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**UNION VALE ZONING BOARD OF APPEALS
Minutes of the Regular Meeting**

January 4, 2017

Members Present: Chairperson Jane Smith, Board members Ilana Nilsen and James D. Layton and Alternate Board member John Hughes

Member Absent: Board member Dan Tuohy

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum and called the meeting to order at 7:30 p.m.

CONFIRMATION OF THE AGENDA

Chairperson Jane Smith reviewed and stated that the Agenda will stand as published.

REVIEW / APPROVAL OF MINUTES

Chairperson Jane Smith stated that approval of the October 5, 2016 regular meeting minutes must be deferred to the February 1, 2017 meeting due to the absence of Jeffrey Wimmer since a quorum of members present is required to approve minutes.

Chairperson Jane Smith moved to accept the November 2, 2016 regular meeting minutes with the additional note by Board member Ilana Nilsen regarding the Plass application: "Mr. Plass declined to change the size or location of the proposed garage and refused to remove or demolish the existing garage, in order to construct the newly proposed garage." Motion seconded by Alternate Board member John Hughes and passed by unanimous vote of the Board.

CORRESPONDENCE

None.

PUBLIC HEARING(S)/ DECISION ON PUBLIC HEARING(S)

CROSSROADS CHURCH, 1807 Clove Road, Lagrangeville, NY 12540.

Applicant is requesting five area variances: 1) area height variance of 2'9" for proposed 8'9" height sign (6' height is code), 2) area square footage variance of 8 square feet for proposed 20 square foot sign (12 square feet is code), 3) 2' front yard area variance, sign is 18' from property (20' is setback from fronting street); 4) variance for internally illuminated signage and 5) area variance to

construct the sign using another material (code requires sign to be wood as far as practicable) in the RD10 District.

Chairperson Jane Smith opened the public hearing and the clerk read the legal notice into the record.

Mr. Kerry Mitras was present and representing the Crossroads Church.

Chairperson Jane Smith read into the record a determination letter (dated November 4, 2016) from George Kolb, Zoning Administrator regarding variances needed in order to construct the proposed sign in addition to those set forth in the application received in August, 2016: (1) a variance for requirement in 210-26 (2) that any sign shall "to the extent practicable be wood in material"; and (2) a variance from the requirement in 210-26 (8) that a sign "not be illuminated by or contain flashing, intermittent, rotating, or moving light or lights." Mr. Mitras amended the original application to reflect the former, and clarified that the illumination would not be flashing or intermittent, rotating or moving.

Chairperson Jane Smith asked Mr. Mitras to explain the proposal. Mr. Mitras stated that the Crossroads Church, located on Clove Road, Lagrangeville, N.Y., proposes to construct a new sign. The current sign is wood with external illumination (two flood lights on either side of the sign) and is in need of repair. He explained that because the sign is exposed to the weather, the wood constantly requires scraping and painting in order for the wood not to rot, and the flood lights have to be replaced frequently both because of water damage as well as rusting of the metal adjusters which prevents the floodlights from staying in the adjusted position to illuminate the sign. The proposed sign is a plastic and internally illuminated; it would need less maintenance and have three horizontal lines that could change out letters/phrases to inform the public and congregation what is going on at the church, specifically special events. It would be lit night and day.

Chairperson Jane Smith asked the applicant to address the five factors that the Board must consider in ruling on a variance application.

Mr. Mitras stated his view that no undesirable change in the character of the neighborhood would be produced because the neighborhood is mostly used for "commercial" uses, including a firehouse, church, cemetery, hunting club and the Town Park; the only thing changing would be the sign, not the building or use.

