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

October 4, 2017

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

Member Absent: Board members Dan Tuohy and 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 stand as published.

REVIEW / APPROVAL OF MINUTES

Chairperson Jane Smith made the motion to defer the acceptance of the minutes for the September 6, 2017 meeting, until other Board members that were in attendance at that meeting were present, seconded by Board member Ilana Nilsen; unanimously approved.

CORRESPONDENCE

None.

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

COSTA, Nancy & Anthony – 2046 Route 55, Lagrangeville, NY 12540.
Requesting 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, as per Notice of Zoning Determination letter dated 7/18/2017 from the C.E.O of Town of Union Vale, pursuant to code sections 210-26 B 2, and 8).

Chairperson Jane Smith stated that this matter was deferred from the September 6, 2017 meeting in order to obtain input from the Planning Board. She then read a letter dated September 20, 2017, from Kevin Durland, Planning Board Chairman, regarding the referral of opinion that the Zoning Board of Appeals

asked for from the Planning Board. The letter stated that the Planning Board was in positive referral regarding the square footage of the sign, height of the sign and material proposed to be used; but was in negative opinion for the internal illumination of the sign, for it goes against the statute of the code.

Mr. Costa, owner and Mr. Robert **Zebeth**, from the sign company GNS, were present.

Mr. Costa stated he wants to go forward with this proposed sign to improve his business: the current sign is in poor shape and it presents that the business is in poor shape as well. He further stated that the current sign cannot be easily seen at night, there are two automatic car wash bays that are open 24 hours, and if the sign were illuminated better, especially at night, more customers could read it and know that this service is available.

Mr. **Zebeth** stated that he read a survey that was done by Penn State University, that internally illuminated signs are 60% more visible than externally lit signs, but did not have the information readily available at this meeting. He also stated that it is time to bring this 19-year old sign up to today's standards regarding the illumination.

Board member Ilana Nilsen asked what will be lit on the sign. Mr. Costa stated no Ann Transportation, just Be Wise is being proposed to be internally lit. Both Mr. Costa and the representative from the sign company took the position that the LED portion of the proposed sign is not internally lit as that term is used in the code. Chairperson Jane Smith asked if there were any other means that the lighting could be achieved externally.

After further discussion between the Board members present and the Town Attorney, Michael Liguori, regarding the code restrictions on illuminated signage and the fact that it appeared that there were no variances in place for the existing sign, the following options were laid out: the applicant could apply for additional variances regarding the proposed square footage and height of the sign, for variance(s) are forever granted with the property and there would not be any disputes in the future regarding the sign; the applicant could not apply for additional variances and rely on the determination of the Code Enforcement officer not to bring an enforcement action; and/or the applicant could work with the Town Board to work changes in the Town Code.

After discussion with the applicant and the Board members present, the applicant decided to consider his options and contact the Code Enforcement Officer before making any decisions at tonight's meeting.

Therefore, Chairperson Jane Smith made the motion to defer the matter until the November 1, 2017 regular scheduled meeting, seconded by Board member John Hughes, unanimous vote of all board members present.

DECISION OF PUBLIC HEARING(S)

None.

REGULAR SESSION/ NEW BUSINESS

Wenzl, Robert and Donna, 340 Barmore Road, Lagrangeville, NY 12540. Requesting a 15 foot side yard area variance (30 foot required) and 30 foot front yard area variance to construct a 14' x 20' addition to an existing primary dwelling in the RA3 district, as per Notice of Determination letter dated 9/19/2017 by the C.E.O. of Town of Union Vale as per (code section 210-20, 3).

Mr. Wenzl approached the Board and explained that he and his wife recently purchased 340 Barmore Road. He stated that they would like to put up a 14' x 20' addition to expand the current kitchen and dining area. They are proposing the current location because the septic is in the front of the house and an existing screened porch is in the rear that they would like to keep.

Chairperson Jane Smith asked if there were going to be any trees cut down. Mr. Wenzl stated no trees will be removed.

With no further questions or comments from the Board, Chairperson Jane Smith offered the below draft resolution:

“The Town of Union Vale Zoning Board of Appeals hereby acts as follows on the Application of Robert and Donna Wenzl, 340 Barmore Road, Lagrangeville, NY 12540:

- 1. Accepts the Application for a 15' Foot side yard and 30' Foot front yard Area Variance.*
- 2. Classifies the application as “Type II Action” under NYCRR Part 617.5 and as such, is precluded from environmental review under SEQRA.*
- 3. Schedules a Public Hearing on the Application for Wednesday, November 1, 2017 at 7:35 pm and directs the secretary to provide timely notice thereof.*
- 4. Advises the Applicant that all costs involved in notifying the Public shall be reimbursed to the Town of Union Vale.*
- 5. Advises the Applicant that a visit to the premises may -or- may not be scheduled.*

Motioned by Chairperson Jane Smith, seconded by Board member John Hughes, and approved by unanimous vote of Board members present.

OTHER BUSINESS

None.

NEXT MEETING

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

The agenda will close on **October 18, 2017 at 12:00 NOON**. Items for consideration at the **November** 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 9:15 p.m.

Respectfully submitted,

Joan E. Miller

ZONING BOARD OF APPEALS CLERK

Annexed documents:

Letter from Kevin Durland, Planning Board Chairperson dated September 20, 2017