

Correspondence for ZBA January 25, 2021 Public Hearing "The School"

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34 Broad Street  
Kinderhook, NY 12106

January 21, 2021

Zoning Board of Appeals  
Jerome Callahan, Chair  
Village of Kinderhook  
6 Chatham Street  
Kinderhook, NY 12106

Since 2004 we have been residents of the Village of Kinderhook. Upon arrival the welcoming, vibrant nature of this community was immediately apparent to us. Inevitably much has changed, certainly commercially as the “virtual world” seeks to dominate retail activity, a serious challenge compounded by an unbelievably restrictive current pandemic. Regardless *actual* charm, not easily found elsewhere, and vitally important personal interaction have for the most part not been displaced.

Fortunately our village is blessed with institutions which in “normal” times serve to bring people together, thereby affording much needed opportunities to contribute in ways both generally beneficial and personally gratifying. Although for us these institutions have included the Columbia County Historical Society, Concerts in the Village, and the Garden Club of Kinderhook, many others add immensely to the quality of life for village residents and visitors. Without question, if in different ways, many of our institutions add to an essential sense of connectedness, something largely absent in more “metropolitan” areas, and contribute positively to the village’s potential as a destination for non-residents.

It was therefore with much excitement that about six or seven years ago we greeted the announcement of the remarkable, appropriate, and certainly creative transformation planned by Jack Shainman for the handsome school building just down the street from where we live. To a village justifiably steeped in history, there was to be a complementing look forward. And with this something quite unimaginable, even visionary has been achieved, something not possible without a substantial commitment of financial resources, endless patience, design genius, and yes, dedication to community. This addition to the village’s culture life, truly the region’s, has been immeasurably important and a refreshment of our existing environment. Not surprisingly The School | Jack Shainman Gallery has proven magnetic for many and, as intended, destination-defining.

It is difficult to know what to make of the current controversy regarding Nick Cave’s “Truth Be Told” installation. We believe that the issues, at least to the extent they have been publicly detailed, were originally avoidable, had greater care been exercised by those responsible for reviewing the matter. Now it seems that many would prefer that the issue “just go away.” The threat of litigation has seemed at the least premature, and would certainly be an unproductive use of public and private resources during a particularly vulnerable economic time.

We do not wish to imply that code enforcement is not a very necessary village function, but merely that in this case "enforcement" has appeared disproportionate and, at least for us, unjustified, convincingly countered, and unrelated to actual public safety. The allegation of material flammability seems little more than a convenient ruse, perhaps raised in the hope of avoiding much thornier definitional questions regarding art, signage, and, ultimately, freedom of expression, artistic and otherwise. Having been in "virtual attendance" at the December 28<sup>th</sup> meeting of the Zoning Board of Appeals and having read the documents made publicly available, including the filings of Mr. Better, we add that at this point the "case" presented on behalf of Mr. Shainman seems quite convincing, and of equal importance very reasonable.

We must add our opinion that this matter, however principled it may seem to the parties involved, is hardly one deserving the damaging "broad brush strokes" of the outside media recently experienced by the village. In particular it is disturbing that the *New York Times* has seen fit to denigrate, *apparently without exception and with insufficient journalistic research*, the citizenry of our fine village – every last one of us! Those officially responsible for the appearance of the village to the "outside world" need to consider carefully this unfortunate aspect of the matter, which we believe they will. Process is always important, but, in the language of the present, "optics" cannot be ignored.

At the risk of seeming too idealistic, we sincerely hope for a mutually respectful meeting of the minds, while by no means underestimating the effort that will be required to achieve this. One thing seems certain: the required effort will return valuable dividends for all who care about the cultural health of the Village of Kinderhook. Whatever the solution, it must be found without delay. However sweet to a few, a mere legal victory would bring ultimate satisfaction to no one.

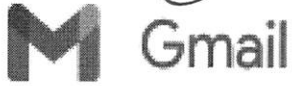
We began with an expectation that our letter would lay out a detailed (if non-professional) analysis of the issues surrounding the "Truth Be Told" installation, at least our understanding of them. Instead – and more importantly – we find ourselves expressing concern, even frustration, that with artistic provocation must come public controversy.

Fortunately we remain hopeful that a way will be found to resolve this matter – without either serious repercussions or useless waste of resources and attention. In scale and quality, Jack Shainman's tangible commitment to Kinderhook represents a level of generosity found in nearly no other community of equivalent size. The very presence of The School suggests that our village remains a special place, one evolving now as in the past.

Thank you for your careful consideration.

David Smith

Vicki Smith



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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**It's Art**

1 message

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**Warren Applegate** <applegaw2@gmail.com>

Fri, Jan 22, 2021 at 8:21 PM

To: "pbzba@villageofkinderhook.org" <pbzba@villageofkinderhook.org>

As stated in our previous letter to the Mayor of Kinderhook, which may or may not have been entered into the public record.....we wish to assert ...IT IS ART, DAMN IT! MOVE ON!

Warren Applegate  
Kathy Long



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

## My letter to the Village of Kinderhook ZBA retaining to January 25, 2021 meeting re "Truth Be Told."

1 message

Alexandra C. Anderson <downmainer@aol.com>

Fri, Jan 22, 2021 at 3:10 PM

To: pbzba@villageofkinderhook.org

**Please note I would like to speak at the January 25, 7pm ZOOM meeting of the Village ZBA. Thank You, Alexandra**

January 22, 2020

Dear Village Planning Board and Zoning Board of Appeals:

I am professional art historian, art critic, and the former president of the American Section of the International Art Critics' Association and formerly editor in chief of *Art & Antiques Magazine*. My columns and articles have appeared in major magazines and newspapers including *The Art Journal*, *Art & Antiques*, *Portfolio*, *American Photo*, *The Argonaut*, *The New York Times*, *International Herald Tribune*, *The Los Angeles Times*, *The Village Voice*, *Vogue*, *Elle*, *Elle Décor*, *Esquire*, *Art in America*, *Architectural Digest*, *Art News*, *Modo*, *Harper's & Queen*, *Artforum*, *Smart Magazine*, *I-D*, and *World of Interiors* as well as in the online publications *Artcritical.com*, *MuseNews (Bloomberg.com)* and *ArtNet*.

As a 35 year-long resident of Kinderhook, I appreciate the presence of The School in our historic village. I have closely followed the official Village discussion regarding Nick Cave's temporary installation "Truth Be Told" on The School's façade, sidewalls, and windows on Broad Street in a R-1 residential section of the Historic District. However, I am perplexed by the Planning Board's misunderstanding of the issue of sign versus art.

The boards seem sidetracked in deciding whether the project is violating the Village Zoning Code by the discussion/decision of *what is a work of art and what is a sign*. In short, I want to remind everyone this dichotomy is a red herring clouding the issue.

The issue at hand is--did the fact that Cave's installation is a work of art insulate it from Village Zoning Code rules? Did Jack Shainman violate the Village Zoning/Historic District Regulations when he disregarded the Building Inspector's denial of his request for a special use variance and building permit and also bypassed the project's required review by the Historic District Commission?

Here's the News:

The issue is not either or: A sign can simultaneously be a work of art. A work of art can and frequently does appropriate signage techniques and devices. (For examples, please see works by Barbara Kruger, Jennie Holzer, Keith Haring, Banksy, Mel Bochner and Christopher Wool for starters.) In this case "Truth Be Told" falls within the definition of a non-traditional sign. And in the Village of Kinderhook a work of art/sign still must apply for a special use permit. (There's also a question, not yet debated, of whether the installation is commercial or non-commercial, as it promotes a prominent artist represented by Jack Shainman Gallery.)

Arguing that "Truth Be Told" is a work of art and thus is not required to follow the Village Zoning and permitting regulations does not exempt the installation from Village Zoning Code review. It's still a sign.

Additionally, the issue is not free speech. It is not about censorship. The issue is whether the installation has violated the requirements of the existing Village Zoning Code. Denying the special use building permit for the installation does not violate Free Speech.

Please consider that disregarding the Building Inspectors' ruling *vis a vis* "Truth Be Told" and ignoring a stop work order sets a seriously dangerous precedent for future projects that by ignoring our codes could destroy the residential character of the Historical District.

Here below is a passage about free speech from the New York State Municipal Signage Regulation Code:

**"Sign Zoning and Free Speech"**

Local governments may impose reasonable "time, place and manner" restrictions on speech in order to set forth the circumstances under which signs may be displayed. Restrictions that deal with the size, illumination, location and manner of posting signs without regard to the content of the speech are examples of local government enactments likely to be sustained as reasonable time, place and manner sign regulations, provided they advance a legitimate governmental interest. An example of a "time" regulation is a law allowing temporary signs to be posted for two months. An example of a "place" regulation is a requirement that signs not be placed within 15 feet of a road. An example of a "manner" regulation is a restriction on the size of signs. The U.S. Supreme Court has held that "time, place and manner" restrictions on First Amendment protected free speech will be sustained as constitutional if the regulations:

- Are justified without reference to the content of the signs subject to the law (i.e., content neutral);
  - Are narrowly tailored to serve a significant governmental interest; and
  - Leave open ample alternative channels for communication of the information.<sup>7</sup>
- Municipalities may regulate non-traditional signs so long as the regulation does not unlawfully control the message expressed by the sign. The community's definition of the term "sign" will set the scope of the regulation. It may broadly encompass non-traditional media of communication which are not typically considered "structures." For example, a court considered whether a village zoning law that regulated the permissible dimensions of signs applied to a 20-foot high boulder on which was inscribed a symbol and family name in 6-foot letters. Under the village zoning law, a sign was defined as a structure and the Court concluded that a boulder is not a structure, so therefore the symbol and name painted on a boulder was not a sign. Had the village defined "sign" to include such non-traditional "structures," they could have prohibited messages on boulders.<sup>86</sup>

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**SIGN** — Any material, structure or device or part thereof composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

Sincerely,

Alexandra Anderson

53 Albany Avenue

Kinderhook, NY 10126

917-991-7928



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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# Truth Be Told ZBA Meeting - Petition details and materials

1 message

Jack Shainman <jack@jackshainman.com>

Fri, Jan 22, 2021 at 4:26 PM

To: "pbzba@villageofkinderhook.org" <pbzba@villageofkinderhook.org>

Cc: William Better <williamjbetter@williamjbetterpc.com>, "pbujanow@villageofkinderhook.org" <pbujanow@villageofkinderhook.org>

Dear Carol,

I hope this message finds you staying well.

In advance of the ZBA's public hearing this coming Monday (1/25/21) regarding Nick Cave's *Truth Be Told*, I am writing to pass along the PDF list of 3,000 and counting signatures from our community and beyond that we have received in support of the gallery and Nick's position. I have also included a document including comments left on the petition by many signatories for your and the Board's reference.

Hoping these materials are helpful prior to and if there is anything additional I can share, please let me know.

Best wishes,

Jack

Jack Shainman  
**Jack Shainman Gallery**

513 West 20th Street | 524 West 24th Street

New York, NY 10011  
T. 212 645 1701

jack@jackshainman.com  
www.jackshainman.com

The content of this email and its attachments are confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

## 2 attachments

Truth Be Told\_Petition Signatures\_1.22.21.pdf  
456K

(143 pages)

Truth Be Told\_Petition comments\_1.22.21.pdf  
132K

(17 pages)





Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**The Truth**

1 message

**bette cerf hill** <bcerfhill@gmail.com>

Fri, Jan 22, 2021 at 5:25 PM

To: pbzba@villageofkinderhook.org

Dear Ms. Vandenburg,

I wonder what other communities wouldn't do to have the Jack Shainman Gallery in their town? The Shainman which turned an abandoned old school into a vibrant jewel of culture in the center of Kinderhook should be celebrated, not censored.

Instead of being critical of and confused by art and or message the village should be promoting that they have a museum of modern art that is high art and professional and amazingly free to the public.

To overcome the embarrassment from what has taken place so far regarding what is art and what is truth the town should immediately apologize to Jack Shainman and to the citizens of New York.

I would like this read into the meeting. The only reason I will not be there is because I have to get a covid vaccination in Chicago.

Bette Cerf Hill

Studied at the School of the Art Institute, Chicago

Founder, Printers Row Lit Fest

Founder, Sculpture Chicago

Old Chatham, New York



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Re: Zoning Board of Appeals - 'Truth be Told' Artwork at Jack Shainman Gallery**

1 message

**Michael Walch** <irisnevus@gmail.com>

Sat, Jan 23, 2021 at 12:29 PM

To: Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

Thank you Carol.

On Jan 22, 2021, at 7:58 PM, Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org> wrote:

Good evening Michael Walch,

Please be assured I will forward your comments to the ZBA members as well as the members of the Village Board.

Thank you.

Carol van Denburgh

On Fri, Jan 22, 2021 at 6:05 PM Michael Walch <irisnevus@gmail.com> wrote:

Ms. Carol Van Denburgh:

I am a resident of nearby Hudson and a NY State Registered Architect. I am writing in support of Jack Shainman and artist Nick Cave whose 'Truth be Told' artwork is being interpreted as a sign under Kinderhook's Zoning Ordinance.

Zoning ordinances are created ostensibly to preserve the character and plan for growth of communities. When not administered with care, they have the effect of disenfranchising, segregating, and censoring people. While it is understandable that Kinderhook would want to restrict garish commercial signage, the concept simply does not apply to this work of art. Jack Shainman's The School gallery is a civic institution, not a business or residential building. They routinely display sculptures in their front yard. The message of the 'Truth be Told' artwork is political and perhaps controversial but it is not profane nor offensive. It is a powerful political statement and should not be censored.

Sincerely,

Michael Walch

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Carol van Denburgh  
Secretary, Planning Board & Zoning Board of Appeals  
Village of Kinderhook  
518-758-8778 ext 305



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Re: Spelling Kinderhook**

1 message

**Warren Schwartz** <wschwartz@schwartzsilver.com>

Fri, Jan 22, 2021 at 6:14 PM

To: Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

Cc: JACK SHAINMAN &lt;jack@jackshainman.com&gt;, Alan Karchmer &lt;ak@alankarchmer.com&gt;

Hi Carol van Denburgh,

I guess I'm not on The School's mailing list, altho I do live in the area, in W Stockbridge, MA. I always visit The School during the summers because my wife is in the BSO and we spend a lot of time, with friends, hitting all the cultural tourist spots in the general vicinity.

I didn't think the email would reach you at the triple-o address so I addressed it as a copy to the double-o email as well. Glad you got it! Jack Shainman is an acquaintance, but I'm not supporting this for him as it is my own opinion. It's interesting that there is a slim but qualitative difference between a sign and a work of art, as can be argued by the original "sign painter" (as he has called himself) Robert Indiana. Then there is Ed Rusha who actually was a sign painter. It's interesting that "T R U T H" as configured by Nick Cave could raise the question of its own truth, "Sign or Symbol?"

Best,  
Warren.

Warren R Schwartz, FAIA  
**Schwartz/SilverArchitects**  
www.schwartzsilver.com

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**From:** Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>**Sent:** Friday, January 22, 2021 5:20 PM**To:** Warren Schwartz <wschwartz@schwartzsilver.com>**Subject:** Re: Spelling Kinderhook**This Message originated outside your organization.**

Hello Warren Schwartz,

Thank you for reaching out to me. I have never had my email show up like this nor should the server allow it. The email address has always been:

pbzba@villageofkinderhook.org. This is odd. I will look into this and I will forward your email to the Zoning Board of Appeals in regards to The School. Thank you.

Carol

On Fri, Jan 22, 2021 at 3:53 PM Warren Schwartz &lt;wschwartz@schwartzsilver.com&gt; wrote:

Dear Carol Vandenburg,

I believe the spelling of **kinderhook** in your email address may have too many "o's."

All best,  
Warren.

5/11/2021

Village of Kinderhook Mail - Re: Spelling Kinderhook

ps - I believe the graphic on the front facade of The School is an artwork, not a sign.

Warren R. Schwartz, FAIA  
**Schwartz/Silver Architects**  
75 Kneeland Street, Flr #3  
Boston, MA 02111-1901

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Carol van Denburgh  
Secretary, Planning Board & Zoning Board of Appeals  
Village of Kinderhook  
518-758-8778 ext 305



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## Image File + Memo Concerning "Truth Be Told" to Planning Board and Zoning Board of Appeals

1 message

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**Renee Shur** <rshur@villageofkinderhook.org>

Thu, Jan 7, 2021 at 11:42 AM

To: Carol Vandenburg <cvandenburg@villageofkinderhook.org>

Cc: Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>, Village Mayor <mayor@villageofkinderhook.org>

Carol,

I have been given approval by Dale and Rob Fitzsimmons to submit this memo and image file to the Planning Board and Zoning Board. As my memo states, I am submitting this image file and memo as a private citizen -- not in my capacity as the village's economic development director.


I would appreciate if this could be sent to the Planning Board for this evening's (January 7, 2021) meeting.

Thank you,

Renee

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### 2 attachments

 **TruthBeToldzoning-v.5docx.pdf**  
29K

 **Kinderhook\_Signage (3) (1).pdf**  
1587K

To: Village of Kinderhook Planning Board and Village of Kinderhook Zoning Board of Appeals

FR: Renee Shur

Re: Submission for Planning Board Meeting of January 7, 2020, and Zoning Board Public Hearing Concerning the Appeal by The School I Jack Shainman Gallery

Dear Planning Board and Zoning Board of Appeals,

I am proud to be the Village of Kinderhook's economic development director. I am also a private citizen and resident of the village. As a private citizen, I am submitting this file of examples of a category of artwork commonly referred to as public or installation art. My intention in submitting these images is not to comment on process but simply to provide examples of the category of art of which Nick Cave's "Truth Be Told" is an example.

