

MOTION TO ACCEPT THE RESOLUTION, ASKING THE BOYD'S TO APPLY TO THE CEO, JOHN FENTON FOR A UPDATED CERTIFICATE OF OCCUPANCY FOR THE MOBILE HOME WHICH WOULD REFLECT ITS USE AS A LEGAL ACCESSORY BUILDING UNDER THE ZONING CODE AND RESIDENCE BASED ON THE SURVEY OF OCTOBER 24, 2000 was made by Chairman Blackman, seconded by David Menegat

Roll was called:	Chairman Blackman	Yes
	David Menegat	Yes
	Terry Metcalfe	Yes
	Paula Pelosi	Yes
	Kevin Cassone	Absent

MOTION CARRIED

**Wassaic Auction Barn Continued Public Hearing 4280 Route 22
Wassaic, NY**

Chairman Blackman recused himself from the Board and David Menegat was interim Chair.

Tony Zunino went over the four possibilities that had been sent to the Board on the sign. He held up a sign for the Board which he felt had the best proportion and size that best addresses the need the hamlet. The size is 20' by 19' and is approximately 230 square feet. He felt strongly that the hamlet of Wassaic needs major signage and in utilizing the existing sign and the design represents the historic nature of what the Wassaic Project has tried to preserve. He was not sure if there were grounds on which he could make his case to convince the Board it is worth making a variance. He continued this is not like any other billboard along the highway, this is a sign for a community, it is not advertising a product or service, and it identifies what is going on in the hamlet of Wassaic. He understands the code, however, the ZBA is a Board that can override the code and is willing to do whatever to see this happen. He suggested getting the Dutchess County Historical Society to support and help. Dave Menegat felt there wasn't anyone at the last meeting that was against except the idea of the large variance, because the sign is so much larger than the code allows. He went on to say the Board felt it is a wonderful project going on in Wassaic. The Board also spoke of towns like Hyde Park that have things within the town that are different than other towns have and how they get around their zoning in regard to signage size. Dave Everett felt that was informative and interesting however, their code is different from Amenia's code. Paula Pelosi asked if that was bigger than the original sign. Mr. Zunino said no, he believed the sign was 20' by 15'. Dave Menegat went on to say in John Fenton's memo to the Board the sign is grossly oversized to what the Town presently has in the code. In the code, it is not to exceed 16 square feet. Leo Blackman added for a shopping plaza where there are multiple signs on the same free standing board, you are allowed three of those which would be

48 square feet. Dave Menegat went on to say it cannot exceed 10 feet in height. Leo Blackman asked Mr. Zunino how high above the ground this sign starts, Mr. Zunino replied 11' 10" above the ground on the Route 22 side. Terry Metcalfe asked how far apart the steel posts for the sign are. Mr. Zunino stated about 16' apart. Dave Menegat felt if the sign height itself could be reduced, not counting ground to the base of the sign, to a 10' height and bring it in 15' it would still be a good sized sign that can be seen coming up Route 22. Mr. Zunino felt that because this is an art thing, proportions are important; it is not just a billboard. Terry Metcalfe felt if it was reduced to a smaller size 10' by 15' or 10' by 16', make it just a little overlap on the posts then start at a little above the vegetation and go up 10' any post above that could be cut off.

Leo Blackman read Section 121.39-D-3-a regarding free standing signs. Dave Everett also read 121.39-D-3-g & h on maximum sign area per lot and maximum sign area. Ms. Pelosi stated the Wassaic Project was loved and could Mr. Zunino make the sign compliant. She didn't believe you get more people to the Wassaic Project from that sign she felt by the excellence of the project is how you will grow. Mr. Zunino stated they certainly didn't now and we would like to grow this project year after year. Terry Metcalfe felt that a big sign stating The Wassaic Project did not reach out and grab the motorist going by. Mr. Zunino felt that you might ask someone what is the Wassaic Project with this interesting looking sign, what is this unique thing going on. Dave Menegat liked the outline of the Maxon Mills; we just need to get it so the sign is more compliant.

Mr. Blackman stated the Board will be dealing with other signs in the Town that has the same problem. Their signs are too big for the code. Mr. Zunino felt there is no other sign in the town that has to do with identifying a community. Mr. Metcalfe stated it is not a sign for a hamlet; it is a sign for a project which is a billboard. Mr. Blackman went on to say the point of the Zoning Code is it treats everyone the same. Churches, fire departments have limited signage and are not year round signs; they are just put up for events. Mr. Zunino is trying to create an identity. Dave Menegat concluded no one on the Board is in disagreement for the project; it is just the size of the signage. Being in a historic district would the code allow the sign, Mr. Zunino asked. Leo Blackman added there is a historic district overlay in the code however there isn't a Review Board that can review this. Ms. Pelosi asked if there were any signs for Wassaic. Terry Metcalfe said the little green highway sign and the white sign going down Furnace Bank that welcomes you to the hamlet of Wassaic. Those signs were put up about 15 years ago. He also stated the sign could say, "Wassaic and the home of the Wassaic Project". Ms. Pelosi if it could become a sign for the historic district of Wassaic, would that change? Dave Everett felt the only way you could get it changed is you would have to fit it into one of the exempt signs, there are very few categories. He added whoever wrote the sign ordinance for the Town; they intended to keep the signs small. The code then says these exempt signs may be erected and maintained without Board review providing these signs comply with the general regulations in 121-39-D which is the general sign regulation which are all the size limitations that we are talking about.

