

Approved October 27, 2014

Village of Kinderhook

Zoning Board of Appeals

Minutes of September 22, 2014

- Present K. Gray, Chair; M. Van Allen; D. Sullivan; G. Seaman; W. Van Alstyne; R. Fitzsimmons, Village Attorney; G. Smith; CEO/ZEO; C. Weaver, Liaison
- Also Attending Stuart Peckner; Audrey Peckner; Renee Shur; Alan Dick; Bonnie Shannon; Chris Davison; Carlos Vega; Jack Shainman; Ken Neilson; Emilia Teasdale; Andrew Pelletieri; Shirley Morgan; Jean Kelly; Richard Ryan; Anne Schomaker; Bridgette Sherman; Philip Sherman; Paul Calcagno; Cathy Boyd; Jim Dunham; Lornes Dawes; Randal Dale; Stan Gresens; Kim Voltz; Paul Voltz; Chuck Rothermel; Dana Spot; Marian Guerrero; Robert Guerrero; Megan Kane; Zohar Lazar; Rima Bostick; Alexandria Anderson; Elizabeth Martin; Donna Moylan; Neil VanAlstyne; Barbara Reina; Rod Blackburn; Connie Chase; Barry Herbold
- Public Hearing 7:00 PM Stuart Peckner Appeal of CEO village code sign ordinance decision on 43.20-2-63 25 Broad Street
- R. Fitzsimmons, Village Attorney opens meeting and explains the process of a public hearing for all that are attending. W. Van Alstyne state that we are here to discuss the appeal of the Art Gallery Sign only and the three questions asked of Stuart Peckner (square footage, height of banner and if they are allowed in residential zone). Stuart Peckner speaks about his process in acquiring a sign for his antique store he recently opened in the village. This process made him question other signs in the village, at this time he is only allowed to speak about the School's sign due to the 60 day appeal process. He states that he is not singling Jack's sign out, just the only one that is up for discussion at this time. According to the code he read that a banner's maximum size is 150 square feet with a maximum of 5 feet height. The banners at the school were

each 336 square feet and over 5 feet high. He is not saying that the banners should be removed or that they were an eye sore but they were above the code limitations and therefore should have went through the proper procedure and had an area variance issued with the ZBA and this would all have been a non-issue. The problem he sees is with the procedure and it needing to be followed so that everyone is treated equally.

Barbara Shannon speaks about the signs stating they are decorative and celebratory but the size of them was questionable in her mind as well and she was not aware of any decisions made by the Planning Board regarding signage when the special use permit was issued.

Shirley Morgan states that she loves the banners, the museum is a great asset and the banners were extraordinary and imperative to bringing people into our village. She thinks the signs were appropriate for the building and maybe the signage in the code book needs to be more specific depending on building size.

Rod Blackburn, member of the HPC, states that he does believe this is a procedural issue and that this should be addresses.

Alexandra Anderson states that the schools banners were amazing, beautify, tasteful, fabulous, etc. but also that if we have codes in force that they need to be followed or go for a variance if need be. There are a lot of other signs in violation in the village and maybe the 60 day appeal process should also be looked at and revised.

Rima Bostick states she has lived in the village for 47 years and owns 25% if the 18th century buildings in the village and feels that this banner issue is not something that should be the center of the meeting. The EDC has watched this village deteriorate over the years and finally we have interested parties who are looking out for the best interest of our village. By advertising with the banners, which were not unattractive at all, they were bringing people in and developing our village back to what it used to be. Let's try not to forget that and deter people from coming, instead maybe we should promote it!

Robert Guerrero states he has also lived in the village for more than 40 years and that the code book and ZBA tend to abide by the "letter of the law" and maybe it is time for change, we should encourage growth and use better judgment when it comes to bringing in businesses in the village.

Philip Sherman states he lives across from the school and

has no objection to the banners. It adds historical character to the village to have the gallery and is contributing to our economic development and he supports it. He would also like to see the signage updated in the code book.

Cathy Boyd states she is thrilled about the banners. The code does state that they are too big and should have been reviewed but need to be that big or they would not fit the building. The banners brought lots of people in and were a great way to advertise. There is a show going on now and since this appeal there are no signs up to let people know about it. She also believes that the code book for signage should be updated and allow for banners of this size.

Ken Neilson states that the issue is not the banners but that the process and procedures were not followed and that needs to be addressed and handled better in the future.

Paul Calcagno states that being in the business district in the village and going through the signage process, it takes entirely too long to have to go through applications, denials, board hearings, etc. and is about a 6 month process to put up a sign and that is excessive. We are lucky to have Glenn Smith, CEO looking out for the village and moving the process along, maybe we should look at the Economic Development Committee for help with this!