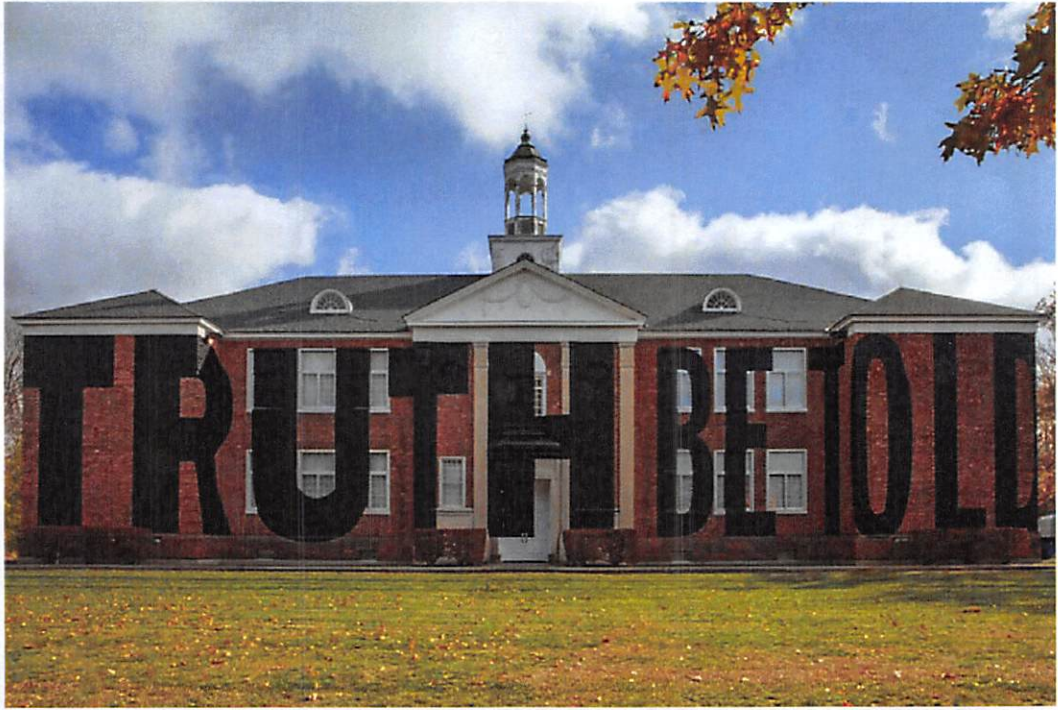
These images are not submitted by me as part of any function of my official capacity as a village employee. These images do not represent the opinions or positions of the Village of Kinderhook.

These images represent artworks that seek to communicate a wide range of visual, verbal, and conceptual messages. The artworks were installed on a variety of surfaces using various techniques, materials, and imagery. Many are composed primarily of words, as is "Truth Be Told." Some of these pieces were conceptualized, designed, and installed by the most important and internationally recognized artists in the field of public art and installation, like Christo, Barbara Kruger, Jenny Holzer, and William Kentridge. These artworks were located at sites in the U.S., Germany, Switzerland, Japan, France, Italy, Spain, Canada, and more.

It is my hope that these images will help the Planning Board and Zoning Board clarify some of the issues related to Nick Cave's "Truth Be Told" installation at The School I Jack Shainman Gallery.

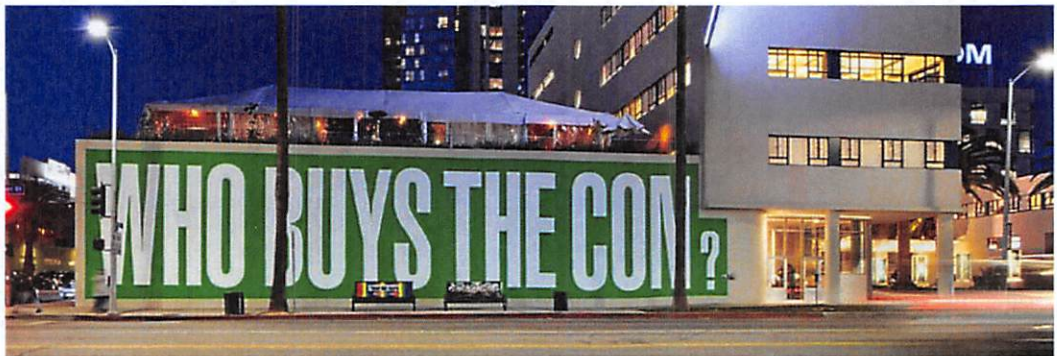
Thank you.

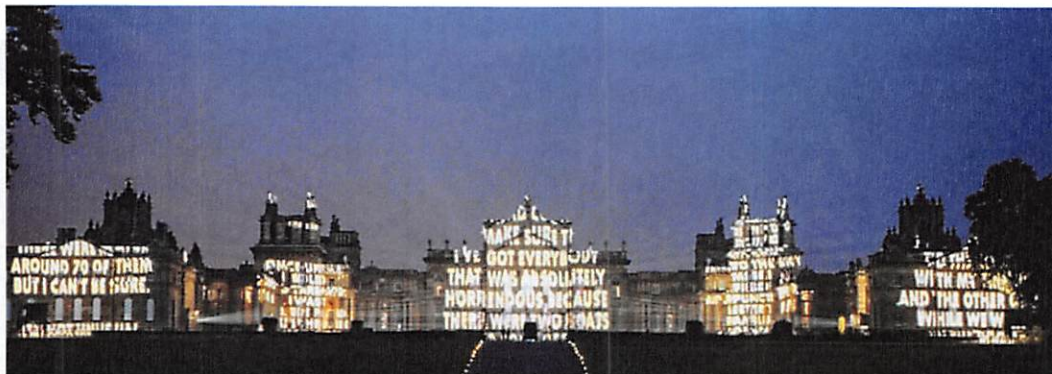
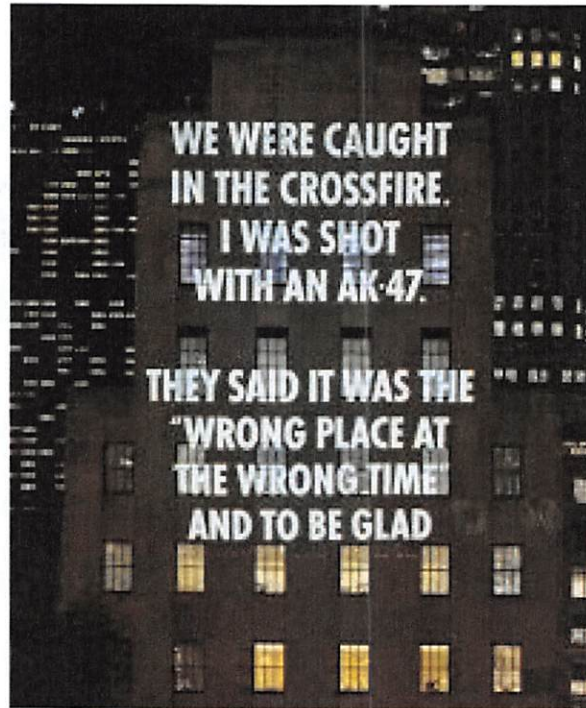
January 7, 2021

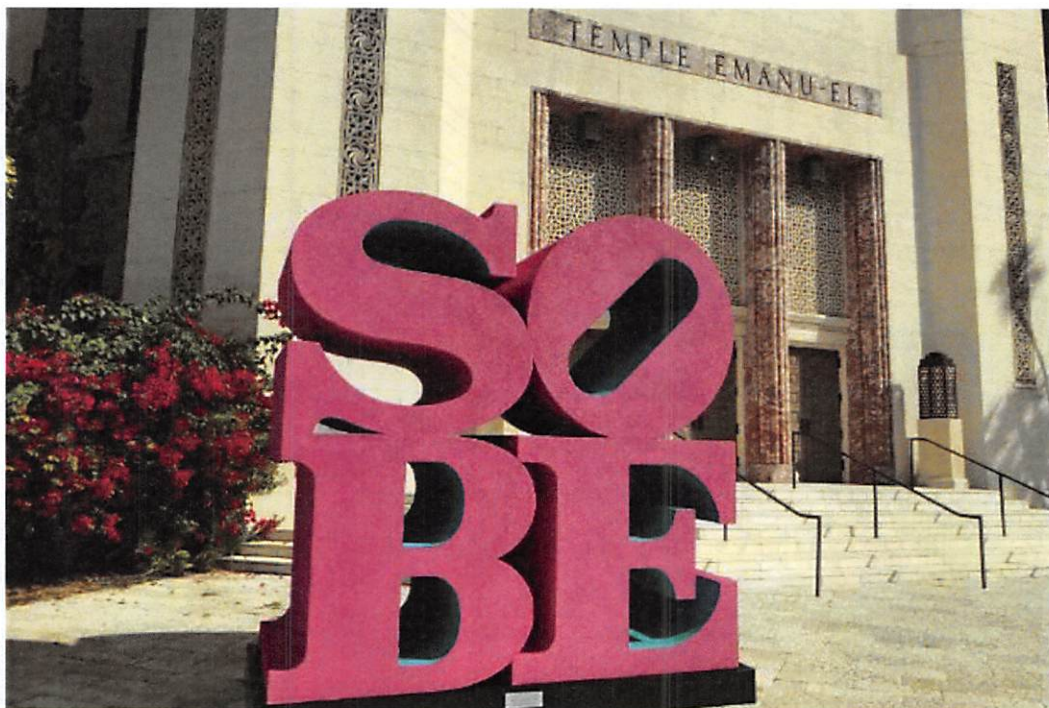


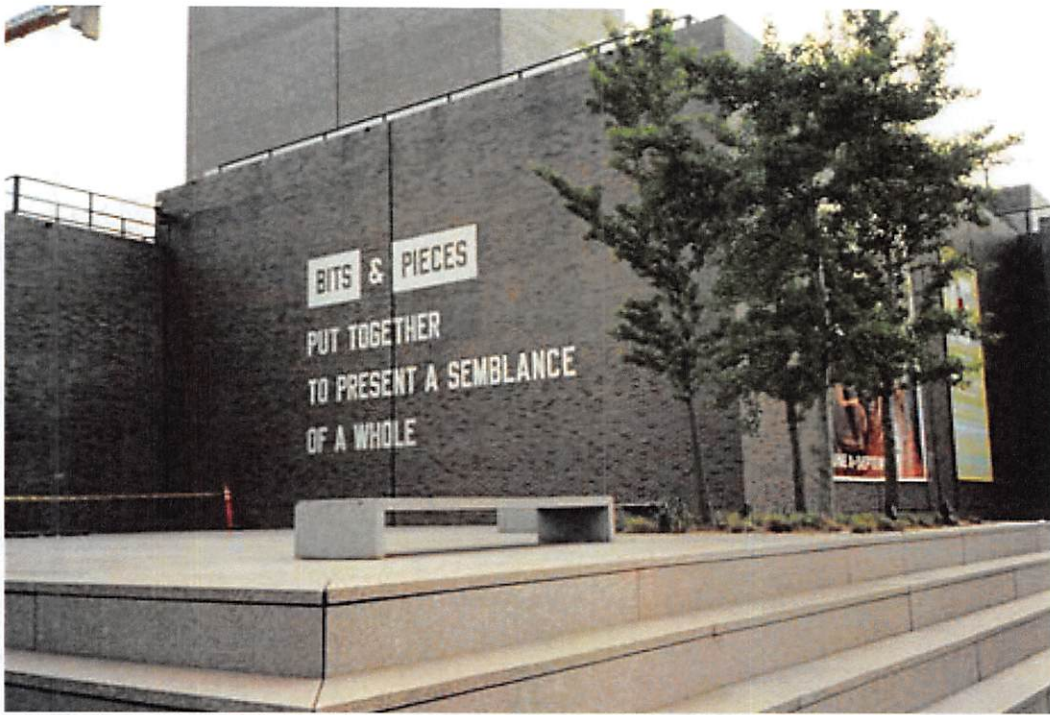


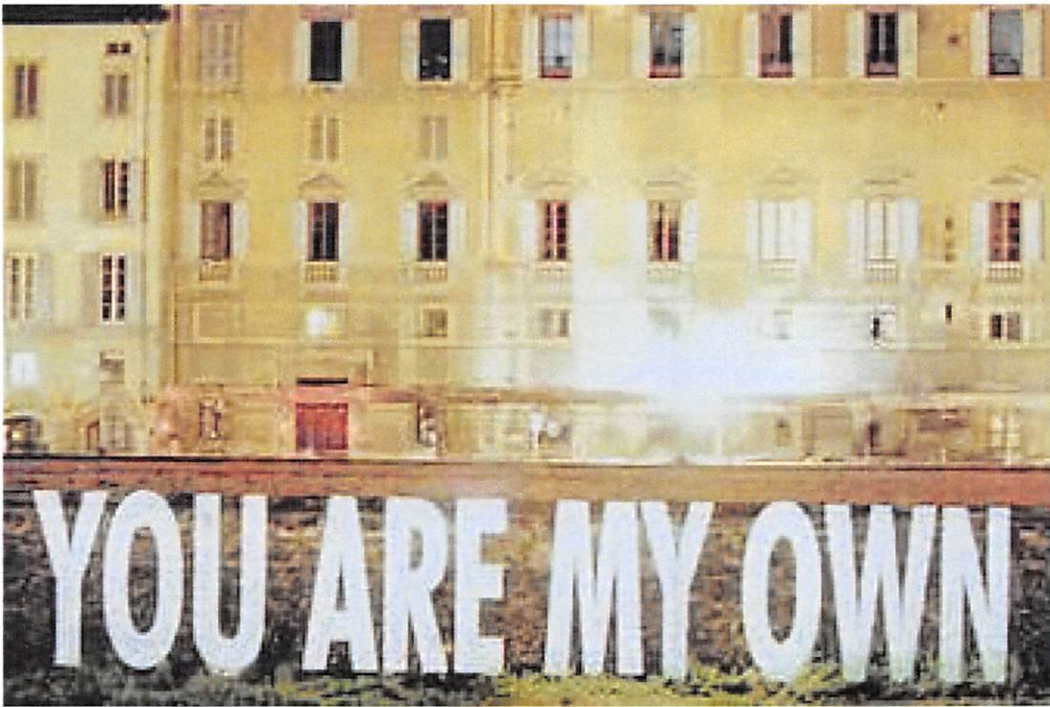
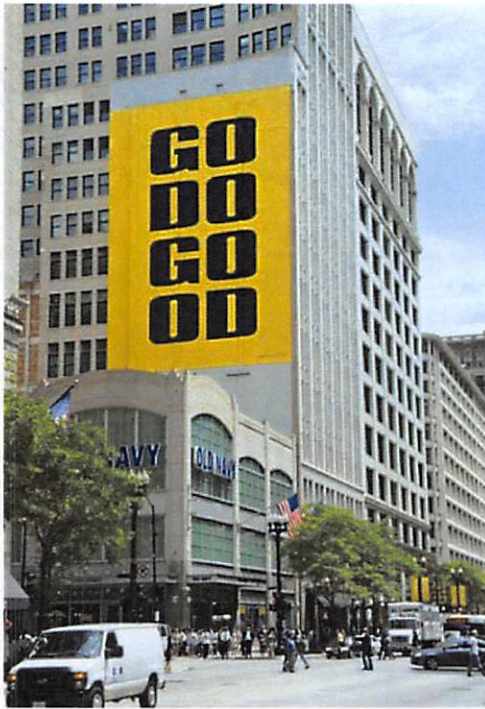










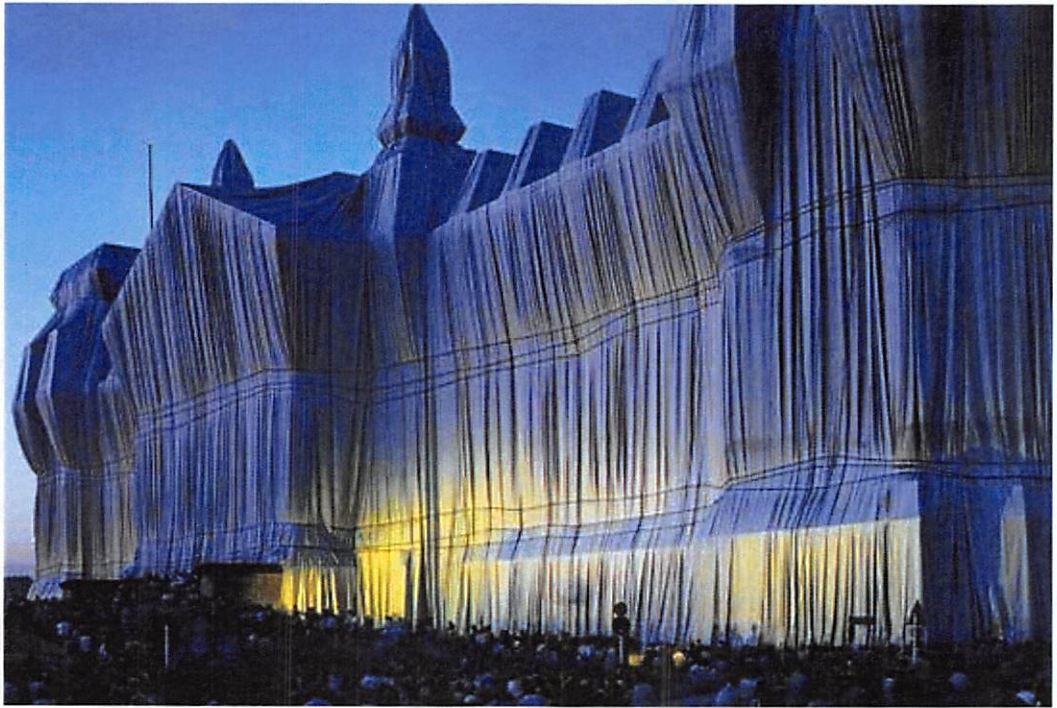




















Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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**Nick Cave**

1 message

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**Harry Tabak** <hctabak@gmail.com>

Sat, Jan 23, 2021 at 12:18 PM

To: pbzba@villageofkinderhook.org

Hello Ms Vanderburgh,

As an artist who's visited the Shainman "School Gallery", I'd like to say that I'm not in favor of the Nick cave installation if it doesn't meet the community's standards for outdoor displays of art.

