

Approved May 22, 2017

**Village of Kinderhook
Zoning Board of Appeals
PUBLIC HEARING
Minutes of April 24, 2017**

Present K. Gray; D. Sullivan, Chair; G. Seaman; J. Callahan; B. Van Alstyne; G. Smith, CEO/ZEO; R. Fitzsimmons, Village Attorney; D. Flaherty, Liaison

Also Andrew Scharoun; Larry Enoch; Jon Meade; Richard Philipps, Trustee; Ann Birckmayer

Workshop 7:00 PM D. Sullivan opens the workshop. K. Gray expresses her concern with different workshop topics that she feels should be discusses. Some of her ideas are discussing executive sessions vs workshops, application process and procedures, forms being complete, zoning permits, etc. The board agrees they will set up discussions for future meetings to fine tune things. R. Fitzsimmons and the board discuss the zoning permit process and whether it should be required before or after the variance is approved.

The board discusses the upcoming public hearing. J. Callahan wants confirmation that the application is for a 2 family unit only and not a multi-family unit which could mean three or more. G. Smith confirms it is only a 2 family unit. D. Sullivan wants to move to open public hearing.

Public Hearing 7:18 PM John Meade 432.20-2-14
15 Chatham Street Area Variance
D. Sullivan opens public hearing and speaks about the application. The area variance requested is for a 29,508 sq ft variance to convert an existing barn to a 2 family dwelling unit. J. Meade. Owner speaks about his move to the village and that he wants to bring value to the community and be a good neighbor and community member with building these upscale apartments as well as moving in to the existing house. Ann Birckmayer, 21 Chatham Street speaks about her privacy and concerns with the upper level proposed apartment in the barn. She brings photos in to show the lay out of her property and that the bedroom window on the upper level apartment will look directly into her back yard and screened in porch. G. Smith talks about code and what is required as far as an egress window, etc. J. Meade is very willing to work with the

architect and minimize any privacy issue she has but also needs to stay with in code. Larry Enoch, 17 Chatham Street speaks about his concern with lighting the parking are in the back of the property and that he does not want light streaming into his windows. G. Smith speaks about what is required by code as far as lighting being aimed at the ground and no higher than 35' on a building. J. Meade states he was going to do ground lighting so no spot lights or lighting that would stream into his windows. The board discusses what the prior use of the barn was which was storage for others and cars. The board also discusses the parking area in the back and confirms it will be graveled not paved as there may be concern about run off. Ann Birckmayer asks about sewer hookup and John confirms he has already talked to the village board about that and will be hooking in the new apartments. D. Sullivan asks for any other public comment and with no more comments closes the public hearing at 7:42 PM.

- Call to Order 7:44 PM D. Sullivan opens regular meeting.
- Minutes B. Van Alstyne made a motion to approve March 27, 2017 minutes; G, Seaman seconded; all in favor.
- Funds Remaining \$1,215.75
- Correspondence R. Fitzsimmons has circulated an email from the Planning Board with recommendations and what was discussed at their March 2, 2017 meeting for all to review prior to this meeting.
- Old Business John Meade 432.20-2-14
15 Chatham Street Area Variance
D. Sullivan opens the regular meeting with discussing what is required of the Zoning Board of Appeals and they fill out the are variance findings & decision form.
#1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties. B. Van Alstyne does not feel it is either as there is already high density in that area with two apartment buildings and the houses so close it would not negatively affect either. J. Callahan talks about the concern of the windows and lighting from the public. G. Seaman does feel that is a density issue due to the shape of the property and does think this is undesirable and a detriment. K. Gray discusses that she doesn't feel it is a character issue but talks about the lighting and privacy issue with the neighbors as well. R. Fitzsimmons states that the window placement and lighting will be issues the Planning Board and / or the HPC can discuss. The board

agrees to move on to the next question and come back at the end to further discuss #1.

#2 Whether benefit sought by applicant can be achieved by a feasible alternative to the variance. All board members agree NO.

#3 Whether the requested variance is substantial. All board members agree YES as this variance is for almost 30,000 sq ft as 60,000 sq ft is required for the project which is 50% and can be deemed substantial.

#4 Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood. K. Gray goes over sewer, drainage, etc. and the board agrees that there is no issue and all state NO.

#5 Whether the alleged difficulty was self-created. All agree YES as the applicant wants to convert the barn to dwelling units so that is self-created.

The board then discusses #1 again. B. Van Alstyne reiterates that a 2 family unit in that part of the village is on no way a detriment or undesirable character as there is an 7 unit apartment building next door, and another close two family unit as well as a four family across the street and so on so density is already there. K. Gray talks about the neighbor's privacy concerns. The board discusses possible change to one unit and keeping the apartment on the lower level but that is not desired by the applicant. G. Seaman states that he believed that the density is too great in this area and indeed is undesirable and a detriment to neighbors and is against this application. Jerry and Dave discuss that they visited the property for a better understanding of the project. After further discussion, D. Sullivan motions to approve the application for area variance, sending the concerns with privacy and lighting to the planning board, and if applicable, the HPC for review; B. Van Alstyne seconds, K. Gray and J. Callahan are in favor and G. Seaman is opposed. The application for an area variance is approved. R. Fitzsimmons states that the board issued a negative declaration for SEQRA and all board members agree.

G. Smith states that there will be another application coming from St. Paul's Church on subdividing the house at 4 Sylvester Street from the church, as soon as he has the applications he will forward to the board. D. Sullivan asked for a recommendation from the Planning Board again as they did with the above application.

Old Business

NONE

Organizational Meeting

D. Sullivan states that he has been appointed as Chair by the Village Board and G. Seaman has been appointed Vice Chair, all in favor.

Other	New Letterhead is circulated and all are in favor.
Next Meeting	May 22, 2017
Adjournment	8:35 PM B. Van Alstyne moved to adjourn; K. Gray seconded; all in favor.

Kristina Berger

Secretary to Zoning Board of Appeals