

**Village of Kinderhook**  
**Historic Preservation Commission**  
**Regular Meeting on March 19, 2015**

**Present:** R. Piwonka, Chairperson; R. Blackburn, T. Husband,  
G. Smith, Code Enforcement Officer, R. Puckett, Trustee Liaison

**Absent:** R. Dawkins, K. Neilson

**Others Present:** Larry Enoch, Scott Basiuk, David Sokosh, Robert Goldstrom

**Workshop:** None

R. Piwonka brought the meeting to order at: 7:04 pm

**Minutes:** R. Blackburn made the motion to approve the regular meeting minutes of January 15, 2015, seconded by T. Husband, all in favor.

**Funds Available:** \$956.00

**Correspondence:** Received an email from the National Park Service inviting Kinderhook Village and all communities across the nation to commemorate the 150th Anniversary of the Civil War and the continuing efforts for human rights today by joining in and ringing bells on April 9, 2015 precisely at 3:15 pm for 4 minutes (each minute symbolic of the year of war). The ringing will coincide with the moment the historic meeting between Union General S. Grant and Confederate General Robert E. Lee set the terms of surrender of Lee's Army of Northern Virginia in the McLean House at Appomattox Court House in 1865.

R. Piwonka has been looking for churches with bells and is hoping for participation, there are not that many bells remaining.

**OLD BUSINESS**

- Village Sign Ordinance - T. Husband had tracked changes discussed in the January 15, 2015 meeting of the HPC and presented them for review and clarification during tonight's meeting. T. Husband noted additional changes/comments and will update for our next meeting scheduled for April 16, 2015. (See attached - changes as of 1/15/2015 meeting.)

**NEW BUSINESS**

• **17 Chatham St./Larry Enoch/Door**

Mr. Enoch presented his application for the replacement of one exterior door.

Mr. Enoch stated that the existing wooden door is warped and the frame is rotted. He has been working with his Carpenter, Jeff Pizza. Mr. Pizza would like to remove the existing door and reconstruct the entrance area to be able to reframe and center door leaving approximately 11" left and right of the new door. The door selected is a 30" solid bottom with half lite which is similar in looks to the existing door and appropriate to the structure. R. Blackburn made the motion to approve the application for replacement of 1 exterior door, meeting the criteria under Chapter 75-7B(3) and 75-7C(3); seconded by T. Husband, all in favor.

Mr. Enoch will bring his \$10 application fee to the Village Hall tomorrow, 3/20/2015.

• **24 Albany Ave/David Dellehunt/Windows**

Per Letter of Authorization received from Mr. Dellehunt, Anderson Window representative, Scott Basiuk, appeared on behalf of Mr. Dellehunt in presenting the application for 5 windows on the front of the house and 2 windows, one on each side of the side wings of 24 Albany Ave. Mr. Basiuk provided a rendering of the house with the new windows in place. The condition of the existing windows were described by Mr. Basiuk as rotted, unsealed, drafty, loose, warping of frames, damage on the outside, glass cracked and not efficient. Mr. Basiuk stated there would be a slight decrease in size of the new window in comparison to the existing windows, if a pane is around 11", the new pane would be around 9"-10". Each window would be a custom sized window and not a stock window. Mr. Basiuk stated he would not be putting in an inexpensive plastic window but rather a wood composite, made of wood (40%) and blended with PVC. Suggestion was made to possibly install triple track storm windows or wooden storms to preserve the original windows. The HPC guidelines are clear that the HPC will accept sashes of the same dimension as the existing sash and made out of wood. Since it was determined and confirmed by the Anderson Window representative that the window could not be the same size of the existing window or made of wood, the application was tabled.

R. Piwonka requested J. Bujanow contact Mr. Dellehunt with the outcome of the application and request a discussion of alternative recommendations and possibly a site visit with the HPC.

**OTHER MATTERS OF DISCUSSION**

- None

Motion to adjourn: Motion made by R. Blackburn, Seconded; R. Piwonka, all in favor.  
8:34 pm

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Jacqueline Bujanow, Secretary  
Historic Preservation Commission

RHB Sign law comments 2 (with RP changes)  
Comments by Rod Blackburn 10/26/14 in brackets [ ] and in bold.  
TBH track changes

## Section 2. ENACTMENT.

130-19. Sign regulations. [Amended 5-26-1977 by L.L. No. 3-1977; 2-14-1996 by L.L. No. 1-1996]

A. General Requirements. No sign shall be permitted in the Village of Kinderhook except in accordance with this section. It shall be unlawful for any person to construct, erect, display, alter, or maintain any sign without having first obtained a permit from the CEO, except for temporary signs as allowed by this section. The CEO can approve sign applications that are in accordance with the provisions of this Chapter. The CEO shall refer applicants to the Historic Preservation Commission, Zoning Board of Appeals, or the Planning Board for approval prior to the issuance of any permit, if necessary, in accordance with Village laws and regulations.

