

Approved February 26, 2018

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

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

Also NONE

Call to Order 7:09 PM D. Sullivan opens meeting.

Minutes K. Gray made a motion to approve June 26, 2017 minutes; G. Seaman seconded; all in favor.

Funds Remaining \$1,330.40

Correspondence Bruce Charbonneau, Chair of planning board emailed ZBA their recommendation on the Area Variance application for The Flammerie: We are in agreement on the two items that your board must rule on, sign size and sign length. The code as written is a compromise addressing two small/not at all and to large. Applicant could for example change the sign to 2' by 12' . A final note is that 24 sq.ft. is the largest sign in the code. You must decide whether a variance will be a 'one off ' or a defacto code change.

Other Training for ZBA Members: D. Sullivan discusses the binder the board is putting together for training new members and reference for existing members. K. Gray discusses her want for more training in process and procedures, making sure we have deadlines and applications are complete before we review. J. Callahan agrees that procedure need to be discussed and established and that information needs to be presented prior to the meeting. The board discusses updating and setting up a new application that will be more detailed and understandable so that everyone has what they need to properly evaluate each application. The board agrees that G. Smith CEO should always be the first contact and no one else should be discussing or giving out applications for the initial review except him! Then the chair of the ZBA can review with Glenn and distribute to the board for review prior to meeting. D. Sullivan will get some examples of other villages forms they use

for application of area and use variances to discuss and start setting up a new application at the next meeting. The board discusses what forms they will need to update and all agree that number one Glen should ALWAYS be the first contact and discussion and that all applications should have a check list attached to the application for both applicant and board to review.

Public Hearing

7:55 PM D. Sullivan opens the public hearing. No public comment. Public Hearing is closed at 7:56 PM. Regular meeting is reopened.

New Business

NONE

Old Business

The Flammerie 43.20-2-53

4-6 Sylvester Street Area Variance for Sign

The board discusses the email from Bruce at the PB and agrees that his statement about code change is incorrect, this is a variance not a change in the actual code book. G. Smith and board discuss the application. B. Van Alstyne states that he is not comfortable to continue without the applicant present. The board discusses and all other board member are ok to continue,. B, Van Alstyne recuses himself. The board goes over the Area Variance Findings and Decision Form:

#1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties. The board discusses. No public complaint. HPC approved the sign. All agree with NO.

#2 Whether benefit sought by applicant can be achieved by a feasible alternative to the variance. The board discusses other options and would not fit in any other place on the building and would be disproportionate if went any smaller. All board members agree NO.

#3 Whether the requested variance is substantial. The board discusses and all agree NO it is a small request.

#4 Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood. All agree with NO.

#5 Whether the alleged difficulty was self-created. All agree YES but discuss that this is not an unreasonable request. J. Callahan motions to accept and approve the application for area variance as the benefit to the applicant does outweigh the Detriments to the Neighborhood or Community; G. Seaman seconds, all in favor. R. Fitzsimmons goes over SEQR from with board and all agree NO to all and asks the boards to issue a negative declaration for SEQR; J. Callahan motions to declare a negative declaration for SEQR; D. Sullivan seconds, all in favor. G. Seaman motions

to approve application for area variance; K. Gray seconds; B. Van Alstyne abstains; all others in favor.

Next Meeting

August 28, 2017

Adjournment

8:17 PM B. Van Alstyne moved to adjourn; D. Sullivan seconded; all in favor.

Kristina Berger

Secretary to Zoning Board of Appeals