

Village of Kinderhook Zoning Board of Appeals

Minutes of October 26, 2015

- Present K. Gray; D. Sullivan, Chair; G. Seaman; J. Callahan; M. Van Allen; R. Fitzsimmons, Village Attorney; G. Smith; CEO/ZEO; C. Weaver, Liaison
- Also Bonnie Shannon; Andrew Pelletieri; Shirley Morgan; Byron McMichael; Clark Griffin; Ken Neilson; Ellen Sullivan; Renee Shur; Cathy Boyd; Ruth Piwonka; Karen Ressler; Warren Applegate; Jack Shainman; Irene Stone; Mark Browne; David Flaherty; Jim Digioia; Kim Voltz; Emilia Farrell; Peter Van Alstyne; Tammy & Keith Crawford; Dale Leiser; Nic Ross
- Public Hearing 7:10 PM Barbara (Bonnie) Shannon Appeal Letter
Dave opens public hearing and asks Bonnie to speak. She reads two letters that she wrote. The first letter detailed her belief in the zoning code and keeping up the streetscape of the Village of Kinderhook per language in 130-16E (2) not allowing accessory use in front yards of residential property and reiterated that her appeal is about the process of determination not the appropriateness of the sculpture in the front yard of “The School”. The second letter outlines her disagreement with CEO, Glenn Smith’s decision that he allowed the sculpture in the front yard as an accessory use. She believes that his application should have been denied and an area variance application been submitted to the Zoning Board of Appeals. She also states that owner Jack Shainman should return to the Planning Board and update his site plan/special use permit to be more specific about what he can and cannot do. Glenn Smith, CEO spoke about his determination process. The School was approved as a cultural center by the Planning Board’s Special Use Permit and there were no restrictions on sculptures in the front yard at that time. He interpreted the code and believes that the sculpture is a temporary fixture and was acceptable as an accessory use. Public is asked to comment. Ken Neilson asks Rob Fitzsimmons to read section 130-16E (2) of the code about accessory use and he

does. Tammy Crawford states that building permits and processes are in place for permanent structures and this is a temporary sculpture. Shirley Morgan states that she was on the HPC back in the 70s and all were in favor of sculptures and lawn décor in front yards, it was the permanent swimming pools, sheds, etc. that were not in favor. Bonnie Shannon reiterates that she is not opposed to the sculpture being in the front yard of The School, it is the process that she is appealing. Karen Ressler is in favor and feels the sculpture is wonderful. Andrew Pelletieri questions who works for whom in the village regarding Glenn and the boards. Dave Sullivan states that Glenn, CEO is independent and does not work for the Zoning or Planning Board and is paid by the Village of Kinderhook. Rob Fitzsimmons, Village Attorney goes over the process of submitting an application. Ruth Piwonka reiterates the importance of the Zoning Code and values Glenn, CEOs job to enforce it. Nick Ross states that the Zoning Law is never going to be black and white and cover every situation, he is a contractor and works with Glenn a lot and Jack went through the process correctly as he does. Rima Bostick asks why we are nit picking at this situation and that she feels it is a waste of time. Paul Calcagno states that he agrees with the process and values Glenn and his interpretation since he owns buildings and businesses in the village and has been through this process a few times. He speaks about his experience with Bonnie and her objection to his rooster having been drawn on by his children and that is would be considered a sign in her opinion and that she was reporting him. He expresses his displeasure with her statement and how people like that are going to discourage business owners from coming into the village if we are going to be so picky about every little thing that goes on. Philip Sherman states he is fine with the sculpture and supports the decision. Allie states that the village code is in place for a reason and we need to follow procedures correctly. Public is done commenting and Public Hearing is closed for comments.

Call to Order

7:43 PM

Minutes

G. Seaman made a motion to approve August 24, 2015 minutes; K. Gray seconded; all members are in favor.

Funds Remaining

\$1,089.92

Correspondence

NONE

Old Business

Barbara (Bonnie) Shannon Appeal Letter
Dave opens up regular meeting for the board to discuss. M. Van Allen recuses himself since he insures the building. The board reviews the original application and approval letter of the Planning Board and agrees that there is nothing in the approval letter about sculptures in the front yard. G. Seaman states that the issue at hand is to determine whether Glenn Smith, CEO decision to rule the sculpture as an accessory use is appropriate or not and speaks about the fact that there is nothing in the code that prohibits a sculpture in the front yard of a residence just a permanent structure such as a swimming pool, shed, etc. Glenn states that is why he determined it as an accessory use since the sculpture is not permanent and will eventually be removed. D. Sullivan states that this seems like a clear cut case and that the board is in agreement with Glenn Smith, CEO decision. K. Grey motions to accept his decision and deny Bonnie's appeal; G. Seaman seconds; all in favor.

New Business

Area Variance, Anne Schomaker, corner of Broad Street and Gaffney Lane, 53.07-2-37
Board discusses application; they are applying for a permit through the Planning Board for a subdivision to make two lots and built a house in the back lot on Gaffney Lane. D. Sullivan discusses that the rear set back is 50' so a 15' area variance is being proposed since there is only 35', all other set backs are above what the code requires. Peter Van Alstyne, surveyor reviews plans with the board. The board discusses the screening in the back for the neighbors and all agree that the hemlock trees are more than adequate. D. Sullivan motions to accept application and set joint Public Hearing with the Planning Board for Monday, November 23, 2015 at 7 PM; K. Grey seconds, all in favor. Rob Fitzsimmons, village attorney notes that we need to refer to the Columbia County Planning Board and Kristina, Secretary will take care of that. J. Callahan asks about the address and Pete Van Alstyne states that it would be determined by 911.

Application for Change in Non Conforming Use. G, Seaman put together a new application which is reviewed by the board. D. Sullivan motions to accept this new form; J. Callahan seconds; all in favor.

D. Sullivan states that there is training available through NYS conference of Mayors webinars and encourages all member to take as many as they can. They will let Kristina, secretary know so that she can get them signed up.

Next Meeting

November 23, 2015

Adjournment

8:13 PM G. Seaman moved to adjourn; J. Callahan seconded; all in favor.

Kristina Berger

Secretary to Planning Board