I have a high regard for Jack Shainman and his contribution to the arts, but his projects in your community should not force the art on your citizens with the outdoor exposure.

I'm familiar with controversy with the controversy over one of my own outdoor sculptures.

Sincerely,

Harry C Tabak

[www.TabakArt.com](http://www.TabakArt.com)



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Nick Cave Work**

1 message

**Diane Smook** <dpsmook@earthlink.net>  
To: pbzba@villageofkinderhook.org  
Cc: Jack Shainman <jack@jackshainman.com>

Sat, Jan 23, 2021 at 12:38 PM

Unfortunately I will not be able to join the Zoom on the matter of Nick Cave's work. I would like to state that the whole issue is silly. Many modern works of art incorporate words. This is one. The fact that the Brooklyn Museum will display it next proves the point. I think that the whole controversy makes the village just look foolish. A tempest in a teapot.

Regards,

Diane Smook

[www.dianesmook.com](http://www.dianesmook.com)  
[www.dianesmook.wordpress.com](http://www.dianesmook.wordpress.com)  
[dpsmook@earthlink.net](mailto:dpsmook@earthlink.net)



Gmail



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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## Truth

1 message

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**Edward Kiernan** <ekk2501@gmail.com>  
To: pbzba@villageofkinderhook.org

Sat, Jan 23, 2021 at 12:46 PM

To the Members of the Town Board  
I support the Artwork Of Nick Cave that is displayed on the front of the Shainman gallery, The School. The art gallery is displaying a work of art. Its not a sign.  
Sincerely  
Ed Kiernan



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**The School artwork**

1 message

**Dawn Marar** <dpm67@caa.columbia.edu>  
To: pbzba@villageofkinderhook.org  
Cc: info@jackshainman.com

Sat, Jan 23, 2021 at 12:57 PM

Ms. Vandenburg.

The installation at The School "Truth Be Told" by Nick Cave and Bob Faust is an artwork, not a sign.

The Greater Capital Region is fortunate to have this venue--and specifically, these artists and their work accessible. Many folks cannot travel to NYC to see such cutting edge, thoughtful, and yes, sometimes provocative work. We grow as citizens of a diverse conversation.

In a time of great division in our country, I hope the Kinderhook Zoning Board will see this as an opportunity to keep lines of communication open.

I--and my friends--visit Kinderhook--for this very purpose. When there, we eat and drink at local establishments. I consider myself a 'little ambassador' for Kinderhook AND The School AND Nick Cave's artwork.

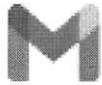
Truth be told, haven't we ALL used that phrase at least once in our lives. The phrase from which this is taken usually includes the word "if." One might see that as an indictment. Instead, their words might be seen as an injunction calling to our better selves.

Looking forward--

*Dawn Marar*

Dawn Marar  
518.475-1410 h  
518.461-0765 c  
<http://www.dawnmarar.weebly.com>  
35 Sheffield Drive  
Delmar, NY 12054





Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Fwd: The School | Jack Shainman Gallery**

1 message

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**Village of Kinderhook Planning & Zoning** <pbzba@villageofkinderhook.org> Sat, Jan 23, 2021 at 4:49 PM  
To: jerry callahan <jfxcallahan@gmail.com>, Kim Gray <kagray16@gmail.com>, Bill Barford <billbarford52@gmail.com>, David Sullivan <dlsullivan52@gmail.com>, Greg Seaman <sands.seaman@gmail.com>, Nicole Heeder <nheeder@villageofkinderhook.org>, Rob Fitzsimmons <rjf@fitzsimmonsandmills.com>, Dale Leiser <mayor@villageofkinderhook.org>, David Flaherty <dflaherty170@gmail.com>, Peter Bujanow <pbujanow@villageofkinderhook.org>, Dorene Weir <dorene.weir3639@twc.com>, Michael Abrams <mike.abrams1@gmail.com>, Mark Nicholson <redesign@fairpoint.net>

----- Forwarded message -----

From: **Robert Colannino** <robertcolannino@gmail.com>  
Date: Sat, Jan 23, 2021 at 1:14 PM  
Subject: The School | Jack Shainman Gallery  
To: <pbzba@villageofkinderhook.org>

Dear Carol,

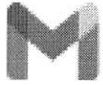
As residents of Kinderhook Village, and neighbors of The School | Jack Shainman Gallery, we would like to express how much we enjoy looking at Nick Cave's work of art Truth Be Told each day.

We are happy and fortunate to live in this village where meaningful works of art are visible to all of us.

Sincerely,  
Robert Colannino and Mark Davis

--

Carol van Denburgh  
Secretary, Planning Board & Zoning Board of Appeals  
Village of Kinderhook  
518-758-8778 ext 305



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**25 broad steet**

1 message

**Chuck Rothermel** <cerothermelinc@aol.com>

Sat, Jan 23, 2021 at 1:17 PM

Reply-To: Chuck Rothermel &lt;cerothermelinc@aol.com&gt;

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

please note that i support jack shainman and thank him for keeping a center piece of kinderhook from falling into disrepair and for allowing people to visit and view artwork that they would have to travel out of town to see, the village of kinderhook needs to direct their attention on the falling down buildings on chatham street and williams street and leave jack alone, if that means a zoning change then make it happen , the current zoning from previous boards is not working, thank you , chuck rothermel



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## January 25 Appeal to ZBA regarding Jack Shainman Gallery

1 message

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**Wendy Spielmann** <write2wps@me.com>

Sat, Jan 23, 2021 at 2:01 PM

To: pbzba@villageofkinderhook.org

The ZEO has referred to the art work TRUTH BE TOLD on The School as a sign on a building in a residential zone. He cites as precedent the COSMIC DONUTS business sign, located in a commercial/ historic zone. That sign had to be modified according to the village code.

The School is not a commercial enterprise. No admission is charged & no artwork may be sold. The art installation on the building is temporary. The art installation TRUTH BE TOLD is not a permanent, commercial sign on a place of business. Please explain.

Thank you

Wendy Power Spielmann

Sent from my iPad



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## The School

1 message

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**Philip Bickerton** <philipbickerton@gmail.com>

Sat, Jan 23, 2021 at 2:37 PM

To: pbzba@villageofkinderhook.org

To whom it may concern,

I am writing in support of designating the Truth be Told lettering on the school as art. I can understand some possible confusion about the project and I do not believe in any ulterior or nefarious motives from board members who may see it as only a sign. To help the debate I did a little research and immediately found eight living and well known artists who have used words in their art, we have: Ed Ruscha, Christopher Wool, Bruce Nauman, Jenny Holzar, Ben Eine, Steve Powers, Mel Bochner, and Barbara Kruger. These globally recognized Text artists, some using canvas, others buildings, as their backdrop have established a great precedent that Nick Cave has tapped into. It is art.

Take care,

Philip Bickerton



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Fwd: Nick Cave poem**

1 message

**Dan Devine** <dandevinemoto@gmail.com>

Sat, Jan 23, 2021 at 2:51 PM

To: pbzba@villageofkinderhook.org

Sent from my iPhone

Begin forwarded message:

**From:** Dan Devine <dandevinemoto@gmail.com>**Date:** January 23, 2021 at 1:10:18 PM EST**To:** pbzab@villageofkinderhook.org**Subject:** Nick Cave poem

Dear Kinderhook Village Board, Thank you for convening this meeting.

The size of the expression of this poem seems to be the main concern of those asking for its removal.

Poetry intended to reach a large and diverse audience depends on it's presentation in a place where it will reach out to that large and diverse audience. A poem tucked away in a book or journal will be read by those that seek it.

It is crucial that this large scale poem be seen by a diverse audience. It is intended to present a social question for all of us to consider.

Respectfully, Daniel Devine

A thirty year resident of neighboring, Ghent, NY, and a thirty year professor of art.

Sent from my iPhone



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Kinderhook Progressive Community**

1 message

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**Richard Eagan** <rlehavana@gmail.com>  
To: pbzba@villageofkinderhook.org

Sat, Jan 23, 2021 at 3:23 PM

I regret hearing of the odd issues of J. Shainman / Kinderhook Town conflict , and now becoming much talked about issue to many in the community .

Everytime I drive by ( the Kinderhook Farmers Market & friends ), I think of the many interesting and sometimes provocative art exhibitions that Mr. Shainman has created...gratis. for the Hudson Valley community. Friends from outside NY have placed Kinderhook on their travel maps along with the Clarke Museum in Adams.

Please reconsider your complaints of Mr. Cave's timely and thoughtful art installation, which is welcome to all individual's interpretation, and engages so much of our current national dialogue. It would be a shame to see the city unable to find participation in this lively public energy.

It would be further disappointment to many who now regard Kinderhook as a progressive community should they ban this work of art that is destined shortly for the Brooklyn museum and community.

Sincerely yours.

Richard Eagan  
Hudson . NY 12534



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## The School Art Installation

1 message

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**BETSY GORMAN** <queenbege@aol.com>

Sat, Jan 23, 2021 at 3:28 PM

To: pbzba@villageofkinderhook.org

It has come to my attention that the "Truth Be Told" art installation at The School art gallery is scheduled for discussion at an upcoming Kinderhook Village zoning board of appeals meeting.

I live in the town of Kinderhook and was thrilled to witness the installation of this work and was actually hoping it would be on permanent display.

The use of space and surrounding environment within the artwork is seen as a whole. The traditional structure of the building, the expanse of lawn in the foreground and the form and scale of lettering all work together to create an innovative and glorious work of art that makes me proud to live in Kinderhook.

It is my sincere hope that the Village of Kinderhook zoning board dismiss any motion to remove this art installation and send a clear and resounding message for all to hear that art reaches us in many different forms and mediums and that we live in a country that encourages freedom of expression.

The world is watching.

Sincerely,  
Betsy Gorman



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Re: Truth Be Told**

1 message

**Rodney DeJong** <dejong.nutrametrix@gmail.com>

Sat, Jan 23, 2021 at 3:31 PM

To: pbzba@villageofkinderhook.org

Greetings Carol,

If there's any question as to whether of not Truth Be Told is an artwork or a sign, I refer you to this article where it makes it quite clear that it would definitely be considered art.

<https://mymodernmet.com/text-art-masters/>

In it you'll see work by Barbara Kruger, Jenny Holzer, Ed Ruscha, Christopher Woll, Bruce Nauman, Mel Bochner, Steve Powers, and Ben Eine. Some of their work is on a similar scale as Truth Be Told, some is similarly painted on buildings, most all of it can be found in public spaces. One may or may not agree with the sentiment of Truth Be Told (which I suspect is the real issue here) but it is definitely art.

Rodney DeJong





Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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## Support for Nick Cave Visual Art

1 message

21

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**marlene vidibor** <mvidibor@yahoo.com>

Sat, Jan 23, 2021 at 5:28 PM

Reply-To: marlene vidibor <mvidibor@yahoo.com>

To: "pbzba@villageofkinderhook.org" <pbzba@villageofkinderhook.org>

It is well known that many artists create verbal art works in many media.

Nick Caves art form TRUTH BE TOLD is such an art work and deserves to be seen on the facade of The School.

We are privileged in Columbia County to have Jack Shainman's institution containing such sophisticated museum quality art in our midst. Perhaps Kinderhook doesn't want to be put on the map as a sophisticated forward thinking community. This would be not only Kinderhook's loss but Columbia County's loss as well.

Marlene Caller Vidibor

Sent from Yahoo Mail on Android



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**my opinion ...Truth Be Told.**

1 message



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**krystaljo** <krystaljo@aol.com>  
To: pbzba@villageofkinderhook.org

Sat, Jan 23, 2021 at 6:15 PM

I have been a resident of Columbia County for more than 50 years. I am grateful for the quality of life I have here. Quality of life for me includes wonderful friends and acquaintances, the gorgeousness of nature, the quiet and space, and the culture that is here and nearby.

The School has been, for me, a thrilling addition to our community. The fabulous exhibitions I have seen have taken my breath away; they are interesting, beautiful and thought provoking.

I have felt so proud that a small town like Kinderhook could be home to, and welcome, such a magnificent museum and where I, and others, can see interesting and inspiring art, astoundingly, at no cost.

The debate about this exhibit is a debate that can continue; not everyone has to agree, and people have their own preferences. But I very strongly urge you to allow this exhibit, and other exhibits, and this amazing museum to continue to exist in Kinderhook, and be welcome in Kinderhook.

Joan Bloomberg  
Old Chatham , NY

Sent from my Verizon, Samsung Galaxy smartphone



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Truth Be told**

1 message

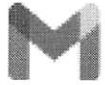
**Bruce Edelstein** <bruceedelstein@gmail.com>

Sat, Jan 23, 2021 at 9:00 PM

To: pbzba@villageofkinderhook.org

I am very familiar with the The School/gallery and Turth Be Told installation in Kinderhook. My wife and I stayed just a few blocks from the building for three months, taking daily walks by the building. It would never occur to me that the distinction "is it art or a sign," was serious. It's far too late in our culture to try to limit the definition or value of art with this limited point of view. I find the work valuable and an important statement and its value explores the relationship between message, architecture and our culture. The value is not just the words, not just the words on a building, not just the implications of their relationship. It's important not to reduce the art into some simplistic category that seems arbitrary to me. There is no issue here as to it's distinction or definition as an artwork, so why are we even discussing this? Furthermore, the use of the building to support art of many varieties adds value to the town of Kinderhook.

Sincerely, Bruce Edelstein



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## Hearing on Nick Cave's artwork at The School on Monday

1 message

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**Randall Bourscheidt** <randall.bourscheidt@gmail.com>

Sat, Jan 23, 2021 at 8:45 PM

To: pbzba@villageofkinderhook.org

Hello, Ms Vandenberg,

I'm writing to ask if I may speak at the public hearing on this subject on Monday evening.

I am very devoted to Kinderhook, a community I visit often to patronize its restaurants, bakeries and shops, to offer advice to the Columbia County Historical Society, of which I'm a member, and to attend religious services.

I live four miles away in Stuyvesant and feel that we are in many ways one community. I have a number of friends who live in Kinderhook, giving me another reason to spend time there, and to appreciate the pride and loyalty Kinderhookers have for their community.

I have had a career in the arts and cultural affairs, having served as Deputy Commissioner of Cultural Affairs, and Acting Commissioner, for the City of New York for a decade. I also was the Chair of the Mayor's Commission for Cultural Affairs, and have served on the boards of the Metropolitan Museum of Art and Lincoln Center.

In my capacity as President of the Alliance for the Arts, I published "The Hudson Valley: A Cultural Guide," and a website guide to all of the cultural organizations throughout the state -- both with support from the State of New York. I am now a cultural advisor to the Governor's State Tourism Advisory Council.

I plan to attend the hearing on this important matter on Monday, and hope I will have the opportunity to speak.

Thank you for your consideration.

