



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x124 FAX: 845-373-9147

ZONING BOARD OF APPEALS MEETING MONDAY, AUGUST 18, 2014 7:00 P.M.

Present: Leo Blackman, Chairman
Terry Metcalfe
David Menegat
Kevin Cassone
Dave Everett, Attorney
John Fenton, Code Enforcement Officer

Absent: Paula Pelosi

MOTION TO OPEN THE ZBA MEETING OF AUGUST 18, 2014 was made by Chairman Blackman, seconded by Kevin Cassone

Amenia Drive In

Signage

**3513 Route 22
Amenia, NY**

The Zoning Board introduced themselves to the public as there was a large gathering. Chairman Blackman spoke briefly about the project and what the questions are that the Board needs to look at. This is not a Public Hearing, however people will be allowed to make comments after the presentation and the Board asks their questions of the applicant.

Chairman Blackman continued the reason Four Brothers Drive In received a citation was that the amended site plan that had been approved by the Planning Board when Mr. Fenton inspected the Drive In, he found a number of issues that did not meet the plans that were filed. One of the most prominent issues was the signage.

John Fenton spoke stating that the only two things that were left to close out the site plan was a letter from the engineer to certify the screen and the bathrooms. Upon the final inspection, the signage issue was brought forth. In going back to the records, the signs that were on site did not reflect the signs on the site plan and had not been approved. Mr. Fenton felt there were two ways to resolve this issue; (1) come before the ZBA for a variance or (2) remove the signs that do not comply with the sign ordinance.

Chairman Blackman continued the Master Plan and the Zoning Code dated from 2007, which is an update from 1991. There was a citizen committee that worked on them both for several years to make a determination what was appropriate for Amenia. Signage is very specific in what the

committee wanted the signs to be, mostly to maintain the rural character of the community. They limited the height of the sign, the square footage and not internally lit. There was a five year window for all the signs to conform to the new Zoning Code. 2012 is when those signs that did not conform either conformed or were taken down. He continued there is no doubt that Four Brothers and the Stefanopoulos family has contributed to Amenia over the past 36 years and the Drive In has made locals and visitors happy. The basic question is whether the additional signage can be considered legal under the Zoning Code and if not, whether any interpretation of the 2007 Master Plan would allow those signs to remain.

John Stefanopoulos spoke to the Board stating he knew that they did not follow the proper procedure in relation to the signage. We do ask that the ZBA grant us a variance for the following reasons:

1. Visibility
2. Signs serve a dual purpose – decoration and enhancing the character of the Drive In, making it unique.
3. Safety and Security reasons.

He continued there are three businesses operating on the property, one year round, the Restaurant and 2 temporary businesses – 6 months, the Drive In and Ice Cream Shop. The 2 businesses are only lit at night from sundown till the movie ends. We feel the Code is necessary; however, feel there needs to be some reform on it in order for businesses to prosper.

William Stefanopoulos told the Board they had a petition with over 3000 signatures liking the Drive In. He stated those signs are not on the highway they are way in the back of the Drive In. There never has been a problem with Four Brothers over the time they have lived here. We work hard, pay taxes and are very disappointed. We make Amenia our home.

Chairman Blackman felt the ZBA is trying to figure out how the ZBA can have Four Brothers work with the same rules as the every other business in Amenia. He asked the applicant if they have the total square footage of the signs in question. John Stefanopoulos stated it was on the Engineers report for the Site Plan. The ZBA will need those figures and drawings. John Fenton stated they have 345 linear feet frontage of road frontage so you are allowed 172.5 square feet of signage. The ZBA needs engineer's drawings on where the signs are located and how much square footage of each sign. Dave Everett told Mr. Stefanopoulos that the ZBA needed the short form SEQRA focused on the variances the applicant is seeking.

Terry Metcalfe stated the ZBA has to abide by the Zoning Laws and the ZBA's job is to determine if what the applicant wants is within those laws and if not how can the ZBA allow a variance. Chairman Blackman added the idea of the Zoning Laws is that everyone is treated equally and the job of the ZBA is to grant variances due to specific circumstances. This is why the information from you is needed and Mr. Blackman assumes that the applicant has read the four pages in regards to signage in the Zoning Code. Then the ZBA will try to understand and to make a determination of what is a reasonable accommodation for the business. Mr. Everett added some of the signs are exempt from Zoning, some of their signs are in compliance now and some are out of compliance so someone needs to go through the Code and match their signs to determine what is out of compliance so the ZBA can figure out what variances can be granted. Chairman Blackman felt the Engineer for the applicant could do this, showing the distance of the

signs from the road, showing which signs are allowed under the code, which require a variance and which signs are forbidden under the terms of the code so the ZBA can talk specifically about what can be granted. John Stefanopoulos stated they would provide this information.

