



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

ZONING BOARD OF APPEALS MEETING MONDAY, SEPTEMBER 15, 2014

Present: Leo Blackman, Chairman
David Menegat
Paula Pelosi
Terry Metcalfe
Kevin Cassone
Mark Sweeney, Attorney

MOTION TO OPEN THE ZONING BOARD OF APPEALS MEETING FOR AUGUST 15, 2014 was made by Chairman Blackman, seconded by Terry Metcalfe

Since the applicant for the Wassaic Auction Barn was not yet present, the next applicant, Temple Beth David was asked to come before the Board.

Congregation Beth David

Deck Addition

**3344 Route 343
Amenia, NY**

Sherry Frankel represented Temple Beth David spoke to the Board stating that the front steps of the Temple are in need of repair. The Temple which was built in 1929 has some issues. In repairing old buildings, they need to be in compliance with ADA accessibility. The Congregation hired a structural engineer to go over the building and they found that the level of the front sidewalk is the exact same elevation as the bottom of the front doors. This eliminated the need for ramps. Currently there is a concrete sidewalk, but was too expensive to replace. They decided to go with Trex material which has a 25 year warranty and because it is decking it becomes a zoning issue. Rather than filling and having grass it was decided to go with decking. The deck will be framed with railing and landscaping around the deck. Terry Metcalfe asked why the deck is so wide. Ms. Frankel stated there is no foyer inside the Temple, and when people come for the high holy days, there needs to be a gathering place.

Chairman Blackman stated he understood there are two issues for an area variance.

- Front setback – we need from the applicant where this is relative to the center of the street
- Because the deck is something constructed it counts towards lot coverage

- Impervious coverage-Mr. Blackman felt the applicant should not exceed 50% lot coverage or 50% impervious coverage.

Mark Sweeney, Attorney stated lot coverage is whatever structures you are putting on your lot and impervious includes structures and non-structures. A deck still includes both even though water can get through it still causes water to run off. Impervious surface still creates storm water run-off. Mr. Blackman told Ms. Frankel two things needed from the applicant was:

1. Show where the deck is from the sidewalk but also the center line of the road and
2. Calculate the lot coverage – the engineer should be able to provide this.

Mr. Sweeney told Ms. Frankel that when she does these calculations, look at the Code and in there, there is a test for area variances that lists several factors that the ZBA will look at. He continued that there should be a narrative that addresses each of the points for the ZBA to consider. Ms. Frankel continued the applicant has no additional land and they need the handicap access. Chairman Blackman stated what is being asked of the ZBA is whether they would entertain variances both for the front set back and the lot coverage. Lot coverage is the percentage of the property that is covered with buildings. Kevin Cassone asked if money were no object they could make the sidewalk out of concrete. Mr. Blackman stated it is not just a ramp it is a gathering space, made out of concrete it would be a patio, out of Trex or wood it would be a deck. Kevin Cassone felt it might be a good idea to know if any of the congregation are disabled and specifically need the size of the deck. Ms. Frankel stated there are a large percentage of senior citizens in the congregation. Mr. Blackman asked if there is going to be any extra exterior lighting. Ms. Frankel stated they are asking the electrician to add an electric outlet outside so there is lighting for the canopy, however until it is built they won't know where extra lighting is needed. Mr. Blackman added the lighting is something the ZBA needs to review because it is non-conforming, also the dimensions of the planting beds and the railings. Kevin Cassone suggested making the planting beds a little wider with a swale on the side to catch the water, so it can drain in place. Ms. Frankel hopes to have this done in order to make the October meeting. Mr. Blackman gave information to Ms. Frankel on impervious surface. Ms. Frankel passed out a history of the Temple to the Board and will return for the October meeting.

Wassaic Auction Barn

Sign

4280 Route 22

Wassaic, NY

Mr. Tony Zunino, the applicant came before the ZBA, showed the Board a sign that was original when the application began and gave a history from May 22, 2013 when Mr. Zunino sent a letter to the ZBA pleading his case to the Board. A suggestion was made by the Board that Mr. Zunino adds some historic value to the sign. Mr. Zunino went before the Town Board in August 2013 to again plead his case and see if the Code could be amended, which was submitted to Ms. Perotti. The Town Board then sent Mr. Zunino back to the ZBA. He then showed the Board a new sign with historic value on it which was 234 square feet; still the Board felt it needed to be smaller. Mr. Zunino stated he came back with a sign, has taken down one pole and featured historic treasures in Wassaic. The Town Board liked the new sign. Chairman Blackman stated that the last time Mr. Zunino was before the Board, the Board had asked for a

smaller sign. Allowed under the Code is 16 square feet, 50 square feet would be allowed if other businesses were on the sign and the largest sign in the Town is 100 square feet. Mr. Zunino has presented signs in May that was 380 square feet, then again for 234 square feet. The Board felt with the largest sign in Town and the bonuses they would allow 100 square feet. The Board felt the color and the profile of the building on the sign was acceptable on a sign 100 square feet and could not allow the applicant a sign 2 ½ times larger than the code allows. Mr. Zunino stated the Code does not speak to an historic area and the purpose of the Code is to promote economic vitality and Wassaic will not be found on Route 22 with a 16 square foot sign. He continued other towns celebrate historic signs.