Randall Bourscheidt  
(518) 758-9770



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

## Shainman

1 message

25

**A Chandler MD** <achandlermd@gmail.com>

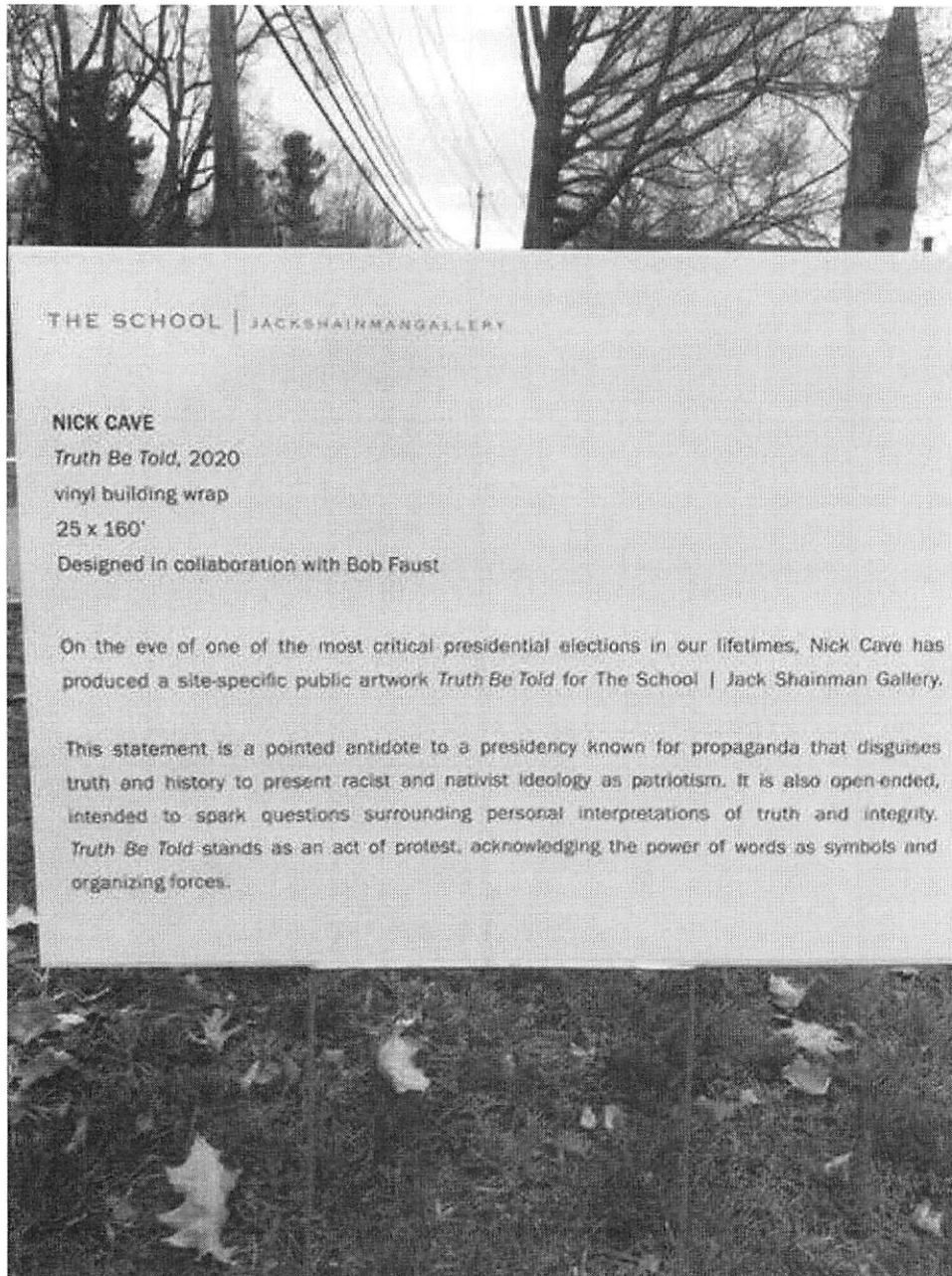
Sun, Jan 24, 2021 at 7:40 AM

To: pbzba@villageofkinderhook.org

Hello,

The Jack Shainman Gallery has made Kinderhook worth visiting. It's worthwhile supporting his efforts. Also, an art exhibit is not to be confused with signage. That's just silly. Why dig in your heels? Why fight a suppressive battle?

For what it's worth, here is the definition of 'sign' in this context: " a notice that is publicly displayed giving information or instructions in a written or symbolic form. This, then, is a sign, as it gives information:



And this, is a work of art on the side of a building and not signage providing information or direction:



I'm not sure I understand why you wouldn't embrace freedom of expression and, and in more practical terms, the one and only consistent, intriguing and culturally relevant reason to visit Kinderhook unless your mother lives there as mine does. Well, I suppose there's ice cream at the edge of town and the intermittent occasional food truck fair... Kind of, sort of, as a stretch culturally relevant. Maybe.

I imagine you might consider your role as a civil servant to promote interest in and discourse about and around your village. Of course, I could be wrong and Kinderhook could remain mired with small nondescript businesses coming, opening, failing and going in it's unsuccessful present.

Best of luck with your village. I remain hopeful you will help shepherd it into a more successful future.

Respectfully,  
Arthur C. Chandler, III, MS, MD

Sent through the air



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**ZBA Truth Be Told**

1 message

26

**Bonnie Shannon** <bshan@fairpoint.net>

Sun, Jan 24, 2021 at 10:47 AM

To: pbzba@villageofkinderhook.org

Cc: pbujanow@villageofkinderhook.org

Dear Chairman Callahan and members of the ZBA,

Attached please find a letter in support of the CEO's decision regarding the installation of "Truth Be Told" at The School.

Please acknowledge receipt of this correspondence. and enter it into the record of the meeting on January 25.

Best regards,

Barbara (Bonnie) Shannon

71 Broad Street

**ZBA Truth Be Told.docx**

16K



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**"Truth Be Told"**

1 message

**Nancy Roberts** <nroberts510@aol.com>  
To: pbzba@villageofkinderhook.org

Sun, Jan 24, 2021 at 11:04 AM

To Whom It May Concern:

I'd like to share my thoughts regarding the above artwork by Nick Cave and Bob Faust.

Art is what the artist says is art, it is not to be determined by the viewer.

There is quite a bit written about what art is and it is not possible to provide a single answer; it is a living exploration.

Wikipedia says: "Art is a diverse range of human activities involving the creation of visual performing artifacts (artworks) which express the creators imagination, conceptual ideas or technical skills, intended to be appreciated primarily for their beauty or emotional power."

In a year of devastating sickness, racial injustice and political upheaval, when crazy conspiracy theories are promulgated equally to scientific, historic and empirical facts, to look up and see these bold words in a place unexpected moves all viewers to stop and think: What is truth? Who tells the truth? Is there truth? Why do we need the truth? Are these words the truth?

We are drawn to gaze at these letters and we are unsettled to gauge their meaning. They are beautiful and powerful. The words, placed so large on the side of a building, convey a sense of the sublime as much as the powerful Hudson River landscapes of Frederick Church that one sees at Olana.

Art is what the artist says is art. Please do not insult artists, please do not censor artists.

Thank you for your attention,

Nancy Roberts (Columbia County Resident)

Sent from my iPhone





Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Fwd: The School**

1 message



**Carol Vandenburg** <cvandenburg@villageofkinderhook.org>  
To: Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

Sun, Jan 24, 2021 at 11:18 AM

----- Forwarded message -----

From: **Jessica Coutsonikas** <jcoutsonikas@icloud.com>  
Date: Sat, Jan 23, 2021 at 5:44 PM  
Subject: The School  
To: <okvillagehall@villageofkinderhook.org>

To whom this may concern,

I would like for this email to be read at the hearing on the 25th of January 2021 regarding The Jack Shainman Gallery, The School and the typography installation "Truth Be Told".

I have been a member of the Kinderhook community all of my life. I went to school at Ichabod crane, and I was in third grade at Martin Van Buren elementary. As an art school graduate, I was delighted when I found out that our very own Martin Van Buren elementary school was purchased by Jack Shainman. Art is rich in culture and controversy, both of which Kinderhook has deeply woven roots. How wonderful, too, that Mr. Shainman had hired local contractors to do the renovations that were well overdue and much needed.

As a member of our community, I too was intrigued when I saw the installation and I heard the buzz around town of people talking of it. Some people were asking what it would say and if it was permanent. Being an artist myself, I knew it was not and I told those I talked to not to worry about the historical beauty and nature of our beloved village. When I had heard about the code enforcement considering it "signage" I laughed. For sure this could NOT be true for the gallery hangs signs for all of their exhibits, as they well should. Other places of business in the village also have signage, something that must've been overlooked by the code enforcement.

Then I heard that this was sent to Albany for the state to examine as someone actually had the audacity to believe that there was apartments in the gallery and that the vinyl-like lettering was a fire hazard. I find this to be an audacious reach in order for the village to save face. Because, this information is clearly invalid and, all one would need to do is visit the gallery to see for themselves.

Because the installation is set to be removed regardless of the villages overreach of power in this situation, I am calling for this entire thing to be dropped immediately and hopefully forgotten. The gallery at the school brings droves of visitors to our otherwise sleepy little town and therefore brings our small businesses customers and income. We should all be thankful that we are able to be host to such a wonderful and enriching place of business. I hate to be so brass, but the village needs to stay in its lane for this one. Visitors and our second home owners are breathing the life back into Kinderhook that was for YEARS empty and dark. Don't be so inept. It's not a good look for the village.

For the love of art, culture, and our community.

Be better,

Jessica Coutsonikas  
Coutsonikasj@gmail.com

Sent from my iPhone

--

Carol van Denburgh  
Deputy Clerk  
Village of Kinderhook



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## Statement regarding Truth Be Told

1 message

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**Treacy Gaffney** <tbgaffney@mac.com>  
To: pbzba@villageofkinderhook.org

Sun, Jan 24, 2021 at 1:00 PM

Nick Cave's art installation Truth Be Told is not a sign even by your own definition **SIGN**

Any material, structure, or device...on the exterior of any building...includes sign frames, billboards....**which serve as part of an overall sign program to identify a business** or increase the visibility of a site and that are placed in view of the general public.

Removal of the artwork does not promote the stated purpose of your ridiculous sign code. The installation cannot be characterized as an advertisement, it does not harm property values, is not a dangerous distraction for drivers. It does fulfill your stated goal of enhancing and protecting the town's character and most certainly provides a visually pleasing landscape.

Use this opportunity to examine why you object to this artwork. Learn about what art is and what it brings to our community - culture, visitors who patronize local businesses, conversations about race in America. The School has even brought new home buyers here, thereby increasing property values and tax income. This is ostensibly the entire purpose of the sign code.

Truth be told, I suspect the source of this harassment is concern that Nick Cave's art installation will cause some discomfort in this 97% white town. Have a little more faith in the people of Kinderhook.

Withdraw your demand for removal of this important art work.

Sincerely,  
Treacy Gaffney



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Truth be Told**

1 message

30

**John Chandler** <keeperjc@gmail.com>

Sun, Jan 24, 2021 at 1:10 PM

To: pbzba@villageofkinderhook.org

Hello,

I'm emailing in response to the position the Village and members of the ZBA are in with regard to the referenced matter. Regardless of the reasons behind how the Village ended up in its current position, in the corner, not only does the matter need to be resolved amicably in favor of the School and the artist, the Village needs to issue a forceful statement or resolution in favor of the arts and freedom of expression and against censorship. For all of the positive attention the School and artist have received, the Village is receiving embarrassingly bad press and attention.

Whether the 'Truth be Told' or just 'Truth' display is properly subject to regulation is no longer the point. That ship sailed months ago. The Village needs to acknowledge it never intended to censor art or expression, and try to move forward in as positive a manner as possible.

For what it's worth, I am a Village property owner and taxpayer.

Good luck, stay safe and healthy, and please do the right thing.

Regards,

John Chandler  
518-755-1821

Sent from my iPhone



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

## The School: Nick Cave's Installation

1 message

**Robert Gilson** <bob@robertgilsonart.com>

Sun, Jan 24, 2021 at 2:03 PM

To: pbzba@villageofkinderhook.org

Cc: info@jackshainman.com

Dear Ms. Vandenburg,

Those of us who are fortunate enough to live in Columbia County are grateful that Jack Shainman has made the considerable investment of converting the abandoned Kinderhook Elementary School into a world class art gallery. Each year, the School produces exhibitions by internationally famous artists. These exhibitions, which would be the envy of *most* museums in America, attract visitors, not only from the area, but nationally and globally as well.

While it may not be evident, the School is an important resource for Kinderhook and the surrounding area. At the beginning of each summer The School hosts an opening event. In addition to local residents, Mr. Shainman buses collectors and artists from New York, many of whom have never been to Kinderhook before. Many, seeing the beauty of the town, and the the not to be missed exhibitions, return at other times. Out of town visitors eat in local restaurants, they shop at local stores and boutiques, and fill their cars with gas, thus contributing to the economy, and to the tax base.

About 15 years ago my wife and I looked into buying a pice of commercial real estate in Kinderhook, and decided against it, because the town seemed too depressed. Today, Kinderhook is having a renaissance, and that is in part because The School has attracted new residents, and investors to the town.

As you, and the members of the Town Board may know, Nick Cave, one of the artists in Jack Shainman's stable, and the subject of a current controversy in Kinderhook, is one of the most respected and sought after artists in the world. His installation *Truth Be Told* on the exterior of The School challenges viewers to confront their understanding of the truth.

The question at hand is whether Nick Cave's art work is a sign? By definition, "*A sign is an object, quality, event, or entity whose presence or occurrence indicates the probable presence of something else.*" I would argue that *Truth Be Told* is not a sign, but a symbol: "*A symbol is a mark, sign, or word that indicates, signifies, or is understood as representing an idea, object, or relationship. Symbols allow people to go beyond what is known or seen by creating linkages between otherwise very different concepts and experiences.*"

Great art, like science, challenges our assumptions, and expands the parameters of what we know and understand. We live in a time when Truth is challenged by "alternative facts;" and our society been polarised by believers on both sides. By posting *Truth Be Told* on the exterior of the School, Nick Cave is asking *all of us* to challenge our assumptions about our beliefs. His work is intended to create a dialog, that rather than cleave us farther apart, strives to bring us closer together.

I urge theTown Board of Kinderhook not to censor Nick Cave's work, and to support The School's important intellectual, artistic, and *financial* contribution to your community. Thank you.

Respectfully submitted,

Robert Gilson  
bob@robertgilsonart.com



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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**The School**

1 message



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**william clutz** <williamclutz@msn.com>

Sun, Jan 24, 2021 at 3:21 PM

To: "pbzba@villageofkinderhook.org" <pbzba@villageofkinderhook.org>

My name is William Clutz. I am a known, elderly artist and a leader of groups from Rhinebeck who frequently have visited your Historical Society exhibits and very special School exhibits. The oversize letters on the building are an art object. It makes you think, which is sometimes part of the wonderful and surprising School Installations' reward.



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Comments for Meeting 1/25**

1 message

**Carrie Haddad** <Carrie.Haddad@carriehaddadgallery.com>  
To: "pbzba@villageofkinderhook.org" <pbzba@villageofkinderhook.org>  
Cc: Jack Shainman <jack@jackshainman.com>

Sun, Jan 24, 2021 at 3:38 PM

Dear Carol,

Unfortunately, I will not be able to join the meeting with the Zoning Board of Appeals tomorrow evening, but I would like to share the statement below to be read during the meeting:

The role of art is to challenge, to educate, and to inspire a conversation.

Nick Cave's "statement" is a righteous art installation and deserves our contemplation.

Art is meant to ask questions, and encourage conversations, to empower and improve. Kinderhook should be proud to still be "OK" with allowing our freedom of speech to thrive.

Thank you for coordinating,

Carrie



Gmail



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

**ZONING BOARD OF APPEALS JANUARY 25th**

1 message

**Cathy Boyd** <cathyboyd@mac.com>

Sun, Jan 24, 2021 at 4:29 PM

To: pbzba@villageofkinderhook.org

Cc: Clark <clark@jackshainman.com>, jack@jackshainman.com

Hello Zoning Board,

I am a former resident of Kinderhook. I lived at 4 Church Street, from 2008 to 2018. My house was adjacent to the north side of The School and I have known Jack Shainman since he began renovations prior to the May 2014 opening of the amazing Nick Cave show.

I'm very sorry that this hearing even has to happen. It is obvious to me and to many that Truth Be Told, the installation by Nick Cave and Bob Faust on the facade of The School is artwork. I have seen many text based works of art, in many locations over the years. One that stands out is Jenny Holzer who represented the US at the Venice Biennale in 1990. Whether by projection, painted, or installation the objective is the same, it is ART not signage.

I attended a few 2014 Zoning Board meetings that had to do with banners. It seems to me, here we go again. I sincerely hope you will come to realize that it is ART that is on the front of the School.

Sincerely,  
Cathy Boyd  
Bristol, Rhode Island.

.....  
Cathy Boyd  
cel 917. 822 .1143  
STAY SAFE, WEAR A MASK



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Note of support**

1 message

**Jennifer S. Clark** <saneclark@hotmail.com>

Sun, Jan 24, 2021 at 4:52 PM

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

I have lived in the Town of Kinderhook for over fifty years and our family has a house in the village of Kinderhook. I wholeheartedly support, as art, the current exhibit of "Truth be Told" at The School.

Poetry is Art. how words are used, and the manner in which they are conveyed moves us, provokes us and inspires us, in the way all art inspires.

Most recently, Amanda Gorman reading her inaugural poem, "The Hill We Climb" makes us understand that words, poetry is indeed an art form and that the delivery of those words enhances their meaning. Seeing and hearing her recitation was breathtaking, and conveys more than the simple silent reading of her words.

In the same way, seeing the words, truth be told, in their bold font blanketing the entire building of The School, evokes strong emotion. The power of the words is elevated to an art form by the manner in which they are conveyed. This is clearly not a simple sign. It is art.

Do not insist upon sanctioning this, we need to have art in our world, in our neighborhood, and I for one am honored by having The School with their thought provoking exhibits, including "Truth be Told" by the famed artist Nick Cave.