Chuck Rothermel states that he has lived in the village for 61 years and was here when the zoning board was started, zoning changes, times change and the signage along with other items in the code book need to be updated and change with the times.

Andrew Pelletieri states that Kinderhook needs to be encouraged to grow and not broken down like it has been. These businesses are an asset and need to be promoted.

Connie Chase states that she has been here for 9 months and is opening a business hopefully in the next month or two. She has worked closely with Glenn and the boards and has been through the process and feels that the procedures should be updated and not to deter people from coming in and opening up new businesses but to promote it and grow this village.

Marian Guerrero states that she is not happy about all of this going on. This village should be united and promoting the growing business in the village. She was not even aware of the new exhibit at the school and is very disappointed that they cannot have signs up due to this appeal.

Glenn Smith, CEO addresses the public by stating that no permit is needed for temporary signs just like political

signs. 130-19B non confirming usage states that all signs need permits EXCEPT banners. He agrees that we should look at the signage and possible update again but according to his interpretation of the code the banners were legal. Ken Neilson states that he does not agree with Glenn's interpretation and that's why we are here to clarify his decision.

Barry Herbold states that he enjoyed the banners; it brought life and excitement to the village. Jack and Carlos are a great asset to our village and he applauds them and the signs. He has no objection!

Megan Kane states that she is confused as to why the banners are allowed, is this because it is a cultural center deemed by the planning boards special use permit? The show is great but let's resolve the signage issue now so they can continue to grow.

Renne Shur states that the banners are a value to our community, that people passing through would stop and see them and go to the show, they then continue into our village, eat, shop, etc. and without them that would not have happened. The banners need to be beautiful and large so they can attract people.

Randal Dale states he supports Glenn and is a good friend but the issue here is the process was not followed not the actual banners themselves. Procedures need to be put in place, updated and followed.

Marian Guerrero states that she agrees with Randal, the ZBA is the one that should have made the decision, not Glenn. The code needs to be followed and maybe update and modified.

W. Van Alstyne states that the board is here to answer the question of Stuart Peckners Appeal, the board will discuss what was done and a decision on what can be done in the future to make sure procedures are followed.

R. Fitzsimmons, Village Attorney states that the process is that Glenn gets an application and approves or denies it based on his interpretation of the code. If he denies it and the applicant wants to appeal, then it goes to the appropriate board and the process needs to be followed.

G. Smith, CEO states that he goes through the code book and interprets the best he can and felt that the banners were compliant and also put up and taken down in the time allotted.

Elizabeth Martin states that with the change of use the school is not residential and support Glenn's decision.

Donna Moylan states that the banners were great and give

her something to look forward to see them again and what they will do next.

Barbara Shannon starts that the point is what is allowed and what procedures need to be followed, she would like more clarification.

W. Van Alstyne states she will need to go to Glenn and discuss her questions and asked if there are any more comments at this time.

No more public comment.

W. Van Alstyne motions to close public hearing; D. Sullivan seconds; all in favor. Public hearing is closed at 8:13 PM

Call to Order	8:13 PM
Minutes	W. Van Alstyne made a motion to approve July 28, 2014 minutes; G. Seaman seconded; all in favor.
Funds Remaining	\$1,199.66
Correspondence	<p>Bonnie Shannon letter – K. Gray states that this letter and all of its question have to be directed to G. Smith, CEO, if she has an appeal, it then comes to the ZBA,</p> <p>Katherine Carter letter in support of the banners and G. Smith's, CEO decision. R. Fitzsimmons, attorney reads out loud.</p>
New Business	NONE
Old Business	<p>Stuart Peckner Appeal of CEO village code sign ordinance decision on 43.20-2-63 25 Broad Street</p> <p>G. Smith, CEO states his interpretation of the temporary signage in the code book. Banners are permitted in residential areas when there is a non-conforming use (deemed a Cultural Center from the PB when Special Use Permit was requested) so banners would be permitted with a maximum of 150 square feet, 5 feet vertically and below the second story. B. VanAlstyne states that the banners were larger than that and should have required an area variance and came in front of the ZBA. G. Smith agrees and will advise Jack Shainman or any other resident in the future that they will need an area variance if requesting something larger than permitted by code. R. Fitzsimmons</p>

states that he agrees and goes over the procedure one more time. G. Seaman moves to acknowledge decision on signage and procedure; W. Van Alstyne seconds; all in favor.

Next Meeting

October 27, 2014 Public Hearing

Adjournment

8:35 PM D. Sullivan moved to adjourn; G. Seaman seconded; all in favor.

Kristina Berger

Secretary to Planning Board