



TOWN OF AMENIA

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TOWN OF AMENIA
ZONING BOARD OF APPEALS MEETING
MONDAY, NOVEMBER 17, 2014

Present: Leo Blackman, Chairman
David Menegat
Terry Metcalfe
Kevin Cassone
Dave Everett, Attorney

Absent: Paula Pelosi

MOTION TO OPEN THE ZONING BOARD OF APPEALS MEETING FOR NOVEMBER 17, 2014 was made by Chairman Blackman, seconded by Terry Metcalfe

VOTE TAKEN – MOTION CARRIED

Wassaic Auction Barn

Sign

**4280 Route 22
Wassaic, NY**

MOTION TO OPEN THE PUBLIC HEARING FOR THE WASSAIC AUCTION BARN was made by Chairman Blackman, seconded by Dave Menegat

VOTE TAKEN - MOTION CARRIED

Chairman Blackman began by stating the last time Mr. Barnet-Winsby was present before the Board he produced a design for a sign that was 104 square feet. The Board wanted to determine how this was calculated, since the sign was irregularly shaped. Kevin Cassone felt 104 square feet was correct because in General Municipal Law Section 239 you only draw rectangles around free hanging letters. Mr. Everett disagreed with Mr. Cassone stating Amenia Municipal Law does not have any determination on how to measure signs. GML is only a recommendation to the Towns on how to calculate area in their code. Dave Menegat felt that the actual dimension of the sign panel (104 square feet) should be used. Terry Metcalfe noted that in mathematics, they box it. Dave Everett stated that whether you box it or use the outline, you will be setting a precedent. Chairman Blackman felt he would go with the outline of the sign to calculate the square footage. Mr. Cassone felt the Board should instead stay with the State guidelines of outline in the future.

Mr. Blackman continued that while 104 square feet slightly exceeded the maximum size (100 square feet) allowed by the Code, it was worthy of a variance. Firstly there had been a much larger sign on the property historically and the proposal is about 1/10 the size of that original. Secondly there is a significant grade change from Route 22 down to the hamlet, making buildings listed invisible. The sign is intended to counter this unique condition and bring tourism to Wassaic. Mr. Blackman felt comfortable with the way Mr. Everett has written the Resolution, but noted that in the Public Hearing Notice published it said, "The sign will be used to identify businesses located in the historic hamlet of Wassaic and to announce and advertise events taking place in the hamlet". He recommended to Mr. Barnet-Winsby that the issues not be confused (as only the permanent sign been discussed before) and that temporary signage if raised now would delay a ZBA ruling. If desired, the specifics should be proposed at a subsequent meeting.

Dave Everett stated there is a short form EAF that needs to be gone over and then signed by the Chairman. The County Planning Board referral recommended that the variance be denied. Mr. Everett felt the County was confused, they likely thought this was an off-premises sign, but as it sits on the Luther barn property, it should be considered an on-premises sign. But because the County denied the variance, it must be approved by a supermajority of the ZBA plus one. Mr. Everett told the Board there were a couple of places in the resolution that needed to be changed and he would provide the corrected copy tomorrow. Chairman Blackman then read the Resolution.

Board Comments:

Kevin Cassone - with the reduced sign size and trees leafed out – no one driving on Route 22 will have time to read the sign. He noted that sign laws in other towns require minimum font sizes for different travel speeds, which our town does not. Dave Menegat – liked that the sign covered the historic district and listed 8 different businesses. Terry Metcalfe – no comment. Kevin Cassone – felt this does not set a precedent as the sign is for the whole hamlet, so is unique in Amenia.

Public comments:

Brian Whalen – A member of the Wassaic Fire Company felt the sign was great. He remembers it always being there. As a resident of Wassaic felt it was a good thing for the town.

Robert Bergfels – 59 Year resident of Wassaic and has been active in the community and feels the sign will bring in tourism and promote business in the hamlet.

Sharon Kroger – Owner of the General Store in Wassaic hamlet also works with the Wassaic Historic Agricultural Crossroads Group – recommended the ZBA unanimously approve the sign. Why – Amenia has in the Comprehensive Plan lists Wassaic's historical business district including the Auction Barn properties. Historical, industrial and agricultural property such as this, often have a cluster sign which is authentic. My position has always been that the owner has the right to preserve and restore the sign to its original location and dimensions. Despite its size it had the right ambience. What is on the sign celebrates the whole hamlet. While the

applicant didn't consult all businesses listed, that has been taken care of. I am fully in favor of this sign.

Tom Werner – stated he is a resident of Wassaic and takes an opposite view. He said the sign had been removed by David Luther. He also claimed the County does not have a survey of the property and questioned if the survey exists. Mr. Werner related the ZBA Secretary had a partial survey, and felt the ZBA needed to see the original. He is not opposed to the sign but was opposed to where it is located.

Leo Blackman – The Board is satisfied with the survey given by the applicant for the file.

Tonia Shoumatoff – Has lived in hamlet for 27 years and has written seven stories about the history of Wassaic. She stated Luther Auction House sign was there before 1948, when Route 22 was opened and the hamlet got by-passed. That sign brought people to the hamlet, which is still extremely important. The World Peace has two large temporary signs on Route 22 promoting their festival. She was in favor of the sign, but asked why Pawling Corp was not included.