(1) All permitted signs shall be in compliance with the attached table.

(2) No provision of this section proscribes the use of signs by the Trustees of the Village of Kinderhook, or any other governmental agency, in order to maintain the health, safety, and welfare of the public.

(3) All required signage dimensions are contained in attached table at the end of this chapter 130-19.

### B. Signs in residential districts.

(1) Nonconforming uses and permitted nonresidential uses, except places of worship, libraries, museums, social clubs or societies, and nonprofit day nurseries, may display signs pertaining to the use of the property and/or goods or services rendered thereupon.

(2) Dwellings for five or more families may display non-illuminated signs identifying the premises.

(3) Any dwelling unit in a detached or attached structure may display one nameplate or professional sign, provided such sign is fixed to the main wall of the residence building.

(4) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, and nonprofit day nurseries shall be located on the premises.

(5) Signs pursuant to this section shall be set back at least five feet from the lot line if not attached to the building. Lot lines are those indicated on property surveys attached to deed; Sidewalks and verges are outside the lot lines [ here and elsewhere [def.] (for definition) are terms which need clarification in a definitions or glossary section. In this case "lot line." Does this include sidewalk, and grass strip between sidewalk and street?].

C. Signs in business districts.

(1) B-1 Business District. Signs applicable to goods or services rendered on the premises upon which such sign is located are permitted.

(2) B-2 Business District. Signs applicable to goods or services rendered on the premises upon which such sign is located are permitted.

D. Other provisions regulating signs.

(I) Representational signs. No representational signs shall be permitted in any district unless approved by the Planning Board and/or the Historic Preservation Commission. The "and/or" needs to be clarified : under which circumstances does this go to the Planning Board and under which to the HPC otherwise applicants may think they can make the choice.]. I suggest "and" and eliminate "or" unless Planning also wishes jurisdiction

(2) Advertising signs. Notwithstanding any other provisions of this chapter, signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed, are not permitted in any district.

(3) Projecting signs. Two-faced signs attached to the building and projecting over the public right-of-way I think this is understood to mean sidewalks, public paths, parks, roads and the like maintained by the Village will be permitted.

(4) No sign may be located on the public right-of-way, except as provided in Subsection D (II) below.

(5) Subdivision signs. Any persons offering lots for sale in a subdivision may erect non-illuminated directional signs within the limits of the subdivision or adjoining property in the same ownership. The permit for such signs shall be issued for a period of six months, renewal of the permit is allowed for additional periods of six months following a determination by the CEO that the signs have been repainted or are in good condition in each case.

(6) Real estate signs advertising the sale, rental, or lease of the premises upon which said signs are located-may be erected within any residential district or business district. Such sign shall not be nearer than five feet to the right-of-way line. No such sign shall be attached to a tree or utility pole. [limit to one sign ?]we are allowed to limit to one sign per property

(7) One professional or business nameplate may be erected for one professional or business establishment where such signs would not otherwise be a permitted use.

(8) One sign denoting the architect, engineer, and/or contractor may be erected on the premises of a work site during the course of construction on said premises. [also include landscaper, tree service, law

(9) Memorial signs, historical markers or tablets, names of buildings and dates of erection may be allowed subject to specifications and review by the Historic Preservation Commission.

(10) On buildings fifty (50) or more years old, one sign indicating the age and history of the building may be attached in addition to any other permitted signs. This sign shall be attached flush to the front of the building and shall conform to the specifications established by the Historic Preservation Commission. [the text of such signs are to be approved by the municipal historian for historical accuracy.

(11) Traffic or other municipal signs, legal notices, and such temporary, emergency, or non-advertising signs as may be authorized by the Village Board may be erected.

(12) Illuminated signs. Signs shall be illuminated only with a steady indirect white light. This light may not be intermittent or varying in intensity and may not produce direct glare beyond the limits of the property line. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. This means no neon or other internally lit signs shall be allowed.

(13) Revolving devices These devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.

