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

August 2, 2017

Members Present: Chairperson Jane Smith, Board member Ilana Nilsen, John Hughes

Member Absent: Board member Dan Tuohy; Alternate Board member Jeffrey Wimmer

Others present: Town Attorney, Michael Liguori

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 be amended to reflect the Kiniry public hearing will not take place this evening (because, as a result of a subsequent amendment to the application, there was not proper notice to the public); instead, there will be a work session with the applicant after the New Business application is heard.

REVIEW / APPROVAL OF MINUTES

By unanimous consent, the minutes for meetings July 5, 2017 were accepted as submitted.

CORRESPONDENCE

None.

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

None.

REGULAR SESSION/ NEW BUSINESS

COSTA, Nancy & Anthony – 2046 Route 55, Lagrangeville, NY 12540.

Requesting two area variances for a proposed sign that is not entirely made of wooden material and would be internally illuminated in the Town Center District. Two variances are required, by received Notice of Zoning Determination letter

dated 7/18/2017 from the C.E.O of Town of Union Vale as per (code section 210-26 B 2, 9 and 210-78-C).

Mr. Anthony Costa was present and explained that he is proposing a new sign that will not be constructed of wood entirely and would like it to be internally illuminated. He explained that the current sign is wood; it is weathered and difficult to maintain. He is proposing the same looking sign, in its current location, height, everything that is in place now be the same, except that the material will be of plastic/aluminum and stone work on the bottom. He is also looking to have an illuminated sign that shows current specials, etc. and would also flash when there was an "amber alert" or "snow closing" for the public.

Chairperson Jane Smith asked if a variance was obtained for the square footage size of the sign. Mr. Costa stated that the sign was approved on the Site plan that was approximately 18 years ago. Mr. Costa recalls that he did get a variance for the sign from the Zoning Board of Appeals, approximately 18 years ago. Chairperson Jane Smith asked that the clerk check with the Building Department to verify if a variance was obtained regarding the square footage and height of the sign, approximately 18 years ago, if there is no approval on file, another two variances would be needed because the square footage of the sign and height is over what is allowed in the code. Town attorney Michael Liguori, stated to the Board that the file is going to be checked if previous variances were granted on the current sign; he noted that the square footage and height of sign are not before the Board for discussion this evening, only the construction material and internal illumination are before the board tonight.

Board member Ilana Nilsen pointed out that it appears that many different materials will be used for the proposed sign and asked what the sign is going to be constructed of. Mr. Costa's representative from the GNS group sign group stated that approximately 95% of the sign is going to be made of aluminum, which can withstand the weather. Mr. Costa stated that the current sign is mostly wood and vinyl is on the roof of the sign.

Board member Ilana Nilsen asked what the digital display would be used for if not displaying an emergency alert. Mr. Costa stated it would be for wash specials, oil specials, etc. The digital sign also dims down at night.

Town Attorney Michael Liguori noted that the code section 210-26 B. (12) stated that with the exception of temporary signs or directional signs, the sign shall convey only subject matter related exclusively to the premises on which the sign is located or to products, accommodations or activities on those premises. So, technically displaying alerts, snow closings on the proposed digital message signage would be in violation of the zoning code. Mr. Ligouri explained that another variance could be pursued to achieve displaying such messages as 911 alerts, but that is up to the applicant if he chooses to pursue that.

The applicant was asked to bring some samples of the proposed construction material to the next meeting for the Board to look at.

Board member Ilana Nilsen asked about the number of lumens output, how bright the sign is going to be. Mr. Costa did not know, but will bring the information to the next meeting.

Noting that additional variances may or may not be needed upon further research with the Code Enforcement Officer and if additional variances are needed, the application may need to be amended, Chairperson Jane Smith offered the following procedural resolution:

“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of: Nancy and Anthony Costa:

- 1. Accepts the Application for two area variances;*
- 2. Classify the application as “Type II Action” under NYC RP Part 617.5 and as such, is precluded from environmental review under SEQRA.*
- 3. Schedule a Public Hearing on the Application for WEDNESDAY, September 6, 2017 at 7:35 pm and directs the secretary to provide timely notice thereof.*
- 4. Advise the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
- 5. Advise the Applicant that a visit to the premises may -or- may not be scheduled.*

A Motion was made by Board member John Hughes and seconded by Board member Ilana Nilsen to adopt the above procedural resolution; unanimously approved.

OTHER BUSINESS

WORKSHOP

KINIRY, SCOTT-3389 Route 82, Verbank NY 12585.

Requesting a 7-foot front yard area variance to construct a canopy to cover gas pumps in the Neighborhood Center District.

Chairperson Jane Smith explained that Mr. Kiniry initially made application for a 7-foot area front yard variance for a canopy over proposed gas pumps in

connection with a project currently before the Planning Board. In the course of proceedings before the Planning Board, applicant realized he needed a 9-foot front yard area variance for the canopy as well as an additional variance from the requirement in code section 210-37 C. (2)(b) for a 25-foot landscaped buffer between non-residential use properties and residential abutting lots.

Discussion ensued with the Board members present and Town Attorney and applicant concerning ongoing proceedings before the Planning Board and the potential need for additional variances, the inadequate public notice for the canopy variance, and the interest in avoiding piecemeal hearings before the ZBA, Chairperson Jane Smith determined that the Zoning Board of Appeals defer the public hearing until the September 6, 2017 Zoning Board of Appeals meeting for the following reasons:

1. the application for the variance for the canopy was amended (to 9' from 7') after the public notice went out, so we need to renotece the public;
2. the application for the buffer variance was not properly before the ZBA (because it had not been referred by planning board or denied by the Code Enforcement Officer); and
3. at the recommendation of the Town Attorney, it seemed most efficient to conduct the hearing after— rather than before — site plan approval by the Planning Board.

NEXT MEETING

The next regular meeting of the Zoning Board of Appeals is scheduled for **WEDNESDAY, September 6, 2017 at 7:30 p.m.**

The agenda will close on **August 23, 2017 at 12:00 NOON**. Items for consideration at the **September** 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 Ilana Nilsen, 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 documents: