



TOWN OF AMENIA

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Zoning Board of Appeals Meeting Monday January 5, 2015 7pm

Present:

Leo Blackman –chairman
David Menegat
Kevin Cassone
Paula Pelosi

Consultant:

David Everett

Absent:

Terry Metcalfe

Motion to open meeting-7:03pm, all in favor

Motion to approve minutes 11/17/14 & /12/15/15, all in favor

Amenia Drive In

Attorney Everett requested to the board to consider different rationales for variances. The drive in is of seasonal use, lights are off when not in use, and most signs are screened by buildings and trees. The board agreed. Signs CO-2,3, &4 (pg.4-5) Recommend removal of internal light lettering facing the road, but applicant had not indicated how this would be resolved. This needs to be confirmed with applicant. The board will confirm this with the applicant.

Chairman Blackman reviewed applicants recent email that requested a change in signs B9,C6,G14 and proposed road sign. The proposed road sign can only be 46.4 square feet with allowed bonuses for wood and the planning board. The applicants proposed sign was 66 square feet. The new sign will be positioned by the road and will replace C6. Attorney Everett reminded board that all signs along the road need

to be as compliant as possible. The applicant will have to shrink the sign to be compliant. Attorney Everett stated that the allowable 46.4 square feet depends on planning board approval for percentage increase of the sign bonuses. That will need to be one of the zoning board recommendations. Chairman Blackman also will request the applicant lower the sign from 7.3 feet tall to 6.6ft. The road sign as of now is not reflected in the chart. The road sign was at the request of the ZBA.

Attorney Everett notes that most of the variances are in regard to internally lit signs. Once chart is finalized by Julie it will be sent to Dutchess County Planning, & be made available to the public for hearing. Attorney Everett will send over the public hearing notice. Once public hearing is held, and if no changes are made, an EAF form will need to be completed, a SEQRA neg dec and resolution will be made, also a variance approval resolution.

Attorney Everett listed the conditions for the applicant requested by the ZBA:

- applicant must turn off all the sign lights when drive in is not in use.
- All sign changes must be made by the applicant before the C/O is granted.
- All signs that he has agreed to remove must be removed and not just covered.
- No new signs can be added in future without the approval of the ZBA
- All signs need to be added to a site plan which then must be approved by the planning board.
- The planning board will also need to approve the sign bonus percentage
- The standard ZBA conditions will be added.

The referral to the county allows thirty days for a response. The county does have the opportunity to submit their referral in a shorter time frame. Public hearing can still proceed and will remain open until the county has responded.

All signs must be placed in the chart including the exempt signs so that an accurate record can be kept of signs that are on property.

A suggestion of placing the square footage of the non-exempt signs in a prominent area on the chart was discussed.

7:35 pm- beginning of conference call with applicant John Stefanopoulos.

Chairman Blackman reviewed the sign size of the now showing road sign. The existing square footage of sign on paper is 66 square feet. The ZBA will need it to be reduced to a conforming sign size of 46.4 square feet. This amount does not include the vertical legs. The height at 7.3ft is too tall, will require it to be shorter; will need to be closer to 6ft.

-The applicant agreed to the 46.4 (23.2 each side) and to shortening the legs to closer to 6ft.

Chairman Blackman asked if the white plastic on the road sign is internally lit.

-The applicant answered no it is not internally lit.

The sign labeled G14 located at back of drive in is visually not an issue but the square footage is large. The calculation of the square footage will need to be factored in. The ZBA does not have a problem with keeping that sign.

C5 is being removed

Sign C6 that states Amenia Drive In. It was requested to set back the sign on the property. Applicant needs to comply with the Code if he decides it will be a free standing sign. If the sign is placed flat on the building it is a non-issue. If it is projected off the building, the height must comply.

-the applicant agreed. He will inform the board of where it will be moved to.

The sign labeled B9 interrupts the roof line and clutters the top of the roof. It was requested that it be moved to a different location.

-The applicant agreed to move it.

The drive in theatre sign that is being moved back on the property will not be internally lit. This will make it conforming.

-The applicant agreed to not lighting it and moving it back

Chairman Blackman reviewed the county requirements and their timeline.

Attorney Everett reiterated the list of conditions to the applicant. He also stated that applicant cannot get a C/O until he receives the variances, goes back to the planning board, and has completed all the on-site changes.

The applicant requested an email from Attorney Dave regarding the list of conditions. He also requested an updated chart from the town engineer.

The applicant does not intend to publish any other announcement besides the one that is distributed from the town regarding the public hearing.

The public hearing notice will reflect that the regular scheduled meeting will be cancelled and the meeting on January 26th will take its place.

End of conference call-----

Chairman Blackman reviewed the total square footage from the applicants email. There is a total of 549 square feet of signs; the applicant is removing 254 square feet of signs. The signs that are remaining add up to 328 square feet. Visible signs from the road add up to a little less than 172 square feet, which is what the road frontage would allow. All others require a variance for total square footage.

K. Cassone commented on the definition of art vs.sign. The board proceeded with a discussion about the definition of a sign and what is considered art. There was not a decision made on this matter.

Attorney Everett said the zoning board can run into problems because of the number of variances for signs proposed. (ZBA's rationale is that the signs are not visible from the road). Another strategy would be to make the non-advertising signs exempt and then deal with the outcome of that. (but may set a precedent)

Attorney Everett said factors to consider are (but are not limited to): Is there is an undesirable change in the character of the neighborhood (either environmental or physical)? Can the applicant achieve its goals by using something other than an area variance? Is the difficulty self-created? These factors do not need to be relied on solely for your decision.

An approval will be drafted limited to the facts and specificity of this situation. Each variance requested will be looked at separately and not as a whole.

Motion to end the meeting 8:40 pm

The foregoing represents unapproved minutes of the town of amenia zoning board of appeals from a meeting held on 11/5/15 and are not to be construed as the final official minutes until so approved.

Approved as read _____

Approved with deletions, additions, add ins ✓

Respectfully submitted,



ZBA secretary (alternate)

Larissa DeLango