Jennifer Clark

Sent from my iPhone





Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Truth Be Told Installation**

1 message

**Steven Johnson** <sjohnson@jglaw.com>

Sun, Jan 24, 2021 at 5:22 PM

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

Cc: Walter Sudol &lt;wsudol@jglaw.com&gt;

Dear Kinderhook Village Zoning Board of Appeals,

My name is Steven Johnson and, along with my partner Walter Sudol, I have been a resident of Columbia County for more than 30 years. I live in Gallatin but also run an arts foundation, Second Ward Foundation, out of the former Charles Williams School in Hudson NY. I am writing today out of concern that some in Kinderhook or the County are questioning whether Nick Cave and Bob Faust's installation "Truth Be Told" on the facade of the School is an artwork as opposed to a sign. As someone who has been steeped in contemporary art for more than three decades, I firmly believe it is beyond question that the Truth Be Told installation is a work of art that falls within a long precedent of contemporary word art.

The most obvious precedents are artists such as Jenny Holzer, Barbara Kruger and Felix Gonzalez Torres who have all used, to great acclaim, signage, billboards and projections on buildings and other structures that contain provocative words and phrases that ask the public to reflect on or question issues of power or even history. More often than not these words and phrases are ambiguous but ask the viewer to question or think about what the words mean to them. Truth Be Told squarely falls within this lineage. The work does not tell you what truth needs to be told, but rather, asks you as the viewer to contemplate the phrase and what it may mean to you. Personally, I find it rather brilliant and am proud to see it displayed in Columbia County. While opinions may differ on this topic, I would urge the Board to err on accepting the installation as a work of art out of deference to the importance of the School, the other burgeoning cultural institutions in Columbia County and the many artists who live and work here.

Respectfully submitted,

Steven Johnson  
599 Route 7  
Ancram NY 12502  
E sjohnson@jglaw.com



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Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

## Kinderhook Zoning Board of Appeals meeting on Monday, January 25th 2021 at 7:00pm

1 message

Garrison, Matthew M. <mgarrison@albright.edu>

Sun, Jan 24, 2021 at 6:05 PM

To: "pbzba@villageofkinderhook.org" <pbzba@villageofkinderhook.org>

Dear Kinderhook Zoning Board:

I grew up at 30 Broad Street across the street from The School where my earliest memories were formed in the 1970s. We moved away, but I returned to work in the area in the late 80s and, although now based in Pennsylvania, continue to visit friends there. Kinderhook holds a place in my heart and, after my own life in art, was thrilled to see The School open so close to the memories I hold dear.

I strongly support keeping the mural, *Truth Be Told*; an artwork that has succeeded in generating extraordinary dialog.

Yes, Cave's motivation was a heartfelt response to current events, but the work is not overtly political or commercial and, therefore, not signage. It makes no pitch to sell or promote. Instead, Cave's mural functions as art by raising questions and encouraging discourse. The phrase, "Truth be told," is often used as unconscious filler in conversation. For the most part, people believe what they say and the phrase is a superfluous insertion. Therefore, "truth be told" is similar to saying "um" or "know what I mean," and its presentation as a mural serves as a reminder that truth is an ongoing pursuit – as ubiquitous as the phrase itself.

"Truth be told" applies equally across ideologies and values, except, now that it's a work of art we're asked to look closely at our convictions (truth) and how they're communicated (told). The question is compelling because, by simply asking, it's implied there are other ways to think about things. In our age of cable news and social media algorithms, Cave's mural serves as a valuable conduit to listening and discussing different points of view.

"Is it art?" has been asked time and again for more than a century. The answer is a definitive yes. The fact that we're discussing the mural here and discerning its meaning firmly locates *Truth Be Told* in art history. The New York Times, Art News and numerous other periodicals have reported on the debate and, in the process, further established Cave's mural as a renowned work of art and Kinderhook as a destination with the vision and courage to support art and culture.

*Truth Be Told* should remain in place for its significance in art history and the vital dialog the piece generates within the community.

Sincerely,  
Matthew Garrison

Associate Professor of Art and Digital Media  
Albright College



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Truth Be Told by artist Nick Cave**

1 message

**Jude Harrigan** <judeharrigan@gmail.com>

Sun, Jan 24, 2021 at 6:35 PM

To: pbzba@villageofkinderhook.org

Dear Carol Vandenburg and the Kinderhook Village Zoning Board of Appeals,

I am an artist and a retired art educator of thirty-five years at the nearby Chatham High School.

I write this letter in support of Nick Cave's installation, Truth Be Told. Mr. Cave holds an MFA degree from the Cranbrook Academy of Art and is a professor of fashion design, at the graduate level, at the School of the Art Institute of Chicago.

He is an established artist who commands the respect of both the art world and supporters of it. It is safe to say that any museum or gallery that exhibits art has selected works that have value/merit as art, not as signs. Worth noting is that Truth Be Told will next be installed on a facade of the Brooklyn Museum of Art. To harness an educated and informed decision about an art piece, you owe it to yourself and to the artist to do a deep dive into the meaning of the piece, how it came about, it's intended purpose, and it's value as a point of departure to initiate dialogue. I have long admired Nick Cave's work and have heard his voice. He uses his art to highlight social issues and focuses his practice around what is happening in the world. Truth Be Told shouts a message. It is about the power of words as a form of self-expression. It is not a simple sign.

I vacillate between being appalled at the disrespect that Mr. Cave has been subjected to, and trying to see it a different way, that Truth Be Told has elicited response by directly provoking it's audience to speak out. The artist's voice has spoken with real words of hope. It is unfortunate that some relegate it to the title of sign, instead of it's integral purpose.

Thank you to the Jack Shainman School for standing by your artists.

I hold you in deep regard.

Judith Harrigan

Artist

Egremont, MA



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Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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## Truth Be Told

1 message

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**buybruning** <buybruning@yahoo.com>

Sun, Jan 24, 2021 at 8:00 PM

To: pbzba@villageofkinderhook.org

Dear Ms Vandenburg,

When we first drove by the partial installation on the facade of the Jack Shainman gallery, we were intrigued. A week later, we brought friends by to see it and guess it's message. We were lucky to see the workers finishing the installation. We parked and walked around. By this time, the message was clear, but its meaning was open to debate. This is what art can do. It can surprise, awe, inspire and even provoke. At its best, it instigates debate about its meaning and place within the world.

Truth Be Told is unequivocally art.

John Bruning  
842 Route 9J



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Letter in support of artwork - Truth Be Told by Nick Cave**

1 message

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**Laura Cannamela** <lauracanna@gmail.com>

Sun, Jan 24, 2021 at 8:32 PM

To: pbzba@villageofkinderhook.org

Dear Kinderhook Village Zoning Board of Appeals:

I am not able to attend Kinderhook Village Zoning Board of Appeals meeting on Monday, January 25, 2021, but wanted to write to you to express my support of The School - Jack Shainman Gallery and Nick Cave's art installation currently installed on the facade of the former Martin Van Buren Elementary School.

As an artist and former art teacher and art department chair at Ichabod Crane High School, I have been very impressed by the well crafted, thoughtful, and thought provoking artwork exhibited at The School. While some may not be familiar with the use of text as an artwork, many contemporary artists utilize text as an important component in their work, among them Jenny Holtzer, Ed Ruscha, Barbara Kruger, and Bruce Nauman. More specifically to the artwork on the facade of The School, the manner in which Nick Cave and Bob Faust designed the words and installed them to be wrapped around the building's corners, distorted by its angles and recesses, is a clear indication that this is an artwork. Some letters may have been hidden or obscured as a viewer passed by, but the full experience of the total installation conveyed the message TRUTH BE TOLD.

Jack Shainman Gallery - The School has been and continues to be a wonderful resource and generous member of our community. In past years, all the art classes at ICHS attended field trips to view the exhibits at The School and the gallery covered all transportation costs. The gallery visits always generated much discussion among the students as they responded and reacted to the artworks displayed in their former elementary school building.

I encourage the Village to resolve this misunderstanding about the intentions and perceptions of Nick Cave's artwork TRUTH BE TOLD. It is not a sign.

Thank you for your consideration.

Sincerely,  
Laura Cannamela

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Laura Cannamela  
518.929.9285  
www.lauracannamela.com



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

# Monday January 25 BoA meeting

1 message

**William Waldron** <ww@williamwaldron.com>

Sun, Jan 24, 2021 at 9:23 PM

To: pbzba@villageofkinderhook.org

Dear Carol,

Below is my statement regarding Truth Be Told. I hope that this will be read at the meeting.

Thank you.

Dear members of the Board of Appeals,

I am writing to advocate for an honest and introspective discussion of the issue before us.

If those who are opposed to the artwork would simply say so, we could have a meaningful discussion of it's impact on the town. If those opposed to the artwork don't want to say that they simply dislike or resent it, and attach themselves to this farfetched idea that it is a sign, we can't have an meaningful conversation.

Similarly, those of us who see it as a piece of art perhaps need to do a better job of listening and understanding where the opposition is coming from. If we can all agree to be genuine with one another, we are then friends and neighbors who respect and appreciate one another in a way that allows us to live in the community that we all seek.

Sincerely,

William and Malene Waldron

williamwaldron.com





Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Truth Be Told**

1 message

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**nedk111@aol.com** <nedk111@aol.com>

Sun, Jan 24, 2021 at 9:44 PM

Reply-To: nedk111@aol.com

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

To: Kinderhook Village Zoning Board of Appeals

Date: Monday, January 25th at 7:00pm meeting via Zoom

My name is Noel KIRNON. I have been an art collector and patron for 30 years, and I am a frequent visitor to museums, galleries and other art spaces in Columbia County and Dutchess County. Works in my art collection have been exhibited at the Museum of Modern Art, the Whitney, the Tate Britain, and other major museums and shows. I submit that TRUTH BE TOLD, a work by Nick Cave and Bob Faust, currently displayed on the facade of the Jack Shainman Gallery|The School in Kinderhook, is a work of art. As an initial matter, TRUTH BE TOLD clearly meets the Oxford English dictionary definition of art as "the expression or application of human creative skill and imagination, typically in a visual form such as painting or sculpture, producing works to be appreciated primarily for their beauty or emotional power." TRUTH BE TOLD is a creative, evocative visual work, and thus clearly meets the definition of art. Further, based on my decades of experience and study of contemporary art, I can personally attest that TRUTH BE TOLD is a work of art.

Sincerely,  
Noel



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Support for TRUTH BE TOLD**

1 message

**Hollis Seamon** <hollisseamon@gmail.com>

Mon, Jan 25, 2021 at 8:39 AM

To: pbzba@villageofkinderhook.org

I am writing to express my support for Nick Cave and Bob Faust's TRUTH BE TOLD artwork, previously on display at The School, Jack Shainman's gallery.

I have lived in the village for sixteen years. Every time I have walked or driven on Broad Street during these past dark and difficult months, I have appreciated the TRUTH BE TOLD artwork. Each time I saw it, it both comforted and challenged me. TRUTH BE TOLD was a great gift to the residents of our village and all those passing through.

I am saddened that the TRUTH BE TOLD installation has been taken down. It was a bold and meaningful piece of art and should have been treated as such.

Dr. Hollis Seamon  
3 Rothermel Lane Extension  
Kinderhook NY 12106  
hollisseamon@gmail.com





Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Comment for ZBA meeting 1/25/21**

1 message

**Frank Curran** <f\_curran@hotmail.com>

Mon, Jan 25, 2021 at 8:42 AM

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

Cc: Frank Curran &lt;f\_curran@hotmail.com&gt;

To the Village of Kinderhook Zoning Board of Appeals:

I support the determination that "Truth Be Told" installation on the façade of Jack Schainman's gallery be considered Art by the board. I do not believe the Art Installation "Truth Be Told" can be considered a sign, banner or billboard nor does the installation represent a fire hazard in any way. I appreciate the actions of Jack Schainman and his staff in their attempt to keep the Village of Kinderhook government informed regarding their use of their property and hope the Village of Kinderhook will take this opportunity to encourage a valued local business/cultural institution to continue in their positive and visible and generous contribution to the village.

Thank you for your work and your consideration in this matter

Frank Curran

10 Church St.

Kinderhook, NY



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**The School/Jack Shainman Gallery**

1 message

**Donna Wenzel** <myskyt@yahoo.com>

Mon, Jan 25, 2021 at 9:15 AM

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

To the Board,

I am 100% supportive of the expressive lettering created by artists Nick Cave and Bob Faust, as displayed on the facade of The School Gallery owned by Jack Shainman. In my opinion, the piece is art, as stated by the artist and gallery owner. It, therefore should not be viewed otherwise. I do not believe that the installation of the lettering is a sign as argued by the Town Board.

I'd also thank Jack Shainman for his beneficence over the years as The School hosted the many annual openings, welcoming the public to view incredible art, eat, drink and socialize in a space brought back to life. Incidentally, it was Nick Cave's art exhibited at the inaugural opening that beautiful spring day in May 2014 (?)

TRUTH BE TOLD

Thank you,  
Donna Wenzel  
Canaan, NY



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Fwd: The School**

1 message

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**Carol Vandenburg** <cvandenburg@villageofkinderhook.org>

Mon, Jan 25, 2021 at 10:19 AM

To: Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

----- Forwarded message -----

From: **Liz** <lizjay@verizon.net>

Date: Mon, Jan 25, 2021 at 7:19 AM

Subject: The School

To: &lt;okvillagehall@villageofkinderhook.org&gt;

Jack Shainman has done a wonderful thing with your old school house in Kinderhook. The Andy Warhol exhibit was amazing and free. Art is a matter of opinion and taste, so people must be open minded whether they love it or hate it. Please allow Jack to continue supporting artists and showing their art. It will be good for the public and for the town.

Liz Drury

Lanesborough MA

--

Carol van Denburgh

Deputy Clerk

Village of Kinderhook

518-758-9882 ext 301



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**For tonight's Zoning board meeting**

1 message

**james krott** <jekrott@gmail.com>

Mon, Jan 25, 2021 at 11:42 AM

To: pbzba@villageofkinderhook.org

Carol,  
I'm unable to attend but want to voice my concerns thank you!

To the Village of Kinderhook Zoning board:

I live in the village and unfortunately am unable to attend the meeting on 25 January. Below is a brief statement from a concerned village resident.

I'm not in favor of the "Truth Be Told" on The School; it is not art in my opinion (it's a political sign) and I know art is in the eye of the beholder or so I'm told. But a little logic here will tell you this is clearly a political statement/sign just before the election. The logic test for me is could The School put "CNN is Fake NEWS" or "Stop Killing Babies" on the facade and call that art? Again I would say no, even though some may say, "that is a beautiful, artful statement". That would be a jab in the other direction and insulting to the other half of the village.

Let me be clear, I've enjoyed a lot of the art that is on the lawn or on the facade of The School which most of the public considers art whether it is your taste or not. I'm not a big fan of President Trump or President Biden. I'm not very happy with either one. To borrow a phrase from our current president - we are looking for unity. A phrase that has clear political overtones is not a way to bring unity back to our country, it only continues to divide us as a village and ultimately as a country. Both sides need to start showing a little humility and stop "poking each other in the eye".

Thank you for your time and I look forward to more art in the village!

Signed Concerned Village Resident

(It's gotten to the point that my wife is fearful of retaliation for having an opinion that doesn't align with the far left or right message....sad times we live in)



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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## Statement in support of Truth be Told

1 message

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**Glier, Michael** <mglie@williams.edu>

Mon, Jan 25, 2021 at 12:07 PM

To: Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>


Please accept my statement into the official discussion of the merits of Truth be Told as a work of art.  
With good wishes, Mike Glier

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Mike Glier  
Alexander Falck Class of 1899 Professor of Art

www.mikeglier.net  
@mike.glier

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 **Truth be Told. Mike Glier.docx**  
17K

1/25/21

Hi, first I want to thank the Zoning Board for the opportunity to speak. My wife once served on the zoning board in our town of Hoosick Falls, so I know from experience that it's a lot of work and it's done out of civic pride, with little hope of fame or riches! So, thanks.

I am an art teacher at Williams College, and over the last 32 years I have taught classes in drawing, the history of Western painting and contemporary art. We are gathered tonight to determine if the work, *Truth be Told*, by Nick Cave and Bob Faust is a work of art. In a situation like this, there are many opinions to sort through. But current opinions are not necessarily the best way to make a decision. Precedent might be a better, more conservative and reliable way to make an informed choice, since precedent is the result of countless opinions that have consolidated and been tested by time. So, it might be helpful to consider art historical precedents when considering the Cave/Faust installation.

To make the point that text as art is nothing new, let's go way back, and consider Egyptian hieroglyphics. Even though we often look at them as pictures, hieroglyphics are actually a writing system that is evocative and beautiful and we revere as art. Interestingly, *Truth Be Told*, written large on the walls of the school, has the same imposing, hieratic formality that we find so engaging in ancient Egyptian writing which, itself, is often inscribed directly onto walls.

Classical Chinese landscape painting is another global art tradition in which text plays an important role. In this tradition stories and poems written in calligraphy are added as compositional elements to scenes that often include temples, mountains, rivers and lakes. And like the poems composed into Chinese landscapes, the words in the Cave/Faust installation are in conversation with a landscape. But instead of inky renditions of the Chinese countryside, the words of Cave and Faust are engaged with the well-tended lawns, and mature hardwoods that surround a classic American school. The viewers of *Truth be Told* get to walk around in the scene, consider the relationship between the words and the place, and live in the work of art. Like much contemporary art, *Truth Be Told* is not simply about looking at a few letters on a wall; it's instead about immersion in a multi-sensory context.

So, what exactly is the relationship between the text and the Kinderhook scene? For me, the phrase, "Truth Be Told," resonates with the founding principles of our democracy that are inherent in the history of a New England village that was founded a century before the American Revolution.

