.Barford asks with heating and insulating, will it be used for more than a garage. T.Riddle says yes, half would be a workshop space. G.Seaman asks if there would be running water or plumbing. T.Riddle states no. D.Sullivan states the next step in the process will be to have a Public Hearing at the beginning of our August 24<sup>th</sup> meeting via videoconference.

Next Meeting: August 24, 2020

Adjournment: 7:25 pm B.Barford move to adjourn; K.Gray seconded; all in favor.

Respectfully submitted,

Carol van Denburgh  
Secretary to Zoning Board of Appeals