

Approved June 22, 2020

Village of Kinderhook
Zoning Board of Appeals
Minutes of May 28, 2020

Attending via Zoom: Chair David Sullivan; Greg Seaman; Jerry Callahan, Kim Gray, Bill Barford, Village Attorney Robert Fitzsimmons; Liaison David Flaherty, CEO Peter Bujanow, Village Clerk Nicole Heeder, Dorene Weir, Valerie Spensieri, Peter and Abigail Smith, and telephone 8564.

Public Hearing #1: Peter & Abigail Smith - 15 Reynolds Road
Extension of 6' tall fence to 8' tall fence
Want to raise existing fence to offset the grade of the trail.

Public Hearing#2: Valerie Spensieri - 7 Reynolds Road
New construction of an 8' tall fence
No fence and zero privacy from the trail and Gaffney.
Trail has been built up and a 6' fence would not be beneficial to the security and privacy of her property.

D. Sullivan asks if any members of the public have any questions to ask of the applicants. D. Sullivan then asks if any members of the Board have any questions. J. Callahan and B. Barford agree that the applications are clear. D. Flaherty (Village Board Liaison) says the Mayor and Village Board are on board with the 8' fences along the trail, as soon as they reconvene, a law will be passed to allow 8' fences along the trail.

D. Sullivan closing the Public Hearing. Val Spensieri asks when and how she will find out if approved. We will email her.

Call to Order: D. Sullivan opens the regular meeting at 7:07 pm.

Minutes: B. Barford motion to approve October 28, 2019 minutes,
J. Callahan seconds, all in favor.

Funds: \$1,006.16

Correspondence: NONE

Old Business: D. Sullivan requests the Area Variance Findings &
Decision Form will now be completed by C. van
Denburgh as the ZBA reviews each property. Criteria we
are reviewing is according to Village Code.

Property #1, 15 Reynolds Road:

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 a 2-foot increase to a 6-foot fence is a 33% 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?
Concurrence of no.

D. Sullivan states that we have a unanimous agreement that the benefit to the applicant DOES outweigh the detriment to the Neighborhood or Community. Approval of this application. J. Callahan moves to approve the variance, B.Barford seconds, all

in favor. Record of the vote is a unanimous approval on the Area variance Findings and Decision form.

D.Sullivan states that since applications are essentially the same, is there a concurrence that the criteria for the second application, 7 Reynolds Road, is all a NO answer and that the benefit to the applicant DOES outweigh the Detriment to the Neighborhood or Community. All in agreement,

John Sweeney from Reynolds Road joins Zoom Teleconference. He has no problem with the neighbors putting up the fences. He suggests the Board have an open mind to allow 8' fences along the trail. D.Flaherty discusses that the Village Board at the June 10th meeting, will be passing a new local law to allow 8' fences along the trail with a Building Permit. J.Sweeney supports his two neighbors on this.

7 Reynolds Road, consensus that the benefit to the applicant does outweigh the Detriment to the Neighborhood or Community. Motion by Barford moves to approve the variance, J.Callahan seconds, all in favor. Record of the vote is a unanimous approval on the Area variance Findings and Decision form.

Per D.Sullivan to C. van Denburgh, sign his name as Chair and initial the forms.

New Business:

No new applications filed. D. Sullivan to P.Bujanow, possibility of 6 William Street, garage setback issue. P.Bujanow states not sure on application as property owner is looking for advice. P.Bujanow has met with property owner extensively. New garage to be placed at a location of his preference. There is space allowed per existing code but that is not property owner's preference. D.Sullivan state to convey to applicant that the ZBA will act upon his request once application

completed. He can put in application where he wants the garage to be.

J.Callahan asks R.Fitzsimmons about SEQR review.
R.Fitzsimmons states that accessory fences are specifically exempt from SEQR review as accessory to residential structures. Type 2 action not subject to SEQR review.

Next Meeting: June 22, 2020

Adjournment: 7:20 pm J. Callahan move to adjourn; K. Gray seconded; all in favor.

Respectfully submitted,

Carol van Denburgh
Secretary to Zoning Board of Appeals