More precedent for considering text as art can be found in Western painting. *Belshazzar's Feast* by Rembrandt, which is in the collection of the National Gallery in Washington, is a prime example. In this picture, we see Belshazzar, the king of Babylon, turning and throwing his arms open wide in surprise when he sees the hand of God writing a message in large letters on the wall behind him. God, who is unhappy that Belshazzar has used sacred vessels from the Temple of Jerusalem for a secular feast, is announcing that Belshazzar will be punished for the transgression. God's text in this image is quite large and is in fact the focus of the picture; it serves not only as divine message, but also as an element of design in the larger figural composition. And this is an important point when considering whether or not the Cave/Faust

installation is a work of art. Like Rembrandt, Cave and Faust, have used words as compositional elements in a complex design. To save time, I won't bother with a compositional analysis of the Rembrandt. But it is important to note that the artists made many aesthetic decisions, which are as considered as Rembrandt's. For example, the words, "Truth be Told" sit on the foundation of the building, as if on a pedestal and they are scaled to match the size of the building. These decisions about placement and scale create an experience of grandeur and solemnity that is common in civic sculpture, but unexpected in a few vinyl letters. Indeed, the letters accentuate the protrusions of the façade, emphasizing the sculptural aspects of the installation as a whole. The artist chose black, not only to create visual coherence with the slate gray roof, but also to emphasize the sobriety of the text. The word "Truth" is not only enlarged for emphasis, but also to cleverly engage the rhythms established by the distribution of window, pilasters and doors. And finally, the size of the vinyl strips and the spaces they define are carefully calibrated to echo the proportions of elements on the façade. For example, the space between the prongs of the letter "E" is the same size as the windows it covers. Clearly, this is a very considered composition in which the forms of the letters are thoughtfully integrated into the larger scene.

So the question has been raised as to whether or not, "Truth be Told" is a sign or a work of art. Well, a sign is also designed, but the intentions of the designer are entirely different from that of an artist. The purpose of a sign is to catch our attention, and then to give us very specific information quickly. A good sign designer sticks to this simple program and eliminates any visual elements that are distracting. A sign tells you to "eat here", "sleep here" or "turn here". Nothing more. No interpretation is required. In fact, it is discouraged since it distracts from the function of the sign.

If "Truth be Told" were a sign, it would be a very bad one, since its intentions are varied and its meaning is fluid. This work of art is rich with references to art history, and finds precedent in many periods and cultures. It is designed to invite a viewer to notice the local architecture and landscape and foster a meditation on the nature of truth in this very special context of a pre-revolutionary American village.

Truth be Told is another example of the superb programming at the Kinderhook School. The exhibitions have been of the highest quality and is gaining a reputation that places it among the best of our regional cultural institutions like Empac in Troy, Mass Moca in North Adams, Tanglewood in Lenox and the Clark in Williamstown. It is my hope that the leaders of Kinderhook will continue to support this fine institution in all ways and as a result continue to build on the strong, and essential cultural economy that has become central to our regional economic well-being.

Sincerely,

Mike Glier  
Alexander Falck Class of 1899 Professor of Art  
Williams College



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Re: rsvp**

1 message

Linda Yablonsky &lt;fabyab@gmail.com&gt;

Mon, Jan 25, 2021 at 12:18 PM

To: Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

Thank you very much. I really, really regret not being able to join you tonight, as I'm very interested in hearing all sides. Will you record the proceedings?  
And apologies for misspelling your name! (slip of the hand)  
Linda

> On Jan 25, 2021, at 12:16 PM, Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org> wrote:

>

> Hello Linda,

>

> Thank you for your note and I have written "cancelled" on your speaker spot #26. Please be assured I will forward your comments to the ZBA members as well as the members of the Village Board.

>

> Thank you.

>

> Carol van Denburgh

> Zoning Board of Appeals Secretary

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> On Mon, Jan 25, 2021 at 12:04 PM Linda Yablonsky <fabyab@gmail.com> wrote:

> Dear Carol van Denburg,

> I regret to say that because of an unavoidable scheduling conflict, I may be unable to join the Zoom tonight, so I'm sending a brief written statement that I hope can be read into the record during the meeting. Here are my two cents:

>

> Though Nick Cave's textual artwork, Truth Be Told, was installed on the facade of The School for temporary exhibition and is currently undergoing its planned de-installation, I wish to speak in support of its presence in order to help allay any subsequent confusion, should such an issue as the nature of such art arise again.

>

> I live in New York City but have been a frequent visitor to the Hudson Valley, and to Kinderhook in particular, over the last few decades. In other words, I have witnessed the economic, educational and social benefits that Jack Shainman's gallery, The School, has brought to the community. That is partly why I was surprised to hear that anyone in the village objected to Nick Cave's site-specific artwork, which is quite obviously not a form of advertising or any other kind of signage. Surely its message is not controversial, especially considering the historical context in which the artist created it — the four years of unremitting falsehoods and proven disinformation promoted by Donald Trump and his administration. That is the reason that our current President Biden made the same message the theme of his inaugural address.

>

> In other words, I would think that the village would be proud to carry such a message through the election.

>

> Over the last thirty years I have made my living by writing about art, artists and the art world for mainstream and art publications in this country and abroad. In that time, it has been my pleasure to write about Mr. Cave and his work. For that reason, I know how often he works in public and how popular his performances and his sculpture is wherever they happen to be. I also know him to be a gentle and highly moral person. He's not a shouter. If anything, Truth Be Told is one of his most muted and plainspoken creations.

>

> It also falls into a tradition of textual artworks executed in public spaces in vinyl. For one example, think of the critically important questions and slogans that Barbara Kruger has proposed on subway walls, buses, posters, skateboards, magazine covers and museums.

>

> Again, I hope that the village community will come to understand how fantastic it is to have a work by one of our country's most necessary talents reside in its midst, even on a temporary basis.

>

> Linda Yablonsky

>



>  
>  
>> On Jan 24, 2021, at 6:38 PM, Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org> wrote:  
>>  
>> Dear Linda Yablonsky,  
>>  
>> Your request to comment at the the Zoning Board of Appeal's Public Hearing on January 25, 2021 has been received. Your position # is 26. The Zoom invitation for this meeting is posted on the Village of Kinderhook's website and is listed below. The amount of time you will have to speak will be determined by how many requests to speak are received. You will be informed of any time limits by noontime, January 25th so you will be prepared to adjust your comments if that should be necessary. Time that has been set aside for the hearing is at least 1 hour and 30 minutes. More time will be allocated as needed so that all who wish to be heard will have an opportunity to speak. You may also supplement what you wish to say by writing a statement in advance of the meeting by emailing to: pbzba@villageofkinderhook.org to arrive no later than January 25, 2021.  
>>  
>> Thank you for your willingness to participate. If you require further assistance, please let me know.  
>>  
>>  
>> Village Hall is inviting you to a scheduled Zoom meeting.  
>>  
>> Topic: ZBA PH and Meeting  
>> Time: Jan 25, 2021 07:00 PM Eastern Time (US and Canada)  
>>  
>> Join Zoom Meeting  
>> <https://us02web.zoom.us/j/86507449680?pwd=aGw2UVZUVG9EYmxKcUVNVWkFjanNoZz09>  
>>  
>> Meeting ID: 865 0744 9680  
>> Passcode: 000246  
>> Dial by your location  
>> +1 929 436 2866 US (New York)  
>> +1 301 715 8592 US (Washington D.C)  
>> +1 312 626 6799 US (Chicago)  
>> +1 253 215 8782 US (Tacoma)  
>> +1 346 248 7799 US (Houston)  
>> +1 669 900 6833 US (San Jose)  
>> Meeting ID: 865 0744 9680  
>> Passcode: 000246  
>> Find your local number: <https://us02web.zoom.us/j/keCAsCb813>  
>>  
>>  
>> --  
>> Carol van Denburgh  
>> Secretary, Zoning Board of Appeals  
>> Village of Kinderhook  
>> 518-758-8778 ext 305  
>>  
>> On Sun, Jan 24, 2021 at 2:12 PM Linda Yablonsky <fabyab@gmail.com> wrote:  
>> Please count me in to attend and speak at the public meeting regarding Nick Cave's artwork for The School tomorrow evening.  
>> Thank you  
>> Linda Yablonsky  
>> NY Correspondent, The Art Newspaper  
>>  
>>  
>> --  
>> Carol van Denburgh  
>> Secretary, Planning Board & Zoning Board of Appeals  
>> Village of Kinderhook  
>> 518-758-8778 ext 305  
>  
>  
>  
> --  
> Carol van Denburgh  
> Secretary, Planning Board & Zoning Board of Appeals

5/11/2021

Village of Kinderhook Mail - Re: rsvp

- > Village of Kinderhook
- > 518-758-8778 ext 305



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Support for The School**

1 message

**Nicholas Haylett** <nicholas.haylett@gmail.com>  
To: pbzba@villageofkinderhook.org

Mon, Jan 25, 2021 at 12:15 PM

Dear Ms. Vandenburg,

I would like the following to be read at tonight's meeting of the Kinderhook Village Zoning Board of Appeals (the "ZBA").  
Thank you.

Since a possible conclusion that "Truth Be Told" is a sign appears to have acted as a trigger for ZBA involvement, it seems appropriate that there should be a discussion as what is considered to be art and what is considered to be a sign.

Suppose the artist, Nick Cave, had painted a colorful abstract mural, with no words, across the front of The School. Would the zoning board consider that to be a sign? I sincerely doubt it. It would clearly be a piece of art to be admired, or not, to be pondered over, it's meaning to be contemplated. We the viewers could attach whatever meaning we like to it. Our response would be purely subjective.

Like many artists before him, such as Jenny Holzer, Barbara Kruger and Bruce Nauman, to name but a few, Mr. Cave has created a piece of art based on words.

The Oxford Dictionary describes a sign as "A notice that is publicly displayed giving information or instructions in a written or symbolic form." Mr. Cave's piece of art is not giving information or instructions. It is not telling us to do something, to turn right, to turn left, to buy something. It is words as art. Words which can be admired, or not, which can be pondered over and their meaning contemplated. As viewers, we can attach whatever meaning we like to them. Again, our response is purely subjective, just as if we were looking at that abstract mural containing no words at all.

It seems to me that just because this piece of art contains words rather than images, the ZBA appears to be leaning to a conclusion that it is a sign. It is not and should not be treated as such.

Apparently, the Brooklyn Museum of Art agrees.

Thank you,

Sincerely,

Nicholas Haylett, Albany Avenue, Kinderhook

Sent from my iPhone



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Letter of Support**

1 message

**Clark Griffin** <clark@jackshainman.com>

Mon, Jan 25, 2021 at 12:33 PM

To: "pbzba@villageofkinderhook.org" &lt;pbzba@villageofkinderhook.org&gt;

Cc: "lowell@pettitartpartners.com" &lt;lowell@pettitartpartners.com&gt;, Courtney Pettit &lt;courtney@pettitartpartners.com&gt;, Tamsen Greene &lt;tamsen@jackshainman.com&gt;

Dear Carol,

Please accept the attached letter on behalf of Lowell and Courtney Pettit  
in support of The School at tonight's meeting of Kinderhook Village Board of Appeals.

Thank you,

Clark Griffin

Operations Manager

The School | Jack Shainman Gallery

25 Broad St

Kinderhook, NY 12106

518-758-1628

clark@jackshainman.com

**Lowell and Courtney Pettit.docx**

14K

January, 25<sup>th</sup> 2021

Dear Madam/Sir:

We are writing to advocate for The School and Nick Cave. We've long admired this unique institution and celebrated artist respectively. As proud residents of nearby Claverack, art enthusiasts and pragmatists too, we voice our loud support for Cave's current installation, "Truth Be Told."

Humility suggests that cities and towns benefit from some zoning regulation, of course. We can all agree on this foundational principle. So too do those communities prosper who protect and promote the free exchange of ideas. That should be self-evident. Within this critical balance, though, artists have no business legislating the codes. In the inverse, legislators have no business policing the arts. By dismissing "Truth Be Told" as signage, we believe the Village of Kinderhook is doing just that sadly.

It's a sobering reflection of our times that "truth" is the subject of any ill-will whatsoever. Amid the enduring hardships of a global pandemic, people are struggling to survive with fewer resources. The School is one of those key resources — a safe haven, open to all, and free of charge no less. That's a rare gift, one to be celebrated, not censured.

In this debate, let's all strive for truthfulness and be on the right side of history. Admittedly, "Truth Be Told" is large. It's grand and generous in its symbolism. And there is no party affiliation, nor product placement. Nothing is for sale. Therefore, how can it be a sign? It's not. It's a contemporary sculpture and a healthy provocation for a better society.

In the end, the merits of truthfulness should not be measured in inches nor feet. And as such, the only thing out of proportion here is local and state zoning being privileged over free expression. We stand by the artist and The School, and the growing support from cultural leaders across the country. We urge the Village of Kinderhook to reconsider its case.

Lowell & Courtney Pettit  
Pettit Art Partners



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**Fwd: Please forward as needed**

1 message

**Carol Vandenburg** <cvandenburg@villageofkinderhook.org>

Mon, Jan 25, 2021 at 1:48 PM

To: Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

----- Forwarded message -----

From: **Tina Lang** <klang624@gmail.com>

Date: Mon, Jan 25, 2021 at 1:37 PM

Subject: Please forward as needed

To: Carol Vandenburg &lt;cvandenburg@villageofkinderhook.org&gt;, Dale Leiser &lt;mayor@villageofkinderhook.org&gt;, David Flaherty &lt;dflaherty170@gmail.com&gt;

To the ZBA and VBA,

Not speaking as a member of the Planning Board but as a private citizen, I would like to state my support of the variance being granted to The School regarding the Truth Be Told artwork. Nothing is to be gained for the Village of Kinderhook if you as a Board decide to dig your heels in and fine The School. I think most public opinion would agree with me. I realize this is more than a public opinion issue but we need to work together to fix this disagreement.

The School is an important part of our community and the Code should be revisited during this year to accommodate their needs. Maybe it should be reclassified as a museum. We should not be adversaries.

Nothing is to be gained and much could be lost in terms of the attention brought to our village by having this world class exhibit space located herein.

Kristina Lang  
914-815-2640

--  
Carol van Denburgh  
Deputy Clerk  
Village of Kinderhook  
518-758-9882 ext 301



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## Statement in support of Nick Cave's artwork

1 message

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**DONNA MOYLAN** <donnamoylan@me.com>

Mon, Jan 25, 2021 at 10:13 AM

To: pbzba@villageofkinderhook.org

Cc: Ben Chu &lt;benjamin.k.chu@gmail.com&gt;

Hello everybody at the Village of Kinderhook meeting,

The first time I saw TRUTH BE TOLD on the facade of Jack Shainman's School my heart gave a leap. I marveled at the strength and clarity of the artwork and was struck by how handsome it was on the classical brick building. It made me think about the many ways the piece is appropriate for the times we are living. The meaning of the words seem to ricochet in many directions, from Black Lives Matter to the pandemic, to the obfuscations of the Trump administration and beyond.

Almost eleven years ago my husband and I bought our house in the village of Kinderhook knowing nothing about the place. From the start we were charmed, first by the welcome we received and then from the innumerable surprises the village revealed, from its centuries-old history to the master stroke of Jack Shainman's School. The School brings the force of contemporary culture at the highest level right into the heart of our village. Now The School is a draw for people from all over the world, taking its place among other cultural landmarks in the area like Olana, OMI, the Thomas Cole house, MassMoca and others.

I believe The School adds to Kinderhook's venerable history. Nick Cave's important, bold artwork is just right for now, a period of the most extreme crises of our collective lives.

It's just great that this artwork is here in Kinderhook, where we all can take pride in it and thank Jack and his team for putting it up.

If there are any legalistic questions about signage/artwork let's put them aside, make an exception and make history instead.

With my Best Regards,

Donna Moylan

Sent from my iPad



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**regarding: Truth Be Told, an installation by Nick Cave and Bob Faust**

1 message

**Anamyn Turowski** <2anamyn@gmail.com>

Mon, Jan 25, 2021 at 2:19 PM

To: pbzba@villageofkinderhook.org

To whom it may concern,

I understand there is a meeting tonight to discuss whether or not Mr. Cave's work is art or signage.

I put forth this statement and ask that you leave Mr. Cave's artwork in place:

Art is communication and means whatever the artist intends it to mean. Art is an act of expressing feelings, thoughts, and observations. The NY Times calls Nick Cave's work a necessary critique of racial injustice. To think that the Village of Kinderhook believes it has a voice in telling Nick Cave whether or not his art is art is appalling and frankly embarrassing.

Thank you,

Anamyn Turowski  
Chatham NY





Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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**Permission to Speak at the ZBA**

55

1 message

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**H. e. Morris** <morrishannah8@gmail.com>  
To: pbzba@villageofkinderhook.org  
Cc: Jack Shainman <jack@jackshainman.com>

Mon, Jan 25, 2021 at 2:21 PM


Dear Village of Kinderhook,

I am unable to attend this meeting but would love to submit this letter in support.

Many thanks,

Hannah Morris

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 **Dear Village of Kinderhook.pdf**  
77K

Dear Village of Kinderhook,

Unfortunately, I am unable to make this meeting due to being outside of the country but would love to share my support with Jack Shainman Gallery on the presentation of the artwork *Truth be Told* by Nick Cave and Bob Faust. As a previous employee of The School, I am familiar with both the large posters that present the exhibitions and the many artworks that scatter the property. As this discussion takes place, I sit writing a paper in PhD program about the distinction between the language in a painting through Derrida's ideas of deconstruction. As Derrida most famously discussed, language does not exist in any fixed state but is always changing. An example of this would be how the word *cheers* is understood differently depending on the context, here in uk it is used as a thank you, but in the USA may be more associated with drinking. Words are never in a fixed state and that's why it is so powerful to use them in works of art, because like a mirror they reflect what the viewer is thinking. A work of art can exist in every form you can think of, and language as we know from art history is most certainly an extremely relevant, powerful and important medium.

I am in full support of *Truth be Told* by Nick Cave and admire and appreciate how Jack Shainman has shown artwork in the community that has expanded how we as a community think of art to exist, providing a platform to educate and enrichen the viewpoint of all who visit.

Sincerely,

Hannah e. Morris



Gmail



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

# Truth Be Told - Change.org Petition

1 message

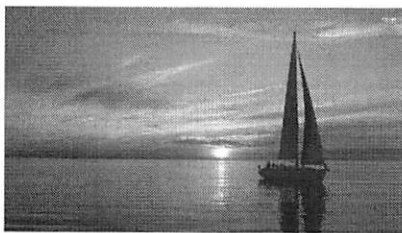
**William Better** <williamjbetter@williamjbetterpc.com>

Mon, Jan 25, 2021 at 2:28 PM

To: Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

<https://www.change.org/p/kinderhook-town-council-solidarity-against-censorship>

*William J. Better, Esq. | Attorney*



*William J. Better, P.C.*

*1 Albany Avenue | Kinderhook, New York 12106*

*Tel: 518.758.1511 | Fax: 518.758.1227*

*Email: [williamjbetter@williamjbetterpc.com](mailto:williamjbetter@williamjbetterpc.com)*

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## 2 attachments

Truth Be Told\_Petition Signatures\_1.22.21 (1).pdf  
456K

143 pages

Truth Be Told\_Petition comments\_1.22.21.pdf  
132K

17 pages



Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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## Support for Nick Cave and The School

1 message

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**Lauren lossa** <lauren.iossa@gmail.com>

Mon, Jan 25, 2021 at 9:47 PM

To: pbzba@villageofkinderhook.org

Hello -- I appreciated the opportunity to participate in the Zoom meeting this evening, although I was unable to stay on the call after 9:30 pm and did not have an opportunity to speak.

I would like the opportunity to register my support for the Jack Shainman Gallery and for the Nick Cave artwork, Truth Be Told. I have lived in Kinderhook for over 30 years and one of my proudest moments as a resident was the opening of The School as a Gallery that featured the work of truly world-class artists like Nick Cave. I was a fan of his work long before The School opened. I am mystified that Town officials would even consider Truth Be Told to be signage, and not art.

I urge the Town of Kinderhook to allow this important work to stand and to revise the zoning laws to allow for The School to operate as the vital cultural institution it has become. It has enriched our community in countless ways. It should not be in the purview of any Town officials to determine what is and is not art.

Thank you for the open discussion this evening, and for the chance to weigh in.

Lauren lossa

On Mon, Jan 25, 2021 at 3:29 PM Lauren lossa <lauren.iossa@gmail.com> wrote:

Hello --

I understand I may have missed the deadline to speak at the meeting this evening, but if it is possible to be on a waiting list, I would like the opportunity to say a few words.

Many thanks,  
Lauren lossa



# BASILICA HUDSON



110 SOUTH FRONT STREET, HUDSON, NY 12534

January 25, 2021

Kinderhook Village Zoning Board of Appeals  
% Ms. Carol Vandenburg  
pbzba@villageofkinderhook.org

Dear Ms. Vandenburg,

As Co-Founder and Director of Basilica Hudson in Hudson NY, and as an artist who has invested deeply into historic buildings and the culture of my city, I urge the people of Kinderhook to consider the important role that the arts play in both the economic and community development of our region. I am writing from the experience of working in the region in the capacity of a founder of an art center, but also a citizen deeply committed to the mindful development of the Hudson Valley and Capital Region at large.

I am a supporter of "Truth Be Told" artwork at the Jack Shainman Gallery: The School. This is art, much like poetry but with the building as the page or canvas. Artist Nick Cave is using the exterior of the building, in the same way that he arranges installations in a room within the building. No different, so urge you to see this as fitting into accordance with Jack Shainman Gallery's conditional use permit.

I want to acknowledge the ZBA and your service to your community. Having reclaimed two historic buildings in Hudson, NY we too have had to work closely with City of Hudson boards and procedures. We understand that because our projects are non-traditional uses of the original buildings, the codes and zoning uses can be complex for both the owners and the municipality to adapt to. It requires us all to think "outside the box" and work together.

The investments made to convert out-of-commission schoolhouses into art museums and abandoned factories into vibrant performing art centers, are central to the evolution and economic development of New York State. I serve as a member of the Capital Region Economic Development Council as an advocate for Green and Creative Industries. I have a balanced and researched perspective of the realities of the region and the direction it is going in.

In a post-COVID world it will be more essential than ever to work together towards reigniting the most basic industries like restaurants, shops and hospitality. The arts and culture industries have a significant role to play in a healthy economy. The creative industries have proven to be

central to the economic development of upstate New York, and often help communities to engage in open minded and vibrant conversations about the future of our neighborhoods.

Jack Shainman is one of the most important art dealers representing Black artists. As a country negotiating unity, it is important to embrace the work that Shainman has chosen to exhibit. Truthfully, Nick Cave and Bob Faust are two of the most important artists of our time. Future generations might be perplexed by a lack of acceptance of these artists, the same way that present day art enthusiasts are confused by the rejection of Monet, Renoir and Van Gogh.

Whether this is deemed “art”, “commercial signage” “political statement” or all of the above, this is a worthy debate in these times of significant transition for all.

With well wishes for a healthy dialogue, most likely one of the artists’ intentions,

Sincerely,

Melissa Auf der Maur  
Basilica Hudson  
Co-Founder and Director

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Submission to the Town of Kinderhook in support of Nick Cave's artwork "Truth Be Told"

January 25, 2021  
Trevor Smith

I would like to thank the citizens of Kinderhook for allowing me to speak to you today on behalf of Nick Cave's artwork, "Truth be Told".

I am the Curator of the present Tense and Associate Director of Multisensory Experience at the Peabody Essex Museum, in Salem, Massachusetts, a town of about 40,000 souls on the north shore of Boston.

Like Kinderhook, my town was founded in the 17<sup>th</sup> century and it shares many of your citizens' interest in preserving the inspiration and lessons offered to us by exploring our history.

I am inspired by my daily walks past historical homes built of wood and brick. I cross Salem Common where in 1637, the first muster of militia in defense of the new colony was held. The Salem witch trials of 1692-93 is a historical event that we take no pride in, but we often consider what lessons it might hold for us today.

The living artists, the contemporary artists who have worked with us in Salem help us illuminate this place, it's history, and the untapped potential of our communities.

In 2013 Nick Cave orchestrated an incredible participatory gathering that helped our people come together and heal in the wake of the Boston Marathon Bombings, an act of creativity and generosity for which we remain forever grateful. I am proud to say that we are among many museums in this country that have acquired and cherish his work and the lessons it continues to offer us.

Other contributors to this debate have testified to Truth be Told's status as a work of art – an assessment with which I wholeheartedly agree. The philosopher Alva Noë describes works of art as "strange tools" that might provoke us to investigate what it is that makes us human. Artworks are as much about the

forms they take as what they inspire in us. Nick Cave's artwork "Truth be Told", is offered to you in the same spirit.

Art is shapeshifting. That is one of its sources of power. It can assume forms that appear similar to, **but remain distinct from** other categories of objects in the world. In this case: signage.

A sign is defined in detailed terms in the bylaws of the Town of Kinderhook. Those who drafted your bylaws did not believe that it was adequate to define a sign in material terms.

Along with an exhaustive recitation of diverse material and creative structural forms a sign might take, they went on to specify that a sign was also defined by its functional aspect:

**for display of an advertisement, announcement, notice, directional matter and name."**

Truth be told does not advertise anything.

Truth be told is not announcing anything

Truth be told is not putting anyone or anything on notice

Truth be told does not offer us a direction  
(at least not in terms that would be understood by a department of public works)

Truth be told does not offer a name ... only three simple words:

Truth be told.

It is not a sign.

Truth be told is however a plea to look inside ourselves and an opportunity to see our communities afresh.



Can we stand up and take responsibility for telling the truth to ourselves and to each other?

That is not just what any artist does; It is however what *great* artists do.

Nick Cave has asked you, and by extension me and all of us inspired by his work installed here in your beloved community of Kinderhook: what do we want to become?"

Truth be Told.

January 23, 2021

Dear Chairman Callahan and members of the Zoning Board of Appeals:

**Please add this correspondence to the record of the meeting of the ZBA on January 25, 2021 in the appeal of the CEO's decision regarding the installation *Truth Be Told* at The School.**

The Zoning Law of the Village of Kinderhook was adopted to regulate land use for the protection of all property owners. The difficulty for any municipality is not just in the writing of the law, but in the fair and equitable application of the law. The Code Enforcement Officer (CEO) is tasked with that application and the Zoning Board of Appeals (ZBA) allows for hearing and redress should an action by either a property owner or the CEO be in question.

Property owners have an obligation to know the provisions of the law as they apply to the use of their property and have the right to expect the rules will be applied equitably without regard to wealth, influence or social status.

I live at 71 Broad Street, in a residential zone, and I have restrictions on the use of the front yard of my property, in my case a rather long empty space. I respect my neighbors and my community by following the rules which restrict structures, signs, and even yard sales in the front yard.

Although *The School* is an appropriate and welcome reuse of the former Martin Van Buren School, it too is in a residential district and is subject to the same rules as its neighbors. On several occasions I have challenged the decisions of the former CEO regarding signage and use of the front yard at *The School* because I was concerned about the inequitable interpretation of the zoning code. My appeals to the ZBA were denied.

Now another situation has arisen and the current CEO, in adhering to the language of the code, ruled that the installation of the work *Truth Be Told* by Nick Cave was in violation of the sign regulations of the Zoning Code. This decision has caused controversy by turning it into a debate about art, social consciousness, and freedom of speech. As the ZBA reviews Mr. Shainman's appeal of the CEO's decision, I trust that the members of the ZBA will examine the relevant language of the code and not be influenced by emotion, irrelevant issues, or current events.

The sign regulations of our zoning code are "content neutral" and therefore the message conveyed in the installation on the façade of *The School* is irrelevant. The CEO's interpretation that the installation was in violation of the code which resulted in a subsequent stop work order was not a suppression of Mr. Shainman's or the artist's constitutional right to free speech. The zoning code only allows for the regulation of the material, size, dimension and duration of the display. **The message could freely be displayed in a manner consistent with the regulations.**

This is, of course, presuming that this is a non-commercial use, because the property is in a residential district and was granted a special use permit as a Cultural Center, a non-commercial use subject to restrictions. If this installation draws attention to the artist, as the subsequent articles in *The New York Times* and elsewhere would indicate and the artist is represented commercially by Mr. Shainman's gallery, one might be led to conclude that the installation is commercial in nature and therefore not allowed in a residential district except for explicit purposes as outlined in the code.

Certainly the controversy surrounding this installation has drawn attention to *The School* and rather negative attention to our community whose CEO is obliged to protect all property owners through the just and equitable application of the zoning regulations. I believe the CEO's interpretation should be upheld.

**Justice matters in all things, even the seemingly mundane.**

Respectfully,

Barbara F. Shannon  
71 Broad Street  
Kinderhook  
518-758-9852

Copy: P. Bujanow, CEO  
K. Monahan, Chairman of the Planning Board



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

**ZBA**

1 message

stuart peckner &lt;peckner@me.com&gt;

Mon, Jan 25, 2021 at 5:26 PM

To: Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

24 Broad Street

Kinderhook, NY 12106

January 25, 2021

Dear Mr. Callahan

and members of the Zoning Board of Appeals:

When we purchased our home at 24 Broad Street across from the school, we knew what activity to expect at a school building, and we invested in restoring this historic property because it was in a residential and historic district in a Village with a strong Zoning Code. We knew what was expected of us and of our neighbors.

There was trepidation when the school building was sold but the conditions placed on the Special Use Permit and Mr. Shainman's verbal assertions that he would not use the property in any way that detracted from the residential zone, gave us confidence that The School, a cultural facility, would be an asset to the community.

Then things began to happen. First a sculpture appeared in a side yard. Then a grand opening celebration was announced with two 336 square ft. banners on the building. A temporary stage appeared on the lawn for Nick Cave to perform. The opening was met with enthusiasm by the community and hundreds of visitors from out of town. The streets were lined with vehicles dangerously obstructing intersections. There would be a serious accident at a later event.

The CEO had ruled that the 2-336 square ft. banners met the sign code although the code requires a maximum of 150 square ft. An appeal of this decision was denied by the ZBA. We began to see that the Zoning Code, the stipulations made in the

Special Use Permit, and the verbal assurances of Mr. Shainman were **not** going to be enforced.

The popularity of The School so increased that when the Mark di Suvero sculpture appeared on the lawn in mid 2015, anyone who questioned its appropriateness in a residential zone was considered unappreciative of Mr. Shainman's gift to the Village or they were just provincial. An appeal of the CEO's ruling that this was an "accessory use" was also denied by the ZBA even though an accessory use is not allowed in the front yard in a residential zone. The sculpture was to be removed in 6 months. It is still in place and has been joined by two other sculptures. Will there be more?

It was now clear that Mr. Shainman and The School did not have to play by the same rules as everyone else in the residential/historic district. Appeals to Village officials that the CEO was not administering his duties in a fair and equitable manner went unheeded. Then a new CEO was hired by the Village.

Now we are at a critical crossroad. The current CEO, in the matter of the installation of **Truth Be Told**, ruled that it was in violation of the code. A stop work order was ignored by Mr. Shainman, and Mr. Cave declared in the press that his right to free speech has been violated and that those who question the installation are discriminating against a black artist. Nothing could be further from the truth. The code language is "content neutral" and this same message Truth Be Told could have been conveyed consistent with the code.

So, do we have a zoning code or don't we? We depend on the CEO to enforce it in a uniform and non-discriminatory way? Will the ZBA hold property owners to account or will the fame or popularity of an applicant or the project be what guides decisions? Do we cloud this issue by declaring this to be art and therefore not subject to any regulation?

Everyone with properties large or small, prominent or not, popular or not, should play by the same rules.

The CEO's decision should be upheld. An appropriate redress would be for Mr. Shainman to return to the Planning Board for clarification of the proper use of his property to avoid future controversy and to safeguard all properties in the Village.

Yours truly,

Stuart and Audrey Peckner

(61)

34 Broad Street  
Kinderhook, NY 12106

February 1, 2021

Zoning Board of Appeals  
Jerome Callahan, Chair  
Village of Kinderhook  
6 Chatham Street  
Kinderhook, NY 12106

Here we follow up on our earlier letter of January 21<sup>st</sup> regarding the disputed and appealed “Behold the Truth” matter involving The School | Jack Shainman Gallery. We thank the Zoning Board of Appeals for the continuing efforts to achieve a mutually acceptable solution to what is admittedly not a straightforward issue.

From our earlier letter we believe that the following excerpts seem if anything even more sensible in light of the public hearing held on January 25<sup>th</sup>:

*At the risk of seeming too idealistic, we sincerely hope for a mutually respectful meeting of the minds, while by no means underestimating the effort that will be required to achieve this. One thing seems certain: the required effort will return valuable dividends for all who care about the cultural health of the Village of Kinderhook. Whatever the solution, it must be found without delay. However sweet to a few, a mere legal victory would bring ultimate satisfaction to no one. . . we find ourselves expressing concern, even frustration, that with artistic provocation must come public controversy. Fortunately we remain hopeful that a way will be found to resolve this matter – without either serious repercussions or useless waste of resources and attention. In scale and quality, Jack Shainman’s tangible commitment to Kinderhook represents a level of generosity found in nearly no other community of equivalent size. The very presence of The School suggests that our village remains a special place, one evolving now as in the past.*

Accordingly and with our hope for resolution remaining intact, perhaps even increased given the measured, but decisive expressions of public opinion demonstrated at last week’s hearing (for us probably a record response to any village issue over the past 16 years) we offer a few specific suggestions:

1. Given the level of ambiguity (in word and therefore in interpretation) found in the applicable provisions of Chapter 130 of the General Code of the Village of Kinderhook (*assuming, as has been reasonably pointed out, those provisions are in this case applicable at all*), fairness and clarity require that these provisions be revisited, if necessary through their formal reconsideration and, as appropriate, rewording. In our opinion any “rewording” should give greater consideration to rights of expression, including artistic expression, than is the case in the existing text. In addition an effort must be made to address the current “sign/art” definitional inadequacy.

2. Given the reasonableness (certainly for us, but apparently for many others) of point 1 above, and the fact that the matter has now been in a sense mooted (if not “legally” so) by the scheduled removal of the questioned installation, we suggest that there be in this case no attempt to fine or in any way impair The School | Jack Shainman Gallery, or to pursue expensive and ultimately non-productive litigation, which would hardly seem to be in anyone’s best interest, including that of the general public.
  