Dave Menegat quoted John Fenton mentioning sign area bonus section can add a potential 30% to their size. Mr. Everett stated that doesn't apply (see Section 121-39-D-3-f). The Town Board is in the process of getting rid of all billboards in the Town. Mr. Everett continued in the end the Board must work their way through the variance factors to consider what the applicant is proposing but you also must comply with SEQRA where you must evaluate the potential environmental impacts of what sign is proposed. The biggest issue will be the visual impacts and because this sign is on a state highway, it will need to be referred to Dutchess County Planning for their recommendation. The actual size of the sign will need to be approved before it goes through SEQRA and referred to DC Planning.

Leo Blackman asked if the Board thought about what would be a reasonable square footage. Ms. Pelosi stated she thought the last meeting the Board had asked for signage in keeping with the regulations. Mr. Zunino stated they gave the Board 4 proposals. Four proposals were received; however, they were still all too large. Terry Metcalfe felt that at 100 square feet it would still be less obtrusive than what is proposed. Mr. Blackman felt the Board would like to give Mr. Zunino some leeway, however where is the line, 50 square feet, which is the maximum allowed for a shopping plaza or 100 square feet, which is the largest sign Amenia would allow. Going any larger would not be a good idea. Because this is a rural hamlet, the Town would like to keep the signage discreet along Route 22; however the ZBA has the authority to adjust that.

Mr. Zunino asked if 100 square feet was the only thing written on and the rest just outlined for the mill building, the outline would get lost. Mr. Everett asked how long the sign is visible to cars. Mr. Zunino stated coming up the hill, just seconds. Dave Menegat stated there was nothing heading south.

Mr. Everett suggested there are private organizations that provide sign information to Boards that provide rules of thumb and guidelines for how large signs should be in certain contexts. U. S. Sign Council is one. Terry Metcalfe felt that would be a good idea. He continued what is the Wassaic Project – the rebuilding of Wassaic. What would grab passerby's attention?

Mr. Zunino said he is open to suggestions. Leo Blackman's suggestion would be to work on the two left hand posts, as they are more visible coming north on Route 22 and try to come up with something that stands on those two posts and stays under 100 square feet. Dave Menegat felt that at least the Board's hand would not be tied, and if you are traveling north and one is looking for the Wassaic Project, even a 4' by 5' sign with the outline of the grainery, that will trigger people to turn down into the hamlet. Ms. Pelosi felt the color blue was very striking. Dave Everett stated it is now up to the applicant as to what he wants to do. Mr. Zunino asked if 100 square feet, take it or leave it. Terry Metcalfe continued that is the Zoning Regulation that was being stretched. Leo Blackman felt even 50 square feet is a generous variance.

Mr. Everett told Mr. Zunino the other option is if you feel you are in a special situation petition the Town Board to change the law for sign regulations to provide some new regulations that might be more appropriate for the type of activities that you conduct and the type of sign that you can put up. Terry Metcalfe stated if one is making adjustments to an old house and certain things are grandfathered in because it was build 50 years ago, however if adding a new room it must be up to the code of today. Mr. Zunino, has a structure that was there long ago; however he is modifying it today so he must abide by the code of today. Mr. Everett told Mr. Zunino that the sign is non-conforming and was basically illegal as of July 2012.

Mr. Zunino stated as one drives down Route 22 there are other signs then that illegal. Mr. Blackman stated that Mr. Zunino is the first to come for a variance on a sign and the Town Board is in the process of issuing letters to have those signs taken down. Mr. Fenton will be bringing proceedings against all those signs. Mr. Zunino asked the Board if there was a difference between his sign and one advertising a restaurant. Ms. Pelosi stated yes there is a difference but it doesn't mean that you have the option of complying with the code. The Board is really trying to help you out, however you must work with us as well. Mr. Blackman went on to say the ruling here for this sign will be sited for anyone else who comes before this Board for a variance on their sign. Mr. Zunino felt they were a special situation, not just another billboard on the side of the road. Mr. Everett felt Mr. Zunino should make the same arguments to the Town Board because they are all valid arguments to have a larger sign for this project. Leo Blackman stated this Board cannot change the regulations, we can only grant a variance, however the variance has to be reasonable because this Board will be challenged by everyone else who has a sign on Route 22. Terry Metcalfe felt if within the 100 square feet there was something that touted the Hamlet of Wassaic, the Iron Ore Beds, the Gridley Chapel, the Wassaic Project and the home of the Borden Factory something that touts the historic importance of Wassaic that may help your case to the Town Board.

Mr. Zunino asked that the application be kept open.

MOTION TO CLOSE THE PUBLIC HEARING FOR THE WASSAIC PROJECT was made by David Menegat, seconded by Terry Metcalfe

VOTE TAKEN - MOTION CARRIED

MOTION TO APPROVE THE MINUTES OF APRIL 17, 2013 AND MAY 21, 2013 was made by Leo Blackman, seconded by Terry Metcalfe

VOTE TAKEN - MOTION CARRIED

MOTION TO CLOSE THE ZONING BOARD OF APPEALS was made by Leo Blackman,
seconded by Terry Metcalfe

Respectfully submitted,

Susan M. Metcalfe
Zoning Board of Appeals Secretary

The foregoing represents unapproved minutes of the Town of Amenia Zoning Board of Appeals from a meeting held
on July 22, 2013 and are not to be construed as the final official minutes until so approved.

_____x_____Approved as read 08-26-2013

_____Approved with: deletions, corrections, and additions