



# TOWN OF AMENIA

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## ZONING BOARD OF APPEALS MEETING MONDAY, DECEMBER 15, 2014

PRESENT: Leo Blackman, Chairman  
Kevin Cassone  
David Menegat  
Terry Metcalfe  
Paula Pelosi  
John Fenton, CEO Amenia  
Julie Mangarillo, Town Engineer  
David Everett, Attorney

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

### VOTE TAKEN - MOTION CARRIED

Chairman Blackman gave an introductory overview of the Four Brothers Drive-In project this far. The ZBA had instructed Ms. Mangarillo to reorganize the spread sheet. Mr. Everett stated the ZBA needs to go through the chart and determine the extent of variances they are willing to grant. Then it needs to review what variances are required for different categories of signs and their justification. Chairman Blackman felt this should be looked at in three different typologies; exempt signs, the non-conforming signs and the conforming signs. The non-conforming signs are not allowed to stay unless we grant variances, as are any conforming signs that exceed the total square footage. In addition to looking at the three categories the chart was broken into, the ZBA might also want to consider the distance from the road where the signs are located, as this impacts their visibility (though is not addressed by the code). This again seems to break into three groups: 1) signs that are right along the road, 2) about 130 feet from the road and 3) signs that are around the Drive In (180-300+ feet away from the road). The two existing signs (Four Bros) at the road frontage plus the proposed Drive In sign total about 152 square feet. All 99 signs plus the new proposed sign (but less the "exempt" ones) total 376 square feet. Those signs over 130 feet from the road add up to 165 square feet. If the ZBA were to consider distance from the road, and determine these signs were also exempt, it still leaves 211 square feet of signage (versus 172 square feet allowed under the code) so 39 square feet over the maximum

allowed. While the three signs along the road are under the total area allowed, they have problems with up-lighting and individual dimensions. Everyone on the Board felt it was OK to

give a variance to the signs in the back of the Drive In. Mr. Everett added the variances for the back of the Drive In have mostly been justified by Ms. Mangarillo on her chart. Chairman Blackman stated that Ms. Mangarillo should also add seasonal business usage to the justification list. John Stefanopoulos asked about the decorative art aspect of the signs. Mr. Blackman felt granting a variance for signs classified as art, would set bad precedent, as the ZBA would become the arbiters. Better to list them as signs in the chart, unless paintings!

Chairman Blackman added he felt that signs more than 130 from the road were too hard to see that they could be justified as a unique situation. Dave Everett added if the sign is exempt it does not matter how far off the road it is, as exempt signs are not counted in the square footage.

The Board first looked at "Category2 – Does not comply with Zoning" eliminating those beyond 130 feet from the road. Mr. Everett in addressing the lit signs stated that a condition could be put on the final approval stating that the signs must be turned off when the Drive In was not in use. Kevin Cassone asked how many days a week the Drive In was open? Mr. Stefanopoulos stated seven days a week, during the six warmer months of the year. Julie Mangarillo pointed out that the phone booth (picture 31-sign G2) has a projecting sign less than 10' above the grade where someone might bump into it. It should be moved to the top of the structure or put flat against the side.

The Board then went through additional issues with individual Category 2 Signs:

A-01B - Remove or relocate "Home Of"	Applicant agreed
Up-lighting on signs not allowed	Applicant agreed
Flood lights on ground-not allowed	

Mr. Everett interjected that landscape lighting is not lighting for signs and it predated the Zoning Code was adopted therefore an argument could be made that it could remain. Mr. Stefanopoulos stated the he plans to change the lighting on the signs but hoped the lighting on the trees could remain. John Fenton added it was a pre-existing, non-conforming use and was in place long before the code changed in 2007. In Silo's case, landscape lighting would be part of a new application and does not conform. No variances will be needed for this sign, provided the following changes are made by the applicant (as agreed); "Home Of" and the up-lighting will be removed.

A-02 - 96 SF-Remove MC/Visa + Amenia	
Drive In	Applicant agreed
Up-lighting on signs not allowed	Applicant agreed
Less than 6' high-Sign Bonus may apply	

Mr. Everett read the sign bonus section of the code. Chairman Blackman felt the sign will need area variance even with sign bonus. Mr. Everett said this sign has been in existence for a long

period of time and is basically part of the character of the community. A variance for height of the sign is needed for bonuses and granting a variance condition on the 30% bonus must be given from the Planning Board. The Board agreed.