3. We have read of the Mayor’s stated intention to appoint a village trustee to serve, if we understand correctly, as a kind of liaison to The School | Jack Shainman Gallery. Even if such an intermediary would be without decisive authority, this seems an excellent suggestion, one that could promote communication and encourage proactive consideration of potentially difficult issues.

Once again thank you for your efforts. We are not alone in looking forward to your next consideration of this important matter, on February 2, 2021.

Sincerely,

David Smith

Vicki Smith





Gmail



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

## Alexandra Anderson letter to ZBA and Village Officials--please circulate and read into 2/2/2021 meeting record

1 message

**Alexandra C. Anderson** <downmainer@aol.com>

Mon, Feb 1, 2021 at 12:38 PM

To: "&lt;dorene.weir3639@twc.com&gt;" &lt;dorene.weir3639@twc.com&gt;

Cc: Village Mayor &lt;mayor@villageofkinderhook.org&gt;, Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

February 1, 2021

To: The Chair and Members of the Village of Kinderhook Zoning Board of Appeals

CC: Mayor Dale Leiser, Code Enforcement Officer Peter Bujanow

Dear ZBA Chairman and Members,

I write to remind the chair and members of the Village of Kinderhook Zoning Board of Appeals about the importance to our village of its designation as a National and Local Historic District in maintaining and protecting the treasured character of the Village of Kinderhook. And how this underpins the TRUTH BE TOLD issue and the responsibilities of the ZBA. Many newcomers to the Village may not really realize what these designations entail.

My remarks relate significantly to the recent contratemps re: The School's installation of "TRUTH BE TOLD". Please reflect on the considerable ironies of the fact that Jack Shainman's The School and Nick Cave have received widespread and beneficial publicity created by the erroneous distinction over what is art and what is a sign. (As I previously pointed out in my letter of January 22, 2021, this is a false dichotomy, since an object can simultaneously be both a sign and art.)

But the false dichotomy, indeed the smokescreen, produced over "what is art?" has obscured the real issue, that of the importance of observation and enforcement of the Village Zoning Codes. By not enforcing these codes, we risk undermining the powers of the Local and National Historic District established here back in 1974. We risk setting a damaging precedent for the future. Today I would like to remind us all of what are the important, indeed the crucial, responsibilities of maintaining a local historic district. Performing these responsibilities lie with our Village governing bodies, most importantly Zoning and Planning Boards as well as our Mayor and our Trustees.

Here is the official description of what is National Historic District:

"A **National Register historic district** is a historic district that is listed in the **National Register of Historic Places**. The National Register is our country's official list of historic properties and resources worthy of preservation. It includes individual buildings, structures, sites, and objects as well as historic districts that are considered to be significant in American history, architecture, engineering, archaeology, and culture."

"National Register listing **recognizes** the significance of properties and districts. By doing so, it identifies significant historic resources in a community. Boundaries of National Register districts are tightly drawn to encompass only concentrated areas of historic buildings. Information compiled to nominate a historic district can be used in a variety of planning and development activities. National Register listing also makes available specific preservation

incentives and provides a limited degree of protection via review of the effects of federally funded, licensed, or permitted activities.”

The Village of Kinderhook is designated both a National and a Local Historic District.

Here is the official definition what being a Local Historic District means in terms of oversight and responsibilities. These are very serious responsibilities.

“The designation of a Local Historic District **protects** the significant properties and the historic character of the district. It provides a community with the means to make sure that growth, development, and change take place in ways that respect the important architectural, historical, and environmental characteristics within a district. Local designation encourages sensitive development in the district and discourages any unsympathetic changes from occurring. This happens through a process called **design review**. The historic preservation commission reviews major changes that are planned for the district and issues **Certificates of Appropriateness** which allow the proposed changes to take place.”

In dealing with the issue of The School’s failure to file the proper special use permit and the subsequent failure to observe a stop work order, I ask, indeed implore, the ZBA to enforce the requirements of the Zoning Codes. Do not be distracted or intimidated by the public relations campaign that falsely pits art against signage.

Thank you for your attention.

Alexandra C Anderson  
53 Albany Avenue  
Kinderhook, NY 12106



Village of Kinderhook Planning &amp; Zoning &lt;pbzba@villageofkinderhook.org&gt;

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**Public hearing regarding The School's art installation**

1 message

**Andrew Chase** <chefachase@gmail.com>

Mon, Jan 25, 2021 at 5:11 PM

To: pbzba@villageofkinderhook.org

Cc: info@jackshainman.com, Conny Chase &lt;conny.chase@gmail.com&gt;

To whom it may concern:

We are former village business owners and residents, and current Town of Kinderhook residents.

We were excited to see the Nick Cave installation at the School go up in October. It is a great win for a world renowned artist to do such a highly visible work of art in our village. Once we heard there was some controversy regarding the artwork being deemed a sign by the Village Board, we were honestly dismayed. The work is clearly a temporary art installation and not a sign. We were surprised that it would be even considered this way. We understand that some residents may not like the work, or the visibility of it, but art is meant to challenge us, and deeming it a sign as a way to have it taken down does not bode well for us as a community.

The School is an internationally-respected gallery and should be given the leeway to do temporary works and installations.

Sincerely,

Andrew and Conny Chase

5/11/2021

Village of Kinderhook Mail - Email statement to be read at the ZBA



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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## Email statement to be read at the ZBA

1 message

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**tamara zahaykevich** <tamarazahaykevich@gmail.com>

Mon, Jan 25, 2021 at 5:32 PM

To: pbzba@villageofkinderhook.org

I first saw TRUTH, by chance as I was driving through Kinderhook as it was being installed. A huge smile spread across my face. I felt pride in the county where I reside, relief that we were progressing as a society, and gratitude to the artist for this beautiful contribution.

-Tamara Zahaykevich, East Chatham, NY

# Brooklyn Museum



**David Berliner** is the President and Chief Operating Officer of the Brooklyn Museum. Prior to taking on this role, he was a Trustee of the Museum beginning in 2011, and he currently serves on the Board in an *ex officio* capacity.

As President and COO, Mr. Berliner leads strategic planning, along with all operational and administrative functions, including finance, legal, facilities and operations, technology, and human resources. In addition, he directs the Museum's marketing and communications, visitor experience, community and government relations, merchandizing, publishing, and digital imaging and licensing.

Before joining the Brooklyn Museum, Mr. Berliner was the Chief Operating Officer of Forest City Ratner Companies, a Brooklyn-based real estate developer and property owner. In that capacity, he was responsible for overseeing the Company's operations and administration, including overseeing all transactions for development and property management of the Company's portfolio of 11+ million square feet of office, retail, and residential properties throughout all five boroughs of New York City and the greater metropolitan area. He was responsible for setting and implementing Company policies, and for administrative areas including human resources, information technology, and external relations. An experienced negotiator and problem-solver, Mr. Berliner was involved in all aspects of running and growing the real estate firm since joining Forest City in 1989. He led the negotiations for the acquisition of the Nets basketball team and managed the relationships with the key stakeholders in the Company's major development projects.

Mr. Berliner is the Chairman Emeritus of the Board of Trustees of the Madison Square Park Conservancy, a not-for-profit organization charged with the maintenance and programming of historic Madison Square Park (located at 23rd Street and 5th Avenue in Manhattan). He is a founding member of MSPC's Curatorial Committee, an advisory group that sources and evaluates proposals to commission work by contemporary artists to be shown in Madison Square Park.

He also serves on the Board of NYC & Company, the official destination-marketing organization for New York City.

Mr. Berliner is a graduate of the University of Pennsylvania (B.A., 1984, *summa cum laude*) and the Columbia University School of Law (J.D., 1987).

Testimony of David Berliner  
Kinderhook Zoning Board of Appeals  
January 25, 2021

Good evening. My name is David Berliner and I am the President and Chief Operating Officer of the Brooklyn Museum, and have been a Columbia County, NY resident for over 20 years. The Brooklyn Museum is one of the largest and oldest art museums in the country, containing over 150,000 works of art spanning over 5000 years of human creativity. We are honored to include Nick Cave's work in our permanent collection. Currently his 2008 sculpture *Sound Suit* is prominently displayed in our recently reinstalled American Art Galleries.

I also have a long history and extensive experience with commissioning and producing public art. I was the founder of the renowned public art program "Mad Sq Art" in New York City, an organization which was selected by the US State Department as the presenting commissioner for the United States Pavilion at the 2019 Venice Biennale. Since 2001, we have produced 40 site specific exhibitions by contemporary artists, a number of which have included text-based works. In addition, for over 30 years I have had the honor to work with many other esteemed public arts organizations, including the Public Art Fund, Creative Time and others to commission and display public art in many locations.

I also have over 25 years of experience as a real estate attorney, with a focus on land use and zoning. I have been involved in the development of notable projects including the New York Times headquarters building near Times Square in Manhattan, and Barclays Center, the 19,000 seat arena in Downtown Brooklyn. Both of these projects include permanent public art installations, including some important text-based works. And so my experiences have provided me with a strong foundation in zoning matters, including signage regulations, as well as public art.

At its heart, public art is a civic gift -- a reflection of our pluralistic society and a testament to the basic ideals underlying our democracy. Public art has the power to raise awareness, question orthodoxies and heal divisions. And it is a hallmark of our first amendment right of freedom of expression. We must reject any system or code which gives a municipality or other body the right to approve the content of a public art installation as an impermissible and unconstitutional claim of power. And for sure, the artwork at issue here is not a sign - it does not advertise any goods or services or even the very site on which it is installed.

Language and text have played an important role in the history of public art. In addition to Nick Cave, other world-renowned artists such as Barbara Kruger, Jenny Holzer, Ivan Navarro and many others have harnessed the power of language by sharing phrases in the public realm to provide social commentary. Street artists, using calligraphy and other graphic forms and the language of subcultures, have brought attention to youth culture and the power of individual and group identity. Artists have long used typography and words as a powerful and creative communication tool to express ideas and inspire audiences to see themselves and each other with new insights. Simply put, the use of language and text as media in the public realm is a widely-accepted and revered tradition in the field of contemporary art, and the work at issue is but one important and moving example in a long and revered tradition of engaging public art.

At the Brooklyn Museum, we use our facade as a canvas for public art installations. I should note again that the Brooklyn Museum is an “art” museum - we do not display “signs” as part of our exhibitions. And despite the fact that our 1897 building, designed by the architectural firm McKim, Mead and White is a designated New York City landmark, we are not required to get any permits from any official government body to install and display artworks on its exterior. Our most recent facade activation was created by contemporary artist Carrie Mae Weems, who displayed a text-based work to acknowledge the toll taken on our communities by the Covid19 virus, and to encourage the public to follow recommended health and safety protocols. This Spring, in that same space on our historic facade, we will exhibit a version of the very artwork at issue here, and it will be our great honor to share Nick Cave’s brilliant artwork TRUTH BE TOLD with our community.

Thank you.



Village of Kinderhook Planning & Zoning <pbzba@villageofkinderhook.org>

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**Material for Truth Be Told**

1 message

66

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**brian murphy** <bmurphy2090@gmail.com>

Fri, Jan 29, 2021 at 4:41 PM

To: pbzba@villageofkinderhook.org

Please forward to the ZBA.

Is this what is considered combustible ?

I attempted to ignite the material used for the Truth Be Told artwork from the Shainman gallery. One of the CEO's findings was it violated state building codes as a combustible material.

Sent from my iPhone

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 **Video.mov**  
6933K



67



RECEIVED

FEB 05 2021

VILLAGE OF KINDERHOOK

**David W. Palmquist**  
**18 Gaffney Lane, PO Box 507**  
**Kinderhook, New York 12106**  
**518-758-1378**  
**Cell 518-929-1616**  
**davidwpalmquist@gmail.com**

February 3, 2021

TO: Zoning Board of Appeals  
Village of Kinderhook

Dear Members:

I write in support of the application of The School to wrap its building with "Truth Be Told" as a work of art and not a sign.

I attended the recent remote public hearing.

When we moved to Kinderhook village 31 years ago, we sought a community where zoning and planning regulations were comprehensive and enforced.

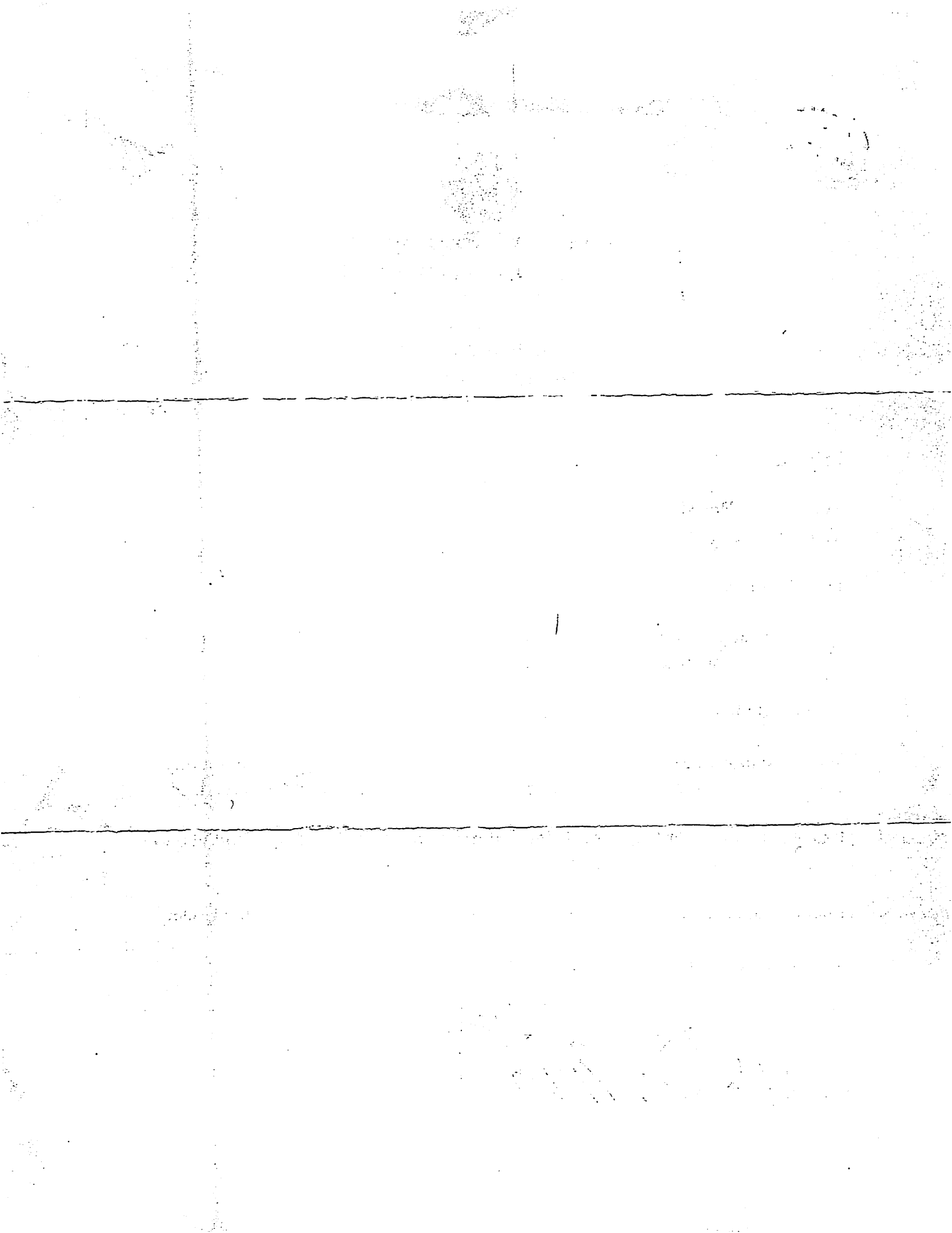
I have sat with Peter Bujanow, Code Enforcement Officer, and have found him to be thoroughly knowledgeable and completely professional.

I believe the present issue is simply a matter of misinterpretation of the Code.

Thank you for your kind consideration.

Truly yours,

A handwritten signature in black ink, appearing to read "David W. Palmquist". The signature is written in a cursive, flowing style.



November 24, 2020

68

RECEIVED

NOV 25 2020

VILLAGE OF KINDERHOOK

Mr. Jerome Callahan  
Chair  
Zoning Board of Kinderhook Village  
PO Box 325  
Kinderhook, NY 12106

Dear Jerome Callahan,

Hello. My name is Jennifer Blood and I own a home on Williams Street in the Village. I am writing to you about The School.

Last week I attended the Zoom Village Board meeting where the lawyer for the Village explained that residents who wished to express their opinion about the recent action taken against The School be expressed to the Zoning Board. I am hopeful I have contacted the right source to express my opinion.

I consider The School an art gallery and the written word on The School to be a work of art, not a sign.

The School is not a restaurant, shop, pizzeria or anything like that. It is a building that houses art and supports artistic expression. I would suppose that when the Village made the great decision of allowing The School to exist in the Village, the Village was well aware that it's purpose was to enhance the culture of the area and bring in fresh artistic expression by some of the most acclaimed artists in the world. Thus, it was surprising to me that this work of art was considered a sign. Perhaps this decision was made in haste without considering all the points of view and the point of views of the local taxpaying population.

If you would like to read further about how the written word is being used by artists to express their art, please go to this link <https://mymodernmet.com/text-art-masters/>.

Thank you for your consideration of my opinion in this matter.

Regards,  
Jennifer Blood