Jeff Barnet-Winsby, applicant stated he will fit Pawling Corp in if they decide they want to be on the sign.

Linda Gregory – Jack's Garage are neighbors and they would like to see the sign. Many people stop by the Garage and ask where the Wassaic Project is. She is a member of the Harlem Valley Chamber of Commerce and worked with Dutchess County Tourism and they feel that the Wassaic Project is a gem for Wassaic. She urged the Board to vote favorably.

Chairman Blackman then proceeded to go over the short Environmental Assessment Form (EAF) with the Board. Dave Everett felt there were minor changes were needed. This was done. Then Chairman Blackman read the Resolution to approve Area and Height Variances for the Wassaic Auction Barn.

MOTION TO ADOPT THE NEGATIVE DECLARATION UNDER SEQRA FOR A SIGN FOR THE WASSAIC AUCTION BARN AND APPROVING AREA AND HEIGHT VARIANCES was made by Chairman Blackman, seconded by Kevin Cassone

VOTE TAKEN - MOTION CARRIED

MOTION TO CLOSE THE PUBLIC HEARING was made by Chairman Blackman, seconded by Dave Menegat

VOTE TAKEN - MOTION CARRIED

Four Brothers

Sign

Route 22 Amenia, NY

Julie Mangarillo, the Town Engineer, went to Four Brothers on October 29, 2014 to take pictures of all signs on the property and mark the pictures regarding specific questions on the signs. A chart was created listed according to the photographs. After seeing this, the Board Chair, ZEO and lawyer asked her to organize the chart to indicate signs that comply with the code, are non-compliant, exempt, or other. Kevin Cassone asked what exempt signs were. Chairman Blackman stated that directional signs, parking signs, etc. were allowed as of right and not counted toward total square footage. Ms. Mangarillo will compose a new chart with those four categories for the ZBA's next meeting. Mr. Blackman continued everyone should have gotten the proposed Four Brothers Movie sign. He noted if you add the square footage of the three large signs closest to the road ("Four Brothers", "Welcome to Amenia Sign", and the proposed "Drive-In Movie") it totals almost the Code-allowed signage (127.43 – based on street frontage), without including any of their other signs. When the Drive-In first calculated square footage for their signs, existing Four Brothers signs were left out. But since two businesses occupy the same lot, maximum signage is the total for both. ZBA needs to understand how much the applicant's current signage exceeds the Code, and how much of a variance we feel comfortable granting. For that we need the chart. It will list what each sign is, the size, whether it is lit and compliance. Ms. Mangarillo also noted what signs were a distance away from the road and orientation/visibility. Chairman Blackman continued the point of the sign code is to prevent visual clutter in the hamlet, and this parcel is especially prominent.

Kevin Cassone asked how many of the 99 signs were in the back of the Drive In? Mr. Blackman stated it has not broken out - that is why we asked Ms. Mangarillo to revise the chart. Mr. Cassone continued it was a consensus (after the ZBA site visit) that the traffic light be dimmed and the love sign turned and a few removed, but the rest of the signs were ok. Mr. Blackman noted that the total is much higher than we knew at that time, hence we need to re-examine our on-site recommendations. Terry Metcalfe added that the exempt signs were included in the 99

Mr. Everett added Ms. Mangarillo is going to add another column to the chart to provide a preliminary justification why the Board might want to approve some of the signs that are non-conforming. Terry Metcalfe asked if the square footage applied to the whole parcel when we are looking at two different businesses. Is there a regulation in the code? Chairman Blackman stated that if the Drive-In were made a separate lot, the amount of signage allowed will be significantly smaller. Without the road frontage, each business would only be allowed a 16 square foot sign. That is why this needs to be broken out.

Mr. Cassone asked if the two businesses were separate and all the signs in the Drive In were exempt, maybe all the Four Brothers would need is the 20 square feet for the Drive In entrance and the other business gets all the square footage? The Board was using the perimeter as a way to accept more signs, Mr. Blackman explained.

Tonia Shoumatoff asked what the total square footage was? 127.43 square feet. She continued at the last meeting the back lit signs were a concern. Was the area of the back lit signs broken

out separately? Chair Blackman stated that is what the new chart will do. Dave Everett said the ZBA will have a meeting with the applicant after receiving the chart and before holding a Public Hearing.

Tom Werner – Asked about the absence of Four Brothers two handicapped parking spots. The applicant offered to provide two proper ADA spaces.

MOTION TO APPROVE THE MINUTES OF OCTOBER 20, 2014 was made by Leo Blackman, seconded by Terry Metcalfe

VOTE TAKEN – MOTION CARRIED

MOTION TO CLOSE THE ZBA MEETING was made by Leo Blackman, seconded by the entire Board

Respectfully submitted,



Susan M. Metcalfe
Zoning Board of Appeals Secretary

The foregoing were minutes taken from a Zoning Board of Appeals meeting held on November 17, 2014 and are not to be construed as the final minutes until approved.

Approved as written
 Approved with: deletions, corrections and additions