- A-03 - "Drive In" Bubble sign Applicant to remove
  - B-01-04 "Eat", "Crescent moon", "Drink" & "Arrow" – these signs are on the back of the Snack Bar so not visible from the road Variance needed
  - B-09-10 "Drive In Theater" and "arrow shaped" Applicant to remove
  - B-11-13 "Drink", "Eat", "Play" – neon lit – variance with conditions - not lit during off hours. Snack Bar open until Drive In closes.
  - B-19 - "Ice Cream Drive In" – projection sign Applicant to move sign
  - B-20 - "Ice Cream" on awning-awning in garden Grant Variance
  - B-22 - "Drink"-roof mounted Applicant to move sign
  - B-23 - "Café" – internally lit – never lit Grant Variance
  - B-24 - "Arrow" shaped-illuminated Grant Variance
- Mr. Everett read the definition of a sign from the Zoning Code. An arrow or similar shape may not qualify and may possibly be exempt.
- B26 - "Lounge" – under roof of snack shack Grant Variance
  - B27 - "Eat"-mounted under deck Grant Variance
  - B30 - "Feature Presentation" Applicant to remove
- C01&3- "Theatre" – "Drive In" sign very hard to read  
Applicant agreed not to use internal lights, lighted by may add goose neck fixture.  
Height Variance needed
- C02&4 "Stars" – lit- Ms. Mangarillo noted that the stars are not counted in the total square footage. Applicant wants to keep stars on top as it helps light the way to the entrance.  
Height Variance needed
- C06 - "Amenia Drive In" "Theater" Applicant to remove
  - C07 - "Shows" Applicant removed
- D01 - "Four Brothers" – wooden-faces away from Road and roof mounted Grant Variance
  - D04 - "No Vacancy"- 185 feet away from road Grant Variance
  - E01 - "Hollywood"-300 feet away from road Grant Variance
  - E02 - "Four Brothers"-mural 300 feet away from road
- Covered more than 10% of wall and sign over 32 square feet-Most of the Board felt it should be considered as art. Peter Wing's last painting Add to Exempt List
- F01 - "Amenia Drive In"-300 feet away from road Applicant to remove
  - G02 - "Phone" – projecting sign Applicant to move to top
  - G03 - "Phone" Compliant
  - G04 - "Telephone" Applicant to remove
  - G05 - "Chevron" gas pump- internally lit Grant Variance
  - G06 - "Lit Arrow" Grant Variance
  - G08 - "Route 66"-internally lit Grant Variance
  - G09 - "Love" sign rotated away from road Grant Variance
  - G10-II- "Camera"-shape sign – "#" sign Grant Variance
  - G12-13 "Lips", "Mustache" – do not face road Grant Variance

Chairman Blackman stated from this point the numbers will need to be recalculated and the ZBA will make a decision on what can be exempted. Terry Metcalfe asked Ms. Mangarillo if she could add a column on the chart that lists the page number of the picture showing the sign. She agreed.

The Applicant agreed to remove the following:

- G-14
- A-04
- B-16-17-18
- B-21
- B-28
- B-25
- C-06
- E-05
- F-06
- F-10

Ms. Mangarillo will redo the chart and try to get them back to the ZBA by Friday.

John Fenton spoke to the Board for Tom Werner regarding the handicapped parking issue at the Four Brothers Restaurant. There is a handicap parking spot that needs a sign. In addition to what they have, according to ADA another 3 spaces are needed. Mr. Werner added ADA is a Federal Law. The wheelchair width of the parking space must be 24' wide and the handicapped car space must be 8' wide. John Fenton told Mr. Stefanopoulos to come to see him regarding the dimensions required. Mr. Everett read the law regarding the ADA requirements and asked Mr. Fenton to write a letter clarifying what parking spaces the Restaurant must provide. Ms. Mangarillo said there is also a section in the NYS Building Code that relates to the number of parking spaces.

Kevin Cassone asked if materials could be given to the Board at least two weeks before the meeting so the members have enough time to digest the materials. He felt that if materials could not be given two weeks in advance, then the matter should be put on the next agenda for ZBA.

Ms. Mangarillo asked if the Board would need to keep the columns "Photo Provided by Applicant", "Sign Area (SF) provided by Applicant", and Sign included on "Existing Signage Plan"(revised 7/9/2014" ? Mr. Everett suggested they be eliminated for the final document, in order to make it simpler and easier to understand.

The next ZBA meeting will be a Special Meeting on January 5<sup>th</sup> (to confirm the decisions made regarding signage), and our regular meeting on January 26<sup>th</sup> will be the Public Hearing.

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

Respectfully submitted,

  
Susan M. Metcalfe  
Zoning Board of Appeals Secretary

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

Approved as read

Approved with: deletions, corrections or additions