Mr. Sweeney explained to Mr. Zunino that there is a section of the Code that the ZBA is bound to follow in considering variances and there are 4 factors the Board must consider which are from the State Statute. Your 234 square foot sign would need a 134 square foot variance and you would need to make your case under those provisions of the code. One of the factors is, is the increase substantial and if there is a feasible alternative that can be done, then sways that balance where a variance can be granted.

Chairman Blackman again stated that the Wassaic Project is a wonderful project and we all want the hamlet of Wassaic to do well. However, the Board still felt that the sign was unreasonable. The new Zoning Code was written to keep the Town of Amenia with a rural feeling. All of the signage along Route 22 has been reduced or taken down. The ZBA is trying to make a variance for you that doesn't open the ZBA to everyone along Route 22 corridor saying my sign is really for a great thing as well. At what point does this billboard distract from the rural feel of Amenia? Mr. Zunino then went over the sign drawings that he has submitted.

Kevin Cassone was surprised to see the new drawing that Mr. Zunino presented tonight. He had thought that one of the drawings submitted by Jeff Barnett-Wimsby, which was only 117 square feet, was a good rendering and thought that the Board could come to a consensus on that drawing. Mr. Zunino state the only problem he had with that drawing is that you are looking through the open space at telephone poles and high tension wires and felt if there could be mesh or something to stop the open space, it would be better. Mr. Blackman felt there are ways a graphic designer could adjust it to fit a certain space. Mr. Zunino asked the Board if the sign with a solid profile were 10' wide (8' with a 1' on each side of the sign) would work. Chairman Blackman felt with a little bit of graphic design work and some cooperation, a sign could be approved. Mr. Zunino asked if they design to get the sign down to 100-120 square feet can the outline be solid.

Mr. Blackman felt it would be better to narrow the whole sign down to 120-130 square feet and leave the profile. Mr. Blackman continued the top of the sign is supposed to be 10' above the ground so the sign needs to be clearly indicated on the drawing and as low down as it can be. Also the drawings need to have how high the sign is from the ground and how tall the letters are.

Kevin Cassone stated when driving by one can see the sign for 1 second at 55 mph. Many other sign laws that do not apply in Amenia have large bonuses for different speeds. Chairman Blackman stated that it was the bonuses given to the applicant, is how the sign went to

100 square feet. Dave Menegat stated letters should be 6" at 55 mph to clearly see them and as speed decreases so does the size of the letter. Mr. Zunino asked if 200 square feet was acceptable. The Board said no. Terry Metcalfe stated if you the main part of the sign 11' by 10' you will be at 110 square feet and not count the outline, however if the outline is filled in it will depend on what it is filled in with. Mr. Zunino asked if he didn't do historic Wassaic but just the Wassaic Project, Mr. Blackman stated it would be 100 square feet. Mr. Sweeney felt the Board could not give a specific number but that it is around the number the Board would consider. Mr. Zunino asked if they could exclude part of the sign that is not a sign.

Mr. Sweeney then read Section 121-59 D. Area Variances for the benefit of Mr. Zunino to help him get to where he needs to be. Mr. Zunino stated he has read that section of the Code. Mr. Sweeney continued when Mr. Zunino comes back to the Board with the downsized design that is within the parameters the Board is discussing, highlight for the ZBA why these things apply and why this variance should be granted. Kevin Cassone stated does the ZBA want unartistic signs in the community why can't the Board grant a variance and not count the open space of the sign. Chairman Blackman told Kevin that the ZBA would look favorably on a sign that was in the dimensions of 120-130 square feet. Terry Metcalfe suggested that Mr. Zunino bring the sign down to maybe no more than 6'-8' off the ground. Mr. Zunino asked what the maximum height off the ground the ZBA would entertain. Chairman Blackman stated 6-8' off the ground would be a good height for the uphill (pole) side to start, but try to keep it as low as it can be visibly seen. Tom Warner asked if there was a survey of the property and was the sign on the property or NYS right of way. Mr. Zunino will return for the October meeting.

OLD BUSINESS:

Chairman Blackman announced there will be a Field Trip to the Four Brothers Parking Lot to look at the lit signs on Friday, September 26, 2014 at 7:30 P.M. Mr. Sweeney noted that because there will be a quorum; it needs to be noticed as a Special Meeting.

MOTION TO CLOSE THE ZBA MEETING was made by Leo Blackman, seconded by Paula Pelosi

Respectfully submitted,

Susan M. Metcalfe
ZBA Secretary

The foregoing represents unapproved minutes of the Zoning Board of Appeals meeting held on September 15, 2014 and are not to be construed as the final minutes until so approved.

Approved as read – Approved 10/20/2014

Approved with: deletions, corrections or additions