(14) Banners (Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.) Temporary, non-permanent promotional banners are allowed no more than 30 days prior to an event. Such promotional banners must be removed within 5 days after the event as described in the chart attached to this section. If the promotional banner is not associated with a specific event, it shall be limited to a period not to exceed 90 days. However, no other sign or part thereof shall contain or consist of banners, poster pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. These devices, as well as strings of lights[RP1 see footnotes], shall not be used for the purposes of advertising or attracting attention when not part of a sign. [should there not be a limit on the number of banners per installation?]

(15) Posters [def.] . (Temporary freestanding or wall mounted signs of nonpermanent nature, such as paper or cardboard, not to exceed 6 square feet (freestanding) or 2 square feet (wall mounted) promoting or otherwise relating to public events, including but not limited to political events, special events, sporting events, and shows shall not be

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displayed until four weeks prior to the event and must be removed within five days after the event. No such sign shall be attached to a tree or utility pole.

(16) Removal of certain signs. Any sign now or hereafter existing, which no longer advertises a business conducted or a product available for purchase by the public on [RP2] the premises, shall be taken down and removed by the owner, agent, or persons having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the CEO. Upon failure to comply with such notice within the time specified in such an order, the CEO is hereby authorized to cause removal of such sign(s). Any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

(17) Temporary promotional signs for such purposes as sales in conjunction with a business, nonprofit organization functions, garage sales, seasonal sales and any other temporary functions shall be permitted for a period not to exceed-30 days maximum. No portion of the temporary sign shall remain in place except during the time period of use. Temporary signs shall not be allowed more than four times per year for any one business or premise. [why would you allow a temporary sign to be installed up to four times in a year if the function is a single event?]

(18) Moveable or sandwich board sidewalk signs Moveable sidewalk signs are not permitted in any district except for businesses uses in the business districts. They shall only be displayed during business hours and must be located to permit the safe and convenient flow of pedestrian traffic. Moveable sidewalk signs shall not exceed one per business. (some municipalities require a site-specific permit issued by the building inspector and evidence of insurance naming the village an additional named insured)

(19) Billboards. A large, freestanding sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally sold, offered, or existing upon such lot are prohibited in all Districts, except that the Village may establish special public information centers wherein approved directional signs for businesses may be located.

[Comment on the charts:

Banner: promotional.

[The dimensional criteria are confusing and would seem to allow some odd sizes depending on the size and configuration of the building. Better to stipulate that a banner can be no larger than a percentage of the front facade square footage, like 10%. Thus a 1 ½ story building 20 feet wide may have a total front facade square footage of about 240, of which 10% is 24sf or 4x6'. A large building, like the school, may have a facade of 2000sf or two banners each 10x10sf. ] (this would be legislating against an existing condition)

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Additional issues to clarify (whether for PB, ZBA or HPC)

Clarify the criteria the ZBA will use when considering a special use permit.  
Are business use criteria applied for special use permits applications in a residential area?

Clarify the criteria to be used by the CEO in deciding that an application for a sign permit is to be referred to the PB, the HPC and the ZBA.

RP comment here: It looks to me as though that “H” column in the accompanying matrix for signs might stand for Historic District Overlay ... if it does, a number of items in that list should be checked for HPC review. It looks to me as though the matrix was never completed. ???

Definitions. Add definitions to definitions section of sign law as indicated above. There are additional questions which need answers in the definitions section. For each type of sign, include in the definitions such criteria as 1) size (in feet and/or % of facade), 2) illuminations, 3) location, 4) design (refer to HPC), 5) duration, 6) number of times per year, 7) number of signs on a lot.

Appeal of a special use permit. Clarify the appeals procedure and criteria. A 60 day limit on bringing an appeal seems inappropriate. If someone has put up a sign, with or without a permit, it makes no sense to limit the period for appeal. If the sign is without a permit it should be removed no matter when discovered. If the sign has a permit but one or more persons believe it does not meet the criteria for a permit, why should there be a time limit? In NYS statutes of limitations run between 1 year and to unlimited depending on the issue.

It has become increasingly obvious to me (and to the HPC) that some sign applications have not been referred to the HPC by the CEO even though it is clear in the HPC law that signs in the Historic District are to be reviewed by the HPC. The banners on the School Gallery are the most recent incident. This issue needs to be settled.

For resolving all issues or questions not directly addressed by this law, the New York Department of State, Division of Local Government, Municipal Control of Signs, shall be referenced for guidelines.

[RP1] Perhaps certain kinds of “strings of lights”. “strings of lights” needs a definition. Most strings of lights are for calling attention to holidays and many of these look great; true, some look lousy.

[RP2] “on” ? I wonder what exactly this means?