

Approved December 28, 2020

Village of Kinderhook  
Zoning Board of Appeals  
Minutes of August 24, 2020

- Attending via Zoom:** Chair David Sullivan, Greg Seaman, Jerry Callahan, Kim Gray, Bill Barford; Liaison David Flaherty, CEO Peter Bujanow, Applicant Patricia Altman, Applicant Tom Riddle, Dorene Weir. Village Attorney Robert Fitzsimmons was absent. In addition to the ZBA meeting agenda, all applications and corresponding documents for this meeting were posted on the Village of Kinderhook website for review.
- Call to Order:** D. Sullivan opens Public Hearing#1 at 7:02pm via Zoom Videoconference. P.Altman, 13 Hudson Street, Lot#43.20-2-33, reviews her application. She is requesting a variance as she wants to construct an 8' tongue and groove fence along the rear of her property at 13 Hudson Street. No public comment questions or ZBA member questions. D. Sullivan closes Public Hearing#1. Motion made by B.Barford, J.Callahan seconds, all in favor.
- D.Sullivan opens Public Hearing #2 at 7:08pm via Zoom Videoconference. T.Riddle, 6 William Street, Lot#44.17-1-2, reviews his application for the construction of a front porch at his home. Currently nothing at the front door to protect from rain and snow. He worked with the HPC on the design that would create a minimal porch that would be finished the same as his existing side porch. Would need a 2' variance for the front setback. No public comment questions or ZBA member questions. T.Riddle reviews his application for the garage where he would need an area variance from 21' to 11' for a side setback. Again, he worked with the HPC on the design to compliment the house. No public comment questions or ZBA member questions. D.Sullivan closes Public Hearing #2. Motion made by B.Barford, J.Callahan seconds, all in favor.
- Minutes:** K.Gray motion to approve July 27, 2020 minutes, B.Barford seconds, all in favor.
- Funds:** \$1,346.74
- Correspondence:** NONE

**Old Business:**

D. Sullivan requests the Area Variance Findings & Decision Form will now be completed by C.van Denburgh as the ZBA reviews P. Altman's application for 13 Hudson Street. R. Fitzsimmons sent an email to D.Sullivan prior to the meeting stating these are Type II actions for SEQRA, so no SEQRA review is required. The Type II action is listed as "granting of individual setback and lot line variances and adjustments." Criteria we are reviewing is according to Village Code:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties. Concurrence of no.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance? Concurrence of no.
3. Whether the requested variance is substantial? D.Sullivan notes a fence height from 6' to 8' is not substantial. Concurrence of no.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? Concurrence of no.
5. Whether the alleged difficulty was self-created? Concurrence of yes.

D. Sullivan states that the benefit to the applicant DOES outweigh the detriment to the Neighborhood or Community. Approval of this application that 4 of the 5 criteria are met. J. Callahan moves to approve the area variance application, B.Barford seconds, all in favor. Record of the vote is approval on the Area Variance Findings and Decision form.

D. Sullivan requests the Area Variance Findings & Decision Form will now be completed as the ZBA reviews T.Riddles's application for the setback area variance request for the front porch at 6 William Street.

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties. K. Gray states that T.Riddle did this in conjunction with the HPC and we can

assume this does fit in with the neighborhood. J.Callahan asks if HPC is waiting on ZBA to decide on the variance before the HPC makes a determination on his application. HPC cannot give final signoff until ZBA makes an action. Concurrence of no.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance? Concurrence of no.
3. Whether the requested variance is substantial? Concurrence of no.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? Concurrence of no.
5. Whether the alleged difficulty was self-created? Concurrence of yes as it came with the property.

D. Sullivan states that we have agreement that the benefit to the applicant DOES outweigh the detriment to the Neighborhood or Community. Approval of this application that 4 of the 5 criteria are met. B.Barford moves to approve the variance, K.Gray seconds, all in favor. Record of the vote is approval on the Area variance Findings and Decision form.

D. Sullivan requests the Area Variance Findings & Decision Form will now be completed as the ZBA reviews T.Riddles's application for the side setback variance for the garage at 6 William Street. Criteria we are reviewing is according to Village Code:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties. J.Callahan asks about the height of the garage relative to its placement on the property since it is a separate accessory building. P.Bujanow states the maximum height allowed for an accessory building in the village is 35'. Concurrence of no.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance? K.Gray discusses that the garage perhaps could have been placed in another area that did not require a variance. T.Riddle states the placement is constrained by a leech field and proximity to house. Concurrence of no.

3. Whether the requested variance is substantial? Agreement that it is substantial.
  
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? J.Callahan states based on its intended use of a one car garage and workshop with storage above, heat and electric, not for occupancy, he is fine with this. Concurrence of no.
  
5. Whether the alleged difficulty was self-created? Concurrence of yes.

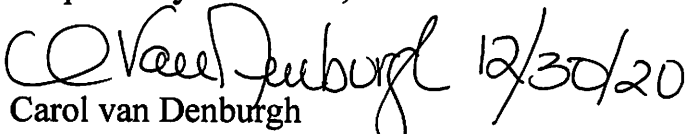
D. Sullivan states that we have agreement that the benefit to the applicant DOES outweigh the detriment to the Neighborhood or Community. J.Callahan moves to approve the variance, B.Barford seconds, all in favor. Record of the vote is approval on the Area Variance Findings and Decision form.

New Business: NONE

Next Meeting: September 28, 2020

Adjournment: 7:27 pm B.Barford move to adjourn; J.Callahan seconded; all in favor.

Respectfully submitted,

  
Carol van Denburgh  
Secretary to Zoning Board of Appeals