

Village of Kinderhook

Zoning Board of Appeals Public Hearing

Minutes of November 24, 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 Audrey & Stuart Peckner; Bonnie Shannon; Jack Shainman; Neil VanAlstyne; Andrew Pelletteri; Chris Davison; Harry Birckmeyer; Cathy Boyd; Bill Mancini; Chuck Rothermel; Alexandra Anderson; Rima Bostick; Rod Blackburn; Renee Shur; John Hannam

Public Hearing 7:00 PM Jack Shainman 43.20-2-63, 25 Broad Street
Area Variance for Banners

K. Grey, Chair opens public hearing and explains the application at hand. Jack Shainman is applying for an area variance for banners due to the size. He is asking for a variance of 16' vertical dimension, 1' above grade, 186' sq ft area variance on each banner and an extension on the number of days it can be up to 180 on the non-event banner. Meeting is opened up for public comment and Jack is asked to speak. Jack goes over application and states that he wants to put banners up as they were seen the first time and due to the size of the building feels it is adequate. K. Grey asks if we deny the application, what would be his next step and Jack states that he would then have to apply for permanent signage.

Neil VanAlstyne asks if this will need to have HPC review. G. Seaman states since there is no permanent signage requested that the answer is no as the application stands. Bonnie Shannon states that she is concerned that the code is not up to date and wants some definitions explained so that she can make an informed decision. She is directed to Glen by the board for clarification. She states that she believes that Jack put this hardship on himself and he has to have

other avenues other than a variance, she supports Economic Development but is this all really necessary and when does the temporary banners that are up for 180 days become permanent and need the HPC review. G. Seaman states that the school is classified as a Cultural Use Facility with a Special Use Permit by the Planning Board and to put temporary banners up only requires approval from the Zoning Board in the case that they are larger than the code allows which is why we are here, there is no request for permanent signage and therefore no HPC review.

Rima Bostick states that she is in favor of the banners and that we are here to discuss this specific application not to modify and review the code.

Harry Birckmeyer asks if this is a cultural facility can you purchase the art? Jack replies that you can in his NYC location. Harry replies that he is concerned that if we approve the banners that places like the Kinderhook Bank, Trombley Auto Body , etc. will request the use of larger banners as well. G. Smith; CEO/ZEO states that each application is reviewed by him before they are sent to the board. K. Grey states a variance application can be submitted at any time by anyone and then it is up to Glenn to review and if needed sent to a board. R. Fitzsimmons, Village Attorney states that the board is here to interpret the code , review, apply and make an informed decision on a case to case basis. This will not set a precedent since this is defined as a cultural facility not an auto body shop.

Alexander Anderson states that he thinks that the HPC should have to review the banners and thinks that there is a problem with the code that should be looked at and updated.

Cathy Boyd states that she is in favor of the banner sand looking forward to seeing them up on the building again.

Chuck Rothermel asks what the current code allows for banner size. R. Fitzsimmons replies 150 sq ft per banner.

Rod Blackburn suggests that maybe there should be a percentage clause in the banner code regulations as your average house is 10-30' from the road so we wouldn't want to see a banner that size on a house or something maybe closer to the road but the school is 150' back from the road so size does matter here to attract people into the events.

Renee Shur states that she is in complete support of the school and the banners. She urges residents to think about the economic development the school is bringing into our community. He is opening it up to the public not just

private events and brining people from all over into our village.

David (a village resident) states that the art gallery has a common good for our community. The government is always telling us what NOT to do instead why don't we support people and Jack for what he WANT to do for our community.

Stuart Peckner goes over different sections of applications, minutes and approvals for the initial school review. He states that there is no reason for the banners to be bigger than the code allows and believes if we approve this it will set a precedent and urges the board to reconsider denying the application. K. Grey, Chair asks what he would suggest Jack does? Stuart replies that he should make the banners smaller or apply for a permanent signage. Jack responds by stating that he has opened his business to the community every Saturday 11-5 to bring people into our village and if the banners are smaller as people pass they may be over looked as well as the process of permanent signage would take a lot longer and would defeat the purpose of being there as no one would know about the exhibits.

John Hannam is in complete support of the banners, he is across the way for his B & B and thinks that they are architecturally beautiful and could bring more people into our village.

Heinz Grosshan states that tourism is down and this is a gift to our community and we should be thankful and helping in any way we can to promote this.

K. Grey, chair closes the public hearing at 7:51PM.

Call to Order	754: PM
Minutes	D. Sullivan made a motion to approve October 27, 2014 Minutes; G. Seaman seconded; all in favor.
Funds Remaining	\$1,034.08
Correspondence	NONE
New Business	NONE
Old Business	Jack Shainman 43.20-2-63, 25 Broad Street Area Variance for Banners K. Grey, chair opens meeting by stating that M. Van Allen has recused himself from voting due to his business

relationship with Jack Shainman. The board then discusses Code Book 130-41 section 2 a-e, G. Seaman fills out ZBA Area Variance Findings and Decisions and the board agrees that a-d are all no and e is yes, for further detail the paperwork is on file in the village hall. The board agrees to proceed with the application. R. Fitzsimmons, Village Attorney goes over SEQR and the board agrees that this does not have any significant adverse environmental impact. R. Fitzsimmons states that the SEQR is OK to approve. G. Seaman motions to approve a negative declaration SEQR; K. Grey seconds; all in favor. The board discusses approving the application as follows: 16' ft vertical height variance, 1' above grade variance, 186' sq ft area variance on two banners and 180 day allowance on the non-event banner. W. VanAlstyne motions to approve; G. Seaman seconds; all in favor. W. VanAlstyne states that he would like to thank G. Smith for all the hard work he does. He has been with our village a long time and is dedicated, engaged, informed and cares about this village. Thank you Glenn!

Next Meeting

December 22, 2014

Adjournment

8:17 PM G. Seaman moved to adjourn; W. Van Alstyne seconded; all in favor.

Kristina Berger

Secretary to Planning Board