Kevin Cassone felt when looking at the pictures of the signs that some should not be counted as signs but as art. The definition of a sign in the Code is specific. Dave Menegat felt some of the signs would be part of the Drive-In experience. Terry Metcalfe felt that the ZBA needed to see the whole package as some of the signs still could be looked at as part of the Drive In. In order to satisfy Kevin's comments, Chairman Blackman felt if the applicant could flag those signs that the applicant feels should be treated as art not advertisement for the business, which would be helpful however also felt that the Board would need to discuss that aspect further.

Chairman Blackman then entertained comments from the audience, however, asked to keep the comments no more than 3 minutes. Those that made public comments were:

- Debra Ann Bower – Salisbury, Ct.
- Joe Dorfman – Depot Hill, Amenia
- Jill Changaril – Amenia
- Darlene Reimer – Amenia
- RoseAnn Hamm – Amenia
- Mike Delango – Amenia
- Neyora Kelly – Amenia
- Peter Castone – Amenia
- Steve Changeri – Amenia
- Tonia Shoumatoff – Wassaic
- Mark Storms – Amenia
- Tracy Saladay – Amenia

All of the above comments were favorable for the Four Brothers Drive In.

Chairman Blackman continued this is why we are meeting, the ZBA does grant variances. The reason why we are meeting tonight was that what was actually built per the approved site plan did not agree with what was submitted. I am sure that the ZBA will come to a conclusion that will make most everyone happy so the Board looks forward to working with Four Brothers. August 25 is the deadline for submittals for the September 15th meeting.

MOTION TO APPROVE THE MINUTES OF JULY 21, 2014 was made by Terry Metcalfe, seconded by Leo Blackman

VOTE TAKEN - MOTION CARRIED – Kevin Cassone abstained as he had not seen the minutes due to his computer problems.

OLD BUSINESS:

Wassaic Auction Barn Sign – Mr. Zunino appeared before the Town Board last meeting. Ms. Perotti gave a new drawing from Mr. Zunino which John Fenton calculated to be 340 square feet, which is still too large. Mike Delango, Town Board member spoke stating the Town Board was looking to see if the sign was non-conforming. If you look at the Code under signs

it states if you are advertising a community there is an exemption. Mr. Delango suggested to Mr. Zunino to resubmit the sign advertising the community. Chairman Blackman felt it was a better sign as it was advertising the other businesses in the hamlet; however it is still too large a sign. Dave Everett suggested the applicant is told about the sign bonuses in the Code, so the size of the sign may be increased if it met certain criteria. Sharon Kroger spoke stating Mr. Zunino did not consult with the other business owners regarding putting their name on the sign, having a collective sign is a good idea. The sign is a historical structure of the Wassaic Auction Barn. Mr. Cassone stated the applicant started the sign process just before the Wassaic Project was happening. They then didn't return for quite a while. Now they are back and wanting to get this new sign approved. John Fenton stated Mr. Zunino has received an appearance ticket for non-compliance and the court date is scheduled for September 9th. Tom Werner asked if the ZBA had ever seen a survey of the property as to where the sign is located.

Chairman Blackman stated in conclusion he would like the Board to see a survey of the property to ascertain whose property the sign is on and see a sign that is closer in size to what is acceptable. If the applicant cannot work with the ZBA then the Code Enforcement Officer will proceed with the prosecution.

MOTION TO CLOSE THE ZBA MEETING was made by Terry Metcalfe, seconded by Leo Blackman

Respectfully submitted,

Susan M. Metcalfe
Zoning Board of Appeals Secretary

The foregoing represents unapproved minutes of the Zoning Board of Appeals meeting held on August 18, 2018 and is not to be construed as the final minutes until so approved.

Approved as read – Approved 10-20-2014
 Approved with: deletions, corrections or additions