Mr. Mitras claimed that the benefit sought by the applicant could not be achieved another way because, among the benefits sought, was advertising the church to potential new members and a smaller, less lit sign is not easily noticed by traffic at an average speed of 45 mph. According to Mr. Mitras, the existing sign also does not have room on it to post special events; the church currently puts up a temporary "A" frame sign next to the permanent sign to post any upcoming

events and services. Mr. Mitras explained that banners have been used in the past as well, but the banners have been stolen (as well as flowering hanging baskets placed by the sign). Board member James D. Layton, noting that the ground where the sign is to be mounted is lower than the roadway, asked if the ground level could be raised to be equal with the roadway, thereby eliminating the need for a height variance. Mr. Mitras stated he would have to raise the soil and concrete slab and the electrical would have to be moved as well to meet the new height of the slab, but it is possible.

Board member Ilana Nilsen mentioned that this evening when driving to the Town Hall, she was coming through the Clove and when she approached the Church the sign was obstructed by garbage containers, and noted that even if the sign were larger, the containers would obstruct the view of the sign. Mr. Mitras stated that the adjacent neighbor puts the containers out the night before and unfortunately he has no control over what his neighbor does, but suggested that a larger, taller illuminated sign would perhaps be visible over the containers.

Mr. Mitras stated that the combination of variances may be considered substantial, but noted that the Church has an existing sign in the same location that is proposed, and the proposed sign is only approximately 20% larger than the existing one. Mr. Mitras commented that many other Towns allow illuminated signs, and asserted that Union Vale seems a bit antiquated with its code, especially sign standards. Alternate Board member John Hughes responded that the code expresses the will of the Town to maintain the rural character of the Town; the Town of Union Vale is a rural community, there are not a lot of commercially lit signs in the Town, as there might be in a more commercialized Town such as Lagrange or Poughkeepsie. Board member Ilana Nilsen stated that in her opinion, that Clove Road is one of the most beautiful scenic roads in the county, and driving along a calming moonlit road seeing the stars, there is a sense of peacefulness; as it is, when you come upon street lights by the church, the clove cemetery and the firehouse, it disrupts with the rural surroundings, and, therefore, having a larger illuminated sign seems out of place. Board member Ilana Nilsen asked what type of lighting will be used to illuminate the sign internally and what size, such as watts; Mr. Mitras stated it will be fluorescent, but was not sure as to the wattage. He explained the lights will be mounted on the top inside of the sign, with the light shining downward through the interior.

Mr. Mitras stated that he did not think that the area variances would have any adverse effect or impact on the physical or environmental conditions in the neighborhood. It would have the same impact as the existing sign, the placement is the same, maybe two feet further away from the road, and the proposed sign is 20% larger than the existing sign.

Mr. Mitras explained that when the church was built, the Town Planning Board required the Church to be 150' away from the road. This made it difficult for traffic to see the building, while, at the same time, all other adjacent buildings are within

50' of the road, making them more visible. Mr. Mitras claimed that, as far as the distance from the road variance is concerned, it is not self-created, but, rather, the church followed what the Planning Board and Building department standards required them to do years ago when the church was built; now the code standards have changed, and in order for to replace the sign, the Church as to adhere to the current standards.

At the suggestion of the applicant, James Layton moved to defer action on this application until the February 1, 2017 meeting; motion seconded by Ilana Nilsen and approved by unanimous vote of the Board.

REGULAR SESSION/ NEW BUSINESS

None.

OTHER BUSINESS

Chairperson Jane Smith moved to accept the Regular scheduled meeting calendar for the year 2017 as presented by the clerk; motion seconded by James D. Layton, and unanimously approved.

NEXT MEETING

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, February 1, 2017 at 7:30 p.m.**

The agenda will close on **January 18, 2017 at 12:00 NOON**. Items for consideration at the **February** meeting must be received by that date.

ADJOURNMENT

As there was no further business, a motion was made by Chairperson Jane Smith, seconded by Board Member James D. Layton, and unanimously accepted by the Board, to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Joan E. Miller

ZONING BOARD OF APPEALS CLERK

Annexed document: Poughkeepsie Journal, public hearing notice, Crossroads Church